

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

April 22, 2022

Co-Chairs:

The Administrative Rules Subcommittee met on Wednesday, April 20, 2022, 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 Quarterly Reports on Administrative Directives pursuant to Act 1258 of 2015, for the quarter ending December 31, 2021, submitted by the following agencies:**
 - a. Department of Corrections (Lindsay Wallace)**
 - b. Parole Board (Lindsay Wallace)**
- 3. The Subcommittee reviewed and approved the following rules filed pursuant to Ark. Code Ann. § 10-3-309:**

ARKANSAS PUBLIC EMPLOYEES’ RETIREMENT SYSTEM (Laura Gilson, Allison Woods)

 - a. 24 CAR § 1-213. DROP Provisions**
 - b. 501 Investment Policy – REPEAL**

ARKANSAS TEACHER RETIREMENT SYSTEM (Clint Rhoden, Jennifer Liwo)

 - a. ATRS Rule 4 – Election of Board of Trustees**
 - b. ATRS Rule 6 – Membership Rules**

- c. **ATRS Rule 7 – Reporting and Eligibility**
- d. **ATRS Rule 8 – Purchases and Refunds**
- e. **ATRS Rule 9 – Retirement and Benefits**
- f. **ATRS Rule 10 – T-DROP and Return to Service**
- g. **ATRS Rule 11 – Survivors and Domestic Relations Orders**

**DEPARTMENT OF AGRICULTURE (Patrick Fisk, Wade Hodge, item a;
Chris Colclasure, Tate Wentz, Wade Hodge, item b)**

- a. **State Meat Inspection Program Rules**
- b. **Unpaved Roads Program Rules**

**DEPARTMENT OF COMMERCE, ARKANSAS ECONOMIC
DEVELOPMENT COMMISSION (Jim Hudson)**

- a. **Consolidated Incentive Act of 2003 Rule**
- b. **Digital Product and Motion Picture Industry Development Act**
- c. **Railroad Modernization Act of 2021**

**DEPARTMENT OF COMMERCE, STATE INSURANCE DEPARTMENT,
STATE BOARD OF EMBALMERS, FUNERAL DIRECTORS,
CEMETERIES, AND BURIAL SERVICES (Amanda Gibson)**

- a. **Licensure of Certain Individuals**
- b. **Fee Waivers for Certain Individuals**

**DEPARTMENT OF EDUCATION, COMMISSION FOR ARKANSAS
PUBLIC SCHOOL ACADEMIC FACILITIES AND TRANSPORTATION
(Lori Freno, Whitney James)**

- a. **Rules Governing the Academic Facilities Catastrophic Program**
- b. **Rules Governing the Facilities Master Plan**
- c. **Rules Governing Maintenance and Operation of Public School Buses
and Physical Examinations of School Bus Drivers**

DEPARTMENT OF EDUCATION, DIVISION OF ELEMENTARY AND SECONDARY EDUCATION (Whitney James, items a, j; Anthony Owen, item b; Lori Freno, items b-i, k; David Dawson, item k)

- a. Rules Governing the Arkansas Tutoring Corps**
- b. Rules Governing Grading and Course Credit, Chapters 1 and 7 Only**
- c. Rules Governing Act 1240 Waivers**
- d. Rules Governing Public School Choice**
- e. Rules Governing Consolidation and Annexation of School Districts, Sections 2.00, 13.00, and Table of Contents Only**
- f. Rules Governing the Arkansas Student Protection Act**
- g. Rules Governing Standards for Accreditation of Arkansas Public Schools and School Districts**
- h. Rules Governing Eye and Vision Screening Report in Arkansas Public Schools**
- i. Rules Governing Documents Posted to School District and Education Service Cooperative Websites, Chapters 1 and 4 Only**
- j. Rules Governing Public Charter Schools**
- k. Division of Elementary and Secondary Education and State Board of Nursing Rules Governing the Administration of Insulin, Glucagon, and Medication for Adrenal Insufficiency or Adrenal Crisis to Arkansas Public School Students**

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

- a. Rules Governing the Arkansas Future Grant Program**
- b. Rules Governing the Military Dependents' Scholarship Program**
- c. Rules Governing Out-of-State Veterinary Medical Education Loan Repayment Program**

