

**AGENDA**  
**Senate Committee on Public Health, Welfare, and Labor**  
**Senate Committee on State Agencies and Governmental Affairs**  
**House Committee on Public Health, Welfare, and Labor**  
**House Committee on State Agencies and Governmental Affairs**  
**Meeting Jointly**

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**Monday, December 10, 2018**

**9:00 AM**

**Room A, MAC**

**Little Rock, Arkansas**

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Sen. Cecile Bledsoe, Chair	Rep. Jeff Wardlaw, Chair	Rep. Warwick Sabin
Sen. Gary Stubblefield, Vice-Chair	Rep. Bob Ballinger, Chair	Rep. Kim Hendren
Sen. Eddie Cheatham, Vice-Chair	Rep. Deborah Ferguson, Vice-Chair	Rep. Robin Lundstrum
Sen. Stephanie Flowers	Rep. Jack Ladyman, Vice-Chair	Rep. Trevor Drown
Sen. Missy Irvin	Rep. Fredrick J. Love	Rep. Mary Bentley
Sen. David J. Sanders	Rep. Kim Hammer	Rep. Michelle Gray
Sen. Bart Hester	Rep. Jon S. Eubanks	Rep. Dwight Tosh
Sen. Bryan King	Rep. David Meeks	Rep. Justin Gonzales
Sen. John Cooper	Rep. Douglas House	Rep. Kenneth B. Ferguson
Sen. Scott Flippo	Rep. Charlotte V. Douglas	Rep. Justin Boyd
Sen. Terry Rice	Rep. Chris Richey	Rep. Ken Henderson
Sen. Trent Garner	Rep. Stephen Magie	Rep. James Sturch
Sen. Lance Eads	Rep. Jim Dotson	Rep. Brandt Smith
Sen. David Wallace	Rep. Josh Miller	Rep. Austin McCollum
Sen. Ricky Hill	Rep. Richard Womack	Rep. Bruce Coleman
	Rep. Andy Davis	Rep. Aaron Pilkington
	Rep. John Payton	Rep. Donald Ragland

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A. Call to Order

B. Comments by the Chairs

1. Senator Cecile Bledsoe
2. Representative Jeff Wardlaw

C. Consideration to Adopt the November 19, 2018, Meeting Minutes **(EXHIBIT C)**

D. Annual Status Report for Sexual Assault Prevention on Campus (Act 563 of 2017) AND Unplanned Pregnancy Prevention, Annual Report as Required by Act 943 of 2015. **(EXHIBITS D-1, D-2)**

1. Ann Clemmer, Senior Associate Director, Arkansas Department of Higher Education
2. Discussion and Action by the Committees

E. Arkansas Tobacco Settlement Commission (ATSC), Quarterly Report for January - March, 2018 **(EXHIBIT E)**

1. Matt Gilmore, Executive Director, ATSC
2. Discussion and Action by the Committees

F. Department of Human Services (DHS), Division of Medical Services (DMS), Review of Rule which Changes Incentive Payments for Arkansas Patient-Centered Medical Homes (PCMH) from Shared Savings Incentive Payments to Performance-Based Incentive Payments, Effective January 1, 2019, PCMH 1-18, SPA 2018-013 **(EXHIBIT F)**

1. Tami Harlan, Director, Division of Medical Services, DHS
2. Discussion and Action by the Committees

**Note: All exhibits for this meeting are available by electronic means and are accessible on the General Assembly's website at [www.arkleg.state.ar.us](http://www.arkleg.state.ar.us)**

**Notice: Silence your cell phones. Keep your personal conversations to a minimum. Observe restrictions designating areas as 'Members and Staff Only'.**

