

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

November 19, 2021

Co-Chairs:

The Administrative Rules Subcommittee met on Wednesday, November 17, 2021, at 9:00 a.m., in Room A, MAC.

- 1. The Subcommittee adopted the attached Executive Subcommittee Reports concerning emergency rules.**

- 2. The Subcommittee reviewed and filed the Quarterly Reports on Administrative Directives pursuant to Act 1258 of 2015, for the quarter ending September 30, 2021, submitted by the following agencies:**
 - 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 AGRICULTURE, ARKANSAS LIVESTOCK AND
POULTRY COMMISSION (Mr. Wade Hodge, Mr. Patrick Fisk)**

- a. Arkansas Swine Rule**

- b. Feral Hog Airborne Eradication Rule**

**DEPARTMENT OF AGRICULTURE, VETERINARY MEDICAL
EXAMINING BOARD (Mr. Wade Hodge, Ms. Cara Tharp)**

- a. Fees**

DEPARTMENT OF COMMERCE, ARKANSAS ECONOMIC DEVELOPMENT COMMISSION (Mr. Steven Porch, Mr. Jim Hudson, item a; Mr. Jim Hudson, Ms. Renee Doty, items b – d)

- a. Addendum to Arkansas Rural Connect Coronavirus Rule**
- b. Military Affairs Grant Program**
- c. Arkansas Public Roads Tax Credit Program**
- d. Spay and Neuter Pet Grant Program**

DEPARTMENT OF COMMERCE, STATE INSURANCE DEPARTMENT (Mr. Dan Honey, items a, e; Ms. Crystal Phelps, items b, c; Mr. Jim Brader, item d)

- a. Rule 106: Network Adequacy Requirements for Health Benefit Plans (Revision)**
- b. Rule 107: Regulation of Medication Step Therapy Protocols**
- c. Rule 120: Coverage for Early Refills of Prescription Eye Drops**
- d. Rule 126: Insurance Business Transfers**
- e. Rule 127: Authorization of Off-Label Use for Drug Treatments for Pediatric Acute-Onset and Autoimmune Neuropsychiatric Syndrome**

DEPARTMENT OF COMMERCE, STATE INSURANCE DEPARTMENT, STATE BOARD OF EMBALMERS, FUNERAL DIRECTORS, CEMETERIES, AND BURIAL SERVICES (Ms. Amanda Gibson, Mr. Billy Curl)

- a. Rule 1: Rule Pertaining to Embalmers, Funeral Directors, Funeral Establishments, Crematories, Crematory Retort Operators, and Transport Services**
- b. Rule 2: Withdrawal from Permanent Maintenance Fund**

**DEPARTMENT OF EDUCATION, COMMISSION FOR ARKANSAS
PUBLIC SCHOOL ACADEMIC FACILITIES AND TRANSPORTATION
(Ms. Lori Freno, Mr. Tim Cain)**

- a. CAPSAFT Rules Governing the Academic Facilities Partnership Program, Including Appendix “A” Excerpts and Appendix “B”**

**DEPARTMENT OF FINANCE AND ADMINISTRATION, ARKANSAS
RACING COMMISSION (Mr. Byron Freeland, Mr. Skip Ebel, Mr. John
Campbell)**

- a. Thoroughbred Rule 1217 Medication and Prohibited Foreign Substances**
- b. Thoroughbred Rule 1217.1 Anabolic Steroids**
- c. Thoroughbred Rule 1217.5 Uniform Guidelines for Foreign Substances and Recommended Penalties Model Rule**
- d. Thoroughbred Rule 1232(5) Medication: Furosemide (Lasix)**
- e. Thoroughbred Rule 2169 Jockey Mount Fees**
- f. Thoroughbred Rule 2426 Claiming**
- g. Thoroughbred Rule 2426-A Claiming**
- h. Thoroughbred Rule 2430 Claiming**
- i. Thoroughbred Rule 2440 Claiming**
- j. Thoroughbred Rule 2458 Claiming**

