

**MINUTES OF THE ARKANSAS STATE BOARD OF HEALTH
QUARTERLY MEETING
APRIL 25, 2024**

MEMBERS PRESENT

Phillip Gilmore, PhD, President
Darren Flamik, MD, President Elect
Renee Mallory, RN, Secretary of Health
Loy Bailey, RS
Robert Bonner, DVM
Mellie Bridewell
Eddie Bryant, MD
Chris Cathey, DC
Brad Erney, DMD
Justin Franks, OD PA
Anthony Hui, MD
Donald Ragland
Jim Terry
Blake Torres, PharmD
Clay Waliski
James Zini, DO

MEMBERS EXCUSED

Lane Crider, PE
Dwayne Daniels, MD

MEMBERS ABSENT

Vanessa Falwell, APRN
David Kiessling, DPM
Balan Nair, MD
Mike Riddell, MD

GUESTS PRESENT

Jennifer Dillaha, MD, ADH Director, Secretary of AR
State Board of Health
Kay Chandler, MD, Surgeon General
Don Adams, ADH, Chief of Staff
Cassie Cochran, ADH, Deputy Director for
Public Health Programs
Namvar Zohoori, MD, ADH, Chief Science
Officer
Mike Cima, PhD, ADH State Epidemiologist
William Greenfield, MD, ADH, Senior Physician
Specialist
Chychy Smith, ADH, Director, Health Disparities
Elimination
Connie Melton, ADH, Director, Center for Health Protection
Meg Mirivel, ADH, Director, Communications
Jeremy Courtney, MPH, RD, ADH, Center for Public Health
Practice
Shirley Louie, ADH, Nuclear/Radiological and
Environmental Liaison Officer
Laura Shue, ADH, General Counsel
Reginald Rogers, ADH Deputy General Counsel
Chuck Thompson, ADH Managing Attorney
Brian Nichols, ADH, Attorney
S. Craig Smith, ADH, Attorney
Chuck Hardin, ADH, Attorney/Privacy Officer
Deborah Reagan, ADH, Attorney
Erin Whitfield, ADH, Law Clerk
Lyndsie Shane, ADH, Law Clerk
Lance Jones, Director, ADH Engineering Section
Ashley Mason, ADH, Epidemiologist, Lead-Based Paint
Program
Shane David, ADH, Branch Chief, Pharmacy Services
and Drug Control
Christy Kresse, ADH, EMS Section Chief
Haley Ortiz, ADH, Policy and Special Project
Coordinator
Hattie Scribner, PhD, ADH, Family Health Branch
Heather Parker Foster, ADH, Public Health Section Chief
Kerry Krell, ADH, Public Health Section Chief, Office of
Oral Health
Kris Richardson, ADH, Executive Assistant
Mike Wilson, ADH, EOC Technical Manager
Steven Speer, ADH, A/V Contractor
Patrick Judkins, ADH, Computer Support Analyst

James Whisenhunt III, Texarkana Water Utilities
Bruce Curtis, Conway County Regional Water
Distribution District
Sue Weinstein

The quarterly meeting of the Arkansas State Board of Health was held on Thursday, April 25, 2024, in the Main Conference Room, Room 906, Freeway Medical Tower, of the Arkansas Department of Health.

CALL TO ORDER

Dr. Phillip Gilmore, President, called the meeting to order and asked for a roll call which was conducted by General Counsel Laura Shue.

APPROVAL OF MINUTES

Dr. James Zini moved, and Mr. Donald Ragland seconded, that the Minutes of the January 25, 2024, Quarterly Meeting be approved. Motion carried by unanimous vote.

OLD BUSINESS

No Old Business.

NEW BUSINESS

RULES PERTAINING TO LEAD BASED PAINT ACTIVITIES

Ms. Ashley Mason, Epidemiologist, Lead-Based Paint Program presented the updates from the last legislative session regarding updating the Rules Pertaining to Lead-Based Paint Activities to include additional definitions, address military personnel applications and the processing of applications based on the legislative requirements of Act 137 of 2023.

There were no questions from board members.

Mr. Donald Ragland moved, and Mr. Chris Cathey seconded, to approve the proposed updates to the rules. Motion carried by unanimous vote.

REPEAL OF RULES AND REGULATIONS RETIRED PHYSICIAN IMMUNITY ACT

Attorney, Charles "Chuck" Thompson, presented an overview of the Repeal of Rules and Regulations for Retired Physician Immunity Act which is a rule that is already folded into the rules regarding volunteer immunity for physicians and those providing low-cost medical services. Title 16, Title 17, and Title 20 were combined into one in 2022, with approval from the Board. The repeal is strictly to clean up the rules to explain that they do not stand alone any longer.

There were no questions from board members.

