

**MINUTES**  
**SENATE COMMITTEE ON PUBLIC HEALTH, WELFARE, AND LABOR**  
**HOUSE COMMITTEE ON PUBLIC HEALTH, WELFARE, AND LABOR**  
**Meeting Jointly**  
**Monday, April 4, 2022**  
**9:00 AM**  
**Room A, MAC**  
**Little Rock, Arkansas**

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Committee members present: Senators Cecile Bledsoe, Chair; Ben Gilmore, Dan Sullivan, and David Wallace; Representatives Jack Ladyman, Chair; Deborah Ferguson, Vice-Chair; Fred Allen, Mary Bentley, Joe Cloud, Bruce Coleman, Marsh Davis, Jim Dotson, Justin Gonzales, Stephen Magie, Mark Perry, Aaron Pilkington, Jeff Wardlaw, and Carlton Wing

Other members present: Senator Larry Teague; Representatives Howard Beaty, Jr., Denise Ennett, Kenneth Ferguson, Tippi McCullough, Johnny Rye, Dwight Tosh, DeAnn Vaught, and Danny Watson

Representative Ladyman called the meeting to order.

**Consideration to Approve the February 7, 2022, Meeting Minutes [Exhibit C]**

Representative Joe Cloud made a motion to approve the minutes, with a second by Senator Ben Gilmore, and the motion carried.

**Arkansas Department of Energy & Environment, Review of Rule [Exhibit D]**

Mr. Alan York, Associate Director, Office of Water Quality; and Mr. Basil Hicks, Attorney Specialist, Department of Energy & Environment; discussed the proposed rule which establishes water quality standards for surface waters of the state.

Representative Ladyman stated that without objection, the rule stands as reviewed.

**Arkansas Department of Energy & Environment, Review of Rule [Exhibit E]**

Mr. Michael McAlister, Managing Attorney, Department of Energy & Environment, discussed the proposed rule regarding the Arkansas plan of implantation for air pollution control.

Representative Ladyman stated that without objection, the rule stands as reviewed.

**Arkansas Department of Human Services (DHS), Review of Rule [Exhibit F]**

Mr. Mark White, Deputy Director and Chief of Staff, Legal, and Legislative Affairs, DHS; and Mr. David Jones, Administration and Operations, Division of Medical Services, DHS; discussed the proposed rule which allows Arkansas to join a Preferred Drug List pool as well as a value-based purchasing agreement.

Representative Ladyman stated that without objection, the rule stands as reviewed.

**Arkansas Department of Human Services, Review of Rule [Exhibit G]**

Mr. Mark White, Deputy Director and Chief of Staff, Legal, and Legislative Affairs, DHS; and Mr. David Jones, Administration and Operations, Division of Medical Services, DHS; discussed the proposed rule which increases the number of Primary Care Physician visits for Medicaid clients and recognizes Advanced Practice Registered Nurses as Primary Care Providers.

Representative Ladyman stated that without objection, the rule stands as reviewed.

**Arkansas Department of Human Services, Review of Rule [Exhibit H]**

Mr. Mark White, Deputy Director and Chief of Staff, Legal, and Legislative Affairs, DHS; and Mr. David Jones, Administration and Operations, Division of Medical Services, DHS; discussed the proposed rule which requires certain reimbursement rates for Vagus Nerve Stimulation.

Representative Ladyman stated that without objection, the rule stands as reviewed.

**Arkansas Department of Health (ADH), Review of Rules [Exhibits I1-I15]**

Ms. Sue A. Tedford, MNSc, APRN, Director, Arkansas State Board of Nursing, ADH; Mr. David Dawson, JD, General Counsel, Arkansas State Board of Nursing, ADH; and Mr. Matt Gilmore, Boards and Commission Coordinator, ADH; discussed the proposed rules pertaining to licensure, Registered Nurse Practitioners, Advanced Practice Registered Nurses, Standards for Nursing Education Programs, and Medication Assistant-Certified.

Senator Sullivan made a motion to require the State Board of Nursing to explain in writing all public comments listed as “taken under advisement” prior to the rules moving forward to the ALC - Administrative Rules Subcommittee. With a second by Representative Wardlaw, the motion carried.

Representative Ladyman stated that without objection these rules stand as reviewed, subject to the requirements of the motion.

**Arkansas Department of Health (ADH), Review of Rule [Exhibit J]**

Ms. Amy Embry, Director, ADH Medical Board; Ms. Sue A. Tedford, MNSc, APRN, Director, Arkansas State Board of Nursing, ADH; and Mr. Matt Gilmore, Boards and Commission Coordinator, ADH; discussed the proposed rule pertaining to the Full Independent Practice Committee.

Representative Ladyman stated that this rule would be deferred until the next meeting.

