

AGENDA
Senate Committee on Public Health, Welfare, and Labor
House Committee on Public Health, Welfare, and Labor
Meeting Jointly

Tuesday, June 1, 2021
1:00 PM
Room A, MAC
Little Rock, Arkansas

Sen. Cecile Bledsoe, Chair
Sen. Scott Flippo, Vice-Chair
Sen. Bart Hester
Sen. David Wallace
Sen. Breanne Davis
Sen. Kim Hammer
Sen. Dan Sullivan
Sen. Ben Gilmore

Rep. Jack Ladyman, Chair
Rep. Deborah Ferguson, Vice-Chair
Rep. Jeff Wardlaw
Rep. Jon S. Eubanks
Rep. Stephen Magie
Rep. Jim Dotson
Rep. Josh Miller
Rep. John Payton
Rep. Mary Bentley
Rep. Michelle Gray

Rep. Justin Gonzales
Rep. Justin Boyd
Rep. Fred Allen
Rep. Bruce Coleman
Rep. Aaron Pilkington
Rep. Carlton Wing
Rep. Clint Penzo
Rep. Mark Perry
Rep. Marsh Davis
Rep. Joe Cloud

- A. Call to Order
- B. Comments by the Chairs
1. Senator Cecile Bledsoe
 2. Representative Jack Ladyman
- C. Consideration to Adopt the December 14, 2020, Meeting Minutes. **(Exhibit C)**
- D. Consideration of a Motion to Authorize the Chairs to Approve Special Expenses Incurred by the House and Senate Interim Committees on Public Health, Welfare and Labor.
- E. Report on Activities that Arkansas Department of Health (ADH) and Department of Human Services (DHS) have completed to comply with Act 311 of 2021, An Act to Create the No Patient Left Alone Act. **(Exhibit E-1) (Exhibit E-2)**
1. Mark White, Chief Legislative & Intergovernmental Affairs Office and Chief of Staff, DHS
 2. Sarah Schmidt, Assistant Director, Division of Provider Services and Quality Assurance, DHS
 3. Melody Jones, Director, Office of Long-Term Care, Division of Provider Services and Quality Assurance, DHS
 4. Renee Mallory, Deputy Director for Public Health Programs, ADH
 5. Matt Gilmore, Public Health Policy Coordinator, ADH
 6. Discussion by the Committees
- F. Arkansas Department of Human Services, Division of County Operations, Review of COVID-19 Response Manual. This rule is needed to render maximum assistance to the citizens of Arkansas so that the Division of County Operations may continue to provide services to its clients. The temporary provisions amend certain rules and provide guidance, safeguarding DHS with adequate time to close out temporary measures that will no longer be needed in the coming months without creating a financial risk for the state. These rules expire upon the end of the federal national health emergency, or as detailed in the rule. **This rule was implemented as an emergency rule on April 1, 2021. (Exhibit F)**
1. Mark White, Chief Legislative & Intergovernmental Affairs Office and Chief of Staff, DHS
 2. Mary Franklin, Director of the Division of County Operations, DHS
 3. 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

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

- G.** Arkansas Department of Human Services, Division of Provider Services and Quality Assurance, Review of COVID-19 Response Manual. This rule is needed to render maximum assistance to the citizens of Arkansas so that the Division of Provider Services and Quality Assurance may continue to provide services to its clients between the expiration of the public health emergency through the end of the year. The temporary provisions amend certain rules and provide guidance, safeguarding DHS with adequate time to close out temporary measures that will no longer be needed in coming months without creating a financial risk for the state. The provisions in the rule are temporary, expiring either on December 31, 2021, or upon the end of the federal national health emergency, as detailed in the rule. **This rule was implemented as an emergency rule on April 1, 2021. (Exhibit G)**
1. Mark White, Chief Legislative & Intergovernmental Affairs Office and Chief of Staff, DHS
 2. Sarah Schmidt, Deputy Director, Division of Provider Services and Quality Assurance, DHS
 3. Discussion and Action by the Committees
- H.** Arkansas Department of Human Services, Division of Medical Services, Review of COVID-19 Response Manual. This rule is needed to render maximum assistance to the citizens of Arkansas so that the Division of Medical Services may continue to provide services to its clients between the expiration of the state public health emergency through the end of the year. The temporary provisions amend certain rules and provide guidance, safeguarding DHS with the adequate time to close out temporary measures that will no longer be needed in coming months without creating a financial risk for the state. The provisions of this rule are temporary, expiring either on December 31, 2021, or upon the end of the federal national health emergency, as detailed in the rule. **This rule was implemented as an emergency rule on April 1, 2021. (Exhibit H)**
1. Mark White, Chief Legislative & Intergovernmental Affairs Office and Chief of Staff, DHS
 2. Elizabeth Pittman, Director of the Division of Medical Services, DHS
 3. Discussion and Action by the Committees
- I.** Arkansas Department of Human Services, Division of Aging, Adult, and Behavioral Health Services (DAABHS), Review of COVID-19 Response Manual. This rule is needed to render maximum assistance to the citizens of Arkansas so that the Division of Aging, Adult, and Behavioral Health Services may continue to provide services to its clients between the expiration of the public health emergency through the end of the year. The temporary provisions amend certain rules and provide guidance, safeguarding DAABHS with adequate time to close out temporary measures that will no longer be needed in coming months without creating a financial risk for the state. The provisions in this rule are temporary, expiring either on December 31, 2021, or upon the end of the federal national health emergency, as detailed in the rule. **This rule was implemented as an emergency rule on April 1, 2021. (Exhibit I)**
1. Mark White, Chief Legislative & Intergovernmental Affairs Office and Chief of Staff, DHS
 2. Jay Hill, Director of the Division of Aging, Adult, and Behavioral Health Services, DHS
 3. Patricia Gann, Deputy Director, Division of Aging, Adult, and Behavioral Health Services, DHS
 4. Discussion and Action by the Committees
- J.** Arkansas Department of Human Services, Division of Developmental Disabilities Services (DDS), Review of COVID-19 Response Manual. This rule is needed to render maximum assistance to the citizens of Arkansas so that the Division of Developmental Disabilities Services may continue to provide services to its clients between of the public health emergency through the end of the year. The temporary provisions amend certain rules and provide guidance, safeguarding DDS with adequate time to close out temporary measures that will no longer be needed in coming months without creating a financial risk to the state. The provisions in the rule are temporary, expiring on December 31, 2021, or upon the end of the federal national health emergency, as detailed in the rule. **This rule was implemented as an emergency rule on April 1, 2021. (Exhibit J)**
1. Mark White, Chief Legislative & Intergovernmental Affairs Office and Chief of Staff, DHS
 2. Melissa Stone, Director of the Division of Developmental Disabilities Services, DHS
 3. Discussion and Action by the Committees
- K.** Arkansas Department of Human Services, Division of Medical Services, Review of DHS Telemedicine COVID-19 Response Manual. This rule is needed to render maximum assistance to the citizens of Arkansas so the Department of Human Services (DHS) may continue to provide services to its clients between the expiration of the public health emergency through the end of the year. The temporary provisions amend certain rules and provide guidance, safeguarding DHS with adequate time to close out temporary measures that will no longer be needed in the coming

