

The Arkansas Register



Volume XXXI, Number 12
Volume XXXII, Number 1

June 2008
July 2008

TABLE OF CONTENTS

ATTORNEY GENERAL

Opinions 4

RULES AND REGULATIONS 5

INSURANCE DEPARTMENT

Orders 11

LEGISLATIVE AUDIT

Orders 12

Charlie Daniels
Secretary of State
State Capitol, Room 026
Little Rock, AR 72201-1094

Editor **Jon Davidson**

Published by *Secretary of State*
Charlie Daniels

The *Arkansas Register* is an official publication of the State of Arkansas. It contains administrative rules and regulations adopted by state agencies, boards and commissions pursuant to Act 434 of 1967, as amended. The *Arkansas Register* also includes Attorney General opinions, notice of legislative audit reports and insurance orders. The subscription rate is \$40 per year or \$3.50 a copy, distributed monthly, postpaid within the United States.

THE ARKANSAS REGISTER

DISCLAIMER

The Secretary of State website, www.sos.arkansas.gov, contains copies of rules filed by Arkansas state agencies, boards and commissions with the *Arkansas Register* in an “acceptable electronic format” as per Act 1648 of 2001. The rules contained therein are not to be considered “official” copies of agency rules. The official copies remain the paper copies housed in the *Arkansas Register* division of the Secretary of State’s office. While the rule texts are not the “official” copies every attempt has been made to ensure their accuracy and reliability. However, the Secretary of State’s office makes no warranties or guarantees regarding the content of the copies presented on its website.

ACCESS TO RULES

Electronic versions of agency rule filings are available from the Secretary of State website. The rules may be accessed by clicking on the title of the rule listed in **BLUE**. Most of the rules are available in an Adobe PDF format, however, some rules may link you to a specific website for the particular agency. Rule titles followed by asterisks (***) are not available in an electronic form. To receive a hard copy of these types of rules or any other rule you may either contact the agency contact person or the office of the *Arkansas Register*. Copies of rules obtained from the office of the Register are subject to a .25 cent per page copy charge. Inquiries may be directed to the *Arkansas Register* office at the contact points listed below.

Secretary of States’ office
Arkansas Register
026 State Capitol
Little Rock, AR 72201
(501) 682-3527
register@sos.arkansas.gov

ATTORNEY GENERAL OPINIONS

*** No Attorney General Opinions will be listed in this edition of the *Arkansas Register*. For copies of Opinions that were released during this month please visit the Attorney General's website at: www.arkansasag.gov or call (501) 682-3527.



ADOPTED RULES AND REGULATIONS

AGRICULTURE DEPARTMENT

Livestock & Poultry Commission

Docket No: 209.01.08-001F
Effective Date: 07/01/2008
Contact: Karen Gray
Telephone: 501-907-2411

Laboratory/Regulatory Fee Schedule

State Plant Board

Docket No: 209.02.08-001F
Effective Date: 07/01/2008
Contact: Mike Thompson
Telephone: 501-225-1598

Container and Containment Rules promulgated by the Environmental Protection Agency

ARKANSAS DEVELOPMENT FINANCE AUTHORITY

Economic Development

Docket No: 109.01.08-001F
Effective Date: 06/08/2008
Contact: Patrick Patton
Telephone: 501-682-5902

Disadvantaged Business Enterprise Contractor Loan Program (DBE Program)

ARKANSAS TEACHER RETIREMENT SYSTEM

Docket No: 088.00.08-002F
Effective Date: 05/30/2008
Contact: Christa Clark
Telephone: 501-682-1266

Rules No. 7-3: Reporting Member Contributions; No. 7-4: Employer Contributions; No. 8-2: Refunds of Member Contributions; No. 8-18: Purchase of Domestic Federal Service; No. 8-19: Purchase of Federal Retirement Service; No. 10-2: Retirant's Return to Covered Service

BOARD OF DENTAL EXAMINERS

Docket No: 038.00.08-001F
Effective Date: 07/24/2008
Contact: William Trice, III
Telephone: 501-372-4144

ARTICLE III - F: Dispensing Legend Drugs

BOARD OF CHIROPRACTIC EXAMINERS

Docket No: 029.00.08-001F
Effective Date: 07/13/2008
Contact: Kristi Shirley
Telephone: 501-682-9015

Part Two: (E)(3) - Continuing Education; (E)(6) - License Renewal, Continuing Education and Forfeiture

