

# The Arkansas Register



Volume XXIX, Number 5

November 2005

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

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*Charlie Daniels*

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# THE ARKANSAS REGISTER

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# ATTORNEY GENERAL OPINIONS

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## Opinion No.: 2005-166

Wills, Robbie  
*State Representative*

**RE:** Would an email communication to all city council members from either the city attorney or the mayor providing general information regarding a matter to be placed before the council and advising the council members of their rights and responsibilities regarding a referendum election violate the open meeting provision (ACA 25-19-106) of the Freedom of Information Act (FOIA)? Q2) Under what circumstances will an email communication constitute a violation of the open meetings provision of the FOIA?

**ANSWER:** This depends upon the line between legal correspondence and illegal “meetings” in the context of electronic communications, a matter that remains uncertain under the Arkansas FOIA. Some jurisdictions draw a distinction based upon “informational correspondence” or the “passive receipt” of e-mail. See opinion for discussion.

## Opinion No. 2005-180

King, Kevin N.  
*Circuit Judge*

**RE:** Are the salary perimeters established in ACA 16-16-108, applicable to the Sharp County District Court Clerks who serve several jurisdictions within and including Sharp County? Q2) If the statute controls the salary of the Sharp County District Court Clerk, does this also apply to the two deputy clerks? Q3) If this statute applies to any or all of the three (Clerk and Deputies), what are the legal remedy options for Sharp County in view of the fact that these salaries have been approved by appropriation ordinance by the Sharp County Quorum Court? **ANSWER:** Q1) Section 16-17-108, subsection 103, only applies to the individual who serves by appointment pursuant to A.C.A. 16-17-211. See also Op. 2005-191 (discussing 16-17-108 and 16-17-901 et seq.; 16-17-925. Q2) No. Q3) the County must comply with the salary range that is set under 16-17-108 for “the Sharp County District Court Clerk.” A.C.A. 14-14-1203 is inapplicable

because a district court clerk is not a “county officer” under this provision.

## Opinion No.: 2005-185

McCune, Marc  
*Pros Attorney, 21st Judicial District*

**RE:** In light of Amendment 55 of the Arkansas Constitution of 1874, may a quorum court, on behalf of its county, purchase real property at a price more than fifty percent (50%) over the real property’s fair market or appraised value? **RESPONSE:** This question appears to be based upon a flawed assumption that the quorum court has the general authority to negotiate and to effect a purchase of real property on behalf of the county. Although a quorum court could, if the circumstances warranted, direct a county judge to bid on a particular piece of property in pursuit of some public purpose, the county judge is charged with negotiating a price for the property up to the amount appropriated by the quorum court. See Ark. Const. amend. 55, Sec. 3. It is the role of the quorum court to appropriate an amount that might be used to make the purchase, and it is the role of the county judge to negotiate the purchase for an amount that does not exceed the appropriation. With respect to the purchase price paid by the county, only a finder of fact acquainted with all the attendant circumstances could determine the appropriateness of a county’s purchasing a particular parcel of real property at a price above fair-market or appraised value. Although a purchase above market value might be warranted under certain circumstances, I am not situated to determine whether it would be so in any particular instance.

## Opinion No.: 2005-188

Dozier, Steve (Col.)  
*Director, Arkansas State Police*

**RE:** How do the provisions of Acts 968 and 1923 of 2005 alter the laws regarding the releasability of sealed/expunged convictions for non-criminal justice purposes? Q2) Does Act 1923 totally override and

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# ATTORNEY GENERAL OPINIONS

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supersede Act 968 due to the fact that Act 1923 was passed after Act 968 during the session? RESPONSE: Q1) In my opinion, Act 968 has no effect whatsoever on the law regarding the release of “sealed/expunged convictions for non-criminal justice purposes.” By contrast, Act 1923 directly addresses the issue of expungements, adding to A.C.A. 20-48-804, which you specifically reference in your request, a new subsection (f) that provides that expunged convictions for and pleas of guilty or nolo contendere to numerous offenses will not serve to disqualify candidates for employment by any provider of treatment to the developmentally disabled. Act 1923 contains similar provisions relating to the effect of expunged convictions or pleas of guilty or nolo contendere under a number of other statutes setting forth the conditions that will disqualify applicants for employment, licensure, certification and other activities. Given these provisions of Act 1923, I do not believe it would be permissible to release records relating to expungements under the referenced statutes. Q2) Although legislative clarification appears warranted, I believe the answer to your second question is “no.”