**DEPARTMENT OF HEALTH, CENTER FOR HEALTH PROTECTION
(Mr. Charles Thompson, Mr. Bernard Bevill, item a; Ms. Laura Shue, Ms.
Jamie Turpin, item b)**

- a. Rules for Control of Sources of Ionizing Radiation**
- b. Rules Pertaining to Arkansas Prescription Drug Monitoring Program**

STATE HIGHWAY COMMISSION (Mr. Gill Rogers)

- a. **Rules for Transportation-Related Research and Workforce Development Grant Program**
- b. **Amendment to Permits for Overweight Vehicles Carrying Agronomic or Horticultural Products**

DEPARTMENT OF HUMAN SERVICES, DIVISION OF MEDICAL SERVICES (Ms. Elizabeth Pitman)

- a. **Extension of Benefits for Acute Crisis Units and Substance Abuse Detoxification, and Telemedicine for Specific Services**
- b. **State Plan Amendment 2021-0004 Long-Acting Reversible Contraceptives (LARCs); Physician 1-21**

DEPARTMENT OF LABOR AND LICENSING, DIVISION OF OCCUPATIONAL AND PROFESSIONAL LICENSING BOARDS AND COMMISSIONS, STATE BOARD OF COLLECTION AGENCIES (Mr. Boyd Maher, Ms. Denise Oxley)

- a. **State Board of Collection Agencies Rules (Rev. 2021)**

DEPARTMENT OF THE MILITARY (Mr. James Holifield, Mr. Scott Stanger, Ms. Bilenda Harris-Ritter)

- a. **Arkansas National Guard Tuition Waiver Program**

ARKANSAS SECRETARY OF STATE (Mr. Kurt Naumann, Mr. Michael Harry)

- a. **Rules to Create the Process for Becoming a Secure Voter**
4. **The Subcommittee reviewed the following rules recommending an expedited process for occupational licensure pursuant to Ark. Code Ann. § 17-4-110, as amended by Act 135 of 2021:**

DEPARTMENT OF HEALTH, ARKANSAS STATE BOARD OF PHYSICAL THERAPY (Ms. Nancy Worthen, Mr. Matt Gilmore)

- a. **Arkansas State Board of Physical Therapy Rules**

**DEPARTMENT OF LABOR AND LICENSING, DIVISION OF
OCCUPATIONAL AND PROFESSIONAL LICENSING BOARDS AND
COMMISSIONS, ARKANSAS STATE BOARD OF PUBLIC
ACCOUNTANCY (Mr. Jimmy Corley)**

- a. **Rule 19 Licensure for Uniformed Service Members, Veterans, and Spouses**
5. **The Subcommittee received an agency update on delinquent rulemaking under Act 517 of 2019.**
6. **The Subcommittee filed monthly written updates for October and November pursuant to Act 595 of 2021.**

Respectfully submitted,

Senator Kim Hammer, Co-Chair

Representative Les Eaves, Co-Chair

ARKANSAS LEGISLATIVE COUNCIL

EXHIBIT B

Officers

Senator Cecile Bledsoe
Senate Chair
Representative Jeff Wardlaw
House Chair
Senator Terry Rice
Senate Vice Chair
Representative Jim Dotson
House Vice Chair



Room 315, State Capitol Building
Little Rock, AR 72201

Marty Garrity
Executive Secretary

Tel: 501-682-1937
Fax: 501-682-1936

September 16, 2021

Senator Kim Hammer
Senate Co-Chair
Administrative Rules Review Section
via email

Representative Les Eaves
House Co-Chair
Administrative Rules Review Section
via email

Dear Co-Chairs:

This letter is to notify you that, the Executive Subcommittee met at 9:00 a.m. on September 16, 2021, pursuant to ALC Rule 22(f)(3)(B), to review and approve the following emergency rule:

- ***Department of Human Services (DHS)- Direct Care Staffing Requirements update, pursuant to Act 715 of 2021.***

A copy of the emergency rule is attached for your information. The emergency rule was reviewed and approved, and the review and approval shall be effective September 18, 2021.