ADOPTED RULES AND REGULATIONS

BOARD OF MASSAGE THERAPY

Docket No: 059.00.08-001F
Effective Date: 06/20/2008
Contact: Georgia Tabor
Telephone: 501-520-0555

2008 Massage Therapy Rules

CONTRACTORS LICENSING BOARD

Docket No: 033.00.08-001F
Effective Date: 07/12/2008
Contact: Vicki Pickering
Telephone: 501-371-1504

Exemption of Licensure for Developers and the Definition of "own residence" as contained within the Residential Licensing Law

DEPARTMENT OF CORRECTION

Docket No: 004.00.08-001F
Effective Date: 06/06/2008
Contact: George Brewer
Telephone: 870-267-6335

Regulation 888 - Boot Camp Program

EDUCATION DEPARTMENT

Division of Fiscal & Administrative Services

Docket No: 005.01.08-001F
Effective Date: 06/22/2008
Contact: Bobbie Davis
Telephone: 501-682-1297

ADE 289: Rules Governing Loan and Bond Applications

Docket No: 005.01.08-002F
Effective Date: 06/22/2008
Contact: Bill Goff
Telephone: 501-682-4887

ADE 290: Rules Governing Minimum Qualifications for General Business Managers of Public School Districts

FINANCE & ADMINISTRATION

Division of Revenues

Docket No: 006.05.08-002F
Effective Date: 06/19/2008
Contact: Tom Atchley
Telephone: 501-682-7200

Rule 1993-8: Soft Drink Tax Regulation

ADOPTED RULES AND REGULATIONS

GAME & FISH COMMISSION

Docket No: 002.00.08-005F
Effective Date: 07/06/2008
Contact: James Goodhart
Telephone: 501-223-6327

Amendments to Various Hunting and Fishing rules; 08-09 Deer Bag Limits, Feral Hog Regulations

Docket No: 002.00.08-009F
Effective Date: 06/19/2008
Contact: Wendy Higgins
Telephone: (501) 223-6327

Updated Code Book

HEALTH DEPARTMENT

Emergency Medical Services & Trauma Systems

Docket No: 007.28.08-001F
Effective Date: 06/14/2008
Contact: David Taylor
Telephone: 501-661-2262

Rules for Emergency Medical Services

Health Facility Services

Docket No: 007.05.08-001F
Effective Date: 05/25/2008
Contact: Connie Melton
Telephone: 501-661-2201

Rules for Orthetic, Prosthetic, & Pedorthic Providers in Arkansas

Docket No: 007.05.08-002F
Effective Date: 06/12/2008
Contact: Connie Melton
Telephone: 501-661-2201

Rules For Critical Access Hospitals (CAH)

HUMAN SERVICES

Administrative Services

Docket No: 016.14.08-001F
Effective Date: 07/13/2008
Contact: Gary Cain
Telephone: 501-682-6760

Contract Manual — For Professional and Consultant Services Contracts, Intra-Agency and Inter-agency Agreements

Children & Family Services

Docket No: 016.15.08-004F
Effective Date: 06/01/2008
Contact: Cindy Young
Telephone: 501-682-8750

CFS-509B - Request for Alternative Compliance or Policy Waiver; Appendix I - Glossary; Appendix XI - Alternative Compliance and Policy Waiver Protocol

Medical Services

Docket No: 016.06.07-002F
Effective Date: 06/01/2008
Contact: Carolyn Patrick
Telephone: 501-682-8359

ADOPTED RULES AND REGULATIONS

State Plan Amendment #2007-007

Docket No: 016.06.08-006F
Effective Date: 06/01/2008
Contact: Nikki Wade
Telephone: 501-682-8292

State Plan Transmittal #2007-025 - Dental Services

Docket No: 016.06.08-009F
Effective Date: 05/23/2008
Contact: Diana Teal
Telephone: 501-682-8361

New Independent Choices Manual & State Plan Amendment #2007-023

Docket No: 016.06.08-011F
Effective Date: 08/01/2008
Contact: Tommy Wingard
Telephone: 501-682-6117

Rules Arkansas Long Term Care Facility Nursing Assistant Training Program

Docket No: 016.06.08-012F
Effective Date: 08/01/2008
Contact: Tommy Wingard
Telephone: 501-682-6117

Rules for Conducting Criminal Record Checks for Employees of Long Term Care Facilities

Docket No: 016.06.08-018E
Effective Date: 06/01/2008
Contact: Nikki Wade
Telephone: 501-682-8292

