

REVISED AGENDA
Administrative Rules Subcommittee
of the
Arkansas Legislative Council

Wednesday, December 16, 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

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. Rules Filed Pursuant to Ark. Code Ann. § 10-3-309.**
 - 1. DEPARTMENT OF AGRICULTURE, ARKANSAS LIVESTOCK & POULTRY COMMISSION (Mr. Patrick Fisk, Ms. Andrea Andrews, Mr. Wade Hodge)**
 - a. National Poultry Improvement Plan Rule (p.1)**
 - 2. DEPARTMENT OF COMMERCE, ARKANSAS ECONOMIC DEVELOPMENT COMMISSION (Mr. Steven Porch, item a; Mr. Jim Hudson, Ms. Renee Doty, item b)**
 - a. Supplemental Arkansas Rural Connect Coronavirus Rule (p.2)**
 - b. Consolidated Incentives Act of 2003 Administrative Rules (p.6)**

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, STATE INSURANCE DEPARTMENT (Mr. Booth Rand, Ms. Amanda Rose)**
 - a. **Rule 49 – Life and Health Insurance Guaranty Association Notices (p.8)**
 - b. **Rule 82 – Suitability in Annuity Transactions (p.10)**
 - c. **Rule 121 – Declaratory Orders (p.11)**
4. **DEPARTMENT OF EDUCATION, DIVISION OF ELEMENTARY AND SECONDARY EDUCATION (Ms. Courtney Salas-Ford)**
 - a. **DESE Rules Governing Special Education and Related Services, Sec. 18.00 Residential Placement (p.12)**
5. **DEPARTMENT OF HEALTH, DIVISION OF HEALTH RELATED BOARDS AND COMMISSIONS, STATE BOARD OF DENTAL EXAMINERS (Mr. Kevin O’Dwyer, Ms. Meredith Rogers)**
 - a. **Article IX – Credentials Required in Issuing Dental or Dental Hygiene License (p.16)**
6. **DEPARTMENT OF HEALTH, DIVISION OF HEALTH RELATED BOARDS AND COMMISSIONS, STATE BOARD OF OPTOMETRY (Mr. Kevin O’Dwyer, Dr. Bryant Ashley)**
 - a. **Chapter VIII, Article I – Qualifications for an Arkansas Licensed Optometrist to be Credentialed to Utilize and Perform Authorized Procedures Listed in Ark. Code Ann. § 17-90-101(a)(3)(D) (p.17)**
7. **DEPARTMENT OF HUMAN SERVICES, DIVISION OF AGING, ADULT, AND BEHAVIORAL HEALTH SERVICES (Mr. Mark White, Mr. Kirk Lane)**
 - a. **Uniform Program Operations – State Funded Multijurisdictional Drug and Crime Task Forces (DCTFs) (p.20)**
8. **DEPARTMENT OF HUMAN SERVICES, DIVISION OF CHILDREN AND FAMILY SERVICES (Mr. Mark White, Ms. Christin Harper)**
 - a. **Adoption Policies and Procedures Updates (p.22)**
9. **DEPARTMENT OF HUMAN SERVICES, DIVISION OF COUNTY OPERATIONS (Mr. Mark White, Ms. Mary Franklin)**
 - a. **Elderly Simplified Application Project (ESAP) (p.28)**
 - b. **SNAP 6000 Deductions (p.33)**

- 10. DEPARTMENT OF HUMAN SERVICES, DIVISION OF DEVELOPMENTAL DISABILITIES SERVICES (Mr. Mark White, Ms. Melissa Stone)**
 - a. EIDT-1-20 and Rules for DDS EIDT (p.37)**
 - b. ADDT-1-20; SPA #2020-0020; Rules for DDS ADDT (p.41)**
 - c. SPA Amendment #2020-0021 Therapy Amendments to the Occupational, Physical, & Speech-Language Therapy Services Medicaid Provider Manual, with Related Changes to ARKids First-B, Hospital, Rehabilitative Hospital, Prosthetics, Home Health, Physician, and Nurse Practitioner Provider Manuals (p.55)**

