

MINUTES

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

November 15, 2011

The House and Senate Interim Committees on Public Health, Welfare and Labor met Tuesday, November 15, 2011 at 10:00 a.m. in Room 130 at the State Capitol, Little Rock, Arkansas.

Public Health Senate members attending were: Senators Percy Malone, Chair; Cecile Bledsoe, David Burnett, and Missy Irvin.

Public Health House members attending were: Representatives Jon Woods, Vice Chair; Billy Gaskill, Clark Hall, Barry Hyde, Andrea Lea, Andy Mayberry, Mark Perry, Gary Smith, and Butch Wilkins.

Non-Voting Public Health House members attending were: Representatives Jonathan Barnett, Jody Dickinson, and Tommy Thompson.

Other legislators attending were: Senators Mike Fletcher, Steve Harrelson, Sue Madison, and David Wyatt. Representatives Jerry Brown, Mary "Prissy" Hickerson, Randy Stewart, and Tommy Wren.

Senator Percy Malone called the meeting to order.

REVIEW OF MINUTES FROM THE OCTOBER 18-19, 2011 MEETINGS (EXHIBITS B-1 & B-2)

Senator Percy Malone stated that without objection the minutes would be approved.

SUBSTANCE ABUSE PREVENTION TASK FORCE PROGRESS REPORT (EXHIBIT C)

Senator Mike Fletcher, Chair of the Substance Abuse Prevention Task Force, presented the progress report of the 2009-2010 Substance Abuse Prevention Task Force. Senator Fletcher stated there has been no significant progress in obtaining funding for the programs listed in this report.

Senator Percy Malone stated that without objection, this report would be filed.

FAMILY SAVINGS INITIATIVE ANNUAL REPORT (INDIVIDUAL DEVELOPMENT ACCOUNTS, TRANSITIONAL EMPLOYMENT ASSISTANCE PROGRAM, DEPARTMENT OF WORKFORCE SERVICES) (EXHIBIT D)

Phil Harris, Assistant Director, Transitional Assistance for Needy Families (TANF) Program, Department of Workforce Services, presented the State Fiscal Year 2010 annual report for this program. Even though the Arkansas Department of Workforce Services solicits new vendors each year for this program, it is hoped that the three non-profit vendors who withdrew their services will return to the program.

Senator Percy Malone stated that without objection, this report would be filed.

DISCUSSION OF INTERIM STUDY PROPOSAL ISP2011-073 – "AN ACT TO CREATE A STUDY OF ELECTRONIC PRESCRIBING; AND FOR OTHER PURPOSES" (EXHIBIT E)

Senator Cecile Bledsoe, Sponsor; Mike Mitchell, Attorney, Mitchell, Blackstock, Ivers & Sneddon, PLLC; and Brenda Gleason, President, M2 Health Care Consulting, presented ISP2011-073.

Mike Mitchell, Attorney, Mitchell, Blackstock, Ivers & Sneddon, PLLC; supports ISP2011-073 on behalf of Pfizer Pharmaceuticals. Mr. Mitchell stated that in order to be effective in 2013, this ISP has been narrowed down to two main points:

- ◆ Prohibiting pop-ups
- ◆ allowing prior authorizations electronically

Brenda Gleason, President/Founder of M2 Health Care Consulting, was vice president of the first company to initiate an e-prescribing system in 2005 for Medicaid physicians. M2 Health Care Consulting has offices in Denver, Colorado and Washington D.C. Ms. Gleason stated there has been a vast increase (from 2%-30%) in e-prescriptions within the last year. Allowing prior authorizations to also be sent electronically would greatly enhance the process for patients, physicians, and pharmacists.

Senator Malone wanted to know who would pay for electronic prior authorizations. Ms. Gleason stated that even though the cost is included in the electronic medical record system, Arkansas pharmacies currently bear most of the cost for electronic prescriptions and prior authorizations. In the future there will be no charge for this service. For Medicare physicians it will be mandatory by 2015 for them to submit prescriptions and prior authorizations electronically.

