

**REPORT OF THE
ADMINISTRATIVE RULES AND REGULATIONS SUBCOMMITTEE
OF THE
ARKANSAS LEGISLATIVE COUNCIL**

September 20, 2013

Co-Chairs:

The Administrative Rules and Regulations Subcommittee met on August 20, 2013 at 1:00 p.m. in Room 171 of the State Capitol. The following committee members attended: Senator Johnny Key, Co-Chair; Representative Kelley Linck, Co-Chair; Representative James Word, Co-Vice Chair; and Senators Jonathan Dismang and Jim Hendren; Representatives Ann Clemmer, Kim Hammer, Lane Jean, Joe Jett, Greg Leding, and Terry Rice. Other legislators attended as follows: Senators Bart Hester, Jon Woods, Joyce Elliott, and Eddie Joe Williams; and Representatives Duncan Baird, Bob Ballinger, Nate Bell, David Branscum, John Burris, John Catlett, Bruce Cozart, Jim Dotson, Jeremy Gillam, Mary P. “Prissy” Hickerson; John K. Hutchison, Sheilla Lampkin, Mary Slinkard, Nate Steel, Richard Womack, Marshall Wright, Andy Davis, Walls McCrary, and Frederick J. Love.

1. The subcommittee reviewed the following rules filed pursuant to Ark. Code Ann. § 10-3-309:

DEPARTMENT OF CAREER EDUCATION, ARKANSAS REHABILITATION SERVICES(Cynthia Baker-Smith and Jim Moreland, item a.; Randy Parker and Lisa Kelly, item b.)

- a. **Arkansas Kidney Disease Commission Revisions**
- b. **3-Year State Plan for Independent Living**

STATE BOARD OF DENTAL EXAMINERS (Kevin Odwyer)

- a. **Article XVII Governing Dental Assistant Functions**

DEPARTMENT OF EDUCATION (Jeremy Lasiter, items a. and b.; Cheryl Reinhart, item c.)

- a. **Arkansas Opportunity Public School Choice Act and Repeal of the Rules Governing the Guidelines, Procedures and Enforcement of the Arkansas Opportunity Public School Choice Act (December 12, 2011 version)**

- b. Public School Choice Act of 2013 and Repeal of Rules Governing the Guidelines, Procedures and Enforcement of the Arkansas Public School Choice Act (October 2007 version)**
- c. Code of Ethics for Arkansas Educators**

**DEPARTMENT OF HUMAN SERVICES, BEHAVIORAL HEALTH SERVICES
(Mark White, Dr. Steve Doman)**

- a. Rule Establishing Reasonable Charges for Costs of Treatment**

**DEPARTMENT OF HUMAN SERVICES, CHILDREN AND FAMILY
SERVICES (Christin Harper)**

- a. Revisions to the Interstate Compact on the Placement of Children (ICPC) Policy**
- b. Policy Pertaining to Arkansas Juvenile Code**
- c. Revisions to Confidentiality Policy**
- d. Updates to Policy Manual Glossary**
- e. Policy Regarding Reporting of Child Near Fatality, Fatality, and Other Incidents**
- f. Child Maltreatment Investigation Policy, Publications, and Forms**
- g. Revisions Affecting Foster and Adoptive Home Approval and Maintenance**

DEPARTMENT OF HUMAN SERVICES, MEDICAL SERVICES (Marilyn Strickland, Tammy Harlan)

- a. Episode 2-13 and State Plan Amendment #2013-005**
- b. DDS-ACS Increase Reserved Capacity**

**DEPARTMENT OF HUMAN SERVICES, OFFICE OF POLICY AND LEGAL
SERVICES (Jeff Wood, Pat McElroy)**

- a. DHS Social Services Block Grant Pre-Expenditure Report; Amendment #1 for SFY July 1, 2012 – June 30, 2013**
- b. DHS Social Services Block Grant Pre-Expenditure Report for SFY July 1, 2013 – June 30, 2014**

ARKANSAS REAL ESTATE COMMISSION (Gary Isom)

- a. **Regulation 9.9; Alternate Disciplinary Procedures**

SECRETARY OF STATE (Martha Adcock, Kerry Baldwin)

- a. **Rules for Financial Disclosure by Members of County Boards of Election Commissioners**
- b. **Rules on Voter Identification**

ARKANSAS SENTENCING COMMISSION (Sandy Moll)

- a. **Arkansas Sentencing Standards Seriousness Reference Table**

- 2. **The following rules were deferred to the September 11, 2013 Meeting of the Subcommittee on Administrative Rules and Regulations:**

DEPARTMENT OF HUMAN SERVICES, CHILDREN AND FAMILY SERVICES (Christin Harper)

- a. **Subsidized Guardianship Policy Revisions**
- b. **Extended Foster Care**

- 3. **The following rules were re-referred to the Senate Interim Committee on Public Health and the House Interim Committee on Public Health with the request that the committees report to the September 11, 2013 meeting of the Administrative Rules and Regulations Subcommittee:**

DEPARTMENT OF HUMAN SERVICES, MEDICAL SERVICES (Marilyn Strickland)

