

# The Arkansas Register



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**State Capitol, Room 026**  
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# THE ARKANSAS REGISTER

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# ATTORNEY GENERAL OPINIONS

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\*\*\* 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.



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# ADOPTED RULES AND REGULATIONS

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## ARKANSAS AGRICULTURE DEPARTMENT

*State Plant Board*

Docket No: 209.02.09-002F  
Effective Date: 01/02/2010  
Contact: Terry Walker  
Telephone: 501-225-1598

### **Circular 11: Rules on Plant Diseases and Pests - Boll Weevil Eradication Regulations**

Docket No: 209.02.09-003F  
Effective Date: 01/02/2010  
Contact: Terry Walker  
Telephone: 501-225-1598

### **Circular 11: Rules on Plant Diseases and Pests - Rice Certification Regulations**

Docket No: 209.02.09-004F  
Effective Date: 01/01/2010  
Contact: Terry Walker  
Telephone: 501-225-1598

### **Arkansas Mold Investigator Law**

## ARKANSAS SECRETARY OF STATE

Docket No: 116.00.09-001F  
Effective Date: 01/01/2010  
Contact: Steve Hollowell  
Telephone: 501-682-3012

## Registration of International Student Exchange Visitor Placement Organizations

Docket No: 116.00.09-002F  
Effective Date: 01/01/2010  
Contact: Steve Hollowell  
Telephone: 501-682-3012

## Central Filing with the Secretary of State for Agricultural Liens and Farm-related security interests - Transitions

## ARKANSAS SECURITIES DEPARTMENT

Docket No: 214.00.09-002F  
Effective Date: 01/01/2010  
Contact: Karyn Tierney  
Telephone: 501-324-8671

## Rules of the Fair Mortgage Lending Act

## BOARD OF DENTAL EXAMINERS

Docket No: 038.00.09-003F  
Effective Date: 01/25/2010  
Contact: William Trice, III  
Telephone: 501-372-4144

## Article XVIII: Mobile Dental Facilities

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# ADOPTED RULES AND REGULATIONS

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## DEPARTMENT OF CAREER EDUCATION

Docket No: 172.00.09-003F  
Effective Date: 01/02/2010  
Contact: Verline Davis  
Telephone: 501-296-1649

### Arkansas Rehabilitation Services (ARS) Forgiveness of Student Loan Program

## DEPARTMENT OF CORRECTION

Docket No: 004.00.09-002F  
Effective Date: 01/17/2010  
Contact: George Brewer  
Telephone: 870-267-6335

### AR 008: Repeal of Judicial Decisions, Affidavits and Lawsuits

## DEPARTMENT OF PARKS & TOURISM

*History Commission*

Docket No: 013.02.09-001F  
Effective Date: 12/25/2009  
Contact: Wendy Richter  
Telephone: 501-682-6901

### Curtis H. Sykes Memorial Grant Program

Docket No: 013.02.09-002F  
Effective Date: 01/01/2010  
Contact: Wendy Richter  
Telephone: 501-682-6901

## Amended and Re-organized Rules

### *Parks Division*

Docket No: 013.05.09-001F  
Effective Date: 12/28/2009  
Contact: Greg Butts  
Telephone: 501-682-7743

### PD2000: Bull Shoals Dam Powerhouse Tour, PD 3155: Pet Policy for State Park Cabins, PD 3210: Motorboat Regulations on State Park Lakes

Docket No: 013.05.09-002F  
Effective Date: 01/01/2010  
Contact: Kris Richardson  
Telephone: 501-682-6918

### 2010 Fees and Rates for Arkansas State Parks

## EDUCATION DEPARTMENT

*Fiscal & Administrative Services*

Docket No: 005.01.09-001F  
Effective Date: 01/15/2010  
Contact: Bill Goff  
Telephone: 501-682-4887

### Governing the Calculation Methods for Declining Enrollment & Student Growth Funding - Arkansas Smart Core Incentive Funding

