

MINUTES

HOUSE & SENATE INTERIM COMMITTEES ON PUBLIC HEALTH, WELFARE AND LABOR

November 28, 2016

The House and Senate Interim Committees on Public Health, Welfare and Labor met Monday, November 28, 2016, at 9:00 a.m. in Committee Room A of The Big MAC Building, Little Rock, Arkansas.

Public Health Senate Members Attending Were: Senators Cecile Bledsoe, Chair; Keith Ingram, Missy Irvin, and Gary Stubblefield.

Public Health House Members Attending Were: Representatives Deborah Ferguson, Acting Chair; Fredrick Love, Acting Vice Chair; Mary Bentley, Justin Boyd, Ken Bragg, David Branscum, Charlene Fite, Jack Fortner, Kim Hammer, Robin Lundstrum, Stephen Magie, David Meeks, Betty Overbey, John Payton, Chris Richey, Dan Sullivan, and Jeff Wardlaw.

Members-Elect Attending Were: There were no Members-Elect in attendance.

Other Legislators Attending Was: Senator Jane English. Representatives Scott Baltz, Jim Dotson, Trevor Drown, Jon Eubanks, Kenneth Ferguson, Michael John Gray, Michelle Gray, Mark McElroy, Micah Neal, and Sue Scott.

Comments by the Chairs

Representative Deborah Ferguson called the meeting to order, and stated that she will read the titles of each of the ISPs on today's agenda, and if there is no objection, these ISPs will be adopted for study in one motion. However, if the sponsor wants to formally present their ISP, they may do so before adoption.

Consideration to Adopt the Minutes from the November 17, 2016 Meeting (EXHIBIT C)

Without objection, the minutes from the November 17, 2016, meeting was adopted.

Adopt for Study and Discussion the Following Interim Study Proposals (ISP) That May Deal with Medical Scope of Practice and Licensure Issues: (EXHIBITS D-1 through D-10)

ISP 2015-188 – “Requesting the House Committee on Public Health, Welfare and Labor Study the Substitution of Biologic Products and Approaches by Other States Regarding the Process under Which Pharmacists are Allowed to Make Biologic Product Substitution.” Sponsor: Representative Stephen Magie

ISP 2015-189 – “Requesting the House Committee on Public Health, Welfare and Labor Study the Authorization of Cupping Therapy for Massage Therapists.” Sponsor: Representative Fredrick Love

ISP 2015-190 – “Requesting the House Committee on Public Health, Welfare and Labor Study the Parameters of Techniques for Massage Therapy and Consider Defining or Using Distinctive Language for the Techniques Employed by Massage Therapists.” Sponsor: Representative Fredrick Love

ISP 2015-191 – “An Act to Authorize Licensure by Endorsement for Optometrists; and for Other Purposes.” Sponsor: Senator Missy Irvin

ISP 2015-192 – “An Act to Amend the Laws Concerning Hearing Instrument Dispensers; and for Other Purposes.” Sponsor: Representative Charlene Fite

ISP 2015-193 – “Requesting the House Committee on Public Health, Welfare, and Labor Study Procedural Changes to House Rule 72 Regarding Healthcare Scope-of-Practice Legislation.” Sponsor: Representative Stephen Magie

ISP 2015-194 – “Requesting the House Committee on Public Health, Welfare, and Labor Study the Transfer of Regulatory Oversight of Advanced Practice Registered Nurses to the Arkansas State Medical Board.” Sponsor: Representative Stephen Magie

ISP 2015-195 – “Requesting the Senate Committee on Public Health, Welfare, and Labor Study the Feasibility of Establishing a Fast Track for Admission of Advanced Practice Registered Nurses to Medical School to Become Primary Care Physicians.” Sponsor: Senator Cecile Bledsoe

ISP 2015-196 – “Requesting the Senate Committee on Public Health, Welfare, and Labor Study Eliminating the Barriers to Dispensing of Medications by Physicians.” Sponsor: Cecile Bledsoe

ISP2015-197 – “Requesting the House Committee on Public Health, Welfare, and Labor Study the Impact of Community Health Workers in Other States and the Potential Benefit of Community Health Workers to the State of Arkansas.” Sponsor: Representative Chris Richey

Chair Ferguson read the titles of each ISP and stated that without objection, these ten ISPs are adopted for study.

Representative Stephen Magie formally presented an explanation of ISP2015-194 to the committees for clarification.

Arkansas Department of Environmental Quality (ADEQ), Water Division, Review of Rules Which Revise Regulation No. 2, Establishing Water Quality Standards for Surface Waters of Arkansas. This Rule Would Modify the Dissolved Mineral Standards for a Segment of Crooked Creek in Boone and Marion County, This Rule Impacts the City of Harrison and the City of Yellville’s Wastewater Treatment Operations. (EXHIBIT E)

Caleb Osborne, Associate Director for Office of Water Quality, Arkansas Department of Environmental Quality, and Allan Gates, Attorney, Mitchell Williams Law Firm, presented the proposed rule change.

Mr. Osborne stated this proposed revision to Regulation 2 in the Water Division is a third-party rulemaking, introduced by Harrison and Yellville to modify the minerals content for Crooked Creek in Boone and Marion Counties.

Mr. Gates explained the revision in more detail, and said the purpose of this revision is to adjust the numbers to match the new levels of mineral content that are now in these streams. If this revision is not made, this area will receive very low permit limits for minerals in their wastewater discharge.

Following committee discussion, the committee chair stated since there is no objection that the rule stands as reviewed.

Arkansas Tobacco Control Board, Review of Rules for the Safe Manufacture of Vapor Products, Alternative Nicotine Products and E-Liquids and for Consumer Safety. (EXHIBIT F)

Steve Goode, Director, Arkansas Tobacco Control Board, and Roland Darrow, Attorney, Arkansas Tobacco Control Board, explained this proposed rule.

Representative Ferguson noted this rule was referred to the Public Health Committee from the Administrative Rules and Regulations Subcommittee.

This proposed rule sets out basic safe handling requirements when mixing or re-sizing e-liquids, vapor products, and alternative nicotine products. It also establishes the Arkansas Tobacco Control Board's ability to obtain samples of product, test same, and if necessary, cause their removal from public sale.

Following committee discussion, the committee chair stated since there is no objection that the rule stands as reviewed.

Other Business

Representative Ferguson announced that Arkansas nursing homes have rules that have to be heard before the 2017 Session, and gave a brief overview of these rules. They are part of the Memorandum of Understanding (MOU) the nursing homes signed, in order to save money in health care. The public comment period starts November 30, 2016, and it will not close until December 30, 2016. These rules have already been agreed upon and are non-controversial.

Without objection, the Public Health Committee will meet December 19, 2016 to hear these rules. Since the public comment period will still be open on December 19th, Representative Ferguson urged the members to look closely at these two rules, and to read any public comments that will already be posted.

The meeting adjourned at 9:30 a.m.