- a. **Episode 1-13 and State Plan Amendment #2013-003**

September 11, 2013 Meeting

The Administrative Rules and Regulations Subcommittee met on September 11, 2013 at 9:00 a.m. in Room 171 of the State Capitol. The following committee members attended: Senator Johnny Key, Co-Chair; Representative Kelley Linck, Co-Chair; Representative James Word, Co-Vice Chair; and Senators Jonathan Dismang, Ronald Caldwell, Jim Hendren, Bruce Maloch, Bobby J. Pierce, and Bill Sample; Representatives Jeff Wardlaw, Lane Jean, and Kim Hammer, and Terry Rice. Other legislators attended as follows: Senators Jon Woods; Representatives Denny Altes, Scott Baltz, Nate Bell, David Branscum, John Burris, John Catlett, Dan Douglas, Mary P. “Prissy” Hickerson, John K. Hutchison, Sheilla Lampkin, Betty Overbey, James Ratliff, Sue Scott, Mary Slinkard, Nate Steel, Wes Wagner, Walls McCrary, Henry “Hank” Wilkins IV, and Douglas House.

- 1. The subcommittee reviewed the following rules filed pursuant to Ark. Code Ann. § 10-3-309:**

DEPARTMENT OF HUMAN SERVICES, CHILDREN AND FAMILY SERVICES (Greg Crawford)

- a. Updates to Federal Title IV-E Requirements**

ARKANSAS AGRICULTURE DEPARTMENT, LIVESTOCK AND POULTRY COMMISSION (Butch Calhoun)

- a. Arkansas Festival Grant**

DEPARTMENT OF CAREER EDUCATION, ARKANSAS REHABILITATION SERVICES (Randy Parker, Lisa Kelley)

- a. Annual State Plan 2014 for the Vocational Rehabilitation and Supported Employment Services Program**

ARKANSAS ECONOMIC DEVELOPMENT COMMISSION (Kurt Naumann, item a.; Kurt Naumann and Gay Johnson, item b.; Kurt Naumann and Christopher Crane, item c.)

- a. Regional Economic Development Partnership Act**
- b. Existing Workforce Training Program**
- c. Digital Product and Motion Picture Industry Development Act**

DEPARTMENT OF EDUCATION (Kendra Clay)

- a. Rules Governing Public Charter Schools**
- b. Open-Enrollment Public Charter School New Application**

**DEPARTMENT OF FINANCE AND ADMINISTRATION, REVENUE
DIVISION (John Theis)**

- a. Rule 2013-1; Standard Mileage Rate for Income Tax Purposes**

BOARD OF REGISTRATION FOR FORESTERS (Rebecca Montgomery)

- a. ABORF Rules Ver1.1**

**DEPARTMENT OF HUMAN SERVICES, COUNTY OPERATIONS
(Melissa Dean, Shirley Mason)**

- a. Low-Income Home Energy Assistance Program (LIHEAP) State Plan for
FFY2014**

**ARKANSAS INSURANCE DEPARTMENT (Jay Bradford, Booth Rand, and Ava
Franks)**

- a. Rule 104; Health Insurance Marketplace Assister Fees**

ARKANSAS STATE BOARD OF NURSING (Sue Tedford)

- a. Chapter 4; Advanced Practice Nurse**

ARKANSAS PAROLE BOARD (John Felts, Solomon Graves)

- a. Revisions to Arkansas Parole Board Policy Manual**

**BOARD OF LICENSURE FOR PROFESSIONAL ENGINEERS AND
PROFESSIONAL SURVEYORS (Stephen Haralson)**

- a. Revisions to Articles 8, 9, and 11**

2. The following rule was pulled from consideration by the agency, and the subcommittee was advised that another rule would be re-filed at a later date:

DEPARTMENT OF HEALTH, CENTER FOR HEALTH PROTECTION

- a. Revisions to the Arkansas Rules and Regulations for Emergency Medical Services

3. The Subcommittee reviewed the following rules that had been deferred from the August 20, 2013 Administrative Rules and Regulations Subcommittee meeting:

DEPARTMENT OF HUMAN SERVICES, CHILDREN AND FAMILY SERVICES (Greg Crawford)

- a. Subsidized Guardianship Policy Revisions
- b. Extended Foster Care

4. Upon the agency's request, the Subcommittee held the following rule in committee:

ARKANSAS DEPARTMENT OF ECONOMIC DEVELOPMENT (Morris Jenkins)

- a. New Markets Jobs Act of 2013

5. Senator Bill Sample presented the report of the Senate Interim Committee on Transportation, Technology and Legislative Affairs and the House Interim Committee on Public Transportation concerning the Arkansas State Highway Commission's rule titled "Restore Sign Visibility Policy" which was referred to the committees on July 15, 2013. (See attached) The committees reported that they reviewed the rule "with the exception of the fine for a first offense in an amount up to \$10,000." The Subcommittee adopted the committees' report and reviewed the rule except for the said fine. Michelle Davenport with the commission advised the Subcommittee that the issue concerning this exception would be placed on the next Arkansas State Highway Commission's agenda, and that the commission personnel will report the commission's action back to the Subcommittee on Administrative Rules and Regulations.
6. Representative John Burris presented the report of the Senate Interim Committee on Public Health, Welfare and Labor and the House Interim Committee on Public Health, Welfare and Labor concerning the Arkansas Board of Examiners in Counseling Rules titled "Revisions to Arkansas Board of Examiners in Counseling Rules" which were referred to the committees on July 15, 2013. (See attached) The Subcommittee accepted the committees' report; however, after discussion, the Subcommittee made the determination not to review the rule.

