

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

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**December 17, 2021**

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**Co-Chairs:**

**The Administrative Rules Subcommittee met on Wednesday, December 15, 2021, at 9:00 a.m., in Room A, MAC.**

- 1. The Subcommittee adopted the attached Executive Subcommittee Report concerning an emergency rule.**
- 2. The Subcommittee reviewed and filed the report of the State Board of Physical Therapy, pursuant to Act 932 of 2021.**
- 3. The Subcommittee reviewed and approved the following rules filed pursuant to Ark. Code Ann. § 10-3-309:**

**DEPARTMENT OF COMMERCE, DIVISION OF WORKFORCE SERVICES, ARKANSAS REHABILITATION SERVICES (Mr. Charles Lyford, Ms. Christy Lamas)**

- a. Forgiveness of Student Loan Program Rules**
- b. Telecommunications Access Program Rules**

**DEPARTMENT OF CORRECTIONS, ARKANSAS SENTENCING COMMISSION (Ms. Tawnie Rowell)**

- a. Sentencing Standards Grid & Seriousness Reference Table**

**DEPARTMENT OF HEALTH, ARKANSAS SOCIAL WORK LICENSING BOARD (Ms. Ruthie Bain, Mr. Matt Gilmore)**

- a. Rules II, VII, IX, and XIV**

**STATE HIGHWAY COMMISSION (Mr. Gill Rogers)**

- a. Amendment to Autonomous Vehicle Program**

**DEPARTMENT OF HUMAN SERVICES, DIVISION OF AGING,  
ADULT & BEHAVIORAL HEALTH SERVICES (Mr. Mark White)**

- a. Division of Aging, Adult, and Behavioral Health Services  
(DAABHS) Manual Extension**

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

- a. Updates to TEA Policy 2000-2013**
- b. SNAP 9000 Expedited Case Actions**
- c. ARHOME Integration**

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

- a. Occupational Therapy, Physical Therapy, and Speech-Language  
Pathology Medicaid Manual**
- b. Division of Developmental Disabilities Services (DDS) Manual  
Extension**

**DEPARTMENT OF HUMAN SERVICES, DIVISION OF MEDICAL  
SERVICES (Mr. Mark White, Ms. Elizabeth Pitman)**

- a. Outpatient Acute Crisis Unit**
- b. Arkansas Medicaid Procedure Code Linking Table Project**
- c. SPA 21-0011; FQHC 2-21; FQHC Mental Health Clinicians  
Added**
- d. Pharmacy 2-21 and Medicaid State Plan Amendment (SPA)  
2021-0009, Based on Act 758**
- e. Section I 1-21 – Telemedicine**

- f. Division of Medical Services (DMS) Manual Extension**
- g. Continuous Glucose Monitors**

**DEPARTMENT OF HUMAN SERVICES, DIVISION OF PROVIDER SERVICES & QUALITY ASSURANCE (Mr. Mark White, Ms. Martina Smith)**

- a. Direct Care Staffing Requirements Update Pursuant to Act 715 of 2021**
- b. Licensure Update Pursuant to Acts 135 and 746**
- c. Division of Provider Services & Quality Assurance (DPSQA) Manual Extension**

**DEPARTMENT OF PUBLIC SAFETY, STATE CRIME LABORATORY (Mr. Kermit Channell, Ms. Cindy Moran)**

- a. To Establish the State Crime Laboratory Student Loan Forgiveness Program**

**DEPARTMENT OF PUBLIC SAFETY, CRIME VICTIM REPARATIONS BOARD (Ms. Lynette Parham, Ms. Amanda Yarbrough)**

- a. CVRB Rules**

**DEPARTMENT OF PUBLIC SAFETY, DIVISION OF LAW ENFORCEMENT STANDARDS & TRAINING (Ms. Amanda Yarbrough, Mr. Brad King)**

- a. CLEST Rules**

**DEPARTMENT OF TRANSFORMATION AND SHARED SERVICES, DIVISION OF INFORMATION SYSTEMS (Mr. Mitch Rouse)**

- a. REPEAL Standard Statement – Data and System Security**
- b. REPEAL Standard Statement – Domain Name Service (DNS) Resolution**
- c. REPEAL Standard Statement – Machine Readable Privacy Policy**