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# ADOPTED RULES AND REGULATIONS

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Docket No: 005.01.09-007E  
Effective Date: 12/22/2009  
Contact: Gayle Potter  
Telephone: 501-682-4558

**Emergency Rule: Arkansas Comprehensive Testing, Assessment & Accountability Program & Academic Distress Program**

Docket No: 005.01.09-008E  
Effective Date: 12/22/2009  
Contact: Jeremy Lasiter  
Telephone: 501-682-4905

**Emergency Rule: Governing Appeals Involving Student Residency Disputes Between School Districts**

*Learning Services*

Docket No: 005.15.09-001F  
Effective Date: 01/15/2010  
Contact: Annette Barnes  
Telephone: 501-682-4393

**ADE 282: Rules Governing the Standards for Accreditation of Arkansas Public Schools and School Districts**

Docket No: 005.15.09-003F  
Effective Date: 12/31/2009  
Contact: Jeremy Lasiter  
Telephone: 501-682-4905

**Gifted and Talented Program Approval Standards**

Docket No: 005.15.09-004F  
Effective Date: 12/31/2009  
Contact: Mary Ann Brown  
Telephone: 501-683-5313

**ADE 126: Rules Governing Limited Public Charter Schools**

Docket No: 005.15.09-005F  
Effective Date: 12/31/2009  
Contact: Mary Ann Brown  
Telephone: 501-683-5313

**ADE 283: Rules Governing Public Charter Schools**

Docket No: 005.15.09-006F  
Effective Date: 12/31/2009  
Contact: Tripp Walter  
Telephone: 501-682-4227

**ADE 294: Rules Governing Public School End-Of-Course Assessments and Remediation**

*Human Resources*

Docket No: 005.16.09-001F  
Effective Date: 01/01/2010  
Contact: Beverly Williams  
Telephone: 501-683-3126

**ADE 278: Rules Governing Incentives for Teacher Recruitment & Retention in High Priority Districts**

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# ADOPTED RULES AND REGULATIONS

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Docket No: 005.16.09-002F  
Effective Date: 12/31/2009  
Contact: Ron Tolson  
Telephone: 501-682-4342

## **ADE 269: Lifetime Teaching License**

Docket No: 005.16.09-003F  
Effective Date: 12/31/2009  
Contact: Ron Tolson  
Telephone: 501-682-4342

## **ADE 293: Teacher Licensing by Reciprocity**

Docket No: 005.16.09-004F  
Effective Date: 12/31/2009  
Contact: Ron Tolson  
Telephone: 501-682-4342

## **ADE 254: Addition of Areas of Licensure or Endorsement**

Docket No: 005.16.09-006F  
Effective Date: 12/31/2009  
Contact: Beverly Williams  
Telephone: 501-683-4095

## **ADE 274: Rules Governing Waivers of the Earnings Limitations Under the Teacher Retirement System**

Docket No: 005.16.09-007F  
Effective Date: 12/31/2009  
Contact: Frank Servedio  
Telephone: 501-682-5535

## **ADE 220: Highly Qualified Teachers Pursuant to the No Child Left Behind Act**

### **FINANCE & ADMINISTRATION**

#### *Alcoholic Beverage Control Division*

Docket No: 006.02.09-001F  
Effective Date: 12/25/2009  
Contact: Milton Lueken  
Telephone: 501-682-1105

**Rules regarding: service of food in private clubs; filing the annual report for non-profit corporations by private clubs; Small Restaurant Permit; hours of sale of beverages on Sunday at on premises outlets; Minimum Wholesale Liquor Permits; Restaurant Beer & Wine Permit; hours of sale of beverages for parimutuel waging area restaurants; to prohibit alcohol vaporizing devices; equal dock prices for beer wholesalers; hours of sale of beverages at parimutuel outlets; insufficient funds check payment for beverages by a retailer; complimentary beverages at hotels; purchase of lottery tickets in outlets**

