

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

**Thursday, January 25, 2024**

**10:00 a.m.**

**Room A, MAC**

**Little Rock, Arkansas**

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- A. Call to Order**
- B. Reports from the Executive Subcommittee Concerning Emergency Rules**
- C. Reports from ALC Subcommittees Concerning the Review of Rules**
- D. Reports on Administrative Directives Pursuant to Act 1258 of 2015, for the Quarter Ending December 31, 2023**
  - 1. Department of Corrections (Tawnie Rowell)**
  - 2. Parole Board (Brooke Cummings)**
- E. Rules Filed Pursuant to Ark. Code Ann. § 10-3-309**
  - 1. BOSTON MOUNTAIN SOLID WASTE MANAGEMENT DISTRICT (Robyn Reed)**

**a. SUBJECT: Rules of Boston Mountain Solid Waste District**

**DESCRIPTION:** The purpose of this update is to create a permanent funding source for landfill diversion and waste diversion strategies and programs. This update is to Chapter F, addressing the solid waste assessment fee. The District Board of Directors has approved changing the waste assessment fee from \$1.50 per ton to \$2.00 per ton. The full amount of the increase (\$0.50 per ton) is to be placed in a fund designated for landfill diversion strategies and programs. Use of this fund will require approval by the Board of Directors.

The reason for the rule change is that the landfill in Northwest Arkansas is having serious capacity issues and the need for future expansion permits are not guaranteed. The Board of Directors recognizes the need to create options and opportunities for the diversion of material to alternative facilities and programs.

**PUBLIC COMMENT:** No public hearing was held on this rule. The public comment period expired on October 17, 2023. The agency indicated that it received no public comments.

Lacey Johnson, an attorney with the Bureau of Legislative Research, asked the following questions and received the following responses:

1. The unamended portions of the proposed rules use the term “regulation” in multiple places. In light of Act 315 of 2019, which concerned the uniform use of the term “rule” throughout the promulgation process, is there a reason the District has retained the term “regulation” for the present? **RESPONSE:** Since we were not updating the entire rules and regulations, just Chapter F, I did not change anything else. Should I go ahead and change to term to rule so that it will have uniformity? I have no issue with doing it if needed. [After reviewing Act 315’s requirements, the agency chose to change the term “regulation” to “rule” throughout the entire document.]

2. Section 20.03(b), concerning fee amounts when weight tickets are not available, increases fee amounts to \$0.30 per uncompacted cubic yard and \$0.70 per compacted cubic yard. However, Ark. Code Ann. § 8-6-714(c)(2) states that “if weight tickets are not available, the fee shall be calculated on a volume basis at twenty-five cents (25¢) per uncompacted cubic yard or forty-five cents (45¢) per compacted cubic yard.” What is the statutory authority for the increased fee amounts? **RESPONSE:** This is an oversight on my part. I will revert it back to the \$0.25 and \$0.45.

The proposed effective date is pending legislative review and approval.

**FINANCIAL IMPACT:** The agency indicated that these rules have a financial impact.

Per the agency, the rule will result in an increase of \$0.50 per ton of solid waste collected or disposed of in the Boston Mountain Regional Solid Waste Management District as applicable. This applies to solid waste haulers, transfer stations, and landfills. The agency indicated that it does not know the specific amount that the increase will affect each waste hauler as the amount hauled varies greatly. The full amount of \$0.50 per ton of solid waste collected will go into a fund specifically designated for landfill diversion. This fund can only be used with approval by the Boston Mountain Regional Solid Waste Management District Board of Directors.

There is no estimated cost to state, county, or municipal government to implement this rule.

**LEGAL AUTHORIZATION:** Regional solid waste management boards may adopt rules “as are reasonably necessary” to administer their duties. Ark. Code Ann. § 8-6-704(a)(6).

A regional solid waste management board may fix, charge, and collect rents, fees, and charges of no more than two dollars (\$2.00) per ton of solid waste related to the movement or disposal of solid waste within the regional solid waste management district, including without limitation fees and charges: (i) Related to the district’s direct involvement with the district’s disposal or treatment; or (ii) That support the district’s management of the solid waste needs of the district.

Ark. Code Ann. § 8-6-714(a)(1)(A). “However, if weight tickets are not available, the fee shall be calculated on a volume basis at twenty-five cents (25¢) per uncompacted cubic yard or forty-five cents (45¢) per compacted cubic yard.” Ark. Code Ann. § 8-6-714(c)(2).

2. **DEPARTMENT OF COMMERCE, STATE INSURANCE DEPARTMENT**  
**(Booth Rand)**

a. **SUBJECT: Rule 125 – AID Rule of Practices and Procedures**

**DESCRIPTION:** The Arkansas Insurance Department (“AID”) proposes to issue this rule to provide in one administrative rule a description of all of its administrative procedures and practices in order to better comply with the Arkansas Administrative Procedure Act (the “APA”), in Ark. Code Ann. § 25-15-203(a)(1) and (2). The APA in that subsection requires:

(a) In addition to other rulemaking requirements imposed by law, each agency shall:

- (1) Adopt as a rule a description of its organization, stating the general course and method of its operations, including the methods whereby the public may obtain information or make submissions or requests;
- (2) Adopt rules of practice setting forth the nature and requirements of all formal and informal procedures available, including a description of all forms and instructions used by the agency[.]

Currently, although AID believes it is in compliance with the above provisions by application of AID statutes pertaining to its administrative procedures, AID does not have one administrative rule in place conforming to the above requirement. This proposed rule:

- Sets out all AID formal and informal procedures and practices for adjudicative proceedings.
- Sets out all AID formal and informal procedures and practices for investigations or pre-adjudicative activities.
- Sets out all AID formal and informal procedures and practices for rulemaking hearings.
- Describes all other miscellaneous AID practices and procedures which do not involve AID adjudications or rulemaking.
- Provides needed clarification standards for declaratory orders, aggrieved person requests for hearings, and interested person requests for bulletins, directives and advisories.
- Exempts various AID divisions or activities which already apply various administrative procedures or requirements by statute or by rule.
- Provides links for the public and licensees as to all of AID forms, FOIA information, organizational structure, bulletins, rules, proposed rules and other publications for licensees.
- Provides sections complying with the Arkansas Attorney General Office Model State Agency Rule(s) that provides guidance with complying with the APA.
- Coordinates with APA and Arkansas Insurance Code provisions to provide a very comprehensive description of administrative requirements of AID spanning the gamut from enforcement and licensing actions to rulemaking.

Following expiration of the public comment period, AID made the following changes to the proposed rule based on suggestions from the Consumer Services Division of the State Insurance Department:

1. Investigative complaints not be restricted to those sent to a licensee by regular mail from AID, but also include the ability of AID to send the complaints to the licensee at his or her registered email address with AID.
2. Complaints AID receives on behalf of named insureds, be sent to AID by the named insured, authorized representative or attorney.

**PUBLIC COMMENT:** A public hearing was held in this matter on December 5, 2023. The public comment period expired on December 5, 2023. The agency indicated that it received no comments from the public.