## Opinion No.: 2005-189

Bradford, Jay  
*State Representative*

**RE:** Can a county judge or quorum court have any personal exposure to financial liability for the failure to collect delinquent funds that are owed to a county such as fees, fines, and amounts owed under contracts or interlocal agreements? RESPONSE: Only a finder of fact acquainted with all of the circumstances attending a failure to collect delinquent funds in any particular instance would be situated to answer this question. As a general proposition, a county and its officers, including the judge, justices of the peace and the county collector (the latter of whom would normally be charged with collecting various delinquent payments), are immune from liability for negligent acts except to the extent that claims alleging such acts are covered by liability insurance. A.C.A. § 21-9-301 (Repl. 2004). In the unlikely event

any such lapse in collecting delinquencies were to implicate a provision of federal law, these officers would alternatively enjoy a qualified immunity from suit if they undertook the actions complained of in good faith in the performance of their duties, the acts did not violate any clearly established federal right and the officers’ action or inaction were objectively reasonable in light of clearly established legal rules.

## Opinion No.: 2005-191

Nichols, Wayne  
*State Representative*

**RE:** The cities in Poinsett County ask the following questions regarding the District Court, in light of A.C.A. 16-17-902 and 16-17-924: 1) Can the district judge at his discretion travel to the five “departments” of Poinsett County District Court and hold court? Q2) If the judge holds court in these five locations, is he allowed to appoint a district court clerk in each location as long as they are performing the duties of the district court clerk as set out in ACA 16-17-211? Q3) If there is a district court clerk in each of these five locations, is the county responsible for paying half of the clerk’s salary as set out in 16-17-115? The Poinsett County Judge has asked: Q1) Is the conclusion reached in Op. 99-207, advising that a county’s legal obligation for salaries for district judges does not extend to retirement, insurance or other fringe benefits, still valid and correct? Q2) In the absence of an agreement or ordinance otherwise, what is the amount of minimum and maximum salary that Poinsett County is obligated under law, ACA 16-17-108 or otherwise, to provide as salary or part of the salary of the Poinsett District Court Judge? Q3) Is Poinsett County obligated, under ACA 16-17-108 or otherwise, for payment of retirement, insurance or other fringe benefits as a new or additional component of the salary of the Poinsett District Court Judge? Q4) Is Poinsett County obligated for payment or contribution to the Arkansas District Judge Retirement System (“ADJRS”) of “an amount of money that represents the actuarially determined accrued liability”? Q5) Is Poinsett County obligated for payment or contribution to the ADJRS of “the remaining amount of actuarially determined accrued liability?”

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# ATTORNEY GENERAL OPINIONS

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Q6) Is Poinsett County obligated to provide any employer matching for the District Court Judge with the ADJRS? Q7) Is Poinsett County obligated to pay or reimburse any or all of the salary of any particular court clerk or deputy clerk? Q8) If a city provides a district court clerk a raise in salary, must the quorum court approve that increase or any increase in salary or the county's portion of any increase in salary? Q9) In the absence of an agreement or ordinance otherwise, does Poinsett County have an obligation for the payment of salaries for any deputy clerks? Is Op. 99-207 still correct? ANSWER: Cities' Q1) Yes. Q2) No. Q3) Response unnecessary. County: Q1) No. Q2) Minimum \$14,000 and maximum \$36,000. Q3) No. Q4) and Q5) No. See 24-8-802, 24-8-810, 24-8-902, 24-8-318, 24-8-315,; Ops. 2005-125; 89-046. Q6) Yes. See 24-8-809. Q7) No regarding any deputy clerk. (See 16-17-106). The answer regarding "the district court clerk" is unclear and may require a factual determination. See opinion for discussion concerning the different departments of the Poinsett County District Court. Q8) Generally yes, although consideration must be given to the particular clerk position. See 16-17-121, 16-17-211; Ops. 2003-333; 1991-028; 1994-210. Q9) "No," in response to the first Part. See discussion of Q7 regarding "the district court clerk."

