

# EXHIBIT S

## QUESTIONNAIRE FOR FILING PROPOSED RULES AND REGULATIONS WITH THE ARKANSAS LEGISLATIVE COUNCIL AND JOINT INTERIM COMMITTEE

DEPARTMENT/AGENCY Arkansas Department of Health  
DIVISION Center for Public Health Practice  
DIVISION DIRECTOR John Senner  
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Carrie Poston, Lori Simmons, Shirley Louie  
NAME OF PRESENTER AT COMMITTEE MEETING \_\_\_\_\_  
PRESENTER E-MAIL carrie.poston@arkansas.gov

### INSTRUCTIONS

- A. Please make copies of this form for future use.
- B. Please answer each question completely using layman terms. You may use additional sheets, if necessary.
- C. If you have a method of indexing your rules, please give the proposed citation after "Short Title of this Rule" below.
- D. Submit two (2) copies of this questionnaire and financial impact statement attached to the front of two (2) copies of the proposed rule and required documents. Mail or deliver to:

Donna K. Davis  
Administrative Rules Review Section  
Arkansas Legislative Council  
Bureau of Legislative Research  
Room 315, State Capitol  
Little Rock, AR 72201

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1. What is the short title of this rule? Medical Waste Regulations Update

The medical waste regulations have not been updated since 2000. There are new technologies now available that need to be addressed and definitions that need to be updated/added.

2. What is the subject of the proposed rule? \_\_\_\_\_

3. Is this rule required to comply with a federal statute, rule, or regulation? Yes  No

If yes, please provide the federal rule, regulation, and/or statute citation.

4. Was this rule filed under the emergency provisions of the Administrative Procedure Act? Yes  No

If yes, what is the effective date of the emergency rule? \_\_\_\_\_

When does the emergency rule expire? \_\_\_\_\_

Will this emergency rule be promulgated under the permanent provisions of the Administrative Procedure Act?

Yes

No

5. Is this a new rule?

Yes

No

If yes, please provide a brief summary explaining the regulation.

Does this repeal an existing rule?

Yes

No

If yes, a copy of the repealed rule is to be included with your completed questionnaire. If it is being replaced with a new rule, please provide a summary of the rule giving an explanation of what the rule does.

Is this an amendment to an existing rule?

Yes

No

If yes, please attach a mark-up showing the changes in the existing rule and a summary of the substantive changes. **Note: The summary should explain what the amendment does, and the mark-up copy should be clearly labeled "mark-up."**

6. Cite the state law that grants the authority for this proposed rule?

If codified, please give Arkansas Code citation.

Act 96 of 1913, as amended, the same being A.C.A. 20-7-109, Act 41 of 1992 and Acts 491 and 861 of 1993, the same being A.C.A. 20-32-101 through 112, and Act 150 of 1999, the same being A.C.A 20-32-108.

7. What is the purpose of this proposed rule? Why is it necessary?

The purpose is to provide a definition of medical waste from generators and health care related facilities, identify entities that are subject to provisions of these sections and to establish criteria for the proper management of such waste materials in order to protect the public health. This rule has not been updated since 2000, and there are new technologies now available that need to be addressed and definitions that need to be updated/added.

8. Please provide the address where this rule is publicly accessible in electronic form via the Internet as required by Arkansas Code § 25-19-108(b).

www.healthy.arkansas.gov

9. Will a public hearing be held on this proposed rule?

Yes

No

If yes, please complete the following:

Date: March 25, 2013

Time: 10:00 A.M.

Place: Arkansas Department of Health 5<sup>th</sup> floor briefing room

10. When does the public comment period expire for permanent promulgation? (Must provide a date.)

March 25, 2013 at 5:00 P.M. (CST)

11. What is the proposed effective date of this proposed rule? (Must provide a date.)

July 1, 2013

12. Do you expect this rule to be controversial?

Yes

No

If yes, please explain.

13. Please give the names of persons, groups, or organizations that you expect to comment on these rules? Please provide their position (for or against) if known.

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**FINANCIAL IMPACT STATEMENT**

**PLEASE ANSWER ALL QUESTIONS COMPLETELY**

**DEPARTMENT** Arkansas Department of Health  
**DIVISION** Center for Public Health Practice  
**PERSON COMPLETING THIS STATEMENT** Carrie Poston  
**TELEPHONE NO.** 661-2621 **FAX NO.** 280-4090 **EMAIL:** carrie.poston@arkansas.gov

To comply with Act 1104 of 1995, please complete the following Financial Impact Statement and file two copies with the questionnaire and proposed rules.

**SHORT TITLE OF THIS RULE** Medical Waste Regulations Update

1. Does this proposed, amended, or repealed rule have a financial impact? Yes  No

2. Does this proposed, amended, or repealed rule affect small businesses? Yes  No   
If yes, please attach a copy of the economic impact statement required to be filed with the Arkansas Economic Development Commission under Arkansas Code § 25-15-301 et seq.

attached

3. If you believe that the development of a financial impact statement is so speculative as to be cost prohibited, please explain.

