

**REVISED AGENDA**  
**Administrative Rules Subcommittee**  
**of the**  
**Arkansas Legislative Council**

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**Thursday, September 15, 2022**  
**9:00 AM**  
**Room A, MAC**  
**Little Rock, Arkansas**

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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

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- A. Call to Order**
- B. Reports from the Executive Subcommittee Concerning Emergency Rules**
- C. Reports from ALC Subcommittees Concerning the Review of Rules**
- D. Rules Filed Pursuant to Ark. Code Ann. § 10-3-309**
  - 1. DEPARTMENT OF AGRICULTURE, COMMISSION ON WATER WELL CONSTRUCTION (Chris Colclasure; Wade Hodge)**
    - a. Supervision Rule (p.1)**
  - 2. DEPARTMENT OF COMMERCE, STATE INSURANCE DEPARTMENT (Booth Rand)**
    - a. Rule 123: 340B Drug Program Nondiscrimination Requirements (p.3)**
    - b. Rule 118: Pharmacy Benefit Managers Regulation (p.6)**
  - 3. DEPARTMENT OF EDUCATION, DIVISION OF HIGHER EDUCATION (Whitney James)**
    - a. Rules Governing the Governor's Higher Education Transition Scholarship Program (p.8)**

**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](http://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'.**

4. **DEPARTMENT OF FINANCE AND ADMINISTRATION, REVENUE DIVISION (Paul Gehring)**
  - a. **2022-4: Sales and Use Tax Exemption for Water Used for Commercial Production of Poultry (p.10)**
5. **DEPARTMENT OF HEALTH, ARKANSAS STATE MEDICAL BOARD (Amy Embry; Matt Gilmore)**
  - a. **Rule No. 2.8: Requiring Minimum Standards for Establishing Provider/Patient Relationships (p.11)**
6. **DEPARTMENT OF HUMAN SERVICES, DIVISION OF DEVELOPMENTAL DISABILITIES SERVICES (Mark White; Melissa Weatherton; Elizabeth Pitman)**
  - a. **CES Waiver Slot Increase (p.13)**
7. **DEPARTMENT OF HUMAN SERVICES, DIVISION OF MEDICAL SERVICES (Mark White, items a-d; Melissa Weatherton, item a; Elizabeth Pitman, items a-d; Jay Hill, items c-d)**
  - a. **HCBS and PASSE Waivers (p.16)**
  - b. **Acute Crisis Units – Hospital Provider Manual (p.19)**
  - c. **Living Choices Assisted Living Facility Waiver Renewal; LCAL 2-20 (p.22)**
  - d. **AR Choices in Homecare Renewal (p.27)**
8. **DEPARTMENT OF HUMAN SERVICES, OFFICE OF CHIEF COUNSEL (Mark White; Brett Hays)**
  - a. **Declaratory Orders (p.36)**
9. **DEPARTMENT OF LABOR AND LICENSING, DIVISION OF OCCUPATIONAL AND PROFESSIONAL LICENSING BOARDS AND COMMISSIONS, ARKANSAS TOWING AND RECOVERY BOARD (Miles Morgan; Dan Parker)**
  - a. **Rules of the Arkansas Towing and Recovery Board (p.36)**
10. **DEPARTMENT OF TRANSFORMATION AND SHARED SERVICES, BUILDING AUTHORITY DIVISION (Lauren Ballard)**
  - a. **Building Authority Minimum Standards and Criteria (p.39)**

**11. DEPARTMENT OF TRANSFORMATION AND SHARED SERVICES, OFFICE OF PERSONNEL MANAGEMENT (Lauren Ballard)**

**a. Unlawful Propagation of Divisive Concepts (p.44)**

**12. DEPARTMENT OF TRANSFORMATION AND SHARED SERVICES, OFFICE OF STATE PROCUREMENT (Lauren Ballard)**

**a. Rules Governing Mandatory Procurement Training Program (p.45)**

**E. Agency Updates on the Status of Outstanding Rulemaking Pursuant to Act 595 of 2021<sup>1</sup>**

**1. Arkansas Department of Transportation, Arkansas Highway Commission**

**2. Department of Agriculture**

**3. Department of Commerce, State Insurance Department\***

**4. Department of Education**

**5. Department of Finance and Administration, Revenue Division\***

**6. Department of Health, Division of Health-Related Boards**

**7. Department of Health, State Board of Health**

**8. Department of Labor and Licensing\***

**9. Department of Transformation and Shared Services\***

**10. Office of Arkansas Lottery**

**F. Monthly Written Agency Updates Pursuant to Act 595 of 2021**

**G. Adjournment**

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<sup>1</sup> For those items designated by an asterisk (“\*”), no update may be required depending on the action taken by the Subcommittee with respect to that agency’s rules under Item D.