

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

December 13, 2011  
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The House and Senate Interim Committees on Public Health, Welfare and Labor met Tuesday, December 13, 2011 at 10:00 a.m. in Committee Room B at the Big MAC Building, Little Rock, Arkansas.

**Public Health Senate members attending were:** Senators Percy Malone, Chair; Cecile Bledsoe, Jack Crumbly, Jonathan Dismang, Missy Irvin, and Bill Pritchard.

**Public Health House members attending were:** Representatives Linda Tyler, Chair; Jon Woods, Vice Chair; Fred Allen, Billy Gaskill, Clark Hall, Barry Hyde, Andrea Lea, Greg Leding, Buddy Lovell, Stephanie Malone, Andy Mayberry, Mark Perry, Garry Smith, and Charolette Wagner.

**Non-Voting Public Health House members attending were:** Representatives Jonathan Barnett, Bruce Cozart, Debra Hobbs, and David Meeks.

**Other legislators attending were:** Senators Paul Bookout, Joyce Elliott, Mike Fletcher, and Jimmy Jeffress. Representatives Denny Altes, Duncan Baird, Tommy Lee Baker, Jerry Brown, John Burris, John Catlett, Jeremy Gillam, Donna Hutchinson, Kelley Linck, Betty Overbey, James Ratliff, Gary Stubblefield, Darren Williams, and Thomas Wren.

Representative Linda Tyler called the meeting to order.

**REVIEW OF MINUTES FROM THE NOVEMBER 15, 2011 MEETING** (EXHIBIT B)

Representative Tyler stated that without objection the minutes would be approved.

**ADOPTION OF INTERIM STUDY PROPOSAL, ACT 1162 OF 2011 – “An Act to Create a Cultural Competence Interim Study; and For Other Purposes.”** (EXHIBIT C)

Senator Joyce Elliott, co-sponsor, presented Act 1162 of 2011 to the committee members. Representative Garry Smith made a motion to adopt Act 1162 of 2011, and it passed without objection.

**ADOPTION OF INTERIM STUDY PROPOSAL, ISP2011-187 – Concerns a Study of the Costs to Consumers and Insurance Companies of Presently Mandated Health Insurance Coverage, and the Potential Costs of Retaining State Mandated Coverage Under the Patient Protection and Affordable Care Act** (EXHIBIT D)

Representative David Meeks, sponsor, presented ISP2011-187 to the committee members. Representative Andy Mayberry made a motion to adopt ISP2011-187, and it passed without objection.

**REINVESTING IN ARKANSAS FAMILIES, PRESENTATION OF A THREE-YEAR COMPREHENSIVE ANNUAL REPORT ON ARKANSAS TEMPORARY ASSISTANCE FOR NEEDY FAMILIES PROGRAM (TANF), DEPARTMENT OF WORKFORCE SERVICES (DWS)** (EXHIBIT E)

Phil Harris, Assistant Director, TANF, Department of Workforce Services (DWS), presented the annual report for the TANF Program. Three initiatives implemented in the TANF Program in calendar year 2010 were:

- ◆ Winter heat assistance for needy families
- ◆ Subsidized youth employment program
- ◆ Summer food and nutrition program

These programs have made an impact on Arkansas families, and TANF has spent a little over \$6 million on these initiatives. Receiving support and technical assistance from the federal government, the Career Pathways Initiative was selected as one of the 10 most promising Pathways in the United States.

Over 22% of TANF funding is used for federally mandated cash assistance and IT expenses related to cash assistance. Congress eliminated the supplemental TANF grants to states in the new federal budget year, which began October 1, 2011. Arkansas will lose \$6.2 million due to this change.

As a result of the \$6.2 million cut, the Community Investment Initiative will be discontinued, which means The Boys & Girls Clubs of Arkansas program will be eliminated. In addition, the Work Pays Program may be impacted. There may be other federal budget reductions in the TANF Block Grant to states.

Representative Barry Hyde expressed his disappointment in the funding cutback for the Boys & Girls Clubs. Representative Hyde said he understood that DWS just received an additional \$1.7 million TANF grant and he wanted to know why that money could not be used to fund the Boys & Girls Clubs. Mr. Harris said the additional grant is called a Contingency Fund Grant. It is currently being used to fund current federally mandated programs first, and then state mandated programs. The grant to the Boys & Girls Clubs of Arkansas is not a mandated federal or state program.

In light of the severe cutbacks, Mr. Harris and DWS are currently re-evaluating to prioritize the DWS budget, while keeping the Governor, Artee Williams (Director of DWS), and the stakeholders informed of the progress on the budget revamping.

Mr. Harris was asked about the 8% of TANF Funds that are categorized as general. Representative Hobbs requested a breakdown of the expenditures in this category, and Mr. Harris agreed to get the information to Representative Hobbs.

Representative Donna Hutchinson said Joint Budget Committee would like that same information and to also include the purpose of the grandparent study (Arkansas Kinship Caregivers Program Study).

