

**QUARTERLY MEETING OF THE  
ARKANSAS STATE BOARD OF HEALTH  
January 22, 2015**

**MEMBERS PRESENT**

Lawrence Braden, M.D., President  
Jim Lambert, President-Elect (via phone)  
Nathaniel Smith, M.D., MPH, Secretary  
Gary Bass, Pharm D.  
Patricia Bell, O.D. (via phone)  
Glen "Eddie" Bryant, M.D.  
Miranda Childs Bebee, D.D.S.  
Clark Fincher, M.D.  
Alan Fortenberry, P.E.  
Beverly Foster, D.C.  
Larry Fritchman, D.V.M.  
George A. Harper, J.D.  
Anthony N. Hui, M.D. (via phone)  
Susan Jones, M.D.  
Thomas Jones, R.S.  
Mary Beth Ringgold  
Catherine Tapp, MPH  
Robbie Thomas Knight, Ph.D.  
Peggy Walker, RN-BC, MSN, CADC  
Anika Whitfield, D.P.M.  
Terry Yamauchi, M.D.  
James Zini, D.O.

**Members Absent (excused)**

Marvin Leibovich, M.D.

**GUESTS PRESENT**

Stephanie Williams, Deputy Director for Public Health Programs  
Joseph Bates, M.D., Deputy State Health Officer  
Namvar Zohoori, M.D., Deputy Science Officer  
Appathurai Balamarugan, M.D., Medical Director/Associate Director for Science  
Rick D. Hogan, General Counsel  
Reginald A. Rogers, Deputy General Counsel  
Elizabeth Pitman, Deputy General Counsel  
Leslie Lovett, Board of Health Liaison  
Mike Wilson, EOC, Technical Manager  
Kerry Krell, Communications  
Michelle R. Smith, Ph.D., MPH., Director of Minority Health & Health Disparities  
Xaiver Heard, Director, Human Resources  
Donnie Smith, Director, Center for Health Protection  
Jillian Hicks, Attorney Specialist  
Haley Keenan-Gray, Director, Governmental Affairs  
Kelli Kersey, Section Chief, Cosmetology  
Terrie Nash, Cosmetology  
Robin Michaels, Pollution Control Inspector  
Leanne Tucker, Grants Coordinator  
Laura Bailey, Director Alcohol Testing Program  
Billy Tarpley, Arkansas Dental Association  
Nicolas Blanchl, UAMS

## **MEETING OF THE STATE BOARD OF HEALTH**

The Meeting of the Arkansas State Board of Health was held Thursday, January 22, 2015, in the Charles Hughes Board Room at the Freeway Medical Building in Little Rock, Arkansas. Dr. Nathaniel Smith asked those members participating by conference call to give their names. Anthony N. Hui, M.D., Jim Lambert, and Patricia Bell, O.D. responded. It was reported there was a quorum and the meeting was called to order at approximately 10:00 a.m.

Dr. Smith stated that this was a transition meeting for the Board and introduced the new President of the Board, Dr. Lawrence Braden.

Dr. Smith thanked Dr. Childs Bebee for her wonderful service as President of the Board. He mentioned several accomplishments such as promulgating the Rules pertaining to Dental Hygienists in Underserved Areas, revising the Rules and Regulations pertaining to the Arkansas Trauma System, and forming the Neonatal Intensive Care Unit Subcommittee.

Next, the Board took a brief break from the agenda to watch Governor Asa Hutchinson's speech regarding the Arkansas Private Option via video conference.

After the Governor's speech, Dr. Smith introduced the two newest members of the Board. Dr. Gary Bass, Pharm D., represents the Pharmacist Association. Dr. Bass received his Bachelor of Science from UCA, graduated from the UAMS Pharmacy School, and later returned to obtain his Pharm D.

The other new member announced was Greg Bledsoe, M.D., the new state Surgeon General. Dr. Bledsoe was not present for the Board meeting because he was attending Governor Hutchinson's speech.