#### *Racing Commission*

Docket No: 006.06.09-001F  
Effective Date: 01/23/2010  
Contact: Byron Freeland  
Telephone: (501) 688-8810

**Greyhound & Thoroughbred Racing - Rule 1217, 2489(A)(B), 24.13, 3190, 5075, 1218, 1214, 2128, 2212, 2221,2260,2419**



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# ADOPTED RULES AND REGULATIONS

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## GAME & FISH COMMISSION

Docket No: 002.00.09-014F  
Effective Date: 01/02/2010  
Contact: James Goodhart  
Telephone: 501-223-6327

**2010 Fishing Regulations - Allowing trotlines in Designated Areas of Lake Maumelle**

## HEALTH DEPARTMENT

*Epidemiology*

Docket No: 007.15.09-001F  
Effective Date: 01/01/2010  
Contact: Robert Brech  
Telephone: 501-661-2297

**Revisions to the Rules Pertaining to Rabies**

## HUMAN SERVICES

*Administrative Services*

Docket No: 016.14.09-007F  
Effective Date: 02/26/2010  
Contact: Richard Wyatt  
Telephone: 501-320-3993

**Policy 5007 - Security Incident Reporting and Response Policy**

Docket No: 016.14.09-011F  
Effective Date: 01/29/2010  
Contact: Charlene Young-Hauser  
Telephone: 501-682-6293

**DHS Social Services Block Grant Pre-Expenditure Report**

Docket No: 016.14.10-001F  
Effective Date: 02/16/2010  
Contact: Jeff Wood  
Telephone: 501-682-8934

**Policy #1078 - Americans with Disabilities Act, and Attachment A**

*Behavioral Health Services*

Docket No: 016.23.09-001F  
Effective Date: 03/01/2010  
Contact: Charlotte Carlson  
Telephone: 501-683-6903

**Rehabilitation Services for Persons with Mental Illness Provider Certification Amendment 1**

*Children & Family Services*

Docket No: 016.15.09-005F  
Effective Date: 02/19/2010  
Contact: Christin Harper  
Telephone: 501-682-8541

**Changes to Policy and Publications \*\*\***

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# ADOPTED RULES AND REGULATIONS

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## *County Operations*

Docket No: 016.20.10-001E  
Effective Date: 12/31/2009  
Contact: Linda Greer  
Telephone: 501-682-8257

### **Emergency Rule: Medicare Savings Medicaid Program Policy 23010 and 23110**

## *Medical Services*

Docket No: 016.06.09-026F  
Effective Date: 01/01/2010  
Contact: Deborah Mahurin  
Telephone: 501-683-2916

### **Official Notice DMS-2009-A-2, DMS 2009-O-1, DMS-2009-II-2, DMS-2009-L-2, DMS-2009-KK-1, DMS 2009-Q-1, DMS-2009-R-2, DMS-2009-OO-1 — Medicaid Coverage of H1N1 Vaccine Administration**

Docket No: 016.06.09-027F  
Effective Date: 01/01/2010  
Contact: Nikki Wade  
Telephone: 501-682-8292

### **Prosthetics Update #146 & Hyperalimentation Update #135**

Docket No: 016.06.09-044F  
Effective Date: 02/01/2010  
Contact: Lisa Smith  
Telephone: 501-682-8363

### **Official Notice DMS-2009-A-3, DMS-2009-AR-2, DMS-2009-G-2, DMS-2009-II-3, DMS-2009-L-3, DMS-2009-KK-2, DMS-2009-R-3, DMS-2009-OO-2 — Vaccines for Children Program (VFC)**

Docket No: 016.06.09-046F  
Effective Date: 12/28/2009  
Contact: Nikki Wade  
Telephone: 501-682-8292

