

STATE OF ARKANSAS  
CHILD WELFARE AGENCY REVIEW  
BOARD MEETING

DEPARTMENT OF HUMAN SERVICES  
700 WEST MAIN STREET  
LITTLE ROCK, ARKANSAS

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January 22, 2020 at 1:30 p.m.

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BOARD MEMBERS PRESENT:

Mr. Ed Appler, Chairman, Adoptions Unit  
Mr. Andy Altom, Foster Care Unit  
Ms. Beverly Massey Foti, Psychiatric Residential Care Unit  
Mr. Charles Flynn, Emergency Shelters Unit  
Mr. David Whatley, Residential Care Unit

ALSO PRESENT:

Ms. Skye Martin, OCC  
Mr. David Sterling, DCFS Designee Attorney for the Board  
Ms. Ebony Russ, OCC/ECE Program Manager  
Mr. Charles Arnold, Licensing Specialist

I N D E X

CALL TO ORDER ..... 3

ITEM 1.

Approval of Special Considerations (not required to appear)

DCFS:

a. P209.2 Jenna W. .... 4

b. P211.5 Tyler and Jessica B. .... 4

c. P209.10 Lora and James G. .... 5

d. P211.5 Michael and Janice B. .... 5

f. P211.5 Curley H. .... 6

g. P209.2 Albert and Barbara B. .... 6

h. P209.2 Vickie E. .... 7

I. P209.2 Tiffany and Jess A. .... 7

k. P209.2 Raymond and Nancy C. .... 8

l. P311.6 Tressa and Ronnie H. .... 8

ITEM 2.

Approval of Special Considerations (required to appear)

DCFS:

e. P211.5 Ashley G. and Ryan W. ....10,15

j. P209.7 Billy J. .... 13

ITEM 3.

United Methodist Children's Home ..... 16

ITEM 4.

Arkansas Baptist Home for Children - Monticello ..... 17

ITEM 5.

Little Creek Behavioral Health ..... 19

ITEM 6 (a-h)

Special Considerations/Permissions:

DCFS:

a. Clinton C. .... n/p

b. Jennifer J. .... 24

c. Laura R. .... 27

d. Melissa C. .... 28

e. Bart C. .... 29

f. Sherry W. .... 31

g. Ricky B. Jr. .... n/p

h. Wayne W. .... n/p

ITEM 7.

REPORT OF TEMPORARY APPROVALS/ACTIONS FOR DECEMBER 2019/  
JANUARY 2020..... 33

ITEM 8.

OTHER BUSINESS

a. Reconsideration - Trinity Behavioral Health..... 33

b. Discussion of new SC/Temporary Approval Process..... 44

c. Discussion of change in rules for Title IV-E funding.. 51

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1 PROCEEDINGS

2 CHAIRMAN ED APPLER: So I'll call to order the  
3 meeting, of January 22nd, of the Child Welfare Agency  
4 Review Board. The first item on the agenda is the  
5 approval of the minutes from our last meeting, which  
6 were delivered somewhat late to us, but has any --  
7 everyone had a chance to read them? I have not.

8 MR. ANDY ALTOM: I have not.

9 CHAIRMAN ED APPLER: Can we table that to the  
10 next meeting?

11 MS. EBONY RUSS: Yes.

12 CHAIRMAN ED APPLER: Okay. We'll move on from  
13 there.

14 MR. CHARLES ARNOLD: Mr. Chair, this is a new  
15 procedure that we are about to do, and we will have  
16 time, in Other Business, to talk on how to streamline  
17 this procedure, if there's anything that we need to  
18 be doing differently, but we have grouped Items 1, a-  
19 1, together, because those were granted temporary  
20 approvals. And I'm going to be reading these for the  
21 record -- what the request is -- with the exceptions  
22 of Items e and j, and those two items will be heard  
23 just like any other presentation. We have the  
24 parties here for your consideration. So I will begin  
25 to read for the record these items and then we would

1 ask that you would -- would vote on them as a whole,  
2 for the final approval, since the temporary approval  
3 has already been granted.

4 So Item 1a, The Division of Children and Family  
5 Services is as -- a special consideration for Item --  
6 for Regulations 209.2, "Each bedroom shall have 50  
7 square foot per occupant." This room will have three  
8 girls; it measures 140 square feet; there's a bunk  
9 bed and a twin bed; and this enables a four-year-old  
10 and five-year-old, siblings, to be placed together in  
11 with a nine-year-old.

12 Item 1b is The Division of Children and Family  
13 Services is requesting special consideration for  
14 211.5, "Foster home shall not have more than five  
15 foster children in care and no more than eight  
16 children in their home, including their own  
17 children." There are five biological children in  
18 this home and three foster placements already. We  
19 are asking to add two foster children, which are  
20 siblings and have already been placed in this  
21 specific home in the past, and now they're back. And  
22 so they -- DCFS is asking to -- for them to be placed  
23 back in this home, because they feel comfortable  
24 there. There is no space requirements needed.  
25 Everything is -- is good on space.

1                   CHAIRMAN ED APPLER: Let me just make sure I  
2 understand. So there will be 10 children in the  
3 home?

4                   MR. CHARLES ARNOLD: Yes.

5                   CHAIRMAN ED APPLER: And -- and someone has gone  
6 out to make sure there's adequate space for all  
7 children?

8                   MR. CHARLES ARNOLD: Yes. Licensing visited the  
9 home on January 2nd of this year and found it to be  
10 in good standing.

11                   Item 1c, Division of Children and Family  
12 Services is requesting a special consideration to  
13 209.10, "Foster children, except infants under the  
14 age of two, shall not share a sleeping room with  
15 adults, and this can be increased to age four for  
16 grandparents." A five-year-old, in this case, is  
17 placed with their grandparents and they are living in  
18 a one-bedroom apartment. They have applied for a new  
19 -- a two-bedroom apartment and anticipate moving into  
20 that new apartment in February of this year. This  
21 will allow a grandparent -- a grandchild to be placed  
22 with their grand -- grandparents.

23                   Item 1d, The Arkansas Baptist Children's Home  
24 and Family Ministries is asking a special  
25 consideration for 211.5, "Foster parents -- foster

1 home shall not have more than five foster children in  
2 care." In this case, there is a sibling group of  
3 seven, to be placed in this home, that have been  
4 recently removed from their home. This family has  
5 recently moved into a very large home and sufficient  
6 to meet all sleeping arrangements and square footage.

7 Item 1f, DCFS is requesting a special  
8 consideration for 209.1, "Each household occupant  
9 shall have a bedroom that provides privacy." This  
10 instance, a grandparent has a 16-year-old son already  
11 living in a two-bedroom apartment. Their ten-year-  
12 old grandchild is being placed in this home and the  
13 grandparent will sleep on the couch. And this  
14 grandparent is looking for a three-bedroom apartment  
15 and will move as -- whenever those come available.  
16 This is child-specific and will be time-limited to  
17 January of 2022, but they anticipate a new apartment  
18 before then.

19 Item 1g, The Division of Children and Family  
20 Services is asking special consideration for 209.2,  
21 "Each bedroom shall have at least 50 square feet per  
22 occupant." This will allow three children in --  
23 excuse me -- three people in 130 square -- 136-  
24 square-foot master bedroom. This is a one-year-old  
25 child. And the grandparents will be in the queen-

1 size bed; the one-year-old will be in the crib. This  
2 is also child-specific and this is in the best  
3 interest of the child, due to them being relatives;  
4 grandparent and grandchild.

5 Item 1h, DCFS is requesting a special  
6 consideration to 209.2, "Each bedroom shall have at  
7 least 50 square feet per occupant." This will allow  
8 a 15-year-old and a 13-year-old to share a room that  
9 is 86 square feet. And this room has a set of bunk  
10 beds and this also is -- will enable grandchildren to  
11 be placed with their grandparents. This will also be  
12 able -- the children will be able to remain in their  
13 community and in their same school. And this request  
14 is time-limited to January of 2022.

15 Item 1i, The Division of Children and Family  
16 Services is requesting a special consideration for  
17 209.2, "Each bedroom shall have at least 50 square  
18 feet per occupant." This will allow a one-and-a --  
19 excuse me -- two-and-a-half-month-old to share a  
20 master bedroom with the foster parents and a seven-  
21 month-old biological child. The siblings of this  
22 two-and-a-half-month-old are already placed in this  
23 home and occupy the other bedrooms. This will allow  
24 the two-and-a-half-month-old to be placed with her  
25 brother and -- excuse me -- her two brothers. And

1 this is child-specific and is limited until 10/31 of  
2 2021.

3 Item 1k, DCFS is requesting a special  
4 consideration for 209.2, "Each bedroom shall have at  
5 least 50 square feet per occupant." This will allow  
6 a six -- eight and six-year-old siblings to be placed  
7 with the grandparents. The room is 96.9 square feet  
8 and they have a twin bed with a trundle bed under  
9 that twin bed. And this is in the best interest of  
10 the child so that they can be placed with their  
11 grandparents.

12 Item 1l, Meritan, Incorporated is requesting a  
13 special consideration to 311.6, "The number of  
14 children placed into a therapeutic foster home shall  
15 not exceed two except when a sibling group, in that  
16 case the maximum will be three." This home already  
17 has two TFC children placed in this home. They are  
18 wanting to add a 16-year-old to place -- to be placed  
19 into this home. This child has disrupted from  
20 another placement and Meritan feels that this home is  
21 the best placement for this female child. They are  
22 actively looking for another placement, but none are  
23 currently available. And this is child-specific, and  
24 this consideration would expire on January 31, 2022,  
25 if not already remedied by finding a new placement.

1                   These are the ones that the temporary approvals  
2                   were already granted.

3                   CHAIRMAN ED APPLER:  Okay, so I suppose the  
4                   motion would be to approve the cases that you've just  
5                   presented to us.  Is that right?