Dr. Smith then introduced Dr. Patricia Scott, new Center Director for Health Advancement. He also stated that Dr. Namvar Zohoori would move into the position of the Deputy Science Officer; and Shirley Louie would move into the position of Center Director for Public Health Practice.

### **APPROVAL OF MINUTES**

President Braden entertained a motion for approval of the October 23, 2014, Quarterly Meeting minutes. Dr. Zini made a motion to approve the minutes and Ms. Walker seconded the motion. The motion passed and the minutes were approved as presented.

### **NOMINATING COMMITTEE REPORT**

Alan Fortenberry stated that a telephone conference was held on December 2, 2014, to consider the nomination of a President-Elect to the Board. The Committee unanimously recommended Jim Lambert. A motion was made by Mr. Fortenberry, seconded by Dr. Fincher and approved as presented.

## OLD BUSINESS

### **Proposed Rules & Regulations Pertaining to Hospitals and Related Institutions**

Connie Melton, Section Chief, Health Facility Services, requested approval of the revisions to the Rules and Regulations pertaining to Hospitals and Related Institutions. After receiving comments on the last draft of the Rules, which was brought to the Board in October 2014, the Section brought interested parties together to make modifications.

Ms. Melton explained that those modifications were made and she asked permission to proceed with the rulemaking process.

Dr. Fincher commented that a Subcommittee of the Board was formed to review the Rules. That Subcommittee recommended that the Rules be approved as presented and that the Section be allowed to begin the rulemaking process.

Mr. Fortenberry made a motion to approve the Rules as presented. Dr. Hui seconded the motion and the motion passed.

### **Proposed Rules & Regulations Pertaining to Critical Access Hospitals**

Connie Melton, Section Chief, Health Facility Services, requested approval of the Rules and Regulations pertaining to Critical Access Hospitals. She explained that these Rules mirror the Rules for Hospitals and Related Institutions.

Dr. Zini made a motion to approve the Rules as presented. Dr. Whitfield seconded the motion and the motion carried.

### **Final Approval of the Rules & Regulations For Breath Alcohol Ignition Interlock Devices**

Laura Bailey, Branch Chief, Office of Alcohol Testing, asked for final approval of the Rules and Regulations for Breath Alcohol Ignition Interlock Devices. Ms. Bailey stated that a hearing was held and no comments were received. She explained that the Rule was reviewed by the Joint Committee for Public Health, Welfare and Labor and the Administrative Rules Subcommittee.

Mr. Fortenberry made a motion to approve the Rules as presented. Dr. Bebee seconded the motion. The motion passed.

### **Final Approval of the Rules & Regulations Pertaining to Testing for Newborn Infants**

Dr. Glen Baker, Director, Public Health Laboratory, asked for final approval of the Rules and Regulations Pertaining to Testing for Newborn Infants. The amendments added SCID (Severe

Combined Immunodeficiency Disorder) to the panel of screenings and changed the time frame specimens were to be submitted to the Public Health Lab. In the new Rule all specimens must be submitted to no later than one (1) business day from collection. The Rules have been through the Administrative Procedures process and no comments were received.

A motion to approve the Rules as presented was made by Dr. Hui. Dr. Jones seconded the motion and it passed.

**Final Approval of the Rules and Regulations  
Pertaining to the List of Controlled Substances**

James Myatt, Section Chief, Pharmacy Services & Drug Control Branch, asked for final approval of the Rules and Regulations Pertaining to the List of Controlled Substance for the State of Arkansas. He stated that the Rules have been through the rulemaking process to change the Hydrocodone combination products (HCPs) from a Schedule III to Schedule II. As well as to add Prostanazol and Methasterone to Schedule III.

A motion to approve the Rules was made by Dr. Hui and seconded by Dr. Fincher. The motion passed.

**NEW BUSINESS**

**Proposed Rules and Regulations Pertaining  
to the List of Controlled Substances**

James Myatt, Section Chief, Pharmacy Services & Drug Control Branch, asked for approval to begin the rulemaking process to amend the Rules and Regulations Pertaining to the List of Controlled Substance for the State of Arkansas. These proposed changes were to incorporate two drugs, Butylone and MAB-CHMINACA. Both drugs were added to the list of Controlled Substance by emergency rulemaking on November 14, 2014. The proposed amendments will permanently add these drugs to the List of Controlled Substances for the State of Arkansas.

