

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

April 20, 2018

Co-Chairs:

The Administrative Rules and Regulations Subcommittee met on Tuesday, April 17, 2018 at 1:00 p.m. in Room A, MAC.

- 1. The Subcommittee adopted the attached Report of the Executive Subcommittee concerning emergency rules.**
- 2. The Subcommittee reviewed and filed the quarterly reports for the quarter ending December 31, 2017 issued pursuant to Sections 14 and 15 of Act 1258 of 2015 concerning administrative directives and administrative memoranda by the Arkansas Parole Board, Department of Community Correction, and the Department of Correction.**
- 3. The Subcommittee reviewed and approved the following rules filed pursuant to Ark. Code Ann. § 10-3-309:**

DEPARTMENT OF CORRECTION (items a, c, d, and e, Solomon Graves; items b, f, and g, Jim DePriest)

- a. AR 201 Uniform Personnel**
- b. AR 855 Investigation and Transportation of Deceased Inmates**
- c. AR-001 Administrative Regulations, Directives, and Memoranda**
- d. AR-009 Public and Community Relations**
- e. AR-011 News Media Interviews and Correspondence**

- f. **AR-804 Inmate Records**
- g. **AR-834 Procedure for Handling Disciplinary Infractions of Mentally Disordered Inmates**

**ARKANSAS ECONOMIC DEVELOPMENT COMMISSION
(Kurt Naumann and Anthony Armstrong)**

- a. **Minority Business Enterprise and Women-Owned Business Enterprise Loan Mobilization Program**

DEPARTMENT OF EDUCATION (Courtney Salas-Ford, item a and Lori Freno, item b)

- a. **Education Service Cooperatives**
- b. **Educator Licensure and Repeal of Rules Governing Educator Preparation Program Approval**

DEPARTMENT OF ENVIRONMENTAL QUALITY, OFFICE OF LAND RESOURCES (Kevin White and Jarrod Zweifel)

- a. **Regulation No. 12: Storage Tanks**

DEPARTMENT OF FINANCE AND ADMINISTRATION, OFFICE OF STATE PROCUREMENT (David Withrow, Mary Kathryn Williams, and Edward Armstrong)

- a. **Amendments to Arkansas Procurement Law**

ARKANSAS GEOGRAPHIC INFORMATION SYSTEMS OFFICE (Shelby Johnson)

- a. **Arkansas Centerline File Standard**

DEPARTMENT OF HEALTH, CENTER FOR HEALTH PROTECTION, HEALTH FACILITIES SECTION (Robert Brech)

- a. **Abortion Facilities in Arkansas – Fetal Tissue Disposal**

DEPARTMENT OF HEALTH, CENTER FOR HEALTH PROTECTION, PHARMACY SERVICES (Robert Brech)

- a. **List of Controlled Substances**

DEPARTMENT OF HUMAN SERVICES, AGING AND ADULT SERVICES (Craig Cloud and Mark White)

- a. 502: Senior Community Service Employment Program (SCSEP)**

DEPARTMENT OF HUMAN SERVICES, CHILDREN AND FAMILY SERVICES (Christin Harper)

- a. Case Opening**
- b. Volunteer and Relative Support and Involvement**
- c. Foster Parent Access to Records and Case Proceedings**
- d. Resumption of Services Post-Termination and Reinstatement of Parental Rights**

DEPARTMENT OF HUMAN SERVICES, COUNTY OPERATIONS (Mary Franklin and Kelley Linck)

- a. Medical Services Policy Manual Sections A-210, B-500, D-372, and D-373**

DEPARTMENT OF HUMAN SERVICES, MEDICAL SERVICES (Tami Harlan and Kelley Linck)

- a. Chiropractic 1-17, Section I-4-17, and State Plan Amendment 2017-012**

DEPARTMENT OF HUMAN SERVICES, PROVIDER SERVICES AND QUALITY ASSURANCE (Craig Cloud and Kelley Linck)

- a. Criminal Records Check (DMS-736) Update; OLTC Rules and Regulations for Conducting Criminal Record Checks for Employees of Long Term Care Facilities §§ 303, 304, 305, and 306**

ARKANSAS JUDICIAL RETIREMENT SYSTEM (Gail Stone and Jessica Middleton)

- a. Declaratory Order**

COMMISSION ON LAW ENFORCEMENT STANDARDS AND TRAINING (Jami Cook, Brad King, and Amanda Yarbrough)

- a. **CLEST Revision of Regulations and Specifications**

STATE PLANT BOARD, PESTICIDE DIVISION (Terry Walker)

- a. **Regulation No. 7: Arkansas Pesticide Control Act Regulations**
- b. **Arkansas Regulations on Pesticide Classification and Use-Enlist One**

