

**MINUTES OF THE ARKANSAS STATE BOARD OF HEALTH
QUARTERLY MEETING
JULY 27, 2023**

MEMBERS PRESENT

Mike Riddell, MD, President
Susan Weinstein, DVM, President-Elect
Renee Mallory, RN, Interim Secretary
Kay Chandler, MD, Surgeon General
Perry Amerine, OD
Loy Bailey, RS
Mellie Bridewell
Eddie Bryant, MD
Lane Crider, PE
Dwayne Daniels, MD
Brad Erney, DMD
Melissa Faulkenberry, DC
Phillip Gilmore, PhD
Anthony Hui, MD
David Kiessling, DPM
Donald Ragland
Blake Torres, Pharm.D
Clay Waliski
James Zini, DO
Darren Flamik, MD

MEMBERS ABSENT

Balan Nair MD

GUESTS PRESENT

Dr. Bala Simon, ADH, Deputy Chief Medical Officer
Dr. Jennifer Dillaha, ADH, Director
Don Adams, ADH, Chief of Staff
Cassie Cochran, ADH, Deputy Director for Public Health Programs
Dr. Naveen Patil, ADH, Deputy State Health Officer
Dr. Namvar Zohoori, ADH, Deputy State Health Officer
Dr. Austin Porter III, ADH, Deputy Science Officer
Dr. Chychy Smith, ADH, Director, Health Disparities Elimination
Dr. William Greenfield, ADH, Senior Physician Specialist
Dr. Mike Cima, ADH, State Epidemiologist
Dr. Rachel Sizemore, ADH, Office of Oral Health
Shane David, ADH, Pharmacy Services Section Chief
Connie Melton, ADH, Director, Center for Health Protection
Shirley Louie, ADH, Nuclear/Radiological and Environmental Liaison Officer
Laura Shue, ADH, General Counsel
Reginald Rogers, ADH, Deputy General Counsel
Chuck Thompson, ADH, Attorney
Brian Nichols, ADH, Attorney
S. Craig Smith, ADH, Attorney
Chuck Hardin, ADH, Attorney/Privacy Officer
Tressa Williams, ADH, Board of Health Liaison
Paige Harris, ADH, Law Clerk
Shelly Matthews, ADH, Nurse Facilitator
Alex Hooper, ADH, Personal Care Services Branch Manager
Jacob Smith, ADH, Substance Misuse and Injury Prevention Branch Chief
Jamie Turpin, ADH, PDMP Administrator
Bernard Bevill, ADH, Radiation Control Section Chief
Paula Day, ADH Health Facilities Services Section Chief
Dr. Katie Seely, ADH, Director of the Public Health Lab
Angela Minden, ADH, Health Physicist
Adelia Oldenbroek, ADH, Health Physicist Supervisor
Dr. Laura Rothfeldt, ADH, State Public Health Veterinarian
Jim Carter, ADH, Chief Information Officer
Jeremy Courtney, ADH, Director, Center for Public Health Practice
Christy Kreese, ADH, EMS Section Chief
Meg Mirivel, ADH, Director, Communications
Haley Ortiz, ADH, Director, Health Policy
Matt Gilmore, ADH, Boards and Commissions Coordinator
Jo Thompson, ADH, Chief Financial Officer

Dr. Hattie Scribner, PhD, ADH, Family Health Branch
Manager
Kristie Washington, ADH, Injury Prevention and Control
Section Chief
Krista Wells, ADH, Cosmetology and Body Art Inspector
Kelli Adcock, ADH, Administrative Analyst
Mandy Thomas, ADH, CHP ADMO
Job Toussaint, ADH, Health Program Specialist
Patrick Judkins, ADH, Computer Support Analyst
Steven Speer, ADH, AV Contractor
Mike Wilson, ADH, EOC Technical Manager

The quarterly meeting of the Arkansas State Board of Health was held on Thursday, July 27, 2023, in the Main Conference Room, Room 906, Freeway Medical Tower, of the Arkansas Department of Health.

CALL TO ORDER

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

APPROVAL OF MINUTES

Dr. Phillip Gilmore moved, and Dr. James Zini seconded, that the Minutes of the April 27, 2023, Quarterly Meeting be approved. Motion carried by unanimous vote.

OLD BUSINESS

NO OLD BUSINESS.

