

REVISED AGENDA
Administrative Rules Subcommittee
of the
Arkansas Legislative Council

Wednesday, June 17, 2020
8:00 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

Committee meetings are open to the public. However, there is limited seating due to the social distancing requirements, and members of the public shall wear a mask while in the Big MAC Building.

- A. Call to Order.**
- B. Reports of the Executive Subcommittee.**
- C. Reports on Administrative Directives Pursuant to Act 1258 of 2015, for the quarter ending March 31, 2020.**
 - 1. Department of Corrections (Mr. Solomon Graves)**
 - 2. Parole Board (Ms. Brooke Cummings)**
- D. Rules Filed Pursuant to Ark. Code Ann. § 10-3-309.**
 - 1. DEPARTMENT OF AGRICULTURE, ARKANSAS LIVESTOCK AND POULTRY COMMISSION (Mr. Patrick Fisk, Mr. Wade Hodge)**
 - a. Garbage Feeding (p.1)**

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'*.

2. **DEPARTMENT OF AGRICULTURE, STATE PLANT BOARD (Mr. Wade Hodge, items a, b; Mr. Mark Stoll, item b)**
 - a. **Reciprocity and Temporary Licensure Rule (p.2)**
 - b. **Produce Safety Rule and Enforcement Response Rule (p.4)**
3. **DEPARTMENT OF AGRICULTURE, STATE BOARD OF REGISTRATION FOR PROFESSIONAL SOIL CLASSIFIERS (Mr. Edgar Mersiovsky, Mr. Wade Hodge)**
 - a. **Rules of the Arkansas State Board of Registration for Professional Soil Classifiers (p.7)**
4. **DEPARTMENT OF AGRICULTURE, VETERINARY MEDICAL EXAMINING BOARD (Mr. Wade Hodge)**
 - a. **Fees (092.00.1-2) (p.9)**
 - b. **Continuing Education (092.00.1-3) (p.11)**
 - c. **Veterinary Technology – Levels of Supervision (092.00.1-14) (p.12)**
 - d. **Military Automatic Licensure (092.00.1-15) (p.14)**
 - e. **Pre-Licensure Criminal Background Check and Waiver Request (092.00.1-16) (p.15)**
 - f. **Reciprocity and Temporary Permits (092.00.1-17) (p.16)**
 - g. **Rules of the Arkansas Veterinary Medical Examining Board (p.18)**
5. **DEPARTMENT OF COMMERCE, ARKANSAS ECONOMIC DEVELOPMENT COMMISSION (Ms. Renee Doty, Mr. Jim Hudson)**
 - a. **Equity Investment Incentive Act of 2007 (p.19)**
 - b. **Digital Product and Motion Picture Development Act Rule (p.21)**
 - c. **Donations or Sales of Equipment to Educational Institutions Tax Credit Program (p.22)**
6. **DEPARTMENT OF COMMERCE, OFFICE OF SKILLS DEVELOPMENT (Mr. Cody Waits)**
 - a. **Secondary Center Rule Changes to Comply with Act 179 of 2019 (p.24)**
7. **DEPARTMENT OF EDUCATION, DIVISION OF ELEMENTARY AND SECONDARY EDUCATION (DESE) (Mr. Taylor Dugan, items a – f; Ms. Mary Clair Hyatt, items g, h, j; Ms. Courtney Salas-Ford, items l, m; and Ms. Lori Freno, items i, k)**
 - a. **DESE Rules Governing Home Schools (p.27)**
 - b. **DESE Rules Governing Educator Licensure (p.37)**
 - c. **DESE Rules Governing the Code of Ethics for Arkansas Educators (p.44)**

