

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

MEMBERS PRESENT

Phillip Gilmore, PhD, President
Darren Flamik, MD, President Elect
Renee Mallory, RN, Secretary of Health
Kay Chandler, MD, Surgeon General
Loy Bailey, RS
Robert Bonner, DVM
Mellie Bridewell
Eddie Bryant, MD
Chris Cathey, DC
Lane Crider, PE
Dwayne Daniels, MD
Brad Erney, DMD
Justin Franks, OD PA
Anthony Hui, MD
David Kiessling, DPM
Mike Riddell, MD
Donald Ragland
Jim Terry
Blake Torres, PharmD
Clay Waliski
James Zini, DO

MEMBERS ABSENT

Vanessa Falwell, APRN
Balan Nair, MD

GUESTS PRESENT

Jennifer Dillaha, MD, ADH Director,
Secretary of State Board of Health
Don Adams, ADH, Chief of Staff
Dr. Bala Simon, ADH, Deputy Chief
Medical Science Officer
Namvar Zohoori, MD, ADH, Chief
Science Officer
Mike Cima, PhD, ADH, State
Epidemiologist Science Officer and
Deputy State Epidemiologist
Meg Mirivel, ADH, Director,
Communications
Sherian Kwanisai, ADH, Director,
Division for Local Public Health
Connie Melton, ADH, Director, Division
for Health Protection
Christy Sellers, ADH, Director, Division
for Health Advancement
Laura Shue, ADH, General Counsel
Reginald Rogers, ADH, Deputy General
Counsel
Charles Thompson, ADH, Managing
Attorney
Brian Nichols, ADH, Attorney
Chuck Hardin, ADH, Privacy Officer
S. Craig Smith, ADH, Attorney
Deborah Reagan, ADH, Attorney
Jessica Upchurch, ADH, Administrative
Assistant
Chris Carlisle, ADH, Law Clerk
Karla Lock, ADH, Board of Health
Liaison
Dr. Laura Rothfeldt, ADH, State Public
Health Veterinarian
Linda Wooten, ADH, Associate Division
Director-MGMT & OPS
James Joiner, ADH, Facility Engineer
Supervisor
Lance Jones, ADH, Director of
Engineering
Kelli Kersey, ADH, Section Chief for
Cosmetology, Body Art, and
Massage Therapy

Shannon Borchert, ADH, School Health Services Director
Shanetta Agnew, ADH, State School Health and Wellness Coordinator
Jennifer Wessel, ACHI
Ric Mayhan, ADH, Director, Protective Health Codes and Environmental Health Manager
Bill Sims, ADH, Plumbing Inspector Supervisor
Dennis Sternberg, Arkansas Rural Water Association
Andrea Gluckman - Phillips Co. resident
Faye Duncan Daniel - Phillips Co. resident

The quarterly meeting of the Arkansas State Board of Health was held on Thursday, July 25, 2024, in the Main Conference Room, Room 906, at the Freeway Medical Tower Building in Little Rock, Arkansas.

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

Secretary Mallory moved, and Donald Ragland seconded, that the Minutes of the April 25, 2024, Quarterly Meeting be approved. Motion carried by unanimous vote.

OLD BUSINESS

No Old Business.

NEW BUSINESS

MESSAGE THERAPY TECHNICAL COMMITTEE APPOINTMENTS

Kelli Kersey, Section Chief for Cosmetology, Body Art, and Massage Therapy presented on behalf of the Massage Therapy Technical Advisory Committee. She requested the Board to approve the seven-member Massage Therapy Technical Advisory Committee. All current member terms are set to expire on September 30, 2024, and they recommended that five of the members who re-applied be re-appointed. However, since then one of them has withdrawn, Leigh Ann Warriner from District-2. Ms. Kersey advised the Board, they will be starting the process to fill that position in the next couple of months. Regarding the other six members, we are moving to have them appointed to the committee. Krista Moore out of District 1, Malcolm Keener out of District 2, Glen Fleming as well as Kirby Ellis out of District 3, District 4 Wendy Scott, and Kristy Strother. The two new appointees to the Massage Therapy Technical Advisory Committee would be Malcolm Keener and Kirby Ellis.

There were no questions from the Board.

Secretary Mallory moved to approve the appointments and Dr. Zini seconded. Motion carried by unanimous vote.

CHILD HEALTH ADVISORY COMMITTEE (CHAC) REPORT AND RECOMMENDATIONS

Shannon Borchert, School Health Services Director, and Shanetta Agnew, State School Health & Wellness Coordinator, presented an overview of both the 2023 and 2024 Child Health Advisory Committee Recommendations.

Jerri Clark, Physical Health and School Health Services Director for the Arkansas Department of Education, addressed questions regarding the Student Mental Health Recommendations as well as the Student Nutritional Recommendations, set forth in both the 2023 and 2024 Child Health Advisory Committee Recommendations.

