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DHS PHONE CONFERENCE
November 19, 2019

RE: LITTLE CREEK, CONWAY

P R O C E E D I N G S

1
2 MS. WILLIAMS: This is Tonya Williams.
3 I've actually joined by cell phone. I think
4 this is better; we've got it at the table.
5 Does that sound better for you all?

6 UNIDENTIFIED MALE SPEAKER: I can hear.
7 That sounds good.

8 MS. WILLIAMS: All right. I think this is
9 a better option. So we ended the other phone
10 call because that just didn't seem to work.

11 UNIDENTIFIED MALE SPEAKER: So you're
12 going to make this presentation; right?

13 MS. WILLIAMS: Yes. Susan Fancher is
14 getting ready to present the packet to the
15 board.

16 MS. FANCHER: Susan Fancher with the
17 Placement and Residential Licensing Unit. And
18 you should have a request before you from
19 Rehabilitation Center Incorporated, Little
20 Creek Behavioral Health. And they are
21 requesting a new license to be granted to
22 operate a psychiatric residential treatment
23 facility for 64 children ages six to 18 years
24 of age at 10 -- 161 Skunk Hollow Road in
25 Conway.

1 Through the licensor of Mill Creek
2 Residential Facility and Mill Creek PRTF
3 programs, the agency has demonstrated the
4 ability to comply with the minimum licensing
5 standards for child welfare agencies and the
6 Placement Residential Licensing Unit supports
7 this request.

8 And here with me today representing the
9 agency is Nathan Chennault and Megan Morris,
10 for any questions that you might have.

11 CHAIRMAN APPLER: So, Andy, could you help
12 me out here? I've read the presentation and it
13 looks like the number of beds showing up in
14 Fordyce is different from what the
15 documentation we had received. Is that what
16 you're saying?

17 MR. ALTUM: That's correct.

18 CHAIRMAN APPLER: So let me ask Mill Creek
19 which is the correct one? Is it 111 licensed
20 in-state beds or is it -- I think 164 or
21 something? What is it?

22 MR. CHENNAULT: There are -- Mill Creek at
23 the main campus in Fordyce, there are 111 POA
24 beds. And it's probably the 111 that you're
25 seeing, permit of approval beds, which is

1 through the Health Services Permit Agency.

2 There are 126 beds at that campus licensed
3 as PRTF; and, total at that campus, there are
4 162 beds.

5 CHAIRMAN APPLER: Okay. Does anyone have
6 any questions regarding this proposal?

7 MS. MARTIN: Hey Ed, this is Mischa. Can
8 I -- I'm sorry. I couldn't really hear Nathan
9 and the numbers didn't add up for me. Can he
10 -- can he go over those numbers one more time
11 for me?

12 MR. CHENNAULT: Yes, ma'am. There are 111
13 POA beds, permit of approval, from the Health
14 Services Permit Agencies. And those are
15 probably what's reflected here on the paper.

16 It reflects 126. There was an additional
17 15 PRTF beds added, I believe it was 2012, that
18 made that number up to 126. And then the
19 entire campus, because there was some beds
20 licensed under residential, brings that number
21 up to 162.

22 MS. MARTIN: And those are -- and I'm
23 sorry, and maybe I misunderstood. Those are
24 the beds that you have at Fordyce.

25 We're talking about an official 64 beds

1 that are in addition to those 164 beds at
2 Fordyce; correct?

3 MR. CHENNAULT: Yes, ma'am. There's 64
4 additional beds, is what we're requesting in
5 addition to the 162 in Fordyce. Those 64 beds
6 will be in Conway at the Little Creek location.

7 MS. MARTIN: So those 64 beds would not be
8 noted on that sheet that Andy had sent out --
9 that Andy's looking at; right?

10 MR. CHENNAULT: No, ma'am. They would not
11 be noted on there.

12 MR. ALTUM: Well, let me ask you this.
13 This is Andy Altum. It's not noted on there
14 but; number one, I have a problem with the way
15 the application is written because you say you
16 have a POA for 160 -- 162. Well, that's not
17 true; is it? You don't have a POA for 162.

