

MINUTES
SENATE COMMITTEE ON PUBLIC HEALTH, WELFARE, AND LABOR
House Committee on Public Health, Welfare, and Labor
Meeting Jointly
Monday, December 12, 2022
10:00 AM
Room A, MAC
Little Rock, Arkansas

Committee members present: Senator Cecile Bledsoe, Chair; Representatives Jack Ladyman, Chair; Deborah Ferguson, Vice Chair; Fred Allen, Mary Bentley, Joe Cloud, Bruce Coleman, Marsh Davis, Michelle Gray, Justin Gonzales, Stephen Magie, Mark Perry, Carlton Wing and Jeff Wardlaw

Other members present: Representatives Stan Berry, Kenneth B. Ferguson, Delia J. Haak, Tippi McCullough, Johnny Rye, Matthew J. Shepherd, Keith Slape, Dwight Tosh, DeAnn Vaught, and Danny Watson

Representative Ladyman called the meeting to order.

Consideration to approve the November 7, 2022, Meeting Minutes [Exhibit C]

Without objection, the minutes were approved.

Review of the Arkansas Tobacco Settlement Commission (ATSC) Quarterly Report January-March 2022 [Exhibit D]

Matt Gilmore, Boards and Commissions Coordinator, Arkansas Department of Health (ADH); Robert E. McGehee, Jr., Ph.D., Dean, UAMS Graduate School & Executive Director, Arkansas Biosciences Institute; and Emily Lane, Project Director for ATSC Evaluations, University of Central Arkansas (UCA) & Adjunct Instructor, Department of Health Sciences, UCA; discussed the January-March 2022 Quarterly Report for ATSC.

Review the Annual Summary Report of Vision Screenings in Arkansas Public and Charter Schools for School Year 2021-2022 [Exhibit E]

Cheria McDonald, BSN, RN, NCSN, State School Nurse Consultant, Division of Elementary and Secondary Education, Arkansas Department of Education, reviewed the Annual Summary Report of Vision Screenings in Arkansas Public and Charter Schools for School Year 2021-2022.

Status of the Electronic Waste Program (E-Waste)

Philip Cole, Director, Arkansas State Surplus, Arkansas Department of Transformation and Shared Services; Lauren Ballard, Interim Chief of Legal, Arkansas Department of Transformation and Shared Services; and Michael Grappe', Director of Special Projects, Arkansas Department of Energy & Environment; gave an on the status of the E-Waste Program.

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

Larry Crutchfield, Assistant Director, Division of County Operations, DHS, and Rosaura Page, Program Administrator, Division of County Operations, DHS, discussed the proposed rule, which streamlines the process for providing accurate information to the Office of Child Support Enforcement regarding the absent parent(s) for a Medicaid or SNAP applicant or recipient.

Representative Ladyman stated that, without objection, this rule stands as reviewed.

Department of Human Services, Division of Medical Services, Review of Rule [Exhibit H]

Elizabeth Pitman, Director, Division of Medical Services, DHS, discussed the proposed rule that amends the state plan, the provider manuals and medical services policy to comply with Centers for Medicaid and Medicare Services (CMS) changes. The rule revises copayment amounts and limits for the Arkansas Health and Opportunity for Me (ARHOME) Program workers with disabilities, and traditional Medicaid.

Representative Ladyman stated that, without objection, this rule stands as reviewed.

Department of Human Services, Division of Aging, Adult, & Behavioral Health Services, Review of Rule [Exhibit I]

Jay Hill, Director, Division of Aging, Adult, and Behavioral Health Services, DHS, and John Finkbeiner, Assistant Director, Division of Aging, Adult, and Behavioral Services, DHS, discussed the proposed rule that establishes a process for adult maltreatment offenders to request consideration to have their name removed from the Arkansas Adult Maltreatment Registry in certain circumstances.

Representative Ladyman stated that, without objection, this rule stands as reviewed.

Department of Human Services, Division of Medical Services, Review of Rule [Exhibit J]

Elizabeth Pitman, Director, Division of Medical Services, DHS, and Cynthia Neuhofel, Assistant Director, Division of Medical Services, DHS, discussed the proposed rule that amend Medicaid Provider Manuals to add modifiers to National Drug Codes for correct billing, payment, and rebates.

Representative Ladyman stated that, without objection, this rule stands as reviewed.

Department of Human Services, Division of Medical Services, Review of Rule [Exhibit K]

Elizabeth Pitman, Director, Division of Medical Services, DHS, and Cynthia Neuhofel, Assistant Director, Division of Medical Services, DHS, discussed the proposed rule that amends the Pharmacy Provider Manual to combine the Drug Utilization Review Board and the Drug Review Committee. The combined board will streamline the Arkansas Medicaid drug review process and allow for criteria discussion at the same time as preferred drug list placement.

Representative Ladyman stated that, without objection, this rule stands as reviewed.

Department of Human Services, Division of Medical Services, Review of Rule [Exhibit L]

Elizabeth Pitman, Director, Division of Medical Services, DHS, discussed the proposed rule that revises the Prosthetics Provider Manual and the State Plan Amendment to improvement alignment of Prosthetic and Orthotic supplies with current Medicare codes and rates for reimbursement.

Representative Ladyman stated that, without objection, this rule stands as reviewed.

