

MINUTES

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

May 17, 2012

The House and Senate Interim Committees on Public Health, Welfare and Labor met Thursday, May 17, 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; Cecile Bledsoe, David Burnett, Jack Crumbly, and Jonathan Dismang.

Public Health House members attending were: Representatives Linda Tyler, Chair; Billy Gaskill, Clark Hall, Barry Hyde, Andrea Lea, Greg Leding, Buddy Lovell, Andy Mayberry, Mark Perry, Charolette Wagner, and Butch Wilkins.

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

Other legislators attending were: Representatives Tommy Baker, Lori Benedict, David Fielding, Mary “Prissy” Hickerson, Loy Mauch, Betty Overbey, Mike Patterson, and Thomas Wren.

REVIEW OF MINUTES FROM THE MAY 2, 2012 MEETING (EXHIBIT B)

Chair Percy Malone stated that without objection the minutes will stand as reviewed.

ADOPTION OF INTERIM STUDY PROPOSALS, ISP2011-202 AND ISP2011-201 (EXHIBITS C-1, & C-2)

Senator Malone stated that without objection, both proposals would stand as adopted.

DEPARTMENT OF HUMAN SERVICES, QUARTERLY MEDICAID REPORTS FOR SFY2012, 2nd QUARTER, OCTOBER 1, 2011 THROUGH DECEMBER 31, 2011; AND 3rd QUARTER, JANUARY 1, 2012 THROUGH MARCH 31, 2012 (A.C.A. 10-77-111) (EXHIBITS D-1 & D-2)

Tommy Carlisle, Chief Fiscal Officer, Division of Medical Services, and Sharon Jordan, Business Operations Manager, Division of Medical Services, both with the Department of Human Services (DHS), presented the Medicaid Reports for the 2nd and 3rd quarters of State Fiscal Year (SFY) 2012. For clarification on current Medicaid expenditures, Mr. Carlisle presented the 2nd Quarter of SFY2012 in detail.

Mr. Carlisle stated that within the last six weeks, Medicaid has used \$60 million from the Trust Fund, leaving a balance of \$110 million. These funds will be totally exhausted by the end of SFY2013. Beginning with SFY2014, the projected shortfall will be between \$250 – \$400 million.

Representative Barry Hyde asked DHS to provide the Public Health committees with a breakdown of their annual Medicaid revenue stream, in a simple, reader-friendly, one-page format. He also requested a simplified 2-3 page cash flow analysis, as this will help the committees to make better projections concerning the Medicaid shortfall. Mr. Carlisle said this information would be provided to the committees.

ARKANSAS DEPARTMENT OF ENVIRONMENTAL QUALITY, REVIEW OF REGULATION #30, REMEDIAL ACTION TRUST FUND, HAZARDOUS SUBSTANCE SITE PRIORITY LIST (EXHIBIT E)

Teresa Marks, Director, Arkansas Department of Environmental Quality (ADEQ), and Clyde Rhodes, Chief, Hazardous Waste Division, ADEQ, presented the review of Regulation #30. The proposed change is to update the Hazardous Substances Site Priority List.

Chair Percy Malone stated that without objection Regulation #30 will stand as reviewed.

ARKANSAS DEPARTMENT OF ENVIRONMENTAL QUALITY, REVIEW OF REGULATION #9, AIR PERMIT FEE EXCLUSIONS, PROPOSED RULE WILL EXCLUDE CARBON DIOXIDE AND METHANE FROM BEING INCLUDED AS CHARGEABLE EMISSIONS UNDER AIR PERMIT FEES (EXHIBIT F)

Teresa Marks, Director, Arkansas Department of Environmental Quality (ADEQ), and Mike Bates, Chief, Air Division, ADEQ, presented the review of Regulation #9, along with Regulations 19 and 26, as they are concerning the same issue (*Handout #1*). The adoption of the proposed changes will allow Arkansas to adopt the federal standards that have been promulgated regarding greenhouse regulation. These changes are a result of the federal Environmental Protection Agency's (EPA) Greenhouse Gas Tailoring Rule.

Chair Percy Malone stated that without objection Regulations 9, 19, & 26 will stand as reviewed.

ARKANSAS DEPARTMENT OF ENVIRONMENTAL QUALITY, REVIEW OF REGULATION #19, REGULATIONS OF THE ARKANSAS PLAN OF IMPLEMENTATION FOR AIR POLLUTION CONTROL TO COMPLY WITH FEDERAL STATUTE, RULE OR REGULATION—PREVENTION OF SIGNIFICANT DETERIORATION AND TITLE V GREENHOUSE GAS TAILORING RULE PUBLISHED IN FEDERAL REGISTER, JUNE 3, 2010 (EXHIBIT G)

See Exhibit F above.

ARKANSAS DEPARTMENT OF ENVIRONMENTAL QUALITY, REVIEW OF REGULATION #26, ARKANSAS REGULATIONS OF THE ARKANSAS OPERATING AIR PERMIT PROGRAM TO COMPLY WITH FEDERAL STATUTE, RULE, OR REGULATION (EXHIBIT H)

See Exhibit F above.

