

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

December 19, 2014

Co-Chairs:

The Subcommittee on Administrative Rules and Regulations met on Wednesday, December 3, 2014, at 9:00 a.m. in Room 171 of the State Capitol.

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

**BENTON COUNTY REGIONAL SOLID WASTE MANAGEMENT
DISTRICT (Sydney Conover)**

- a. Rules and Regulations Concerning Solid Waste Management**

**DEPARTMENT OF CAREER EDUCATION, ADULT EDUCATION
(Jim Smith, Dr. Trenia Miles, Janice Hanlon)**

- a. GED Testing Retest Policy**

**CRIMINAL DETENTION FACILITIES REVIEW COMMITTEES
(Danny Hickman, Coordinator; Carma Gardner, Pulaski County; Lee Johnson, Jefferson County; and Denyse Collins, Benton County, item a.; Danny Hickman, Coordinator; Clayton Edward, White County; Randall Denzer, Washington County; and Marty Brazzell, Miller County; item b.)**

- a. Revised Juvenile Detention Facility Standards – Rules that Govern Operation of County and Municipal Juvenile Facilities**
- b. Revised Criminal Detention Facility Standards – Rules that Govern Operation of County and Municipal Jails or any other Detention Facility**

ARKANSAS DEVELOPMENT FINANCE AUTHORITY (Sara Oliver)

- a. Qualified Allocation Plan and Multi-Family Guidelines**

DEPARTMENT OF EDUCATION (Kendra Clay)

- a. Kindergarten Through 12th Grade Immunization Requirements in Arkansas Public Schools**

**DEPARTMENT OF ENVIRONMENTAL QUALITY, AIR DIVISION
(Ryan Benefield, Tammera Harrelson)**

- a. Regulation No. 21; Arkansas Asbestos Abatement Regulation**

**DEPARTMENT OF ENVIRONMENTAL QUALITY, HAZARDOUS
WASTE DIVISION (Ryan Benefield, Tammera Harrelson)**

- a. Regulation No. 29; Arkansas Brownfields Redevelopment**
- b. Regulation No. 30; Arkansas Remedial Action Trust Fund
Hazardous Substances Site Priority List**

**DEPARTMENT OF HEALTH, PUBLIC HEALTH LABORATORY
(Robert Brech, Dr. Glen Baker)**

- a. Testing of Newborn Infants**

**DEPARTMENT OF HEALTH, PUBLIC HEALTH
LABORATORY/OFFICE OF ALCOHOL TESTING (Robert Brech)**

- a. Breath Alcohol Ignition Interlock Devices**

**DEPARTMENT OF HUMAN SERVICES, CHILDCARE AND EARLY
CHILDHOOD EDUCATION (Tonya Williams, David Griffin)**

- a. Minimum Licensing Requirements for Centers, Child Care Family Homes,
Registered Child Care Family Homes, Out of School Time and FBI Record
Check Form**

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

- a. Revisions to Differential Response Policy and Procedures**
- b. Revisions to Policies and Procedures Concerning Family Assessments**

**ARKANSAS INSURANCE DEPARTMENT (Booth Rand, Cindy Crone,
Zane Chrisman, Jay Bradford, item a; and Amanda Rose, item b)**

- a. Rule 106: Network Adequacy Requirements for Health Benefit Plans**

- b. **Proposed Amended Rule 38; An Annuity Mortality Table for Use in Determining Reserve Liabilities for Annuities**

OIL AND GAS COMMISSION (Lawrence Bengal, Shane Khoury)

- a. **D22 Requirements for Lease Rights Gas Supply Lines**

STATE BOARD OF PHYSICAL THERAPY (Nancy Worthen)

- a. **Revisions to Rules and Regulations**

- 2. **The Subcommittee reviewed the following rules with the exception of Rule 35 (which set out additional requirements for assumptions of burial associations) and Rule 48 (which set out procedure requirements for merger of burial associations) . The board will continue to work with the burial associations on these two rules.**

ARKANSAS BURIAL ASSOCIATION BOARD (Amy Goode, Steve Ballard)

- a. **2014 Burial Board Rule Changes**

- 3. **The Subcommittee received and adopted the attached Report of the Senate and House Interim Committees on Education concerning the following rule that was referred to the committees on November 10, 2014:**

- 1. **DEPARTMENT OF EDUCATION (Lori Freno)**

- a. **Public School Rating System on Annual School Report Cards**

The department advised that the Board of Education had voted to withdraw the proposed rule, repeal the emergency rule, and issue a revised rule with a new public comment period. Therefore, this rule will be reconsidered at a later date.

- 4. **The Subcommittee received and adopted the attached Report of the Senate and House Interim Committees on Public Health, Welfare and Labor concerning the following rule that was referred to the committees on November 10, 2014.**

- 1. **ARKANSAS STATE BOARD OF PHARMACY (John Kirtley)**

- a. **Regulation 7; Drug Products/Prescriptions**

The Subcommittee reviewed the rule.

5. The Subcommittee received and adopted the attached Report of the Senate and House Interim Committees on State Agencies and Governmental Affairs concerning the following rules that were referred to the committees on October 9, 2013:

1. **ALCOHOLIC BEVERAGE CONTROL BOARD (Michael Langley)**

a. **Revisions to Rules and Regulations**

The Subcommittee reviewed the 22 rules that had been reported as reviewed by the Senate and House Interim Committees on State Agencies and Governmental Affairs at its meeting on February 26, 2014. The other rules that were held by the Senate and House Interim Committees on State Agencies and Governmental Affairs remain in the committees pending further review.

6. The following rule was deferred to the December 22, 2014 agenda of the Administrative Rules and Regulations Subcommittee:

ARKANSAS INSURANCE DEPARTMENT (Booth Rand, Jay Bradford)

a. **Proposed Rule 108: Patient-Centered Medical Home Standards**

7. The following rule will be scheduled on the December 22, 2014 agenda of the Administrative Rules and Regulations Subcommittee pending review by the Senate and House Interim Committees on Public Health, Welfare and Labor:

DEPARTMENT OF HUMAN SERVICES, MEDICAL SERVICES DIVISION

a. **ARKIDS 2-14 AND CHIP State Plan Amendment**

Respectfully submitted,

Senator Bruce Maloch, Vice Chair

Representative Kelley Linck, Chair