6                   MR. JOE WEST:  As a batch.

7                   CHAIRMAN ED APPLER:  Pardon?

8                   MR. JOE WEST:  As a batch.

9                   CHAIRMAN ED APPLER:  As a package.  Okay.

10                  MR. JOE WEST:  Yes.

11                  CHAIRMAN ED APPLER:  But, however, DCFS will  
12                  abstain from the ones that have to do with DCFS --

13                  MR. DAVID STERLING:  You took the words right  
14                  out of my mouth.

15                  CHAIRMAN ED APPLER:  -- and -- where's Charles?

16                  MR. CHARLES FLYNN:  I abstain from d, that 1d.

17                  CHAIRMAN ED APPLER:  Okay.  So, there's a  
18                  motion.  Is there a second?

19                  MR. ANDY ALTOM:  Second.

20                  CHAIRMAN ED APPLER:  Motion and a second?  Any  
21                  discussions?  If none, all in favor say, "Aye."

22                  (CHORUS OF AYES.)

23                  CHAIRMAN ED APPLER:  Opposed, the same.

24                  (NONE.)

25                  CHAIRMAN ED APPLER:  Motion carries.  Okay.

1 UNKNOWN FEMALE: Good afternoon. I'm here to  
2 present Item 1e. The licensing specialist, Patty  
3 Glanton, and the resource worker, Brenda Smith, could  
4 not travel in due to the weather. Okay. DCFS is  
5 requesting a special consideration for regulations  
6 211.5, "Foster parents shall not have more than five  
7 foster children in care. A foster home shall not  
8 have more than eight children in their home,  
9 including their own children." This includes  
10 placement for respite-care. For the home of Ms. G  
11 and Mr. W, the home consists of eleven children.  
12 Seven of those children are the biological children  
13 of the foster parents. There are four placed  
14 children. Licensing visited the home on January 6,  
15 2020 and found all other regulations were met with  
16 the exception of the requested special consideration  
17 for sleeping arrangements for two of the placed  
18 siblings, sisters, which were sharing a bed.  
19 Licensing explained this too -- this too would need  
20 to be corrected before presentation to the Board, as  
21 they will want to know the sleeping arrangements of  
22 eleven children and two of those foster -- and two  
23 foster parents, ensuring all other regulations were  
24 met. Licensing was notified the following day the  
25 sleeping arrangements were corrected by separate beds

1 for all placed children. Other regulations,  
2 including square footage, smoke alarms, and operable  
3 windows, were met. I approved this request on  
4 November 21, 2019. PRLU supports this request in the  
5 best interest of keeping the children with known  
6 friends and the siblings together. This request is  
7 also child-specific and time-limited to January 31,  
8 2022.

9 MR. ANDY ALTOM: I have a question, Mr. Chair,  
10 if it's okay. There was no evidence that that --  
11 that the licensing violation had been corrected in  
12 our packet. It has been corrected, though?

13 UNKNOWN FEMALE: It has been corrected.

14 MR. ANDY ALTOM: Okay. That was one of my  
15 questions. And then the other one was, in the second  
16 paragraph of -- or I guess what we would consider the  
17 second paragraph -- there -- there's a narrative that  
18 describes where the biological aged children are  
19 sleeping, as well as the placement age, but one of  
20 the things that I have a question about was, it says  
21 here -- has, "Biological age 16 and biological age 14  
22 share one room, with double-window, non-operable,  
23 queen bed." It says, "Double-window, non-operable,"  
24 okay? But then, when I looked at the floor plans,  
25 it's two-story -- it's a two-story building, so my

1 concern is that we didn't identify on the -- on the  
2 floor plan which bedroom is it that has a non-  
3 operable window and is it an upstairs bedroom?  
4 Because that would be a concern for fire, that type  
5 stuff, so.

6 UNKNOWN FEMALE: Correct. I do not have that  
7 specific information. Patty Glanton will be  
8 available by phone if we need to make contact with  
9 her right now, if that's a question that you would  
10 like to hear an answer from. I can do that if it's  
11 okay with the Board.

12 MR. ANDY ALTOM: Well, I -- I know Sanford's not  
13 here, but I know that's one of the things that  
14 Sanford would typically say is he's concerned about  
15 fire in these type facilities.

16 UNKNOWN FEMALE: Correct.

17 MR. ANDY ALTOM: Especially with that large a  
18 number. So if we could get an answer to that, that  
19 was the only reason I flagged it to -- to want to ask  
20 questions for it.

21 UNKNOWN FEMALE: Sure.

22 CHAIRMAN ED APPLER: Could you give her a call?  
23 And we'll move on down the agenda, but, after you get  
24 that information, come back and share it with us?

25 UNKNOWN FEMALE: Yes, I will.

1 MS. SHANNON ROUSE: Good afternoon. Shannon  
2 Rouse, Placement and Residential Licensing. I have  
3 Item 2j on the agenda. This item is for DCFS. DCFS  
4 is requesting a special consideration for regulation  
5 209.7 which states, "Children of the opposite sex  
6 shall not share the same bedroom if either child is  
7 four years old or older except for a parent in foster  
8 care with her child." This is a provisional  
9 placement -- no, I'm sorry. Okay. This is a  
10 provisional placement for an opposite -- okay, yeah,  
11 I'm sorry. This is a provisional placement for an  
12 opposite sex sibling group of two. There will be one  
13 male, age ten, and one female, age nine, sharing the  
14 same bedroom. The bedroom measures 126.04 square  
15 feet. PRLU granted a temporary approval with the  
16 following provisions: children will get dressed in  
17 the bathroom to ensure privacy; a video monitor in  
18 the child's room; and the children will need to be  
19 monitored throughout the night and documented as a  
20 safety precaution. A temporary approval was granted  
21 12/13/19. This request is child-specific and time-  
22 limited until 1/31/22. Based on supporting  
23 documentation, PRLU supports this request. And  
24 licensing did make a licensing visit on 1/13/2020.  
25 And I have Keisha Houston here, with DCFS, if you

1 have any further questions.

2 MR. ANDY ALTOM: I do have -- I do have a  
3 question about -- I understand there's only three  
4 people in the building and when I was reading this it  
5 says -- can -- could you describe how the video  
6 monitoring of a bedroom occurs and how that's  
7 documented?

8 MS. KEISHA HOUSTON: Well currently what they  
9 have is it's a baby monitor with a video. And Mr.  
10 Johns has a log that he keeps -- a journal. He has  
11 alarms set. So, right now, he's periodically  
12 checking throughout the night, as well as monitoring  
13 through the baby monitor when he's awake. The times  
14 that he's asleep, he then has the alarm set so that  
15 he can go in and then physically monitor what's going  
16 on in the room with the children. He physically goes  
17 in there.

18 MR. ANDY ALTOM: So how often does he check  
19 that? Is that --

20 MS. KEISHA HOUSTON: To my knowledge it's  
21 between two to three hours.

22 MR. ANDY ALTOM: Okay. That was all my -- that  
23 was just a question I had and I couldn't ask it when  
24 it was just sent to me, so thank you.

25 MS. KEISHA HOUSTON: Uh-huh.

1 MR. ANDY ALTOM: Mr. Chairman, I'll make a  
2 motion to approve the request.

3 CHAIRMAN ED APPLER: Motion. Do we have a  
4 second?

5 MS. BEVERLY MASSEY-FOTI: I'll second.

6 CHAIRMAN ED APPLER: Motion and a second. Any  
7 further discussion? If none, all in favor say,  
8 "Aye."

9 (CHORUS OF AYES.)

10 CHAIRMAN ED APPLER: Opposed, the same.

11 (NONE.)

12 CHAIRMAN ED APPLER: Motion carries.

13 MS. SHANNON ROUSE: Thank you.

14 CHAIRMAN ED APPLER: Yes, ma'am?

15 UNKNOWN FEMALE: So we did follow up with Patty  
16 Glanton. She advised that the room is on the first  
17 floor. And it used to be the old dining room.

18 MR. ANDY ALTOM: Mr. Chairman, I make a motion  
19 to approve that request as well.

20 MR. DAVID WHATLEY: Second.

21 CHAIRMAN ED APPLER: Motion and a second. Any  
22 further discussion? If none, all in favor say,  
23 "Aye."

24 (CHORUS OF AYES.)

25 CHAIRMAN ED APPLER: Opposed, the same.

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(NONE.)

CHAIRMAN ED APPLER: Motion carries. Thank you.

UNKNOWN FEMALE: Thank you.

MS. CHARLOTTE GALUSHA: I'm Charlotte Galusha with Placement and Residential Licensing.

CHAIRMAN ED APPLER: Hang on just a moment. For the record, Mr. Alton will be coming around there, since this is his organization we're talking about.

MS. CHARLOTTE GALUSHA: Charlotte Galusha, with Placement and Residential Licensing. I'm presenting Item 3 for United Methodist Children's Home. They are requesting for their placement license to be placed on inactive status. UMCH had originally decided to go inactive in November of 2017. A request should have been made by PRLU in November of '18, however there was an oversight with the licensing specialist that was assigned to the agency that, at that time, had just resigned. So this is the first official request for an inactive status from the Board. And Mr. Andy Altom's here for questions.

MR. ANDY ALTOM: Yeah. We currently are not using these, but we still are about halfway through full-implementation of the Families First Act, as far as the IV-E money coming in on the other stuff that

1 DCFS is looking at, as well as the three facets  
2 getting their feet on the ground and up on the  
3 Medicaid side. So this will primarily be tied to  
4 therapeutic foster care, as well as independent  
5 living placements. And we'd like to be able to hang  
6 onto that license for another year, until we decide,  
7 strategically, what we're going to do, as far as  
8 operating within our continuum.