The proposed effective date is February 1, 2024.

**FINANCIAL IMPACT:** The agency indicated that the proposed rule does not have a financial impact.

**LEGAL AUTHORIZATION:** Pursuant to the Administrative Procedure Act, in addition to other rulemaking requirements imposed by law, each agency shall:

(1) Adopt as a rule a description of its organization, stating the general course and method of its operations, including the methods whereby the public may obtain information or make submissions or requests; [and]  
(2) Adopt rules of practice setting forth the nature and requirements of all formal and informal procedures available, including a description of all forms and instructions used by the agency [.] *See Ark. Code Ann. § 25-15-203(a)(1)-(2).*

The Insurance Commissioner, in consultation with the Secretary of the Department of Commerce, may make reasonable rules necessary for or as an aid to effectuation of any provision of the Arkansas Insurance Code. *See Ark. Code Ann. § 23-61-108(a)(1).*

**3. DEPARTMENT OF CORRECTIONS (Tawnie Rowell)**

**a. SUBJECT: REPEAL: AR 210 – Relationships and Transactions with Inmates**

**DESCRIPTION:** The Board of Corrections has proposed the repeal of AR210 – Relationships and Transactions with Inmates. AR210 concerns the internal management of a state agency and does not affect the private rights or procedures available to the public. Arkansas Code Annotated § 25-15-202 provides that a statement that concerns internal management of a state agency is not a rule.

**PUBLIC COMMENT:** A public hearing was not held in this matter. The public comment period ended on November 12, 2023. The agency received no comments.

The proposed effective date is pending legislative review and approval.

**FINANCIAL IMPACT:** The agency indicated that the proposed repeal does not have a financial impact.

**LEGAL AUTHORIZATION:** The Board of Corrections is the governing authority of the Department of Corrections. *See Ark. Code Ann. § 25-43-401(b)(1)(B).* The Board of Corrections has the power and duty to develop and approve policy and management decisions for the Division of Correction and the Division of Community Correction. *See Ark. Code Ann. § 12-27-105(b)(4).* The Department of Corrections shall assist the Board of Corrections with complying with the general guidelines, policies, and rules of the department with respect to personnel and personnel policies, records, purchasing, bookkeeping, and other

administrative procedures prescribed by the department. *See Ark. Code Ann. § 25-43-401(d)(2).*

4. **DEPARTMENT OF HEALTH, ARKANSAS STATE MEDICAL BOARD**  
**(Amy Embry, Matt Gilmore)**

a. **SUBJECT: Rule No. 10: Respiratory Care Practitioners**

**DESCRIPTION:** The State Medical Board is proposing an amendment to Rule 10 governing the licensing and practice of respiratory care practitioners. This rule amends the requirements of continuing medical education providing that of the twelve (12) hours required, one (1) hour shall be on the subject of ethics/professional boundaries.

**PUBLIC COMMENT:** A public hearing was not held in this matter. The public comment period expired on December 4, 2023. The agency received no comments.

The proposed effective date is January 31, 2024.

**FINANCIAL IMPACT:** The agency indicated that the amended rule does not have a financial impact.

**LEGAL AUTHORIZATION:** Pursuant to Arkansas Code Annotated § 17-99-201(c)(1), the board shall adopt and put into effect rules to carry Title 17, Chapter 99 of the Arkansas Code concerning respiratory care practitioners, into effect.

b. **SUBJECT: Rule No. 18: Fee Schedule for Centralized Verification Service**

**DESCRIPTION:** The State Medical Board is proposing an amendment to Rule 18 concerning fee schedule for centralized verification schedule. The proposed rule reduces the credentialing verification fees for out-of-state physicians from \$275 to \$80. Fees are to be established by rule pursuant to Ark. Code Ann. § 17-95-107(7)(A).

**PUBLIC COMMENT:** A public hearing was not held in this matter. The public comment period expired on December 4, 2023. The agency received no comments.

The proposed effective date is January 31, 2024.

**FINANCIAL IMPACT:** The agency indicated that the amended rule does not have a financial impact. With regard to the total estimated cost by fiscal year to a state, county, or municipal government to implement

the rule, the agency explained that based on the calendar year 2022 orders, this will decrease C CVS revenue by \$320,000.00 annually; however, it was determined that the Board's fund balance would be able to sustain this loss in income.

**LEGAL AUTHORIZATION:** Pursuant to Arkansas Code Annotated § 17-95-107(7)(A), the board may charge credentialing organizations a reasonable fee for the use of the credentialing service as established by rule.

c. **SUBJECT: Rule No. 28: Academic License**

**DESCRIPTION:** The State Medical Board is amending its rule concerning academic license to implement Act 701 of 2019. The title is being amended from educational to academic license and allows for the license to become an active, unlimited license after the second year of practice.

**PUBLIC COMMENT:** A public hearing was not held in this matter. The public comment period expired on December 4, 2023. The agency received no comments.

The proposed effective date is January 31, 2024.

**FINANCIAL IMPACT:** The board indicated the amended rule does not have a financial impact.

**LEGAL AUTHORIZATION:** The Arkansas State Medical board shall make and adopt all rules and bylaws not inconsistent with the laws of this state or of the United States and necessary or convenient to perform the duties and to transact the business required by law. *See Ark. Code Ann. § 17-95-303(1).* In addition, the board has authority to promulgate and put into effect such rules as are necessary to carry out the purposes of the Arkansas Medical Practices Act. *See Ark. Code Ann. § 17-95-303(2).*

d. **SUBJECT: Rule No. 40: Surgical Technologists**

**DESCRIPTION:** The State Medical Board is amending its Rule 40 concerning surgical technologists to implement Act 264 of 2019. The board is amending the registration deadline of surgical technologists from July 1, 2018 to March 31, 2020.

**PUBLIC COMMENT:** A public hearing was not held in this matter. The public comment period expired on December 4, 2023. The agency received no comments.

The proposed effective date is January 31, 2024.

**FINANCIAL IMPACT:** The board indicated the amended rule does not have a financial impact.

**LEGAL AUTHORIZATION:** The Arkansas State Medical Board may adopt and promulgate rules to implement Title 17, Chapter 95, Subchapter 10 concerning surgical technologists. *See Ark. Code Ann. § 17-95-1005.*

e. **SUBJECT: Rule No. 42: Licensure for Uniformed Service Members, Veterans, and Spouses**

**DESCRIPTION:** The State Medical Board is amending its rule concerning licensure for uniformed service members, veterans, and spouses to implement Act 137 of 2023. The rule allows for acceptance of uniformed service national certification toward occupational licensure qualifications or requirements when considering an application for initial licensure.

**PUBLIC COMMENT:** A public hearing was not held in this matter. The public comment period expired on December 4, 2023. The agency received no comments.

The proposed effective date is January 31, 2024.

