

UTAH STATE BULLETIN

OFFICIAL NOTICES OF UTAH STATE GOVERNMENT
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Nancy L. Lancaster, Editor

The *Utah State Bulletin* (*Bulletin*) is the official noticing publication of the executive branch of Utah State Government. The Department of Administrative Services, Division of Administrative Rules produces the *Bulletin* under authority of Section 63-46a-10, *Utah Code Annotated* 1953.

Inquiries concerning administrative rules or other contents of the *Bulletin* may be addressed to the responsible agency or to: Division of Administrative Rules, PO Box 141007, Salt Lake City, Utah 84114-1007, telephone (801) 538-3218, FAX (801) 538-1773. To view rules information, and on-line versions of the division's publications, visit: <http://www.rules.state.ut.us/>

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SPECIAL NOTICES

EXECUTIVE ORDER

Whereas, beginning on August 11, 1999, severe thunderstorms, lightning strikes, hail, and a class F2 tornado occurred in downtown Salt Lake City, Salt Lake County, Utah; and

Whereas, these events have caused casualties, severe damage to the Delta Center, the Wyndham Hotel, the LDS Hospital, numerous private residences and businesses in and around the downtown area, Capitol Hill, and the Avenues district of Salt Lake City; and

Whereas, severe damage has occurred to public infrastructure, power lines are down and excessive debris exists throughout the affected areas of Salt Lake City; and

Whereas, these conditions are creating a continuing and severe threat to public safety, health, and welfare of the citizens of Salt Lake City and Salt Lake County; and

Whereas, the situation is expected to worsen as additional reports of damage and injuries are verified; and

Whereas, these conditions do create a disaster emergency within the intent of the Disaster Response and Recovery Act of 1981, and

Now Therefore, I, Michael O. Leavitt, Governor of the State of Utah by virtue of the power vested in me by the constitution and the laws of the State of Utah,

Do Hereby Order That: It is found, determined and declared that a "State of Emergency" exists due to the aforesaid severe thunderstorms and tornado in Salt Lake County and such area is declared to be a disaster requiring aid, assistance and relief available pursuant to the provisions of state statutes, and the State Disaster Response Plan, which is hereby activated.

In Testimony, Whereof, I have hereunto set my hand and caused to be affixed the Great Seal of the State of Utah, this 11th day of August, 1999.

(State Seal)

Michael O. Leavitt
Governor

Attest:

Olene S. Walker
Lieutenant Governor

EXECUTIVE ORDER

Whereas, the danger from wildland fires is extremely high throughout the State of Utah; and

Whereas, numerous wildland fires are burning and continue to burn in various areas statewide and present a serious threat to public safety, property, natural resources and the environment; and

Whereas, some of the areas are extremely remote and inaccessible and the situation has the potential to greatly worsen if left unattended; and

Whereas, immediate action is required to suppress the fires to protect public safety, property, natural resources and the environment; and

Whereas, these conditions do create a disaster emergency within the intent of the Disaster Response and Recovery Act of 1981; and

Now, Therefore, I, Michael O. Leavitt, Governor of the State of Utah, by virtue of the power vested in me by the constitution and the laws of the State of Utah;

Do Hereby Order That: It is found, determined and declared that a "State of Emergency" exists statewide due to the threat to public safety, property, natural resources and the environment for thirty days, effective as of August 12, 1999, requiring aid, assistance and relief available pursuant to the provisions of state statutes, and the State Emergency Operations Plan, which is hereby activated.

In Testimony, Whereof, I have hereunto set my hand and caused to be affixed the Great Seal of the State of Utah, this 12th day of August, 1999.

(State Seal)

Michael O. Leavitt
Governor

Attest:

Olene S. Walker
Lieutenant Governor

End of the Special Notices Section

NOTICES OF PROPOSED RULES

A state agency may file a PROPOSED RULE when it determines the need for a new rule, a substantive change to an existing rule, or a repeal of an existing rule. Filings received between August 3, 1999, 12:00 a.m., and August 16, 1999, 11:59 p.m., are included in this, the September 1, 1999, issue of the *Utah State Bulletin*.

In this publication, each PROPOSED RULE is preceded by a RULE ANALYSIS. This analysis provides summary information about the PROPOSED RULE including the name of a contact person, anticipated cost impact of the rule, and legal cross-references.

Following the RULE ANALYSIS, the text of the PROPOSED RULE is usually printed. New rules or additions made to existing rules are underlined (e.g., example). Deletions made to existing rules are struck out with brackets surrounding them (e.g., [~~example~~]). Rules being repealed are completely struck out. A row of dots in the text (•••••) indicates that unaffected text was removed to conserve space. If a PROPOSED RULE is too long to print, the Division of Administrative Rules will include only the RULE ANALYSIS. A copy of rules that are too long to print is available from the filing agency or from the Division of Administrative Rules.

The law requires that an agency accept public comment on PROPOSED RULES published in this issue of the *Utah State Bulletin* until at least October 1, 1999. The agency may accept comment beyond this date and will list the last day the agency will accept comment in the RULE ANALYSIS. The agency may also hold public hearings. Additionally, citizens or organizations may request the agency to hold a hearing on a specific PROPOSED RULE. Section 63-46a-5 (1987) requires that a hearing request be received "in writing not more than 15 days after the publication date of the PROPOSED RULE."

From the end of the public comment period through December 30, 1999, the agency may notify the Division of Administrative Rules that it wants to make the PROPOSED RULE effective. The agency sets the effective date. The date may be no fewer than 31 days nor more than 120 days after the publication date of this issue of the *Utah State Bulletin*. Alternatively, the agency may file a CHANGE IN PROPOSED RULE in response to comments received. If the Division of Administrative Rules does not receive a NOTICE OF EFFECTIVE DATE or a CHANGE IN PROPOSED RULE, the PROPOSED RULE filing lapses and the agency must start the process over.

The public, interest groups, and governmental agencies are invited to review and comment on PROPOSED RULES. *Comment may be directed to the contact person identified on the RULE ANALYSIS for each rule.*

PROPOSED RULES are governed by *Utah Code* Section 63-46a-4 (1996); and *Utah Administrative Code* Rule R15-2, and Sections R15-4-3, R15-4-4, R15-4-5, R15-4-9, and R15-4-10.

The Proposed Rules Begin on the Following Page.

Agriculture and Food, Animal Industry
R58-17
Aquaculture and Aquatic Animal Health

NOTICE OF PROPOSED RULE
(Amendment)
DAR FILE NO.: 22304
FILED: 08/12/1999, 13:47
RECEIVED BY: NL

INTERESTED PERSONS MAY PRESENT THEIR VIEWS ON THIS RULE BY SUBMITTING WRITTEN COMMENTS TO THE ADDRESS ABOVE NO LATER THAN 5:00 P.M. ON 10/01/1999.

THIS RULE MAY BECOME EFFECTIVE ON: 10/02/1999

AUTHORIZED BY: Cary G. Peterson, Commissioner

R58. Agriculture and Food, Animal Industry.
R58-17. Aquaculture and Aquatic Animal Health.

.....

RULE ANALYSIS

PURPOSE OF THE RULE OR REASON FOR THE CHANGE: The purpose of this rule is to establish a program for the registration and fish health monitoring of commercial aquaculture facilities and fee-fishing facilities.

SUMMARY OF THE RULE OR CHANGE: Add two definitions: "Department" and "Division"; renumber definitions section; correct references; reword Subsections R58-17-15(B)(7) and R58-17-17(F) to clarify the intent of the rule.

STATE STATUTORY OR CONSTITUTIONAL AUTHORIZATION FOR THIS RULE: Sections 4-37-101 and 4-37-503, and Subsection 4-2-2(j)

ANTICIPATED COST OR SAVINGS TO:

- THE STATE BUDGET: No cost to state. This rule applies to aquaculture and fee-fishing facilities. Facilities pay an assessment fee and a registration fee.
LOCAL GOVERNMENTS: No cost to local government. This rule applies to aquaculture and fee-fishing facilities. Facilities are charged an assessment fee and a registration fee.
OTHER PERSONS: Aquaculture facilities are charged \$150 during application and annually for renewal.
COMPLIANCE COSTS FOR AFFECTED PERSONS: A discount fee of \$25 will be allowed if renewal is made before December 31. No late fee will be charged.

COMMENTS BY THE DEPARTMENT HEAD ON THE FISCAL IMPACT THE RULE MAY HAVE ON BUSINESSES: The fiscal impact for aquaculture facilities is the fee charged for application and annual renewal fees. The assessment fee is \$150 for application and renewal.

THE FULL TEXT OF THIS RULE MAY BE INSPECTED, DURING REGULAR BUSINESS HOURS, AT:

Agriculture and Food
Animal Industry
350 North Redwood Road
PO Box 146500
Salt Lake City, UT 84114-6500, or
at the Division of Administrative Rules.

DIRECT QUESTIONS REGARDING THIS RULE TO:

Kent Hauck at the above address, by phone at (801) 538-7025, by FAX at (801) 538-7126, or by Internet E-mail at agmain.khauck@state.ut.us.

R58-17-2. Definitions.

(A) The following terms are defined for the purpose of this rule:

(1) "Aquaculture" means the controlled cultivation of aquatic animals. In this rule, the word "aquaculture" refers to commercial aquaculture.

(2)(a) "Aquaculture facility" means any tank, canal, raceway, pond, off-stream reservoir, fish processing plant or other structure used for aquaculture. "Aquaculture facility" does not include any public aquaculture facility or fee fishing facility, as defined in this rule.

(b) Structures that are separated by more than 1/2 mile, or structures that drain to or are modified to drain into different drainages, are considered separate aquaculture facilities regardless of ownership.

(3)(a) "Aquatic animal" means a member of any species of fish, mollusk, crustacean, or amphibian.

(b) "Aquatic animal" includes a gamete of any species listed in definitions under Section (3)(a).

(4) "Brokers and dealers" are individuals or companies that are in the business of buying, selling, exchanging or transferring live aquatic animals without being actively involved in the culture, rearing or growth of the animals. This includes a person or company who rears aquatic animals, but also buys and sells additional aquatic animals without rearing them pursuant to R58-17-14(D).

(5) "Certificate of Registration (COR)" means an official document which registers facilities with the Department of Agriculture and Food, hereafter designated as the "Department" or which registers facilities and events with the Division of Wildlife Resources, hereafter designated as the "Division" pursuant to R58-17-4. The purpose of the document is to establish the legal description of the facility, the species of aquatic animals reared and to grant the authority to engage in the described activity.

(6) "Department" means the Department of Agriculture and Food with appropriate regulatory responsibility pursuant to 58-17-4(A)(1).

(7) "Division" means the Division of Wildlife Resources in the Department of Natural Resources with the appropriate regulatory responsibility pursuant to R58-17-4(A)(2).

