

ARKANSAS REGISTER

Proposed Rule Cover Sheet



Secretary of State
John Thurston
500 Woodlane Street, Suite 026
Little Rock, Arkansas 72201-1094
(501) 682-5070
www.sos.arkansas.gov



Name of Department _____

Agency or Division Name _____

Other Subdivision or Department, If Applicable _____

Previous Agency Name, If Applicable _____

Contact Person _____

Contact E-mail _____

Contact Phone _____

Name of Rule _____

Newspaper Name _____

Date of Publishing _____

Final Date for Public Comment _____

Location and Time of Public Meeting _____

**DIVISION OF HIGHER EDUCATION RULES GOVERNING EMERGENCY
RESPONSE EQUIPMENT AND TRAINING AT ARKANSAS INSTITUTIONS OF
HIGHER EDUCATION**

Effective:

1.0 PURPOSE

1.01 The purpose of these rules is to establish the requirements and procedures for governing emergency response equipment and training at Arkansas institutions of higher education, including:

1.01.1 Automated external defibrillator (AED) devices;

1.01.2 Cardiopulmonary resuscitation (CPR) programs; and

1.01.3 Opioid overdose rescue kits.

2.00 REGULATORY AUTHORITY

2.01 This rule is promulgated pursuant to Ark. Code Ann. § 6-60-119.

3.00 DEFINITIONS

3.01 “Automated external defibrillator (AED)” means a device that:

3.01.1 Is used to administer an electric shock through the chest wall to the heart;

3.01.2 Has built-in computers within the device to assess the patient’s heart rhythm and judge whether defibrillation is needed;

3.01.3 Has audible or visual prompts, or both, to guide the user through the process;

3.01.4 Has received approval from the United States Food and Drug Administration of its pre-market modification, filed pursuant to 21 U.S.C. 360(k);

3.01.5 Is capable of recognizing the presence or absence of ventricular fibrillation and rapid ventricular tachycardia and is capable of determining without intervention by an operator whether defibrillation should be performed; and

3.01.6 Upon determining if the defibrillation should be performed, the AED either automatically charges and delivers an electrical impulse to an individual’s heart or charges and delivers an electrical impulse at the command of the operator.

- 3.02 “Cardiac arrest” means a condition, often sudden, that is due to abnormal heart rhythms called arrhythmias. It is generally the result of some underlying form of heart disease.
- 3.03 “Cardiopulmonary resuscitation (CPR)” means a combination of rescue breathing, chest compressions, and external cardiac massage used to sustain a person’s life until advanced assistance arrives.
- 3.04 “CPR provider” or “AED provider” means a member or employee of an institutional campus who has completed training in CPR in addition to knowledge and understanding of an AED’s operation and use under the requirements set forth in this rule.
- 3.05 “Defibrillation” means administration of an electrical impulse to an individual’s heart in order to stop ventricular fibrillation or rapid ventricular tachycardia.
- 3.06 “Emergency Medical Services (EMS)” means the transportation and medical care provided the ill or injured prior to arrival at a medical facility by a licensed emergency medical technician or other health care provider and continuation of the initial emergency care within a medical facility subject to the approval of the medical staff and governing board of that facility.
- 3.07 “Extra-curricular event” means any institution sponsored program or voluntary activity sponsored by the institution, or an organization sanctioned by the institution where students are competing for the purpose of receiving an award, rating, recognition, or criticism, or qualification for additional competition or including preparation for and involvement in public performances, contests, athletic competitions, demonstrations, displays and club activities.
- 3.08 “FDA” means the Food and Drug Administration
- 3.09 “Institution of higher education” or “institution” means a state-supported two-year or four-year college or university;
- 3.10 “Institutional campus” means any institution’s building or cluster of buildings, including grounds, that is used for any purpose, including, without limitation:
- 3.10.1 Extracurricular activities; or
- 3.10.2 Campus administration.
- 3.11 “Institutional personnel” means any employee of the institution, or independent contractor working under contract with an institution, that is required to follow campus policy and procedures.

