

MINUTES

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

October 11, 2018

The House and Senate Interim Committees on Public Health, Welfare and Labor met Thursday, October 11, 2018, in Committee Room A, MAC Building, Little Rock, Arkansas.

Public Health Senate Members Attending: Senators John Cooper, Lance Eads, Scott Flippo, Stephanie Flowers, 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, Fredrick Love, Stephen Magie, David Meeks, John Payton, and Donald Ragland.

Other Legislators Attending: Senator Jason Rapert. Representatives Fred Allen, Sarah Capp, Dan Douglas, Les Eaves, Jon Eubanks, Lane Jean, Joe Jett, Dan Sullivan, and Danny Watson.

Comments by the Chairs

Representative Deborah Ferguson called the meeting to order.

Consideration to Adopt the September 13, 2018, Meeting Minutes (EXHIBIT C)

Representative Jack Ladyman objected to the minutes as written because Representative Hammer's specific motion to review the ARChoices RUG Methodology program as 'unfavorable', was not stated in the minutes. Representative Deborah Ferguson agreed that the minutes should and would be corrected to include Representative Hammer's motion, and then submitted for approval at the next meeting.

Arkansas Department of Environmental Quality (ADEQ), Office of Water Quality, Review of Rule to Prevent Pollution by Salt Water and Other Oil Fields Wastes Produced by Wells in All Fields or Pools. Simplify the Name of the Program and Eliminate Duplicative Permitting Process (EXHIBIT D)

Michael Grappe, Chief Program Officer, and Caleb Osborne, Associate Director, Office of Water Quality, both with ADEQ; led the discussion.

The purpose of the proposed changes to Regulation #1 in the Office of Water Quality Division is to:

- ❖ Simplify the name to: *Prevention of Pollution by Oil Field Wastes*
- ❖ Eliminate the duplicate permitting process, by foregoing permitting by ADEQ and accept permitting by the Arkansas Oil and Gas Commission (AOGC).
- ❖ Update definitions and make minor formatting changes

Mr. Osborne stated that the ADEQ inspectors work with the Oil and Gas Commission to provide oversight to the Office of Water Quality Division.

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

Arkansas Department of Health (ADH), Health Systems Licensing and Regulation, Cosmetology and Massage Therapy Section, Review of Rule to Update Language of Rule to "Mirror" Act 530 of 2015 (EXHIBIT E)

Item E will be presented at a future meeting.

In agreement with Kelley Linck, Representative Jeff Wardlaw stated that since Items F, G, H, I, and J are related, they will be discussed together

Department of Human Services (DHS), Division of Medical Services, Review of Rule Which Moves the Provider-Led Arkansas Shared Savings Entity (PASSE), 1-18 Program Medicaid Provider Manual. This Manual Moves the PASSE Program into Phase II, which Makes the PASSE Responsible for Providing All CES (Community and Employment Supports) Waiver Services and State Plan Services, Including Those Home and Community-Based Behavioral Health Services Contained in 1915(i) State Plan Amendment and Begin Operating as a Managed Care Organization Under CMS Regulations. (EXHIBIT F)

and

Department of Human Services, Division of Adult, Aging & Behavioral Services, Review of Rule Removing Home and Community Behavioral Health Services from the Current Program Manual; and Moving it to the PASSE Manual and the Defining Certification Manual, to Include Fee for Service Only (Outpatient Behavioral Health Services Program Provider Manual 3-18 and Certification Manual). (EXHIBIT G)

and

Department of Human Services, Division of Medical Services, Review of Rule Which More Fully Describes the Arkansas Independent Assessment (ARIA) Tool Being Used to Assess Behavioral Health Clients, Developmental Disability Clients, and Personal Care Clients—(Arkansas Independent Assessment New-18 Manual). (EXHIBIT H)

and

Department of Human Services, Division of Developmental Disabilities Services (DDS), Review of Rule Which Repeals Community and Employment Support Waiver, Medicaid Provider Manual and Community and Employment Supports Waiver, Minimum Certification Standards, and Amendments to DDS Policy 1091. These Changes Coincide with the Implementation of the PASSE Program. Under that Program, Current CES Waiver Providers will be Credentialed through the PASSE. (EXHIBIT I)

and

Department of Human Services, Division of Medical Services, Review of Rule Which is State Plan Amendment 2018-012 to Include Managed Care Organizations (MCOs) in the State Supplemental Rebate Program. (EXHIBIT J)

