

# ARKANSAS HIGHER EDUCATION COORDINATING BOARD SPECIAL MEETING

Zoom  
Monday, October 14, 2024  
1:00 p.m.

## Coordinating Board Members

Graycen Bigger, Chair  
Dr. Jerry Cash, Vice Chair  
Dr. Kyle Miller, Secretary  
Dr. Jim Carr  
Dr. Katherine Dudley

Chad Hooten  
Heather Maxey  
Lucas Pointer  
Carolyn Rhinehart

## AGENDA

- \*1. Rules Governing the Osteopathic Rural Medical Practice Student Loan and Scholarship Program (Mrs. Alisha Lewis)
- \*2. Rules Governing the Emergency Response Equipment at Institutions of Higher Education (Mrs. Lewis)
- \*3. Rules Governing the Student Undergraduate Research Fellowship Program (Mrs. Lewis)
- \*4. Rules Governing the Governor's Higher Education Transition Scholarship Program (Mrs. Lewis)

**RULES GOVERNING THE OSTEOPATHIC RURAL MEDICAL PRACTICE  
STUDENT LOAN AND SCHOLARSHIP BOARD**

---

In compliance with Act 857 of 2019 and Act 725 of 2023, the rules for the Osteopathic Rural Medical Practice Student Loan and Scholarship Board are presented to the Arkansas Higher Education Coordinating Board (AHECB) for final approval.

The following resolution is offered for the Board's consideration:

**RESOLVED**, That the Arkansas Higher Education Coordinating Board reviews the rules presented in this agenda item for the Osteopathic Rural Medical Practice Student Loan and Scholarship Board to be administered by the Arkansas Division of Higher Education.

**FURTHER RESOLVED**, That the Commissioner of the Arkansas Division of Higher Education or his designee is authorized to make technical changes and corrections, when necessary, in the program rules for the Osteopathic Rural Medical Practice Student Loan and Scholarship Board.

**FURTHER RESOLVED**, That the Osteopathic Rural Medical Practice Student Loan and Scholarship Board rules be approved.

**DIVISION OF HIGHER EDUCATION RULES GOVERNING THE  
OSTEOPATHIC RURAL MEDICAL PRACTICE STUDENT LOAN AND  
SCHOLARSHIP BOARD**

**Effective Date:**

**1.00 DEFINITIONS**

1.01 “Medically Underserved Community” means an area in Arkansas that the Osteopathic Rural Medical Practice Student Loan and Scholarship Board determines has unmet needs for medical services due to factors, including without limitation:

1.01.1 The ratio of primary care physicians to population;

1.01.2 The infant mortality rate;

1.01.3 The percentage of:

1.01.3.1 Population with incomes below the federal poverty level, as it existed on January 1, 2019;

1.01.3.2 Resident individuals sixty (60) years of age and older; and

1.01.3.3 Physicians sixty (60) years of age and older;

1.01.4 Accessibility within the area to primary care medicine; and

1.01.5 Other relevant criteria the board may deem necessary for a determination of unmet needs for medical services.

1.02 “Primary Care Medicine” means health care provided in one (1) of the following areas of practice:

1.02.1 Family medicine;

1.02.2 General internal medicine;

1.02.3 General internal medicine and pediatrics;

1.02.4 General pediatrics;

1.02.5 General obstetrics and gynecology;

1.02.6 General surgery;

1.02.7 Emergency medicine; and

1.02.8 Geriatrics.

1.03 “Qualified rural community” means an area:

1.03.1 With a population below twenty thousand (20,000) according to the most recent federal census;

1.03.2 That is at least twenty (20) miles from a city or town with a population of more than twenty thousand (20,000) according to the most recent federal census; and

1.03.3 That is reasonably determined by the board to be medically underserved.

## **2.00 DUTIES AND RESPONSIBILITIES OF THE BOARD**

2.01 The Osteopathic Rural Medical Practice Student Loan and Scholarship Board shall administer the Osteopathic Rural Medical Practice Student Loan and Scholarship Program and the Community Match Rural Physician Recruitment Program and shall consist of six (6) members, including:

2.01.1 One (1) member appointed by the Governor after consultation with each medical school in Arkansas that is not the University of Arkansas for Medical Sciences;

2.01.2 One (1) member appointed by the Governor after consultation with the Arkansas Osteopathic Medical Association, who shall serve as vice chair;

2.01.3 Two (2) physician members appointed by the Governor after consultation with the Arkansas Osteopathic Medical Association, giving preference to physicians who have received:

2.01.3.1 Osteopathic rural medical practice loans;

2.01.3.2 Community match loans; or

2.01.3.3 Income incentives; and

2.01.4 Two (2) representatives appointed by the Governor after consultation with the Arkansas Hospital Association, Inc.

2.02 Members of the board shall:

2.02.1 Serve a term of three (3) years;

2.02.2 Not serve more than two (2) consecutive terms; and

2.02.3 Except as provided under 2.05.9, shall serve without compensation.

2.03 The board shall:

2.03.1 Prescribe forms for, and regulate the submission of, loan applications;

2.03.2 Determine eligibility of applicants;

2.03.3 Allow or disallow loan or income incentive applications;

2.03.4 Contract, increase, decrease, terminate, and otherwise regulate:

2.03.4.1 All loan and income incentive disbursements;

2.03.4.2 Receipts for their repayment; and

2.03.4.3 Convert loans to scholarships or grants, as applicable;

2.03.5 Manage, operate, and control all funds and property appropriated or otherwise contributed;

2.03.6 Accept gifts, grants, bequests, or devises and apply them as a part of the loan and scholarship program;

2.03.7 Sue and be sued as the board; and

2.03.8 Accept monies from federal programs that may be used for furtherance of the purposes of this rule.

2.04 The members of the board may receive expense reimbursement and stipends in accordance with § 25-16-901 et seq.

2.05 The board shall examine all osteopathic rural medical practice loan applications to determine whether the applicant needs a loan to advance his or her medical education.

2.05.1 To determine whether an applicant needs a loan to advance his or her medical education, the board shall investigate:

2.05.1.1 Ability, character, and qualifications of the applicant; and

2.05.1.2 Financial standing of the applicant or his or her parents.

2.06 The board shall make an annual report to the Governor concerning the activities of the board and shall file a copy of its report with the Legislative Council.

2.06.1 The report shall include:

2.06.1.1 The names of the recipients of the loans;

2.06.1.2 The amount of each loan;

2.06.1.3 An accounting of the funds granted, on hand, and expended for necessary expenses;

2.06.1.4 The total amount of funds received during the year from gifts, federal grants, bequests, and devises; and

2.06.1.5 The amount of loans which, during the year, become scholarships through compliance with the conditions of the loan contracts.

2.06.2 This report shall include the names and addresses, and amount of loans to each person, of those recipients who are in default of repayment obligations.

### **3.00 OSTEOPATHIC RURAL MEDICAL PRACTICE STUDENT LOAN AND SCHOLARSHIP PROGRAM ADMINISTRATOR**

3.01 The Osteopathic Rural Medical Practice Student Loan and Scholarship Program administrator shall:

3.01.1 Be employed by the Division of Higher Education;

3.01.2 Serve as liaison between loan recipients and rural communities by:

3.01.2.1 Working with the communities to:

3.01.2.1.1 Identify their unique needs;

3.01.2.1.2 Develop profiles of their ideal candidates; and

3.01.2.1.3 Prepare for recruitment visits;

3.01.2.2 Assisting medical students and residents to:

3.01.2.2.1 Identify medically underserved and other rural communities that suit their personal and medical practice needs; and

3.01.2.2.2 Meet their contractual obligations;

3.01.3 Collect and monitor student loan and scholarship program data, including:

3.01.3.1 Demographic data of participants and communities;

3.01.3.2 Service completion rates;

3.01.3.3 Retention rates beyond service completion;

3.01.3.4 Satisfaction of obligated physicians and communities; and

3.01.3.5 Other relevant information;

3.01.4 Prepare annual program evaluations and present the evaluations to the Osteopathic Rural Medical Practice Student Loan and Scholarship Board;

3.01.5 Assist with preparation and submission of program reports;

3.01.6 Attend board meetings in a nonvoting capacity; and

3.01.7 Perform other functions assigned by the board.

#### **4.00 LOAN APPLICATIONS**

4.01 An individual may apply for a loan through the Scholarship Application Management System, which will then be reviewed by the Osteopathic Rural Medical Practice Student Loan and Scholarship Board, if the individual is:

4.01.1 Accepted for admission to, or enrolled in good standing in, in studies at an Arkansas medical school that lead to the degree of Doctor of Osteopathic Medicine;

4.01.2 A person of good moral character that has the talent and capacity to profit by medical studies;

4.01.2.1 The qualified rural community does not have to be determined at the time of application but instead at the completion of residency training.

4.01.3 In need of financial assistance to complete their medical studies through a "medically underserved and rural practice curriculum"; and

4.01.4 A bona fide resident of Arkansas.

- 4.02 A graduate of an accredited osteopathic medical school in the United States may apply for the community match income incentive program so long as the applicant satisfies the criteria set forth in section 8 of these rules.
- 4.03 The osteopathic rural medical practice loans are solely for paying the applicant's tuition, maintenance, educational, and necessary living expenses of his or her dependents while the applicant is enrolled in the program pursuant to these rules.
- 4.04 The board may make osteopathic rural medical practice loans to the applicant, subject to the provisions of 4.08 and 5.03, if the board finds that the applicant:
- 4.04.1 Is a bona fide resident of Arkansas;
  - 4.04.2 Has been accepted for admission to or is enrolled in good standing in studies that lead to the degree of Doctor of Osteopathic Medicine;
  - 4.04.3 Is enrolled in a medically underserved and rural practice curriculum;
  - 4.04.4 Needs financial assistance to complete his or her medical studies;
  - 4.04.5 Desires to practice medicine in an eligible qualified rural community; and
  - 4.04.6 Has good moral character, talent, and capacity to profit by medical studies.
- 4.05 Subject to the availability of funds, an initial osteopathic rural medical practice loan for one (1) academic year shall:
- 4.05.1 Be renewable annually for the number of years required to complete studies leading to the Doctor of Osteopathic Medicine degree; or
  - 4.05.2 For additional amounts, not to exceed the maximum amounts specified in 4.06; but
  - 4.05.3 All subsequent osteopathic rural medical practice loans shall be granted only upon application by recipient and finding by the board that applicant:
    - 4.05.3.1 Has completed successfully the medical studies of the preceding academic year and remains in good standing as an enrolled student in the college;
    - 4.05.3.2 Is enrolled or participating in a medically underserved and rural practice curriculum;
    - 4.05.3.3 Continues to be a resident of Arkansas; and
    - 4.05.3.4 Continues to warrant financial assistance.



- 4.06 The maximum amount of each osteopathic rural medical practice loan for osteopathic medical students is \$12,000 per academic year or \$6,000 per academic semester, or those costs that are reasonable and necessary for the student's attendance as determined by the board.
- 4.07 The maximum amount of each community match income incentive shall not exceed eighty thousand dollars (\$80,000) or as the board otherwise shall determine payable under 9.02 of these rules.
- 4.07.1 The board shall provide fifty percent (50%) of the community match income incentive, and the qualified rural community shall provide the other fifty percent (50%) of the income incentive.
- 4.07.2 However, if the board does not have sufficient funds to match the community's portion of the income incentive, nothing precludes a qualified rural community from providing the total income incentive amount.
- 4.08 All payments for osteopathic rural practice loans and community match loans shall be made on requisitions signed by the Chair of the board, drawn against the funds held for purposes of these rules.
- 4.08.1 The following funds shall be held in trust and disbursed by the fiscal officers of a medical school in Arkansas, that is not the University of Arkansas for Medical Sciences:
- 4.08.1.1 State appropriations so designated;
- 4.08.1.2 Revolving amounts received from repayment of loans and interest; and
- 4.08.1.3 All funds, property, and income received by the board under its authority to accept and apply gifts, bequests, and devises for the aforesaid purposes.
- 4.08.2 Funds collected because of a recipient's breach of an osteopathic rural practice loan contract or community match loan contract shall be:
- 4.08.2.1 Held in trust for either the use of the Osteopathic Rural Medical Practice Student Loan and Scholarship Program;
- 4.08.2.2 The Community Match Rural Physician Recruitment Program;
- 4.08.2.3 Or any other use otherwise deemed appropriate by the board in its discretion; and

4.08.2.4 Disbursed by the fiscal officer of an osteopathic medical school in Arkansas pursuant to these rules.

## **5.00 LOAN CONTRACTS — OBLIGATIONS AND CONDITIONS**

5.01 The Osteopathic Rural Medical Practice Student Loan and Scholarship Board shall enter into a loan contract with each osteopathic rural medical practice loan recipient.

5.02 Contracts shall be approved by the Attorney General and shall be:

5.02.1 Signed by the Chair of the board;

5.02.2 Countersigned by the Secretary of the board; and

5.02.3 Signed by the applicant.

5.03 Each applicant receiving an osteopathic rural medical practice loan granted by the board shall execute a written loan contract that incorporates the following obligations and conditions:

5.03.1 The recipient shall agree to practice primary care medicine full time in a qualified rural community upon completion of:

5.03.1.1 Medical internship of one (1) year undertaken immediately following earning a degree of Doctor of Osteopathic Medicine;

5.03.1.2 Four (4) additional years of medical training beyond the internship if:

5.03.1.2.1 The training has been approved in advance by the board; and

5.03.1.2.2 Includes practice experience in a rural community; or

5.03.1.3 At the request of the loan recipient, the board may approve practice in more than one (1) qualified rural community to meet the obligation to practice full time.

