

ATTACHMENT 1

**AGENDA FROM JUNE 3, 2019, MEETING OF THE
JOINT COMMITTEE ON PUBLIC HEALTH, WELFARE, AND LABOR**

TENTATIVE AGENDA (Revised 5-29-2019)
Senate Committee on Public Health, Welfare, and Labor
House Committee on Public Health, Welfare, and Labor
Meeting Jointly

Monday, June 3, 2019

10:00 AM

Room A, MAC

Little Rock, Arkansas

Sen. Missy Irvin, Chair
Sen. David Wallace, Vice-Chair
Sen. Bill Sample
Sen. Ronald Caldwell
Sen. Jimmy Hickey, Jr
Sen. Bart Hester
Sen. Scott Flippo
Sen. Kim Hammer

Rep. Jack Ladyman, Chair
Rep. Deborah Ferguson, Vice-Chair
Rep. Fredrick J. Love
Rep. Jeff Wardlaw
Rep. Chris Richey
Rep. Stephen Magie
Rep. Josh Miller
Rep. Richard Womack
Rep. John Payton
Rep. Mary Bentley

Rep. Michelle Gray
Rep. Justin Gonzales
Rep. Kenneth B. Ferguson
Rep. Justin Boyd
Rep. Karilyn Brown
Rep. Austin McCollum
Rep. Bruce Coleman
Rep. Clint Penzo
Rep. Mark Perry
Rep. Lee Johnson

- A. Call to Order
- B. Comments by the Chairs
 - 1. Senator Missy Irvin
 - 2. Representative Jack Ladyman
- C. 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)**
- D. Consideration to Adopt the December 10, 2018, Meeting Minutes **(EXHIBIT D)**
- E. Arkansas Department of Health (ADH), Pharmacy Services and Drug Control, Review of Rule Regarding the Scheduling of Controlled Substances **(EXHIBIT E)**
 - 1. Laura Shue, General Counsel, ADH
 - 2. Discussion and Action by the Committees
- F. 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 This Rule Revision Updates Soil Science Terminology and Removes Outdated Portions of this Rule **(EXHIBIT F)**
 - 1. Laura Shue, General Counsel, ADH
 - 2. Discussion and Action by the Committees
- G. 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)**
 - 1. Laura Shue, General Counsel, ADH
 - 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

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

- H. 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**)
 - 1. Janet Mann, Director, Division of Medical Services, DHS
 - 2. Discussion and Action by the Committees
- I. 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**)
 - 1. Michael Grappe, Chief Program Officer, ADEQ
 - 2. Discussion and Action by the Committees
- J. 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**)
 - 1. Michael Grappe, Chief Program Officer, ADEQ
 - 2. Jordan Wimpy, Attorney, Mitchell/Williams Law Firm
 - 3. Discussion and Action by the Committees
- K. Review of the Arkansas Tobacco Settlement Commission (ATSC) Quarterly Report for July, 2018-September 2018
 - 1. Matt Gilmore, Public Health Programs Policy Coordinator, Arkansas Department of Health (Former Director, Arkansas Tobacco Settlement Commission)
 - 2. John Henderson, M.D., Commission Chair, Physician, Unity Health
 - 3. Discussion by the Committees
- L. Update on Medicaid Reimbursement from the Department of Human Services (DHS)
 - 1. Dawn Stehle, Deputy Director, Health and Medicaid, DHS
 - 2. Paula Stone, Deputy Director, Division of Medical Services, DHS
 - 3. Melissa Stone, Director, Developmental Disabilities Services (DDS) Division, DHS
 - 4. Janet Mann, Director, Division of Medical Services, DHS
 - 5. Discussion and Action by the Committees
- M. Update on Medicaid Reimbursement from the 3 PASSEs (**Provider-Led Arkansas Shared Savings Entity**)
 - 1. Nicole May, Interim Executive Director, Empower Healthcare Solutions
 - 2. John P. Ryan, President and Chief Executive Officer, Arkansas Total Care
 - 3. Jason Miller, Plan President, Summit Community Care
 - 4. Discussion and Action by the Committees
- N. Other Business
- O. Adjournment

ATTACHMENT 2

**AGENDA FROM JUNE 19, 2019, MEETING OF THE
ADMINISTRATIVE RULES SUBCOMMITTEE OF THE
ARKANSAS LEGISLATIVE COUNCIL**

REVISED AGENDA
Administrative Rules Subcommittee
of the
Arkansas Legislative Council

