

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

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**January 17, 2020**

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**Co-Chairs:**

**The Administrative Rules Subcommittee met on Wednesday, January 15, 2020, at 9:00 a.m., in Room A, MAC.**

- 1. The Subcommittee reviewed and filed the attached letters submitted pursuant to Act 893 of 2019.**
- 2. The Subcommittee reviewed and approved the following rule deferred from the December 18, 2019 meeting of the Administrative Rules Subcommittee:**

**DEPARTMENT OF TRANSFORMATION AND SHARED SERVICES, OFFICE OF STATE PROCUREMENT (Ms. Ann Purvis, Mr. Edward Armstrong, Mr. David Withrow)**

- a. Changes to Rules Under the AR Procurement Law**

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

**DEPARTMENT OF AGRICULTURE, ARKANSAS LIVESTOCK & POULTRY COMMISSION (Mr. Wade Hodge, Mr. Patrick Fisk)**

- a. Brucellosis in Cattle and Repeals**
- b. Trichomoniasis Testing and Movement Requirements for Cattle**

**DEPARTMENT OF COMMERCE, OFFICE OF SKILLS DEVELOPMENT (Mr. Cody Waits)**

- a. Revised Rules and Regulations for Arkansas's Registered Apprenticeship Programs**

**DEPARTMENT OF CORRECTIONS, OFFICE OF THE SECRETARY (Mr. Solomon Graves)**

- a. AR 005 Reporting of Incidents**
- b. AR 217 Staff Assignments, Housing, and Emoluments**
- c. AR 405 State Police Assistance During Escapes and Other Disturbances**

**DEPARTMENT OF EDUCATION, DIVISION OF ELEMENTARY AND SECONDARY EDUCATION (Ms. Mary Claire Hyatt)**

- a. Data Reporting, Public School Computer Network, and Information Systems and Repeals**
- b. Rules Governing Schools of Innovation**

**DEPARTMENT OF EDUCATION, DIVISION OF HIGHER EDUCATION (Dr. Maria Markham)**

- a. Arkansas Advanced Placement (AP) Credit Policy**
- b. Nontraditional Documented Immigrant Tuition and Fee Policy**
- c. Productivity Funding Model Policy – Universities**
- d. Productivity Funding Model Policy – Colleges**

**ETHICS COMMISSION (Mr. Graham Sloan)**

- a. Rules of Practice and Procedure**
- b. Rules of Political Committees**
- c. Rules on Lobbyist Registration and Reporting**
- d. Rules on Independent Expenditures**
- e. Rules on Campaign Contribution Limit**
- f. Rules on Conflicts**
- g. Rules on Campaign Finance & Disclosure**

**DEPARTMENT OF HEALTH, CENTER FOR HEALTH PROTECTION,  
INFECTIOUS DISEASE BRANCH (Ms. Laura Shue)**

- a. Rules Pertaining to Communicable Disease – Tuberculosis**

**DEPARTMENT OF HEALTH, CENTER FOR LOCAL PUBLIC HEALTH (Ms. Laura Shue)**

- a. Rules Pertaining to Body Art Establishments**

**DEPARTMENT OF HEALTH, ENGINEERING SECTION (Ms. Laura Shue)**

- a. Rules Pertaining to Public Water Systems**

**DEPARTMENT OF HUMAN SERVICES, DIVISION OF MEDICAL SERVICES  
(DMS) (Mr. Mark White, item a; Mr. Mark White, Ms. Tammera Harrelson, item  
b)**

- a. ARKids First-B-2-19, Certified Nurse Midwife-1-18, Early and  
Periodic Screening, Diagnosis, and Treatment (EPSDT)-1-19, Dental-  
1-18, Nurse Practitioner-3-18, Pharmacy 1-19, and Physician-3-18**
- b. DHS Policy 1088 – Participant Exclusion Rule**

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

- a. Supplemental Nutrition Assistance Program Eligibility (SNAP) Child  
Support Cooperation**

**DEPARTMENT OF PUBLIC SAFETY, DIVISION OF ARKANSAS STATE  
POLICE (Ms. Mary Claire McLaurin)**

- a. Used Motor Vehicle Dealers Service & Handling Fees Rules  
Amendments**
- b. Used Motor Vehicle Dealer Licensing Rules Amendments**
- c. Private Investigators & Private Security Agency Rules Amendments**
- d. Driver's License Testing Fraud Rules Amendments**
- e. Commercial Driver's License Rules Amendments**
- f. Third Party Testing Requirements Rules Amendments**

- g. Municipal Police Patrols of Controlled-Access Facilities Rules**
- h. Arkansas Concealed Handgun Carry License Rules Amendments**
- i. Blue Light/Lens Sale Rules Amendments**

**DEPARTMENT OF PUBLIC SAFETY, ARKANSAS STATE POLICE  
COMMISSION (Ms. Sara Farris)**

- a. Rules for the Arkansas State Police Commission**

**PULASKI COUNTY REGIONAL SOLID WASTE MANAGEMENT DISTRICT  
(Mr. Craig Douglass)**

- a. Regulation 1 and Regulation 3: Tipping Fee Updates**

**SALINE COUNTY REGIONAL SOLID WASTE MANAGEMENT DISTRICT  
(Mr. Sam Gibson)**

- a. Rule 22.202 Regarding Requirements for Solid Waste Hauler Licenses and Vehicle Permits**