NEW BUSINESS

MIDWIFE ADVISORY BOARD NOMINEES

Ms. Shelly Matthews, Nurse in the Women's Health Section, presented four (4) nominations for the Midwife Advisory Board, including re-nomination of Hailey Burchfield (chairperson of the board). Dr. James Zini moved, and Dr. Anthony Hui seconded, to approve the nominations. Motion carried by unanimous vote.

COSMETOLOGY TECHNICAL ADVISORY COMMITTEE (CTAC)

Dr. Alex Hooper, Branch Manager for Personal Care Services, presented eleven (11) nominations for the CTAC. All current positions expired on August 7th, 2023, and all but one member were submitted to continue their position on the committee. Act 688 of the 2023 Session also added two (2) additional members to the previous nine (9) member committee.

At the conclusion of the discussion, Dr. Susan Weinstein moved, and Dr. Blake Torres seconded. Motion carried by unanimous vote.

RULES PERTAINING TO YOUTH INJURY MITIGATION & INFORMATION COURSES FOR ATHLETIC PERSONNEL AND COACHES

Mr. Jacob Smith, Branch Chief Substance Misuse and Injury Prevention Branch, explained that Act 642 of the 2023 Session (known as the “Coach Safely Act”) requires the Department of Health to adopt, implement and enforce rules relates to the Act. The Act and Rules requires coaches and athletic personnel of children under the age of fourteen (14) to complete specific courses approved by the Arkansas Department of Health.

Dr. Susan Weinstein asked Mr. Smith whether the website would be improved and updated once the rules were implemented. Mr. Smith answered in the affirmative.

Dr. Mike Riddell, President, acknowledged that this was a good safety measure. Dr. Blake Torres agreed. He then asked about section three (3) subsection four (4) (Definition section) and pointed out that baseball was listed in the section, but softball was not. He asked if that was an oversight or something else. Charles Thompson, Attorney for the Arkansas Department of Health, answered, stating that the bill was drafted by someone else and an inquiry could be made with the legislation’s sponsor. Dr. Mike Riddell similarly pointed out that boxing and wrestling were not included in the provisions.

At the conclusion of the discussion, Dr. James Zini moved, and Dr. Philip Gilmore seconded. Motion carried by unanimous vote.

AMENDMENTS TO THE RULES PERTAINING TO ARKANSAS PRESCRIPTION DRUG MONITORING PROGRAM

Dr. Jamie Turpin, PDMP Administrator for Substance Misuse and Injury Prevention, outlined various amendments sought to the Rules Pertaining to the Arkansas Prescription Drug Monitoring Program. These amendments included correcting definitions and provisions, inserting information on how waivers from reporting can be obtained, and inserting additional language mandated by Act 67 of the 2023 Legislative Session. The amendments also made changes throughout to comply with the Code of Rules project.

Dr. Mike Riddell, President, asked whether the committee members would be appointed by the ADH. Dr. Turpin clarified that the obstetrician/gynecologist would be solicited, and the opioid recovery partnership would be selected from a pool of recommended candidates. Dr. Riddell then asked about a State Board of Health member. Dr. Turpin confirmed that there was one, but the Board does not approve that position. Laura Shue, General Counsel, clarified that typically it is the pharmacist representative on the Board of Health as far as committee representation.

Dr. Blake Torres asked about Section Four (4) and what the current state of funding is for PDMP. Dr. Turpin explained that the Program has been waiting on federal grants and the process has become more competitive with a decrease in amounts. The Program is looking for other grants to obtain.

Dr. James Zini asked about cost of the program as it runs currently. Dr. Turpin answered that, yearly, it costs about \$1.4 million. Dr. Riddell then asked whether the Board receives a report to analyze the success of the Program. Dr. Turpin explained that annual reports are produced but it does not publish past, financial numbers.

Dr. Torres then asked what the rationale is behind having PDMP and has there been an impact on patients using multiple prescribers or pharmacies since the program began. Dr. Turpin explained that PDMP's goal is to divert and minimize the use of drugs and enhance patient care. And over the years, there's been a decrease in patients visiting five (5) or more doctors or pharmacies within a 90-day span.

Dr. James Zini asked how other states fund their PDMPs. Dr. Turpin explained that some states locate a PDMP within a licensure board, thus, they receive licensing fees to fund their program; some programs also receive funding from their state.

Dr. Blake Torres moved, and Dr. Brad Erney seconded to accept the changes. Motion carried by unanimous vote.