Department of Human Services, Division of Medical Services, Review of Rule [Exhibit M]

Elizabeth Pitman, Director, Division of Medical Services, DHS; Paula Stone, Clinical Program Director, Division of Medical Services, DHS; Melissa Weatherton, Director, Division of Developmental Disabilities Services, DHS; and Patricia Gann, Deputy Director, Division of Aging, Adult, and Behavioral Health Services, DHS; discussed the proposed rule that amends the Arkansas Independent Assessment Manual and the 1915(i) State Plan Amendment related to the Provider-Led Arkansas Shared Savings Entity (PASSE) and the Adult Behavioral Health Services for Community Independence program.

Representative Ladyman stated that, without objection, this rule stands as reviewed.

Department of Human Services, Division of County Operations, Review of Rule [Exhibit N]

Larry Crutchfield, Assistant Director, Division of County Operations, DHS, and Rosaura Page, Program Administrator, Division of County Operations, discussed the proposed rule that amends the Medical Services Policy Manual. The rule clarifies that the unborn child is counted in the need standard for the pregnant woman. The rule replaces the term “Medicaid” with “Health Care” throughout each section, and updates grammar and formatting in them as well.

Representative Ladyman stated that, without objection, this rule stands as reviewed.

Department of Human Services, Division of Medical Services, Review of Rule [Exhibit O]

Elizabeth Pitman, Director, Division of Medical Services, DHS, and Cynthia Neuhofer, Assistant Director, Division of Medical Services, DHS, discussed the proposed rule that amends the Pharmacy Manual and Medicaid State Plan to ensure that 340B providers are billing the actual invoice price, and that DHS is reimbursing providers no more than the ceiling price on physician-administered drugs.

Representative Ladyman stated that, without objection, this rule stands as reviewed.

Department of Human Services, Division of Medical Services, Review of Rule [Exhibit P]

Elizabeth Pitman, Director, Division of Medical Services, DHS, discussed the proposed rule that revises the Medicaid State Plan to update the rate methodology for long acting reversible contraceptives. Claims with a date of service on and after January 1, 2023, will be based on Wholesale Acquisition Cost plus 6%.

Representative Ladyman stated that, without objection, this rule stands as reviewed.

Department of Human Services, Division of Medical Services, Review of Rule [Exhibit R]

Jay Hill, Director, Division of Aging, Adult, and Behavioral Health Services, DHS, and John Finkbeiner, Assistant Director, Division of Aging, Adult, and Behavioral Health Services, DHS, discussed the proposed rule that amends the Living Choices Assisted Living waiver following completion of a cycle rate review. DHS seeks approval from the Centers for Medicare and Medicaid Services to increase reimbursement rates for Assisted Living Facilities to \$96.76 per person per day.

Representative Ladyman stated that, without objection, this rule stands as reviewed.

Department of Human Services, Division of Medical Services, Review of Rule [Exhibit T]

Elizabeth Pitman, Director, Division of Medical Services, DHS, discussed the proposed rule that amends the Primary Care Case Management Reconciliation to change the reconciliation from an annual to a quarterly process.

Representative Ladyman stated that, without objection, this rule stands as reviewed.

Department of Human Services, Division of Medical Services, Review of Rule [Exhibit U]

Elizabeth Pitman, Director, Division of Medical Services, DHS; Paula Stone, Clinical Program Director, Division of Medical Services, DHS; Melissa Weatherton, Director, Division of Developmental Disabilities Services, DHS; and Patricia Gann, Deputy Director, Division of Aging, Adult, and Behavioral Health Services, DHS; discussed the proposed rule that amends the State Plan to shift away from the fee-for-service methodology for clients with Intellectual and Developmental Disabilities and Behavioral Health needs.

Representative Ladyman stated that, without objection, this rule stands as reviewed.

Department of Human Services, Division of Medical Services, Review of Rule [Exhibit V]

Elizabeth Pitman, Director, Division of Medical Services, DHS, discussed the proposed rule that creates the Life 360 Manual and corresponding 1915(b) waiver, and amends the State Plan to comply with Act 530 of 2021.

Representative Ladyman stated that, without objection, this rule stands as reviewed.

Department of Human Services, Division of County Operations, Review of Rule [Exhibit W]

Elizabeth Pitman, Director, Division of Medical Services, DHS, discussed the proposed rule that amends sections of the Medical Services Policy Manual to raise the income limit of the pregnant woman full coverage category and eliminate the limited benefit pregnant woman category.

Representative Ladyman stated that, without objection, this rule stands as reviewed.

Department of Human Services, Division of County Operations, Review Rule [Exhibit X]

Larry Crutchfield, Assist Director, Division of County Operations, DHS, and Rosaura Page, Program Administrator, Division of County Operations, discussed the proposed rule that amends the Medical Services Policy Manual to provide Medicaid coverage to eligible “former foster youth” who age out of foster care in one state and then move to a new state based on the SUPPORT Act.

Representative Ladyman stated that, without objection, this rule stands as reviewed.

Department of Human Services, Division of Provider Services & Quality Assurance, Review of Rule [Exhibit Y]

Martina Smith, Director, Division of Provider Services and Quality Assurance, DHS, discussed the proposed rule that amends the Arkansas Long Term Care Facility Nursing Assistant Training Program.

Representative Ladyman stated that, without objection, this rule stands as reviewed.

With no further business, the meeting adjourned at 12:00 p.m.