- 4. The Subcommittee reviewed and approved the following rule filed pursuant to Ark. Code Ann. § 10-3-309, with a change agreed upon by the agency during discussions at the Subcommittee meeting:**

**DEPARTMENT OF AGRICULTURE, ARKANSAS LIVESTOCK & POULTRY  
COMMISSION (Mr. Wade Hodge, Mr. Patrick Fisk)**

- a. Airborne Eradication of Feral Hogs**

- 5. The following agencies provided updates on delinquent rulemaking under Act 517 of 2019:**

**Department of Agriculture, Arkansas Bureau of Standards (Act 501)**

**Department of Agriculture, Veterinary Medical Examining Board (Act 169)**

**Department of Commerce, State Insurance Department (Acts 500, 698, 823)**

**Department of Commerce, Division of Workforce Services (Act 373)**

**Department of Corrections, Arkansas Correctional School (Act 1088)**

**Department of Commerce, Office of Skills Development (Act 179)**

**Department of Education, Division of Elementary and Secondary Education (Acts 536, 640, 843)**

**Department of Education, Division of Higher Education (Act 456, 549, 844)**

**Department of Energy and Environment, Pollution Control and Ecology Commission (Act 1067)**

**Department of Finance and Administration, Alcoholic Beverage Control Division (Acts 691, 989)**

**Department of Finance and Administration, Director (Acts 422, 822)**

**Department of Health (Acts 216, 556, 708, 811)**

**Department of Health, Division of Health Related Boards and Commissions, State Board of Chiropractic Examiners (Act 645)**

**Department of Health, Division of Health Related Boards and Commissions, State Board of Nursing (Act 837)**

**Department of Health, Division of Health Related Boards and Commissions, Arkansas Board of Podiatric Medicine (112)**

**Highway Commission (Act 468)**

**AR Military Department (Act 148)**

**Commission for Parent Counsel (Act 333)**

**Department of Parks, Heritage, and Tourism, Division of Heritage (Act 818)**

**Department of Transformation and Shared Services, Office of State Procurement (Acts 417, 418, 419, 420, 421, 422)**

**Respectfully submitted,**

**Senator Lance Eads, Co-Chair**

**Representative Dan Sullivan, Co-Chair**

## EXHIBIT C



**Office of the Secretary**  
6814 Princeton Pike  
Pine Bluff, Arkansas 71602  
Phone: 870-267-6200  
Fax: 870-267-6244

December 31, 2019

Senator Lance Eads, Co-Chair  
Arkansas Legislative Council  
Administrative Rules and Regulations Subcommittee  
Via Email

Representative Dan Sullivan, Co-Chair  
Arkansas Legislative Council  
Administrative Rules and Regulations Subcommittee  
Via Email

Dear Co-Chairs,

Pursuant to Act 893 of 2019, the Department of Corrections filed amended rules with the Secretary of State's Office on December 31, 2019. I certify, on behalf of the Department of Corrections, that the only change made was replacing the term "regulation" with "rule."

Sincerely,

  
Solomon Graves  
Chief of Staff

Cc: Wendy Kelley, Secretary, Department of Corrections  
Christine Cryer, Chief Legal Counsel, Department of Corrections  
Dexter Payne, Director, Division of Correction  
Jerry Bradshaw, Director, Division of Correction  
Benny Magness, Chairman, Board of Corrections  
File

Enclosure

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Department of Corrections Rules Amended Pursuant to Act 893 of 2019

AR Number	Title of Administrative Regulation	Division
<b>Division of Correction</b>		
001	Administrative Regulations, Directives and Memoranda	Division of Correction
002	Authority of Unit Wardens, Center Supervisors, Administrators or Designee	Division of Correction
006	Document and Report Procedure	Division of Correction
007	Legislation-Liaison and/or Inquiries	Division of Correction
011	News Media, Interviews and Correspondence	Division of Correction
013	Staff Meetings	Division of Correction
014	Internal Affairs and Investigation	Division of Correction
017	Critical Incident Review	Division of Correction
019	Processing of Lawsuits	Joint
020	Emergency Preparedness	Division of Correction
100	Fiscal and Accounting Operations	Division of Correction
101	Allotment of Appropriations and Budget Preparations	Division of Correction
102-A	Industry Program Procedures, Sales or Acquisitions Between Public Procurement Units	Division of Correction
103	Inmate Commissaries	Division of Correction
104	Property Control	Division of Correction
105	Audits	Division of Correction
107	Conflicts of Interest	Division of Correction
108	Travel Regulations	Division of Correction
109	Funds of Offenders	Joint
112	Farming and Livestock Activities	Division of Correction
113	Farm Produced Commodities	Division of Correction
114	Arkansas Correctional Industries	Division of Correction
115	Private Industry Employment of Inmates Within Correctional Facilities	Division of Correction
118	Procurement and Disposition Activities	Joint
201	Uniformed Personnel	Division of Correction
202	Drug-Free Workplace	Joint
206	Trading or Trafficking with an Aiding or Abetting Unauthorized Actions By Inmates/Parolees	Division of Correction
209	Part-Time Employment	Division of Correction
210	Relationships and Transactions with Inmates	Division of Correction
211	Physical Attacks on State Employees	Division of Correction
212	Searches of Employees and Permission to Search Employee's Living Quarters on State Property	Division of Correction
213	Hunting and Fishing Privileges	Division of Correction
216	Accepting Gifts, Grants and Donations for the Department of Correction	Division of Correction
224	Tobacco	Division of Correction
225	Employee Conduct Standards	Division of Correction
226	Sexual Harassment	Division of Correction

