

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

August 17, 2018

Co-Chairs:

The Administrative Rules and Regulations Subcommittee met on Tuesday, July 17, 2018 at 1:00 p.m. in Room A, MAC and on Tuesday, August 14, 2018 at 1:00 p.m. in Room A, MAC. As authorized by the Legislative Council, action taken by the Subcommittee at its July 2018 meeting is to be considered final.

July 17, 2018 Meeting

- 1. The Subcommittee adopted the attached Report of the Executive Subcommittee dated May 18, 2018 concerning an emergency rule.**
- 2. The Subcommittee reviewed and approved the following rule that was rereferred to the Administrative Rules and Regulations Subcommittee by the Legislative Council at its meeting on April 20, 2018:**

**DEPARTMENT OF ENVIRONMENTAL QUALITY, OFFICE OF
LAND RESOURCES (Michael Grappe and Julie Nichol)**

- a. Regulation No. 12: Storage Tanks**
- 3. The Subcommittee reviewed and approved the following rule that was deferred from the May 15, 2018 meeting of the Administrative Rules and Regulations Subcommittee:**

DEPARTMENT OF HUMAN SERVICES, MEDICAL SERVICES (Tami Harlan)

- a. Emergent Care Section I-6-17**

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

CAPITOL ZONING DISTRICT COMMISSION (Boyd Maher)

- a. **Allow for Increased Setback Reductions on Undersize Lots**

ARKANSAS COMMUNITY CORRECTION (Dina Tyler)

- a. **Resident Visitation**

DEPARTMENT OF EDUCATION (Lori Freno, item a; Mary Claire Hyatt, item b; and Jennifer Dedman, item c)

- a. **Eligibility and Financial Incentives for National Board for Professional Teaching Standards Candidacy and Certification**
- b. **Arkansas Mandatory Attendance Requirements for Students in Grades Nine through Twelve Repeal**
- c. **Parental Involvement Plans and Family and Community Engagement**

DEPARTMENT OF ENVIRONMENTAL QUALITY, OFFICE OF LAND RESOURCES (Michael Grappe)

- a. **Regulation 36: Tire Accountability Program**

DEPARTMENT OF HUMAN SERVICES, COUNTY OPERATIONS (Mary Franklin)

- a. **Amendment of SNAP 1622.20 Regarding Drug Disqualifications in SNAP**
- b. **TEA Policy 2230 Drug-Related Convictions**
- c. **Arkansas Works Program Updates**

DEPARTMENT OF HUMAN SERVICES, MEDICAL SERVICES (Tami Harlan)

- a. **Section I-2-18**

- b. State Plan Amendment #2018-005; Outpatient Hospital Services for Border Hospitals**
- c. Section I-1-18, Section III-1-18, Outpatient Behavioral Health Services-2-18, Federally Qualified Health Clinic-I-18, Hospital-I-18, Physician-I-18, Rural Health-I-18, and State Plan Amendment-2018-002 - Telemedicine**

NORTHEAST ARKANSAS REGIONAL SOLID WASTE MANAGEMENT DISTRICT (Robert Thompson and Jason Wolfenbarger)

- a. NEARSWMD Rules and Regulations**

STATE BOARD OF PHARMACY (Dr. Brenda McCrady)

- a. Regulation 5: Long-Term Care Facilities**
- b. Regulation 8: Wholesale Distribution**

PULASKI COUNTY REGIONAL SOLID WASTE MANAGEMENT DISTRICT (Craig Douglass)

- a. Regulation 4: Hauler Licensing**

- 5. The following rule was rereferred to the Administrative Rules and Regulations Subcommittee by the Legislative Council at its meeting on June 15, 2018, and the rule was subsequently reviewed and approved:**

STATE MEDICAL BOARD (Kevin O'Dwyer)

- a. Regulation 2.4 – Prescribing Controlled Substances**

August 14, 2018 Meeting

- 1. The Subcommittee adopted the attached Report of the Executive Subcommittee dated July 19, 2018 concerning emergency rules.**
- 2. The Subcommittee reviewed and filed the quarterly reports for the quarter ending June 30, 2018 issued pursuant to Sections 14 and 15 of Act 1258 of 2015 concerning administrative directives and administrative memoranda by the Arkansas Parole Board and the Department of Correction. The quarterly report submitted by the Department of Community Correction for this same quarter was reviewed and filed with the exception of AD 18-04 (effective 4/9/2018), Medication Assisted Treatment of Opioid Substance Abuse. Since this AD was not included in this report, it will be placed on the September agenda for review.**
- 3. The Subcommittee reviewed and approved the following rules filed pursuant to Ark. Code Ann. § 10-3-309:**