**Arkansas Department of Health (ADH), Review of Rule [Exhibit K]**

Ms. Paula Day, Health Facility Services Section Chief, ADH; and Mr. Chuck Thompson, Managing Attorney, ADH; discussed the proposed rule which establishes minimum standards for the licensure of Perfusionists in Arkansas.

Representative Ladyman stated that without objection, this rule stands as reviewed.

**Arkansas Department of Health (ADH), Review of Rule [Exhibit L]**

Ms. Paula Day, Health Facility Services Section Chief, ADH; and Mr. Chuck Thompson, Managing Attorney, ADH; discussed the proposed rule which protects the health and safety of individuals receiving Orthotic, Prosthetic, or Pedorthic services.

Representative Ladyman stated that without objection, this rule stands as reviewed.

**Arkansas Department of Health (ADH), Review of Rule [Exhibit M]**

Ms. Paula Day, Health Facility Services Section Chief, ADH; and Mr. Chuck Thompson, Managing Attorney, ADH; discussed the proposed rule establishing minimum standards for licensure of hospitals in Arkansas.

Representative Ladyman stated that without objection this rule stands as reviewed, but requested additional communication between the Arkansas Department of Health and the legislature prior to the ALC-Rules

Subcommittee meeting.

**Arkansas Department of Health (ADH), Review of Rule [Exhibit N]**

Ms. Paula Day, Health Facility Services Section Chief, ADH; and Mr. Chuck Thompson, Managing Attorney, ADH; discussed the proposed rule which establishes criteria for minimum standards for licensure, operation, and maintenance of Free-Standing Birthing Centers.

Representative Ladyman stated that without objection, the rule stands as reviewed.

**Arkansas Department of Health (ADH), Review of Rule [Exhibit O]**

Ms. Paula Day, Health Facility Services Section Chief, ADH; and Mr. Chuck Thompson, Managing Attorney, ADH; discussed the proposed rule for Critical Access Hospitals pertaining to the requirement for pulse oximetry screening in newborns as well as updates to the grievance process.

Representative Ladyman stated that without objection, this rule stands as reviewed.

**Arkansas Department of Health (ADH), Review of Rule [Exhibit P]**

Ms. Christy Kresse, EMS Section Chief, ADH; and Ms. Laura Shue, General Counsel, ADH; discussed the proposed rule which provides the framework to enhance the care provided to the ill or injured by Emergency Medical Services Personnel.

Representative Ladyman stated that without objection, this rule stands as reviewed.

**Arkansas Department of Health (ADH), Review of Rule [Exhibit Q]**

Ms. Lynda Lehing, Health Statistics Branch Chief, ADH; and Ms. Laura Shue, General Counsel, ADH; discussed the proposed rule pertaining to the administration of vital records.

Representative Ladyman stated that without objection, this rule stands as reviewed.

**Arkansas Department of Health (ADH), Review of Rule [Exhibit R]**

Mr. Terry Paul, Environmental Health Branch Chief, ADH; and Ms. Laura Shue, General Counsel, ADH; discussed the proposed rule which establishes minimum standards for the design and construction of onsite wastewater systems.

Representative Ladyman stated that without objection, this rule stands as reviewed.

**Arkansas Department of Health (ADH), Review of Rule [Exhibit S]**

Mr. Terry Paul, Environmental Health Branch Chief, ADH; and Ms. Laura Shue, General Counsel, ADH; discussed the proposed rule pertaining to the qualifications, examination, and licensing of master plumbers and journeyman plumbers as well as the registration of apprentice plumbers.

Representative Ladyman stated that without objection, this rule stands as reviewed.

**Arkansas Department of Health (ADH), Review of Rule [Exhibit T]**

Mr. Terry Paul, Environmental Health Branch Chief, ADH; and Ms. Laura Shue, General Counsel, ADH; discussed the proposed rule which ensures that Gas Fitters are properly trained under a Supervisor Gas Fitter in Arkansas.

Representative Ladyman stated that without objection, this rule stands as reviewed.

**Arkansas Department of Health (ADH), Review of Rule [Exhibit U]**

Mr. Shane David, Pharmacy Services Section Chief, ADH; and Ms. Laura Shue, General Counsel, ADH; discussed the proposed rule pertaining to the list of Controlled Substances that is updated annually.

Representative Ladyman stated that without objection, this rule stands as reviewed.

**Interim Study Proposals [Exhibit V]**

ISP 2021-113 by Senator Sullivan - An Act to Modify the Definition of “Ophthalmic Dispensing” to include the Dispensing of Contact Lenses; and for other purposes.

Senator Sullivan made a motion to adopt ISP2021-113, with a second by Representative Ladyman, and the ISP was adopted for study.

With no further business, the meeting adjourned at 10:20 a.m.

DRAFT