

**ADMINISTRATIVE RULES SUBCOMMITTEE  
OF THE  
ARKANSAS LEGISLATIVE COUNCIL**

**Monday, June 15, 2026  
1:30 p.m.  
Room A, MAC  
Little Rock, Arkansas**

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**A. Call to Order**

**B. Rules Filed Pursuant to Arkansas Code § 10-3-309**

**1. Arkansas Public Service Commission (Danni Hoefler)**

**a. Wind Energy Development Rules, 23 CAR pt. 469**

**DESCRIPTION:** The Arkansas Public Service Commission (APSC) has promulgated its final rules for the implementation of the Arkansas Wind Energy Development Act (Act 945 of 2025).

The purpose of the final rules is to establish standards and criteria for permitting and regulating wind energy facilities and promote, preserve, and protect the public peace, health, safety, and welfare through effective permitting and regulation of wind energy facilities.

Key provisions of the proposed rules include:

- Application process and notice requirements to obtain a permit to construct, operate, or redevelop a wind energy facility or wind energy facility expansion in Arkansas. (Subpart 2)
- Installation requirements (23 CAR § 469 – 301)
- Acoustics standards (23 CAR § 469 – 302)
- Decommissioning and removal requirements (23 CAR § 469 – 401)
- Requirements related to interconnection with the grid (23 CAR § 469 – 501)
- Site visits and enforcement by the APSC (Subpart 6)
- Information subject to disclosure (23 CAR § 469 – 106)

**PUBLIC COMMENT:** The commission held a public hearing on December 11, 2025. The public comment period expired December 11, 2025.

Due to its length, the public comment summary can be found on the “docs” tab for this meeting.

Isaac Linam, an attorney with the Bureau of Legislative Research, asked the following questions and received the following responses:

**QUESTION (1)** Concerning 23 CAR § 469-103(14)(A)(i) and (ii), it appears the definition was copied directly from Acts 2025, No. 945. These two subdivisions in your rule and in the corresponding Arkansas Code section contain the phrase “under this subchapter”, which appears to be a self-reference in the Arkansas Code to the subchapter in which the Arkansas Wind Energy Development Act was codified. Was it your intention to for your rule to read “Under the Arkansas Wind Energy Development Act”, “under this part”, or some other language?

**RESPONSE:** It should read “under the Arkansas Wind Energy Development Act” rather than “under this subchapter”. [The commission revised the rule to make this change.]

**QUESTION (2)** Concerning 23 CAR § 469-103(14)(B), in your rule, the second part of this definition uses the non-exclusive term “including without limitation”, while the second part of this definition in Act 945 uses the exclusive term “includes”. Why did the commission add “without limitation” to your definition when that is absent from the definition in Act 945? **RESPONSE:** It should read “includes.” [The commission revised the rule to make this change.]

**QUESTION (3)** Concerning 23 CAR § 469-103(20)(B), in your rule, the second part of this definition uses the non-exclusive term “including without limitation”, while the second part of this definition in Act 945 uses the exclusive term “includes”. Why did the commission add “without limitation” to your definition when that is absent from the definition in Act 945? **RESPONSE:** It should read “includes.” [The commission revised the rule to make this change.]

**QUESTION (4)** Concerning 23 CAR § 469-103(22)(B), in your rule, the second part of this definition uses the non-exclusive term “including without limitation”, while the second part of this definition in Act 945 uses the exclusive term “includes”. Why did the commission add “without limitation” to your definition when that is absent from the definition in Act 945? **RESPONSE:** It should read “includes.” [The commission revised the rule to make this change.]

The proposed effective date for the rule is pending legislative review and approval.

**FINANCIAL IMPACT:** The commission indicated this rule will have no financial impact.

**LEGAL AUTHORIZATION:** Arkansas Code § 23-18-1419(a) provides that the “Arkansas Public Service Commission shall promulgate rules to implement and administer” the Arkansas Wind Energy Development Act, Arkansas Code § 23-18-1401 et seq. Arkansas Code § 23-18-1419(b) provides that these rules “include without limitation” permit requirements

and terms, application for a permit requirements, and renewal application for a permit requirement “for the construction, operation, or redevelopment of a wind energy facility or a wind energy facility expansion”. In addition, Arkansas Code § 23-18-1419(b) requires the rules to “include without limitation” rules for “[t]he erection, construction, reconstruction, change, alteration, maintenance, use, operation, and decommissioning of wind energy facilities, including without limitation the [i]nterconnection of power lines with regional transmission organizations, independent transmission system operators, or similar organizations” as well as the “[e]stablishment of necessary cooperation for site visits and enforcement investigations.”

Arkansas Code § 23-18-1404(e) provides: “An initial filing fee of two thousand five hundred dollars (\$2,500) shall accompany each application for a permit.”

This rule implements Acts 2025, No. 945, sponsored by Senator Bart Hester. Act 945 created the Arkansas Wind Energy Development Act. Act 945, § 2 provides that the commission “shall promulgate rules necessary to implement this act”, and the rules either shall be finalized “[o]n or before January 1, 2026” or if legislative approval “has not occurred by January 1, 2026, as soon as practicable after approval under § 10-3-309.”

**2. Department of Education, Division of Elementary and Secondary Education (Courtney Salas-Ford, Daniel Shults)**

**a. Rule Governing the Arkansas Children’s Educational Freedom Account Program, 6 CAR pt. 35**

**DESCRIPTION:** The Department of Education, Division of Elementary and Secondary Education, proposes amendments to its Rule Governing the Arkansas Children’s Educational Freedom Account Program.

**PURPOSE**

The Division of Elementary and Secondary Education is updating the Rule Governing the Arkansas Children’s Educational Freedom Account Program to reflect changes made by Act 920 of 2025 and to implement policy updates based on the initial year of full operation of the program.

**BACKGROUND**

Pursuant to Arkansas Code § 6-18-2501 et seq., the division is charged with promulgating rules for the Arkansas Children’s Educational Freedom Account Program. The purpose of this rule is to establish guidelines for the implementation and operation of the Arkansas Children’s Educational Freedom Account Program to provide Arkansas families with more educational options for their children as they seek educational solutions and curricula that fit the needs of their families.

**KEY POINTS**

-Removes previous limited eligibility criteria that is no longer applicable.

-Adds language regarding the time frame for submission of applications, account funds, and definitions.

-Makes formatting changes in accordance with the Code of Arkansas Rules.

-Describes agency process in more detail for how the requirements of the rule are to be implemented.

### DISCUSSION

In addition to updating the rule to reflect statutory changes, this amendment establishes guidelines for the implementation and operation of the current Educational Freedom Account Program based on the initial year where every Arkansas student is eligible to participate.

The rule in its amended form identifies several updates to definitions, sets forth when an account shall be closed and under what circumstances it should remain in force, authorizes the division to provide a time frame for the submission of applications, and removes the previous eligibility criteria and adds the priority schedule in the event of insufficient funds for new accounts.

Language is also added to clarify whether an expense which is generally permissible under the rule is permissible in a given context by articulating that qualifying expenses must be ordinary and necessary.

*At the close of both the first and second public comment periods, the agency indicated the following respective changes to the rule:*

### POST PUBLIC COMMENT PERIOD 1 CHANGES

The following changes were made to the proposed amendment following the review of public comments received by the Division:

-Several non-substantive changes were made to correct punctuation, to correct errors in numbering within the rule, more closely aligning rule language to statutory language, and to make word usage throughout the rule more uniform.

-A clearly defined process was included to ensure consistent application of the rules regarding whether an expense is eligible to be paid under the EFA program.

-Provisions were added providing that reimbursement of core educational expenses are not required to be pre-approved; however, other expenses do require preapproval.

-Program participants are not required to obtain preapproval when utilizing payment methods which do not require financial disbursement directly to the program participant.

-Competitive sports are permitted as extracurricular activities so long as the team or activity does not restrict participation based on ability.

-A list of items previously found ineligible for payment under the rule is established to allow participants greater clarity as to what items qualify for payment.

-The amount of funds that roll over year after year is reduced to ensure greater available funds to the program generally.

-The cap on technological devices is aggregated but additional exceptions are added to exceed the aggregated cap.

-The definition of intentional misuse is modified to turn on good faith error and genuine misunderstanding.

#### POST PUBLIC COMMENT PERIOD 2 CHANGES

The following three non-substantive grammatical changes were made:

-An “an” was removed from proposed 6 CAR § 35-102(4)(B)(ii).

-An “or” was added to proposed 6 CAR § 35-102(17)(B)(iv).

-An “and” was added to proposed 6 CAR § 35-104(b)(10).

**PUBLIC COMMENT:** Two public hearings were held on December 2, 2025, during the first public comment period. That public comment period expired December 16, 2025. Two public hearings were also held on March 30, 2026, during the second public comment period. That public comment period expired April 7, 2026. The agency has provided a summary of public comments it received. Due to its length, that summary can be found on the “docs” tab for this meeting.

Jason Kearney, an attorney with the Bureau of Legislative Research, asked the following questions and was provided with the following agency responses:

1) In 6 CAR § 35-102(26)(R), under the definition of “qualifying expenses”, is there a reason why the language concerning transportation is not identical to the language of Arkansas Code § 6-18-2503(13)(P), which provides that qualifying expenses shall include “[r]easonable costs, not to exceed twenty-five percent (25%) of the funds allocated to a student’s account in a fiscal year, that are associated with transportation to and from a participating service provider or participating school”? **RESPONSE:** The version of the rule currently in effect established a policy provision that allows the department to set a maximum rate of reimbursement for travel expenses. The amended definition incorporates the twenty-five percent maximum established by Act 920 of 2025 and policy that exists in the current rule authorized by A.C.A. § 6-18-2504.

2) The terms “qualifying expenses” and “eligible expenses” are seemingly used interchangeably throughout the rule, but only the term “qualifying expenses” is defined. Is there any difference between these two terms for the purposes of these rules? **RESPONSE:** No distinction is intended; all uses of “eligible expense” have been changed to “qualifying expense.”

These changes were included in the second round of public comment.

3) Is there a difference between the terms “micro-school” as defined in 6 CAR §35-102(19) and “microschools” as it appears in 6 CAR § 35-107(h)(3)? **RESPONSE:** A non-substantive change has been made to make the rule uniform in the usage “microschool.” This term is relatively new to common usage, but the form “microschool” has been generally recognized as the favored usage in recent years. These changes were included in the second round of public comment.

4) 6 CAR § 35-112(c)(2), which concerns testing exemptions, requires the determination that a student is unable to participate in standardized testing to be made by a “certified special education teacher or an approved education service provider qualified to make the determination and that delivers therapeutic or diagnostic services to students with disabilities.” However, Ark. Code Ann. § 6-18-2509(a)(2)(A) provides that this determination need only be made by the “participating private school”. Is there a reason that the rule adds requirements that do not appear in the Arkansas Code?

**RESPONSE:** The text of the rule exercises the agency’s authority to explain how the statutory requirements are to be fulfilled and establish policy for the implementation of the program. The rule language was expanded to account for homeschool students not addressed by the statute and to identify qualified professionals to make the determination with respect to homeschool students and private school students.

5) 6 CAR § 35-112(c)(3), which also concerns testing exemptions, provides that a participating student who is exempt from standardized testing “shall prepare a portfolio that provides information on the participating student’s progress” and removes the option of taking an alternative assessment. However, Ark. Code Ann. § 6-18-2509(a)(2)(B), upon which this provision appears to be premised, provides that a participating private school may either “make provision for the student to take an alternate assessment approved by the state board or prepare a portfolio that provides information on a student’s progress to the student’s parent or guardian.” Is there a reason why the amended rule requires the participating student to prepare the contemplated portfolio, as opposed to the participating private school? Also, is there a reason why the option of taking an alternative assessment was removed from the rule?

**RESPONSE:** For the reasons underlying your question, the language relating to the alternative assessment options has been restored with slight modification to ensure the rule does not conflict mandatory requirements of the Code. These changes were included in the second round of public comment.

6) Although the terms “ordinary” and “ordinary expenditure” are defined in the rule, there does not appear to be any substantive provision in the rule that sets out the significance of whether an expenditure is considered

ordinary or not. Is there some consequence under the rule if an expenditure is determined not to be ordinary? **RESPONSE:** The terms “ordinary” and “necessary” are used together as baseline criteria for determining whether an expenditure is allowable under the program rules. If an expense is determined not to be ordinary or necessary, it does not meet the definition of an allowable expense and is therefore not eligible for approval or reimbursement. The rule does not assign a separate or additional consequence beyond denial of the payment request. This applicability was clarified in the definition of qualified expense in the second round of public comment.

*The following questions were submitted after changes were made to the rule subsequent to the first public comment period:*

7) In 6 CAR § 35-102(26)(Q)(ii)(e)(2), under the definition of “qualifying expenses”, is there a reason why the term “accommodation” is used in this provision, when both Act 920 and Arkansas Code § 6-18-2503(13)(O)(i)(d) use the term “modification” in what appears to be the same or similar provision? **RESPONSE:** The use of the term “accommodation” helps to clarify the statutory intent that a “modification specified by a clinician” is a modification for the purpose of overcoming the condition or treated by the clinician and the goal of allowing the student to overcome the condition and achieve academically.

8) 6 CAR § 35-104(b)(6) – With respect to the sixth level of student application priority, is there a reason why this provision includes “a public school classified in need of Level 5 – Intensive support” when that variable does not appear in similar provisions found in both Act 920, § 5 and Arkansas Code § 6-18-2506(b)(6)? **RESPONSE:** The language you reference is existing rule language which is not subject to this proposed amendment. The term “a public school classified in need of Level 5 – Intensive support” was incorporated into the original rule as it describes a school district in the greatest need of support due to poor performance under the Arkansas Educational Support and Accountability Act (AESAA). When the rule was originally drafted, only individual schools received letter grades, and the Level 5 classification was the closest metric available that applied to an entire district. The division is now assigning district letter grades and this language may be considered for removal in future rulemaking.

The proposed effective date is July 1, 2026.

**FINANCIAL IMPACT:** The agency has indicated that the proposed rule has no financial impact.

**LEGAL AUTHORIZATION:** Pursuant to Arkansas Code § 6-18-2504(a), the Division of Elementary and Secondary Education shall administer the Arkansas Children’s Educational Freedom Account Program under Arkansas Code § 6-18-2501 et seq., also known as the Arkansas Children’s Educational Freedom Account Program, which shall

be subject to the rules adopted by the State Board of Education.

The rules adopted by the state board under the program shall include without limitation the: 1) Process for determining the eligibility of students and service providers, including the awarding of accounts to eligible students and removal of unnecessary barriers or disincentives to participation by potential participating service providers; 2) Process for conducting account and program audits, including establishing the authority for the division to conduct or contract for the auditing of accounts; 3) Authority of the division to deem any participating student ineligible for the program, and to refer a case involving the misuse of account funds for investigation to the Attorney General or the Secretary of the Department of Inspector General; 4) Authority of the division to contract with a vendor or other supplier for the administration of the program or parts of the program; 5) Requirement that the program shall begin enrolling participating students no later than the beginning of the 2023-2024 school year, and be fully implemented to serve all Arkansas children eligible to enroll in a public school by the beginning of the 2025-2026 school year; 6) Establishment or creation of a contract for the establishment of an online anonymous fraud reporting service, including without limitation a telephone hotline; 7) Requirement for a surety bond for a participating service provider that receives more than one hundred thousand dollars (\$100,000) in account funds; 8) Mechanism for the refunding of payments from service providers back to the account from which they were paid; 9) Required compliance with all state procurement laws and procedures; and 10) Means for preventing unreasonable inflation or fraud in participating school tuition and fees. *See* Arkansas Code § 6-18-2504(b).

To ensure that account funds under the program provide for the expansion of access to education options by reducing family financial burdens and are not abused by service providers for financial gain, the state board shall take all necessary action in establishing rules under the program, including without limitation the disqualification of a participating school or a participating service provider. *See* Arkansas Code § 6-18-2504(d).

If a participating student's account is closed following the occurrence of an event under Arkansas Code § 6-18-2505(e)(1)(A)(iv) or § 6-18-2505(e)(1)(A)(v), the participating student's parent may appeal the division's decision to close the participating student's account to the state board according to rules promulgated by the state board. *See* Arkansas Code § 6-18-2505(e)(1)(B). The state board may establish rules to determine the maximum amount of funds allowed under Arkansas Code § 6-18-2505(e)(3)(C)(i), and the process by which account funds will be returned to the appropriate fund within the Department of Education. *See* Arkansas Code § 6-18-2505(e)(3)(C)(ii). The division shall promulgate rules for an applicant who meets criteria established by the division and who submits an application under the program outside the time frame

established by Arkansas Code § 6-18-2505(j)(1)(A), including without limitation an applicant who moves to this state from another state, or who moves from an area of this state that does not have a participating school to an area of this state that does have a participating school. *See* Arkansas Code § 6-18-2505(j)(1)(B).

The state board shall promulgate rules for the implementation of the program, and to effectively and efficiently administer the program, including without limitation: 1) The awarding of funds to participating students; 2) The oversight of the program; and 3) Any other necessary aspects for the operation of the program. *See* Arkansas Code § 6-18-2506(c). The state board and the Department of Education may adopt rules to provide the least disruptive process for a participating student who desires to stop receiving funds disbursed under the program and enroll full-time in a public school. *See* Arkansas Code § 6-18-2506(j).

By not later than June 30, 2024, the state board shall adopt rules providing for program eligibility for participating service providers that are not participating schools, including without limitation an application process that is executed, at a minimum, annually for the purpose of determining service provider eligibility. *See* Arkansas Code § 6-18-2507(c).

The proposed rule amendments implement Acts 2025, No. 920, sponsored by Senator Breanne Davis, which amended provisions of the Arkansas Code concerning the Arkansas Children’s Educational Freedom Account Program.

**3. Department of Education, Division of Higher Education (Courtney Salas-Ford, Ken Warden)**

**a. Rules Governing the Arkansas Academic Challenge Scholarship Program, 6 CAR pt. 391**

**DESCRIPTION:** The Department of Education, Division of Higher Education, seeks to amend its Rules Governing the Arkansas Academic Challenge Scholarship Program.

Act 413 and Act 539 of 2023 amended the Arkansas Academic Challenge Scholarship Program, Arkansas Code § 6-85-201 et seq. Act 413 creates an additional provision of the rule to allow scholarship recipient students to utilize scholarship funds for enrolling and attending courses offered during a summer term at the postsecondary institution in which the student is enrolled.

Act 539 of 2023 requires an additional amendment to this rule in which, effective January 1, 2025, institutions of higher education will now include public or private vocational-technical institutes and public or private technical institutes, for which the department believes that rulemaking is required.

Act 341 of 2025, Secs. 80 – 83 updates the eligibility requirements for receiving this scholarship to require traditional students achieving a

minimum of a 3.0 GPA in high school, completion of at least one college readiness assessment, and achievement of the diploma of merit. The amendment provides an increase from one to two thousand dollars in the first year for a recipient that has earned less than twenty-seven semester credit hours.

**POST PUBLIC COMMENT:**

This rule did not receive any public comments at the hearing, nor did it receive public comments via written correspondence. No substantive or non-substantive changes were made to the rule pursuant to public comment. The division did make a non-substantive change to include “the” in the title of the rule.

**PUBLIC COMMENT:** A public hearing was held on March 20, 2026. The public comment period expired on March 30, 2026. The agency indicated that it did not receive any public comments.

Jason Kearney, an attorney with the Bureau of Legislative Research, asked the following questions and was provided with the following agency responses:

1) 6 CAR § 391-102(9)(A)(v) – Under the definition for “Diploma with Merit”, what does the acronym “ASVAB” mean? **RESPONSE:** ASVAB is the Armed Services Vocational Aptitude Battery test that you take before entering the military.

2) 6 CAR § 391-102(9)(A)(viii) and (ix) – Under the definition for “Diploma with Merit”, what does the term “IB” mean? **RESPONSE:** IB is the International Baccalaureate program.

3) 6 CAR § 391-202(3) – Do the additional eligibility requirements listed under subdivision (3) only apply to students who have a disability under subdivision (2)? Or do they also apply to students who graduate from an Arkansas public high school under subdivision (1)? **RESPONSE:** Everything under (3) applies to all students. Additionally, students under (2) must meet all requirements under (1). They do not have any additional requirements or less requirements than students under (1). (4) also applies to all students.

The proposed effective date is July 1, 2026.

**FINANCIAL IMPACT:** The agency has indicated that the amended rule has no financial impact.

**LEGAL AUTHORIZATION:** Pursuant to Arkansas Code § 6-85-205(a), the Division of Higher Education shall develop and promulgate rules for the administration of the Arkansas Academic Challenge Scholarship Program consistent with the purposes and requirements of Arkansas Code § 6-85-201 et seq, which concern the Arkansas Academic Challenge Scholarship Program. Further, the division shall promulgate or update existing division rules to allow a student who is a recipient of a

scholarship to utilize scholarship funds to enroll in and attend courses offered during a summer term at the postsecondary institution in which the student is enrolled. *See* Arkansas Code § 6-80-109(a).

The amended rule implements the following legislative Acts:

Acts 2023, No. 413, sponsored by Representative Julie Mayberry, which concerned rules promulgated by the Division of Higher Education, and required the division to promulgate certain rules concerning the administration of scholarships funded with state funds and lottery proceeds;

Acts 2023, No. 539, sponsored by Representative Robin Lundstrum, which amended the Arkansas Academic Challenge Scholarship Program to include vocational-technical schools and technical institutes as approved institutions of higher education, and ensured that certain funds from the Higher Education Grants Fund Account are expended on students enrolled in a technical institute or vocational-technical school; and

Acts 2025, Nos. 340 and 341, sponsored by Senator Jonathan Dismang and by Representative Matthew J. Shepherd, respectively, which created the Arkansas Access Act and amended various provisions of the Arkansas Code as they relate to education in the state of Arkansas.

**b. Rules Governing the Arkansas Workforce Challenge Scholarship Program, 6 CAR pt. 403**

**DESCRIPTION:** The Department of Education, Division of Higher Education, seeks to amend its Rules Governing the Arkansas Workforce Challenge Scholarship Program.

Act 341, the Arkansas Access Act of 2025, Sections 84-87, and Act 429 of 2025, require amendments to the Arkansas Workforce Challenge Scholarship Program, Arkansas Code § 6-85-301 et seq. Currently the award amounts for individuals are capped at \$800 at two-year and four-year state institutions. This amendment removes the \$800 cap. Awards are now determined based on program costs, workforce demands, credentials of value, and projected wages. The maximum scholarship award a student may receive in an academic year shall be the lesser of the program costs or \$3,000. The amendment clarifies in definition the five high demand areas in which certificate programs are offered. The scholarship may now be used at public or private vocational-technical schools and public or private technical institutes pursuant to the passage of the 2024 Arkansas Ballot Issue 1. Full implementation is expected by the Fall 2026 semester.

**POST PUBLIC COMMENT:**

No public comments were received during the public comment period; no substantive changes were made to the rule following the public comment period pursuant to public comment.

The division did make the following non-substantive changes:

-§ 403-103(3)(A) the division revised the language by removing “course completion” to ensure adherence with statutory intent.

-§ 403-201(a)(2) the division restored the previously stricken text to ensure adherence to statutory language.

-§ 403-203(g)(2) the division included “the Office of Skills Development” to ensure adherence to statutory language.

**PUBLIC COMMENT:** A public hearing was held on March 20, 2026. The public comment period expired on March 30, 2026. The agency indicated that it did not receive any public comments.

Jason Kearney, an attorney with the Bureau of Legislative Research, asked the following questions and was provided with the following agency responses:

1) 6 CAR § 403-103(2)(B) – Is there a reason why the definition for “Approved institution of higher education” includes the language “[p]rivate, nonprofit two-year or four-year *institution of higher education*” as opposed to the language “[p]rivate, nonprofit two-year or four-year *college or university*”, as it appears in Arkansas Code § 6-85-302(2)(B)? (emphasis added) **RESPONSE:** Not all private institutions are considered a college or university; therefore, this definition is more accurate.

2) 6 CAR § 403-103(2)(C) – Is there a reason why the definition for “Approved institution of higher education” includes the qualifying language “with its primary headquarters located in Arkansas” for a public or private vocational-technical school, when that qualifying language is not included in the same definition as it appears in Arkansas Code § 6-85-302(2)(C)? **RESPONSE:** The division added clarifying language to ensure only students at Arkansas schools would qualify for this scholarship. This clarity was needed after the eligibility was expanded to include vocational-technical schools, including those schools on the division’s Private Career Education list. This ensures that schools located out of state but offering courses to students in state are not eligible to receive Arkansas Lottery funds in accordance with Article 19, § 14, of the Arkansas Constitution.

3) 6 CAR § 403-103(3)(A) – Is there a reason why the definition for “Certificate program” includes “course completion” as an anticipated result, when that term is not included in the same definition as it appears in Arkansas Code § 6-85-302(3)(A)? **RESPONSE:** Non-substantive change was made to ensure adherence to the statutory language.

4) 6 CAR § 403-201(a)(2)(A) – Is there a reason why this subdivision includes only the requirement of “[a] high school diploma” when Arkansas Code § 6-85-304(a)(2)(A) requires “[g]raduation from a public high school in Arkansas or another state, a private high school in Arkansas or another state, or home school under [Arkansas Code] § 6-15-501 et seq.

or recognized by another state”? **RESPONSE:** Proposed amendment was removed to retain statutory text.

5) 6 CAR § 403-202(a)(2) – Is there a reason why the language in this subdivision does not mirror the language of Arkansas Code § 6-85-305(a)(2), upon which this provision appears to be based? **RESPONSE:** We drafted the rules this way to try and make it clearer that only those students attending a public or private vocational-technical school would receive funds of up to \$5,000,000. This cap does not exist on the students attending approved state-supported or private institutions of higher education.

6) 6 CAR § 403-202(b)(2) – Is there a reason why the qualifying language “only” is applied to what expenses a scholarship award may be used for, when that language does not appear in Arkansas Code § 6-85-305(b)(2)? **RESPONSE:** This ensures that the scholarship is only funding the costs of expenses included in the cost of the certificate program or program of study rather than being used for expenses outside of program costs. Many charges exist outside of what the scholarship will cover, so we added the word “only” to be clearer.

7) 6 CAR § 403-203(a)(5) and (7) – When and where does the division expect to specify the date by which the electronic verification rosters and continuing eligibility rosters, respectively, must be returned to the division for summer semesters? **RESPONSE:** The division provides this date for each academic year for summer semesters. These must be rostered one time, but the start dates vary therefore, one set date in rule was not feasible.

8) 6 CAR § 403-203(g) – Is there a reason why the reporting requirements set out in this subsection do not mirror the reporting requirements set out in Arkansas Code § 6-85-308, upon which these provisions appear to be based? **RESPONSE:** These institutions are not already mandated to report student outcomes. Consistency within the expectations between Title IV institutions and non-Title IV institutions was the goal. Additionally, we added the reference to Office of Skills Development as a non-substantive change to ensure adherence to statutory language.

The proposed effective date is July 1, 2026.

**FINANCIAL IMPACT:** The agency has indicated that the amended rule has no financial impact.

**LEGAL AUTHORIZATION:** The Division of Higher Education shall promulgate rules to implement Arkansas Code § 6-85-301 et seq, which concerns the Arkansas Workforce Challenge Scholarship Program. *See* Arkansas Code § 6-85-307.

Further, the division shall promulgate or update existing division rules to allow a student who is a recipient of a scholarship to utilize scholarship funds to enroll in and attend courses offered during a summer term at the

postsecondary institution in which the student is enrolled. *See* Arkansas Code § 6-80-109(a).

The amended rule implements the following legislative Acts:

Acts 2025, No. 429, sponsored by Senator Jimmy Hickey, Jr., which amended the Arkansas Scholarship Lottery Act; amended the definition of “lottery proceeds”; amended the definition of “net proceeds”; amended the contents of the financial report; provided that the costs of administering scholarship awards are expenses of the Division of Higher Education that will continue to be reimbursed by the Office of the Arkansas Lottery using lottery net proceeds; and eliminated the Scholarship Shortfall Reserve Trust Account; and

Acts 2025, Nos. 340 and 341, sponsored by Senator Jonathan Dismang and by Representative Matthew J. Shepherd, respectively, which created the Arkansas Access Act and amended various provisions of the Arkansas Code as they relate to education in the state of Arkansas.

c. **Rules Governing Residency Classification for State-funded Scholarships at State-supported Institutions of Higher Education, 6 CAR pt. 375**

**DESCRIPTION:** The Department of Education, Division of Higher Education, proposes its Rules Governing Residency Classification for State-funded Scholarships at State-Supported Institutions of Higher Education.