## Opinion No.: 2005-195

Bradford, Jay  
*State Representative*

**RE:** Does a county sheriff have the authority, when the county jail is already at capacity, to refuse prisoners from the Department of Community [Punishment] and the Department of Correction? **RESPONSE:** Decline to answer because of pending litigation.

## Opinion No.: 2005-197

Nichols, Wayne  
*State Representative*

**RE:** Pursuant to provisions of Act 19 of 1980 (ACA 14-12-401 et seq.), when a majority of the board of

directors of a levee district adopt a resolution for the county to collect levee taxes, does the collector have the option to decline to collect the levee tax? Q2) Assuming the collector cannot decline and the above referenced resolution is submitted to the county's quorum court for approval, does the quorum court have authority to vote to direct the collector not to collect the levee tax? **RESPONSE:** Q1) No. A.C.A. 14-120-403 (Repl. 1998). Q2) No. *Id.* Under the express terms of the statute, the levee board's vote is dispositive, rendering it unnecessary to submit the decision to the quorum court for approval.

## Opinion No.: 2005-198

Norton, James  
*State Representative*

**RE:** Does the Sheriff's office have authority to conduct "presumptive drug screenings" of all county jail intake prisoners over a given period of time in order to collect data to assist the county in defining the illicit drug (methamphetamine) problem within the county? **RESPONSE:** In my opinion, the answer to this question will depend on whether the proposed drug testing would validly fall under the "special needs" exception to the warrant and probable-cause requirements in the Fourth Amendment of the United States Constitution and Article 2, Sec. 15 of the Arkansas Constitution or whether the proposed testing would be held to be reasonable under a totality-of-the-circumstances analysis. From the information provided, the interest of the Boone County Sheriff's Department appears to be one of "general law-enforcement" interests, though not for the immediate prosecution of those tested, and may not fall within the "special needs" exception to the warrant and probable cause requirements. Furthermore, I am uncertain as to the meaning of "jail intake prisoners" and whether this includes mere arrestees as well as convicted offenders. Because there is a different legal standard for arrestees than for convicts, such a difference will necessarily affect the analysis of the proposed searches under a totality-of-the-circumstances balancing test, which some courts, including the Arkansas Supreme Court, have applied in lieu of the "special needs" exception. The courts

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have indicated that the inquiry is “context-specific.” Consultation with the counsel to whom Boone County normally looks for legal advice is indicated.

## Opinion No.: 2005-203

Laverty, Randy  
*State Senator*

**RE:** Should the retirement pay of the former mayor be computed on the salary he was being paid when his term ended several years ago, or should the city use the current mayor’s salary when the former mayor reaches age 60 and is entitled to draw his retirement? Q2) Since the former mayor is being paid a monthly fixed car allowance (which is included on his W-2) in addition to his salary, is the city obligated to include the car allowance payment in his salary for retirement purposes? Q3) Does the salary for retirement, pursuant to ACA 24-12-123, include any other fringe benefits such as insurance premiums, sick pay, vacation pay, etc.? **RESPONSE:** With respect to your first question, it is my opinion that the language of A.C.A. 24-12-123 (Repl. 2002) is ambiguous and that a court would likely hold that a mayor will be entitled to a retirement benefit of one-half of the salary that was paid to the former mayor during his or her final year in office. With respect to your second question, I reiterate my previous opinion found in Op. Att’y Gen. 2003-050 that a fixed automobile expense allowance for a mayor of a city of the first class is not “salary” and, therefore, should not be considered in determining the retirement payments of the mayor in your request for an opinion. With respect to your third question, this office has consistently opined that “salary” does not include “fringe benefits.”