5.03.1.3.1 This requires a board determination that either:

5.03.1.3.1.1 Physician need in rural communities cannot sustain a full-time medical practice; or

5.03.1.3.1.2 Other compelling circumstances exist.

- 5.03.2 The recipient of a loan shall agree that for each year's loan that he or she shall practice medicine in accordance with 5.03.1 for a whole year.
- 5.03.3 For each continuous whole year of medical practice, subject to reasonable leave periods, including without limitation vacation, sick leave, continuing medical education, jury duty, funerals, holidays, or military service, the board shall cancel, by converting to a scholarship grant, the full amount of one (1) year's loan plus accrued interest;
- 5.03.3.1 Loans made for subsequent years will be converted in like manner, one year of service for each year of assistance until the loan obligation is retired.
- 5.03.3.2 Requests for deferment of payment must be approved by the board on an annual basis, however, allowance is made for involuntary military service.
- 5.04 The recipient of an osteopathic rural medical practice loan or loans shall agree that not engaging in the practice of medicine in accordance with these rules may result in suspension of his or her license to practice medicine in this state.
- 5.04.1 The recipient's medical license may not be suspended unless:
- 5.04.1.1 Recipient's contract contained a specific term that loss of license was a consequence of breach; and
- 5.04.1.2 Recipient signed a written acknowledgment that the suspension of license was explained orally as a potential consequence of breaching the contractual provisions.
- 5.04.2 The suspension may be for a period of years equivalent to the number of years recipient is obligated to practice medicine in a rural area, but has not so practiced, and until the loan with interest together with any civil money penalties, as reduced by each full year of medical practice according to the terms of the loan contract, is paid in full;
- 5.05 Any communication from a medical school in Arkansas, that is not the University of Arkansas for Medical Sciences, with any state medical licensing board shall include a notation that:
- 5.05.1 The recipient of an osteopathic rural medical practice loan has a contract with Arkansas to practice medicine in a rural community; and
- 5.05.2 Breach of contract may result in suspension of recipient's Arkansas medical license;

5.06 If any loan recipient does not engage in the practice of medicine in accordance with the terms of this rule and recipient's loan contract to have the loan contract recognized as a scholarship, the recipient shall remain obligated to repay the loan or loans received, together with interest at the maximum rate allowed by Arkansas law or the federal discount rate plus five percent (5%) per annum, whichever is the lesser, the interest to accrue from the date each payment of funds was received by the recipient.

5.06.1 Neither interest nor the obligation to repay the principal sums accrued shall accrue during any one (1) period of time that the recipient involuntarily serves on active duty in the United States Armed Forces.

5.06.2 Repayment of principal with interest shall be due and payable in full at the earliest to occur of the following events:

5.06.2.1 Failure to remain enrolled in a medically underserved and rural practice curriculum;

5.06.2.2 Failure to remain in enrollment status continuously to completion of the degree of Doctor of Osteopathic Medicine for any reason other than temporary personal illness;

5.06.2.3 Failure to complete the internship;

5.06.2.4 Failure to engage in the full-time practice of medicine while residing in a qualified rural community;

5.06.2.4.1 However, the board may waive the residency requirement on a case-by-case basis; and

5.06.2.5 Failure to establish a practice as required in this rule within six (6) months following either internship or four (4) additional years of medical education that includes practice experience in a rural community.

5.06.3 In the event of the death of the recipient, the entire loan amount that has not been converted to a scholarship grant pursuant to the terms of the loan contract shall be due and payable.

5.07 Medical school alternate's contracts shall contain an additional term that breach of the contract may result in civil money penalties in the amount of one hundred percent (100%) of the loan amount if:

5.07.1 An alternate on the waiting list for acceptance to an osteopathic medical school in Arkansas enters into an osteopathic rural medical practice

program contract conditioned only upon the applicant's being accepted for admission to the college;

5.07.2 The alternate otherwise meets the requirements of this rule; and

5.07.3 The applicant is moved to the top of the waiting list pursuant to section 9.

5.07.3.1 This shall not prohibit the board from considering and entering a negotiated settlement with the loan recipient involving:

5.07.3.1.1 The license suspension;

5.07.3.1.2 The amount of the civil money penalty; and

5.07.3.1.3 The terms of repayment of the loan.

5.08 The board may amend agreements entered into with any loan recipient at any time prior to full performance of the recipient's contractual obligations.

5.08.1 A loan recipient may apply to an osteopathic medical school in Arkansas for a waiver of the contractual provisions set forth in 5.04.

5.08.1.1 If the osteopathic medical school determines that exigent circumstances warrant a waiver, the loan recipient shall be notified in writing.

5.08.1.2 The osteopathic medical school in Arkansas shall immediately notify the State Medical Board of such a determination.

## **6.00 DISPUTE RESOLUTION**

6.01 The following may appeal any decision or action by the Osteopathic Rural Medical Practice Student Loan and Scholarship Board relating to the application for a loan or income incentive or relating to a loan or income incentive granted by the board under the dispute resolution procedure:

6.01.1 Any applicant for a loan or income incentive issued by the board;

6.01.2 Any person who has been granted a loan or has been granted income incentives by the board; or

6.01.3 Any party to an osteopathic rural medical practice or community match loan or income incentive established under these rules.

6.02 The board shall establish and follow procedures, as required per § 6-81-1803(b)(1), used by a loan or income incentive recipient, the board, or a qualified

rural community, to resolve any dispute arising out of or relating to an osteopathic rural medical practice or community match loan or income incentive contract, including the validity or interpretation of a contract term, contract enforcement or defenses, the occurrence of an event of default or breach, loan repayment, the assessment or imposition of contract damages or civil money penalties, or other related disputes.

6.03 The dispute resolution procedure established by the board shall be followed before the initiation of any litigation related to:

6.03.1 An osteopathic rural medical practice or community match loan; or

6.03.2 Income incentive contract.

6.04 These rules do not prohibit informal disposition by:

6.04.1 Stipulation;

6.04.2 Settlement; or

6.04.3 Consent.

## **7.00 COMMUNITY MATCH CONTRACTS—ELIGIBILITY**

7.01 The Osteopathic Rural Medical Practice Student Loan and Scholarship Board shall administer the Community Match Rural Physician Recruitment Program.

7.01.1 Interested rural communities may apply to the board to participate in the program as a qualified rural community.

7.01.2 The board shall approve a designated representative of the qualified rural community to assist the board in matters relating to any community match contracts entered into by the board and the qualified rural community.

7.02 The board, in conjunction with a qualified rural community, may grant community match income incentives to applicants, each incentive being expressly made subject to section 8 of these rules, if it finds that:

7.02.1 The applicant is a graduate of:

7.02.1.1 An accredited osteopathic medical school in the United States;  
or

7.02.1.2 A foreign medical school if the applicant:

7.02.1.2.1 Was a resident of Arkansas and citizen of the United States prior to enrollment in foreign medical school; and

7.02.1.2.2 Has been licensed by the State Medical Board;

7.02.2 The applicant satisfies one (1) of the following criteria:

7.02.2.1 Enrollment in a residency or other training program in an area of primary care medicine; or

7.02.2.2 No more than two (2) years before the date of the application, he or she completed a residency or other training program in an area of primary care medicine;

7.02.3 The applicant desires to practice medicine in the qualified rural community; and

7.02.4 The designated representative approve the applicant.

## **8.00 COMMUNITY MATCH CONTRACTS—OBLIGATIONS & CONDITIONS**

8.01 The Osteopathic Rural Medical Practice Student Loan and Scholarship Board and the qualified rural community shall enter a joint community match income incentive contract with the applicant.

8.01.1 The community match contract shall be approved by the Attorney General and signed by the following:

8.01.1.1 The Chair of the board;

8.01.1.2 The Secretary of the board;

8.01.1.3 The designated representative of the qualified rural community; and

8.01.1.4 The applicant.

8.02 Each applicant granted a community match income incentive by the board shall execute a written contract incorporating the following obligations and conditions:

8.02.1 The recipient agrees to practice primary care medicine full time in the contracting qualified rural community for a period of four (4) years.

8.02.1.1 The recipient shall receive the community match funds according to a disbursement schedule acceptable to the board, the qualified rural community, and the recipient to the contract.

8.02.1.2 For each three-month period of full-time medical practice by the recipient, according to the terms of the contract, the board and the qualified rural community shall award one-fourth (¼) of the income incentive for the year of service;

8.02.2 If any recipient does not begin, or ceases the full-time practice of medicine in breach of contract, or otherwise breaches the contract, the recipient shall pay:

8.02.2.1 Twenty thousand dollars (\$20,000) for each uncompleted full year of the four-year contract term; and

8.02.2.2 Any civil money penalties that apply.

8.02.2.2.1 The board may impose civil money penalties of up to fifty percent (50%) of the principal amount of the income incentive under the terms of the contract because of breach; and

8.02.3 Neither interest nor the obligation to repay the principal sums accrued shall accrue during any one (1) period of time that the recipient involuntarily serves on active duty in the United States Armed Forces.

8.03 Section 8.02 of this rule does not prohibit the board from considering and entering into a negotiated settlement with the recipient involving the terms of repayment of amounts paid under the terms of the contract.

8.04 Contracts may be amended at any time before the income incentive has been paid in full or terms and conditions of the contract are satisfied.

## **9.00 MEDICAL SCHOOL ALTERNATES — RURAL MEDICAL PRACTICE LOANS**

9.01 If an alternate on the waiting list for acceptance to an osteopathic medical school in Arkansas demonstrates a willingness to enter into an osteopathic rural medical practice loan contract and meets the requirements of 4.04, the applicant shall be moved to the top of the waiting list upon entering into an osteopathic rural medical practice student loan contract.

9.01.1 The priority on the waiting list for an alternate who enters into a loan contract shall be determined by the date and time such an alternate enters into the contract.



9.02 An osteopathic medical school in Arkansas shall:

9.02.1 Track graduates who were recipients of loans under this rule for the length of their contractual obligations; and

9.02.2 Report to the Legislative Council by October 1 of each even-numbered year regarding the compliance of those graduates with the terms of their contracts.

DRAFT

1 State of Arkansas  
2 92nd General Assembly  
3 Regular Session, 2019  
4

# A Bill

HOUSE BILL 1841

5 By: Representative L. Johnson  
6 By: Senator M. Pitsch  
7

## For An Act To Be Entitled

9 AN ACT TO CREATE THE OSTEOPATHIC RURAL MEDICAL  
10 PRACTICE STUDENT LOAN AND SCHOLARSHIP; TO CREATE THE  
11 OSTEOPATHIC RURAL MEDICAL PRACTICE STUDENT LOAN AND  
12 SCHOLARSHIP BOARD; TO DECLARE AN EMERGENCY; AND FOR  
13 OTHER PURPOSES.  
14  
15

## Subtitle

16 TO CREATE THE OSTEOPATHIC RURAL MEDICAL  
17 PRACTICE STUDENT LOAN AND SCHOLARSHIP; TO  
18 CREATE THE OSTEOPATHIC RURAL MEDICAL  
19 PRACTICE STUDENT LOAN AND SCHOLARSHIP  
20 BOARD; AND TO DECLARE AN EMERGENCY.  
21  
22  
23

24 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:  
25

26 SECTION 1. Arkansas Code Title 6, Chapter 81, is amended to add an  
27 additional subchapter to read as follows:

28 Subchapter 18 – Osteopathic Rural Medical Practice Student Loans and  
29 Scholarships  
30

31 6-81-1801. Creation.

32 There is established within the Department of Higher Education the  
33 Osteopathic Rural Medical Practice Student Loan and Scholarship fund to be  
34 administered by the Osteopathic Rural Medical Practice Student Loan and  
35 Scholarship Board.  
36



1 6-81-1802. Definitions.

2 As used in this subchapter:

3 (1) "Medically underserved" means an area in Arkansas that the  
 4 Osteopathic Rural Medical Practice Student Loan and Scholarship Board  
 5 determines has unmet needs for medical services due to factors, including  
 6 without limitation:

7 (A) The ratio of primary care physicians to population;

8 (B) The infant mortality rate;

9 (C) The percentage of:

10 (i) Population with incomes below the federal  
 11 poverty level, as it existed on January 1, 2019;

12 (ii) Resident individuals sixty (60) years of age  
 13 and older; and

14 (iii) Physicians sixty (60) years of age and older;

15 (D) Accessibility within the area to primary care  
 16 medicine; and

17 (E) Other relevant criteria the board may deem necessary  
 18 for a determination of unmet needs for medical services;

19 (2) "Primary care medicine" means health care provided in one  
 20 (1) of the following areas of practice:

21 (A) Family medicine;

22 (B) General internal medicine;

23 (C) General internal medicine and pediatrics;

24 (D) General pediatrics;

25 (E) General obstetrics and gynecology;

26 (F) General surgery;

27 (G) Emergency medicine; and

28 (H) Geriatrics; and

29 (3) "Qualified rural community" means an area:

30 (A) With a population below twenty thousand (20,000)  
 31 according to the most recent federal census;

32 (B) That is at least twenty (20) miles from a city or town  
 33 with a population of more than twenty thousand (20,000) according to the most  
 34 recent federal census; and

35 (C) That is reasonably determined by the board to be  
 36 medically underserved.

1  
2 6-81-1803. Osteopathic Rural Medical Practice Student Loan and  
3 Scholarship Board.

4 (a)(1) There is established the Osteopathic Rural Medical Practice  
5 Student Loan and Scholarship Board composed of:

6 (A) One (1) representative of each medical school in  
7 Arkansas that is not the University of Arkansas for Medical Sciences;

8 (B) One (1) representative of the Arkansas Osteopathic  
9 Medical Association, who shall serve as vice chair;

10 (C) Two (2) physician members appointed by the Arkansas  
11 Osteopathic Medical Association, giving preference to physicians who have  
12 received osteopathic rural medical practice loans, community match loans, or  
13 income incentives; and

14 (D) Two (2) representatives appointed by the Arkansas  
15 Hospital Association, Inc.

16 (2) Members of the board shall:

17 (A) Serve a term of three (3) years; and

18 (B) Not serve more than two (2) consecutive terms.

19 (3) Except as provided under subsection (c) of this section,  
20 members of the board shall serve without compensation.