**FINANCIAL IMPACT:** The agency indicated that the amended rule does not have a financial impact.

**LEGAL AUTHORIZATION:** The Arkansas State Medical board shall make and adopt all rules and bylaws not inconsistent with the laws of this state or of the United States and necessary or convenient to perform the duties and to transact the business required by law. *See Ark. Code Ann. § 17-95-303(1).* In addition, the board has authority to promulgate and put into effect such rules as are necessary to carry out the purposes of the Arkansas Medical Practices Act. *See Ark. Code Ann. § 17-95-303(2).* This rule implements Act 137 of 2023, sponsored by Senator Ricky Hill, which amended the Arkansas Occupational Licensing of Uniformed Service Members, Veterans, and Spouses Act of 2021 to add consideration of national certifications toward initial occupational licensure and extend the application to spouses and eliminated the one-year limit for veterans to apply service education, training, or certifications toward initial occupational licensure.

5. **DEPARTMENT OF HEALTH, STATE BOARD OF HEALTH** (Chuck Thompson, Craig Smith, items a-b, d-e; Laura Shue, items c, f)

a. **SUBJECT: Rules for Perfusionists in Arkansas**

**DESCRIPTION:** The Rules for Perfusionists in Arkansas are duly adopted and promulgated by the Arkansas Board of Health pursuant to the authority expressly conferred by the laws of the State of Arkansas including, without limitation, the Perfusionist Licensure Act, specifically Ark. Code Ann. § 17-104-101 et seq.

Act 137 of 2023 required modification to the Rules for Perfusionists in Arkansas, specifically modification for the automatic licensure requirements for uniformed service members.

The following changes are proposed:

Changes based on model language provided by ADH Legal:

- Section 6.F.3(a) – inserted “national certification.”
- Section 6.F.3(a) – deleted “for a uniformed service member or a uniformed service veteran who makes an application within one (1) year of his or her discharge from uniformed service.”

**PUBLIC COMMENT:** No public hearing was held on this rule. The public comment period expired on November 21, 2023. The agency indicated that it received no public comments.

The proposed effective date is pending legislative review and approval.

**FINANCIAL IMPACT:** The agency indicated that this rule has no financial impact.

**LEGAL AUTHORIZATION:** The State Board of Health has authority to promulgate “rules that it deems necessary to carry out the provisions of” the Perfusionists Licensure Act. Ark. Code Ann. § 17-104-103.

This rule implements Act 137 of 2023. The Act, sponsored by Senator Ricky Hill, amended the Arkansas Occupational Licensing of Uniformed Service Members, Veterans, and Spouses Act of 2021, added consideration of national certifications toward initial occupational licensure and extended the application to spouses, and eliminated the one-year limit for veterans to apply service education, training, or certifications toward initial occupational licensure.

b. **SUBJECT: Rules for Orthotic, Prosthetic, and Pedorthic Providers in Arkansas**

**DESCRIPTION:** The Rules for Orthotic, Prosthetic, and Pedorthic Providers in Arkansas are duly adopted and promulgated by the Arkansas Board of Health pursuant to the authority expressly conferred by the laws of the State of Arkansas including, without limitation, Ark. Code Ann. § 17-107-101, et seq.

Act 137 of 2023 required modification to the Rules for Orthotic, Prosthetic, and Pedorthic Providers in Arkansas, specifically modification for the automatic licensure requirements for uniformed service members.

The following changes are proposed:

Changes based on model language provided by ADH Legal:

- Section 6.F.3(a) – inserted “national certification.”
- Section 6.F.3(a) – deleted “for a uniformed service member or a uniformed service veteran who makes an application within one (1) year of his or her discharge from uniformed service.”

**PUBLIC COMMENT:** No public hearing was held on this rule. The public comment period expired on November 21, 2023. The agency indicated that it received no public comments.

The proposed effective date is pending legislative review and approval.

**FINANCIAL IMPACT:** The agency indicated that this rule has no financial impact.

**LEGAL AUTHORIZATION:** The State Board of Health has the authority to promulgate rules prescribing “[p]rocedures for the issuance, renewal, inactivation, restoration, suspension, and revocation of a license or certification” for an orthotist, pedorthist, or prosthetist. Ark. Code Ann. § 17-107-204(a)(1).

This rule implements Act 137 of 2023. The Act, sponsored by Senator Ricky Hill, amended the Arkansas Occupational Licensing of Uniformed Service Members, Veterans, and Spouses Act of 2021, added consideration of national certifications toward initial occupational licensure and extended the application to spouses, and eliminated the one-year limit for veterans to apply service education, training, or certifications toward initial occupational licensure.

c. **SUBJECT: Rules Pertaining to the Testing of Newborn Infants**

**DESCRIPTION:** The Rules Pertaining to Testing of Newborn Infants are duly adopted and promulgated by the Arkansas Board of Health pursuant to the authority expressly conferred by the laws of the State of Arkansas including, without limitation, Ark. Code Ann. § 20-15-301, et seq.

Act 490 of 2023 required amendments to the Rules Pertaining to Testing of Newborn Infants, specifically amending the list of conditions which require screenings to match those core medical conditions listed in the recommended uniform screening panel by the United States Secretary of Health and Human Services.

The following changes are proposed:

- Removed definitions for Phenylketonuria (PKU), Congenital Hypothyroidism (CH), Galactosemia, Sickle Cell Disease (SS), Biotinidase Deficiency (BIOT), Congenital Adrenal Hyperplasia (CAH), Cystic Fibrosis (CF), Amino Acid Disorders, Fatty Acid Oxidation Disorders, Organic Acid Disorders, and Severe Combined Immunodeficiency (SCID), Spinal Muscular Atrophy (SMA), Pompe Disease, MPS1 spectrum of disease, and childhood onset (cerebral) X-ALD.
- Amended the list of required screenings to match the recommended uniform screening panel by the United States Secretary of Health and Human Services.
- Amended the reporting requirements for positive screening results, and the required follow up with appropriate specialists based on the screening results.

**PUBLIC COMMENT:** No public hearing was held on these rules. The public comment period expired on November 19, 2023. The agency indicated that it received no public comments.

Lacey Johnson, an attorney with the Bureau of Legislative Research, asked the following question and received the following response:

**Q.** Section VI.B.1 of the rules states that the Department, in collaboration with consulting medical specialists, “shall define the levels which constitute positive screening results for each core medical condition.” Where are these levels defined? Is this something that will come through the rulemaking process?

**RESPONSE:** Per Katie Seely, PhD, HCLD (ABB), Director, Glen F. Baker Public Health Laboratory, in regard to setting “levels”, these are

condition specific. The levels are adjusted on a regular basis due to statistics. Depending on the analysis, some levels are changed daily.

Thus, the levels should not be “defined” or set in stone, since they can change often. This is considered normal laboratory practice with newborn screening analysis.

The proposed effective date is pending legislative review and approval.

**FINANCIAL IMPACT:** The agency indicated that this rule has no financial impact.

**LEGAL AUTHORIZATION:** The Department of Health has authority to prescribe tests to be administered to newborn infants. *See* Ark. Code Ann. § 20-15-304(2). It also has authority to promulgate rules relating to “[w]hat persons and institutions shall be required to obtain specimens from newborn infants . . . ; [t]he amount to be charged by the central laboratory for processing the specimens; and [t]he method of billing the charges to the persons and institutions[.]” Ark. Code Ann. § 20-15-304(3).

