

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

May 15, 2020

Co-Chairs:

The Administrative Rules Subcommittee met on Thursday, May 14, 2020, at 9:00 a.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 AGRICULTURE, ARKANSAS STATE PLANT BOARD (Mr. Scott Bray, Mr. Caleb Allen)

- a. Arkansas Industrial Hemp Research Program Rules**

BENTON COUNTY REGIONAL SOLID WASTE MANAGEMENT DISTRICT (Ms. Wendy Bland)

- a. Rules of the Benton County Regional Solid Waste Management District 5.01**

DEPARTMENT OF COMMERCE, ARKANSAS ECONOMIC DEVELOPMENT COMMISSION (Mr. Jim Hudson, Ms. Becca Caldwell)

- a. Spay and Neuter Pet Grant Program**

DEPARTMENT OF COMMERCE, STATE INSURANCE DEPARTMENT (Ms. Amanda Gibson, Mr. Ryan James)

- a. Verification of Life Insurance Benefits**

DEPARTMENT OF CORRECTIONS, ARKANSAS CORRECTIONAL SCHOOL DISTRICT (Mr. Solomon Graves, Dr. Bill Glover)

- a. Arkansas Correctional School District Dyslexia Screening and Intervention**

DEPARTMENT OF EDUCATION, DIVISION OF ELEMENTARY AND SECONDARY EDUCATION (Ms. Lori Freno)

- a. DESE Rules Governing Standards for Accreditation of Arkansas Public Schools and School Districts**
- b. DESE Rules Governing Creation of School Districts by Detachment**
- c. DESE Rules Governing Distance and Digital Learning**
- d. DESE Rules Governing Grading and Course Credit and Repeals**
- e. DESE Rules Governing Instructional Materials**
- f. DESE Rules Governing Required Training for School Board Members**
- g. DESE Rules Governing Special Education and Related Services, Section 11.00 Discipline Procedures**

DEPARTMENT OF FINANCE AND ADMINISTRATION, ALCOHOLIC BEVERAGE CONTROL DIVISION (Ms. Doralee Chandler, Mr. Monty Baugh)

- a. Hard Cider Manufacturing Permit**
- b. Posting of Pregnancy Warning**
- c. Hard Cider Manufacturer Operations (Title J, Rules 2.77 – 2.84)**
- d. Unauthorized Manufacture, Sale, Offer, Dispensing, Gift, or Possession of Controlled Beverage**
- e. Suspension of Permit When No Business Conducted for a Period of Thirty Days; Inactive Status of Permits**
- f. Operation of Microbrewery-Restaurant Private Club**
- g. Information, Statements, and Documents to be Furnished by Applicant**
- h. Allowing Alcoholic Beverages to be Carried from Any On- Premises Alcoholic Beverage Outlet or Private Club**

- i. **3.19(10) B: Persons Under Twenty-One (21); Exceptions**
- j. **Temporary Hard Cider Permit**
- k. **Definitions**
- l. **Grocery Store Off-Premises Wine Permit**
- m. **Beer Festival Permit**
- n. **Section 25. Abandonment of License**
- o. **Combined Restaurant Beer and Wine Permit**
- p. **Wine Restaurant On Premises Permit**
- q. **Microbrewery-Restaurant Distribution Permit**
- r. **Permits Not to be Issued to Premises Within the Following Stated Distances from Church or Schoolhouse**
- s. **Limitation on Production (Rule 2.54)**
- t. **Labels and Size of Containers to be Approved by Director (Rule 2.19)**
- u. **Advertising and Promotion Materials; Exception for Racing Facilities and Nonprofit Entities Holding a Large Attendance Facility Permit (Rule 2.28(13))**

DEPARTMENT OF FINANCE AND ADMINISTRATION, OFFICE OF CHILD SUPPORT ENFORCEMENT (Ms. Barbara Morris-Williams, Ms. Kimberly Bosshart)

- a. **Office of Child Support Enforcement Policy Manual**

DEPARTMENT OF HEALTH, CENTER FOR LOCAL PUBLIC HEALTH (Ms. Laura Shue)

