

**MINUTES**  
**SENATE COMMITTEE ON PUBLIC HEALTH, WELFARE, AND LABOR**  
**HOUSE COMMITTEE ON PUBLIC HEALTH, WELFARE, AND LABOR**  
**MEETING JOINTLY**  
**SEPTEMBER 9, 2019**

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The House and Senate Interim Committees on Public Health, Welfare, and Labor met Monday, September 9, 2019, at 1:00 p.m., in Room A-MAC, Little Rock, Arkansas.

Committee members present: Senators Missy Irvin, Chair; Ronald Caldwell, Kim Hammer, Jimmy Hickey, Jr., and Bill Sample; Representatives Jack Ladyman, Chair; Justin Boyd, Karilyn Brown, Bruce Coleman, Kenneth Ferguson, Justin Gonzales, Michelle Gray, Frederick Love, Stephen Magie, Josh Miller, John Payton, Chris Richey, Mark Perry, and Jeff Wardlaw.

Other members present: Senators Breanne Davis, Jonathan Dismang, Linda Chesterfield, Trent Garner, Jason Rapert, and Larry Teague; Representatives Stan Berry, Jim Dotson, Vivian Flowers, Monte Hodges, Lane Jean, Joe Jett, Roger Lynch, Tippi McCullough, Aaron Pilkington, Marcus Richmond, Johnny Rye, Jamie Scott, Dan Sullivan, and DeAnn Vaught.

Senator Irvin called the meeting to order. Representative Ladyman announced it was National Ovarian Cancer Awareness Month and that the proclamation (Exhibit E-2) from the governor's office was included in member's packets.

**Consideration to Adopt the August 19, 2019, Meeting Minutes (Exhibit C)**

With a motion by Representative Love, and second by Representative Magie, the Minutes from the August 19, 2019, meeting were adopted.

**Arkansas Department of Health (ADH), Arkansas Prescription Drug Monitoring Program Report - Opioid Discussion (Handout 1)**

Haley Ortiz, MPPA, Director, Office of Health Policy, Branch Chief, Substance Misuse and Injury Prevention Branch, and Richard Smith, M.D., Medical Director, Substance Misuse and Injury Prevention Branch, ADH, presented the 2018 Prescription Drug Monitoring Program (PDMP) Report and provided the following information:

- ❖ Doctor shopping is down by 80%. The PDMP flags patients with multiple prescriptions from multiple providers and filled at multiple pharmacies; all states have a PDMP except Missouri – PMP Interconnect allows interstate data sharing. Arkansas currently shares data with other states.
- ❖ 21% decrease in total number of opioid pills sold between 2016-2018 (235,834,613 to 186,424,459); 12% decrease in opioid prescriptions from 2014-2018 (approximately 250,000 to nearly 220,000 per month); almost 4% of Arkansans are on chronic opioids in any given 180-day period; in 2018, the opioid prescription rate per 100 people was 102.1 in the state. Arkansas's average is almost double the CDC's national average (58.7 per 100 in 2017). Every county in the state is over the national average with the highest prescribing counties being Poinsett (164.7), Stone (149.7), Ouachita (148.3), and Lawrence (145.4)

**E-Cigarette Products, Nicotine Exposure, and Vaping (Handout 2)**

Nathaniel Smith, M.D., MPH, Secretary of Health, ADH, Joe Thompson, MD, MPH, President and CEO, Arkansas Center for Health Improvement, Michael Keck, Government Relations Director, American Cancer Society, Cancer Action Network, and Debbie Jones, EdD, Superintendent of Schools, Bentonville, Arkansas, spoke on the need for legislation regarding e-cigarettes and vaping products. The use of vaping among teens has skyrocketed in the past few years and early data shows an increase in the risk of acute heart attacks as well as concerns that flavorings may cause chronic lung disease. Dr. Jones stated since 2016, there has been a 420% increase in students using e-cigarettes/vaping and school officials are losing the fight. Dr. Thompson stated there are no restrictions on manufacturers in advertising products to our youth. He noted that in 2015 the legislature took away the authority of local communities to restrict advertising, marketing, and the sale of vape products. He said the responsibility for the safety of our youth rests solely with this legislature.

The presentations provided by the speakers included the following:

- ❖ FDA issued a warning letter to JUUL Labs on September 9, 2019, for marketing unauthorized modified risk tobacco products by engaging in labeling, advertising, and/or other activities directed to consumers, including a presentation given to youth at a school. A letter was also sent to the company expressing concern and requesting information regarding outreach and marketing practices, including those targeted at students, tribes, health insurers and employers
- ❖ six cases of vaping-associated respiratory illnesses in Arkansas: 2 confirmed/4 probable, 5 hospitalized
- ❖ limit advertising in certain types of facilities and placement within certain distance of schools, parks, etc.
- ❖ address web sales; increase enforcement of current purchasing laws; ban flavored e-cigarettes and e-juices
- ❖ revise the pre-emption rules of Act 580 of 2019; clarify and tighten the oversight of vape shops
- ❖ update the Clean Air Act to prohibit e-cigarette use in the same manner as tobacco products

#### **Discussion of Draft ISP Concerning Vaping (Exhibit E-1)**

Senator Irvin said an interim study proposal (ISP) on this issue will be filed at the close of the meeting. Senator Hendren thanked Senator Irvin for partnering with him to address this issue and said the purpose of this hearing is to come up with a plan of action in preparation for a special session (possibly next fiscal or general). Senator Hendren said the ISP will focus on vaping since in order to assess taxes, they must have an understanding of the health consequences. Senator Irvin noted that if adopted at the next meeting, she would like for the ISP to remain in the committee as this is a topic everyone is interested in and members are hearing from their school administrators. Senator Hendren will also file an ISP on taxation after the close of the meeting. Goals of the ISP include collecting data on the long-term consequences of vaping; how to curb youth vaping; and the cost to taxpayers.