## Opinion No.: 2005-213

Green, Robin F.  
*Pros Attorney, 19th Judicial District West*

**RE:** May the Benton County Solid Waste Management District Board amend the by-laws to permit representatives other than the county and the municipalities to serve as voting members of the board,

in this case representatives from the Bella Vista Property Owners’ Association and the Farm Bureau? Q2) Would the county and the municipalities need to amend the interlocal agreement, if such broader representation is possible? Q3) Would any change in the interlocal agreement require a unanimous vote of the signatories thereto? Q4) If such representation is permitted, may the county pay the local contributions of the POA and the Farm Bureau? **RESPONSE:** 1) No. 2) Although it may be unnecessary to answer this question “yes.” 3) Yes. 4) It is unclear what is meant by “local contributions” and as a consequence this issue cannot be addressed. Arkansas Constitution, Article 12, sec. 5, however, should be noted.

## Opinion No.: 2005-214

Borhauer, Shirley  
*State Representative*

**RE:** Is the Architectural Control Committee (ACC), a private entity appointed by Cooper Communities to oversee some portions of individual sewage disposal systems and regulations normally handled by the Arkansas Department of Health, subject to provisions of the Freedom of Information Act (FOIA)? **RESPONSE:** If exercising power delegated under ACA 14-284-107(b)(5) or ACA 14-284-109, the Committee is clearly performing a governmental function of public concern “intertwined” with government. The remaining question is whether it is wholly or partially supported by public funds or expending public funds. I cannot determine from the factual information provided whether this element of the test has been met. If direct public funding exists, in my opinion the Committee is subject to the FOIA.

## Opinion No.: 2005-220

Bond, Will  
*State Representative*

**RE:** Is the reconfigured Jacksonville Junior High School, which now has been combined under the same LEA number as the middle school, considered

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a site-based school or should there be some type of vote on whether the school will be a site-based or some type of reconfiguration of the site-based council? RESPONSE: In my opinion the mere fact that the two campuses are combined under the "LEA" number of the middle school does not indicate that the school is currently "site-based." Although the relevant statutes do not envision how the process will work in a dual-campus same-sex education school, the statutes appear to contemplate a building-by-building decision as to whether a school will be site-based. I therefore cannot conclude that the school is currently site-based based solely upon the previous one-campus middle school's vote to operate in that fashion. The statutes appear to require, at a minimum, a two-thirds vote of certified employees in a "local building site." Other matters, including the composition of any site-based council, may presumably be addressed in the school district policy authorizing site-based decision-making.

## Opinion No.: 2005-225

Deen, Thomas D.  
*Pros Attorney, 10th Judicial District*

**RE:** Given the use of the term "shall" in ACA 5-64-505(f)(2), is it mandatory for a prosecuting attorney to file a forfeiture complaint with respect to every seizure in which a confiscation report is submitted, regardless of whether the prosecuting attorney has determined that a forfeiture action under that statute is without merit? Alternatively, is the use of the term "shall" a directive concerning the proper procedure to be followed in any forfeiture proceeding which may be initiated under 5-64-505, with the prosecuting attorney retaining the discretion to decide whether or not to bring a forfeiture action under 5-64-505 based on a case-by-case evaluation of the available evidence? RESPONSE: In my opinion the prosecutor retains discretion in this regard. The applicable statute, however, does not expressly address or outline the procedure for returning the seized property to the owner where no forfeiture action is filed. Legislative clarification may be warranted on that point.