9 MR. CHARLES FLYNN: I make a motion to approve  
10 this request for --

11 MR. DAVID WHATLEY: Second.

12 MR. CHARLES FLYNN: -- United Methodist.

13 CHAIRMAN ED APPLER: Motion and second. Any  
14 discussion? If none, all in favor say, "Aye."

15 (CHORUS OF AYES.)

16 CHAIRMAN ED APPLER: Opposed, the same.

17 (NONE.)

18 CHAIRMAN ED APPLER: Motion carries. Thank you,  
19 sir.

20 MS. FATIMA STEPPS: Good afternoon. Fatima  
21 Stepps, with the Placement and Residential Licensing  
22 Unit. I have Item 4 on your agenda. This request  
23 comes from Arkansas Baptist Children's Homes and  
24 Family Ministries. Arkansas Baptist Children's Homes  
25 is requesting a special consideration on licensing

1 standard 104.3a that states, "Each agency shall have  
2 a caseworker who is responsible for doing  
3 assessments, case planning, and casework services  
4 possessing at least one of the following:  
5 (psychiatric facilities see Section 906) A bachelor's  
6 degree in a human services field." Ms. Spinks  
7 currently does not meet the educational requirement  
8 for a caseworker as required. She is currently  
9 attending the University of Arkansas at Monticello,  
10 with plans to receive her Bachelor's degree in Social  
11 Work in May of 2020. The agency feels that Ms.  
12 Spinks will meet the requirements in a short duration  
13 of time and requests that she be granted the approval  
14 to work as a caseworker with the agency. PRLU does  
15 support the agency's request and I have Mr. Kelly  
16 Jones and Ms. Ashley Spinks here, should you have any  
17 questions.

18 CHAIRMAN ED APPLER: So in four months you'll  
19 have a BSW?

20 MS. ASHLEY SPINKS: Yes.

21 MR. CHARLES FLYNN: Ashley is having some --

22 MR. DAVID WHATLEY: Based on the fact that  
23 she'll be --

24 MR. CHARLES FLYNN: -- allergy -- sinus  
25 problems. You may not be able to hear her, it's hard

1 for her to talk right now. She's having some  
2 bronchial problems.

3 CHAIRMAN ED APPLER: Okay.

4 MR. DAVID WHATLEY: Based on the fact that  
5 she'll be receiving her Bachelor's degree in social  
6 work in May 2020, I make a recommendation that we  
7 approve the request.

8 MR. ANDY ALTOM: Second.

9 CHAIRMAN ED APPLER: Motion and a second. Any  
10 discussion? If none, all in favor say, "Aye."

11 (CHORUS OF AYES.)

12 MR. CHARLES FLYNN: I abstain.

13 CHAIRMAN ED APPLER: Opposed, the same.

14 (NONE.)

15 CHAIRMAN ED APPLER: Motion carries. Thank you.

16 MS. FATIMA STEPPS: Thank you.

17 MS. SHARRA LITZSEY: Good afternoon. I'm Sharra  
18 Litzsey, with the Placement and Residential Licensing  
19 Unit. I will pre -- I will be presenting Item Number  
20 5. Habilitation Services is requesting a new  
21 psychiatric residential treatment facility license,  
22 for the care of 64 out-of-state children that are  
23 ages six to 18 years, at their new facility, Little  
24 Creek Behavioral Health. The facility will be an  
25 extension of their Mill Creek of Arkansas Behavioral

1 Health Facility. The facility will operate in  
2 Conway, Arkansas, and their program -- and will only  
3 accept residents into their program that reside from  
4 states other than Arkansas. For their administration  
5 staff, Nathan Chenault will serve as the  
6 Administrator for Little Creek, Megan Morris will  
7 serve as their Social Services Director, and other  
8 staff, including clinical director, caseworker, and  
9 other staff, will be hired pending the approval of  
10 this request. The agency does have policies and  
11 procedures in place for this license type. A  
12 Building and Grounds was conducted on 10/8/2019 and  
13 no deficiencies were noted during the visit. A fire  
14 inspection was conducted on 9/5/19 and the final fire  
15 inspection approval has been received. Health  
16 inspection report approval was received on  
17 10/23/2019. The facility is under the Conway  
18 Cooperation City Water. Zoning approval is not  
19 required for this location. Habilitations Center,  
20 Inc. has requested that a new license be granted to  
21 operate a psychiatric residential treatment facility,  
22 Little Creek Behavioral Health, for 64 out-of-state  
23 children, ages six to 18, at their Conway location.  
24 Little Creek will only accept residents in their  
25 program that reside from states other than Arkansas.

1 Through licensure of Mill Creek of Arkansas, a  
2 residential facility, and Mill Creek of Arkansas,  
3 PRTF Programs, the agency has demonstrated the  
4 ability to comply with minimum licensing standards  
5 for child welfare agencies. The Placement and  
6 Residential Licensing Unit is in support of this  
7 request and Nathan Chenault is here to answer any  
8 questions.

9 MR. ANDY ALTOM: Mr. Chair, can I be recognized?

10 CHAIRMAN ED APPLER: Yes, sir.

11 MR. ANDY ALTOM: I noticed that -- that you guys  
12 withdrew the request initially and that --  
13 resubmitting it to the -- to this Board today; it has  
14 the letter here. I know one of the issues was the  
15 monitoring.

16 MR. NATHAN CHENAULT: Yes, sir.

17 MR. ANDY ALTOM: I'm glad Mischa sent another  
18 attorney, because she made the argument that, under  
19 the law, there does require that there -- does this  
20 -- is this the letter that they've put in their  
21 packet allowing the -- the licensing to monitor, does  
22 that meet the requirements for the statute?

23 MR. DAVID STERLING: I believe it does. What --  
24 basically what they're asking is for a conditional  
25 license conditioned on -- upon, you know, them

1 submitting to monitoring by DCC/ECE. And it's -- so  
2 -- and their -- the letter from January 14, 2020  
3 addresses all that, as far as, you know, any  
4 deficiencies, you know, being subject to corrective  
5 action plans and so forth. So they're basically just  
6 kind of putting themselves out there to be monitored.  
7 Apparently, according to the letter, no monitoring of  
8 seclusion, because they're not going to be using  
9 seclusion, but as far as restraints and so forth --  
10 but -- but they are subjecting themselves to  
11 monitoring by DHS.

12 CHAIRMAN ED APPLER: So will it be staffed from  
13 your agency?

14 MS. SHARRA LITZSEY: Correct. It will be the  
15 licensing specialist assigned to the facility.

16 CHAIRMAN ED APPLER: Okay.

17 MR. ANDY ALTOM: Well I do have another  
18 question, though. Is -- is it appropriate for the  
19 provider to say what they can and can't monitor? Or  
20 is this an all-in? You know, you say you can't  
21 monitor seclusions, but do you have seclusion rooms  
22 in your facility?

23 MR. NATHAN CHENAULT: No, sir. We do not have  
24 seclusion rooms. We don't utilize them in Mill Creek  
25 at the Fordyce Campus either, and we won't be adding

1 any.

2 MR. ANDY ALTOM: Oh, okay.

3 MR. NATHAN CHENAULT: It's just not something we  
4 care to use.

5 MR. ANDY ALTOM: So it's not an -- there's not  
6 an opportunity for seclusion?

7 MR. NATHAN CHENAULT: Correct.

8 MR. ANDY ALTOM: Okay. But if -- but if someone  
9 were to come in and ask a caregiver, "Do you do  
10 seclusions?" and they said, "Yes," then that's fair  
11 game for them to investigate, correct?

12 MR. NATHAN CHENAULT: Yes, sir.

13 MR. ANDY ALTOM: Okay.

14 MR. NATHAN CHENAULT: Yeah. Just, typically,  
15 when people mention restraint, they mention seclusion  
16 at the same time, and so we just wanted to --

17 MR. ANDY ALTOM: Right.

18 MR. NATHAN CHENAULT: -- rule it out for us.

19 MR. ANDY ALTOM: I understand. Yeah. I'll make  
20 a motion to approve the request.

21 MR. DAVID WHATLEY: Second.

22 CHAIRMAN ED APPLER: Motion and a second. Is  
23 there any further discussion? If none, all in favor  
24 say, "Aye."

25 (CHORUS OF AYES.)

1 CHAIRMAN ED APPLER: Opposed, the same.

2 (NONE.)

3 CHAIRMAN ED APPLER: Motion carries. Thank you,  
4 sir.

5 MR. NATHAN CHENAULT: Thank you, sir.

6 MR. CHARLES ARNOLD: We are now entering into a  
7 different phase of our agenda. Jennifer? I wanted  
8 to also note, the board members have not seen these  
9 packets, yet, and so, as you bring your packets up,  
10 if you'll bring them to me, I'll pass them out. But  
11 we also ask that you give the -- the Board time to  
12 look over these. And sometimes there are some  
13 awkward silences as they're -- they're reading.  
14 They'll ask questions whenever they're ready, so we  
15 ask that you be patient during their reading.  
16 Jennifer J.? Item Number 6a was not able to be here  
17 today, so we're -- this will be 6b.

18 MR. DAVID STERLING: Mr. Chair, for the record,  
19 I'll be abstaining from all these  
20 considerations/permissions from DCFS.

21 (BOARD READING PACKET.)

22 CHAIRMAN ED APPLER: You like dogs, huh?

23 MS. JENNIFER J.: A little bit.

24 CHAIRMAN ED APPLER: So is there any sort of  
25 motion?

1 MR. ANDY ALTOM: I'll make a motion to approve  
2 the request.

3 MR. CHARLES FLYNN: I'll second.

4 CHAIRMAN ED APPLER: Motion and a second. Any  
5 discussion?

6 MR. DAVID WHATLEY: The only discussion that I  
7 have, I noticed it said that you worked hard to get  
8 the record expunged in 2007. So was it -- it was  
9 expunged?

