

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

December 21, 2018

Co-Chairs:

The Administrative Rules and Regulations Subcommittee met on Tuesday, December 18, 2018 at 1:00 p.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 following Quarterly Reports on Administrative Directives for the quarter ending September 30, 2018 pursuant to Act 1258 of 2015:**
 - a. Arkansas Parole Board**
 - b. Department of Correction (Solomon Graves)**
- 3. The Subcommittee reviewed and approved the following rule that was deferred from the September 18, 2018 meeting of the Administrative Rules and Regulations Subcommittee with Senator Rice dissenting:**

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

 - a. 104 Intrastate Funding Formula**
- 4. The Subcommittee reviewed and approved the following rules filed pursuant to Ark. Code Ann. § 10-3-309:**

STATE BOARD OF BARBER EXAMINERS (Michael Wooldridge)

 - a. Rules and Regulations for Barbering**

CAPITOL ZONING DISTRICT COMMISSION (Boyd Maher)

- a. Relax Certain Sign Regulations**

**DEPARTMENT OF CAREER EDUCATION, ARKANSAS
REHABILITATION SERVICES (Carl Daughtery, Charles Lyford, and
Alan McClain)**

- a. ARS Field Services Policy and Procedure Manual**

DEPARTMENT OF EDUCATION (Courtney Salas-Ford)

- a. Consolidation and Annexation of School Districts**
- b. Calculation Methods for Declining Enrollment and Student Growth**

STATE BOARD OF FINANCE (Ed Garner)

- a. State Treasury Money Management Trust Policy: 2018-2**
- b. Arkansas State Treasury Investment Policy: 2018-1**

**DEPARTMENT OF FINANCE AND ADMINISTRATION, RACING
COMMISSION (Byron Freeland and Smokey Campbell)**

- a. Thoroughbred Rule 1211 – Requirements for Horse Shoes**
- b. Thoroughbred Rule 1216 – Administration of Drugs Prior to Post Time**
- c. Thoroughbred Rule 1217 – Administration of Drugs and Testing Procedures**
- d. Thoroughbred Rule 1231 – Total Dissolved Carbon Dioxide Testing**
- e. Thoroughbred Rule 1233 – Trainer Responsibilities**
- f. Thoroughbred Rule 1245 – Disqualification of Horse for Fraudulent Practice**
- g. Thoroughbred Rule 1255 – Imposition of Fines**
- h. Thoroughbred Rule 1269(f) – Twenty-four Hour Ban**

- i. Thoroughbred Rule 2094(g) – Authority of Stewards when Investigating Possible Rule Violations**
- j. Thoroughbred Rule 2094(h) – Appeals from Stewards’ Rulings are heard *de novo***
- k. Thoroughbred Rule 2094(i) – Stewards List of Poor or Inconsistent Performances by Horses**
- l. Thoroughbred Rule 2094(j) – Stewards List for Horses with Issues about Ownership**
- m. Thoroughbred Rule 2094(k) – Requires Notice to Stewards when an Owner Changes Trainers**
- n. Thoroughbred Rule 2162 – Jockeys’ Attire and Prohibition of Advertising**
- o. Thoroughbred Rule 2169 – Jockey Mount Fees**
- p. Thoroughbred Rule 2216 – Submission of Entries**
- q. Thoroughbred Rule 2281 – Overflow Entries**
- r. Thoroughbred Rule 2444 - Claiming Procedure when an Original Claim is Ruled Invalid**
- s. Greyhound Rule 1359 – Amounts of Fines for Rules Violations**
- t. Greyhound Rule 1362 – Amounts of Fines for Rules Violations**
- u. Thoroughbred Rule 2069 Amendment – Lowers the Breath or Urine Sample**

**DEPARTMENT OF HEALTH, HEALTH SYSTEMS LICENSING AND
REGULATION/COSMETOLOGY AND MASSAGE THERAPY
SERVICES (Laura Shue)**

- a. Rules and Regulations for Massage Therapy in Arkansas**

**DEPARTMENT OF HEALTH, OUTBREAK RESPONSE SECTION
(Laura Shue)**

- a. Rules and Regulations Pertaining to Reportable Disease**

DEPARTMENT OF HUMAN SERVICES, AGING AND ADULT SERVICES AND BEHAVIORAL HEALTH SERVICES, OFFICE OF STATE DRUG DIRECTOR (Kirk Lane)

- a. AADACC Rules of Procedure**

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

- a. Child Maltreatment Investigative Actions and Programs**

**DEPARTMENT OF HUMAN SERVICES, COUNTY OPERATIONS
(Larry Crutchfield and Lisa Teague, item a; Mary Franklin, items b and d; Lorie Williams, item c)**

- a. Medical Services Policy Manual Sections K-III – Foster Child Medicaid**
- b. SNAP 3000 Work Registration Requirements**
- c. Low Income Home Energy Assistance Program (LIHEAP) Plan for the FY 2019**
- d. Medical Services Policy H-300 – H-325 Transfer of Resources**