18 MR. CHENNAULT: No, sir. The POA is for
19 111.

20 MR. ALTUM: Yep, 111. So you have 36
21 additional in-state or out-of-state licensed
22 beds that the -- the licensing agents -- that
23 this organization has approved previously; yet,
24 whenever you come back for an application,
25 you're -- you're painting it like you still

1 have a POA for all of them.

2 Now, the POA process, for those on this
3 board that don't understand, is a mechanism to
4 regulate the use of Arkansas State Medicaid.
5 So I have a problem with the way the
6 application is -- is presented when you say you
7 have a POA for 164 or 162 because it makes
8 everybody think, well, that's 162 clients,
9 Arkansas clients, you can serve, but that's not
10 true.

11 MR. CHENNAULT: We -- the POA is only for
12 111 beds. In Conway, for the Little Creek
13 facility, the 64 beds there, we are not
14 requesting POA beds for those because they --
15 they're not covered under Health Services
16 Permit Agency because they would be
17 out-of-state only.

18 MR. ALTUM: So how do we know that? Once
19 you're open -- what's the --

20 MR. GRIFFIN: Okay. This is David Griffin
21 --

22 MR. ALTUM: -- mechanism -- what's the
23 mechanism to make sure that they're only being
24 used for out-of-state clients?

25 MR. GRIFFIN: Okay. Andy, this is David

1 Griffin. Let me -- let me attempt to answer
2 that. We have a written statement from Nathan
3 as CEO stating that they will only -- as a
4 condition of the license, they'll only accept
5 out-of-state kids.

6 We have an exemption from Health Services
7 been vetted by our attorneys that say meet our
8 licensing requirements, noting that they are
9 exempt from that as long as they only accept
10 out-of-state.

11 We would monitor for compliance. If
12 that's violated, they would be violating the
13 terms of their license and would immediately
14 come back to this board.

15 MR. ALTUM: Well, David, my concern is
16 that you're not monitoring for compliance now
17 because you allowed 162 POA beds in this
18 application. And you should have had 36 that
19 were out-of-state beds that wouldn't even be
20 included in this. And that's my concern.

21 While you say you're going to monitor it,
22 I don't think it's happening. And this is an
23 end-around on a system that every -- all the
24 other PRTF providers have to abide by.

25 MS. WILLIAMS: So, Andy, this is Tonya

1 Williams. My staff that are working in that
2 unit are sitting next to me. And I just want
3 to acknowledge that they have acknowledged a
4 mistake has been made in the documentation that
5 you're looking at.

6 So I don't know what page, it may be the
7 second page -- third page of the packet. Where
8 it says 162 beds, Susan, what should that be?

9 Susan is saying that should be 111 and we
10 will correct that immediately and resend that
11 out. And I apologize for that error.

12 Unfortunately we all were --

13 MR. ALTUM: And I don't think -- I don't
14 think -- I don't think I'm being understood,
15 what I -- what my intent is.

16 My intent is -- is this is an end-around
17 to get a bed -- to get beds licensed that there
18 is no mechanism in place currently to make sure
19 that they're in fact doing what they say
20 they're going to do.

21 And it's as simple as the error that was
22 made on the application, no one catches it.
23 You had -- you have the Health Service Agency
24 that obviously wants to track the approved
25 out-of -- licensed out-of-state beds but

1 nowhere does licensing report that to the
2 Health Service Agency. Otherwise, it would
3 show up on this form.

4 MR. CHENNAULT: This is Nathan from Mill
5 Creek. As far as giving them a mechanism any
6 time that any of the licensing department comes
7 to campus, we can provide them with a census.

8 We do keep a separate census, one for
9 Arkansas, one for out-of-state, so they can
10 identify any children that are from any state,
11 including any from Arkansas.