(8) "Egg only sources" refers to a separate category of salmonid fish health approval that allows for the purchase of "fish eggs only" from a facility pursuant to R58-17-15(B)(5) and (D)(1). This category makes the distinction between those pathogens that are vertically transmitted (from parent to offspring through the egg,

i.e., Renibacterium salmoninarum (BKD), IHNV, IPNV, OMV, VHSV) and those horizontally transmitted (from one fish to another by contact or association, i.e., Aeromonas salmonicida, Asian tapeworm, Ceratomyxa shasta, PKX, Myxobolus cerebralis (whirling disease), and Yersinia ruckeri).

~~[(7)]~~⁹ "Emergency prohibited pathogen" is a pathogen that causes high morbidity and high mortality, is exotic to Utah, and requires immediate action. This type of pathogen generally cannot be treated and is controlled through avoidance, eradication, and disinfection (see R58-17-20).

~~[(8)]~~¹⁰ "Emergency Response Procedures" are procedures approved by the Fish Health Policy Board to be activated any time an emergency prohibited or prohibited pathogen is reported pursuant to R58-17-9 and R58-17-15(D)(6).

~~[(9)]~~¹¹ "Emergency response team" means teams as approved by the Fish Health Policy Board responsible for developing and executing action plans to respond to and report findings of emergency prohibited or prohibited pathogens pursuant to R58-17-10~~[(C)]~~^{(A)(1) and R58-17-10(B)(1)}.

~~[(10)]~~¹² "Entry Permit" means an official document issued by the Department which grants permission to the permit holder to import aquatic animals into Utah. An entry permit is issued for a 30 day period and stipulates which species, size or age, weight and source of aquatic animals are to be imported.

~~[(11)]~~¹³ "Fee fishing facility" means a body of water used for holding or rearing aquatic animals for the purpose of providing fishing for a fee or for pecuniary consideration or advantage.

~~[(12)]~~¹⁴ "Fish health approved/approval" means a system of procedures and processes which allows an assessment of the disease history of a facility or population of aquatic animals and which grants a statistical assurance that neither "emergency prohibited" nor "prohibited" pathogens are present. Fish Health Approval status is granted to COR holders~~[(R58-17-8(B)(3))]~~ in Utah and to aquatic animal sources outside of Utah, all of which have satisfactorily completed health approval assessment requirements pursuant to R58-17-15, have been assigned a health approval number, and placed on the fish health approval list (R58-17-13(C)). Fish health approval is necessary before buying, selling or brokering aquatic animals within Utah or importing aquatic animals into Utah.

~~[(13)]~~¹⁵ "Fish Health Policy Board" means the board created pursuant to Amendment 4-37-503.

~~[(14)]~~¹⁶ "Fish processing plant" means a facility used for receiving whole dead, eviscerated fresh or frozen fish for processing.

~~[(15)]~~¹⁷ "Import/importation" means to bring live aquatic animals, by any means into the State of Utah from any location outside the state and to subsequently possess and use them for any purpose.

~~[(16)]~~¹⁸ "Institutional aquaculture" means aquaculture engaged in by any institution of higher learning, school, or other educational program.

~~[(17)]~~¹⁹ "Ornamental fish" means any species of aquatic animals that are reared or marketed for their beauty or exotic characteristics, rather than for consumptive or recreational use. Tropical fish, goldfish and koi are included in the category of ornamental fish. This does not include those species of aquatic animals listed as prohibited or controlled in Department of Natural Resources rule R657-3. Ornamental fish are not regulated under

rules R58-17 or R657-3. If the Department or Division determines that an introduction of ornamental fish poses a disease risk for aquatic animals, then all~~[appropriate]~~ requirements under this rule apply.

~~[(18)]~~^{20(a)} "Private fish pond" means a body of water where privately owned aquatic animals are propagated or kept.

(b) "Private fish pond" does not include any aquaculture facility or fee fishing facility.

~~[(19)]~~²¹ "Procedures for the Timely Reporting of Pathogens" means procedures approved by the Fish Health Policy Board for the timely reporting of emergency prohibited, prohibited, or reportable pathogens from any source in Utah or from any out-of-state health approved source pursuant to R58-17-9 and R58-17-15(D)(5).

~~[(20)]~~²² "Prohibited pathogen" is a pathogen that can cause high morbidity or high mortality, may be endemic to Utah, and requires action in a reasonable time frame. A prohibited pathogen is generally very difficult or impossible to treat and is controlled through avoidance, eradication, and disinfection (see R58-17-20).

~~[(21)]~~^{23(a)} "Public aquaculture facility" means a tank, canal, raceway, pond, off-stream reservoir, or other structure used for aquaculture by the Division, the U.S. Fish and Wildlife Service, or an institution of higher education.

(b) Structures that are separated by more than 1/2 mile, or structures that drain to or are modified to drain into different drainages, are considered separate public aquaculture facilities.

~~[(22)]~~²⁴ "Public fishery resource" means aquatic animals produced in public aquaculture facilities and wild and free ranging populations of aquatic animals in the surface waters of the state.

~~[(23)]~~²⁵ "Quarantine" means the restriction of movement of live aquatic animals regardless of age and of all equipment and hauling trucks into or from an area designated by the Commissioner of Agriculture or State Veterinarian pursuant to R58-17-10 and Agricultural code 4-31-16 and 17.

~~[(24)]~~²⁶ "Reportable pathogen" is a pathogen that generally is not a problem if good management practices are followed. It is possible to prevent or treat a reportable pathogen. Reportable pathogens are not prohibited in Utah but may be prohibited in some other states or countries. These pathogens are of concern because of their possible effect on commerce in aquatic animals (see R58-17-20).

~~[(25)]~~²⁷ "Source" means the rearing or holding environment of an aquatic animal.

~~[(26)]~~²⁸ "Unregulated pathogen" is a pathogen that is not regulated in Utah. Unregulated pathogens include all pathogens not classified as either emergency prohibited, prohibited, or reportable. Reporting of these pathogens to the Fish Health Policy Board is not required (see R58-17-20).

.....

R58-17-4. Certificate of Registration (COR) Required.

(A) Activities requiring a COR:

(1) A COR, issued by the Department, is required before a person may engage in the following activities within the State of Utah:

- (a) Operate an aquaculture facility.
- (b) Operate a fee-fishing facility.
- (c) Operate a fish processing plant.

(2) A COR, issued by the Division, is required for operation of the following activities within the State of Utah:

- (a) public aquaculture facilities;
- (b) private fish ponds (~~[pursuant to]~~R657-16-10);
- (c) institutional aquaculture facilities (~~[pursuant to]~~R657-16-13);
- (d) short term fishing events (~~[pursuant to]~~R657-16-11);
- (e) private stocking (~~[pursuant to]~~R657-16-12);
- (f) displays (~~[pursuant to]~~R657-16-14).

(3) One of the above CORs must be in place prior to the issuance of an entry permit for importing live aquatic animals into Utah.

(B) No refunds may be given. Sales of CORs are final.

.....

R58-17-7. Screens Required.

(A) Screens or other devices that are designed to prevent the movement of fish into or out of an aquaculture facility, fee-fishing facility, public aquaculture facility, private fish pond, institutional aquaculture facility, short term fishing event or display must be placed at the inflow and outflow. The presence of adequate screening or other devices is a precondition to issuance or renewal of CORs.

(B) As part of the COR issuance process, the Department or the Division shall make site visits and determine the adequacy of screening.

(C) During and following the COR application process, the Department or Division may inspect screening or other devices in their respective areas of responsibility to assure compliance with Subsections R58-17-7(A) and (B) during reasonable hours.

(D) It is the responsibility of the COR holder to report to the Department or Division, depending on which agency issued the COR, all escapements of aquatic animals from facilities. This is to be done within 72 hours of the loss or knowledge of the loss. The report shall include facility names, date of loss, estimate of number of aquatic animals lost, names of public water the aquatic animals escaped into, remedial actions taken, and plans for future remedial action. The COR holder and/or facility operator will bear all costs for remedial actions. The Department or Division shall notify all agencies and affected parties within two working days. The ~~[Department or Division]~~agency having responsibility may suspend all activities at the facility, including aquatic animal imports, transfers, sales, fishing, etc., until the investigation and remedial actions are completed.

.....

R58-17-10. Quarantine of Aquatic Animals and Premises.

(A) If evidence exists that the aquatic animals of any facility are infected with or have been exposed to pathogens pursuant to R58-17-15(D)(2) and (3), then a quarantine may be imposed by the Commissioner of Agriculture or the State Veterinarian. This action may be reviewed by the Fish Health Policy Board for recommendations to the Department.

(1) Lifting of the quarantine imposed on a facility infected with or exposed to emergency or prohibited pathogens requires a minimum of two negative tests, six months apart, of all lots of fish to verify the absence of the pathogen. In addition, the Department

may require disinfection of the facilities and equipment in accordance with current medical knowledge of the organism, American Fisheries Society Blue Book procedures, and guidelines set forth by the Emergency Response Team.

(2) If the Department has reasonable evidence that the contagion is still present pursuant to R58-17-11, then quarantine, closure, or other measures shall be imposed.

(B) A quarantine may be imposed by the Commissioner of Agriculture or the State Veterinarian where aquatic animals are possessed, transported or transferred in violation of this rule, wildlife rules, or statute and consequently pose a possible disease threat; or where a quarantine is reasonably necessary to protect aquatic animals within the state. This action may be reviewed by the Fish Health Policy Board for recommendations to the Department.

(1) Quarantines imposed on facilities for rule or statute violations or for purposes of protecting aquatic animals may be lifted once sufficient evidence is presented to the State Veterinarian's satisfaction that infection is not present at the facility. In addition, the Department may require disinfection of the facilities and equipment in accordance with current medical knowledge of the organism, American Fisheries Society Blue Book procedures, and guidelines set forth by the Emergency Response Team.

(2) If the Department has reasonable evidence that the contagion is ~~[still]~~ present pursuant to R58-17-11, then quarantine, closure, or other measures shall be imposed.

(C) Any person under quarantine who delivers aquatic animals from health-approved sources for other public or private aquaculture facilities may, with written permission from the Department, use their hauling trucks if the operator either houses the truck off the quarantined facility, or disinfects the truck according to Department recommendations each time it leaves the quarantined facility.

R58-17-11. Handling of Aquatic Animals and Premises Confirmed to Be Infected With a Listed Pathogen in R58-17-15(D).

(A) Where any facility or group of aquatic animals is confirmed to be infected with one or more of the pathogens listed in R58-17-15(D), the Commissioner of Agriculture and Food or State Veterinarian may place a quarantine and take steps to prevent the spread of the pathogen and to eliminate it from the facility. These actions may be reviewed by the Fish Health Policy Board ~~[with]~~for recommendations to the Department. The Department or Division, in their respective areas of responsibility, may take one or more of the following actions as listed below, depending on which pathogen is involved and the potential effects of the pathogen on the receiving water, neighboring aquaculture facilities or the public fishery resource.

(1) Destruction and disposal of all infected and exposed aquatic animals.

(2) Cleaning and disinfection or disposal of all handling equipment.