- a. **Rules Pertaining to General Sanitation**

DEPARTMENT OF HEALTH, HEALTH FACILITY SERVICES (Ms. Rebecca Bennett)

- a. **Rules for Home Health in Arkansas**
- b. **Rules for Private Care in Arkansas**

**DEPARTMENT OF HEALTH, DIVISION OF HEALTH RELATED BOARDS
AND COMMISSIONS, ARKANSAS STATE BOARD OF CHIROPRACTIC
EXAMINERS (Ms. Laurie Mayhan, Dr. Sarah Hays)**

- a. Animal Chiropractic**
- b. Preceptorship Program**
- c. Pre-Licensure Criminal Background Check Waiver Request**
- d. Rules 1, 2, and 3**
- e. Reciprocity**

**DEPARTMENT OF HEALTH, DIVISION OF HEALTH RELATED BOARDS
AND COMMISSIONS, BOARD OF PODIATRIC MEDICINE (Dr. John Robinette,
Mr. Matt Gilmore)**

- a. Arkansas Board of Podiatric Medicine Rules**

**DEPARTMENT OF HEALTH, PHARMACY SERVICES AND DRUG CONTROL
(Ms. Laura Shue)**

- a. List of Controlled Substances**

**DEPARTMENT OF HUMAN SERVICES, DIVISION OF COUNTY
OPERATIONS (DCO) (Mr. Mark White)**

- a. Community Services Block Grant Manual FY 2020 & 2021**

**DEPARTMENT OF HUMAN SERVICES, DIVISION OF MEDICAL SERVICES
(DMS) (Mr. Mark White, Ms. Janet Mann)**

- a. Ambulatory Surgical Center Manual (ASC-1-19)**
- b. Billing Changes to Global OB (Obstetrics) Services**

**DEPARTMENT OF LABOR AND LICENSING, STATE BOARD OF PUBLIC
ACCOUNTANCY (Mr. Jimmy Corley)**

- a. Board Rule 1 “Definitions”**
- b. Board Rule 2 “Board Rules and Meetings”**
- c. Board Rule 3 “Examinations”**

- d. **Board Rule 10 “Registration”**
- e. **Board Rule 13 “Continuing Education”**
- f. **Board Rule 14 “Quality Review”**
- g. **Board Rule 21 “Prelicensure Criminal Background Petition”**

**DEPARTMENT OF PUBLIC SAFETY, DIVISION OF ARKANSAS STATE
POLICE (Ms. Mary Claire McLaurin)**

- a. **Used Motor Vehicle Dealer Licensing Rules – Act 820 Amendments**
- b. **Private Investigators & Private Security Agency – Act 820 Amendments**

PUBLIC SERVICE COMMISSION (Mr. Rick Leeper)

- a. **Anti-Spoofing Rules**

ARKANSAS TEACHER RETIREMENT SYSTEM (Mr. Clint Rhoden)

- a. **ATRS Rule 6: Membership Rules**
- b. **ATRS Rule 7: Reporting and Eligibility**
- c. **ATRS Rule 8: Purchases and Refunds**
- d. **ATRS Rule 9: Retirement and Benefits**
- e. **ATRS Rule 10: T-DROP and Return to Service**
- f. **ATRS Rule 11: Survivors and Domestic Relations Order**

3. **The Subcommittee reviewed the following rules recommending an expedited process and procedure for occupational licensure pursuant to Ark. Code Ann. § 17-1-106(c), as amended by Act 820 of 2019:**

**DEPARTMENT OF AGRICULTURE, ARKANSAS WATER WELL
CONSTRUCTION COMMISSION (Mr. Wade Hodge)**

- a. **Arkansas Water Well Construction Commission Rules**

**DEPARTMENT OF HEALTH, DIVISION OF HEALTH RELATED BOARDS
AND COMMISSIONS, STATE BOARD OF PHARMACY (Mr. John Kirtley, Ms.
Brenda McCrady)**

- a. **Rule 1—General Operations**
- b. **Rule 2—Pharmacists**

**DEPARTMENT OF HEALTH, DIVISION OF HEALTH RELATED BOARDS
AND COMMISSIONS, STATE BOARD OF PHYSICAL THERAPY (Ms. Nancy
Worthen, Mr. Matt Gilmore)**