- d. **DESE Rules Governing Eligibility and Financial Incentives for National Board for Professional Teaching Standards (NBPTS) (p.46)**
 - e. **DESE Rules Governing Scoliosis Screening (p.49)**
 - f. **DESE Rules Governing Background Checks (p.53)**
 - g. **DESE Rules Governing Documents Posted to School District and Education Service Cooperative Websites (p.57)**
 - h. **DESE Rules Governing Act 1240 Waivers (p.63)**
 - i. **DESE Rules Governing the Arkansas Teacher of the Year Program (p.66)**
 - j. **DESE Rules Governing Immunization Requirements in Arkansas Public Schools (p.67)**
 - k. **DESE Rules Governing Public School Student Services (REPEAL) (p.70)**
 - l. **DESE Rules Governing Student Special Needs Funding (p.71)**
 - m. **DESE Rules Governing the Succeed Scholarship Program (p.73)**
- 8. DEPARTMENT OF EDUCATION, DIVISION OF HIGHER EDUCATION (Dr. Maria Markham, Mr. Nick Fuller)**
- a. **State Teacher Education Program (p.76)**
 - b. **Arkansas Governor’s Scholars Program (p.77)**
 - c. **Arkansas Academic Challenge Scholarship (p.78)**
- 9. DEPARTMENT OF ENERGY AND ENVIRONMENT, DIVISION OF ENVIRONMENTAL QUALITY (Ms. Becky Keogh, items a, b; Mr. Micheal Grappe, items a – c; Mr. Shane Khoury, items a, b)**
- a. **Rule 5: Liquid Animal Waste Management Systems (p.81)**
 - b. **Rule 6: State Administration of the National Pollutant Discharge Elimination System (NPDES) (p.82)**
 - c. **Rule 27: Licensing of Operators of Solid Waste Management Facilities and Training and Certification Requirements for Environmental Officers (p.85)**
- 10. DEPARTMENT OF FINANCE AND ADMINISTRATION, ALCOHOLIC BEVERAGE CONTROL DIVISION (Ms. Doralee Chandler, Mr. Chip Leibovich)**
- a. **Oversight of Medical Marijuana Cultivation Facilities, Processors and Dispensaries (p.88)**
- 11. DEPARTMENT OF HEALTH, CENTER FOR HEALTH PRACTICE (Ms. Laura Shue, Ms. Lynda Lehing)**
- a. **Rules for the Administration of Vital Records (p.90)**

12. **DEPARTMENT OF HEALTH, DIVISION OF HEALTH RELATED BOARDS AND COMMISSIONS, STATE BOARD OF EXAMINERS OF ALCOHOLISM & DRUG ABUSE COUNSELORS (Ms. Pam Fite)**
 - a. **Rules Governing Alcoholism & Drug Abuse Counselors (p.91)**
13. **DEPARTMENT OF HEALTH, DIVISION OF HEALTH RELATED BOARDS AND COMMISSIONS, STATE BOARD OF ATHLETIC TRAINING (Ms. Nancy Worthen)**
 - a. **Arkansas State Board of Athletic Training Rules (p.93)**
14. **DEPARTMENT OF HEALTH, DIVISION OF HEALTH RELATED BOARDS AND COMMISSIONS, STATE BOARD OF CHIROPRACTIC EXAMINERS (Ms. Laurie Mayhan)**
 - a. **Licensure for Military Veterans (p.95)**
15. **DEPARTMENT OF HEALTH, DIVISION OF HEALTH RELATED BOARDS AND COMMISSIONS, ARKANSAS BOARD OF EXAMINERS IN COUNSELING (Ms. Lenora Erickson)**
 - a. **Rules of the Arkansas Board of Examiners in Counseling (p.96)**
16. **DEPARTMENT OF HEALTH, DIVISION OF HEALTH RELATED BOARDS AND COMMISSIONS, STATE BOARD OF DENTAL EXAMINERS (Mr. Kevin O'Dwyer)**
 - a. **Article XXIII – Pre-Licensure Criminal Background Check (p.138)**
 - b. **Article XI – Dental Hygienists Functions (p.139)**
 - c. **Article XIII – Analgesia, Conscious Sedation, Deep Sedation, and General Anesthesia Rules for Dentist in an Ambulatory Facility (p.140)**
17. **DEPARTMENT OF HEALTH, DIVISION OF HEALTH RELATED BOARDS AND COMMISSIONS, DIETETICS LICENSING BOARD (Ms. Kimberly Jablonski)**
 - a. **Arkansas Dietetics Licensing Board Rules (p.141)**
18. **DEPARTMENT OF HEALTH, DIVISION OF HEALTH RELATED BOARDS AND COMMISSIONS, STATE BOARD OF NURSING (Ms. Sue Tedford, Mr. David Dawson, Mr. Matt Gilmore)**
 - a. **Arkansas State Board of Nursing Rules (p.145)**
19. **DEPARTMENT OF HEALTH, DIVISION OF HEALTH RELATED BOARDS AND COMMISSIONS, STATE BOARD OF OPTOMETRY (Mr. Kevin O'Dwyer)**
 - a. **Chapter I, Article IV – Reciprocity, Licensure by Endorsement, Military Personnel (p.150)**
 - b. **Chapter IX, Article I – Pre-Licensure Criminal Background Check (p.151)**