Dr. Darren Flamik moved, and Dr. James Zini seconded, to approve the proposed repeal. Motion carried by unanimous vote.

WATER OPERATOR LICENSING COMMITTEE APPOINTMENTS

Mr. Lance Jones, Director of Engineering, presented two (2) nominees for a vacancy on the Drinking Water Advisory and Operator Licensing Committee. The first nominee presented was Mr. James Whisenhunt III, who was nominated by Southern Arkansas University Tech, Arkansas Environmental Training Academy and Arkansas Water Works and Water Environment Association. He is the Chief Operator at Texarkana Water Utilities and is fully licensed in both treatment and distribution for water system operations. The second Nominee presented was Mr. Bruce Curtis from the Conway County Regional Water Distribution District, nominated by Arkansas Rural Water Association. He is fully licensed with grade 4 treatment and distribution. After presenting the nominees, Mr. Lance Jones invited the two nominees to make statements to the board.

Mr. James Whisenhunt III was asked to the podium to make a comment on his qualifications. He discussed that he has been the chief operator at Texarkana Water Utilities since 2018, working for them since 2012 and in the water business since 2008. He explained he has 15 years of experience and holds the highest licenses in the State of Arkansas and the State of Texas. He runs both water plants on the Arkansas and Texas border.

Dr. Blake Torres asked the nominee why Mr. Whisenhunt was seeking the nomination. Mr. Whisenhunt answered that South Arkansas has been underrepresented. He was encouraged by several peers in his region to represent South Arkansas to the committee. He is currently the Southwest Director of the Arkansas Waterworks and Water Environment Association. He also stepped into the role in 2020 of District Director of Arkansas Waterworks. The Arkansas Environmental Training Academy from Magnolia felt he would fairly represent the South part of the State.

Mr. Bruce Curtis was asked to the podium to make a comment on his qualifications. He discussed that he was from Conway Regional water. He has worked in the water business since 2006, having experience from reading meters to operation of treatment plants and installation and distribution. He was asked by his boss if he was interested in being on the committee and was nominated.

After discussion, Mr. Jim Terry moved to nominate Mr. James Whisenhunt III, and Mr. Chris Cathey seconded. Motion carried by unanimous vote.

COUNTY HEALTH OFFICER APPOINTMENTS

Dr. Namvar Zohoori, Chief Science Officer, presented three County Health Officer Appointments for approval of the board. Prior to presenting the Appointments, Dr. Zohoori began a discussion to inform the board members of the Annual County Health Officer Symposium and invited the members to the weekend of October 4-6, 2024.

After discussion, Dr. Zohoori presented the three County Health Officer Appointments, Dr. Jamie Evans (Desha County), Dr. Joshua Lindsey (Montgomery County), and Dr. Granville Vaughn (Cleburne County).

Dr. Jamie Evans is currently a family medicine physician. He received his medical degree at the College of Medicine at the University of Oklahoma Health Science Center and his residency at

the same institution. He is a member of the Arkansas Medical Society and licensed in Arkansas, Alabama and Oklahoma. He is currently the Desha County Coroner.

Dr. Joshua Lindsey is currently employed at St. Vincent. He received his medical degree at UAMS and did his residency in Jonesboro.

Dr. Granville Vaughn is currently at the Family Medical Center and has a lot of experience in community and public health. He received his medical degree at UAMS and is the Medical Director at the Cleburne County Detention Center.

Dr. James Zini moved, and Dr. Anthony Hui seconded, to approve all three appointments. Motion carried by unanimous vote.

**EMERGENCY MEDICAL SERVICES – ADMINISTRATIVE HEARINGS, PROPOSED FINDING OF FACT,
AND CONCLUSION OF LAW, AND ORDER ON THE FOLLOWING LICENSEES:**

Attorney Craig Smith presented three hearings for review by the Board: Chris Falcone, Mario Ramos and Michael Brown. All of which were notified of the meeting to attend and were not present online or in person.

Chris Falcone was arrested in 2021 and charged with possession of a controlled substance by fraud, forgery, theft, with a conviction in 2023. He went through a process of suspension and probation with the department of his license. This was prior to a conviction. Mr. Falcone has gone through a rehabilitation process for the charges, however, because of the conviction at the end of last year, his license is subject to a disqualification offense under Arkansas law. He may be given a waiver by Secretary Mallory under the law. To allow him the opportunity to submit the application, he was given thirty (30) days from the date of the hearing on April 3, 2024. The subcommittee is proposing that his license be placed on probation until the waiver application has gone through the 30-day period.

Mr. Jim Terry asked what the meaning of probation on the license was. Mr. Craig Smith explained that Mr. Falcone can work during that time but is subject to revocation in the event of future violations.

Dr. Blake Torres asked for clarification on the date the 30 days began. Mr. Craig Smith answered that it began April 3, which was the day of the formal hearing.