21 (4) Vacancies shall be filled in a similar manner as provided  
22 under subdivisions (a)(1) and (2) of this section.

23 (b) The board shall:

24 (1) Promulgate reasonable rules necessary to execute the  
25 provisions of this subchapter, including without limitation rules addressing  
26 the requirements and in conformance with the requirements of the Arkansas  
27 Administrative Procedure Act, § 25-15-201 et seq., and other appropriate  
28 state laws in promulgating and placing rules into effect:

29 (A) For a health professions shortage area;

30 (B) To become a qualified rural community eligible to  
31 participate in the Osteopathic Rural Medical Practice Student Loan and  
32 Scholarship Program under this subchapter; and

33 (C) For a procedure to resolve disputes arising out of or  
34 relating to a rural practice or community match loan or income incentive  
35 contract;

36 (2) Prescribe forms for and regulate the submission of loan

1 applications;

2 (3) Determine eligibility of applicants;

3 (4) Allow or disallow loan or income incentive applications;

4 (5) Contract, increase, decrease, terminate, and otherwise  
 5 regulate all loan and income incentive disbursements for these purposes,  
 6 receipts for their repayment, and convert loans to scholarships or grants, as  
 7 applicable;

8 (6) Manage, operate, and control all funds and property  
 9 appropriated or otherwise contributed for this purpose;

10 (7) Accept gifts, grants, bequests, or devises and apply them as  
 11 a part of the program;

12 (8) Sue and be sued as the board; and

13 (9) Accept moneys from federal programs that may be used for  
 14 furtherance of the purposes of this subchapter.

15 (c) The members of the board may receive expense reimbursement and  
 16 stipends in accordance with § 25-16-901 et seq.

17 (d) The board shall administer the Osteopathic Rural Medical Practice  
 18 Student Loan and Scholarship Program and the Community Match Rural Physician  
 19 Recruitment Program.

20  
 21 6-81-1804. Loan applications – Medical students and medical school  
 22 graduates.

23 (a) An individual may apply for a loan under this subchapter on forms  
 24 prescribed by the Osteopathic Rural Medical Practice Student Loan and  
 25 Scholarship Board if the individual is:

26 (1) Accepted for admission to or enrolled in good standing in a  
 27 medical school in Arkansas in studies that lead to the degree of Doctor of  
 28 Osteopathic Medicine; and

29 (2) A bona fide resident of Arkansas.

30 (b) A graduate of an accredited osteopathic medical school in the  
 31 United States may apply for the community match income incentive program  
 32 under this subchapter on forms prescribed by the board so long as the  
 33 applicant satisfies the criteria set forth in § 6-81-1814.

34  
 35 6-81-1805. Medical students – Investigation after application.  
 36 When an osteopathic rural medical practice loan application is filed

1 with the Osteopathic Rural Medical Practice Student Loan and Scholarship  
2 Board, the board shall examine the application, investigate the ability,  
3 character, and qualifications of the applicant, and investigate the financial  
4 standing of the applicant or his or her parents to determine whether the  
5 applicant is in need of a loan to advance his or her medical education.

6  
7 6-81-1806. Medical students – Purpose of loan.

8 Osteopathic rural medical practice loans provided for in this  
9 subchapter shall be made for the sole purpose of paying the applicant's  
10 tuition, maintenance, and educational expenses and the necessary living  
11 expenses of his or her dependents while the applicant is enrolled in a  
12 program of medical education as described in this subchapter.

13  
14 6-81-1807. Medical students – Eligibility for initial and renewal  
15 loans.

16 (a) The Osteopathic Rural Medical Practice Student Loan and  
17 Scholarship Board may make osteopathic rural medical practice loans to the  
18 applicant, each osteopathic rural medical practice loan being expressly made  
19 subject to the provisions of § 6-81-1809(c) and § 6-81-1810, if it finds  
20 that:

21 (1) The applicant is a bona fide resident of Arkansas;

22 (2) The applicant has been accepted for admission to or is  
23 enrolled in good standing in studies that lead to the degree of Doctor of  
24 Osteopathic Medicine;

25 (3) The applicant is enrolled in a medically underserved and  
26 rural practice curriculum;

27 (4) The applicant needs financial assistance to complete his or  
28 her medical studies;

29 (5) The applicant desires to practice medicine in an eligible  
30 qualified rural community; and

31 (6) The applicant is a person of good moral character and one  
32 who has the talent and capacity to profit by medical studies.

33 (b) Subject to the availability of funds, an initial osteopathic rural  
34 medical practice loan for one (1) academic year shall be renewable annually  
35 for the number of years required to complete studies leading to the Doctor of  
36 Osteopathic Medicine degree or for additional amounts, not to exceed the

1 maximum amounts specified in § 6-81-1808, but all subsequent osteopathic  
2 rural medical practice loans shall be granted only upon application by the  
3 recipient and a finding by the board that:

4 (1) The applicant has completed successfully the medical studies  
5 of the preceding academic year and remains in good standing as an enrolled  
6 student in the college;

7 (2) The applicant is enrolled or participating in a medically  
8 underserved and rural practice curriculum;

9 (3) The applicant continues to be a resident of Arkansas; and

10 (4) The applicant's financial situation continues to warrant  
11 financial assistance made under the conditions of this section.

12  
13 6-81-1808. Maximum amount of loans.

14 (a) The maximum amount of each osteopathic rural medical practice loan  
15 for osteopathic medical students shall not exceed sixteen thousand five  
16 hundred dollars (\$ 16,500) per academic year or those costs that are  
17 reasonable and necessary for the student's attendance as determined by the  
18 Osteopathic Rural Medical Practice Student Loan and Scholarship Board.

19 (b)(1) The maximum amount of each community match income incentive  
20 shall not exceed eighty thousand dollars (\$80,000) or as the board otherwise  
21 shall determine payable under § 6-81-1816.

22 (2) The board shall provide fifty percent (50%) of the community  
23 match income incentive, and the qualified rural community shall provide the  
24 other fifty percent (50%) of the income incentive.

25 (3) However, if the board does not have sufficient funds to  
26 match the community's portion of the income incentive, nothing precludes a  
27 qualified rural community from providing the total income incentive amount.

28  
29 6-81-1809. Loan contracts – Osteopathic rural medical practice loans –  
30 Obligations and conditions.

31 (a) The Osteopathic Rural Medical Practice Student Loan and  
32 Scholarship Board shall enter into a loan contract with the applicant to whom  
33 an osteopathic rural medical practice loan is made.

34 (b) The contract shall be approved by the Attorney General and shall  
35 be signed by the Chair of the Osteopathic Rural Medical Practice Student Loan  
36 and Scholarship Board, countersigned by the Secretary of the board, and

1 signed by the applicant.

2 (c) Each applicant to whom an osteopathic rural medical practice loan  
3 or loans is granted by the board shall execute a written loan contract that  
4 incorporates the following obligations and conditions:

5 (1)(A) The recipient of an osteopathic rural medical practice  
6 loan or loans shall bindingly contract that he or she shall practice primary  
7 care medicine full time in a qualified rural community upon completion of:

8 (i) His or her medical internship of one (1) year  
9 undertaken immediately following the earning of the degree of Doctor of  
10 Osteopathic Medicine;

11 (ii) Four (4) additional years of medical training  
12 beyond the internship if the training has been approved in advance by the  
13 board and includes practice experience in a rural community; or

14 (iii) At the request of the recipient of an  
15 osteopathic rural medical practice loan, the board may approve the  
16 recipient's request to practice in more than one (1) qualified rural  
17 community to meet his or her obligation to practice full time if the board  
18 determines, based upon guidelines established by the board, that the  
19 physician need in the rural communities cannot sustain a full-time medical  
20 practice or that other compelling circumstances exist.

21 (B) The recipient of an osteopathic rural medical practice  
22 loan or loans shall bindingly contract that for each year's loan he or she  
23 shall practice medicine in accordance with subdivision (c)(1)(A) of this  
24 section for a whole year.

25 (C) For each continuous whole year of medical practice, in  
26 accordance with subdivision (c)(1)(A) of this section, subject to reasonable  
27 leave periods, including without limitation vacation, sick leave, continuing  
28 medical education, jury duty, funerals, holidays, or military service, the  
29 board shall cancel, by converting to a scholarship grant, the full amount of  
30 one (1) year's loan plus accrued interest;

31 (2)(A) The recipient of an osteopathic rural medical practice  
32 loan or loans shall bindingly contract that not engaging in the practice of  
33 medicine in accordance with the loan contract and with this subchapter may  
34 result in suspension of his or her license to practice medicine in this  
35 state.

36 (B) The recipient's medical license may not be suspended



1 unless the recipient's contract contained a specific term that loss of  
2 license was a consequence of breach and the recipient signed a written  
3 acknowledgment of understanding that the suspension of license was explained  
4 to him or her orally as a potential consequence of breach of the contractual  
5 provisions.

6 (C) The suspension may be for a period of years equivalent  
7 to the number of years that the recipient is obligated to practice medicine  
8 in a rural area but has not so practiced and until the loan with interest  
9 together with any civil money penalties, as reduced by each full year of  
10 medical practice according to the terms of the loan contract, is paid in  
11 full;

12 (3) Any communication from a medical school in Arkansas that is  
13 not the University of Arkansas for Medical Sciences with any state medical  
14 licensing board shall include a notation that the recipient of an osteopathic  
15 rural medical practice loan has a contract with the State of Arkansas to  
16 practice medicine in a rural community and that breach of that contract may  
17 result in suspension of the recipient's Arkansas medical license;

18 (4)(A) In the event that any osteopathic rural medical practice  
19 loan recipient under this subchapter does not engage in the practice of  
20 medicine in accordance with the terms of this section and of his or her loan  
21 contract in order to have the loan contract recognized as a scholarship, the  
22 recipient shall remain obligated to repay the loan or loans received,  
23 together with interest at the maximum rate allowed by Arkansas law or the  
24 federal discount rate plus five percent (5%) per annum, whichever is the  
25 lesser, the interest to accrue from the date each payment of funds was  
26 received by the recipient.

27 (B) Neither interest nor the obligation to repay the  
28 principal sums accrued shall accrue during any one (1) period of time that  
29 the recipient involuntarily serves on active duty in the United States Armed  
30 Forces.

31 (C) Repayment of principal with interest shall be due and  
32 payable in full at the earliest to occur of the following events:

33 (i) Failure to remain enrolled in a medically  
34 underserved and rural practice curriculum;

35 (ii) Failure to remain in enrollment status  
36 continuously to completion of the degree of Doctor of Osteopathic Medicine

1 for any reason other than temporary personal illness;

2 (iii) Failure to complete internship;

3 (iv)(a) Failure to engage in the full-time practice  
4 of medicine while residing in a qualified rural community in Arkansas as  
5 defined in § 6-81-1802.

6 (b) However, the board may waive the residency  
7 requirement on a case-by-case basis; and

8 (v) Failure to establish a practice as described  
9 under subdivision (c)(4)(C)(iv)(a) of this section within six (6) months  
10 following either internship or four (4) additional years of medical education  
11 that includes practice experience in a rural community.

12 (D) In the event of the death of the recipient, the entire  
13 loan amount that has not been converted to a scholarship grant pursuant to  
14 the terms of the loan contract shall be due and payable;

15 (5) If an alternate on the waiting list for acceptance to an  
16 osteopathic medical school in Arkansas enters into an osteopathic rural  
17 medical practice program contract conditioned only upon the applicant's being  
18 accepted for admission to the college and otherwise meets the requirements of  
19 § 6-81-1807 and if the applicant is moved to the top of the waiting list  
20 under § 6-81-1815, the alternate's contract shall contain an additional term  
21 that breach of the contract may result in civil money penalties in the amount  
22 of one hundred percent (100%) of the loan amount; and

23 (6) This subsection shall not prohibit the board from  
24 considering and entering into a negotiated settlement with the osteopathic  
25 rural medical practice loan recipient involving the license suspension, the  
26 amount of the civil money penalty, and the terms of repayment of the loan.

27 (d) The board may amend agreements entered into with any loan  
28 recipient at any time prior to full performance of the recipient's  
29 contractual obligations.

30 (e)(1) An osteopathic rural medical practice loan recipient may apply  
31 to an osteopathic medical school in Arkansas for a waiver of the contractual  
32 provisions set forth in subdivision (c)(2) of this section.

33 (2)(A) If the osteopathic medical school in Arkansas determines  
34 that exigent circumstances warrant a waiver, the loan recipient shall be  
35 notified in writing.

36 (B) The osteopathic medical school in Arkansas shall

1 immediately notify the Arkansas State Medical Board of such determination.

2  
3 6-81-1810. Funding of loans.

4 (a)(1) All payments for osteopathic rural practice loans and community  
5 match loans under this subchapter shall be made on requisitions signed by the  
6 Chair of the Osteopathic Rural Medical Practice Student Loan and Scholarship  
7 Board drawn against the funds held for the purpose of this subchapter.

8 (2) These funds, consisting of state appropriations so  
9 designated, revolving amounts received from repayment of loans and interest,  
10 and all funds and property and income received by the board under its  
11 authority to accept and apply gifts, bequests, and devises shall be held in  
12 trust and disbursed by the fiscal officers of a medical school in Arkansas  
13 that is not the University of Arkansas for Medical Sciences for the aforesaid  
14 purposes.

15 (b) Funds collected as a result of a recipient's breach of an  
16 osteopathic rural practice loan contract or community match loan contract  
17 shall be:

18 (1) Held in trust for the use of the Osteopathic Rural Medical  
19 Practice Student Loan and Scholarship Program and the Community Match Rural  
20 Physician Recruitment Program, or as otherwise deemed appropriate by the  
21 board in its discretion; and

22 (2) Disbursed by the fiscal officer of an osteopathic medical  
23 school in Arkansas under this subchapter.

24  
25 6-81-1811. Annual report.