20. **DEPARTMENT OF HEALTH, DIVISION OF HEALTH RELATED BOARDS AND COMMISSIONS, ARKANSAS PSYCHOLOGY BOARD (Ms. Susan Cooper, Mr. Joe West)**
 - a. **Arkansas Psychology Board Rules (p.152)**
21. **DEPARTMENT OF HEALTH, DIVISION OF HEALTH RELATED BOARDS AND COMMISSIONS, SOCIAL WORK LICENSING BOARD (Ms. Ruthie Bain, Mr. Matt Gilmore)**
 - a. **Rules of the Arkansas Social Work Licensing Board (p.158)**
22. **DEPARTMENT OF HUMAN SERVICES, DIVISION OF CHILDREN & FAMILY SERVICES (Ms. Christin Harper)**
 - a. **Child Maltreatment Investigation Determinations Updates (p.167)**
23. **DEPARTMENT OF HUMAN SERVICES, DIVISION OF COUNTY OPERATIONS (Mr. Mark White, Ms. Mary Franklin)**
 - a. **Medical Services Policy Sections A-100; B-300; C-200; E-400; F-100; H-400; I-300; I-500; I-600; SPA #2019-0007 to Update Income Offsets Pursuant to Acts 2017, No. 892 (p.171)**
24. **DEPARTMENT OF HUMAN SERVICES, DIVISION OF DEVELOPMENTAL DISABILITIES SERVICES (Mr. Mark White, Ms. Melissa Stone)**
 - a. **Children with Chronic Health Conditions (CHC) (p.174)**
25. **DEPARTMENT OF HUMAN SERVICES, DIVISION OF MEDICAL SERVICES (Mr. Mark White, items a – i; Ms. Patricia Gann, item a; Ms. Janet Mann, items b – f, h, i; and Mr. Jerald Sharum, item g)**
 - a. **SPA #2020-0011; ARChoices Medicaid Provider Manual, Personal Care Medicaid Provider Manual, and Targeted Case Management Medicaid Provider Manual (p.179)**
 - b. **SPA #2019-002, Section 1004 of the SUPPORT Act (p.187)**
 - c. **Technical Corrections – Removal of References to Provider Electronic Solutions (PES) Software & Updating Outdated Terminology in Arkansas Medicaid Provider Manuals (p.188)**
 - ~~d. SPA #2020-0012 Personal Care Rate~~
 - e. **SPA #2020-0003 EIDT/ADDT Rate Increase (p.192)**
 - f. **SPA #2020-007 Durable Medical Equipment Rate Adjustment (p.195)**
 - g. **SPA #2020-0001 Self-Direction Budget Calculation Methodology & IC Provider Manual (p.196)**
 - h. **SPA #2020-0008 Physicians' Evaluation & Management Code Rate Increase (p.201)**

i. SPA #2020-0005 Vaccine Administration Fee Rate Increase (p.205)

**26. DEPARTMENT OF LABOR AND LICENSING, DIVISION OF LABOR
(Ms. Denise Oxley)**

- a. Administrative Rules Regarding the Arkansas Minimum Wage (p.210)
- b. Administrative Rules Regarding Child Labor (p.215)
- c. Administrative Rules Regarding Organization and Procedure of the Labor Standards Section (p.216)

**27. DEPARTMENT OF LABOR AND LICENSING, DIVISION OF OCCUPATIONAL &
PROF. LICENSING BOARDS AND COMMISSIONS, APPRAISER LICENSING &
CERTIFICATION BOARD (Ms. Diana Piechocki)**

- a. Appraisal Management Company National Registry Fees
19-0004 (p.217)

**28. COMMISSION FOR ARKANSAS PUBLIC SCHOOL ACADEMIC FACILITIES AND
TRANSPORTATION (CAPSAFT) (Ms. Lori Freno)**

- a. CAPSAFT Rules Governing the Partnership Program, Appendix “A” (Amended to
Add Section 8000) (p.220)
- b. CAPSAFT Rules Governing Acquisition of Energy Conservation Measures (p.221)

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 698, 823)
- 4. Department of Commerce, Office of Skills Development (Act 179)
- 5. Department of Education, Division of Elementary and Secondary Education (Acts 536, 640,
843)
- 6. Department of Education, Division of Higher Education (Act 549)
- 7. Department of Energy and Environment, Pollution Control and Ecology Commission (Act
1067)
- 8. Department of Finance and Administration, Director (Act 822)
- 9. Department of Health (Act 216)
- 10. Department of Health, Division of Health Related Boards and Commissions, State Board of
Nursing (Act 837)
- 11. Highway Commission (Act 468)
- 12. Department of Transformation and Shared Services, Office of State Procurement (Act 422)

F. Adjournment.