This rule implements Act 490 of 2023. The Act, sponsored by Representative Aaron Pilkington, created the Universal Newborn Screening Act and ensured that newborns are screened for conditions recommended by the United States Department of Health and Human Services.

d. **SUBJECT: Rules Pertaining to Radiologic Technology Licensure**

**DESCRIPTION:** The Rules Pertaining to Radiologic Technology Licensure are duly adopted and promulgated by the Arkansas State Board of Health pursuant to the authority expressly conferred by the laws of the State of Arkansas including, without limitation, the Consumer-Patient Radiation Health and Safety Act, specifically Ark. Code Ann. § 17-106-101, et seq.

The Radiation Control Section of the Department licenses individuals who apply ionizing radiation to humans for medical purposes. This involves the use of x-ray equipment and nuclear medicine procedures. The Section licenses radiologic technologists with national professional credentials and medical staff who have passed national examinations allowing them to take limited radiographs.

Act 137 of 2023 required modification to the Rules Pertaining to Radiologic Technology Licensure, specifically modification for the automatic licensure requirements for uniformed service members.

**PUBLIC COMMENT:** No public hearing was held on this rule. The public comment period expired on November 30, 2023. The agency indicated that it received no public comments.

The proposed effective date is February 1, 2024.

**FINANCIAL IMPACT:** The agency indicated that this rule has no financial impact.

**LEGAL AUTHORIZATION:** The State Board of Health has authority to “[a]dopt standards for applicants wishing to take the licensing examination” necessary to obtain a radiologic technology license. Ark. Code Ann. §§ 17-106-105, -107. The Board has authority to promulgate rules “as may be necessary” to carry into effect the Arkansas Consumer-Patient Radiation Health and Safety Act. Ark. Code Ann. § 17-106-105(a)(1)(D).

This rule implements Act 137 of 2023. The Act, sponsored by Senator Ricky Hill, amended the Arkansas Occupational Licensing of Uniformed Service Members, Veterans, and Spouses Act of 2021, added consideration of national certifications toward initial occupational licensure and extended the application to spouses, and eliminated the one-year limit for veterans to apply service education, training, or certifications toward initial occupational licensure.

e. **SUBJECT: Rules for Control of Sources of Ionizing Radiation**

**DESCRIPTION:** The Radiation Control Section is initiating the process for the revision of the Arkansas State Board of Health Rules for Control of Sources of Ionizing Radiation. The Section regulates the possession and use of x-ray machines, accelerators, and radioactive material in the State of Arkansas. Revisions to radioactive material rules are driven by our agreement with the U.S. Nuclear Regulatory Commission (NRC). The State of Arkansas, as an Agreement State, must have rules that are compatible with NRC regulations. In order to maintain this compatibility, the following NRC regulation amendments are being addressed, as listed below.

**NOTE:** Page numbers are from the Draft of Changes, not the complete rule markup.

- **Medical Use of Byproduct Material – Medical Event Definitions, Training and Experience, and Clarifying Amendments:**  
The objective of this rule is to amend current NRC regulations to address technological advances and changes in medical procedures and to enhance patient safety. *(Sections 2 and 9)(pgs. 11-16, 42-109)*
- **Organizational Changes and Conforming Amendments:**  
The purpose of this rule is to reflect internal organizational changes and make conforming amendments. *(Section 4)(pg. 36)*
- **Individual Monitoring Devices:**  
The purpose of this rule is to amend current NRC regulations to authorize the use of modern individual monitoring devices in industrial radiographic, irradiator, and well logging operations. These amendments will align personnel dosimetry requirements in these areas with the requirements for all other NRC licensees. *(Sections 3 and 8)(pgs. 24-28, 30-31, 42)*
- **Social Security Number Fraud Prevention:**  
The objective of this rule is to amend current NRC regulations to implement the Social Security Number Fraud Prevention Act of 2017. This statute directed agencies to issue regulations that prohibit the inclusion of an individual's Social Security account number on any document sent through the mail unless the head of the agency deems it necessary and the appropriate precautions are taken to protect the Social Security number. *(Section 9)(pgs. 102-103)*
- **Miscellaneous Corrections – 10 CFR Parts 1, 2, 19, 20, 21, 30, 34, 35, 40, 50, 51, 52, 60, 61, 62, 63, 70, 71, 72, 73, 74, 75, 76, 110, and 140:**  
The purpose of this rule is to make miscellaneous corrections including redesignating footnotes and correcting references, typographical errors, nomenclature, titles, e-mail addresses, and contact information. *(Sections 2, 3, 4, and 9)(pgs. 21-23, 37, 76, 90, 91, 99, 100)*
- **Miscellaneous Corrections – 10 CFR Parts 2, 11, 20, 25, 32, 35, 37, 50, 52, 55, 70, 72, 73, 95, and 110:**  
The objective of this rule is to correct mailing addresses, typographical errors, grammatical errors, references, spelling, agency names, and office titles; remove outdated reporting requirements; clarify language; add metric units; and insert missing language. *(Sections 2, 3, 9, and 12)(pgs. 24, 57, 60, 64)*

- **Miscellaneous Corrections – 10 CFR Parts 9, 37, 40, 50, 51, 52, 55, 71, 73, and 110:**

The objective of this rule is to correct a grammatical error, punctuation, a reference, formatting, a mathematical formula, and spelling; clarify language; revise contact information; and update an authority citation and internal procedures. *(Section 12)(pg. 112)*

Also, the following sections not in conjunction with a particular NRC regulation amendment have been added, revised, or deleted in keeping with NRC compatibility. Substituting “rule” for “regulation” in accordance with Act 315 of 2019 *(pgs. 113-176)* and some general clean-up is being performed as well.

<b>RULE SECTION</b>	<b>TITLE</b>
RH-103.	License fees. (license code and description clean up)*
RH-301.b.1.	Certain items containing radioactive material.
RH-401.a.2.C	Small quantities of source material.
RH-401.c.5. and c.6.	Certain industrial products or devices.
RH-402.e.	Certain detecting, measuring, gauging, or controlling devices and certain devices for producing light or an ionized atmosphere.
RH-402.f.5.	Luminous safety devices in aircraft.
RH-402.g.5.	Calibration and reference sources.
RH-402.i.4.	Ice detection devices.
RH-402.j.2. and j.5.	Products containing radium-226.
RH-402.k.7.	Use of radioactive material for certain in vitro clinical or laboratory testing.
RH-402.n.	Incidentally produced radioactive material generated by the operation of a particle accelerator.
RH-409.g.1.	Bankruptcy notification.
RH-600.a.	Receipt, transfer, and disposal.
RH-750.a.2. and b.2.	Reciprocal Recognition of Licenses.
RH-1300.c.	Surveys.
RH-1915.	Agreement with Well Owner or Operator.
RH-1931.a.2.	Labels.
RH-1961.e. (RH-1992.)	Training.
Appendix I to Section 3, Form X	Notice to Employees
RH-5002.c.	Purpose and Scope. Production of radioactive material.
RH-5003.	Fees. (description clean up) <sup>1</sup>

<sup>1</sup> Revisions reflect provisions in Arkansas Code Annotated § 20-21-217 or codes and category descriptions used by the U.S. Nuclear Regulatory Commission. Obsolete/no-longer-in-use fees have also been deleted.