7. **Representative John Burris presented the report of the Senate Interim Committee on Public Health, Welfare and Labor and the House Interim Committee on Public Health, Welfare and Labor concerning the Department of Human Services, Medical Services rules on Episodes of Care 1-13 to add ODD which were re-referred to the committees on August 20, 2013. (See attached) The Subcommittee accepted the committees' report and reviewed the rule.**

Respectfully submitted,

Senator Johnny Key, Co-Chair

Representative Kelley Linck, Co-Chair

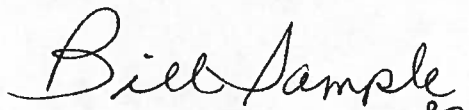
REPORT OF THE
SENATE INTERIM COMMITTEE ON TRANSPORTATION, TECHNOLOGY &
LEGISLATIVE AFFAIRS
AND THE
HOUSE INTERIM COMMITTEE ON PUBLIC TRANSPORTATION
TO THE
ADMINISTRATIVE RULES AND REGULATIONS SUBCOMMITTEE
OF THE ARKANSAS LEGISLATIVE COUNCIL

September 11, 2013

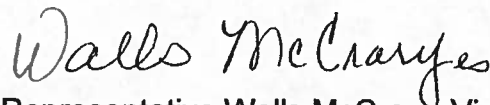
The Senate Interim Committee on Transportation, Technology and Legislative Affairs and the House Interim Committee on Public Transportation met September 10, 2013, to consider the Arkansas Highway Commission's "Restore Sign Visibility Policy" rule referred by your Committee on July 15, 2013.

Following testimony from representatives of the Arkansas Highway Department, and discussion by the Committees, this rule was reviewed with the exception of the fine for a first offense in an amount up to \$10,000.

Respectfully submitted,



Senator Bill Sample, Chair
Senate Committee on Transportation,
Technology and Legislative Affairs



Representative Walls McCrary, Vice Chair
House Committee on Public Transportation

REPORT OF THE
SENATE & HOUSE COMMITTEES ON PUBLIC HEALTH, WELFARE & LABOR
TO THE
ADMINISTRATIVE RULES & REGULATIONS SUBCOMMITTEE
OF THE ARKANSAS LEGISLATIVE COUNCIL

August 29, 2013

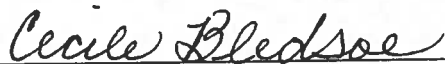
Senator Johnny Key, Chair
Representative Kelley Linck, Chair
Administrative Rules & Regulations Subcommittee,
Arkansas Legislative Council

Mr. Chairmen:

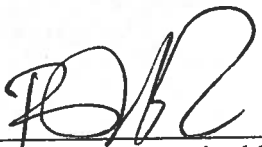
The Administrative Rules & Regulations Subcommittee of the Legislative Council referred a revision of the Rules & Regulations of the Arkansas Board of Examiners in Counseling to the Senate and House Public Health Committees for review.

At a meeting on August 29, 2013, the Senate and House Interim Committees on Public Health, Welfare & Labor reviewed the proposed rule changes by the Arkansas Board of Examiners in Counseling. The revisions to the rules basically simplified the language of the rules to sound less legal and more communicative.

Respectfully Submitted,



Senator Cecile Bledsoe, Senate Chair



Representative Reginald Murdock, House Vice Chair

REPORT OF THE
SENATE & HOUSE COMMITTEES ON PUBLIC HEALTH, WELFARE & LABOR
TO THE
ADMINISTRATIVE RULES & REGULATIONS SUBCOMMITTEE
OF THE ARKANSAS LEGISLATIVE COUNCIL

September 6, 2013

Senator Johnny Key, Chair
Representative Kelley Linck, Chair
Administrative Rules & Regulations Subcommittee,
Arkansas Legislative Council

Mr. Chairmen:

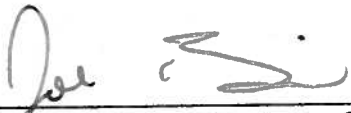
The Administrative Rules & Regulations Subcommittee of the Legislative Council re-referred a rule from the Department of Human Services, Medical Services Division, which deals with adding the Oppositional Defiant Disorder (ODD) Episode to the Episodes of Care Medicaid Manual.

At a meeting on September 6, 2013, the Senate and House Interim Committees on Public Health, Welfare & Labor reviewed the proposed rule change by the Division of Medical Services, Department of Human Services. This revision adds the ODD Episode to the Episodes of Care Medicaid Manual.

Respectfully Submitted,



Senator Cecile Bledsoe, Senate Chair



Representative John Burris, House Chair

CB:JB:PP:jw