

EXHIBIT C

Minutes
Senate Committee on Public Health, Welfare, and Labor
House Committee on Public Health, Welfare, and Labor
Meeting Jointly
June 3, 2019

The House and Senate Interim Committees on Public Health, Welfare and Labor met Monday, June 3, 2019, at 10:00 a.m., in Committee Room A, MAC Building, Little Rock, Arkansas.

Public Health Senate Members Attending: Senators Missy Irvin, Chair; Ronald Caldwell, Scott Flippo, Kim Hammer, Jimmy Hickey, Jr., and Bill Sample.

Public Health House Members Attending: Representatives Jack Ladyman, Chair; Mary Bentley, Karilyn Brown, Bruce Coleman, Kenneth Ferguson, Justin Gonzales, Fredrick Love, Josh Miller, John Payton, Mark Perry, Chris Richey, and Jeff Wardlaw.

Other Legislators Attending: Senators Linda Chesterfield, Jonathan Dismang, Jane English, Terry Rice, and Larry Teague. Representatives Fred Allen, Stan Berry, Cindy Crawford, Steve Hollowell, Reginald Murdock, Jamie Scott, and Dan Sullivan.

Comments by the Chairs

Senator Missy Irvin introduced herself as the current Public Health Committee Senate Chair, and Representative Jack Ladyman, as the current Public Health House Chair. Senator Irvin gave a brief summary of things to come from the Public Health, Welfare & Labor Committee in the 2019-2020 interim.

Consideration of a Motion to Authorize Chairs to Approve Special Expenses Incurred by the House and Senate Interim Committees on Public Health, Welfare and Labor (EXHIBIT C)

Senator Bill Sample made a motion to approve any special expenses incurred by the House and Senate Interim Committees. Representative Karilyn Brown seconded the motion and the motion was adopted.

Consideration to Adopt the December 10, 2018, Meeting Minutes (EXHIBIT D)

Senator Irvin stated that without objection, the December 10, 2018, meeting minutes were adopted

Arkansas Department of Health (ADH), Pharmacy Services and Drug Control, Review of Rule Regarding the Scheduling of Controlled Substances (EXHIBIT E)

Laura Shue, General Counsel, and Shane David, Pharmacist, Pharmacy Services Section, both with the ADH, presented the proposed rule. The proposed 19 listed amendments (see Exhibit E) include adding new drugs on their appropriate schedule and adding new emergency rules.

Senator Irvin stated that without objection, this rule will stand as reviewed.

Arkansas Department of Health (ADH), Center for Local Public Health/Environmental Health Protection. This Rule Revision Updates Soil Science Terminology and Removes Outdated Portions of this Rule (EXHIBIT F)

Laura Shue, General Counsel, ADH, presented this proposed rule. This proposed rule will establish minimum standards for the design and construction of onsite wastewater "septic" systems in suitable soils, for the renovation of wastewater and the return of the renovated wastewater into the hydrologic cycle.

Senator Irvin stated that without objection, this rule will stand as reviewed.

Arkansas Department of Health (ADH), Center for Local Public Health/Environmental Health Protection. This Rule Updates the Arkansas Code to the 2013 FDA Food Code Guidance, and Requires a Certified Manager to be Employed by the Establishment (EXHIBIT G)

Laura Shue, General Counsel, ADH, presented the proposed rule. This proposed rule is to provide food to consumers that is safe, unadulterated, and honestly presented.

Senator Linda Chesterfield asked for an update on what is being done to protect consumers from Hepatitis A, who patronize food establishments. Ms. Shue stated the health department is still working with all 92 local health units throughout Arkansas, and is proactive with immunization efforts against Hepatitis A. The ADH always addresses all disease outbreaks on an emergency basis. Representative Jack Ladyman requested that the ADH submit the information that was requested with his bill (HB1823) during the 2019 Session concerning Hepatitis A, at a future public health committee meeting. Ms. Shue stated that the ADH would present that information.

Senator Irvin stated that without objection, this rule will stand as reviewed.

Arkansas State Department of Human Services (DHS), Division of Medical Services, Review of Rule that Establishes the Rate Calculation Method for Private Duty Nurses for Dates of Services on or after January 1, 2019, State Plan Amendment 2018-015 (EXHIBIT H)

Janet Mann, Director, Division of Medical Services, Isaac Linam, Deputy Chief, Legislative and Intergovernmental Affairs, and Jim Brader, Deputy Chief Counsel, all with DHS; presented this proposed rule change. This proposed rule change will allow an increase in the Arkansas Medicaid maximum reimbursement rates for private duty nursing. These changes are necessary to ensure access of private duty nursing services for Arkansas Medicaid beneficiaries.

Senator Irvin stated that without objection, this rule will stand as reviewed.

Arkansas Department of Environmental Quality (ADEQ), Office of Air Quality, Review of Rule Regarding Regulation 19, which Deals with the Arkansas Plan of Implementation for Air Pollution Control which Adopts the 2015 Ozone National Ambient Air Quality Standard, Promulgated by the U.S. Environmental Protection Agency (EPA) on October 26, 2015 (EXHIBIT I)

Michael Grappe, Chief Program Officer, Stuart Spencer, Associate Director, Office of Air Quality, and William Montgomery, Policy and Planning Branch Manager, Office of Air Quality, all with ADEQ; presented the proposed rule.

