

**REPORT OF THE
ADMINISTRATIVE RULES SUBCOMMITTEE
OF THE
ARKANSAS LEGISLATIVE COUNCIL**

July 21, 2022

Co-Chairs:

The Administrative Rules Subcommittee met on Wednesday, July 20, 2022, at 2:00 p.m., in Room A, MAC.

- 1. The Subcommittee adopted the attached Executive Subcommittee Reports concerning emergency rules.**
- 2. The Subcommittee reviewed and approved the following rules filed pursuant to Ark. Code Ann. § 10-3-309:**

**DEPARTMENT OF COMMERCE, STATE SECURITIES DEPARTMENT
(Campbell McLaurin, Karyn Tierney)**

- a. Rules of the Arkansas Securities Commissioner**

**DEPARTMENT OF ENERGY AND ENVIRONMENT, DIVISION OF
ENVIRONMENTAL QUALITY (Michael McAlister, Daniel Pilkington)**

- a. APC&EC Rule 27**

**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**
- b. Rules for Home Health Agencies in Arkansas**
- c. Massage Therapy**
- d. Rules Pertaining to the State Board of Sanitarians**

e. **Rules Pertaining to Water Operator Licensing**

f. **Rules for Hospices in Arkansas**

**DEPARTMENT OF HUMAN SERVICES, DIVISION OF
DEVELOPMENTAL DISABILITIES SERVICES (Melissa Weatherton)**

a. **ADDT and EIDT Transportation Services**

**DEPARTMENT OF HUMAN SERVICES, DIVISION OF MEDICAL
SERVICES (Elizabeth Pitman)**

a. **Skilled Nursing Facility Payment Methodology¹**

**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**

b. **Section 010.13-008, The National Electrical Code**

**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**

**DEPARTMENT OF LABOR AND LICENSING, DIVISION OF
OCCUPATIONAL AND PROFESSIONAL LICENSING BOARDS AND
COMMISSIONS, ARKANSAS HOME INSPECTOR REGISTRATION
BOARD (Miles Morgan, Charlotte London, Dan Parker)**

a. **Rules and Procedures of the Arkansas Home Inspector Registration
Board**

¹ Representative Jeff Wardlaw abstained from the action taken by the Subcommittee on this rule due to a potential conflict.

**DEPARTMENT OF LABOR AND LICENSING, DIVISION OF
OCCUPATIONAL AND PROFESSIONAL LICENSING BOARDS AND
COMMISSIONS, CONTRACTORS LICENSING BOARD (Gregory Crow,
Miles Morgan, Dan Parker)**

- a. **Residential Contractors Committee Rules 224-25-5-9 and 224-25-6-1 et seq. – Creating a Process for Registration of Residential Roofers**
- b. **Residential Contractors Committee Rules 224-25-5-1 et seq. – Creating Process for Military Licensure**
- c. **Residential Contractors Committee Rules 224-25-5-3 – Applicants with Criminal Backgrounds**
- d. **Residential Contractors Committee Rules 224-25-5-16 – Creating Process for Fee Waiver Per Act 725 of 2021**
- e. **Contractors Licensing Board Rule 224-25-1-13 – Clean-Up Language**
- f. **Contractors Licensing Board Rule 224-25-1-13 – Bond in Lieu of Financial Statement**
- g. **Contractors Licensing Board Rule 224-25-1-13 – Subcontractor Registration**
- h. **Contractors Licensing Board Rule 224-25-2 et seq. – Creating Process for Military Licensure**
- i. **Contractors Licensing Board Rule 224-25-15 – Creating Process for Fee Waiver**
- j. **Contractors Licensing Board Rule 224-25-3 – Eliminates Reference to Permanently Disqualifying Offenses**

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

- a. **Law Enforcement Family Relief Trust Fund**

**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**

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

- a. **Chapter Eleven – Full Independent Practice Credentialing Committee**
- 3. **The Subcommittee reviewed the following rules recommending an expedited process for occupational licensure pursuant to Ark. Code Ann. § 17-4-109, as amended by Act 135 of 2021:**

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

- a. **Article IX: Credentials Required in Issuing Dental or Dental Hygiene License**
- 4. **The Subcommittee received agency updates on outstanding rulemaking pursuant to Act 595 of 2021.**
- 5. **With respect to the agency update on outstanding rulemaking by the Department of Transformation and Shared Services, Representative Jeff Wardlaw made a motion that the update be referred to Legislative Council in September; however, he has indicated that it could go to the Administrative Rules Subcommittee instead.**
- 6. **The Subcommittee filed the July monthly written updates pursuant to Act 595 of 2021.**

