

**MINUTES OF THE QUARTERLY MEETING  
ARKANSAS STATE BOARD OF HEALTH  
April 22, 2021**

**MEMBERS PRESENT**

Balan Nair, MD, President  
Lane Crider, PE, President-Elect  
Greg Bledsoe, MD, Surgeon General  
José Romero, MD, FAAP, FIDSA, FPIDS,  
FAAAS, Secretary of Health  
Loy James Bailey  
Stephanie Barnes-Beerman  
Marsha Boss, PD  
Dwayne Daniels, MD  
Brad Erney, DMD, PLC  
Melissa Faulkenberry, DC  
Darren Flamik, MD  
Phillip Gilmore, PhD, MS, MHA  
Anthony Hui, MD  
Donald Ragland  
Mike Riddell, MD  
Clay Waliski  
Terry Yamauchi, MD  
James Zini, DO  
Glen "Eddie" Bryant, MD

**GUESTS PRESENT**

Stephanie Williams, ADH, Chief of Staff  
Namvar Zohoori, MD, Chief Science Officer, Deputy  
State Health Officer  
Dr. Bala Simon, ADH, Acting Chief Medical Officer,  
State Chronic Disease Director  
Lori Simmons, ADH, Epidemiology Branch Chief  
Shane David, ADH, Pharmacy Services Section Chief  
Ashley Whitlow, ADH, Epidemiology Supervisor  
Ashley Mason, ADH, Epidemiologist  
Chase Ertzberger, ADH, Epidemiologist  
Tamara Baker, ADH, Women's Health Branch Manager  
Shelly Matthews, ADH, Women's Health Program  
Nurse Facilitator  
Shannon Borchert, ADH, ACT 1220 Coordinator  
Joy Gray, ADH, Tobacco Prevention and Cessation  
Branch Manager  
James Joiner, ADH, Facility Engineer Supervisor  
Jo Thompson, ADH, Chief Financial Officer  
Laura Shue, ADH, General Counsel  
Reginald Rogers, ADH, Deputy General Counsel  
Charles "Chuck" Thompson, ADH, Managing Attorney  
Brooks White, ADH, Administrative Law Judge  
Brian Nichols, ADH, Administrative Law Judge  
S. Craig Smith, ADH, Attorney  
Tressa Williams, ADH, Legal Services Specialist

The quarterly meeting of the Arkansas State Board of Health was held on Thursday, April 22, 2021, at the Freeway Medical Building, 5800 West Tenth Street, Suite 906 in Little Rock, Arkansas. Due to the Department of Health's guidance on social distancing attributable to COVID-19, many of the Board of Health members and guests attended via Zoom.

**CALL TO ORDER**

Dr. Balan Nair, President, called the meeting to order at approximately 10:12 a.m. and asked for a roll call. General Counsel Laura Shue conducted the roll call.

**APPROVAL OF MINUTES**

Dr. Sue Weinstein moved, and Dr. Phillip Gilmore seconded that the minutes of the January 28, 2021, quarterly meeting be accepted. Motion carried by unanimous vote.

## **OLD BUSINESS**

Dr. Nair moved this to agenda item Section VII, the President's Report.

## **NEW BUSINESS**

### ***Legislative Update***

Ms. Shue stated that since the Legislative Session adjourns around April 30, 2021, it will be the longest Legislative session since the 1930's. The Legislative Team, which includes Matt Gilmore, Chuck Thompson and Ms. Shue, attend all Public Health Meetings, both House and Senate, and follow all the health-related bills. The Governor's Executive Order 21-07 provides that we are still under a public health emergency. On March 31, 2021, the Governor announced that the Public Health and Disaster Emergency will expire at 11:59 p.m. on May 30, 2021. There is also a press conference today to announce the one-millionth Arkansan to be vaccinated.

Ms. Shue reported there are several Acts with emergency clauses that are currently in effect.

Act 311, the No Patient Left Alone Act, was sponsored by Representative Mayberry and Senator Davis. This changed the visitation rights for patients and their families in hospitals and nursing homes, and went into effect with an emergency clause.

Act 401 prohibits the Board of Health or the Department of Health from penalizing businesses or patrons' behavior during the COVID public health emergency. This became law on March 18, 2021, without the Governor's signature.

Act 403 was approved by the Governor on March 19, 2021. This provides a new process for emergency declarations and directives issued by the Secretary of Health and the Governor.

Legislation that the Department promoted that was enacted included ten ideas approved by the Governor, eight of which that have been enacted. Those include Act 598 which will provide screening for Hepatitis C during pregnancy. Dr. Romero was very passionate about this.

Act 345 deals with our Cancer Registry. The Board approved the rules last year to accelerate data release and clarifies who is a qualified researcher.

Act 268 concerns Radiation Control and updates the code to meet the Nuclear Regulatory Commission standards.

Act 707 will provide confidential review and evaluation for quality improvement through data collection for EMS providers.

Act 62 deals with the prescription drug monitoring program, provides for evaluation of data, and mandates that prescribers will have to provide hard copies.