STATE BOARD OF PUBLIC ACCOUNTANCY (James Corley and Mark Ohrenberger)

- a. **Rule 1 – Definitions**
- b. **Rule 302 Client Records – Code of Professional Conduct**
- c. **Rule 13.8 – Retired and Disabled License Status for CPAs**
- d. **Rule 20 – Peer Review**

PUBLIC SERVICE COMMISSION (John Bethel)

- a. **Conservation and Energy Efficiency**

TREASURER OF STATE (Emma Wills and T. J. Lawhon)

- a. **Arkansas ABLE Program Rules and Regulations**

WATER WELL CONSTRUCTION COMMISSION (Crystal Phelps)

- a. **Rules and Regulations – Licensing and Permitting Rules**

- 4. **Due to absence of the agency personnel, the following rules will be rescheduled on the May 15, 2018 agenda of the Administrative Rules and Regulations Subcommittee:**

STATE BOARD OF DENTAL EXAMINERS

- a. **Article VII: Specialization and Limitations**
- b. **Article IX: Credentials for License**

STATE MEDICAL BOARD

- a. **Regulation 24 Governing Physician Assistants**
- 5. **The Subcommittee referred the following rule back to the Board of Dental Examiners for reconsideration and to work with the opponents of the rule. The Subcommittee requested that the Board advise the Subcommittee of its findings after such reconsideration:**

STATE BOARD OF DENTAL EXAMINERS

- a. **Amendment to Article XXI Establishing Tele Dentistry**
- 6. **The following rule was deferred to the May 15, 2018 meeting of the Administrative Rules and Regulations Subcommittee:**

DEPARTMENT OF EDUCATION (Courtney Salas-Ford)

- a. **Required Training for School Board Members**
- 7. **Upon request of the agency, the following rule was deferred to the May 15, 2018 meeting of the Administrative Rules and Regulations Subcommittee:**

DEPARTMENT OF ENVIRONMENTAL QUALITY, OFFICE OF LAND RESOURCES (Kevin White and Jarrod Zweifel)

- a. **Regulation No. 30: Remedial Action Trust Fund Hazardous Substance Site Priority List**

Respectfully submitted,

Senator David Sanders, Co-Chair

Representative Kim Hammer, Co-Chair

ARKANSAS LEGISLATIVE COUNCIL

Officers

Senator Bill Sample

Senate Chair

Representative Jim Dotson

House Chair

Senator Terry Rice

Senate Vice Chair

Representative Jon S. Eubanks

House Vice Chair



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Executive Secretary

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March 7, 2018

Senator David J. Sanders, Co-Chair
Administrative Rules Review Section
Via E-Mail

Representative Kim Hammer, Co-Chair
Administrative Rules Review Section
Via E-Mail

Dear Senator Sanders and Representative Hammer:

This letter is to notify you as the Co-Chairmen of the Administrative Rules and Regulations Subcommittee that, pursuant to Act 1258 of 2015, the Executive Subcommittee met on March 5, 2018 to consider the following requests to immediately implement the following emergency rules:

- 1) A request by the Arkansas Pollution Control and Ecology Commission to review and approve an emergency rule titled Regulation No. 36, Used Tire Recycling and Accountability Program;
- 2) A request by the Arkansas Department of Education to review and approve the following emergency rules:
 - a. Rules Governing the Public School Rating System ("A-F");
 - b. Rules Governing Eligibility and Financial Incentives for National Board for Professional Teaching Standards Candidacy and Certification; and
 - c. Rules Governing Educator Licensure and Repeal of Policies Governing the Educator Preparation Program;
- 3) A request by the Arkansas State Plant Board within the Arkansas Department of Agriculture, to review and approve an emergency rule on Pesticide Classification and Use of Enlist One; and
- 4) A request by the Arkansas Department of Human Services, to review and approve an emergency rule on the DHS Appeals and Hearings Policy to provide specific protection for minors testifying in Division of Children and Family Services (DCFS) maltreatment hearings.

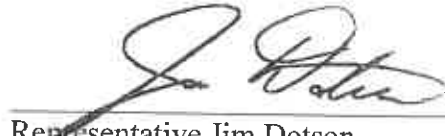
Senator David J. Sanders, Co-Chair
Representative Kim Hammer, Co-Chair

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Copies of the emergency rules are attached for your information. Each of the emergency rules was reviewed and approved and the review and approval became effective at 12:01 a.m., Wednesday, March 7, 2018.



Senator Bill Sample
Senate Co-Chair
Executive Subcommittee



Representative Jim Dotson
House Co-Chair
Executive Subcommittee

BS/JD:vjf

cc: Ms. Jessica Sutton, Administrator
 Ms. Donna K. Davis, Committee Staff, Administrative Rules and Regulations Subcommittee