12 And we can just print out an entire census
13 any time that they come on campus at their
14 request. And they can verify, you know, which
15 state the children are from, just to be able to
16 verify that we do not have any Arkansas kids at
17 all. And it --

18 MS. MARTIN: Andy, I have a couple of
19 questions. May I ask a couple of questions?
20 This is Mischa.

21 MR. CHENNAULT: Yes, ma'am.

22 CHAIRMAN APPLER: Go for it.

23 MS. MARTIN: Well, I didn't want to cut
24 Andy off. But, I mean, I definitely don't want
25 to cut Andy off if I can ask a couple of -- you

1 know, is Andy okay with that?

2 MR. ALTUM: Sure. Yeah, I'm good with
3 that.

4 MS. MARTIN: So, Nathan, there's a couple
5 situations where out-of-state kids, or what we
6 call AAICAMA, kids who are adopted and are
7 eligible for federal IV-E subsidy, those
8 out-of-state kids -- and I'm sure you're
9 familiar, because Mill Creek takes these kids
10 and we've had an issue in the past few months
11 with this.

12 So when you take an out-of-state kid, and
13 that kid qualifies for IV-E Medicaid coverage
14 under AAICAMA and Mill Creek has been involved
15 in asking Arkansas Medicaid to then make them
16 eligible, and -- and I know there has been some
17 discussion; but, historically, those have then
18 been put on Arkansas Medicaid.

19 What's the plan for that? I mean are you
20 going to -- how is -- how is that going to be
21 tracked and monitored? Are you going to ask
22 the kids before they come to this facility what
23 is your Medicaid coverage? And then -- then
24 make sure that they're not AAICAMA kids?

25 Because out-of-state kids and AAICAMA kids

1 can come to Arkansas, be placed in a PRTF, and
2 then be eligible for Arkansas Medicaid.

3 And Mill Creek has historically done that
4 and arranged for that coverage to cover for
5 medical services outside of the PRTF. So
6 what's the plan on that?

7 MR. CHENNAULT: I'm not aware of any kids
8 that have come through Mill Creek that have
9 ever, under Title IV-E, swapped over to
10 Arkansas Medicaid. That's just off the top of
11 my head though. But --

12 MS. MARTIN: I can give you specific kids,
13 but not on this board, there's several and you
14 currently have multiple pending.

15 So you may not know but your staff knows
16 that they repeatedly work with Arkansas
17 Medicaid to switch them over for medical
18 coverage. I know that as a fact.

19 MR. CHENNAULT: Okay. The way that it's
20 working out, with my understanding, with --
21 with a Texas -- with a state such as Texas who
22 doesn't want to send their kids unless they're
23 kids are IV-E eligible, what we have placed
24 into our contract, because the children are
25 placed in single case agreements, is that we

1 will -- Mill Creek will absorb all the costs of
2 any routine medical conditions. If something
3 came up where the child had to have a major
4 surgery or something, that we would transport
5 them back to their home state to do things.

6 If there was a such thing as an emergency
7 surgery that came up, then they could go to
8 Children's. Children's does have the ability
9 and has routinely, over the years, billed the
10 other states for their services while they were
11 there.

12 But if there was any routine medical
13 stuff, dental, vision, medical, colds, that
14 such a thing, Mill Creek just absorbs those
15 cost.

16 And we would do the same here, with no
17 intention of any of these children swapping
18 over to Title IV-E funding at all.

19 MS. MARTIN: So -- so let me -- that leads
20 me to another question if that's okay, Ed. And
21 can I continue on?

22 CHAIRMAN APPLER: Yes, ma'am. Go for it.
23 Yeah.

24 MS. MARTIN: So talking about single-state
25 agreements, how will these kids be funded from

1 Little Creek? And I -- and I understand that
2 it's a mix and I understand that it's not
3 Arkansas Medicaid. But is the intention for
4 other states' Medicaid to pick up some of the
5 bill for these kids or will it all be paid --
6 my understanding on state single agreement this
7 is funded through state revenue, it's going to
8 lead me to another question, I'll be fully
9 honest.

10 So how are these kids going to be funded
11 that go to Little Creek?

12 MR. CHENNAULT: Okay. It's a mix, because
13 it depends on the state. We are enrolled with
14 several of the other Medicais from, you know
15 -- with the various states that we work with.
16 We work with 39 different states. About 47
17 payors overall, because some of the states have
18 multiple Medicais.