Dr. Hui made a motion to approve the rules. Dr. Whitfield seconded the motion and it carried.

**Proposed Findings of Fact, Conclusions of Law  
and Order to Boydell Water Association**

**Proposed Findings of Fact, Conclusions of Law  
and Order to Greenway Waterworks**

**Proposed Findings of Fact, Conclusions of Law  
and Order to Bear Creek Country Store**

**Proposed Findings of Fact, Conclusions of Law  
and Order to Cotton Plant**

Reginald Rogers, JD, Deputy General Counsel, stated that the Board could collectively vote to approve the recommended findings of the Administrative Subcommittee for the above Orders.

Dr. Fritchman made a motion to take all the water hearings collectively. Dr. Fincher seconded the motion.

Mr. Fortenberry wanted to add that he felt it was important to ensure that the water associations were aware and understood the risks to public health if they do not abide by the Rules.

Dr. Whitfield asked to hear from Mr. Hubbard who was present to represent Cotton Plant Water Association. Mr. Hubbard stated that he was aware of how important it is to abide by the Rules. He stated that Cotton Plant was under a new mayor and that they were aware of some issues that needed to be corrected. He assured the Board that those issues would be corrected.

Mr. Rogers added that any new allegations would be brought before the Administrative Hearings Committee. Then, if Cotton Plant was found to have violated the Rules in any way, they would be brought before the Board again.

**Proposed Findings of Fact, Conclusions of Law  
and Order Regarding Vanessa Giron**

Elizabeth Pitman, JD, MPH, Deputy General Counsel, asked for approval of the Proposed Findings of Fact, Conclusions of Law and Order for Vanessa Giron, licensed lay midwife. A Subcommittee of the Board met in October 2014. The Subcommittee consisted of Dr. Larry Fritchman and Catherine Tapp. Dr. Fritchman and Ms. Tapp heard all the evidence and Mrs. Giron's testimony before making the proposed recommendations.

Dr. Whitfield made a motion to approve the findings and Dr. Fincher seconded. The motion carried.

**Proposed Findings of Fact, Conclusions of Law  
and Order to Carrie Cobb**

Elizabeth Pitman, J.D., MPH, Deputy General Counsel, asked for approval of the Proposed Findings of Fact, Conclusions of Law and Order to Carrie Cobb, licensed lay midwife. Ms. Pitman stated that a hearing was not held in this case and that it was handled differently than normal. After the Women's Health Section and Ms. Pitman met with Ms. Cobb and her attorney, Leah S. Kerr, the attached agreed Findings of Fact, Conclusion of Law and Order were written.

Dr. Smith questioned if Ms. Cobb was also a registered nurse and allegedly urged the patient to leave the hospital against medical advice. Ms. Pitman confirmed and said that the Department

referred that accusation over to the Nursing Board. This brought up some discussion regarding the issues of nurses who also obtain a license as a lay midwife. Dr. Smith stated that this could be very confusing to the clients, particularly as to what capacity they are working in. The Department is currently in the process of taking up these issues with the Nursing Board.

Stephanie Williams added there are thirty (30) lay midwives licensed through the Department. Of those, nine are also Registered Nurses. Therefore, the Department has had several meetings with the State Board of Nursing to address these concerns. The Department is also currently in the process of revising the Rules for Midwifery and will hopefully have those to bring before the Board in April.

Dr. Zini voiced his concerns regarding the seriousness of this issue. It was decided that a standing committee of the Board would be formed, as soon as possible, to address these issues.

Mr. Hogan then asked the Board to agree upon the findings if there were no further questions.

Dr. Fincher made to approve the Findings of Fact, Conclusion of Law and Order. Dr. Bryant seconded. The motion carried.