After much discussion regarding the impact of the proposed recommendations on both the teachers and the students, Jim Terry made a motion to remove the Student Mental Health Recommendations from both the 2023 and 2024 Child Health Advisory Committee Recommendations and approve the remaining items separately. Dr. Torres seconded the motion.

Both Dr. Bonner and Dr. Flamik inquired about the cafeteria recommendations and the financial impact to those schools who do not have the resources to meet those standards. After discussion, Dr. Flamik requested the cafeteria plan recommendations be removed from the 2023 and 2024 Child Health Advisory Recommendations.

President Gilmore made a request to amend Mr. Terry's motion to remove both the Student Mental Health Recommendations and the cafeteria portion of the Student Nutrition Recommendations for years 2023 and 2024. Mr. Terry so moved, and Dr. Torres seconded the motion. The motion carried by unanimous vote.

LOCAL GRANT TRUST FUND - RECOMMENDED AWARDS AND BUDGET BALANCE

President Gilmore recognized Dr. Torres, Loy Bailey, Lane Crider, Dr. Flamik and Donald Ragland for their participation on the Local Grant Trust Fund Committee.

Mr. James Joiner, Facility Engineer Supervisor, presented on behalf of the Local Grant Trust Fund Committee. Mr. Joiner pointed out that there was a typo in the packet. The July 1, 2025, balance should be the 2024 balance. The Local Grant Trust Fund Committee met in May of 2024, and recommended the following awards: Major grant requests for renovation- Drew County- Monticello \$647,000; Miller County- Texarkana \$500,000 and Poinsett County- Harrisburg \$300,000. Major grant requests for new construction- Pulaski County- North Little Rock \$1,250,000. Total for major awards \$2,697,000. Minor grant request for renovation- Stone County- Mountain View \$2,600.63. Total net amount of major and minor awards \$2,699,600.63. Mr. Joiner also updated the board members on projects not completed for fiscal year 2025; Clark County- Arkadelphia \$38,683.65. Mr. Joiner stated as of July 1, 2024, the balance available in the Local Grant Trust Fund was \$3,328,212.72. After the recommended new awards of \$2,699,600.63 and projects remaining for completion from fiscal year 2024 of \$38,683.65, the remaining fiscal year 2025 balance is \$589,928.64.

Dr. Riddell requested a list of the past ten years of projects completed by the Local Grant Trust Fund, as well as upcoming projects. After discussion and clarification, Dr. Zini moved to approve the Local Grant Trust Fund recommended awards and Dr. Riddell seconded. The motion carried by unanimous vote.

COMMITTEE OF PLUMBING EXAMINERS – APPEAL BY MICHAEL LINN, LICENSEE

Attorney, Brian Nichols, addressed the Board regarding Mr. Linn’s Appeal of the Committee of Plumbing Examiners. Both Mr. Linn and his attorney, Paul Petty, were present via Teams. The Committee for Plumbing Examiners decided to impose a fine of \$7,500 and revoke Mr. Linn’s Master Plumber license. The Committee of Plumbing Examiners found that Mr. Linn demonstrated incompetence to hold an Arkansas Master Plumbing license. The Committee took the totality of all violations into consideration, as well as his over thirty-four years of experience, and found that he failed to meet the minimum standards under state law for a master plumber. Brian Nichols recognized that the Board could impose any sentence or penalty that they choose to but would ask the Board to uphold the Committee’s decision.

After Mr. Linn’s testimony, Brian Nichols advised the Board that the information being presented is the same information brought before the Committee of Plumbing Examiners, as included in their packet. Brian Nichols also noted that Mr. Linn had been fined and had complaints prior to the current matter.

After discussion and clarification, Dr. Flamik moved to uphold the committee’s decision, and Dr. Cathey seconded the motion. The motion carried by unanimous vote.

Paul Petty thanked the Board for their time and requested a copy of the signed Order from the Board.

ADMINISTRATIVE HEARINGS SUBCOMMITTEE

PUBLIC DRINKING WATER SYSTEMS

President Gilmore thanked Lane Crider, Donald Ragland, and Dr. Cathey, for their time serving on the committee. President Gilmore asked Mr. Rogers, Deputy General Counsel, to report on these matters.

Mr. Rogers presented on three water systems: Helena, West Helena, and Strong.

Mr. Rogers began with referencing the packet provided to the Board, the findings of fact and proposed findings of fact for Helena and West Helena. Mr. Rogers introduced the transcript and the exhibits from the public hearing held on June 26, 2024. Mr. Rogers indicated he had emailed those documents to the Board of Health members last week along with the letters of support in favor of the consent decrees. Mr. Rogers proceeded to read a letter of support from Faye Duncan-Daniels. Mr. Rogers indicated that everyone was in support of the consent decree. Mr. Rogers explained to the Board there are issues of licensed water operators and other challenges that Helena and West Helena have had. The Mayor of Helena and West Helena, Mr. Chris Franklin, appeared along with the City Attorney; the Chief of Staff; John Edwards, General Counsel and Economic Development Director of Helena Harbor and Phillips County Port Authority; and Engineer Brent Hauser, with Freese and Nichols Engineering, at the committee meeting on June 26th, 2024. The consent decrees were agreed with conditions that Helena and West Helena must meet, which are lined out in the decree, within a ninety-day

period. The committee noted the same issues were present in both water systems, and both water systems agreed to the violations, accepted responsibility of those violations, and were working to improve the situations.