- d. Rules Governing the Arkansas Workforce Challenge Scholarship Program**
- e. Rules Governing the Law Enforcement Officers' Dependents Scholarship Program**
- f. Rules Governing the Arkansas Concurrent Challenge Scholarship Program**
- g. Rules Governing the Arkansas Governor's Scholars Program**
- h. Rules Governing the Arkansas Academic Challenge Scholarship Program**
- i. Minority Teacher Scholars Program Rules and Regulations REPEAL**
- j. Emergency Secondary Education Loan Rules and Regulations REPEAL**
- k. Minority Masters Fellows Program Rules and Regulations REPEAL**

DEPARTMENT OF ENERGY AND ENVIRONMENT, DIVISION OF ENVIRONMENTAL QUALITY (Basil Hicks, Alan York, item a; Michael McAlister, item b)

- a. Rule No. 2, Rule Establishing Water Quality Standards for Surface Waters of the State of Arkansas**
- b. APC&EC Rule 19**

DEPARTMENT OF ENERGY AND ENVIRONMENT, OIL AND GAS COMMISSION (Daniel Pilkington, Michael McAlister)

- a. Rule B-4: Application to Transfer a Well**

DEPARTMENT OF FINANCE AND ADMINISTRATION (Andy Babbitt, David Scott)

- a. Method of Distribution of American Rescue Plan Act ("ARPA") Funds for COVID-19 Testing**

DEPARTMENT OF FINANCE AND ADMINISTRATION, ALCOHOLIC BEVERAGE CONTROL (Doralee Chandler)

- a. Oversight of Medical Marijuana Cultivation Facilities, Processors, and Dispensaries**
- b. Title 1, Subtitle C, Rule 1.19(3): Types of Permits for which Application May Be Made**
- c. Title 2, Subtitle C, Rule 2.16(2): Manufacturers to Register Brands of Controlled Beverages; Manufacturers and Wholesalers Not to Change Brands Without Approval of Director**

DEPARTMENT OF HEALTH, ARKANSAS DIETETICS LICENSING BOARD (Debie Head, Matt Gilmore)

- a. Rules of the Arkansas Dietetics Licensing Board**

DEPARTMENT OF HEALTH, ARKANSAS PSYCHOLOGY BOARD (Colin Davies, Matt Gilmore)

- a. Arkansas Psychology Board Rules**

DEPARTMENT OF HEALTH, ARKANSAS STATE BOARD OF CHIROPRACTIC EXAMINERS (Laurie Mayhan, Tanya Holt, Matt Gilmore)

- a. Advertising by Chiropractic Physicians**
- b. Animal Chiropractic**
- c. Applications for State Board Examination and Licensure**
- d. Licensure for Military Veterans**
- e. Pre-Licensure Criminal Background Check Waiver Request**

DEPARTMENT OF HEALTH, ARKANSAS STATE BOARD OF NURSING (Sue Tedford, David Dawson, Matt Gilmore)

- a. Chapter Two – Licensure: RN, LPN, and LPTN**
- b. Chapter Three – Registered Nurse Practitioner**
- c. Chapter Four – Advanced Practice Registered Nurse**
- d. Chapter Six – Standards for Nursing Education Programs**

e. Chapter Eight – Medication Assistant – Certified

DEPARTMENT OF HEALTH, ARKANSAS STATE BOARD OF PHARMACY (John Kirtley, Luke Daniels, Matt Gilmore)

a. Rule 7 – Drug Products/Prescriptions

b. Rule 9 – Pharmaceutical Care/Patient Counseling

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

a. State Board of Physical Therapy Rules

b. State Board of Physical Therapy Telehealth Rule

DEPARTMENT OF HEALTH, DIVISION OF PHARMACY SERVICES AND DRUG CONTROL (Shane David, Laura Shue)

a. List of Controlled Substances

DEPARTMENT OF HEALTH, ENVIRONMENTAL HEALTH SERVICES (Terry Paul, Ric Mayhan, Laura Shue)

a. Rules Pertaining to Drip Dispersal Systems

b. Rules Pertaining to Septic Tank Cleaners

c. Rules Pertaining to Retail Food Establishments

d. Plumbing Licenses

e. Rules Pertaining to Onsite Wastewater Systems

f. Rules Pertaining to Restricted Plumber Gas Fitter License and Gas Utility

DEPARTMENT OF HEALTH, PUBLIC HEALTH LABORATORY (Laura Bailey, Laura Shue)

a. Arkansas Rules for Alcohol Testing

DEPARTMENT OF HEALTH, STATE BOARD OF EXAMINERS OF ALCOHOLISM & DRUG ABUSE COUNSELORS (Pam Fite, Andrew Beavers, Matt Gilmore)