Wednesday, June 19, 2019
9:00 AM
Room A, MAC
Little Rock, Arkansas

Sen. Lance Eads, Co-Chair
Sen. Kim Hammer, Vice-Chair
Sen. Missy Irvin
Sen. Jonathan Dismang
Sen. Jane English
Sen. Keith Ingram
Sen. Jim Hendren
Sen. Blake Johnson
Sen. Cecile Bledsoe, ex officio
Sen. Terry Rice, ex officio

Rep. Dan Sullivan, Co-Chair
Rep. Lane Jean, Vice-Chair
Rep. Fredrick J. Love
Rep. Reginald Murdock
Rep. Matthew J. Shepherd
Rep. Jon S. Eubanks
Rep. Bruce Cozart
Rep. DeAnn Vaught
Rep. Jeff Wardlaw, ex officio
Rep. Jim Dotson, ex officio

A. Call to Order.

B. Reports of the Executive Subcommittee.

C. Rules Filed Pursuant to Ark. Code Ann. § 10-3-309.

1. ~~ARKANSAS STATE BANK DEPARTMENT~~

a. ~~47-701.9 Fiduciary Powers and State Banks~~

2. DEPARTMENT OF COMMUNITY CORRECTION (Ms. Dina Tyler)

a. Community Service Program AR 8.8 (p. 1)

3. DEPARTMENT OF ENVIRONMENTAL QUALITY, WATER DIVISION (Mr. Micheal Grappe, Mr. Allan Gates, Mr. Jordan Wimpy)

a. Regulation No. 2, Regulation Establishing Water Quality Standards for Surface Waters of the State of Arkansas – Tyson Foods, Inc., Waldron Plant (p. 2)

4. DEPARTMENT OF FINANCE AND ADMINISTRATION, OFFICE OF STATE PROCUREMENT (Ms. Mary Kathryn Williams, Mr. David Withrow, Mr. Edward Armstrong)

a. R8: 19-11-230 Discussions (p. 7)

5. DEPARTMENT OF HEALTH, CENTER FOR LOCAL PUBLIC HEALTH/ENVIRONMENTAL HEALTH PROTECTION (Ms. Laura Shue)

a. Rules and Regulations Pertaining to Food Service Establishments (p. 10)

b. Onsite Wastewater Rules and Regulations (p. 11)

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'*.

6. DEPARTMENT OF HEALTH, PHARMACY SERVICES AND DRUG CONTROL (Ms. Laura Shue)
 - a. List of Controlled Substances (p. 14)
7. DEPARTMENT OF HUMAN SERVICES, MEDICAL SERVICES (Ms. Janet Mann)
 - a. Private Duty Nursing (PDN) Rate Calculation SPA #2018-015 (p. 18)
8. DEPARTMENT OF HUMAN SERVICES, YOUTH SERVICES (Mr. Marq Golden, Ms. Kara Benca)
 - a. Division of Youth Services Operations Manual (p. 20)
9. ARKANSAS MINORITY HEALTH COMMISSION (Ms. ShaRhonda Love)
 - a. AMHC Bylaws (p. 21)
10. DEPARTMENT OF PARKS AND TOURISM (Mr. Grady Spann)
 - a. CY2019 Arkansas State Parks Fees and Rates (p. 22)
11. ARKANSAS PUBLIC EMPLOYEES RETIREMENT SYSTEM (Mr. Jay Wills, Ms. Jessica Middleton)
 - a. Age of Members – How Established (p. 23)

