

REVISED AGENDA
Administrative Rules Subcommittee
of the
Arkansas Legislative Council

Thursday, May 14, 2020
9:00 AM
Room A, MAC
Little Rock, Arkansas

Sen. Lance Eads, Co-Chair
Sen. Kim Hammer, Vice-Chair
Sen. Missy Irvin
Sen. Jonathan Dismang
Sen. Jane English
Sen. Keith Ingram
Sen. Jim Hendren
Sen. Blake Johnson
Sen. Cecile Bledsoe, ex officio
Sen. Terry Rice, ex officio

Rep. Dan Sullivan, Co-Chair
Rep. Lane Jean, Vice-Chair
Rep. Fredrick J. Love
Rep. Reginald Murdock
Rep. Matthew J. Shepherd
Rep. Jon S. Eubanks
Rep. Bruce Cozart
Rep. DeAnn Vaught
Rep. Jeff Wardlaw, ex officio
Rep. Jim Dotson, ex officio

If any member of the public wishes to make a public comment regarding any of these rules, comments may be submitted to BLRRules@blr.arkansas.gov by Wednesday, May 13, 2020, at 4:30 p.m. Comments will be forwarded to the members of the Administrative Rules Subcommittee prior to consideration of the rule. Members of the public may also attend the Subcommittee meeting to provide comment; however, due to health precautions, access will be limited to no more than fifteen (15) members of the public.

Access will also be limited to two (2) persons from the media. Live streaming of the meeting is available by clicking on the following link: <https://www.arkleg.state.ar.us/Calendars/Meetings?listview=week>. Persons from the media should contact Marty Garrity at (501) 537-9114 or at garritym@blr.arkansas.gov for more information.

- A. Call to Order.**
- B. Reports of the Executive Subcommittee.**
- C. Rules Filed Pursuant to Ark. Code Ann. § 10-3-309.**
 - 1. DEPARTMENT OF AGRICULTURE, ARKANSAS STATE PLANT BOARD (Mr. Scott Bray, Mr. Caleb Allen)**
 - a. Arkansas Industrial Hemp Research Program Rules (p.1)**
 - 2. BENTON COUNTY REGIONAL SOLID WASTE MANAGEMENT DISTRICT (Ms. Wendy Bland, Mr. Curtis Hogue)**
 - a. Rules of the Benton County Regional Solid Waste Management District 5.01 (p.5)**

Note: All exhibits for this meeting are available by electronic means and are accessible on the General Assembly's website at www.arkleg.state.ar.us

Notice: Silence your cell phones. Keep your personal conversations to a minimum. Observe restrictions designating areas as *'Members and Staff Only'*.

3. **DEPARTMENT OF COMMERCE, ARKANSAS ECONOMIC DEVELOPMENT COMMISSION (Ms. Renee Doty, Ms. Becca Caldwell)**
 - a. **Spay and Neuter Pet Grant Program (p.9)**
4. **DEPARTMENT OF COMMERCE, STATE INSURANCE DEPARTMENT (Ms. Amanda Gibson)**
 - a. **Verification of Life Insurance Benefits (p.10)**
5. **DEPARTMENT OF CORRECTIONS, ARKANSAS CORRECTIONAL SCHOOL DISTRICT (Mr. Solomon Graves, Dr. Bill Glover)**
 - a. **Arkansas Correctional School District Dyslexia Screening and Intervention (p.12)**
6. **DEPARTMENT OF EDUCATION, DIVISION OF ELEMENTARY AND SECONDARY EDUCATION (Ms. Lori Freno, items a – g; Ms. Deborah Coffman, item a; Ms. Stacy Smith, items c – g)**
 - a. **DESE Rules Governing Standards for Accreditation of Arkansas Public Schools and School Districts (p.14)**
 - b. **DESE Rules Governing Creation of School Districts by Detachment (p.29)**
 - c. **DESE Rules Governing Distance and Digital Learning (p.31)**
 - d. **DESE Rules Governing Grading and Course Credit and Repeals (p.35)**
 - e. **DESE Rules Governing Instructional Materials (p.52)**
 - f. **DESE Rules Governing Required Training for School Board Members (p.54)**
 - g. **DESE Rules Governing Special Education and Related Services, Section 11.00 Discipline Procedures (p.56)**
7. ~~**DEPARTMENT OF ENERGY AND ENVIRONMENT, DIVISION OF ENVIRONMENTAL QUALITY**~~
 - a. ~~**Rule 5: Liquid Animal Waste Management Systems**~~
 - b. ~~**Rule 6: State Administration of the National Pollutant Discharge Elimination System (NPDES)**~~
8. **DEPARTMENT OF FINANCE AND ADMINISTRATION, ALCOHOLIC BEVERAGE CONTROL DIVISION (Ms. Doralee Chandler)**
 - a. **Hard Cider Manufacturing Permit (p.57)**
 - b. **Posting of Pregnancy Warning (p.59)**
 - c. **Hard Cider Manufacturer Operations (Title J, Rules 2.77 – 2.84) (p.59)**
 - d. **Unauthorized Manufacture, Sale, Offer, Dispensing, Gift, or Possession of Controlled Beverage (p.60)**
 - e. **Suspension of Permit When No Business Conducted for a Period of Thirty Days; Inactive Status of Permits (p.60)**

