

REVISED AGENDA
Administrative Rules Subcommittee
of the
Arkansas Legislative Council

Wednesday, April 20, 2022
9:00 AM
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. Reports on Administrative Directives Pursuant to Act 1258 of 2015, for the quarter ending December 31, 2021.**
 - 1. Department of Corrections (Lindsay Wallace)**
 - 2. Parole Board (Lindsay Wallace)**
- D. Rules Filed Pursuant to Ark. Code Ann. § 10-3-309.**
 - 1. ARKANSAS PUBLIC EMPLOYEES' RETIREMENT SYSTEM (Laura Gilson, Allison Woods)**
 - a. 24 CAR § 1-213. DROP Provisions (p.1)**
 - b. 501 Investment Policy – REPEAL (p.2)**
 - 2. ARKANSAS TEACHER RETIREMENT SYSTEM (Clint Rhoden)**
 - a. ATRS Rule 4 – Election of Board of Trustees (p.3)**
 - b. ATRS Rule 6 – Membership 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'*.

- c. **ATRS Rule 7 – Reporting and Eligibility (p.12)**
 - d. **ATRS Rule 8 – Purchases and Refunds (p.16)**
 - e. **ATRS Rule 9 – Retirement and Benefits (p.21)**
 - f. **ATRS Rule 10 – T-DROP and Return to Service (p.31)**
 - g. **ATRS Rule 11 – Survivors and Domestic Relations Orders (p.34)**
3. **DEPARTMENT OF AGRICULTURE (Patrick Fisk, Wade Hodge, item a; Chris Colclasure, Tate Wentz, Wade Hodge, item b)**
 - a. **State Meat Inspection Program Rules (p.36)**
 - b. **Unpaved Roads Program Rules (p.38)**
 4. **DEPARTMENT OF COMMERCE, ARKANSAS ECONOMIC DEVELOPMENT COMMISSION (Jim Hudson, Renee Doty)**
 - a. **Consolidated Incentive Act of 2003 Rule (p.41)**
 - b. **Digital Product and Motion Picture Industry Development Act (p.42)**
 - c. **Railroad Modernization Act of 2021 (p.44)**
 5. **DEPARTMENT OF COMMERCE, STATE INSURANCE DEPARTMENT, STATE BOARD OF EMBALMERS, FUNERAL DIRECTORS, CEMETERIES, AND BURIAL SERVICES (Amanda Gibson)**
 - a. **Licensure of Certain Individuals (p.46)**
 - b. **Fee Waivers for Certain Individuals (p.46)**
 6. **DEPARTMENT OF EDUCATION, COMMISSION FOR ARKANSAS PUBLIC SCHOOL ACADEMIC FACILITIES AND TRANSPORTATION (Lori Freno)**
 - a. **Rules Governing the Academic Facilities Catastrophic Program (p.47)**
 - b. **Rules Governing the Facilities Master Plan (p.49)**
 - c. **Rules Governing Maintenance and Operation of Public School Buses and Physical Examinations of School Bus Drivers (p.50)**
 7. **DEPARTMENT OF EDUCATION, DIVISION OF ELEMENTARY AND SECONDARY EDUCATION (Whitney James, items a, j-k; Lori Freno, items b-i, l; David Dawson, item l)**
 - a. **Rules Governing the Arkansas Tutoring Corps (p.53)**

