

**MINUTES OF THE ARKANSAS STATE BOARD OF HEALTH
QUARTERLY MEETING
October 23, 2025**

MEMBERS PRESENT

Darren Flamik, MD, President
Brad Erney, DMD, President Elect
Renee Mallory, RN, Secretary of Health
Kay Chandler, MD, Surgeon General
Loy Bailey, RS
Robert Bonner, DVM
Darlene Byrd, DNP
Chris Cathey, DC
Lane Crider, PE
Keith Davis, MD
Justin Franks, OD PA
Phillip Gilmore, PhD
Tina Ipe, MD
Laura Moore, MD
Donald Ragland
Jim Terry
Blake Torres, PharmD
Clay Waliski
James Zini, DO

MEMBERS ABSENT

Mellie Bridewell
Dewayne Daniels, MD
Anthony Hui, MD
David Kiessling, MD

GUESTS PRESENT

Jennifer Dillaha, MD, ADH Director,
Secretary of AR Board of Health
Cassie Cochran, ADH, Deputy Director
for Public Health Programs
Bala Simon, MD, ADH, Deputy Chief
Medical Science Officer
Don Adams, ADH, Chief of Staff
Austin Porter III, DrPH, MPH, ADH,
Chief Science Officer and State
Epidemiologist
Laura Shue, ADH, Chief Legal
Counsel
Naveen Patil, MD, MHSA, MA, ADH,
Deputy State Health Officer
Cristy Sellers, ADH, Director, Division
for Health Advancement
Connie Melton, ADH, Director, Division
for Health Protection
Jeremy Courtney, ADH, Director,
Division of Public Health Practice
Katie Seely, ADH, Director, Public
Health Laboratory
Robert Arsenault, MS, ADH, Chief
Information Officer
Matt Gilmore, ADH, Public Health
Programs Policy Coordinator
Reginald Rogers, ADH, Deputy General
Counsel
Brian Nichols, ADH, Attorney
Deborah Reagan, ADH, Attorney
Charles Thompson, ADH, Attorney
S. Craig Smith, ADH, Attorney
Chuck Hardin, ADH, Attorney, Privacy
Officer
William Greenfield, MD, ADH, Director
Family Health
Shane David, PharmD, ADH, Branch
Chief, Health Systems Licensing
and Regulations
Jomeka Edwards, ADH, Public Health
Section Chief
Christy Kresse, ADH, EMS Section
Chief

Paula Day, ADH, Section Chief, Health
Facility Services
Courtney Livingston, ADH, Registered
Nurse Supervisor, Family Health
Nick Shull, ADH, Section Chief,
Pharmacy Services
Rhonda Kitelinger, ADH, Maternity
Nurse Coordinator
Joe Martin, ADH, Director,
Preparedness and Emergency
Response Systems
Ryan Christensen, ADH, Inspector
Supervisor, Environmental Health
Mike Wilson, ADH, IT
Carrie Cobb
Cynthia Shaw
Cynthia Shaw
Beau Wilcox
Shane Taylor
Stacey Taylor
Allen Usrey
David Jones
Kim Jacob
Shea Childs
Maressa Bearden

The quarterly meeting of the Arkansas State Board of Health was held on Thursday, October 23, 2025, in the Main Conference Room, Room 906, at the Freeway Medical Tower Building in Little Rock, Arkansas.

CALL TO ORDER

Dr. Darren Flamik, President, called the meeting to order at approximately 10:00 a.m. and asked for a roll call which was conducted by Chief Legal Counsel, Laura Shue.

APPROVAL OF MINUTES

Dr. James Zini moved, and Mr. Loy Bailey seconded, for the approval of the Minutes of July 24, 2025, Quarterly Meeting. Motion carried by unanimous vote.

Business Board

Ms. Shue addressed the Board regarding key considerations when conducting Board business. She advised meetings of governing bodies, including subcommittees, with decision making power are open to the public, thus subject to the Freedom of Information Act. Ms. Shue conveyed to the Board not to participate in any outside investigation before, or during, administrative hearings.

Ms. Shue stated a reminder was sent by email to submit members for consideration to be President in 2027, and nominations from members of the board are still being accepted if any

member is interested in serving. With the current rotation, the nominations for President-Elect in 2026 will be a medical doctor.

Ms. Shue also reminded the Board in accordance with the implementation of Act 505 of 2025, which, alongside recent by-law amendments, permits virtual attendance. Members joining remotely will be counted toward quorum and may participate in votes. At the start of each meeting, remote attendees' identities will be verified. It is essential that both the board and the public, whether present in person or virtually, can hear, observe, and recognize remote participants, especially when speaking or voting. Please announce your name clearly when making motions or casting votes to ensure compliance.

Ms. Shue concluded by reminding the Board that the Local Grant Trust Fund sub-committee will meet at 1:00 p.m. after the Board of Health meeting.

