

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

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**November 20, 2020**

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**Co-Chairs:**

**The Administrative Rules Subcommittee met on Monday, November 16, 2020, at 10:00 a.m., in Room A, MAC.**

- 1. The Subcommittee adopted the attached Executive Subcommittee Reports concerning emergency rules.**
- 2. The Subcommittee reviewed and filed the following agencies' Quarterly Reports on Administrative Directives pursuant to Act 1258 of 2015, for the quarter ending September 30, 2020:**
  - a. Department of Corrections (Ms. Lindsay Wallace)**
  - b. Parole Board (Ms. Lindsay Wallace)**
- 3. The Subcommittee reviewed and approved the following rules filed pursuant to Ark. Code Ann. § 10-3-309:**

**DEPARTMENT OF COMMERCE, ARKANSAS ECONOMIC DEVELOPMENT COMMISSION (Mr. Jim Hudson)**

- a. Developmental Disabilities Provider Emergency Loan Program**

**DEPARTMENT OF COMMERCE, STATE INSURANCE DEPARTMENT (Mr. Gray Turner)**

- a. Rule 112: Travel Insurance**

**DEPARTMENT OF ENERGY AND ENVIRONMENT, OIL AND GAS COMMISSION (Mr. Lawrence Bengal)**

- a. Rule B-26: General Lease Operating Requirements**

- b. Rule D-23: General Rule for the Regulation of Underground Natural Gas Storage Projects**

**DEPARTMENT OF FINANCE AND ADMINISTRATION, ALCOHOLIC BEVERAGE CONTROL DIVISION (Ms. Doralee Chandler, Mr. Michael Lewis, Mr. Chip Leibovich)**

- a. Distiller or Liquor Manufacturer Operations (Title K, Rule 2.85)**
- b. Title 2 Rules Applicable to Permits to Manufacture and Wholesale**
- c. Oversight of Medical Marijuana Transporters/Distributors**

**DEPARTMENT OF FINANCE AND ADMINISTRATION, ALCOHOLIC BEVERAGE CONTROL DIVISION, MEDICAL MARIJUANA COMMISSION (Ms. Doralee Chandler, Mr. Michael Lewis, Mr. Chip Leibovich)**

- a. Licensure of Medical Marijuana Transporters**
- b. Licensure of Medical Marijuana Cultivation Facilities, Processors, and Dispensaries**

**DEPARTMENT OF FINANCE AND ADMINISTRATION, BOARD OF FINANCE (Mr. T.J. Fowler, Ms. Debbie Rogers)**

- a. Arkansas State Treasury Investment Policy**

**DEPARTMENT OF HEALTH, CENTER FOR HEALTH ADVANCEMENT (Ms. Laura Shue, Mr. Chuck Thompson)**

- a. Rules Governing the Practice of Licensed Lay Midwifery in Arkansas**
- b. Rules Governing the Licensure of Interpreters**

**DEPARTMENT OF HEALTH, CENTER FOR LOCAL PUBLIC HEALTH (Ms. Laura Shue, Mr. Chuck Thompson)**

- a. Rules Pertaining to Onsite Wastewater Systems**

**DEPARTMENT OF HEALTH, CENTER FOR PUBLIC HEALTH PROTECTION, EPIDEMIOLOGY (Ms. Laura Shue, Mr. Chuck Thompson)**

- a. Rules Pertaining to Lead-Based Paint Activities**

**DEPARTMENT OF HEALTH, HEALTH FACILITY SERVICES (Ms. Laura Shue, Mr. Chuck Thompson)**

- a. Rules for Critical Access Hospitals (CAH)**
- b. Rules for Hospitals and Related Institutions in Arkansas**
- c. Rules for Free-Standing Birthing Centers in Arkansas**
- d. Rules for Orthotic, Prosthetic, and Pedorthic Providers in Arkansas**

**DEPARTMENT OF HEALTH, HEALTH SYSTEMS LICENSING AND REGULATION/COSMETOLOGY AND MASSAGE THERAPY SECTION (Ms. Laura Shue, Mr. Chuck Thompson)**

- a. Rules for Cosmetology in Arkansas**
- b. Rules for Massage Therapy in Arkansas**

**DEPARTMENT OF HEALTH, PUBLIC HEALTH LAB AND CENTER FOR HEALTH ADVANCEMENT (Ms. Laura Shue, Mr. Chuck Thompson)**

- a. Rules Pertaining to Milk Bank Standards**

**DEPARTMENT OF HEALTH, RADIATION CONTROL SECTION (Ms. Laura Shue, Mr. Chuck Thompson)**

- a. Rules Pertaining to Radiologic Technology Licensure**

**DEPARTMENT OF HEALTH, DIVISION OF HEALTH RELATED BOARDS AND COMMISSIONS, STATE MEDICAL BOARD (Ms. Amy Embry, Mr. Kevin O'Dwyer)**

- a. Rule 45 - Reciprocity**

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

- a. Arkansas State Board of Physical Therapy Telehealth Rule**

**HIGHWAY COMMISSION, ARKANSAS DEPARTMENT OF TRANSPORTATION (Mr. Gill Rogers)**

- a. Autonomous Vehicle Pilot Program**

**DEPARTMENT OF HUMAN SERVICES, DIVISION OF CHILD CARE AND EARLY CHILDHOOD EDUCATION (Mr. Mark White, Ms. Ashelyn Abney)**