RH-5200.	License Requirement.
RH-5212.	Licensure of Out-of-State Particle Accelerators for Non-Industrial Use.
RH-5214.	Reciprocal Recognition of Out-of-State Particle Accelerator Licenses for Industrial Use.
RH-8400.	Quality Control of Diagnostic Equipment.
RH-8409.	Storage and Control of Volatiles and Gases.
RH-8712.	Records of Decay-in-Storage.
RH-8801.d.1.E.	Reports and Notifications of a Dose to an Embryo/Fetus or a Nursing Child.
RH-10308.	Other Use of Electronically-Produced Radiation to Deliver Therapeutic Radiation Dose.

**PUBLIC COMMENT:** No public hearing was held on this rule. The public comment period expired on November 30, 2023. The agency indicated that it received no public comments.

The proposed effective date is February 1, 2024.

**FINANCIAL IMPACT:** The agency indicated that this rule has no financial impact.

**LEGAL AUTHORIZATION:** The State Board of Health is the designated State Radiation Control Agency for Arkansas and has the authority to promulgate rules “which may provide for licensing or registration relating to control, storage, or disposal of sources of ionizing radiation with due regard for compatibility with the regulatory programs of the United States Government.” Ark. Code Ann. § 20-21-207(a)(3); *see also* Ark. Code Ann. § 20-21-206(a). The Board also has authority to promulgate rules establishing fees associated with licensing and registration of sources of ionizing radiation. Ark. Code Ann. § 20-21-217(c).

This rule implements the federal Nuclear Regulatory Commission (NRC) regulations, 10 C.F.R. Parts 1-171. The majority of the substantive changes implement the NRC’s regulations regarding medical use of byproduct material, 10 C.F.R. Part 35.

**f. SUBJECT: REPEAL: Rules for Abortion Facilities in Arkansas**

**DESCRIPTION:** Pursuant to Act 162 of 2023, which removed the requirement that the Arkansas Department of Health license abortion facilities, the Rules for Abortion Facilities in Arkansas are no longer necessary and are being repealed.

**PUBLIC COMMENT:** A public hearing was held on this rule on November 30, 2023. The public comment period expired on November 30, 2023. The agency indicated that it received no public comments.

The proposed effective date is February 1, 2024.

**FINANCIAL IMPACT:** The agency indicated that this rule has no financial impact.

**LEGAL AUTHORIZATION:** This rule implements Act 162 of 2023. The Act, sponsored by Senator Missy Irvin, repealed the licensing requirement of clinics and health centers in which a pregnancy of a woman known to be pregnant is willfully terminated or aborted.

6. **DEPARTMENT OF HUMAN SERVICES, DIVISION OF MEDICAL SERVICES** (Elizabeth Pitman, Mitch Rouse)

- a. **SUBJECT:** Medication Assisted Treatment (MAT) and OTC (Over the Counter) Updates & **REPEALS:** PUB 85 – Differential Response: A Family-Centered Approach to Strengthen and Support Families; PUB 357 – Child Maltreatment Investigation Determination Guide

**DESCRIPTION:**

Statement of Necessity

The Substance Abuse and Mental Health Services Administration (SAMHSA) introduced new regulations pursuant to Section 1262 of the Consolidated Appropriations Act of 2023 (also known as the Omnibus bill). The purpose of the regulations is to remove barriers in Medication Assisted Treatment (MAT) for individuals with Opioid Use Disorders (OUD) and substance use disorders (SUD).

The regulation necessitating change removes the federal requirement that practitioners submit a Notice of Intent (X-Waiver) to prescribe medications for MAT services. All practitioners who have a current Drug Enforcement Administration (DEA) registration may now prescribe and treat OUD and SUD in their practice if permitted by applicable state law.

The 94th General Assembly of the Arkansas State Legislature passed Act 451 and Act 586. Act 451 states a healthcare insurer shall not require prior authorization or impose any other requirement other than a valid prescription and compliance with MAT services for the medication treatment of opioid and alcohol addiction. Act 451 also removed “oral” prescription drugs and included all drugs for MAT, even injectables. The alcohol use disorder diagnosis was mandated by Act 451 and prohibits

prior authorization or slot limits to be applied to the prescriptions used for AUD when part of a MAT program. Therefore, the AUD diagnosis was listed in the exceptions for prescriptions, but not the exceptions for other MAT services such as lab/x-ray, office visit limits, etc. The opioid use disorder diagnosis exceptions were mandated at the federal level. Finally, Act 586 amends access to Naloxone and increases availability and access of an opioid antagonist.

Based on the new SAMHSA regulations and state legislation, the Division of Medical Services is updating provider manuals and the Medicaid state plan to show compliance and agreement with new resources available to assist in decreasing and treating OUD, SUD, and AUD (Alcohol Use Disorder) for individuals in need of MAT services.

**PUBLIC COMMENT:** A public hearing was held on this rule on October 18, 2023. The public comment period expired on October 22, 2023. The agency indicated that it received no public comments.

The proposed effective date is pending legislative review and approval.

**FINANCIAL IMPACT:** The agency indicated that this rule has a financial impact.

Per the agency, this rule implements a federal rule or regulation. The total estimated cost to implement the federal rule or regulation is \$720,000 for the current fiscal year (\$201,600 in general revenue and \$518,400 in federal funds) and \$960,000 for the next fiscal year (\$268,800 in general revenue and \$691,200 in federal funds). The total estimated cost to state, county, and local government as a result of this rule is \$201,600 for the current fiscal year and \$268,800 for the next fiscal year.

The agency indicated that there is a new or increased cost or obligation of at least \$100,000 per year to a private individual, private entity, private business, state government, county government, municipal government, or to two or more of those entities combined. Accordingly, the agency provided the following written findings:

*(1) a statement of the rule's basis and purpose;*

To implement rules in compliance with the Substance Abuse and Mental Health Services Administration (SAMHSA) introduced new regulations pursuant to Section 1262 of the Consolidated Appropriations Act of 2023 (also known as the Omnibus bill), and Acts 451 and 586 of the 94th General Assembly.

*(2) the problem the agency seeks to address with the proposed rule, including a statement of whether a rule is required by statute;*

The purpose is to remove barriers in Medication Assisted Treatment (MAT) for individuals with Opioid Use Disorders (OUD) and substance use disorders (SUD). Act 451 states a healthcare insurer shall not require prior authorization or impose any other requirement other than a valid prescription and compliance with MAT services for the medication treatment of opioid and alcohol addiction. Act 451 also removed “oral” prescription drugs and included all drugs for MAT, even injectables. The alcohol use disorder diagnosis was mandated by Act 451 and prohibits prior authorization or slot limits to be applied to the prescriptions used for AUD when part of a MAT program. Therefore, the AUD diagnosis was listed in the exceptions for prescriptions, but not the exceptions for other MAT services such as lab/x-ray, office visit limits, etc. The opioid use disorder diagnosis exceptions were mandated at the federal level. Finally, Act 586 amends access to Naloxone and increases availability and access of an opioid antagonist.