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<b>AR Number</b>	<b>Title of Administrative Regulation</b>	<b>Division</b>
228	Equal Employment Opportunity	Division of Correction
229	Employee Grievance Procedure	Joint
400	Security	Division of Correction
401	Searches for and Control of Contraband	Division of Correction
402	Storage of Weapons	Division of Correction
403	Use of Restraints	Division of Correction
404	Transporting Escorting Offenders	Division of Correction
407	Safety and Sanitation	Division of Correction
409	Use of Force	Division of Correction
410	Use of Chemical Agents and Other Non-Lethal Weapons	Division of Correction
412	Use of Canine Teams in Aggression and Protection Roles	Division of Correction
413	Prison Rape Elimination Act (P.R.E.A.)	Division of Correction
500	Educational Services	Division of Correction
802	Classification of Offenders	Joint
803	Sentence Computation and Tracking	Joint
804	Inmate Records	Division of Correction
810	Inmate Emergency Medical Expenses Incurred While in County Jails	Division of Correction
812	Temporary Release/Meritorious and Emergency Furloughs	Division of Correction
814	Funds/Clothing for Release Offenders	Joint
825	Inmate Name Changes for Religious Purposes	Division of Correction
826	Meritorious Good Time	Joint
829	Prenatal Care/Pregnant Inmates/Residents	Division of Correction
830	Corporal Punishment	Division of Correction
831	Disciplinary Rules and Regulations	Division of Correction
832	Discrimination and Racial Issues	Division of Correction
833	Health Services	Division of Correction
834	Procedure for Handling Disciplinary Infractions of Mentally Disordered Inmates	Division of Correction
835	Grievance Procedures for Offender	Joint
837	Protective Custody	Division of Correction
839	Punitive Segregation	Division of Correction
840	Personal Cleanliness and Grooming for Offenders	Joint
841	Inmate Property Control	Division of Correction
850	Terminal illness or Permanently Incapacitated	Joint
851	Continuity of Care	Division of Correction
854	Research and Experimentation	Division of Correction
855	Transportation of Deceased Inmates	Division of Correction
860	Inmate Correspondence	Division of Correction
864	Publications	Division of Correction
865	Visitation	Division of Correction
867	Use of Telephone	Division of Correction
876	Inmate Emergency Work Assignments During Disasters	Division of Correction
881	Volunteer Services	Division of Correction



AR Number	Title of Administrative Regulation	Division
883	Chaplaincy Services	Division of Correction
890	Arkansas Department of Correction Jail Facilities	Division of Correction
891	Inmate DNA Testing	Division of Correction
893	Medical Co-Pay	Division of Correction
894	Third Party Agreements to House ADC Inmates	Division of Correction
1200	Work/Study Release Program	Division of Correction
1201	Inmate Labor by Contractual Agreement and Volunteer Services	Division of Correction
1210	Pre-Release Program	Division of Correction
1212	Inmates Housed in County Jails and City Jails (Act 309)	Division of Correction
1301	Transfer Eligibility To Community Punishment	Joint
1315	Emergency Powers Act	Division of Correction
1316	Emergency Powers Act – County Jail Backlog	Division of Correction
1317	Electronic Monitoring	Joint
<b>Division of Community Correction</b>		
2.2	Best Practices Fund AR	Division of Community Correction
7.2	Classification of Offenders AR	Joint
1.4	Community Correction Center Criteria & Standards AR	Division of Community Correction
8.8	Community Service Program AR	Division of Community Correction
3.2	Drug Free Workplace AR	Joint
2.9	Economic Sanctions AR	Division of Community Correction
7.12	Electronic Monitoring After 120 Days Served AR	Joint
3.17	Employee Grievance Procedure AR	Joint
4.6	Escapes, Disturbances or Emergencies AR	Division of Community Correction
7.7	Funds Clothing for Released Offenders AR	Joint
2.8	Funds of Offenders AR	Joint
7.3	Furlough Program AR	Division of Community Correction
7.14	Grievance Procedures for Offenders AR	Joint
3.15	Harassment AR	Division of Community Correction
7.9	Meritorious Good Time AR	Joint
2.3	Offender Commissaries AR	Joint
8.9	Offender Substance Abuse AR	Division of Community Correction
7.17	Personal Cleanliness & Grooming Offenders AR	Joint
1.1	Policy & Procedure Development AR	Division of Community Correction
7.1	Prenatal Care Pregnant Inmates Residents AR	Joint
1.8	Processing of Lawsuits AR	Joint
2.1	Procurement & Disposition Activities AR	Joint