4. If the purpose of this rule is to implement a federal rule or regulation, please give the incremental cost for implementing the rule. Please indicate if the cost provided is the cost of the program.

**Current Fiscal Year**

General Revenue \_\_\_\_\_  
Federal Funds \_\_\_\_\_  
Cash Funds \_\_\_\_\_  
Special Revenue \_\_\_\_\_  
Other (Identify) \_\_\_\_\_  
Total 0

**Next Fiscal Year**

General Revenue \_\_\_\_\_  
Federal Funds \_\_\_\_\_  
Cash Funds \_\_\_\_\_  
Special Revenue \_\_\_\_\_  
Other (Identify) \_\_\_\_\_  
Total 0

5. What is the total estimated cost by fiscal year to any party subject to the proposed, amended, or repealed rule? Identify the party subject to the proposed rule and explain how they are affected.

**Current Fiscal Year**

\$ 0

**Next Fiscal Year**

\$ 0

6. What is the total estimated cost by fiscal year to the agency to implement this rule? Is this the cost of the program or grant? Please explain.

**Current Fiscal Year**

\$ 0

**Next Fiscal Year**

\$ 0



## Summary of Changes for Medical Waste Rules & Regs

- Added 'pharmaceutical' to Section II – PURPOSE, listing it as a waste that's not included in these regulations
- Added the following definitions to Section III: DOT, EPA, OSHA, satellite facilities, transfer facility
- Further defined the definition of medical waste including changes to the definitions: pathological waste, liquid or semi-liquid blood, contaminated items, microbiological waste, and contaminated sharps in section III. L. 1-5
- Added new definitions for veterinary waste, trace chemotherapy waste, spill/clean-up material, crime scene/accident/trauma clean-up to section III. 6-9
- Added the following to the list of generators in section IV: school nurse offices, assisted living facilities, tattoo parlors, and trauma scene clean-up entities
- Changed 'mental retardation' to 'mental disability' facilities in section IV. P
- Provided further definition/guidance on how to treat home generated sharps in section V.C.2
- Specified proper room temperature for medical waste storage in section VI. D. 4
- Added satellite facility to section VI. E. 1 regarding transportation of medical waste
- Deleted 'Disposal' from 'Medical Waste Disposal Program' throughout the regulations document
- Added clarification regarding medical waste mail back programs through the U.S. Postal Service in section VI. E. 9
- Added a steam auger temperature specification to section VI. F. 2. a
- Added medical waste treatment quality control specifications to section's VI. F. 2. D, section VI. F. 3. a, & section VI. G
- Added 'Autoclave' to the list of approved thermal inactivation procedures in section VI. F. 3. a
- Specified 'liquid or semi-liquid waste' as the type of medical waste that's allowed to be discharged into the publically owned treatment works (POTW) within the generating facility as listed in section VI. F. 4
- Deleted the treatment requirements for vegetative bacteria, lipophilic/hydrophilic viruses, fungi and parasites throughout the regulations document
- Changed the spellings of 'geobacillus' & 'atrophaeus' throughout the regulations document
- Specified amount of medical waste to be recorded 'by weight (pounds)' throughout the regulations document
- Updated contact phone numbers throughout the regulations document
- Added 'Health' to section VII. H specifying that the Health Department must be listed as certificate holder for insurance cancellation purposes
- Deleted section VII. L. 2 – the requirement for vehicles of 10,000 pounds or less to pass a vehicle inspection from the Arkansas State Police. Their program is no longer active.
- Added requirements for transporters to be approved to use a transfer facility to section VII. P. 4
- Added 'transfer facility' to section VII. Q regarding storage requirements for medical waste

- Deleted 'Section of Health Facility Services and Systems' & replaced with 'Medical Waste Program' (throughout the regulations document) when referring to where items/required documents should be submitted
- Added 'a copy of the Department issued Transfer Facility permit as applicable' to the list of requirements that transporters must provide in order to apply for, or renew their transporters permit in section VII. V. 11
- Specified, in section VIII. C. 1 & 2, that copies of written notifications to property owners & newspaper publications be provided to the Medical Waste Program when people are applying to operate a treatment, storage, disposal (TSD) facility in AR
- Added, in section VIII. I, a requirement that TSD facilities must have a fence around their property that is at least seven (7) feet tall
- Added 'Medical Waste Generators' to section IX
- Deleted, in section XI. B.5, the statement that the Arkansas State Police are authorized to administer and supervise the program of inspection of vehicles which transport commercial medical waste and have a gross vehicle weight of less than 10,000 pounds. That program is no longer active
- Updated Table I – Methods for Treatment - to include treatment specifications for veterinary waste, trace chemotherapy waste, spill/clean-up waste, & trauma scene waste