After much discussion, Senator Malone stated that ISP2011-073 would be scheduled for discussion at a future meeting. Senator Bledsoe agreed that further discussion is needed and requested it be added to a subcommittee meeting agenda. Senator Malone concurred.

DEPARTMENT OF HUMAN SERVICES, MEDICAL SERVICES DIVISION, REVIEW PROPOSED AMENDMENTS OF RULES & REGULATIONS PERTAINING TO REHABILITATIVE SERVICES FOR PERSONS WITH MENTAL ILLNESS (RSPMI), UPDATE 3-11 (EXHIBIT F)

Marilyn Strickland, Chief Operating Officer, Medicaid, Medical Services Division, Department of Human Services (DHS); Jeff Wood, Deputy Counsel, Office of Chief Counsel, Department of Human Services; and Anita Castleberry, Medical Assistance Manager, Behavioral Health Unit, Department of Human Services presented the proposed amendments to the RSPMI rules and regulations.

The proposed amendments will update the retrospective review sections of the RSPMI manual. At the stakeholders' meeting on October 13, 2011, there were no objections to these changes.

Senator Malone stated that without objection the rule would stand as reviewed.

ARKANSAS DEPARTMENT OF HEALTH, REVIEW OF PROPOSED AMENDMENTS OF THE RULES & REGULATIONS PERTAINING TO FOOD ESTABLISHMENTS (EXHIBIT G)

Robert Brech, Deputy General Counsel, Arkansas Department of Health, presented the proposed amendments. Mr. Brech stated the purpose of this rule is to update the FDA Food Code from the 2003 version to the 2009 version.

Ashley Nale, Environmental Manager, Southwest Arkansas, Arkansas Department of Health, said this change to the 2009 FDA Food Code will add flexibility for consumers and restaurateurs with respect to food preparation and food handling.

Senator Malone stated that without objection the rule would stand as reviewed.

ARKANSAS DEPARTMENT OF HEALTH, REVIEW OF PROPOSED REPEAL OF THE RULES & REGULATIONS PERTAINING TO RECREATIONAL LOTS (EXHIBIT H)

Robert Brech, Deputy General Counsel, Arkansas Department of Health, presented the proposed change to the rules & regulations of recreational lots. Mr. Brech said the purpose of this change is to repeal a rule that has not been used in several years, and when it was used, there were negative environmental impacts.

Senator Malone stated that without objection the rule would stand as reviewed.

ARKANSAS DEPARTMENT OF HEALTH, REVIEW OF PROPOSED REPEAL OF THE RULES & REGULATIONS PERTAINING TO PRIVATE, PUBLIC, & PAROCHIAL SCHOOLS (EXHIBIT I)

Robert Brech, Deputy General Counsel, Arkansas Department of Health, presented the proposal to repeal an outdated rule which is no longer applicable.

Senator Malone stated that without objection the rule would stand as reviewed.

ARKANSAS DEPARTMENT OF HEALTH, REVIEW OF PROPOSED AMENDMENTS TO THE RULES PERTAINING TO PUBLIC WATER SYSTEMS (EXHIBIT J)

Robert Brech, Deputy General Counsel, Arkansas Department of Health, said as a result of Act 197 of 2011, this proposed amendment will include mandatory fluoridation of water systems.

Senator Malone stated that without objection the rule would stand as reviewed.

ARKANSAS DEPARTMENT OF HEALTH, REVIEW PROPOSED AMENDMENTS TO THE LIST OF CONTROLLED SUBSTANCES (EXHIBIT K)

Robert Brech, Deputy General Counsel, Arkansas Department of Health, presented the proposed amendments for updating the controlled substances list.

Mr. Brech stated that the Pharmacy Board pointed out a clause that will have to be removed to be consistent with Act 588 of 2011. This clause is on page 14 of the rule, right below subsection D-4, which states that sales of pseudoephedrine by prescription are exempt from Schedule 5 classification. Prescription pseudoephedrine is no longer exempt from Schedule 5.

Senator Malone called for an oral amendment to remove the contradictory clause. There was no objection from the members, and Mr. Brech agreed to make the correction. Senator Malone stated the rule stands reviewed per removal of the contradictory clause.

The meeting adjourned at 11:09 a.m.