

MINUTES

HOUSE & SENATE INTERIM COMMITTEES ON PUBLIC HEALTH, WELFARE AND LABOR and HOUSE & SENATE INTERIM COMMITTEES ON AGRICULTURE, FORESTRY, AND ECONOMIC DEVELOPMENT

July 10, 2017

The House and Senate Interim Committees on Public Health, Welfare and Labor, and the House and Senate Interim Committees on Agriculture, Forestry, and Economic Development met jointly on Monday, July 10, 2017, at 10:00 a.m. in Committee Room A, MAC Building, Little Rock, Arkansas.

Public Health Senate Members Attending: Senators Cecile Bledsoe, Chair; Lance Eads, Stephanie Flowers, and Missy Irvin.

Agriculture, Forestry & Economic Development Senate Members Attending: Senators Ronald Caldwell, Chair; John Cooper, Vice Chair; Jane English, and David Wallace.

Public Health House Members Attending: Representatives Jeff Wardlaw, Chair; Deborah Ferguson, Vice Chair; Mary Bentley, Justin Boyd, David Branscum, Bruce Coleman, Justin Gonzales, Ken Henderson, Fredrick Love, Stephen Magie, Austin McCollum, John Payton, Aaron Pilkington, Chris Richey, and Richard Womack.

Agriculture, Forestry & Economic Development House Members Attending: Representatives Dan Douglas, Chair; David Hillman, Vice Chair; Fred Allen, Scott Baltz, Rick Beck, Karilyn Brown, Jack Fortner, Mark McElroy, Ron McNair, and Mathew Pitsch.

Other Legislators Attending: Senator Linda Chesterfield. Representatives Charles Blake, Gary Deffenbaugh, Jim Dotson, Charlotte Vining Douglas, Trevor Drown, Kenneth Ferguson, Charlene Fite, Jimmy Gazaway, Michelle Gray, Grant Hodges, Joe Jett, Laurie Rushing, Brandt Smith, James Sorvillo, DeAnn Vaught, and Jeff Williams.

Comments by the Chairs

Public Health House Chair, Jeff Wardlaw, announced that Agenda Item 'I', *The Buffalo River Watershed Monitoring Report*, will be presented first today.

Buffalo River Watershed Monitoring—Report on Swine Farm Operations in the Buffalo River Watershed

Mark Cochran, PhD, Vice President, Division of Agriculture, University of Arkansas (UA) Systems Office, Dr. Andrew Sharpley, Distinguished Professor, Division of Agriculture, UA Systems Office, Dr. Mike Daniels, Professor, Division of Agriculture, UA Systems Office, and Dr. Phil Hays, Ground Water Specialist, U.S. Geological Survey; presented this updated report. This project has been named Big Creek Research, and the website is <http://www.bigcreekresearch.org>.

Dr. Sharpley opened the presentation, stating this has been an ongoing project for 3 ½-4 years, and pointed out the Research Team members who are listed on the first slide of this presentation. The presentation included a brief history of the inception (2013) and start-up activities of the C&H Hog Operation. The owners voluntarily approached Newton County Extension Office for assistance at the very beginning, so as to comply with all county, state, and federal health, safety, and eco-friendly regulations. Also included in the presentation:

- ❖ An Outline of regularly scheduled tasks and duties of this program
- ❖ Graphs and pictures on sampling locations and processes
- ❖ Sampling results from all of the sampling locations
- ❖ Comparison of sampling results from similar regional watersheds
 - Buffalo River Watershed
 - Beaver Reservoir Watershed
 - Illinois River Watershed
- ❖ A summary of the information ascertained from the sampling results

Representative David Hillman, asked what the EPA (Environmental Protection Agency) standards for the holding ponds are and what keeps leakage from occurring. Dr. Phil Hays stated that standard clay liners are inserted into the ponds at a certain depth (NRCS339 STANDARD). The most crucial factor is the specific permeability of the liner that has a very low transmission rate through the liner—and they are used nationwide.

Karl VanDevender, Professor/Extension Engineer, Biological and Agricultural Engineering Department, University of Arkansas System, Division of Agriculture; stated that ADEQ (Arkansas Department of Environmental Quality) requires that the transmission from these liners to be less than 5,000 gallons per day per acre. The Buffalo River Watershed has exceeded the EPA AND ADEQ requirements for permeability testing.

