

# The Arkansas Register



Volume XXXIII, Number 1

July 2009

# TABLE OF CONTENTS

## **ATTORNEY GENERAL**

Opinions ..... 4

**RULES AND REGULATIONS** ..... 5

## **INSURANCE DEPARTMENT**

Orders ..... 10

## **LEGISLATIVE AUDIT**

Orders ..... 11

**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](http://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](mailto: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](http://www.arkansasag.gov) or call (501) 682-3527.



---

# ADOPTED RULES AND REGULATIONS

---

## ARKANSAS AGRICULTURE DEPARTMENT

*State Plant Board*

Docket No: 209.02.09-001F  
Effective Date: 08/01/2009  
Contact: Terry Walker  
Telephone: 501-225-1598

**Circular 6: Arkansas Pest Control  
Regulations**

## ARKANSAS LOTTERY COMMISSION

Docket No: 216.00.09-001E  
Effective Date: 06/19/2009  
Contact: 501-682-8122  
Telephone: Bishop Woosley

**Emergency Rule: Major Procurement**

Docket No: 216.00.09-002E  
Effective Date: 07/08/2009  
Contact: Bishop Woosley  
Telephone: 501-682-8122

**Emergency Rule: Retailer Rules**

Docket No: 216.00.09-003E  
Effective Date: 07/08/2009  
Contact: Bishop Woosley  
Telephone: 501-682-8122

**Emergency Rule: Practice and Procedure**

## ARKANSAS SENTENCING COMMISSION

Docket No: 154.00.09-001F  
Effective Date: 07/27/2009  
Contact: Wanda Hayes  
Telephone: 501-682-5031

**Arkansas Sentencing Standards  
Seriousness Reference Table**

## ARKANSAS TEACHER RETIREMENT SYSTEM

Docket No: 088.00.09-001E  
Effective Date: 07/02/2009  
Contact: George Hopkins  
Telephone: 501-682-1820

**Emergency Rule: No. 7-1: Calculation of  
Final Average Salary; No. 7-2: Proof of  
Service Credit; No. 9-1: Age and Service  
(Voluntary) Retirement; No. 10-2:  
Employment of an ATRS Retiree by a  
Participating Employer; No. 11-2: Lump-  
Sum Death Benefit**

## BOARD OF DENTAL EXAMINERS

Docket No: 038.00.09-001F  
Effective Date: 07/26/2009  
Contact: William Trice, III  
Telephone: 501-372-4144

**Article XIII: Rules of the Board Governing  
Sedation and Anesthesia**

---

# ADOPTED RULES AND REGULATIONS

---

Docket No: 038.00.09-002F  
Effective Date: 07/26/2009  
Contact: William Trice, III  
Telephone: 501-372-4144

## Article XVII - Dental Assistant Functions

### DEPARTMENT OF CORRECTION

Docket No: 004.00.09-001F  
Effective Date: 07/05/2009  
Contact: Bobby Smith  
Telephone: 870-267-6345

## AR 113: Farm Produced Commodities, AR 837: Protective Custody

### FINANCE & ADMINISTRATION

#### *Revenue Division*

Docket No: 006.05.09-002F  
Effective Date: 07/19/2009  
Contact: Linda Holmstrom  
Telephone: 501-682-7751

## Rule 2009-1: Standard Mileage Rates for Income Tax Purposes

### GAME & FISH COMMISSION

Docket No: 002.00.09-006F  
Effective Date: 07/11/2009  
Contact: James Goodhart  
Telephone: 501-223-6327

## Cast Nets Below Dams Regulation

### HEALTH SERVICES PERMIT AGENCY

Docket No: 049.00.09-005F  
Effective Date: 07/10/2009  
Contact: Eric Tedford  
Telephone: 501-661-2501

## HSC Regulation 100M: Home Health Methodology

### HIGHER EDUCATION

#### *Colleges & Universities Plans & Operations*

Docket No: 008.02.09-001F  
Effective Date: 07/04/2009  
Contact: Larry James  
Telephone: 501-450-3111

## 2009 University of Central Arkansas rules for motor vehicles

### HUMAN SERVICES

#### *County Operations*

Docket No: 016.20.09-003E  
Effective Date: 06/16/2009  
Contact: Linda Greer  
Telephone: 501-682-8257

## Emergency Rule: Alternatives for Adults with Physical Disabilities (AAPD) - MS 26100 - 26185

---

# ADOPTED RULES AND REGULATIONS

---

Docket No: 016.20.09-003  
Effective Date: 07/30/2009  
Contact: Linda Greer  
Telephone: 501-682-8257

## **Alternatives for Adults with Physical Disabilities (AAPD) - MS 26100 - 26185**

### *Developmental Disabilities Services*

Docket No: 016.05.09-001F  
Effective Date: 07/26/2009  
Contact: Dorothy Davis  
Telephone: (501) 682-8678

