

EXHIBIT C

MINUTES

HOUSE & SENATE INTERIM COMMITTEES ON PUBLIC HEALTH, WELFARE AND LABOR

June 4, 2018

The House and Senate Interim Committees on Public Health, Welfare and Labor met Monday, June 4, 2018, at 10:00 a.m. at the College of Osteopathic Medicine, NYIT, Arkansas State University (ASU), Wilson Hall, 2405 Aggie Road, Jonesboro, Arkansas.

Public Health Senate Members Attending: Senators Cecile Bledsoe, Chair; Eddie Cheatham, Vice Chair; John Cooper, and Missy Irvin.

Public Health House Members Attending: Representatives Jeff Wardlaw, Chair; Deborah Ferguson, Vice Chair; Mary Bentley, Bruce Coleman, Justin Gonzales, Kim Hammer, Ken Henderson, Jack Ladyman, Robin Lundstrum, Austin McCollum, David Meeks, Josh Miller, John Payton, Chris Richey, Jeff Wardlaw, and Richard Womack.

Other Legislators Attending: Senators Linda Chesterfield, and Trent Garner. Representatives Rick Beck, Charlotte V. Douglas, Laurie Rushing, Johnny Rye, Brandt Smith Dan Sullivan, Dwight Tosh, and Danny Watson.

Comments by the Chairs

Representative Jeff Wardlaw introduced Mayor Harold Perrin; and the area legislators, Senator John Cooper, Representatives Jack Ladyman, Dan Sullivan, and Brandt Smith.

Welcome to Arkansas State University (ASU) and Jonesboro

Shane Broadway, Vice-President for University Relations with the Arkansas State University (ASU) System, welcomed everyone to Arkansas State University (ASU) and to Jonesboro.

Consideration to Adopt the May 7, 2018 Minutes (EXHIBIT C)

Without objection, the May 7, 2018 meeting minutes were adopted.

Department of Human Services (DHS), Division of Medical Services, Review of Rule to Allow a Medicaid Beneficiary to Receive up to Four (4) Primary Care Visits Per State Fiscal Year, by Either a Hospital-Based Walk-in Clinic, or an Emergent Care Clinic without a Primary Care Physician (PCP) Referral, if the Beneficiary has not Been Assigned to a Primary Care Physician (EXHIBIT E)

Tami Harlan, Chief Operating Officer, Division of Medical Services, and Kelley Linck, Chief Governmental Liaison of Legislative Affairs both with DHS; presented the proposed rule change.

Chairman Wardlaw stated that, due to concerns by committee members, no action will be taken on this rule today and it will be discussed more next month. There was no objection.

Department of Human Services, Office of Chief Council, Review of Rule to Update DHS Appeals and Hearing Policy to Provide Specific Protection for Minors Testifying at Division of Children & Family Services (DCFS) Maltreatment Hearings. This Rule Was Filed as an Emergency Rule with the Arkansas Legislative Council (ALC)/Executive Committee, and Approved for an Effective Date of March 6, 2018 (EXHIBIT F)

Kelley Linck, Chief Governmental Liaison of Legislative Affairs, DHS, presented this review. This proposed rule change is to provide specific protection for minor witnesses and victims who are testifying in Division of Children and Family Services (DCFS) maltreatment hearings and adult maltreatment hearings.

DHS received no public comments and the Executive Committee of ALC reviewed and approved this rule on an emergency basis on March 5, 2018. The proposed effective date for it to be a permanent rule is June 29, 2018.

Representative Wardlaw stated that without objection this rule will stand as reviewed.

Department of Human Services, Division of County Operations, Review of Rule to Revise Medical Services Policy to Clarify the Due Date for the Return of the TEFRA Renewal Packet. The Tax Equity and Fiscal Responsibility Act (TEFRA) of 1982 is a Federal Law that Allows States to Make Medical Assistance Available to Certain Children with Disabilities without Counting Their Parent's Income. (EXHIBIT G)

Kelley Linck, Chief Governmental Liaison of Legislative Affairs, and Tami Harlan, Chief Operating Officer, Division of Medical Services both with DHS, presented this review. This proposed rule change revises the due date for the return of the TEFRA renewal packet to the last day of the 10th month.

CMS approved the renewal request for the TEFRA Waiver, even though CMS approval was not required for this specific manual change. The proposed effective date for this rule change is July 1, 2018.

Representative Wardlaw stated that without objection this rule will stand as reviewed.

Department of Human Services, Division of Medical Services, Review of Rule to Comply with Act 203 of 2017, which Requires AR Medicaid to Cover the Originating Site Facility Fee for Telemedicine Services, and State Plan Amendment 2018-002 Effective January 1, 2018. (Section 1-1-18, Section 111-1-18. Outpatient Behavioral Health Services 2-18. Federally Qualified Health Clinic 1-18. Hospital 1-18. Physician 1-18. Rural Health 1-18.) (EXHIBIT H)

Kelley Linck, Chief Governmental Liaison of Legislative Affairs, DHS, presented this rule for review. After much discussion, Chairman Wardlaw asked that no action be taken on this rule and said it will be discussed more next month. There were no objections to this action.

Department of Human Services, Division of Developmental Disabilities Services (DDS), Review of Rule to Create New Center-Based Services Array for Children which is Run by Early Childhood Specialists, and Serves Children with Developmental Disabilities or Delays and a Medical Condition (Early Intervention Day Treatment-New 18; State Plan Amendment 2018-004; Child Health Management Services 1-18, Developmental Day Treatment Services 1-18 and DDS Standards for Certification and Monitoring for Center-Based Community Services.) (EXHIBIT I)

Melissa Stone, Director, Division of Developmental Disabilities Services and Kelly Linck, both with DHS, presented this review. The proposed rule change will combine the current Developmental Day Treatment Clinic Services (DDTCS) for children and the Child Health Management Services (CHMS) into one program called Early Intervention Day Treatment (EIDT). DHS presented an 84-page document of public comments.