**DEPARTMENT OF HUMAN SERVICES, MEDICAL SERVICES
(Tami Harlan, items a and b; Mark White, item c; Paula Stone, item d; and Melissa Stone and Paula Stone, item e)**

- a. PCMH-1-18 (Patient Centered Medical Home)**
- b. Hospice 2-18**
- c. Home Health 1-18**
- d. 1915(i) Fee-for-Service Adult Behavioral Health Services for Community Independence Manual; State Plan Amendment #2018-16**

- e. **Provider-Led Arkansas Shared Savings Entity (PASSE) Program – 1915(b) and (c) Waivers and 1915(i) SPA #2018-17**

ARKANSAS INSURANCE DEPARTMENT (Allen Kerr, Gray Turner, and Booth Rand)

- a. **Proposed Amended Rule 57: Insurance Department Administrative and Regulatory Fees**

DEPARTMENT OF LABOR, LABOR STANDARDS DIVISION (Denise Oxley)

- a. **Rule 010.14 Child Labor Rules**
- b. **Rules 010.14-311 through -316 Child Labor Rules, The Entertainment Industry**

STATE BOARD OF PHARMACY (John Kirtley)

- a. **Regulation 7 – Drug Products/Prescriptions**

BOARD OF PODIATRIC MEDICINE (Dr. John Robinette)

- a. **Proposed Changes to Arkansas Board of Podiatric Medicine Rules and Regulations**

COMMISSION FOR ARKANSAS PUBLIC SCHOOL ACADEMIC FACILITIES AND TRANSPORTATION (Taylor Dugan)

- a. **Appeals from Division Determinations of the Arkansas Division of Public School Academic Facilities and Transportation**
- b. **Bonded Debt Assistance**
- c. **Right of Access to Unused or Underutilized School District Property**
- d. **The Facilities Master Plan**

ARKANSAS TOBACCO SETTLEMENT COMMISSION (Dr. John Henderson and Matt Gilmore)

- a. **Amendment to Bylaws**

VETERINARY MEDICAL EXAMINING BOARD (Cara Tharp and Dr. Conley Byrd)

- a. **Prescribing Controlled Substances**
5. **Upon suspension of the rules, the following rules filed pursuant to Ark. Code Ann. 10-3-309 were reviewed and approved:**

STATE BOARD OF NURSING (Sue Tedford and Fred Knight)

- a. **Proposed Changes to the ASBN Rules**
 - Chapter One – General Provisions**
 - Chapter Two – Licensure: RN, LPN, and LPTN**
 - Chapter Three – Registered Nurse Practitioner**
 - Chapter Four – Advanced Practice Registered Nurse**
 - Chapter Six – Standards for Nursing Education Programs**
 - Chapter Seven – Rules of Procedure**
6. **The Subcommittee deferred the following rule to the Thursday, December 20, 2018 meeting of the Administrative Rules and Regulations Subcommittee:**

DEPARTMENT OF HUMAN SERVICES, MEDICAL SERVICES

- a. **ARChoices and Homecare Home and Community-Based Services Waiver, Independent Choices 1-18, Personal Care 1-18, Living Choices Assisted Living 1-18 and Living Choices Assisted Living Home and Community-Based Services Waiver, Program for All-Inclusive Care for the Elderly (PACE) 1-18 and State Plan Amendment #2018-014**
7. **The Subcommittee passed the following motion concerning item 6a above:**
- “That we authorize the Bureau of Legislative Research to begin the process of obtaining a contract with The Stephen Group for the purpose of reviewing the new Milliman report and making recommendations to the General Assembly or Legislative Council regarding this rule. Any such contract will be reviewed by the Executive Subcommittee of the Legislative Council during the 2019 Regular Session.”**

Respectfully submitted,

Senator Davis Sanders, Co-Chair

Representative Kim Hammer, Co-Chair

ARKANSAS LEGISLATIVE COUNCIL

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Representative Jim Dotson

House Chair

Senator Terry Rice

Senate Vice Chair

Representative Jon S. Eubanks

House Vice Chair



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Marty Garrity

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October 19, 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:

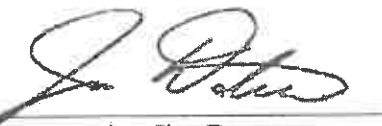
This letter is to notify you as the Co-Chairmen of the Administrative Rules and Regulations Subcommittee that, pursuant to Act 1258 of 2015, the Executive Subcommittee met on October 18, 2018 to consider the request by the Arkansas Department of Health to review and approve the emergency rule regarding the List of Controlled Substances. A copy of the emergency rule is attached for your information.

This emergency rule was reviewed and approved, and the review and approval is effective upon adjournment of the Legislative Council meeting on Friday, October 19, 2018.

Respectfully,



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
Dr. Nathaniel Smith, Director, Arkansas Department of Health
Ms. Laura Shue, General Counsel, Arkansas Department of Health