**DEPARTMENT OF CAREER EDUCATION, ADULT EDUCATION
(Dr. Charisse Childers and Trenia Miles)**

- a. Adult Education Program Policies Update**

**DEPARTMENT OF CAREER EDUCATION, OFFICE OF SKILLS
DEVELOPMENT (Dr. Charisse Childers and Cody Waits)**

- a. Special Policies and Procedures for Secondary Technical Centers Grants**

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

- a. Code of Ethics for Arkansas Educators**
- b. Arkansas Educational Support and Accountability Act (AESAA); and Repeals for the following Rules: Monitoring of Arkansas Comprehensive School Improvement Plans; Access to Public School Information on Arkansas Comprehensive School Improvement Plans; Arkansas Comprehensive Testing, Assessment and Accountability Program (ACTAAP) and the Academic Distress Program; Assessment Scores for Students Attending the Arkansas School for Mathematics, Sciences and the Arts of the University of Arkansas**

**DEPARTMENT OF HUMAN SERVICES, COUNTY OPERATIONS
(Kelley Linck and Kristie Hayes)**

- a. Section F-180: Exceptions to the 90-Day Waiting Period for ARKids-B Applicants with Additional Health Insurance Coverage**

**DEPARTMENT OF HUMAN SERVICES, MEDICAL SERVICES
(Kelley Linck)**

- a. Prosthetics 1-18 and Section V 2-18**

INSURANCE DEPARTMENT (Allen Kerr and Booth Rand)

- a. Rule 118: Pharmacy Benefits Managers Regulation**

**STATE PLANT BOARD (Butch Calhoun and Mary Smith, item a;
and Butch Calhoun and Jamey Johnson, item b)**

- a. Regulations on the Industrial Hemp Research Program**
- b. Regulations on Soil Amendment**

- 4. The following rule was reviewed and approved; however, it will be placed on the September agenda for an update on dates for implementing the rule:**

**VETERINARY MEDICAL EXAMINING BOARD (Dr. Doug Parker
and Cara Tharp)**

- a. Livestock Embryo Transfer or Transplant; and Livestock Pregnancy Determination**

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



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

Marty Garrity

Executive Secretary

Tel: 501-682-1937

Fax: 501-682-1936

May 18, 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 May 17, 2018 to consider the request from the Arkansas Department of Human Services to immediately implement an emergency entitled, AR Choices 1-18 – Resource Utilization Groups (RUGS) Overview. 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 adjournment of the Legislative Council meeting on Friday, May 18, 2018.

Respectfully,

Handwritten signature of Bill Sample in black ink.

Senator Bill Sample
Senate Co-Chair
Executive Subcommittee

Handwritten signature of Jim Dotson in black ink.

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
Mr. Kelley Linck, Chief of Governmental and Legislative Affairs

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Marty Garrity

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July 19, 2018

Senator David Sanders, Co-Chair
Rules and Regulations Subcommittee

Representative Kim Hammer, Co-Chair
Rules and Regulations Subcommittee

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 Thursday, July 19, 2018 and reviewed and approved the following:

1. Emergency Rules submitted by the Arkansas Medical Marijuana Commission, Department of Finance and Administration, governing the Application for Issuance and Renewal of Licenses for Medical Marijuana Cultivation and Dispensaries in Arkansas; and
2. Emergency Rule submitted by the Arkansas Department of Transportation, for the issuance of permits for overweight vehicles carrying agronomic or horticultural products.

A copy of each rule is attached for your information. The review and approval of these emergency rules is effective at 12:01 a.m. on Saturday, July 21, 2018.

Respectfully,

Handwritten signature of Bill Sample in black ink.

Senator Bill Sample
Senate Co-Chair
Executive Subcommittee

Handwritten signature of Jim Dotson in black ink.

Representative Jim Dotson
House Co-Chair
Executive Subcommittee

BS/JD:vjf

Attachment

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