<b>AR Number</b>	<b>Title of Administrative Regulation</b>	<b>Division</b>
7.4	Public Release of Offender Information AR	Division of Community Correction
7.1	Reentry Facility Program AR	Division of Community Correction
1.9	Research & Program Evaluation AR	Division of Community Correction
7.22	Resident Correspondence AR	Division of Community Correction
7.18	Resident Property Control AR	Division of Community Correction
7.23	Resident Publications AR	Division of Community Correction
7.24	Resident Visitation AR	Division of Community Correction
4.1	Safety Security and Sanitation at Residential Centers AR	Division of Community Correction
7.15	Segregation AR	Joint
7.3	Sentence Computation & Tracking AR	Joint
7.19	Terminal Illness or Permanently Incapacitated AR	Joint
8.1	Transfer Eligibility to Community Correction AR	Joint
7.8	Transitional Housing Program AR	Division of Community Correction
4.9	Use of Force AR	Division of Community Correction
7.29	Use of Telephone AR	Joint
7.27	Volunteer Program AR	Division of Community Correction



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December 11, 2019

Jessica Sutton, Administrator  
Administrative Rules Review Section  
Arkansas Legislative Council  
Bureau of Legislative Research  
#1 Capitol, 5<sup>th</sup> Floor  
Little Rock, AR 72201

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**Re: Rules for Conducting Criminal Record Checks for Employees of Long Term Care Facilities**

Dear Ms. Sutton:

Please find attached the following rule for the Department of Human Services that was filed with the Secretary of State's office on December 11, 2019, pursuant to Acts 2019, No. 893: Rules for Conducting Criminal Record Checks for Employees of Long Term Care Facilities. This rule puts forth the requirements of Criminal Record Checks for Employees of Long Term Care Facilities. The only change to the rule is to remove the word "regulation" and replace it with the word "rule", where appropriate.

If you have any questions or need additional information, please contact Mac Goldman, Office of Chief Counsel at 501-320-6383 or by emailing [Mac.E.Goldman@dhs.arkansas.gov](mailto:Mac.E.Goldman@dhs.arkansas.gov).

Sincerely,

A handwritten signature in black ink, appearing to read "J. Sharum".

Jerald Sharum  
Director

JS:th

Attachments



**Office of Legislative and Intergovernmental Affairs  
Office of Rules Promulgation**

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December 11, 2019

Jessica Sutton, Administrator  
Administrative Rules Review Section  
Arkansas Legislative Council  
Bureau of Legislative Research  
#1 Capitol, 5<sup>th</sup> Floor  
Little Rock, AR 72201

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**Re: Rules for the Arkansas Long Term Care Facility - Nursing Assistant Training Program**

Dear Ms. Sutton:

Please find attached the following rule for the Department of Human Services that was filed with the Secretary of State's office on December 11, 2019, pursuant to Acts 2019, No. 893: Rules for the Arkansas Long Term Care Facility - Nursing Assistant. Training Program. This rule will allow the Division of Medical Services (DMS), Office of Long Term Care adhere to Act 893. The purpose of this rule is to provide training and competency evaluations programs for individuals who provide nursing or nursing-related services to residents in long term care facilities and who are not licensed health professionals or volunteers who provide services without monetary compensations. Changes to this rule will affect Section I, Section IV, Section V, Section VI, Section VII, Section VIII, Section X, Forms DMS-724, and DMS-755. The only change to the rule is to remove the word "regulation" and replace it with the word "rule", where appropriate.

If you have any questions or need additional information, please contact Mac Goldman, Office of Chief Counsel at 501-320-6383 or by emailing [Mac.E.Golden@dhs.arkansas.gov](mailto:Mac.E.Golden@dhs.arkansas.gov).

Sincerely,

  
Jerald Sharum  
Director

JS:tr

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Little Rock, AR 72201

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**Re: Better Beginnings Quality Rating Improvement System**

Dear Ms. Sutton:

Please find attached the following rule for the Department of Human Services that was filed with the Secretary of State's office on December 11, 2019, pursuant to Acts 2019, No. 893: Better Beginnings Quality Rating Improvement System. This rule lays out the steps to help programs improve their day to day environment for children, and to establish proven administrative practices. The only change to the rule is to remove the word "regulation" and replace it with the word "rule", where appropriate.

If you have any questions or need additional information, please contact Mac Golden, Office of Chief Counsel at 501-320-6383 or by emailing [Mac.E.Golden@dhs.arkansas.gov](mailto:Mac.E.Golden@dhs.arkansas.gov).

Sincerely,

A handwritten signature in black ink that reads "Tonya Williams". The signature is written in a cursive, flowing style.

Tonya Williams  
Director

TW:th

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Little Rock, AR 72201

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**Re: Rules for the Registration, Operation and Parking of Motor Vehicles on the Arkansas State Hospital Campus**

Dear Ms. Sutton:

Please find attached the following rule for the Department of Human Services that was filed with the Secretary of State's office on December 11, 2019, pursuant to Acts 2019, No. 893: Rules for the registration, operation and parking of motor vehicles on the Arkansas State hospital campus. This rule establishes parking guidelines at the Arkansas State Hospital campus. The only change to the rule is to remove the word "regulation" and replace it with the word "rule", where appropriate.

If you have any questions or need additional information, please contact Mac Goldman, Office of Chief Counsel at 501-320-6383 or by emailing [Mac.E.Goldman@dhs.arkansas.gov](mailto:Mac.E.Goldman@dhs.arkansas.gov).