## Opinion No.: 2005-231

Lavery, Randy  
*State Senator*

**RE:** Does a county have any possible liability exposure for the actions of a volunteer, non-profit first responder association that is called by the county to deliver aid and assistance to individuals involved in emergency medical situations? RESPONSE: While your request for an opinion does not specify what manner of "first responders" or what manner of "emergency medical situations" you are referring to, in my opinion the response issued recently in Op. Att'y Gen. 2005-149 is appropriate here as well. The opinion attempts to set forth the general legal standards regarding liability for counties. See copy of Op. Att'y Gen. 2005-149, enclosed for reference.

## Opinion No.: 2005-232

Elliott, Joyce  
*State Representative*

**RE:** Is it permissible for a person that is employed by the State, specifically for a State College or University, to also serve on a County Election Commission? RESPONSE: In my opinion, Article 3, § 10 of the Arkansas Constitution precludes such service. See Opinion text.

## Opinion No.: 2005-234

Sullivan, Scott  
*State Representative*

**RE:** Is it possible for the Sevier County Farmers Cooperative, a corporation with several thousand common stock shareholders, to continue to represent itself in Small Claims Court? RESPONSE: The Attorney General is prohibited from the private practice of law, but we have cited the relevant Arkansas Supreme Court Administrative rule governing this issue. The corporation should consult private counsel for any needed legal advice.

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# ATTORNEY GENERAL OPINIONS

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**Opinion No.: 2005-245**

Ritchie & Harrington  
*c/o LR Human Resources*

**RE:** Is the decision of the custodian of records to release any suspension letters or job performance records which form the basis of disciplinary actions against two police officers, while withholding personal information and other exempted records consistent with provisions of the Freedom of Information Act ("FOIA") in response to an FOIA request to review the officers' personnel files? **RESPONSE:** Generally "yes" although certain other matters may also need to be considered.



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# ADOPTED RULES AND REGULATIONS

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## BOARD OF REGISTRATION FOR PROFESSIONAL ENGINEERS & LAND SURVEYORS

Docket No: 044.00.05-001F  
Effective Date: 11/14/2005  
Contact: J. T. Clements, Jr.  
Telephone: 501-682-2824

### Board Rules

## COMMISSION FOR PUBLIC SCHOOL ACADEMIC FACILITIES & TRANSPORTATION

Docket No: 203.00.05-001F  
Effective Date: 11/20/2005  
Contact: Dave Floyd  
Telephone: 501-682-4261

### Rules Governing the Transitional Academic Facilities Program

Docket No: 203.00.05-005E  
Effective Date: 10/20/2005  
Contact: Dave Floyd  
Telephone: 501-682-4261

### Emergency Rule: Governing the Retirement and Termination of Bonded Debt Assistance, General Funding and Supplemental Millage Incentive Funding

## DEPARTMENT OF COMMUNITY CORRECTION

Docket No: 159.00.05-003F  
Effective Date: 10/27/2005  
Contact: Veter Howard  
Telephone: 501-682-9568

### AR 7.24 - Resident Visitation

## EDUCATION DEPARTMENT

*Division of Fiscal & Administrative  
Services*

Docket No: 005.01.05-008F  
Effective Date: 11/20/2005  
Contact: James Boardman  
Telephone: 501-371-5014

### Rules Governing the Public School Salvage Computer Loan Program

*Division of Learning Services*

Docket No: 005.15.05-002F  
Effective Date: 11/20/2005  
Contact: Ann Biggers  
Telephone: 501-682-4224

### Repeal of Rules Governing Advanced Placement (AP) Courses in the Four Core Areas in Arkansas High Schools

Docket No: 005.15.05-003F  
Effective Date: 11/20/2005  
Contact: Ann Biggers  
Telephone: 501-682-4224

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# ADOPTED RULES AND REGULATIONS

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## **Rules for Advanced Placement & International Baccalaureate Diploma Incentive Program and Rules Governing Advanced Placement Courses in the Four Core Areas in Arkansas High Schools**

Docket No: 005.15.05-004F  
Effective Date: 11/20/2005  
Contact: Ann Biggers  
Telephone: 501-682-4224