Respectfully submitted,

Senator Kim Hammer, Co-Chair

Representative Les Eaves, Co-Chair

ARKANSAS LEGISLATIVE COUNCIL

Officers

Senator Terry Rice
Senate Co-Chair

Representative Jeff Wardlaw
House Co-Chair

Senator Missy Irvin
Senate Co-Vice Chair

Representative Jim Dotson
House Co-Vice Chair



Room 315, State Capitol Building
Little Rock, AR 72201

Marty Garrity
Executive Secretary

Tel: 501-682-1937
Fax: 501-682-1936

June 14, 2022

Senator Kim Hammer
Senate Co-Chair
Administrative Rules Review Subcommittee
via email

Representative Les Eaves
House Co-Chair
Administrative Rules Review Subcommittee
via email

Dear Co-Chairs:

This letter is to notify you that, the Executive Subcommittee met on June 14, 2022, pursuant to ALC Rule 22(f)(3)(B), to review and approve the following emergency rule:

- ***Department of Commerce – Arkansas Insurance Department (AID): Rule 118-Pharmacy Benefit Managers Regulation.***

A copy of the emergency rule is attached for your information. The emergency rule is reviewed and approved, and the review and approval shall be effective at 12:01 a.m. on Thursday, June 16, 2022.

Respectfully,

Handwritten signature of Terry Rice in black ink.

Senator Terry Rice
Senate Co-Chair
Executive Subcommittee

Handwritten signature of Jeff Wardlaw in black ink.

Representative Jeff Wardlaw
House Co-Chair
Executive Subcommittee

TR/JW:sla

Attachment

cc: Ms. Rebecca Miller-Rice, Administrator, BLR
(via electronic mail)

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June 16, 2022

Senator Kim Hammer
Senate Co-Chair
Administrative Rules Review Section
via email

Representative Les Eaves
House Co-Chair
Administrative Rules Review Section
via email

Dear Co-Chairs:

This letter is to notify you that, the Executive Subcommittee exercised the power granted to it under Arkansas Code § 10-3-309(d)(2)(B) and ALC Rule 22(f)(2)(B) to review and approve the following emergency rule in writing on June 16, 2022.

- ***Department of Human Services – Division of Medical Services (DHS - DMS): Acute Crisis Units - Hospital Provider Manual***

A copy of the emergency rule is attached for your information. The emergency rule was reviewed and approved, and the review and approval will be effective upon adjournment of the meeting of the Legislative Council, Friday, June 17, 2022.

Respectfully,

Handwritten signature of Senator Terry Rice in black ink.

Senator Terry Rice
Senate Co-Chair
Executive Subcommittee

Handwritten signature of Representative Jeff Wardlaw in black ink.

Representative Jeff Wardlaw
House Co-Chair
Executive Subcommittee

TR/JW:sla

Attachment

cc: Ms. Rebecca Miller-Rice, Administrator, Administrative Rules Review Section
(via electronic mail)

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Marty Garrity
Executive Secretary

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June 27, 2022

Senator Kim Hammer
Senate Co-Chair
Administrative Rules Review Section
via email

Representative Les Eaves
House Co-Chair
Administrative Rules Review Section
via email

Dear Co-Chairs:

This letter is to notify you that, the Executive Subcommittee exercised the power granted to it under Arkansas Code § 10-3-309(d)(2)(B) and ALC Rule 22(f)(2)(B) to review and approve the following emergency rule in writing on June 24, 2022.

- ***Department of Agriculture – Livestock and Poultry Commission: EMERGENCY AMENDMENT TO THE EMERGENCY AVIAN INFLUENZA RULE***

A copy of the emergency rule is attached for your information. The emergency rule was reviewed and approved, and the review and approval will be effective at 12:00 noon, on Monday, June 27, 2022.

Respectfully,

Handwritten signature of Senator Terry Rice in black ink.

Senator Terry Rice
Senate Co-Chair
Executive Subcommittee

Handwritten signature of Representative Jeff Wardlaw in black ink.

Representative Jeff Wardlaw
House Co-Chair
Executive Subcommittee

TR/JW:sla

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cc: Ms. Rebecca Miller-Rice, Administrator, Administrative Rules Review Section
(via electronic mail)