Act 341 of 2025, Section 63, creates Residency Classification for State-funded Scholarships at State-Supported Institutions of Higher Education; Arkansas Code § 6-80-201 et seq. It creates a uniform residency requirement of six months across all scholarships unless otherwise specified in law. Currently, residency requirements for scholarships range from six months to three years. Specifies that United States Armed Forces servicemembers stationed in Arkansas and their dependents, will be entitled to in-state residency for state-funded scholarship purposes. The amendment allows students to appeal residency classification at the institution. Students falsifying residency could face dismissal from the institution.

**POST PUBLIC COMMENT:**

No public comments were received during the public comment period; no substantive changes were made to the rule following the public comment period.

**PUBLIC COMMENT:** A public hearing was held on March 20, 2026. The public comment period expired on March 30, 2026. The agency indicated that it did not receive any public comments.

The proposed effective date is July 1, 2026.

**FINANCIAL IMPACT:** The agency has indicated that the proposed rule

does not have a financial impact.

**LEGAL AUTHORIZATION:** In making decisions about the residency classification or reclassification of a student for State-funded scholarship purposes, unless otherwise specified by statute, a student shall be classified as an in-state resident for state-funded scholarship purposes only if the student will graduate or has graduated from an Arkansas public school, private school, or home school within nine (9) months of enrolling in the state-supported institution of higher education, or established legal residency in Arkansas by meeting the requirements of rules promulgated by the Division of Higher Education. *See* Arkansas Code § 6-80-202(a)(1).

The proposed rules implement Acts 2025, Nos. 340 and 341, § 63, sponsored by Senator Jonathan Dismang and by Representative Matthew J. Shepherd, respectively, which created the Arkansas Access Act and amended various provisions of the Arkansas Code as they relate to education in the state of Arkansas.

**d. Rules Governing the Teacher Opportunity Program, 6 CAR pt. 398**

**DESCRIPTION:** The Department of Education, Division of Higher Education, seeks to amend its Rules Governing the Teacher Opportunity Program.

Act 341 of 2025, Sections 64-68, amends the Teacher Opportunity Program. The amendment repeals the Dual Licensure Incentive Program that previously fell under the Teacher Opportunity Program. If funds are available, teachers may receive awards if seeking dual licensure if it is in an additional subject area from that which the teacher is currently teaching so long as the teacher does not currently hold a license in that additional subject. This award amount and the number of recipients will be contingent on the appropriation and availability of funding. Awards under this program shall not exceed the cost of tuition and fees required to complete six semester credit hours per academic year and disbursement begins in the fall and runs through the summer semester.

**POST PUBLIC COMMENT**

This rule did not receive any public comments at the hearing held on April 20, 2026, nor did it receive public comments via written correspondence. No substantive or non-substantive changes were made to the rule.

**PUBLIC COMMENT:** A public hearing was held on March 20, 2026. The public comment period expired on April 12, 2026. The agency has indicated that it did not receive any public comments.

The proposed effective date is July 1, 2026.

**FINANCIAL IMPACT:** The agency has indicated that the amended rule has no financial impact.

**LEGAL AUTHORIZATION:** Pursuant to Arkansas Code § 6-81-603(a), the Teacher Opportunity Program shall be administered by the Division of

Higher Education, which shall have the authority to establish necessary rules, procedures, and selection criteria for the administration of the program and to designate necessary forms and schedules.

The amended rules implement Acts 2025, Nos. 340 and 341, sponsored by Senator Jonathan Dismang and by Representative Matthew J. Shepherd, respectively, which created the Arkansas Access Act and amended various provisions of the Arkansas Code as they relate to education in the state of Arkansas.

e. **Rules Governing the Arkansas Teacher Academy Scholarship Program, 6 CAR pt. 406**

**DESCRIPTION:** The Department of Education, Division of Higher Education, seeks to amend its Rules Governing the Teacher Opportunity Program.

Act 341 of 2025, Sections 77 – 78, amends the Arkansas Teacher Academy Scholarship Program. Effective the beginning of the 2025-2026 academic school year, the program covers the tuition and fees at eligible institutions of higher education, not to exceed sixty academic hours, or completion of the program if undertaking a two-year program at an eligible community college or institution of higher education. The program also covers one hundred and twenty academic hours or completion of the program for four-year programs offered at eligible institutions of higher education. Further, the program requires compliance with the stacking policy under Arkansas Code § 6-80-105.

**POST PUBLIC COMMENT**

This rule did not receive any public comments at the hearing held on April 20, 2026, nor did it receive public comments via written correspondence. No substantive or non-substantive changes were made to the rule.

**PUBLIC COMMENT:** A public hearing was held on March 20, 2026. The public comment period expired on April 12, 2026. The agency indicated that it did not receive any public comments.

The proposed effective date is July 1, 2026.

**FINANCIAL IMPACT:** The agency has indicated that the amended rule has no financial impact.

**LEGAL AUTHORIZATION:** Pursuant to Arkansas Code § 6-82-2207(d), the Division of Higher Education may promulgate rules to implement the Arkansas Teacher Academy Scholarship Program Act, codified in Arkansas Code § 6-82-2201 et seq.

The amended rules implement Acts 2025, Nos. 340 and 341, sponsored by Senator Jonathan Dismang and by Representative Matthew J. Shepherd, respectively, which created the Arkansas Access Act and amended various provisions of the Arkansas Code as they relate to education in the state of Arkansas.

f. **Rules Governing Uniform Course Credit for Institutions of Higher Education, 6 CAR pt. 374**

**DESCRIPTION:** The Department of Education, Division of Higher Education, proposes its new Rules Governing Uniform Course Credit at Institutions of Higher Education.

Act 237 of 2023, Section 54 created the Uniform Course Credit for Institutions of Higher Education, Arkansas Code § 6-60-119. It requires the division to establish uniform postsecondary criteria for awarding credit to students who have successfully completed the International Baccalaureate Diploma Programme or achieved required scores on one or more CLEP examinations.

Act 237, Section 54 further gives the division the option to establish uniform postsecondary criteria for awarding credit to students who attain other nationally recognized college-level credentials, including without limitation those attained through: The Cambridge Advanced International Certificate of Education; and Industry-based credentials.

The amendments include the “accelerated learning” definition established in Act 341, Section 5 which prepares students for success in higher education; postsecondary training; and high-wage, high-demand careers while also increasing the number of students that graduate from institutions of higher education and support accelerated learning initiatives already operating in the state.

**POST PUBLIC COMMENT**

This rule did not receive any public comments at the hearing held on April 20, 2026, nor did it receive public comments via written correspondence. No substantive or non-substantive changes were made to the rule pursuant to public comment.

The division did make a non-substantive change throughout the rule to correct the formatting in the title by adding dashes rather than periods between the numbers. Additionally, the division made a change at § 374-103(d) to correct the reference to the “Commissioner of Higher Education” to “Commissioner of the Division of Higher Education.”

**PUBLIC COMMENT:** A public hearing was held on March 20, 2026. The public comment period expired on April 12, 2026. The agency has indicated that it did not receive any public comments.

The proposed effective date is July 1, 2026.

**FINANCIAL IMPACT:** The agency has indicated that the amended rule has no financial impact.

**LEGAL AUTHORIZATION:** Pursuant to Arkansas Code § 6-5-1206, the State Board of Education may promulgate rules to implement Arkansas Code § 6-5-1201 et seq, which concerns accelerated learning.

The proposed rules implement the following legislative Acts:

Acts 2023, No. 237, sponsored by Senator Breanne Davis, which created the LEARNS Act, amended various provisions of the Arkansas Code as they relate to early childhood through grade twelve (12) education in the state of Arkansas; and

Acts 2025, Nos. 340 and 341, sponsored by Senator Jonathan Dismang and by Representative Matthew J. Shepherd, respectively, which created the Arkansas Access Act and amended various provisions of the Arkansas Code as they relate to education in the state of Arkansas.

**g. Rules Governing the Access to Acceleration Scholarship Program, 6 CAR pt. 408**

**DESCRIPTION:** The Department of Education, Division of Higher Education, proposes its new Rules Governing the Access to Acceleration Scholarship Program.

Act 341 of 2025, Section 91, creates the Access to Acceleration (A2A) Scholarship Program which replaces the Arkansas Concurrent Challenge Program. Students are eligible to receive lottery scholarship funds, if available, while enrolled in a concurrent credit course, except for courses at vocational centers that are reimbursed under Arkansas Code § 6-51-305. Funds are awarded at \$65 per concurrent credit course hour for a maximum of fifteen course credit hours per semester, not to exceed \$2,000 in any given academic year. The amendments expand eligibility to now include students in 9th grade in addition to those in 10th through 12th grade. Implementation is expected to happen in phases: the concurrent course reimbursement increase will be implemented by Fall 2025; the impact on the Academic Challenge Scholarship funding deduction is expected to start by Fall 2027; and full implementation is expected by Fall 2029.

**POST PUBLIC COMMENT**

This rule did not receive any public comments at the hearing held on April 20, 2026, nor did it receive public comments via written correspondence. No substantive or non-substantive changes were made to the rule pursuant to the public comment period. The division did make a non-substantive change to include “the” in the title of the rule.

**PUBLIC COMMENT:** A public hearing was held on March 20, 2026. The public comment period expired on April 12, 2026. The agency has indicated that it did not receive any public comments.

Jason Kearney, an attorney with the Bureau of Legislative Research, asked the following questions and was provided with the following agency responses:

1) Should the title of the rule, in the main heading, include the word “the” before the term “Access to Acceleration Scholarship Program”?

**RESPONSE:** Yes. A non-substantive change is being made to include “the.”

2) 6 CAR § 408-102(5) – Is there a reason why the definition of “eligible student” includes students “enrolled in grade nine (9)” when the same definition as it appears in Arkansas Code § 6-85-702(4), as amended by Acts 340 and 341 of 2025 (“the Arkansas ACCESS Act”), only includes students enrolled in “grade ten (10), grade eleven (11), or grade twelve (12)”?

**RESPONSE:** To conform with Act 353 of 2025 which had expanded eligibility of the Concurrent Credit Scholarship to include 9th grade students. A2A replaced that scholarship, therefore, to harmonize Act 353 and Act 341, the division is including 9th grade students.

3) 6 CAR § 408-102(5) – Is there a reason why the definition of “eligible student” includes students enrolled at “home school” when the same definition as it appears in Arkansas Code § 6-85-702(4), as amended by the Arkansas ACCESS Act, only includes students enrolled “at a public high school in Arkansas”?

**RESPONSE:** Before its repeal, Concurrent Challenge was available to home school students as is noted in Act 353 Section 1 of 2025. A2A replaced Concurrent Credit Challenge Scholarship, therefore, the division is still including home school students as eligible for the A2A scholarship to honor the intent of Act 353.

4) In the questionnaire supporting this rulemaking, the Division of Higher Education indicated that this proposed rule is, in part, the result of Act 353 of 2025. It appears as though Act 353 amended only Arkansas Code § 6-85-402 and § 6-85-405, both of which were repealed by the Arkansas ACCESS Act, Section 88. Can the division confirm whether this proposed rule implements Act 353 in any way and, if so, what provisions of the rule were a result of that Act?

**RESPONSE:** Yes, this rule incorporates the expansion of eligibility to now include 9th grade students. Previously, this scholarship was only eligible to grades 10-12. Because the Concurrent Challenge Scholarship was repealed and replaced with A2A, the division is including 9th grade students as eligible for the scholarship to ensure the policy of both Acts are given effect. It also includes home school students as eligible for the scholarship as noted in question 3 above.

5) Is a “dual enrollment course”, as contemplated in these proposed rules, supported by the ACCESS to Acceleration Scholarship Program?

**RESPONSE:** Yes, if there is an agreement between the eligible institution of higher education and the student. This ensures that eligibility includes students within the scope of Act 353 Section 1 of 2025.

6) 6 CAR § 408-106(c)(2) – When and where does the division expect to specify the date by which electronic verification rosters must be returned to the division for summer semesters?

**RESPONSE:** This date can vary depending on the institution, therefore, that information will be posted on the division’s website each year.

The proposed effective date is July 1, 2026.

**FINANCIAL IMPACT:** The agency has indicated that the amended rule has no financial impact.

**LEGAL AUTHORIZATION:** Pursuant to Arkansas Code § 6-85-706, the Division of Higher Education may promulgate rules to implement Arkansas Code § 6-85-701 et seq, which concerns the ACCESS to Acceleration Scholarship Program.

The proposed rules implement the following legislative Acts:

Acts 2025, No. 353, sponsored by Representative Robin Lundstrum, which concerned the Arkansas Concurrent Challenge Scholarship Program and amended the definition of a student under the Arkansas Concurrent Challenge Scholarship Program; and

Acts 2025, Nos. 340 and 341, sponsored by Senator Jonathan Dismang and by Representative Matthew J. Shepherd, respectively, which created the Arkansas Access Act and amended various provisions of the Arkansas Code as they relate to education in the state of Arkansas.

**h. Rules Governing the Graduate Medical Education Residency Expansion Board, 6 CAR pt. 373**

**DESCRIPTION:** The Department of Education, Division of Higher Education, seeks to amend its Rules Governing the Graduate Medical Education Residency Expansion Board.

Act 196 of 2025 amends rules governing the Graduate Medical Education Residency Expansion Board, codified at Ark. Code Ann. § 6-82-2001. The rule amendments make practical changes for the administration of the program. It clarifies that grants are meant for implementation rather than planning of either a new graduate medical education program or expansion of an existing program. The amendment clarifies what an entity applying for an implementation grant shall include within its plan for implementation. Moreover, the rules now require that the award of the grant be in the fourth calendar quarter on an annual basis as funding is available and shall be in effect for the number of years of the program plus two for implementation and accreditation before enrolling a resident or fellow. Priority of grants is outlined with up to 50% going to fields with shortages in the state or new programs with the earliest start date or expanding the cap on Arkansas hospitals. The Board will determine the annual grant amount to be awarded during the implementation period.

**POST PUBLIC COMMENT**

This rule did not receive any public comments at the hearing held on April 23, 2026, nor did it receive public comments via written correspondence. No substantive or non-substantive changes were made to the rule pursuant to public comment.

**PUBLIC COMMENT:** A public hearing was held on April 23, 2026.

The public comment period expired on May 5, 2026. The agency has indicated that it did not receive any public comments.

The proposed effective date is July 1, 2026.

**FINANCIAL IMPACT:** The agency has indicated that the amended rule has no financial impact.

**LEGAL AUTHORIZATION:** Pursuant to Arkansas Code § 6-82-2001(b)(1), the Graduate Medical Education Residency Expansion Board shall promulgate rules necessary to execute Arkansas Code § 6-82-1001 et seq, including without limitation rules that address the requirements and are in conformance with the requirements of the Arkansas Administrative Procedure Act, Arkansas Code § 25-15-201 et seq.

The amended rules implement Acts 2025, No. 196, sponsored by Representative Lee Johnson, which amended the law concerning the Graduate Medical Education Residency Expansion Board.

**4. Department of Energy and Environment, Arkansas Pollution Control and Ecology Commission (Amanda Land, Bailey Taylor)**

**a. Solid Waste Management Rules, Closure and Post-Closure Care, 8 CAR § 60-1301 et seq.**

**DESCRIPTION:**

**PURPOSE AND AUTHORITY**

The Department of Energy and Environment, Division of Environmental Quality (“DEQ”), proposes this rulemaking to amend 8 CAR § 60-1304 “Landfill post-closure cleanup restrictions.” This rulemaking is necessary to conform to the requirements set forth in Act 791 of 2025, Section 39. The Arkansas Pollution Control and Ecology Commission (“PC&EC”) has general rulemaking authority through Ark. Code Ann. § 8-1-203(b)(1)(A), and specific authority to promulgate amendments to this rule through Ark. Code Ann. § 8-6-207(b).

**BACKGROUND**

PC&EC’s “Solid Waste Management Rules,” 8 CAR pt. 60, regulate the collection and disposal of solid waste in the State of Arkansas. Subpart 13 pertains to landfill closure and post-closure care. The rule provides requirements for the appropriate closure of landfills and for the care of these facilities after they have been appropriately closed. The “Landfill post-closure clean-up restrictions,” 8 CAR § 60-1304, provide requirements for the use of the Landfill Post-Closure Trust Fund for corrective actions deemed necessary by the Director of DEQ to abate contamination of the environment from a landfill that was certified as closed by DEQ.

**THE PROPOSED RULE AMENDMENTS**

The proposed rulemaking to amend 8 CAR pt. 60, “Solid Waste

Management Rules,” amends the rule to conform to special language contained in Act 791 of 2025, Section 39. This section of the act provides that any expenditure of “**in excess of \$2,000,000** per site from the Landfill Post-Closure Trust Fund” for a corrective action to remedy environmental impacts “shall be subject to the review and approval by [PC&EC].” Subsection (b) of 8 CAR § 60-1304, “Landfill post-closure clean-up restrictions,” provides that any expenditures **in excess of \$50,000** “from the fund for corrective action for remedy to environmental impacts of closed disposal sites. . . will be prioritized and authorized by [PC&EC], by adoption of a minute order, after addressing corrective actions needed to address environmental impacts from permitted landfills closed properly.” The proposed rule amendment increases the amount of the expenditure threshold from \$50,000 to \$2,000,000 to make the section consistent with the special language in Act 791 of 2025.

#### NECESSITY OF RULE AMENDMENTS

The amendments to APC&EC Part 8 CAR 60-101, et seq., “Solid Waste Management Rules,” are necessary to make the rule consistent with Act 791 of 2025. The PC&EC approved the Landfill Post-Closure Trust Fund Prioritization List in 2010, therefore, there is no need for redundant approvals for routine expenditures at prioritized sites. In the future, should DEQ contract for the physical closure of a landfill, or allocate resources for an emergency issue, the PC&EC would then have a chance to provide input as these types of expenditures exceed the \$2,000,000 threshold established by the special language in Act 791 of 2025.

**PUBLIC COMMENT:** A public hearing was held on this rule on February 25, 2026. The commission received the following public comment:

Kenneth Lovett

**COMMENT:** I am Kenneth Lovett, from Washington County. On December 29, 2021, I was exposed to hazardous vapors while driving on a public roadway. Now five years later, ADEQ is proposing an amendment to quadruple the approval setting for money spent on post-closure clean up from 50,000 to 200,000 before there is any oversight. ADEQ will not add proper regulations to protect citizens from specific toxins, but they will quadruple excessive spending on post-closure clean up before needing approval. Eco-Vista landfill has been allowed to break the cap on the closed Class 1 landfill that has no liner to incorporate it to the rest of the surrounding piles. When doing so in breaking the cap the air in the community is horrendous. There are no neighbor or community notifications and citizens first clue of a problem is the vapor in their face. If proper notification were given, they could prepare scheduled activities around the timeframe or be away or at least purchase oxygen to breathe during the plume from Eco-Vista breaking the cap. Eco-Vista is an uncontrolled operation and must have oversight. I ask that the spending

approval never be allowed to exceed one-hundred thousand dollars without approval from the PC&EC Commission. Allowing two million dollars to be spent on post-closure without oversight is negligence in my opinion and should not be allowed. There have been four air quality tests performed in the area now and ADEQ still cannot pinpoint the emission points, but I can. It is the Waste Management in my opinion. Eco-Vista landfill incinerator, flares, and fugitive vapors from the inappropriate operated landfill. Benzene and acrolein and other chemicals and vapors that have been identified in the testing on the area are not chemicals to be ignored. And should not be included in the total VOC accounting for this process. What I am asking is that you do not exceed one hundred thousand dollars before approval or any kind of oversight, and that these chemicals be added to these regulations so they're not a part of the total VOC's from the entire system. Thank you, Sir. **RESPONSE:** DEQ acknowledges the comment and responds as follows: The commenter's request to limit the expenditure threshold from \$50,000 to \$100,000 is inconsistent with Act 791 of 2025, Section 39. The commenter's concerns regarding Post-Closure Trust Fund oversight are not related to this rule amendment as this Post-Closure Trust Fund is governed by 8 CAR pt. 61. The Commission approved the Landfill Post-Closure Trust Fund Prioritization list in 2010, therefore, there is no need for redundant approvals for routine expenditures at prioritized sites. In the future, should DEQ contract post-closure corrective action as a new site, the Commission would then have a chance to provide input as these types of expenditures exceed the \$2,000,000 threshold established by the special language in Act 791 of 2025. The complaints regarding the Eco-Vista landfill are not related to expenditures from the Landfill Post-Closure Trust Fund or the proposed rule amendment. The commenter's request to add air Contaminants within the Solid Waste Management Rules is inappropriate, duplicative, and contrary to the rules administered by Arkansas's delegated air program. The basis for this rule amendment is to make the rule consistent with special language in Act 791 of 2025, Section 39.

The proposed effective date for this rule is pending legislative review and approval.

**FINANCIAL IMPACT:** The commission indicated this rule has no financial impact.

**LEGAL AUTHORIZATION:** Arkansas Code § 8-6-602(d) provides that the Division of Environmental Quality and the Arkansas Pollution Control and Ecology Commission "shall promulgate and implement policies, rules, and procedures for administering the terms of" the Solid Waste Management and Recycling Fund Act, Arkansas Code § 8-6-601 et seq. Arkansas Code § 8-6-610 provides that the commission "may adopt reasonable rules necessary to implement" the Solid Waste Management and Recycling Fund Act, including rules for "[c]ollecting fees" and "[s]etting priorities for the administration of" the Solid Waste

Management and Recycling Fund Act.

Arkansas Code § 8-6-207 provides that the Arkansas Pollution and Ecology Commission has the power and duty to “establish policies and standards for effective solid waste disposal and management systems.” The statute also provides that the commission has the power and duty to promulgate rules “necessary to secure public participation in environmental decision-making processes”, “governing administrative procedures for challenging or contesting division actions”, “for the source reduction, minimization, recycling, collection, transportation, processing, storage, and disposal of solid wastes, including, but not limited to, the disposal site location and the construction, operation, and maintenance of the disposal site or disposal process”, and to implement “the substantive statutes charged to the [Division of Environmental Quality] for administration”.

**5. Department of Energy and Environment, Liquefied Petroleum Gas Board (Amanda Land, Kevin Pfalser, Lauren Ballard)**

**a. State Liquefied Petroleum Gas Board Code, 15 CAR pt. 270**

**DESCRIPTION:**

**PURPOSE AND AUTHORITY**

The Department of Energy and Environment, Liquefied Petroleum Gas Board (“LP Gas Board” or “Board”) proposes this rulemaking to promulgate a rule amendment to “State Liquefied Petroleum Gas Board Code.” The Board is vested with authority for this rulemaking in Ark. Code Ann. § 15-75-207(a) and (b), and Act 441 of 2025. This rulemaking is necessary to fill a regulatory void that will occur when this Act takes effect in April.

**BACKGROUND**

The Liquefied Petroleum Gas Board has long-established safety requirements regulating the liquefied petroleum gas industry. These regulatory standards were codified in Title 15, Chapter 75 of the Arkansas Code and the rules of the LP Gas Board. In the 2025 legislative session, the Arkansas General Assembly passed Act 441 of 2025 which enabled the Board to update and modernize its rules. The act repealed Arkansas Code §§ 15-75-107, “Odorization of gas”, 15-75-108, “Dealers’ safety meetings for employees”, 15-75-208, “Standards for containers, systems, etc.”, 15-75-401, “Vapor pressure”, 15-75-402, “Strength of butane containers”, 15-75-403, “Strength of propane containers”, 15-75-407, and “Retail sellers to furnish account statements to certain customers”. The act further included Arkansas Code § 15-75-113, which authorizes the board to require and provide training for employees of permit holders. The act also amended Arkansas Code § 15-75 207, “Rules”, to allow the board to promulgate rules to carry out the functions and duties conferred by law, and to adopt through rulemaking standards developed and established by

the National Fire Protection Association.

For the liquefied petroleum gas industry, national standards for the transfer and storage of gas have long been developed and established by the National Fire Protection Association (NFPA). NFPA pamphlet number 54 is a safety code applying to the installation of piping systems, appliances, equipment, and related accessories. NFPA pamphlet 58 provides standards for containers and equipment, for delivery and manufacture of liquefied petroleum fuels, design, construction, installation and operation of terminals for delivery of gas to transporters distributors, and users of gas, and design and construction, installation, operation of pipeline terminals that receive gas from interstate pipelines. NFPA 54 and NFPA 58 are the national standards in this industry and have currently been adopted by most state regulatory agencies except Arkansas.

#### THE PROPOSED RULE AMENDMENTS

The proposed rule amendments adopt NFPA 54 and 58 to regulate the liquefied petroleum gas industry in Arkansas. Because these national standards are being adopted, the LP Gas Board is repealing 15 CAR Sec. 270-101, “General Order”, 15 CAR Sec. 270-111, “Containers”, 15 CAR 270-112, “Fittings and assembling”, 15 CAR Sec. 270-113, “Tank trucks construction and assembly”, 15 CAR Sec. 270-114, “Fuel tanks and vaporizers”, 15 CAR Sec. 270-115, “Tank trucks — Operation”, 15 CAR Sec. 270-116, “Servicing and filling containers”, 15 CAR Sec. 270-117, “Farm vehicles and trailers”, 15 CAR Sec. 270-118, “Storage Containers”, 15 CAR Sec. 270-119, “Vaporizers and housing”; 15 CAR Sec. 270-120, “Installation and painting of containers”, 15 CAR Sec. 270-121, “Appliances”, and 15 CAR Sec. 270-122, “Venting”.

The remaining sections of the rule have been amended to clarify the rules given the adoption of NFPA 54 and 58 or promulgated to include Arkansas-specific definitions and standards retained by the LP Gas Board.

#### NECESSITY AND PRACTICAL IMPACT OF RULE AMENDMENTS

The current requirements in the LP Gas Code have been in place since 1965 and are outdated. The purpose of passing Act 441 of 2025 was to provide the LP Gas Board with the authority to modernize its rules and standards. The current national standards followed by many states are NFPA 54 and NFPA 58. The rules proposed by the Board adopt these standards as they are set forth in the 2024 editions. By adopting these standards, the Board will accommodate the interest of the liquefied petroleum gas industry to develop a national regulatory scheme that is consistent, predictable, and encourages economic growth.

The proposed rules also include several current rules that assist the Board in maintaining oversight in the industry and establish Arkansas specific requirements for safety education and industry permits.

Overall, the new rules are necessary to satisfy legislative mandates of Act

441 of 2025, establish national standards for the liquefied petroleum gas industry, and maintain regulatory authority of the LP Gas Board to regulate the industry in the State of Arkansas.

When Act 441 takes effect on April 1, 2026, it will repeal much of the statutory regulatory scheme that governs the liquefied petroleum industry in Arkansas. The Act shifts that regulatory framework to the LP Gas Board, but if this rulemaking is not finalized before April 1, 2026, there will be a significant regulatory void.

**PUBLIC COMMENT:** A public hearing was held on this rule on February 3, 2026. The public comment period expired February 23, 2026. The board indicated it received no public comments.

Isaac Linam, an attorney with the Bureau of Legislative Research, asked the following question:

**QUESTION:** What is the statutory authority for imposing the \$50 fine under new 15 CAR § 270-112(c)(3)? **RESPONSE:** Title 15, Chapter 75 of the Arkansas Code grants the rulemaking authority for the Liquefied Petroleum Gas Board, specifically, Arkansas Code Annotated § 15-75-207(a). Any person who violates a provision of Chapter 75, or any rule pertaining thereto, shall pay to the Liquefied Petroleum Gas Board a civil penalty of not more than five thousand dollars (\$5,000). Ark. Code Ann. § 15-75-323. The proposed 15 CAR § 270-112(c)(3) imposes a \$50 fine on any permit holders who fail to retrieve containers and equipment within 30 days. This rule was promulgated pursuant to § 15-75-207(a), and thus, there is statutory authority to impose the fine under Chapter 75.

The proposed effective date for this rule is pending legislative review and approval.