As of the date of this meeting, The Centers for Medicare and Medicaid Services (CMS) has not yet approved this change. The proposed effective date is July 1, 2018. This proposed change will generate an estimated savings in the next fiscal year of \$40,065,626.50 of state and federal funds.

Mr. Linck stated that if CMS does not approve this rule, DHS will pull it down.

Tonya Williams, Director, Division of Child Care and Early Childhood Education, DHS, offered additional clarifying information and responses to questions posed by legislators. Legislators posed their concerns and questions to Mr. Linck and Ms. Williams.

Senator Missy Irvin made a motion to limit public testimony to 2 minutes per person. The motion passed with no objections.

Public Testimonies on Exhibit I:

Sara McGuire, a parent and a member of Paragould Focus (Item J-Adult)	Against
Amy Denton, CEO, Pediatrics Plus	For
Rebecca McGinty, Parent	Against
Bess Ginty, CEO, Kids For the Future	For
Raymond Massey, Grandparent (Item J-Adult)	Against
Mary Katherine Hardin, Providers Association	For
Michelle Bowlin, ROC(Rainbow of Challenges)-Hope	Against
Patrick Schoenberger, Non Profit, Hope, AR	Against
Hannah Wyrick, Parent	Against
Carolyn Scott, ROC-Lewisville	Against
Teresa Little, Director, Milestones, Conway	Against
Jane Sneed, M.D.	For
Cindy Acree, CEO, Elizabeth Richardson Center, Springdale	Against
Patti Fleseuman, Therapist	Against
Arthur Halbut, Pastor, Member of Arkansas Patient Association, Siloam Springs	Against
Cynthia Alford, Early Childhood Education Teacher	Against
Kim Keller, Parent, Autism Support Group	Against

Representative Wardlaw stated that without objection this rule will stand as reviewed.

Department of Human Services, Division of Developmental Disabilities Services, Review of Rule which Establishes the Adult Developmental Day Treatment (ADDT) New-18, State Plan Amendment 2018-007 and DDS Standards for Certification and Monitoring for Center-Based Community Services (EXHIBIT J)

Melissa Stone, Director, Division of Developmental Disabilities Services, and Kelley Linck, Chief Governmental Liaison of Legislative Affairs, both with DHS, presented this review. The current Developmental Day Treatment Clinic Services (DDTCS) for adults will now be known as Adult Developmental Day Treatment (ADDT) programs. The ADDT program is not substantially different from the current DDTCS program, except clients will now be allowed to receive nursing services at the ADDT center, with prior authorization.

Mr. Linck stated that if CMS does not approve this rule, DHS will pull it down.

Public Testimonies on Exhibit J

Nancy Shaw, Parent	Against
John H. Wagner, Did not testify, not applicable to his case	N/A
Rheanna Webber, Guardian of her Sister	Against
Bill Jaques, Parent	Against

Senator Irvin made an ethical statement regarding the letters mailed out to the public from providers. Representative Kim Hammer requested that all of the providers furnish the Public Health committee members an exact copy of the letter they sent to their clients. Representative Wardlaw stated this request will be submitted.

Representative Wardlaw stated that without objection this rule will stand as reviewed.

Department of Human Services, Division of Developmental Disabilities Services, Review of Rule which Updates Therapy Manual to Comply with Changes Made in July, 2017, to Coordinate the New Annual Evaluation Requirement (Therapy 1-18; Section V3-18 and State Plan Amendment 2018-008) (EXHIBIT K)

Melissa Stone, Director, Division of Developmental Disabilities Services, DHS, presented this review. The Occupational Therapy, Physical Therapy, and Speech Therapy Provider Manual is being changed so that a physician referral is required annually to align with the annual comprehensive evaluation for Early Intervention Day Treatment and Adult Developmental Day Treatment Services.

The proposed effective date is July 1, 2018 and there is no financial impact. Mr. Linck stated that if CMS does not approve this rule, DHS will pull it down.

Representative Wardlaw stated that without objection this rule will stand as reviewed.

Department of Human Services, Division of Developmental Disabilities Services, Review of Rule which is Based on a Cost Analysis, Comparing the Current Developmental Day Treatment Clinic Services (DDTCS) Transportation Utilization Rate to the Rate under Non-Emergency Transportation that is Currently Used by the Child Health Management Services. (Transportation 1-18 and State Plan Amendment 2018-009) (EXHIBIT L)

Melissa Stone, Director, Division of Developmental Disabilities Services, DHS, presented this review. Developmental Disabilities Services (DDS) is amending the Transportation Provider Manual to allow ADDT and EIDT providers to provide transportation services, just as the DDTCS providers were able to do under the previous program. Mr. Linck stated that if CMS does not approve this rule, DHS will pull it down.

Representative Wardlaw requested that DHS send him and staff the rate on the provider-loaded mile and the other referred-to rate; and to include Senator Chesterfield and Representatives Watson and Beck in this email. We will then forward this information to the committee members.

The proposed effective date is July 1, 2018 and there is no financial impact.

Representative Wardlaw stated that without objection this rule will stand as reviewed.

Presentation Regarding the New York Institute of Technology (NYIT)-College of Osteopathic Medicine at ASU
Shane Speights, D.O., Dean of NYIT-College of Osteopathic Medicine at ASU, gave a brief presentation on the NYIT College of Osteopathic Medicine.

The meeting adjourned at 1 p.m.