

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

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**September 16, 2022**

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**Co-Chairs:**

**The Administrative Rules Subcommittee met on Thursday, September 15, 2022, at 9:00 a.m., in Room A, MAC.**

- 1. The Subcommittee filed the attached reports from ALC Subcommittees concerning the review of rules.**
- 2. The Subcommittee reviewed and approved the following rules filed pursuant to Ark. Code Ann. § 10-3-309:**

**DEPARTMENT OF AGRICULTURE, COMMISSION ON WATER WELL CONSTRUCTION (Chris Colclasure; Wade Hodge; Blake Forrest)**

- a. Supervision Rule**

**DEPARTMENT OF COMMERCE, STATE INSURANCE DEPARTMENT (Booth Rand; Beth Barrington; Crystal Phelps)**

- a. Rule 123: 340B Drug Program Nondiscrimination Requirements**
- b. Rule 118: Pharmacy Benefit Managers Regulation**

**DEPARTMENT OF EDUCATION, DIVISION OF HIGHER EDUCATION (Whitney James; Maria Markham)**

- a. Rules Governing the Governor's Higher Education Transition Scholarship Program**

**DEPARTMENT OF FINANCE AND ADMINISTRATION, REVENUE DIVISION (Paul Gehring; Joel DiPippa)**

- a. 2022-4: Sales and Use Tax Exemption for Water Used for Commercial Production of Poultry**

**DEPARTMENT OF HEALTH, ARKANSAS STATE MEDICAL BOARD (Amy Embry; Matt Gilmore)**

- a. Rule No. 2.8: Requiring Minimum Standards for Establishing Provider/Patient Relationships**

**DEPARTMENT OF HUMAN SERVICES, DIVISION OF DEVELOPMENTAL DISABILITIES SERVICES (Melissa Weatherton; Patricia Gann)**

- a. CES Waiver Slot Increase**

**DEPARTMENT OF HUMAN SERVICES, DIVISION OF MEDICAL SERVICES (Melissa Weatherton, item a; Patricia Gann, items a-b; Mark White, Jay Hill, John Finkbeiner, items c-d)**

- a. HCBS and PASSE Waivers**
- b. Acute Crisis Units – Hospital Provider Manual**
- c. Living Choices Assisted Living Facility Waiver Renewal; LCAL 2-20**
- d. AR Choices in Homecare Renewal**

**DEPARTMENT OF HUMAN SERVICES, OFFICE OF CHIEF COUNSEL (Mark White; Brett Hays)**

- a. Declaratory Orders**

**DEPARTMENT OF LABOR AND LICENSING, DIVISION OF OCCUPATIONAL AND PROFESSIONAL LICENSING BOARDS AND COMMISSIONS, ARKANSAS TOWING AND RECOVERY BOARD (Miles Morgan; Steven Rogers)**

- a. Rules of the Arkansas Towing and Recovery Board**

**DEPARTMENT OF TRANSFORMATION AND SHARED SERVICES, BUILDING AUTHORITY DIVISION (Lauren Ballard; Jennifer Davis)**

- a. Building Authority Minimum Standards and Criteria**

**DEPARTMENT OF TRANSFORMATION AND SHARED SERVICES, OFFICE OF PERSONNEL MANAGEMENT (Lauren Ballard; Jennifer Elkins)**

- a. Unlawful Propagation of Divisive Concepts**

3. **The Subcommittee voted to not approve the following rule filed pursuant to Ark. Code Ann. § 10-3-309 on the grounds that the rule is inconsistent with state law:**

**DEPARTMENT OF TRANSFORMATION AND SHARED SERVICES, OFFICE OF STATE PROCUREMENT (Lauren Ballard)**

- a. **Rules Governing Mandatory Procurement Training Program**
4. **The Subcommittee received agency updates on outstanding rulemaking pursuant to Act 595 of 2021.**
5. **The Subcommittee filed the September monthly written updates pursuant to Act 595 of 2021.**

**Respectfully submitted,**

**Senator Kim Hammer, Co-Chair**

**Representative Les Eaves, Co-Chair**

# ARKANSAS LEGISLATIVE COUNCIL



Senator Scott Flippo  
Senate Chair

Representative Ken Bragg  
House Chair

## ALC-REVIEW SUBCOMMITTEE

September 13, 2022

The Honorable Kim Hammer, Senate Chair  
The Honorable Les Eaves, House Chair  
Arkansas Legislative Council – Administrative Rules Subcommittee  
Room 315, State Capitol  
Little Rock, AR 72201

**RE: DTSS-OSP Rules Governing Mandatory Training Program**  
VIA ELECTRONIC MAIL

Dear Senator Hammer and Representative Eaves:

On September 13, 2022, the ALC Review Subcommittee met in Big MAC Room A. An agenda item included a request to review the Department of Transformation and Shared Services - Office of State Procurement Rule Governing Mandatory Training Program.

The Review Subcommittee reviewed the rule and is indicating that review by this letter.

Please feel free to contact us if we can provide any additional information in this regard.

Respectfully submitted,

A handwritten signature in blue ink, appearing to read "Scott Flippo".

Senator Scott Flippo  
Senate Chair

A handwritten signature in blue ink, appearing to read "Ken Bragg".

Representative Ken Bragg  
House Chair