- 11. DEPARTMENT OF HUMAN SERVICES, DIVISION OF MEDICAL SERVICES (Mr. Mark White, Ms. Janet Mann, items a-g; Ms. Elizabeth Pittman, idem d)**
 - a. Community Support System Provider Standards (p.57)**
 - b. Repeal Section V of the Arkansas Medicaid Provider Manuals (p.61)**
 - c. Children’s Health Insurance Program (CHIP) State Plan Amendment for Parity and Therapy Units (p.62)**
 - d. Hospital Acute Crisis Units (p.65)**
 - e. AR Choices 1-20, LCAL 1-20, PERSCARE 3-20, ARChoices and Living Choices Waiver Amendments, and Medical Services Policy C-265, I-630, I-640, and L-120 (p.68)**
 - f. SPA 20-0022 Medicaid Personal Care Rate (p.83)**
 - g. SPA #2020-0023 Physicians’ Evaluation & Management Code Rate Increase (p.91)**

- 12. DEPARTMENT OF PARKS, HERITAGE, AND TOURISM, DIVISION OF PARKS (Mr. Grady Spann)**
 - a. PD 3097 Arkansas State Parks Pedal Assist and Electric Bicycles (p.93)**
 - b. CY 2021 Arkansas State Parks Fees and Rates (p.95)**
 - c. Minimum Hours of Operation and Guidelines for Facility Hours (p.96)**

- 13. ARKANSAS TREASURER OF STATE (Mr. T.J. Lawhon, Mr. Grant Wallace, Ms. Fran Jansen)**
 - a. The Arkansas Achieving a Better Life Experience Program (p.98)**

D. Rules Filed Pursuant to Ark. Code Ann. § 10-3-309 To Be Considered Pending Suspension of Subcommittee Rules Due to Public Comment Period Expiring After November 15, 2020 Deadline

- 1. DEPARTMENT OF COMMERCE, ARKANSAS ECONOMIC DEVELOPMENT COMMISSION (Mr. Jim Hudson, Ms. Jean Noble, Ms. Renee Doty)**
 - a. Fresh Start Rental Assistance Program Proposed Rule (p.100)**
- 2. DEPARTMENT OF FINANCE AND ADMINISTRATION, ARKANSAS RACING COMMISSION (Mr. Byron Freeland)**
 - a. Rule 1217C Prohibited Practices; Extracorporeal Shock Wave Therapy; Radial Pulse Wave Therapy (p.102)**
 - b. Rule 1217D(5) (p.102)**
 - c. Rule 1217E Furosemide as a Permitted Substance (p.103)**
 - d. Rule 1217E Uniform Classification Guidelines for Foreign Substances and Recommended Penalties (p.104)**
 - e. Rule 1232 Medication: Furosemide (Lasix) (p.104)**
 - f. Rule 1236 Testing of Horses (p.105)**
 - g. Rule 1245(A) Horses Testing Positive (p.106)**
 - h. Rule 1272 Intra-Articular Joint Injections (p.106)**
 - i. Rule 2099.1(a)(4) Required Workouts and Examination by Practicing Veterinarian (p.107)**
 - j. Rule 2133 Treatment Records (p.107)**
 - k. Rule 2163 Requirements for Jockeys, Exercise Riders and Outriders (p.108)**
 - l. Rule 2212 Entries (p.109)**
 - m. Rule 2225 Requirement for Horses to be Stabled on Grounds (p.109)**
 - n. Rule 2236 Entries (p.110)**
 - o. Rule 2263(A) Horses Testing Positive (p.111)**
 - p. Rule 2434 Claiming (p.111)**

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

- 1. Department of Agriculture, Arkansas Bureau of Standards (Act 501) (REPORT BY LETTER PURSUANT TO MOTION ADOPTED AT JULY 22, 2020 MEETING)**

F. Adjournment.