## **Rules Governing Uniform Grading Scales for Public Secondary Schools and Optional Use in Public Elementary Schools**

### **GAME AND FISH COMMISSION**

Docket No: 002.00.05-013F  
Effective Date: 11/9/05 & 1/1/06  
Contact: James Goodhart  
Telephone: 501-223-6327

## **Hunting and Fishing Regulations: Emergency Approval of the Prohibition of the Importation of Cervid Carcasses, Parts and Products; 2006 Fisheries Regulations, Lower White Oak Lake; Ivory-billed Woodpecker Code Approvals; 2006 Spring Turkey Seasons and Regulations Approval; 2005-2006 Waterfowl Code Approvals**

### **HUMAN SERVICES**

*Division of Health*

Docket No: 016.24.05-003F  
Effective Date: 11/04/2005  
Contact: David Taylor  
Telephone: 501-661-2262

## **Rules for Emergency Medical Services Do Not Resuscitate**

*Medical Services*

Docket No: 016.06.05-069F  
Effective Date: 12/01/2005  
Contact: Betty Reed  
Telephone: 501-682-8363

## **Hospital / Critical Access Hospital (CAH)/ End Stage Renal Disease (ESRD) Provider Manual Update Transmittal #84; Physician / Independent Lab / CCRNA / Radiation Therapy Center Provider Manual Update Transmittal #104; Nurse Practitioner Provider Manual Update Transmittal #60; Certified Nurse Midwife Provider Manual Update Transmittal #67**

Docket No: 016.06.05-077E  
Effective Date: 10/26/2005  
Contact: Carolyn Patrick  
Telephone: 501-682-8359

## **Emergency Rule: Official Notice DMS-2005-RC-1 — Children Services Respite Care Termination**

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# ADOPTED RULES AND REGULATIONS

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Docket No: 016.06.05-084F  
Effective Date: 12/05/2005  
Contact: Betty Reed  
Telephone: 501-682-8363

**Certified Nurse-Midwife Provider Manual Update Transmittal #66; Developmental Day Treatment Clinic Services (DDTCS) PProvider Manual Update Transmittal #67; Nurse Practitioner Provider Manual Update Transmittal #59; Physician/Independent Lab/CRNA/Radiation Therapy Center Provider Manual Update Transmittal #103**

Docket No: 016.06.05-085F  
Effective Date: 12/05/2005  
Contact: Dorothy Vance  
Telephone: 501-683-2916

**Occupational, Physical and Speech Therapy Services Provider Manual Update Transmittal #52**

Docket No: 016.06.05-086F  
Effective Date: 12/05/2005  
Contact: Dorothy Vance  
Telephone: 501-683-2916

**ElderChoices Home and Community-Based 2176 Waiver Provider Manual Update Transmittal #55**

Docket No: 016.06.05-087F  
Effective Date: 12/05/2005  
Contact: Will Taylor  
Telephone: 501-682-8362

**Home Health Provider Manual Update Transmittal #70; Hospital/Critical Access Hospital (CAH)/End-Stage Renal Disease (ESRD) Provider Manual Update Transmittal #70; Rehabilitative Hospital Provider Manual Update Transmittal #54**

Docket No: 016.06.05-088F  
Effective Date: 12/05/2005  
Contact: Renita Honorable  
Telephone: 501-682-8577

**Transportation Provider Manual Update Transmittal #73; Vision Care Provider Manual Update Transmittal #68; Private Duty Nursing Provider Manual Update Transmittal #61**

Docket No: 016.06.05-089F  
Effective Date: 12/05/2005  
Contact: Carolyn Patrick  
Telephone: 501-682-8359

**Rehabilitative Services for Youth and Children Provider Manual Update Transmittal #19; Licensed Mental Health Practitioner Provider Manual Update Transmittal #49; ARKids First-B Provider Manual Update Transmittal #28; School-Based Mental Health Services Provider Manual Update Transmittal #22**

