

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

July 20, 2012

Co-Chairs:

The Subcommittee on Administrative Rules and Regulations met at 10:00 a.m. on Friday, July 13, 2012, in Room 171 of the State Capitol. The following committee members attended: Senator Percy Malone, Co-Chair; Representative James L. Word, Co-Chair; Senator Jimmy Jeffress, Vice Co-Chair; Senators Mary Anne Salmon, Stephanie Flowers, Johnny Key, and Jack Crumbly; Representatives Terry Rice, Tommy Lee Baker, Toni Bradford, Les "Skip" Carnine, Eddie Cheatham, Kelley Linck, Johnnie Roebuck, Randy Stewart, and Linda Tyler. Other legislators attended as follows: Senators Bruce Holland, Jonathan Dismang, Bill Sample, and David Wyatt; Representatives Duncan Baird, Nate Bell, David Branscum, Jerry Brown, Robert Dale, Efrem Elliott, Billy Gaskill, Justin Harris, Lane Jean, Bryan King, Sheilla Lampkin, Homer Lenderman, Buddy Lovell, Mike Patterson, James Ratliff, Mary Slinkard, Henry "Hank" Wilkins IV, Ann Clemmer, Kim Hammer, Tracy Steele, John Vines, and Jon Woods.

- 1. The subcommittee reviewed the following rules filed pursuant to Ark. Code Ann. § 10-3-309:**

**DEPARTMENT OF CAREER EDUCATION, ADULT EDUCATION DIVISION
(Jim Smith)**

- a. Emergency Rule; Revised Adult Education Funding Formula Criteria

ARKANSAS ECONOMIC DEVELOPMENT COMMISSION (Morris Jenkins)

- a. Consolidated Incentive Act of 2003 Rules

DEPARTMENT OF EDUCATION (Jeremy Lasiter)

- a. Education Service Cooperatives

DEPARTMENT OF HEALTH, CENTER FOR HEALTH PROTECTION (Robert Brech)

- a. Control of Sources of Ionizing Radiation

DEPARTMENT OF HEALTH, OFFICE OF ORAL HEALTH (Robert Brech)

- a. Fluoride Varnish

**DEPARTMENT OF HUMAN SERVICES, AGING AND ADULT SERVICES
(Charles Thompson, Patricia Robins)**

- a. Older Americans Act Policy 103 (AAA Assessments)

DEPARTMENT OF HUMAN SERVICES, COUNTY OPERATIONS (Lorie Williams)

- a. Form DCO-950, Workers with Disabilities Application for Assistance; Medical Services Policy 28000-28070

**DEPARTMENT OF HUMAN SERVICES, FINANCE AND ADMINISTRATION
(Jeff Wood)**

- a. DHS Subgrant Policy

DEPARTMENT OF HUMAN SERVICES, MEDICAL SERVICES (Marilyn Strickland, item a.; John Selig and Andy Allison, item b.)

- a. Notice of Rule Making – 2012 Current Procedure Terminology (CPT®) Code Conversion; Notice of Rule Making – 2012 Healthcare Common Procedural Coding System Level II (HCPCS) Code Conversion
- b. Episode Performance Payments for Ambulatory URI, ADHD and Perinatal Care

DEPARTMENT OF INFORMATION SYSTEMS (Kym Patterson)

- a. Domain Name Service (DNS) Resolution Standard

LAW ENFORCEMENT STANDARDS COMMISSION (Ken Jones, Brian Marshall)

- a. Veterans Law Enforcement Program

STATE BOARD OF PHARMACY (John Kirtley)

- a. Regulation 9; Pharmaceutical Care/Patient Counseling

PUBLIC SERVICE COMMISSION (John Bethel)

- a. Arkansas Gas Pipeline Code
- b. Proposed Amendments to the Net Metering Rules

ARKANSAS REAL ESTATE COMMISSION (Gary Isom, Andrea Alford)

- a. Proposed Amendment to Regulation 6.3
- b. Proposed Amendment to Regulation 9

ARKANSAS TEACHER RETIREMENT SYSTEM (Gail Bolden)

- a. ATRS Audit Committee Charter Rule 1-18
- b. ATRS Membership Rules Rule 6-1

2. **The following two rules were deferred until the August, 2012 meeting. On item a., the subcommittee requested that the director of the Department of Community Correction appear at the next meeting to further explain the rule. On item b., the subcommittee requested that the department provide further information on the meaning of electronic records.**

DEPARTMENT OF CORRECTION (Bobby G. Smith)

- a. AR 400; Security
- b. AR 831; Disciplinary Rules and Regulations

3. **The following two rules were referred to the Senate Interim Committee on Education and the House Interim Committee on Education for further review with a request that the committees report back to the Administrative Rules and Regulations Subcommittee:**

DEPARTMENT OF EDUCATION

- a. Public Charter Schools
- b. Teacher Excellence and Support System

4. **The following rule was deferred until the next meeting. The subcommittee asked that the legal staffs of both the agency and the bureau discuss the fee for a transferred permit.**

DEPARTMENT OF ENVIRONMENTAL QUALITY, MINING DIVISION (Teresa Marks, Ryan Benefield)

- a. Reg. 15; The Arkansas Open-Cut Land Reclamation Code

5. **Upon the agency's request, the following rule will be considered at the August, 2012 meeting:**

LAW ENFORCEMENT STANDARDS COMMISSION (Ken Jones)

- a. Certification of Law Enforcement Canines and Certifying Officials

6. **The following rule was referred to the Senate Interim Committee on Agriculture, Forestry and Economic Development and the House Interim Committee on Agriculture, Forestry and Economic Development to take testimony and further review the rule and make a report to the Administrative Rules and Regulations Subcommittee. The subcommittee further requested that the Chairman of the Oil and Gas Commission be present at the next meeting.**

OIL AND GAS COMMISSION (Lawrence Bengal)

- a. Rule B-1; Application to Drill a Production Well

Respectfully submitted,

Senator Percy Malone, Co-Chair

Representative James Word, Co-Chair