- b. **Rules Governing Grading and Course Credit, Chapters 1 and 7 Only (p.56)**
 - c. **Rules Governing Act 1240 Waivers (p.59)**
 - d. **Rules Governing Public School Choice (p.61)**
 - e. **Rules Governing Consolidation and Annexation of School Districts, Sections 2.00, 13.00, and Table of Contents Only (p.66)**
 - f. **Rules Governing the Arkansas Student Protection Act (p.67)**
 - g. **Rules Governing Standards for Accreditation of Arkansas Public Schools and School Districts (p.68)**
 - h. **Rules Governing Eye and Vision Screening Report in Arkansas Public Schools (p.73)**
 - i. **Rules Governing Documents Posted to School District and Education Service Cooperative Websites, Chapters 1 and 4 Only (p.75)**
 - j. **Rules Governing Arkansas Military Child School Transitions (p.77)**
 - k. **Rules Governing Public Charter Schools (p.84)**
 - l. **Division of Elementary and Secondary Education and State Board of Nursing Rules Governing the Administration of Insulin, Glucagon, and Medication for Adrenal Insufficiency or Adrenal Crisis to Arkansas Public School Students (p.89)**
- 8. DEPARTMENT OF EDUCATION, DIVISION OF HIGHER EDUCATION (Whitney James)**
- a. **Rules Governing the Arkansas Future Grant Program (p.91)**
 - b. **Rules Governing the Military Dependents' Scholarship Program (p.93)**
 - c. **Rules Governing Out-of-State Veterinary Medical Education Loan Repayment Program (p.95)**
 - d. **Rules Governing the Arkansas Workforce Challenge Scholarship Program (p.96)**
 - e. **Rules Governing the Law Enforcement Officers' Dependents Scholarship Program (p.97)**
 - f. **Rules Governing the Arkansas Concurrent Challenge Scholarship Program (p.99)**
 - g. **Rules Governing the Arkansas Governor's Scholars Program (p.100)**

- h. **Rules Governing the Arkansas Academic Challenge Scholarship Program (p.103)**
 - i. **Minority Teacher Scholars Program Rules and Regulations REPEAL (p.105)**
 - j. **Emergency Secondary Education Loan Rules and Regulations REPEAL (p.105)**
 - k. **Minority Masters Fellows Program Rules and Regulations REPEAL (p.106)**
- 9. DEPARTMENT OF ENERGY AND ENVIRONMENT, DIVISION OF ENVIRONMENTAL QUALITY (Basil Hicks, Alan York, item a; Michael McAlister, item b)**
- a. **Rule No. 2, Rule Establishing Water Quality Standards for Surface Waters of the State of Arkansas (p.107)**
 - b. **APC&EC Rule 19 (p.111)**
- 10. DEPARTMENT OF ENERGY AND ENVIRONMENT, OIL AND GAS COMMISSION (Daniel Pilkington)**
- a. **Rule B-4: Application to Transfer a Well (p.114)**
- 11. DEPARTMENT OF FINANCE AND ADMINISTRATION (Andy Babbitt, David Scott)**
- a. **Method of Distribution of American Rescue Plan Act (“ARPA”) Funds for COVID-19 Testing (p.116)**
- 12. DEPARTMENT OF FINANCE AND ADMINISTRATION, ALCOHOLIC BEVERAGE CONTROL (Doralee Chandler)**
- a. **Oversight of Medical Marijuana Cultivation Facilities, Processors, and Dispensaries (p.119)**
 - b. **Title 1, Subtitle C, Rule 1.19(3): Types of Permits for which Application May Be Made (p.119)**
 - c. **Title 2, Subtitle C, Rule 2.16(2): Manufacturers to Register Brands of Controlled Beverages; Manufacturers and Wholesalers Not to Change Brands Without Approval of Director (p.120)**
- ~~**13. DEPARTMENT OF FINANCE AND ADMINISTRATION, MEDICAL MARIJUANA COMMISSION**~~
- ~~a. **Licensure of Medical Marijuana Dispensaries**~~

- 14. DEPARTMENT OF HEALTH, ARKANSAS DIETETICS LICENSING BOARD (Debie Head, Matt Gilmore)**
 - a. Rules of the Arkansas Dietetics Licensing Board (p.121)**
- 15. DEPARTMENT OF HEALTH, ARKANSAS PSYCHOLOGY BOARD (Colin Davies, Matt Gilmore)**
 - a. Arkansas Psychology Board Rules (p.123)**
- 16. DEPARTMENT OF HEALTH, ARKANSAS STATE BOARD OF CHIROPRACTIC EXAMINERS (Laurie Mayhan, Tanya Holt, Matt Gilmore)**
 - a. Advertising by Chiropractic Physicians (p.126)**
 - b. Animal Chiropractic (p.127)**
 - c. Applications for State Board Examination and Licensure (p.128)**
 - d. Licensure for Military Veterans (p.129)**
 - e. Pre-Licensure Criminal Background Check Waiver Request (p.129)**
- 17. DEPARTMENT OF HEALTH, ARKANSAS STATE BOARD OF NURSING (Sue Tedford, David Dawson, Matt Gilmore)**
 - a. Chapter Two – Licensure: RN, LPN, and LPTN (p.130)**
 - b. Chapter Three – Registered Nurse Practitioner (p.133)**
 - c. Chapter Four – Advanced Practice Registered Nurse (p.134)**
 - d. Chapter Six – Standards for Nursing Education Programs (p.141)**
 - e. Chapter Eight – Medication Assistant – Certified (p.142)**
- 18. DEPARTMENT OF HEALTH, ARKANSAS STATE BOARD OF PHARMACY (John Kirtley, Luke Daniels, Matt Gilmore)**
 - a. Rule 7 – Drug Products/Prescriptions (p.145)**
 - b. Rule 9 – Pharmaceutical Care/Patient Counseling (p.148)**
- 19. DEPARTMENT OF HEALTH, ARKANSAS STATE BOARD OF PHYSICAL THERAPY (Nancy Worthen, Matt Gilmore)**
 - a. State Board of Physical Therapy Rules (p.151)**