Sincerely,

Jay Hill  
Director

JH:th

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Little Rock, AR 72201

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**Re: Rules for the Licensure of Residential Long-Term Care Facilities**

Dear Ms. Sutton:

Please find attached the following rule for the Department of Human Services that was filed with the Secretary of State's office on December 11, 2019, pursuant to Acts 2019, No. 893: Rules for the Licensure of Residential Long-Term Care Facilities. This rule outlines the requirements for licensure and maintenance of residential long-term care facilities. The only change to the rule is to remove the word "regulation" and replace it with the word "rule", where appropriate.

If you have any questions or need additional information, please contact Mac Golden, Office of Chief Counsel at 501-320-6383 or by emailing [Mac.E.Golden@dhs.arkansas.gov](mailto:Mac.E.Golden@dhs.arkansas.gov).

Sincerely,

Jerald Sharum  
Director

JS:cm

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Little Rock, AR 72201

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**Re: Administrative Procedures of Nursing Home Quality Assurance Fee**

Dear Ms. Sutton:

Please find attached the following rule for the Department of Human Services that was filed with the Secretary of State's office on December 11, 2019, pursuant to Acts 2019, No. 893: Administrative Procedures of Nursing Home Quality Assurance Fee. This rule lays out the administrative procedures of Nursing Home Quality Assurance Fees. The only change to the rule is to remove the word "regulation" and replace it with the word "rule", where appropriate.

If you have any questions or need additional information, please contact Mac Golden, Office of Chief Counsel at 501-320-6570 or by emailing [Mac.E.Golden@dhs.arkansas.gov](mailto:Mac.E.Golden@dhs.arkansas.gov).

Sincerely,

Janet Mann  
Director

JM:th

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#1 Capitol, 5<sup>th</sup> Floor  
Little Rock, AR 72201

**Re: Rules Pertaining to Post-Acute Head Injuries Retraining and Residential Adult Care Facilities**

Dear Ms. Sutton:

Please find attached the following rule for the Department of Human Services that was filed with the Secretary of State's office on December 11, 2019, pursuant to Acts 2019, No. 893: Rules Pertaining to Post-Acute Head Injuries Retraining and Residential Adult Care Facilities. This rule outlines the requirements for licensure and retraining for post-acute head injuries pertaining to residential and adult care facilities. The only change to the rule is to remove the word "regulation" and replace it with the word "rule", where appropriate.

If you have any questions or need additional information, please contact Mac Golden, Office of Chief Counsel at 501-320-6383 or by emailing [Mac.E.Golden@dhs.arkansas.gov](mailto:Mac.E.Golden@dhs.arkansas.gov).

Sincerely,

A handwritten signature in black ink, appearing to read "J. Sharum".

Jerald Sharum  
Director

JS:em

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[humanservices.arkansas.gov](http://humanservices.arkansas.gov)

Protecting the vulnerable, fostering independence and promoting better health



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Little Rock, AR 72201

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**Re: Rules for Licensure of Nursing Home Administrators in Arkansas**

Dear Ms. Sutton:

Please find attached the following rule for the Department of Human Services that was filed with the Secretary of State's office on December 11, 2019, pursuant to Acts 2019, No. 893: Rules for Licensure of Nursing Home Administrators in Arkansas. This rule will allow the Division of Medical Services (DMS), Office of Long Term Care adhere to Act 893. The Rules for Licensure of Nursing Home Administrators is to establish nursing home administrator's competency as well as criterion for the licensure of nursing home administrators. Changes to this rule will affect Authority, Preface, Sections I, II, III, IV, and Code of Ethics. The only change to the rule is to remove the word "regulation" and replace it with the word "rule", where appropriate.

If you have any questions or need additional information, please contact Mac Goldman, Office of Chief Counsel at 501-320-6383 or by emailing [Mac.E.Goldman@dhs.arkansas.gov](mailto:Mac.E.Goldman@dhs.arkansas.gov).

Sincerely,

A handwritten signature in black ink, appearing to read "G. Sharum".

Gerald Sharum  
Director

JS:tr

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**Re: Minimum Licensing Standards for Child Welfare Agencies - Residential**

Dear Ms. Sutton:

Please find attached the following rule for the Department of Human Services that was filed with the Secretary of State's office on December 11, 2019, pursuant to Acts 2019, No. 893: Minimum Licensing Standards for Child Welfare Agencies - Residential. This rule establishes the minimum licensing standards for Child Welfare Agencies - Residential. The only change to the rule is to remove the word "regulation" and replace it with the word "rule", where appropriate.

If you have any questions or need additional information, please contact Mac Goldman, Office of Chief Counsel at 501-320-6383 or by emailing [Mac.E.Goldman@dhs.arkansas.gov](mailto:Mac.E.Goldman@dhs.arkansas.gov).

