

Title 20. Public Health and Welfare

Chapter XIV. Division of Developmental Disabilities Services, Department of Human Services

Subchapter A. Generally

Part 532. Use of Lands/Facilities/Equipment

Codification Notes. This part as promulgated prior to codification into the Code of Arkansas Rules provided as follows: "Policy No. 1041"

"Replacement Notation: This policy replaces DDS Policy 1041, dated August 3, 1981 and January 8, 1987."

"Effective Date: December 1, 1993"

"References: DDS Board Policy 1005; MR-DDS Institutional Services Policies RS-PO-4, Sept. 11, 1975, RS-PO-20, Feb. 13, 1978, RS-PO-22, Aug. 24, 1978, which are hereby superseded."

"Administrative Rules & Regulations Sub Committee of the Arkansas Legislative Council: November 4, 1993."

Subpart 1. Generally

20 CAR § 532-101. Purpose.

This part clarifies the role of Division of Developmental Disabilities Services staff in determining the use of lands, facilities, and equipment which are under the authority of the Board of Developmental Disabilities Services.

Authority. Arkansas Code §§ 20-48-205, 20-48-210.

20 CAR § 532-102. Scope.

This part is directed to all Division of Developmental Disabilities Services employees and to any other individual or entity interested in the subject.

Authority. Arkansas Code §§ 20-48-205, 20-48-210.

20 CAR § 532-103. Use of lands, facilities, or equipment by outside organizations.

(a) As authorized by the Board of Developmental Disabilities Services, the Director of the Division of Developmental Disabilities Services assigns responsibility for making recommendations for use of lands, facilities, and/or equipment as follows:

(1) Any request received by the Division of Developmental Disabilities Services from an outside organization, including another state agency, to use lands, facilities, and/or equipment held by the board will be immediately referred to the onsite administrator of the land, facility, or equipment;

(2) The onsite administrator, such as the superintendent, will determine the impact granting the use request would have on the land/facility/equipment, and cover at least the following:

(A) Consistency of the request with division goals and objectives;

(B) Potential interference of the request with existing or planned activities or uses by the particular program and its operations; and

(C) Assistance required of onsite personnel by the request;

(3)(A) The onsite administrator will make the decision as to whether or not the requested use covering subdivisions (a)(2)(A) – (C) of this section is in conflict with the management of the particular program.

(B) If not, the onsite administrator may proceed as specified in subdivisions (a)(4) and (5) of this section;

(4)(A) Lands/facilities/equipment use agreements will be prepared by the onsite administrator as properly executed contracts.

(B) The contract will specify:

(i) The division will not be liable for any injuries or damages incurred by the requesting organization or participants during the course of the contract;

(ii) The requesting organization indemnifies the division in a written contract against any possible damage or loss;

(iii) Additional benefits or services to be provided on the part of either or both parties set forth as a separate item; and

(iv) If any equipment is to be used outside the division, a transfer/loan request will also be completed; and

(5) Signed copies of the contract will be provided to all parties.

(b) Should there be any question regarding the propriety of granting a particular request, the request will be sent to the director for processing as outlined in subdivisions (a)(2), (4), and (5) of this section along with the onsite administrator's recommendation.

Authority. Arkansas Code §§ 20-48-205, 20-48-210.

20 CAR § 532-104. Lease of division lands and facilities.

As authorized by the Board of Developmental Disabilities Services, the Director of the Division of Developmental Disabilities Services assigns responsibility for recommendations on leasing as follows:

(1) Any lease request received by the Division of Developmental Disabilities Services from an outside organization, including another state agency, will be immediately referred to the administrator on site of the land or facility;

(2)(A) The onsite administrator, e.g., a superintendent, will determine the impact of granting the lease request would have on the land/facility.

(B) A documented recommendation to approve or deny the request will be sent by the onsite administrator to the director;

(3) A lease request received by the director will be referred to the appropriate board subcommittee for review and recommendations with final approval by the board unless specific authority is delegated by the board; and

(4)(A) Signed copies of the final lease will be sent to all parties involved.

(B) A denial of lease request will be sent by the director to the requesting party with copies to all others.

Authority. Arkansas Code §§ 20-48-205, 20-48-210.

20 CAR § 532-105. Interagency recommendations for use of lands/facilities/equipment.

(a) Any recommendation for the use of agency lands, facilities, or equipment originating within the agency or originating outside the Division of Developmental Disabilities Services, e.g., parents, for the agency to act on requires the Director of the Division of Developmental Disabilities Services' concurrence to approve or deny under certain conditions:

(1) When an individual's welfare, safety, or health is at issue; or

(2)(A) When the appearance or value of the land/facility/equipment would be significantly altered.

(B) Such would also require action by the Board of Developmental Disabilities Services.

(b) Such recommendations with subsequent comments must go to the director from the onsite administrator.

Authority. Arkansas Code §§ 20-48-205, 20-48-210.

20 CAR § 532-106. Use of equipment and vehicles.

See Board of Developmental Disabilities Services Policy 1005, #5 [repealed].

Authority. Arkansas Code §§ 20-48-205, 20-48-210.

20 CAR § 532-107. Contracting requirements.

See Board of Developmental Disabilities Services Policy 1005, #6 [repealed].

Authority. Arkansas Code §§ 20-48-205, 20-48-210.