Act 136 amends the massage therapy statutes to clarify that sexual misconduct is prohibited for applicants and current massage therapists. The code was clarified to be consistent.

Act 63 removes the nursing home consultant pharmacist endorsement and the disease state management credential for the Pharmacy Board.

Act 159 will update the types of Board members for the Board of Hearing Instrument Dispensers and it also amended the number of members that are required for a quorum.

Secretary Romero was confirmed by the Senate. He is officially the Secretary of Health. He serves at the pleasure of the Governor and is appointed by the Governor.

These specific acts can be provided upon request. A summary can be provided at the end of April or May.

### ***Local Grant Trust Fund Award***

James Joiner, ADA Facility Engineer Supervisor, reported the subcommittee met March 3, 2021, via conference call to approve an additional funding request for a new facility from Jefferson County in Pine Bluff.

Dr. Weinstein moved and Mr. Donald Ragland seconded, that the local grant trust fund report and allocation be accepted as presented. Motion carried unanimously.

### ***2020 Child Health Advisory Committee Recommendations for Coordinated School Health***

Tamara Baker, ADH School Health Services Director, presented five new recommendations for coordinated school health.

The first recommendation is that the Department of Human Services Division of Medical Services indefinitely extends the COVID-19 waiver policy related to telemedicine for mental and behavior health services. Act 624 was approved April 8, 2021, and extends through December 31, 2021.

The second recommendation is that schools provide students with access to water bottle filling stations. Act 775 passed on April 20, 2021. The water bottle filling stations are required now for all newly constructed and existing public schools that are building add-ons.

The third recommendation asks schools to review USDA and ADA rules annually as related to wellness requirements.

The next recommendation is resource and education for students regarding the short- and long-term effects of e-cigarettes.

The last recommendation is having schools include a pathway to cessation as an option within the district's tobacco policy.

Board member Clay Waliski asked what the committee's recommendations are on processed sugary foods.

Ms. Baker stated that schools have strict rules and regulations around the types of foods that children are offered not only at official mealtimes but also in vending as well as what time it can be served. Page 8 of the recommendations shows a survey that explains different parts of the requirements that are being reviewed. Smart snacks are already a requirement in any offering at the schools.

Mr. Crider stated as a water provider, they work heavily on assisting the school districts with water hydration stations. They team with the American Heart Association to provide bottle filling stations for all elementary schools in Springdale. He did not see that in the resources section of the presentation and wondered if it is an oversight. Ms. Baker stated she will inform the committee of that. Mr. Crider added that he would be happy to provide their contact after the meeting.

Dr. Gilmore moved and Dr. Daniels seconded that the 2020 Child Health Advisory Committee recommendations be approved. Motion carried by unanimous vote.

#### ***Rules for Arkansas Kidney Disease Commission***

Mr. Chuck Thompson, ADH Managing Attorney, presented the rules for Arkansas Kidney Disease Commission. The Arkansas Kidney Disease Commission came under ADH with state government transformation in 2019. The Kidney Disease Commission provides financial assistance for those that need help with paying for prescriptions related to their treatment for kidney disease. The rules were enhanced to clarify how the program is administered.

Dr. Gilmore moved and Dr. Weinstein seconded that the rules for Arkansas Kidney Disease Commission be approved. Motion carried by unanimous vote.

#### ***Rules Pertaining to Lead-Based Paint Activities***

Mr. Thompson presented the rules pertaining to lead-based paint activities. ADH assists with the administration of EPA regulations in lead-based activities, including training that remove lead-based paint. Recently the EPA reduced the amount of clearance levels in ducts, floors, and windowsills after lead-based paint removal. This was a public health action to ensure lower levels and keep people safer.

Dr. Zini moved and Dr. Riddell seconded to approve the rules pertaining to lead-based paint activities. Motion carried by unanimous vote.

#### ***Approval of Board Subcommittee Recommendation of Suspension of Licensed Lay Midwife License***

Mr. Thompson stated Ms. Deb Query would be appearing via Zoom to address the Board on the subcommittee recommendation.

Mr. Thompson stated the subcommittee, Mr. Donald Ragland, Dr. Mike Riddell and Dr. Marsha Boss, met on January 24, 2021, for an administrative hearing on this matter. He reported that Ms. Query ceased to abide by the rules and requirements of lay midwifery and no longer provides the identity of her clients as of July 2019. She submits unique identifiers; however,

that does not meet the letter or intent of the regulation. Therefore, this matter was brought before the subcommittee for possible suspension of her license until she complies.

Ms. Query argued her decision to stop putting names on the lay midwifery forms is based upon the Fourth Amendment of the U.S. Constitution.

Mr. Thompson presented the Findings of Fact of the subcommittee, which explained how Ms. Query has not complied.

Mr. Waliski asked how many other states have similar guidelines pertaining to midwifery.

Mr. Thompson stated lay midwifery is done differently in most states. Some states do not regulate it at all and have had bad outcomes. Those lay midwives who have lost their licenses have gone to those states and had bad outcomes. He doesn't know which states, if any, have exact provisions that mirror Arkansas's rules.