**FINANCIAL IMPACT:** The board indicated that the proposed rule does have a financial impact. The board states that the total estimated cost by fiscal year to any private individual, private entity, or private business subject to the proposed rule is three hundred fourteen dollars (\$314) for the current fiscal year and zero dollars (\$0) for the next fiscal year. The board provided the following explanation:

“All permitted companies holding a Class 1,2,3,4,5, or 10 will be affected. These companies will be required to obtain copies of NFPA58 and in the case of providing installation, NFPA54. We are adopting a specific edition, (2024), so once these are acquired, they will not have to purchase any additional pamphlets. The current cost of these pamphlets from NFPA are \$157.00 each. Each certified employee will be required to have initial training and reoccurring training every three years. We currently require initial training and annual training. There would be no additional cost for training as the current cost for annual training is \$50.00 and the cost for the three-year reoccurring training would be \$150.00.”

**LEGAL AUTHORIZATION:** Arkansas Code § 15-75-207(a) provides

that the “Liquefied Petroleum Gas Board may promulgate rules to carry out the functions, powers, and duties conferred on the board by law.” Arkansas Code § 15-75-207(b) provides that the “board may adopt through rulemaking the National Fire Protection Association standards, in whole or in part.” Arkansas Code § 15-75-113(d) provides that the board “may promulgate rules to establish training requirements for employees of all permit holders”.

The amendments to this rule implement Acts 2025, No. 441, which was sponsored by Senator Missy Irvin. Act 441 amended the law concerning the regulation of liquefied petroleum gases.

**6. Department of Finance and Administration (Alicia Austin Smith, Kevin Linder)**

**a. Motor Vehicle Odometer Disclosure Requirements, 4 CAR pt. 10**

**DESCRIPTION:** Section 1 of Act 926 of 2025 requires the Department to promulgate this amended rule to provide for electronic odometer disclosures and signatures.

**PUBLIC COMMENT:** A public hearing was held on April 7, 2026, and the public comment period expired on April 29, 2026. No public comments were received.

The proposed effective date is pending legislative review and approval.

**FINANCIAL IMPACT:** The agency indicated that there is no financial impact.

**LEGAL AUTHORIZATION:** The Secretary of the Department of Finance and Administration shall adopt, pursuant to the Arkansas Administrative Procedure Act, § 25-15-201 et seq., rules not inconsistent with Arkansas Code § 4-90-201 et seq., or Title 49, Chapter 327 of the United States Code, or any rules promulgated thereunder prescribing the manner in which the written or electronic disclosure shall be made. *See* Arkansas Code § 4-90-206(a)(4).

This rule implements Acts 2025, No. 926, sponsored by Representative Mike Holcomb, which allowed the electronic administration of documents related to the transfer and ownership of motor vehicles, authorized the Department of Finance and Administration to establish an electronic lien system, an electronic titling system, and an electronic registration system, allowed for an electronic application for registration and certificate of title, authorized the creation of a secure digital vehicle title system, authorized electronic signatures for motor vehicle registration and certificates of title, and allowed for electronic disclosure of odometer readings.

7. **Department of Health (S. Craig Smith, items a-c; Shane David, item a; Terry Paul, item b; Rebecca Davis, item c)**

a. **Rules for Control of Sources of Ionizing Radiation, 20 CAR pt. 3**

**DESCRIPTION:** The proposed amendments are to comply with Acts 2025, No. 854 regarding diagnostic mammography and to comply with standards set by the U.S. Nuclear Regulatory Commission and required by federal law.

**PUBLIC COMMENT:** No public hearing was held on this rule. The public comment period expired on February 11, 2026. The agency provided a public comment summary which, due to its length, can be found on the “docs” tab for this meeting.

The proposed effective date is pending legislative review and approval.

**FINANCIAL IMPACT:** The agency indicated that this rule has no financial impact.

**LEGAL AUTHORIZATION:** The State Board of Health is the designated State Radiation Control Agency for Arkansas and has the authority to promulgate rules “which may provide for licensing or registration relating to control, storage, or disposal of sources of ionizing radiation with due regard for compatibility with the regulatory programs of the United States Government.” Ark. Code Ann. § 20-21-207(a)(3); *see also* Ark. Code Ann. § 20-21-206(a). The Board also has authority to promulgate rules establishing fees associated with licensing and registration of sources of ionizing radiation. Ark. Code Ann. § 20-21-217(c).

This rule implements Act 854 of 2025. The Act, sponsored by Representative Matthew Shepherd, increased accessibility while ensuring quality for certain facilities performing mammography services and amended the law concerning the quality standards for accreditation of facilities for mammography. Special language in Section 2(a) of the Act required the Department of Health to “modify all rules relating to performing diagnostic mammography services and the accreditation of facilities in which diagnostic mammography may be conducted to allow interpreting physicians to be immediately available via telecommunication.”

b. **Rules Pertaining to Mobile Home and Recreational Vehicle Parks, 20 CAR pt. 138**

**DESCRIPTION:**

Pursuant to Arkansas Code § 20-7-109, the Department of Health has authority to promulgate the Rules Pertaining to Mobile Home and Recreational Vehicle Parks. These rules set standards for the design and construction of mobile home and recreational vehicle parks for waste disposal, water, and related facilities.

The proposed amendments to the Rules Pertaining to Mobile Home and Recreational Vehicle Parks are to update language regarding industry norms and changes as contemporary living facilities. Additionally, provisions were removed to eliminate outdated descriptions and limitations of recreational vehicles, and layout planning of mobile home and recreational vehicle parks.

**PUBLIC COMMENT:** No public hearing was held on this rule. The public comment period expired on February 20, 2026. The agency provided the following public comment summary:

**Commenter's Name:** Sam Dunn

**COMMENT:** Add Park Model RV to list of definitions

Add definition for manufactured home

Add word Coach to Motor-home

Tiny homes on wheels with no VIN number can not be considered an RV, manufactured home, or mobile trailer/homes.

RV should not be considered under the semi public rules.

**RESPONSE:** The Department of Health appreciates the recommendations and will continue to review for future changes. The current definitions are drafted to coordinate with definitions in Arkansas law or to clarify structures and vehicles governed by these Rules.

Lacey Johnson, an attorney with the Bureau of Legislative Research, asked the following questions and received the following response:

**Q.** 138-101(20): This definition indicates that a water riser pipe extends vertically to ground level. However, 20 CAR § 138-104(b)(2)(A) requires water riser pipes to extend at least four inches above ground level. Given this, should the definition of “water riser pipe” include language indicating it may extend above ground elevation, like the definition of “sewer riser pipe”? **RESPONSE:** [The agency changed the language in § 138-101(20) to match the language in § 138-104(b)(2)(A).]

The proposed effective date is pending legislative review and approval.

**FINANCIAL IMPACT:** The agency indicated that this rule has no financial impact.

**LEGAL AUTHORIZATION:** The State Board of Health has power to “make all necessary and reasonable rules of a general nature for the protection of the public health and safety [and] the general amelioration of the sanitary and hygienic conditions within the state[.]” Ark. Code Ann. § 20-7-109(a)(1).

**c. Rules Pertaining to Lead-Based Paint Activities, 20 CAR pt. 130**

**DESCRIPTION:** The U.S. Environmental Protection Agency (EPA) finalized updates to a rule regarding lead-based paint activities. The rule

became effective on January 13, 2025. States with EPA-authorized programs for lead-based paint (LBP) activities, such as inspections, risk assessments, and abatements, must demonstrate that their programs are at least as protective as EPA’s no later than two years after the rule takes effect, which is by January 11, 2027.

**PUBLIC COMMENT:** No public hearing was held on this rule. The public comment period expired on May 12, 2026. The agency indicated that it received no comments.

The proposed effective date is August 1, 2026.

**FINANCIAL IMPACT:** The agency indicated that this rule has no financial impact.

**LEGAL AUTHORIZATION:** The State Board of Health has the authority “to make all necessary and reasonable rules of a general nature for . . . [t]he proper control of chemical exposures that may result in adverse health effects to the public.” Ark. Code Ann. § 20-7-109(a)(E). The Arkansas Department of Health has the authority to “[e]nforce rules necessary or appropriate to the implementation of [the Arkansas Lead-Based Paint Hazard Act of 2011.]” Ark. Code Ann. § 20-27-2505(3).

**8. Department of Health, Arkansas Board of Examiners in Counseling (Lenora Erickson, Matt Gilmore)**

**a. Arkansas Board of Examiners in Counseling Rules, 17 CAR pt. 75**

**DESCRIPTION:** The Department of Health, Arkansas Board of Examiners in Counseling proposes amendments to its Arkansas Board of Examiners in Counseling Rules, 17 CAR pt. 75.

1. Per Act 231 of 2025, the proposed rule amendment will allow the provisional licensure for associate level counselors and marriage and family therapists.
2. Per Act 858 of 2025, the proposed rule amendment will allow licensure endorsement for licensed marriage and family therapists.
3. Per Act 260 of 2023, the proposed rule amendment is in response to Arkansas being voted into the national Counseling Compact in 2023.
4. Minor amendments have been made to rule sections for clarification purposes.

**PUBLIC COMMENT:** A public hearing was not held on this matter. The public comment period expired March 16, 2026. The agency provided the following public comment summary:

**Commenter Name:** West Loveland

**COMMENT:** 17 CAR 75-403 a(4): For the oral interview adding or changing that this can be waived if a qualified supervisor in another state say 3 years good standing, or at least offer a zoom interview.

**RESPONSE:** Thank you for taking the time to read the rule revision and submit comments. All licensees must take the Arkansas jurisprudence examination. The board previously discontinued oral interviews for every applicant and now only conduct orals for supervisor status applicants. They have not conducted any of these interviews via zoom. The board will add your comments to the suggestions for its next rule revision.

Commenter Name: Elizabeth Dowell

**COMMENT:** If I'm reading this right, it looks like for an LPC we will need 2000 hours instead of 3000. When would this go into effect? My review is at the end of March and I have over 2000 hours. Does it have to be 1000 indirect? I have about 2600 hours right now but 80% is direct hours. **RESPONSE:** Can you please cite the exact section of the revision you are referencing or provide a page number.

As of April 13, 2026, the board did not receive a reply.

Commenter Name: Nate Otten

**COMMENT:** I noticed there seems to be an addition of the counseling compact being mentioned in the rule changes. Does that mean it will be officially active soon? Hoping so! Thanks! **RESPONSE:** Yes. Once public comment ends and the rules are approved through the Legislature, the Counseling Compact will be operational. We are hopeful we will be live by June, maybe sooner.

Commenter Name: Kimberly Keith

**COMMENT:** Could you provide a summary of the major changes in the rule revision, please? The document linked on the website is indecipherable in terms of typos vs. important rule changes we should be aware of. **RESPONSE:** The first seven pages of the rule revision document is a summary list of all the revisions.

Commenter Name: Nicole Eckard

**COMMENT:** I see on page 16 it states "One hour of supervision for every (20) CCH for the remaining 2,500". Is CCH referring to direct client contact hours, if so, I was told that I also need to include supervision hours for indirect hours for supervisees. For example if my Supervisee in Level 2 has 27 supervision hours and 580 direct client hours, we are in ratio (off by 2), however if they have an additional 330 indirect hours, I am being told they need an additional 16.5 supervision hours or they are out of ratio. So a total of 47 supervision hours for that report. Is this correct?

**RESPONSE:** Client contact hours in level II refer to direct or indirect hours accrued. You must have one supervision hour for every 20 client contact hours accrued. In your example, a person with 27 supervision hours in level II could only report 540 client contact hours. If a person has 330 indirect client contact hours in level II they must have 16.5 supervision hours. This would be a total of 43.5 supervision hours.

Commenter Name: Savannah Cormier

**COMMENT:** Good afternoon, I'm writing regarding the public comment period for the ADH/Ark Board of Examiners public comment.

I wanted to write to formally disagree and express concern over the proposed change on page 19: Clarification for supervision status applicants.

I am concerned that this change does not serve the stated purpose of the board to look at qualifications of applicants. Length of licensure within one state alone does not speak to the quality, competence, ethical grounding, or training of a supervisor. Nor does it meaningfully assess supervisory readiness. In fact, currently there are some supervisors in Arkansas that have upheld long outdated board rules that applied when they were first licensed, rather than engaging in the work required to learn about updates when you move to a new state. This has led to a negative reputation of supervisors in Arkansas that is a challenge to correct.

Of additional concern to me, is that the Board previously denied my supervision application based on "their interpretation of the rule" which was not reflected in the language written at the time. I was denied without explanation or feedback from the board, or opportunity for clarification or appeal, despite holding advanced training in supervision, a doctoral degree, licensure for more than 3 years, licensed in Arkansas, and actively teaching a university based supervision class of which other LPCs were able to get LAC supervision status. All of these speak to my qualifications, my past licensure location does not.

The proposed rule change appears to not clarify the supervision status application as stated in the Rule Revision Summary Document, but rather retroactively align the written rule with an "interpretation" that was already being enforced in varying degrees, without evidence that this change better serves clients or supervisees. I would argue, in fact, that this "interpretation" and proposed rule change already negatively impacts clients, supervisees, and potential quality supervisors.

There are professional supervisory standards already in place that uphold client welfare, and it is not based on geographical location, as the board is proposing to do. Instead the Center for Credentialing & Education lists required specialized training, experiences (100 hours of supervision), and clinical experience (5 years of post-masters experience). I find it concerning that myself and several others meet criteria for supervision status through the Center for Credentialing & Education, a nationally recognized credentialing body with substantially more rigorous requirements, yet I am ineligible for approval in Arkansas solely due to the timing of my Arkansas licensure switch, not my years of experience.

As you can see from my impassioned response, I was incredibly disappointed to see that the board chose to move in this direction for the

proposed change instead of qualifications. I hope the board removes this proposed change to the rules, and if they are going to propose a change to supervision status, it is to enhance it for client and supervisee welfare.

Thank you for your attention to this email. **RESPONSE:** Thank you for taking the time to review and submit comments concerning the board rule revision. The board has always interpreted this rule section to mean that a person must be licensed in Arkansas for 3 years before applying for supervisor status. The board made this change to the rules hoping to clarify the meaning of this rule section. We will add your additional comments for consideration at our next rule revision.

This was discussed at the April board meeting. The board elected to leave the rule revision as drafted.

Commenter Name: Margaret Hindman

**COMMENT:** Thank you for all of your efforts to update the rules and gather feedback! I appreciate your service and commitment. It is exciting to see the updates regarding the Counseling Compact and updates to include more online modalities for hours.

I would like to provide a request for consideration regarding the edits on pages 26 and 27 about the oral interviews. I propose that the edit be extended to include **synchronous** oral interviews. At this time it does not appear that the rules specify the modality of the *oral interviews*; however, when I inquired via email I was informed they must be in-person:

*“The supervision oral interview must be done in person. They do not conduct them online.*

*I do not have any suggestion on what would be best for submitting the application as I do not have a schedule of when we are conducting oral interviews at this time. We have several complaint hearings that we are trying to schedule through the month of April. We may be able to schedule orals in May unless some of the hearings are cancelled.”*

It looks like other proposed edits allow more telemedicine and telesupervision, so I think allowing synchronous online options for the oral examinations aligns well with the other revisions. I appreciate the board wanting to uphold the utmost care in awarding supervision status and think that this would only enhance the supervision pool and standards by better aligning with our professional ethics. We know that online counseling and education programs can be very effective and we value social justice as a core to our profession, so the update would be fitting.

For some personal context, I would like to become a LPC-S and have a PhD and am a LPC. I took a supervision doctoral course years ago and teach as a counselor education professor. I would like to help support beginning counselors but getting to Little Rock for the oral interview is a barrier. I breastfed my first son for 2.25 years and am in my third trimester with my second who is due this May. I needed to be near my son for

nursing and to pick him up from daycare before it closed for the day. I'm currently too pregnant to travel and know I will be breastfeeding again. So I will be delayed several more years from pursuing a LPC-S. Most counselors are women and our current policy creates barriers and does not uphold our ethics to the highest degree nor our value of justice. The 2014 *American Counseling Association Code of Ethics* states that a fundamental ethical principle in our profession is justice and defines it as "treating individuals equitably and fostering fairness and equality" (p. 3). It saddens me to be in the position where I need to choose between parenting in a way I think is best for my family and going to the oral interview in Little Rock. If we believe supervision, counseling, and education can occur effectively online, why are oral interviews not able to be online or for there to be an accommodation process? Essentially, we are communicating to the public that we think client care can be assessed through online supervision but that supervisors cannot be assessed online.

Thank you for taking time to consider my request and for the heavy responsibility you bear to help our profession and communities.

**RESPONSE:** Thank you for taking the time to review the proposed rule revision and submit a response. We will take your response to the board for consideration. It will also go into the file for our next rule revision draft, for consideration.

This was discussed at the April board meeting. The board elected to leave the rule revision as drafted.

Commenter Name: Liz Cutbirth

**COMMENT:** I am writing to share my feedback on the proposed updates to the AR Board of Examiners in Counseling's rules and regulations. I am in favor of ALL of the proposed changes. I greatly appreciate your time and attention in continuing to pursue excellence in our field and provide the best quality of care for our clients. Thank you, **RESPONSE:** Thanks for the positive comments, Liz. The board worked diligently on this revision, and I will pass on your email to them.

Commenter Name: Leah Williams

**COMMENT:** I reviewed the proposed changes. Is there a provision that addresses "Suspension, revocation, etc." for a licensed counselor who has had a finding by the Board that also limits their ability to do volunteer work in a lay or mentor capacity? For example, being placed on the registry, had a complaint made to the board of a sexual nature (with a client/or in general), found guilty of violating ethical/professional standard, etc. can they do work through a church or volunteer agency?

17 CAR 75-906 Provisional licensure under Act 2025, No. 231. This reads a lot like what the PLMSW's did in that they could work in the counseling clinic but the billing guidelines changed and then they could no longer provide services. What would be the advantage to adding this? Wouldn't

this create more work for an already overwhelmed office in tracking requirements?

17 CAR 75-1101 uses “patient” rather than staying with “client” to speak to client communications and medical record. See (b) (1) patient; See (b) (1) (C) patient is used twice. I noticed there were several places where patient is used interchangeably with client. Thank you.

I forgot to add I agree the tech-assisted should be added but be “tech-assisted or face-to-face.”

In telehealth the first session has to be according to the law. Is this up for change with all the telehealth work? **RESPONSE:** Thank you for reviewing the board’s proposed rule revision document and submitting comments/questions. I will address your questions in order.

1. Volunteer work after suspension/revocation – the board can only sanction people who are licensed by the board. Once a person no longer has a license with our office, our board has no jurisdiction over them, unless a complaint is filed alleging the person is providing counseling without a license. We have no control over people without a license working with churches or volunteer agencies.
2. 17 CAR 75-906 Provisional licensure is a law that was created in the last legislative session. It is being added to our rules so that we are complying with the law.
3. 17 CAR 75-1101 Using term “patient” rather than “client” – The Arkansas Rules of Evidence section 503 uses the term “patient”, that is why it is used in our rules for this section.

The Telemedicine Act was passed in 2024, Arkansas Code Annotated § 17-80-402. This outlines what must occur for a professional relationship to exist. This law is copied specifically as it was written, and our board cannot change this law or any wording of it in our rules.

Commenter Name: Jasmine Bishop

**COMMENT:** No notes above the clarification of the CEU requirements relating to NBCC credit. What/when is the process to request changes to the rules that are not currently up for comment? Thanks **RESPONSE:** Thank you for taking the time to review the proposed rule revision document. I will address each of your questions below.

No notes above the clarification of the CEU requirements relating to NBCC credit.

The Board has received questions over the years from licensees regarding whether continuing education from providers other than NBCC would be accepted. Because NBCC was the only national organization specifically referenced in the rule, the Board determined it was unnecessary to list a single national organization if other qualified professional organizations that provide continuing education were not also listed. The proposed

revision removes the specific reference to NBCC to avoid implying exclusivity. Continuing education provided through NBCC will continue to be accepted, along with continuing education offered by other qualified state and national organizations.

What/when is the process to request changes to the rules that are not currently up for comment?

If you would like to submit comments for future rule revision consideration, please email these directly to my email address, subject line-Proposed Future Rule Revision.

Commenter Name: Jannie Cole

**COMMENT:** Good morning,

I would like to share a few comments/ questions related to the Proposed Rule Revision.

1. Page 17, Supervision subpart (f). Here it states that the 175 hours of supervision may be conducted face to face and/or through telemedicine. And then later it removes subpart (j)(1) which was the rule that tech assisted supervision could not exceed 50% of the hours in phase 1.
  - I think more clarity is needed related to the meaning of “telemedicine” supervision. The definition later provided on p48 does not include supervision, and if applied as is, would that also mean that a person could use telephone/voice only methods or asynchronous methods such as email/text messaging for supervision?
2. Page 46, the Provisional Licensure Act. My understanding of this is that a provisional license may be granted for an applicant who meets all of the requirements except the passing examination score.
  - It is not clear if the provisional license is automatically granted or if the applicant must somehow indicate that they are requesting a provisional license first. Are there additional application guidelines for this?
  - What credentials should a provisionally licensed counselor use (P-LAC, P-LAMFT)?
  - And lastly, is there a separate fee for the provisional license?

That’s all for me; thanks to each of you for all that you do and for reviewing these comments as well. Kind regards, **RESPONSE:** Thank you for taking the time to read and provide comments/suggestions to the board’s proposed rule revision. I have addressed each of your questions below:

Page 17 – A supervisee can now do all supervision entirely through technology assisted methods such as text, email, or text

messaging. The supervisor can also determine if any direct in-person supervision is needed or required and direct this in supervision. The board elected to consistently use the term Telemedicine as used in the Telemedicine Act hoping to prevent any confusion.

Page 48 – The Telemedicine Act was passed in 2024, Arkansas Code Annotated 17-80-402. This outlines what must occur for a professional relationship to exist. This law is copied specifically as it was written, and our board cannot change this law or any wording of it in our rules.

Page 46 – Our platform developers are presently working on revisions to our platform to address the different pathways to licensure and new application needs. An applicant will have to indicate which method of licensure is being sought. If provisional, the license will be given prior to passing the national examination. Provisional licensees will use credentials LAC and/or LAMFT. The fees for all licenses are listed on page 53. None of them have changed.

Commenter Name: Thomas Ritchie

**COMMENT:** Subpart 4

4(e)(2)(B) – Therapeutic provides no reference to work with the clients family but only actual clients. This promotes ambiguity whether family therapy could be considered a therapeutic interaction should the client not be present for the session.

Continuing Education

(e)(1)(B)

Significant financial investment has been made by my organization to maintain NBCC certification to be able to provide continuing education to the field. NBCC audits our program to ensure things are done up to standards.

Limiting CEUs to state or nationally recognized training programs is ambiguous and may put more stress on professionals to be able to attain CE's in a time that works with their schedule.

If the intent was to remove NBCC requirement but still allow qualified professionals to present CEUs in a professional setting, that needs to be specified.

I recommend this rule not be passed and the statute stands as previously written.

Is it possible to include the content in the parentheses?

Direct service – Supervised use of counseling, consultation, or related professional skills with actual clients (individuals, couples, families, or groups) for the purpose of fostering social, cognitive, behavioral, and/or affective change. These activities must involve interactions with others

and may include: (1) assessment, (2) counseling, (3) psycho-educational activities, and (4) clinical and/or administrative supervision, and (5) role plays.

**RESPONSE:** Subpart 4

4(e)(2)(B) – This section of the rules pertains to supervision. The board has previously received numerous inquiries requesting clarification regarding the definition of an indirect client contact hour and what activities may be counted toward indirect client contact hours.

In response, the board revised this section to provide additional clarification regarding what constitutes a therapeutic interaction. The revisions are informed by the 2024 CACREP definitions, which are attached for reference.

The definition of marriage and family therapy services is in 17 CAR 75-103(5)(A).

Continuing Education

(e)(1)(B)- The Board has received questions over the years from licensees regarding whether continuing education from providers other than NBCC would be accepted.

Because NBCC was the only national organization specifically referenced in the rule, the Board determined it was unnecessary to list a single national organization if other qualified professional organizations that provide continuing education were not also listed.

The proposed revision removes the specific reference to NBCC to avoid implying exclusivity. Continuing education provided through NBCC will continue to be accepted, along with continuing education offered by other qualified state and national organizations. I will add your comments and suggestions to the next rule revision the board prepares. Thank you for your time and consideration to this document. I will take this to the board for discussion at the April meeting.

This was discussed at the April board meeting. The board elected to leave the rule revision as drafted.

Grant Wise, an attorney with the Bureau of Legislative Research, asked the following question and was provided with the following response:

1. 17 CAR § 75-303(2) and 17 CAR § 75-305(2) state that licensed counselors and licensed marriage and family therapists must complete three thousand (3,000) client contact hours and one hundred seventy-five (175) supervision hours. 17 CAR § 75-401(d)(1) says counselors and marriage and family therapists licensed at the associate level must complete three thousand (3,000) client contact hours with one hundred seventy-five (175) supervision hours. For clarification, are the one hundred seventy-five (175) supervision hours in addition to the three thousand (3,000) client contact hours, or should one hundred seventy-

five (175) of the three thousand (3,000) client contact hours also be supervised? **RESPONSE:** In reference to your question, a licensee must obtain 175 hours of supervision by a board approved supervisor. While the licensee is providing 3,000 hours of client contact the licensee is being supervised for 175 hours by a board approved supervisor.

The proposed effective date is pending legislative review and approval.

**FINANCIAL IMPACT:** The agency indicated that the proposed rule does have a financial impact. The agency further states that the estimated cost by fiscal year to any private individual, private entity, or private business subject to the amended rule is unknown, as joining the Counseling Compact is not required, and the board does not know how many existing and future licensees will elect to join the Compact. Further, the board states the total estimated cost by fiscal year to a state, county or municipal government to implement this rule is unknown, as the board does not know how many current or out of state licensees may elect not to renew their current Arkansas licenses and utilize the Counseling Compact to practice in Arkansas.

**LEGAL AUTHORIZATION:** The Arkansas Board of Examiners in Counseling shall adopt rules and procedures as it deems necessary for the performance of its duties. *See* Arkansas Code § 17-27-203(b). The board may adopt rules that are consistent with the Counseling Compact necessary to implement Arkansas Code Title 17, Chapter 27, Subchapter 5, concerning the Counseling Compact. *See* Arkansas Code § 17-27-502(b).

The proposed rule implements Act 231 of 2025, sponsored by Representative Jeremy Wooldridge, which requires the Arkansas Board of Examiners in Counseling to issue a provisional license for a licensed associate counselor and a licensed associate marriage and family therapist.

The proposed rule also implements Act 858 of 2025, sponsored by Representative DeAnn Vaught, which authorizes a licensure by endorsement for marriage and family therapists.

**9. Department of Health, Arkansas Board of Hearing Instrument Dispensers (Matt Gilmore)**

**a. Arkansas Board of Hearing Instrument Dispensers Rules, 17 CAR pt. 80**

**DESCRIPTION:** The proposed rule is an addition to the description of what a person licensed as a hearing instrument dispenser may do within the scope of license. The reason for this proposed rule is to amend the definition of “practice of dispensing hearing instruments” to include the practice of ordering hearing instruments for the client. Previous law did not clearly state the dispenser had the authority of ordering a hearing instrument.

**PUBLIC COMMENT:** A public hearing was not held on this matter. The public comment period expired March 10, 2026. The agency indicated that it received no public comments.

The proposed effective date is pending legislative review and approval.

**FINANCIAL IMPACT:** The agency indicated that the proposed rule has no financial impact.

**LEGAL AUTHORIZATION:** The powers and duties of the Arkansas Board of Hearing Instrument Dispensers include the power and duty to make rules not inconsistent with the laws of the state of Arkansas that are necessary for the enforcement and orderly administration of Arkansas Code Title 17, Chapter 84, concerning hearing instrument dispensers. *See* Arkansas Code 17-84-203(5).

The proposed rule implements Act 641 of 2025, sponsored by Representative Zack Gramlich, which amended the law concerning hearing instrument dispensers, and amended the definition of “practice of dispensing hearing instruments”.