(3) Testing is required of all lots of fish, which may be at the ~~[owners]~~owner's expense, to detect the presence or spread of the pathogen. This may include the use of sentinel fish. After two negative tests, six months apart, the quarantine shall be reassessed, possibly released, and/or other measures may be imposed. Following removal of the quarantine, full restocking can begin.

(4) The infected aquatic animals may be allowed to remain on the premises through the production cycle depending on the pathogen involved and its potential effects on adjacent animals. All stocks within the facility shall be tested every 6 months or sooner to determine if the pathogen persists in infecting the aquatic animals. At the end of the production cycle, then testing shall be done at least annually. If the pathogen is not found after two consecutive annual inspections, then testing may revert to the original requirements for the facility. If security of the facility cannot or is not being maintained, immediate destruction of the stocks may be required.

.....

R58-17-15. Aquatic Animal Health Approval.

(A) Live aquatic animals, except ornamental fish, may be acquired, purchased, sold or transferred only from sources which have been granted health approval by the Department and assigned a fish health approval number. This applies to separate facilities owned by the same individual and to both in-state and out-of-state facilities.

(1) Within Utah, the Department shall be responsible for granting health approval and assigning an aquatic animal health approval number to aquaculture facilities, fee-fishing facilities and any out-of-state sources pursuant to amendment 4-37-501(1). The Division shall be responsible for granting health approval and assigning an aquatic animal health approval number to public aquaculture facilities within the state, private fish ponds within the state, and wild populations of aquatic animals in waters of the state pursuant to amendment 4-37-501(1).

(2) The Department is responsible for granting health approval for the importation into or transportation through Utah of aquatic animals.

(3) The Fish Health Policy Board may review health approval actions of the Department and/or the Division.

(B) Basis for Health Approval:

(1) Health approval for salmonid species is based on the statistical attribute sampling of fish from each lot on the facility in accordance with current American Fisheries Society Blue Book procedures. This shall require minimum sampling at the 95% confidence level, assuming a 5% carrier incidence for the prohibited pathogens, pursuant to R58-17-15(D)(2) and (3). Health approval is applied to the entire facility, not individual lots of fish.

(2) All lots of fish shall be sampled. Approval will be withheld if a pathogen listed under R58-17-15(D)(2) or (3) is detected in any of the lots.

(3) For brood facilities, lethal sampling may be required on the brood fish if the following conditions are not met:

- (a) Progeny are available at the facility for lethal sampling.
- (b) A statistically valid sample of ovarian fluids from ripe females is tested.

(4) Collection, transportation and laboratory testing of the samples will follow standard procedures specified by the Department, the Division and the Fish Health Policy Board. Inspections will be conducted under the direction of an individual who has received certification by the American Fisheries Society as a fish health inspector.

(5) EGG ONLY sources - A facility which cannot gain full fish health approval because of a horizontally transmitted pathogen,

may be approved to sell eggs provided they are free of the listed vertically transmitted pathogens pursuant to R58-17-15(D)(1) and are properly disinfected using approved methods prior to shipment. Eggs may be required to be from incubation units isolated from hatchery and open water supplies and to be from fish-free water sources.

(6) Health approval for warm water species is based on disease history information obtained from the producer, fish pathologists or other fish health professionals in the producer's state or locale. Standardized inspection protocols for warm water fish diseases have not been developed. The ~~[Department or Division]~~agency having responsibility will discuss the disease history of the facility with the producer, and then may contact local fish health professionals to identify any existing or potential disease problems.

(7) Under no circumstances shall health approval be granted to a facility using emergency prohibited or prohibited pathogen contaminated water as a source.

(C) Approval Procedures:

(1) Applicable to warm and cold water aquatic animals.

(a) To receive initial fish health approval, inspection reports or other evidence of the disease status of an aquaculture facility or public aquaculture facility must be submitted to the appropriate agency. For warm water aquatic animal approval, the "Application for Warm Water Species Fish Health Approval " form must be submitted for initial approval and for renewal pursuant to R58-17-15(B)(6). ~~[Initial approval requires appropriate paperwork to include origin of aquatic animals and transfer histories. After that, the appropriate paperwork shall be required annually for renewal of fish health approval.]~~Initial approval also requires the applicant to include information on origins of the aquatic animals at the facility and their transfer histories. The same application materials shall be required annually for renewal of fish health approval for activities occurring between applications.

(b) Inspections are conducted pursuant to UCA amendment 4-37-502 to detect the presence of any prohibited pathogens listed under R58-17-15(D)(2) and (3). Overt disease need not be evident to disqualify a facility. To qualify for initial and renewal of aquatic animal health approval, evidence must be available verifying that any prohibited pathogens listed under R58-17-15(D)(2) and (3) are not present.

(c) Once the requirements for initial approval or renewal of approval have been met, the facility shall be added to the fish health approval list of the responsible agency and assigned a fish health approval number for the current year. Fish health approval of each facility shall be reviewed annually for continuance on the lists maintained by the Department and the Division pursuant to R58-17-15(A)(1).

(d) The Department will report the confirmed results of annual inspections conducted at aquaculture facilities, fee fishing facilities, and out-of-state sources at each meeting of the Fish Health Policy Board.

(e) Public aquaculture facilities and wild brood stocks are included on the fish health approval list maintained by the Division. The Division will report the confirmed results of annual health inspections conducted at public aquaculture facilities, private ponds and wild populations of aquatic animals at each meeting of the Fish Health Policy Board.

(f) If all aquatic animals are removed from an approved facility for a period of three months or more, or if fish health approval is canceled or denied, then subsequent fish health approval will be granted only after the facility has completed the process for initial approval as outlined under R58-17-15(C).

(2) Applicable to cold water aquatic animals:

(a) For initial approval of new facilities, two inspections, at least six months apart and negative for any prohibited pathogen pursuant to R58-17-15(D)(2) and (3), are required. The aquatic animals must have been on the facility at least six months prior to the first inspection.

(b) For initial approval of existing facilities, health inspection reports for a minimum of the previous two years, and facility disease history reports for up to the previous five years and five-year disease histories for all stocks imported to the facility are required.

(c) All lots of aquatic animals on the facility as well as any outside sources of these aquatic animals must be inspected for initial approval and for renewals pursuant to R58-17-15(B)(4).

(d) After initial approval, annual inspections shall be required to renew fish health approval. A two-month grace period is granted at the completion of the annual inspection for laboratory testing of samples and reporting of test results. Health inspection reports, the facility disease history for at least the previous year, and disease histories for at least the previous year for all stocks imported to the facility shall be required before each renewal.

(D) Prohibited and reportable pathogen list:

(1) Pathogens requiring some form of action are classified as either emergency prohibited, prohibited, or reportable. Those pathogens denoted by an asterisk (*) preceding the name will only be tested for if the fish or eggs originate from an area where the pathogen is found. Pathogens denoted by a double asterisk (**) after the name can only be transmitted in fish and not in the eggs, therefore permitting the special provisions for egg only sources provided in Sections R58-17-2([5]8) and R58-17-15(B)(5).

(2) Emergency prohibited pathogens.

(a) Infectious hematopoietic necrosis virus (IHNV).

(b) Infectious pancreatic necrosis virus (IPNV).

(c) Viral hemorrhagic septicemia virus (VHSV).

(d) *Oncorhynchus masou virus (OMV).

(3) Prohibited pathogens.

(a) Myxobolus cerebralis (pathogen that causes whirling disease)**.

(b) Renibacterium salmoninarum (pathogen that causes bacterial kidney disease (BKD)).

(c) *Ceratomyxa shasta (pathogen that causes the disease ceratomyxosis)**.

(d) Bothriocephalus (Asian tapeworm and cause of the disease bothriocephalosis).**

(e) *PKX (pathogen that causes proliferative kidney disease (PKD))**.

(4) Reportable pathogens.

(a) Yersinia ruckeri (pathogen that causes enteric redmouth)**.

(b) Aeromonas salmonicida (pathogen that causes furunculosis)**.

(c) Emerging fish pathogens (including any filterable agent or agent of clinical significance as determined by the Fish Health Policy Board).

(5) The Fish Health Policy Board Procedures for the Timely Reporting of Pathogens shall be followed if any emergency prohibited, prohibited, or reportable pathogen is found. Inspection for reportable pathogens is optional, but positive findings of these pathogens must be reported to the Fish Health Policy Board. Reporting of unregulated pathogens to the Fish Health Policy Board is not required.

(6) The Fish Health Policy Board Emergency Response Procedures shall be activated any time a confirmed finding or unconfirmed evidence of an emergency prohibited or prohibited pathogen is reported.

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R58-17-17. Aquaculture Facilities.

(A) COR required:

A COR is required to operate an aquaculture facility. A separate COR and fee are required for each individual facility as defined under "aquaculture facility", Section 4-37-103(2)(a), regardless of ownership.

(B) Live aquatic animals may be sold:

The operator of an aquaculture facility with aquatic animal health approval may take the aquatic animals as approved on the COR from the facility at any time and offer them for sale. Within Utah, live aquatic animals can only be sold to other facilities which have a valid COR for that species.

(C) Fee-fishing facility allowed:

The operator of an aquaculture facility may also operate a fee-fishing facility under the terms applicable to fee-fishing facilities in Section R58-17-18, provided the fee-fishing facility is located at the site of the aquaculture facility, contains only those species authorized on the COR for the aquaculture facility, and this activity is listed on the COR for the aquaculture facility.

(D) Receipts required:

Any sale, shipment or transfer of live fish from an aquaculture facility must be accompanied by a receipt with documentation of the source and destination. A receipt book will be provided by the Department upon request. Copies of all receipts will be submitted to the Department and will serve as the annual report of sales. The receipt book is to be used for in-state sales or transfers, and will contain the following information:

(1) Names, addresses, phone numbers, COR numbers, COR expiration dates, fish health approval numbers and expiration dates of sources.

(2) Number and weight being shipped, by species.

(3) Names, addresses and phone numbers of destinations.

(4) COR numbers and COR expiration dates for destinations (for in-state transfers only).

(5) Dates of transactions.

(6) Signature of seller.

(E) Annual reports required:

Annual reports of all sales, transfers, and purchases must be submitted to the Department as part of the COR renewal process, pursuant to Subsection R58-17-8(B)(2). A report form for all purchases or transfers into a facility will be provided by the Department.

(1) For all purchases, this report will contain the following information:

(a) Names, addresses, phone numbers, COR numbers and fish health approval numbers of sources.

(b) Number and weight by species.

(c) Names, addresses, phone numbers, COR numbers of the destinations.

(d) Dates of transactions.

(2) For all sales or transfers, copies of the receipt book transactions pursuant to ~~[Subsection]~~ R58-17-17(D), will be submitted to the Department.

(3) The records and reports must be submitted to the Department by January 31 each year and must be received before a COR will be renewed.

(F) Fees assessed:

A COR for an aquaculture facility shall be assessed a fee of \$150.00 during application and annually for renewal, pursuant to Section 4-37-301. ~~[A fee of \$125.00 shall be assessed to applicants who renew before December 31. The deadline for COR renewal is January 31. After this date, a \$25.00 late fee shall be assessed.]~~ For applicants who renew before December 31, a discount of \$25.00 will be allowed. The deadline for COR renewal is January 31. If the COR renewal application is not received by February 28, the COR will be no longer valid and regulatory action shall be initiated pursuant to R58-17-8(B)(3).