D. Adjournment.

ATTACHMENT 3

**AGENDA FROM JUNE 21, 2019, MEETING OF THE
ARKANSAS LEGISLATIVE COUNCIL**

AGENDA
Arkansas Legislative Council

Friday, June 21, 2019

9:00 AM

Room A, MAC

Little Rock, Arkansas

-
- A. Call to Order
 - B. Roll Call.
 - C. Approval of the Minutes of the Last Meeting, May 17, 2019.
 - D. Presentation of the May 2019 Monthly General Revenue Report — Richard Wilson, Assistant Director, Bureau of Legislative Research.
 - E. Report of the Executive Subcommittee — Rep. Jeff Wardlaw, Sen. Cecile Bledsoe, Co-Chairs.
 - F. Reports of Standing Subcommittees:
 - 1. Administrative Rules: — Rep. Dan Sullivan, Sen. Lance Eads, Co-Chairs;
 - 2. Charitable, Penal & Correctional Institutions — Rep. David Fielding, Sen. Gary Stubblefield, Co-Chairs;
 - 3. Claims Review — Rep. Bruce Cozart, Sen. Bart Hester, Co-Chairs;
 - 4. Game and Fish/State Police — Rep. Josh Miller, Sen. Keith Ingram, Co-Chairs;
 - 5. Higher Education — Rep. David Whitaker, Sen. Breanne Davis, Co-Chairs;
 - 6. Hospital and Medicaid Study — Rep. Fredrick J. Love, Sen. Eddie Cheatham, Co-Chairs;
 - 7. Litigation Reports Oversight — Rep. Lanny Fite, Sen. Bob Ballinger, Co-Chairs;
 - 8. Performance Evaluation and Expenditure Review — Rep. DeAnn Vaught, Sen. Bruce Maloch, Co-Chairs;
 - 9. Policy-Making — Rep. Ken Bragg, Sen. Linda Chesterfield, Co-Chairs;
 - 10. Review: — Rep. Andy Davis, Sen. Scott Flippo;
 - 11. Uniform Personnel Classification and Compensation Plan — Rep. Jim Wooten, Sen. David Wallace, Co-Chairs;
 - 12. Lottery Oversight — Rep. Chris Richey, Sen. Joyce Elliott, Co-Chairs;
 - 13. Highway Commission Review and Advisory — Rep. Ron McNair, Sen. Jonathan Dismang, Co-Chairs;
 - 14. Arkansas Health Insurance Marketplace Oversight — Rep. Deborah Ferguson, Sen. Kim Hammer, Co-Chairs.
 - 15. Occupational Licensing Review — Rep. Womack, Sen. Missy Irvin, Co-Chairs;

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. Reports of Interim or Special Committees.

1. Report of the Joint Advanced Communications and Information Technology Committee.
— Rep. Stephen Meeks, Sen. Blake Johnson, Co-Chairs.

H. Review of Communications:

1. **Arkansas Agriculture Department**, Request for the Legislative Council's review of the sale of property below the appraised price, submitted pursuant to A.C.A. § 22-6-601(h)(2);
2. **Arkansas Board of Parole**, Monthly performance report on parole applications and outcomes for May 2019, submitted pursuant to A.C.A. § 16-93-210;
3. **Arkansas Forestry Commission**, Monthly activity report for May 2019, submitted pursuant to Section 42 of Act 228 of the 2018 Fiscal Session;
4. **Arkansas State Police**, Monthly activity report for May 2019 regarding activity and condition of the Uniformed Employee Health Insurance Plan, submitted pursuant to Section 17 of Act 224 of the 2018 Fiscal Session;
5. **Arkansas Teacher Retirement System (ATRS)**: Request for the Legislative Council's review of the partial equity ownership investments with the following, submitted pursuant to A.C.A. § 19-11-1302:
 - a. JFL Equity Investors V, L.P.;
 - b. Franklin Park Venture Fund Series 2019, L.P.; and
 - c. Franklin Park Corporate Finance Access Fund, L.P.;
6. **Bureau of Legislative Research**, Report on travel recommendations for members of the General Assembly attending conferences other than SLC, CSG, NCSL, ALEC, or the Energy Council submitted pursuant to Legislative Council travel policy;
7. **Capitol Zoning District Commission**, Monthly activity report for May 2019, submitted pursuant to A.C.A. § 22-3-311;
8. **Commissioner of State Lands**, Report of property sold from January 1, 2019 through March 31, 2019 by the Commissioner of State Lands Office through the post-auction sale process, submitted pursuant to A.C.A. § 26-37-202(b)(3).
9. **Department of Community Correction**, Report on the Community Correction Centers' population totals and Parole and Probation Services' caseload information as of June 10, 2019;
10. **Department of Correction**, Statewide Population Report as of June 10, 2019;
11. **Department of Finance and Administration**:
 - a. **DFA, Office of the Director**, May 2019 general revenue report;
 - b. **DFA, Division of Building Authority**, Monthly performance report pertaining to capital improvement activities (design review and construction) for May 2019, submitted pursuant to A.C.A. § 22-2-108(13);
 - c. **DFA, Office of Child Support Enforcement**, Semi-Annual report on the performance and progress of the Child Support Program for the period of July 1, 2018 through December 31, 2018;

12. **Department of Human Services:**

- a. **DHS Division of Children and Family Services**, Monthly report of out-of-state placements for May 2019 (report for April 2019 retained in file), submitted pursuant to A.C.A. § 20-46-106;
- b. **DHS Division of Medical Services**, Monthly report of Medicaid in-state and out-of-state inpatient psychiatric placements for May 2019, submitted pursuant to A.C.A. § 20-46-105;

13. **Department of Information Systems**, Request for the Legislative Council's review of proposed new rates of service for fiscal year 2020, submitted pursuant to A.C.A. § 25-4-119(b)(3)(B);

14. **Public Service Commission**, Quarterly report of the Extension of Telecommunications Facilities Fund (ETFF) for the quarter ending March 31, 2019, submitted pursuant to A.C.A. § 23-17-404(e)(7)(A)(i);