The purpose of this rule is to adopt the 2015 ozone national ambient air quality standard that was promulgated by the United States Environmental Protection Agency (EPA) on October 26, 2015. This is required under Arkansas Code Ann. §8-4-318(b)(1) for submission by ADEQ to the state implementation plan, as it demonstrates compliance with Clean Air Act §110. Arkansas is currently in full compliance of the ozone standard requirement.

Senator Irvin stated that without objection, this rule will stand as reviewed.

Arkansas Department of Environmental Quality (ADEQ), Office of Water Quality, Third Party Rulemaking Regulation 2, Establishing Water Quality Standards for Surface Waters of the State of Arkansas, Modification of Arkansas Water Quality Standards for a Segment of the Unnamed Tributary from the Tyson-Waldron Facility to the Confluence with the Poteau River, and for the Poteau River from the Confluence with the Unnamed Tributary to Scott County Road 59 (EXHIBIT J)

Michael Grappe, Chief Program Officer, ADEQ, Allan Gates, Environmental Attorney (representing Tyson Foods), Mitchell/Williams Law Firm, and Jordan Wimpy, Attorney, Mitchell/Williams Law Firm; presented the proposed rule.

Mr. Gates stated that through this rule, Tyson Foods is requesting to increase the minerals water quality standards (*requested modifications are listed in Exhibit J*) in the Poteau River and in an unnamed tributary which flows into the Poteau River. The Tyson chicken plant at Waldron, Arkansas discharges treated processed wastewater through Outfall 001 into the unnamed tributary of the Poteau River

Senator Irvin stated that without objection, this rule will stand as reviewed.

Review of the Arkansas Tobacco Settlement Commission (ATSC) Quarterly Report for July, 2018-September 2018 (Handout #1)

Matt Gilmore, Public Health Programs Policy Coordinator, Arkansas Department of Health (Former Director, Arkansas Tobacco Settlement Commission), and John Henderson, M.D., Commission Chair, Physician, Unity Health; presented a review of the ATSC quarterly report for July, 2018-September, 2018. Mr. Gilmore summarized the report

Dr. Henderson said since this report was published, the Minority Health Commission has an active mobile unit, which should increase health screenings throughout Arkansas, especially rural Arkansas.

Senator Irvin stated that without objection, this rule will stand as reviewed.

Update on Medicaid Reimbursement from the Department of Human Services (DHS)

Dawn Stehle, Deputy Director, Health and Medicaid, Kelley Linck, Chief Governmental Liaison of Legislative Affairs, and Janet Mann, Director, Division of Medical Services, all with DHS.

Ms. Mann presented the concept for the provider rate reviews. Ms. Mann discussed everything that will be included in these reports, and stated that DHS will begin sending these reports monthly to the Public Health Committees

Update on Medicaid Reimbursement from the 3 PASSEs (Provider-Led Arkansas Shared Savings Entity)

Paula Stone, Deputy Director, Division of Medical Services, and Melissa Stone, Director, Developmental Disabilities Services (DDS) Division, both with DHS; Nicole May, Interim Executive Director, Empower Healthcare Solutions; John P. Ryan, President and Chief Executive Officer, Arkansas Total Care; and Jason Miller, Plan President, Summit Community Care; presented this update.

Paula Stone stated that the PASSE¹ teams are 3 months into this full-risk program, and have started making payments to the providers (two types of providers, typical and A-typical). The Division of Medical Services (DMS) has been helping the PASSE to solve problems that arise within new programs, such as:

- ❖ Processing claims payments
- ❖ Assistance with daily work plans, both local and global for all providers, including Durable Medical Equipment providers

Optum has already completed the individual assessments for PASSE recipients who have behavioral health disorders, a developmental disability disorder, or an intellectual disorder. The developmental and intellectual disorder assessments are updated only every 3 years, however the behavioral health disorder assessments are updated annually because the patients can improve. Between January, 2018 and May, 2018, 23,000 individuals received an independent assessment for the PASSE. The week of June 17, DMS will hold a meeting for providers, to ensure they know when an individual assessment is required.

Representative Reginald Murdock requested that Optum be invited to the next committee meeting discussion of the PASSEs, so all of the information could be presented at one time. Senator Irvin agreed.

Melissa Stone stated there will be a Care-Coordinator Training session on June 10, 2019, and it will be live-streamed.

Statements by the PASSE Organizations

All of the below-mentioned PASSE organizations have issued advance payments (based on claims) to providers, and they are working with the providers on repayment terms, so as not to put the providers in a financial bind.

Nicole May stated that Empower Healthcare Solutions has been going on-site to providers when they call with billing problems and/or difficulties using Empower's portal. As of today, Empower is holding forums through August on every Monday to assist providers with difficulties. Ms. May said Empower is working closely with DHS.

Jason Miller stated that Summit Community Care is also working closely with DHS. Turn-around time on claims is 7 days about 89% of the time. Summit has paid 368,000 claims, with 30,000 pending for payment which are mostly from May.

John Ryan stated that Arkansas Total Care reaches out daily to providers, and they also have weekly webinars for providers. Turn-around time on claims is 7 days about 82% of the time. They are also working closely with DHS.

Senator Irvin announced that the next scheduled public health meeting will be July 8, 2019, at 1:00 p.m.

The meeting adjourned at 12:10 p.m.

¹ The Arkansas Department of Human Services (DHS) will provide a Global Payment to the PASSE to cover the total cost of care of beneficiaries covered by this model, which includes benefits, administration, case management, and care coordination. A PASSE must submit an annual Letter of Intent to participate in the program by April 1 each year.