REVISIONS TO THE RULES PERTAINING TO RADIOLOGIC TECHNOLOGY LICENSURE

Mr. Bernard Bevill, ADH Section Chief for Radiation Control Section, presented the revisions to the rules concerning licensure for radiologic technology. In the 2023 Session, the Legislature passed Act 137 enacting changes to the initial licensure requirement for uniformed service members, veterans and their spouses. The requirement that application be made within a year of discharge was removed in accordance with the recent legislation.

Dr. Susan Weinstein moved, and Dr. Anthony Hui seconded that the changes be accepted as presented. Motion carried by unanimous vote.

REVISIONS TO THE RULES FOR CONTROL OF SOURCES OF IONIZING RADIATION

Mr. Bernard Bevill, ADH Section Chief for Radiation Control Section, presented the revisions to the rules concerning control of sources of ionizing radiation; this provision also governs physicians and the use of x-ray equipment, radioactive material, etc. Due to an agreement with the U.S. Nuclear Regulatory Commission (NRC), Arkansas, as an agreement state, must have rules that follow the rules of the NRC. The rule revisions proposed reflect changes in NRC regulation amendments as well as revisions due to Act 315 of 2019 (replace the term "regulation" for "rule"). General cleanup was also performed and is reflected in the proposed rules.

Dr. James Zini moved, and Mr. Donald Ragland seconded. Motion carried by unanimous vote.

REVISIONS TO THE RULES PERTAINING TO ORTHOTIC, PROSTHETIC, AND PEDORTHIC PROVIDERS IN ARKANSAS

Ms. Paula Day, Section Chief for Health Facility Services, presented the amendments to the rules pertaining to orthotic, prosthetic, and pedorthic providers in Arkansas following the passage of Act 137 in the 2023 Legislative Session.

Dr. Susan Weinstein moved, and Dr. Blake Torres seconded. The motion carried by unanimous vote.

REVISIONS TO RULES PERTAINING TO PERFUSIONISTS IN ARKANSAS

Ms. Paula Day, Section Chief for Health Facility Services, presented the amendments to the rules pertaining to Perfusionists in Arkansas following the passage of Act 137 in the 2023 Legislative Session.

Dr. Anthony Hui moved, and Dr. Philip Gilmore seconded. The motion carried by unanimous vote.

REPEAL OF RULES FOR ABORTION FACILITIES IN ARKANSAS

Ms. Paula Day, Section Chief for Health Facility Services, presented the Repeal of Rules for Abortion Facilities in Arkansas following the passage of Act 162 in the 2023 Legislative Session which repealed the statutory requirements for registration of abortion facilities. Pursuant to an emergency clause in the Act, the Rules for Abortion Facilities should be repealed.

Donald Ragland moved, and Dr. Blake Torres seconded. The motion carried by unanimous vote.

RULES PERTAINING TO TESTING OF NEWBORN INFANTS

Dr. Katie Seely, Director of the Public Health Lab, presented the Rules pertaining to testing of newborn infants in Arkansas for Core medical conditions after birth following the passage of Act 490 in the 2023 Legislative Session. The Rules were updated to conform with the Act and they reflect changes primarily in language. The rules also removed the list of conditions and replaced those conditions with a broad statement relaying that any condition added to the Recommended Universal Screening Panel (RUSP) are automatically added to the screening panel in Arkansas.

Dr. Mike Riddell, President, asked whether these rules continue to rollover as new conditions are added. Dr. Seely answered in the affirmative and explained that conditions added to the RUSP will not require additional approval. They're automatically included within 36 months. Dr. Riddell then asked if these new conditions would be relayed to the Board of Health. Dr. Seely answered in the affirmative.

Dr. Blake Torres asked about the 36-month aspect. Dr. Seely explained that because many of the conditions that are added to the RUSP aren't yet FDA approved, additional time is needed for the vendor of the tests to achieve FDA approval.

Dr. Susan Weinstein asked why the cost totaled \$131.

Dr. Riddell noted that he had previously toured the Public Health Lab and was impressed with the technology; he asked if Dr. Seely had an update to inform the Board about. Dr. Seely responded explaining that the Lab is always trying to update its technology and equipment to align with efficient testing, which includes a lot of automation at this points which includes quality of testing and communication.

Dr. James Zini made a motion to approve, and Dr. Anthony Hui seconded. The motion carried by unanimous vote.

**EMS HEARING PROPOSED FINDINGS OF FACT, CONCLUSIONS OF LAW, AND ORDERS ON
LINDSEY GORTNEY, AMANDA WILSON, AND ERIC PAPP**

Mr. Craig Smith, ADH Attorney, extended appreciation to Dr. Mike Riddell, Dr. Brad Erney, and Dr. Darren Flamik for participating in the May subcommittee hearings.

