

**MINUTES OF THE QUARTERLY MEETING
ARKANSAS STATE BOARD OF HEALTH
January 27, 2022**

MEMBERS PRESENT

Balan Nair, MD, President
Lane Crider, PE, President-Elect
José Romero, MD, FAAP, FIDSA, FPIDS,
FAAAS, Secretary of Health
Greg Bledsoe, MD, Surgeon General
Perry Amerine, OD
Loy Bailey, RS
Terry Yamauchi, MD
Mellie Bridewell
Marsha Boss, PD
Eddie Bryant, MD
David Kiessling
Dwayne Daniels, MD
James Zini, DO
Brad Erney, MD
Melissa Faulkenberry, DC
Darren Flamik, MD
Phillip Gilmore, PhD, MS, MHA
Anthony Hui, MD
Donald Ragland
Mike Riddell, MD
Clay Waliski
Susan Weinstein, DVM

MEMBERS ABSENT

Vanessa Falwell
Stephanie Barnes-Beerman

GUESTS PRESENT

Renee Mallory, ADH, Chief of Staff
Dr. Jennifer Dillaha, ADH, Chief Medical Officer
Dr. Bala Simon, ADH, State Chronic Disease Director
Dr. Naveen Patil, ADH, Deputy State Health Officer
Arrie Morris, ADH, Surveillance Program Manager
Dr. Austin Porter, ADH, Deputy Science Officer
Dr. Namvar Zohoori, ADH, Deputy State Health Officer
Shelly Matthews, ADH, Women's Health Program
Kelli Kersey, ADH, Cosmetology and Massage Therapy
Eric Kremers, ADH, Immunizations
Cassie Cochran, ADH Deputy Director for Public
Health Programs
Courtney Livingston, ADH, Nursing Program Coordinator
Derica Mack, ADH, Women's Health Section Chief
Don Adams, ADH, Deputy Director for Admin Operations
Connie Melton, ADH, Director, Center for Health Protection
Matt Gilmore, ADH, Coordinator, Boards
Christy Kresse, ADH, Emergency Medical Services
Terry Paul, ADH, Environmental Health Branch Chief
Bernie Bevill, ADH, Radiation Control
Alex Hooper, ADH, Personal Care
Laura Bailey, ADH, Environmental Chemistry Branch
Laura Shue, ADH, General Counsel
Dr. Katie Seely, ADH, Director, Public Health Lab
Dr. Mike Cima, ADH, State Epidemiologist
Haley Ortiz, ADH, Health Policy Director
Sherian Kwanisai, ADH, Director, Center for Local
Public Health
Shirley Louie, ADH, Center Director for Public Health Practice
Tamara Baker, ADH, Branch Chief, Family Health
Meg Mirivel, ADH, Director of Communications
Lance Jones, ADH, Chief Engineer
Lynda Rogers, ADH, Women's Health Nurse Abstractor
Samantha Wells, ADH, Health Equity Intern
Jo Thompson, ADH, Chief Financial Officer
Martin Nutt, ADH, Water Training & Certification Officer
Rhonda Kitelinger, ADH, Maternity Nurse Coordinator
Reginald Rogers, ADH, Deputy General Counsel
Charles "Chuck" Thompson, ADH, Managing Attorney
Brooks White, ADH, Attorney
Brian Nichols, ADH, Attorney
S. Craig Smith, ADH, Attorney
Chuck Hardin, ADH, Attorney
Tressa Williams, ADH, Legal Services Specialist
Rachel Nattin, ADH, Law Clerk-Legal

The quarterly meeting of the Arkansas State Board of Health was held virtually on Thursday, January 27, 2022, via Zoom.

CALL TO ORDER

Dr. Balan Nair, President, called the meeting to order at approximately 10:00 a.m. He asked for the roll call. General Counsel Laura Shue conducted the roll call.

INTRODUCTION OF NEW BOARD OF HEALTH PRESIDENT

Dr. Nair introduced Mr. Lane Crider who will serve as the President of the State Board of Health for 2022. Mr. Crider is the CEO of the Beaver Water District in Northwest Arkansas. Dr. Nair virtually passed the gavel to Mr. Crider and asked the Board members to welcome Mr. Crider as President.

Mr. Crider accepted the gavel and stated it is humbling to serve in this role and for this opportunity. He also addressed his concerns regarding clean accessible drinking water and sanitation.

APPROVAL OF MINUTES

Dr. James Zini moved, and Dr. Perry Amerine seconded that the Minutes of the October 28, 2021, Quarterly Meeting be approved as presented. Motion carried by unanimous vote.

RESOLUTION FOR EXPENSE AND TRAVEL REIMBURSEMENT

Dr. Zini moved, and Mr. Donald Ragland seconded that Resolution for Expense and Travel Reimbursement be approved as presented. Motion carried by unanimous vote.

Dr. Nair moved, and Dr. Sue Weinstein seconded that the Resolution for Stipend Reimbursement be approved as presented. Motion carried by unanimous vote.