### **Prosthetics Provider Manual Update Transmittal #135**

Docket No: 016.06.09-047F  
Effective Date: 01/01/2010  
Contact: Lisa Smith  
Telephone: 501-683-5776

### **Provider Manual Update Transmittal - Section I & Section V**

Docket No: 016.06.09-048F  
Effective Date: 01/22/2010  
Contact: Diana Teal  
Telephone: 501-682-1562

### **Section V - DMS 840 Form**

Docket No: 016.06.09-049F  
Effective Date: 01/22/2010  
Contact: Diana Teal  
Telephone: 501-682-1562

### **Child Health Management Services Provider Manual Update #122; Section V Update - Forms DMS-201 & DMS-202**

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# ADOPTED RULES AND REGULATIONS

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Docket No: 016.06.09-050F  
Effective Date: 02/01/2010  
Contact: Deborah Mahurin  
Telephone: 501-683-2916

**Occupational, Physical and Speech Therapy Services Provider Manual Update #108, Physician/Independent Lab/Radiation Therapy Center #165, Rehabilitative Hospital #108, Hospital/Critical Access Hospital (CAH)/End Stage Renal Disease (ESRD) #152, Developmental Day Treatment Clinic Services (DDTCS) #119, Child Health Medical Services #116**

Docket No: 016.06.09-051F  
Effective Date: 02/01/2010  
Contact: Becky Murphy  
Telephone: (501) 682-8096

**Section I Provider Manual Update Transmittal**

Docket No: 016.06.09-052F  
Effective Date: 01/25/2010  
Contact: Randy Helms  
Telephone: 501-682-1857

**SPA #2009-016 - ICF/MR Under 16 Bed Enhanced Care Add-On; SPA #2009-017 - ICF/MR 16 Bed & Over Private Facilities Enhanced Care Add-On**

Docket No: 016.06.10-001E  
Effective Date: 01/01/2010  
Contact: Joie Wallis  
Telephone: 501-682-8095

**Emergency Rule: State Plan Amendment #2010-002 — Medicare Savings Program**

*Services for the Blind*

Docket No: 016.10.10-001F  
Effective Date: 01/17/2010  
Contact: Kandy Cayce  
Telephone: 501-682-0332

**2010 Vocational Rehabilitation State Plan**

**POLLUTION CONTROL & ECOLOGY COMMISSION**

Docket No: 014.00.09-001F  
Effective Date: 12/28/2009  
Contact: Dawn Guthrie  
Telephone: 501-682-0889

**Rule 12 - Arkansas Regulated Storage Tank (RST) Program**

**STATE BOARD OF ACCOUNTANCY**

Docket No: 019.00.09-001F  
Effective Date: 12/25/2009  
Contact: Leveta Ray  
Telephone: 501-682-1520

**Amendment to Rule 1**

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# ADOPTED RULES AND REGULATIONS

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Docket No: 019.00.09-002F  
Effective Date: 12/25/2009  
Contact: Leveta Ray  
Telephone: 501-682-1520

**Amendment to Rules 6, 7, 10, 12, 14**

**STATE BOARD OF PRIVATE  
CAREER EDUCATION**

Docket No: 142.00.09-001F  
Effective Date: 01/02/2010  
Contact: Brenda German  
Telephone: 501-683-8000

**Amendments to Rules and Regulations**

**REAL ESTATE COMMISSION**

Docket No: 076.00.09-001F  
Effective Date: 12/28/2009  
Contact: Jo Harding  
Telephone: 501-683-8031

**Regulation 10.4 - Broker Responsibilities;  
and Regulation 7.4 -Branch Office**

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# INSURANCE DEPARTMENT

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\*\*\* 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.



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# ORDERS AND NOTICES

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## LEGISLATIVE AUDIT

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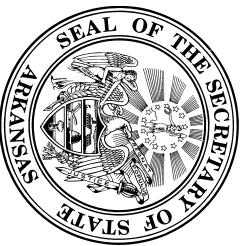
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