**10. Department of Health, Arkansas State Board of Athletic Training (Russell Burns, Matt Gilmore)**

**a. Arkansas State Board of Athletic Training Rules, 17 CAR pt. 105**

**DESCRIPTION:**

Purpose: The Arkansas Department of Health is seeking review of proposed amendments to the rules for the Arkansas State Board of Athletic Training.

Background: Pursuant to Arkansas Code § 17-93-406(5), the Arkansas State Board of Athletic Training has the authority to adopt rules and regulations consistent with this subchapter which are necessary for the performance of its duties, including, but not limited to, the imposing of fees adequate to carry out the purposes of this subchapter.

Proposed Revisions to Current Rules: Per Act 266 of 2025, the proposed rule updates the definition section of the board rules to match the Practice Act and clarifies language concerning forms to be submitted by athletic trainers for license or permit issuance and renewal.

**PUBLIC COMMENT:** A public hearing was not held for this matter. The public comment period expired March 10, 2026. The agency has indicated that it received no public comments.

Grant Wise, an attorney with the Bureau of Legislative Research, asked the following question and received the following response:

1. Throughout this rule, the agency makes references to a “Direct Supervision Form.” What exactly is this form, and what is its intended purpose? **RESPONSE:** A Direct Supervision Form is a document submitted by an athletic trainer working in a freestanding

rehabilitation clinic setting upon their initial licensure or subsequent licensure renewal. This form lists the physical therapist who agrees to supervise the athletic trainer while being readily available for consultation for the care of the athlete and is on the premises. The form achieves the following three (3) purposes:

- 1) Lists the athletic trainer’s rehabilitation clinic setting;
- 2) Lists the athletic trainer’s supervising physical therapist; and
- 3) Requires the signature of the athletic trainer and supervising physical therapist acknowledging their roles/responsibilities within their professional healthcare dynamic.

The proposed effective date is pending legislative review and approval.

**FINANCIAL IMPACT:** The agency has indicated that the proposed rule has no financial impact.

**LEGAL AUTHORIZATION:** The Arkansas State Board of Athletic Training shall have the power and duty to adopt rules consistent with Arkansas Code Title 17, Chapter 93, Subchapter 4, concerning athletic trainers, which are necessary for the performance of its duties, including, but not limited to, the imposing of fees adequate to carry out the purposes of the subchapter. *See* Arkansas Code § 17-93-406(5).

The proposed rule implements Act 266 of 2025, sponsored by Representative Brandon Achor, which amended the Arkansas Athletic Trainers Act, clarified the definition of “athlete”, and defined “healthcare provider” regarding student athlete concussion education.

**11. Department of Health, Arkansas State Board of Dental Examiners (Meredith Rogers, Matt Gilmore)**

**a. Arkansas State Board of Dental Examiners Rules, 17 CAR pt. 115**

**DESCRIPTION:** The Arkansas Department of Health, Arkansas State Board of Dental Examiners proposes amendments to its Arkansas State Board of Dental Examiners Rules, 17 CAR pt. 115. The proposed rules clarify and update existing language related to dental specialties and supervision levels for dental hygienists. They also implement the Dentist and Dental Hygienist Compact established by Act 395 of the 2025 Regular Session.

**PUBLIC COMMENT:** A public hearing was held on March 13, 2026. The public comment period expired on March 13, 2026. The agency indicated it received no public comments.

The proposed effective date is pending legislative review and approval.

**FINANCIAL IMPACT:** The agency has indicated that the amended rule has no financial impact.

**LEGAL AUTHORIZATION:** Pursuant to Arkansas Code § 17-82-

208(a), the Arkansas State Board of Dental Examiners shall have the power to promulgate rules in order to carry out the intent and purposes of the Arkansas Dental Practice Act, Arkansas Code § 17-82-101 et seq. Further authority is found at Arkansas Code § 17-82-902(b)(1), which provides that the board shall promulgate rules necessary to implement Arkansas Code Title 17, Chapter 82, Subchapter 9, concerning the Dental and Dental Hygienist Compact.

The proposed amendments include those made in light of Act 395 of 2025, sponsored by Senator Kim Hammer, which established the Dentist and Dental Hygienist Compact.

**12. Department of Health, Arkansas State Board of Nursing (Ashley Davis, David Dawson, Matt Gilmore)**

**a. General Provisions, 17 CAR pt. 120**

Purpose

The Registered Dialysis Patient Care Technician Act requires that a person applying for the Dialysis Patient Care Technician Registry pay the applicable fee as determined by the board.

Background

The amendments added Dialysis Patient Care Technician fees for Initial Licensure and Renewal of Registration.

Key Points

The initial licensure and renewal fees are the same as that required for Medication Assistant-Certified certification. All fees are lower than that required for nurses, who generally earn a high salary with their professional license.

Discussion

Fees for Dialysis Patient Care Technician Registry pursuant to Act 198 of 2025 (Arkansas Code § 17-87-901 et seq.)

**PUBLIC COMMENT:** A public hearing was not held on this matter. The public comment period expired March 13, 2026. The agency indicated it received no public comments.

The proposed effective date is pending legislative review and approval.

**FINANCIAL IMPACT:** The agency has indicated that the proposed rule has a financial impact. The agency states that the total estimated cost by fiscal year to any private individual, private entity, or private business subject to the proposed rule, specifically applicants for the Dialysis Patient Care Technician Registry, is \$35.00 for the current fiscal year and \$40.00 for the next fiscal year.

**LEGAL AUTHORIZATION:** The Arkansas State Board of Nursing shall have the power and responsibility to promulgate whatever rules it

deems necessary for the implementation of Arkansas Code Title 17, Chapter 87, concerning nurses. *See* Arkansas Code § 17-87-203(1)(A).

The proposed rule implements Act 198 of 2025, sponsored by Representative Mary Bentley, which created the Registered Dialysis Patient Care Technician Act.

**b. Licensure: Registered Nurse, Licensed Practical Nurse, and Licensed Psychiatric Technician Nurse, 17 CAR pt. 121**

**DESCRIPTION:**

Purpose

The amendments add the licensee’s mailing address, residential address, email address, and telephone number to the list of information that is required to be updated with the board.

Background

Previously, the rule only required that licensees update their “address” when it changes. The board needs the mailing address, residential address, email address, and telephone number in order to effectively communicate with the licensee.

Key Points

This update fits with currently used communication methods.

Discussion

It is essential that the board be able to contact licensees for various reasons. Requiring the licensee to update their contact information will assist with this process.

**PUBLIC COMMENT:** A public hearing was not held on this matter. The public comment period expired March 13, 2026. The agency indicated that it received no public comments.

The proposed effective date is pending legislative review and approval.

**FINANCIAL IMPACT:** The agency has indicated that the rule has no financial impact.

**LEGAL AUTHORIZATION:** The Arkansas State Board of Nursing shall have the power and responsibility to promulgate whatever rules it deems necessary for the implementation of Arkansas Code Title 17, Chapter 87, concerning nurses. *See* Arkansas Code § 17-87-203(1)(A).

**c. Registered Nurse Practitioner, 17 CAR pt. 122**

**DESCRIPTION:**

Purpose

The amendments add the licensee’s mailing address, residential address, email address, and telephone number to the list of information that is

required to be updated with the board.

#### Background

Previously, the rule only required that licensees update their “address” when it changes. The board needs the mailing address, residential address, email address, and telephone number in order to effectively communicate with the licensee.

#### Key Points

This update fits with currently used communication methods.

#### Discussion

It is essential that the board be able to contact licensees for various reasons. Requiring the licensee to update their contact information will assist with this process.

**PUBLIC COMMENT:** A public hearing was not held on this matter. The public comment period expired March 13, 2026. The agency indicated that it received no public comments.

The proposed effective date is pending legislative review and approval.

**FINANCIAL IMPACT:** The agency indicated that the rule has no financial impact.

**LEGAL AUTHORIZATION:** The Arkansas State Board of Nursing shall have the power and responsibility to promulgate whatever rules it deems necessary for the implementation of Arkansas Code Title 17, Chapter 87, concerning nurses. *See* Arkansas Code § 17-87-203(1)(A).

#### **d. Advanced Practice Registered Nurse, 17 CAR pt. 123**

**DESCRIPTION:** The Department of Health, State Board of Nursing proposes amendments to its Advanced Practice Registered Nurse rules, 17 CAR pt. 123:

#### **Section 302**

##### Purpose

The amendments add the licensee’s mailing address, residential address, email address, and telephone number to the list of information that is required to be updated with the board.

##### Background

Previously, the rule only required that licensees update their “address” when it changes. The board needs the mailing address, residential address, email address, and telephone number in order to effectively communicate with the licensee.

##### Key Points

This update fits with currently used communication methods.

### Discussion

It is essential that the board be able to contact licensees for various reasons. Requiring the licensee to update their contact information will assist with this process.

### **Subdivision 402(e)(6)**

#### Purpose

This amendment outlines the parameters when an APRN may sign death certificates and pronounce death pursuant to Act 862 of 2025.

#### Background

Act 862 of 2025 amended the law concerning and clarifying the parameters under which an APRN may sign a certificate of death and pronounce death of a patient.

#### Key Points

The amendment to the rule under paragraph (e) for an APRN's authority to sign official documents follows the requirements of the Act regarding certificates of death and pronouncements of death.

### Discussion

This amendment is required by Act 862 of 2025.

### **Subdivision 402(e)(9)**

#### Purpose

To clarify that orthotics, prosthetics, or diabetic shoes or inserts are included in the definition of durable medical equipment, pursuant to Act 431 of 2025.

#### Background

Arkansas Code § 17-80-120(a) granted APRNs signature authority for "durable medical equipment." Act 431 of 2025 added that durable medical equipment included without limitation, orthotics, prosthetics, or diabetic shoes or inserts.

#### Key Points

The rule listing "durable medical equipment" needs to be amended to reflect the intent of Act 431 of 2025.

### Discussion

This amendment is required by Act 431 of 2025.

### **Subdivision 402(h)**

#### Purpose

This amendment outlines and authorizes an APRN to delegate certain nursing tasks to unlicensed healthcare workers pursuant to Act 959 of

2025.

Background

Act 959 of 2025 amended Arkansas Code § 17-87-107, regarding the delegation of certain nursing tasks, to allow an APRN to delegate certain nursing tasks to a qualified and trained healthcare worker who is not licensed or otherwise authorized to perform the nursing task. There are specific parameters listed, which are incorporated into the rule.

Key Points

The amendment to the rule outlines the requirements of the Act with regard to the delegation of certain nursing tasks to unlicensed healthcare workers.

Discussion

This amendment is required by Act 959 of 2025.

**Subsection 404(h)**

Purpose

This amendment clarifies that CRNAs shall not delegate the administration of anesthesia pursuant to Act 959 of 2025, which allows the delegation by an APRN of certain tasks, but not the administration of anesthesia.

Background

Act 959 of 2025 amended Arkansas Code § 17-87-107, regarding the delegation of certain nursing tasks, to allow an APRN to delegate certain nursing tasks to a qualified and trained healthcare worker who is not licensed or otherwise authorized to perform the nursing task. The Act also specifically stated that a CRNA is not authorized to delegate the administration of anesthesia.

Key Points

The amendment to the rule emphasizes the requirements of the Act regarding no authorization to delegate the administration of anesthesia.

Discussion

This amendment is required by Act 959 of 2025.

**Subdivision 604(c)(8)(D)**

Purpose

This amendment clarifies that an APRN may substitute a therapeutically equivalent medication, with stipulations, pursuant to Act 963 of 2025.

Background

Act 963 of 2025 amended Arkansas Code § 17-87-310 regarding the prescriptive authority of an APRN. It now allows an APRN to substitute a

therapeutically equivalent medication and stipulates that when doing so, the APRN shall notify the physician who originally prescribed the medication.

Key Points

The amendment to the rule follows the requirements of Act 963 of 2025.

Discussion

This amendment is required by Act 963 of 2025.

**Subdivisions 604(c)(11)(A) and (B)**

Purpose

This amendment clarifies that CRNAs may delegate the calling in of legend drugs to unlicensed ancillary staff but shall not delegate the calling in of prescriptions of controlled substances to unlicensed ancillary staff pursuant to Act 959 of 2025.

Background

Act 959 of 2025 amended Arkansas Code § 17-87-107 regarding the delegation of certain nursing tasks to allow an APRN to delegate certain nursing tasks to a qualified and trained healthcare worker who is not licensed or otherwise authorized to perform the nursing task. This delegation authorized the calling in of prescriptions for legend drugs, but not the calling in of prescriptions for controlled substances.

Key Points

The amendment to the rule emphasized the requirements of the Act regarding the calling in of prescriptions by unlicensed ancillary staff.

Discussion

This amendment is required by Act 959 of 2025.

**Subsection 604(k)**

Purpose

This amendment clarifies that APRNs are allowed to purchase compounded products pursuant to Act 961 of 2025.

Background

Act 961 of 2025 authorized an outsourcing facility of legend drugs and controlled substances that compounds a product to sell the compounded product to certain entities, including an APRN.

Key Points

The amendment to the rule emphasizes the requirements of the Act regarding no authorization to delegate the administration of anesthesia.

### Discussion

This amendment is required by Act 959 of 2025.

### **Section 701**

#### Purpose:

This amendment outlines the Full Practice Authority parameters for Certified Nurse Midwives pursuant to Act 138 of 2025.

#### Background

Act 138 of 2025 amended the full practice authority of a certified nurse midwife to allow admitting privileges as outlined in the Act. The original authority for full practice authority contained in Arkansas Code § 17-87-315 were not previously outlined in the board's rules. All of the authority for full practice authority are being added to the rules with this amendment, including those added by Act 138 of 2025.

#### Key Points

The amendment to the rule outlines the full practice authority parameters contained in Arkansas Code § 17-87-315 and Act 138 of 2025.

### Discussion

This amendment is required by Act 138 of 2025.

**PUBLIC COMMENT:** A public hearing was not held on this matter. The public comment period expired March 13, 2026. The agency provided the following public comment summary:

Commenter Name: Arkansas Nurse Practitioner Association Health Policy, 03/12/26

**COMMENT:** We respectfully request clarification regarding the provision that limits medication administration by unlicensed healthcare workers, under APRN delegation, to a specified list of drug classes. While we understand the intent to promote safety, creating a fixed list of allowable medication classes may be unnecessarily restrictive and risks becoming quickly outdated as standards of care evolve. Additionally, such a list may inadvertently exclude routine medications that otherwise meet the rule's own safety criteria. We note that this approach appears more restrictive than Arkansas State Medical Board Rule 31 and may create inconsistencies across regulatory frameworks governing clinical delegation. To promote flexibility while maintaining safety, we recommend revising this section to emphasize delegation criteria rather than enumerated drug classes. Suggested language is as follows:

“Medication administration may be delegated when the task meets the criteria outlined above, including predictable outcome and absence of required complex observations or interpretation, critical decisions, or ongoing assessment.” **RESPONSE:** Thank you for your public comment on the ADH-Arkansas State Board of Nursing proposed Rules changes.

Regarding your question about the listed drug classifications, it was determined by the Board of Nursing to protect public safety to limit the delegation of medication administration to unlicensed healthcare personnel to these approved classifications.

Commenter Name: Arkansas Nurse Practitioner Association Health Policy, 3/12/26

**COMMENT:** We also have concerns regarding the limitation of delegation to unlicensed healthcare workers exclusively within ambulatory care settings. Restricting delegation to ambulatory environments may unnecessarily limit appropriate delegation in other clinical setting where similar supervision structures, workflows, and safety safeguards exist. This limitation is particularly impactful for rural and safety-net systems, where workforce constraints require thoughtful and appropriate delegation to maintain access to care. To allow flexibility while preserving accountability and supervision standards, we recommend revising the language to: “Delegation to unlicensed healthcare workers may occur in settings in which the APRN is practicing and able to provide appropriate supervision and oversight.” **RESPONSE:** Thank you for your public comment on the ADH - Arkansas State Board of Nursing proposed Rules changes. Under the Arkansas Medical Practice Act, Rule 31, states that the delegation of drug administration to unlicensed healthcare workers are only “permissible within the physical boundaries of the delegation physician’s offices.” As we acknowledge that not all APRNs own their own practice, we chose the wording *Ambulatory Care Setting* to mean outpatient clinics.

Commenter Name: Arkansas Nurse Practitioner Association Health Policy, 3/12/26

**COMMENT:** We request clarification and revision of the verbiage concerning death pronouncement and certification. We recommend that the rule clearly state that APRNs may both pronounce death and sign death certificates, and that the language reflect this sequence to avoid ambiguity in practice and documentation. **RESPONSE:** Thank you for your public comment on the ADH - Arkansas State Board of Nursing proposed Rules changes. We will change the sequence to reflect the recommendation.

Grant Wise, an attorney with the Bureau of Legislative Research, asked the following questions and was provided with the following responses:

1. 17 CAR § 123-402(e)(6)(B) – This subdivision seems premised on Arkansas Code § 20-18-601(c)(3)(A). However, the subdivision of the statute seems to be applicable to registered nurses, while the rule appears to apply to advanced practice registered nurses. Are all advanced practice registered nurses also considered registered nurses by default? **RESPONSE:** According to 17 CAR § 123-201(b) “A current, unencumbered registered nurse license to practice in Arkansas

is required for all categories of advanced practice licensure.”

2. 17 CAR § 123-402(e)(9) – While describing durable medical equipment, Arkansas Code § 17-80-120(a)(2)(H) refers to “diabetic shoes or shoe inserts that are designed to reduce the risk of skin breakdown in patients with diabetes and existing foot disease and to relieve pressure to prevent diabetic foot ulcers.” The rule appears to track this subdivision, however, it ends after the word “inserts”. Is there a reason the remaining statutory language was omitted? **RESPONSE:** Because Arkansas Code § 17-80-120(a)(2)(H) defines “diabetic shoes and inserts” by including the description afterwards, we chose not to redefine the terms in the rules.
3. 17 CAR § 123-402(h)(6) – This subdivision states that “delegation to unlicensed healthcare workers shall only occur in ambulatory care settings.” It seems premised on Arkansas Code § 17-87-107(c)(1), which states the board shall adopt rules regarding the delegated administration of medications and immunizations only within “the physical boundaries of the clinical setting of the advanced practice registered nurse.” Are ambulatory care settings and “the physical boundaries of the clinical setting of the advanced practice registered nurse” the same thing? **RESPONSE:** Under the Arkansas Medical Practice Act, Rule 31 states that the delegation of drug administration to unlicensed healthcare workers are only ‘permissible within the physical boundaries of the delegating physician’s offices.’ As we acknowledge that not all APRNs own their own practice, we chose the wording Ambulatory Care Setting to mean outpatient clinics.
4. Arkansas Code § 17-87-107(c)(2) provides that the board shall adopt rules regarding the delegation of nursing tasks, including the “evaluation of whether delegation is appropriate according to the severity of a patient’s condition.” Is this addressed in the rule making? If yes, where? If not, why not? **RESPONSE:** The standards by which delegation practices should be evaluated are covered in the entirety of 17 CAR Part 124.

The proposed effective date is pending legislative review and approval.

**FINANCIAL IMPACT:** The agency indicated that this rule has no financial impact.

**LEGAL AUTHORIZATION:** The Arkansas State Board of Nursing shall have the power and responsibility to promulgate whatever rules it deems necessary for the implementation of Arkansas Code Title 17, Chapter 87, concerning nurses. *See* Arkansas Code § 17-87-203(1)(A).

This rule implements the following acts:

Act 138 of 2025, sponsored by Representative Mary Bentley, which amended the full practice authority of a certified nurse midwife to allow admitting privileges;

Act 431 of 2025, sponsored by Representative Lee Johnson, which modified the signature authority for advanced practice registered nurses and physician assistants and clarified that durable medical equipment includes diabetic shoes and shoe inserts;

Act 862 of 2025, sponsored by Representative Paul Childress, which amended the law concerning death certificates and clarified the medical professionals who may sign a medical certificate of death and pronounce death of a patient;

Act 959 of 2025, sponsored by Representative Aaron Pilkington, which authorized an advanced practice registered nurse to delegate certain tasks to medical assistants and other unlicensed staff;

Act 961 of 2025, sponsored by Representative Kendra Moore, which authorized an outsourcing facility of legend drugs and controlled substances that compounds a product to sell the compounded product to certain entities; and

Act 963 of 2025, sponsored by Representative Justin Gonzales, which clarified that an advanced practice registered nurse who prescribes a stimulant may substitute a therapeutically equivalent medication.

**e. Delegation, 17 CAR pt. 124**

**DESCRIPTION:**

Purpose

Act 959 of 2025 now allows APRNs to delegate certain tasks to Unlicensed Healthcare Workers. This amendment excludes APRN delegation to Unlicensed Healthcare Workers pursuant to 17 CAR § 123-402(h) from the list of nursing tasks that shall not be delegated. 17 CAR § 123-402(h) outlines the parameters for delegation to unlicensed healthcare workers.

Background

17 CAR § 124-105 lists nursing tasks that shall not be delegated. Paragraph (5) states that administration of medications or intravenous therapy shall not be delegated. However, there were two previous exceptions listed in subparagraphs (A) and (B). Because Act 959 now allows delegation of some medications to unlicensed healthcare workers, subparagraph (C) is added as another exception to paragraph (5).

Key Points

Delegation of certain medication administrations to unlicensed healthcare workers is now allowed by Act 959 of 2025, therefore that exception to the list of nursing tasks that shall not be delegated should be added to this rule to comply with the Act.

Discussion

This amendment complies with Act 959 of 2025.

**PUBLIC COMMENT:** A public hearing was not held on this matter. The public comment period expired March 13, 2026. The agency indicated that it received no public comments.

The proposed effective date is pending legislative review and approval.

**FINANCIAL IMPACT:** The agency has indicated that the rule has no financial impact.

**LEGAL AUTHORIZATION:** The Arkansas State Board of Nursing shall have the power and responsibility to promulgate whatever rules it deems necessary for the implementation of Arkansas Code Title 17, Chapter 87, concerning nurses. *See* Arkansas Code § 17-87-203(1)(A).

The proposed rule implements Act 959 of 2025, sponsored by Representative Aaron Pilkington, which authorized an advanced practice registered nurse to delegate certain tasks to medical assistants and other unlicensed staff.

**f. Rules of Procedure, 17 CAR pt. 126**

**DESCRIPTION:**

Purpose

To comply with Arkansas Code § 25-15-206.

Background

Arkansas Code § 25-15-206 requires that each agency shall provide by rule a process for filing and considering petitions for declaratory orders. Our agency's rules of procedure do not have this provision as required. This amendment is added to comply with Arkansas Code § 25-15-206.

Key Points

The proposed amendment language is substantially similar to those contained in several other Arkansas state agency rules regarding the process for filing and considering petitions for declaratory orders.

Discussion

The amendment will bring the board's rules into compliance with Arkansas Code § 25-15-206.

**PUBLIC COMMENT:** A public hearing was not held on this matter. The public comment period expired March 13, 2026. The agency indicated that it received no public comments.

The proposed effective date is pending legislative review and approval.

**FINANCIAL IMPACT:** The agency has indicated that the rule has no financial impact.

**LEGAL AUTHORIZATION:** The Arkansas State Board of Nursing shall have the power and responsibility to promulgate whatever rules it deems necessary for the implementation of Arkansas Code Title 17, Chapter 87, concerning nurses. *See* Arkansas Code § 17-87-203(1)(A). Further authority for the rulemaking may be found at Arkansas Code § 25-15-206, which states “[e]ach agency shall provide by rule for the filing and prompt disposition of petitions for declaratory orders as to the applicability of any rule, statute, or order enforced by it.”

**g. Certified Medication Assistant or Medication Assistant-Certified, 17 CAR pt. 127**

**DESCRIPTION:** The Department of Health, Arkansas State Board of Nursing proposes amendments to its Certified Medication Assistant or Medication Assistant-Certified rules, 17 CAR pt. 127:

**Sections 101 - 114**

Purpose

To incorporate the term “Certified Medication Assistant” into the rules pursuant to Act 265 of 2025.

Background

The main purpose of Act 265 of 2025 was to allow Medication Assistant-Certified persons to administer subcutaneous insulin injections if they are properly trained. The training program total hours and requirements are also added. However, the title “Medication Assistant-Certified” and acronym “MA-C” were replaced with the title “Certified Medication Assistant” and acronym “CMA.” However, the Act allows a certified individual to use either title or the acronym for either title.

There is another commonly used title for another healthcare worker in Arkansas, “Certified Medical Assistant”, that uses the acronym “CMA.” This may create confusion.

MA-Cs are allowed to work in the long-term care and prison medical facilities. Stakeholders from the education and long-term care organizations have requested the board to continue with the use of the title “Medication assistant-certified, MA-C” in its rules to avoid confusion. Because the Act allows the certified individual to continue to use either title, the term “Certified Medication Assistant and CMA” has been added next to the term “Medication Assistant-Certified and MA-C” throughout Part 127 of the board’s rule.

Key Points

The term “Certified Medication Assistant” was added to the statute.

Discussion

We believe that because certified individuals are allowed to continue the use of the title, “Medication Assistant-Certified” and the acronym, “MA-

C”, both titles are now included in the rules to assist with possible confusion over the reference to CMA.

### **Subdivisions 102(1)(A) and (B)**

#### Purpose

To revise the qualifications for certification pursuant to Act 265 of 2025.

#### Background

Act 265 of 2025 made changes to the qualifications for certification. Subdivisions 102(1)(B) and (C) were deleted in the rule pursuant to the Act. The certified training course hours were added as new subdivision 102(1)(A)(v).

#### Key Points

Two of the previous requirements for certification qualification were removed. The training course hours have been increased to not less than 115 hours.

#### Discussion

These changes comply with Act 265 of 2025.

### **Subdivision 102(1)(B)**

#### Purpose

To add rules regarding additional training requirements and regulations regarding subcutaneous insulin injections that are now allowed by Act 265 of 2025.

#### Background

Act 265 of 2025 now allows certified individuals to administer subcutaneous insulin injections after additional training.

#### Key Points

The additional training hours and injection authorization requirements are added.

#### Discussion

These changes comply with Act 265 of 2025.

### **Subdivision 105(b)(8)**

#### Purpose

To add subcutaneous injections of insulin to the list of routes in which nonprescription and legend medications may be administered pursuant to Act 265 of 2025.

#### Background

Act 265 of 2025 now allows certified individuals to administer

subcutaneous insulin injections after additional training.

Key Points

Certificate holders may now administer subcutaneous insulin injections.

Discussion

These changes comply with Act 265 of 2025.

**Subdivision 105(c)(2)**

Purpose

To except subcutaneous insulin injections from the task of “injectable medications” that a certificate holder is not allowed to perform.

Background

Act 265 of 2025 now allows certified individuals to administer subcutaneous insulin injections after additional training. Subdivision 105(c)(2) states that certificate holders may not administer injectable medications. Insulin injections are an injectable medication; therefore, the exception was added.

Key Points

Certificate holders may now administer subcutaneous insulin injections.

Discussion

These changes comply with Act 265 of 2025.

**Section 109**

Purpose

The amendments add the licensee’s mailing address, residential address, email address, and telephone number to the list of information that is required to be updated with the board.

Background

Previously, the rule only required that licensees update their “address” when it changes. The board needs the mailing address, residential address, email address, and telephone number to effectively communicate with the licensee.

Key Points

This update fits with currently used communication methods.

Discussion

It is essential that the board be able to contact licensees for various reasons. Requiring the licensee to update their contact information will assist with the process.

### **Subdivision 110(a)(2)**

#### Purpose

To make the renewal mailing notice timeline consistent with other renewal mailing notice provisions in the board's rules.

#### Background

Other rules regarding the timeline for mailing renewal notices use the time period of sixty (60) days. The time period was changed from thirty (30) days to sixty (60) days.

#### Key Points

This change is consistent with similar Board of Nursing rules.

#### Discussion

This change is consistent with similar Board of Nursing rules.

### **Subdivision 113(c)(6)**

#### Purpose

To make changes to the training program requirements pursuant to Act 265 of 2025.

#### Background

Act 265 of 2025 revised the training requirements for certification and added the task of subcutaneous insulin injections to allowable tasks to be performed. Subdivision 113(c)(6)(B) changes the training hours pursuant to the Act. 113(c)(6)(C)(iv)(d) adds glucometer checks and subcutaneous insulin injections as part of the documented skills pursuant to the Act. 113(c)(6)(H) requires the clinical instructor to directly supervise and document that the student has successfully completed subcutaneous insulin injections.