**REVIEW OF THE ARKANSAS TOBACCO SETTLEMENT COMMISSION QUARTERLY PROGRAM REPORTS FOR APRIL, 2011 – JUNE, 2011, AND JULY, 2011 – SEPTEMBER, 2011** (EXHIBITS F-1, F-2)

John Ahlen, Ph.D., Tobacco Settlement Commissioner and President of the Arkansas Science & Technology Authority; presented two quarterly reports for the commission. During 2011 site visits were made by the commission to all of the tobacco settlement program sites.

Senator Bill Pritchard wanted an update on the replacement for the former Arkansas Tobacco Settlement Commission (ATSC) Director, Aaron Black. Mr. Ahlen stated the commission is meeting today and is expected to name one of the two remaining applicants as Mr. Black's successor.

Mr. Ahlen said the commission evaluates the tobacco programs. There are three types of objectives for each program:

- ◆ Short Term
- ◆ Intermediate Term
- ◆ Long Term

Mr. Ahlen said it is time to look at the long term objectives outlined in the Act and bring them before the Public Health Committees, with evaluations around those eleven or twelve things. Mr. Ahlen stated that the ATSC's future quarterly reports will be presented in clearer form to the committees.

Dr. Becky Hall, Director, Delta AHEC, Eastern Arkansas, said the tobacco tax dollars fund the same programs at all Area Health Education Centers (AHEC). The tobacco settlement monies only fund the Delta AHEC because it is one of the original targeted programs of the Arkansas Tobacco Settlement Commission.

**REVIEW OF THE 2010 ANNUAL REPORT OF EARLY HEARING DETECTION & INTERVENTION** (EXHIBIT G)

Millie Sanford, Section Chief, Child & Adolescent Health, Arkansas Department of Health, and Dr. Bob West, Family Health Branch, Arkansas Department of Health; presented a brief overview of the 2010 annual report. Ms. Sanford stated Arkansas has the two-step screening process before an infant leaves the hospital, because a baby's condition may change in the course of a few days; thus providing a more accurate hearing test result.

**DEPARTMENT OF HUMAN SERVICES, BEHAVIORAL HEALTH SERVICES, REVIEW OF REHABILITATION SERVICES FOR PERSONS WITH MENTAL ILLNESS (RSPMI), PROVIDER CERTIFICATION AMENDMENT 2 (CONTINUE MORATORIUM ON THE CERTIFICATION OF NEW RSPMI SITES)** (EXHIBIT H)

Breck Hopkins, Chief counsel, Department of Human Services, stated this proposed amendment is for a one year extension of the current moratorium.

Mr. Hopkins stated the reasons for the requested one year extension of the moratorium are:

- ◆ The program is having issues with quality outcomes (children were not getting better in the program)
- ◆ To recertify providers
- ◆ To decrease over-utilization of this program (moratorium slowed the growth rate)
  - The Medicaid budget does not provide substantial expansion funding
- ◆ To allow time to find more efficient ways to deliver outpatient mental health services
- ◆ To filter out incapable providers.

Charlotte Carlson, Director of Policy and Certification, Division of Behavioral Health, Department of Human Services, said getting into school based programs is different for each school district. Each school district has control of which provider provides services in their school system. Each school district designates a gatekeeper (e.g. a counselor or a social worker) to take referrals from school personnel and submit them directly to the RSPMI provider or any provider within the school. Parents may also make referrals to RSPMI providers. Criteria for eligibility into the RSPMI program is the same for all. A licensed mental health professional employed by the RSPMI provider examines the client and makes the diagnosis.

Representative Mayberry suggested that a three or six month moratorium would be more efficient than the current yearly one. Mr. Hopkins said the Division of Behavioral Health Services would be open to presenting progress reports on the moratorium more frequently to the Public Health Committees, but maintain the current annual length. Representative Smith suggested keeping the yearly extension on the moratorium, with the stipulation to present quarterly progress reports to the committees. Representative Smith made the motion for this rule to stand reviewed.

Chair Tyler stated this rule stands as reviewed.

**ARKANSAS DEPARTMENT OF HEALTH, REVIEW OF RULES & REGULATIONS PERTAINING TO IMMUNIZATION REPORTING** (EXHIBIT I)

Robert Brech, Deputy General Counsel, Arkansas Department of Health, presented the proposed amendment pertaining to immunization reporting. The purpose of this rule is to comply with Act 179 of 2011, which expands the Immunization Registry to allow adult immunizations to be reported to the Department of Health, after receiving consent from the adult. It will also allow daycare providers to access the registry on a read-only basis so they can check the immunization status of children applying for daycare services.

Chair Tyler stated the rule stands as reviewed

**ARKANSAS STATE BOARD OF NURSING, REVIEW OF RULE TO PERMIT VOLUNTEERS IN PUBLIC SCHOOLS TO ADMINISTER GLUCAGON TO STUDENTS WITH TYPE 1 DIABETES WHEN NEEDED, AS AN EXCEPTION TO THE NURSE PRACTICE ACT** (EXHIBIT J)

Sue Tedford, Executive Director, Arkansas State Board of Nursing, presented the proposed change to the rule on Glucagon Administration in Chapter 9. This rule will allow volunteers in public schools to administer Glucagon to students with Type 1 Diabetes when needed.

Chair Tyler stated the rule stands as reviewed

The meeting adjourned at 12:10 p.m.