R58-17-18. Fee-Fishing Facilities.

(A) COR required:

A COR is required to operate a fee-fishing facility. A separate COR is necessary for separate fee-fishing facilities as defined under "aquaculture facility", Section 4-37-103(2)(a), regardless of ownership.

(B) Live sales or transfers prohibited:

The operator of a fee-fishing facility may not sell, donate, or otherwise transfer live aquatic animals, except that the approved species may be transferred into the facility from an approved source.

(C) Fishing licenses not required:

A fishing license is not required to take aquatic animals from a fee-fishing facility.

(D) Receipts required:

To transport dead aquatic animals away from a fee-fishing facility, the operator must provide a receipt to the customer which contains the following information:

(1) Name, address, COR number, COR expiration date and phone number of fee-fishing facility.

(2) Date caught.

(3) Species and number of fish.

(E) Annual report required:

The operator of a fee-fishing facility must submit to the Department an annual report of all live aquatic animals purchased or acquired during the year. A report form for all purchases or transfers into a facility will be provided by the Department. This report must contain the following information:

(1) Names, addresses, phone numbers, fish health approval numbers of all sources and/or COR numbers and COR expiration dates.

(2) Number and weight by species.

(3) Dates of sales or transfers.

(4) Names, addresses, phone numbers, COR numbers and COR expiration dates of the destinations.

(F) Fees assessed:

A fee of \$30.00 shall be required with the application for the fee-fishing COR. This fee shall be required annually with the reports for COR renewal, pursuant to ~~[Section]~~ 4-37-301. ~~[A fee of \$25.00 shall be assessed to applicants who renew before December 31. The deadline for COR renewal is January 31. After this date, a \$25.00 late fee shall be assessed.]~~ For applicants who renew before December 31, a discount of \$5.00 will be allowed. The deadline for COR renewal is January 31. If the COR renewal application is not received by February 28, the COR will be no longer valid and regulatory action shall be initiated pursuant to R58-17-8(B)(3).

R58-17-20. Classification of Pathogens.

TABLE

Classification	Criteria	Control Methods	Included Pathogens (and diseases they cause)
Emergency	High morbidity	Cannot be treated	IHNV
	High mortality	Avoidance, eradication and disinfection	IPNV
	Exotic to Utah	Immediate action required	VHSV OMV
Prohibited	Can cause high morbidity or high mortality	Very difficult or impossible to treat	Myxobolus cerebralis (whirling disease)
	May be endemic to Utah	Avoidance, eradication and disinfection	Renibacterium salmoninarum (BKD)
	Action required in reasonable time frame		Ceratomyxa shasta PKX organism (PKD) Bothriocephalus acheilognathi (Asian tapeworm)
Reportable	Management diseases	Possible to prevent or treat	Yersinia ruckeri (Enteric redmouth)
	Not prohibited in Utah		
	Prohibited in some other states or countries		Aeromonas salmonicida (furunculosis)

<p>Economic importance</p> <p>Inspection is optional</p> <p>Positive findings must be reported to the Fish Health Policy Board</p>	<p>Emerging fish Pathogens (including but not limited to any filterable agent or agent of clinical significance as determined by the Fish Health Policy Board)</p>
<p>Unregulated</p>	<p>Not regulated in Utah</p> <p>Includes all pathogens not listed above</p> <p>Reporting to the Fish Health Policy Board not required</p>

In Section R156-17a-302, changed that the minimum passing score on the Multistate Pharmacy Jurisprudence Examination shall be established by the National Association of Boards of Pharmacy (NABP). Added to Section R156-17a-308 that an administrative inspection may be either an onsite inspection or a self-report inspection that is completed by the pharmacist-in-charge on an audit form supplied by the Division. Additions were made in the continuing education sections for pharmacists and pharmacy technicians to allow participation in other national healthcare offerings as well as offerings by the local professional associations. Added as unprofessional conduct failing to comply with administrative inspections and administering medications without having a current Administrative Guidelines Agreement readily available at each practice site and immediately available to the Division upon request. In Section R156-17a-601, deleted that a pharmacy technician can repackage drugs. Added a section that all drug outlets, except pharmaceutical manufacturers and pharmaceutical wholesaler/distributors, and all pharmaceutical administration facilities, shall have a pharmacist-in-charge. Additions were made to Section R156-17a-613 with respect to operating standards of an animal euthanasia agency and to Section R156-17a-614 with respect to an analytical laboratory. Addition of Sections R156-17a-620 and R156-17a-621 to implement changes made to the Pharmacy Practice Act, Title 58, Chapter 17a, which allows pharmacists to administer medications by specifying the training required for pharmacists to administer medications as well as developing an approved Administration Guideline form to be entered into between the licensed pharmacist and prescribing practitioner.

KEY: aquaculture
1999

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Commerce, Occupational and Professional Licensing
R156-17a
Pharmacy Practice Act Rules

NOTICE OF PROPOSED RULE
(Amendment)
DAR FILE NO.: 22318
FILED: 08/16/1999, 13:14
RECEIVED BY: NL

RULE ANALYSIS

PURPOSE OF THE RULE OR REASON FOR THE CHANGE: After Division and Board review, changes are being proposed to streamline the rules and reduce any duplication. Changes are also being proposed as a result of statute changes made to the Pharmacy Practice Act, Title 58, Chapter 17a, by the 1999 legislature.
(DAR Note: S.B. 94 is found at 1999 Utah Laws 162, and was effective May 3, 1999.)

SUMMARY OF THE RULE OR CHANGE: Rule section numbers have been changed throughout the rule. Deleted unneeded specifics regarding the name and description of what is required in an application for licensure. Corrected statute citations that were incorrect and added other citations as needed. Deleted unnecessary wording by consolidating sections where possible. Deleted definition of "FDLE" (Federal Drug Law Examination) in Section R156-17a-102.

STATE STATUTORY OR CONSTITUTIONAL AUTHORIZATION FOR THIS RULE: Sections 58-17a-101 and 58-37-1, and Subsections 58-1-106(1) and 58-1-202(1)

THIS RULE OR CHANGE INCORPORATES BY REFERENCE THE FOLLOWING MATERIAL: 1) Updates U.S. Pharmacopeia/National Formulary (USP/NF), 1995 edition, to include Supplement 10, dated May 15, 1999. 2) Updates American Pharmaceutical Association Code of Ethics to October 1994 edition.

ANTICIPATED COST OR SAVINGS TO:

- ◆ **THE STATE BUDGET:** Minimal cost to the Division to reprint revised rules once changes are made effective. Costs of reprinting the rule will be absorbed in the Division's current budget. No other costs are anticipated to the state budget. The institution of self-report inspections of pharmacies will not present a savings of Division resources but a shift of resources to supplement self-report inspections with more in-depth onsite audits where needed and justified.
- ◆ **LOCAL GOVERNMENTS:** There may be potential savings to local health departments due to a shifting of the administration of immunizations/medications to pharmacies. However, this is very dependent upon the public's choice between receiving immunizations/medications from a pharmacist or a local health department.
- ◆ **OTHER PERSONS:** If a pharmacist wants to administer medications, there will be costs to the pharmacist to complete the training required. Costs of training for a

pharmacist to administer medications vary anywhere from free classes up to possibly \$400 per person depending on from whom the classes are taken. The costs of training will undoubtedly be offset by future revenue generated from administering the medications. The Division is unable to determine how many of the licensed pharmacists in Utah will want to complete the training in order to administer medications. It should be noted that if a pharmacist does not want to administer medications, no costs will be incurred as a result of this rule. With respect to continuing education for pharmacists and pharmacy technicians, the changes in the continuing education requirements being proposed makes more courses available for credit; and, thus may serve to decrease costs of continuing education due to the greater availability of approved courses. With respect to self-report inspections by the pharmacist-in-charge, there should be no additional costs or savings. The pharmacist is currently present when a Division investigator completes an onsite inspection and thus the pharmacist's time involved in doing a self-report inspection should be the same.

COMPLIANCE COSTS FOR AFFECTED PERSONS: If a pharmacist wants to administer medications, there will be costs to the pharmacist to complete the training required. Costs of training for a pharmacist to administer medications varies anywhere from free classes up to possibly \$400 per person depending on from whom the classes are taken. The costs of training will undoubtedly be offset by future revenue generated from administering the medications. It should be noted that if a pharmacist does not want to administer medications, no costs will be incurred as a result of this rule. With respect to continuing education for pharmacists and pharmacy technicians, the changes in the continuing education requirements being proposed makes more courses available for credit; and, thus may serve to decrease costs of continuing education due to the greater availability of approved courses. With respect to self-report inspections by the pharmacist-in-charge, there should be no additional costs or savings. The pharmacist is currently present when a Division investigator completes an onsite inspection and thus the pharmacist's time involved in doing a self-report inspection should be the same.

COMMENTS BY THE DEPARTMENT HEAD ON THE FISCAL IMPACT THE RULE MAY HAVE ON BUSINESSES: In addition to clarification, consolidation, and elimination of redundancy, the primary purpose of this proposed amendment is to recognize the possibility of utilizing self-report audits supplemented with onsite inspections in lieu of only onsite inspections and designating failure to comply as unprofessional conduct. The proposed amendment also addresses implementation of legislative changes in the governing act which authorized administration of medications by pharmacists under certain conditions. Changes are also proposed in the continuing education requirements to broaden the scope of acceptable education to a national basis. The proposed rules will not impact the state budget as the resources saved from implementation of self-audits will be utilized to allow performance of more in-depth onsite audits. The proposed amendment will not impact upon local governments. The profession will be impacted by the need to obtain additional training to qualify to administer medications, but this expense

should be more than offset by the revenues generated by such new authorized activity. The changes in the continuing education requirements will allow practitioners to choose from a wider variety of offerings and thus be in more control of the content and cost of such continuing education. The fiscal impact upon the general public should be favorable as the public is offered the option of choosing to have medications administered by pharmacists instead of more expensive physicians--Douglas C. Borba

THE FULL TEXT OF THIS RULE MAY BE INSPECTED, DURING REGULAR BUSINESS HOURS, AT:

Commerce
Occupational and Professional Licensing
Fourth Floor, Heber M. Wells Building
160 East 300 South
PO Box 146741
Salt Lake City, UT 84114-6741, or
at the Division of Administrative Rules.

DIRECT QUESTIONS REGARDING THIS RULE TO:

Karen Reimherr at the above address, by phone at (801) 530-6767, by FAX at (801) 530-6511, or by Internet E-mail at brdopl.kreimher@email.state.ut.us.

INTERESTED PERSONS MAY PRESENT THEIR VIEWS ON THIS RULE BY SUBMITTING WRITTEN COMMENTS TO THE ADDRESS ABOVE NO LATER THAN 5:00 P.M. ON 10/01/1999; OR ATTENDING A PUBLIC HEARING SCHEDULED FOR 09/28/1999, 10:00 a.m., 160 East 300 South, Conference Room 205 (Second Floor), Salt Lake City, UT.