- a. Rules Governing Alcoholism and Drug Abuse Counselors**

DEPARTMENT OF HEALTH, STATE BOARD OF HEALTH (Derica Mack, Chuck Thompson, item a; Lynda Lehing, Laura Shue, item b; Paula Day, Chuck Thompson, items c-g; Christy Kresse, Laura Shue, item h)

- a. Licensed Lay Midwifery**
- b. Rules for the Administration of Vital Records**
- c. Rules for Perfusionists**
- d. Rules for Hospitals and Related Institutions**
- e. Rules for Critical Access Hospitals**
- f. Rules for Free-Standing Birthing Centers**
- g. Rules for Orthotic, Prosthetic, and Pedorthic Providers**
- h. Rules for Emergency Medical Services**

DEPARTMENT OF HUMAN SERVICES, DIVISION OF CHILD CARE AND EARLY CHILDHOOD EDUCATION (Mark White, Tonya Williams, Ebony Russ)

- a. Minimum Licensing Standards for Child Welfare Agencies (Placement and Residential)**

DEPARTMENT OF HUMAN SERVICES, DIVISION OF CHILDREN AND FAMILY SERVICES (Mark White, Christin Harper)

- a. Promoting Successful Transitions to Adulthood**
- b. Providing Information to and Gathering Information from Resource Parents**
- c. Updates to Child Maltreatment Investigation Policies and Procedures**
- d. Development of Resource Homes and Support to Resource Parents**

DEPARTMENT OF HUMAN SERVICES, DIVISION OF COUNTY OPERATIONS (Mark White, Mary Franklin)

- a. **SNAP Policy 3502.2 and 3502.3**
- b. **SNAP Updates Pursuant to Act 780**

DEPARTMENT OF HUMAN SERVICES, DIVISION OF MEDICAL SERVICES (Mark White, Elizabeth Pitman)

- a. **Preferred Drug List Pool and Value-Based Purchasing**
- b. **PCP Visits and Act 569 of 2021**
- c. **Vagus Nerve Stimulation Therapy; SPA 2022-0004**

DEPARTMENT OF LABOR AND LICENSING, DIVISION OF OCCUPATIONAL AND PROFESSIONAL LICENSING BOARDS AND COMMISSIONS, ARKANSAS FIRE PROTECTION LICENSING BOARD (Patricia White, Miles Morgan)

- a. **Rules for Portable/Fixed Systems**
- b. **Rules for Sprinkler Systems**

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

- a. **Board Rule 3 “Examinations”**
- b. **Board Rule 10 “Registration”**
- c. **Board Rule 12 “Fees”**
- d. **Board Rule 13 “Continuing Education”**
- e. **Board Rule 19 “Licensure for Uniformed Service Members, Veterans, and Spouses”**

DEPARTMENT OF LABOR AND LICENSING, DIVISION OF OCCUPATIONAL AND PROFESSIONAL LICENSING BOARDS AND

COMMISSIONS, AUCTIONEER'S LICENSING BOARD (Kelli Black, Miles Morgan)

- a. **Rules 9 and 10**

DEPARTMENT OF LABOR AND LICENSING, DIVISION OF OCCUPATIONAL AND PROFESSIONAL LICENSING BOARDS AND COMMISSIONS, PROFESSIONAL BAIL BOND COMPANY AND PROFESSIONAL BAIL BONDSMAN LICENSING BOARD (Randy Murray, Miles Morgan)

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

DEPARTMENT OF LABOR AND LICENSING, DIVISION OF OCCUPATIONAL AND PROFESSIONAL LICENSING BOARDS AND COMMISSIONS, STATE BOARD OF BARBER EXAMINERS (Phyllis Jacobsen, Miles Morgan)

- a. **Rule 4; Rule 5 – Miscellaneous; Rule 8 – Barber College/Barber School Curriculum; Rule 10 – Automatic Licensure Uniformed Service Veterans; Rule 15 – Pre-Licensure Criminal Background Check; Rule 16 – Fees**