- a. Minimum Licensing Requirements (Child Care Centers, Licensed Child Care Family Homes, Out-of-School Time Facilities, & Registered Child Care Family Homes)**

**DEPARTMENT OF HUMAN SERVICES, DIVISION OF COUNTY OPERATIONS (Mr. Mark White, Ms. Mary Franklin)**

- a. Medical Services Policy Manual Sections B-700 through B-730 Transitional Medicaid**

**DEPARTMENT OF HUMAN SERVICES, DIVISION OF DEVELOPMENTAL DISABILITIES SERVICES (Mr. Mark White, Ms. Melissa Stone)**

- a. Community and Employment Supports (CES) Home and Community-Based Waiver**

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

- a. Hyperalimentation 1-19, Prosthetics 3-19, and State Plan Amendment 2020-0017**
- b. Electronic Visit Verification (EVV) Implementation**

**DEPARTMENT OF LABOR AND LICENSING, DIVISION OF OCCUPATIONAL & PROF. LICENSING BOARDS AND COMMISSIONS, BOARD OF ELECTRICAL EXAMINERS (Mr. Marcus Devine, Mr. Charles Covington)**

- a. Administrative Rules of the Board of Electrical Examiners**

**DEPARTMENT OF PARKS, HERITAGE, AND TOURISM (Ms. Stacy Hurst, Mr. Jim Andrews, Mr. Grady Spann)**

- a. Policy Statement, Criteria and Procedures for Naming ADPHT Amenities**

**PUBLIC SERVICE COMMISSION (Mr. Ted Thomas)**

- a. Net Metering Rules**

4. **At the agencies' requests, the following rules were pulled from consideration prior to the Subcommittee meeting:**

**DEPARTMENT OF HEALTH, HEALTH FACILITY SERVICES**

- a. **Rules for Hospice in Arkansas**

**DEPARTMENT OF HUMAN SERVICES, DIVISION OF CHILD CARE AND EARLY CHILDHOOD EDUCATION**

- a. **Minimum Licensing Standards for Child Welfare Agencies (Placement and Residential)**

5. **The Subcommittee received 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

Officers

**Senator Cecile Bledsoe**  
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

September 17, 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 September 17, 2020 to consider the request from Department of Commerce – Arkansas Insurance Department to review and approve the following emergency rule:

- *Department of Commerce, Arkansas Insurance Department, Rule 121: Declaratory Orders- This proposed regulation implements Ark. Code Ann. §25-15-206 which states that each agency shall provide by rule for the filing and prompt disposition of petitions for declaratory orders as to the applicability of any rule, statute, or order enforced by it.*

A copy of the emergency rule is attached for your information.

The emergency rule was reviewed and approved, and the review and approval is effective upon adjournment of Arkansas Legislative Council, September 18, 2020.

Respectfully,

Handwritten signature of Cecile Bledsoe in cursive.

Senator Cecile Bledsoe  
Senate Co-Chair  
Executive Subcommittee

Handwritten signature of Representative Jeff Wardlaw in cursive.

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*

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House Vice Chair



Room 315, State Capitol Building  
Little Rock, AR 72201

**Marty Garrity**  
Executive Secretary

Tel: 501-682-1937

Fax: 501-682-1936

October 1, 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 October 1, 2020 to reconsider the request from the Department of Commerce – Arkansas Insurance Department to review and approve the following emergency rule:

- *Department of Commerce, Arkansas Insurance Department, Rule 121: Declaratory Orders - This proposed regulation implements Ark. Code Ann. §25-15-206 which states that each agency shall provide by rule for the filing and prompt disposition of petitions for declaratory orders as to the applicability of any rule, statute, or order enforced by it.*

A copy of the emergency rule is attached for your information.

The emergency rule was reviewed and approved, and the review and approval was effective upon the adjournment of Arkansas Legislative Council, Thursday, October 1, 2020.

Respectfully,

Handwritten signature of Senator Cecile Bledsoe.

Senator Cecile Bledsoe  
Senate Co-Chair  
Executive Subcommittee

Handwritten signature of Representative Jeff Wardlaw.

Representative Jeff Wardlaw  
House Co-Chair  
Executive Subcommittee

CB/JW:sla

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cc: Ms. Jessica Sutton, Administrator, Administrative Rules and Regulations Review Section  
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Room 315, State Capitol Building  
Little Rock, AR 72201

**Marty Garrity**  
Executive Secretary

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

October 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 October 15, 2020 to consider the request from Department of Commerce – Arkansas Economic Development Commission to review and approve the following emergency rule:

- *Department of Commerce, Arkansas Economic Development, Fresh Start Program Emergency Rule - To outline the administration of a grant program to provide short-term rental assistance to low to moderate income individuals and families who are experiencing housing instability as a result of the COVID-19 pandemic.*


Additionally, the Executive Subcommittee considered the request from Arkansas Department of Parks, Heritage, and Tourism; Arkansas Economic Development Commission; and Department of Finance & Administration to review and approve the following emergency rule:


- *Arkansas Department of Parks, Heritage and Tourism; Arkansas Economic Development Commission; and Department of Finance & Administration- Business Interruption Grant Program for the Arkansas Service and Hospitality Industries.*

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

The emergency rules were reviewed and approved, and the review and approval shall be effective upon adjournment of Arkansas Legislative Council, Friday, October 16, 2020.

Respectfully,

  
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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*