

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

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**April 18, 2014**

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**Co-Chairs:**

The Subcommittee on Administrative Rules and Regulations met at 9:00 a.m. on Wednesday, February 5, 2014, in Room 171 of the State Capitol. The following committee members attended: Senator Johnny Key, Co-Chair; Representative Kelley Linck, Co-Chair; Senators Ronald Caldwell, Jonathan Dismang, Jim Hendren, Michael Lamoureux, Uvalde Lindsey, Bruce Maloch, Bill Sample, and Bobby Pierce; Representatives Joe Jett, Andrea Lea, Terry Rice, Jeff Wardlaw, and Kim Hammer. Other legislators attended as follows: Senators Cecile Bledsoe, Jimmy Hickey, Jon Woods, David Wyatt, Jane English, and Joyce Elliott; Representatives Denny Altes, Scott Baltz, Mary Broadaway, Jody Dickinson, Charlotte Vining Douglas, Jeremy Gillam, David Hillman, John K. Hutchison, Sheilla Lampkin, Homer Lenderman, Stephanie Malone, Micah S. Neal, Betty Overbey, Sue Scott, Mary L. Slinkard, Nate Steel, and Henry “Hank” Wilkins.

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

**ARKANSAS STATE ATHLETIC COMMISSION (Lydia Robertson)**

- a. **Revised Rules and Regulations for Combative Sports**

**DEPARTMENT OF CAREER EDUCATION, ADULT EDUCATION  
(Jim Smith, Janice Hanlon)**

- a. **GED Testing Fees**

**DEPARTMENT OF EDUCATION (Cheryl Reinhart, items a and b; Kendra Clay, item c)**

- a. **Teacher Evaluation; ADE 050 Repeal**
- b. **Leader Excellence and Development System**
- c. **Ethical Guidelines and Prohibitions for Educational Administrators, Employees, Board Members, and Other Parties**

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

- a. Regulation No. 2; Regulation Establishing Water Quality Standards for Surface Waters of the State of Arkansas Triennial Review**

**ARKANSAS ETHICS COMMISSION (Graham Sloan)**

- a. Local-Option Ballot Question Committees**
- b. Ballot and Legislative Question Committees**
- c. Rules of Practice and Procedure**

**DEPARTMENT OF HEALTH, CENTER FOR HEALTH PROTECTION,  
IMMUNIZATION SECTION (Robert Brech)**

- a. Immunization Requirements**

**DEPARTMENT OF HEALTH, HEALTH FACILITY SERVICES (Robert Brech)**

- a. Home Caregiver Training in Arkansas**
- b. Abortion Facilities**

**OFFICE OF HEALTH INFORMATION TECHNOLOGY (Janis Bartlett)**

- a. OHIT Privacy Policies**

**DEPARTMENT OF HUMAN SERVICES, MEDICAL SERVICES  
(Marilyn Strickland, Tami Harlan)**

- a. Rules for Implementing Version 02/12 of the Centers for Medicare and Medicaid Services (CMS) 1500**
- b. RSPMI Update No. 1-13**
- c. SPA #2013-009; Workers with Disabilities**
- d. SPA #2013-028; Rate Increase for ParaGard Intrauterine Copper Contraceptive Device (IUD)**

**BOARD OF PAROLE (John Felts, Solomon Graves)**

- a. Revisions to Rules and Regulations**

**STATE PLANT BOARD (Seth Dunlap, Scott Bray)**

- a. Arkansas Pest Control Law – Circular 6**

**PULASKI COUNTY SOLID WASTE MANAGEMENT DISTRICT  
(J. Mark Davis, Desi Ledbetter)**

- a. Regulation No. 1; Description of District, General Course, and Method of Operation**
- b. Regulation No. 2; Organization, Purpose, and Governance**
- c. Regulation No. 3; Regional Solid Waste Management and Recycling Fund and Fees**
- d. Regulation No. 4; Hauler Licensing**
- e. Regulation No. 5 Certificates of Need for Solid Waste Management Facilities**

**ARKANSAS TEACHER RETIREMENT SYSTEM (George Hopkins)**

- a. Calculation of Final Average Salary (Rule 7-1)**

**DEPARTMENT OF WORKFORCE SERVICES (Derwin Taylor)**

- a. Amended TANF State Plan Section 19; Electronic Benefits Transfer (EBT) Transaction**

**DEPARTMENT OF WORKFORCE SERVICES, LEGAL (Roger Harrod, Sharon Walker)**

- a. Amendments to Regulation 15**

- 2. At the agency's request, the following rule was rescheduled for the April 9, 2014 agenda.**

**BOSTON MOUNTAIN REGIONAL SOLID WASTE MANAGEMENT DISTRICT  
(Robyn Reed)**

- a. Boston Mountain Solid Waste Management District Rules and Regulations**

## **April 9, 2014 Meeting**

The Administrative Rules and Regulations Subcommittee met on Wednesday, April 9, 2014 at 9:00 a.m. in Room 171 of the State Capitol. The following committee members attended: Senator Johnny Key, Co-Chair; Representative Kelley Linck, Co-Chair; Senators Ronald Caldwell, Jonathan Dismang, Bobby J. Pierce, and Bruce Maloch; Representatives Kim Hammer, Lane Jean, and Jeff Wardlaw. Other legislators attended as follows: Representatives Scott Baltz, Mary Broadaway, John Burris, Harold Copenhaver, Jody Dickinson, Jeremy Gillam, Mary L. Slinkard, and Tommy Wren.

