

A.C.A. § 25-15-202

Current through all legislation of the 2023 Regular Session and the 2023 First Extraordinary Session.

AR - Arkansas Code Annotated > Title 25 State Government > Chapter 15 Administrative Procedures > Subchapter 2 — Administrative Procedure Act

25-15-202. Definitions.

As used in this subchapter:

(1)

(A) “Adjudication” means an agency process for the formulation of an order.

(B) “Adjudication” does not include inmate disciplinary proceedings conducted by the Division of Correction and the Division of Community Correction;

(2)

(A) “Agency” means a board, commission, department, officer, or other authority of the government of the State of Arkansas, whether within, or subject to review by, another agency, except the General Assembly, the courts, and the Governor.

(B) The word “agency” shall include the Division of Child Care and Early Childhood Education and the Child Care Appeal Review Panel for purposes of administrative appeal.

(C)

(i) Except as provided in subdivision (2)(C)(ii) of this section, the word “agency” shall not include the Arkansas Public Service Commission, the Arkansas Pollution Control and Ecology Commission, the Workers' Compensation Commission, and the Division of Workforce Services, as the existing laws governing those agencies provide adequate administrative procedures for those agencies.

(ii) The word “agency” as used in §§ 25-15-216 and 25-15-218 shall include the Arkansas Public Service Commission, the Arkansas Pollution Control and Ecology Commission, the Workers' Compensation Commission, and the Division of Workforce Services.

(D) This subchapter does not repeal delegations of authority as provided by law;

(3) “Financial impact statement” means a realistic statement of a new or increased cost or obligation of complying with a proposed rule to a:

(A) Private individual, entity, and business; and

(B) State, county, and municipal government;

(4) “License” includes an agency permit, certificate, approval, registration, charter, or similar form of permission required by law;

- (5) “Licensing” means an agency process respecting the grant, denial, renewal, revocation, suspension, annulment, withdrawal, limitation, or amendment of a license;
- (6) “Order” means the final disposition of an agency in any matter other than rulemaking, including licensing and rate making, in which the agency is required by law to make its determination after notice and hearing;
- (7) “Party” means a person or agency named or admitted as a party, or properly seeking and entitled as of right to be admitted as a party, in an agency proceeding;
- (8) “Person” means an individual, partnership, corporation, association, or public or private organization of any character;
- (9)
- (A) “Rule” means an agency statement of general applicability and future effect that implements, interprets, or prescribes law or policy, or describes the organization, procedure, or practice of an agency and includes, but is not limited to, the amendment or repeal of a prior rule.
- (B) “Rule” does not mean:
- (i) A statement that concerns the internal management of a state agency and that does not affect the private rights or procedures available to the public;
 - (ii) A declaratory order or ruling issued under § 25-15-206 or other provision of law applicable to the state agency issuing the declaratory order or ruling;
 - (iii) Intra-agency memoranda;
 - (iv) A medical code within the Arkansas Medicaid Program that is issued by the Centers for Medicare & Medicaid Services, including without limitation:
 - (a) Current Procedural Terminology codes;
 - (b) Healthcare Common Procedure Coding System codes;
 - (c) International Classification of Diseases codes;
 - (d) National Uniform Billing Committee Official UB-04 Data Specifications Manual codes; and
 - (e) National Correct Coding Initiative codes;
 - (v) The addition of formatting to one (1) or more rules, including without limitation one (1) or more sections of the Code of Arkansas Rules, in order to create a handbook, manual, pamphlet, or other similar publication for the purpose of packaging or distributing materials for public use, including without limitation the addition of:
 - (a) A cover or title page;
 - (b) A table of contents; or

(c)

An index;

(vi) A technical correction under § 25-15-218;

(vii)

(a) Unless required by law to be promulgated as a rule, a form developed by an agency to implement or interpret a rule.

(b)

A form under subdivision (9)(B)(vii)(a) of this section shall not contain language that otherwise meets the definition of a rule under subdivision (9)(A) of this section unless:

(1)

The language is derived from an existing law or rule; and

(2)

A citation to the existing law or rule is included on the form; or

(viii) An internal policy or the internal guidelines of a state agency related to a cybersecurity incident involving, or a cyberattack on, a state agency; and

(10) “Rulemaking” means an agency process for the formulation, amendment, or repeal of a rule.

History

Acts 1967, No. 434, § 1; 1971, No. 316, § 1; 1977, No. 349, § 1; 1979, No. 324, § 15; A.S.A. 1947, §§ 5-701, 5-701.1; Acts 1997, No. 1149, § 1; 1999, No. 1222, § 17; 2001, No. 1648, § 1; 2003, No. 350, § 1; 2013, No. 759, § 3; 2017, No. 605, § 2; 2019, No. 517, § 1; 2019, No. 662, § 4; 2019, No. 910, §§ 620, 621; 2021, No. 64, § 2; 2023, No. 510, § 3.

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