26 (a) The Osteopathic Rural Medical Practice Student Loan and  
27 Scholarship Board shall make an annual report to the Governor concerning the  
28 activities of the board and shall file a copy of its report with the  
29 Legislative Council.

30 (b)(1) The report under subsection (a) of this section shall include:

31 (A) The names of the recipients of the loans;

32 (B) The amount of each loan;

33 (C) An accounting of the funds granted, on hand, and  
34 expended for necessary expenses;

35 (D) The total amount of funds received during the year  
36 from gifts, federal grants, bequests, and devises; and

1           (E) The amount of loans which, during the year, become  
2 scholarships through compliance with the conditions of the loan contracts.

3           (2) This report shall include the names and addresses, and  
4 amount of loans to each person, of those recipients who are in default of  
5 repayment obligations.

6  
7           6-81-1812. Dispute resolution – Determination of breach.

8           (a) Any applicant for a loan or income incentive issued by the  
9 Osteopathic Rural Medical Practice Student Loan and Scholarship Board, any  
10 person who has been granted a loan or has been granted income incentives by  
11 the board, or any party to an osteopathic rural medical practice or community  
12 match loan or income incentive may appeal any decision or action by the board  
13 relating to the application for a loan or income incentive or relating to a  
14 loan or income incentive granted by the board under the dispute resolution  
15 procedure established under this subchapter.

16           (b)(1) The board, under § 6-81-1803(b)(1), shall promulgate rules  
17 establishing a procedure that may be used by a loan or income incentive  
18 recipient, the board, or a qualified rural community to resolve any dispute  
19 arising out of or relating to an osteopathic rural practice or community  
20 match loan or income incentive contract, including the validity or  
21 interpretation of a contract term, contract enforcement or defenses, the  
22 occurrence of an event of default or breach, loan repayment, the assessment  
23 or imposition of contract damages or civil money penalties, or other related  
24 disputes.

25           (2) The rules may provide for alternative dispute resolution,  
26 such as mediation, as appropriate.

27           (3) The dispute resolution procedure established by the board  
28 shall be followed before the initiation of any litigation related to an  
29 osteopathic rural practice or community match loan or income incentive  
30 contract.

31           (c) This subchapter does not prohibit informal disposition by  
32 stipulation, settlement, or consent.

33  
34           6-81-1813. Medical school graduates – Community match contract –  
35 Eligibility.

36           (a)(1) The Osteopathic Rural Medical Practice Student Loan and

1 Scholarship Board shall administer the Community Match Rural Physician  
 2 Recruitment Program.

3 (2)(A) Interested rural communities may apply to the board to  
 4 participate in the program as a qualified rural community.

5 (B) The board shall approve a designated representative or  
 6 representatives of the qualified rural community to assist the board in  
 7 matters relating to any community match contracts entered into by the board  
 8 and the qualified rural community.

9 (b) The board, in conjunction with a qualified rural community, may  
 10 grant community match income incentives to applicants, each incentive being  
 11 expressly made subject to § 6-81-1814, if it finds that:

12 (1) The applicant is a graduate of:

13 (A) An accredited osteopathic medical school in the United  
 14 States; or

15 (B) A foreign medical school if the applicant:

16 (i) Was a resident of Arkansas and citizen of the  
 17 United States prior to enrollment in the foreign medical school; and

18 (ii) Has been licensed by the Arkansas State Medical  
 19 Board;

20 (2) The applicant satisfies one (1) of the following criteria:

21 (A) He or she is enrolled in a residency or other training  
 22 program in an area of primary care medicine; or

23 (B) No more than two (2) years before the date of the  
 24 application, he or she completed a residency or other training program in an  
 25 area of primary care medicine;

26 (3) The applicant desires to practice medicine in the qualified  
 27 rural community; and

28 (4) The designated representative or representatives of the  
 29 qualified rural community approve the applicant.

30  
 31 6-81-1814. Medical school graduates – Community match contract –  
 32 Obligations and conditions.

33 (a)(1) The Osteopathic Rural Medical Practice Student Loan and  
 34 Scholarship Board and the qualified rural community shall enter a joint  
 35 community match contract with the applicant.

36 (2) The form of the community match contract shall be approved

1 by the Attorney General and shall be signed by the Chair of the board, the  
2 Secretary of the board, the designated representative or representatives of  
3 the qualified rural community, and the applicant.

4 (b) Each applicant to whom a community match income incentive is  
5 granted by the board shall execute a written contract that shall incorporate  
6 the following obligations and conditions:

7 (1)(A) The recipient of a community match income incentive shall  
8 bindingly contract that he or she shall practice primary care medicine full  
9 time in the contracting qualified rural community for a period of four (4)  
10 years.

11 (B)(i) The recipient shall receive the income incentive  
12 funds according to a disbursement schedule acceptable to the board, the  
13 qualified rural community, and the recipient as set forth in writing in the  
14 community match contract.

15 (ii) For each three-month period of full-time  
16 medical practice by the recipient, according to the terms of the community  
17 match contract, the board and the qualified rural community shall award one-  
18 fourth ( $\frac{1}{4}$ ) of the income incentive for the year of service;

19 (2)(A) If any recipient does not begin or ceases the full-time  
20 practice of medicine in breach of the community match contract or otherwise  
21 breaches the community match contract, the recipient shall pay twenty  
22 thousand dollars (\$20,000) for each uncompleted full year of the four-year  
23 contract term, and any civil money penalties that apply.

24 (B) The board may impose civil money penalties of up to  
25 fifty percent (50%) of the principal amount of the income incentive under the  
26 terms of the community match contract as a consequence of breach; and

27 (3) Neither interest nor the obligation to repay the principal  
28 sums accrued shall accrue during any one (1) period of time that the  
29 recipient involuntarily serves on active duty in the United States Armed  
30 Forces.

31 (c) Subsection (b) of this section does not prohibit the board from  
32 considering and entering into a negotiated settlement with the income  
33 incentive recipient involving the terms of repayment of amounts paid under  
34 the terms of the community match contract.

35 (d) Community match contracts may be amended at any time before the  
36 income incentive has been paid in full or terms and conditions of the

1 contract are satisfied.

2 (e) The board shall promulgate rules setting forth additional terms  
3 and conditions of community match contracts.

4  
5 6-81-1815. Medical school alternates – Rural medical practice loans.

6 (a) If an alternate on the waiting list for acceptance to an  
7 osteopathic medical school in Arkansas demonstrates a willingness to enter  
8 into an osteopathic rural medical practice loan contract and meets the  
9 requirements of § 6-81-1807, the applicant shall be moved to the top of the  
10 waiting list upon entering into an osteopathic rural medical practice loan  
11 contract.

12 (b) The priority on the waiting list for an alternate who enters into  
13 an osteopathic rural medical practice loan contract shall be determined by  
14 the date and time such alternate enters into the rural medical practice loan  
15 contract.

16  
17 6-81-1816. Tracking loan contract compliance.

18 An osteopathic medical school in Arkansas shall:

19 (1) Track graduates who were recipients of osteopathic rural  
20 medical practice loans under this subchapter for the length of their  
21 contractual obligations; and

22 (2) Report to the Legislative Council by October 1 of each even-  
23 numbered year regarding the compliance of those graduates with the terms of  
24 their contracts.

25  
26 6-81-1817. Osteopathic Rural Medical Practice Student Loan and  
27 Scholarship Program Administrator.

28 (a) There is established an Osteopathic Rural Medical Practice Student  
29 Loan and Scholarship Program Administrator.

30 (b) The administrator shall:

31 (1) Be employed by the Department of Higher Education;

32 (2) Serve as liaison between loan recipients and rural  
33 communities by:

34 (A) Working with the communities to identify their unique  
35 needs, to develop profiles of their ideal candidates, and to prepare for  
36 recruitment visits; and

1                   (B) Assisting medical students and residents to identify  
 2 medically underserved and other rural communities that suit their personal  
 3 and medical practice needs and to meet their contractual obligations;

4                   (3) Collect and monitor program data, including demographic data  
 5 of participants and communities, service completion rates, retention rates  
 6 beyond service completion, satisfaction of obligated physicians and  
 7 communities, and other information;

8                   (4) Prepare annual program evaluations and present the  
 9 evaluations to the Osteopathic Rural Medical Practice Student Loan and  
 10 Scholarship Board;

11                   (5) Assist with preparation and submission of program reports;

12                   (6) Attend board meetings in a nonvoting capacity; and

13                   (7) Perform other functions assigned by the board.

14  
 15                   SECTION 2. EMERGENCY CLAUSE. It is found and determined by the  
 16 General Assembly of the State of Arkansas that, in order to carry out the  
 17 requirements of this act for the next fiscal year, it is necessary that this  
 18 act become effective in time for purposes of budgeting. Therefore, an  
 19 emergency is declared to exist, and this act being necessary for the  
 20 preservation of the public peace, health, and safety shall become effective  
 21 on July 1, 2019.

22  
 23  
 24                   **APPROVED: 4/10/19**



1 State of Arkansas  
2 94th General Assembly  
3 Regular Session, 2023  
4

As Engrossed: S4/4/23

# A Bill

HOUSE BILL 1544

5 By: Representative L. Johnson  
6 By: Senator B. Davis  
7

## For An Act To Be Entitled

9 AN ACT CONCERNING THE OSTEOPATHIC RURAL MEDICAL  
10 PRACTICE STUDENT LOAN AND SCHOLARSHIP PROGRAM; TO  
11 AMEND THE APPOINTMENT PROCESS FOR THE OSTEOPATHIC  
12 RURAL MEDICAL PRACTICE STUDENT LOAN AND SCHOLARSHIP  
13 BOARD; AND FOR OTHER PURPOSES.  
14

### Subtitle

15  
16  
17 TO AMEND THE APPOINTMENT PROCESS FOR THE  
18 OSTEOPATHIC RURAL MEDICAL PRACTICE  
19 STUDENT LOAN AND SCHOLARSHIP BOARD.  
20  
21

22 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:  
23

24 SECTION 1. Arkansas Code § 6-81-1803(a), concerning the composition of  
25 the Osteopathic Rural Medical Practice Student Loan and Scholarship Board, is  
26 amended to read as follows:

27 (a)(1) There is established the Osteopathic Rural Medical Practice  
28 Student Loan and Scholarship Board ~~composed of~~ that shall consist of six (6)  
29 members, which shall include:

30 (A) One (1) ~~representative of~~ member who shall be  
31 appointed by the Governor after consultation with each medical school in  
32 Arkansas that is not the University of Arkansas for Medical Sciences;

33 (B) One (1) ~~representative of~~ member who shall be  
34 appointed by the Governor after consultation with the Arkansas Osteopathic  
35 Medical Association, who shall serve as vice chair;

36 (C) Two (2) physician members appointed by the Governor



1 after consultation with the Arkansas Osteopathic Medical Association, giving  
2 preference to physicians who have received osteopathic rural medical practice  
3 loans, community match loans, or income incentives; and

4 (D) Two (2) representatives appointed by the Governor  
5 after consultation with the Arkansas Hospital Association, Inc.

6 (2) Members of the board shall:

7 (A) Serve a term of three (3) years; and

8 (B) Not serve more than two (2) consecutive terms.

9 (3) Except as provided under subsection (c) of this section,  
10 members of the board shall serve without compensation.

11 (4) Vacancies shall be filled in a similar manner as provided  
12 under subdivisions (a)(1) and (2) of this section.

13  
14 /s/L. Johnson

15  
16  
17 **APPROVED: 4/12/23**  
18  
19  
20  
21  
22  
23  
24  
25  
26  
27  
28  
29  
30  
31  
32  
33  
34  
35  
36

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

---

In compliance with Act 737 and 811 of 2023, the rules for the Emergency Response Equipment and Training at Arkansas Institutions of Higher Education are presented to the Arkansas Higher Education Coordinating Board (AHECB) for final approval.

The following resolution is offered for the Board's consideration:

**RESOLVED**, That the Arkansas Higher Education Coordinating Board reviews the rules presented in this agenda item for the Emergency Response Equipment and Training at Arkansas Institutions of Higher Education to be administered by the Arkansas Division of Higher Education.

**FURTHER RESOLVED**, That the Commissioner of the Arkansas Division of Higher Education or his designee is authorized to make technical changes and corrections, when necessary, in the program rules for the Emergency Response Equipment and Training at Arkansas Institutions of Higher Education.

**FURTHER RESOLVED**, That the Emergency Response Equipment and Training at Arkansas Institutions of Higher Education rules be approved.

**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).

1 State of Arkansas  
2 94th General Assembly  
3 Regular Session, 2023  
4

As Engrossed: H4/3/23  
**A Bill**

HOUSE BILL 1643

5 By: Representative L. Johnson  
6 By: Senator B. Davis  
7

**For An Act To Be Entitled**

9 AN ACT TO REQUIRE AUTOMATED EXTERNAL DEFIBRILLATORS  
10 AT CERTAIN SCHOOL-SPONSORED SPORTING EVENTS AND ON  
11 CAMPUSES OF INSTITUTIONS OF HIGHER EDUCATION; AND FOR  
12 OTHER PURPOSES.  
13

**Subtitle**

14  
15 TO REQUIRE AUTOMATED EXTERNAL  
16 DEFIBRILLATORS AT CERTAIN SCHOOL-  
17 SPONSORED SPORTING EVENTS AND ON CAMPUSES  
18 OF INSTITUTIONS OF HIGHER EDUCATION.  
19  
20  
21

22 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:  
23

24 SECTION 1. Arkansas Code § 6-10-122(a), concerning automated external  
25 defibrillators required on school campuses, is amended to read as follows:

26 (a)(1) The State Board of Education shall promulgate rules to require  
27 that:

28 (A) Each school campus have an automated external  
29 defibrillator; ~~and~~

30 (B) Appropriate school personnel be adequately trained on  
31 an ongoing basis; and

32 (C) Each school-sponsored sporting event for grades seven  
33 through twelve (7-12) have an automated external defibrillator at the school-  
34 sponsored sporting event.