19 And some of the Medicais we are enrolled
20 with, because of the requirements of their own
21 state laws, and -- but the majority of them
22 just come in on single case agreements where
23 they are funded by the state and/or by the
24 county. In one or two instances they're funded
25 by The Department of Education in their various

1 states because of their mechanisms there.

2 MS. MARTIN: Okay. So that leads me to my
3 -- to my next question. I figured that was
4 going to be your answer.

5 So, with your other PRTFs that take
6 Arkansas Medicaid and PRTFs that are part of
7 the CMS state plan, you -- your facilities are
8 under a certification (inaudible), five-year
9 survey plan, whatever word you want to use;
10 and, because PRTFs are part of the Arkansas
11 Medicaid state plan, the health service permit
12 triggers that process of having the CMS
13 oversight certification from the state.

14 So what is the plan on how Little Creek is
15 going to get their CMS certification since
16 you're not taking Arkansas dollars and the
17 Arkansas, you know, Medicaid would not be
18 responsible for providing that accreditation
19 and survey responsibility as required by CMS?

20 MR. CHENNAULT: If -- if I understand the
21 question correctly, I think I do, with the way
22 Little Creek has been set up, even though it
23 has its own fully separate staff with the
24 exception of myself and the CFO, Ben, is that
25 we would -- that they are running with -- as an

1 extension as a satellite campus for our
2 services. And that they are running still as
3 part of Mill Creek, which is part
4 rehabilitation centers, and they are running
5 just as a satellite campus of ours.

6 MS. MARTIN: So -- so you're expecting
7 that -- like has conversations happen with
8 Medicaid or licensing accreditation to ensure
9 that they are going to accredit and -- for CMS
10 the new Little Creek? Because I don't have
11 that in my documentation.

12 And I don't understand how we would
13 provide a license for children to come in from
14 out of this state when there isn't CMS
15 accreditation and approval, which really is a
16 partnership between the Child Welfare Licensing
17 Agency and to help is -- the requirement for
18 the health service permit is to ensure CMS
19 accreditation, which has oversight on
20 restraints, as well as doing those five year
21 surveys on incidents in the facility.

22 So I -- I'm not seeing in my documentation
23 that that has been covered.

24 MR. CHENNAULT: Is the -- okay. We will
25 be -- restraints and such, each facility would

1 fall under long-term care purview, is my
2 understanding. Same as they always have for
3 any of our facilities.

4 MS. MARTIN: How? How, Nathan? You're
5 not taking Arkansas Medicaid dollars and
6 long-term care --

7 MR. CHENNAULT: It's federal.

8 MS. MARTIN: -- and only does restraints
9 and certification for Arkansas Medicaid.

10 MR. CHENNAULT: Long-term care has always
11 come in historically at Mill Creek for any of
12 our patients in-state or out-of-state.

13 And, because they are federal and, you
14 know, had oversight over any such things, any
15 serious incidents, any sentinel incidents, any
16 restraints, and they routinely come in and
17 double checked us on everything to make sure
18 that we're in compliance with the federal
19 guidelines.

20 MS. MARTIN: So I hear what you're saying
21 and I don't speak for long-term care clearly.
22 But what I'm asking for is, has that
23 conversation happened and is there
24 documentation and an agreement from Office of
25 Long-term Care that they're going to provide

1 the CMS accreditation and the overall survey
2 for Little Creek when the plan is that there
3 will be no Arkansas Medicaid dollars covered or
4 used in that facility?

5 So -- because, I -- I feel like that's an
6 important piece of the board's decision to
7 approve your license. I know that -- that the
8 AG's office has said their expensive from a
9 health service permit. But the law also says
10 that you have to require but -- follow federal
11 law and -- or other regulations. And CMS
12 clearly -- clearly requires accreditation and a
13 five-year survey on physical restraints and
14 other aspects. And again, I'm not a Medicaid
15 expert but that's my reading of CMS
16 regulations.