10 MS. JENNIFER J.: Yes, sir.

11 MR. DAVID WHATLEY: Why are we --

12 CHAIRMAN ED APPLER: Don't ask me.

13 MR. DAVID WHATLEY: -- hearing the --

14 CHAIRMAN ED APPLER: I've asked that question  
15 before. I don't know.

16 MR. DAVID WHATLEY: Okay.

17 MR. CHARLES FLYNN: Congratulations on that.

18 MS. JENNIFER J.: Thank you.

19 MR. JOE WEST: So, having been expunged, there's  
20 some regulation that someone has told me about that  
21 says we still need to vote on this. Something like  
22 that.

23 MR. DAVID WHATLEY: Yeah, I mean, to me  
24 expungement would be like it never happened.

25 MR. ANDY ALTOM: We have a new attorney.

1 MR. JOE WEST: You -- you --

2 MR. ANDY ALTOM: Let's ask him what he thinks of  
3 it.

4 MR. JOE WEST: You would think that, but the law  
5 -- the criminal code is -- is not in agreement that  
6 expunged actually means expunged. It's typically --

7 MR. DAVID WHATLEY: Oh, wow.

8 MR. JOE WEST: -- you get -- yeah. And expunged  
9 and sealed have been used interchangeably, so it may  
10 be -- a record may be referred to as being expunged,  
11 but it may only be sealed.

12 CHAIRMAN ED APPLER: And, yeah, right.

13 MR. JOE WEST: So that may be -- may be the  
14 situation.

15 CHAIRMAN ED APPLER: They could get it anytime  
16 they want.

17 MR. DAVID WHATLEY: Yes, sir.

18 MR. JOE WEST: Yeah.

19 CHAIRMAN ED APPLER: So there's a motion and a  
20 second. Any further discussion? If none, all in  
21 favor say, "Aye."

22 (CHORUS OF AYES.)

23 CHAIRMAN ED APPLER: Opposed, the same.

24 (NONE.)

25 CHAIRMAN ED APPLER: Motion carries. Thank you.

1 MR. CHARLES FLYNN: Have we been told that, for  
2 this Board, that that did not apply or --

3 CHAIRMAN ED APPLER: It's -- you know, it's been  
4 something that's come up occasionally and -- and  
5 prior staff pointed out, either in the code or the  
6 regulation, that even if there's -- if there's been a  
7 felony that's been sealed, or expunged, or pardoned,  
8 they still need to come before the Board.

9 MR. JOE WEST: Because those records, whether  
10 sealed or not, still exist and certain -- certain  
11 agencies have access to it.

12 MR. CHARLES ARNOLD: Laura R.?  
13 (BOARD READING PACKET.)

14 CHAIRMAN ED APPLER: So I see a note on here  
15 that I granted temporary approval on December 10th,  
16 right?

17 MS. ATHELIA DISMUKE: Yes.

18 MS. KATIE GRIFFIN: Yes.  
19 (BOARD READING PACKET.)

20 MR. ANDY ALTOM: I'll make a motion to approve  
21 the request based on the fact that this is over 22  
22 years old -- 22 years ago that this individual had  
23 this problem and since hasn't had the problem.

24 MR. CHARLES FLYNN: I'll second. I hate that  
25 you had to come before the Board.

1                   CHAIRMAN ED APPLER: Motion and a second. Any  
2 discussion? If none, all in favor say, "Aye."

3                   (CHORUS OF AYES.)

4                   CHAIRMAN ED APPLER: Opposed, the same.

5                   (NONE.)

6                   CHAIRMAN ED APPLER: Motion carries. Thank you.

7                   MS. LAURA R.: Thank you.

8                   MR. CHARLES ARNOLD: Melissa C.?

9                   (BOARD READING PACKET.)

10                  MR. CHARLES ARNOLD: Mr. Chairman, I would like  
11 to point out a typographical error on our agenda.  
12 Janet Norris is the resource worker, N-O-R-R-I-S,  
13 instead of Janet Harris. That's the resource  
14 worker's name.

15                  CHAIRMAN ED APPLER: Okay.

16                  (BOARD READING PACKET.)

17                  CHAIRMAN ED APPLER: If I'm reading this  
18 correctly, some of these arrests were failure to  
19 appear because you couldn't get there; you were  
20 incarcerated, right?

21                  MS. MELISSA C.: Yes, sir.

22                  CHAIRMAN ED APPLER: Okay.

23                  MR. ANDY ALTOM: So is there -- I noticed that  
24 your last -- you had a random drug screen that was  
25 negative on 12/11/19. Are you still -- are you still

1 subject to random testing?

2 MS. MELISSA C.: Yes, sir. I've taken four.  
3 I've been clean since July 3rd of 2013.

4 CHAIRMAN ED APPLER: So -- but you've fulfilled  
5 all fines, probation, all that stuff?

6 MS. MELISSA C.: Yes, sir.

7 MS. JANET NORRIS: Yes.

8 CHAIRMAN ED APPLER: And so your random drug  
9 screens, is that because of your employment or are  
10 you just --

11 MS. MELISSA C.: Well, employment and for DHS.

12 MS. JANET NORRIS: DHS.

13 CHAIRMAN ED APPLER: Okay.

14 MR. DAVID WHATLEY: I'll make a motion to  
15 approve the request.

16 MS. BEVERLY MASSEY-FOTI: I'll second.

17 CHAIRMAN ED APPLER: Motion and a second. Any  
18 further discussion? If not, all in favor say, "Aye."

19 (CHORUS OF AYES.)

20 CHAIRMAN ED APPLER: Opposed, the same.

21 (NONE.)

22 CHAIRMAN ED APPLER: Motion carries.

23 MS. MELISSA C.: (OUTBURST) Thank you.

24 MR. CHARLES ARNOLD: Bart?

25 (BOARD READING PACKET.)

1 CHAIRMAN ED APPLER: So these arrests occurred  
2 like in 2013; Is that right?

3 MS. JANET NORRIS: 2013.

4 CHAIRMAN ED APPLER: Nothing since then?

5 MS. JANET NORRIS: Nothing since then.

6 MR. BART C.: That's right.

7 MR. ANDY ALTOM: How's your daughter doing?

8 MR. BART C.: She's doing all right. She's -- I  
9 think she's been clean for a minute now. You know,  
10 she's taking medication and I think that's helping  
11 her some. So I take her to work every morning and  
12 try to talk with her and try to be a dad.

13 MR. ANDY ALTOM: Yeah.

14 MR. BART C.: You know, so --

15 MR. ANDY ALTOM: I make a motion to approve the  
16 request.

17 MR. DAVID WHATLEY: I second.

18 CHAIRMAN ED APPLER: Motion and a second. Any  
19 discussion? If none, all in favor say, "Aye."

20 (CHORUS OF AYES.)

21 CHAIRMAN ED APPLER: Opposed, the same.

22 (NONE.)

23 CHAIRMAN ED APPLER: Motion carries. Thank you,  
24 sir.

25 MR. BART C.: Thank you. Thank you.

1 MR. CHARLES ARNOLD: Sherry W.

2 (BOARD READING PACKET.)

3 MR. ANDY ALTOM: Sherry, how long have -- how  
4 long have you been employed by this -- with this --  
5 who is your employer right now?

6 MS. SHERRY W.: It is L.G. Logistics Services.

7 MR. ANDY ALTOM: And how long have you been with  
8 them?

9 MS. SHERRY W.: Just almost a year.

10 MR. ANDY ALTOM: Do you like your job?

11 MS. SHERRY W.: Love it.

12 MR. ANDY ALTOM: What do you do?

13 MS. SHERRY W.: Deliver to the post office.

14 CHAIRMAN ED APPLER: And you're wanting to have  
15 custody of your grand-nephew. Is that right?

16 MS. SHERRY W.: Yes, sir.

17 CHAIRMAN ED APPLER: How old is he?

18 MS. SHERRY W.: Eight, I believe.

19 MR. DAVID WHATLEY: I notice it says that you  
20 feel like that you're the best placement for him. Do  
21 you mind expounding on that a little bit, why you  
22 feel like that you're the best possible placement?

23 MS. SHERRY W.: Well, I love him. You know,  
24 I'll make sure he's well-taken care of and I'll try  
25 to give him the best home ever. You know, as of now,

1 I go to Fayetteville every now and then and get my  
2 other grand-nieces and nephew, take them to see The  
3 Lion King or just take them to McDonald's to eat.  
4 They love Aunt Sherry. That's what they say anyway.  
5 I take them Christmas. So just show him that he's  
6 loved.

7 MR. DAVID WHATLEY: Thank you.

8 MR. CHARLES FLYNN: I'll make a motion to  
9 approve this request.

10 MR. ANDY ALTOM: I'll second.

11 CHAIRMAN ED APPLER: Motion and a second. Any  
12 further discussion? If none, all in favor say,  
13 "Aye."

14 (CHORUS OF AYES.)

15 CHAIRMAN ED APPLER: Opposed, the same.

16 (NONE.)

17 CHAIRMAN ED APPLER: Motion carries. Take good  
18 care of him.

19 MS. SHERRY W.: Thank you. Thank you guys. God  
20 bless you. God bless you.

21 MR. CHARLES ARNOLD: I'm just making sure. Is  
22 there a Ricky B.?

23 MS. EBONY RUSS: Charlie?

24 MR. CHARLES ARNOLD: Yeah. Yeah.

25 MS. EBONY RUSS: He's not --

1 MR. CHARLES ARNOLD: That one -- we're going to  
2 have to move that one to the next meeting.

3 CHAIRMAN ED APPLER: g?

4 MR. CHARLES ARNOLD: Yes.

5 CHAIRMAN ED APPLER: Okay.

6 MR. CHARLES ARNOLD: 6g. And h has not been  
7 able to come because of the weather, so both of those  
8 will be moved to the next meeting.

