

EXHIBIT C

MINUTES ARKANSAS LEGISLATIVE TASK FORCE ON AUTISM OCTOBER 30, 2019

The Arkansas Legislative Task Force on Autism met Wednesday, October 30, 2019, at 1:30 p.m., in Room 171 of the State Capitol, Little Rock, Arkansas.

Task Force members present: Senator Keith Ingram Co-Chair; Jennifer Belt, Karen Craig, Jennifer Hennessey, Janet Mann, Matt Sewell, Shelia Smith, Melissa Stone, Dianna Varady, and Nancy Wells

Also present: Senator Greg Leding and Representative Johnny Rye

Senator Ingram called the meeting to order.

Adoption of Minutes from May 16, 2019 (Exhibit C)

Senator Ingram stated that without objection, the Minutes from the May 16, 2019, meeting stand approved.

Implementation of Voluntary Guidelines for use of Seclusion and Restraint

Courtney Salas-Ford, Deputy General Counsel, Arkansas Department of Education (ADE), spoke on the guidelines for use of restraint and seclusion. Ms. Salas-Ford stated after the U.S. Department of Education (USDE) failed to pass legislation, they issued a restraint and seclusion resource document in May 2012 that included 15 guiding principles for states to consider. USDE recommended that states issue their own guidance or pass legislation designed to fit their needs. Arkansas has no legislation or statutes that govern restraint and seclusion, however, in 2014, ADE convened a committee of stakeholders and developed policies and procedures for school districts. These are guidelines only and have no binding authority. Several districts receive training by various organizations. There is no data from any district regarding the use of restraint and seclusion or on the number of districts using the guidelines since reporting is not mandatory. There are certain guidelines in place that must be followed such as the length of timeouts in seclusion as well as the size of the room being used. If the guidelines are not followed, the parent(s) may file a complaint. Ms. Salas-Ford noted there has not been any complaints filed in the past 10 years.

Melissa Singleton Stone, Director, Division of Development Disabilities Services

Update on Expansion of Autism Waiver – The autism waiver wait list was eliminated by legislation proposed by Senator Ingram. An amendment to the waiver has been drafted with an additional 30 slots added. There are currently 42 children on the wait list. The amendment to the waiver is within the DHS internal review process and upon approval by DHS attorneys, will be submitted to CMS. The 30-day public comment period will begin for the general public to submit concerns or questions and DHS must formally respond. DHS must provide responses to the legislature before the 15th of the month in order to be placed on the next legislative committee agenda. Ms. Stone hopes this process will happen in January 2020 in order to have services available to children in February.

Update on EPSDT ABA Services – The Medicaid state plan provides diagnostic services, however, the federal government has stated that treatment medically necessary to correct or ameliorate a condition, or that will improve functionability for the child's developmental disability, is a coverable service whether or not it is listed under Medicaid. Effective May 2019, DHS activated billing codes for providers to direct bill instead of submitting paper claims and also added a psychology code for the clinicians providing

diagnoses. Ms. Stone stated that eQHealth Solutions is the vendor reviewing requests for services.

Dr. Sheila Barnes, Director, Hope for Autism, spoke on the need for official guidelines for schools. She stated there are several families that would like for her to work with their children but the schools will not allow her to do so. Dr. Barnes briefed the task force members on the services she could provide, if allowed. Dr. Shelia Smith, Behavioral Support Specialist Coordinator, stated she agrees there should be official guidelines as it would provide structure and there are concerns relating to schools that do allow outside service providers.

In response to Senator Ingram's question on drafting guidelines or developing best practices for the task force to review, Matt Sewell, Associate Director, Special Education, ADE, stated given the opportunity to pull the needed stakeholders together they might possibly develop a plan within the next six months. He reminded everyone services can also be discussed as part of the student's Individualized Education Program (IEP) and teachers and paraprofessionals can be trained to use approved techniques in the classroom. Mr. Sewell explained this is an area that can be improved, however, he noted some districts are leery of allowing outside providers into the schools.

PASSE Implementation Update – Paula Stone, Deputy Director, DMS/DHS, stated the agency was focused on making sure claims were paid and that DMS/DHS processes were in line. The next phase is to work with the PASSEs to ensure the right services are in place and to look at any DMS/DHS policies that might limit their ability to pay for new types of services. They will also focus on behavioral health diagnoses and intellectual development disabilities as that seems to be the highest need with the fewest services. Individuals with a behavioral health diagnosis must be reassessed annually in order to stay in the PASSE system; individuals with intellectual development disabilities must be reassessed every 3 years. Providers are now able to treat individuals with a dual diagnosis instead of separately as in the past. Ms. Melissa Stone stated that DMS/DHS is in the process of reviewing provider/model to provide services for individuals with a dual diagnosis and will also work with current providers to change their models. Within the next few months, focus groups will be set up and families included in the decision making process. Families will also be asked to provide feedback when the agency begins tweaking services and making changes to service descriptions. Approximately 40,000 people receive services through a PASSE.

Roxanne Dailey, citizen, testified that she is having an issue with her primary insurance company and Medicaid not paying her child's physical therapist assistant. Ms. Stone advised that she is aware of the problem and has a follow-up meeting scheduled for further discussion. She noted if a service is not covered by the primary insurance policy, Medicaid will not pay, either and that previous Medicaid claims were paid in error. Ms. Janet Mann, Director, DMS/DHS advised she will work with Ms. Dailey to look for other options/solutions.

State Licensure Process for BCBAs and/or ABA Therapy Clinics – Dr. Barnes and Ms. Jennifer Kirby provided input on the licensure process. Ms. Varady stated that she would like to look at the process in other states to see what is considered the gold standard in licensing. Senator Ingram suggested that interested stakeholders get with Ms. Varady to research the process in other states and report back to the task force.

Senator Ingram questioned if the number of complaints/problems with care coordinators have dropped to a reasonable level and was advised that the widespread problems discussed previously have settled down to isolated incidents and in making sure the systems are linked.

With no further business, the meeting adjourned at 2:50 p.m.