Sincerely,

Tonya Williams  
Director

TW:th

Attachments

[humanservices.arkansas.gov](http://humanservices.arkansas.gov)

Protecting the vulnerable, fostering independence and promoting better health



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501-320-6266 • Fax: 501-404-4619



December 11, 2019

Jessica Sutton, Administrator  
Administrative Rules Review Section  
Arkansas Legislative Council  
Bureau of Legislative Research  
#1 Capitol, 5<sup>th</sup> Floor  
Little Rock, AR 72201

RECEIVED

DEC 11 2019

BUREAU OF  
LEGISLATIVE RESEARCH

**Re: Minimum Licensing Standards for Child Welfare Agencies - Placement**

Dear Ms. Sutton:

Please find attached the following rule for the Department of Human Services that was filed with the Secretary of State's office on December 11, 2019, pursuant to Acts 2019, No. 893: Minimum Licensing Standards for Child Welfare Agencies PLACEMENT. This rule will allow the Division of Child Care and Elderly Childhood Education (DCCECE) adhere to Act 893. The Child Welfare Licensing Act," Ark. Code Ann. § 9-28-401 et. seq., (the Act) is the legal authority under which the Child Welfare Agency Review Board establishes minimum licensing standards for child welfare agencies, as defined under the statute. The Placement types of Licenses listed in the rule are Foster Care, Therapeutic Foster Care, Therapeutic Foster Care -- Sexual Rehabilitative Program, Adoption, and Placement Residential. The only change to the rule is to remove the word "regulation" and replace it with the word "rule", where appropriate.

If you have any questions or need additional information, please contact Mac Goldman, Office of Chief Counsel at 501-320-6383 or by emailing [Mac.E.Goldman@dhs.arkansas.gov](mailto:Mac.E.Goldman@dhs.arkansas.gov).

Sincerely,

A handwritten signature in cursive script that reads "Tonya Williams".

Tonya Williams  
Director

TW:tr

Attachments

[humanservices.arkansas.gov](http://humanservices.arkansas.gov)

Protecting the vulnerable, fostering independence and promoting better health



**Office of Legislative and Intergovernmental Affairs  
Office of Rules Promulgation**

P.O. Box 1437, Slot S295 • Little Rock, AR 72203-1437  
501-320-6266 • Fax: 501-404-4619



December 11, 2019

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Arkansas Legislative Council  
Bureau of Legislative Research  
#1 Capitol, 5<sup>th</sup> Floor  
Little Rock, AR 72201

**RECEIVED**  
DEC 11 2019  
BUREAU OF  
LEGISLATIVE RESEARCH

**Re: Licensure Standards for Alcohol and Other Drug Abuse Treatment Programs**

Dear Ms. Sutton:

Please find attached the following rule for the Department of Human Services that was filed with the Secretary of State's office on December 11, 2019, pursuant to Acts 2019, No. 893: Licensure Standards for Alcohol and Other Drug Abuse Treatment Programs. This rule puts forth the licensure standards for Alcohol and other Drug Abuse Treatment Programs. The only change to the rule is to remove the word "regulation" and replace it with the word "rule", where appropriate.

If you have any questions or need additional information, please contact Mac Golden, Office of Chief Counsel at 501-320-6570 or by emailing [Mac.E.Golden@dhs.arkansas.gov](mailto:Mac.E.Golden@dhs.arkansas.gov).

Sincerely,

A handwritten signature in black ink, appearing to read "Jay Hill".

Jay Hill  
Director

JH:th

Attachments

[humanservices.arkansas.gov](http://humanservices.arkansas.gov)

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December 11, 2019

Jessica Sutton, Administrator  
Administrative Rules Review Section  
Arkansas Legislative Council  
Bureau of Legislative Research  
#1 Capitol, 5<sup>th</sup> Floor  
Little Rock, AR 72201

**RECEIVED**

DEC 11 2019

BUREAU OF  
LEGISLATIVE RESEARCH

**Re: Rules for Assisted Living Facilities Level II**

Dear Ms. Sutton:

Please find attached the following rule for the Department of Human Services that was filed with the Secretary of State's office on December 11, 2019, pursuant to Acts 2019, No. 893: Rules for Assisted Living Facilities Level II. These rules will allow the Division of Medical Services (DMS), Office of Long Term Care adhere to Act 893. The Rules for Assisted Living Facilities Level II that will be affected by this change is Scope, Purpose, Definitions, Licensure, Administration, Admission, Discharge and Transfer, Services, Definitions, Physical Environment, Imposition of Remedies - Authority, Informal Dispute Resolution (IDR), Appendix, and Authorization for Adult Maltreatment Central Registry. The purpose of this Rule is to establish standards for Level II assisted living facilities that provide services in a homelike environment for elderly and disabled persons. The only change to the rule is to remove the word "regulation" and replace it with the word "rule", where appropriate.

If you have any questions or need additional information, please contact Mac Golden, Office of Chief Counsel at 501-320-6383 or by emailing [Mac.E.Golden@dhs.arkansas.gov](mailto:Mac.E.Golden@dhs.arkansas.gov).

Sincerely,

A handwritten signature in dark ink, appearing to read "J. Sharum".

Jerald Sharum  
Director

JS:tr

Attachments

[humanservices.arkansas.gov](http://humanservices.arkansas.gov)

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**Office of Legislative and Intergovernmental Affairs  
Office of Rules Promulgation**

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December 11, 2019

Jessica Sutton, Administrator  
Administrative Rules Review Section  
Arkansas Legislative Council  
Bureau of Legislative Research  
#1 Capitol, 5<sup>th</sup> Floor  
Little Rock, AR 72201

**RECEIVED**  
DEC 11 2019  
BUREAU OF  
LEGISLATIVE RESEARCH

**Re: Rules for Nursing Homes**

Dear Ms. Sutton:

Please find attached the following rule for the Department of Human Services that was filed with the Secretary of State's office on December 11, 2019, pursuant to Acts 2019, No. 893: Rules for Nursing Homes. This rule outlines the requirements for licensure and maintenance of nursing facilities. The only change to the rule is to remove the word "regulation" and replace it with the word "rule", where appropriate.