NEW BUSINESS

COUNTY HEALTH OFFICER APPOINTMENTS

Dr. Naveen Patil, Deputy State Health Officer, presented nominations for nine county health officers. Dr. Patil presented Dr. Mellisa Seme, a new appointment from Perry County. Lane Crider moved, and Dr. Torres seconded, for approval. Dr. Patil presented Dr. Shane Speights, a reappointment from Craighead County. Dr. Franks moved, and Loy Bailey seconded, for approval. Dr. Patil presented Dr. Harvie M. Attwood, a new appointment from Cleveland County. Dr. Gilmore moved, and Dr. Zini seconded, for approval. Dr. Patil presented James Oglesby, a new appointment from Little River County. Dr. Moore moved, and Dr. Zini seconded, for approval. Dr. Patil presented Dr. Matthew D. Hulse, a reappointment from Pike County. Dr. Bonner moved, and Mr. Ragland seconded, for approval. Dr. Patil presented Dr. J. Dan Moore, a reappointment from Woodruff County. Dr. Zini moved, and Dr. Byrd seconded, for approval. Dr. Patil presented Dr. Stephanie Patyk, a reappointment from Prairie County. Loy Bailey moved, and Dr. Byrd seconded, for approval. Dr. Patil presented Dr. Joshua Lindsey, a new appointment from Montgomery County. Dr. Zini moved, and Dr. Byrd seconded, for approval. Dr. Patil presented Dr. Jamie Evans, a reappointment from Desha County. Mr. Ragland moved, and Dr. Byrd seconded, for approval. The motions for approval all carried with a unanimous vote.

EMERGENCY MEDICAL SERVICES ADVISORY COMMITTEE APPOINTMENTS

Christy Kresse, Section Chief of Emergency Medical Services, presented for approval eleven appointments to the newly formed Emergency Medical Services Advisory Committee. Ms. Kresse informed the Board that this committee was established in accordance with House Bill 1767 from the 2025 Arkansas Legislative Session, aiming to provide recommendations to the Board of Health regarding public hearings, obligations, and implementation within the industry. She further noted that each appointee would serve a two-year term. Ms. Kresse presented Dr. Bradley Schulz, an emergency medical services medical director of a ground ambulance service. Dr. Torres moved, and Loy Bailey seconded, for approval. Ms. Kresse presented Dr. Brandon Morshedi, an emergency physician certified by the Arkansas Medical Board with emergency room or critical care experience. Dr. Bonner moved, and Dr. Torres seconded, for approval. Ms. Kresse presented Greg Brown, a consumer representative interested in public health and emergency medical services. Loy Bailey moved, and Dr. Bonner seconded, for

approval. Ms. Kresse presented Mack Hutchinson, an emergency medical services paramedic from a ground transportation provider. Dr. Torres moved, and Dr. Bonner seconded, for approval. Ms. Kresse presented David Jones to fulfill the emergency medical services clinician working as a technician, advanced emergency medical technician, paramedic, or community paramedic. Loy Bailey moved, and Lane Crider seconded, for approval. Ms. Kresse presented Latricia Maynard, an air medical services paramedic. Dr. Zini moved, and Dr. Byrd seconded, for approval. Kresse presented Keith Edmondson, representative of a public or government-licensed ambulance service provider and licensed EMS provider. Loy Bailey moved, and Dr. Bonner seconded, for approval. Ms. Kresse presented Amanda Newton, private licensed ambulance service provider and licensed EMS provider. Dr. Torres moved, and Loy Bailey seconded, for approval. Ms. Kresse presented Jeff Tabor, a certified military emergency medical technician. Loy Bailey moved, and Dr. Byrd seconded, for approval. Ms. Kresse presented Jason Guthrie, a fire-based ambulance service provider. Dr. Bonner moved, and Dr. Torres seconded, for approval. Ms. Kresse presented Harold Shray, emergency medical services training site program director. Loy Bailey moved, and Lane Crider seconded, for approval. All motions for approval carried with a unanimous vote.

RULE REVISION – LIST OF CONTROLLED SUBSTANCES

Shane David, Branch Chief, Health Systems Licensing and Regulations presented a summary of proposed amendments to rules pertaining to the list of controlled substances for the State of Arkansas. Dr. Torres moved to accept the proposed amendments as written, and Dr. Zini seconded. The motion carried by unanimous vote.

RULE REVISION – RULES FOR PUBLIC ACCESS TO EPINEPHRINE

Nick Shull, Section Chief, Pharmacy Services, presented a summary of proposed amendments to rules pertaining to public access to auto-injectable epinephrine. Dr. Zini moved to accept the proposed amendments, and Dr. Byrd seconded. The motion carried by unanimous vote.