- f. **Operation of Microbrewery-Restaurant Private Club (p.61)**
 - g. **Information, Statements, and Documents to be Furnished by Applicant (p.62)**
 - h. **Allowing Alcoholic Beverages to be Carried from Any On- Premises Alcoholic Beverage Outlet or Private Club (p.62)**
 - i. **3.19(10) B: Persons Under Twenty-One (21); Exceptions (p.63)**
 - j. **Temporary Hard Cider Permit (p.64)**
 - k. **Definitions (p.65)**
 - l. **Grocery Store Off-Premises Wine Permit (p.66)**
 - m. **Beer Festival Permit (p.66)**
 - n. **Section 25. Abandonment of License (p.67)**
 - o. **Combined Restaurant Beer and Wine Permit (p.68)**
 - p. **Wine Restaurant On Premises Permit (p.68)**
 - q. **Microbrewery-Restaurant Distribution Permit (p.69)**
 - r. **Permits Not to be Issued to Premises Within the Following Stated Distances from Church or Schoolhouse (p.69)**
 - s. **Limitation on Production (Rule 2.54) (p.70)**
 - t. **Labels and Size of Containers to be Approved by Director (Rule 2.19) (p.70)**
 - u. **Advertising and Promotion Materials; Exception for Racing Facilities and Nonprofit Entities Holding a Large Attendance Facility Permit (Rule 2.28(13)) (p.71)**
9. **DEPARTMENT OF FINANCE AND ADMINISTRATION, OFFICE OF CHILD SUPPORT ENFORCEMENT (Ms. Barbara Morris-Williams, Ms. Kimberly Bosshart)**
- a. **Office of Child Support Enforcement Policy Manual (p.72)**
10. **DEPARTMENT OF HEALTH, CENTER FOR LOCAL PUBLIC HEALTH (Ms. Laura Shue)**
- a. **Rules Pertaining to General Sanitation (p.78)**
11. **DEPARTMENT OF HEALTH, HEALTH FACILITY SERVICES (Ms. Becky Bennett)**
- a. **Rules for Home Health in Arkansas (p.80)**
 - b. **Rules for Private Care in Arkansas (p.86)**
12. **DEPARTMENT OF HEALTH, DIVISION OF HEALTH RELATED BOARDS AND COMMISSIONS, ARKANSAS STATE BOARD OF CHIROPRACTIC EXAMINERS (Ms. Laurie Mayhan, Dr. Sarah Hays)**
- a. **Animal Chiropractic (p.90)**
 - b. **Preceptorship Program (p.91)**

- c. **Pre-Licensure Criminal Background Check Waiver Request (p.92)**
 - d. **Rules 1, 2, and 3 (p.94)**
 - e. **Reciprocity (p.95)**
- 13. DEPARTMENT OF HEALTH, DIVISION OF HEALTH RELATED BOARDS AND COMMISSIONS, BOARD OF PODIATRIC MEDICINE (Dr. John Robinette, Dr. Laurie Tait)**
- a. **Arkansas Board of Podiatric Medicine Rules (p.97)**
- 14. DEPARTMENT OF HEALTH, PHARMACY SERVICES AND DRUG CONTROL (Ms. Laura Shue)**
- a. **List of Controlled Substances (p.100)**
- 15. DEPARTMENT OF HUMAN SERVICES, DIVISION OF COUNTY OPERATIONS (DCO) (Mr. Mark White)**
- a. **Community Services Block Grant Manual FY 2020 & 2021 (p.102)**
- 16. DEPARTMENT OF HUMAN SERVICES, DIVISION OF MEDICAL SERVICES (DMS) (Mr. Mark White, Ms. Janet Mann)**
- a. **Ambulatory Surgical Center Manual (ASC-1-19) (p.108)**
 - b. **Billing Changes to Global OB (Obstetrics) Services (p.110)**
- 17. DEPARTMENT OF LABOR AND LICENSING, STATE BOARD OF PUBLIC ACCOUNTANCY (Mr. Jimmy Corley)**
- a. **Board Rule 1 “Definitions” (p.110)**
 - b. **Board Rule 2 “Board Rules and Meetings” (p.112)**
 - c. **Board Rule 3 “Examinations” (p.113)**
 - d. **Board Rule 10 “Registration” (p.116)**
 - e. **Board Rule 13 “Continuing Education” (p.118)**
 - f. **Board Rule 14 “Quality Review” (p.121)**
 - g. **Board Rule 21 “Prelicensure Criminal Background Petition” (p.123)**
- 18. DEPARTMENT OF PUBLIC SAFETY, DIVISION OF ARKANSAS STATE POLICE (Ms. Mary Claire McLaurin)**
- a. **Used Motor Vehicle Dealer Licensing Rules – Act 820 Amendments (p.125)**
 - b. **Private Investigators & Private Security Agency – Act 820 Amendments (p.126)**
- 19. PUBLIC SERVICE COMMISSION (Mr. Rick Leeper, Ms. Donna Gray)**
- a. **Anti-Spoofing Rules (p.127)**