#### **Status of Medicaid Transportation Subcontractors (Handout 4)**

Kelley Linck - Governmental Liaison, and Janet Mann - Director, Division of Medical Services, Arkansas Department of Human Services (DHS); Rob Zachrich - Chief Operating Officer, and Cindy Washington - Arkansas Operations Director, Southeastrans, provided testimony. Ms. Mann stated that in May, DHS issued an early corrective plan for Southeastrans that focused on network adequacy, and by July 1, the company had reached over 50% of the corrective actions. In August, with questions remaining on adequacy issues, the agency sent a damage letter to the company regarding the reported 645 missed rides and assessed a \$500 fee per ride (\$391,000). DHS has continued working with the company on correcting the issues and will monitor them as they work through the plan. Mr. Zachrich stated it was a tough transition period when the company took over from the previous broker that was fired by DHS. He said they will not rest until 100% of transports are completed (currently 99.5%). Upon questioning by Senator Irvin regarding private drivers for rural areas, he said the company has a pilot program in place that allows private drivers to provide transportation but they are waiting to see how it works before bringing it to Arkansas. Senators Caldwell and Hammer questioned if contract adjustments with Southeastrans were negotiated and Senator Caldwell said he would like to review the contract at the end of the calendar year to see how much of the fine assessed against the company stayed in place and how much was forgiven.

#### **Behavioral Health and Developmental Disabilities Assessment Process**

Paula Stone, Division of Medical Services, Arkansas Medicaid, briefed committee members on the assessment process for the behavioral health population. Ms. Stone said the clients receive an independent assessment to go into the PASSE system and that the needs of children under 18 years of age are very different from the adult population. Senator Irvin advised members there could be a number of factors regarding an untimely assessment and reminded members if they feel someone is not performing an assessment appropriately -- that is considered a performance issue in the Optum contract. She said that not every child is under the PASSE system. Ms. Stone explained the assessment process to Representative Ladyman and how the new facility that just opened in Jonesboro will affect the system.

### **Arkansas Minority Health Commission Annual Report (ACA 20-2-103)**

Sharonda Love, Director, Arkansas Minority Health Commissioner, provided an overview of the work done in the past school year. Representative Flowers commended the Commission for their hard work and asked if there were plans to regenerate the television show. Senator Irvin suggested she and Representative Flowers meet with AETN to see if anything is available. The report included the following:

- ❖ increased citizen encounters – reached out to 34,000 individuals
- ❖ 25,000 health screenings – collaborated with 113 partners reaching 67 counties – goal is to reach all 75 counties
- ❖ new mobile health unit on road since last week of March – through June 30th had reached 24 counties
- ❖ mobile unit performed 3000 screenings; the goal is to utilize the unit to provide access to screenings in all counties
- ❖ continue to develop partnerships to help improve professional development within the state and continue to produce the annual Bridge magazine

### **Commission on Law Enforcement Standards and Training (CLEST), Review of Rule which Updates the Rules with the Changes from the 2019 Session of the General Assembly (Exhibit I)**

Jami Cook, Director, Commissioner on Law Enforcement Standards & Training, provided an explanation of the proposed rule changes as a result of Acts 151, 315, and 910 of 2019.

Senator Irvin stated that without objection, the proposed rule change has been favorably reviewed by the committee.

### **Weatherization Assistance Program, Arkansas Energy Office of the Arkansas Department of Environmental Quality (ADEQ) Report to the House and Senate Public Health, Welfare and Labor Committee (Act 790 of 2019) (Exhibit J)**

Michael Grappe, Chief Program Officer, ADEQ, and Kay Joiner, Arkansas Energy Office, provided an update on the federally funded weatherization assistance program. The grants are income-based (200% of poverty level) and will provide assistance to approximately 241 households across the state. The funding goes to the occupant of the home that pays the utility bills. Ms. Joiner said the majority of homes eligible for funds are owner occupied and approximately 15% are tenant occupied.

Senator Irvin asked Ms. Joiner to provide the committee with statistics on the number of owner occupied homes that receive assistance versus tenant occupied. Representative Ladyman asked if the length of time tenants live in the homes is tracked and if a landlord that might be taking advantage of the program by having multiple properties weatherized is tracked. The committee may revisit this issue in the future.

### **Other Business (Exhibit E-2)**

Nathaniel Smith, M.D., MPH, Secretary of Health, ADH, spoke on the Governor's Proclamation for Ovarian Cancer Awareness Month. Ovarian cancer is the 5th leading cause of cancer-related deaths in women due to being diagnosed in advanced stages. In Arkansas approximately 200 new ovarian cancers will be diagnosed and approximately 140 deaths will occur. Increased awareness of symptoms and risk factors may increase chances of early detection and survival.

With no further business, the meeting adjourned at 4:15 p.m.