

MINUTES**SENATE AND HOUSE COMMITTEES ON PUBLIC HEALTH, WELFARE & LABOR****Monday, December 6, 2021****9:00 AM****Room A, MAC****Little Rock, Arkansas**

Committee members present: Senators Cecile Bledsoe, Chair; Breanne Davis, Ben Gilmore, Kim Hamme, Dan Sullivan, and David Wallace; Representatives Jack Ladyman, Chair; Deborah Ferguson, Vice Chair; Fred Allen, Mary Bentley, Joe Cloud, Bruce Coleman, Marsh Davis, Jim Dotson, Jon Eubanks, Jutin Gonzales, John Payton, Clint Penzo, Jeff Wardlaw, and Carlton Wing

Other members present: Senators Jimmy Hickey and Terry Rice; Representatives Bruce Cozart, Denise Ennett, and Kenneth Ferguson

Senator Bledsoe called the meeting to order

Approval of Minutes for the November 1, 2021, Meeting [Exhibit C]

Representative Cloud made a motion to approve the minutes, seconded by Representative Bentley, and the motion carried.

Report of the Maternal and Perinatal Outcomes Quality Review Committee and the Maternal Mortality Review Committee as authorized by Act 1032 and Act 829 of 2019 [Exhibits D1-D2]

Dr. William Greenfield, Medical Director for Family Health, Arkansas Department of Health (ADH), provided an overview of the reports of the Maternal and Perinatal Outcomes Quality Review Committee as well as the Maternal Mortality Review Committee.

Update on Pending Unemployment Insurance Claims Pending Action by the Division of Workforce Services of the Department of Commerce [Handout 1]

Mr. Jim Hudson, Deputy Director of Operations, Arkansas Economic Development Commission and Director of Strategy and Operations, Arkansas Department of Commerce, provided an update on the pending unemployment claims provided by the Division of Workforce Services.

Department of Public Safety (DPS), Division on Law Enforcement Standards and Training, Review of Rule [Exhibit G]

Ms. Amanda Yarbrough, JD, Attorney, Division of Law Enforcement Standards and Training, Department of Public Safety (DPS); and Mr. Brad King, Deputy Director, Division of Law Enforcement Standards and Training, DPS; discussed the proposed rule regarding the Commission on Law Enforcement Training (CLEST) changes.

Senator Bledsoe stated that without objection, the rule stands as reviewed.

Arkansas Department of Health (DHS), Division of Environmental Health Services, Review of Rule [Exhibit H]

Ms. Laura Shue, JD, General Counsel, ADH; and Mr. Terry Paul, Environmental Health Branch Chief, ADH; discussed the proposed rule pertaining to Drip Dispersal Sewage Disposal Systems.

Senator Bledsoe stated that without objection, the rule stands as reviewed.

Review of the Arkansas Tobacco Settlement Commission (ATSC) Quarterly Report [Exhibit I, Handout 2]

Mr. Matt Gilmore, Boards and Commissions Coordinator, ADH, discussed the Tobacco Settlement Commission Quarterly Report.

Senator Bledsoe stated that without objection, this report stands as reviewed.

Department of Human Services (DHS), Division of Medical Services (DMS), Review of Rule [Exhibit J]

Mr. Mark White, JD, Deputy Director and Chief of Staff, Legal, and Legislative Affairs, DHS; and Ms. Elizabeth Pittman, Director, Division of Medical Services, DHS; discussed the proposed rule regarding removing procedure codes in the DMS/Medicaid provider manual.

Senator Bledsoe stated that without objection, the rule stands as reviewed.

Department of Human Services (DHS), Division of Medical Services (DMS), Review of Rule [Exhibit K]

Mr. Mark White, JD, Deputy Director and Chief of Staff, Legal, and Legislative Affairs, DHS; and Ms. Elizabeth Pittman, Director, Division of Medical Services, DHS; discussed the proposed rule regarding updates to the Pharmacy Provider Manual as well as updates to the Medicaid State Plan to reflect changes made by Act 758 of 2021.

Senator Bledsoe stated that without objection, the rule stands as reviewed.

Department of Human Services (DHS), Division of County Operations (DCO), Review of Rule [Exhibit L]

Mr. Mark White, JD, Deputy Director and Chief of Staff, Legal, and Legislative Affairs, DHS; and Ms. Mary Franklin, Director, Division of County Operations, DHS; discussed the proposed rule which updates Medical Services Policy and implements Arkansas Health & Opportunity for Me program.

Senator Bledsoe stated that without objection, the rule stands as reviewed.

Department of Human Services (DHS), Division of Medical Services (DMS), Review of Rule [Exhibit M]

Mr. Mark White, JD, Deputy Director and Chief of Staff, Legal, and Legislative Affairs, DHS; and Ms. Elizabeth Pitman, Director, Division of Medical Services, DHS; discussed the proposed rule which requires that Continuous Glucose Monitors and related supplies be covered by Arkansas Medicaid.

Senator Bledsoe stated that without objection, the rule stands as reviewed.

Department of Human Services (DHS), Division of Medical Services (DMS), Review of Rule [Exhibit N]

Mr. Mark White, JD, Deputy Director and Chief of Staff, Legal, and Legislative Affairs, DHS; and Ms. Elizabeth Pitman, Director, Division of Medical Services, DHS; discussed the proposed

rule which implements Act 764 of 2021 that allows four additional types of professionally licensed clinicians to provide core services in Federally Qualified Health Centers.