Following committee discussion, Chair Wardlaw thanked the University of Arkansas for the report.

Opioid Prescribing in Arkansas

Nate Smith, MD, MPH, State Health Officer, and Director, Arkansas Department of Health, presented an update on the prescribing of opioids in Arkansas. This is an emerging health issue nationwide. Dr. Smith noted five key points:

- ❖ Large amounts of opioids are being sold in Arkansas
- ❖ Opioids are being prescribed to people of all ages
 - Females are the largest group prescribed to, aged 45-64 and 85 plus
 - Men are at highest risk for drug overdose deaths (most are unintentional)
 - Caucasians are at more risk for drug overdose deaths than other racial groups (African American 3% per 100,00 vs Caucasian 15.1% per 1000,000)
- ❖ Opioids are prescribed inconsistently throughout Arkansas
- ❖ The PMP (Prescription Monitoring Program) has reduced “doctor shopping”
 - Reduced from 40% in January, 2015 to 20% in December 2016
- ❖ Reports of drug-related injuries, deaths, and hospitalizations are increasing
 - Injuries/deaths: From 5.2% per 100,000 in year 2000, *to* 13.4 per 100,000 in year 2016
 - Hospitalizations: From 940 in year 2000 *to* 2,637 in year 2014

Information requests from Chair Wardlaw and Committee Members:

- ❖ Dr. Nate Smith was asked to comment today, on his opinion of how well the ‘report card’ method will curve some of the figures presented today, and to report back to this committee in about six months with a report on how well this method worked.
 - **Answer:** Dr. Smith said that there have been positive results with the ‘report card’ system, and that he will monitor this project and report back to the committee in about six months.
- ❖ Are the prescriptions that are dispensed at the VA (Veterans Administration Hospital) and through Tri-Care Express Group program included in these numbers?
 - **Answer:** Jonathan Aram, Epidemiologist, Arkansas Department of Health (ADH), prescriptions from the VA are not included in the PMP database; however VA physicians may use the PMP database to monitor their patient’s prescriptions.
- ❖ How well is the ADH working with other agencies in curtailing this epidemic?
 - **Answer:** Dr. Smith stated that the Arkansas Department of Health is working with all law enforcement agencies, physicians, hospitals, The Arkansas Medical Society, and relevant agencies to lessen this problem. Also with prescriber and pharmaceutical education of this problem. The ADH plans to work even closer with these agencies and organizations.
- ❖ Is it legal to receive pain medication through mail-order?
 - **Answer:** Dr. Smith will find out if pain medication is legal to receiver through mail order and notify the staff of this committee so the committee members can have this information.

Missouri is the only border state who does not have a Prescription Monitoring Program. Dr. Smith will also research and provide to the committee, a breakdown on Suboxone prescribing, dispensing, and use.

Following committee discussion, Chair Wardlaw thanked Dr. Smith for the report.

Consideration to Adopt the June 5, 2017 Meeting Minutes (EXHIBIT C)

Without objection, the June 5, 2017 meeting minutes were adopted.

Arkansas Department of Health (ADH), Center for Health Protection, Review of Rules and Regulations Pertaining to Control of Sources of Ionizing Radiation to Make Them Compatible with the U.S. Nuclear Regulatory Commission (NRC). (EXHIBIT E)

Robert Brech, Chief Counsel, Arkansas Department of Health, and Anna Hurst, Intern at the ADH, and a Law Student, Bowen School of Law, University of Arkansas Little Rock; presented this proposed rule change. The Radiation Control Section is initiating the process for the revision of the Arkansas State Board of Health Rules and Regulations for Control of Sources of Ionizing Radiation.

These regulations pertain to the use of radioactive material in the state of Arkansas. As an Agreement State with the U.S. Nuclear Regulatory Commission (NRC), Arkansas must have regulations that are compatible with the NRC. The proposed changes reflect NRC compatibility requirements, and compliance with Section 274 of the Atomic Energy Act of 1954.

Following committee discussion, Chair Wardlaw stated that without objection this rule will stand as reviewed.