35 (2) To enhance the potential life-saving capability of each  
36 automated external defibrillator, the rules shall include without limitation

1 provisions regarding the availability of the school's automated external  
2 defibrillator at school-related activities, such as athletic events.

3  
4 SECTION 2. Arkansas Code Title 6, Chapter 60, Subchapter 1, is amended  
5 to add an additional section to read as follows:

6 6-60-119. Automated external defibrillators required – Automated  
7 external defibrillator and cardiopulmonary resuscitation programs.

8 (a) The Arkansas Higher Education Coordinating Board, in collaboration  
9 with all public university and community college presidents and chancellors  
10 or their designees, shall develop and adopt rules to require:

11 (A) An automated external defibrillator to be placed in  
12 appropriate locations across each institution of higher education campus as  
13 determined by rule;

14 (B) Appropriate personnel be adequately trained on an  
15 ongoing basis; and

16 (C) Each institution of higher education-sponsored  
17 sporting event have an automated external defibrillator at the institution of  
18 higher education-sponsored sporting event.

19 (b) The board, after consultation with the Department of Health, shall  
20 develop rules based on guidelines for automated external defibrillator and  
21 cardiopulmonary resuscitation training that incorporates at least the  
22 following:

23 (1) Healthcare provider oversight, including planning and review  
24 of the selection, placement, and maintenance of automated external  
25 defibrillators;

26 (2) Appropriate training of anticipated rescuers in the use of  
27 the automated external defibrillator and in cardiopulmonary resuscitation;

28 (3) Testing of psychomotor skills based on the American Heart  
29 Association scientific guidelines, standards, and recommendations for the use  
30 of the automated external defibrillator, as they existed on January 1, 2023,  
31 and for providing cardiopulmonary resuscitation as published by the American  
32 Heart Association or the American Red Cross as they existed on January 1,  
33 2023, or equivalent course materials;

34 (4) Coordination with the emergency medical services system; and

35 (5) An ongoing quality improvement program to monitor training  
36 and evaluate response with each use of the automated external defibrillator.



1 State of Arkansas  
2 94th General Assembly  
3 Regular Session, 2023  
4

As Engrossed: H4/3/23

# A Bill

HOUSE BILL 1514

5 By: Representatives T. Shephard, F. Allen, Barker, M. Berry, Clowney, A. Collins, Cozart, Ennett,  
6 Eubanks, K. Ferguson, V. Flowers, D. Garner, Gazaway, Gramlich, Hudson, Magie, McCullough, Nicks,  
7 Painter, Pilkington, J. Richardson, Schulz, Scott, Springer, Tosh, Unger, Wardlaw, D. Whitaker  
8 By: Senators L. Chesterfield, F. Love, C. Tucker, G. Leding, K. Hammer, Hester  
9

## For An Act To Be Entitled

11 AN ACT TO REQUIRE THAT OPIOID OVERDOSE RESCUE KITS BE  
12 LOCATED ON EACH CAMPUS OF EACH PUBLIC HIGH SCHOOL AND  
13 STATE-SUPPORTED INSTITUTION OF HIGHER EDUCATION; AND  
14 FOR OTHER PURPOSES.  
15  
16

### Subtitle

17  
18 TO REQUIRE THAT OPIOID OVERDOSE RESCUE  
19 KITS BE LOCATED ON EACH CAMPUS OF EACH  
20 PUBLIC HIGH SCHOOL AND STATE-SUPPORTED  
21 INSTITUTION OF HIGHER EDUCATION.  
22  
23

24 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:  
25

26 SECTION 1. Arkansas Code Title 6, Chapter 18, Subchapter 7, is amended  
27 to add an additional section to read as follows:

28 6-18-720. Opioid overdose rescue kit – Required.

29 (a) The Division of Elementary and Secondary Education shall consult  
30 and collaborate with the Criminal Justice Institute and the office of the  
31 Arkansas Drug Director to ensure that, no later than January 1, 2024, each  
32 public high school campus in the State of Arkansas has an opioid overdose  
33 rescue kit that is clearly visible and labeled with the words "Overdose  
34 Rescue Kit – Naloxone Nasal Spray" or other language approved by the  
35 division.

36 (b) The location of each opioid overdose rescue kit required under

1 subsection (a) of this section shall be registered with the school nurse and  
2 school resource officer.

3 (c) A school nurse and a school resource officer shall  
4 carry on their person at all times:

5 (1) Narcan;

6 (2) Naloxone; or

7 (3) Another medication approved by the Department of Health and  
8 the United States Food and Drug Administration that, when administered,  
9 negates or neutralizes, in whole or in part, the pharmacological effects of  
10 an opioid in the human body.

11 (d) An opioid overdose rescue kit required under subsection (a) of  
12 this section shall:

13 (1) Be:

14 (A) Located where it is readily available for public use;  
15 and

16 (B) Placed within all storage locations that currently  
17 contain an automated external defibrillator for public use;

18 (2) Be visually free of advertisement; and

19 (3) Include without limitation:

20 (A) Narcan;

21 (B) Naloxone; or

22 (C) Another medication approved by the Department of  
23 Health and the United States Food and Drug Administration that, when  
24 administered, negates or neutralizes, in whole or in part, the  
25 pharmacological effects of an opioid in the human body.

26 (e) A school resource officer or school nurse, as appropriate, shall  
27 report through the Criminal Justice Institute to the office of the Arkansas  
28 Drug Director within the Department of Human Services immediately following  
29 the use of an opioid overdose rescue kit required under this section.

30  
31 SECTION 2. Arkansas Code Title 6, Chapter 60, Subchapter 1, is amended  
32 to add an additional section to read as follows:

33 6-60-119. Opioid overdose rescue kit – Required.

34 (a) The Division of Higher Education shall consult and collaborate  
35 with the Arkansas Drug Director within the Department of Human Services to  
36 implement requirements related to ensuring that each campus of each



1 institution in the State of Arkansas, by January 1, 2024, has an opioid  
2 overdose rescue kit in a clearly visible location that is labeled with the  
3 words "Opioid Overdose Rescue Kit – Naloxone Nasal Spray" or other language  
4 approved by the division.

5 (b) An opioid overdose rescue kit required under subsection (a) of  
6 this section shall:

7 (1) Be visually free of advertisements;

8 (2) Be located where it is readily available for public use; and

9 (3) Include without limitation:

10 (A) Narcan;

11 (B) Naloxone; or

12 (C) Another medication approved by the Department of  
13 Health and the United States Food and Drug Administration that, when  
14 administered, negates or neutralizes, in whole or in part, the  
15 pharmacological effects of an opioid in the human body.

16 (c)(1) The location of each opioid overdose rescue kit required under  
17 subsection (a) of this section shall be registered with the campus police of  
18 the institution.

19 (2)(A) An opioid overdose rescue kit required under subsection  
20 (a) of this section shall be located within the storage locations that  
21 currently contain automated external defibrillators in each of the following  
22 on each campus of each institution without limitation:

23 (i) An educational building;

24 (ii) A dormitory;

25 (iii) A student union;

26 (iv) A sporting venue;

27 (v) An on-campus, free-standing, institution-owned  
28 sorority or fraternity house;

29 (vi) A campus health center; and

30 (vii) Other locations as necessary.

31 (B) In the event that an automated external defibrillator  
32 is not available in a location required under subdivision (c)(2)(A) of this  
33 section, an opioid overdose rescue kit shall be on an affixed wall mount that  
34 is clearly visible and located by the nearest fire extinguisher.

35 (3) Each institution shall:

36 (A) Perform inspections during the first month of each

1 academic semester to determine if an opioid overdose rescue kit required  
2 under subsection (a) of this section is in the required location; and

3 (B) Replace used or expired opioid overdose rescue kits  
4 located on the campus of the institution as necessary.

5 (4) A list of locations of each opioid overdose rescue kit  
6 required under subsection (a) of this section shall be available through each  
7 institution's campus health center and the Department of Public Safety.

8 (d)(1) The administering institution official or other appropriate  
9 individual as designated shall report the use of an opioid overdose rescue  
10 kit required under this section to the Arkansas Drug Director within the  
11 Department of Human Services.

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

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

16 (B) The NARCANSas App made available by the Department of  
17 Human Services.

18 (e)(1) Each institution shall provide training regarding the use and  
19 location of each opioid overdose rescue kit required under subsection (a) of  
20 this section during a freshman student orientation program sponsored by the  
21 institution.

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

27 (A) The NARCANSas App; or

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

29  
30 (f) As used in this section, "institution" means a state-supported  
31 two-year or four-year institution of higher education located in the State of  
32 Arkansas.

33  
34 /s/T. Shephard

35 APPROVED: 4/13/23

**RULES GOVERNING THE STUDENT UNDERGRADUATE  
RESEARCH FELLOWSHIP**

---

In compliance with Act 413 and 870 of 2023, the rules for the Student Undergraduate Research Fellowship are presented to the Arkansas Higher Education Coordinating Board (AHECB) for final approval.

The following resolution is offered for the Board's consideration:

**RESOLVED**, That the Arkansas Higher Education Coordinating Board reviews the rules presented in this agenda item for the Student Undergraduate Research Fellowship to be administered by the Arkansas Division of Higher Education.

**FURTHER RESOLVED**, That the Commissioner of the Arkansas Division of Higher Education or his designee is authorized to make technical changes and corrections, when necessary, in the program rules for the Student Undergraduate Research Fellowship.

**FURTHER RESOLVED**, That the Student Undergraduate Research Fellowship rules be approved.

## ~~STUDENT UNDERGRADUATE RESEARCH FELLOWSHIP~~

---

### ~~RULE 1 – ORGANIZATION AND STRUCTURE~~

---

- ~~I. The Arkansas Department of Higher Education (ADHE) shall administer the Student Undergraduate Research Fellowship (SURF) within the policies set by the Arkansas Higher Education Coordinating Board. All formal communications shall be addressed to or signed by the Director of the Arkansas Department of Higher Education or his/her designee. The Student Undergraduate Research Fellowship Selection Panel shall select recipients for awards.~~
- ~~II. The Student Undergraduate Research Fellowship Selection Panel shall consist of:
  - ~~A. Faculty or administrators at an Arkansas public or private institution of higher education who have earned a Ph.D. or terminal degree in the discipline to be reviewed.~~
  - ~~B. Other panel members will be considered who have earned a Ph.D. or terminal degree in the discipline to be reviewed and who have an affiliation with an Arkansas public or private institution of higher education or an education-related entity.~~
  - ~~C. The Director of the Arkansas Department of Higher Education or his/her designee shall serve as presiding officer of the Student Undergraduate Research Fellowship Selection Panel and shall ensure that staff services for the Panel are provided.~~~~
- ~~III. The focus of the Student Undergraduate Research Fellowship is the continued development of undergraduate academic research efforts at Arkansas's public and private institutions of higher education and to provide funding to encourage students to conduct in-depth research projects in specific fields of study under the tutelage of tenured or full-time faculty member. The program is designed to assist all students throughout the state.~~
- ~~IV. The Director of the Arkansas Department of Higher Education has the final responsibility for selecting fellowship recipients pursuant to the provisions of Act 2124 of 2005 and subsequent legislation, and program rules and regulations.~~
- ~~V. The Arkansas Department of Higher Education shall follow the provisions of the Administrative Procedures Act when functioning under Act 2124 of 2005 and subsequent legislation.~~

~~RULE 2 – FELLOWSHIP ELIGIBILITY  
CRITERIA~~

---

~~I. Eligibility Criteria~~

~~An applicant must meet the following requirements to be eligible to receive the Student Undergraduate Research Fellowship:~~

- ~~A. The applicant must be a citizen of the United States or a permanent resident alien.~~
- ~~B. The applicant shall be enrolled in an approved Arkansas institution of higher education as a full-time student, as defined by the Department of Higher Education.~~
- ~~C. The applicant must be enrolled in a program of study that leads to or is creditable towards a baccalaureate degree. These programs include baccalaureate and associate degree programs.~~
- ~~D. The applicant must have completed at least 30 semester credit hours before funds are awarded.~~
- ~~E. The applicant must have a minimum cumulative 3.25 grade point average.~~
- ~~F. The applicant must have a tenured or full-time faculty member to serve as his/her mentor.~~

~~II. Continued Eligibility~~

~~A student may compete for additional years, but cannot receive more than three years of funding.~~

---

~~RULE 3 – APPLICATION PROCESS~~

---

~~I. Solicitation of Applicants~~

~~The Arkansas Department of Higher Education will disseminate the Student Undergraduate Research Fellowship announcement through workshops, meetings, press releases, ADHE newsletter, ADHE website and other means deemed appropriate.~~

~~Student Undergraduate Research Fellowship announcements will be emailed to:~~

A. — Presidents and Chancellors

B. — Chief Academic Officers

~~C. Directors of Research and Sponsored Programs~~

~~D. Previous SURF panel members and mentors~~

~~E. Faculty, administrators, and other interested persons~~

## ~~II. Application~~

~~Students must submit an application for the Student Undergraduate Research Fellowship to the Arkansas Department of Higher Education. The Arkansas Department of Higher Education will provide an application on the Department's website. The Arkansas Department of Higher Education will also provide application forms to any individual upon request. The applicant must complete the Student Undergraduate Research Fellowship application to be considered for the fellowship.~~

## ~~III. Submission of Application and Application Deadline~~

~~Any interested student who has met the eligibility criteria listed in Rule 2 may apply.~~

~~The Arkansas Department of Higher Education shall establish the deadline for receipt of applications each year. The deadline date shall be clearly printed on the application and website.~~

~~All applications and supporting documentation must be postmarked by the established deadline date in order to be considered. It is the responsibility of the individual applicant to ensure that the application is postmarked by the deadline date.~~

~~\*If any deadline date occurs on a weekend or holiday, the deadline will be extended to the following business day.~~