#### Key Points

These amendments comply with the changes prescribed in Act 265 of 2025.

#### Discussion

These amendments will assure that certificate holders who desire to administer subcutaneous insulin injections are properly trained.

### **Subdivision 113(d)(2)(A)**

#### Purpose

To change the minimum pass rate requirements from first time percentage to overall percentage.

#### Background

This amendment is proposed after consultation with the institutions that

provide MA-C training. Overall rates are generally better than first time rates. This change will assist the institutions and prevent early warnings or closures. It will assist the programs with establishing overall success.

#### Key Points

This is proposed in response to feedback from education institutions.

#### Discussion

This will assist the programs with establishing overall success.

**PUBLIC COMMENT:** A public hearing was not held on this matter. The public comment period expired March 13, 2026. The agency provided the following public comment summary:

Commenter Name: Melinda Rhynes, M.Ed., CMA (AAMA), HITCH-PP, Arkansas Society of Medical Assistants, 4/13/26

**COMMENT:** The Arkansas Society of Medical Assistants is aware that the legislature added the title “Certified Medication Assistant” and the acronym “CMA” to statute in 2025. Nevertheless, the Arkansas Society of Medical Assistants recommends to the Arkansas Board of Nursing that “Medical Assistant-Certified” and “MA-C” be listed before “Certified Medication Assistant” and “CMA” in the proposed revision to 17 CAR Part 127. Medication Assistant-Certified. As the “background” to this proposed rule revision state, the phrase “certified medication assistant” and the acronym “CMA” is likely to cause confusion with “certified medical assistants” and CMA.” **RESPONSE:** Thank you for your public comment on the ADH - Arkansas State Board of Nursing proposed Rules changes. The legislative change mentioned in the comment changed the name to “Certified Medication Assistant” or “CMA.” However, there was provision to allow the continued use of the title “Medication Assistant-Certified” or “MA-C.” The rule must follow the statute, therefore, the official title of “Certified Medication Assistant” or “CMA” must be listed first.

Grant Wise, an attorney with the Bureau of Legislative Research, asked the following questions and was provided with the following response:

1. 17 CAR § 127-102 – Arkansas Code § 17-87-704(a) appears to set out a list of two avenues by which an applicant may obtain certification as a certified medication assistant. The statute seems to provide that to be certified, an applicant shall submit written evidence that they meet all the requirements listed in subdivision (a)(1), or, as described in subdivision (a)(2), the applicant may have “[c]ompleted a portion of a nursing education program equivalent to the certified medication assistant training course; and [p]assed the certified medication assistant examination.” (Emphasis added.) The rule appears to be based on this section but seems to add additional language at 17 CAR § 127-102(1)(B) not found in the statute. Is there a reason it differs?  
**RESPONSE:** In 2025, the scope of Certified Medication Assistants

changed to allow administration of subcutaneous insulin injections and inhalants (see 17 CAR § 127-105(b)(7) and (b)(8)). Certified Medication Assistant (CMA) programs added 15 additional hours to their instruction to properly prepare CMAs to administer these types of medication. 17 CAR § 127-102(B) establishes a pathway for CMAs educated prior to this addition in the programs to be able to safely administer these types of medications with proof of the additional education.

The proposed effective date is pending legislative review and approval.

**FINANCIAL IMPACT:** The agency has indicated that the proposed rule does not have a financial impact. With respect to the total estimated cost by fiscal year to any private individual, private entity, or private business subject to the amended rule, the agency states that there will be an unknown cost for additional training if a certified individual desires to be allowed to administer subcutaneous insulin injections.

**LEGAL AUTHORIZATION:** The Arkansas State Board of Nursing shall have the power and responsibility to promulgate whatever rules it deems necessary for the implementation of Arkansas Code Title 17, Chapter 87, concerning nurses. *See* Arkansas Code § 17-87-203(1)(A).

The rules implement Act 265 of 2025, sponsored by Representative Mary Bentley, which replaced the defined term “medication assistive person” with the defined term “certified medication assistant” throughout Arkansas Code § 17-87-701 et seq. and set forth the certification requirements, qualifications, and the scope of practice for a certified medication assistant.

**h. Full Independent Practice Credentialing Committee, 17 CAR pt. 130**

**DESCRIPTION:** The Department of Health, Arkansas State Board of Nursing proposes amendments to its Full Independent Practice Credentialing Committee rules, 17 CAR pt. 130:

**Throughout Part 130**

**Purpose**

To add Clinical Nurse Specialists to the Full Independent Practice Credentialing Committee Rules pursuant to Act 872 of 2023.

**Background**

Act 872 of 2023 expanded Full Independent Practice to Clinical Nurse Specialists. The subsequent amendment to the board’s rules regarding the Full Independent Practice Credentialing Committee was inadvertently left off the 2023 set of rule changes and are being included with the 2025 group of rule changes to add Clinical Nurse Specialists along with Nurse Practitioner.

### Key Points

Nurse Practitioners were originally granted a path for full independent practice in the Full Independent Practice Credentialing Committee Act. Clinical Nurse Specialists were inadvertently left out of the original act. They were added by Act 872 of 2023.

### Discussion

The amendments comply with Act 872 of 2023.

### **Subdivision 201(a)(5)(A)(ii)(b)(3)**

#### Purpose

To replace “nurse practitioner” with the term “applicant” and remove the word “nurse.”

#### Background

Act 872 of 2023 expanded Full Independent Practice to Clinical Nurse Specialists in addition to Nurse Practitioners. Because both titles may now apply for full independent practice authority, the term “nurse practitioner” is replaced with the term “applicant.” Additionally, the word “nurse” is being removed as the term “practitioners” covers both titles.

### Key Points

The amendments comply with Act 872 of 2023.

### Discussion

The amendments comply with Act 872 of 2023.

**PUBLIC COMMENT:** A public hearing was not held on this matter. The public comment period expired March 13, 2026. The agency indicated that it received no public comments.

The proposed effective date is pending legislative review and approval.

**FINANCIAL IMPACT:** The agency has indicated that the rule has no financial impact.

**LEGAL AUTHORIZATION:** The Arkansas State Board of Nursing shall have the power and responsibility to promulgate whatever rules it deems necessary for the implementation of Arkansas Code Title 17, Chapter 87, concerning nurses. *See* Arkansas Code § 17-87-203(1)(A).

The proposed rule implements Act 872 of 2023, sponsored by Senator Kim Hammer, which allows full independent practice authority for clinical nurse specialists, and allows experience in another state to qualify.

#### **i. Dialysis Patient Care Technicians, 17 CAR pt. 131**

**DESCRIPTION:** The Department of Health, Arkansas State Board of Nursing proposes its Dialysis Patient Care Technicians rules, 17 CAR pt. 131:

## **Throughout Part 131**

### Purpose

To establish new rules to assist the implementation of the newly created Registered Dialysis Patient Care Technician Act pursuant to Act 198 of 2025.

### Background

Act 198 of 2025 created the Registered Dialysis Patient Care Technician Act. It will be codified as part of the Nurse Practice Act, and the registry will be maintained by the Arkansas State Board of Nursing. The rules provide further instruction for the implementation and governance of the Act. These rules were patterned after the board's rules 17 CAR Part 127 for Certified Medication Assistants/Medication Assistant-Certified, who are the regulated healthcare professionals most similar to Dialysis Patient Care Technicians.

### Key Points

Dialysis Patient Care Technicians will be registered individuals, therefore the terms "register" or "registry" are used here instead of the terms "certificate" or "certify" contained in Part 127.

### Discussion

Definition terms, scope of work, registration requirements, registration process, identification, grounds for discipline, skill requirements, and education requirements match those outlined in Act 198 of 2025.

## **Section 114**

### Purpose

To clarify that the Act and rules do not apply to dialysis patient care technicians working directly with a physician.

### Background

Act 198 of 2025 specifically states that the Act does not apply to dialysis patient care technicians working directly with a physician licensed by the Arkansas State Medical Board. This is because physicians have been authorized to delegate certain tasks to these individuals pursuant to the Medical Practice Act.

### Key Points

This language complies with Act 198 of 2025.

### Discussion

This language complies with Act 198 of 2025.

**PUBLIC COMMENT:** A public hearing was not held on this matter. The public comment period expired March 13, 2026. The agency provided the following public comment summary:

Commenter Name: Wendy Funk Schrag, LMSW, ACSW, Fresenius Medical Care, 2/24/26

**COMMENT:** We only have one comment to suggest in the section on endorsement (17 CAR § 131-105. Endorsement). Because D-PCTs may be coming from another state to help during crisis situation which may not be anticipated (inclement weather, unanticipated staff illness, etc.) and are needed to work in Arkansas short-term as soon as possible, we would like to suggest an addition at the end of this section as follows: (f) Qualified D-PCTs may work temporarily in their capacity while waiting for approval of their registration, provided that their completed application with fees has been received by the Arkansas Board of Nursing. **RESPONSE:** Thank you for your public comment on the ADH - Arkansas State Board of Nursing proposed Rules changes. Upon further review of the statute, the Arkansas State Board of Nursing has not been granted the authority to issue temporary registration or allow work in a temporary manner prior to completed registration.

Grant Wise, an attorney with the Bureau of Legislative Research, asked the following questions and was provided with the following responses:

1. 17 CAR § 131-102 – This section seems based on Arkansas Code § 17-87-905(a), which concerns the requirements for an individual to register as a dialysis patient care technician. While the rule appears to be based on the statute, it doesn't appear to track it. Is there a reason the rule seemingly differs? **RESPONSE:** After reviewing the comment, we decided to edit the rule to more closely align with the statute.
2. 17 CAR § 131-103(b) – Arkansas Code § 25-15-105(b)(2)(A) provides that an agency assessing or imposing a fee or penalty shall promulgate the fee or penalty by rule. Arkansas Code § 25-15-105(b)(2)(B) follows and provides that an agency is not required to promulgate a fee or penalty by rule if the specific amount of the fee or penalty is set by statute. The present subsection of the rule seems to be premised on Arkansas Code § 17-87-905(a)(5), which provides that to register as a dialysis patient care technician, an individual shall “[p]ay the applicable fee as determined by the board.” The rule itself provides “[t]he associated nonrefundable fee shall accompany the application,” and does not appear to specify a fee amount that has been determined by the board. Does the board plan to promulgate the fee amount? If so, when? If not, why not? **RESPONSE:** The board is promulgating a fee, and all fees are outlined in 17 CAR § 120-506.
3. 17 CAR § 131-103(c) – This subsection seems premised on Arkansas Code § 17-87-905(b)(1), which provides that “[a]n applicant for registration as a dialysis patient care technician shall report to the board, in writing, any conviction for a felony or misdemeanor.” The rule seems to be silent on how such a report is to be made to the board.

Is there a reason? **RESPONSE:** There is a required eligibility question on the application that asks the applicant if they have ever been convicted of a felony or misdemeanor. If the applicant answers ‘Yes’ to the eligibility question, board staff contacts the applicant and provides instructions on how to submit the documentation.

4. 17 CAR 131-104(a) – This provision seems premised on Arkansas Code § 17-87-904. The statute addresses tasks performed under the authority of a registered nurse “licensed in this state.” The rule appears to lack the reference to “licensed in this state.” Is there a reason for this? **RESPONSE:** After consideration of the comment, we have decided to add the language to more closely mirror the language in the statute.
5. 17 CAR § 131-104(b) – This provision seems premised on Arkansas Code § 17-87-904. The statute provides that a dialysis patient care technician may perform certain tasks “under the authority of a registered nurse licensed in this state who may delegate tasks based on nursing judgment to a dialysis patient care technician based on the dialysis patient care technician’s education, knowledge, training, and skill.” The statutes provides that a registered nurse may delegate tasks based on “nursing judgment”, while similar language appears to be absent from the rule. Is there a reason? **RESPONSE:** After consideration of the comment, we have decided to add the language to more closely mirror the language in the statute.
6. 17 CAR § 131-104(b) – This provision seems premised on Arkansas Code § 17-87-904. The statute provides that a dialysis patient care technician may perform certain tasks “under the authority of a registered nurse licensed in this state who may delegate tasks based on nursing judgment to a dialysis patient care technician based on the dialysis patient care technician’s education, knowledge, training, and skill.” The statute provides that a registered nurse licensed in this state may delegate tasks based on nursing judgment to a dialysis patient care technician based, in part, “on the dialysis patient care technician’s education.” Similar language appears to be absent from the rule. Is there a reason it differs? **RESPONSE:** After consideration of the comment, we have decided to add the language to more closely mirror the language in the statute.
7. 17 CAR § 131-105 – This section of the rule concerns registration by endorsement, and provides, in part, that “[t]he Arkansas State Board of Nursing may allow registration as a dialysis patient care technician by endorsement to an applicant who has been licensed, certified, or registered as a dialysis patient care technician under the laws of another state or territory, regardless of title,” if certain conditions are met. On what authority does the board rely on to allow registration by endorsement for dialysis patient care technicians? **RESPONSE:** Upon closer review of the statute, the Arkansas State Board of Nursing does

not have authority to allow registration of dialysis patient care technicians by endorsement. Therefore, we will strike 17 CAR § 131-105 from the rules.

8. 17 CAR § 131-105(d) – Similarly to Question 3, this subsection appears to be premised on Arkansas Code § 17-87-905(b)(1), which provides that “[a]n applicant for registration as a dialysis patient care technician shall report to the board, in writing, any conviction for a felony or misdemeanor.” The rule seems to be silent on how such a report is to be made to the board. Is there a reason for this?  
**RESPONSE:** There is a required eligibility question on the application that asks the applicant if they have ever been convicted of a felony or misdemeanor. If the applicant answers ‘Yes’ to the eligibility question, board staff contacts the applicant and provides instructions on how to submit the documentation.
9. 17 CAR § 131-107(c)(3) – This subdivision provides that an applicant for renewal of a dialysis patient care technician registration shall submit to the board “[p]ayment of the nonrefundable renewal fee.” Arkansas Code § 25-15-105(b)(2)(A) provides that an agency assessing or imposing a fee or penalty shall promulgate the fee or penalty by rule. Arkansas Code § 25-15-105(b)(2)(B) follows and provides that an agency is not required to promulgate a fee or penalty by rule if the specific amount of the fee or penalty is set by statute. A specific fee does not seem to appear in the rule. As in Question 2, does the board plan to promulgate the fee amount? If so, when? If not, why not? **RESPONSE:** The board is promulgating a fee, and all fees are outlined in 17 CAR § 120-506.
10. 17 CAR § 131-108(c)(2) – This subdivision says that any dialysis patient care technician whose registration is expired shall pay the current renewal fee and the late fee. On what authority does the board rely on to allow the imposition of late fees for the renewal of expired registrations? **RESPONSE:** Upon closer review of the statute, the Arkansas State Board of Nursing does not have the authority to impose a late fee for registered dialysis patient care technicians.
11. 17 CAR § 131-108(c)(2) – This subdivision says that any dialysis patient care technician whose registration is expired shall pay the current renewal fee and the late fee. Arkansas Code § 25-15-105(b)(2)(A) provides that an agency assessing or imposing a fee or penalty shall promulgate the fee or penalty by rule. Arkansas Code § 25-15-105(b)(2)(B) follows and provides that an agency is not required to promulgate a fee or penalty by rule if the specific amount of the fee or penalty is set by statute. The rule does not appear to specify an amount. As in Questions 2 and 9, does the board plan to promulgate the fee amount? If so, when? If not, why not?  
**RESPONSE:** Upon closer review of the statute, we realized that the statute does not authorize the imposition of a late fee for dialysis

patient care technicians, we have removed that language from 17 CAR § 131-108(c)(2).

12. 17 CAR § 131-110(a)(3) – This subdivision provides that a dialysis patient care technician whose name is legally changed shall submit a required fee to the board when requesting a name change. Arkansas Code § 25-15-105(b)(2)(A) provides that an agency assessing or imposing a fee or penalty shall promulgate the fee or penalty by rule. Arkansas Code § 25-15-105(b)(2)(B) follows and provides that an agency is not required to promulgate a fee or penalty by rule if the specific amount of the fee or penalty is set by statute. The rule does not seem to specify an amount. Does the board plan to promulgate the fee amount? If so, when? If not, why not? **RESPONSE:** Upon closer review of 17 CAR § 131-110 and the current practices of the agency, we do not intend to impose a fee for changing demographic information within the registry.
13. 17 CAR § 131-113 – This section appears to be premised on Arkansas Code § 17-87-905(e). Subdivision (e)(1) provides that “[t]he board shall refuse to register or shall revoke the registration of a person who would be disqualified from employment under § 20-33-213.” Subdivision (e)(2) provides that “[t]he board may suspend, revoke, or refuse to issue or renew a registration of a dialysis patient care technician” for the enumerated reasons thereunder. The rule says that “[t]he Arkansas State Board of Nursing shall have sole authority to deny, suspend, revoke, or limit any dialysis patient care technician’s registration” for reasons provided by the rule, including disqualification from employment under Arkansas Code § 20-33-213. (Emphasis added.) Is there a reason the rule allows for suspension or limitation of a dialysis patient care technician’s registration for disqualification from employment under Arkansas Code § 20-33-213, while Arkansas Code § 17-87-905(e)(1) provides that the board shall refuse to register or shall revoke registration? **RESPONSE:** Upon further review of the statute, we have decided to edit 17 CAR § 131-113 to more closely mirror the statute.
14. 17 CAR § 131-113 – This section appears to be premised on Arkansas Code § 17-87-905(e). Subdivision (e)(1) provides that “[t]he board shall refuse to register or shall revoke the registration of a person who would be disqualified from employment under § 20-33-213.” Subdivision (e)(2) provides that “[t]he board may suspend, revoke, or refuse to issue or renew a registration of a dialysis patient care technician” for the enumerated reasons thereunder. The rule says that “[t]he Arkansas State Board of Nursing shall have sole authority to deny, suspend, revoke, or limit any dialysis patient care technician’s registration” for reasons provided by the rule, including disqualification from employment under Arkansas Code § 20-33-213. (Emphasis added.) Is there a reason that the rule allows the board to

limit a dialysis patient care technician's registration, where Arkansas Code § 17-87-905(e) appears to list suspension, revocation, and refusal to issue or renew a registration as actions the board may undertake?

**RESPONSE:** Upon further review of the statute, we have decided to edit 17 CAR § 131-113(b) to more closely mirror the statute.

15. 17 CAR § 131-113 – This section appears to be premised on Arkansas Code § 17-87-905(e). Subdivision (e)(1) provides that “[t]he board shall refuse to register or shall revoke the registration of a person who would be disqualified from employment under § 20-33-213.” Subdivision (e)(2) provides that “[t]he board may suspend, revoke, or refuse to issue or renew a registration of a dialysis patient care technician” for the enumerated reasons thereunder. The rule says that “[t]he Arkansas State Board of Nursing shall have sole authority to deny, suspend, revoke, or limit any dialysis patient care technician’s registration” for reasons provided by the rule, including disqualification from employment under Arkansas Code § 20-33-213. (Emphasis added.) 17 CAR § 131-113(a)(4) seems premised on Arkansas Code § 17-87-905(e)(2)(C), which provides that the board “may suspend, revoke, or refuse to issue or renew” a registration of a dialysis patient care technician for using a false name or an alias “in his or her practice.” The rule provides that the board shall have the sole authority to “deny, suspend, revoke, or limit” any dialysis patient care technician’s registration for using a false name or an alias “in his or her application.” Is there a reason the rule appears to differ?

**RESPONSE:** Upon further review of the statute, we have decided to edit 17 CAR § 131-113(b)(4) to more closely mirror the statute.

16. 17 CAR § 131-113 – This section appears to be premised on Arkansas Code § 17-87-905(e). Subdivision (e)(1) provides that “[t]he board shall refuse to register or shall revoke the registration of a person who would be disqualified from employment under § 20-33-213.” Subdivision (e)(2) provides that “[t]he board may suspend, revoke, or refuse to issue or renew a registration of a dialysis patient care technician” for the enumerated reasons thereunder. The rule says that “[t]he Arkansas State Board of Nursing shall have sole authority to deny, suspend, revoke, or limit any dialysis patient care technician’s registration” for reasons provided by the rule, including disqualification from employment under Arkansas Code § 20-33-213. (Emphasis added.) Arkansas Code § 17-87-905(e)(2)(E) provides the board may suspend, revoke, or refuse to issue or renew a registration of a dialysis patient care technician for failing to comply with any of the requirements for registration. Similar language appears to be absent from the rule. Is there a reason this language was omitted?

**RESPONSE:** Upon further review of the statute, we have decided to edit 17 CAR § 131-113(b) to more closely mirror the statute.

The proposed effective date is pending legislative review and approval.

**FINANCIAL IMPACT:** The agency has indicated that the proposed rule has a financial impact. The agency states that the total estimated cost by fiscal year to any private individual, private entity, or private business subject to the proposed rule, specifically applicants for the Dialysis Patient Care Technician Registry who are required to pay an initial application fee and a renewal fee, is \$35.00 for the current fiscal year, and \$40.00 for the next fiscal year. With respect to the total estimated cost by fiscal year to a state, county, or municipal government to implement the rule, the agency states that it is unknown whether additional staff will be necessary to process applications and maintain the registry.

**LEGAL AUTHORIZATION:** The Arkansas State Board shall have the power and responsibility to promulgate whatever rules it deems necessary for the implementation of Arkansas Code Title 17, Chapter 87, concerning nurses. *See* Arkansas Code § 17-87-203(1)(A).

The rule implements Act 198 of 2025, sponsored by Representative Mary Bentley, which created the Dialysis Patient Care Act.

**13. Department of Health, Arkansas State Board of Pharmacy (John Kirtley, Matt Gilmore)**

**a. Arkansas State Board of Pharmacy Rules, 17 CAR pt. 160**

**DESCRIPTION:** The Department of Health, Arkansas State Board of Pharmacy proposes amendments to its Arkansas State Board of Pharmacy Rules, 17 CAR pt. 160. Proposed changes to this rule will make necessary updates as required by Arkansas Acts 637, 938, and 961 of 2025 related to emergency kits, compounding, and the description of board member qualifications.

Proposed changes will also update the rules surrounding off-site order entry for retail pharmacy services and requirements for purchasing Pseudoephedrine and Ephedrine products in Arkansas by cleaning up outdated language.

**PUBLIC COMMENT:** A public hearing was held on this matter on April 1, 2026. The public comment period expired April 14, 2026. The agency provided the following summary of the public comments received:

**Commenter Names:** Shelley Tustison, PharmD, CHC, Sr. Director, U.S. Ethics & Compliance, Walmart and Michael Lindsey, Director of Public Affairs and Government Relations, Walmart

**COMMENT:** Walmart provided verbal comments to the board and submitted written comments as well. Walmart spoke in favor of all the changes being proposed at this time and gave specific comments “in strong support” of the proposed changes to delete outdated language and simply point to the statutes related to the sales of nasal decongestant products such as pseudoephedrine. **RESPONSE:** The board thanked Walmart for the comments and accepted their comments into the record as supporting the proposed changes.

Commenter Name: Brittney Bardsley, PharmD, MBA

**COMMENT:** Email sent in support of changes related to retail pharmacy off-site order entry making specific points that she believes that some aspects of the flexibility added with this proposed rule change could help pharmacists and patients in several ways to include:

“From a patient safety perspective, reducing preventable contributors to fatigue, pain, and sensory overstimulation is an important consideration in minimizing the risk of medication errors. Additionally, expanding remote work options would help retain experienced pharmacists in the workforce, reduce unnecessary absences related to environmental and physical limitations, and support continuity of care across the healthcare system.”

**RESPONSE:** Staff responded to let Dr. Bardsley know that we had received her letter of support and would add it to the packet for board review. We would also note that Dr. Bardsley had recently reached out to the Board of Pharmacy requesting a method to gain approval for this specific type of work flexibility where our staff let her know there was a proposed rule change addressing her specific request.

Commenter Name: Deeb D. Eid, PharmD, Director, Government Affairs, Empower Pharmacy

**COMMENT:** Emailed letter sent in support of the changes with suggestions to remove any reference to patients being educated or told that compounded products from their company are not FDA approved products as part of the patient counseling requirements. Their overview expresses concern that requiring such language “without sufficient explanation or clinical context, may unintentionally confuse or alarm patients regarding the safety and appropriateness of compounded medications.” Empower also suggested that the Board should only cite specific versions of certain USP chapters in order to have a protracted process to re-adopt any future editions of USP chapters in the future. **RESPONSE:** The proposed changes contemplate incorporating statutory expansion of pharmacy practices where a 503A pharmacy could receive a compounded, packaged product from a 503B facility that may look like an FDA-approved and manufactured medication even though it is not an FDA-approved product. The board’s response is that educating the patient to ensure they know this is a compounded medication and not an FDA approved and manufactured drug is already an expectation of compounding pharmacies and this language does not prevent or stop a pharmacist from giving the full amount of expected education when counseling to educate patients as needed regarding their prescription medication therapy as is already required. The board’s response regarding USP chapters is that the suggested approach from Empower would automatically build conflict between national standards, federal FDA requirements and Arkansas rules that would cause confusion going forward vs the approach to mirror current requirements and future-proofing the rule for upcoming changes. The board also acknowledges the fact that any revisions of USP chapters

go through a rigorous process for an extended period of time over multiple years that allows for feedback and notice of implementation already. The board accepted the letter into the record.

Commenter Name: Joshua Brandt, Director, Government Relations, Hims & Hers Health, Inc.

**COMMENT:** Emailed letter in support of the changes with language including: “We commend the considerable effort invested in these amendments, particularly those designed to harmonize Arkansas state regulatory requirements with national compounding standards as delineated by the United States Pharmacopeia (USP), thereby promoting the safety of Arkansas citizens, and those outlining requirements for retail pharmacies obtaining and dispensing medications from 503B facilities, as mandated by Act 961 of 2025. Nevertheless, we respectfully request that the board consider further amendment or clarification within the proposed regulations.” Requests made for amendments were almost identical to those made by Empower Pharmacy requesting the board delete any requirement to notify patients that products are not FDA approved products and to cite specific versions of USP chapters rather than directly reference USP requirements that would mirror FDA requirements.

**RESPONSE:** The board responded to the same requests in relation to Empower Pharmacy and Hims and Hers but would also note the specific FDA actions taken publicly to call out such companies and has noted their intent regarding misleading advertisements inferring that compounded products are equivalent to FDA-approved medications: “The FDA is also taking steps to combat misleading direct-to-consumer advertising and marketing following warning letters that were sent in the fall of 2025. In promotional materials, companies cannot claim that non-FDA-approved compounded products are generic versions or the same as drugs approved by FDA. They also cannot state compounded drugs use the same active ingredient as the FDA-approved drugs or that compounded drugs are clinically proven to product results for the patient.” After discussion the board accepted the letter into the record.

Commenter Name: Chris Pernie, Associate Vice President, Public Affairs, Novo Nordisk, Inc.

**COMMENT:** Novo provided a letter to express concerns with the board’s plan to implement Act 961 of 2025 with language to include: “Guided by fundamental values that prioritize patient safety, we are writing to express concerns with the Arkansas State Board of Pharmacy’s proposed rule implementing Act 961 of 2025. Specifically, we have concerns with the board’s proposed addition of 17 CAR § 160-2022 that would seek to permit an outsourcing facility to supply compounded drug products to a pharmacy for dispensing.” Novo also presented arguments that they believe the FDA may change their proposed guidance on the sale of 503B products to 503A pharmacies and asks the Board to pause any rulemaking until FDA resolves any issues related to this type of distribution.

**RESPONSE:** Board staff responded with the following message: “We appreciate your letter of concern and understand your request. We believe all of this was shared with legislators during consideration of Act 961 of 2025 yet Arkansas law now clearly allows for this practice and also directs the Board of Pharmacy to adopt rules pertaining to the further distribution of 503B produced medications by 503A pharmacies in Arkansas. In case you are not aware of this, when an agency in Arkansas has a legislative mandate to adopt rules on an issue such as this, there is a finite timeline of expectation to promulgate, propose and adopt such rules. I will provide your comments to our Board as part of our feedback process for their consideration.” The Board accepted the letter noting the response given.

