

**AGENDA**  
**Administrative Rules and Regulations Subcommittee**  
**of the**  
**Arkansas Legislative Council**

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**Wednesday, December 12, 2012**

**09:30 AM**

**Room 171, State Capitol**  
**Little Rock, Arkansas**

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Sen. Percy Malone, Chair  
Sen. Randy Laverty, Vice Chair  
Sen. Jimmy Jeffress  
Sen. Kim Hendren  
Sen. Jack Crumbly  
Sen. David Johnson  
Sen. Johnny Key  
Sen. Michael Lamoureux  
Sen. David Burnett  
Sen. Mary Anne Salmon, ex-officio  
Sen. Robert Thompson, ex-officio

Rep. James L. Word, Chair  
Rep. Jonathan Barnett, Vice Chair  
Rep. Eddie L. Cheatham  
Rep. Toni Bradford  
Rep. Tommy Lee Baker  
Rep. Johnnie J. Roebuck  
Rep. Randy Stewart  
Rep. Les "Skip" Carnine  
Rep. Linda S. Tyler  
Rep. Kelley Linck  
Rep. Terry Rice, ex-officio

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- A. Call to Order.**
- B. Report of the Senate Interim Committee on Education and the House Interim Committee on Education on the following rules which were referred to the committees by the Administrative Rules and Regulations Subcommittee on November 5, 2012.**  
**--Senator Jimmy Jeffress, Chair and Representative Eddie Cheatham, Chair**
- 1. DEPARTMENT OF EDUCATION (Jeremy Lasiter, Mark White, Katherine Donovan)**
    - a. Educator Licensure and Proposed Repeals**
    - b. Repeal of Arkansas Department of Education Rules Governing Waivers for Substitute Teachers**
- C. Report of the Senate Interim Committee on Public Health, Welfare and Labor and the House Interim Committee on the following rules which were referred to the committees by the Administrative Rules and Regulations Subcommittee on March 14, 2012.**  
**--Senator Percy Malone, Chair and Representative Linda Tyler, Chair**
- 1. STATE BOARD OF DENTAL EXAMINERS (Kevin Odwyer)**
    - a. Amendment to Article XI Governing the Functions of a Dental Hygienist**

**Notice: Silence your cell phones. Keep your personal conversations to a minimum. Observe restrictions designating areas as "*Members and Staff Only*"**

- D. Rules filed pursuant to Ark. Code Ann. § 10-3-309.**
- 1. STATE BOARD OF NURSING (Sue Tedford, Fred Knight, Karen McCumpsey, Jill Easley)**
    - a. Proposed Changes to the ASBN Rules: Chapters One, Two, Three, Four, and Six, and the Nurse Practice Act**
- E. Rules deferred from the October 15, 2012 meeting of the Administrative Rules and Regulations Subcommittee.**
- 1. DEPARTMENT OF CAREER EDUCATION, ADULT EDUCATION DIVISION (Jim Smith)**
    - a. Permanent Proposed Funding Rule 2012-2013**
    - b. Permanent Proposed Rule for Adult Education Funding Formula Effective July 1, 2013**
- F. Rules deferred from the November 5, 2012 meeting of the Administrative Rules and Regulations Subcommittee.**
- 1. ARKANSAS REAL ESTATE COMMISSION (Gary Isom, Jim Newell)**
    - a. Real Estate Auction Definitions and Requirements**
- G. Rules filed pursuant to Ark. Code Ann. § 10-3-309.**
- 1. STATE BOARD OF EXAMINERS OF ALCOHOLISM AND DRUG ABUSE COUNSELORS (Rob Covington)**
    - a. Rules Governing Examiners of Alcoholism and Drug Abuse Counselors**
  - 2. CAPITOL ZONING DISTRICT COMMISSION (Boyd Maher)**
    - a. Emergency Revisions to Rehabilitation Standards for Historic Properties**
    - b. Revisions to Capitol Zoning District Master Plan**
  - 3. DEPARTMENT OF CAREER EDUCATION, ARKANSAS REHABILITATION SERVICES (Randy Parker, Jonathan Bibb)**
    - a. ARS Establishment Policy**
  - 4. STATE BOARD OF DENTAL EXAMINERS (Kevin Odwyer)**
    - a. Article VIII § A. 6; Requirement for Licensure Clinical Examination of a Dentist**