*(3) a description of the factual evidence that:*

*(a) justifies the agency’s need for the proposed rule; and*

*(b) describes how the benefits of the rule meet the relevant statutory objectives and justify the rule’s costs;*

N/A

*(4) a list of less costly alternatives to the proposed rule and the reasons why the alternatives do not adequately address the problem to be solved by the proposed rule;*

N/A

*(5) a list of alternatives to the proposed rule that were suggested as a result of public comment and the reasons why the alternatives do not adequately address the problem to be solved by the proposed rule;*

N/A

*(6) a statement of whether existing rules have created or contributed to the problem the agency seeks to address with the proposed rule and, if existing rules have created or contributed to the problem, an explanation of why amendment or repeal of the rule creating or contributing to the problem is not a sufficient response; and*

N/A

*(7) an agency plan for review of the rule no less than every ten (10) years to determine whether, based upon the evidence, there remains a need for the rule including, without limitation, whether:*

*(a) the rule is achieving the statutory objectives;*

*(b) the benefits of the rule continue to justify its costs; and*

*(c) the rule can be amended or repealed to reduce costs while continuing to achieve the statutory objectives.*

The Agency monitors State and Federal rules and policies for opportunities to reduce and control cost.

**LEGAL AUTHORIZATION:** The Department of Human Services has the responsibility to administer assigned forms of public assistance and is specifically authorized to maintain an indigent medical care program (Arkansas Medicaid). *See* Ark. Code Ann. §§ 20-76-201(1), 20-77-107(a)(1). The Department has the authority to make rules that are necessary or desirable to carry out its public assistance duties. Ark. Code Ann. § 20-76-201(12). The Department and its divisions also have the authority to promulgate rules as necessary to conform their programs to federal law and receive federal funding. Ark. Code Ann. § 25-10-129(b).

This rule implements Acts 451 and 586 of 2023. This rule also implements the federal Restoring Hope for Mental Health and Well-Being Act of 2022, which is part of the Consolidated Appropriations Act, 2023.

Act 451, sponsored by Representative Aaron Pilkington, amended the Prior Authorization Transparency Act and modified medication-assisted treatment under the Prior Authorization Transparency Act.

Act 586, sponsored by Representative Bart Schulz, amended the Naloxone Access Act and increased availability and accessibility of an opioid antagonist.

The Restoring Hope for Mental Health and Well-Being Act of 2022, contained within the Consolidated Appropriations Act, 2023, eliminated additional requirements for dispensing narcotic drugs in Schedule III, IV, or V for maintenance or detoxification treatment. *See* 21 U.S.C. § 823(g), *as amended by* Restoring Hope for Mental Health and Well-Being Act of 2022, § 1262(a), 136 Stat. 5681.

**b. SUBJECT: Adult Immunization Mandatory Coverage & REPEALS:  
DDS Policy 3003 – Research Involving Individuals Served; DDS  
Policy 2005 – Incidental Funds Account**

**DESCRIPTION:** To comply with section 11405 of the Inflation Reduction Act (IRA), the Director of the Division of Medical Services is

amending the Medicaid State Plan to ensure coverage of and reimbursement for all adult (19 and older) immunizations according to the recommendations of the Advisory Committee on Immunization Practices (ACIP), along with their administration, without cost sharing. DMS shall request implementation of the coverage from the Centers for Medicare and Medicaid Services effective October 1, 2023.

Repeals pursuant to the Governor's Executive Order 23-02:

1. DDS Policy 3003 – Research Involving Individuals Served, and
2. DDS Policy 2005 – Incidental Funds Account.

**PUBLIC COMMENT:** A public hearing was held on this rule on October 18, 2023. The public comment period expired on November 4, 2023. The agency indicated that it received no public comments.

The proposed effective date is pending legislative review and approval.

**FINANCIAL IMPACT:** The agency indicated that this rule has a financial impact.

Per the agency, the total estimated cost to implement the rule is \$111,742 for the current fiscal year (\$31,288 in general revenue and \$80,454 in federal funds) and \$148,990 for the next fiscal year (\$41,717 in general revenue and \$107,272 in federal funds). The total estimated cost by fiscal year to state, county, or municipal government to implement the rule is \$31,288 for the current fiscal year and \$41,717 for the next fiscal year.

**LEGAL AUTHORIZATION:** The Department of Human Services has the responsibility to administer assigned forms of public assistance and is specifically authorized to maintain an indigent medical care program (Arkansas Medicaid). *See* Ark. Code Ann. §§ 20-76-201(1), 20-77-107(a)(1). The Department has the authority to make rules that are necessary or desirable to carry out its public assistance duties. Ark. Code Ann. § 20-76-201(12). The Department and its divisions also have the authority to promulgate rules as necessary to conform their programs to federal law and receive federal funding. Ark. Code Ann. § 25-10-129(b).

This rule implements the Inflation Reduction Act of 2022, § 11405, codified at 42 USC § 1395w-102(b)(8), which requires coverage of Advisory Committee on Immunization Practices-recommended vaccines for all adults, with no cost sharing.

- c. **SUBJECT: Coordinated Triage, Treatment, and Transport to Alternative Destination (Act 480) & REPEALS: DDS Policy 3010 – Human Rights Committee; DDS Policy 3011 – Behavior Management**

**DESCRIPTION:**

Statement of Necessity

Medicaid is seeking a state plan amendment to implement Arkansas Act 480 of 2023. Act 480 provides for Medicaid coverage and reimbursement for licensed and enrolled ground ambulances to triage, treat, and transport a beneficiary to an alternative destination when a medically necessary service is coordinated by telemedicine with a physician or a behavioral health specialist. Act 480 also allows for the licensed and enrolled Emergency Medical Personnel to treat the individual at the scene after consultation with a physician or behavioral health specialist. The service must be the result of the ambulance being dispatched to respond to a 9-1-1 call and assessment must not warrant an immediate need for transport to a hospital or emergency room. These updates require new language be added to the Medicaid Transportation Manual.

Rule Summary

To implement the required coverage, the Division of Medical Services (DMS) revises the relevant state plan pages and Transportation Manual to provide coverage and reimbursement for licensed and enrolled ground ambulances to triage, treat, and transport a beneficiary pursuant to the dictates and requirements of Act 480. DMS also made changes to ensure consistent terminology and updated effective dates in the state plan. New sections (214.100, 214.110, and 214.120) are added to the Transportation Manual.

