

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 Department of Public Safety

Agency or Division Name Arkansas State Crime Laboratory

Other Subdivision or Department, If Applicable _____

Previous Agency Name, If Applicable _____

Contact Person Amanda Yarbrough

Contact E-mail amanda.yarbrough@arkansas.gov

Contact Phone (501) 682-4750

Name of Rule ASCL Student Loan Forgiveness Program

Newspaper Name Arkansas Democrat Gazette

Date of Publishing N/A - will submit ASAP

Final Date for Public Comment early November, 2021

Location and Time of Public Meeting Undetermined

Rules – Markup Copy



Jami Cook
SECRETARY

ARKANSAS STATE CRIME LABORATORY

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(479) 365-8717

HOPE
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Hope AR 71802
(870) 722-8530

Governor Asa Hutchinson
STATE OF ARKANSAS



Kermit B. Channell II
DIRECTOR

Pursuant to Act 360 of 2021, the Arkansas State Crime Laboratory adopts and promulgates the following rules for the Arkansas State Crime Laboratory (ASCL) Forensic Pathologist Student Loan Forgiveness Program.

A. Definitions

1. "Pathologist" means a person that has completed all of the requirements to be employed as a forensic pathologist in the State of Arkansas.
2. "Student Loan" means money borrowed from a Student Loan Creditor for financial assistance in obtaining a license as a Pathologist.
3. "Student Loan Creditor" means a financial lending institution that lends money for the purpose of paying for college expenses.
4. "Program" means the Arkansas State Crime Lab Student Loan Forgiveness Program established pursuant to Act 360 of 2021.

B. Eligibility Requirements

1. A Pathologist is eligible for a payment of up to twenty-five thousand dollars (\$25,000) toward their outstanding Student Loan balance following the successful completion of two years of consecutive employment with the Arkansas State Crime Lab (ASCL).
 - a. The maximum allowable under the Program is one hundred thousand dollars (\$100,000) per Pathologist.
 - b. Successful completion of one year of employment does not entitle a Pathologist to receive a payment, including partial payments, for their student loan.
2. All of the following requirements will be met prior to the ASCL making a payment on a Student Loan.
 - a. Completion of twenty-four (24) months of employment with the ASCL, to include satisfactory completion of a one (1) year probationary employment period;

- i. The one (1) year probationary period is not required for applicants that have been employed for more than two (2) years and have already received one payment under the Program.
 - b. Proof that the Pathologist's Student Loan has an outstanding, unpaid, balance; and
 - c. An executed employment contract with the ASCL.
- C. Applications for the Program
 - 1. Applications for the Program will be submitted within thirty (30) days following the completion of two (2) consecutive years of employment.
 - 2. Completed applications will include all of the following documents:
 - a. A completed application form on the form approved by the ASCL;
 - b. A statement on the Student Loan Creditor's letterhead that includes the total outstanding balance of the Student Loan;
 - i. The statement will include the Student Loan Creditor's name, contact information, address where payments should be sent, and any special instructions for remitting payment on behalf of the Pathologist.
 - c. The Pathologist's executed employment contract;
 - d. A letter from the Chief Medical Examiner at the ASCL stating that the Pathologist has successfully completed a one (1) year probationary period; and
 - i. The letter from the Chief Medical Examiner is not required for applicants that have been employed more than two (2) years and have already received one payment under the Program.
 - e. Any other documents required by the ASCL Director.
 - 3. Completed application packets will be forwarded to the ASCL Director, or their designee, for review and approval.
 - 4. The ASCL Director's decision to reward or deny an application is final.
 - 5. The ASCL Director will provide notice to the applicant when an application is approved or denied.

- a. When an application is denied, the ASCL Director will provide the applicant with a reason for denial.
- b. An applicant whose application has been denied for failure to submit a completed application packet will be given ten (10) days from the date of denial to submit the required documents. Documents submitted after ten (10) days may be denied at the discretion of the ASCL Director.

Rules – Clean Copy



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Fiscal Impact Statement



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FINANCIAL IMPACT STATEMENT

PLEASE ANSWER ALL QUESTIONS COMPLETELY

DEPARTMENT

Department of Public Safety

DIVISION

Arkansas State Crime Laboratory

PERSON COMPLETING THIS STATEMENT

John A Smith

TELEPHONE NO.

501-682-2749

FAX NO.

501-682-1582

EMAIL:

john.a.smith@asp.arkansas.gov

To comply with Ark. Code Ann. § 25-15-204(e), please complete the following Financial Impact Statement and file two copies with the questionnaire and proposed rules.

SHORT 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 an agency is proposing a more costly rule, please state the following:

(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 more costly rule is based on the interests of public health, safety, or welfare, and if so, please explain; and;

(d) Whether the reason is within the scope of the agency's statutory authority; and if so, please explain.

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, entity and business subject to the proposed, amended, or repealed rule? Identify the entity(ies) subject to the proposed rule and explain how they are affected.