- 3.12 “Program coordinator” means an individual, appointed by the institution, who is responsible for administration of the Automated External Defibrillation program for their respective campus.
- 3.13 “Protocol” means currently approved and accepted procedures describing specific steps a provider must follow in assessing and treating a patient.
- 3.14 “Renewal” means training and demonstration of competence in the application and use of automated defibrillation equipment.
- 3.15 “School-sponsored event” means any event or activity sponsored by the institution which includes but is not limited to:
- 3.15.1 Athletic events;
 - 3.15.2 Student organization events; or
 - 3.15.3 Any activity designed to enhance the student experience whether or not it is organized on an institutional campus.
- 3.16 “Sudden cardiac arrest (SCA)” means a sudden or unexpected cessation of heart function, most often caused by a sudden arrhythmia, such as ventricular fibrillation (VF).
- 3.17 “Ventricular Fibrillation (VF)” means the most common arrhythmia that causes cardiac arrest.
- 3.17.1 When this condition occurs, the heart’s electrical impulses suddenly become chaotic, often without warning, causing the heart’s pumping action to stop abruptly.

4.00 REQUIREMENTS

- 4.01 Each institution must have an AED, and appropriate institutional personnel must be adequately trained in use of the AED on an ongoing basis as outlined in Section 9.0 of these rules.

5.00 AUTOMATED EXTERNAL DEFIBRILLATOR MODEL

- 5.01 AEDs used by institutions of higher education must be:
- 5.01.1 Approved for use by the FDA;
 - 5.01.2 Automated and require AED provider intervention to initiate a defibrillation shock; and

5.01.3 Capable of automatically collecting data.

5.02 No modifications shall be made to defibrillation equipment which results in:

5.02.1 Deviation from the original manufacturer's specifications, or

5.02.2 Deviation from AED protocols which include:

5.02.2.1 Early access – calling 911;

5.02.2.2 Early CPR – starting CPR immediately;

5.02.2.3 Early Defibrillation – utilizing the onsite AED within 3-5 minutes of onset; and

5.02.2.4 Early Advanced Care – trained health care providers arriving to provide advanced care.

6.00 DEFIBRILLATOR PREVENTATIVE MAINTENANCE AND REPAIR

6.01 Each institution shall designate appropriate personnel to be responsible for the maintenance of the AED(s).

6.02 All components of the AED and integrated data recording system shall be inspected by a qualified service technician at least one (1) time per calendar year or as recommended by the manufacturer to ensure that:

6.02.1 The equipment meets original manufacturer's specifications; and

6.02.2 The equipment maintains the currently approved treatment protocols based on the current American Heart Association scientific guidelines, standards, and recommendations for the use of the AED.

6.03 The battery of the AED shall be maintained and replaced in accordance with manufacturer's specifications.

6.04 All maintenance and repairs shall be performed by a qualified service technician recognized by the manufacturer.

6.05 Written records shall be maintained for all maintenance, repairs, and inspections performed on all components for mandated annual state reporting purposes.

7.00 AVAILABILITY OF AUTOMATED EXTERNAL DEFIBRILLATOR

7.01 Each institution shall designate appropriate personnel to be responsible for ensuring the availability of the AED.

7.02 The location of AEDs shall be based on the following:

7.02.1 Size and physical layout of the buildings;

7.02.2 Number and ages of individuals in the building;

7.02.3 Types and locations of curricular, extracurricular, and school- sponsored events; and

7.02.4 Design features that might be unique to the building.

7.03 Each institution shall report, in a format approved by the Division, maintenance records and any use of an AED.

7.04 During instructional hours, the AED will be placed at designated locations.

7.05 These locations shall be specific to each campus but should allow the device to be easily seen and accessed by staff.

7.06 The locations should allow staff members to retrieve the device outside of normal instructional hours.

7.07 AEDs shall not be located or stored in a locked office or room.

8.00 INSTITUTIONAL APPOINTED PROGRAM COORDINATOR

8.01 The institutional appointed program coordinator shall:

8.01.1 Maintain current provider status in CPR/AED;

8.01.2 Assure that the CPR/AED providers on campus receive appropriate training in the use and maintenance of the school's AED(s);

8.01.3 Oversee training operations for the campus and maintain organizational training reports;

8.01.4 Ensure AED equipment is maintained according to manufacturer and treatment protocol specifications based on the current American Heart Association scientific guidelines, standards, and recommendations for the use of the AED;