RULE REVISION - RULES FOR HOSPITALS AND RELATED INSTITUTIONS IN ARKANSAS

Paula Day, Section Chief, Health Facility Services, presented a summary of proposed amendments to the Rules for Hospitals and Related Institutions in Arkansas. Mr. Ragland moved to accept the proposed amendments, and Loy Bailey seconded. The motion carried by unanimous vote.

RULE REVISION - RULES FOR CRITICAL ACCESS HOSPITALS IN ARKANSAS.

Paula Day, Section Chief, Health Facility Services, presented a summary of proposed amendments to the Rules for Critical Access Hospitals in Arkansas. Dr. Gilmore moved to accept the proposed amendments, and Dr. Zini seconded. The motion carried by unanimous vote.

RULE REVISION - RULES FOR HOME HEALTH AGENCIES IN ARKANSAS

Paula Day, Section Chief, Health Facility Services, presented a summary of proposed amendments to the Rules for Home Health Agencies in Arkansas. Dr. Gilmore moved to accept the proposed amendments, and Dr. Zini seconded. The motion carried by unanimous vote.

RULE REVISION - RULES FOR HOSPICE AGENCIES IN ARKANSAS

Paula Day, Section Chief, Health Facility Services, presented a summary of proposed amendments to the Rules for Hospice Agencies in Arkansas. Dr. Zini moved to accept the proposed amendments, and Mr. Ragland seconded. The motion carried by unanimous vote.

RULE REVISION - RULES FOR PRIVATE CARE AGENCIES IN ARKANSAS

Paula Day, Section Chief, Health Facility Services, presented a summary of proposed amendments to the Rules for Private Care Agencies in Arkansas. Dr. Cathey moved to accept the proposed amendments, and Secretary Mallory seconded. The motion carried by unanimous vote.

RULE REVISION - RULES FOR FREE STANDING BIRTHING CENTERS IN ARKANSAS

Paula Day, Section Chief, Health Facility Services, presented a summary of proposed amendments to the Rules for Free Standing Birthing Centers in Arkansas. After clarification between emotional support dogs and service dogs, Dr. Byrd moved to accept the proposed amendments, and Dr. Torres seconded. The motion carried by unanimous vote.

RULE REVISION - RULES FOR CONDUCTING CRIMINAL HISTORY RECORD CHECKS FOR HOME HEALTH, HOSPICE AND PRIVATE CARE AGENCIES IN ARKANSAS.

Paula Day, Section Chief, Health Facility Services, presented a summary of proposed amendments to the Rules for Conducting Criminal History Record Checks for Home Health, Hospice and Private Care Agencies in Arkansas. Dr. Gilmore moved to accept the proposed amendments, and Dr. Zini seconded. The motion carried by unanimous vote.

LICENSED LAY MIDWIFE DISCIPLINARY HEARING

Deborah Reagan, Attorney, addressed the Board on the findings of fact, conclusions of law and recommendations from an administrative disciplinary hearing for Licensed Lay Midwife, Jessica L. McGilvray (License #012024). Ms. Reagan stated the hearing was held on September 3, 2025, before a subcommittee of the Board, and Ms. McGilvray, the Respondent, although properly served notice of said hearing, did not attend. Ms. Reagan stated the findings of fact were as follows: Jessica McGilvray was licensed as a lay midwife on April 10, 2024; She began treating patient B.E. in October 2024 and entered a contract for services in January 2025. In April 2025, Ms. McGilvray performed a glucose test indicating failed gestational diabetes screening but did not submit lab reports to proper medical authorities. Instead, she managed and interpreted B.E.'s glucose levels independently. On July 13, 2025, Ms. McGilvray attended B.E.'s home delivery, after which the newborn, BE., died; Due to the seriousness of these events, the Arkansas Department of Health suspended McGilvray's license on August 22, 2025, pending further review.

Ms. Reagan stated the conclusion of law was as follows: Ms. McGilvray's actions violated Arkansas State Board Rules for Licensed Lay Midwives, including unprofessional conduct, gross negligence, and practicing outside allowed protocols.

The recommendation of the subcommittee, before the Board for acceptance, are that Ms. McGilvray's license remain suspended until additional pending investigations are complete, and further review by the Board is conducted.

Ms. McGilvray was present at the Board of Health meeting and offered an opportunity to speak to the Board. Ms. McGilvray stated she wanted to correct an item in the proposed findings. She stated she did not meet the patient until January 11, 2025, not October 8, 2024. In addition, Ms. McGilvray stated she did comply with the Board requests. She voluntarily surrendered her license, has not practiced, nor does she intend to practice midwifery going forward. She stated she has disabled all website and social media accounts and transferred all clients out of her care.

After brief discussion, Dr. Torres made a motion to accept the subcommittee's recommendation, and Dr. Erney seconded. The motion passed unanimously.