If you have any questions or need additional information, please contact Mac Golden, Office of Chief Counsel at 501-320-6570 or by emailing [Mac.E.Golden@dhs.arkansas.gov](mailto:Mac.E.Golden@dhs.arkansas.gov).

Sincerely,

A handwritten signature in dark ink, appearing to read "Jerald Sharum". The signature is fluid and stylized, with a long horizontal stroke at the end.

Jerald Sharum  
Director

JS:em

Attachments

**ARKANSAS**  
ENERGY & ENVIRONMENT

OIL AND GAS COMMISSION

December 26, 2019

Jessica C. Sutton  
Administrative Rules Review Section  
Arkansas Legislative Council  
Bureau of Legislative Research  
One Capitol Mall, 5<sup>th</sup> Floor  
Little Rock, AR 72201

**RECEIVED**

DEC 31 2019

BUREAU OF  
LEGISLATIVE RESEARCH

Dear Ms. Sutton:

The Oil and Gas Commission has completed a revision of its General Rules as required by Act 315 of the 92<sup>nd</sup> General Assembly, and the revised rules are being sent to the Secretary of State as of the date of this letter. The amendment is in regard to each individual rule that is currently included in the General Rules. The specific rules included in the General Rules and subject to amendment are:

**GERNERAL RULE A- ADMINISTRATIVE**

- Rule A-2: General Hearing Procedures;
- Rule A-3: Additional Requirements for Specific Types of Hearings;
- Rule A-4: Definitions;
- Rule A-5 Enforcement Procedures;
- Rule A-7 Determination of Natural Gas Well Categories for Severance Tax Purposes.

**GENERAL RULE B- DRILLING AND PRODUCTION**

- Rule B-1: Application to Drill a Production Well;
- Rule B-2: Proof of Financial Responsibility Required to be Furnished;
- Rule B-3: Spacing of Wells;
- Rule B-4: Application to Transfer a Well;
- Rule B-5: Submission of Well Records and Issuance of Certificate of Compliance;
- Rule B-6: Oil, Gas and Water to be Protected;
- Rule B-7: When Wells Shall Be Plugged and Abandoned and Notice of Intention to Plug and Abandon Wells;

**Arkansas Oil and Gas Commission**  
301 Natural Resources Drive, Suite 102, Little Rock, AR 72205  
501.683.5814  
aogc.state.ar.us



- Rule B-8: Plugging Methods and Procedures;
- Rule B-9: Dry Gas Well Plugging Methods and Procedures;
- Rule B-10: Seismic Core and Other Exploratory Holes to be Plugged; Methods, Records;
- Rule B-11: Domestic Natural Gas Wells and Conversion of Permitted Oil and Natural Gas Wells for Use as Domestic Natural Gas or Fresh Water Supply Wells;
- Rule B-13: Organization Reports;
- Rule B-15: Casing Requirements;
- Rule B-16: Blow-out Prevention;
- Rule B-17: Well Drilling Pits and Completion Pits Requirements;
- Rule B-18: Wellhead Fittings;
- Rule B-19: Requirements for Well Completion Utilizing Fracture Stimulation;
- Rule B-23: Tubing;
- Rule B-26: General Lease Operating Requirements;
- Rule B-30: Deviation Tests;
- Rule B-32: Vacuum Pumps Prohibited;
- Rule B-34: Notice of Fire, Breaks, or Blow-outs and Remediation of Associated Spills of Crude Oil and Produced Water;
- Rule B-35: Determining and Naming Common Sources of Supply;
- Rule B-36: Takings to be Ratable;
- Rule B-37: Dual Completion of Wells;
- Rule B-38: Establishment of Field Rules;
- Rule B-40: Authorization for Director of Production and Conservation to Administratively Approve Applications for Exceptional Well Locations;
- Rule B-41: Rule for Operation in Hydrogen Sulfide (H<sub>2</sub>S) Areas;
- Rule B-42: Seismic Rules;
- Rule B-43: Establishment of Drilling Units for Gas Production From Conventional and Unconventional Sources of Supply Occurring in Certain Prospective Areas Not Covered by Field Rules;
- Rule B-44: Establishment of Drilling Units for Gas Production From All Sources of Supply Occurring in Certain Producing Areas in Franklin, Logan, Scott, Sebastian and Yell Counties;

**Arkansas Oil and Gas Commission**

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-Rule B-45: Establishment of Well Set-Back Requirements for Dry Gas Production Wells Occurring in Established Fields in Crawford, Franklin, Johnson, Logan, Madison, Pope, Scott, Yell, Sebastian, and Washington Counties.

#### GENERAL RULE C- OIL

-Rule C-1: Fields or Pools in Which Production Will Be Controlled;

-Rule C-2: Reports by Producers;

-Rule C-5: Oil Assessment;

-Rule C-10: Establishment of Well Set-Back Requirements for Oil Production Wells.