8.01.4.1 This includes, but is not limited to, ensuring that AED pads and batteries have not expired;

8.01.5 Provide professional development opportunities annually for AED providers and all institutional employees, if applicable;

8.01.6 Verify credentials of personnel functioning as an AED provider within the institution; and

8.01.7 Review each use of the AED.

8.02 If the Program Coordinator is not a healthcare provider, a healthcare provider must oversee these activities.

9.00 QUALITY TRAINING

9.01 Appropriate training of anticipated rescuers in the use of the AED and in CPR will incorporate at least the following:

9.01.1 Testing of psychomotor skills based on the American Heart Association scientific guidelines, standards, and recommendations for the use of the AED, as they existed on January 1, 2021; and

9.01.2 Providing CPR as published by the American Heart Association, or the American Red Cross, or equivalent course materials, as they existed on January 1, 2021;

9.01.3 Coordination with the emergency medical services system; and

9.01.4 An ongoing quality improvement program to monitor training and evaluate response with each use of an AED.

10.00 OPIOID OVERDOSE RESCUE KITS

10.01 The Division of Higher Education shall consult and collaborate with the Arkansas Drug Director within the Department of Human Services to implement requirements related to ensuring that each institutional campus has an opioid overdose rescue kit in a clearly visible location that is labeled with the words "Opioid Overdose Rescue Kit — Naloxone Nasal Spray."

10.02 An opioid overdose rescue kit required under this section shall:

10.02.1 Be visually free of advertisements;

10.02.2 Be located where it is readily available for public use; and

10.02.3 Include without limitation:

10.02.3.1 Narcan;

10.02.3.2 Naloxone; or

10.02.3.3 Another medication approved by the Department of Health and the United States Food and Drug Administration that, when administered, negates or neutralizes, in whole or in part, the pharmacological effects of an opioid in the human body.

10.03 The location of each opioid overdose rescue kit required under this section shall be registered with the campus police of the institution higher education.

10.04 An opioid overdose rescue kit required under this section shall be located within the storage locations that contain automated external defibrillators in each of the following on each campus of each institution without limitation:

10.04.1 An educational building;

10.04.2 A dormitory;

10.04.3 A student union;

10.04.4 A sporting venue;

10.04.5 An on-campus, freestanding, institution-owned sorority or fraternity house;

10.04.6 A campus health center; and

10.04.7 Other locations as necessary.

10.05 In the event that an automated external defibrillator is not available in a location required under this section, an opioid overdose rescue kit shall be on an affixed wall mount that is clearly visible and located by the nearest fire extinguisher.

10.06 Each institution shall:

10.06.1 Perform inspections during the first month of each academic semester to determine if an opioid overdose rescue kit required under this section is in the required location; and

10.06.2 Replace used or expired opioid overdose rescue kits located on the institutional campus of the as necessary.

10.07 A list of locations of each opioid overdose rescue kit required under this section shall be available through each institution's campus health center and the Department of Public Safety.

10.08 The administering institution official or other appropriate individual as designated shall report the use of an opioid overdose rescue kit required under this section to the Arkansas Drug Director within the Department of Human Services.

10.08.1 Reporting for purposes of complying with subdivision (d)(1) of this section may be made via:

10.08.1.1 A quick response code visible on a Naloxone box or an affixed wall mount on which an opioid overdose rescue kit is; or

10.08.1.2 The NARCANSas App made available by the Department of Human Services.

10.09 Each institution shall provide training regarding the use and location of each opioid overdose rescue kit required under subsection (a) of this section during a freshman student orientation program sponsored by the institution.

10.09.1 Training regarding the use and location of each opioid overdose rescue kit required under subsection (a) of this section for students other than those students attending a freshman student orientation program may be made available through the following offered by the Department of Human Services:

10.09.1.1 The NARCANSas App; or

10.09.1.2 An in-person Collegiate NARCAN Campaign (SOR II).

FINANCIAL IMPACT STATEMENT

PLEASE ANSWER ALL QUESTIONS COMPLETELY.

DEPARTMENT _____
BOARD/COMMISSION _____
PERSON COMPLETING THIS STATEMENT _____
TELEPHONE NO. _____ **EMAIL** _____

To comply with Ark. Code Ann. § 25-15-204(e), please complete the Financial Impact Statement and email it with the questionnaire, summary, markup and clean copy of the rule, and other documents. Please attach additional pages, if necessary.