- g. Rules for Orthotic, Prosthetic, and Pedorthic Providers (p.188)
 - h. Rules for Emergency Medical Services (p.190)
- ~~25. DEPARTMENT OF HEALTH, STATE KIDNEY DISEASE COMMISSION~~
- ~~a. Arkansas Kidney Disease Commission Rules~~
26. DEPARTMENT OF HUMAN SERVICES, DIVISION OF CHILD CARE AND EARLY CHILDHOOD EDUCATION (Mark White, Tonya Williams, Dawn Jeffery, Ebony Russ)
- a. Minimum Licensing Standards for Child Welfare Agencies (Placement and Residential) (p.198)
27. DEPARTMENT OF HUMAN SERVICES, DIVISION OF CHILDREN AND FAMILY SERVICES (Mark White, Mischa Martin, Christin Harper)
- a. Promoting Successful Transitions to Adulthood (p.202)
 - b. Providing Information to and Gathering Information from Resource Parents (p.203)
 - c. Updates to Child Maltreatment Investigation Policies and Procedures (p.205)
 - d. Development of Resource Homes and Support to Resource Parents (p.208)
28. DEPARTMENT OF HUMAN SERVICES, DIVISION OF COUNTY OPERATIONS (Mark White, Mary Franklin, Kelley Jackson)
- a. SNAP Policy 3502.2 and 3502.3 (p.214)
 - b. SNAP Updates Pursuant to Act 780 (p.215)
29. DEPARTMENT OF HUMAN SERVICES, DIVISION OF MEDICAL SERVICES (Mark White, Elizabeth Pitman)
- a. Preferred Drug List Pool and Value-Based Purchasing (p.218)
 - b. PCP Visits and Act 569 of 2021 (p.220)
 - c. Vagus Nerve Stimulation Therapy; SPA 2022-0004 (p.224)
30. DEPARTMENT OF LABOR AND LICENSING, DIVISION OF OCCUPATIONAL AND PROFESSIONAL LICENSING BOARDS AND COMMISSIONS, ARKANSAS FIRE PROTECTION LICENSING BOARD (Patricia White, Miles Morgan)
- a. Rules for Portable/Fixed Systems (p.227)

- b. Rules for Sprinkler Systems (p.228)**

- 31. DEPARTMENT OF LABOR AND LICENSING, DIVISION OF OCCUPATIONAL AND PROFESSIONAL LICENSING BOARDS AND COMMISSIONS, ARKANSAS STATE BOARD OF PUBLIC ACCOUNTANCY (Jimmy Corley)**
 - a. Board Rule 3 “Examinations” (p.230)**
 - b. Board Rule 10 “Registration” (p.231)**
 - c. Board Rule 12 “Fees” (p.231)**
 - d. Board Rule 13 “Continuing Education” (p.233)**
 - e. Board Rule 19 “Licensure for Uniformed Service Members, Veterans, and Spouses” (p.234)**

- 32. DEPARTMENT OF LABOR AND LICENSING, DIVISION OF OCCUPATIONAL AND PROFESSIONAL LICENSING BOARDS AND COMMISSIONS, AUCTIONEER’S LICENSING BOARD (Kelli Black, Miles Morgan)**
 - a. Rules 9 and 10 (p.236)**