months without creating a financial risk for the state. The provisions in the rule are temporary, expiring either on December 31, 2021, or upon the end of the federal national health emergency, as detailed in the rule. **This rule was implemented as an emergency rule on April 1, 2021. (Exhibit K)**

1. Mark White, Chief Legislative & Intergovernmental Affairs Office and Chief of Staff, DHS
2. Elizabeth Pittman, Director of the Division of Medical Services, DHS
3. Melissa Stone, Director of the Division of Developmental Disabilities Services, DHS
4. Jay Hill, Director of the Division of Aging, Adult, and Behavioral Health Services, DHS
5. Patricia Gann, Deputy Director, Division of Aging, Adult, and Behavioral Health Services, DHS
6. Discussion and Action by the Committees

L. Department of Human Services, Division of County Operations, Review of rule which updates the Medical Services Policy Manual sections MS D-210 and D-224 to reflect a change resulting from the Consolidated Appropriations Act, 2021, 8 U.S.C. § 1612. The Act establishes eligibility for Medicaid to any individual who lawfully resides in any of the fifty states or the District of Columbia in accordance with the Compact of Free Association treaty between the Government of the United States and the Governments of the Federated States of Micronesia, the Republic of the Marshall Islands, and the Republic of Palau. **This rule was implemented as an emergency rule on March 2, 2021. (Exhibit L)**

1. Mark White, Chief Legislative & Intergovernmental Affairs Office and Chief of Staff, DHS
2. Mary Franklin, Director of the Division of County Operations, DHS
3. Discussion and Action by the Committees

M. Department of Human Services, Division of Medical Services, Review of rule which deals with State Plan Amendment SPA 2021-0003, Medication Assisted Treatment. This adds a new section for medication assisted treatment and implements the guidance from Centers for Medicare and Medicaid Services (CMS). **(Exhibit M)**

1. Mark White, Chief Legislative & Intergovernmental Affairs Office and Chief of Staff, DHS
2. Elizabeth Pitman, Director of the Division of Medical Services, DHS
3. Discussion and Action by the Committees

N. Department of Human Services, Division of Medical Services, Review of rule which deals with the Living Choices Assisted Living Facility Waiver Renewal. CMS approves HCBS waivers for a period of 5 years. The Living Choices Assisted Living waiver expired January 31, 2021, and is currently operating under a temporary extension. This extension will allow DHS to align the waiver start date with the beginning of the State's fiscal year of July 1, 2021. **(Exhibit N)**

1. Mark White, Chief Legislative & Intergovernmental Affairs Office and Chief of Staff, DHS
2. Elizabeth Pitman, Director of the Division of Medical Services, DHS
3. Jay Hill, Director of the Division of Aging, Adult, and Behavioral Health Services, DHS
4. Patricia Gann, Deputy Director, Division of Aging, Adult, and Behavioral Health Services
5. Discussion and Action by the Committees

O. Arkansas Department of Health, Division of Protective Health Codes, Plumbing and Natural Gas, Review of Rule regarding Arkansas Plumbing Code. **(Exhibit O)**

1. Terry Paul, Environmental Health Branch Chief, ADH
2. Ric Mayhan, Director, Plumbing and Natural Gas Section, ADH
3. Discussion and Action by the Committees

P. Arkansas Department of Health, Division of Protective Health Codes, Plumbing and Natural Gas, Review of Rule regarding Arkansas Fuel Gas Code. **(Exhibit P)**

1. Terry Paul, Environmental Health Branch Chief, ADH
2. Ric Mayhan, Director, Plumbing and Natural Gas Section, ADH
3. Discussion and Action by the Committees

Q. Other Business

R. Adjournment