## **DDS Policy 1086 - Human Development Center Admission and Discharge Rules**

Docket No: 016.05.09-002F  
Effective Date: 07/26/2009  
Contact: Charlie Green  
Telephone: 501-682-8665

## **Policy 1089 - Criteria for Expansion of DDS Services Policy**

### *Medical Services*

Docket No: 016.06.09-012E  
Effective Date: 06/15/2009  
Contact: Becky Murphy  
Telephone: (501) 682-8096

## **Emergency Rule: Alternatives for Adults with Physical Disabilities Wavier Update #85**

Docket No: 016.06.09-014E  
Effective Date: 06/26/2009  
Contact: Randy Helms  
Telephone: 501-682-1857

## **Emergency Rule: ICF/MR Provider Fee Administrative Procedures**

Docket No: 016.06.09-015F  
Effective Date: 07/17/2009  
Contact: Lisa Smith  
Telephone: 501-683-5776

## **State Plan Amendment #2009-006**

Docket No: 016.06.09-016F  
Effective Date: 07/17/2009  
Contact: Diana Teal  
Telephone: 501-682-1562

## **Section V (7-1-09) & Epsdt Update # 120**

Docket No: 016.06.09-017F  
Effective Date: 08/01/2009  
Contact: Diana Teal  
Telephone: 501-682-1562

## **Independent Choices Update # 11**

Docket No: 016.06.09-018F  
Effective Date: 07/19/2009  
Contact: Lisa Smith  
Telephone: 501-683-5776

## **Medicaid State Plan Amendment #2009-005 and Dental Update #121**

---

# ADOPTED RULES AND REGULATIONS

---

Docket No: 016.06.09-019F  
Effective Date: 08/01/2009  
Contact: Deborah Mahurin  
Telephone: 501-683-2916

**Occupational, Physical and Speech Therapy Services Provider Manual Update #113, Developmental Day Treatment Clinic Services Provider Manual Update #124, Physician/Independent Lab/CRNA/Radiation Therapy Center Provider Manual Update #170, Nurse Practitioner Provider Manual Update Trarismittal-#115, Hospital/Critical Access Hospital/ End Stage Renal Disease Provider Manual Update #157, Child Health Management Services Provider Manual Update #121, Rehabilitative Hospital Provider Manual Update #113**

## LABOR DEPARTMENT

*Board of Electrical Examiners*

Docket No: 010.13.08-002F  
Effective Date: 07/31/2009  
Contact: Ron Baker  
Telephone: 501-682-4547

**010.13-013(I): Temporary Journeyman License**

## OIL & GAS COMMISSION

Docket No: 178.00.09-007F  
Effective Date: 07/27/2009  
Contact: Maurice Rigsby  
Telephone: 501-682-5814

**Rule A-3: Additional Requirements for Specific Types of Hearings; Rule A-5; Enforcement Procedures; Rule C-7: REPEAL; Rule H-1: Class II Disposal and Class II Commercial Well Permit Application Procedures; Rule H-2: Well Construction Operating and Reporting Requirements for Class II Disposal Wells; Rule H-3: Well Construction, Operating and Reporting Requirements for Class II Commercial Disposal Wells**

## PHARMACY BOARD

Docket No: 070.00.09-001F  
Effective Date: 07/17/2009  
Contact: John Kirtley  
Telephone: 501-682-0190

### Regulation 02 - Pharmacists

Docket No: 070.00.09-002F  
Effective Date: 07/17/2009  
Contact: John Kirtley  
Telephone: 501-682-0190

### Regulation 05 - Long Term Care Facilities

Docket No: 070.00.09-003F  
Effective Date: 07/17/2009  
Contact: John Kirtley  
Telephone: 501-682-0190

### Regulation 07 - Drug Products / Prescriptions

---

# ADOPTED RULES AND REGULATIONS

---

Docket No: 070.00.09-004F  
Effective Date: 07/17/2009  
Contact: John Kirtley  
Telephone: 501-682-0190

## **Regulation 10 - Arkansas Pharmacy Support Group**

Docket No: 070.00.09-005F  
Effective Date: 07/17/2009  
Contact: John Kirtley  
Telephone: 501-682-0190

## **Regulation 11 - Criminal Background Checks**

### **POLLUTION CONTROL & ECOLOGY COMMISSION**

Docket No: 014.00.09-003F  
Effective Date: 07/18/2009  
Contact: Mike Bates  
Telephone: 501-682-0831

## **Rule 19: Rules of the Arkansas Plan of Implementation for Air Pollution Control**

### **WATER WELL CONSTRUCTION COMMISSION**

Docket No: 096.00.09-001F  
Effective Date: 08/01/2009  
Contact: Crystal Phelps  
Telephone: 501-682-3905

## **Changes to Rule Section 3, 5, 8 - to increase fees, provide a new class of contractor license, eliminate a requirement for apprentices, and provide further direction to persons abandoning wells**

---

# 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

\*\*\*\*\* **2009** 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 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