Arkansas Department of Environmental Quality (ADEQ), Water Division, Third-Party Rulemaking Request Submitted by the City of Fayetteville to Modify Water Quality Standards for a Segment of the White River from Noland Wastewater Treatment Plant Outfall to the ADEQ Monitoring Station, WH10052. (EXHIBIT F)

Caleb Osborne, Associate Director, Office of Water Quality, ADEQ, and Allan Gates, JD, Mitchell/Williams Law Firm, presented this Third-Party Rulemaking Request.

This change will be a modification of the Arkansas Water Quality Standards (WQS) for a segment of the White River from the Noland Wastewater Treatment Plant outfall to ADEQ Monitoring Station WH10052

Following committee discussion, Chair Wardlaw stated that without objection this rule will stand as reviewed.

Arkansas Department of Environmental Quality, Water Division, Third-Party Rulemaking Request Submitted by the Southwestern Electric Power Company (SWEPCO), Who Owns and Operates the John W. Turk, Jr. Power Plant in Fulton, Arkansas (Hempstead County). This Plant Discharges Treated Wastewater from a Single Outfall to the Little River Under the Provisions of NPDES Permit Issued by ADEQ. The Little River Flows Approximately Two Miles from the Facility's Discharge to the Red River. (EXHIBIT G)

Caleb Osborne, Associate Director, Office of Water Quality, ADEQ, and Allan Gates, JD, Mitchell/Williams Law Firm, presented this Third-Party Rulemaking Request.

This change will be a modification of the Arkansas Water Quality Standards (WQS) for a segment of the Red River from the mouth of the Little River to the Arkansas/Louisiana state line.

Following committee discussion, Chair Wardlaw stated that without objection this report will stand as reviewed.

Consideration of the following Interim Study Proposals (ISP) for Adoption and Study and Referral to a Subcommittee of the Senate and House Public Health Welfare and Labor Committees (Human Services, Health Services, and Labor & Environment Subcommittees):

1. **ISP2017-048 - Sen. C. Bledsoe** – “AN ACT TO AUTOMATE AND COORDINATE THE LONG-TERM CARE AND ADULT MALTREATMENT AND CHILD MALTREATMENT REGISTRIES TO CREATE GREATER EFFICIENCIES TO IMPROVE PROCESSING TIMES AND CONSISTENCY IN PROCESSES; AND FOR OTHER PURPOSES.” **(EXHIBIT H-1)**
2. **ISP2017-059 - Sen. G. Stubblefield** – “AN ACT TO AMEND THE DEFINITION OF CERTIFIED REGISTERED NURSE ANESTHETISTS BY REMOVING SUPERVISION REQUIREMENTS; AND FOR OTHER PURPOSES.” **(EXHIBIT H-2)**
3. **ISP2017-002 – Rep. F. Love** – “AN ACT TO CREATE A LICENSURE FOR A CERTIFIED ADVANCED PRACTICE CHIROPRACTIC PHYSICIAN; TO AMEND THE LAWS REGARDING CHIROPRACTIC PRACTICES; AND FOR OTHER PURPOSES.” **(EXHIBIT H-3)**
4. **ISP2017-003 – Rep. K. Hammer** – “REQUESTING THAT THE HOUSE COMMITTEE ON PUBLIC HEALTH, WELFARE AND LABOR STUDY AND PROMOTE AWARENESS OF PEDIATRIC ACUTE-ONSET NEUROPSYCHIATRIC SYNDROME, ALSO KNOWN AS "PANS"." **(EXHIBIT H-4)**
5. **ISP2017-007 - Rep. S. Magie** – “AN ACT TO ALLOW PHARMACISTS TO MAKE BIOLOGICAL PRODUCT SUBSTITUTIONS; AND FOR OTHER PURPOSES.” **(EXHIBIT H-5)**

