

**MINUTES OF THE QUARTERLY MEETING
ARKANSAS STATE BOARD OF HEALTH
January 28, 2021**

MEMBERS PRESENT

Balan Nair, MD, President
Lane Crider, PE, President-Elect
Greg Bledsoe, MD, Surgeon General
José Romero, MD, FAAP, FIDSA, FPIDS,
FAAAS, Secretary of Health
Dwayne Daniels, MD
Marsha Boss, PD
Phillip Gilmore, PhD
Brad Erney, DMD, PLC
Mike Riddell, MD
Donald Ragland
Melissa Faulkenberry, DC
Darren Flamik, MD
David Kiessling, DPM
Clay Waliski
James Zini, DO
Terry Yamauchi, MD
Susan Weinstein, DVM
Anthony Hui, MD
Eddie Bryant, MD
Stephanie Barnes-Beerman

GUESTS PRESENT

Stephanie Williams, ADH, Chief of Staff
Renee Mallory, ADH, Deputy Director, Public
Namvar Zohoori, M.D., Chief Science
Cristy Sellers, ADH, Center Director, Health Advancement
Connie Melton, ADH, Center Director, Center for
Health Protection
Laura Shue, ADH, General Counsel
Reginald A. Rogers, ADH, Deputy General Counsel
Charles Thompson, Managing Attorney
Brooks White, ADH, Administrative Law Judge
Brian Nichols, ADH, Administrative Law Judge
Tressa Williams, ADH, Legal Support Specialist

The quarterly meeting of the Arkansas State Board of Health was held on Thursday, January 28, 2021, in the Dr. Joseph H. Bates Professional Education Auditorium in Little Rock, Arkansas. Due to the Department of Health's directive on social distancing attributable to COVID-19, many of the Board of Health members and guests attended via Zoom or teleconference.

CALL TO ORDER

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

Dr. Gilmore gave remarks on his term as president and gave accolades to the Department of Health. He encouraged continued support to the staff as he passed the gavel to Dr. Nair.

Dr. Balan Nair and Dr. José Romero thanked Dr. Gilmore for his service and leadership as President.

APPROVAL OF MINUTES

Dr. James Zini moved, and Dr. Anthony Hui seconded that the minutes of the October 22, 2020, quarterly meeting be accepted. Motion carried by unanimous vote.

RESOLUTION FOR EXPENSE AND TRAVEL REIMBURSEMENT

Ms. Shue clarified that the travel and reimbursement, pursuant to Ark. Code Ann. § 25-16-902, and the stipend, pursuant to Ark. Code Ann. § 25-16-904, would require separate motions.

Dr. Perry Amerine moved, and Dr. Dwayne Daniels seconded that the resolution for travel and reimbursement be accepted. Motion carried unanimously.

Dr. Amerine moved, and Dr. Hui seconded that the resolution for stipend be accepted. Motion carried unanimously.

STATEMENT OF FINANCIAL INTEREST

Ms. Shue reminded members to file their statement for the 2020 calendar year by January 31, 2021 with the Secretary of State's Office.

OLD BUSINESS

Litigation Update

Ms. Shue gave an update on *Stir of Fayetteville v. Romero*, involving a Motion for Temporary Restraining Order against one of the directives limiting alcohol permitted hours of operation. On January 26, 2021, Judge Wendell Griffen granted Summary Judgment, dismissed the complaint for declaratory judgment, and denied the Motion for Injunctive Relief. There may be an appeal.

Another state case, *Sullivan v. Romero*, is challenging the authority to issue the directives during the public health emergency. The appeal is currently pending before the Supreme Court.

There are ten proposed bills the Department of Health is pursuing in the 2021 Legislative Session.

Final Rules Pertaining to Milk Bank Standards

Chuck Thompson presented the Milk Bank Standards rules for approval. Dr. Sue Weinstein moved, and Dr. Mike Riddell seconded that the rules be approved. Motion carried unanimously.

Final Rules Pertaining to Abortion Facilities

Ms. Shue presented the Abortion Facilities rules for approval.

Dr. Riddell asked about additional counseling to the patient, i.e., adoption, family planning and contraception. Ms. Shue stated that the counseling services are included in the rules. There are also pamphlets and Directory of Services provided.

Dr. Riddell moved, and Dr. Marsha Boss seconded that the rules be approved. Motion carried unanimously.

NEW BUSINESS

Department of Health Directives

Ms. Shue presented the four directives that were issued since the last meeting for ratification. Those were: *Directive Regarding Elevator and Escalator Use; Directive Regarding Long-term Care Facilities Visitation, Screening, and Staffing; Directive on Alcoholic Beverage Control on-premise permitted locations; and, Directive Regarding Indoor Venues.* Dr. Zini moved, and Lane Crider seconded to ratify the directives. Motion carried unanimously.

Governor's Executive Orders

Ms. Shue reported on the Governor's Executive Orders that were issued since the last meeting for review. Those were EO 20-48, EO 20-50, EO 20-51, EO 20-52, and EO 20-53.

Approval of Nominating Committee Minutes and Recommendation for Board Chair for 2022

Reginald Rogers reported on the meeting of the Nominating Committee. Dr. Gilmore reported that Lane Crider was nominated to be incoming President-Elect. Mr. Rogers presented a brief professional background on Mr. Crider. Mr. Rogers also reported the committee discussed amending the nominating process and at the recommendation of Dr. Gilmore, it is being deferred to the April Board of Health Meeting.

Dr. Boss moved and Dr. Brad Erney seconded that Lane Crider be accepted as President-Elect. Motion carried unanimously.

Proposed Rules for Volunteer Health Care Pursuant to Act 958 of 2017

Mr. Thompson presented the rules to implement Act 958 of 2017, which delegates sovereign immunity to the healthcare professional providing charitable health provision of services to low income individuals, for approval. Dr. Zini moved, and Dr. Weinstein seconded that the Rules for Volunteer Health Care Pursuant to Act 958 of 2017 be approved. Motion carried unanimously.

Approval of County Health Officer for Craighead County

Dr. Namvar Zohoori presented nomination of County Health Officer for Craighead County for approval. Dr. Riddell moved, and Donald Ragland seconded that Dr. Shane Speights be approved as County Health Officer for Craighead County. Motion carried unanimously.

Approval of County Health Officer for Polk County

Dr. Zohoori presented nomination for County Health Officer for Polk County for approval. Dr. Zini moved, and Dr. Hui seconded that Dr. Carlos Rocha be approved as County Health Officer for Polk County. Motion carried unanimously.

Dr. Zohoori also reported that Dr. Michael Barnett, County Health Officer in Cleburne County, passed away.

OTHER BUSINESS

Ms. Shue stated that Administrative, Centers/Office and public health science/program updates, along with the Secretary's report would occur during the Educational portion.


PRESIDENT'S REPORT

Dr. Nair stated his appreciation to Dr. Gilmore for his service and leadership. He also acknowledged how the Department of Health is facing a number of health issues. He thanked Board of Health members for their service in representing different cross sections of society and providing important oversight, perspective, and support for the Department of Health.

Dr. Romero provided an update on the pandemic, the vaccine, and variants. He talked about the benefits of continuous washing of hands, wearing masking, and social distancing.

Dr. Nair reminded members of the Education Session following the meeting.

Meeting adjourned at 11:14 a.m.



José R. Romero, M.D.
Secretary of Health