Kelley Linck, Intergovernmental Affairs Liaison, Robbie Nix, Director of Organized Care, and Paula Stone, Deputy Director, Division of Medical Services, all with DHS led the discussion of these proposed rule changes.

Mr. Linck and Mr. Nix reassured committee members that the definition of ‘telemedicine’ has been clarified, and the ‘any willing provider’ language has been changed in the PASSE Manual. These revisions will be in the presentation before the Rules and Regulations Committee.

In 2018, the 1-18 Program Medicaid Provider Manual became the Provider-Led Arkansas Shared Savings Entity (PASSE) Manual, and the PASSE Program entered phase II operating as a Managed Care Organization under CMS (Centers for Medicaid and Medicare Services) regulations. The PASSE now becomes responsible for providing:

- ❖ All Community and Employment Supports (CES) Waiver Services and State Plan Services which includes:
 - Home and Community-Based Behavioral Health Services contained in 1915© State Plan Amendment, and it will include fee-for-service *only*.

Under the PASSE Program, current CES Waiver Providers will be credentialed through the PASSE. The committee heard discussion on State Plan Amendment 2018-012 (the PASSE Manual), which includes Managed Care Organizations in the State Supplemental Rebate Program.

DHS explained and discussed how the ARIA tool is being used to assess Behavioral Health, Developmental Disability, and personal care clients.

Representative Jeff Wardlaw stated that, with the telemedicine and any willing provider changes, and without objection, this rule will stand as reviewed.

Discussion of ISP 2017-126 - “Requesting that the House Committee on Public Health, Welfare & Labor, Study the Need for the Training and Education of Those Who Interact with Individuals with Epilepsy or Seizure Recognition and Ways to Effectively Manage and Support Individuals with Epilepsy and to Provide Community Support for Individuals with Epilepsy.” (EXHIBIT L)

Representative Kim Hammer, Sponsor, and Bridget Patterson, Program Director, Epilepsy Foundation of Missouri and Kansas, presented this issue.

Representative Hammer gave a brief synopsis of this crucial issue, and described seizures and circumstances of actual people who are plagued with epilepsy. The Epilepsy Foundation of Missouri and Kansas stated in a letter to Representative Hammer that Arkansas should have an allocation of \$75,000 for the purchase of a service program, *getting paid only if the services are provided in Arkansas*. Before pursuing this funding, Representative Hammer wants to establish the need, and gain the consensus of the 92nd General Assembly.

Representative Ferguson stated that without objection, this ISP is adopted for interim study.

Consideration of the Following Interim Study Proposal (ISP) for Adoption, Study, and Referral to the Health Services Subcommittee of the Senate and House Public Health, Welfare & Labor Committees (EXHIBIT K)

ISP 2017-134 – “An Act to Establish the Arkansas Anesthesiologist Assistant Act; to Provide for Licensure of Anesthesiologist Assistants; and for Other Purposes.”

Representative Stephen Magie is the sponsor.

Representative Ferguson stated that without objection, this ISP will be adopted and referred to the Health Services Subcommittee for further study.

Representative Ferguson said the next Public Health Meeting will be Monday, November 19, 2018, at 9:00 a.m. At 1:00 p.m. that same day, the Health Services Subcommittee will meet to hear ISPs that have been referred to them.

The meeting adjourned at 10:05 a.m.