17 MR. CHENNAULT: Okay. Does the joint
18 commission -- because we'll fall under joint
19 commission accreditation, will that -- they
20 will follow CMS guidelines as well.

21 Will they -- in your view, will they fall
22 as maintaining those guidelines?

23 MS. MARTIN: Say that again, Nathan. I'm
24 sorry. I couldn't hear you very well.

25 MR. CHENNAULT: The facility will be joint

1 commission accredited also. They are just
2 waiting for us to bid the license prior to
3 doing the extension survey. And they're going
4 to be accrediting us as well.

5 They will -- they're standards all follow
6 CMS guidelines. They're on a three-year
7 rotation which will be more than the five-year
8 rotations you're speaking of. Would you
9 consider that to be part of the accreditation
10 process?

11 MS. MARTIN: And I missed who they is.
12 Are you talking about, like, your JCAHO or your
13 CARP accreditation?

14 MR. CHENNAULT: Yes, ma'am. The joint
15 commission. It's who we're accredited under.

16 MS. MARTIN: So, again, I am not a CMS
17 regulation expert, but my reading is that you
18 both have to be accredited and the state
19 Medicaid agency has to approve that attestation
20 and the five-year survey in addition to your
21 accrediting agent such as -- but, again, I --
22 I'm not a Medicaid expert.

23 But my reading -- and I'm just asking;
24 because, if you're not taking Arkansas
25 Medicaid, I can't seem to understand -- or I

1 was hoping there would be some guidance here as
2 to whose -- what state Medicaid agency is going
3 to provide that accreditation.

4 And looking at the state to state transfer
5 regulations, it only says that the other state
6 can regulate. Like, if you take kids from
7 Michigan, my reading, and, again, I'm not an
8 expert, so I'm just trying to understand, is
9 that you can only ask like Michigan Medicaid to
10 come accredit you if the state doesn't have
11 PRTF that's part of our state plan.

12 And it's my understanding that we are a
13 part of the state plan. So I -- I'm just
14 trying to understand if we have it in writing
15 or if there's an agreement that, you know, our
16 state Medicaid agency is going to continue to
17 not only accredit you and give you that
18 attestation to open but also to do the survey's
19 in the five years.

20 And I -- I don't know that answer. I
21 haven't been asking those questions. I'm just
22 trying to understand what the plan is here,
23 because it greatly concerns me that -- to have
24 a child welfare agency license that doesn't
25 also have the CMS accreditation and

1 certification because that's really what
2 triggered when we asked -- when we asked
3 (inaudible) the health service permit, that is
4 what triggered then the CMS aspect of those
5 accreditations and certifications which is not
6 covered by the Child Welfare Licensing Agency.

7 MR. CHENNAULT: Yes, ma'am.

8 When you're referencing -- because I am
9 definitely no expert myself. When you are
10 referencing what you have read and is your
11 understanding, can you tell me what you're
12 referencing so that I can look it up and try to
13 provide you a better answer? I have copies of
14 most everything here with me, in front of me,
15 and I can --

16 MS. MARTIN: Absolutely. Absolutely.
17 Give me just one second. I want to give you
18 the exact -- the exact -- okay.

19 I am looking at the Medicaid State
20 Operations Manual, Chapter Two. Looking at --
21 when I'm talking about state-to-state
22 differences 2832E.1.

23 MR. CHENNAULT: Okay. Now, that, I do not
24 have in front of me.

25 MS. MARTIN: And then when I'm referencing

1 the law, because I know I have referenced
2 several things, but I -- I know that health
3 service permit also referenced the law when
4 they documented the exception. And there is a
5 citation under that that specifically says,
6 unless otherwise required by federal law or
7 regulations, and that would be under, give me
8 one second, 9-28-407.

9 MR. CHENNAULT: Okay. I got you there.
10 9-28-407 is here. And under 9-28-407, what are
11 you referencing there?

12 MS. MARTIN: Specifically, three -- I'm
13 sorry. Specifically little a, three, capital
14 C. As again, which I have noted that the AG's
15 office referenced this and the exception,
16 unless a permit is required by federal law or
17 regulation.