I. New Business.

J. New Interim Study Proposals and Interim Resolutions:

1. **Interim Study Proposal 2019-124, by Representative Julie Mayberry**, requesting that the Arkansas Legislative Council refer to the House Committee on Revenue and Taxation a study of tax issues related to gambling and the use of potential revenue savings realized by the reform of tax policies relating to gambling;
2. **Interim Study Proposal 2019-125, by Representative Julie Mayberry**, which is an act to provide a sales and use tax exemption for the sale of used textbooks to students enrolled in an institution of higher education;
3. **Interim Study Proposal 2019-126, by Representative Jack Ladyman**, requests that the Arkansas Legislative Council refer to the House Committee on Revenue and Taxation a study of the possibilities for and effects of reducing the sales and use taxes in the state;
4. **Interim Study Proposal 2019-127, by Representative Jana Della Rosa**, which is a bill to create a study of public notice and participation in the environmental permitting process;
5. **Interim Study Proposal 2019-129, by Senator Kim Hammer**, proposing that Senate Committee on City, County, and Local Affairs conduct an interim study to determine the best practices of fire departments in the state and in the nation that may be implemented in a local community to improve efficiency.

K. Adjournment.

**REPORT OF THE
ADMINISTRATIVE RULES SUBCOMMITTEE
OF THE
ARKANSAS LEGISLATIVE COUNCIL**

June 21, 2019

Co-Chairs:

The Administrative Rules Subcommittee met on Wednesday, June 19, 2019, at 9:00 a.m., in Room A, MAC.

- 1. The Subcommittee reviewed and approved the following rules filed pursuant to Ark. Code Ann. § 10-3-309:**

DEPARTMENT OF COMMUNITY CORRECTION (Ms. Dina Tyler)

- a. Community Service Program AR 8.8**

**DEPARTMENT OF ENVIRONMENTAL QUALITY, WATER DIVISION
(Mr. Micheal Grappe, Mr. Allan Gates, Mr. Jordan Wimpy)**

- a. Regulation No. 2, Regulation Establishing Water Quality Standards for Surface Waters of the State of Arkansas – Tyson Foods, Inc., Waldron Plant**

**DEPARTMENT OF HEALTH, CENTER FOR LOCAL PUBLIC
HEALTH/ENVIRONMENTAL HEALTH PROTECTION (Ms. Laura Shue,
Mr. Terry Paul, Mr. Chuck Thompson)**

- a. Onsite Wastewater Rules and Regulations**

**DEPARTMENT OF HEALTH, PHARMACY SERVICES AND DRUG
CONTROL (Ms. Laura Shue, Mr. Shane David)**

- a. List of Controlled Substances**

**DEPARTMENT OF HUMAN SERVICES, MEDICAL SERVICES (Mr.
Isaac Linam, Ms. Janet Mann)**

- a. Private Duty Nursing (PDN) Rate Calculation SPA #2018-015**

DEPARTMENT OF HUMAN SERVICES, YOUTH SERVICES (Mr. Isaac Linam, Mr. Michael Crump, Ms. Kara Benca)

- a. **Division of Youth Services Operations Manual**

ARKANSAS MINORITY HEALTH COMMISSION (Ms. ShaRhonda Love)

- a. **AMHC Bylaws**

DEPARTMENT OF PARKS AND TOURISM (Mr. Grady Spann, Mr. Shea Lewis)

- a. **CY2019 Arkansas State Parks Fees and Rates**

ARKANSAS PUBLIC EMPLOYEES RETIREMENT SYSTEM (Mr. Jay Wills, Ms. Jessica Middleton)

- a. **Age of Members – How Established**

- 2. **The following rule was deferred to the August 14, 2019 meeting of the Administrative Rules Subcommittee:**

DEPARTMENT OF FINANCE AND ADMINISTRATION, OFFICE OF STATE PROCUREMENT (Ms. Mary Kathryn Williams, Mr. David Withrow, Mr. Edward Armstrong)

- a. **R8: 19-11-230 Discussions**

- 3. **Upon the agency's request, the following rule was remanded to the Senate and House Interim Committees on Public Health, Welfare and Labor for further discussion and consideration at its July 8, 2019 meeting and therefore deferred to the July agenda of the Administrative Rules Subcommittee:**

DEPARTMENT OF HEALTH, CENTER FOR LOCAL PUBLIC HEALTH/ENVIRONMENTAL HEALTH PROTECTION (Ms. Laura Shue, Mr. Terry Paul, Mr. Chuck Thompson)

- a. **Rules and Regulations Pertaining to Food Service Establishments**

Respectfully submitted,

Senator Lance Eads, Co-Chair

Representative Dan Sullivan, Co-Chair