

## MINUTES

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

March 14, 2012  
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The House and Senate Interim Committees on Public Health, Welfare and Labor met Wednesday, March 14, 2012 at 1:30 p.m. in Room 171 at the State Capitol, Little Rock, Arkansas.

**Public Health Senate members attending were:** Senators Percy Malone, Chair; Randy Lavery, Vice Chair; Cecile Bledsoe, David Burnett, Jack Crumbly, Jonathan Dismang, and Missy Irvin.

**Public Health House members attending were:** Representatives Linda Tyler, Chair; Clark Hall, Barry Hyde, Sheilla Lampkin, Andrea Lea, Andy Mayberry, Garry Smith, and Jeff Wardlaw.

**Non-Voting Public Health House members attending were:** Representatives Bruce Cozart, David Meeks, and Tommy Thompson.

**Other legislators attending were:** Senators Mike Fletcher, and Jeremy Hutchinson. Representatives Tommy Baker, Nate Bell, Lori Benedict, Linda Collins-Smith, Betty Overbey, Bobby J. Pierce, James Ratliff, Johnnie Roebuck, and Thomas Wren.

#### **REVIEW OF MINUTES FROM THE JANUARY 12, 2012 MEETING (EXHIBIT B)**

Representative Linda Tyler stated that without objection the minutes will stand as reviewed.

#### **COMMENT FROM THE CHAIR**

Chair Tyler stated that without objection, Item E will be taken first so a few committee members may vote and go to another meeting.

#### **DEPARTMENT OF HUMAN SERVICES, DIVISION OF MEDICAL SERVICES, REVIEW OF THE REGULATIONS FOR REHABILITATIVE SERVICES FOR PERSONS WITH MENTAL ILLNESS (RSPMI), UPDATE 2-11—ALLOWS VIDEO CONFERENCING AND DISTANCE EDUCATION TO REDUCE COST OF PROVIDERS (EXHIBIT E)**

Jeff Wood, Deputy Counsel, Office of Chief Counsel, Department of Human Services, briefly discussed the proposal to allow video conferencing and distance education which will reduce the cost of services to RSPMI providers.

Representative Tyler stated that without objection the rule will stand as reviewed.

#### **ARKANSAS DEPARTMENT OF ENVIRONMENTAL QUALITY, REVIEW OF REGULATION #5, LIQUID ANIMAL WASTE MANAGEMENT SYSTEMS (EXHIBIT C)**

Teresa Marks, Director, and Ryan Benefield, Deputy Director, both with the Arkansas Department of Environmental Quality, briefly discussed the proposed change to Regulation #5 in the Liquid Animal Waste Management Systems. The proposed changes will make this regulation more consistent with federal regulations.

Representative Tyler stated that without objection the rule will stand as reviewed.

#### **ARKANSAS DEPARTMENT OF ENVIRONMENTAL QUALITY, REVIEW OF REGULATION #6, REGULATIONS FOR STATE ADMINISTRATION OF THE NATIONAL POLLUTANT DISCHARGE ELIMINATION SYSTEM (NPDES) (EXHIBIT D)**

Teresa Marks, Director, and Ryan Benefield, Deputy Director, both with the Arkansas Department of Environmental Quality, briefly discussed the proposed changes to Regulation #6. The proposed changes to Regulation #6 will remove Chapter 5, add Regulation #6.203 (creating a permit by rule storm water discharges from small construction sites, add Regulation #6.205 (governs the financial assurance permitting requirements for non-municipal sewage treatment works), and include minor formatting changes.

Representative Tyler stated that without objection the rule will stand as reviewed.

**ARKANSAS DEPARTMENT OF HEALTH, REVIEW OF RULES & REGULATION CHANGES FOR PERFUSIONISTS (EXHIBIT F)**

Connie Melton, Section Chief of Health Facility Services, and Robert Brech, Deputy General Counsel, both with the Arkansas Department of Health, presented the proposed changes to the rules and regulations for perfusionists.

Representative Tyler stated that without objection the rule will stand as reviewed.

**ARKANSAS DEPARTMENT OF HEALTH, REVIEW OF RULES & REGULATIONS PERTAINING TO SWIMMING POOLS AND OTHER RELATED FACILITIES (EXHIBIT G)**

Robert Brech, Deputy General Counsel, Arkansas Department of Health, presented the proposed changes to the rules and regulations regarding public swimming pools and other related facilities. These changes will update the rule for clarity, address new industry technology, and improve the safety of patrons.

Representative Tyler stated that without objection the rule will stand as reviewed.

**ARKANSAS DEPARTMENT OF HEALTH, REVIEW OF RULES & REGULATIONS PERTAINING TO ONSITE WASTEWATER (EXHIBIT H)**

Robert Brech, Deputy General Counsel, and Terry Paul, Branch Chief, Environmental Health, both with the Arkansas Department of Health, briefly presented the proposed changes to the onsite wastewater rules and regulations. These changes will update the rule for clarity, due to regulatory changes by other agencies.

Representative Tyler stated that without objection the rule will stand as reviewed.

**ARKANSAS DEPARTMENT OF HEALTH, REVIEW OF RULES & REGULATIONS PERTAINING TO COSMETOLOGY IN ARKANSAS—FEE DECREASE FOR COSMETOLOGY PRACTITIONERS LICENSE (EXHIBIT I)**

Robert Brech, Deputy General Counsel, and Renee Mallory, Branch Chief, Health Systems Licensing & Regulation, both with the Arkansas Department of Health, presented the proposed rule change for Arkansas Cosmetology. The proposed change will decrease the fee for cosmetology practitioners.

Representative Tyler stated that without objection the rule will stand as reviewed.

**ARKANSAS DEPARTMENT OF HEALTH, REVIEW OF PROPOSED RULES & REGULATIONS FOR CONTROL OF SOURCES OF IONIZING RADIATION (EXHIBIT J)**

Robert Brech, Deputy General Counsel, and Renee Mallory, Branch Chief, Health Systems Licensing & Regulation, both with the Arkansas Department of Health, presented the proposed revisions to the rules and regulations on the control of sources of ionizing radiation. This proposed rule change will set radioactive material license fees at 15% of the U.S. Nuclear Regulatory Commission's annual fees.

Representative Tyler stated that without objection the rule will stand as reviewed.

**OTHER BUSINESS**

Representative Tyler stated that the document presently being handed out to committee members is from the Department of Human Services. This is the information on RSPMI providers that was requested by committee members at the December 13, 2011 meeting.

The meeting adjourned at 2:10 p.m.