## ~~IV. Application Review Process~~

~~A. The SURF Panel will read and score applications.~~

~~B. SURF Panel members meet at ADHE or another centrally located location to make recommendations for SURF awards based upon the selection criteria listed in Rule 4. The SURF Panel is divided into two groups (STEM and non-STEM). Based upon appropriations, the STEM SURF Panel will award 60% of the funds to STEM applicants; the non-STEM SURF Panel will award 40% of the funds to non-STEM applicants. Should there not be enough qualified applicants in the STEM or Non-STEM group to make recommendations for awards, funds can be shifted from one group to another until all funds are exhausted.~~

V. ~~Amount of Fellowship~~

~~The amount of the fellowship awarded to each recipient shall be as follows:~~

~~\$1,250 maximum award Student Stipend\*~~

~~\$ 750 maximum award Student Travel~~

~~\$ 750 maximum award Mentor Award~~

~~\$1,250 maximum award Institution Match~~

~~**\$4,000** Maximum SURF Award~~

~~\*Student stipend Spring only \$ 625 maximum award~~

~~Spring & Summer \$1,250 maximum award~~

~~Spring & Fall \$1,250 maximum award~~

~~Spring, Summer & Fall \$1,250 maximum award~~

VI. ~~Award Notification~~

~~The Arkansas Department of Higher Education shall notify each eligible applicant of his/her award. The award notice includes the student's name, address, faculty mentor's name, institution, and the actual amount the student is eligible to receive. The award notice also explains the Arkansas Department of Higher Education's disbursement procedures and conditions, as detailed in Rule 5.~~

~~ADHE shall notify the Presidents/Chancellors, Chief Academic Officers, Offices of Research and Sponsored Programs, and the SURF Panel of SURF awardees.~~

VII. ~~Ineligible Notification~~

~~The Arkansas Department of Higher Education shall notify applicants who are determined to be ineligible and provide the reason for ineligibility.~~

VIII. ~~No Funds Left Notification~~

~~Once all applicants have accepted his/her SURF award and all funds are exhausted, the Arkansas Department of Higher Education shall notify the remaining eligible applicants that all funds have been awarded via a "no award" notice.~~



**RULE 4 – FELLOWSHIP SELECTION CRITERIA**

---

I. ~~All proposals will be reviewed by the Student Undergraduate Research Fellowship Panel that is selected by the Arkansas Department of Higher Education. The SURF Panel will use the following selection criteria for judging proposals.~~

<b>Grading Criteria</b>	<b>Possible Points</b>	<b>Points Awarded</b>
<del>Student's performance and accomplishments (G.P.A., activities, community service, etc.).</del>	<b>10</b>	
<del>Appropriateness of courses completed for proposed research.</del>	<b>10</b>	
<del>Mentor's letter of support.</del>	<b>10</b>	
<del>Two letters of reference.</del>	<b>10</b>	
<del>Mentor has prior experience supervising students in the discipline. (New faculty should be considered, as well as faculty recently beginning involvement in research.)</del>	<b>10</b>	
<del>Appropriateness of proposed mentor's previous experience for the proposed project.</del>	<b>10</b>	
<del>Research/scholarly activity/productivity by the mentor.</del>	<b>10</b>	
<del>The proposed research project. *</del>	<b>30</b>	
<b>TOTAL POINTS AWARDED</b>	<b>100</b>	

\*Criteria for the awarding of points vary with the area of the endeavor. Criteria may include:

- ~~✓ Feasibility of the project, i.e., is the project reasonable for the proposed student with the available facilities?~~
- ~~✓ Is the proposed research/scholarly activity of value to the field of study?~~
- ~~✓ Is the project of sufficient difficulty to challenge the student?~~
- ~~✓ Will the project teach the student skills that are transferable to other research endeavors/ scholarly activities?~~
- ~~✓ Other criteria deemed appropriate by SURF Panel.~~
- ~~✓ Is there some justifiable reason to give this proposal consideration because the candidate is from a group under-represented in the area of endeavor such as women and minorities in science, technology, engineering, or mathematics (STEM)?~~

~~The SURF Panel shall meet and make recommendation of students to be awarded a SURF fellowship based upon the above selection criteria. Recommendation of awards shall be made until all funds are exhausted. The SURF Panel shall also select alternates to be awarded in the event a student does not accept his/her SURF award.~~

~~The Director of the Arkansas Department of Higher Education has the final responsibility for selecting fellowship recipients.~~

---

---

## ~~RULE 5 – FELLOWSHIP PAYMENT POLICIES~~

---

---

### ~~I. Limits of Payment~~

#### ~~A. Disbursement of Fellowships~~

~~The Arkansas Department of Higher Education shall disburse fellowship funds to the institution designated on the student's application. The Arkansas Department of Higher Education shall send funds to the Office of Research and Sponsored Programs (ORSP) or Financial Aid Office via electronic funds transfer or state warrant. Additionally, the ORSP or Financial Aid will be sent an Award Roster and Receipt Confirmation. The Award Roster lists the students to be awarded and the disbursement amounts. The Receipt Confirmation should be signed by the disbursement officer and returned to ADHE. The institution will disburse the grant funds to the student according to the institution's disbursement procedures.~~

#### ~~B. Cancellation of the Fellowship~~

~~1. The award will be terminated for any of the following reasons:~~

- ~~a. Failure to maintain at least a 3.25 cumulative grade point average on a 4.00 scale.~~
- ~~b. Failure to maintain satisfactory academic progress as defined by the institution.~~
- ~~c. Failure to conduct the research for which the SURF fellowship was awarded.~~

~~2. The recipient is responsible for notifying, in writing, the Arkansas Department of Higher Education of any change in status (i.e. change of address, email, transfer of research to another mentor, etc.). Failure to provide written notification may result in the cancellation of the fellowship for that term.~~

#### ~~C. Military Service~~

~~Recipients who are members of the Arkansas National Guard or Armed Forces Reserve units who are called to active duty for reasons other than regular unit training and are unable to complete the current term will be allowed to repeat the missed term. In addition, they will be placed in deferred status until six months after release from active duty, at which time they must be re-enrolled and continue research with the same mentor.~~

~~D. Refunds~~

~~The Arkansas Department of Higher Education is entitled to a refund of the fellowship amount, for that semester, if the recipient of a fellowship withdraws, drops out, is expelled, falls below the minimum standards detailed in Rule 2, or does not conduct the research for which the SURF award was made.~~

---

~~RULE 6 – INSTITUTIONAL RESPONSIBILITIES~~

---

~~I. College/University Responsibilities~~

~~A. Administrative Agreement~~

~~The chief executive officer of the eligible institution is responsible for designating one institutional representative to act as administrator of the Student Undergraduate Research Fellowship and to receive all communications, forms, etc. This representative is responsible for verification, data and compliance with all program rules and regulations. The institution must comply with all rules and regulations in order to maintain continued eligibility status.~~

~~The Authorizing Institutional Official ensures that by signing the SURF application that the applicant has met all conditions of the Fellowship Eligibility Criteria in Rule 2.~~

~~B. Disbursement Records~~

~~The institution shall maintain information on the student indicating disbursement of fellowship funds.~~

~~C. Institutional Verification~~

~~The institution shall provide certification of full-time enrollment, as of the close of business on the eleventh day of classes. The institution must comply with OMB Circular A21 (Cost Principles for Educational Institutions) and OMB Circular A110 (Uniform Administrative Requirements for Grants and Agreements with Institutions of Higher Education, Hospitals, and other Non-Profit Organizations) when~~

~~managing SURF funds. Each institution shall establish a separate account for each student awarded a SURF fellowship.~~

~~Each Department\Division\Dean\Chair is responsible for ensuring that the student and mentor are conducting research as set forth in the Student Undergraduate Research Fellowship proposal submitted to the Arkansas Department of Higher Education.~~

#### ~~D. Deadlines for Disbursement of Funds & Refunds~~

~~Funds shall be disbursed to students and mentors in accordance with the institution's disbursement procedures according to OMB Circular A21 and OMB Circular A110. Any outstanding funds not disbursed by the end of the semester must be returned to ADHE within 15 days of the semester's end.~~

~~The Arkansas Department of Higher Education is entitled to a refund of the fellowship amount, for that semester, if the recipient of a fellowship withdraws, drops out, is expelled or does not conduct the research for which the SURF award was made. The Institutional Representative is responsible for issuing a refund to ADHE within 15 days of the semester's end.~~

#### ~~E. Due Diligence~~

~~The institution will exercise due diligence in providing complete, accurate, and timely information as requested by the Arkansas Department of Higher Education on any Student Undergraduate Research Fellowship recipient or former recipient. In addition, the institution will exercise due diligence in complying with all the rules and regulations of the Student Undergraduate Research Fellowship Program. The Arkansas Department of Higher Education shall periodically review the SURF program.~~

---

### **RULE 7 — FELLOWSHIP RECIPIENT'S RESPONSIBILITIES**

---

- ~~I. It is the recipient's responsibility to notify the Arkansas Department of Higher Education, in writing, of any change in status (i.e. change of address, email, transfer of research to another mentor, etc.). Failure to provide written notification may result in the cancellation of the fellowship for that term.~~

~~Change in the research project is not allowed for the Student Undergraduate Research Fellowship.~~

- ~~II. Fellowship recipient is required to submit a one page abstract on the findings of his/her research upon completion of the project to the Arkansas Department of Higher Education as follows:~~

~~May 1 — Spring term project completion~~  
~~August 1 — Summer term project completion~~  
~~December 1 — Fall term project completion~~

~~III. Fellowship recipients are required to present the findings of his/her research at a state or national conference in his/her discipline or attend a meeting of experts in his/her discipline as directed by his/her mentor.~~

~~Failure by a fellowship recipient to comply with any of the above may result in forfeiture of his/her SURF fellowship funds.~~

## RULE 8 – PROGRAM DEFINITIONS

---

The following definitions are used in the Student Undergraduate Research Fellowship Program:

**APPROVED INSTITUTION** — a public-supported or private, non-profit postsecondary institution with its primary headquarters located in Arkansas that is eligible to receive Title IV Federal student aid funds.

**CITIZEN** — a person who is a U.S. citizen or a permanent resident alien. If the recipient is not a U.S. citizen, but a permanent resident alien, the recipient must attach a copy of the permanent resident alien card to the application.

**ELIGIBLE APPLICANT** — any applicant who meets the eligibility criteria established in Rule 2.

**FELLOWSHIP** — an amount of money given to a student for a specified period of time that allows them to study and research a subject.

**FULL-TIME STUDENT** — 12 semester credit hours or its equivalent per semester.

**INSTITUTIONAL MATCH** — amount of funds the institution must match the student's stipend.

**OMB Circular A110** — sets forth the uniform administrative requirements for grants and agreements with institutions of higher education, hospitals, and other non-profit organizations.

**OMB Circular A21** — sets forth the rules governing the eligibility and calculation of costs in support of sponsored research, development, training and other works produced in agreement with the United States Federal Government, but does not attempt to identify or dictate agency or institutional participation in those works.

**MENTOR** — tenured or full-time faculty member.

**MENTOR COST** — salary, fringe benefits, materials, supplies and travel costs awarded to the mentor associated with mentoring the student.

- SEMESTER** ————— Spring, Summer or Fall terms.
- STUDENT STIPEND** ————— an amount of money awarded to the student to conduct his/her research.
- STUDENT TRAVEL** ————— cost incurred by student to present the results of his/her research at a state or national conference or to attend a meeting of experts in his/her discipline.
- SURF PANEL** ————— shall consist of faculty or administrators of Arkansas public or private institution of higher education who have earned a Ph.D. or terminal degree in the discipline to be reviewed. Other reviewers will be considered who have earned a Ph.D. or terminal degree in the discipline to be reviewed and who have an affiliation with an Arkansas public or private institution of higher education or an education-related entity.

**DIVISION OF HIGHER EDUCATION RULES GOVERNING THE STUDENT  
UNDERGRADUATE RESEARCH FELLOWSHIP**  
**Effective date: [insert date here]**

**1.00 PURPOSE**

- 1.01 The purpose of the Student Undergraduate Research Fellowship (SURF) Program is to support the continued development of undergraduate academic research efforts at state-supported colleges and universities.

**2.00 DEFINITIONS**

- 2.01 “Approved institution” means a public-supported or private, non-profit postsecondary institution with its primary headquarters located in Arkansas that is eligible to receive Title IV Federal student aid funds.
- 2.02 “Citizen” means a person who is a U.S. citizen or a permanent resident alien.
- 2.02.1 If the recipient is not a U.S. citizen, but a permanent resident alien, the recipient must attach a copy of the permanent resident alien card to the application.
- 2.03 “Eligible applicant” means any applicant who meets the eligibility criteria established in Section 4.00.
- 2.04 “Fellowship” means an amount of money given to a student for a specified period that allows them to study and research a subject.
- 2.05 “Full-time student” means a student enrolled in 12 semester credit hours or its

equivalent per semester.

2.06 “Institutional match” means the amount of funds institution must match for a student’s stipend.

2.07 “Mentor” means a tenured or full-time faculty member.

2.08 “Mentor cost” means any salary, fringe benefits, materials, supplies and travel costs awarded to the mentor associated with mentoring the student.

2.09 “Semester” means a spring, summer or fall term.

2.10 “Student stipend” means an amount of money awarded to the student to conduct his or her research.

2.11 “Student travel” means costs incurred by a student to present the results of his or her research at a state or national conference or to attend a meeting of experts in his or her discipline.

2.12 “SURF Selection Panel” means a panel of faculty or administrators of Arkansas public or private institution of higher education who have earned a Ph.D. or terminal degree in the discipline being reviewed.

2.12.1 Other reviewers will be considered who have earned a Ph.D. or terminal degree in the discipline to be reviewed and who have an affiliation with an Arkansas public or private institution of higher education or an education-related entity.

### **3.00 ORGANIZATION AND STRUCTURE**

3.01 The Division of Higher Education shall administer the Student Undergraduate Research Fellowship (SURF) within the policies set by the Arkansas Higher Education Coordinating Board.

