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Senator Tyler Dees, Co-Chair
Representative Matthew Shepherd, Co-Chair
Administrative Rules Subcommittee
Arkansas Legislative Council
Via Rebecca Miller-Rice Email miller-ricer@blr.arkansas.gov

Dear Co-Chairs,

First, pursuant to Ark. Code Ann. § 25-15-216(b)(4), please consider the following Arkansas Department of Health (ADH) Division of Health-Related Boards and Commissions update on rulemaking resulting from Acts of 2025. Arkansas law requires that each rule be promulgated by the specific Board or Commission, which meet at various times of the year. Various regulatory boards under the ADH Division of Health-Related Boards and Commissions are now drafting and amending rules specifically required due to legislation from the 2025 session. Please find a summary of the Boards' efforts made thus far below.

ADH State Medical Board

Act 437 of 2025 authorizes a physician assistant to delegate certain tasks.

Proposed changes to the Board's rules for Act 437 were drafted, and submitted for public comment, but the Board received additional comments. The Board revised and sought additional public comments through June. The Board is seeking to present the changes to Administrative Rules Committee in August. See 17 CAR Chapter XXIV, Part 140.

The ADH Division of Health-Related Boards and Commissions will continue to provide updates on rulemaking. If there are changes or additional updates identified, the ADH will provide further information in these updates as submitted to the Administrative Rules Subcommittee.

Second, pursuant to Ark. Code Ann. § 25-15-216 (b)(4), please also consider the following State Board of Health and ADH update on rulemaking resulting from Acts of 2025. The Board of Health meets quarterly and ADH has drafted proposed amendments to rules and proposed repeal of rules to implement new laws. After Executive approval, ADH and the

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Board will continue the rule promulgation process outlined in the Administrative Procedure Act, including the public notice and comment period, followed by the Legislative review and approval process under Ark. Code Ann. § 10-3-309, prior to filing the final rules.

The Board of Health approved the following Rules pursuant to Acts on July 24, 2025 and October 23, 2025, and ADH is moving forward the changes to the Administrative Rules Committee in June:

Arkansas Kidney Disease Program, Act 852 of 2025 converts the State Kidney Disease Commission to the State Kidney Disease Advisory Council. See 20 CAR Chapter IV, Part 260.

Emergency Medical Services, Act 384 provides for the EMS Licensure Interstate Compact, Act 856 provides for an exemption program for ambulance services operators for certain healthcare services, and Act 863 provides for the enforcement authority of a new EMS Committee. See 20 CAR Chapter I, Part 81.

Controlled Substances List, Act 934 updates Schedule VI. See 5 CAR Part 22.

Auto-Injectable Epinephrine, Act 245 clarifies the types of epinephrine for use by authorized entities and expands on the health care professionals who can issue a certificate. See 20 CAR Part 201.

Hospitals and Related Institutions, Act 52, Act 138, Act 141, Act 387, Act 772, Act 819, Act 861, and Act 862 allows full practice authority of certified nurse midwives, permits hospitals to operate retail pharmacies, and adds provisions permitting APRNs to pronounce and document patient death, and revises anatomical gifts.

Critical Access Hospitals, Act 52, Act 138, Act 141, Act 387, Act 772, Act 819, Act 861, Act 862 allows full practice authority of certified nurse midwives, permits hospitals to operate retail pharmacies, and adds provisions permitting APRNs to pronounce and document patient death, and revises anatomical gifts. See 20 CAR Parts 41 and 43.

Home Health Agencies, Act 144, Act 643, Act 849, adds program of All-Inclusive Care for the Elderly provider exemption, adds exemption of entities that solely provide therapy services not reimbursed under Medicaid Part A; and allows home caregivers who previously received training to not repeat it. See 20 CAR Part 46.

Hospice Agencies, Act 141, Act 591, adds allowance of electronic medical records, and allows private professional providers to complete building project review and approval. See 20 CAR Part 47.

Private Care Agencies, Act 643, Act 674, Act 853 allows home caregivers that have previously received defined training to not repeat it, revised definition of

“contractor,” removed certification by DHS, removed regional offices, and added requirement for reimbursement through Arkansas Medicaid. See 20 CAR Part 49.

Free Standing Birthing Centers, Act 141, Act 591, Act 819 allows electronic medical records, private professional providers to complete building project review, and allows facilities to ban emotional support animals. See 20 CAR Part 44.

Criminal History Records Checks for Home Health, Hospice and Private Care Agencies, Act 674, Act 853 of 2025 adds allowing third-party evaluation services to conduct criminal history records checks and removes DHS DPSQA certification for Private Care Agencies. See 20 CAR Part 42.

The Board of Health approved the following Rules pursuant to Acts on July 24, 2025 and ADH is moving forward to seek public comments:

Food Establishments, Acts 125 and 698 amend the law concerning the sale of milk that has not been pasteurized, and Act 942 of 2025 creates the Good Neighbor Act and clarifies food donation liabilities and immunities. See 20 CAR Parts 190-197.

Sincerely,



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