NOMINATING COMMITTEE RECOMMENDATION

Dr. Phillip Gilmore, Chair of the Nominating Committee, stated the Committee nominates Dr. Mike Riddell as the President for the Board of Health for 2023. Dr. Brad Erney moved, and Dr. Anthony Hui seconded to approve the recommendation of the Nominating Committee.

OLD BUSINESS

Litigation Update

Ms. Shue stated Item IV, Statement of Financial Interest was placed on the agenda as a reminder for Board members to file by January 31, 2022.

Ms. Shue reported on some of the legal matters that are pending. Any challenges dealing with abortion laws are awaiting a United States Supreme Court decision; therefore, a lot of Arkansas cases are on hold until that is decided.

The mask mandate cases pending in Bentonville and a school Fayetteville, as challenges to the school district's authority to mandate masks. The Board of Health and Department of Health have not been named as parties in those cases; however, in the Little Rock School District case, Department of Health employees, Secretary José Romero and Chief Epidemiologist Mike Cima did testify. Judge Tim Fox ruled on December 29, 2021, that the Act was unconstitutional for various reasons. They still have time to file an appeal and the Department is watching for that.

The Department is also implementing the Acts from 2021 with our rules and moving forward with the promulgation process that was approved by the Board in the July and October meetings.

By-Laws

Ms. Shue reported that revisions to the by-laws have been presented to be in compliance with the current law. There was an outdated reference to the Board appointing the Secretary of Health that needed to be clarified as the Governor appoints the Secretary of Health. Dr. Riddell moved, and Dr. Nair seconded that the by-laws be approved as presented. Motion carried by unanimous vote.

EMS Rules Revisions

Ms. Shue stated that at the October 28, 2021 meeting, there were concerns raised with a particular part of the EMS rules when we were implementing a new law from 2021, Act 790, which is also known as "Gabo's law." There were concerns about the transporting of K9s in an ambulance and how that was going to be implemented and to what degree the Department of Health was going to enforce those provisions. The solution was to strike that portion of concern out of the rules because the providers will be enforcing that part of the law, not the Department of Health. Dr. Weinstein moved, and Dr. Marsha Boss seconded to approve the changes as presented. Motion carried by unanimous vote.

NEW BUSINESS

Midwife Advisory Board Nominee

Ms. Shelly Matthews presented the Midwife Advisory Board nomination, Alexis Jackson, to fill a vacant consumer position on the Board. The MAB approved her application during their October meeting. Ms. Matthews gave background information on Ms. Jackson. If approved, her term would start February 1 and last for four years.

Dr. Riddell asked Ms. Matthews to explain what a doula is. Ms. Matthews stated that a doula is not necessarily a nurse and nor certified nurse midwife but a support person that someone would hire for their labor process.

Dr. Riddell asked whether they provide any clinical services. Ms. Matthews stated she does not believe that they do. Arkansas does not license doulas and she is not familiar with what kind of education they go through. Their primary role is to be a support person. Dr. Zini moved, and Dr. Boss seconded that the nomination of Ms. Alexis Jackson be approved as presented. Motion carried by unanimous vote.

Rules for Cosmetology, Body Art, Permanent Cosmetics, and Semi-Permanent Cosmetics

Ms. Kelli Kersey requested approval to move forward with the rule promulgation process for the Rules for Cosmetology, Body Art, and Permanent Cosmetics and Semi-Permanent Cosmetics. In the 2021 Legislative Session, there were multiple Acts that affected the cosmetology statute. Dr. Amerine moved, and Dr. Weinstein seconded moving forward with the promulgation process. Motion carried by unanimous vote.

Rules Pertaining to Water Operator Licensing

Mr. Terry Paul requested approval to the updating of the rules pertaining to water operator licensing. Dr. Hui moved, and Dr. Riddell seconded that the rules pertaining to water operator licensing be approved as presented. Motion carried by unanimous vote.

County Health Officer for Lafayette County

Dr. Namvar Zohoori presented approval for reappointment of Dr. James Arrington as County Health Officer for Lafayette County, and appointment of Dr. Jera Smith as County Health Officer for Ouachita County. Dr. Zohoori gave a brief background on both candidates.

Dr. Riddell moved, and Dr. Zini seconded that Dr. Arrington be approved as County Health Officer for Lafayette County. Motion carried by unanimous vote.

Dr. Boss moved, and Dr. Hui seconded that Dr. Smith be approved as County Health Officer for Ouachita County. Motion carried by unanimous vote.

EMS Proposed Findings of Facts, Conclusions of Law, and Orders

Mr. Brooks White presented proposed findings of facts and conclusions of law on four hearings that were conducted in October by a three-member subcommittee consisting of Dr. Darrin Flamik, Dr. Mike Riddell and Dr. Brad Erney.

The first was regarding Jeff Carlton. He was a paramedic convicted in federal court of charges relating to child pornography. He is currently serving a federal prison sentence. In accordance with his conviction, the subcommittee determined that he was not fit to continue to be licensed as a paramedic and are presenting the proposed findings of the committee to be adopted to revoke of Mr. Carlton's license. There was no representation by Mr. Carlton at the meeting in person or through counsel. Dr. Amerine moved, and Dr. Melissa Faulkenberry seconded to approve the recommendation of revocation of Mr. Carlton's license. Vote carried by unanimous vote.