3.01.1 All formal communications shall be addressed to or signed by the Commissioner of Higher Education or his or her designee.

3.01.2 The SURF Selection Panel shall select recipients for awards.

3.02 The SURF Selection Panel shall consist of:

3.02.1 Faculty or administrators at an Arkansas public or private institution of higher education who have earned a Ph.D. or terminal degree in the discipline to be reviewed.

3.02.2 Other panel members will be considered who have earned a Ph.D. or terminal degree in the discipline to be reviewed and who have an affiliation with an Arkansas public or private institution of higher



education or an education- related entity.

3.02.3 The commissioner or his/her designee shall serve as presiding officer of the SURF Selection Panel.

3.03 The focus of the Student Undergraduate Research Fellowship is the continued development of undergraduate academic research efforts at Arkansas's public and private institutions of higher education and to provide funding to encourage students to conduct in-depth research projects in specific fields of study under the tutelage of tenured or full-time faculty member. The program is designed to assist all students throughout the state.

3.04 The commissioner has the final responsibility for selecting fellowship recipients subject to the provisions of Arkansas Code 6-61-236 these rules.

#### **4.00 FELLOWSHIP ELIGIBILITY CRITERIA**

4.01 An applicant must meet the following requirements to be eligible to receive the Student Undergraduate Research Fellowship:

4.01.1 The applicant must be a citizen of the United States or a permanent resident alien.

4.01.2 The applicant shall be enrolled in an approved Arkansas institution of higher education as a full-time student, as defined by the Department of Higher Education ADHE.

4.01.3 The applicant must be enrolled in a program of study that leads to or is creditable towards a baccalaureate degree.

4.01.3.1 These programs include baccalaureate and associate degree programs.

4.01.4 The applicant must have completed at least 30 semester credit hours before funds are awarded.

4.01.5 The applicant must have a minimum cumulative 3.25 grade point average.

4.01.6 The applicant must have a tenured or full-time faculty member to serve as his or her mentor.

4.02 A student may compete for additional years, but cannot receive more than three academic years of funding.

#### **5.00 APPLICATION PROCESS**

- 5.01 The Division of Higher Education will disseminate the Student Undergraduate Research Fellowship announcement through workshops, meetings, press releases, division newsletters, the division's website and by other appropriate methods.
- 5.02 Student Undergraduate Research Fellowship announcements will be emailed to:
- 5.02.1 Presidents and chancellors of institutions of higher education.
  - 5.02.2 Chief Academic Officers
  - 5.02.3 Directors of Research and Sponsored Programs
  - 5.02.4 Previous SURF panel members and mentors
  - 5.02.5 Faculty, administrators, and other interested persons
- 5.03 Students must submit an application for the Student Undergraduate Research Fellowship to the division.
- 5.03.1 The division shall provide an application form on its website and to any individual upon request.
  - 5.03.2 The applicant must complete and submit the Student Undergraduate Research Fellowship application to be considered for the fellowship.
- 5.04 Any interested student who meets the eligibility criteria in Section 4.00 may apply.
- 5.05 The division shall establish the deadline for receipt of applications each year.
- 5.05.1 The deadline date shall be clearly printed on the application and website.
  - 5.05.2 All applications and supporting documentation must be postmarked by the established deadline date in order to be considered.
    - 5.05.2.1 It is the responsibility of the individual applicant to ensure that the application is postmarked by the deadline date.
  - 5.05.3 If any deadline date occurs on a weekend or holiday, the deadline will be extended to the following business day.
- 5.06 The SURF Selection Panel shall read and score applications.
- 5.07 SURF Selection Panel members shall meet with the division to make recommendations for SURF awards based upon the selection criteria listed in Section 6.00.

- 5.07.1 The SURF Selection Panel is divided into two groups to represent STEM disciplines and non-STEM disciplines.
- 5.07.2 Each group will make recommendations for applicants from the respective disciplines.
- 5.07.1.1 Subject to appropriations, the SURF Selection Panel will award 60% of the funds to STEM applicants and 40% of the funds to non-STEM applicants.
- 5.07.1.2 Should there not be enough qualified applicants in the STEM or Non-STEM group to make recommendations for awards, funds can be shifted from one group to another until all funds are exhausted.
- 5.08 The amount of the fellowship awarded to each recipient shall be as follows:
- 5.08.1 Up to \$1,250.00 for a student stipend;
- 5.08.1.1 If a student is awarded a fellowship for only a spring or fall semester, the student stipend shall not exceed \$625.00.
- 5.08.2 Up to \$750.00 for student travel;
- 5.08.3 Up to \$750.00 for a mentor award; and
- 5.08.4 Up to \$1,250.00 for the institution match.
- 5.09 The maximum award shall not exceed \$4,000.
- 5.10 The division shall notify each eligible applicant of his or her award.
- 5.10.1 The award notice shall include the student's name, address, faculty mentor's name, institution, and the actual amount the student is eligible to receive.
- 5.10.2 The award notice shall explain the division's disbursement procedures and conditions, as detailed in Section 7.00.
- 5.11 The division shall notify the appropriate faculty and administration at each institution, and the SURF Panel of SURF awardees.
- 5.12 The division shall notify applicants who are determined to be ineligible and provide the reason for ineligibility.
- 5.13 Once each applicant have accepted his or her SURF award and all funds are exhausted, the division shall notify all remaining eligible applicants that all funds have been awarded via a "no award" notice.

## **6.00 FELLOWSHIP SELECTION CRITERIA**

- 6.01 All proposals will be reviewed by the Student Undergraduate Research Fellowship Selection Panel that is selected by the Arkansas Department of Higher Education ADHE.
- 6.02 The SURF Selection Panel will use the following scale to grade the selection criteria found in the table at Appendix A (the selection criteria), 1 being the best score and 9 being the worst score:
- 1 – Superior: Extraordinary and needs little to no revision, improvement, or both.
  - 2 – Excellent: Easily addressable issues and needs little revision, improvement, or both.
  - 3 – Above Average: Has strong quality and would benefit from revision, improvement, or both.
  - 4 – Good: Has slightly above average quality and needs some revision, improvement, or both.
  - 5 – Average: Has average quality and needs revision, improvement, or both.
  - 6 – Fair: Has slightly below average quality and needs revision, improvement, or both.
  - 7 – Below Average: Has weak quality and requires revision, improvement, or both.
  - 8 – Minimal: Multiple issues and severely requires revision, improvement, or both.
  - 9 – Poor: Not recommended for funding or consideration.
- 6.03 The SURF Selection Panel shall meet and make recommendation for students to be awarded a fellowship based upon the selection criteria.
- 6.03.1 Recommendation of awards shall be made until all funds are exhausted.
  - 6.03.2 The SURF Panel shall also select alternates to be awarded in the event a student does not accept his or her SURF award.
- 6.04 The Commissioner of Higher Education has the final responsibility for selecting fellowship recipients.

## **7.00 FELLOWSHIP PAYMENT PROCEDURES**

- 7.01 The Division of Higher Education shall disburse fellowship funds to the institution designated on the student's application.
- 7.01.1 The division shall send funds to the appropriate administrative staff at the institution via electronic funds transfer or state warrant.
- 7.01.2 The division will also send an award roster and receipt confirmation to the appropriate institution.
- 7.01.2.1 The award roster lists the students to be awarded and the disbursement amounts.
- 7.01.2.2 The Receipt Confirmation should be signed by the disbursement officer and returned to the division.
- 7.01.3 The institution will disburse the grant funds to the student according to the institution's disbursement procedures.
- 7.02 Fellowships shall be terminated for a recipient's:
- 7.02.1 Failure to maintain at least a 3.25 cumulative grade point average on a 4.00 scale.
- 7.02.2 Failure to maintain satisfactory academic progress as defined by the institution.
- 7.02.3 Failure to conduct the research for which the fellowship was awarded.
- 7.03 The recipient is responsible for notifying the division, in writing, of any change in status (i.e. change of address, email, transfer of research to another mentor, etc.).
- 7.03.1 A recipient's failure to provide written notification may result in the cancellation of the fellowship for that term.
- 7.04 Recipients who are members of the Arkansas National Guard or Armed Forces Reserve units who are called to active duty for reasons other than regular unit training and are unable to complete the current term will be allowed to repeat the missed term.
- 7.04.1 Those recipients shall be placed in deferred status until six months after release from active duty, at which time they must be re-enrolled and continue research with the same mentor.
- 7.05 If the recipient of a fellowship withdraws, drops out, is expelled, falls below the minimum standards in Section 4.00, or does not conduct the research for which the fellowship award was received, the fellowship award for that semester shall

be refunded to the division.

## **8.00 INSTITUTIONAL RESPONSIBILITIES**

8.01 The chief executive officer of the eligible institution is responsible for designating one institutional representative to act as administrator of the Student Undergraduate Research Fellowship and to receive all communications, forms, and the like for that institution.

8.01.1 This representative is responsible for verification, data and compliance with all law and Division of Higher Education rules related to the program.

8.01.2 The institution must comply with all law and rules in order to maintain continued eligibility status.

8.02 Each authorizing institutional official certifies, by signing the program application, that the applicant has met all conditions of the fellowship eligibility criteria in Section 4.00.

8.03 The institution shall maintain information on the student indicating disbursement of fellowship funds.

8.04 The institution shall provide certification of full-time enrollment, as of the close of business on the eleventh day of classes.

8.05 The institution must comply with OMB Circular A21 (Cost Principles for Educational Institutions) and OMB Circular A110 (Uniform Administrative Requirements for Grants and Agreements with Institutions of Higher Education, Hospitals, and other Non- Profit Organizations) when managing fellowship funds.

8.06 Each institution shall establish a separate account for each student awarded a SURF fellowship.

8.07 The appropriate faculty head of the academic discipline for which a recipient is conducting research under the fellowship is responsible for ensuring that the student and mentor are conducting research as set forth in the fellowship application submitted to the division.

8.08 Funds shall be disbursed to students and mentors in accordance with the institution's disbursement procedures according to OMB Circular A21 and OMB Circular A110.

8.08.1 Any outstanding funds not disbursed by the end of the semester must be returned to the division within 15 days of the semester's end.

8.08.2 The Institutional Representative is responsible for issuing a refund under

7.05 to the division within 15 days of the semester's end.

8.09 Each institution shall exercise due diligence in providing complete, accurate, and timely information as requested by the division on any fellowship recipient or former recipient.

8.10 The Arkansas Department of Higher Education ADHE shall periodically review the program.

## **9.00 FELLOWSHIP RECIPIENT'S RESPONSIBILITIES**

9.01 It is the recipient's responsibility to notify the Division of Higher Education, in writing, of any change in status (i.e. change of address, email, transfer of research to another mentor, etc.).

9.01.1 Failure to provide written notification may result in the cancellation of the fellowship for that term.

9.02 A fellowship recipient shall not change the purpose for his or her research project.

9.03 Each fellowship recipient shall submit a one page abstract on the findings of his or her research upon completion of the project to the division as follows:

9.03.1 By May 1 for a spring term project completion;

9.03.2 By August 1 for a summer term project completion;

9.03.3 By December 1 for a fall term project completion

9.04 Fellowship recipients are required to present the findings of his or her research at a state or national conference in his/her discipline or attend a meeting of experts in his or her discipline as directed by his/her mentor.

9.04.1 Failure by a fellowship recipient to comply with any of the above may result in forfeiture of his/her SURF fellowship funds.

**APPENDIX A: STUDENT UNDERGRADUATE RESEARCH FELLOWSHIP  
SELECTION CRITERIA**

<p><b><u>Student's Academic Success:</u></b> GPA, Extracurricular Activities, Leadership, etc.</p>
<p><b><u>Qualifications of the Mentor and Research Team (if applicable):</u></b> Clear plan for support, research history, experience in the field of proposal, contributions to undergraduate research.</p>
<p><b><u>Innovation/Originality:</u></b> Generates new ideas and/or applies existing ideas in a new context.</p>
<p><b><u>Significance of the Study:</u></b> Outcomes are clearly proposed and Impact is anticipated. <b>STEM</b> – Addresses an area of importance to the discipline and shows potential to advance the science. <b>Non-STEM</b> - Expands knowledge of best/creative practices in the field, increases creative output.</p>
<p><b><u>Appropriateness of the methodology:</u></b> <b>STEM</b> - Research design, Sampling approach, Data collection protocol/plan, Data analysis procedure/plan, Protection of human subjects and/or plan for seeking IRB approval. <b>Non-STEM</b> – Preliminary Research showing selection and citation of primary and secondary sources, Hermeneutic framework, analytical approach is well defined or creative process and products are well planned/described.</p>
<p><b><u>Merit:</u></b> <b>STEM</b> - Utilizes established scientific principles, Demonstrates how scientific knowledge will be gained, Problem/topic being investigated is of value to the larger scientific community. <b>Non-STEM</b> – Uses best practices and innovative approaches in the field, betters the understanding of the human experience, benefits and engages the fields community.</p>
<p><b><u>Other Criteria:</u></b> Reference Letters, plan for dissemination, appropriate budget, feasibility of completing the project in projected timeframe, cohesiveness and coherency, clarity of writing</p>



1 State of Arkansas  
2 94th General Assembly  
3 Regular Session, 2023  
4

*As Engrossed: H2/14/23*  
**A Bill**

HOUSE BILL 1412

5 By: Representative J. Mayberry  
6 *By: Senator J. English*  
7

**For An Act To Be Entitled**

9 AN ACT CONCERNING RULES PROMULGATED BY THE DIVISION  
10 OF HIGHER EDUCATION; TO REQUIRE THE DIVISION OF  
11 HIGHER EDUCATION TO PROMULGATE CERTAIN RULES  
12 CONCERNING THE ADMINISTRATION OF SCHOLARSHIPS FUNDED  
13 WITH STATE FUNDS AND LOTTERY PROCEEDS; TO DECLARE AN  
14 EMERGENCY; AND FOR OTHER PURPOSES.

