

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

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**September 18, 2020**

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**Co-Chairs:**

**The Administrative Rules Subcommittee met on Wednesday, September 16, 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 filed the following agencies' Quarterly Reports on Administrative Directives pursuant to Act 1258 of 2015, for the quarter ending June 30, 2020:**
  - a. Department of Corrections (Ms. Lindsay Wallace)**
  - b. Parole Board (Ms. Lindsay Wallace)**
- 3. The Subcommittee reviewed and approved the following rules filed pursuant to Ark. Code Ann. § 10-3-309:**

**DEPARTMENT OF COMMERCE, STATE SECURITIES DEPARTMENT (Mr. Eric Munson, Mr. David Smith, Ms. Karyn Tierney)**

  - a. Rules of the Arkansas Securities Commissioner**

**DEPARTMENT OF EDUCATION, DIVISION OF ELEMENTARY AND SECONDARY EDUCATION (DESE) (Mr. Taylor Dugan)**

  - a. DESE and ASBN Rules Governing the Administration of Insulin and Glucagon to Arkansas Public School Students Diagnosed with Diabetes**

**DEPARTMENT OF ENERGY AND ENVIRONMENT, DIVISION OF ENVIRONMENTAL QUALITY (Mr. Micheal Grappe, Mr. David Witherow)**

  - a. APC&EC Rule No. 23 Hazardous Waste Management**

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

- a. Rules Pertaining to Septic Tank Cleaners**
- b. Rules Pertaining to Plumbers License Fee, Expiration, Renewal, Journeyman Plumber, Master Plumber and Restricted Plumber Qualifications**
- c. Rules Pertaining to Water Operating Licensing**

**DEPARTMENT OF HEALTH, DIVISION OF HEALTH RELATED BOARDS AND COMMISSIONS, ARKANSAS BOARD OF HEARING INSTRUMENT DISPENSERS (Ms. Stephanie Pratt, Mr. Matt Gilmore)**

- a. State Board of Hearing Instrument Dispensers Rules**

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

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

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

- a. Transitional Employment Assistance Policy Manual 1,000 & 10,000**

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

- a. Episode 1-19; Section I-3-19; and State Plan #20-0002**

**DEPARTMENT OF LABOR AND LICENSING, DIVISION OF OCCUPATIONAL & PROF. LICENSING BOARDS AND COMMISSIONS, PROFESSIONAL BAIL BONDSMAN LICENSING BOARD (Mr. Marcus Devine, Mr. Curt Clark, Mr. Daniel Faulkner)**

- a. Rule 1 – Regulation of the Bail Bond Business**

**DEPARTMENT OF LABOR AND LICENSING, DIVISION OF OCCUPATIONAL & PROF. LICENSING BOARDS AND COMMISSIONS, CONTRACTORS LICENSING BOARD (Mr. Marcus Devine, Mr. Gregory Crow, Mr. Michael Langley)**

- a. 224-25-5-1 Issuance of License**

**DEPARTMENT OF LABOR AND LICENSING, DIVISION OF  
OCCUPATIONAL & PROF. LICENSING BOARDS AND COMMISSIONS,  
RESIDENTIAL CONTRACTORS COMMITTEE (Mr. Marcus Devine, Mr.  
Gregory Crow, Mr. Michael Langley)**

- a. **224-25-5-1 Issuance of License**

**PUBLIC SERVICE COMMISSION (Ms. Donna Gray)**

- a. **Arkansas Gas Pipeline Code**

- 4. **The Subcommittee reviewed and approved the following rules 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 LABOR AND LICENSING, DIVISION OF  
OCCUPATIONAL & PROF. LICENSING BOARDS AND COMMISSIONS,  
APPRAISER LICENSING AND CERTIFICATION BOARD (Mr. Marcus Devine,  
Ms. Diana Piechocki)**

- a. **Registered Apprentice Appraiser and Revisions 19-0005**

**DEPARTMENT OF LABOR AND LICENSING, DIVISION OF  
OCCUPATIONAL & PROF. LICENSING BOARDS AND COMMISSIONS,  
CONTRACTORS LICENSING BOARD (Mr. Marcus Devine, Mr. Gregory Crow,  
Mr. Michael Langley)**

- a. **Prelicensure Criminal Background Checks**

**DEPARTMENT OF LABOR AND LICENSING, DIVISION OF  
OCCUPATIONAL & PROF. LICENSING BOARDS AND COMMISSIONS,  
RESIDENTIAL CONTRACTORS COMMITTEE (Mr. Marcus Devine, Mr.  
Gregory Crow, Mr. Michael Langley)**

- a. **Prelicensure Criminal Background Checks**

- 5. **The Subcommittee reviewed and approved the following rule filed pursuant to Ark. Code Ann. § 10-3-309, with changes agreed upon by the agency during discussions at the Subcommittee meeting, specifically, that the definition of automatic licensure would be added verbatim from the statute and the term “a reasonable amount of time” would be stated with more specificity:**

**DEPARTMENT OF LABOR AND LICENSING, DIVISION OF  
OCCUPATIONAL & PROF. LICENSING BOARDS AND COMMISSIONS,  
REAL ESTATE COMMISSION (Mr. Marcus Devine, Ms. Andrea Alford, Mr.  
Daniel Faulkner)**

- a. **Automatic Licensure for Active Duty Service Members, Veterans, and their Spouses; and Pre-Licensure Criminal Background Checks & Waiver Requests**
6. **The Subcommittee referred the following rule to the House and Senate Committees on Public Health, Welfare and Labor:**

**DEPARTMENT OF HEALTH, DIVISION OF HEALTH RELATED BOARDS  
AND COMMISSIONS, STATE MEDICAL BOARD (Mr. Kevin O’Dwyer, Ms.  
Amy Embry, Dr. Sylvia Simon)**

- a. **Rule 46 – Minor Aesthetic/Cosmetic Surgical Procedures**
7. **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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**Room 315, State Capitol Building  
Little Rock, AR 72201**

**Marty Garrity**  
Executive Secretary

Tel: 501-682-1937  
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August 31, 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 August 31, 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, Supplemental Emergency Arkansas Rural Connect Coronavirus Emergency Rule.*

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 at 12:01 a.m., September 2, 2020.

Respectfully,

Handwritten signature of Cecile Bledsoe in cursive.

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Senator Cecile Bledsoe  
Senate Co-Chair  
Executive Subcommittee

Handwritten signature of Representative Jeff Wardlaw in cursive.

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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*