- d. **REPEAL Standard Statement – Subdomains of Arkansas.gov and AR.gov**
- e. **REPEAL Standard Statement – Spyware Scanning**
- f. **REPEAL Standard Statement – Physical and Logical Security**

**DEPARTMENT OF TRANSFORMATION AND SHARED SERVICES,  
OFFICE OF PERSONNEL MANAGEMENT (Mr. Mitch Rouse)**

- a. **REPEAL Dispute Resolution Appeal Rules**

**DEPARTMENT OF TRANSFORMATION AND SHARED SERVICES,  
OFFICE OF STATE PROCUREMENT (Mr. Mitch Rouse)**

- a. **Rule Governing Time Period for Submission of Resolution of Protested Solicitations and Awards, R2:19-11-244.3**

- 4. **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  
NURSING (Ms. Sue Tedford, Mr. David Dawson)**

- a. **Chapter Two – Licensure: RN, LPN, and LPTN**
- b. **Chapter Three – Registered Nurse Practitioner**
- c. **Chapter Four – Advanced Practice Registered Nurse**
- d. **Chapter Eight – Medication Assistant-Certified**

**DEPARTMENT OF HEALTH, ARKANSAS STATE BOARD OF  
PHARMACY (Mr. John Kirtley)**

- a. **Rule 1 – General Operations**

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

- a. **Rules of the Board of Licensure for Professional Engineers and Professional Surveyors**
5. **The Subcommittee received an agency update on delinquent rulemaking under Act 517 of 2019 from the Department of Agriculture, Arkansas Bureau of Standards. A motion was adopted to no longer require the Department to submit monthly written updates concerning its rulemaking delayed by litigation, and instead require the agency to update the Subcommittee with written notification once the litigation is resolved in accordance with the new procedures set forth in Act 595 of 2021.**
6. **The Subcommittee filed the December monthly written agency updates pursuant to Act 595 of 2021.**
7. **The Subcommittee approved the following agency requests to be excluded from Act 595 reporting requirements:**

**Department of Commerce, State Insurance Department (Acts 965, 1103, and 1105) (Mr. Jim Brader)**

**Department of Commerce, Division of Workforce Services (Act 770) (Mr. Charles Lyford, Ms. Bridget Criner)**

**Department of Education (Acts 69, 539, and 959) (Ms. Courtney Salas-Ford, Mr. Nick Fuller)**

**Board of Finance (Act 1004) (Mr. TJ Fowler, Ms. Debbie Rogers)**

**Department of Finance and Administration, Arkansas Racing Commission (Act 682) (Mr. Byron Freeland, Mr. John Campbell)**

**Department of Human Services (Acts 357, 651, 745, and 937) (Mr. Mark White)**

**Department of Labor and Licensing (Acts 746 and 811) (Mr. Steve Guntharp, Mr. Miles Morgan)**

**Arkansas Teacher Retirement System (Act 711) (Mr. Clint Rhoden, Ms. Jennifer Liwo)**

**Department of Transformation and Shared Services (Acts 379 and 1004) (Mr. Mitch Rouse)**

- 8. The Subcommittee reviewed and filed the following agencies' initial rule reports pursuant to Act 1076 of 2021:**

**Department of Agriculture**

**Department of Health**

**Respectfully submitted,**

**Senator Kim Hammer, Co-Chair**

**Representative Les Eaves, Co-Chair**

# ARKANSAS LEGISLATIVE COUNCIL

EXHIBIT B

Officers

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**Representative Jeff Wardlaw**

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**Senator Terry Rice**

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**Representative Jim Dotson**

House Vice Chair



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

**Marty Garrity**  
Executive Secretary

Tel: 501-682-1937

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November 19, 2021

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 met at 8:30 a.m. on November 19, 2021, pursuant to ALC Rule 22(f)(3)(B), to review and approve the following emergency rule:

- ***Department of Commerce - Arkansas Economic Development Commission (AEDC) - Amendment to the Arkansas Rural Connect Broadband Grant Program Rule.***

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 upon adjournment of the Legislative Council, November 19, 2021.

Respectfully,

Handwritten signature of Senator Terry Rice.

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Senator Terry Rice  
Senate Co-Chair  
Executive Subcommittee

Handwritten signature of Representative Jeff Wardlaw.

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Representative Jeff Wardlaw  
House Co-Chair  
Executive Subcommittee

TR/JW:sla

Attachment

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