- G. Department of Human Services, Division of Medical Services, Review of Rule which Requires Home Health Providers to Comply with Criminal Background Checks, Effective January 1, 2019, Home Health 1-18 **(EXHIBIT G)**
1. Mark White, Deputy Director, Division of Aging, Adults, & Behavioral Health Services, DHS
  2. Discussion and Action by the Committees
- H. Department of Human Services, Division of Medical Services, Review of Rule which Requires Hospice Providers to Comply with Criminal Background Checks, Effective January 1, 2019; and Correct Name Change, Hospice 2-18 **(EXHIBIT H)**
1. Tami Harlan, Director, Division of Medical Services, DHS
  2. Discussion and Action by the Committees
- I. Department of Human Services, Division of County Operations, Review of Rule which Revises the Medical Services Policy to Incorporate the Center for Medicaid and Medicare Services' (CMS) New Interpretation of the Law that the Penalty Period Start Date for a Home and Community-Based Waiver Services (HCBS) Applicant Will be no Later than the Point at which the Applicant Would Otherwise be Receiving HCBS Waiver Coverage Except for the Penalty. It Also Revises Policy to Allow that an Individual May Establish their Own Special Needs Trust—Medical Services Policy Manual, Sections H-300 through H-325 **(EXHIBIT I)**
1. Mary Franklin, Director, Division of County Operations, DHS
  2. Discussion and Action by the Committees
- J. Department of Human Services, Division of Medical Services, Review of Rule which Primary Purpose is to Create a More Person-Centered Approach to Long-Term Services and Supports (LTSS) for Medicaid Beneficiaries Who Are Elderly or Are Adults with Physical Disabilities or Impairments. This Will Allow Greater Flexibility and Discretion for Nurses to Create Service Plans that Are Targeted to Each Person's Individual Needs: **(EXHIBIT J, & Handout)**
- ❖ Arkansas Medicaid Task and Hour Standards;
  - ❖ AR Choices in Homecare Home and Community-Based Services Waiver;
  - ❖ AR Choices in Homecare Home and Community-Based Services Waiver Manual 2-18;
  - ❖ Living Choices Assisted Living Home and Community-Based Services Waiver;
  - ❖ Living Choices Assisted Living Manual 1-18;
  - ❖ Independent Choices State Plan Amendment;
  - ❖ Independent Choices Manual 1-18;
  - ❖ Personal Care Manual 1-18;
  - ❖ Personal Care State Plan Amendment and Program for All-Inclusive Care for the Elderly (PACE) Manual 1-18
1. Mark White, Deputy Director, Division of Aging, Adults, & Behavioral Health Services, DHS
  2. Discussion and Action by the Committees
- K. Department of Human Services, Division of Medical Services, Review of Rule that Allows Beneficiaries Who Are Eligible for Arkansas Medicaid Healthcare Benefits on a Medical Spend-Down Basis and Who Are Medically Frail, to Have Access to Tier 2 and Tier 3 Behavioral Health Services, State Plan Amendment (SPA) 2018-16 **(EXHIBIT K)**
1. Paula Stone, Deputy Director, Division of Medical Services, DHS
  2. Discussion and Action by the Committees
- L. Department of Human Services, Division of Medical Services, Review of Rule which Moves the PASSE (Provider-Led Arkansas Shared Savings Entity) Program into Phase II which Makes the PASSE Responsible for Providing All CES (Children's Extensive Support) Waiver Services and State Plan Services, Including Those Home and Community-Based Supportive Services Contained in the 1915(i) State plan Amendment for Supportive Services for PASSE Clients, SPA 2018-17 **(EXHIBIT L)**
1. Melissa Stone, Director, Division of Developmental Disabilities Services (DDDS), DHS
  2. Paula Stone, Deputy Director, Division of Medical Services, DHS
  3. Discussion and Action by the Committees

- M. The Following Interim Study Proposals (ISPs) Need to be Adopted for Study by the Committee. This will Allow These Scope of Practice Studies to be Initiated at Least 30 Days Before the Convening of the Next Legislative Session. It is Anticipated that this Action Will Meet the House Rule 72(A) Regarding this Type of Legislation.
1. **ISP2017-146** – “An Act to Amend the Rabies Control Act Regarding Vaccinations Against Rabies for Animals; and for Other Purposes.” **(EXHIBIT M-1)**
    - a. Senator John Cooper, Sponsor
  2. **ISP2017-148** – “An Act to Authorize a Podiatrist to Have a Collaborative Practice Agreement with an Advanced Practice Registered Nurse; and for Other Purposes.” **(EXHIBIT M-2)**
    - a. Representative Justin Boyd, Sponsor
  3. **ISP2017-149** – “An Act to Authorize Full Independent Practice Authority to Advance Practice Registered Nurses Who Meet Certain Requirements; to Require the Arkansas State Medical Board to Certify Advanced Practice Registered Nurses with Full Independent Practice Authority; and for Other Purposes.” **(EXHIBIT M-3)**
    - a. Representatives Stephen Magie and Michelle Gray, Sponsors
  4. **ISP2017-150** – “Requesting the House Committee on Public Health, Welfare, and Labor Study the Transfer of Regulatory Oversight of Optometrists to the Arkansas State Medical Board.” **(EXHIBIT M-4)**
    - a. Representative Stephen Magie, Sponsor
  5. **ISP2017-151** – “An Act to Amend the Prescriptive Authority of an Advanced Practice Registered Nurse; and for Other Purposes.” **(EXHIBIT M-5)**
    - a. Representative Mary Bentley, Sponsor

N. Other Business

O. Adjournment