Respectfully,

Handwritten signature of Senator Terry Rice in black ink.

Senator Terry Rice
Senate Co-Chair
Executive Subcommittee

Handwritten signature of Representative Jeff Wardlaw in black ink.

Representative Jeff Wardlaw
House Co-Chair
Executive Subcommittee

TR/JW:sla

Attachment

cc: Ms. Jessica Whittaker, Administrator, Administrative Rules Review Section
(via electronic mail)

ARKANSAS LEGISLATIVE COUNCIL

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September 30, 2021

Senator Kim Hammer
Senate Co-Chair
Administrative Rules Review Section
via email

Representative Les Eaves
House Co-Chair
Administrative Rules Review Section
via email

Dear Co-Chairs:

This letter is to notify you that, the Executive Subcommittee met at 8:30 a.m. on September 30, 2021, pursuant to ALC Rule 22(f)(3)(B), to review and approve the following emergency rule:

- ***Arkansas Board of Health and Arkansas Department of Health (ADH) - Emergency Medical Services***

A copy of the emergency rule is attached for your information. The emergency rule was reviewed and approved, and the review and approval shall be effective at 12:01 a.m., Saturday, October 2, 2021.

Respectfully,

Handwritten signature of Senator Terry Rice in black ink.

Senator Terry Rice
Senate Co-Chair
Executive Subcommittee

Handwritten signature of Representative Jeff Wardlaw in black ink.

Representative Jeff Wardlaw
House Co-Chair
Executive Subcommittee

TR/JW:sla

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cc: Ms. Jessica Whittaker, Administrator, Administrative Rules Review Section
(via electronic mail)

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Marty Garrity
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October 4, 2021

Senator Kim Hammer
Senate Co-Chair
Administrative Rules Review Section
via email

Representative Les Eaves
House Co-Chair
Administrative Rules Review Section
via email

Dear Co-Chairs:

This letter is to notify you that, the Executive Subcommittee met at 12:00 p.m., on October 4, 2021, pursuant to ALC Rule 22(f)(3)(B), to review and approve the following emergency rule:

- ***Arkansas Department of Health (ADH) and State Board of Nursing - Chapter Two - Licensure: RN, LPN, and LPTN***

A copy of the emergency rule is attached for your information. The emergency rule was reviewed and approved, and the review and approval shall be effective at 12:01 a.m., Wednesday, October 6, 2021.

Respectfully,

Handwritten signature of Senator Terry Rice.

Senator Terry Rice
Senate Co-Chair
Executive Subcommittee

Handwritten signature of Representative Jeff Wardlaw.

Representative Jeff Wardlaw
House Co-Chair
Executive Subcommittee

TR/JW:sla

Attachment

cc: Ms. Jessica Whittaker, Administrator, Administrative Rules Review Section
(via electronic mail)

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Marty Garrity
Executive Secretary

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November 9, 2021

Senator Kim Hammer
Senate Co-Chair
Administrative Rules Review Section
via email

Representative Les Eaves
House Co-Chair
Administrative Rules Review Section
via email


Dear Co-Chairs:

This letter is to notify you that, the Executive Subcommittee met at 1:00 p.m., on November 9, 2021, pursuant to ALC Rule 22(f)(3)(B), to review and approve the following emergency rule:


- ***Arkansas Department of Human Services (DHS), Division of Medical Services - Rule 175: COVID-19 Vaccinations for Home-Bound Medicaid Clients***

A copy of the emergency rule is attached for your information. The emergency rule was reviewed and approved, and the review and approval shall be effective at 12:01 a.m., Thursday, November 11, 2021.

Respectfully,



Senator Terry Rice
Senate Co-Chair
Executive Subcommittee



Representative Jeff Wardlaw
House Co-Chair
Executive Subcommittee

TR/JW:sla

Attachment

cc: Ms. Jessica Whittaker, Administrator, Administrative Rules Review Section
(*via electronic mail*)