#### GENERAL RULE D- GAS

-Rule D-7: Natural Gas to be Metred;

-Rule D-8: Monthly Natural Gas Production Reports;

-Rule D-14: Gas Assessment;

-Rule D-15: Measuring Gas at Custody Transfer Points;

-Rule D-16: Back Pressure Tests for Natural Gas Production Allowable Determination;

-Rule D-17: General Rules for the Regulation of Natural Gas Pipelines;

-Rule D-18: Authority to Commingle;

-Rule D-19: Additional Completions within Common Sources of Supply Within a Drilling Unit;

-Rule D-20: Noise Level Requirements for Non-Wellhead Compressor Facilities;

-Rule D-21: Procedures for Determining the Production Allowable for Dry Natural Gas Production Wells;

-Rule D-22: Requirements for Lease Gas Rights Supply Lines.

#### GENERAL RULE E- TRANSPORTATION

-Rule E-1: Pipelines, Purchasers, and Transporters;

-Rule E-2: Reports from Oil Pipe Lines, Transporters and Storers;

-Rule E-3: Exploration and Production Fluid Gathering, Handling and Transportation.

#### GENERAL RULE F- PROCESSING

-Rule F-2: Refinery Reports;

-Rule F-3: Gasoline Plant Reports.

#### **Arkansas Oil and Gas Commission**

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## GENERAL RULE G- ABANDONED AND ORPHAN WELL PLUGGING PROGRAM

- Rule G-1: Abandoned or Leaking Well and Well Site Remediation;
- Rule G-2: Plugging of Orphan Wells;
- Rule G-3: Transfer of Wells in the Abandoned and Orphaned Well Plugging Program.

## GENERAL RULE H- CLASS II UIC WELLS

-Rule H-1: Class II Disposal and Class II Commercial Disposal Well Permit Application Procedures;

-Rule H-2: Well Construction, Operating and Reporting Requirements for Class II Disposal Wells;

-Rule H-3: Well Construction, Operating and Reporting Requirements for Class II Commercial Disposal Wells.

These above-referenced rules of the Arkansas Oil and Gas Commission have only been amended to update the term "regulation" to the term "rule." The Commission is amending these rules consistent with the expedited procedure specified in Act 893 the 92<sup>nd</sup> General Assembly.

If you have any further questions or need any further information, please let us know.

Sincerely,



Shane E. Khoury  
Energy & Environment | Chief Counsel  
Oil & Gas Commission | Deputy Director

SK/pa  
Enclosure



Asa Hutchinson  
Governor

## ARKANSAS DEPARTMENT OF AGRICULTURE

1 Natural Resources Drive, Little Rock, AR 72205  
agriculture.arkansas.gov  
(501) 225-1598



Wes Ward  
Secretary of Agriculture

December 30, 2019

Arkansas Legislative Council  
c/o Marty Garrity  
Bureau of Legislative Research  
Room 315  
State Capitol Building  
500 Woodlane Street  
Little Rock, AR 72201

**RECEIVED**  
DEC 30 2019  
BUREAU OF  
LEGISLATIVE RESEARCH

RE: Rules of the Arkansas State Plant Board changed pursuant to Act 893 of 2019

Dear Ms. Garrity:

The following rules of the Arkansas State Plant Board have been filed with the Secretary of State pursuant to Act 893 of 2019:

Pesticide Enforcement Response Rule – Outlines penalties and method for administratively handling pesticide enforcement cases.

Arkansas Rules of Pesticide Use – Outlines how pesticides are to be used and applied by farm producers and pesticide applicators.

Plant Diseases and Pests Rule – Provides for the eradication and control of plant diseases and pests.

Official Standards for Seed Certification in Arkansas – Provides for testing, control and certification of seed to be planted for crops in Arkansas.

Civil Penalty Matrix for Plant Inspection and Quarantine – Outlines penalties and method for handling administrative plant inspection and quarantine cases.

Grain Dealers Rules – Provides for licensure, inspection and qualifications of grain dealers in Arkansas.

Soil Amendments Rules – Provides for registration, testing and inspection of substances intended to improve soil or crop production, except for fertilizer, which is covered under a separate rule.

Catfish Processors Rules – Provides for registration and inspection of persons engaged in the storing, handling, preparing, manufacturing, packaging, or holding of catfish products in Arkansas.

Aerial Pesticide Applicator Rules – Outlines how pesticides are to be used and applied by aerial pesticide applicators.

Pest Control Rules – Provides for licensing, testing, inspection and for the handling of administrative hearings for those engaged in the pest control business in Arkansas.

Grain Warehouse Rules – Provides for licensing, inspections, and qualification of those engaged in the business of storing grain for a consideration.

Agricultural Consultants Rules – Provides for licensing and continuing education of persons engaged in providing advice for eradication or control of insect pests, plant pathogen, weeds, or fertilizers.

Apiary Rules – Provides for registration, inspection, training, transportation, and disease eradication for those engaged in bee-keeping in Arkansas.

Official Standards for the Certification of Commercial Bait and Ornamental Fish in Arkansas – Provides eligibility requirements, fees, business practices, inspections, and diseases control for commercial bait and ornamental fish in Arkansas.

Fertilizer Rules – Provides for the registration, inspection, and testing of fertilizers used in Arkansas.

Ginseng Rules – Provides for licensure of any person who buys wild or artificially propagated ginseng for sale across state lines.

Pursuant to Act 893 of 2019, I affirmatively state that the only change to the aforementioned rules is a change from the use of the term "regulation" to the term "rule."

Respectfully,

  
Wade Hodge  
Managing Attorney