5. **ARKANSAS DEVELOPMENT FINANCE AUTHORITY (Sara Oliver)**
  - a. **2013 Housing Credit Program Qualified Allocation Plan**
  - b. **Compliance Monitoring Policies and Procedures Manual for the Low Income Housing Tax Credit Program**
  - c. **2013 Multifamily Housing Minimum Design Standards**
  - d. **2012 HOME Program Policy and Operations Manual**
6. **DEPARTMENT OF EDUCATION (Jeremy Lasiter, Mark White)**
  - a. **Repeal of Rules and Regulations on Arkansas Compulsory Attendance Requirements**
  - b. **Arkansas Comprehensive Testing, Assessment and Accountability Program and the Academic Distress Program**
  - c. **Consolidation and Annexation of School Districts**
  - d. **Code of Ethics for Arkansas Educators**
7. **DEPARTMENT OF ENVIRONMENTAL QUALITY, SOLID WASTE MANAGEMENT DIVISION (Karen Bassett)**
  - a. **Regulation No. 11: Solid Waste Management Fees, Funds, and Grants**
8. **DEPARTMENT OF ENVIRONMENTAL QUALITY, WATER DIVISION (Ryan Benefield)**
  - a. **Regulation No. 6; Regulations for State Administration of National Pollutant Discharge Elimination System (NPDES)**
9. **FAULKNER COUNTY SOLID WASTE MANAGEMENT DISTRICT (Preston Scroggin)**
  - a. **Rules and Regulations of the Faulkner County Solid Waste Management District**
10. **DEPARTMENT OF FINANCE AND ADMINISTRATION, ARKANSAS RACING COMMISSION (Byron Freeland)**
  - a. **Rule 1271; Pre-race Physical Examination of Horses**
  - b. **Rule 2117; Owners and Trainers**
  - c. **Rule 2433; Claiming**
  - d. **Rule 2434(i); Claiming**

- e. **Rule 2435; Claiming**
  - f. **Greyhound Rule 3161**
- 11. DEPARTMENT OF HEALTH, PUBLIC HEALTH LABS (Robert Brech, Laura Bailey)**
- a. **Regulations for Alcohol Testing**
- 12. DEPARTMENT OF HIGHER EDUCATION (Shane Broadway, Cynthia Moten, Janet Lawrence)**
- a. **Rules for Institutional and Program Certification**
- 13. DEPARTMENT OF HUMAN SERVICES, CHILDREN AND FAMILY SERVICES (Christin Harper)**
- a. **Removal of Requirement to Collect W-9s from Foster and Adoptive Parents**
  - b. **Clarifications Regarding Subsidized Guardianship Policy**
  - c. **Updates to Division Overview and General Provisions**
  - d. **Updates to Investigation Procedures**
  - e. **Revisions to Internal Review of Adverse Action and Appeals and Hearings of Unfavorable Decisions**
  - f. **Early Intervention Services and Referrals**
  - g. **Differential Response Clarifications**
- 14. DEPARTMENT OF HUMAN SERVICES, BEHAVIORAL HEALTH SERVICES (Breck Hopkins)**
- a. **Rehabilitative Services for Persons with Mental Illness (RSPMI) Provider Certification Amendment 3**
- 15. DEPARTMENT OF HUMAN SERVICES, AGING AND ADULT SERVICES (Connie Parker)**
- a. **Attendant Care for a Beneficiary of the Alternatives for Adults with Physical Disabilities Medicaid Waiver Program**
- 16. DEPARTMENT OF HUMAN SERVICES, MEDICAL SERVICES (Marilyn Strickland)**
- a. **AAPDWVR-1-12; Alternatives for Adults with Physical Disabilities (AAPD) Waiver Application**
  - b. **ELDER-1-11; ElderChoices Waiver Application**

- c. **LCAL 1-12 and Section V 8-12; Living Choices Assisted Living Waiver Application**
  - d. **INCHOICE-1-11 and State Plan Amendment #2012-009; Independent Choices**
  - e. **PERSCARE 2-11; Personal Care**
  - f. **Program of All Inclusive Care for the Elderly (PACE); 2-12**
  - g. **Hospice-2-11 and Arkansas State Plan Amendment #2012-004; Hospice Concurrent Care for Children in Medicaid and the Children's Health Insurance Program (CHIP)**
  - h. **Therapy-1-12**
- 17. ARKANSAS INSURANCE DEPARTMENT (Booth Rand)**
- a. **Rule 84: Prepaid Funeral Benefits Contracts Recovery Fund Fees**
  - b. **Rule 101: Prohibition on the Use of Discretionary Clauses in Disability Income Policies**
- 18. STATE MEDICAL BOARD (Kevin Odwyer, Peggy Cryer)**
- a. **Regulation 10; Licensing and Practice of Respiratory Care Practitioners**
- 19. OIL AND GAS COMMISSION (Lawrence Bengal)**
- a. **General Rule B19; Requirements for Well Utilizing Hydraulic Fracture Completion**
- 20. COMMISSION FOR PUBLIC SCHOOL ACADEMIC FACILITIES AND TRANSPORTATION (Jeremy Lasiter, Mark White)**
- a. **Specifications Governing School Bus Design**
- 21. ARKANSAS SEX OFFENDER ASSESSMENT COMMITTEE (Bobby G. Smith, Wendy Kelley)**
- a. **Sex Offender Assessment Committee Guidelines**
- 22. ARKANSAS TEACHER RETIREMENT SYSTEM**
- a. **Rule 11-1; Survivor Benefits**
- 23. DEPARTMENT OF WORKFORCE SERVICES (Roger Harrod)**
- a. **Notice of Claims Filed and Benefits Charged, Employer Response, and Noncharge Rights**

**H. Adjournment.**