- a. **State Board of Physical Therapy – Act 820 Amendments**

**DEPARTMENT OF LABOR AND LICENSING, DIVISION OF
OCCUPATIONAL & PROF. LICENSING BOARDS AND COMMISSIONS,
APPRAISER LICENSING AND CERTIFICATION BOARD (Ms. Diana Piechocki,
Mr. Marcus Devine)**

- a. **Appraiser Licensing and Certification Board – Act 820 Amendments**

**DEPARTMENT OF LABOR AND LICENSING, DIVISION OF
OCCUPATIONAL & PROF. LICENSING BOARDS AND COMMISSIONS,
ELEVATOR SAFETY BOARD (Mr. Marcus Devine)**

- a. **Rules of the Elevator Safety Board**

**DEPARTMENT OF LABOR AND LICENSING, DIVISION OF
OCCUPATIONAL & PROF. LICENSING BOARDS AND COMMISSIONS,
BOARD OF LICENSURE FOR PROFESSIONAL ENGINEERS AND
PROFESSIONAL SURVEYORS (Ms. Heather Richardson, Mr. Marcus Devine)**

- a. **Rules of the Board of Licensure for Professional Engineers and Professional
Surveyors**

**DEPARTMENT OF LABOR AND LICENSING, DIVISION OF
OCCUPATIONAL & PROF. LICENSING BOARDS AND COMMISSIONS,
STATE BOARD OF PUBLIC ACCOUNTANCY (Mr. Jimmy Corley)**

- a. **Rule 19 Licensure for Military Members/Veterans/Spouses**

- 4. The Subcommittee reviewed and filed letters concerning agency updates on delinquent rulemaking under Act 517 of 2019.**

Respectfully submitted,

Senator Lance Eads, Co-Chair

Representative Dan Sullivan, Co-Chair

ARKANSAS LEGISLATIVE COUNCIL

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Senate Chair
Representative Jeff Wardlaw
House Chair
Senator Terry Rice
Senate Vice Chair
Representative Jim Dotson
House Vice Chair



Room 315, State Capitol Building
Little Rock, AR 72201

Marty Garrity
Executive Secretary

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

March 19, 2020

Senator Lance Eads
Senate Co-Chair
Administrative Rules Review Section
via email

Representative Dan Sullivan
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 emergency rules in writing on March 18, 2020. The following emergency rules were reviewed and approved, and the review and approval was effective at 12:00 noon, Friday, March 20, 2020:

- **Dept. of Labor and Licensing, Appraiser Licensing and Certification Board, an emergency rule to revise the Appraisal Management Company Rules for compliance with the Federal Financial Institutions Reform, Recovery and Enforcement Act** – The Appraiser Licensing and Certification Board of the Arkansas Department of Labor and Licensing is proposing an emergency rule concerning Appraisal Management Company National Registry fees. Each state agency with an appraiser certifying and licensing agency is required to collect and remit the fee pursuant to 12 USCS § 3338(a)(4)(B). In Arkansas, the Appraisal Management Company Registration Act authorizes the Board to set the amount and method of calculation of the fee by rule [*See Ark. Code Ann. § 17-14-406(d)(2)*]; collect the fee [*See Ark. Code Ann. § 17-14-406(d)(1)*]; and remit the fee to the Appraisal Subcommittee of the Federal financial Institutions Examination Council. [*See Ark. Code Ann. § 17-14-406(f)*].;
- **Dept. of Human Services, Division of Medical Services, emergency rule to adjust the SPA #2020-007 Durable Medical Equipment Rate** – Section 1903(i)(27) of the Social Security Act sets a maximum Medicaid reimbursement rate for durable medical equipment. This emergency rule revises the Arkansas Medicaid State Plan maximum unit reimbursement rate for durable medical equipment to conform with Section 1903(i)(27).;
- **Arkansas Dept. of Health, Division of Health Related Boards and Commissions/Social Work Licensing Board, emergency rule for Telemedicine** – Given the public health crisis posed by COVID-19, the Arkansas Social Work Licensing Board has proposed an emergency rule concerning the provision of telehealth services to clients. The rule provides guidance to licensed social workers and, in compliance with the Telemedicine Act, Ark. Code Ann. §§ 17-80-401 through 17-80-407, the rule does not permit the use of telemedicine in a manner that is less restrictive than the use of telemedicine authorized by the Arkansas State Medical Board. *See Ark. Code Ann. § 17-80-404(a)(3); and*