**Subtitle**

18 TO REQUIRE THE DIVISION OF HIGHER  
19 EDUCATION TO PROMULGATE CERTAIN RULES  
20 CONCERNING THE ADMINISTRATION OF  
21 SCHOLARSHIPS FUNDED WITH STATE FUNDS AND  
22 LOTTERY PROCEEDS; AND TO DECLARE AN  
23 EMERGENCY.

26 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:  
27

28 SECTION 1. Arkansas Code Title 6, Chapter 80, Subchapter 1, is amended  
29 to add an additional section to read as follows:

30 6-80-109. Division of Higher Education – Rules.

31 (a) The Division of Higher Education shall promulgate or update  
32 existing division rules to allow a student who is a recipient of a  
33 scholarship to utilize scholarship funds to enroll in and attend courses  
34 offered during a summer term at the postsecondary institution in which the  
35 student is enrolled.

36 (b) Rules promulgated under this section shall include without

1 limitation requirements concerning:

2 (1) Student eligibility; and

3 (2) The disbursement and administration of scholarship funds  
4 utilized by a student to enroll in and attend courses offered during a summer  
5 term.

6 (c) As used in this section, "scholarship" shall include a scholarship  
7 program that is:

8 (1) Funded with state funds or lottery proceeds; and

9 (2) Administered by the division.

10  
11 SECTION 2. Arkansas Code § 6-85-204(14), concerning the definition of  
12 "semester" under the Arkansas Academic Challenge Scholarship Program, is  
13 amended to read as follows:

14 (14)(A) "Semester" means one-half ( $\frac{1}{2}$ ) of a traditional academic  
15 year at an institution of higher education, or an equivalent approved by the  
16 division, in which a student enrolls for not less than:

17 ~~(A)(i)~~ Fifteen (15) credit hours as a full-time student,  
18 except that in the first semester as a first-time full-time freshman, a  
19 traditional student shall enroll in not less than twelve (12) credit hours;  
20 or

21 ~~(B)(ii)~~ Six (6) credit hours as a part-time student.

22 (B) For purposes of summer courses at an institution of  
23 higher education, a "semester" shall mean the same as is defined by the  
24 division, as required by § 6-80-109;

25  
26 SECTION 3. EMERGENCY CLAUSE. It is found and determined by the  
27 General Assembly of the State of Arkansas that the Division of Higher  
28 Education must make certain arrangements to facilitate the use of Arkansas  
29 Academic Challenge Scholarship funds for upcoming summer courses; and that  
30 many of these arrangements must occur in time for the 2023-2024 school year.  
31 Therefore, an emergency is declared to exist, and this act being necessary  
32 for the preservation of the public peace, health, and safety shall become  
33 effective on July 1, 2023.

34  
35 /s/J. Mayberry

36 **APPROVED: 3/30/23**

**RULE GOVERNING THE GOVERNOR’S HIGHER EDUCATION  
TRANSITION SCHOLARSHIP PROGRAM**

---

In compliance with Acts 413 of 2023, the rule for the Governor’s Higher Education Transition Scholarship Program is presented to the Arkansas Higher Education Coordinating Board (AHECB) for final approval.

The following resolution is offered for the Board’s consideration:

**RESOLVED**, That the Arkansas Higher Education Coordinating Board reviews the rule presented in this agenda item for the Governor’s Higher Education Transition Scholarship Program to be administered by the Arkansas Division of Higher Education.

**FURTHER RESOLVED**, That the Commissioner of the Arkansas Division of Higher Education or his designee is authorized to make technical changes and corrections, when necessary, in the rule for the Governor’s Higher Education Transition Scholarship Program.

**FURTHER RESOLVED**, That the Governor’s Higher Education Transition Scholarship Program rule be approved for final approval.

**DIVISION OF HIGHER EDUCATION RULES GOVERNING THE GOVERNOR'S  
HIGHER EDUCATION TRANSITION SCHOLARSHIP PROGRAM**

**PUBLIC COMMENTS AND RESPONSES**

---

Commenter Name:

Comments: No public comments received.

Division Response: Change made following the September ALC, highlighted in yellow.

---

~~ARKANSAS~~ **ARKANSAS DIVISION OF HIGHER EDUCATION**  
**RULES GOVERNING THE GOVERNOR’S HIGHER EDUCATION TRANSITION**  
**SCHOLARSHIP PROGRAM**

(Effective Date: ~~September 28, 2022~~)

**1.00 REGULATORY AUTHORITY AND PURPOSE**

- 1.01 ~~These rules~~ This rule shall be known as the ~~Arkansas Department of Education~~ Division of Higher Education Rules Governing the Governor’s Higher Education Transition Scholarship Program.
- 1.02 ~~These rules are~~ This rule is enacted pursuant to the ~~Arkansas~~ Higher Education Coordinating Board’s authority under Ark. Code Ann. §§ 6-82-105 and Acts 2022, No. 215.
- 1.03 The purpose of ~~these rules~~ this rule is to establish the requirements and processes governing the Governor’s Higher Education Transition Scholarship Program.

**2.00 GOVERNOR’S HIGHER EDUCATION TRANSITION SCHOLARSHIP**

- 2.01 The ~~Arkansas~~ Division of Higher Education (~~ADHE~~) shall oversee the establishment of the Governor’s Higher Education Transition Scholarship Program.
- 2.02 Continuation of the Governor’s Higher Education Transition Scholarship Program shall be contingent upon available funding.

**3.00 ORGANIZATION AND STRUCTURE**

- 3.01 ~~ADHE~~ The Division of Higher Education shall administer the Governor's Higher Education Transition Scholarship Program.
- 3.02 ~~ADHE~~ The division shall establish application periods and deadlines.

**4.00 ELIGIBILITY CRITERIA**

- 4.01 The Governor's Higher Education Transition Program Scholarship may only be awarded to those students who are admitted into transition programs that are accredited by The Institute for Community Inclusion as Comprehensive Training Programs.

~~4.01.1~~ In order to be considered a qualifying institution, an institution must offer a transition program as described in section 4.01 of these rules.

~~4.02~~ Students, or representatives acting on behalf of students, must complete the online scholarship application provided by ~~ADHE~~ the Division of Higher Education.

## **5.00 CONTINUED ELIGIBILITY**

~~5.01~~ Recipients of the Governor's Higher Education Transition Scholarship will maintain award eligibility for a maximum of ~~four (4)~~ **eight (8)** semesters as long as the recipients are continuously enrolled in a transition program.

## **6.00 SCHOLARSHIP AMOUNTS**

~~6.01~~ Scholarship awards are contingent upon availability of funds.

~~6.02~~ Awards may not exceed the institutional cost of attendance. The maximum award amount is \$2,500.00 per semester that the student qualifies for the scholarship.

~~6.03~~ Awards may be applied to tuition, mandatory fees, programmatic fees, room and board, supplies, or extended support services.

## **7.00 PAYMENT OF SCHOLARSHIPS**

~~7.01~~ ~~ADHE~~ The Division of Higher Education shall disburse scholarship funds to the qualifying institution of the recipient's choice via electronic funds transfer or state warrant.

~~7.02~~ After verification of enrollment, the institution will disburse the scholarship funds to the student according to the institution's disbursement procedures.

~~7.03~~ The scholarship payment will correspond to academic terms, semesters, quarters, or equivalent time periods at the institution.

7.03.1 For purposes of scholarship payments, academic terms at the institution may include summer terms, semesters, quarters, or their equivalent.

~~7.04~~ In no instance may the entire amount of the scholarship disbursement for an educational year be paid in advance to or on behalf of such student.

- 7.05 If the recipient of a scholarship withdraws, drops out, or is expelled on or after the first day of class of a payment period, the institution will determine whether the student received an overpayment of financial aid funds for non-institutional expenses.
- 7.05.1 Overpayment is the difference between the amount received as cash disbursements and the amount incurred for non-institutional costs during the portion of the payment period that the student was actually enrolled.
- 7.05.2 It is the institution's responsibility to contact students and recover overpayment(s).
- 7.05.3 The institution shall refund the overpayment(s) to ~~ADHE~~ the division.
- 7.06 If the award of a Governor's Higher Education Transition Program Scholarship results in an overpayment to the student per Ark. Code Ann. § 6-80-105, the institution shall follow the ADHE Scholarship Stacking Policy in reducing the student's financial package so that the student does not receive funds above the federally-recognized cost of attendance.

## **8.00 RESPONSIBILITIES OF QUALIFYING INSTITUTIONS**

- 8.01 The chief executive officer of the qualifying institution is responsible for appointing one representative from the financial aid office to act as administrator of the Governor's Higher Education Transition Scholarship Program and to receive all communications, forms, and other correspondence related to the program. This representative will be responsible for verification, data and compliance with all program rules.
- 8.02 The institution shall maintain information regarding disbursement of scholarship funds.
- 8.03 The deadline for disbursement of funds is no later than ten (10) days after receipt of funds.
- 8.03.1 Any outstanding funds not disbursed by these dates must be returned to ~~ADHE~~ the Division of Higher Education.
- 8.03.2 If ~~ADHE~~ the division receives an application beyond the deadline referenced in section 8.03 ~~of these rules~~, disbursement will be made within

ten (10) business days of receipt of the verification roster and electronic transfer of funds.

- 8.04 In exercising its due diligence requirements as a steward of state funds, ~~ADHE~~ the division shall periodically review the qualifying institution's records concerning this program.
- 8.05 Upon request, the qualifying institution shall exercise due diligence in providing ~~ADHE~~ the division with complete, accurate, and timely information regarding current and former Governor's Higher Education Transition Scholarship Program recipients.
- ~~8.06~~ Institutions with accredited transition programs will certify students' admittance and enrollment prior to scholarship award.
- 8.07 The institution shall comply with all applicable ~~ADHE~~ law and rules in order to maintain its status as a qualified institution.

#### **9.00 RESPONSIBILITIES OF RECIPIENTS**

- 9.01 It is the recipient's responsibility to notify ~~ADHE~~ the Division of Higher Education of any change in status within twenty-one (21) days. ~~This will include, including~~ the recipient's:
  - 9.01.1 Change in name;
  - 9.01.2 Change in address; and
  - ~~9.01.3~~ Change in institution.
- 9.02 Failure to notify ~~ADHE~~ the division of a change in status may affect future eligibility.



1 State of Arkansas  
2 94th General Assembly  
3 Regular Session, 2023  
4

As Engrossed: H2/14/23

# A Bill

HOUSE BILL 1412

5 By: Representative J. Mayberry  
6 By: Senator J. English  
7

## For An Act To Be Entitled

9 AN ACT CONCERNING RULES PROMULGATED BY THE DIVISION  
10 OF HIGHER EDUCATION; TO REQUIRE THE DIVISION OF  
11 HIGHER EDUCATION TO PROMULGATE CERTAIN RULES  
12 CONCERNING THE ADMINISTRATION OF SCHOLARSHIPS FUNDED  
13 WITH STATE FUNDS AND LOTTERY PROCEEDS; TO DECLARE AN  
14 EMERGENCY; AND FOR OTHER PURPOSES.  
15  
16

## Subtitle

17  
18 TO REQUIRE THE DIVISION OF HIGHER  
19 EDUCATION TO PROMULGATE CERTAIN RULES  
20 CONCERNING THE ADMINISTRATION OF  
21 SCHOLARSHIPS FUNDED WITH STATE FUNDS AND  
22 LOTTERY PROCEEDS; AND TO DECLARE AN  
23 EMERGENCY.  
24  
25

26 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:  
27

28 SECTION 1. Arkansas Code Title 6, Chapter 80, Subchapter 1, is amended  
29 to add an additional section to read as follows:

30 6-80-109. Division of Higher Education – Rules.

31 (a) The Division of Higher Education shall promulgate or update  
32 existing division rules to allow a student who is a recipient of a  
33 scholarship to utilize scholarship funds to enroll in and attend courses  
34 offered during a summer term at the postsecondary institution in which the  
35 student is enrolled.

36 (b) Rules promulgated under this section shall include without

1 limitation requirements concerning:

2 (1) Student eligibility; and

3 (2) The disbursement and administration of scholarship funds  
4 utilized by a student to enroll in and attend courses offered during a summer  
5 term.

6 (c) As used in this section, "scholarship" shall include a scholarship  
7 program that is:

8 (1) Funded with state funds or lottery proceeds; and

9 (2) Administered by the division.

10  
11 SECTION 2. Arkansas Code § 6-85-204(14), concerning the definition of  
12 "semester" under the Arkansas Academic Challenge Scholarship Program, is  
13 amended to read as follows:

14 (14)(A) "Semester" means one-half ( $\frac{1}{2}$ ) of a traditional academic  
15 year at an institution of higher education, or an equivalent approved by the  
16 division, in which a student enrolls for not less than:

17 ~~(A)(i)~~ Fifteen (15) credit hours as a full-time student,  
18 except that in the first semester as a first-time full-time freshman, a  
19 traditional student shall enroll in not less than twelve (12) credit hours;  
20 or

21 ~~(B)(ii)~~ Six (6) credit hours as a part-time student.

22 (B) For purposes of summer courses at an institution of  
23 higher education, a "semester" shall mean the same as is defined by the  
24 division, as required by § 6-80-109;

25  
26 SECTION 3. EMERGENCY CLAUSE. It is found and determined by the  
27 General Assembly of the State of Arkansas that the Division of Higher  
28 Education must make certain arrangements to facilitate the use of Arkansas  
29 Academic Challenge Scholarship funds for upcoming summer courses; and that  
30 many of these arrangements must occur in time for the 2023-2024 school year.  
31 Therefore, an emergency is declared to exist, and this act being necessary  
32 for the preservation of the public peace, health, and safety shall become  
33 effective on July 1, 2023.

34  
35 */s/J. Mayberry*

36 **APPROVED: 3/30/23**