Mr. Smith presented the matter of Lindsey Gortney. Ms. Gortney was not personally present nor online. Mr. Smith stated that Ms. Gortney was given notice of the meeting by mail and email. Ms. Gortney is an EMT who, when she completed her application, failed to disclose prior disciplinary action that had been taken against her when she held a nursing license. The subcommittee recommended that her EMT license be placed on probation for one year, and if she is later granted a paramedic license, the probation will extend to that license as well through the remainder of the probationary period. Further, Ms. Gortney was ordered to complete one (1) continuing education hour on ethics and professionalism in addition to the requirements by the Department of Health for renewal of her EMT or paramedic license. Dr. Perry Amerine moved, and Dr. James Zini seconded, to accept the recommendation as written. Motion carried by unanimous vote.

The next matter presented was Ms. Amanda Wilson, who was not personally present nor online. Mr. Smith stated that Ms. Wilson was given notice by email and mail regarding the meeting. Ms. Wilson appeared for duty in April of 2023 and was suspected of being intoxicated. Within a few hours, she was tested for intoxication and the alcohol screening results were 0.042 which was 6 hours after she reported to duty. She was brought before the subcommittee and they recommended that Ms. Wilson's license be revoked effective immediately. Dr. Weinstein asked whether Ms. Wilson could be reinstated later on and/or what that process would look like. Mr. Smith explained that because Ms. Wilson's license hadn't been revoked in the past, if she were to re-apply that decision would likely have to be presented to the subcommittee and presented before the Board of Health. The subcommittee could then impose conditions on her license if she were to be reinstated. Dr. Sue Weinstein moved, and Dr. Blake Torres seconded, that the findings be accepted. Motion carried by unanimous vote.

The next matter presented was Mr. Eric Papp, who was not personally present nor online. Mr. Smith stated that Mr. Papp was given notice by email and mail of the meeting. Mr. Papp is a paramedic licensed in Arkansas. It was reported, and video surveillance showed, that Mr. Papp took scheduled drugs from a co-worker's purse and placed them into his possession. This was Mr. Papp's second offense of narcotics misuse. The subcommittee recommended that Mr. Papp's license be revoked effective immediately. Dr. Perry Amerine moved, and Donald Ragland seconded, that the findings be accepted as written. Motion carried by unanimous vote.

OTHER BUSINESS

PROGRAM UPDATES

Shane David, PharmD, Pharmacy Services Section Chief, gave an outline of the staff and services that Pharmacy Services provides. The Section does various things including promulgating Rules for Controlled Substances and updating the controlled substance list; however, its primary purpose is conducting investigations for professional boards, such as medical, dental, optometry, PT, podiatry, and nursing, and composing reports to submit to their respective boards. The Section also handles controlled substances registrations and certificates for those who desire to conduct research. The Section also provides a support function for local health units who need pharmacists to assist in patient care, and emergency support for the Department and other fields.

When asked what percentage of investigations that the Section conducts results in consequential actions; Dr. David concluded that most investigations resulted in action of some sort. Dr. Blake Torres asked about recent opioid settlement discussion by the State, and the Department's involvement. Dr. David stated that those are handled by the Attorney General's office. Dr. Riddell, President, asked about the status of heroin sales in the state. Dr. David responded that law enforcement would be better able to explain. When asked whether there has been any study concerning controlled substances as they relate to medical practices in rural areas of the state compared to central Arkansas, Dr. David acknowledged that several investigations have been done over the years, which have resulted in the closure of some practices or implementation of further training to comply with regulations.

Dr. Riddell then asked if there are any needs that the Section perceives. Dr. David stated that the Section has been fortunate to have great support in navigating rules and legislation. The Section is now looking at classifications of substances in the next set of Rules to update.

PRESIDENT'S REPORT

Dr. Mike Riddell asked about a retreat that was held years ago for the Board of Health and whether that was a one-time thing or why that did not carry on. Discussion followed about the previous retreat, and that members were later polled, in which they voiced their opinion that they would rather have an afternoon educational meeting rather than an overnight meeting.

SECRETARY'S REPORT

Interim Secretary Mallory passed over her report based on the education event in the afternoon.

The meeting adjourned at 11:22 am.



Dr. Mike Riddell, President
Arkansas State Board of Health