THIS RULE MAY BECOME EFFECTIVE ON: 10/02/1999

AUTHORIZED BY: A. Gary Bowen, Director

R156. Commerce, Occupational and Professional Licensing, R156-17a. Pharmacy Practice Act Rules.

R156-17a-102. Definitions.

In addition to the definitions in Title 58, Chapters 1 and 17a, as used in Title 58, Chapters 1 and 17a or these rules:

(1) "Dispense", as defined in Subsection 58-17a-102(9), does not include transferring medications for a patient from a legally dispensed prescription for that particular patient into a daily or weekly drug container to facilitate the patient taking the correct medications.

(2) [~~"FDLE" means the Federal Drug Law Examination.~~
~~---~~]~~(3)~~"NAPLEX" means North American Pharmacy Licensing Examination.

(~~4~~)~~3~~ "NABP" means the National Association of Boards of Pharmacy.

(~~5~~)~~4~~ "Qualified continuing education" as used in these rules, means continuing education that meets the standards set forth in Section R156-17a-~~319~~~~3~~13.

(~~6~~)~~5~~ "Unprofessional conduct", as defined in Title 58, Chapters 1 and 17a, is further defined, in accordance with Subsection 58-1-203(5), in Section R156-17a-502.

R156-17a-301. [~~Qualifications for~~]Licensure - Pharmacist - Pharmacy Internship Standards.

In accordance with Subsection 58-17a-302(1)(d), the standards for the internship required for licensure as a pharmacist include the following:

(1) The internship shall consist of at least 1500 hours obtained in Utah, in another state or territory of the United States, or in Utah and another state or territory of the United States.

(a) Internship hours completed in Utah shall include at least 360 hours but not more than 900 hours in a college coordinated practical experience program as an integral part of the curriculum which shall include a minimum of 120 hours in each of the following practices:

- (i) community pharmacy;
- (ii) hospital pharmacy; and
- (iii) another pharmacy setting.

(b) Internship hours completed in another state or territory of the United States shall be accepted based on the approval of hours by the state pharmacy board of that jurisdiction.

(2) Evidence of completed internship hours shall be documented to the division by the pharmacy intern at the time application is made for a Utah pharmacist license or at the completion of the Utah internship, if not seeking Utah licensure, ~~by the following:~~

~~—(a) Experience obtained by completion of professional experience courses in an accredited pharmacy program shall be documented by submitting a "Hours for Professional Experience Courses" form accompanied by an official transcript of credits or other satisfactory evidence showing completion of the professional experience courses.~~

~~—(b) Experience obtained under the supervision of an approved preceptor in a practice situation other than that set forth in Subsection (a) above shall be documented by submitting a "Hours of Pharmacy Practice Experience Obtained at Practice Site" for each approved preceptor/intern relationship under which the intern has worked and a separate Utah "Pharmacy Intern Hours Log" for each approved preceptor/intern relationship and each calendar year.~~

~~—(c) Internship hours completed in another state or jurisdiction of the United States shall be documented by submitting an official form from the appropriate licensing board attesting to the approval of the internship hours.~~

R156-17a-302. [~~Qualifications for~~]Licensure - Pharmacist - Examinations.

In accordance with Subsection 58-17a-302(1)(e), the examinations which must be successfully passed by applicants for licensure as a pharmacist are:

- (1) the NAPLEX with a passing score as established by the NABP;
- (2) the Multistate Pharmacy Jurisprudence Examination with a minimum passing score as established by the NABP ~~[of 75]~~.

R156-17a-303. [~~Qualifications for~~]Licensure - Pharmacist by Endorsement.

In accordance with Subsections 58-1-203(2) and 58-1-301(3), an applicant for licensure as a pharmacist by endorsement shall apply through the "Licensure Transfer Program" administered by NABP ~~[submit an application through the "Transfer of Pharmaceutical Licensure" process of the NABP which application shall~~

~~demonstrate the applicant met the Utah requirements for licensure applicable at the time the license was issued by the state from which licensure by endorsement is sought].~~

R156-17a-304. [~~Qualifications for~~]Licensure - Pharmacy Technician - Education Standards.

(1) In accordance with Subsection 58-17a-302(4)(e), the standards for the program of education and training which is a requirement for licensure as a pharmacy technician ~~[whether before or after July 1, 1998,~~] shall include:

(a) The program shall consist of at least 300 hours of combined didactic and clinical training to include at a minimum the following topics:

- (i) legal aspects of pharmacy practice such as laws and rules governing practice;
- (ii) hygiene and aseptic technique;
- (iii) terminology, abbreviations and symbols;
- (iv) pharmaceutical calculations;
- (v) identification of drugs by trade and generic names, and therapeutic classifications;
- (vi) filling of orders and prescriptions including packaging and labeling;
- (vii) ordering, restocking, and maintaining drug inventory; and
- (viii) computer applications in the pharmacy.

(b) The program of education and training shall be outlined in a written plan and shall include a final examination covering at a minimum the topics listed in Subsection (1)(a) above.

(2) ~~[Applicants shall document completion of the education and training program by submitting an affidavit attesting to its completion on a form prescribed by the division.~~

~~—(3)]The written outline of the training program including the examination shall be available to the division and board upon request.~~

R156-17a-305. Licensure - Pharmacy Technician - Examinations.

(1) In accordance with Subsection 58-17a-302(4)(e)(ii)(B), the examinations which must be passed by all applicants applying for licensure as a pharmacy technician ~~[after July 1, 1998]~~ are:

- (a) the Utah Pharmacy Technician Law and Rule Examination with a passing score of at least 75; and
- (b) the National Pharmacy Technician Certification Examination with a passing score as established by the Pharmacy Technician Certification Board.

R156-17a-~~305~~306. [~~Qualifications for~~]Licensure - Pharmacy Intern - Education.

(1) In accordance with Subsection 58-17a-302(5)(a)(i), the approved program is one which is accredited by the American Council on Pharmaceutical Education.

(2) In accordance with Subsection 58-17a-302(5)(b), the preliminary educational qualifications are as defined in Subsection 58-17a-302(5)(b).

(3) In accordance with Subsection 58-17a-302(5)(b), a recognized college or school of pharmacy is one which has a pharmacy program accredited by the American Council on Pharmaceutical Education.]

— (4) An applicant shall demonstrate completion of the required education by submission of an official statement issued by the school or college signed by an authorized representative of the agency.]

R156-17a-~~306~~307. [~~Qualifications for Approval~~]Licensure - Preceptor Approval.

In accordance with Subsection 58-17a-~~201~~102(45), the requirements which must be met by a licensed pharmacist to be approved as a preceptor are:

(1) hold a Utah pharmacist license that is active and in good standing;

(2) have been engaged in active practice as a licensed pharmacist for not less than two years immediately preceding the application for approval as a preceptor, except if employed as a professional experience program coordinator in a pharmacy program accredited by the American Council on Pharmaceutical Education; and

(3) have not been under any sanction at any time which sanction is considered by the division or board to have been of such a nature that the best interests of the intern and the public would not be served by approving the licensee as a preceptor[; and

— (4) submit a complete "Affirmation of Intent to Perform as a Preceptor" to the division].

[**~~R156-17a-307. — Qualifications for Licensure — General Application Requirements.~~**

— In accordance with Subsections 58-1-203(2) and 58-1-301(3), and 58-17a-303(4)(a), the application requirements for licensure in Section 58-17a-303 are defined, clarified, or established as follows:

— (1) The applicant shall provide information identifying the contact person:

— (2) The applicant shall provide information identifying the pharmacist-in-charge, except for an applicant for licensure as a pharmaceutical manufacturer, pharmaceutical wholesaler/distributor, pharmaceutical researcher, pharmaceutical dog trainer, animal euthanasia agency, analytical laboratory, or lethal injection use:

— (3) The applicant shall identify the following with respect to each applicant:

— (a) if a corporation:

— (i) the name, title, address and social security number of all corporate officers, directors and the registered agent;

— (ii) the name, address and social security number of all shareholders who own or control 5% or more of the corporate stock, except that this shall not be required if the stock is publicly listed and traded;

— (b) if a limited liability company:

— (i) the name, title, address and social security number of all persons who have an ownership interest or management responsibility in the company;

— (c) if a partnership:

— (i) the name, address, social security number, percentage of ownership and type of partnership interest of all partners;

— (d) if a sole proprietorship:

— (i) the name, address and social security number of the proprietor.]

R156-17a-308. [~~Qualifications for~~]Licensure - Administrative Inspection.

In accordance with Subsections 58-1-203(2), 58-1-301(3), ~~[and]58-17a-303(4)(d) and Section 58-17a-103, [an applicant for licensure under Section 58-17a-303 shall pass an onsite inspection for the purpose of evaluating the applicant's compliance with all applicable operating standards.]an administrative inspection may be:~~

(1) an onsite inspection; or

(2) a self-report inspection completed by the pharmacist-in-charge on an audit form supplied by the division.

R156-17a-309. [~~Qualifications for~~]Licensure - Meet with the Board.

In accordance with Subsections 58-1-203(2) and 58-1-301(3), an applicant for licensure under Title 58, Chapter 17a may be required to meet with the State Board of Pharmacy for the purpose of evaluating the applicant's qualifications for licensure.

[**~~R156-17a-310. — Qualifications for Licensure — Nuclear Pharmacy.~~**

— In accordance with Subsections 58-1-203(2), 58-1-301(3), and 58-17a-303(4)(d), an applicant for licensure as a nuclear pharmacy shall provide documentation:

— (1) of the pharmacy having a current Utah Radioactive Materials License; and

— (2) of all pharmacists having met Utah Radiation Control Rules with respect to nuclear pharmacy certification.]

R156-17a-~~311~~310. [~~Qualifications for~~]Licensure - Out-of-state Mail Order Pharmacy.

In accordance with Subsections 58-1-203(2), 58-1-301(3), ~~[and]58-17a-303(2)(e) and 58-17a-303(4)(d), the application for licensure as an out-of-state mail order pharmacy shall supply sufficient information concerning the applicant's standing in its state of domicile to permit the division and the board to determine the applicant's qualification for licensure in Utah. Such information shall include the following:~~

(1) a certified letter from the licensing authority of the state in which the pharmacy is located attesting to the fact that the pharmacy is licensed in good standing and is in compliance with all laws and regulations of that state;

(2) an affidavit affirming that the applicant will cooperate with all lawful requests and directions of the licensing authority of the state of domicile relating to the shipment, mailing or delivery of dispensed legend drugs into Utah; and

(3) a copy of the most recent state inspection showing the status of compliance with laws and regulations for physical facility, records, and operations.

R156-17a-~~312~~311. [~~Qualifications for~~]Licensure - Branch Pharmacy.