Dr. Darren Flamik moved, and Dr. Blake Torres seconded, to approve Chris Falcone's license be placed on probation for the thirty (30) day period. Motion carried by unanimous vote.

Mr. Mario Ramos was working as an EMS at Centerton Fire Department. Centerton Fire Department provided random drug test screening for employees and Mr. Ramos's drug test came back positive for Marijuana. He was terminated from Centerton Fire Department, his license was placed on emergency suspension, and he has not been working since that time. The subcommittee is proposing that he go through the process that we have for other first-time vendors, a period of suspension starting from the date of the hearing for three (3) months. After the three (3) months are completed, he will have twelve (12) months of probation. During this time, he will be subject to requirements for continuing education, random drug screenings and evaluation by medical professionals for fitness to serve.

Dr. Anthony Hui moved, and Dr. James Zini seconded, to approve Mario Ramos' license be placed on suspension. Eddie Bryant opposed. Motion carried by majority vote.

Mr. Michael Brown was arrested for diversion of narcotics, specifically morphine, and is being charged with acquiring narcotics through misrepresentation of fraud. Since the charges are pending, the department placed him on emergency suspension. In order to determine whether or not he will have his licensing fee suspended or revoked, it is the process of the department to wait for the charges to be adjudicated. The subcommittee is proposing that Mr. Brown's suspension be continued until the charges are properly adjudicated. If he is convicted, the charges will be a disqualifying offense under Arkansas law.

Dr. Anthony Hui moved, and Mr. Donald Ragland seconded, to approve Michael Brown's license be placed on suspension until the charges are adjudicated. Motion carried by unanimous vote.

OTHER BUSINESS

ADMINISTRATIVE UPDATES

Mr. Don Adams presented administrative updates on the organizational chart. Most updates are name changes. The name of the primary subunits went from "centers" to "divisions" with the new names to read as followed; "The Division of Health Protection, "The Division of Local Public Health", "The Division of Health Data and Analytics", "The Public Health Laboratory" and "The Division of Health Advancement". Those are the five (5) primary divisions within the department. Each department has a division director (prior center directors), and two (2) Associate Directors (one for Administration and one for Science). Under each division are branches, sections and programs.

PUBLIC HEALTH SCIENCE/PROGRAM UPDATES

No updates to be given.

PRESIDENT'S REPORT

Dr. Phillip Gilmore deferred his time to Secretary Mallory.

SECRETARY'S REPORT

Secretary Mallory provided updates and information about Executive Order 24-03: Support Moms, Protect Babies, and Improve Maternal Health. The executive order established the Arkansas Strategic Committee for Maternal Health that will engage with legislators, advocacy organizations, healthcare providers and other stakeholders. The maternal health working group will provide input and support the development of statewide strategic maternal health plan. Secretary Mallory explained how Arkansas is behind the rest of the country, and how the Health Department has been improving maternal health. There was a meeting on Monday April 22, 2024, with the Department of Health, stakeholders statewide, and other members of the public totaling about 150 people. The meeting was divided into four (4) groups; Education, Data, Clinical and Medicaid to determine gaps. The Department of Health chose five (5) counties with the worst prenatal numbers (Scott, Polk, Crittenden, Phillips, Garland) to meet with local staff and streamline the process of getting people signed up for support. The strategic committee is made up of the Secretary Mallory, Secretary of the Department of Human Services; Secretary of

Education; Dr. Greenfield, with his maternal mortality role; Dr. Kay Chandler, Surgeon General; Cassie Cochran, Deputy Director for Public Health Programs at ADH; and Janet Mann, Deputy Director at DHS.

Dr. Greenfield added comments about maternal mortality and discussed some of the challenges they have been encountering within the community.

Dr. Darren Flamik asked if there are roles to educate the public about Medicaid enrollment. Secretary Mallory answered that there will be a media campaign and DHS has promised to have a person on maternity days to start the process with the women in the ADH local health units.

Dr. James Zini asked what DHS does other than handing them the set of papers and if they have someone to help them through the process. Secretary Mallory answered that they are trying to look at what the process is.

Dr. Robert Bonner asked what was the age group of the mortality issues. Dr. Greenfield answered that the age group mortality range nationally and in Arkansas, is women over the age of 35. The numbers are about two times the rate for African American women than white women. A link will be sent out to board members with presentations about mortality rates and research.

Dr. Robert Bonner asked if there is push for education in schools about what needs to be done. Secretary Mallory answered that there are programs that are being formed and schools are being contacted about what needs to be done to support the schools.

Dr. Blake Torres recommended considering pharmacy services as an opportunity. It is a worry when referencing third-trimester mothers not reaching out to a physician but may have seen a pharmacist multiple times in the period of pregnancy.



Dr. Phillip Gilmore, President
Arkansas State Board of Health