Commenter Name: Brad Jordan, Ph.D., Associate Vice President  
Regulatory Policy & Strategy, Eli Lilly and Company

**COMMENT:** Eli Lilly wrote largely in support of the proposed changes and measures being considered and included language supporting the adoption of USP standards directly into the rules: “Officially incorporating these chapters into Arkansas’ pharmacy regulations also promotes consistency among the states, which is particularly important for drug compounding because state boards of pharmacy are primarily responsible for regulating such practice. Although Congress never intended for compounding pharmacies to engage in significant amounts of interstate commerce, many compounding pharmacies dispense compounded drugs across state lines. As a result, state boards of pharmacy must coordinate their oversight and inspection activities, which is facilitated by the widespread adoption of the modern USP standards. By requiring pharmacies engaged in compounding to comply with Section 503A of the FDCA and USP General Chapters on compounding, the revisions to 17 CAR § 160-2201 establishes a clear, nationally consistent compliance floor that promotes patient safety and reduces regulatory ambiguity.” Lilly also requested additional language regarding the establishment of drug shortages and requested more specific language to fully prohibit pharmacy compounding for office-use beyond simply removing that language from the current rules. **RESPONSE:** The Board of Pharmacy did not receive this letter until a few minutes before the end of the public comment period and therefore did not have a chance to respond directly to the requestor before the public meeting to consider the proposed rule changes but did respond after the meeting to explain the board’s review. During the meeting, the board noted that the requested language would be in conflict with established rules regarding the documentation of drug shortages as well as newer rules for veterinary compounding for emergency veterinary needs. The board discussed the fact that erasing either of those rules would be a substantive change that could not be added to this proposed package at this time. Suggested additions regarding a strict prohibition on any office-stock compounding would have an immediate negative impact regarding the ability for veterinarians to care for their patients as described in the current rules which reflect the results of a prolonged cooperative

effort to address those specific needs in Arkansas. The board also recognized the federal prohibitions on office stock compounding for 503A pharmacies which is reflected in the proposed changes at this time. The board accepted the letter into the record.

Grant Wise, an attorney with the Bureau of Legislative Research, asked the following questions and was provided with the following responses:

1. 17 CAR § 160-1804(d) – This provision provides that emergency kit medications must be stored in a secured room with an additional layer of security for the medications to prevent unauthorized access. Arkansas Code § 20-64-912(b)(3)(A) provides that an emergency medication kit shall be stored in a locked container or cabinet behind a locked door. Is there a reason the rule mentions an additional layer of security rather than a locked container or cabinet? **RESPONSE:** I would say that this is mentioned as an additional layer of security as it would include locked containers or cabinets but we have also heard of other approaches that may impact future statutory changes or requests by industry. One suggestion I have heard mentioned would be around automated electronic systems such as Omnicell or pyxis systems being considered a secured “room” by themselves and the additional layer of security could be the secured drawer or module in the drawer. In general, they would also be deemed cabinets in lay terms either way. I believe the language means the same thing overall.
2. 17 CAR § 160-1808(c) – This subsection provides medications to be included in emergency kits and the maximum quantity allowed. Several subdivisions contain the phrase “doses total”, followed by a list of medications. For example, 17 CAR § 160-1808(c)(2) provides “Injectable Seizure control - 2 doses total of diazepam, lorazepam.” So that I am clear, are “doses total” the total number of doses for each specific medication listed, or the total number of medications for that specific category of drug? **RESPONSE:** The language used as doses total has always meant that is the maximum number of doses in that class. So, in your example they could choose 1 dose of each or choose single medication and have 2 doses of it.

The proposed effective date is pending legislative review and approval.

**FINANCIAL IMPACT:** The agency has indicated this rule has no financial impact.

**LEGAL AUTHORIZATION:** Pursuant to Arkansas Code § 17-92-205(a)(1), the Arkansas State Board of Pharmacy shall have authority to make reasonable rules, not inconsistent with law, to carry out the purposes and intentions of Arkansas Code Title 17, Chapter 92, concerning pharmacists and pharmacies, and the pharmacy laws of this state that the board deems necessary to preserve and protect the public health. Further,

Arkansas Code § 17-95-205(a)(2) provides that the board shall by rule establish standards for the administration of medications by licensed pharmacists.

The rule implements Act 637 of 2025, sponsored by Representative Mary Bentley, which authorized alcohol and drug abuse treatment programs to maintain emergency medication kits, and Act 938 of 2025, sponsored by Representative Karilyn Brown, which removed racial and gender quotas and qualifications of membership for certain boards, committees, and commissions. The rule also implements Act 961 of 2025, sponsored by Representative Kendra Moore, which authorized an outsourcing facility of legend drugs and controlled substances that compounds a product to sell the compounded product to certain entities.

**14. Department of Health, Arkansas State Medical Board (Amy Embry, Matt Gilmore)**

**a. Arkansas State Medical Board Rules, Rules Governing Physician Assistants, 17 CAR § 140-1801 et seq.**

**DESCRIPTION:** The Department of Health, Arkansas State Medical Board proposes amendments to its Rules Governing Physician Assistants, 17 CAR § 140-1801 et seq. The proposed rule reduces licensure requirements by removing letters of qualification; adds delegation authority per Arkansas Code § 17-105-107, as amended by Act 437 of 2025; and adds information regarding the PA Compact per Act 300 of 2025.

**PUBLIC COMMENT:** A public hearing was not held on this matter. The public comment period expired March 20, 2026. The agency indicated it received no public comments.

The proposed effective date is pending legislative review and approval.

**FINANCIAL IMPACT:** The agency has indicated that the rule does not have a financial impact. The agency states that with respect to the total estimated cost by fiscal year to any private individual, private entity, or private business subject to the proposed rule, the PA Compact may charge fees, and those wishing to join the Compact will be charged by the Compact. With respect to the total estimated cost by fiscal year to a state, county, or municipal government, the agency states that the PA Compact may charge fees, and those wishing to join the Compact will be charged by the Compact.

**LEGAL AUTHORIZATION:** The Arkansas State Medical Board shall promulgate rules in accordance with the Arkansas Administrative Procedure Act, Arkansas Code § 25-15-201 et seq., that are reasonable and necessary for the performance of the various duties imposed upon the board by Arkansas Code Title 17, Chapter 105, concerning physician assistants. *See* Arkansas Code § 17-105-117(a). Additionally, pursuant to Arkansas Code § 17-105-118, the board may adopt rules that are

reasonable and necessary to implement the provisions of Arkansas Code Title 17, Chapter 105, concerning physician assistants.

Further authority for the rulemaking can be found in Arkansas Code § 17-105-107(e), which provides that a physician assistant may delegate certain tasks as authorized under § 17-95-208 and the rules of the Arkansas State Medical Board, and in Arkansas Code § 17-105-202(b)(1), which provides that the Arkansas State Medical board shall promulgate rules necessary to implement Arkansas Code Title 17, Chapter 105, Subchapter 2, concerning the Physician Assistant Licensure Compact. Rules promulgated by the board under § 17-105-202(b)(1) shall be consistent with the Physician Assistant Licensure Compact necessary to implement the subchapter. *See* Arkansas Code § 17-105-202(b)(2).

The proposed rule implements Act 437 of 2025, sponsored by Senator Clint Penzo, which authorizes a physician assistant to delegate certain tasks.

Additionally, the proposed rule implements Act 300 of 2025, also sponsored by Senator Penzo, which established the Physician Assistant Licensure Compact.

**b. Arkansas State Medical Board Rules, Interstate Medical Licensure Compact, 17 CAR § 140-4101 et seq.**

**DESCRIPTION:** The Department of Health, Arkansas State Medical Board proposes its Interstate Medical Licensure Compact rule, 17 CAR § 140-4101. The purpose of this promulgation is to provide rules per Act 269 of 2025. The Interstate Medical Licensure Compact is an agreement among participating U.S. states and territories for the licensing of physicians who want to practice in multiple states. Those who meet Compact qualifications shall be issued a license in any state in which he/she applies through the Compact.

**PUBLIC COMMENT:** A public hearing was not held on this matter. The public comment period expired March 20, 2026. The agency indicated it received no public comments.

Grant Wise, an attorney with the Bureau of Legislative Research, asked the following question and was provided with the following response:

1. 17 CAR § 140-4101(b) – This subsection references that rules promulgated regarding the Compact shall be consistent with the Compact rules; however, Arkansas Code § 75-95-1202(b)(2) provides that rules promulgated by the board shall be consistent with the Compact itself. Is there a reason the rule differs? **RESPONSE:** The rules the Compact is referring to are for licensing only. When this legislation was enacted, any authority the state of Arkansas has over any person that applies via the Compact was forfeited. Therefore, any licensure rules/regulations/requirements that are required for individuals who apply for a license directly with the Medical Board do not apply to those

applying through the Compact. Additionally, no questions may be asked of these applicants regardless of any concerns that may arise. The current licensure rules must stay in place for those individuals who do not meet or choose not to be licensed through the Compact and apply directly with the Medical Board.

The proposed effective date is pending legislative review and approval.

**FINANCIAL IMPACT:** The agency indicated this rule has no financial impact. The agency states that with respect to the total estimated cost by fiscal year to any private individual, private entity, or private business subject to the proposed rule, the “cost to join the Compact is \$700 plus the cost of a license(s) in any Compact state where a physician wants to practice. All fees are collected and distributed by the Compact and are non-refundable. The physician fee in Arkansas is currently \$120.00.” With respect to the total estimated cost by fiscal year to a state, county, or municipal government to implement the rule, the agency states that the “cost to join the Compact is \$700 plus the cost of a license(s) in any Compact state where a physician wants to practice. All fees are collected and distributed by the Compact and are non-refundable. The physician fee in Arkansas is currently \$120.00.”

**LEGAL AUTHORIZATION:** The Arkansas State Medical Board shall promulgate rules necessary to implement Arkansas Code Title 17, Chapter 95, Subchapter 12, concerning the Interstate Medical Licensure Compact. *See* Arkansas Code § 17-95-1202(b)(1). Rules promulgated by the board under subdivision (b)(1) of this section shall be consistent with the Interstate Medical Licensure Compact necessary to implement the subchapter. *See* Arkansas Code § 17-95-1202(b)(2).

The proposed rule implements Act 269 of 2025, sponsored by Senator Clint Penzo, which established the Interstate Medical Licensure Compact.

**15. Department of Health, Board of Examiners in Speech-Language Pathology and Audiology (Nathaniel Roe, Matt Gilmore)**

**a. Board of Examiners in Speech-Language Pathology and Audiology Rules, 17 CAR pt. 180**

**DESCRIPTION:** The Department of Health, Board of Examiners in Speech-Language Pathology and Audiology proposes amendments to its Board of Examiners in Speech-Language Pathology and Audiology Rules, 17 CAR pt. 180. Pursuant to Arkansas Code § 17-100-202, the Arkansas State Board of Examiners in Speech-Language Pathology and Audiology has authority to adopt reasonable rules. Rules are revised as laws and procedures change. The proposed rule implements Act 517 of 2025 and Act 966 of 2025 to change the renewal date from June 30th to October 31st of each year and to update the Scope of Practice of Audiologists in accordance with Act 517 of 2025.

**PUBLIC COMMENT:** A public hearing was not held on this matter.

The public comment period expired March 14, 2026. The agency provided the following public comment summary:

Commenter Name: Becky Caldwell

**COMMENT:** This email is in regards to the proposed changes to the renewal date for licensure. Instead of moving it to the end of October, could it instead be aligned with ASHA and be due the end of December?

**RESPONSE:** The Board reviewed your comments at the March 5 meeting. While your suggestion was considered, the Board decided to pursue the October 31 renewal date set forth in the Rule Changes. This decision was based on the time of year when there are fewer social and family obligations and a time that most license holders are working; unlike the current June 30th date.

The proposed effective date is pending legislative review and approval.

**FINANCIAL IMPACT:** The agency has indicated that the amended rule has no financial impact.

**LEGAL AUTHORIZATION:** Arkansas Code § 17-100-202(a) provides that the Board of Examiners in Speech-Language Pathology and Audiology shall administer, coordinate, and enforce the provisions of the Licensure Act of Speech-Language Pathologists and Audiologists, Arkansas Code 17-100-101 et seq, and supervise the examinations of applicants for licensure under the chapter. The board shall adopt rules relating to professional conduct commensurate with the policy of the chapter, including, but not limited to, rules which establish ethical standards of practice necessary to the enforcement and orderly administration of the chapter and, for other purposes, may amend or repeal the same. *See* Arkansas Code § 17-100-202(b)(1). Following their adoption, the rules shall govern and control the professional conduct of every person who holds a license to practice speech-language pathology or audiology in this state. *See* Arkansas Code § 17-100-202(b)(3)(B).

The proposed amendments include those made in light of Act 517 of 2025, sponsored by Senator Clint Penzo, which amended the definition of “audiology” relating to the practice of audiologists, and Act 966 of 2025, sponsored by Representative Jeremy Wooldridge, which amended the expiration date of all licenses of the Board of Examiners in Speech-Language Pathology and Audiology.

**16. Department of Health, State Board of Health (S. Craig Smith, items a-e; Bernie Bevell, item a; Kelli Kersey, items b, e; Cristy Sellers, items c-d)**

**a. Rules Pertaining to Radiologic Technology Licensure, 17 CAR pt. 49**

**DESCRIPTION:** The proposed amendments are to update qualifications for two limited scope radiation modalities including licensure and credentialing options. These updates are done pursuant to recommendation of the Medical Ionizing Radiation Licensing Committee and are a result of increased healthcare marketplace demands. These updates will increase

employment opportunities for candidates interested in rad tech. There is one amendment regarding apprentice documentation to comport with Act 695 of 2025, which updated the Arkansas “Earn and Learn” Act of 2021.

**PUBLIC COMMENT:** No public hearing was held on this rule. The public comment period expired on February 17, 2026. The agency provided the following public comment summary:

**Commenter’s Name:** Bobby Matthews, MS, DABR

**COMMENT:** Thank you for the opportunity to review the proposed Radiation Control rules and the Radiologic Technology Licensure updates. The incorporation of CRCPD State Suggested Regulation (SSR) language aligns well with established national model regulations, and I did not identify concerns related to clinical authorization within the Radiation Control rules, where “Authorized Medical Physicist” terminology remains clear. One area that may benefit from clarification is the combined “radiation health physicist or medical physicist” language in the RTL rules, which could introduce unintended ambiguity regarding professional roles. While I understand the intent of this wording, additional clarification may help avoid potential misinterpretation. Thank you for the time and effort invested in maintaining and updating these regulations.

**RESPONSE:** The Department appreciates the comment and will review the additional suggestions for future promulgation. No comments on proposed changes were noted.

**Commenter’s Name:** Roberta Lynn Skelton

**COMMENT:** Even though the recent change in RT license does not apply to me I would like to reach out for the need for Limited License to cover all conventional X-ray without the accompaniment of a physician or RT. I realize large cities might have plenty of RTs available and have no need for Limited Techs but that definitely cannot be said for rural areas and small towns. When patients, especially the elderly have to travel to another facility in another town to have X-rays, it not only delays diagnosis and the treatment plan but often creates another layer of complications due to dependency on family, friends or others for transportation. Often times the ones providing transportation are taking time away from work and or have children to collect from school. I do fully understand the need for advanced education in the more specialized fields of radiology such as nuclear, mri, pet and u/s . However, I feel the Limited License program prepared us for all conventional X-ray including abdomen, pelvis, ribs and hips as they were a part of the course and test. I feel the Limited License Techs, as myself are an essential part of healthcare as well as being capable to perform accurate images while implementing ALARA for every exam. It also seems unfair that the ones that were grandfathered in, have no restrictions when those of us who actually took an X-ray course and passed an exam are restricted. I, for one had performed X-ray prior to the law changing but was not working at that

time and therefore was unaware of the law changing and missed the opportunity to be grandfathered in. I am thankful for the State of Arkansas Limited X-ray program and I feel it enriched my understanding of technique and positioning as well as made me more aware of the effects of radiation both short and long term to both the patient and the tech. I feel continuing education is vital for growth in understanding, performance and accountability. It is my hope that Arkansas will maintain the Limited License program but will remove the restrictions for conventional X-Ray.

**RESPONSE:** The Department appreciates the comment, however the scope of limited license is outlined in Arkansas law and cannot be modified through rule. No comments on proposed changes were noted.

The proposed effective date is pending legislative review and approval.

**FINANCIAL IMPACT:** The agency indicated that this rule has no financial impact.

**LEGAL AUTHORIZATION:** The State Board of Health has authority to “[a]dopt standards for applicants wishing to take the licensing examination” necessary to obtain a radiologic technology license. Ark. Code Ann. §§ 17-106-105, -107. The Board has authority to promulgate rules “as may be necessary” to carry into effect the Arkansas Consumer-Patient Radiation Health and Safety Act. Ark. Code Ann. § 17-106-105(a)(1)(D).

This rule implements Act 695 of 2025. The Act, sponsored by Senator Jane English, established the State Apprenticeship Agency Act.

**b. Rules for Massage Therapy in Arkansas, 17 CAR pt. 52**

**DESCRIPTION:** Proposed amendments to the existing rule are to implement changes pursuant to Acts 2025, No. 267 (Interstate Massage Therapy Compact); No. 484 (posting of National Human Trafficking Resource Hotline); No. 629 (Establishment Registrations), and minor clarification e.g., minimum time for revocation for sex offenses.

**PUBLIC COMMENT:** A public hearing was held on these rules on March 2, 2026. The public comment period expired on March 2, 2026. The agency provided the following public comment summary:

**Commenter’s Name:** Christabelle S. Carpenter

**COMMENT:** B1 section....the inspector has the right to inspect a massage establishment during business hours.... It is not spelled out in so many words, but does the proposed wording give the state massage inspector the right to enter a room where a massage is taking place, while a massage client is inside the massage room? In the past, massage inspectors have not had the right to enter a massage room while a massage client was inside the massage room, either on or off the massage table.

**RESPONSE:** This rule section is updated to include the use of the term “establishment” pursuant to Act 629 of 2025, but otherwise remains unchanged from previous Rule versions. The law provides that the

Department is prohibited from entering into a room where a client is being served. See Ark. Code § 17-86-203(b)(2). The Department will review the suggested addition of the text of Ark. Code § 17-86-203(b)(2) in future rule amendments.

Commenter's Name: Robert Fisher

**COMMENT:** I want to make sure specific posture related bodywork with the anterior thorax and breasts, and implant related bodywork, is inclusive to the wording. Perhaps add: Posture Related Bodywork and related hours. It's not directly related to the breast tissue itself, like lymphatic. But it is directly related to soft tissues all around, and under, the breasts. And yes, sometimes this requires undraping, with permission of course. 1) Include wording: Posture Related Bodywork (and related hours); 2) Please reply that you recognize my bodywork relative to the anterior thorax and breasts, so I can save a copy for approval in Arkansas. My primary focus is posture related chronic muscle pain relief. And not all continuing education related to posture is worded as myofascial because it is a Neuro-Myo-Fascial system, and thankfully we have access to different techniques and approaches. **RESPONSE:** The text of the rules concerning massage of the breasts are directly from the requirements of the Massage Therapy Act and cannot be modified or changed via rule.

Commenter's Name: Kirby Clark Ellis

**COMMENT:** 1) "17 CAR § 52-119. Conduct and ethics. (a) It is the responsibility of the licensed massage therapist or therapists to create and maintain a safe environment during a massage session." Should instead read: It is the SHARED responsibility of the licensed massage therapist or therapists and the client to create and maintain a safe environment during a massage session. Rationale: If the client is not forthcoming in sharing information that could render specific modifications to ensure safety and best practices are created and maintained, the onus should not fall solely on the practitioner because the client withheld pertinent information. Furthermore, massage therapy is not a service or treatment that is simply "done" to a client, it is a collaborative experience that the client and therapist must both be engaged and participating in. Are there any other healthcare practices the Department oversees that have rules that enforce that same level of liability on their licensees?

2) "(19)(A) "Massage therapy instructor" means a person who: (iii) On or after July 1, 2010, in addition to the experience under subdivision (b)(17)(A)(i) of this section has completed no fewer than two hundred fifty (250) continuing education hours as approved by the Department of Health department as a licensed master massage therapist..." Should include the addition: "no less than 25 continuing education hours obtained as a licensed master massage therapist must be in some acceptable coursework pertaining to: instructor development, learning styles, adult education, instructional design, lesson planning, classroom management,

learning delivery/experiences, and/or student assessment/evaluation methods in order to qualify for licensure as a massage therapist instructor.” Rationale: the Arkansas massage therapy rules outline specific entry level curriculum required for licensure as a Licensed Massage Therapist (LMT), but no specific hours that would be relevant to the licensure of Massage Therapist Instructor (MTI), this not only results in massage educators and teachers being unprepared in the classroom, but harms the public (potential students enrolling in entry level programs) by receiving poor quality education with no recourse for complaint upon completing a program.

3) “his or her” should be replaced with “their” throughout the rules. Rationale: not only is the pronoun “their” singular in use and inclusive of individuals meant to be included with the phrase “his or her”, but it is also concise language that reduces word count on this document.

4) 17 CAR § 52-102. Principles, methods, and definitions. Should include: a definition for what a “Client” is. Proposed definition: “Client” means any person who (i) is the recipient of treatment or services of a licensed massage therapist, licensed master massage therapist, or licensed massage therapist instructor at a regular or irregular frequency. (ii) a person shall be considered a client from a period of time that begins at the start of the client-therapist relationship and lasts no less than 6 (six) months following either termination or the last date of services rendered, Unless (iii) an ongoing familiar relationship existed prior to the date the client-therapist relationship began. Rationale: The term “client” appears 5 times in the Arkansas Massage Therapy Law and 29 times in the Rules for Massage Therapy in Arkansas, but nowhere is there a concrete legal definition of what a client is. Relying on abstract implied understanding of what constitutes a client is a lapse in regulatory and legislative oversight. New Jersey defines client in the following way: “Client” means any person who is the recipient of massage or bodywork therapy. “Client-therapist relationship” means a relationship between a licensee and a client in which the licensee owes a continuing duty to the client to render massage or bodywork therapy services consistent with his or her training and experience. **RESPONSE:** The Code of Ethics section sets forth the requirements for licensed massage therapists as a condition of their licensure. The Arkansas Massage Therapy Act does not grant any authority over a massage therapy client to ADH. The definition for massage therapy instructor is directly from the Arkansas Massage Therapy Act and cannot be amended via rule. The current proposed amendments do not include any changes regarding pronouns. The Department will review and consider changes in future promulgation in compliance with administrative policy and state law. The Department will review the request to add a definition of “client” in future rule promulgation. However, the Department generally defers to the Legislature for guidance rather than substitute its own detailed definition for a term in the law for many years which indicates a Legislative intent that a plain language

reading suffice.

Lacey Johnson, an attorney with the Bureau of Legislative Research, asked the following question and received the following response:

**Q.** 17 CAR § 52-121(c)(2)(D)(ii) states that an applicant for multistate licensure must not have been convicted, found guilty, or entered into an agreed disposition of a misdemeanor within the last two years. Does this requirement come from statute or is it based on something else?

**RESPONSE:** The language on 17 CAR § 52-121(c)(2)(D)(ii) comes from Ark. Code § 17-86-401 “Text of the Compact” under Article 4 (A)(6).

The proposed effective date is pending legislative review and approval.

**FINANCIAL IMPACT:** The agency indicated that this rule has no financial impact.

**LEGAL AUTHORIZATION:** The State Board of Health may promulgate and enforce reasonable rules for the purpose of carrying out Title 17, Chapter 86 of the Arkansas Code, regarding massage therapists. Ark. Code Ann. § 17-86-203(a)(1). This rule implements Acts 267, 484, and 629 of 2025.

Act 267, sponsored by Representative Jason Nazarenko, established the Interstate Massage Compact in Arkansas. The Department of Health may adopt rules consistent with the Compact as necessary to implement the Compact. *See* Ark. Code Ann. § 17-86-402(b), *as created by* Act 267.

Act 484, sponsored by Representative Joey Carr, concerned the prevention of human trafficking and required the display of information about the National Human Trafficking Hotline.

Act 629, sponsored by Representative Mary Bentley, amended the Massage Therapy Act and established registration for massage therapy establishments.

**c. Rules Pertaining to Community Health Workers, 17 CAR pt. 55**

**DESCRIPTION:** These proposed Rules are to enact the certification of community health workers in Arkansas, pursuant to Acts 2025, No. 435.

**PUBLIC COMMENT:** No public hearing was held on this rule. The public comment period expired on March 10, 2026. The agency provided the following public comment summary:

**Commenter’s Name:** Johnny Riley, Bridging the Gaps of Arkansas

**COMMENT:** On behalf of our organization and our partners engaged in community health and prevention services across Arkansas, I respectfully submit the following public comment regarding the proposed rules developed pursuant to Act 435 of the 95th General Assembly Regular Session of 2025, the Community Health Worker Certification Act. First, we commend the Arkansas Department of Health for establishing a formal

certification framework for Community Health Workers (CHWs). This effort strengthens the public health workforce, enhances accountability, and supports Medicaid and health benefit plan reimbursement for covered services. We respectfully recommend that the final rules explicitly clarify that Certified Community Health Workers may serve in prevention-focused roles within their defined scope of practice. Given Arkansas' ongoing public health challenges—including substance misuse, chronic disease disparities, maternal health outcomes, and behavioral health access gaps—CHWs are uniquely positioned to deliver culturally competent health education, outreach, care coordination, and early intervention services that align directly with prevention science. Specifically, we encourage ADH to:

1. Include language recognizing CHWs as eligible to deliver preventive services, including substance misuse prevention, behavioral health promotion, and chronic disease prevention education.
2. Clarify alignment between CHW core competencies and evidence-based prevention frameworks.
3. Ensure Medicaid billing guidance clearly supports reimbursement for prevention services delivered within scope.
4. Maintain appropriate supervision, training, and compliance safeguards consistent with Arkansas Code § 17-3-102 and related statutes. Providing this clarification will not expand scope of practice beyond Act 435, but will strengthen workforce integration, enhance sustainability of community-based prevention programs, and support long-term cost avoidance in Arkansas' healthcare system.

We appreciate the opportunity to provide input during this public comment period and remain available to assist with implementation, workforce alignment, or stakeholder engagement as the rules are finalized.

Thank you for your leadership in advancing Arkansas' public health infrastructure. **RESPONSE:** ADH does not have the authority to expand the scope of practice beyond what is defined in Act 435 of 2025. The authority to promulgate rules regarding Medicaid billing and to provide guidance on such billing falls to the Arkansas Medicaid Program that is administered through the Arkansas Department of Human Services. 17 CAR § 55-111 of the proposed rules addresses compliance with Arkansas Code § 17-3-102.

Commenter's Name: Bri Morris, Community Pharmacy Enhanced Services Network (Arkansas CPESN)

**COMMENT:** Arkansas Community Pharmacy Enhanced Services Network (Arkansas CPESN) is the largest single network of pharmacies in the state, representing more than 170 locally owned community pharmacies across rural Arkansas. As a pharmacist-led clinically integrated network, CPESN enables community pharmacies to deliver enhanced patient care services and participate in value-based partnerships that improve health outcomes. In many rural communities, these pharmacies serve as the most accessible healthcare setting and a trusted point of care. Arkansas CPESN appreciates the Department's leadership in

advancing policies that strengthen Arkansas' healthcare workforce and expand access to care. We are encouraged to see the rule define a healthcare provider as an individual licensed to render covered healthcare services, consistent with Arkansas law recognizing pharmacists as healthcare providers within their scope of practice. Arkansas Medicaid has also allowed pharmacists to enroll as providers for certain services, supporting pharmacist participation in team-based models of care. The scope of practice outlined for community health workers—including cultural mediation, health education, care coordination, case management, health system navigation, coaching and social support, and patient advocacy—aligns naturally with pharmacy-based care teams. Community pharmacies provide frequent patient interaction and trusted relationships that make them ideal settings for CHWs to support prevention, patient education, and connection to clinical and community resources. Arkansas CPESN pharmacies are already demonstrating results from this model. Through a pilot program operating in six rural pharmacies, pharmacy teams and CHWs have conducted more than 1,000 community-based stroke risk screenings and referred several hundred individuals for follow-up care to their prescribers when appropriate. These screenings were made possible through targeted funding that enabled pharmacy teams to conduct proactive community outreach and preventive screening efforts. In addition, more than 30 pharmacies across Arkansas are accredited or pursuing accreditation as Diabetes Self-Management Education and Support (DSMES) sites, expanding access to evidence-based diabetes care. CHWs play an important role in patient outreach, education reinforcement, care coordination, and navigation of healthcare and community resources. These efforts reflect the type of community-based prevention, workforce development, and care coordination emphasized in Arkansas's Rural Health Transformation strategy. Arkansas CPESN thanks the Department for its leadership in advancing team-based care models that strengthen community-based healthcare. Recognizing pharmacists as healthcare providers and enabling community health workers to operate within pharmacy care teams reflects the evolving role of community pharmacies as accessible healthcare hubs across Arkansas and will help expand preventive services, strengthen care coordination, and improve health outcomes statewide. **RESPONSE:** Under Arkansas Code § 17-92-101, a licensed pharmacist shall be considered an individual healthcare provider. Act 435 of 2025 states “healthcare provider” includes an individual licensed to render covered healthcare services. ADH does not have the authority to expand the definition of “healthcare provider” or the scope of practice beyond what is defined in the Act.