In accordance with Subsections 58-1-203(2), 58-1-301(3) and Section 58-17a-614, the qualifications for licensure as a branch pharmacy include the following:

(1) The division in collaboration with the board shall designate the location of each branch pharmacy. The following shall be considered in granting such designation:

(a) the distance between or from nearby alternative pharmacies and all other factors affecting access of persons in the area to alternative pharmacy resources;

(b) the availability at the location of qualified persons to staff the pharmacy consistent with Section R156-17a-~~608~~609 of these rules;

(c) the availability and willingness of a parent pharmacy and supervising pharmacist to assume responsibility for the branch pharmacy;

(d) the availability of satisfactory physical facilities in which the branch pharmacy may operate; and

(e) the totality of conditions and circumstances which surround the request for designation.

(2) A branch pharmacy shall be licensed as a retail pharmacy branch of an existing retail, hospital, or institutional pharmacy licensed by the division.

(3) The application for designation of a branch pharmacy shall be submitted by the licensed pharmacy seeking such designation. In the event more than one licensed pharmacy makes application for designation of a branch pharmacy location at a previously undesignated location, the division in collaboration with the board, shall review all applications for designation of the branch pharmacy and, if the location is approved, shall approve for licensure the applicant determined best able to serve the public interest.

(4) The application shall include the following:

(a) complete identifying information concerning the applying parent pharmacy;

(b) complete identifying information concerning the designated supervising pharmacist employed at the parent pharmacy;

(c) address and description of the facility in which the branch pharmacy is to be located;

(d) a specific formulary to be stocked indicating with respect to each prescription drug the name, the dosage strength and dosage units in which the drug will be prepackaged;

(e) complete identifying information concerning each person located at the branch pharmacy who will dispense prescription drugs in accordance with the approved protocol; and

(f) protocols under which the branch pharmacy will operate and its relationship with the parent pharmacy to include the following:

(i) the conditions under which prescription drugs will be stored, used, and accounted for;

(ii) the method by which the drugs will be transported from parent pharmacy to the branch pharmacy and accounted for by the branch pharmacy;

(iii) a description of how records will be kept with respect to:

(A) formulary;

(B) changes in formulary;

(C) record of drugs sent by the parent pharmacy;

(D) record of drugs received by the branch pharmacy;

(E) record of drugs dispensed;

(F) periodic inventories; and

(G) any other record contributing to an effective audit trail with respect to prescription drugs provided to the branch pharmacy.

R156-17a-~~313~~312. [Qualifications for] Licensure - Pharmaceutical Wholesaler/Distributor and Pharmaceutical Manufacturer.

In accordance with Subsections 58-1-203(2), 58-1-301(3), and 58-17a-303(2)(h) and (i), the requirements for licensure as a pharmaceutical wholesaler/distributor or pharmaceutical manufacturer are defined, clarified, or established as follows:

(1) Each applicant for licensure as a pharmaceutical wholesaler/distributor or pharmaceutical manufacturer shall provide the following information:

(a) the name, full business address and telephone number;

(b) identification of all trade and business names used by the applicant;

(c) addresses, telephone number and the names of contact persons at all locations in the state in which prescription drugs are located, stored, handled, distributed or manufactured;

(d) a full description of the ownership of the applicant including business type/form, names and identifying information concerning owners, partners, stockholders if not a publicly held company, names and identifying information concerning company officers, and directors and management; and

(e) other information necessary to enable the division in collaboration with the board to evaluate the requirements in Subsection (2) below.

(2) In considering whether to grant a license to an applicant as a pharmaceutical wholesaler/distributor or pharmaceutical manufacturer, the division shall consider the public interest by examining:

(a) any convictions of the applicant under any federal, state or local laws relating to the distribution or manufacturing of prescription drugs, drug samples, controlled substances or controlled substance precursors;

(b) any convictions of a criminal offense or a finding of unprofessional conduct which when considered with the activity of distributing or manufacturing prescription drugs indicates there is or may reasonably be a threat to the public health, safety or welfare if the applicant were to be granted a license;

(c) the applicant's past experience in the distribution or manufacture of prescription drugs including controlled substances to determine whether the applicant might reasonably be expected to be able to engage in the competent and safe distribution and manufacture of prescription drugs;

(d) whether the applicant has ever furnished any false or misleading information in connection with the application or the past activities of the applicant in connection with the distribution or manufacture of prescription drugs;

(e) whether the applicant has been the subject of any action against any license to engage in distribution or manufacture of prescription drugs;

(f) compliance with licensing requirements under any previously granted license to engage in distribution or manufacture of prescription drugs;

(g) compliance with requirements under federal, state or local law to make available to any regulatory authority those records concerning distribution or manufacture of prescription drugs; and

(h) any other factors upon which a reasonable and prudent person would rely to determine the suitability of the applicant to safely and competently engage in the practice of distributing or manufacturing prescription drugs.

(3) The responsible officer or management employee who is responsible for the supervision of the applicant consistent with Section R156-17a-612 shall be identified on the application.

~~R156-17a-314. Qualifications for Licensure - Pharmaceutical Researcher:~~

~~— In accordance with Subsections 58-1-203(2), 58-1-301(3), and 58-17a-303(3)(a), the applicant for licensure as a pharmaceutical researcher shall:~~

- ~~— (1) list each prescription drug for which approval is requested; and~~
- ~~— (2) provide the protocol under which prescriptions drugs shall be purchased, stored, used and accounted for.~~

~~R156-17a-315. Qualifications for Licensure - Pharmaceutical Dog Trainer:~~

~~— In accordance with Subsections 58-1-203(2), 58-1-301(3), and 58-17a-303(3)(c), the applicant for licensure as a pharmaceutical dog trainer shall:~~

- ~~— (1) list each prescription drug for which approval is requested;~~
- ~~— (2) provide the protocol under which prescription drugs will be purchased, stored, used, and accounted for; and~~
- ~~— (3) provide the name, address and law enforcement official of the bona fide Utah law enforcement agency with whom the applicant is affiliated or under contract and who will be responsible for and supervise the purchase, storage, and use of the prescription drugs requested.~~

~~R156-17a-316. Qualifications for Licensure - Animal Euthanasia Agency:~~

~~— In accordance with Subsections 58-1-203(2), 58-1-301(3), and 58-17a-303(3)(d), the applicant for licensure as an animal euthanasia agency shall:~~

- ~~— (1) list each prescription drug and controlled substance for which authorization is requested;~~
- ~~— (2) identify the location where prescription drugs and controlled substances and records will be maintained;~~
- ~~— (3) identify each person to be authorized to purchase prescription drugs and controlled substances;~~
- ~~— (4) identify each person to be authorized to possess and administer prescription drugs and controlled substances;~~
- ~~— (5) identify the veterinarian responsible for supervising the agency's program of euthanasia of animals using prescription drugs and controlled substances; and~~
- ~~— (6) describe the training each person will receive who is authorized to possess and administer prescription drugs and controlled substances.~~

~~R156-17a-317. Qualifications for Licensure - Analytical Laboratory:~~

~~— In accordance with Subsections 58-1-203(2), 58-1-301(3), and 58-17a-303(3)(e), the applicant for licensure as an analytical laboratory shall provide:~~

- ~~— (1) identifying information concerning the laboratory director; and~~
- ~~— (2) a protocol describing how approved prescription drugs will be purchased, stored, used and accounted for.~~

~~R156-17a-318. Exemptions from Licensure:~~

~~— In accordance with Subsection 58-1-307(1), exemptions from licensure under this chapter include the following:~~

- ~~— (1) A hospital nuclear medicine department or a physician and surgeon's, osteopathic physician and surgeon's, veterinarian's,~~

~~podiatric physician's, or dentist's office that has a current Utah Radioactive Materials License is exempt from licensure as a nuclear pharmacy.~~

~~— (2) A person who is engaged in the wholesale distribution or manufacturing of prescription drugs but does not have a facility located within Utah in which prescription drugs are located, stored, distributed or manufactured is exempt from Utah licensure as a pharmaceutical wholesaler/distributor or a pharmaceutical manufacturer, if said person is currently licensed and in good standing in each state of the United States in which that person has a facility engaged in distribution or manufacturing of prescription drugs entered into interstate commerce.]~~

~~R156-17a-[319]313. Continuing Education - Pharmacist.~~

~~(1) In accordance with Subsections 58-1-203(7) and 58-1-308[+](3)(b), there is created a continuing education requirement as a condition for renewal or reinstatement of pharmacist licenses issued under Title 58, Chapter 17a.~~

~~(2) Continuing education shall consist of 24 hours of qualified continuing professional education in each preceding renewal period.~~

~~(3) The required number of hours of qualified continuing professional education for an individual who first becomes licensed during the two year period shall be decreased in a pro-rata amount equal to any part of that two year period preceding the date on which that individual first became licensed.~~

~~(4) Qualified continuing professional education shall consist of:~~

~~(a) institutes, seminars, lectures, conferences, workshops, various forms of mediated instruction, and programmed learning courses presented by an institution, individual, organization, association, corporation, or agency that has been approved by the American Council on Pharmaceutical Education (ACPE);[and]~~

~~(b) programs accredited by other nationally recognized healthcare accrediting agencies; and~~

~~(c) educational [regional]-meetings sponsored by the Utah Pharmaceutical Association or Utah Society of Health System Pharmacists.~~

~~(5) Credit for qualified continuing professional education shall be recognized in accordance with the following:~~

~~(a) a minimum of eight hours shall be obtained through attendance at lectures, seminars or workshops; and~~

~~(b) a minimum of six hours shall be in drug therapy or patient management.~~

~~(6) A licensee shall be responsible for maintaining competent records of completed qualified continuing professional education for a period of four years after close of the two year period to which the records pertain. It is the responsibility of the licensee to maintain such information with respect to qualified continuing professional education to demonstrate it meets the requirements under this section.~~

~~R156-17a-[319b]314. Continuing Education - Pharmacy Technician.~~

~~(1) In accordance with Subsections 58-1-203(7) and 58-1-308[+](3)(b), there is created a continuing education requirement as a condition for renewal or reinstatement of pharmacy technician licenses issued under Title 58, Chapter 17a.~~

(2) Continuing education shall consist of eight hours of qualified continuing professional education in each preceding renewal period.

(3) The required number of hours of qualified continuing professional education for an individual who first becomes licensed during the two year period shall be decreased in a pro-rata amount equal to any part of that two year period preceding the date on which that individual first became licensed.

(4) Qualified continuing professional education shall consist of:

(a) institutes, seminars, lectures, conferences, workshops, various forms of mediated instruction, and programmed learning courses sponsored or approved by an institution, individual, organization, association, corporation, or agency that has been approved by the American Council on Pharmaceutical Education (ACPE);

(b) programs accredited by other nationally recognized healthcare accrediting agencies; and

(c) educational meetings sponsored by the Utah Pharmaceutical Association or the Utah Society of Health System Pharmacists.

(5) Documentation of current Pharmacy Technician Certifying Board certification will count as meeting the requirement for continuing education.[-

(i) Utah Pharmaceutical Association;
(ii) Utah Society of Health-System Pharmacists; and
(iii) Pharmacy Technician Certification Board;]

(5) Credit for qualified continuing professional education shall be recognized in accordance with the following:

(a) a minimum of four hours shall be obtained through attendance at lectures, seminars or workshops.