Senator Bledsoe stated that without objection, the rule stands as reviewed.

Department of Human Services (DHS), Division of Medical Services (DMS), Review of Rule [Exhibit O]

Mr. Mark White, JD, Deputy Director and Chief of Staff, Legal, and Legislative Affairs, DHS; and Ms. Elizabeth Pitman, Director, Division of Medical Services, DHS; discussed the proposed rule which implements Act 767 and Act 829 of 2021 to allow the originating site to include the home of the client and to allow provider reimbursement for telemedicine provided via telephone.

Senator Bledsoe stated that without objection, the rule stands as reviewed.

Department of Human Services (DHS), Division of Developmental Disabilities Services (DDDS), Review of Rule [Exhibit P]

Mr. Mark White, JD, Deputy Director and Chief of Staff, Legal, and Legislative Affairs, DHS; and Ms. Melissa Stone, Director, Division of Developmental Disabilities Services, DHS; discussed the proposed rule pertaining to amendments of the Occupational Therapy, Physical Therapy, and Speech-Language Pathology Medicaid manual.

Senator Bledsoe stated that without objection, the rule stands as reviewed.

Department of Human Services (DHS), Division of Provider Services and Quality Assurance (DPSQA), Review of Rule [Exhibit Q]

Mr. Mark White, JD, Deputy Director and Chief of Staff, Legal, and Legislative Affairs, DHS; and Ms. Martina Smith, Director, Division of Provider Services and Quality Assurance, DHS; discussed the proposed rule pertaining to changes in staffing standards and reporting requirements for nursing facilities.

Senator Bledsoe stated that without objection, the rule stands as reviewed.

Department of Human Services (DHS), Division of Provider Services and Quality Assurance (DPSQA), Review of Rule [Exhibit R]

Mr. Mark White, JD, Deputy Director and Chief of Staff, Legal, and Legislative Affairs, DHS; and Ms. Martina Smith, Director, Division of Provider Services and Quality Assurance, DHS; discussed the proposed rule as initially promulgated and set to terminate on December 31, 2021 but amends the termination date to that of the federal public health emergency, including any extensions.

Senator Bledsoe stated that without objection, the rule stands as reviewed.

Department of Human Services (DHS), Division of Medical Services (DMS), Review of Rule [Exhibit S]

Mr. Mark White, JD, Deputy Director and Chief of Staff, Legal, and Legislative Affairs, DHS; and Ms. Elizabeth Pitman, Director, Division of Medical Services, DHS; discussed the proposed rule which clarifies the Arkansas Medicaid Hospital Provider Manual to define the operation of Outpatient Acute Crisis Units.

Senator Bledsoe stated that without objection, the rule stands as reviewed.

Department of Human Services (DHS), Division of Medical Services (DMS), Review of Rule [Exhibit T]

Mr. Mark White, JD, Deputy Director and Chief of Staff, Legal, and Legislative Affairs, DHS; and Ms. Elizabeth Pitman, Director, Division of Medical Services, DHS; discussed the proposed rule as initially promulgated and set to terminate on December 31, 2021 but amends the termination date to that of the federal public health emergency, including any extensions.

Senator Bledsoe stated that without objection, the rule stands as reviewed.

Department of Human Services (DHS), Division of Developmental Disabilities Services (DDDS), Review of Rule [Exhibit U]

Mr. Mark White, JD, Deputy Director and Chief of Staff, Legal, and Legislative Affairs, DHS; and Ms. Melissa Stone, Director, Division of Developmental Disabilities Services, DHS; discussed the proposed rule as initially promulgated and set to terminate on December 31, 2021 but amends the termination date to that of the federal public health emergency, including any extensions.

Senator Bledsoe stated that without objection, the rule stands as reviewed.

Department of Human Services (DHS), Division of Aging, Adult, & Behavioral Health Services (DAABHS), Review of Rule [Exhibit V]

Mr. Mark White, JD, Deputy Director and Chief of Staff, Legal, and Legislative Affairs, DHS; Mr. Jay Hill, Director, Division of Aging, Adult, and Behavioral Services, DHS; and Ms. Patricia Gunn, Deputy Director, Division of Aging, Adult, and Behavioral Services, DHS; discussed the proposed rule as initially promulgated and set to terminate on December 31, 2021 but amends the termination date to that of the federal public health emergency, including any extensions.

Senator Bledsoe stated that without objection, the rule stands as reviewed.

Department of Human Services (DHS), Division of Provider Services and Quality Assurance (DPSQA), Review of Rule [Exhibit W]

Mr. Mark White, JD, Deputy Director and Chief of Staff, Legal, and Legislative Affairs, DHS; and Ms. Martina Smith, Director, Division of Provider Services and Quality Assurance, DHS; discussed the proposed rule which implements the rules for Long Term Care Facility Nursing Assistant Training Program.

Senator Bledsoe stated that without objection, the rule stands as reviewed.

Other Business

Mr. Mark White, JD, Deputy Director and Chief of Staff, Legal, and Legislative Affairs, DHS; and Ms. Elizabeth Pitman, Director, Division of Medical Services, DHS; provided a brief update on Empower, including the readiness review and the partial suspension of Empower by Medicaid.

With no further business, the meeting adjourned at 11:15 a.m.