9 MR. DAVID STERLING: So is a also being moved to  
10 the next meeting?

11 MR. CHARLES ARNOLD: Correct. a, g, and h will  
12 all be moved to the next hearing on March 25th. The  
13 next item on the agenda, Mr. Chairman, is the Report  
14 of Temporary Approvals and Actions from December '19  
15 through January of 2020. Everything -- you should  
16 have your listing of those and everything was taken  
17 care of at our December meeting, or today, or has  
18 been placed on the March 25th meeting. There were  
19 several items that did not need Board action.

20 CHAIRMAN ED APPLER: Okay. Let's move on to  
21 Other business then. Trinity Behavioral Health.

22 MR. JOEL LANDRENEAU: Good afternoon. I'm Joel  
23 Landreneau of Crochet & Landreneau, PLLC and I appear  
24 to you today on behalf of Trinity Behavioral  
25 Healthcare. Those of you who were here in December

1 will recall that I did appear at that time and  
2 presented two different requests to maintain active  
3 license -- maintain licenses in an inactive status.  
4 One was for residential license and one was for  
5 psychiatric license. In that meeting, this Board  
6 granted the request to continue inactive status on  
7 the residential licenses and denied the same request  
8 on the psychiatric license. And a couple of weeks  
9 ago I -- following that action, I did send a letter  
10 to Mr. West, requesting that this Board grant Trinity  
11 an adverse action hearing on the basis that the  
12 continuation of the license -- the denial of the  
13 continuation of the license constitutes a revocation  
14 of the license; that they are no longer holders of  
15 something they were once holders of, and that this  
16 constitutes adverse action. In the conversation I  
17 had with Mr. West, he indicated that he would use his  
18 best efforts to put this matter back on the agenda  
19 again for today for the possibility that this Board  
20 would consider -- or reconsider that -- that action  
21 not to grant the continuation of license, and to  
22 vacate that action, and, in fact, grant the license.  
23 I did prepare a three page letter to Mr. West, with  
24 attachments -- and I don't know if that got  
25 circulated to -- to the board members -- but, in --

1 in the letter, I basically state that this Board has  
2 properly promulgated rules. The most -- the manual  
3 that you were operating under on December of 2019 was  
4 the one that you promulgated in 2016. And in Section  
5 102.20, of that manual, the agency -- the Board  
6 promulgated a rule that says that an agency -- "If an  
7 agency is inactive for one year the license shall be  
8 closed in good standing, unless the agency requests,  
9 annually, in writing, that the license remains open.  
10 This request shall be approved by the Child Welfare  
11 Agency Review Board." I attached the -- to that  
12 letter a copy of the rule and I did mistakenly put  
13 the placement section of that, instead of the  
14 residential section, but the wording is identical.

15 Trinity is asking for reconsideration of the  
16 denial of that continuation on the basis that this  
17 action does constitute adverse action; that there did  
18 not come with that action any determination of  
19 findings of fact and conclusions of law; that this  
20 Board did not determine what it is that Trinity  
21 failed to do, in compliance with the rules, that  
22 would result in its losing it's (INAUDIBLE) status.  
23 And so, with that having been said, I would point out  
24 -- and I did attach a copy of this, as well -- the  
25 one requirement that this Board imposes to have a

1 license continued in inactive status is that the  
2 licensee requests it in writing, and that did occur  
3 on August 23rd of 2019, when Christy Kirk (sic) sent  
4 that request to Ms. Fancher. Ms. Fancher  
5 acknowledged having received it -- received it and,  
6 in so doing, was discussing with Ms. Kirk when would  
7 be a good time to appear before the Board to present  
8 the request. So, having said that, I don't believe  
9 that we need a hearing, but I do believe that if  
10 we're going to have adverse action stand then -- then  
11 my client has the right to have an adverse action  
12 hearing, where evidence is produced and a record is  
13 made, and findings of fact and conclusions of law are  
14 issued by this Board, so that there is something for  
15 circuit court to review. And so, with that having  
16 been said, I will retire the microphone for  
17 entertaining any questions you might have.

18 MR. JOE WEST: And, Mr. Chairman, if I may kind  
19 of expound upon Mr. Landreneau's conversations he --  
20 or -- conversations with me. He did -- did send that  
21 letter to me, asked for an adverse action hearing,  
22 and I realized there would not be enough time to get  
23 -- get a hearing officer and everything prepared in  
24 time before this meeting, and that is why I made the  
25 suggestion that he ask the Board for reconsideration

1 at this time. My recommendation, as your attorney,  
2 is to grant the -- this request, because that  
3 language, "that request 'shall' be approved by the  
4 Board," is -- is mandatory. There's no discretion  
5 given to the Board. I know there were some concerns  
6 raised about Trinity being able to maintain their  
7 license in inactive status, basically, in perpetuity  
8 and I think it's been, what, four years? Five years?

9 MR. JOEL LANDRENEAU: At least.

10 MR. JOE WEST: And, reading the rule, I -- I'm  
11 sure that was something that was not considered when  
12 this rule was written and promulgated. This might be  
13 something the Board looks at in the future in  
14 changing this rule. But the rule, as written, again,  
15 leaves you all no discretion. If Mr. Landreneau  
16 pursues this action -- if we end up in a circuit  
17 court I believe a circuit judge will certainly  
18 overturn any denial of the license under this rule.  
19 So that's why my recommendation is you grant this now  
20 or it -- or a circuit judge will tell you to grant it  
21 six to eight months down the road.

22 MR. ANDY ALTOM: I have a question, Joel.

23 MR. JOEL LANDRENEAU: Sure.

24 MR. ANDY ALTOM: On the -- how many -- how many  
25 Medicaid beds are currently counted in the bed need

1 for that area?

2 MR. JOEL LANDRENEAU: As promulgated by the  
3 Health Services Permit Agency, I don't know. I mean,  
4 my guess would be around -- in the 90's, but I don't  
5 know that for sure. It's been several years since  
6 I've looked at one of those reports.

7 MR. ANDY ALTOM: I -- I mean, I get -- I get the  
8 fact that -- I guess where I'm coming from as a board  
9 member -- and you're -- you know, we probably should  
10 grant it. I was one of the vote -- persons that  
11 voted no the last time, but my thought process was,  
12 is that you've got providers out there that are  
13 regulated by that other agency that does a bed need  
14 based on licensed beds and -- or beds that have POA's  
15 attached to them or that were grand fathered in.  
16 Well, when they're sitting there vacant they're not  
17 serving the community that that bed need formula is  
18 set up to establish. And so that's my concern is  
19 that -- and maybe we do need to look at the Regs --  
20 but, at some point when it -- that -- to me, I feel  
21 like it impacts the community as a whole when we have  
22 providers out there that have licensed beds that are  
23 supposed to serve a need but they're not being used.  
24 Because all the other providers who want to also do  
25 that in that area can't do it if that area's found to

1 be over-bedded. Well, it's truly found to be over-  
2 bedded in that area, but those beds aren't being  
3 used. Do you see what I'm saying?

4 MR. JOEL LANDRENEAU: Yes, I do, Andy. And I  
5 think that would be more a concern for Health  
6 Services Permit Agency than it would be for this  
7 body. And, to be candid, that is a consideration  
8 that I have advised my client on in not letting this  
9 go on too long. And that is, there is always the  
10 possibility that they could re-examine the POA's that  
11 have been granted.

12 MR. ANDY ALTOM: With that being said, I'll make  
13 the motion to approve the request as stated. That  
14 you know, for -- to -- to allow them to go forward  
15 with their license, in perpetuity, I guess.

16 CHAIRMAN ED APPLER: And I just -- well, I mean,  
17 they -- you've got to come here annually --

18 MR. JOEL LANDRENEAU: Yes.

19 CHAIRMAN ED APPLER: -- or, send a letter  
20 annually so it's not going to be in perpetuity.

21 MR. JOEL LANDRENEAU: No, it won't.

22 CHAIRMAN ED APPLER: It's just going to be until  
23 they --

24 MR. JOEL LANDRENEAU: And --

25 MR. ANDY ALTOM: All he has to do is send the

1 letter.

2 CHAIRMAN ED APPLER: Yeah.

3 MR. JOEL LANDRENEAU: This Board has the  
4 authority to promulgate rules. It has the authority  
5 to change what its promulgated as well.

6 MR. ANDY ALTOM: Well that's coming.

7 MR. JOEL LANDRENEAU: So, I will be --

8 MR. ANDY ALTOM: That's coming.

9 CHAIRMAN ED APPLER: Yeah. Okay.

10 MR. JOEL LANDRENEAU: I will pass that message  
11 along.

12 MR. ANDY ALTOM: That's coming. So --

13 MR. DAVID WHATLEY: I'll second that.

14 CHAIRMAN ED APPLER: Motion and a second. Any  
15 further discussion? If not, all in favor say, "Aye."

16 (CHORUS OF AYES.)

17 CHAIRMAN ED APPLER: Opposed, the same.

18 (NONE.)

19 CHAIRMAN ED APPLER: Motion carries.

20 MR. JOEL LANDRENEAU: Thank you, Mr. Chairman.

21 CHAIRMAN ED APPLER: Yes, sir.

22 MR. ANDY ALTOM: Mr. Chair?

23 CHAIRMAN ED APPLER: Yes, sir.

24 CHAIRMAN ED APPLER: I'd like to be recognized  
25 that we look at that standard and change the language

1           that gives us the authority to -- to have some  
2           leverage over providers that sat on needed services  
3           and, they -- to me, it's an injustice to the  
4           community that, you know, that Health Services Agency  
5           serves, we're supposed to be a watchdog for, and a  
6           regulator for, when they sit there and they're just  
7           vacant.

8                     CHAIRMAN ED APPLER: We can address that  
9           probably next legislative session or before then?