Commenter's Name: Debra Wolfe, Arkansas Pharmacists Association

**COMMENT:** The Arkansas Pharmacists Association (APA) appreciates the opportunity to comment on the Community Health Worker Act. As the Department of Health considers updates to regulatory frameworks, we encourage continued support for innovative, community-based care

models that expand access to services across Arkansas. APA is encouraged to see “healthcare provider” defined as an individual licensed to render covered healthcare services. Under Arkansas law, pharmacists are recognized as healthcare providers and should be included in programs and policies that support healthcare service delivery and care coordination. Community pharmacies are among the most accessible healthcare settings in Arkansas and are increasingly serving as hubs for pharmacy-based community health workers (CHWs) who help extend the reach of healthcare teams. Across Arkansas, more than 100 CHWs working in pharmacies are currently supporting patients through programs focused on maternal health, diabetes management, and chronic disease support. These efforts are already producing measurable impact. Since the beginning of this year, more than 1,000 Arkansans have received stroke screenings through community outreach by pharmacy-based CHWs. Pharmacy-based CHWs operate within the traditional scope of community health worker practice by supporting patient education, care coordination, resource navigation, and preventive health outreach within and outside of the pharmacy’s walls. Within pharmacy care teams, CHWs commonly assist with:

- Patient outreach and follow-up, including contacting patients between medical visits to support adherence to care plans and medications.
- Health education and coaching, reinforcing pharmacist-provided counseling on conditions such as diabetes, hypertension, and maternal health.
- Screening and preventive outreach, helping coordinate community events and pharmacy-based screenings such as blood pressure, diabetes risk, and stroke risk assessments.
- Care navigation, assisting patients in scheduling appointments with primary care providers or specialists and connecting them with community services.
- Addressing health-related social barriers, including connecting patients to resources for transportation, food security, housing assistance, and other local support services.

Arkansas’s pharmacy community provides strong infrastructure for expanding these efforts. Arkansas Community Pharmacy Enhanced Services Network (Arkansas CPESN), Arkansas’s clinically integrated network of more than 170 community pharmacies across 57 counties, employs more than 50 of the state’s community health worker workforce, positioning them as trusted access points for preventive care and care coordination in rural communities. Sustainable payment pathways for these services are also emerging. In January 2024, the Centers for Medicare & Medicaid Services (CMS) began paying for principal illness navigation services, establishing new Healthcare Common Procedure Coding System (HCPCS) billing codes for services delivered by certified or auxiliary staff, including community health workers, under the direction of a physician or other qualified practitioner. These codes recognize the value of CHWs in care navigation and coordination and provide a pathway to sustainably integrate pharmacy-based CHWs into team-based care models. The Arkansas Pharmacists Association appreciates the Department’s leadership in improving the

health of Arkansans. With pharmacists recognized as Medicaid providers and the CHW scope of practice fitting naturally within pharmacy settings, we look forward to continued collaboration on the implementation of this rule and expanding access to CHW services for Arkansans. **RESPONSE:** Under Arkansas Code § 17-92-101, a licensed pharmacist shall be considered an individual healthcare provider. Act 435 of 2025 states “healthcare provider” includes an individual licensed to render covered healthcare services. ADH does not have the authority to expand the definition of “healthcare provider” or the scope of practice beyond what is defined in the Act. The authority to promulgate rules regarding Medicaid billing and to provide guidance on such billing falls to the Arkansas Medicaid Program that is administered through the Arkansas Department of Human Services.

The proposed effective date is pending legislative review and approval.

**FINANCIAL IMPACT:** The agency indicated that the proposed rule has no financial impact. Concerning the total estimated cost by fiscal year to any private individual, private entity, or private business subject to the proposed rule, the agency stated that Acts 2025, No. 435 provides for a \$50 biannual initial and renewal fee for certification. Per the agency, Community Health Workers are a new certification created by Acts 2025, No. 435, and therefore the agency is unable to determine the rule’s financial impact. With respect to the total estimated cost by fiscal year to a state, county, or municipal government to implement the rule, the agency stated that community health workers are a new certification created by Acts 2025, No. 435, and therefore the agency is unable to determine any financial impact.

**LEGAL AUTHORIZATION:** This rule implements Act 435 of 2025. The Act, sponsored by Representative Lee Johnson, created the Community Health Worker Act and established a statewide certification for community health workers. “The Department of Health may promulgate rules relating to the certification and regulation of community health workers under” Title 17, Chapter 46 of the Arkansas Code. Ark. Code Ann. § 17-46-304, *as created by Act 435.*

**d. Rules Pertaining to Doula Certification, 17 CAR pt. 56**

**DESCRIPTION:** Pursuant to Act 965 of 2025, these rules establish minimum standards for certification of Community-Based Doulas in Arkansas. These standards are not static and are subject to periodic revision in the future as new knowledge and changes in patient care trends become apparent.

These rules include provisions for disqualifying offenses as listed in Arkansas Code § 17-3-102, fines imposed by the Board in accordance with Arkansas Code § 20-7-10, and adherence to Arkansas Code § 25-15-201, the Arkansas Administrative Procedure Act.

The Act establishes certification for Community-Based Doulas through the Arkansas Department of Health for services provided within their scope of practice as outlined and provides insurance and Medicaid reimbursement for covered services.

**PUBLIC COMMENT:** No public hearing was held on this rule. The public comment period expired on March 10, 2026. The agency provided the following public comment summary:

**Commenter's Name:** Liyah Wasson, Doula Alliance of Arkansas

**COMMENT:** Thank you for the opportunity to present public comment on the provisions that will be included in the community-based doula certification rules. The Doula Alliance of Arkansas has shared the rules with our board of directors and membership of active doulas for feedback. We are honoured and excited about the opportunity to offer consultation to the Arkansas Department of Health in supporting a smooth, collaborative adoption of the community-based doula benefit and successful implementation of state doula certification. We look forward to co-developing the professional development processes together. Once again, thank you for the opportunity to provide feedback on the proposed rulemaking and all of the attention you have given to this project.

**RESPONSE:** No response necessary.

**Commenter's Name:** Almetria Turner, Roots and River Wellness

**COMMENT:** As a seasoned doula but new doula to the rural Arkansas community, I want to address several concerns. It is my belief that people shouldn't have to choose between having a community health worker or a doula because both are vital in providing holistic wraparound support and services in the continuum of care. While some of their support might overlap, doulas spend an exorbitant amount of time with clients throughout the perinatal period from being on call weeks at a time, addressing concerns throughout the day and night, as well as offering uninterrupted hours of in person hands-on holistic support that CHW's can't and don't offer. It's this type of hands-on support that reduces inductions, interventions, worries and c-sections amongst our clients and families. All families should have access to doulas without the referrals of physicians especially within the rural communities due to maternal deserts, limited obs/gyns, nurse practitioners, maternal fetal medicine specialists, dietitians, lactation consultants, other perinatal providers and the drivers of health. Referrals can prolong access to prenatal care, evidence based education and support. Also, many doulas are also lactation counselors and consultants who already have established a relationship with our clients, provide lactation education, make sure a proper latch has been established after birth, and we resolve nonclinical issues and concerns in postpartum. Doulas who are also lactation counselors/consultants should be able to bill for lactation services in addition to providing doula support. Doulas refer out to IBCLCs when

medically necessary. Doulas should also be paid a sustainable wage in addition to a 10% incentive to serve rural communities. Doulas can only take on 3-5 clients per month and sometimes less if this isn't their full time job. Most doulas work a 9-5, have children of their own and households to run. A minimum of \$1500 per client regardless of the type of birth with 5 flexible pre/postnatal visits should be the base because of doulas provide time, effort and resources unaccounted and paid for beyond the visits and birth. We can't take on 30-40 clients per month like OBs as it's not humanly possible and it compromises care. With there being so many maternal deserts, a lack of providers serving many counties, and the need to build up the workforce while trying to reduce our maternal and infant mortality statistics, a 10% rural incentive should be given per client to encourage people to become doulas within those areas as well as current doulas to go out and serve potential clients to cover extra time away from our own families, gas, and wear/tear on our cars. There are so many benefits to having doulas covered under Medicaid and I hope the state of Arkansas will take these considerations to heart to help build up our perinatal workforce, address health disparities, bridge health equity gaps and reduce the maternal and infant mortality rates for our fellow Arkansans. **RESPONSE:** The authority to promulgate rules regarding Medicaid billing and to provide guidance on such billing falls to the Arkansas Medicaid Program that is administered through the Arkansas Department of Human Services.

Commenter's Name: Jenny Kincannon

**COMMENT:** Thank you for the opportunity to present public comment on the provisions that will be included in the community-based doula certification rules. The Doula Alliance of Arkansas has shared the rules with our board of directors and membership of active doulas for feedback. We are honoured and excited about the opportunity to offer consultation to the Arkansas Department of Health in supporting a smooth, collaborative adoption of the community-based doula benefit and successful implementation of state doula certification. We look forward to co-developing the professional development processes together. Once again, thank you for the opportunity to provide feedback on the proposed rulemaking and all of the attention you have given to this project.

**RESPONSE:** No response necessary.

The proposed effective date is pending legislative review and approval.

**FINANCIAL IMPACT:** The agency indicated that the proposed rule has no financial impact. With respect to the total estimated cost by fiscal year to any private individual, private entity, or private business subject to the proposed rule, the agency stated that Acts 2025, No. 965 provides for a \$50 biannual initial and renewal fee for certification. As Community-Based Doulas are a new certification created by Acts 2025, No. 965, the agency stated that it is unable to determine any financial impact. Concerning the total estimated cost by fiscal year to a state, county, or

municipal government to implement the rule, the agency stated that Community-Based Doulas are a new certification created by Acts 2025, No. 965, and therefore the agency is unable to determine any financial impact.

**LEGAL AUTHORIZATION:** This rule implements Act 965 of 2025. The Act, sponsored by Representative Lee Johnson, established the Certified Community-Based Doula Certification Act and certified birth and postpartum doulas in this state to improve maternal and infant outcomes. “The Department of Health may promulgate rules relating to the certification and regulation of certified community-based doulas under [the Certified Community-Based Doula Act] and relating to the designation of an organization as a doula certification organization.” Ark. Code Ann. § 17-108-304(a), *as created by Act 965*.

e. **Rules for Cosmetology and Body Art in Arkansas, 17 CAR pt. 54**

**DESCRIPTION:** The proposed amendments are to comply with Acts 2025, No. 484, regarding required posting of National Human Trafficking Resource Hotline, and minor changes to clarify wax pot safety and addition of body art modalities after initial licensure.

**PUBLIC COMMENT:** No public hearing was held on these rules. The public comment period expired on March 23, 2026. The agency indicated that it received no public comments.

The proposed effective date is pending legislative review and approval.

**FINANCIAL IMPACT:** The agency indicated that this rule has no financial impact.

**LEGAL AUTHORIZATION:** The Department of Health “may adopt appropriate rules regarding the artists, premises, equipment, procedures, and conditions of establishments which perform procedures subject to” Title 17, Chapter 26, Subchapter 6 of the Arkansas Code, regarding body art, “to assure that the premises, equipment, procedures, and conditions are aseptic and do not constitute a health hazard.” Ark. Code Ann. § 17-26-603(b)(1). The Department shall implement the State Board of Health’s rules for carrying out the provisions of Title 17, Chapter 26 of the Arkansas Code, regarding cosmetology and related occupations. Ark. Code Ann. § 17-26-205(a)(5)(A).

These rules implement Act 484 of 2025 and include changes based on Act 170 of 2025. Act 170, sponsored by Senator Clarke Tucker, made technical corrections to Title 17 of the Arkansas Code concerning professions, occupations, and businesses. Act 484, sponsored by Representative Joey Carr, concerned the prevention of human trafficking and required the display of information about the National Human Trafficking Hotline.

17. **Department of Labor and Licensing (Dan Parker, Ralph Hudson, item a; Lacie Kirchner, Lindsay Moore, item b)**

a. **Minimum Wage, 11 CAR pt. 11**

**DESCRIPTION:** The proposed rules will amend the existing rules consistent with Acts 397, 737, and 743 of 2025 to:

(1) Replace the existing 20-factor test for determining the status of a person as an employee or independent contractor with the federal standard (11 CAR § 11-602(b)(4));

(2) Incorporate the wage investigation reforms adopted by Act 397 of 2025 by clarifying the applicable assessment period, procedures, and remedies for violations of the Arkansas Minimum Wage Act (11 CAR § 11-1101(c)-(e));

(3) Clarify the authority of the Secretary of the Department of Labor and Licensing over state minimum wage and overtime claims and investigations; and

(4) Make technical, grammatical, and stylistic changes to conform to the BLR Drafting Manual.

**PUBLIC COMMENT:** A public hearing was held on April 13, 2026. The public comment period expired on April 15, 2026. The agency received no public comments.

Camille Fleming, an attorney with the Bureau of Legislative Research, asked the following questions:

1. **QUESTION.** 11 CAR § 11-203(a)(2)(A). This subdivision was changed from “employees who voluntarily come in...do not have to be paid for such periods provided, of course, that they do not engage in any work” to “employees who voluntarily come in...do not have to be paid for such periods except for actual work performed...” What distinguishes “any work” from “actual work”? **RESPONSE:** I thought this change would make it clearer – that “actual work” more clearly described work-related job duties (not just “any” work).

2. **QUESTION.** 11 CAR § 11-302(a). This section discusses full-time student certificates, explaining that an application for a certificate shall require submission of verification from an accredited institution of education within the State of Arkansas. The amendment also adds “or within a border town in a qualifying border sister state”. On what statute or act does the department rely on to include this new language?

**RESPONSE:** The “border sister state” allowance was somewhat buried in the existing rule under the preceding section, 11 CAR 11-301(c).

3. **QUESTION.** 11 CAR § 11-907. This amendment specifies that retail or service establishments are in compliance for establishments “whose employees are compensated principally by commissions”. Does the department provide guidelines for employers so that they may determine if

their employees are compensated principally by commissions?

**RESPONSE:** This rule provides an exemption from overtime compensation (otherwise required by Arkansas Code § 11-4-211) for commission employees of retail or service establishments who earn more than one and one-half the applicable minimum wage and who earn at least 50% of the employee’s compensation through commissions. The incorporation of 29 U.S.C. § 207(i) and 29 C.F.R. §§ 779.410 – 779.421 is intended to provide employers guidance in this area, as does USDOL Fact Sheet #20, which can be located here:

[Fact Sheet #20: Employees Paid Commissions By Retail Establishments Who Are Exempt Under Section 7\(i\) From Overtime Under The FLSA | U.S. Department of Labor](#)

4. **QUESTION.** 11 CAR § 11-1101(d)(2). This new language is almost identical to Arkansas Code § 11-4-218(d)(1)(B)(iii). However, subdivision (d)(1)(B)(iii)(b) also includes, “Notwithstanding subsection (g) of this section”. Subsection (g) states, “The statute of limitations for causes of action under this subchapter is two (2) years.” Is there a reason the agency chose not to include this language as well? **RESPONSE:** Yes. Act 397 of 2025 changed the limitations period only for Department of Labor and Licensing investigations, administrative proceedings, and court actions as now stated in this rule. The “[n]otwithstanding subsection (g) . . . “ language of Act 397 (referring to Arkansas Code § 11-4-218(g)) was intended for clarity, i.e., that private causes of action for Minimum Wage Act violations still have the two-year statute of limitations period provided for in Arkansas Code § 11-4-218(g). It is not necessary for this Rule – which only provides the ADLL procedures and limitations period.

5. **QUESTION.** 11 CAR § 11-1103. For what reason was subdivision (d) of this section removed? **RESPONSE:** This removes a somewhat arbitrary, two-year deadline from the time a sanctionable violation occurs to allow a more practical time frame for identifying the violation, considering the surrounding circumstances, and assessing an appropriate civil money penalty, if any.

The proposed effective date is pending legislative review and approval.

**FINANCIAL IMPACT:** The agency indicated that the proposed rule has no financial impact.

**LEGAL AUTHORIZATION:** For any occupation, the Secretary of the Department of Labor and Licensing shall make and revise such administrative rules, including definitions of terms, as he or she may deem appropriate to carry out the purposes of the Minimum Wage Act of the State of Arkansas, Arkansas Code § 11-4-201 et seq., or necessary to prevent the circumvention or evasion of the Minimum Wage Act of the State of Arkansas and to safeguard the minimum wage rates established. See Arkansas Code § 11-4-209. The secretary or his or her designee shall determine the amount of the civil penalty and shall consider the

appropriateness of the civil penalty to the size of the business and the gravity of the violation. *See* Arkansas Code § 11-4-206.

This rule implements Acts 2025, No. 397, sponsored by Senator Missy Irvin, which amended the Minimum Wage Act of the State of Arkansas, assisted the Division of Labor with Enforcing the fair and prompt payment of wages to Arkansas citizens, and clarified the manner in which wage and hour complaints are investigated.

This rule implements Acts 2025, No. 737, sponsored by Senator Missy Irvin, which amended the duties of the Secretary of the Department of Labor and Licensing and amended portions of the Arkansas Code which resulted from Initiated Act 1 of 1914.

This rule implements Acts 2025, No. 743, sponsored by Senator Jane English, which amended various laws related to the Division of Workforce Services, altered the test used for determining the employment status of individuals, amended the definition of “employee” under the Workers’ Compensation Law resulting from Initiated Act 4 of 1948, reflected the removal of the Department of Commerce from administration of the Temporary Assistance for Needy Families Program, and altered the distribution of proceeds from administrative assessments.

**b. Boiler Inspection Section Rules, 20 CAR pt. 880**

**DESCRIPTION:** The Department of Labor and Licensing, Boiler Inspection Section proposed rule changes for 20 CAR pt. 880 are in accordance with Act 746 of 2025. The Act clarified experience requirements for the chief boiler inspector, updated permit fees for boilers and unfired pressure vessels, allowed for third-party inspection services, and updated inspection fees. The proposal makes these changes as well. The proposal also cleans up outdated or repetitive information already contained in statutes to simplify the rules.

**PUBLIC COMMENT:** The public comment period expired on April 14, 2026. No public hearing was held. The agency indicated that no public comments on this rule were received.

Camille Fleming, an attorney with the Bureau of Legislative Research, asked the following questions:

1. **QUESTION.** 20 CAR § 880-413(b)(1). This subdivision now provides that an applicant can obtain three months of training under the supervision of a licensed boiler operator with the successful completion of a department approved boiler training program. Does the department provide a list of department-approved boiler training programs for applicants? **RESPONSE:** The intent was to allow programs that are currently being offered by Community Colleges and private providers to have approval process through the section based on course criteria so that we could recognize the training and facilitate credit for the training course to expedite licensure of boiler operators. Once approved we will place a

list of approved courses for both industry and potential employees to choose from.

2. **QUESTION.** 20 CAR § 880-603(a)(1)(B)(iii). This new subdivision sets forth a non-refundable fee of twenty-five dollars (\$25) for an extension of high-pressure steam boiler inspection. On what statutory authority does the department rely on to issue this fee? **RESPONSE:** ACA 20-23-311. Inspection fees generally.

“(a) Within thirty (30) days from the date of inspection, there shall be paid for the annual inspection of each boiler by the Boiler Inspection Section made according to the provisions of this chapter, the sum as follows:

(1) Boilers \$25.00; and”

3. **QUESTION.** 20 CAR § 880-603(g)(1). I am having some trouble understanding what this subdivision means. It reads to me as if a word might be missing after “inspections”. Can you please clarify for me what this means? **RESPONSE:** Strike from record and note the change in 20 CAR § 880-603 (2):

~~————(g)(1) Approved third party providers shall provide a list of objects that they have contracted to perform inspections covered by this part. Inspect~~

20 CAR § 880-603 (2) Insurance companies and third part contractors shall file annual reports of all boilers and pressure vessels insured and inspected by the company with the Boiler Inspection Section by January 30 of each year.

**FOLLOW UP QUESTION 1:** Are you planning on deleting 20 CAR § 880-603(g)(1) and amending 603(c)(2)? I just had some issues understanding what (g)(1) was requiring in my initial question. I may have been reading it wrong, especially since I am not at all an expert in this field. **RESPONSE:** Yes we would like to just add “and third party contractors” to 603(c)(2) and strike 603(g)(1) if that is acceptable. That ensures third party contractors and insurance companies are treated the same which was the intent of 603(g)(1) the wording just became a bit confusing. If it would be cleaner to just add “on” after “perform inspections” in 603(g)(1) we are agreeable to that also.

**FOLLOW UP QUESTION 2:** We received the updated version of the rule. I noticed 603(g)(1) now reads: “(g)(1) Approved third-party providers shall provide a list of objects that they have contracted to perform inspections *on that are* covered by this part.” No additional changes were made to (c)(2). Since you mentioned two possibilities for (g) in your response, and no changes were made to (c)(2) in this version, I wanted to double check that this version we received was correct. **RESPONSE:** We did not make any changes to (c)(2).

4. **QUESTION.** 20 CAR § 880-705(m). This new subsection discusses the inspection of water heating units under 200,000 Btus. Was inspection of

these types of units previously not required? What is the reason that the department is making the change? **RESPONSE:** Yes, they are required under 20 CAR § 880-604(1).

“(1) Hot water heating boilers below two hundred thousand British thermal units per hour (200,000 Btu/hr) input, except that such objects located in schools, daycare centers, hospitals, and nursing homes shall be inspected annually as provided in 20 CAR §880-705;”

Also 20 CAR 880-701

“(3) All such objects located in schools, hospitals, nursing homes, and daycare centers shall be inspected annually in accordance with 20 CAR §880-705.”

The language in 20 CAR § 880-705 (m) clarifies what is to be inspected for objects under 200,000 btu’s. These types of objects are not covered under the ASME code or NBBI codes for inspections. This is strictly a state requirement.

AR Code § 20-23-102(6)

“(6) Hot water heaters under two hundred thousand British thermal units (200,000 Btu), except those heaters located in hospitals, schools, daycare centers, and nursing homes;”

The proposed effective date is pending legislative review and approval.

**FINANCIAL IMPACT:** The agency indicated that this proposed rule has no financial impact.

**LEGAL AUTHORIZATION:** All pressure piping installed in this state shall conform to those rules and standards that shall from time to time be adopted by the Boiler Inspection Section with the approval of the secretary or his or her designee, and the rules and standards shall not exceed those set out in the American Society of Mechanical Engineers Code for Pressure Piping, Power Piping Code, B31.1. *See* Arkansas Code § 20-23-301(a)(4)(A) and (B).

This rule implements Acts 2025, No. 746, sponsored by Senator Missy Irvin, which assisted the administration of the Code Enforcement Section of the Department of Labor and Licensing, repealed the electrical contractor and air conditioning licenses, transferred and upgraded the Class C HVACR license, improved the licensing of apprentice electricians, helped the elevator owners satisfy testing requirements, clarified annual licensing renewal periods, and aided in the administration of the state’s electrician, HVACR, elevator, and boiler safety laws.

18. Department of Labor and Licensing, Arkansas Motor Vehicle Commission (Daniel Pace, Lacie Kirchner)

a. Arkansas Motor Vehicle Commission Rules, Facility Requirements for Locations Licensed by the Commission, 23 CAR § 410-401 et seq.

**DESCRIPTION:** The proposed rule amendment adds a subsection to the existing rules regarding facility requirements for dealers. The new subsection is specifically for new all-terrain vehicle dealers and new low speed vehicle dealers in accordance with Act 233 of 2025. The proposed amendment clarifies the documents required to be submitted to the Commission at time of application and renewal concerning the written agreements dealers have with service providers. The amendment also clarifies the information that a dealer shall provide to the purchaser of a new ATV/LSV in regard to the service providers the dealer has a written agreement with.

**PUBLIC COMMENT:** The public comment period for this rule expired on May 4, 2026. No public hearing was held. The agency indicated that no public comments were received for this rule.

Camille Fleming, an attorney with the Bureau of Legislative Research, asked the following questions:

1. **QUESTION.** 23 CAR § 410-403. This new section only seems to apply to “new” all-terrain dealers or “new” low-speed vehicle dealers. What is the definition of “new” as used in this rule? **RESPONSE:** The Commission does not license used motor vehicle dealers. New motor vehicles are defined under ACA 23-112-103. This is also language from Act 233 of 2025.

2. **QUESTION.** 23 CAR § 410-403. Does this new section only apply to new dealerships that sell solely all-terrain vehicles or low-speed vehicles, or would it also include dealerships that primarily sell traditional motor vehicles and occasionally sell an all-terrain vehicle or low-speed vehicle? **RESPONSE:** It only applies to those all-terrain vehicle dealers/low-speed vehicle dealers who do not plan to have a service and parts area. A dealer who sales more than all-terrain vehicles/low-speed vehicle would be required to have a service and parts area under the remainder of the statute. ACA 23-112-302(e)

The proposed effective date is pending legislative review and approval.

**FINANCIAL IMPACT:** The agency indicated that this rule has no financial impact.

**LEGAL AUTHORIZATION:** The Arkansas Motor Vehicle Commission shall have power to prescribe, issue, amend, and rescind, pursuant to the Arkansas Administrative Procedure Act, § 25-15-201 et seq., such reasonable rules as may be reasonably necessary or appropriate to carry out the provisions of the Arkansas Motor Vehicle Commission Act, Arkansas Code § 23-112-101 et seq. *See* Arkansas Code § 23-112-

204.

This rule implements Acts 2025, No. 233, sponsored by Senator Jim Dotson, which concerned the requirement for new all-terrain vehicle dealers and new low speed vehicle dealers to maintain service and parts storage areas.

**19. Department of Labor and Licensing, State Athletic Commission (Dan Parker, Ralph Hudson)**

**a. Rules for Combative Sports, Wrestling, 17 CAR § 225-901 et seq.**

**DESCRIPTION:** 17 CAR § 225, Subpart 9, implements Act 947 of 2025 concerning the regulation of professional wrestling events with one thousand five hundred (1,500) or more attendees by the State Athletic Commission, including without limitation licensing procedures and standards of conduct for combatants and participants.

**PUBLIC COMMENT:** The public comment period for this rule expired on May 14, 2026. No public hearing was held. The agency indicated that it did not receive any public comments.

Camille Fleming, an attorney with the Bureau of Legislative Research, asked the following questions:

1. **QUESTION.** 17 CAR § 225-905(e)(2). Does a participant need to provide any “ring names” or “aliases” to the State Athletic Commission?

**RESPONSE:** No. The use of a “ring name” or “alias” is optional.

2. **QUESTION.** 17 CAR § 225-905(f). This subsection states that the commission may “examine the applicant or other witnesses and request all information the commission deems relevant to the applicant” before issuing or denying a license. What kind of additional information might an applicant or witness expect to present to the commission that is not currently listed in these rules? **RESPONSE:** This is used to address situations when an applicant doesn’t provide what is asked for in the initial application, for example, the lack of a proper, current, or legible photo ID, or when a discrepancy arises, for example, if a question regarding any prior suspension is answered “no,” but we see in the federal database that the applicant is still suspended in another jurisdiction and we need proof that the suspension is no longer in force. The Commission may inquire as thoroughly as necessary to ensure issuing a license is appropriate.

3. **QUESTION.** 17 CAR § 225-905(g)(1). This subdivision states that the commission may deny, revoke, or suspend any license for good cause.

