

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

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**May 20, 2022**

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**Co-Chairs:**

**The Administrative Rules Subcommittee met on Wednesday, May 18, 2022, at 9:00 a.m., in Room A, MAC.**

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

**ARKANSAS DEPARTMENT OF TRANSPORTATION, STATE  
HIGHWAY COMMISSION (Gill Rogers)**

- a. Amendment to the Permit Rules for the Movement of Oversized Vehicles on the State Highway System**

**DEPARTMENT OF AGRICULTURE, ARKANSAS MILK  
STABILIZATION BOARD (Frederic Simon, Kolton Jones, Wade Hodge)**

- a. Milk Stabilization Rules**

**DEPARTMENT OF AGRICULTURE, ARKANSAS NATURAL  
RESOURCES COMMISSION (Ryan Benefield, Blake Forrest, Wade Hodge)**

- a. Title 14: Water Resource Conservation and Development Incentives**

**DEPARTMENT OF EDUCATION, DIVISION OF ELEMENTARY AND SECONDARY EDUCATION (Amy Douglas, items a-e; Lori Freno, items f-h; Cristy Park, items i-j; Courtney Salas-Ford, items k-m)**

- a. Background Checks**
- b. Master Principal**
- c. National Board Certified Teacher**
- d. Code of Ethics**
- e. Educator Licensure**
- f. Rules Governing School-Based AED Devices and CPR Programs**
- g. Rules Governing Visual and Performing Arts Instruction for Students in Grades 1-8**
- h. Rules Governing the Arkansas Educational Support and Accountability Act**
- i. Rules Governing Required Training for School Board Members**
- j. Rules Governing the Right to Read Act**
- k. Rules Governing Declining Enrollment and Student Growth Funding for Public School Districts**
- l. Rules Governing the Star-Spangled Banner Act**
- m. Rules Governing Student Special Needs Funding**

**DEPARTMENT OF FINANCE AND ADMINISTRATION, ARKANSAS TOBACCO CONTROL BOARD (Greg Sled)**

- a. Rules of the Arkansas Tobacco Control Board**

**DEPARTMENT OF FINANCE AND ADMINISTRATION, REVENUE DIVISION (Keith Linder, Joel DiPippa)**

- a. 2022-1 Philanthropic Investment in Arkansas Kids Program Rules**

**DEPARTMENT OF HEALTH, ARKANSAS BOARD OF PODIATRIC MEDICINE (John Robinette, Matt Gilmore)**

- a. Rules for the Board of Podiatric Medicine**

**DEPARTMENT OF HEALTH, STATE BOARD OF HEALTH (Charles Thompson)**

- a. Rules Pertaining to Radiologic Technology Licensure**

**DEPARTMENT OF HEALTH, STATE KIDNEY DISEASE COMMISSION (Charles Thompson)**

- a. Arkansas Kidney Disease Commission Rules**

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

- a. Medical Services Policy Section A-116, H-100, H-400, H-600, and H-700**

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

- a. Non-Emergency Ambulance Transport Payments**
- b. Outpatient Behavioral Health Services (OBHS) and School-Based Mental Health Services (SBMHS) Manuals**
- c. Hospital, Physician and Nurse Practitioner Provider Manuals and SPA to Add PANS/PANDAS Treatment**
- d. Medicaid Limits on Lab/Radiology and SPA 2022-0003**
- e. Pharmacy Manual Update 3-21 and SPA 2022-0001**

**DEPARTMENT OF HUMAN SERVICES, DIVISION OF PROVIDER SERVICES AND QUALITY ASSURANCE (Mark White, Martina Smith)**

- a. Behavioral Health Agency Certification Manual Update Pursuant to Act 760**
- b. Long-Term Care Facility Licensure and Change of Ownership, and Medication Assistant**

- c. **Definition of Long-Term Care Facility**
- d. **In-Home Caregiver Background Checks**
- e. **Waiver of Licensure Fees**

**DEPARTMENT OF LABOR AND LICENSING, DIVISION OF LABOR, HVACR LICENSING BOARD (Ralph Hudson, Miles Morgan, Anthony Woodard)**

