

REVISED AGENDA
Administrative Rules Subcommittee
of the
Arkansas Legislative Council

Wednesday, July 20, 2022
2:00 PM
Room A, MAC
Little Rock, Arkansas

Sen. Kim Hammer, Chair
Sen. Bill Sample, Vice-Chair
Sen. Ronald Caldwell
Sen. Jane English
Sen. Gary Stubblefield
Sen. Jimmy Hickey, Jr
Sen. David Wallace
Sen. Ricky Hill
Sen. Missy Irvin, ex officio
Sen. Terry Rice, ex officio

Rep. Les Eaves, Chair
Rep. Lane Jean, Vice-Chair
Rep. Reginald Murdock
Rep. Matthew J. Shepherd
Rep. Jon S. Eubanks
Rep. Bruce Cozart
Rep. Michelle Gray
Rep. DeAnn Vaught
Rep. Jeff Wardlaw, ex officio
Rep. Jim Dotson, ex officio

- A. Call to order**
- B. Reports of the Executive Subcommittee**
- C. Agency updates on the status of outstanding rulemaking pursuant to Act 595 of 2021, by those agencies with no other business before the Subcommittee**
 - 1. Department of Agriculture (Wade Hodge)**
 - a. Rules Concerning the Arkansas Industrial Hemp Production Act (Act 565)**
 - 2. Department of Commerce, State Insurance Department (Booth Rand)**
 - a. Rule 118: Pharmacy Benefits Managers Regulation (Act 665)**
 - 3. Department of Education (Courtney Salas-Ford)**
 - a. DESE Rules Governing School Safety (Acts 551, 622, 620, and 648)**
 - b. DESE Rules Governing the School Counseling Improvement Act (Act 650)**
 - c. DESE Rules Governing the Succeed Scholarship Program (Acts 689 and 741)**
 - d. DESE Rules Governing Nutrition and Physical Activity Standards and Body Mass Index (Acts 1070 and 1074)**
 - e. DESE Rules Governing Professional Development (Act 1089)**

4. **Department of Transformation and Shared Services (Mitch Rouse, Lauren Ballard)**
 - a. **Rules for OPM to Review Training Materials on Divisive Concepts (Act 1100)**
 - b. **Rules for DBA Minimum Standards and Criteria (Act 440)**
5. **Office of Arkansas Lottery (Brent Standridge)**
 - a. **Operational Rules of the Arkansas Scholarship Lottery (Act 636)**

D. Rules filed pursuant to Ark. Code Ann. § 10-3-309

1. **DEPARTMENT OF COMMERCE, STATE SECURITIES DEPARTMENT (Campbell McLaurin, Karyn Tierney)**
 - a. **Rules of the Arkansas Securities Commissioner (p.2)**
2. **DEPARTMENT OF ENERGY AND ENVIRONMENT, DIVISION OF ENVIRONMENTAL QUALITY (Michael McAlister, Daniel Pilkington)**
 - a. **APC&EC Rule 27 (p.5)**
3. **DEPARTMENT OF HEALTH, STATE BOARD OF HEALTH (Craig Smith, items a and c; Chuck Thompson, items b, c, and f; Laura Shue, items d and e)**
 - a. **Rules Governing the Advisory Board for Interpreters Between Hearing Individuals and Individuals who are Deaf, Deafblind, Hard of Hearing, or Oral Deaf and Rules Governing the Licensure of Provisional and Qualified Interpreters (p.8)**
 - b. **Rules for Home Health Agencies in Arkansas (p.13)**
 - c. **Massage Therapy (p.16)**
 - d. **Rules Pertaining to the State Board of Sanitarians (p.19)**
 - e. **Rules Pertaining to Water Operator Licensing (p.20)**
 - f. **Rules for Hospices in Arkansas (p.21)**
4. **DEPARTMENT OF HUMAN SERVICES, DIVISION OF DEVELOPMENTAL DISABILITIES SERVICES (Melissa Weatherton)**
 - a. **ADDT and EIDT Transportation Services (p.22)**