The next case was regarding Lisa Darlene Glaze. There was no representation by Ms. Glaze at the meeting in person or through counsel. Ms. Glaze was a licensed paramedic and was convicted of theft of property, relating to her taking a ring from a patient in her care while the patient was unconscious. The subcommittee voted to revoke her license under applicable statute. The subcommittee presents the proposed findings to the full Board for adoption and

approval. Dr. Nair moved, and Dr. Weinstein seconded to approve the recommendation to revoke the license of Lisa Darlene Glaze. Motion carried by unanimous vote.

The next matter was regarding Grant Knarr. There was no representation by Mr. Knarr at the meeting in person or through counsel. Mr. Knarr was determined to have been using marijuana while on duty and did not complete the standard rehabilitation program. The subcommittee determined that his license should be revoked and seeks approval of the proposed findings in that regard.

Clay Waliski asked since people can obtain medical marijuana licenses, does that exclude one from being an operator, EMT or doing anything in the ambulatory field if they have a valid card and does that also affect whether they must submit to testing. Mr. White stated there is no prohibition in the Arkansas statute or in the EMS rules preventing someone with a medical marijuana card from serving as an EMS professional. Mr. White stated that in this case, there was no evidence this individual had a medical marijuana card.

Dr. Romero stated this is an issue the Board will need to address going forward.

Mr. Riddell stated he would like to see ADH have a scientific presentation on the medical effects of marijuana.

Dr. Zini moved, and Dr. Flamik seconded to accept the proposed order of revocation of licensure. Motion carried by unanimous vote.

The last case was on Candice Trantham. There was no representation by Ms. Trantham at the meeting in person or through counsel. Ms. Trantham tested positive for certain illicit substances. She also failed to complete the rehabilitation program as reflected in her consent agreement. Accordingly, the subcommittee recommends that her license be revoked, which is being presented before the Board for a vote.

Dr. Amerine moved, and Mr. Ragland seconded to accept the recommendation of the subcommittee. Motion carried by unanimous vote.

OTHER BUSINESS

Administrative Updates

Dr. Bala Simon presented the ADH performance management system, which is an accounting of what ADH does and how it's done.

Dr. Amerine expressed concerns regarding population measures on dental services. Dr. Simon stated our Office of Oral Health under Dr. Lindy Bolen's leadership has been working tirelessly to improve through public water fluoridation and the dental sealant efforts and particularly dental screening for the children.

Dr. Riddell stated he received a report from the Title X reviews in the Women's Health Section. The clinical person from Title X who has done over 100 site visits across the nation said that Arkansas Department of Health Women's Health Section had the best department that she had ever encountered.

PUBLIC HEALTH SCIENCE/PROGRAM UPDATES

Dr. Simon provided a presentation on childhood obesity and diabetes. Dr. Riddell asked if the Board could have access to Dr. Simon's presentation.

Dr. Romero made comments regarding obesity, and noted that 26% of our children live in poverty. The other issue is healthcare disparity. It is society's need to embrace this problem and address it at multi-levels.

SECRETARY'S REPORT

Dr. Romero gave an update on how we are on home COVID testing and tests. The Governor funded 1.5 million tests, which were moved to each of our local health units. The federal government now has their testing program available. The downside of this is the Department have lost our sight as to what the incidence of COVID is in the community because there is no obligation to report, and we do not want there to be any reporting to the Health Department. The vaccination rate is not doing well in Arkansas. The overall rate is about 54%. In 65 years or over, we have 24% not vaccinated; 24-34 group it is 53%; 19-24 is 54%; and the adolescence group is 55%. In the 5-11-year group we have complete vaccination of only 12. We are at approximately 50% of the national mean.

The Department has had a good response to the pandemic. We ramped up our testing both public and our infrastructure here. We are poised to respond appropriately to future pandemics by expanding and modernizing testing in our laboratory.

PRESIDENT'S REPORT

Mr. Crider commended Dr. Romero on his passion for public, the efforts of the Department of Health staff and as a Board of Health member, stating he could not be prouder of the efforts and stance that has been taken.

Dr. Boss talked about the lack of publications about COVID in the literature. Dr. Romero talked about what has been published on COVID here in the state. Dr. Zohoori keeps a running tabulation of what has come out. Dr. Cima and his team have two publications, one of which will be published in the Morbidity Mortality Weekly Report. It is considered one of the most prestigious public health publications in the country. Dr. Romero added he has co-authored at least thirteen publications in the MMWR since the beginning of the pandemic, and three editorials in JAMA.

Dr. Amerine moved and Mr. Ragland seconded to adjourn the meeting.

Meeting adjourned at 12:27 p.m.


José Romero, MD, FAAP, FIDSA, FPIDS,
FAAAS, Secretary of Health