- **Arkansas Dept. of Health, Division of Health Related Boards and Commissions/Arkansas Psychology Board, emergency rule for Arkansas Psychology Board Rules Section 19 – Telepsychology** – Given the public health crisis posed by COVID-19, this emergency rule adds a section governing telemedicine to the Arkansas Psychology Board's rules in accordance with the Telemedicine Act, Ark. Code Ann. §§ 17-80-401 through 17-80-407. The rule sets forth minimum standards for establishing practitioner/patient relationships prior to utilizing telepsychology and for providing services using telepsychology.

A copy of the emergency rules are attached for your information.

Respectfully,



Senator Cecile Bledsoe
Senate Co-Chair
Executive Subcommittee



Representative Jeff Wardlaw
House Co-Chair
Executive Subcommittee

CB/JW:sla

Attachment

cc: Ms. Jessica Sutton, Administrator, Administrative Rules and Regulations Review Section
Via email

ARKANSAS LEGISLATIVE COUNCIL

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Senate Chair
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House Chair
Senator Terry Rice
Senate Vice Chair
Representative Jim Dotson
House Vice Chair



**Room 315, State Capitol Building
Little Rock, AR 72201**

Marty Garrity
Executive Secretary

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

March 25, 2020

Senator Lance Eads
Senate Co-Chair
Administrative Rules Review Section
via email

Representative Dan Sullivan
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 emergency rules in writing on March 25, 2020. The following emergency rule was reviewed and approved:

- ***Arkansas Dept. of Health, Division of Health Related Boards and Commissions/Arkansas State Board of Physical Therapy, emergency rule for Arkansas State Board of Physical Therapy – Telehealth Rule*** – Given the public health crisis posed by COVID-19, this emergency rule adds a section governing telemedicine to the Arkansas State Board of Physical Therapy rules in accordance with the Telemedicine Act, Ark. Code Ann. §§ 17-80-401.

A copy of the emergency rule is attached for your information. The emergency rule was reviewed and approved, and the review and approval shall be effective at 12:00 noon, Thursday, March 26, 2020.

Respectfully,

Handwritten signature of Cecile Bledsoe.

Senator Cecile Bledsoe
Senate Co-Chair
Executive Subcommittee

Handwritten signature of Jeff Wardlaw.

Representative Jeff Wardlaw
House Co-Chair
Executive Subcommittee

CB/JW:sla

Attachment

cc: Ms. Jessica Sutton, Administrator, Administrative Rules Review Section
(*via electronic mail*)

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Marty Garrity
Executive Secretary

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April 15, 2020

Senator Lance Eads
Senate Co-Chair
Administrative Rules Review Section
via email

Representative Dan Sullivan
House Co-Chair
Administrative Rules Review Section
via email

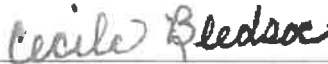
Dear Co-Chairs:

This letter is to notify you that, pursuant to Act 1258 of 2015, the Executive Subcommittee met on April 15, 2020 to consider the request from the Arkansas Department of Commerce – Division of Workforce Services to review and approve the following emergency rule:


- *Dept. of Commerce, Division of Workforce Services, Emergency Rule 30, requiring employers to give notices to employees of the availability of unemployment benefits.*

A copy of the emergency rule is attached for your information. The emergency rule was reviewed and approved, and the review and approval shall be effective at noon, Thursday, April 16, 2020.

Respectfully,



Senator Cecile Bledsoe
Senate Co-Chair
Executive Subcommittee



Representative Jeff Wardlaw
House Co-Chair
Executive Subcommittee

CB/JW:sla

Attachment

cc: Ms. Jessica Sutton, Administrator, Administrative Rules and Regulations Review Section
(via electronic mail)