Docket No: 016.06.05-090F  
Effective Date: 12/01/2005  
Contact: Dorothy Vance  
Telephone: 501-683-2916

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# ADOPTED RULES AND REGULATIONS

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## **DMS-2005-CA-2, DMS-2005-II-2; DMS-2005-L-2; DMS-2005-R-2; DMS-2005-OO-1 — 2006 ICD-9-CM Diagnosis Codes**

Docket No: 016.06.05-091F  
Effective Date: 12/01/2005  
Contact: Dorothy Vance  
Telephone: 501-683-2916

## **ElderChoices Home and Community-Based 2176 Waiver Provider Manual Update Transmittal #56**

Docket No: 016.06.05-092F  
Effective Date: 12/05/2005  
Contact: Nikki Wade  
Telephone: 501-682-8292

## **Child Health Services / Early and Periodic Screening, Diagnosis, and Treatment Update Transmittal #69; Ventilator Equipment Update Transmittal #55; Division of Youth Services & Division of Children & Family Services Targeted Case Management Update Transmittal #9; Children's Services Targeted Case Management Update Transmittal #17; DDS Alternative Community Services Waiver Program Update Transmittal #57; Prosthetics Provider Update Transmittal #74**

Docket No: 016.06.05-093F  
Effective Date: 12/01/2005  
Contact: Debra Garrison  
Telephone: 501-682-5424

## **Section I - All Arkansas Medicaid Provider Manuals**

Docket No: 016.06.05-094F  
Effective Date: 12/01/2005  
Contact: Tommy Wingard  
Telephone: 501-682-6117

## **Donation of Unused Medications to Charitable Clinics**

Docket No: 016.06.05-095F  
Effective Date: 12/01/2005  
Contact: Tommy Wingard  
Telephone: 501-682-6117

## **Minimum Staffing for Nursing Homes**

Docket No: 016.06.05-096F  
Effective Date: 12/01/2005  
Contact: Renita Honorable  
Telephone: 501-682-8577

## **Hospice Provider Manual Update Transmittal #45 \*\*\***

### **LABOR DEPARTMENT**

*Labor Standards Division*

Docket No: 010.14.05-001F  
Effective Date: 12/01/2005  
Contact: Cindy Uhrynowycz  
Telephone: 501-682-4501

## **Rule 2.501 - Child Labor Regulations**

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# ADOPTED RULES AND REGULATIONS

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## POLLUTION CONTROL AND ECOLOGY COMMISSION

Docket No: 014.00.05-007F  
Effective Date: 11/03/2005  
Contact: Michael O'Malley  
Telephone: 501-682-7890

**Regulation No. 2: Establishing Water  
Quality Standards for Surface Waters of  
the State of Arkansas**

## STATE BANK DEPARTMENT

Docket No: 003.02.05-002F  
Effective Date: 11/14/2005  
Contact: Candace Franks  
Telephone: 501-324-9019

**Application Filing Fees; Relocation of  
Branch**



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# INSURANCE DEPARTMENT

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**\*\*\* No Insurance Orders were filed with the *Arkansas Register* during the past filing period for publication in this edition.**



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# ORDERS AND NOTICES

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## LEGISLATIVE AUDIT

October 31, 2005

<u>Agency</u>	<u>Period Covered</u>
Department of Education	6/30/04
Department of Education - Arkansas Educational Television Commission	6/30/05
Department of Finance and Administration - Disbursing Officer	6/30/04
Arkansas Student Loan Authority (Private)	6/30/05
East Arkansas Planning and Development District (Private)	6/30/04
Ozark Counseling Services, Inc. (Private)	6/30/05
South Arkansas Regional Health Center, Inc. (Private)	6/30/05
State Securities Department	6/30/04
Arkansas Tobacco Settlement Commission	6/30/04
Disabled Veterans Service Office	6/30/04
Department of Veterans Affairs	6/30/04

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