- a. **Administrative Rules Pertaining to the Licensing of Heating, Ventilation, Air Conditioning, and Refrigeration Contractors**
- b. **Repeal of Administrative Rules Pertaining to the Certification of Heating, Ventilation, Air Conditioning, and Refrigeration Mechanical Inspectors**
- c. **Section XXIII – The International Mechanical Code**

**DEPARTMENT OF LABOR AND LICENSING, DIVISION OF OCCUPATIONAL AND PROFESSIONAL LICENSING BOARDS AND COMMISSIONS, ARKANSAS ABSTRACTERS' BOARD (Mary Sheridan, Miles Morgan)**

- a. **Rules of the Arkansas Abstracters' Board**

**DEPARTMENT OF LABOR AND LICENSING, DIVISION OF OCCUPATIONAL AND PROFESSIONAL LICENSING BOARDS AND COMMISSIONS, ARKANSAS MOTOR VEHICLE COMMISSION (Sandy Stroope, Miles Morgan)**

- a. **AMVC Rule 3 – Advertising; AMVC Rule 7 – Off-Premise Sales, Displays and/or Events; and AMVC Rule 10 – Education and Grant Training Program**

**DEPARTMENT OF LABOR AND LICENSING, DIVISION OF OCCUPATIONAL AND PROFESSIONAL LICENSING BOARDS AND COMMISSIONS, ARKANSAS REAL ESTATE COMMISSION (Andrea Alford, Miles Morgan)**

- a. **Rule 3.4 – Waiver of Application Fees**

- b. Rule 4.5 – Automatic Licensure for Uniformed Service Members, Veterans and their Spouses; Rule 6.1 – Renewal Applications; and Rule 11.1 – Requests for Waiver or Extension; Exemptions for Uniformed Service Members and their Spouses**
- c. Rule 4.6 – Pre-Licensure Criminal Background Check and Waiver Request**
- d. Rule 4.7 – Work Permits Accepted**
- e. Rule 13.1 – Registration, Renewal, and Fees**

**DEPARTMENT OF LABOR AND LICENSING, DIVISION OF OCCUPATIONAL AND PROFESSIONAL LICENSING BOARDS AND COMMISSIONS, STATE BOARD OF REGISTRATION FOR PROFESSIONAL GEOLOGISTS (Miles Morgan, Kelli Black)**

- a. Rules of the State Board of Registration for Professional Geologists**

**DEPARTMENT OF PARKS, HERITAGE, AND TOURISM, DIVISION OF ARKANSAS HERITAGE (Leslie Fiskens, Debra Fithen)**

- a. Arkansas Cultural Institutions Trust Fund Act Rules**

**DEPARTMENT OF PUBLIC SAFETY, DIVISION OF ARKANSAS STATE POLICE (Joan Shipley, items a-b; Major Lindsey Williams, Captain Mike Moyer, items a-c)**

- a. Rules for Licensing and Regulation of Private Investigators, Private Security Agencies, Alarm Systems Companies, Polygraph Examiners, and Voice Stress Analysis Examiners**
- b. Used Motor Vehicle Dealer Licensing Rules**
- c. 2021 Arkansas Fire Prevention Code**

**TREASURER OF STATE, ARKANSAS FINANCIAL EDUCATION COMMISSION (T.J. Fowler, Fran Jansen)**

- a. Rules of the Arkansas Financial Education Commission**

3. **The Subcommittee deferred the following rule to be considered by the Legislative Council at its May 20, 2022 meeting:**

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

- a. **Veterinary Telehealth and Telemedicine**

4. **At the agency's request, the following rule was pulled from consideration prior to the Subcommittee meeting:**

**DEPARTMENT OF AGRICULTURE, STATE PLANT BOARD**

- a. **Arkansas Industrial Hemp Production Rule**

5. **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 LABOR AND LICENSING, DIVISION OF LABOR, STATE ATHLETIC COMMISSION (Miles Morgan)**

- a. **Administrative Rules Pertaining to the State Athletic Commission**

6. **The Subcommittee filed monthly written updates pursuant to Act 595 of 2021.**

**Respectfully submitted,**

**Senator Kim Hammer, Co-Chair**

**Representative Les Eaves, Co-Chair**