6. **ISP2017-017 - Rep. J. Boyd** – “AN ACT CONCERNING INVOLUNTARY COMMITMENTS; CONCERNING WHO IS PERMITTED TO MAKE THE DECISION TO INVOLUNTARILY COMMIT ANOTHER PERSON; AND FOR OTHER PURPOSES.” **(EXHIBIT H-6)**
7. **ISP2017-019 – Rep. D. Ferguson** – “REQUESTING THAT THE HOUSE COMMITTEE ON PUBLIC HEALTH, WELFARE, AND LABOR STUDY RESPITE CARE WITHIN THE STATE OF ARKANSAS.” **(EXHIBIT H-7)**
8. **ISP2017-020 – Rep. D. Ferguson** – “REQUESTING THAT THE HOUSE COMMITTEE ON PUBLIC HEALTH, WELFARE, AND LABOR STUDY THE IMPACT OF FETAL ALCOHOL SPECTRUM DISORDERS ON THE CRIMINAL JUSTICE SYSTEM AND MORE EFFECTIVE METHODS TO REHABILITATE INDIVIDUALS WITH FETAL ALCOHOL SPECTRUM DISORDERS.” **(EXHIBIT H-8)**
9. **ISP2017-025 – Rep. D. Fielding** – “AN ACT TO REQUIRE A FIRE EXTINGUISHER IN ALL APARTMENTS IN ARKANSAS; AND FOR OTHER PURPOSES.” **(EXHIBIT H-9)**
10. **ISP2017-027 – Rep. S. Meeks** – “AN ACT TO CREATE THE ARKANSAS NIGHTTIME ENVIRONMENT PROTECTION ACT; AND FOR OTHER PURPOSES.” **(EXHIBIT H-10)**
11. **ISP2017-032 – Rep. D. Ferguson** – “REQUESTING THAT THE HOUSE COMMITTEE ON PUBLIC HEALTH, WELFARE, AND LABOR STUDY THE NEED TO LIMIT NEW LICENSURE OF LAY MIDWIVES IN THE STATE OF ARKANSAS.” **(EXHIBIT H-11)**
12. **ISP2017-034 – Rep. C. Richey** – “AN ACT TO CREATE THE COMMUNITY HEALTH WORKER ACT; AND FOR OTHER PURPOSES.” **(EXHIBIT H-12)**
13. **ISP2017-039 – Rep. B. Smith** – “AN ACT TO CREATE THE HEALTHCARE FREEDOM OF CONSCIENCE ACT; AND FOR OTHER PURPOSES.” **(EXHIBIT H-13)**
14. **ISP2017-068 – Rep. S. Baltz** - “AN ACT TO RECOGNIZE THE EMERGENCY MEDICAL SERVICES PERSONNEL LICENSURE INTERSTATE COMPACT; AND FOR OTHER PURPOSES.” **(EXHIBIT H-14)**
15. **ISP2017-069 – Rep. R. Womack** - “AN ACT TO PROVIDE FOR OVERSIGHT OF STATE OCCUPATIONAL REGULATIONS; TO CREATE THE OCCUPATIONAL REGULATION OVERSIGHT SUBCOMMITTEE; AND FOR OTHER PURPOSES.” **(EXHIBIT H-15)**
16. **ISP2017-080 – Rep. J. Boyd** - “REQUESTING THAT THE HOUSE COMMITTEE ON PUBLIC HEALTH, WELFARE AND LABOR STUDY APPROACHES TO ENSURE HEALTHCARE CONSUMER AND HEALTHCARE PROVIDER PROTECTIONS IN REGARD TO HEALTHCARE MARKETERS AND PROCURERS.” **(EXHIBIT H-16)**
17. **ISP2017-081 – Rep. G. Leding** - “A STUDY ON MATERNAL MORTALITY IN THE STATE OF ARKANSAS WHICH SHALL INCLUDE POSSIBLE SOLUTIONS TO MEANINGFULLY LOWER THE MATERNAL MORTALITY RATE IN ARKANSAS SUCH AS A STATEWIDE MATERNAL MORTALITY REVIEW COMMITTEE OR A QUALITY CARE COLLABORATIVE.” **(EXHIBIT H-17)**

Representative Ferguson made a motion to adopt all of the seventeen (17) ISPs listed on this agenda for Interim Study and that they be assigned to the appropriate subcommittee by the chairs. Without objection the motion carried and all of the above listed ISPs were adopted for Interim Study and were assigned as follows:

ISPs assigned to Health Services Subcommittee:

2017-002
2017-003
2017-007
2017-032
2017-034
2017-039
2017-059
2017-068
2017-079
2017-080
2017-081

ISPs assigned to Human Services Subcommittee:

2017-017
2017-019
2017-020
2017-048

ISPs assigned to Labor & Environment Subcommittee:

2017-025
2017-027
2017-069

The meeting adjourned at 11:40 a.m.