(6) A licensee shall be responsible for maintaining competent records of completed qualified continuing professional education for a period of four years after close of the two year period to which the records pertain. It is the responsibility of the licensee to maintain such information with respect to qualified continuing professional education to demonstrate it meets the requirements under this section.

R156-17a-~~320~~315. Renewal Cycle - Procedures.

(1) In accordance with Subsection 58-1-308(1), the renewal date for the two-year renewal cycle applicable to licensees under Title 58, Chapter 17a is established by rule in Section R156-1-308.

(2) Renewal procedures shall be in accordance with Section R156-1-308.

R156-17a-502. Unprofessional Conduct.

"Unprofessional conduct" includes:

(1) violating any provision of the American Pharmaceutical Association Code of Ethics, ~~July 1981~~ October 1994, which is hereby incorporated by reference;

(2) failing to comply with the Food and Drug Administration Compliance Policy Guideline 460.200, March 16, 1992, which is hereby incorporated by reference;

(3) failing to comply with the continuing education requirements set forth in these rules;

(4) failing to provide the division with a current mailing address within a reasonable period of time following any change of address;

(5) defaulting on a student loan; ~~and]~~

(6) failing to abide by all applicable federal and state law regarding the practice of pharmacy;

(7) failing to comply with administrative inspections; and

(8) administering medications without having a current Administrative Guidelines Agreement readily available at each practice site and immediately available to the Division upon request.

~~R156-17a-601. Operating Standards - General Notification.~~

~~—In accordance with Subsection 58-17a-601(1), a licensee shall notify the division in writing of any changes which may affect his licensure status.]~~

R156-17a-~~602~~601. Operating Standards - Pharmacy Technician - Scope of Practice.

In accordance with Subsection 58-17a-102(42), the scope of practice of a pharmacy technician is defined as follows:

(1) The pharmacy technician may perform any task associated with the physical preparation and processing of prescription and medication orders including:

(a) ~~drug repackaging;~~

~~(b)]receiving written prescriptions;~~

~~(c)]taking refill orders;~~

~~(d)]entering and retrieving information into and from a database, or patient profile;~~

~~(e)]preparing labels;~~

~~(f)]retrieving medications from inventory;~~

~~(g)]counting and pouring into containers;~~

~~(h)]placing medications into patient storage containers;~~

~~(i)]affixing labels;~~

~~(j)]compounding; and~~

~~(k)]other non-judgmental tasks.~~

(2) The pharmacy technician shall not receive new oral prescriptions or medication orders nor perform drug utilization reviews.

(3) The licensed pharmacist shall provide general supervision as defined in Subsection 58-17a-102(17) to no more than two pharmacy technicians actually on duty at any one time.

R156-17a-~~603~~602. Operating Standards - Pharmacy Intern - Scope of Practice.

In accordance with Subsections 58-17a-102(41) and 58-17a-102(41), the scope of practice of a pharmacy intern includes the following:

(1) If a pharmacy intern ceases to meet all requirements for intern licensure, he shall surrender his pharmacy intern license to the division within 60 days unless an extension is requested and granted by the Division in collaboration with the Board.

(2) A pharmacy intern may act as a pharmacy intern only under the supervision of an approved preceptor as set forth in Sections 58-17a-306 and 58-17a-604.

R156-17a-~~604~~603. Operating Standards - Approved Preceptor.

In accordance with Subsection 58-17a-601(1), the following shall apply to an approved preceptor:

(1) He may supervise more than one intern, however, a preceptor may supervise only one intern actually on duty in the practice of pharmacy at any one time.

(2) He shall maintain adequate records to demonstrate the number of internship hours completed by the intern and an evaluation of the quality of the intern's performance during the internship.

(3) The preceptor shall complete the preceptor section of a "Utah Pharmacy Intern Experience Affidavit:" at the conclusion of the preceptor/intern relationship regardless of the time or circumstances under which that relationship is concluded and provide that affidavit to the division.

(4) The preceptor shall be responsible for the intern's acts related to the practice of pharmacy while practicing as a pharmacy intern under his or her supervision.

(5) The preceptor shall use "The Internship Experience, A Manual for Pharmacy Preceptors and Interns", August 1980, published by the NABP or an equivalent manual while providing the intern experience for the intern.

R156-17a-[605]604. Operating Standards - Supportive Personnel.

(1) In accordance with Subsection 58-17a-102(50)(a), the duties of supportive personnel are further defined as follows:

(a) Supportive personnel may assist in any tasks not related to drug preparation or processing including:

- (i) stock ordering and restocking;
- (ii) cashiering;
- (iii) billing;
- (iv) filing;
- (v) housekeeping; and
- (vi) delivery.

(b) Supportive personnel shall not enter information into a patient profile nor accept refill information.

(2) In accordance with Subsection 58-17a-102(50)(b), the supervision of supportive personnel is defined as follows:

(a) All supportive personnel shall be under the supervision of a licensed pharmacist.

(b) The licensed pharmacist shall be present in the area where the person being supervised is performing services and shall be immediately available to assist the person being supervised in the services being performed.

(3) In accordance with Subsection 58-17a-601(1), a pharmacist, pharmacy intern, or pharmacy technician whose license has been revoked or is suspended shall not be allowed to provide any support services in a pharmacy.

R156-17a-[606]605. Operating Standards - Medication Profile System.

In accordance with Subsections 58-17a-601(1) and 58-17a-604(1), the following operating standards shall apply with respect to medication profile systems:

(1) Patient profiles, once established, shall be maintained by a pharmacist in a pharmacy dispensing to patients on a recurring basis for a minimum of one year from the date of the most recent prescription filled or refilled; except that a hospital pharmacy may delete the patient profile for an inpatient upon discharge if a record of prescriptions is maintained as a part of the hospital record.

(2) Information to be included in the profile shall be determined by a responsible pharmacist at the drug outlet but shall include as a minimum:

(a) full name of patient, address, telephone number, date of birth or age and gender;

(b) patient history where significant, including known allergies and drug reactions, and a comprehensive list of medications and relevant devices;

(c) a list of all prescription drugs obtained by the patient at the pharmacy including:

- (i) name of prescription drug;
- (ii) strength of prescription drug;
- (iii) quantity dispensed;
- (iv) date of filling or refilling;

(v) charge for the prescription drug as dispensed to the patient; and

(d) any additional comments relevant to the patient's drug use.

(3) Patient medication profile information shall be recorded by a pharmacist, pharmacy intern, or pharmacy technician.

R156-17a-[607]606. Operating Standards - Patient Counseling.

In accordance with Subsection 58-17a-601(1), standards for patient counseling established in Section 58-17a-612 include the following:

(1) Patient counseling shall include when appropriate the following elements:

(a) the name and description of the prescription drug;

(b) the dosage form, dose, route of administration, and duration of drug therapy;

(c) intended use of the drug and expected action;

(d) special directions and precautions for preparation, administration, and use by the patient;

(e) common severe side or adverse effects or interactions and therapeutic contraindications that may be encountered, including their avoidance, and the action required if they occur;

(f) techniques for self-monitoring drug therapy;

(g) proper storage;

(h) prescription refill information;

(i) action to be taken in the event of a missed dose;

(j) pharmacist comments relevant to the individual's drug therapy, including any other information peculiar to the specific patient or drug; and

(k) the date after which the prescription should not be taken or used.

(2) Patient counseling shall not be required for inpatients of a hospital or institution where other licensed health care professionals are authorized to administer the drugs.

(3) A pharmacist shall not be required to counsel a patient or patient's agent when the patient or patient's agent refuses such consultation.

(4) The offer to counsel shall be documented and said documentation shall be available to the division and the board.

R156-17a-[608]607. Operating Standards - Prescriptions.

In accordance with Subsection 58-17a-601(1), the following shall apply to prescriptions:

(1) A prescription issued by an authorized licensed practitioner, if communicated by an agent or employee of that

practitioner upon that practitioner's specific instruction and authorization, may be accepted by a pharmacist or pharmacy intern.

(2) Prescription files, including refill information, shall be maintained for a minimum of five years by either a manual filing of written prescriptions or by permanent electronic record.

(3) Prescriptions having a remaining authorization for refill may be transferred by the pharmacist at the outlet holding the prescription to a pharmacist at another outlet upon the authorization of the patient to whom the prescription was issued. The transferring pharmacist and receiving pharmacist shall act diligently to ensure that the total number of authorized refills is not exceeded.

(4) Prescriptions for terminal patients in licensed hospices, home health agencies, or nursing homes may be partially filled if the patient has a medical diagnosis documenting a terminal illness.

R156-17a-608. Operating Standards - Pharmacist-in-charge.

All drug outlets, except pharmaceutical manufacturers and pharmaceutical wholesaler/distributors, and all pharmaceutical administration facilities shall have a pharmacist-in-charge.

R156-17a-611. Operating Standards - Nuclear Pharmacy.

In accordance with Subsections 58-17a-303(4)(d) and 58-17a-601(1), the operating standards for nuclear pharmacies include the following:

(1) A nuclear pharmacy shall have the following:

(a) a current Utah Radioactive Materials License; and

(b) adequate space and equipment commensurate with the scope of services required and provided.

(2) Nuclear pharmacies shall only dispense radiopharmaceuticals which comply with acceptable standards of quality assurance.

(3) Nuclear pharmacies shall maintain a library commensurate with the level of radiopharmaceutical service to be provided.

(4) A licensed Utah pharmacist shall be immediately available on the premises at all times when the facility is open or available to engage in the practice of pharmacy.

(5) In addition to Utah licensure, the pharmacist shall be currently certified by the Board of Pharmaceutical Specialties in Nuclear Pharmacy or have equivalent classroom and laboratory training and experience as required by the Utah Radiation Control Rules.

(6) This rule does not prohibit:

(a) a licensed pharmacy intern or technician from acting under the direct supervision of an approved preceptor who meets the requirements to supervise a nuclear pharmacy; or

(b) a Utah Radioactive Materials licensee from possessing and using radiopharmaceuticals for medical use.

(7) A hospital nuclear medicine department or an office of a physician/surgeon, osteopathic physician/surgeon, veterinarian, podiatric physician, or dentist that has a current Utah Radioactive Materials License does not require licensure as a nuclear pharmacy.

R156-17a-612. Operating Standards - Pharmaceutical Wholesaler/Distributor and Pharmaceutical Manufacturer located in Utah.

In accordance with Subsection 58-17a-601(1), the operating standards for pharmaceutical wholesaler/distributor and pharmaceutical manufacturer licensee includes the following:

(1) A separate license shall be obtained for each separate location engaged in the distribution or manufacturing of prescription drugs.

(2) A separate license shall be obtained for wholesale distribution activity and manufacturing activity.

(3) The licensee need not be under the supervision of a licensed pharmacist, but shall be under the supervision of a responsible officer or management employee.