Repeals pursuant to the Governor's Executive Order 23-02:

1. DDS Policy 3010 – Human Rights Committee, and
2. DDS Policy 3011 – Behavior Management.

**PUBLIC COMMENT:** A public hearing was held on this rule on November 8, 2023. The public comment period expired on November 12, 2023. The agency provided the following public comment summary:

Commenter's Name: Amanda Newton, ARAA President

**COMMENT:** Please accept this as the public comments from the Arkansas Ambulance Association concerning the new Treat, Triage and Transportation legislation (Act 480 or 2023). First and foremost, thank you, as it appears to us that you all have done a great job in mirroring the

intent of the legislation and by defining the 911 call location as a destinations we agree this should make reimbursement for treatment in place possible, assuming the required telemedicine consultation takes place. As we are not totally familiar with the Medical Board's requirements for "establishing the patient relationship", we have reached out to Dr. Johnson, asking him to work with the Medical Board to ensure that they do not have any concerns. While it is not contemplated in the document out for public comment, we would like to confirm that in the case of a treatment in place, we will be able to bill for mileage to the destination.

As the behavioral health piece of this begins to be used, we would also like for you to consider an additional "incremental time-on-task" billing code. It was brought to our attention by Rep. Wooldridge, that some behavioral health calls may be considerably longer than a standard medical call in the field, and he suggested to the department may need to look at this type of code that could be billed in 15 minute increments on longer behavioral health calls. Again, we are so appreciative of all of the work you and your department have put into this initiative that we all believe will provide more appropriate care in many circumstances and ultimately result in savings to the department. Please know the Arkansas Ambulance Association stands ready to have continued dialogue and discussions on this and any other issue that we may be able to provide information or feedback that will be helpful to you and the individuals we all serve.

**RESPONSE:** Thank you for your comments in support of this rule. Yes, mileage to the destination will be covered for treatment in place, as this is contemplated by the original statute and intent of the rule to pay standard Basic and Advanced Life Support rates. The language of the rule is being amended to clarify. We will continue to work with ambulance providers as we move forward with mobile crisis and behavioral health response system.

The proposed effective date is pending legislative review and approval.

**FINANCIAL IMPACT:** The agency indicated that this rule has a financial impact.

Per the agency, implementing this rule will result in a total savings of \$234,788 for the current fiscal year (\$65,741 in general revenue and \$169,047 in federal funds) and \$469,575 for the next fiscal year (\$131,481 in general revenue and \$338,094 in federal funds). The total estimated cost reduction to state, county, or municipal government from implementing this rule is \$65,741 for the current fiscal year and \$131,481 for the next fiscal year.

**LEGAL AUTHORIZATION:** The Department of Human Services has the responsibility to administer assigned forms of public assistance and is specifically authorized to maintain an indigent medical care program (Arkansas Medicaid). See Ark. Code Ann. §§ 20-76-201(1), 20-77-107(a)(1). The Department has the authority to make rules that are necessary or desirable to carry out its public assistance duties. Ark. Code Ann. § 20-76-201(12). The Department and its divisions also have the authority to promulgate rules as necessary to conform their programs to federal law and receive federal funding. Ark. Code Ann. § 25-10-129(b).

This rule implements Act 480 of 2023. The Act, sponsored by Representative Lee Johnson, enacted the Arkansas Triage, Treat, and Transport to an Alternative Destination Act and mandated insurance coverage for an ambulance service to triage, treat, and transport a patient to an alternative destination.

7. **DEPARTMENT OF LABOR AND LICENSING, DIVISION OF  
OCCUPATIONAL AND PROFESSIONAL LICENSING BOARDS AND  
COMMISSIONS, ARKANSAS STATE BOARD OF PUBLIC  
ACCOUNTANCY (Miles Morgan)**

a. **SUBJECT: Rule 3 – Examinations, Specifically Rule 3.7 Retake and Granting of Credit Requirements**

**DESCRIPTION:** The purpose and the necessity of the proposed amendments are to: 1) reduce barriers to entry into the CPA profession; and 2) align with the National Association of State Boards of Accountancy’s Uniform Accountancy Act Model Rules. The proposed amendment would accomplish the following:

1. Amend the board’s rule on examinations to change the test section credit window from eighteen months to thirty months, giving candidates an additional twelve months to pass all four parts of the CPA exam before losing test section credits;
2. Amend the board’s rule on examinations to change the date that the test section credit window begins from the date the applicant sat for the exam to the date that the exam score was released;
3. Amend the board’s rule on examinations to reflect the change in the AICPA CPA exam from the passing of four core test sections to the passing of three core test sections and one of three discipline test sections; and
4. Allow non-resident licensees to meet the Arkansas CPE requirements if they meet the CPE requirements for renewal of a certificate/license in the state in which the licensee’s principal place of business is located.

**PUBLIC COMMENT:** A public hearing was not held in this matter. The public comment period expired on November 28, 2023. The agency indicated that it receive no comments.

The proposed effective date is pending legislative review and approval.

**FINANCIAL IMPACT:** The agency indicated the amended rule does not have a financial impact.

**LEGAL AUTHORIZATION:** The Arkansas State Board of Public Accountancy may adopt, and amend from time to time, rules for orderly conduct of its affairs and for the administration of Title 17, Chapter 12 of the Arkansas Code concerning accountants. *See Ark. Code Ann. § 17-12-203(a).* The board may also promulgate and amend rules of professional conduct appropriate to establish and maintain a high standard of integrity and dignity in the profession of public accountancy. *See Ark. Code Ann. § 17-12-203(c)(1).* In addition, the board may adopt rules, not inconsistent with Title 17, Chapter 12, Subchapter 2 of the Arkansas Code concerning the Arkansas State Board of Public Accountancy, as necessary and proper to carry out the purposes and intentions of the subchapter. *See Ark. Code Ann. § 17-12-203(e)(1).*

**b. SUBJECT: Rule 13 – Continuing Education, Specifically Rule 13.3(i) Programs Which Qualify – Non-Resident Licensee**

**DESCRIPTION:** The purpose and the necessity of the proposed amendments are to: 1) reduce barriers to entry into the CPA profession; and 2) align with the National Association of State Boards of Accountancy’s Uniform Accountancy Act Model Rules. The proposed amendment would accomplish the following:

1. Amend the board’s rule on examinations to change the test section credit window from eighteen months to thirty months, giving candidates an additional twelve months to pass all four parts of the CPA exam before losing test section credits;
2. Amend the board’s rule on examinations to change the date that the test section credit window begins from the date the applicant sat for the exam to the date that the exam score was released;
3. Amend the board’s rule on examinations to reflect the change in the AICPA CPA exam from the passing of four core test sections to the passing of three core test sections and one of three discipline test sections; and
4. Allow non-resident licensees to meet the Arkansas CPE requirements if they meet the CPE requirements for renewal of a

certificate/license in the state in which the licensee's principal place of business is located.

**PUBLIC COMMENT:** A public hearing was not held in this matter. The public comment period expired on November 28, 2023. The agency indicated that it received no comments.

Suba Desikan, an attorney with the Bureau of Legislative Research, asked the following question and received the following response:

**QUESTION:** Your financial impact statement provides that the rule has a financial impact, but does not contain any further information. Could you please explain?