The committee voted to accept the penalty amount for Helena of \$ 234,200, and West Helena of \$450,200¹. Mr. Rogers asked the Board for approval of both Orders and requested a separate vote on each.

Dr. Bryant asked if a good faith effort was made by the cities and they were unable to complete the project within the ninety-day period, would that be considered. Secretary Mallory responded to the affirmative stating the Arkansas Department of Health would be fair and allow time for completion, extending the suspension of penalties.

Jim Terry asked if there was adequate funding in place for the localities to meet these standards. Mr. Rogers requested for John Edwards to address Mr. Terry's concerns. Mr. Edwards obliged. President Gilmore thanked Mr. Edwards and asked if there were any other questions or comments.

A motion was made for Helena by Dr. Zini and seconded by Donald Ragland. The motion passed unanimously.

Lane Crider requested it be noted for the minutes that pages four and five were missing in the West Helena Order.

A motion was made for West Helena by Dr. Zini and seconded by Jim Terry. The motion passed unanimously.

Mr. Rogers then addressed issues affecting Strong Waterworks. He stated that both the Mayor of Strong, Mr. Darrell Howell, along with the City's Water Operator, Mr. Jimmy Hargis, were present at the hearing. They cited communication issues as why they didn't sign the consent decree. They admitted to the violations and stated they were making improvements to the water system. Mr. Rogers stated the penalty imposed is \$185,400, which includes the past due public water service fees of \$3,333.60. The proposal is to suspend the penalties requested in the Order contingent upon the correction of significant deficiencies in the water system, payment of the \$3,333.60 overdue fees, and compliance with all applicable public drinking water rules, within ninety-days.

President Gilmore requested a motion for Strong. A motion was made by Dr. Zini and seconded by Jim Terry. The motion carried by unanimous vote.

¹ Dollar amount granted in Helena Order is 450,800.00 dollars.

OTHER BUSINESS

ADMINISTRATIVE UPDATES

DEPARTMENT OF HEALTH- FIVE YEAR STRATEGIC PLAN- 2024-2029

Dr. Bala Simon, Deputy Chief Medical Officer, presented the Department of Health's Five-Year Strategic Plan for 2024-2029.

On May 17, 2024, the Arkansas Department of Health held an all-day strategic planning meeting with seventy-five members in attendance. Five key priority areas were identified, based on the Arkansas Department of Health's staff survey and leadership goals to focus on for the next five years. An external consultant facilitated the planning session. Five workgroups were formed to develop strategies and activities on the five key priority areas. The five key priorities that the Department will focus on over the next five years are diabetes, heart health, sexually transmitted diseases, women's and maternal health and youth tobacco use. Dr. Simon indicated the initial drafting of the strategic plan was completed on June 30, 2024. He advised that content will be added to the Arkansas Department of Health's scorecard which will be available to the public as a record of progression to meet these goals.

President Gilmore thanked Dr. Simon for his presentation to the Board.

PUBLIC HEALTH SCIENCE-PROGRAM UPDATES

BIRD FLU UPDATE

Dr. Laura Rothfeldt, State Public Health Veterinarian, presented on highly pathogenic avian influenza. Dr. Rothfeldt gave a brief history of the progression of the pathogen up to the present date. Dr. Rothfeldt updated on the current trajectory of the virus, transmission of the virus from animal to humans, and symptoms present in humans infected with avian influenza.

President Gilmore thanked Dr. Rothfeldt for her presentation to the Board.

PRESIDENT'S REPORT

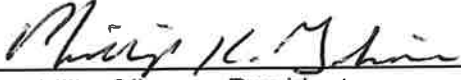
President Gilmore thanked the Board of Health Members for their continued service on the Board and on the committees. President Gilmore also thanked the staff at the Department of Health for their commitment to serving the health needs of all Arkansans.

SECRETARY'S REPORT

Secretary Mallory began by thanking Dr. Gilmore for his words of commendation and concluded by applauding the Stead Scholarship program. Secretary Mallory asked Dr. Namvar Zohoori, Chief Science Officer for the Department of Health, to speak about the program.

Dr. Zohoori, spoke briefly about the history of the Stead Scholarship program, the selection criteria for applicants, and the primary goal of the program, which is to foster careers in public health.

Dr. Zohoori concluded his remarks by encouraging all Board members to attend the upcoming Annual County Health Officer Symposium being held from October 4, 2024, thru October 6, 2024, at the Winthrop Rockefeller Institute on Petit Jean Mountain.



Dr. Phillip Gilmore, President
Arkansas State Board of Health