Emergency Rule: Official Notice DMS-2008-J-5 — Prosthetics

Docket No: 016.06.08-019F
Effective Date: 06/01/2008
Contact: Carolyn Patrick
Telephone: 501-682-8359

Section I all Medicaid Provider Manuals — 142.800 - Condition of Participation ***

Docket No: 016.06.08-020F
Effective Date: 08/15/2008
Contact: Debra Garrison
Telephone: 501-682-5424

Child Health Management Services Update #107 & Rehabilitative Services for Persons with Mental Illness Update #103

Docket No: 016.06.08-021F
Effective Date: 07/01/2008
Contact: Carolyn Patrick
Telephone: 501-682-8359

Rehabilitative Services for Persons with Mental Illness Update #102 ***

ADOPTED RULES AND REGULATIONS

INSURANCE DEPARTMENT

Docket No: 054.00.08-001F
Effective Date: 06/09/2008
Contact: Booth Rand
Telephone: 501-371-2820

Rule 93: Noninsurance Subsidiary

Docket No: 054.00.08-002F
Effective Date: 07/01/2008
Contact: Booth Rand
Telephone: 501-371-2820

Rule 13: Long-Term Care Insurance

Docket No: 054.00.08-003F
Effective Date: 06/09/2008
Contact: Booth Rand
Telephone: 501-371-2820

Rule 94: Arkansas Long Term Care Insurance Partnership Program

OIL & GAS COMMISSION

Docket No: 178.00.08-003F
Effective Date: 06/26/2008
Contact: Maurice Rigsby
Telephone: 501-682-5814

Rule 44 - Establishment of Drilling Units for Gas Production

Docket No: 178.00.08-004F
Effective Date: 06/26/2008
Contact: Maurice Rigsby
Telephone: 501-682-5814

Rule B-42: Seismic Rules; Rule B-43: Establishment of Drilling Units for Gas Production from Conventional and Unconventional Sources of Supply Occurring in Certain Prospective Areas Not Covered by Field Rules

SEBASTIAN COUNTY REGIONAL SOLID WASTE MANAGEMENT DISTRICT

Docket No: 186.00.07-001F
Effective Date: 07/01/2008
Contact: Steven Parker
Telephone: 479-824-3305

Administrative & Procedural Regulations and Enforcement Program Regulations

WORKFORCE EDUCATION

Docket No: 172.00.08-002F
Effective Date: 06/07/2008
Contact: Dale Turrentine
Telephone: 501-296-1620

Arkansas Kidney Disease Commission (AKDC) Rules of Operation

ADOPTED RULES AND REGULATIONS

WORKFORCE SERVICES

Docket No: 208.00.08-001F
Effective Date: 07/18/2008
Contact: Roger Harrod
Telephone: 501-682-3151

Training Trust Fund Program



INSURANCE DEPARTMENT

*** No Insurance Department Orders will be listed in this edition of the *Arkansas Register*. For copies of Orders that were released during this month please call (501) 682-3527.



ORDERS AND NOTICES

LEGISLATIVE AUDIT

***** No Legislative Audit Notices will be listed in this edition of the *Arkansas Register*. For copies of the Notices that were released during this month please call (501) 682-3527.**



Secretary of State
Charlie Daniels
Arkansas Register Division
State Capitol Building, Room 026
Little Rock, AR 72201-1094

***** **2008** subscriptions to the *ARKANSAS REGISTER* will be sold on a “CALENDAR YEAR” basis (January through December) only. To subscribe to the *ARKANSAS REGISTER* complete the following form and mail to the address given above.

_____ I would like to subscribe to the *ARKANSAS REGISTER* for the **2006** year (January through December) at the price of **\$40** per subscription.

_____ I would like to order the following copies of the *ARKANSAS REGISTER* at \$3.50 per copy.

Volume: _____ **Issue:** _____

Name: _____

Address: _____

City: _____ **State:** _____ **Zip:** _____

Contact Person: _____ **Phone No.:** () _____

The *ARKANSAS REGISTER*, an official publication of the State of Arkansas, is published monthly with a cumulative index published annually. Subscribe to the *ARKANSAS REGISTER* by completing the form above and mailing it to the address given on the form. Make all checks payable to the *ARKANSAS REGISTER*.

ARKANSAS REGISTER



Charlie Daniels
Secretary of State
Arkansas Register Division
State Capitol, Room 026
Little Rock, AR 72201-1094