10                    MR. DAVID STERLING: If it's a rule you can do  
11           it in the meantime, though, yeah. One thing I would  
12           suggest -- and, I mean, I -- and I'm not as familiar  
13           with this particular statute as what you -- you guys  
14           may be, but, it seems to me that, what you might want  
15           to do is as long as they're inactive status, that  
16           those beds can be allocated to someone else. And  
17           then, when they try to become active again, they can  
18           come back to the -- an agreed upon number of beds; it  
19           be something for the Allocations, I think. It just  
20           seems to me that -- I -- I see what you're concerned  
21           about. I mean, there's some beds that are vacant and  
22           could be used in the community and, if they're going  
23           to seek to go inactive, we should -- they should --  
24           one of the consequences should be making those beds  
25           available to somebody else and then they can still

1 have inactive, but they won't be able to get the beds  
2 allocated until those are available to them. But  
3 that's just one consideration.

4 MR. ANDY ALTOM: Yeah.

5 CHAIRMAN ED APPLER: So this is a regulation,  
6 right, not a code?

7 MR. DAVID STERLING: It's my understanding,  
8 yeah.

9 MR. JOE WEST: Yes, it's one of your -- it's one  
10 of your -- it's one of your --

11 CHAIRMAN ED APPLER: Okay. So --

12 MR. JOE WEST: -- one of your rules.

13 CHAIRMAN ED APPLER: So this Board could change  
14 that regulation?

15 MR. JOE WEST: Correct.

16 MR. DAVID STERLING: Not on its own, but I mean  
17 --

18 MR. JOE WEST: Yeah.

19 MR. DAVID STERLING: It would have to be  
20 promulgated.

21 CHAIRMAN ED APPLER: Not -- I'm not talking  
22 about today, but --

23 MR. DAVID WHATLEY: Right.

24 MR. JOE WEST: There will be a process to go  
25 through, --

1                   CHAIRMAN ED APPLER:  Yeah.  Yeah.

2                   MR. JOE WEST:  -- through governor's approval  
3                   and legislative approval, but, yes, it -- it can --

4                   CHAIRMAN ED APPLER:  Well, it's been probably  
5                   three years since we've had any kind of retreat to  
6                   look at the regulations.  Three years, four years.  
7                   Do you recall?

8                   MS. BEVERLY MASSEY-FOTI:  At least that long.

9                   CHAIRMAN ED APPLER:  And the environment  
10                  changes.  And so let's see about having, say, let's  
11                  look at the regulations at some point in time, with  
12                  staff's recommendation and consider making some  
13                  changes within the next, say, six months.

14                  MS. EBONY RUSS:  Okay.

15                  CHAIRMAN ED APPLER:  Okay.

16                  MR. CHARLES FLYNN:  One of the questions that  
17                  I've been asked several times, as it relates to this,  
18                  has to do with the legislation that changed the  
19                  number of children in a foster home.  So if we could  
20                  get some direction on that, at that same time, that  
21                  would be something that I know some agencies have --  
22                  would like to see us make an adjustment on that.

23                  MS. EBONY RUSS:  Okay.

24                  CHAIRMAN ED APPLER:  Okay.

25                  MR. CHARLES ARNOLD:  Mr. Chairman, we just

1 wanted to take the time to go over our procedures for  
2 this new -- of putting items together, making sure  
3 that our processes, and y'all's receiving of emails,  
4 and everything, are on the same page. Temporary  
5 approvals are granted by our management staff  
6 according to the introductions of the min -- the  
7 child welfare standards. What we will do is we will  
8 put all those together and we will send out these  
9 packets to each of you in an email. What -- what we  
10 need from y'all is to respond back to that email, of  
11 whether you have questions, so that we can have some  
12 appear, and, those that you do not have questions  
13 for, we can bulk, like we did this -- this afternoon.  
14 So this past time I think we only got three responses  
15 back. Two or three. And so, if you -- if we have --  
16 if you need more questions that's not a problem.  
17 We'll just have them here. I mean, that's what we've  
18 been doing in the past anyway. We will -- but,  
19 whenever we send those out, within how long of a time  
20 should we expect to get something back from you guys?

21 MS. BEVERLY MASSEY-FOTI: Well, if I may, Mr.  
22 Chairman.

23 CHAIRMAN ED APPLER: Yes, ma'am.

24 MS. BEVERLY MASSEY-FOTI: I would just request  
25 that we have a little more turnaround time. I think

1 we had maybe -- I don't remember what it was. 24 or  
2 48 --

3 MS. EBONY RUSS: (INAUDIBLE).

4 MS. BEVERLY MASSEY-FOTI: -- hours last time.

5 And --

6 MR. CHARLES ARNOLD: We've hit a perfect storm  
7 with having a --

8 MS. BEVERLY MASSEY-FOTI: I understand.

9 MR. CHARLES ARNOLD: -- a December Board and a  
10 January Board, and loss of personnel.

11 MS. BEVERLY MASSEY-FOTI: Sure.

12 MR. CHARLES ARNOLD: So we thank you for your  
13 patience on this.

14 MS. EBONY RUSS: All right. And I would  
15 officially like to apologize for that. It's not our  
16 intention to -- to give you work that needs to be  
17 reviewed in a short amount of time and it won't  
18 happen again.

19 CHAIRMAN ED APPLER: A couple of weeks would be  
20 a good turnaround time for me. And I know that that  
21 may not be possible, because there may be requests  
22 submitted after you send that email out.

23 MR. CHARLES ARNOLD: Right.

24 MR. CHARLES FLYNN: But would those requests  
25 appear on this -- for this meeting? There's a cutoff

1 date, isn't there, for -- for the meeting?

2 MS. EBONY RUSS: Uh-huh. Yes.

3 MR. CHARLES FLYNN: Yeah.

4 MS. EBONY RUSS: It's usually the 3rd of each  
5 month.

6 MR. CHARLES FLYNN: So after the 3rd you would  
7 have everything for the next meeting.

8 CHAIRMAN ED APPLER: Okay.

9 MR. CHARLES ARNOLD: Right.

10 CHAIRMAN ED APPLER: Okay.

11 MR. CHARLES ARNOLD: So we gather our  
12 information to our supervisors by the 3rd; they have  
13 a meeting to set the agenda and make sure that all of  
14 our packets are correct; then, that meeting, they can  
15 send things to you, for your consideration, to see if  
16 you need any more information on that.

17 CHAIRMAN ED APPLER: You --

18 MR. CHARLES ARNOLD: Is five days -- a week?  
19 Because --

20 CHAIRMAN ED APPLER: Can you combine, like,  
21 those dozen files -- separate files into one file  
22 like Andy does?

23 MR. CHARLES ARNOLD: Um, --

24 CHAIRMAN ED APPLER: Because -- well, I didn't  
25 know which one to open, you know, and the --

1 MR. DAVID WHATLEY: It was a little confusing.

2 CHAIRMAN ED APPLER: The list on that Word  
3 document, where you check yes or no, the names  
4 weren't in the same order as the files appeared on my  
5 screen.

6 MR. CHARLES ARNOLD: Okay.

7 MS. EBONY RUSS: So we currently don't have the  
8 technology to send it all at once, because the email  
9 will say the file is too large and it won't send.  
10 But I have spoken to our assistant director and she's  
11 going to see if we -- she can get us the proper  
12 technology to do that.

13 MR. DAVID STERLING: Well, it'll have to be the  
14 proper technology on both ends, because you may not  
15 be able to receive it if your internet service  
16 provider doesn't allow a certain size.

17 MS. BEVERLY MASSEY-FOTI: We get it from Andy.

18 CHAIRMAN ED APPLER: Yeah, I was going to say,  
19 Andy --

20 MR. ANDY ALTOM: I don't mind doing it.

21 CHAIRMAN ED APPLER: -- put some more work on  
22 you.

23 MS. BEVERLY MASSEY-FOTI: But I mean it -- our  
24 now -- servers --

25 CHAIRMAN ED APPLER: Yeah.

1 MS. BEVERLY MASSEY-FOTI: -- allow us to receive  
2 it in one batch.

3 CHAIRMAN ED APPLER: Okay. Yeah, he just makes  
4 one document and it's not a big deal.

5 MR. CHARLES ARNOLD: Well --

6 CHAIRMAN ED APPLER: I don't think that needs  
7 additional technology. I think maybe --

8 MR. CHARLES ARNOLD: It's a firewall -- I  
9 believe it's a firewall issue with our internet.

10 MR. ANDY ALTOM: Sure.

11 MR. CHARLES ARNOLD: And the security systems  
12 that we have in place to encrypt sensitive  
13 information.

14 CHAIRMAN ED APPLER: Okay.

15 MR. ANDY ALTOM: Do y'all get my -- do y'all get  
16 my emails that are combined?

17 MS. BEVERLY MASSEY-FOTI: Uh-huh.

18 MR. ANDY ALTOM: So your server allows them in?

19 MS. EBONY RUSS: Yes.

20 MS. BEVERLY MASSEY-FOTI: Uh-huh.

21 MR. ANDY ALTOM: It just doesn't allow them out.

22 MR. CHARLES FLYNN: And their -- maybe your IT  
23 person can get permission for that person to send out  
24 those size files. I have just kind of a  
25 clarification, so -- I know I sent -- I replied. Are

1           you looking for just one vote or a majority of the  
2           votes?  If one person wants to hear it, it's --

3           MR. DAVID WHATLEY:  If one person --

4           MR. CHARLES FLYNN:  -- going to be a hearing.

5           MR. DAVID WHATLEY:  Yeah.

6           MR. CHARLES ARNOLD:  Right.  If somebody has a  
7           question, we're going to bring them here and present  
8           them like normal.

