

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

September 16, 2011

Co-Chairs:

The Subcommittee on Administrative Rules and Regulations met at 10:00 a.m. on Tuesday, September 13, 2011, in Room 171 of the State Capitol. The following committee members attended: Senator Percy Malone, Co-Chair; Representative James Word, Co-Chair; Senator Randy Laverty, Vice Co-Chair; Representative Jonathan Barnett, Vice Co-Chair; Senators Jimmy Jeffress, Kim Hendren, and Johnny Key; Representatives Terry Rice, Toni Bradford, and Johnnie Roebuck. Other legislators attended as follows: Senators Bill Sample, Larry Teague, and Paul Bookout; Representatives Billy Gaskill, Buddy Lovell, Gary Deffenbaugh, Jim Nickels, and Justin Harris.

1. **The Subcommittee received the report of the House Interim Committee on Education and the Senate Committee on Education concerning the Department of Human Services, Division of Medical Services rule concerning Medicaid Policy Hearing 1-11 and Section V-3-11. This rule had been referred to the committees for further review on July 13, 2011.**

The report was filed, and the rule was subsequently reviewed.

2. **The committee reviewed the following rules filed pursuant to Ark. Code Ann. § 10-3-309.**

DEPARTMENT OF EDUCATION ((Mark White))

- a. **Open Enrollment Public Charter School New Application and District Conversion or Limited Public Charter School New Application**

DEPARTMENT OF HEALTH (Robert Brech)

- a. **Lead-Based Paint Activities**

DEPARTMENT OF HEALTH INFORMATION TECHNOLOGY (Ray Scott)

- a. **Office of Health Information Technology (OHIT) Privacy Policies**

DEPARTMENT OF ARKANSAS HERITAGE, ARKANSAS NATURAL HISTORY COMMISSION (Chris Colclasure, Karen Smith)

- a. Revised Rules and Regulations of the Arkansas Natural Heritage Commission

DEPARTMENT OF HUMAN SERVICES, CHILD CARE AND EARLY CHILDHOOD EDUCATION (David Griffin, Retha Tracey, DHS; Dr. Bob West, Department of Health)

- a. Minimum Licensing Requirements for Child Care Centers; Child Care Family Homes; Minimum Registration Requirements for Child Care Family Homes; and Criminal Records Check and FBI Fingerprint Background Check

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

- a. Revisions to Rules and Regulations due to Acts passed during the 88th General Assembly

DEPARTMENT OF HUMAN SERVICES, MEDICAL SERVICES (Jeff Wood)

- a. ARKids 3-11
- b. Amendment to ARKids-B 1115 Demonstration Waiver

LAW ENFORCEMENT STANDARDS COMMISSION (Brian Marshall)

- a. Regulation 1005; Minimum Standards for Training (Full-Part Time I Officers)

LIVESTOCK AND POULTRY COMMISSION (Dr. Pat Badley, Dewayne Kimbrell)

- a. Trichomoniasis Testing and Movement Requirements for Cattle

STATE BOARD OF NURSING (Sue Tedford, Ted Knight)

- a. Chapter 6; Standards for Nursing Education Programs

PUBLIC SERVICE COMMISSION (John Bethel)

- a. Conservation and Energy Efficiency Programs, Section 11

ARKANSAS SENTENCING COMMISSION (Wanda Hayes)

- a. Arkansas Sentencing Standards Seriousness Reference Table

ARKANSAS TEACHER RETIREMENT SYSTEM (Gail Bolden)

- a. Revisions to Rules and Regulations

DEPARTMENT OF WORKFORCE SERVICES (Roger Harrod, Mike Kennedy)

- a. Regulation #29; Department of Workforce Services Training Trust Fund Program

3. **The subcommittee deferred the following rule until the next meeting pending additional information on the rule:**

CONTRACTORS LICENSING BOARD (Gregory Crow, Vicki Pickering)

- a. 224-25-2 License Expiration and Renewal
224-25-3 License Applications
224-25-5 Classification and Experience
224-25-6 Financial Requirements

At the agency's request, this will be on the November agenda.

4. **The subcommittee deferred the following rule until the next meeting pending more specific information on what the Residential Building Contractors Committee intends to do regarding penalties:**

RESIDENTIAL BUILDING CONTRACTORS COMMITTEE

- a. Revisions to Rules and Regulations

At the agency's request, this will be on the November agenda.

5. **Without objection, the subcommittee agreed to mail the letter to the Chairman of the Arkansas Development Finance Authority Board from the subcommittee Co-Chairs requesting the board's interpretation of their policies and procedures for implementing a rule.**

Respectfully submitted,

Senator Percy Malone, Co-Chair

Representative James Word, Co-Chair

ARKANSAS GENERAL ASSEMBLY

HOUSE INTERIM COMMITTEE ON EDUCATION and SENATE INTERIM COMMITTEE ON EDUCATION

Senator Jimmy Jeffress
Senate Chair

Representative Eddie Cheatham
House Chair

REPORT of the Joint Meeting of the Senate Interim Committee on Education and House Interim Committee on Education to the Administrative Rules and Regulations Subcommittee of the Arkansas Legislative Council

September 13, 2011

Senator Percy Malone, Senate Chair
Representative James Word, House Chair
Administrative Rules and Regulations Subcommittee, Arkansas Legislative Council

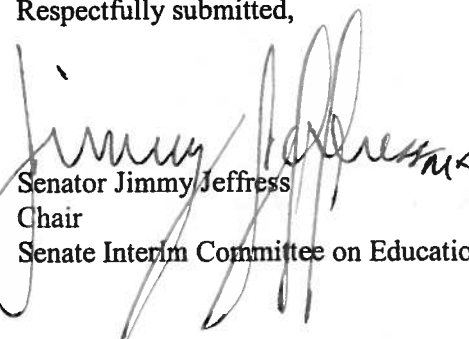
Chairman Malone and Chairman Word:

On July 13, 2011, the Administrative Rules and Regulations Subcommittee of the Arkansas Legislative Council referred the Arkansas Department of Human Services, Division of Medical Services' proposed rule concerning Hearing 1-11 and Section V-3-11 on Medicaid to the Senate Interim Committee on Education and the House Interim Committee on Education for review.

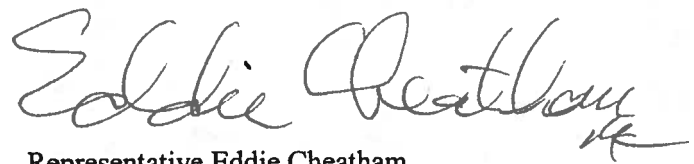
At a joint meeting on August 16, 2011, the Senate Interim Committee on Education and the House Interim Committee on Education heard a presentation by staff from the Arkansas Department of Human Services and the Arkansas Department of Education concerning the proposed rule.

This is to advise that the Committees have reviewed the Arkansas Department of Human Services, Division of Medical Services' proposed rule concerning Hearing 1-11 and Section V-3-11 on Medicaid.

Respectfully submitted,



Senator Jimmy Jeffress
Chair
Senate Interim Committee on Education



Representative Eddie Cheatham
Chair
House Interim Committee on Education