**RESPONSE:** Yes, I knew there would be a small financial impact because a change would be needed to the Board's online renewal process; however, at the time of submission, I did not know how much the change to the renewal system would cost. I have since contracted with INA to make the change and the cost agreed upon is \$2,850.00.

The proposed effective date is pending legislative review and approval.

**FINANCIAL IMPACT:** The board indicated the amended rule has a financial impact. The board explained that it needed to make the changes to its online renewal process, and has contracted with INA in the amount of \$2,850 to make those changes.

**LEGAL AUTHORIZATION:** The Arkansas State Board of Public Accountancy may adopt, and amend from time to time, rules for orderly conduct of its affairs and for the administration of Title 17, Chapter 12 of the Arkansas Code concerning accountants. *See Ark. Code Ann. § 17-12-203(a).* The board may also promulgate and amend rules of professional conduct appropriate to establish and maintain a high standard of integrity and dignity in the profession of public accountancy. *See Ark. Code Ann. § 17-12-203(c)(1).* In addition, the board may adopt rules, not inconsistent with Title 17, Chapter 12, Subchapter 2 of the Arkansas Code concerning the Arkansas State Board of Public Accountancy, as necessary and proper to carry out the purposes and intentions of the subchapter. *See Ark. Code Ann. § 17-12-203(e)(1).*

8. **DEPARTMENT OF LABOR AND LICENSING, DIVISION OF  
OCCUPATIONAL AND PROFESSIONAL LICENSING BOARDS AND  
COMMISSIONS, STATE BOARD OF APPRAISERS, ABSTRACTERS,  
AND HOME INSPECTORS** (Miles Morgan, Diana Piechocki)

a. **SUBJECT:** Practical Applications of Real Estate Appraisal 23-0008

**DESCRIPTION:** The purpose and necessity of the proposed amendment is to:

1. Authorize approved simulated training to serve as an alternative to the traditional Supervisor/Trainee experience model for appraisers, thereby reducing a barrier to obtaining licensure;
2. Make technical corrections; and
3. Update the Board's legal name to the State Board of Appraisers, Abstracters, and Home Inspectors pursuant to Act 628 of 2023.

**PUBLIC COMMENT:** A public hearing was not held in this matter. The public comment period expired on December 1, 2023. The board indicated that it received no comments.

The proposed effective date is pending legislative review and approval.

**FINANCIAL IMPACT:** The board indicated that the amended rules do not have a financial impact.

**LEGAL AUTHORIZATION:** The State Board of Appraisers, Abstracters, and Home Inspectors may establish, maintain, report, and periodically update meaningful qualification standards for state-licensed, registered apprentice, and state-certified appraisers practicing in the State of Arkansas, including testing, experience, and educational requirements that will demonstrate continued compliance with the minimum standards and qualifications as promulgated by the Appraisal Standards Board and Appraiser Qualifications Board of the Appraisal Foundation. *See Ark Code Ann. § 17-14-202(a)(2)(B) as amended by Act 628 of 2023.* In addition, the board shall establish by rule the minimum examination, education, experience, and continuing education requirements for state-registered, state-licensed, registered apprentice, and state-certified appraisers. *See Ark. Code Ann. § 17-14-203(6)(A).*

Changes to the rule were made in light of Act 628 of 2023, sponsored by Senator Kim Hammer, which created the State Board of Appraisers, Abstracters, and Home Inspectors; transferred the duties of the Arkansas Abstracters' Board, the Arkansas Home Inspector Registration Board, and the Arkansas Appraiser Licensing and Certification Board to the State Board of Appraisers, Abstracters, and Home Inspectors; and abolished the

Arkansas Abstracters' Board, the Arkansas Home Inspector Registration Board, and the Arkansas Appraiser Licensing and Certification Board.

9. **DEPARTMENT OF PARKS, HERITAGE, AND TOURISM, DIVISION OF ARKANSAS HERITAGE** (Marty Ryall, Scott Kaufman, Tom Marr)

a. **SUBJECT:** Rules Governing the Arkansas Major Historic Rehabilitation Income Tax Credit Act

**DESCRIPTION:** Pursuant to Act 855 of 2019, the Division of Arkansas Heritage through its Arkansas Historic Preservation Program established rules governing the application process for which the owner of a historic Arkansas property may apply for an income tax credit under the Arkansas Major Historic Rehabilitation Income Tax Credit Act. The rules are being amended to create the process to apply for major historic rehabilitation income tax credits. These amendments are necessary to establish a tax credit reservation process.

**PUBLIC COMMENT:** A public hearing was not held in this matter. The public comment period expired on December 14, 2023. The agency received no comments.

The proposed effective date is pending legislative review and approval.

**FINANCIAL IMPACT:** The agency indicated that the amended rule does not have a financial impact.

**LEGAL AUTHORIZATION:** The Division of Arkansas Heritage shall promulgate rules to implement Title 26, Chapter 51, Subchapter 26 of the Arkansas Code concerning the Arkansas Major Historic Rehabilitation Income Tax Credit, that shall include criteria for the prioritizing of the rehabilitation applications and that will stimulate the local economy where the property is located, including without limitation the criteria that the rehabilitation project will be prioritized in the following order:

- (1) Result in the creation of a new business;
  - (2) Result in the expansion of an existing business;
  - (3) Establish or contribute to the establishment of a tourism attraction as defined by the Department of Parks, Heritage, and Tourism;
  - (4) Contribute to the revitalization of a specific business district; or
  - (5) Be a key property in the revitalization of a specific neighborhood.
- See Ark. Code Ann. § 26-51-2006(a).*

Changes to the rules were made in light of Act 651 of 2023, sponsored by Senator Jonathan Dismang, which extended the application period for the Arkansas Major Historic Rehabilitation Income Tax Credit.

- F. Agency Updates on the Status of Outstanding Rulemaking from the 2021 General Session Pursuant to Act 595 of 2021**
  - 1. Department of Education (Andrés Rhodes, Daniel Shults)**
- G. Agency Requests to Be Excluded from Reporting Requirements of Act 595 of 2021**
  - 1. Department of Agriculture (Acts 588, 594, and 691 of 2023) (Secretary Wes Ward)**
  - 2. Department of Health, Arkansas State Board of Pharmacy and Arkansas State Medical Board (Act 575 of 2023) (Matt Gilmore, Amy Embry, John Kirtley)**
- H. Agency Monthly Written Updates Pursuant to Act 595 of 2021 Concerning Rulemaking from the 2023 General Session**
- I. Evaluation of Rule Review Group 2 Agencies Pursuant to Act 781 of 2017 and Act 65 of 2021**
  - 1. Department of Energy and Environment (Lauren Ballard, Michael McAlister, Daniel Pilkington)**
  - 2. Department of Energy and Environment, Liquefied Petroleum Gas Board (Lauren Ballard, Michael McAlister, Daniel Pilkington)**
  - 3. Department of Energy and Environment, Oil and Gas Commission (Lauren Ballard, Michael McAlister, Daniel Pilkington)**
- J. Adjournment**