9           MR. CHARLES FLYNN:  Okay.

10          MR. CHARLES ARNOLD:  We -- we do not want  
11          anybody taking a vote over the internet -- by --  
12          through email because that's against the -- the rules  
13          of having a public meeting.  So we're just giving you  
14          information, so that you will be able to vote  
15          intelligently on that -- on that --

16          CHAIRMAN ED APPLER:  And all we'll send back to  
17          you is that word document, right?

18          MS. EBONY RUSS:  Correct.

19          MR. CHARLES ARNOLD:  Yes.

20          MR. CHARLES FLYNN:  Yeah.

21          CHAIRMAN ED APPLER:  Okay.

22          MR. DAVID WHATLEY:  And if just one board member  
23          has a question then it would come to --

24          MR. CHARLES ARNOLD:  Yes.

25          MR. DAVID WHATLEY:  -- the next Board meeting?

1 MR. CHARLES ARNOLD: Yes. Because beforehand we  
2 didn't have this option and everybody came anyway.  
3 Resource workers, licensing specialists, sometimes  
4 foster parents. So --

5 MR. DAVID WHATLEY: Well, if we can get it to  
6 work, I think it's great.

7 CHAIRMAN ED APPLER: Yeah.

8 MR. CHARLES FLYNN: Yeah. I do, too.

9 CHAIRMAN ED APPLER: Yeah, we just need to tweak  
10 it.

11 MR. CHARLES ARNOLD: Yes.

12 MR. ANDY ALTOM: I just think that it -- when  
13 you guys are sending these in, though, if you just  
14 tell your -- tell them to think about fire safety.  
15 You know, if it's -- if it's two floors and you know  
16 -- and you're talking about bedding -- you know,  
17 where they're sleeping, what the exit -- you know,  
18 y'all heard the questions I had today. That was just  
19 pretty much -- and that was from a quick read, --

20 CHAIRMAN ED APPLER: Uh-huh.

21 MR. ANDY ALTOM: -- just those two that I could  
22 pick up on. But I -- you know and I -- if Sanford  
23 would here -- I guarantee he probably --

24 MS. EBONY RUSS: He would ask it.

25 MR. ANDY ALTOM: -- sent in, because I know how

1 he thinks. As a matter of fact, that's why I went  
2 ahead and felt okay marking that, because I figured  
3 he would mark it, too.

4 MR. CHARLES ARNOLD: And we want you to be able  
5 to ans -- ask those questions and don't feel  
6 obligated to say, "Oh, no, somebody's going to have  
7 to drive in if I have this question." We want all  
8 the information to be explained to your full  
9 satisfaction.

10 MR. ANDY ALTOM: Sure.

11 MR. CHARLES ARNOLD: Whenever you guys get back  
12 to us, that enables us to notify the specialist and  
13 the resource worker that, yes, they do need to come.  
14 And we are basically saying, "You're going to come  
15 unless we tell you not to." Does that make sense?

16 MR. DAVID WHATLEY: Yeah. Sure.

17 MR. CHARLES ARNOLD: And we will do like it did  
18 this morning -- or, this afternoon, just read them  
19 all, just a basic synopsis of each one, and that way  
20 then it can be on the record for the meeting.

21 CHAIRMAN ED APPLER: Sounds like a plan.

22 MR. CHARLES ARNOLD: All right. Thank you.

23 CHAIRMAN ED APPLER: So this Item c?

24 MS. EBONY RUSS: Okay. I'm sorry, I didn't say  
25 my name earlier. I'm Ebony Russ, DCC/ECE. So I'll

1 try my best to explain what we're doing. PRLU is  
2 currently in the promulgation process for those  
3 approved standards that have been approved by the  
4 Board. And currently, it was brought to our  
5 attention, Section 103 of the minimum licensing  
6 standards needed to be updated to reflect the Family  
7 First Prevention Services Act. And that language --  
8 I do have reference for you guys to follow along  
9 with. Once you receive the packet, if you could  
10 please turn to page five and follow along if you  
11 would like?

12 Okay. It reads, "Criminal Record and Registry  
13 Checks for Adults Working in Childcare Institutions.  
14 FFPSA makes changes to the Title IV-E requirements in  
15 section 471(a)(20)(D) of the Act Criminal Record and  
16 Child Abuse/Neglect Registry Checks. Currently, as a  
17 condition of eligibility for Title IV-E funds, Title  
18 IV-E agencies must provide in their IV-E plan that  
19 they implement procedures for criminal background  
20 checks including fingerprint based criminal records  
21 check of national crime information databases as  
22 defined in Section 534(f)(3)(A) of Title 28, United  
23 States Code, for prospective foster parents, adoptive  
24 parents, and relative guardians, and child abuse and  
25 neglect registry checks for each prospective foster

1 or adoptive parent, and any adult in the home. The  
2 criminal records check must reveal the perspective  
3 foster or adoptive parent has not been convicted of  
4 prohibited felonies and, in the case of a foster  
5 family home, the home must be licensed or approved,  
6 Sections 471(a)(20)(A)(i) and (ii) of the Act. FFPSA  
7 requires that Title IV-E agencies apply these same  
8 procedures for fingerprint based criminal records  
9 check of national crime information databases and  
10 child abuse registry checks to any adult working in a  
11 childcare institution (CCI), which includes group  
12 homes, residential treatment centers, shelters, and  
13 other congregate care settings. The statute does not  
14 allow any exemptions or exceptions for conducting the  
15 checks on any adult who work in such settings. As  
16 such, all adults, including adults who do not work  
17 directly with children, are subject to background  
18 check requirements when working in a CCI. Agencies  
19 may determine their own procedures for combining  
20 checks on unpaid volunteers. Additionally, the Title  
21 IV-E agency may decide which entity within the  
22 state/tribe is best situated to conduct the prior  
23 checks. The agency is not required to conduct them  
24 directly."

25 So, essentially, what PRLU -- the Placement and

1 Residential Licensing Unit -- we need to have this  
2 reflect in the minimum licensing standards.

3 CHAIRMAN ED APPLER: Title IV-E. That means you  
4 get federal or state funding?

5 MS. EBONY RUSS: Correct.

6 CHAIRMAN ED APPLER: Okay.

7 MS. EBONY RUSS: Correct.

8 CHAIRMAN ED APPLER: What about agencies that  
9 don't get --

10 MS. EBONY RUSS: Right. That would not pertain  
11 to them, from my understanding, and I would -- we're  
12 trying to figure out how we can enter this into the  
13 minimum licensing standards and have that reflect it.  
14 Because here, it says, "Currently as a condition of  
15 eligibility for Title IV-E funds, Title IV-E  
16 'agencies'," so I would assume there -- it's specific  
17 to those agencies.

18 MR. CHARLES FLYNN: Typically in -- in items  
19 like this, it's a part of DCFS policy rather than  
20 minimum standards. Is that -- would that be correct?

21 CHAIRMAN ED APPLER: Well, and as a private  
22 agency, we already do all this. And, you know, we're  
23 privately funded, so -- and -- and the reason we do  
24 it is because of the regulations.

25 MS. EBONY RUSS: Correct.

1                   CHAIRMAN ED APPLER: But you're saying that  
2 perhaps this language may need to appear in the  
3 regulations?

4                   MS. EBONY RUSS: Yes, sir.

5                   MR. DAVID WHATLEY: Well, I would -- if we have  
6 this language in the regulations, it would also --  
7 there would almost have to be something that would  
8 reflect a private agency, because we don't fall under  
9 those same standards.

10                  MS. EBONY RUSS: Okay.

11                  MR. DAVID WHATLEY: So I don't know that it's a  
12 good idea to put it in the regulations, period.

13                  CHAIRMAN ED APPLER: Well, there --

14                  MR. DAVID WHATLEY: But --

15                  CHAIRMAN ED APPLER: -- needs to be a  
16 distinction, I'm thinking, between privately funded  
17 agencies and publicly funded agencies, and -- and  
18 clear regulations for both of them.

19                  MS. EBONY RUSS: Yes, sir.

20                  CHAIRMAN ED APPLER: Because if it doesn't get  
21 any kind of public money --

22                  MS. EBONY RUSS: Correct.

23                  MR. DAVID WHATLEY: Right.

24                  MS. EBONY RUSS: And we do understand that there  
25 are some private institutions or agencies that do not

1           have to fall under this requirement from the federal  
2           perspective.

3           MR. CHARLES FLYNN: And there are other policies  
4           that are -- that are DCFS policy that exceed the  
5           regulations. So there already are items that are in  
6           DCFS policy that are not in the minimum standards.  
7           And so this -- to me, this is exceeding the minimum  
8           standards and -- and if you want to work with DCFS  
9           that can be in their policy agreement with you.

10          MR. ANDY ALTOM: Yeah. I want to say this, is  
11          that -- this is -- this is very difficult to do. As  
12          a provider, I can tell you. Because you're taking  
13          providers that are IV-E providers, and if we make  
14          this the minimum licensing standard, where everybody  
15          has to do it, imagine how many people are going to be  
16          lined up trying to get background checks, when they  
17          don't really have to have it at the level that this  
18          is required. That's my concern, is because, right  
19          now, I know when DCFS called us when this (INAUDIBLE)  
20          took effect, and they gave us different areas of the  
21          state, where they said, "These are the -- go to these  
22          DHS cases;" they'd scan your fingerprints, because we  
23          had to -- all of us had to redo these. And, when we  
24          did them, the -- you know, the test was they were  
25          going to turn them around real quick. Well, they

1           didn't turn them around real quick. It took forever  
2           for us to get just our first initial ones. So my  
3           concern is if -- if this is -- if this -- if we take  
4           this and say this is going to be the minimum  
5           licensing standards, for private providers, then we  
6           just -- we have a log jam, where we've just created  
7           an unnecessary need for individuals doing what IV-E  
8           providers are trying to do.

9           MS. EBONY RUSS: Right.

10          MR. ANDY ALTOM: And it creates competition of  
11          the resources.

12          MS. EBONY RUSS: Okay.

13          MR. CHARLES FLYNN: And it evidently is already  
14          a part of DCFS policy, because we've already been  
15          asked to do it.

