

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

December 18, 2020

Co-Chairs:

The Administrative Rules Subcommittee met on Wednesday, December 16, 2020, at 9:00 a.m., in Room A, MAC.

- 1. The Subcommittee reviewed and approved the following rules filed pursuant to Ark. Code Ann. § 10-3-309:**

DEPARTMENT OF AGRICULTURE, ARKANSAS LIVESTOCK & POULTRY COMMISSION (Mr. Patrick Fisk, Mr. Wade Hodge)

- a. National Poultry Improvement Plan Rule**

DEPARTMENT OF COMMERCE, ARKANSAS ECONOMIC DEVELOPMENT COMMISSION (Mr. Steven Porch and Mr. Clint Moore, item a; Mr. Jim Hudson and Ms. Renee Doty, item b)

- a. Supplemental Arkansas Rural Connect Coronavirus Rule**
- b. Consolidated Incentives Act of 2003 Administrative Rules**

DEPARTMENT OF COMMERCE, STATE INSURANCE DEPARTMENT (Mr. Booth Rand, Ms. Amanda Rose)

- a. Rule 49 - Life and Health Insurance Guaranty Association Notices**
- b. Rule 82 – Suitability in Annuity Transactions**
- c. Rule 121 – Declaratory Orders**

DEPARTMENT OF EDUCATION, DIVISION OF ELEMENTARY AND SECONDARY EDUCATION (Ms. Courtney Salas-Ford)

- a. DESE Rules Governing Special Education and Related Services, Sec. 18.00 Residential Placement**

DEPARTMENT OF HEALTH, DIVISION OF HEALTH RELATED BOARDS AND COMMISSIONS, STATE BOARD OF DENTAL EXAMINERS (Mr. Kevin O'Dwyer, Ms. Meredith Rogers)

- a. Article IX – Credentials Required in Issuing Dental or Dental Hygiene License**

DEPARTMENT OF HEALTH, DIVISION OF HEALTH RELATED BOARDS AND COMMISSIONS, STATE BOARD OF OPTOMETRY (Mr. Kevin O'Dwyer, Dr. Bryant Ashley)

- a. Chapter VIII, Article I – Qualifications for an Arkansas Licensed Optometrist to be Credentialed to Utilize and Perform Authorized Procedures Listed in Ark. Code Ann. § 17-90-101(a)(3)(D)**

DEPARTMENT OF HUMAN SERVICES, DIVISION OF AGING, ADULT, AND BEHAVIORAL HEALTH SERVICES (Mr. Mark White, Mr. Kirk Lane)

- a. Uniform Program Operations – State Funded Multijurisdictional Drug and Crime Task Forces (DCTFs)**

DEPARTMENT OF HUMAN SERVICES, DIVISION OF CHILDREN AND FAMILY SERVICES (Mr. Mark White, Ms. Christin Harper)

- a. Adoption Policies and Procedures Updates**

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

- a. Elderly Simplified Application Project (ESAP)**
- b. SNAP 6000 Deductions**

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

- a. EIDT-1-20 and Rules for DDS EIDT**
- b. ADDT-1-20; SPA #2020-0020; Rules for DDS ADDT**

- c. **SPA Amendment #2020-0021 Therapy Amendments to the Occupational, Physical, & Speech-Language Therapy Services Medicaid Provider Manual, with Related Changes to ARKids First-B, Hospital, Rehabilitative Hospital, Prosthetics, Home Health, Physician, and Nurse Practitioner Provider Manuals**

**DEPARTMENT OF HUMAN SERVICES, DIVISION OF MEDICAL SERVICES
(Mr. Mark White, Ms. Patricia Gann, Ms. Melissa Stone)**

- a. **Community Support System Provider Standards**
- b. **Repeal Section V of the Arkansas Medicaid Provider Manuals**
- c. **Hospital Acute Crisis Units**
- d. **AR Choices 1-20, LCAL 1-20, PERSCARE 3-20, ARChoices and Living Choices Waiver Amendments, and Medical Services Policy C-265, I-640, and L-120**
- e. **SPA 20-0022 Medicaid Personal Care Rate**
- f. **SPA #2020-0023 Physicians' Evaluation & Management Code Rate Increase**

**DEPARTMENT OF PARKS, HERITAGE, AND TOURISM, DIVISION OF
PARKS (Mr. Grady Spann, Ms. Leslie Fiskens, Mr. Joe Jacobs)**

- a. **PD 3097 Arkansas State Parks Pedal Assist and Electric Bicycles**
- b. **CY 2021 Arkansas State Parks Fees and Rates**
- c. **Minimum Hours of Operation and Guidelines for Facility Hours**

ARKANSAS TREASURER OF STATE (Mr. Grant Wallace)

- a. **The Arkansas Achieving a Better Life Experience Program**
2. **The Subcommittee reviewed and approved the following rules filed pursuant to Ark. Code Ann. § 10-3-309 upon suspension of its Subcommittee Rules:**

**DEPARTMENT OF COMMERCE, ARKANSAS ECONOMIC DEVELOPMENT
COMMISSION (Mr. Jim Hudson, Ms. Jean Noble, Ms. Renee Doty)**

- a. **Fresh Start Rental Assistance Program Proposed Rule**

DEPARTMENT OF FINANCE AND ADMINISTRATION, ARKANSAS RACING COMMISSION (Mr. Byron Freeland, Mr. John Campbell, Mr. Walter Ebel)

- a. **Rule 1217C Prohibited Practices; Extracorporeal Shock Wave Therapy; Radial Pulse Wave Therapy**
 - b. **Rule 1217D(5)**
 - c. **Rule 1217E Furosemide as a Permitted Substance**
 - d. **Rule 1217E Uniform Classification Guidelines for Foreign Substances and Recommended Penalties**
 - e. **Rule 1232 Medication: Furosemide (Lasix)**
 - f. **Rule 1236 Testing of Horses**
 - g. **Rule 1245(A) Horses Testing Positive**
 - h. **Rule 1272 Intra-Articular Joint Injections**
 - i. **Rule 2099.1(a)(4) Required Workouts and Examination by Practicing Veterinarian**
 - j. **Rule 2133 Treatment Records**
 - k. **Rule 2163 Requirements for Jockeys, Exercise Riders and Outriders**
 - l. **Rule 2212 Entries**
 - m. **Rule 2225 Requirement for Horses to be Stabled on Grounds**
 - n. **Rule 2236 Entries**
 - o. **Rule 2263(A) Horses Testing Positive**
 - p. **Rule 2434 Claiming**
3. **At the agency's request, the following rule was pulled from consideration prior to the Subcommittee meeting:**

DEPARTMENT OF HUMAN SERVICES, DIVISION OF MEDICAL SERVICES

- a. **Children's Health Insurance Program (CHIP) State Plan Amendment for Parity and Therapy Units**

- 4. The Subcommittee received an agency update on delinquent rulemaking under Act 517 of 2019.**

Respectfully submitted,

Senator Lance Eads, Co-Chair

Representative Dan Sullivan, Co-Chair