

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

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**August 21, 2020**

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**Co-Chairs:**

**The Administrative Rules Subcommittee met on Wednesday, August 19, 2020, 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 approved the following rules filed pursuant to Ark. Code Ann. § 10-3-309:**

**DEPARTMENT OF AGRICULTURE, ARKANSAS WATER WELL  
CONSTRUCTION COMMISSION (Mr. Wade Hodge)**

- a. Arkansas Water Well Construction Commission Rules**

**DEPARTMENT OF COMMERCE, ARKANSAS ECONOMIC DEVELOPMENT  
COMMISSION (Mr. Steven Porch, Mr. Clint Moore)**

- a. Arkansas Rural Connect Coronavirus Rule**

**DEPARTMENT OF COMMERCE, STATE INSURANCE DEPARTMENT (Mr.  
Gray Turner)**

- a. Rule 116: Arkansas Firefighter Cancer Relief Trust Fund**

**DEPARTMENT OF COMMERCE, ARKANSAS WATERWAYS COMMISSION  
(Ms. Cassandra Caldwell)**

- a. Arkansas Port, Intermodal, and Waterway Development Grant Program  
Rules**

**DEPARTMENT OF EDUCATION, DIVISION OF ELEMENTARY AND SECONDARY EDUCATION (DESE) (Ms. Jennifer Dedman, items a-d; Ms. Courtney Salas-Ford, items e-g)**

- a. Repeal of ADE Rules Governing the Calculation of Arkansas Smart Core Incentive Funding**
- b. DESE Rules Governing the Enrollment of Children of Military Families and Repeal**
- c. DESE Rules Governing Consolidation and Annexation of School Districts**
- d. DESE Rules Governing Nutrition and Physical Activity Standards and Body Mass Index for Age Assessment Protocols in Arkansas Public Schools**
- e. Repeal of ADE Rules Governing Minimum Qualifications for General Business Managers**
- f. Repeal of DESE Rules Governing Special Education and Related Services Sec. 22.00 Home Schooling; Sec. 23.00 ACTAAP; Sec 27.00 Charter Schools; Sec. 28.00 Uniform Grading Scales**
- g. DESE Rules Governing the Arkansas Fiscal Assessment and Accountability Program**

**DEPARTMENT OF FINANCE AND ADMINISTRATION, REVENUE DIVISION (Mr. Paul Gehring, Ms. Lauren Ballard)**

- a. Automatic Car Wash, Car Wash Tunnel, and Self-Service Bay Rules**

**DEPARTMENT OF HEALTH, DIVISION OF HEALTH RELATED BOARDS AND COMMISSIONS, ARKANSAS BOARD OF DISPENSING OPTICIANS (Ms. Jerry Himes, Mr. Matt Gilmore)**

- a. Arkansas Board of Dispensing Opticians Rules**

**DEPARTMENT OF HUMAN SERVICES, DIVISION OF MEDICAL SERVICES (Mr. Mark White, Ms. Janet Mann)**

- a. Medication Assisted Treatment Including the Following Provider Manuals: Federally Qualified Health Center 1-19, Hospital-5-19, Nurse Practitioner-3-19, Outpatient Behavioral Health Services-1-19, Physician-4-19 and Rural Health Clinic-1-19; Pharmacy-2-19; Section I-4-19; State Plan Amendment #2020-0013**

**DEPARTMENT OF LABOR AND LICENSING, DIVISION OF  
OCCUPATIONAL & PROF. LICENSING BOARDS AND COMMISSIONS,  
STATE BOARD OF PUBLIC ACCOUNTANCY (Mr. Tim Montgomery)**

- a. **Rule 19 Licensure for Military Members/Veterans/Spouses**

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

- a. **Rules of the Board of Licensure for Professional Engineers and Professional Surveyors**

**DEPARTMENT OF LABOR AND LICENSING, DIVISION OF  
OCCUPATIONAL & PROF. LICENSING BOARDS AND COMMISSIONS,  
HVAC LICENSING BOARD (Ms. Denise Oxley)**

- a. **Administrative Rules Pertaining to the Licensing of Heating, Ventilation, Air Conditioning and Refrigeration Contractors**

**DEPARTMENT OF TRANSFORMATION AND SHARED SERVICES, DIVISION  
OF BUILDING AUTHORITY (Ms. Ann Purvis)**

- a. **Building Authority Minimum Standards and Criteria, Section Three:  
Construction; 3-324**

- 3. **At the agency's request, the following rule was not considered and therefore deferred to the next meeting of the Subcommittee:**

**DEPARTMENT OF HUMAN SERVICES, DIVISION OF AGING, ADULT, AND  
BEHAVIORAL HEALTH SERVICES (Mr. Mark White, Ms. Patricia Gann)**

- a. **Arkansas Long Term Care Ombudsman Program Policies**

- 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, specifically, that the term "a reasonable amount of time" would be stated with more specificity:**

**DEPARTMENT OF AGRICULTURE, STATE PLANT BOARD (Mr. Wade Hodge, Mr. Scott Bray)**

- a. **Criminal Background Check Rule**

5. **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, specifically, that the term “a reasonable amount of time” would be stated with more specificity, instead adding language clarifying that the Board will respond to a pre-licensure criminal background check petition within two (2) weeks after receiving the results of the background checks:**

**DEPARTMENT OF LABOR AND LICENSING, DIVISION OF  
OCCUPATIONAL & PROF. LICENSING BOARDS AND COMMISSIONS,  
AUCTIONEER’S LICENSING BOARD (Ms. Kristy Arnold, Mr. Brad Wooley)**

- a. **Rules of the Arkansas Auctioneer’s Licensing Board**

6. **The Subcommittee heard agency updates on delinquent rulemaking under Act 517 of 2019.**

**Respectfully submitted,**

**Senator Lance Eads, Co-Chair**

**Representative Dan Sullivan, Co-Chair**

# ARKANSAS LEGISLATIVE COUNCIL

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July 23, 2020

Senator Lance Eads  
Senate Co-Chair  
Administrative Rules Review Section  
*via email*

Representative Dan Sullivan  
House Co-Chair  
Administrative Rules Review Section  
*via email*

Dear Co-Chairs:

This letter is to notify you that, pursuant to Act 1258 of 2015, the Executive Subcommittee met on July 23, 2020 to consider the request from Department of Commerce – Arkansas Economic Development Commission to review and approve the following emergency rule:

- *Department of Commerce, Arkansas Economic Development Commission, rule that outlines administration of a new emergency loan program for developmental disabilities providers that are facing hardships from COVID-19;*

A copy of the emergency rule is attached for your information.

The emergency rule was reviewed and approved, and the review and approval is effective upon adjournment of the Arkansas Legislative Council (ALC) meeting, Friday, July 24, 2020.

Respectfully,

Handwritten signature of Cecile Bledsoe in cursive script.

Senator Cecile Bledsoe  
Senate Co-Chair  
Executive Subcommittee

Handwritten signature of Representative Jeff Wardlaw in cursive script.

Representative Jeff Wardlaw  
House Co-Chair  
Executive Subcommittee

CB/JW:sla

Attachment

cc: Ms. Jessica Sutton, Administrator, Administrative Rules and Regulations Review Section  
*via email*