18 And I get that CMS is not necessarily a
19 permit but labeled more broadly an
20 accreditation. I'm just asking, you know, what
21 the plan is there.

22 MR. CHENNAULT: Okay. I see what you're
23 referencing here, which is how we're referenced
24 for our exception. I don't -- I do not
25 understand where we're being asked for another

1 permit. And I guess you're asking for --

2 MS. MARTIN: I'm not asking for another --
3 another permit. I'm asking for -- are you
4 going to be accredited by CMS by state Medicaid
5 agency, and who is doing that?

6 So who -- what state is doing your
7 accreditation and your five-year survey if the
8 plan is to take out-of-state children receiving
9 out-of-state Medicaid funds?

10 MR. CHENNAULT: Okay. And I can not
11 answer that for you at this time, because I
12 don't have anything in writing with me.

13 MS. MARTIN: And I think I -- maybe I
14 should say CMS certified instead of accredited.
15 Because I think that -- that accreditation
16 permit is specific for, to like, you know, your
17 accreditation (inaudible).

18 CHAIRMAN APPLER: Okay. Let me -- let me
19 ask a couple of questions here. What was
20 purpose of having this conference call as
21 opposed to waiting for the next meeting for
22 this presentation? David?

23 MR. GRIFFIN: So the agency requested it.
24 They were wanting to have an opening of the
25 facility on December 1st and that's when I

1 called and asked if we could -- if the board
2 could consider this under a call.

3 CHAIRMAN APPLER: Okay. Okay. Well, what
4 I'm hearing thus far in this discussion is that
5 there is a couple of issues that have been
6 raised and have not been answered.

7 Everybody on this call is busy and has
8 things to do and it -- it appears to me that,
9 well, Mill Creek needs to go back and answer
10 the questions that have been raised.

11 MS. MARTIN: Well, in all fairness, I have
12 not raised those questions with Mill Creek
13 before today. Just to let you know, Ed.

14 So I did not -- as a board member, not --
15 you know -- I -- my understanding is that I
16 can't have conversations outside of the --
17 outside of the entire board. So I waited until
18 today to raise those issues.

19 UNIDENTIFIED MALE SPEAKER: That's the
20 same for me too.

21 MR. TOLLETTE: This is Sanford. I'm kind
22 of echoing you, Ed. I mean I have to stop a
23 lot and there is a lot of things that are not
24 clear, that don't seem to connect.

25 And I, as one, think they need to go back

1 and rework this. I hate that that December
2 date was -- was anticipated but all the I's are
3 not dotted and T's are not crossed.

4 CHAIRMAN APPLER: That's correct.

5 MR. TOLLETTE: You know --

6 CHAIRMAN APPLER: Okay. So I'm going to
7 make a motion that the board not approve the
8 application today. Is there a second?

9 MR. TOLLETTE: I second. Sanford.

10 CHAIRMAN APPLER: Okay. There is a motion
11 and a second. Any further discussion?

12 MR. WHATLEY: I have one -- this is David.
13 I have one question on this.

14 And, just to make sure that I'm clear, a
15 lot of the conversation that I've heard today
16 honestly doesn't really make a lot of sense to
17 me. But I want to make sure we're not talking
18 about a permit from health services -- a health
19 services permit. They're exempt from that.

20 And so what we're referring to -- the
21 issue is, is there another permit that's
22 required by federal law or regulation, and is
23 that what we're not sure of? If we -- if there
24 has not been a permit or a certification or
25 whatever that's required by another regulation

1 or federal law, is that what we're talking
2 about? Is that why we're questioning whether
3 or not we can move forward with this?

4 CHAIRMAN APPLER: Mischa you can answer
5 that, I'm assuming.

6 MS. MARTIN: So I am -- I am not asking if
7 there is another permit or not. I'm asking to
8 understand how they plan to have CMS
9 certified -- because Nathan said that the plan
10 is to take out-of-state kids on out-of-state
11 Medicaid; and, therefore, they would have to be
12 CMS certified which means that there would be
13 some entity surveying and coming to their
14 facility to do physical restraints.