What is the definition of “good cause” as used here? **RESPONSE:** Per 17 CAR § 225-103(b)(29):

(29) “Good cause” means, without limitation:

(A) A doctor’s refusal to approve a contestant to compete;

(B) Failure to pay any sum due to the State Athletic

Commission or official;

(C) Failure to pay any contestant for whom a contract exists;

(D) Suspension or revocation of a license issued by another state or country;

(E) Failure to observe or comply with any rule; or

(F) Any other fact or circumstance the commission, in its sole discretion, deems to be a reasonable basis for taking or refusing to take any action;

4. **QUESTION.** 17 CAR § 225-905(g)(1). This subdivision states that the commission may deny, revoke, or suspend any license for good cause. Is there an appeals process for participants if they believe their license was suspended without cause? **RESPONSE:** Yes, the Administrative Procedure Act applies to all Commission actions and proceedings. The participant may appeal the decision to the full Commission and appeal from the Commission's decision to Circuit Court under the APA.

5. **QUESTION.** 17 CAR § 225-905(j)(1). This subdivision states that suspension of a license for the positive test of alcohol, drugs, or infectious disease, or the refusal to test continues until a hearing before the commission for reinstatement. Does the commission have any rules on reinstatement hearings? If so, what are they? **RESPONSE:** No. Reinstatement hearings are conducted like all other hearings in accordance with the APA.

6. **QUESTION.** 17 CAR § 225-906(a)(5)(A)(i). This subdivision mentions "commission-approved corporate surety authorized to do business in the State of Arkansas". Is there a list of these approved sureties that applicants can view? **RESPONSE:** The Commission does not maintain this type of list, but checks the chosen surety companies for compliance.

7. **QUESTION.** 17 CAR § 225-906(a)(5)(B). This subdivision discusses alternative security, other than surety bonds, cash, certificates of deposit, irrevocable letters of credit, that the commission may accept with the application for an event license. What are some examples of this alternative security that the commission may accept? **RESPONSE:** At least the amount of the bond required in cash, a certificate of deposit, or a bank-issued irrevocable letter of credit.

8. **QUESTION.** 17 CAR § 225-907(3)(A)(ii). When this subdivision states "No credential may be sold, exchanged, or bartered", but does not state who specifically is prohibited from selling, exchanging, or bartering the credential. Does this mean that no credential may be sold, exchanged, or bartered by the person to whom the credential is issued? **RESPONSE:** The prohibition applies generally to anyone. In practice, it primarily prohibits: (1) the promotor from improperly collecting money to issue a

credential for an event; and (2) the recipient of a credential from selling the credential to a third party without the promoter's knowledge.

9. **QUESTION.** 17 CAR § 225-908(1). Is "sixteen feet square" a term of art in wrestling or does it mean the same as "sixteen square feet"?

**RESPONSE:** Yes, it is a term of art that essentially means a square ring with sixteen-foot sides. Sixteen square feet would only be a four foot x four foot ring, too small for a combative sporting event.

The proposed effective date is pending legislative review and approval.

**FINANCIAL IMPACT:** The agency indicated that the proposed rule has a financial impact. The agency states that the total estimated cost by fiscal year to any private individual, private entity, or private business subject to the proposed rule is \$150.00 for the current fiscal year and \$150.00 for the next fiscal year and provides the following explanation:

The cost ranges from \$15 – \$150 for licensing and permitting depending on the participant in the professional wrestling event. For promoters the cost is \$100 annually for a license and \$50 per event permit. The promoter or responsible party for the event also must remit 5% of the total gross receipts received from admission charges to the Commission. This amount will vary depending on the price of admission and number of attendees.

**LEGAL AUTHORIZATION:** The State Athletic Commission shall have the authority to adopt and promulgate, amend, or abrogate any and all rules considered by it necessary or expedient for the performance of its functions as provided in this chapter and in accordance with the Arkansas Administrative Procedure Act, § 25-15-201 et seq. *See* Arkansas Code § 17-22-204(c). Furthermore, the commission shall have the authority to adopt and promulgate, amend, or abrogate any and all rules concerning combative sports, to recover inspector and investigator fees, and recover the actual cost of the national and federal fighter database fees charged to the commission. *See* Arkansas Code § 17-22-206.

This rule implements Acts 2025, No. 947, sponsored by Representative RJ Hawk, which assisted the administration of the State Athletic Commission and provided funding to the State Athletic Commission to continue its mission to promote a robust, healthy, and safe combative sports industry.

**20. Department of Labor and Licensing, State Board of Appraisers, Abstracters, and Home Inspectors (Diana Piechocki, Lacie Kirchner, Scott McKennon)**

**a. Rules Implementing the Arkansas Appraiser Licensing and Certification Act, the Appraiser Management Company Registration Act, the Abstracters' Licensing Law of 1969, and the Arkansas Home Inspectors Registration Act, 17 CAR pt. 200**

**DESCRIPTION:** The State Board of Appraisers, Abstracters, and Home Inspectors proposed rule changes for 17 CAR pt. 200 are in accordance with Acts 949 and 974 of 2025. Act 949 removed certain requirements for

abstracters, allowed for electronic notifications to be sent to licensees, clarified board make up, updated meeting requirements, clarified public records information, and combined board funds into one fund balance. Act 974 changed insurance requirements for home inspectors. The proposal makes these changes to the rules as well.

The proposed rules also seek to make changes for compliance with the Real Property Appraiser Criteria by the Appraiser Qualifications Board under Title XI of FIRREA.

**PUBLIC COMMENT:** The public comment period expired on April 20, 2026. No public hearing was held. The agency indicated it received no public comments.

The proposed effective date is pending legislative review and approval.

**FINANCIAL IMPACT:** The agency indicated that this proposed rule has no financial impact.

**LEGAL AUTHORIZATION:** Pursuant to Arkansas Code § 17-14-203(6)(A), the State Board of Appraisers, Abstracters, and Home Inspectors shall establish by rule the minimum examination, education, experience, and continuing education requirements for state-registered, state-licensed, registered apprentice, and state-certified appraisers. With respect to examinations, these rules shall at all times require minimum examination contents that are equivalent to the national uniform examination content as promulgated by the Appraiser Qualifications Board of the Appraisal Foundation and shall provide for the selection and utilization of a testing service acceptable to the Appraiser Qualifications Board of the Appraisal Foundation. *See* Arkansas Code § 17-14-203(6)(D).

Additionally, the board is authorized to adopt and enforce such administrative rules as may be necessary to comply with state law and federal law with specific reference to Title XI of the Financial Institutions Reform, Recovery, and Enforcement Act of 1989 as it exists today and as it may be amended and adopted by the Appraisal Subcommittee. *See* Arkansas Code § 17-14-203(11).

With respect to fees, every application for registering, licensing, and certifying shall be accompanied by an application fee and a criminal background check fee that the state Board of Appraisers, Abstracters, and Home Inspectors may establish by rule. *See* Arkansas Code § 17-14-203(6)(E)(i). The State Board of Appraisers, Abstracters, and Home Inspectors, at its discretion, may direct each applicant to pay the actual cost of the examination fee directly to a testing service engaged by the State Board of Appraisers, Abstracters, and Home Inspectors to administer the examination. *See* Arkansas Code § 17-14-203(6)(E)(ii). Further, the application fee to upgrade a credential from registered apprentice to state-licensed or to state-certified shall not exceed one hundred dollars (\$100),

*see* Arkansas Code § 17-14-203(6)(F)(i); the application fee to upgrade a credential from state-licensed to state-certified shall not exceed fifty dollars (\$50.00), *see* Arkansas Code § 17-14-203(6)(F)(ii); and the total annual resident registering, licensing, certification, and application fees established by the State Board of Appraisers, Abstracters, and Home Inspectors shall not exceed three hundred dollars (\$300), excluding fees for applicable examination and federal pass-through fees and criminal background check fees, *see* Arkansas Code § 17-14-203(6)(G).

Pursuant to Arkansas Code § 17-11-403(b), the board may adopt rules for the proper administration of its powers and duties and the carrying out of the purposes of the Abstracters' Licensing Law of 1969, Arkansas Code §§ 17-11-101 to -404. The State Board of Appraisers, Abstracters, and Home Inspectors may further adopt rules to implement, administer, and enforce the Appraisal Management Company Registration Act, Arkansas Code §§ 17-14-401 to -414, including without limitation to prescribe forms and procedures for submitting information to the board; standards of practice for a person registered under the Act; and standards for the operation of appraisal management companies. *See* Arkansas Code § 17-14-404.

This rule implements Acts 2025, No. 949, sponsored by Senator Joshua Bryant, which amended the duties of the State Board of Appraisers, Abstracters, and Home Inspectors, amended the law regarding licensure of abstracters, and amended the law regarding licensure of home inspectors.

This rule implements Acts 2025, No. 974, sponsored by Representative Lincoln Barnett, which amended the law concerning insurance requirements for licensed home inspectors.

**21. Department of the Military (Bryan Christian)**

**a. Public-Private Partnerships and Other Forms of Support, 12 CAR pt. 133**

**DESCRIPTION:** The Department of the Military proposes its Public-Private Partnerships and Other Forms of Support rule.

The proposed rule, 12 CAR § pt. 133, Public-Private Partnerships and Other Forms of Support, establishes a comprehensive framework under which the Arkansas Department of the Military (DOM) and the Arkansas National Guard (ARNG) may engage in voluntary public-private partnerships (PPPs) with non-governmental entities. The rule operationalizes the authority granted under Arkansas Code § 12-60-105 by detailing policies, procedures, ethical safeguards, and legislative oversight mechanisms to ensure transparency, accountability, and compliance with state and federal law.

The regulation defines key terms, outlines partnership responsibilities for both the Department and private entities, and prescribes processes for approval, documentation, valuation, and reporting for each agreement. It

provides a range of illustrative partnership categories—from skilled-trade outreach and higher-education collaborations to wellness programs and employer support initiatives—all focused on recruitment, retention, and readiness of the Arkansas National Guard. The rule also incorporates ethical standards, conflict-of-interest screening, and strict prohibitions on any arrangements that could compromise integrity or confer unfair advantage.

Legislative oversight thresholds are clearly delineated: agreements valued between \$10,000 and \$50,000 are reportable, while those exceeding \$50,000 (or with projected totals exceeding \$350,000) require review by the Legislative Council or the Joint Budget Committee prior to execution. The rule thus institutionalizes a transparent process for leveraging private-sector support while protecting the public interest and ensuring accountability for all contributions.

#### Justification for Rule Necessity

**Enhancing Recruitment and Retention:** The Arkansas National Guard faces ongoing personnel challenges amid competitive labor markets and evolving service expectations. This rule enables innovative, lawful partnerships to attract, train, and retain qualified soldiers and airmen through education, career placement, and community engagement.

**Leveraging Private Sector Capacity:** By formalizing the means to receive voluntary support—funds, goods, or services—from civic and corporate partners, the rule maximizes state resources without new appropriations, strengthening Guard programs through community collaboration.

**Ethical and Legal Safeguards:** The rule codifies safeguards to ensure no appearance of impropriety, no circumvention of procurement laws, and full adherence to Arkansas ethics statutes and federal National Guard Bureau requirements.

**Transparency and Legislative Oversight:** Establishing clear valuation thresholds and reporting requirements ensures legislative visibility and public confidence in all partnership activities.

**Operational Readiness and Community Integration:** Public-private partnerships foster goodwill, professional development, and support networks that sustain both recruitment pipelines and long-term service commitment—directly contributing to the readiness and resilience of the Arkansas National Guard.

#### Post Public Commentary Review

No post-commentary amendments were required.

No public comments or questions were received during the commentary period.

**PUBLIC COMMENT:** A public hearing was held on April 15, 2026.

The public comment period expired on April 30, 2026. The agency has indicated that it did not receive any public comments.

Jason Kearney, an attorney with the Bureau of Legislative Research, asked the following questions and was provided with the following agency responses:

1) The term “public-private partnership program” is used throughout the rule. Is this a formal title for a specific program? Or does the term refer to a general class of programs? **RESPONSE:** The Draft PPP uses “public-private partnerships program” as a formal, named program. It is described as the program that governs how the Department enters into PPPs.

2) The term “program” is used generically throughout the rule. Does this always refer to the “public-private partnership program”? **RESPONSE:** The Draft PPP uses “program” consistently to refer to this PPP program. For example: “All partnerships and support under this public-private partnership program shall be subject...”

3) The terms “Arkansas Army National Guard” and “Arkansas Air National Guard” are used throughout the rule. Do these terms refer to the “Army National Guard” and the “Air National Guard” referenced in Arkansas Code §§ 12-61-202 and 12-61-203, respectively? **RESPONSE:** Yes. The PPP definitions section states: ““Arkansas National Guard” means the Arkansas Army National Guard and the Arkansas Air National Guard...”

4) 12 CAR § 133-102(3)(B) – Under the definition of “Joint Budget Committee”, it is provided that “these bodies” review or receive reports on public-private partnership agreements. Does the phrase “these bodies” refer only to the Joint Budget Committee? **RESPONSE:** “These bodies” refer to: The Joint Budget Committee and The Legislative Council because both are defined immediately above and below, and both perform oversight.

5) 12 CAR § 133-105(3)(B)(iii) refers to “Boys & Girls Clubs”. Does this refer to Boys & Girls Clubs of America, Boys & Girls Clubs of Central Arkansas, or both? Or is it a generic term to encompass various types of boys and girls clubs? **RESPONSE:** Based on the Draft PPP, it is used generically to capture types of youth organizations. It appears in a list with multiple umbrella organizations: 4-H, FFA, JROTC, Boy Scouts, Girl Scouts. There is no indication it refers exclusively to a particular chapter or to the national brand.

6) 12 CAR § 133-105(14) – Should the term “Armed services vocational aptitude battery” be capitalized in this provision? **RESPONSE:** The Draft PPP capitalizes Armed Services Vocational Aptitude Battery (ASVAB) only in the title of section 133-105(14). Within the rule, it appears capitalized in that title and should be capitalized elsewhere because it is a

proper name. I will make those changes.

7) 12 CAR § 133-106(1)(A), which concerns campus education facilities, cites to Arkansas Code § 6-18-2003, which concerns the comprehensive school counseling program and plan framework. Is this citation accurate?

**RESPONSE:** I have removed this citation from the rule.

8) 12 CAR § 133-106(1)(A), which concerns campus education facilities, also cites to Arkansas Code § 6-17-201, which concerns personnel policies requirements. Is this citation accurate? **RESPONSE:** I have removed this citation from the rule.

9) 12 CAR § 133-106(C) – What “office” is referenced in this provision?

**RESPONSE:** The subsection states: “The office’s primary function is to support students’ career goals...” Context shows that “the office” refers to the career resource center described in § 133-106(1)(A)–(B).

10) 12 CAR § 133-106(4)(B), which concerns a neutral supportive environment, cites to Arkansas Code § 6-18-702, which concerns immunization. Is this citation accurate? **RESPONSE:** I have removed this citation from the rule.

11) 12 CAR § 133-107 – This section includes several references to a “department” or “Department”. Because both the Department of the Military and the Department of Finance and Administration are referred to in this same section, could the agency please specify which department is intended in each and every instance? **RESPONSE:** Throughout the Draft PPP, “Department” and “department” refer to the Department of the Military, defined in § 133-102(2). The Department of Finance & Administration is mentioned only in connection with the deposit of funds. Where the rule discusses actions or responsibilities, those actions or responsibilities are tied to the Department of the Military.

The proposed effective date is July 1, 2026.

**FINANCIAL IMPACT:** The agency has indicated that the proposed rule has no financial impact.

**LEGAL AUTHORIZATION:** Pursuant to Arkansas Code § 12-60-105(c)(2), the Secretary of the Department of the Military shall promulgate rules to implement Arkansas Code § 12-60-105, which concerns public-private partnerships and other forms of support, including without limitation rules regarding the establishment and implementation of a public-private partnership.

The proposed rules implement Acts 2025, No. 575, sponsored by Representative Stetson Painter, which authorized the Department of the Military to enter into public-private partnerships, and which amended the law concerning gifts received by the Department of the Military.

**b. Joint Enlistment Enhancement Program (JEEP) for the Arkansas National Guard, 12 CAR pt. 132**

**DESCRIPTION:** The Department of the Military proposes amendments to its rules concerning the Joint Enlistment Enhancement Program (JEEP) for the Arkansas National Guard.

**Purpose and Scope:**

This rule establishes the Joint Enlistment Enhancement Program Plus (JEEP Plus), an incentive system administered by the Department of the Military and the Arkansas National Guard. The program provides structured financial incentives to encourage recruitment, retention, and officer accession within the Arkansas National Guard through three distinct incentive categories:

1. Assistant Incentives: Offers \$1,000 payments to eligible Arkansas National Guard members or veterans who refer and mentor recruits that successfully enlist and ship to training.
2. Recruiter Overproduction Incentives: Provides between \$500 and \$1,000 payments to qualified recruiters who exceed their federally assigned annual enlistment mission goals.
3. Officer Commissioning Incentives: Grants between \$5,000 and \$12,000 to newly commissioned officers who ship within one year of commissioning.

**Program Administration:**

The rule assigns responsibility for program oversight, verification, and payment processing to the Recruiting and Retention Battalion and the Department of the Military Comptroller. Detailed administrative procedures include:

- Mandatory control numbers for tracking participants;
- Use of federal systems (AIE, ARISS, AFRISS, MEPS) to verify eligibility;
- Ten-year record retention for audit purposes;
- Strict recoupment provisions for invalid or fraudulent payments; and
- Tax reporting through Form 1099 for all incentive recipients.

**Exclusions and Safeguards:**

Officers O-5 and above, recruiting command members, and their families are prohibited from participation. The rule explicitly forbids retroactive credit, unauthorized payments, and assignment of payment rights. Violations or fraud trigger disciplinary, administrative, or criminal penalties under state and military law.

**Effective Date and Duration:**

JEEP Plus became effective June 10, 2024, and remains in effect until amended, suspended, or terminated by the Adjutant General, subject to available funding.

**Appendices:**

The rule includes standardized forms and agreements as appendices for participation and payment in assistant, recruiter, and officer incentives.

**Justification for Rule Necessity**

**1. Recruitment and Retention Support:**

The Arkansas National Guard faces ongoing challenges in maintaining enlistment and officer strength due to competitive labor markets and federal recruiting goals. JEEP Plus provides targeted incentives to bolster recruitment efforts and sustain force readiness.

**2. Enhanced Local Engagement:**

By empowering current Guard members and veterans to act as recruiting assistants and mentors, the rule fosters community-level engagement and peer-based recruitment — increasing credibility and reach in local communities.

**3. Accountability and Fiscal Oversight:**

The rule formalizes administrative controls, documentation standards, and audit mechanisms to ensure that public funds are used responsibly and transparently, and in compliance with state law and federal oversight requirements.

**4. Officer Accession Modernization:**

Offering officer commissioning incentives aligns Arkansas with modern practices in other states’ National Guard programs, addressing critical shortages in junior officer ranks while ensuring timely completion of mandatory training.

**5. Operational Flexibility:**

By authorizing the Adjutant General to set payment rates, adjust program scope, or terminate the program based on fiscal or operational needs, the rule balances flexibility with accountability.

**In summary:**

The 12 CAR Part 132 – Joint Enlistment Enhancement Program Plus rule is necessary to strengthen Arkansas National Guard recruiting capacity, support leadership development, and institutionalize fair, transparent incentive structures consistent with military and state administrative law.

**Post-Public-Commentary Amendments**

After the public comment period, only inter-agency non-substantive

administrative revisions were made to the rule. These updates did not alter the intent, scope, or requirements of the program. No public comments or questions were received; thus, no responses or substantive changes were necessary.

**PUBLIC COMMENT:** A public hearing was held on April 15, 2026. The public comment period expired on April 30, 2026. The agency indicated that it did not receive any public comments.

Jason Kearney, an attorney with the Bureau of Legislative Research, asked the following questions and was provided with the following agency responses:

1) In its Financial Impact Statement, the agency indicates in response to question 1 that the amended rule has no financial impact. However, in response to question 4, the agency indicates that the cost to implement the federal rule or regulation is \$500,000 in General Revenue for the current fiscal year and \$500,000 in General Revenue for the next fiscal year.

**RESPONSE:** The \$500,000 reference refers to the current budget previously approved for the program. In turn, the rule has no financial impact moving forward.

3) 12 CAR § 132-102(17) and 12 CAR § 132-112(a)(1) – In these provisions, the rule references the “Arkansas Army National Guard”. Does this term refer to the “Arkansas National Guard” contemplated in Arkansas Code § 12-61-202, or the “Army National Guard”, as contemplated under the laws of the United States? **RESPONSE:** As stated in § 12-61-202 this is the Army National Guard. A.C.A. § 12-61-202 establishes the Army National Guard as the land force of the organized militia.

4) 12 CAR § 132-102(17) references the “Arkansas Air National Guard”. Does this term refer to the “Air National Guard” contemplated in Arkansas Code § 12-61-203? **RESPONSE:** Yes. A.C.A. § 12-61-203 identifies the Air National Guard as the air force of the organized militia.

5) 12 CAR § 132-110(d) references effective dates from the year 2025. Do these dates need to be updated in the rule? **RESPONSE:** No. These were specifically added in anticipation of the codification of this rule in 2026.

The proposed effective date is July 1, 2026.

**FINANCIAL IMPACT:** The agency has indicated that the proposed rule has no financial impact.

**LEGAL AUTHORIZATION:** For the purpose of effectively carrying out the terms of the Military Code of Arkansas, the Adjutant General shall have the power to prescribe such rules as he or she may from time to time deem necessary. *See* Arkansas Code § 12-61-106(o).

22. **Section 529 Plan Review Committee (Michael Harry)**

a. **Arkansas Brighter Future Fund Plan, 6 CAR pt. 560**

**DESCRIPTION:** The proposed rule changes to the Section 529 Plan rules will implement changes to the law that will now allow plan participants to roll funds over to a ROTH account. Additionally, the rule changes will implement the prohibition on investing in Chinese owned companies included in Act 937 of 2025.

**PUBLIC COMMENT:** A public hearing was held on December 5, 2025. The public comment period expired on December 7, 2025. The agency indicated it did not receive any public comments.

Camille Fleming, an attorney with the Bureau of Legislative Research, asked the following questions:

1. **QUESTION:** 6 CAR § 560-102(31): The definition “rollover to Roth or individual retirement account” was added to this rule. I see that this language was likely copied from Acts 2025, No. 802. However, the definition used in the act is titled “Rollover to Roth individual retirement account”, which does not include the “or” mentioned in the rule’s definition. Is there a reason these terms differ? **RESPONSE:** The Committee agreed to remove the definition as unnecessary.

2. **QUESTION:** 6 CAR § 560-103(b)(1)(D): This new language references “guidelines” that the Section 529 Plan Review Committee has established. Are these guidelines accessible to the public? **RESPONSE:** The “guidelines” refers to the Committee’s investment policy. It is available to the public upon request but is not posted online at this time.

The proposed effective date is pending legislative review and approval.

**FINANCIAL IMPACT:** The agency indicated that this rule promulgation has no financial impact.

**LEGAL AUTHORIZATION:** The Section 529 Plan Review Committee shall adopt such rules as it deems necessary and proper to administer the Arkansas Brighter Future Fund Plan Act, Arkansas Code § 6-84-101 et seq., and to ensure the compliance of the Arkansas Brighter Future Fund Plan with 26 U.S.C. § 529, as in effect on January 1, 2024. *See* Arkansas Code § 6-84-105(b). Furthermore, the committee shall have the power to establish, develop, implement, and maintain the plan in a manner consistent with the provisions of the Arkansas Brighter Future Fund Plan Act, and 26 U.S.C. § 529, as in effect on January 1, 2024, and to obtain the benefits provided by 26 U.S.C. § 529 for the plan, account owners, and designated beneficiaries. *See* Arkansas Code § 6-84-105(c)(1). The committee shall have the power to adopt rules for the general administration of the plan. *See* Arkansas Code § 6-84-105(c)(2).

This rule implements Acts 2025, No. 615, sponsored by Senator Clark

Tucker, which amended the law concerning the Arkansas Brighter Future Fund Plan Act, allowed nonprofit organizations to contribute to a new or existing Arkansas Brighter Future Fund plan account, and required the Treasurer of State to facilitate contributions by a nonprofit organization.

This rule implements Acts 2025, No. 802, sponsored by Representative Karilyn Brown, which amended the Arkansas Brighter Future Fund Plan Act, adopted changes in federal law concerning tax-deferred tuition savings programs, amended the law concerning income tax liability for distributions from an Arkansas Brighter Future Fund Plan or other tax-deferred tuition savings program to a Roth Individual Retirement Account, and adopted federal law concerning the income tax treatment of rollover contributions from an Arkansas Brighter Future Fund Plan or other tax-deferred tuition savings program to a Roth Individual Retirement Account.

This rule implements Acts 2025, No. 937, sponsored by Representative Howard Beaty Jr., which amended various laws concerning actions related to certain foreign entities, withheld funding for state-supported institutions of higher education with a Confucius institute or similar institute related to the People's Republic of China, prohibited a state-supported institution of higher education from investing in Chinese funds, prohibited the establishment of sister cities with certain prohibited foreign parties, and prohibited the investment of retirement and pension funds in Chinese funds.

**23. Treasurer of State, Achieving A Better Life Experience Program Committee (Michael Harry)**

**a. Achieving a Better Life Experience Program Rules, 20 CAR pt. 930**

**DESCRIPTION:** This rule amends the current rules in order to implement the changes included in the federal regulations that raises the onset age from 26 to 46, additionally the changes will implement the prohibition on investments with Chinese-owned companies from Act 937 of 2025.

**PUBLIC COMMENT:** A public hearing was held on December 5, 2025. The public comment period expired on December 7, 2025. The agency indicated that no public comments were received.

The proposed effective date is pending legislative review and approval.

**FINANCIAL IMPACT:** The agency indicated that this rule promulgation has no financial impact.

**LEGAL AUTHORIZATION:** The Achieving a Better Life Experience Program Committee shall adopt rules necessary to administer the Achieving a Better Life Experience Program Act, Arkansas Code § 20-3-101 et seq., and to ensure compliance with the Achieving a Better Life Experience Program as provided under the Tax Increase Prevention Act of 2014, Pub. L. No. 113-295 and federal regulations under the Tax Increase Prevention Act of 2014, Pub. L. No. 113-295. *See* Arkansas Code § 20-3-

105(c). The committee shall also adopt rules for the general administration of the Achieving a Better Life Experience Program. *See* Arkansas Code § 20-3-105(d)(2).

According to Arkansas Code § 20-3-106(1), rules adopted under the Achieving a Better Life Experience Program Act shall ensure that a rollover from an ABLE account does not apply to an amount paid or distributed from the ABLE account to the extent that, not later than the sixtieth day after the date of the payment or distribution, the amount received is paid into another ABLE account for the benefit of the same designated beneficiary or an eligible individual who is a member of the family of the designated beneficiary, and this limitation does not apply to a transfer if the transfer occurs within twelve (12) months after the date of a previous transfer under this chapter for the benefit of the designated beneficiary. Arkansas Code § 20-3-106 further continues, stating that the rules adopted shall ensure that a person may make contributions for a taxable year for the benefit of an individual who is an eligible individual for the taxable year to an ABLE account that is established to meet the qualified disability expenses of the designated beneficiary of the ABLE account, a designated beneficiary is limited to one (1) ABLE account, an ABLE account may be established only for a designated beneficiary who is a resident of Arkansas or a resident of a contracting state, and other requirements of the act shall be met. *See* Arkansas Code § 20-3-106(2) – (5).

This rule implements Acts 2025, No. 875, sponsored by Representative Julie Mayberry, amended the Achieving a Better Life Experience Program Act and amended the definitions of “disability certification” and “eligible individual” to change disability onset age from twenty-six to forty-six.

This rule implements Acts 2025, No. 937, sponsored by Representative Howard Beaty Jr., which amended various laws concerning actions related to certain foreign entities, withheld funding for state-supported institutions of higher education with a Confucius institute or similar institute related to the People’s Republic of China, prohibited a state-supported institution of higher education from investing in Chinese funds, prohibited the establishment of sister cities with certain prohibited foreign parties, and prohibited the investment of retirement and pension funds in Chinese funds.

## **C. Adjournment**