Mr. Ragland moved, and Dr. Boss seconded that the approval of the Board Subcommittee recommendation of suspension of licensed lay midwife license be accepted. Motion carried by unanimous vote.

#### ***Arkansas Acute Stroke Care Task Force Annual Update***

Dr. Bala Simon, ADH State Chronic Disease Director and Acting Chief Medical Officer, presented the update.

#### ***Drinking Water Advisory and Water Operators Licensing Committee Appointment***

Mr. Jeff Stone, ADH Engineering Section Director, presented Brad Hammond, PE for approval to the Drinking Water Advisory Licensing Committee.

Mr. Crider moved, and Dr. Weinstein seconded that the appointment of Mr. Hammond be approved. Motion carried by unanimous vote.

#### ***Approval of County Health Officer for Cleburne County***

Dr. Namvar Zohoori, ADH, Chief Science Officer and Deputy State Health Officer, presented Dr. Matthew Wagner for approval as County Health Officer for Cleburne County.

Mr. Waliski moved, and Mr. Crider seconded the approval of Dr. Wagner. Motion carried by unanimous vote.

### **OTHER BUSINESS**

#### ***Administrative Updates***

Stephanie Williams, ADH Chief of Staff, stated there were no administrative updates but a Center update from the Center from Health Advancement, Tobacco Prevention and Cessation Program. Ms. Joy Gray, ADH Branch Chief, provided a PowerPoint presentation on Trends in Youth Use of Electronic Nicotine Delivery Systems.

Dr. Zohoori gave an update on educational efforts at the Health Department and how scientific activities have been affected by COVID. He stated despite COVID, there has been continued research and publications regarding public health.

Dr. Boss asked that Dr. Zohoori present a list of published articles and authors.

### **PRESIDENT'S REPORT/OLD BUSINESS**

Dr. Nair commended Dr. Romero and ADH staff for the work done during the pandemic.

Dr. Nair talked about the role of the Board of Health, adding he would like to have a broader representation and have a dashboard to be presented after the agenda items so the Board can get a sense of the incredible range and depth of the work the Department does.

He added that Board has an array of experience and skill sets that can be used to assist the Department.

Dr. Nair reported that Board members will be getting more emails on things occurring at ADH.

He relayed that he would like new members to have a physical tour of the facility, especially the Lab, to give them a better sense of what goes on at ADH.

He thanked the Nominating Committee for creating a new transparent process for selecting future Presidents. There are proposed changes to the By-Laws. He asked a member of the committee to present their recommendations to the Board.

Dr. Gilmore stated the process had been reviewed and Dr. Amerine and Dr. Weinstein drafted recommendations on the process. Those were presented to the Board.

Dr. Weinstein spoke further on the process of nomination for President and President-Elect being fair and transparent.

### **SECRETARY'S REPORT**

Dr. Romero reported that there may be increases in the number of COVID cases. There is an increase in the number of variants. The UK variant has been identified in the State. No South African, Brazilian, or California strains have been seen.

He stated that Arkansas has crossed the one-millionth vaccine threshold and discussed continued distribution. He added that among the states, Arkansas has the most robust data available for ethnic and racial minorities in the U.S. Most states are about 50% and Arkansas has data for 90%. He reported that there has been a reduction in the number of respiratory transmissible diseases.

Dr. Romero reported on childhood vaccines and vaccines in general. The COVID pandemic has affected vaccination of children, which fell below the normal level that they should be.

Dr. Boss asked how the outbreak of syphilis can be prevented among pregnant women. Dr. Romero stated the resurgence is foremost. Also, there are algorithms for the diagnosis and treatment. Women should be tested during pregnancy and if their risks factors are significant, they should be retested at the time of delivery.

Dr. Weinstein asked whether any of the new variants that is causing the outbreak in India has been detected. Dr. Romero stated it has been identified in other parts of the country but not here.

Clay Waliski asked if some of the variants are getting stronger and for Dr. Romero's thoughts on the Johnson & Johnson vaccine.


Dr. Romero stated one of the issues with this virus is the accumulation of mutations. It is possible that we will continue to see new variants and variants that combine different aspects. The way to overcome it is by herd immunity.

The Advisory Committee on Immunization Practices (ACIP) was brought information last week regarding the Johnson & Johnson vaccine. The subgroup brought to the ACIP that there were seven cases of a rare clotting disorder within the venous of the central nervous system. The mandate of the ACIP is to ensure the safety of the vaccine system.

Dr. Boss asked whether certain conditions were linked to birth control pills. Dr. Romero stated no, only one woman was using birth control and none were post-partum or pregnant at the time.

Dr. Daniels asked whether there is any growing consensus about booster shots. Dr. Romero replied as for the vaccine to the original parental strain, immunity is at least six months. He thinks talks about a booster shot is for whatever variant is in that country.

Meeting adjourned at 12:06 p.m.

  
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José R. Romero, M.D.  
Secretary of Health