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

### **STATE BOARD OF EXAMINERS OF ALCOHOLISM AND DRUG ABUSE COUNSELORS (Dr. Rob Covington)**

- a. Qualification for Direct Clinical Supervision

### **BOSTON MOUNTAIN REGIONAL SOLID WASTE MANAGEMENT DISTRICT (Robyn Reed)**

- a. Boston Mountain Solid Waste Management District Rules and Regulations

### **DEPARTMENT OF CORRECTION (Bobby G. Smith)**

- a. AR 017; Critical Incident Review

### **DEPARTMENT OF FINANCE AND ADMINISTRATION, REVENUE DIVISION (John Theis)**

- a. Rule 2014-I; Standard Mileage Rates for Income Tax Purposes

### **DEPARTMENT OF HEALTH (Robert Brech)**

- a. Rules Governing the Advisory Board for Interpreters and Rules Governing the Licensure of Provisional and Qualified Interpreters

### **DEPARTMENT OF HEALTH, CHA/FAMILY HEALTH (Robert Brech)**

- a. State Sponsored Home Visitation Programs

**DEPARTMENT OF HEALTH, ENVIRONMENTAL HEALTH  
PROTECTION (Robert Brech)**

- a. General Sanitation**

**DEPARTMENT OF HEALTH, CENTER FOR HEALTH  
ADVANCEMENT (Robert Brech)**

- a. Dental Hygienists Serving Underserved Areas**

**DEPARTMENT OF HUMAN SERVICES, CHILDREN AND FAMILY  
SERVICES (Christin Harper)**

- a. Revisions to Differential Response Program Requirements**

**DEPARTMENT OF HUMAN SERVICES, MEDICAL SERVICES  
(Marilyn Strickland)**

- a. Dental 7-13 and Sec V 1-13**
- b. State Plan Amendment #2013-027 and Pharmacy 2-13**

**DEPARTMENT OF HUMAN SERVICES, OFFICE OF POLICY AND  
LEGAL SERVICES (Breck Hopkins)**

- a. DHS Policy 1082; Drug Screens and Criminal Background Checks of  
Medicaid Providers in-Home Care Services**

**ARKANSAS STATE MEDICAL BOARD (Kevin Odwyer)**

- a. Regulation 35; Requirements of Licensed Physicians in Performing Office  
Based Surgery**

**STATE PLANT BOARD (Mark Stoll and Scott Bray, item a; Mary Smith, item b)**

- a. Arkansas Boll Weevil Eradication Program**
- b. Sale of Planting Seed in Arkansas**

**PUBLIC EMPLOYEES RETIREMENT SYSTEM (Jay Wills)**

- a. Disability Retirement; Reg. 203**
- b. APERS Investment Policy; Reg. 501**

2. **The Subcommittee received the report of the Senate and House Interim Committees on Agriculture, Forestry and Economic Development concerning the Livestock and Poultry Commission's Swine Regulations that were referred to the committees on January 8, 2014 (attached). The Subcommittee adopted the report and reviewed the following rule:**

**LIVESTOCK AND POULTRY COMMISSION (Preston Scroggin)**

- a. **Arkansas Swine Regulations**

3. **The Subcommittee referred the following rules to the Senate and House Interim Committees on Judiciary with the request that the committees report back to the Subcommittee.**

**CRIME VICTIMS REPARATIONS BOARD (Avis Lane)**

- a. **Amendments to Rules and Regulations**

**Respectfully submitted,**

**Senator Johnny Key, Co-Chair**

**Representative Kelley Linck, Co-Chair**

REPORT OF THE  
SENATE INTERIM COMMITTEE ON AGRICULTURE, FORESTRY  
AND ECONOMIC DEVELOPMENT  
AND THE  
HOUSE INTERIM COMMITTEE ON AGRICULTURE, FORESTRY  
AND ECONOMIC DEVELOPMENT  
TO THE  
ADMINISTRATIVE RULES AND REGULATIONS SUBCOMMITTEE  
OF THE ARKANSAS LEGISLATIVE COUNCIL

April 9, 2014

The Senate Interim Committee on Agriculture, Forestry and Economic Development and the House Interim Committee on Agriculture, Forestry and Economic Development met March 31, 2014, to consider the following rule proposed by the Livestock and Poultry Commission:

1. Arkansas Swine Regulations

This rule was referred by your Committee on January 8, 2014.

Following review of the rule, testimony from representatives of the Livestock and Poultry Commission, and discussion by the Committees, the Agriculture, Forestry and Economic Development Committees have completed their review.

Respectfully submitted,

Senator Bruce Holland, Chair

Representative Matthew Shepherd, Chair