16          MR. ANDY ALTOM: Yeah.

17          MS. EBONY RUSS: And, again, we would definitely  
18          have to make the distinction between provider and  
19          those who receive Title IV-E funding. That's  
20          something that we're working on. It was recently  
21          brought to our attention. And so we wanted to  
22          discuss it with the Board to see how we needed to  
23          proceed with that.

24          CHAIRMAN ED APPLER: Why don't you provide us --  
25          come up with some suggestions? Not just one

1 suggestion, but three or four suggestions, on how to  
2 do that. Sometime -- unless there's some urgency I'm  
3 not aware of -- in the next six months?

4 MS. EBONY RUSS: Being that we are currently in  
5 the process of promulgation, we've added those that  
6 were approved by the Board and so they're -- they're  
7 holding to see what we need to do with this. So  
8 they're ready to go. They're just holding to see  
9 should this be added.

10 MR. DAVID STERLING: If you add those and it  
11 gets promulgated, I mean, there'll be -- there'll be  
12 an opportunity for -- first of all, it'll have to get  
13 through the policy review committee here at DHS and  
14 all the eyes that look at that. And then it'll have  
15 to get sent over to the governor's office and get  
16 approved by the governor's office. Then it'll be put  
17 out for public comment. And so all the people that  
18 want to comment on it and everything will have an  
19 opportunity at that point. And so I think the main  
20 thing -- and, in the meantime, if y'all have  
21 concerns, it can always be pulled back, because just  
22 getting to the governor's office for approval will  
23 take several months. So, if y'all go ahead and allow  
24 them to move forward with it, and then y'all will  
25 have probably two meetings before it even gets

1 governor's office approval. It's just a thought. At  
2 least get it in the pipelines, to where it's no  
3 delay, because it does take several, several, several  
4 months.

5 CHAIRMAN ED APPLER: Uh-huh.

6 MR. DAVID STERLING: And I'd hate for IV-E  
7 funding to be put at risk in the meantime. Just a  
8 suggestion.

9 MR. ANDY ALTOM: I don't think IV-E funding is  
10 put at risk. I think those individuals that get that  
11 IV-E funding already have to do this. We've already  
12 had to do this. What I'm -- what my concern is is  
13 this is minimum licensing standards. You're going to  
14 say, now, everybody that does this has to do this.  
15 And that's not the -- just like --

16 MR. DAVID WHATLEY: No. Right.

17 MR. ANDY ALTOM: Have we had to do this?

18 MR. DAVID WHATLEY: No, we don't take any DCFS  
19 kids, we don't take any DCFS funding, and so my  
20 concern is also setting a precedent. You know, we do  
21 this and so we're mirroring, basically, what -- the  
22 DCFS standards. And so my concern is that begins to  
23 open a door for it to spill over, when that's not the  
24 intent for private agencies at all. It's not  
25 anywhere close to what a DCFS agency would represent

1 or the DCFS standards.

2 MR. ANDY ALTOM: I get -- I -- I know how  
3 promulgation works, and I'm telling you I prefer that  
4 this not be out there even to be promulgated as a  
5 minimum licensing standard. That's just my opinion.  
6 I just think it's going to create a bigger  
7 competition for the resources that Arkansas doesn't  
8 have in place now. Matter of fact, we've asked can  
9 we buy our own scanning machines, because now we  
10 still have to send individuals, you know, across town  
11 and then you've got to make an appointment with the  
12 person that operates the machine to be able to do it.  
13 I mean, it's just -- it's cumbersome. And you're  
14 just -- and we're going to pass a rule that says now  
15 everybody do it. I'm just --

16 MS. EBONY RUSS: I have --

17 MR. ANDY ALTOM: I don't think that's -- that  
18 doesn't make sense.

19 MS. EBONY RUSS: And I don't have the answer to  
20 this, so may I ask a question? So, being that it's  
21 federal funds, would that supercede what the State  
22 has involvement with?

23 MR. ANDY ALTOM: I know -- I know, in the past,  
24 whenever we've talked about rules, Mischa or whoever  
25 was in Mischa's role would say, "Well, y'all do what

1           you want, but this is our requirement." You know?  
2           And so it -- we're -- when we're contractors with the  
3           State we have to do what the State tells us to do.  
4           You know, and that's where that IV-E money -- You're  
5           not going to be a IV-E provider and not have a  
6           contract with the State to access those funds. So,  
7           at that point, they can put these requirements on  
8           you. That's why I don't understand why this would be  
9           a minimum licensing. Does that make sense?

10                  CHAIRMAN ED APPLER: Uh-huh.

11                  MR. CHARLES FLYNN: I would assume these are  
12           already in policy, because last year we were told  
13           that these had to be done by the middle of October or  
14           a certain date.

15                  MS. EBONY RUSS: Correct.

16                  MR. CHARLES FLYNN: So they must already be in  
17           -- in DCFS policy, because we were told that we would  
18           need to get it done.

19                  MR. ANDY ALTOM: They are. We did them. We did  
20           them this -- I -- I mean --

21                  MR. CHARLES FLYNN: Yeah.

22                  MR. ANDY ALTOM: I can attest to the limited  
23           resources, and how hard it was to do, and then to  
24           say, you know, in a year from now, there's a  
25           possibility that everybody that does childcare is

1           having to do the same thing. To me, it just doesn't  
2           make any sense.

3           MS. EBONY RUSS: Okay. All right.

4           CHAIRMAN ED APPLER: So, have you got the  
5           feedback from the Board that you were looking for?

6           MS. EBONY RUSS: So, I -- no. So, to be  
7           specific, I've heard a couple of things. No, you do  
8           not recommend that this be added to the promulgation  
9           process. And then I also heard, come up with three  
10          or four suggestions on how you can --

11          MR. DAVID STERLING: I think one --

12          MS. EBONY RUSS: -- differentiate. I'm sorry.

13          MR. DAVID STERLING: Yeah. I think one of the  
14          suggestions could be just that. I mean, come up with  
15          three or four suggestions, including not doing  
16          anything. You know, so --

17          CHAIRMAN ED APPLER: Right.

18          MR. ANDY ALTOM: I'm okay if the regulation says  
19          if you're a IV-E provider you have to do this. I'm  
20          okay with that, because that's what the State's going  
21          to say, but I think to do, cart blanche, everybody  
22          has to do this, that's just horrible.

23          MS. EBONY RUSS: Right.

24          MR. ANDY ALTOM: That's --

25          MR. CHARLES FLYNN: I think another concern is--

1 MR. DAVID WHATLEY: I agree with that, but I  
2 don't know that it's really necessary to put that in  
3 the regulations.

4 MR. CHARLES FLYNN: Well how often does DCFS --

5 MR. DAVID WHATLEY: I mean, does -- we're  
6 already at the DCFS family --

7 MR. CHARLES FLYNN: How often does this policy  
8 change? Because we're -- if this -- if we're going  
9 to start this precedent then we're going to be  
10 changing -- promulgating pretty much on a regular  
11 basis as -- as policy changes for IV-E.

12 MS. EBONY RUSS: It's a possibility, because  
13 there are other things that need to be --

14 MR. CHARLES FLYNN: Yeah.

15 MS. EBONY RUSS: -- addressed as well, including  
16 of what you spoke about earlier about --

17 MR. CHARLES FLYNN: Well, what I was talking  
18 about earlier was voted on by the legislature, which  
19 is a change to the Act.

20 MS. EBONY RUSS: Right.

21 MR. CHARLES FLYNN: So -- so that was -- that  
22 was part of the -- that's part of the Act. That's  
23 not IV-E related, so --

24 MR. ANDY ALTOM: Who -- who told you that this  
25 had to be this way?

1 MS. EBONY RUSS: Well, we were discussing it as  
2 a whole with the unit.

3 MR. ANDY ALTOM: Okay. I'd like to -- because I  
4 -- you ought to invite some providers that have had  
5 to do this for that discussion. Because we can tell  
6 you -- and the people on your end that are having to  
7 do it for us. Because I don't think they're too  
8 pleased either.

9 MS. EBONY RUSS: Okay. Well, thank you so much  
10 for the opportunity.

11 CHAIRMAN ED APPLER: Okay. I assume there's no  
12 other -- other business?

13 MR. DAVID STERLING: I've got one quick  
14 clarification.

15 CHAIRMAN ED APPLER: Yes, sir.

16 MR. DAVID STERLING: I just want the record to  
17 reflect that I abstained on Items 2e and j, I mean,  
18 since they had to do with -- since they originated  
19 from DCFS. I didn't vote, but I did have -- I also  
20 didn't speak up and say I was abstaining either. So  
21 I just want the record to reflect I didn't vote on  
22 those two.

23 CHAIRMAN ED APPLER: Okay. Good. Got it? You  
24 got it? All right. The court reporter, got it?  
25 Okay. All right, this meeting is adjourned, I hope.

1 (THEREUPON, the meeting was adjourned at 3:00  
2 p.m.)  
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CERTIFICATE

STATE OF ARKANSAS

I, Laura L. Carnahan, Certified Court Reporter, do hereby certify that the facts stated by me in the caption on the foregoing 65 pages are true; and that the foregoing proceedings were recorded verbatim through the use of the Stenomask and thereafter transcribed by me, or under my direct supervision, to the best of my ability, taken at the time and place set out on the caption hereto.

I FURTHER CERTIFY that I am neither counsel for, related to, nor employed by any of the parties to the action in which these proceedings were taken; and further, that I am not a relative or employee of any attorney or counsel employed by the parties hereto, nor financially interested, or otherwise, in the outcome of this action.

WITNESS MY HAND AND SEAL this 12th day of February, 2020.

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Laura L. Carnahan

Certified Court Reporter #569