ARKANSAS DEPARTMENT OF ENVIRONMENTAL QUALITY, REVIEW OF REGULATION #14, WASTE TIRE PROGRAM, PROPOSED RULES WILL CHANGE ADMINISTRATIVE PROCEDURES OF THE WASTE TIRE PROGRAM (EXHIBIT I)

Teresa Marks, Director, Arkansas Department of Environmental Quality, presented the proposed changes to Regulation 14. The proposed change amends Regulation 14 to conform with the statutory language that was adopted in the last full legislative session.

Chair Percy Malone stated that without objection Regulation #14 will stand as reviewed.

ARKANSAS DEPARTMENT OF ENVIRONMENTAL QUALITY, REVIEW OF REGULATION #23, HAZARDOUS WASTE MANAGEMENT PROGRAM, PROPOSED RULES ADOPTS NEWLY REVISED FEDERAL RULES (EXHIBIT J)

Teresa Marks, Director, Arkansas Department of Environmental Quality, presented the proposed amendment to Regulation 23, which would adopt the federal revisions to the hazardous waste management rules.

Chair Percy Malone stated that without objection Regulation #23 will stand as reviewed.

ARKANSAS DEPARTMENT OF HEALTH, REVIEW OF RULES/REGULATIONS PERTAINING TO IMMUNIZATION REPORTING (EXHIBIT K)

Robert Brech, Deputy General Counsel, Arkansas Department of Health, presented the review on immunization reporting. This rule was presented and reviewed at a Public Health Committee meeting earlier this year, however, proper public notice was not given. As a result, all required procedures for public notification have been properly carried out the second time, and this rule is being presented again today to the Public Health, Welfare & Labor Committees.

Chair Percy Malone stated that without objection, the regulation pertaining to immunization reporting will stand as reviewed.

DEPARTMENT OF HUMAN SERVICES, DIVISION OF MEDICAL SERVICES, REVIEW OF PROSTHETICS 1-12 AND SECTION V 1-12—PROSTHETICS MANUAL UPDATED TO INDICATE THAT FORM DMS-648 HAS BEEN RENAMED TO UPPER-LIMB PROSTHETIC EVALUATION, AND FORM DMS-650 HAS BEEN RENAMED LOWER LIMB PROSTHETIC EVALUATION, AND UPDATED TO DISCONTINUE FORM DMS-646 AND PROVIDER SHOULD USE FORM DMS-650 (EXHIBIT L)

Marilyn Strickland, Assistant Director, Division of Medical Services, Department of Human Services, stated the proposed amendment revises the prosthetic evaluation forms thereby updating the Prosthetics Manual.

Chair Percy Malone stated that without objection, the proposed changes to the Prosthetics Manual will stand as reviewed.

DEPARTMENT OF HUMAN SERVICES, DIVISION OF MEDICAL SERVICES, REVIEW OF DENTAL 1-12 WHICH DEFINES STANDARDS FOR PROFESSIONAL CONDUCT AND TOBACCO CESSATION SERVICES WITHIN DENTAL PROGRAM (EXHIBIT M)

Marilyn Strickland, Assistant Director, Division of Medical Services, Department of Human Services, presented proposed changes to the Dental Manual. The proposed changes to the Dental Manual will amend four sections, and add six new sections.

Chair Percy Malone stated that without objection, the proposed changes to the Dental Manual will stand as reviewed.

DEPARTMENT OF HUMAN SERVICES, DIVISION OF MEDICAL SERVICES, REVIEW OF REHABILITATIVE SERVICES FOR PERSONS WITH MENTAL ILLNESS (RSPMI) UPDATE NO. 2-12 AND STATE MEDICAID PLAN AMENDMENT 2012-006 (EXHIBIT N)

Marilyn Strickland, Assistant Director, Division of Medical Services, Department of Human Services, presented the proposed changes to the RSPMI Update No. 2-12, and to the state Medicaid Plan Amendment 2012-006. This rule will allow Psychiatric Mental Health Advanced Nurse Practitioners to perform the Psychiatric Diagnostic Assessment (the initial and the Psychiatric Diagnostic Assessment) continuing care within the RSPMI program.

Chair Percy Malone stated that without objection, the proposed changes will stand as reviewed.

DEPARTMENT OF HUMAN SERVICES, DIVISION OF MEDICAL SERVICES, REVIEW OF PROPOSED RULE TO ENSURE THE USE OF RESPECTFUL LANGUAGE REGARDING DISABILITIES TO COMPLY WITH ACT 98 OF 2011 (EXHIBIT O)

Marilyn Strickland, Assistant Director, Division of Medical Services, Department of Human Services, presented the proposed rule which ensures the use of respectful language when referring to or talking to persons with disabilities. This is in compliance with Act 98 of 2011.

Chair Percy Malone stated that without objection, the proposed rule complying with Act 98 of 2011 will stand as reviewed.

The meeting adjourned at 2:35 p.m.