15 And while that is outside the Child
16 Welfare Licensing Agency, my belief is that the
17 laws are written in a way that envisioned both
18 the license would be granted knowing that they
19 would also have another regulatory authority
20 over -- looking over on physical restraints as
21 well as completing a five-year survey.

22 And so I think that the board just needs
23 to know if they're going to approve -- if we
24 are going to approve this license, that there
25 will be children placed from out-of-state

1 without the additional oversight. And that was
2 not the way in which our laws were created for
3 oversight on these PRTFs. And I -- that is
4 just my opinion.

5 CHAIRMAN APPLER: Okay.

6 MR. CHENNAULT: This is Nathan --

7 CHAIRMAN APPLER: Did that answer your
8 question, David?

9 MR. WHATLEY: Yes, it does.

10 CHAIRMAN APPLER: Okay.

11 MR. CHENNAULT: This is Nathan. If I can
12 ask one more question real quick just because
13 I'm trying to make sure that I -- and I
14 appreciate -- and I understand that the board
15 is very busy and has time and I appreciate
16 everybody's participation today.

17 Just to make sure that I'm clarified,
18 though Mill Creek -- I mean, Little Creek,
19 since it would function as a satellite campus
20 and is running on all of the numbers that I
21 have now, how is that different running under
22 just my Arkansas Medicaid number if it's
23 running as a satellite campus such as previous
24 places or any place in the state that has
25 satellite campuses?

1 MS. MARTIN: Can I ask, if it's just a
2 satellite campus, then we get back to how --
3 how are you what you really going to regulate
4 that it's only out-of-state children and not a
5 mix of out-of-state children and in-state
6 children just like you have at your other
7 campus?

8 MR. CHENNAULT: I just simply will not
9 admit any Arkansas kids. And, you know, we can
10 verify that any point at any time to anybody
11 who needs us to.

12 MR. NYE: Yeah, this is Brad at the AG's
13 office. They would be required to maintain a
14 census and a separate census for out-of-state
15 kids. I mean, they would have to track that
16 and that's something that the Health Service
17 Permit Agency deals with on a pretty routine
18 basis.

19 Although that agency is not really
20 involved here, we have POA -- we have a
21 facility that (inaudible) for a set number of
22 POAs, they are required to maintain a census
23 showing us which ones are Arkansas Medicaid
24 beds and which ones are not. So Mill Creek
25 would have to keep track of that.

1 UNIDENTIFIED MALE SPEAKER: But who keeps
2 track of Mill Creek?

3 MR. NYE: Mill Creek would have to keep
4 track of that census and then David and his
5 folks could go in and do a review. And, if
6 there was a violation of license then they
7 could move in.

8 MS. MARTIN: But who would be -- but then
9 -- so, in writing, I would like to see who's
10 going to keep track of physical restraints as
11 well as other incidents that are not covered by
12 David Griffin and the Child Welfare Licensing
13 Agency.

14 Who's covering the other piece; and, if
15 the plan is for Arkansas Medicaid and for The
16 Office of Long-term Care to be doing those,
17 then I -- I would like to see that in writing.
18 That both of those -- because both of those
19 have to be covered to ensure there is proper
20 certifications and oversight.

21 And, Nathan, I'll just tell you that all
22 those kids that are coming from out-of-state
23 have to go through ICPC. And I have pulled the
24 ICPC regs, which say that we, DCFS, has to
25 ensure that that licensing and certification is

1 covered.

2 And so, you know, I think that the pieces
3 -- that both pieces apply. And, there again,
4 we -- I know that we're just deciding on the
5 Child Welfare Licensing Agency Board. But, as
6 a board, I think we need to know that the other
7 piece is not covered or that there's a plan for
8 the other piece to be covered.

9 MR. CHENNAULT: Okay. I will get you -- I
10 know the board has already made their motions
11 to -- to kick this until December. So I will
12 get you what you need in writing and to make
13 sure that every -- you know, that everything --
14 any questions the board has is satisfied and,
15 you know, that everything is at ICPC. And I
16 just want to make sure we stay within the
17 confines of the act.