ENVIRONMENTAL HEALTH - DISCIPLINARY HEARING

Ryan Christensen, Section Chief, Onsite Wastewater and General Sanitation, advised the Board on October 2, 2025, the Environmental Health Protection Section brought before a subcommittee of the Board of Health a case against Taylor's Made Café. The focus was determining necessary corrective actions for a leaking plumbing system and malfunctioning onsite treatment system at their Conway, Arkansas, location. Details of the situation were reviewed, including a proposal and the relevant permit documentation provided, for consideration. After discussions with the Taylor's and their attorney, Beau Wilcox, on October 6, temporary mediation measures were agreed upon to address immediate health hazards. Specifically, approval was obtained from the Arkansas Department of Health for a wastewater holding tank to contain sewage until it could be transported to a treatment facility. Mr. Christensen indicated the owners of Taylor's Made Cafe had expressed a strong commitment to pursuing a permanent wastewater treatment plant in compliance with Department of Health requirements, as well as obtaining an NPDES permit from the Division of Environmental Quality. Considering Taylor's commitment to self-report any violations and cease those actions until remedied, the Environmental Health Protection Division requested permission from the Board to allow the owners time to secure the necessary permits and develop a long-term solution, with progress updates to be reported at future meetings.

Mr. Reginald Rogers, Deputy General Counsel, confirmed that the administrative hearing's committee had found violations and recommended closure of the establishment until the issues were resolved. After consultation with relevant departments, an interim agreement was reached to substitute for full committee recommendations, pending further action. Committee members included Mr. Lane Crider (Chair), Mr. Ragland, Dr. Cathey, and Mr. Waliski.

Beau Wilcox, representing Shane Taylor, Stacey Taylor, and Taylor's Made Cafe, thanked the board for their accommodations and commended the committee's thorough deliberations. He assured all parties of his clients' understanding and respect for regulatory requirements and their willingness to address any future violations immediately. Mr. Wilcox explained the owners' efforts to find cost-effective, satisfactory solutions and maintain sanitary conditions during this period. Additional pumping has been arranged at their expense to mitigate risks.

Mr. Crider, Chair of the administrative hearings committee, recognizing Taylor's had acknowledged the seriousness of the matter and expressed readiness to implement all necessary steps, made a motion to accept the recommendations of the Environmental Health Protection Division. Dr. Brad Erney seconded the motion. The motion passed unanimously.

OTHER BUSINESS

ADMINISTRATIVE UPDATES

Mr. Don Adams, Chief of Staff, presented three findings from the fiscal year 2024 financial audit. The first finding concerns bank reconciliation practices. Each local health unit maintains a separate bank account in addition to the account managed by the State Health Department with mandatory monthly and fiscal-year reconciliations required for both. Legislative monitors identified two instances where reconciliation did not align with records in the electronic accounting system: one discrepancy resulted from a transposed digit, while the other occurred when a previous account number was used on paper documents instead of the new account number found in electronic records. To address these issues, we have implemented procedural enhancements including expanded staff training and increased supervisory review of all reconciliations.

The second finding addresses a significant concern revealed during our internal audit. Our own monitoring system detected this issue. During a routine quarterly travel audit, an auditor noted that a restaurant receipt submitted for reimbursement appeared unusually high for a lunch expense, despite being within the per diem limit. After verifying with the restaurant and retrieving the original receipt, it was determined that the submitted document had been altered. A comprehensive review of the past eighteen months uncovered several instances of systematically altered receipts from the same employee, resulting in inappropriate reimbursements totaling \$1,500. The individual is no longer employed with the Arkansas Department of Health. In response, we provided additional training for staff involved in travel processes and their supervisors. Consistent with policy, we self-reported the incident to the legislative auditors due to its value exceeding \$500.

The final finding pertains to procurement procedures involving the acquisition of a steam sterilizer for our public health laboratory. Given the purchase amount, a competitive sealed bidding process was required. Proper public notice was issued, and a bid was received from an in-state supplier, who was subsequently awarded the contract. Although only one bid was submitted, a situation permitted under current policy, the documentation of the process was incomplete. There is no indication of any improper relationship; however, we are unable to confirm this definitively. We

recognize this deficiency and have taken corrective action through targeted training and strengthened internal controls to prevent similar occurrences in the future.

DIVISION/ OFFICE UPDATES

No program updates.

PUBLIC HEALTH SCIENCE AND PROGRAM UPDATES

No program updates.

PRESIDENT'S REPORT

Dr. Darren Flamik thanked all present for their time and reminded all, if interested, to submit their nominations for President- Elect.

SECRETARY'S REPORT

Secretary Renee Mallory concluded by thanking all Board members for their attendance.

Dr. Zini moved, and Dr. Byrd seconded, for the adjournment of the meeting. The motion carried, and the meeting adjourned at 11:46 am.



Dr. Brad Erney, President
Arkansas State Board of Health