Current Fiscal Year

\$ 0

Next Fiscal Year

\$ 0

6. What is the total estimated cost by fiscal year to state, county, and 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

\$ 0

Next Fiscal Year

\$ 75,000

This rule, accompanying Act 360 of 2021, allows a newly hired Forensic Pathologist, if eligible, to receive \$25,000.00 after their successful completion of their 1st year probationary period. The Pathologist receiving this tuition reimbursement must sign a contract obligating their employment for the next 24 months. This tuition reimbursement will not exceed \$100,000.00 per eligible Pathologist.

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.

Questionnaire for
filing proposed Rules
& Regulations with
the Arkansas
Legislative Council



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QUESTIONNAIRE FOR FILING PROPOSED RULES AND REGULATIONS WITH THE ARKANSAS LEGISLATIVE COUNCIL AND JOINT INTERIM COMMITTEE

DEPARTMENT/AGENCY Department of Public Safety

DIVISION Arkansas State Crime Laboratory

DIVISION DIRECTOR Kermit B. Channell II

CONTACT PERSON Kermit B. Channell II

ADDRESS #3 Natural Resources Drive, Little Rock, Arkansas 72205

PHONE NO. (501) 227-5952

FAX NO. (501) 227-0713

E-MAIL Kermit.Channell@crimelab.arkansas.gov

NAME OF PRESENTER AT COMMITTEE MEETING Kermit B. Channell II

PRESENTER E-MAIL Kermit.Channell@crimelab.arkansas.gov

INSTRUCTIONS

- A. Please make copies of this form for future use.
- B. Please answer each question completely using layman terms. You may use additional sheets, if necessary.
- C. If you have a method of indexing your rules, please give the proposed citation after "Short Title of this Rule" below.
- D. Submit two (2) copies of this questionnaire and financial impact statement attached to the front of two (2) copies of the proposed rule and required documents. Mail or deliver to:

Donna K. Davis
Administrative Rules Review Section
Arkansas Legislative Council
Bureau of Legislative Research
One Capitol Mall, 5th Floor
Little Rock, AR 72201

1. What is the short title of this rule? To Establish the State Crime Laboratory Student Loan Forgiveness Program.

2. What is the subject of the proposed rule? Establish a Forensic Pathologist Student Loan Reimbursement

3. Is this rule required to comply with a federal statute, rule, or regulation? Yes ☐ No ☒
If yes, please provide the federal rule, regulation, and/or statute citation.

4. Was this rule filed under the emergency provisions of the Administrative Procedure Act?

Yes ☐ No ☒

If yes, what is the effective date of the emergency rule?

When does the emergency rule expire?

Will this emergency rule be promulgated under the permanent provisions of the Administrative Procedure Act? Yes No ☒ N/A

5. Is this a new rule? ☒ Yes ☐ No

If yes, please provide a brief summary explaining the regulation.

Allows a newly hired Forensic Pathologist, if eligible, to receive \$25,000.00 after their successful completion of their 1st year probationary period. The Pathologist receiving this tuition reimbursement must sign a contract obligating their employment for the next 24 months. This tuition reimbursement will not exceed \$100,000.00 per eligible Pathologist.

Does this repeal an existing rule? Yes ☐ No ☒

If yes, a copy of the repealed rule is to be included with your completed questionnaire. If it is being replaced with a new rule, please provide a summary of the rule giving an explanation of what the rule does.

Is this an amendment to an existing rule? Yes ☐ No ☒

If yes, please attach a mark-up showing the changes in the existing rule and a summary of the substantive changes. **Note: The summary should explain what the amendment does, and the mark-up copy should be clearly labeled "mark-up."**

6. Cite the state law that grants the authority for this proposed rule? If codified, please give the Arkansas Code citation. Act 360 of 93rd General Assembly, 2021

7. What is the purpose of this proposed rule? Why is it necessary? This is necessary to attract Forensic Pathologist to the State of Arkansas and to keep them gainfully employed. This rule established criteria that the eligible Forensic Pathologist must meet in order to receive the tuition reimbursement.

8. Please provide the address where this rule is publicly accessible in electronic form via the Internet as required by Arkansas Code § 25-19-108(b).

9. Will a public hearing be held on this proposed rule?

☒ Yes ☐ No

If yes, please complete the following:

Date:

Time:

Place:

10. When does the public comment period expire for permanent promulgation? (Must provide a date.)

11. What is the proposed effective date of this proposed rule? (Must provide a date.)

12. Do you expect this rule to be controversial?

Yes ☒ No

If yes, please explain.

13. Please give the names of persons, groups, or organizations that you expect to comment on these rules? Please provide their position (for or against) if known. There is no expectation on comments to the proposed rules.

Rule Change Summary



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Rule Change Summary 2021

Act 360 of 2021 established the State Crime Laboratory Student Loan Forgiveness Program. The proposed rules are being promulgated pursuant to Act 360. The proposed rules establish eligibility criteria and requirements for the program, instructions for submitting applications, and various provisions related to the administration of the program.