18 And, you know, as long as we're doing that
19 I can get you what our certification -- I'll go
20 back through it and make sure. And, that way,
21 we can answer any of the board's -- to make
22 sure we're in full compliance with anything you
23 need, there's as much oversight as the board
24 sees fit. And, you know, we'll just work
25 through the process.

1 And so I will go back and get everything I
2 can and get it all for you writing. Anything
3 else it's looking for.

4 If I have any questions for this, since I
5 can't speak to the board outside of this and
6 outside of the meeting in December, not to
7 delay this anymore, can I run any questions I
8 have through David Griffin, Ebony Russ, or
9 Susan Fancher here or Skye? I don't remember
10 your last name. I'm sorry.

11 MS. MARTIN: Martin.

12 MR. CHENNAULT: Okay.

13 CHAIRMAN APPLER: Okay. Now, for the AG's
14 office, there is a motion on the floor that's
15 been seconded. Is that -- because we're --
16 what I just heard, should I withdraw that
17 motion?

18 (Indiscernible Crosstalk)

19 MR. NYE: Perhaps we should withdraw that
20 motion and maybe table consideration of the
21 application.

22 CHAIRMAN APPLER: Okay. Then I'm going to
23 withdraw the motion since I'm the one that made
24 it.

25 UNIDENTIFIED MALE SPEAKER: Does Nathan

1 just have the option to withdraw it on his own
2 right now and bring it back instead of us
3 voting on it?

4 CHAIRMAN APPLER: Yeah.

5 MR. NYE: Yeah.

6 UNIDENTIFIED MALE SPEAKER: Okay.

7 MR. CHENNAULT: Okay.

8 UNIDENTIFIED MALE SPEAKER: So then we
9 will probably pick this up at December meeting;
10 correct?

11 MR. CHENNAULT: That's correct. I'll
12 withdraw and bring it back up in December and I
13 give you -- that way I can have time to get
14 everything as squared away and, you know, black
15 and white and straight across the board as we
16 need it to be.

17 MR. TOLLETTE: That sounds good.

18 CHAIRMAN APPLER: Okay.

19 All right. Then, if there is no other
20 business that needs to be discussed, and I
21 certainly hope there isn't, then I'm going to
22 close this meeting. Okay?

23 (Indiscernible Crosstalk)

24 UNIDENTIFIED MALE SPEAKER: I've got one
25 other issue I'd like to just ask licensing.

1 I'd like to know how many other out-of-state
2 licensed beds under -- PRT -- PRTF beds are out
3 there that -- that licensing -- that we have
4 licensed that's not being shown on the Health
5 Service Agency's stats.

6 MS. WILLIAMS: So Ebony's probably going
7 to -- this is Tonya. I have asked for that
8 census actually and we are -- I have some of
9 it. I don't have all of it at this point, I
10 think. I think the staff are still gathering.
11 Ebony, is that correct?

12 MS. RUSS: Yes, that is correct.

13 MS. WILLIAMS: So we are getting that
14 information a -- I want to see all of it.

15 So, as soon as I get it --

16 UNIDENTIFIED MALE SPEAKER: So that
17 information should be available at the December
18 meeting then?

19 MS. WILLIAMS: Absolutely. And, actually,
20 if we have it before then, we'll send it out
21 ahead of time.

22 UNIDENTIFIED MALE SPEAKER: Okay. Thank
23 you.

24 MS. MARTIN: Hey, is the meeting going to
25 be on the 10th? I haven't seen a calendar

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invite, and I just -- I want to make sure that I'm available.

MS. WILLIAMS: Yes. April is saying -- April? It will go out Friday, April is saying; so, yes, Mischa, it is on December 10th.

MS. MARTIN: Thank you.

MS. WILLIAMS: You're welcome.

CHAIRMAN APPLER: Okay.

Any other things? If nothing, then this meeting's adjourned. Thanks to everybody for participating.

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