TITLE OF THIS RULE _____

1. Does this proposed, amended, or repealed rule have a financial impact?
Yes No

2. Is the rule based on the best reasonably obtainable scientific, technical, economic, or other evidence and information available concerning the need for, consequences of, and alternatives to the rule?
Yes No

3. In consideration of the alternatives to this rule, was this rule determined by the agency to be the least costly rule considered? Yes No

If no, please explain:

(a) how the additional benefits of the more costly rule justify its additional cost;

(b) the reason for adoption of the more costly rule;

(c) whether the reason for adoption of the more costly rule is based on the interests of public health, safety, or welfare, and if so, how; and

(d) whether the reason for adoption of the more costly rule is within the scope of the agency's statutory authority, and if so, how.

4. If the purpose of this rule is to implement a *federal* rule or regulation, please state the following:
(a) What is the cost to implement the federal rule or regulation?

Current Fiscal Year

General Revenue _____
 Federal Funds _____
 Cash Funds _____
 Special Revenue _____
 Other (Identify) _____

Total _____

Next Fiscal Year

General Revenue _____
 Federal Funds _____
 Cash Funds _____
 Special Revenue _____
 Other (Identify) _____

Total _____

(b) What is the additional cost of the state rule?

Current Fiscal Year

General Revenue _____
 Federal Funds _____
 Cash Funds _____
 Special Revenue _____
 Other (Identify) _____

Total _____

Next Fiscal Year

General Revenue _____
 Federal Funds _____
 Cash Funds _____
 Special Revenue _____
 Other (Identify) _____

Total _____

5. What is the total estimated cost by fiscal year to any private individual, private entity, or private business subject to the proposed, amended, or repealed rule? Please identify those subject to the rule, and explain how they are affected.

Current Fiscal Year

\$ _____

Next Fiscal Year

\$ _____

6. What is the total estimated cost by fiscal year to a state, county, or municipal government to implement this rule? Is this the cost of the program or grant? Please explain how the government is affected.

Current Fiscal Year

\$ _____

Next Fiscal Year

\$ _____

7. With respect to the agency's answers to Questions #5 and #6 above, is there a new or increased cost or obligation of at least one hundred thousand dollars (\$100,000) per year to a private individual, private entity, private business, state government, county government, municipal government, or to two (2) or more of those entities combined?

Yes No

If yes, the agency is required by Ark. Code Ann. § 25-15-204(e)(4) to file written findings at the time of filing the financial impact statement. The written findings shall be filed simultaneously with the financial impact statement and shall include, without limitation, the following:

- (1) a statement of the rule's basis and purpose;
- (2) the problem the agency seeks to address with the proposed rule, including a statement of whether a rule is required by statute;
- (3) a description of the factual evidence that:
 - (a) justifies the agency's need for the proposed rule; and
 - (b) describes how the benefits of the rule meet the relevant statutory objectives and justify the rule's costs;
- (4) a list of less costly alternatives to the proposed rule and the reasons why the alternatives do not adequately address the problem to be solved by the proposed rule;
- (5) a list of alternatives to the proposed rule that were suggested as a result of public comment and the reasons why the alternatives do not adequately address the problem to be solved by the proposed rule;
- (6) a statement of whether existing rules have created or contributed to the problem the agency seeks to address with the proposed rule and, if existing rules have created or contributed to the problem, an explanation of why amendment or repeal of the rule creating or contributing to the problem is not a sufficient response; and
- (7) an agency plan for review of the rule no less than every ten (10) years to determine whether, based upon the evidence, there remains a need for the rule including, without limitation, whether:
 - (a) the rule is achieving the statutory objectives;
 - (b) the benefits of the rule continue to justify its costs; and
 - (c) the rule can be amended or repealed to reduce costs while continuing to achieve the statutory objectives.