**Proposed Findings of Fact, Conclusions of Law  
and Order to Breanna Richardson**

Elizabeth Pitman, JD, MPH, Deputy General Counsel, asked for approval of the Proposed Findings of Fact, Conclusions of Law and Order regarding Breanna Richardson, a licensed cosmetologist. Ms. Richardson did not use a sanitary neck strip or towel on her client's neck while performing her job. She requested an appeal from the Cosmetology Technical Advisory Committee (CTAC) decision.

Mr. Harper made a motion to up hold the CTAC's Order. Dr. Bryant seconded the motion and it carried.

**Approval of the Multi-State Population Based Study to  
Evaluate the Risk of Cancer Among Children Born with Major Birth Defects**

Joseph Bates, MD, Deputy State Health Officer, explained that in 1996 legislation was passed to establish a Cancer Registry. Part of the law requires that every request for information regarding the Cancer Registry must be approved by the Board of Health. He stated that this request has been approved by the Science Advisory Committee.

Dr. Bates asked the Board for approval to provide the information.

Dr. Zini made a motion to approve and Ms. Tapp seconded. The motion carried.

## **Other Business**

### **Executive Order Requiring Governor Review of State Agency Rules and Regulations**

Rick D. Hogan, JD, Deputy General Counsel, explained that Governor Hutchinson recently proclaimed Executive Order 15-02. That Executive Order requires the Governor to review all state agency rules and regulations prior to their submission to the Legislative Committees of the General Assembly.

### **Approval of Resolution for Stipend and Travel Reimbursement**

Dr. Fritchman made a motion to authorize expense reimbursement for the performance of official board duties to the allowable amount authorized by law for 2015. Mr. Harper seconded the motion and it passed.

### **Appointment/Reappointment of Subcommittees for the Board**

Rick D. Hogan, J.D., Deputy General Counsel, asked if any members wanted to be added to new committees. Otherwise, he explained the committees would stand as they are in the provided list. Dr. Zini, Ms. Walker and Ms. Tapp asked to be added to the Midwife Subcommittee.

Dr. Whitfield asked about a Subcommittee to be formed regarding transportation issues related to access of care. Mr. Hogan assured her that could be done.

### **Update on ADH Legislative Agenda**

This item was tabled until the next board meeting.

### **Presentation regarding the Stroke Systems of Care Plan**

Apparthurai Balamurugan, Medical Director/Associate Director for Science, gave a presentation regarding the Stroke Systems of Care Plan for Arkansas (SSCPA). He stated that strokes are the leading cause of deaths and disabilities in Arkansas. A system of care approach could prevent deaths and disabilities due to stroke in Arkansas.

### **President's Report**

President Braden stated that he was honored to be nominated as President of the Board. He felt privileged to be able to share his passion for health. He plans to continue to look at public health interventions to ensure quality care during his term as President. He stated "coming from Hawaii, over 30 years ago, to Ouachita County, I had never been exposed to so much poverty or to the challenges of poverty."

He challenged the Board to come up with strategies for mobilizing the community. By incorporating the poor into the community more, as well as relying on emerging science, experts and those who have succeeded in other parts of the country we can make movements forward.

### Director's Report

Dr. Smith turned the meeting over to Dr. Fincher. Dr. Fincher stated that 2015, marks the 100th Anniversary of the American College of Physicians.

Dr. Fincher announced that the winner of the Arkansas ACP Centennial Award was Dr. Joseph Bates. This award represents the core values of leadership, excellence, respect, compassion, professionalism and responsibility.

Dr. Smith thanked Dr. Fincher. He then thanked Dr. Bates for everything he continues to do, not only for the Department, but for the state of Arkansas.

Next, Dr. Smith gave a brief update on the Public Health Accreditation Process. The Public Health Accreditation Board accredits state and local health departments. He explained that it is a very prolonged process. The Department began the process in 2010. All required documentation has been submitted. The next step is the site visit which will occur in February. Dr. Smith is hopeful that their decision will be positive and we will become one of the accredited state health departments. He ended by stating there will be a more detailed presentation at the next board meeting.

There was no further business to report and the meeting was adjourned at approximately 12:30 p.m.

Respectfully submitted,



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Nathaniel Smith, M.D., MPH  
Director and State Health Officer