20. **ARKANSAS TEACHER RETIREMENT SYSTEM (Mr. Clint Rhoden, Ms. Martha Miller)**
 - a. **ATRS Rule 6: Membership Rules (p.132)**
 - b. **ATRS Rule 7: Reporting and Eligibility (p.135)**
 - c. **ATRS Rule 8: Purchases and Refunds (p.137)**
 - d. **ATRS Rule 9: Retirement and Benefits (p.139)**
 - e. **ATRS Rule 10: T-DROP and Return to Service (p.141)**
 - f. **ATRS Rule 11: Survivors and Domestic Relations Order (p.143)**

D. Proposed Rules Recommending Expedited Process and Procedure for Occupational Licensure Pursuant to Ark. Code Ann. § 17-1-106(c), as Amended by Act 820 of 2019

1. **DEPARTMENT OF AGRICULTURE, ARKANSAS WATER WELL CONSTRUCTION COMMISSION (Mr. Wade Hodge)**
 - a. **Arkansas Water Well Construction Commission Rules**
2. **DEPARTMENT OF HEALTH, DIVISION OF HEALTH RELATED BOARDS AND COMMISSIONS, STATE BOARD OF PHARMACY (Mr. John Kirtley, Ms. Brenda McCrady)**
 - a. **Rule 1—General Operations**
 - b. **Rule 2—Pharmacists**
3. **DEPARTMENT OF HEALTH, DIVISION OF HEALTH RELATED BOARDS AND COMMISSIONS, STATE BOARD OF PHYSICAL THERAPY (Ms. Nancy Worthen)**
 - a. **State Board of Physical Therapy – Act 820 Amendments**
4. **DEPARTMENT OF LABOR AND LICENSING, DIVISION OF OCCUPATIONAL & PROF. LICENSING BOARDS AND COMMISSIONS, APPRAISER LICENSING AND CERTIFICATION BOARD (Ms. Diana Piechocki)**
 - a. **Appraiser Licensing and Certification Board – Act 820 Amendments**
5. **DEPARTMENT OF LABOR AND LICENSING, DIVISION OF OCCUPATIONAL & PROF. LICENSING BOARDS AND COMMISSIONS, ELEVATOR SAFETY BOARD (Ms. Denise Oxley)**
 - a. **Rules of the Elevator Safety Board**
6. **DEPARTMENT OF LABOR AND LICENSING, DIVISION OF OCCUPATIONAL & PROF. LICENSING BOARDS AND COMMISSIONS, BOARD OF LICENSURE FOR PROFESSIONAL ENGINEERS AND PROFESSIONAL SURVEYORS (Ms. Heather Richardson, Ms. Denise Oxley)**
 - a. **Rules of the Board of Licensure for Professional Engineers and Professional Surveyors**

7. DEPARTMENT OF LABOR AND LICENSING, DIVISION OF OCCUPATIONAL & PROF. LICENSING BOARDS AND COMMISSIONS, STATE BOARD OF PUBLIC ACCOUNTANCY (Mr. Jimmy Corley)

a. Rule 19 Licensure for Military Members/Veterans/Spouses

E. Agency Updates on Delinquent Rulemaking under Act 517 of 2019.

- 1. Department of Agriculture, Arkansas Bureau of Standards (Act 501)**
- 2. Department of Agriculture, Veterinary Medical Examining Board (Act 169)**
- 3. Department of Commerce, State Insurance Department (Acts 500, 698, 823)**
- 4. Department of Commerce, Office of Skills Development (Act 179)**
- 5. Department of Corrections, Arkansas Correctional School (Act 1088)**
- 6. Department of Education, Division of Elementary and Secondary Education (Acts 536, 640, 843)**
- 7. Department of Education, Division of Higher Education (Act 549)**
- 8. Department of Energy and Environment, Pollution Control and Ecology Commission (Act 1067)**
- 9. Department of Finance and Administration, Alcoholic Beverage Control Division (Act 691)**
- 10. Department of Finance and Administration, Director (Act 822)**
- 11. Department of Health (Acts 216, 708, 811)**
- 12. Department of Health, Division of Health Related Boards and Commissions, State Board of Chiropractic Examiners (Act 645)**
- 13. Department of Health, Division of Health Related Boards and Commissions, State Board of Nursing (Act 837)**
- 14. Department of Health, Division of Health Related Boards and Commissions, Arkansas Board of Podiatric Medicine (Act 112)**
- 15. Highway Commission (Act 468)**
- 16. Department of Transformation and Shared Services, Office of State Procurement (Act 422)**

F. Adjournment.