Division of Higher Education

101 E. Capitol Ave., Suite 300 • Little Rock, Arkansas • 72201 • (501) 371-2000

Jacob Oliva
Secretary

Ken Warden, Ph.D.
Commissioner

September 11, 2024

Division of Higher Education Rule Governing Emergency Response Equipment And Training At Arkansas Institutions Of Higher Education

PURPOSE

The Division of Higher Education is seeking Governor's Office review and approval of the proposed amendments to the Rule Governing Emergency Response Equipment and Training at Arkansas Institutions of Higher Education.

BACKGROUND

This rule is being promulgated because of recent legislation that requires institutions of higher education to provide automated external defibrillators (AEDs) and opioid rescue kits on their campuses.

KEY POINTS

- Requires institutions of higher education to provide automated external defibrillators (AEDs) on campus.
- Requires institutions of higher education to provide opioid rescue kits on campus.

DISCUSSION

Act 737 of 2023 amended the Arkansas Code to require that automated external defibrillators (AEDs) be placed at visible and appropriate locations at institutions of higher education (IHEs). This rule sets out training requirements for IHE personnel for administration of AEDs as well as maintenance and repair requirements for AEDs.

Act 811 of 2023 requires IHEs to provide opioid rescue kits on their campuses. The rescue kits must be kept in a visible location with AEDs and the location must be registered with the campus police department. This rule also sets out training requirements for IHE personnel for administration of the rescue kits.

RECOMMENDATION

The Division of Higher Education recommends Governor's Office approval of this rule.

Notice of Rulemaking
Public Comment Period: September 13 – October 13

Pursuant to Arkansas Code Annotated § 25-15-201 et seq., notice is hereby given that the Division of Higher Education is considering new administrative rules. Public comment hearings will be held for the following rules:

- DHE Rule Governing the Osteopathic Rural Medical Practice Student Loan and Scholarship Program;
- DHE Rule Governing the Arkansas Geographical Critical Needs Scholarship Program;
- DHE Rule Governing Emergency Response Equipment at Institutions of Higher Education;
- DHE Rule Governing the Student Undergraduate Research Fellowship Program;
- DHE Rule Governing the Arkansas Academic Challenge Scholarship;
- DHE Rule Governing the Graduate Medical Education Residency Expansion Board.

All hearings will be held October 8, 2024, at 10 a.m. at the Arkansas Department of Education, Arch Ford Building, Four Capitol Mall, Little Rock, AR, 72201. The public comment period for these rules ends on October 13, 2024. Written comments regarding these proposed rules may be mailed to ADE Legal Services, Four Capitol Mall, Room 302A, Little Rock, AR, 72201.

Comments may be emailed to ADE.RulesComments@ade.arkansas.gov. A copy of the proposed rules can be found on the Division of Higher Education's website at: <https://adhe.edu/data-publications/pending-policies>. Copies also may be obtained by contacting ADE's Office of Legal Services at the above address, via phone at (501) 683-1390, or via email at legal@ade.arkansas.gov.

From: [Legal Ads](#)
To: [Alisha N. Price \(ADE\)](#)
Subject: Re: ADHE Rules for Public Comment
Date: Tuesday, September 10, 2024 8:36:07 AM
Attachments: [image001.png](#)

Caution: This is an external email and may contain a suspicious subject or content. Please take care when clicking links or opening attachments. When in doubt, contact [ADE IT Services](#).

Will run Fri 9/13, Sat 9/14, and Sun 9/15. Sunday will be billed separately.

Thank you,

Gregg Sterne, Legal Advertising
Arkansas Democrat-Gazette
legalads@arkansasonline.com

From: "Alisha N. Price, ADE" <Alisha.Price@ade.arkansas.gov>
To: "legalads" <legalads@arkansasonline.com>
Cc: "LaBria Brown, ADE" <LaBria.Brown@ade.arkansas.gov>
Sent: Monday, September 9, 2024 1:52:32 PM
Subject: ADHE Rules for Public Comment

Good afternoon,

Please see the attached list of Arkansas Division of Higher Education rules that we would like to run a notice for public comment on. We request that the attached notice run this Friday, September 13, 2024, through Sunday, September 15, 2024.

Please let me know if you have any questions or need anything else from us.

Thanks, and have a great day!



Alisha Price
Associate Legal Counsel
Arkansas Department of Education
4 Capitol Mall, Suite 302
Little Rock, Arkansas 72201
Office: (501) 682-7590
Email: alisha.price@ade.arkansas.gov