DEPARTMENT OF LABOR AND LICENSING, DIVISION OF OCCUPATIONAL AND PROFESSIONAL LICENSING BOARDS AND COMMISSIONS, STATE BOARD OF LICENSURE FOR PROFESSIONAL ENGINEERS AND PROFESSIONAL SURVEYORS (Heather Richardson, Miles Morgan)

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

DEPARTMENT OF PUBLIC SAFETY, DIVISION OF ARKANSAS STATE POLICE (Captain Stacie Rhoads, Joan Shipley)

- a. **Cold Case Tax Credit**

STATE BOARD OF ELECTION COMMISSIONERS (Daniel Shults, Chris Madison)

- a. **Rules of Procedure for Citizen Complaint Regarding Violations of State Election and Voter Registration Laws**
- b. **Rules for County Election Commissioners Training**

- c. **Rules on Poll Watchers, Vote Challenges, and Provisional Voting**
- d. **Rules of Practice and Procedure**
- e. **Rules for Verification of Voter Registration**
- f. **Rules for Poll Worker and County Clerk Training**
- g. **Rules for County Election Coordinator Training**

TREASURER OF STATE (Grant Wallace, John Peace)

- a. **The Arkansas Tax-Deferred Tuition Savings Program**

**DEPARTMENT OF COMMERCE, STATE INSURANCE DEPARTMENT
(Booth Rand, item a; Jim Brader, items b, c)**

- a. **Rule 111: Craniofacial Anomaly Reconstructive Surgery Coverage – “Wendelyn’s Craniofacial Law”**
- b. **Rule 56: Companies Financial Regulation Fees**
- c. **Rule 5: Companies Antifraud Fees**

- 4. **At the agency’s request, the following rules were pulled from consideration at the Subcommittee meeting:**

DEPARTMENT OF EDUCATION, DIVISION OF ELEMENTARY AND SECONDARY EDUCATION (Whitney James)

- a. **Rules Governing Arkansas Military Child School Transitions**

**DEPARTMENT OF COMMERCE, STATE INSURANCE DEPARTMENT
(Booth Rand)**

- a. **Rule 118: Pharmacy Benefits Managers Regulation**

- 5. **With the agency’s agreement, the following rule was held for further discussion between the agency and legislative sponsor:**

DEPARTMENT OF PUBLIC SAFETY, DIVISION OF ARKANSAS STATE POLICE (Jami Cook, Joan Shipley)

- a. **Law Enforcement Family Relief Fund**
- 6. **The Subcommittee reviewed the following rules recommending an expedited process for occupational licensure pursuant to Ark. Code Ann. § 17-4-109, as amended by Act 135 of 2021:**

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

- a. **Rule 42: Licensure for Uniformed Service Members, Veterans, and Spouses**

**DEPARTMENT OF LABOR AND LICENSING, DIVISION OF
OCCUPATIONAL AND PROFESSIONAL LICENSING BOARDS AND
COMMISSIONS, CONTRACTORS LICENSING BOARD (Greg Crow)**

- a. **Rules of the Residential Contractors Committee**
- b. **Rules for Commercial Contractors**

**DEPARTMENT OF PUBLIC SAFETY, DIVISION OF ARKANSAS
STATE POLICE (Major Lindsey Williams, Captain Mike Moyer, Joan
Shipley)**

- a. **Expedited Licensing for Veterans and Spouses; Fee Waivers for Certain Licenses**
 - b. **Used Motor Vehicle Dealer Licensing Rules**
- 7. **The Subcommittee filed the February, March, and April 2022 monthly written agency updates pursuant to Act 595 of 2021.**

Respectfully submitted,

Senator Kim Hammer, Co-Chair

Representative Les Eaves, Co-Chair

ARKANSAS LEGISLATIVE COUNCIL

Officers

Senator Terry Rice
Senate Co-Chair

Representative Jeff Wardlaw
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House Co-Vice Chair



Marty Garrity
Executive Secretary

Room 315, State Capitol Building
Little Rock, AR 72201

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

March 21, 2022

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 exercised the power granted to it under Arkansas Code § 10-3-309(d)(2)(B) and ALC Rule 22(f)(2)(B) to review and approve the following emergency rule in writing on March 18, 2022.

- ***Arkansas Dept. of Agriculture, Arkansas Livestock and Poultry Commission - Avian Influenza 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 will be effective at 12:01 a.m., Wednesday, March 23, 2022.

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. Rebecca Miller-Rice, Administrator, Administrative Rules Review Section
(via electronic mail)