- 33. DEPARTMENT OF LABOR AND LICENSING, DIVISION OF OCCUPATIONAL AND PROFESSIONAL LICENSING BOARDS AND COMMISSIONS, PROFESSIONAL BAIL BOND COMPANY AND PROFESSIONAL BAIL BONDSMAN LICENSING BOARD (Randy Murray, Miles Morgan)**
 - a. Rule 1 – Regulation of the Bail Bond Business (p.237)**

- 34. DEPARTMENT OF LABOR AND LICENSING, DIVISION OF OCCUPATIONAL AND PROFESSIONAL LICENSING BOARDS AND COMMISSIONS, STATE BOARD OF BARBER EXAMINERS (Phyllis Jacobsen, Miles Morgan)**
 - a. Rule 4; Rule 5 – Miscellaneous; Rule 8 – Barber College/Barber School Curriculum; Rule 10 – Automatic Licensure Uniformed Service Veterans; Rule 15 – Pre-Licensure Criminal Background Check; Rule 16 – Fees (p.239)**

- 35. DEPARTMENT OF LABOR AND LICENSING, DIVISION OF OCCUPATIONAL AND PROFESSIONAL LICENSING BOARDS AND COMMISSIONS, STATE BOARD OF LICENSURE FOR PROFESSIONAL ENGINEERS AND PROFESSIONAL SURVEYORS (Heather Richardson, Miles Morgan)**
 - a. Rules of the Board of Licensure for Professional Engineers and Professional Surveyors (p.241)**

36. **DEPARTMENT OF PUBLIC SAFETY, DIVISION OF ARKANSAS STATE POLICE (Captain Stacie Rhoads, Joan Shipley, item a; Jami Cook, Joan Shipley, item b)**
 - a. **Cold Case Tax Credit (p.244)**
 - b. **Law Enforcement Family Relief Fund (p.245)**
 37. **STATE BOARD OF ELECTION COMMISSIONERS (Daniel Shults, Chris Madison)**
 - a. **Rules of Procedure for Citizen Complaint Regarding Violations of State Election and Voter Registration Laws (p.246)**
 - b. **Rules for County Election Commissioners Training (p.249)**
 - c. **Rules on Poll Watchers, Vote Challenges, and Provisional Voting (p.251)**
 - d. **Rules of Practice and Procedure (p.254)**
 - e. **Rules for Verification of Voter Registration (p.256)**
 - f. **Rules for Poll Worker and County Clerk Training (p.258)**
 - g. **Rules for County Election Coordinator Training (p.261)**
 38. **TREASURER OF STATE (Grant Wallace, John Peace)**
 - a. **The Arkansas Tax-Deferred Tuition Savings Program (p.263)**
 39. **DEPARTMENT OF COMMERCE, STATE INSURANCE DEPARTMENT (Booth Rand, items a, b; Jim Brader, items c, d)**
 - a. **Rule 118: Pharmacy Benefits Managers Regulation (p.265)**
 - b. **Rule 111: Craniofacial Anomaly Reconstructive Surgery Coverage – “Wendelyn’s Craniofacial Law” (p.266)**
 - c. **Rule 56: Companies Financial Regulation Fees (p.271)**
 - d. **Rule 5: Companies Antifraud Fees (p.272)**
- E. Proposed Rules Recommending 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 MEDICAL BOARD (Amy Embry, Matt Gilmore)**
 - a. **Rule 42: Licensure for Uniformed Service Members, Veterans, and Spouses**

2. DEPARTMENT OF LABOR AND LICENSING, DIVISION OF OCCUPATIONAL AND PROFESSIONAL LICENSING BOARDS AND COMMISSIONS, CONTRACTORS LICENSING BOARD (Greg Crow)

a. Rules of the Residential Contractors Committee

b. Rules for Commercial Contractors

3. DEPARTMENT OF PUBLIC SAFETY, DIVISION OF ARKANSAS STATE POLICE (Major Lindsey Williams, Captain Mike Moyer, Joan Shipley)

a. Expedited Licensing for Veterans and Spouses; Fee Waivers for Certain Licenses

b. Used Motor Vehicle Dealer Licensing Rules

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

G. Adjournment.