5. **DEPARTMENT OF HUMAN SERVICES, DIVISION OF MEDICAL SERVICES (Elizabeth Pitman)**
 - a. **Skilled Nursing Facility Payment Methodology (p.26)**
6. **DEPARTMENT OF LABOR AND LICENSING, DIVISION OF LABOR, BOARD OF ELECTRICAL EXAMINERS OF THE STATE OF ARKANSAS (Miles Morgan, Dan Parker, Lindsay Moore)**
 - a. **Administrative Rules of the Board of Electrical Examiners (p.35)**
 - b. **Section 010.13-008, The National Electrical Code (p.39)**
7. **DEPARTMENT OF LABOR AND LICENSING, DIVISION OF LABOR, ELEVATOR SAFETY BOARD (Miles Morgan, Dan Parker, Lindsay Moore)**
 - a. **Administrative Rules Pertaining to the Licensing of Elevator Mechanics (p.40)**
8. **DEPARTMENT OF LABOR AND LICENSING, DIVISION OF OCCUPATIONAL AND PROFESSIONAL LICENSING BOARDS AND COMMISSIONS, ARKANSAS HOME INSPECTOR REGISTRATION BOARD (Miles Morgan, Charlotte London)**
 - a. **Rules and Procedures of the Arkansas Home Inspector Registration Board (p.42)**
9. **DEPARTMENT OF LABOR AND LICENSING, DIVISION OF OCCUPATIONAL AND PROFESSIONAL LICENSING BOARDS AND COMMISSIONS, CONTRACTORS LICENSING BOARD (Gregory Crow)**
 - a. **Residential Contractors Committee Rules 224-25-5-9 and 224-25-6-1 et seq. – Creating a Process for Registration of Residential Roofers (p.44)**
 - b. **Residential Contractors Committee Rules 224-25-5-1 et seq. – Creating Process for Military Licensure (p.45)**
 - c. **Residential Contractors Committee Rules 224-25-5-3 – Applicants with Criminal Backgrounds (p.46)**
 - d. **Residential Contractors Committee Rules 224-25-5-16 – Creating Process for Fee Waiver Per Act 725 of 2021 (p.46)**
 - e. **Contractors Licensing Board Rule 224-25-1-13 – Clean-Up Language (p.47)**
 - f. **Contractors Licensing Board Rule 224-25-1-13 – Bond in Lieu of Financial Statement (p.48)**
 - g. **Contractors Licensing Board Rule 224-25-1-13 – Subcontractor Registration (p.49)**

- h. Contractors Licensing Board Rule 224-25-2 et seq. – Creating Process for Military Licensure (p.49)**
- i. Contractors Licensing Board Rule 224-25-15 – Creating Process for Fee Waiver (p.50)**
- j. Contractors Licensing Board Rule 224-25-3 – Eliminates Reference to Permanently Disqualifying Offenses (p.51)**

10. DEPARTMENT OF PUBLIC SAFETY, DIVISION OF ARKANSAS STATE POLICE (Cody Hiland)

- a. Law Enforcement Family Relief Trust Fund (p.52)**

11. SALINE COUNTY REGIONAL SOLID WASTE MANAGEMENT DISTRICT BOARD (Tiffany Dunn, Sam Gibson)

- a. Rule 22.202 Regarding Requirements for Solid Waste Hauler Licenses and Vehicle Permits (p.53)**

E. Proposed rules recommending an expedited process for occupational licensure pursuant to Ark. Code Ann. § 17-4-109, as amended by Act 135 of 2021

1. DEPARTMENT OF HEALTH, ARKANSAS STATE BOARD OF DENTAL EXAMINERS (Matt Gilmore)

- a. Article IX: Credentials Required in Issuing Dental or Dental Hygiene License**

F. Agency updates on the status of outstanding rulemaking pursuant to Act 595 of 2021, by those agencies having other business before the Subcommittee

1. Department of Energy and Environment (Julie Linck)

- a. APC&EC Rule 27 (Acts 749 and 773)**

2. Department of Finance and Administration, Revenue Division (Alicia Austin Smith)

- a. Law Enforcement Family Relief Trust Fund (Act 765)**
- b. Rules Concerning a Sales and Use Tax Exemption for Sales of Water Used Exclusively in the Operation of a Poultry Farm (Act 970)**

3. Department of Health, Division of Health-Related Boards (Matt Gilmore)

- a. Rules by the Arkansas State Board of Dental Examiners (Acts 135, 651, 725, 748, and 1101)**

f. Rules by the Arkansas Towing and Recovery Board (Acts 789 and 794)

6. Department of Public Safety (Cody Hiland)

a. Law Enforcement Family Relief Trust Fund (Act 765)

G. Monthly written agency updates pursuant to Act 595 of 2021

H. Adjournment

**SUPPLEMENTAL AGENDA
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A. Rules filed pursuant to Ark. Code Ann. § 10-3-309

1. DEPARTMENT OF HEALTH, ARKANSAS STATE BOARD OF NURSING (Amy Embry, Sue Tedford, Matt Gilmore)

a. Chapter Eleven – Full Independent Practice Credentialing Committee

B. Adjournment