



Arkansas Department of Health

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Governor Sarah Huckabee Sanders

Renee Mallory, RN, BSN, Secretary of Health

Jennifer Dillaha, MD, Director

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Senator Kim Hammer, Co-Chair
Representative Brian Evans, Co-Chair
Administrative Rules Subcommittee
Arkansas Legislative Council
Via Rebecca Miller-Rice Email miller-ricer@blr.arkansas.gov

Dear Co-Chairs,

First, pursuant to Ark. Code Ann. § 25-15-216(b)(4), please consider the following Arkansas Department of Health (ADH) Division of Health-Related Boards and Commissions update on rulemaking resulting from Acts of 2023. Arkansas law requires that each rule be promulgated by the specific Board or Commission, which meet at various times of the year. Various regulatory boards under the ADH Division of Health-Related Boards and Commissions are now drafting and amending rules specifically required due to legislation from the 2023 session. Please find a summary of the Boards' efforts made thus far below.

Arkansas State Board of Examiners of Speech-Language Pathology & Audiology

Act 301 of 2023 establishes the Audiology and Speech-Language Pathology Interstate Compact in Arkansas. The Board is required to adopt rules to fully implement the provisions of the statute, which concerns criminal background checks. The Board is working with its legal counsel and staff to draft this change.

Arkansas State Board of Nursing

Act 672 of 2023 establishes nursing earn-to-learn programs and authorizes a nursing student to earn direct patient care clinical credit hours for working in a healthcare facility in certain jobs. The nursing program and the healthcare facility shall establish boundaries and expectations of the senior-level nursing student based on accreditation standards and rules of the Arkansas State Board Nursing. The Arkansas State Board of Nursing (ASBN) has drafted rule changes to comply with the Act and has submitted its draft changes for further review.

The Arkansas State Medical Board and the Arkansas State Board of Pharmacy

Act 575 of 2023 amends the Prior Authorization Transparency Act and exempts certain healthcare providers that provide certain healthcare services from prior authorization requirements. The Arkansas State Board of Pharmacy and the Arkansas State Medical Board, jointly, may establish criteria and procedures to review whether a request made under subdivision (a)(1) of the statute should be granted for the requesting party and specified health benefit plan. The Boards are jointly reviewing the language in the Act to determine if rules are needed.

Second, pursuant to Ark. Code Ann. § 25-15-216(b)(4), please also consider the following Arkansas Department of Health (ADH) and State Board of Health update on rulemaking resulting from Acts of 2023. The State Board of Health meets quarterly each year and ADH has drafted proposed amendments to rules and proposed repeal of rules to implement new laws. After receiving the Governor's approval, ADH and the Board will continue the rule promulgation process outlined in the Administrative Procedure Act, including the public notice and comment period, followed by the Legislative review and approval process under Ark. Code Ann. § 10-3-309. To the extent that the Bureau's Report on the Acts of the 2023 Regular Session Requiring New Rulemaking noted required or potential rulemaking, ADH and the State Board of Health have addressed it in the following manner:

Coach Safely Act

Act 642 of 2023, the Coach Safely Act, requires ADH to adopt rules within 180 days of the effective date of the Act. The proposed new rules have been drafted and approved by the State Board of Health at its July 27, 2023, meeting. The final rules are expected to be filed with the Secretary of State by the January 1, 2024, deadline.

Rural Emergency Hospital Act

Act 59 of 2023, the Rural Emergency Hospital Act, requires ADH to adopt rules. An emergency rule initiated by ADH and the State Board of Health was approved by ALC on May 19, 2023. The permanent final rule implementing Act 59 of 2023, presented to ALC-Rules Subcommittee on August 24, 2023, was filed with the Secretary of State on September 1, 2023, effective September 11, 2023.

Guidelines

Section 15 of Act 565 of 2023, the Department of Health's appropriation Act, amended the code section associated with administration of a grant program for radiological response plans. See Ark. Code Ann. §20-21-502 (Supp. 2023). The revisions noted guidelines developed by ADH, which have been utilized to formulate the cooperative agreements required by law. See Ark. Code Ann. §20-21-503 (Supp. 2023). These are already in place; therefore, no rule promulgation is necessary.

In closing, the Arkansas Department of Health, the Division of Health-Related Boards and Commissions, and the State Board of Health will continue to provide updates on rulemaking. If there are changes or additional updates identified, the ADH will provide further information in these updates as submitted to the Administrative Rules Subcommittee. Please let us know if you have questions or need additional information.

Sincerely,



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