(4) There has not been established minimum requirements for persons employed by persons engaged in the distribution or manufacture of prescription drugs; however, this does not relieve the person who engages in the distribution of prescription drugs within the state or in interstate commerce into or from the state, or those engaged in the manufacture of prescription drugs in the state or in interstate commerce into or from the state from ensuring that persons employed by them have appropriate education, experience, or both to engage in the duties to which they are assigned and do so in a manner which does not jeopardize the public health, safety or welfare.

(5) All facilities associated with the distribution or manufacture of prescription drugs shall:

(a) be of suitable size and construction to facilitate cleaning, maintenance and proper operations;

(b) have storage areas designed to provide adequate lighting, ventilation, sanitation, space, equipment and security conditions;

(c) have the ability to control temperature and humidity within tolerances required by all prescription drugs and prescription drug precursors handled or used in the distribution or manufacturing activities of the applicant or licensee;

(d) provide for a quarantine area for storage of prescription drugs and prescription drug precursors that are outdated, damaged, deteriorated, misbranded, adulterated, opened or unsealed containers that have once been appropriately sealed or closed, or in any other way unsuitable for use or entry into distribution or manufacture;

(e) be maintained in a clean and orderly condition, and

(f) be free from infestation by insects, rodents, birds, or vermin of any kind.

(6) In regard to security, all facilities used for wholesale drug distribution or manufacturing of prescription drugs shall:

(a) be secure from unauthorized entry;

(b) limit access from the outside to a minimum in conformance with local building and life/safety codes, and control access of persons to ensure unauthorized entry is not made;

(c) limit entry into areas where prescription drugs or prescription drug precursors are held to authorized persons who have a need to be in those areas;

(d) be well lighted on the outside perimeter;

(e) be equipped with an alarm system to permit detection of entry and notification to appropriate authorities at all times when the facility is not occupied for the purpose of engaging in distribution or manufacture of prescription drugs; and

(f) be equipped with security measures, systems and procedures necessary to provide reasonable security against theft and diversion of prescription drugs or alteration or tampering with computers and records pertaining to prescription drugs or prescription drug precursors.

(7) In regard to storage, all facilities shall provide for storage of prescription drugs and prescription drug precursors in accordance with the following:

(a) all prescription drugs and prescription drug precursors shall be stored at appropriate temperature, humidity and other conditions in accordance with labeling of such prescription drugs or prescription drug precursors or with requirements in the United States Pharmacopeia/National Formulary (USP/NF), 1995 edition, through Supplement [9]10, dated ~~November 15, 1998~~ May 15, 1999, which is hereby incorporated by reference;

(b) if no storage requirements are established for a specific prescription drug or prescription drug precursor, the products shall be held in a condition of controlled temperature and humidity as defined in the USP/NF to ensure that its identity, strength, quality, and purity are not adversely affected; and

(c) there shall be established a system of manual, electromechanical or electronic recording of temperature and humidity in the areas in which prescription drugs or prescription drug precursors are held to permit review of the record and ensure that the products have not been subjected to conditions which are outside of established limits.

(8) In regard to examination of materials, each facility shall provide that:

(a) upon receipt, each outside shipping container containing prescription drugs or prescription drug precursors shall be visually examined for identity and to prevent the acceptance of prescription drugs or prescription drug precursors that are contaminated, reveal damage to the containers or are otherwise unfit for distribution; and

(b) each outgoing shipment shall be carefully inspected for identity of the prescription drug products and to ensure that there is no delivery of prescription drugs that have been damaged in storage or held under improper conditions.

(9) In regard to returned, damaged, and outdated prescription drugs, each facility shall provide that:

(a) prescription drugs or prescription drug precursors that are outdated, damaged, deteriorated, misbranded, adulterated, or in any other way unfit for distribution or use in manufacturing shall be quarantined and physically separated from other prescription drugs or prescription drug precursors until they are appropriately destroyed or returned to their supplier;

(b) any prescription drug or prescription drug precursor whose immediate sealed or outer secondary sealed container has been opened or in any other way breached shall be identified as such and shall be quarantined and physically separated from other prescription drugs and prescription drug precursors until they are appropriately destroyed or returned to their supplier; and

(c) if the condition or circumstances surrounding the return of any prescription drug or prescription drug precursor cast any doubt on the product's safety, identity, strength, quality, or purity, then the drug shall be appropriately destroyed or returned to the supplier, unless examination, testing, or other investigation proves that the product meets appropriate and applicable standards related to the product's safety, identity, strength, quality, and purity.

(10) In regard to record keeping, pharmaceutical wholesaler/distributors and pharmaceutical manufacturers shall establish and maintain records of all transactions regarding the receipt and distribution or other disposition of prescription drugs and prescription drug precursors and shall make inventories of prescription drugs and prescription drug precursors and required

records available for inspection by authorized representatives of the federal, state and local law enforcement agencies in accordance with the following:

(a) there shall be a record of the source of the prescription drugs or prescription drug precursors to include the name and principal address of the seller or transferor, and the address of the location from which the drugs were shipped;

(b) there shall be a record of the identity and quantity of the prescription drug or prescription drug precursor received, manufactured, distributed or shipped, or otherwise disposed of by specific product and strength;

(c) there shall be a record of the dates of receipt and distribution or other disposal of any product;

(d) there shall be a record of the identity of persons to whom distribution is made to include name and principal address of the receiver, and the address of the location to which the products were shipped;

(e) inventories of prescription drugs and prescription drug precursors shall be made available during regular business hours to authorized representatives of federal, state and local law enforcement authorities;

(f) required records shall be made available for inspection during regular business hours to authorized representatives of federal, state and local law enforcement authorities, and such records shall be maintained for a period of two years following disposition of the products; and

(g) records that are maintained on site or immediately retrievable from computer or other electronic means shall be made readily available for authorized inspection during the retention period; or if records are stored at another location, they shall be made available within two working days after request by an authorized law enforcement authority during the two year period of retention.

(11) In regard to written policies and procedures, pharmaceutical wholesaler/distributors and pharmaceutical manufacturers shall establish, maintain, and adhere to written policies and procedures which shall be followed for the receipt, security, storage, inventory, manufacture, distribution or other disposal of prescription drugs or prescription drug precursors, including policies and procedures for identifying, recording, and reporting losses or thefts, and for correcting all errors and inaccuracies in inventories. In addition, the policies shall include the following:

(a) a procedure whereby the oldest approved stock of a prescription drug or precursor product is distributed or used first, with a provision for deviation from the requirement if such deviation is temporary and appropriate;

(b) a procedure to be followed for handling recalls and withdrawals of prescription drugs adequate to deal with recalls and withdrawals due to:

(i) any action initiated at the request of the Food and Drug Administration of other federal, state or local law enforcement or other authorized administrative or regulatory agency;

(ii) any voluntary action by the pharmaceutical wholesaler/distributor or pharmaceutical manufacturer to remove defective or potentially defective drugs from the market; or

(iii) any action undertaken to promote public health, safety or welfare by replacing of existing product with an improved product or new package design;

(c) a procedure to ensure that a pharmaceutical wholesaler/distributor or pharmaceutical manufacturer prepare for, protect against, and handle any crisis that affects security or operation of any facility in the event of strike, fire, flood, or other natural disaster, or other situations of local, state or national emergency;

(d) a procedure to ensure that any outdated prescription drugs or prescription drug precursors shall be segregated from other drugs or precursors and either returned to the manufacturer, other appropriate party or appropriately destroyed;

(e) a procedure providing for documentation of the disposition of outdated, adulterated or otherwise unsafe prescription drugs or prescription drug precursors and the maintenance of that documentation available for inspection by authorized federal, state, or local authorities for a period of two years after disposition of the product.

(12) In regard to responsible persons, pharmaceutical wholesaler/distributors and pharmaceutical manufacturers shall establish, maintain and make available for inspection by authorized federal, state and local law enforcement authorities, lists of all officers, directors, managers, and other persons in charge of wholesale drug distribution, manufacture, storage, and handling, which lists shall include a description of their duties and a summary of their background and qualifications.

(13) In regard to compliance with law, pharmaceutical wholesalers/distributors and pharmaceutical manufacturers shall:

(a) operate in compliance with applicable federal, state and local laws and regulations;

(b) permit the state licensing authority and authorized federal, state, and local law enforcement officials, upon presentation of proper credentials, to enter and inspect their premises and delivery vehicles, and to audit their records and written operating policies and procedures, at reasonable times and in a reasonable manner, to the extent authorized by law; and

(c) obtain a controlled substance license from the division and register with the Drug Enforcement Administration (DEA) if they engage in distribution or manufacture of controlled substances, and shall comply with all federal, state and local regulations applicable to the distribution or manufacture of controlled substances.

(14) In regard to salvaging and processing, pharmaceutical wholesalers/distributors and pharmaceutical manufacturers shall be subject to and shall abide by applicable federal, state and local laws that relate to the salvaging or reprocessing of prescription drug products.

(15) A person who is engaged in the wholesale distribution or manufacturing of prescription drugs but does not have a facility located within Utah in which prescription drugs are located, stored, distributed or manufactured is exempt from Utah licensure as a pharmaceutical wholesaler/distributor or a pharmaceutical manufacturer, if said person is currently licensed and in good standing in each state of the United States in which that person has a facility engaged in distribution or manufacturing of prescription drugs entered into interstate commerce.

R156-17a-613. Operating Standards - Animal Euthanasia Agency.

In accordance with Subsection 58-17a-601(1), operating standards for an animal euthanasia agency concerning the use of prescription drugs shall include:

(1) A veterinarian licensed in Utah shall supervise the use of prescription drugs used for animal euthanasia.

(2) The veterinarian shall be responsible for:

(a) identifying each euthanasia drug for which authorization is requested;~~maintaining the euthanasia drug records; and~~

(b) identifying the location where euthanasia drugs and records will be maintained;~~training each person who is authorized to purchase, possess, or administer euthanasia drugs;~~

(c) identifying each person to be authorized to purchase, possess, or administer euthanasia drugs;

(d) describing the training program for each person authorized to purchase, possess, or administer euthanasia drugs as well as attesting to be responsible for that training; and

(e) maintaining euthanasia drug records.

R156-17a-614. Operating Standards - Analytical Laboratory.

In accordance with Subsection 58-17a-601(1), operating standards for an analytical laboratory concerning the use of prescription drugs shall include:

(1) ~~that~~ the supervising laboratory [be under the supervision of the laboratory]director is identified; and

(2) the protocols describing how authorized prescription drugs will be purchased, stored, used, and accounted for are available for division inspection.

R156-17a-615. Operating Standards - Pharmaceutical Researcher.

In accordance with Subsection 58-17a-601(1), operating standards for a pharmaceutical researcher concerning the use of prescription drugs shall include:

(1) requesting and receiving authorization for each drug to be bought or used; and

(2) the protocols describing how authorized prescription drugs will be purchased, stored, used, and accounted for are available for division inspection.

R156-17a-616. Operating Standards - Pharmaceutical Dog Trainer.

In accordance with Subsection 58-17a-601(1), operating standards for a pharmaceutical dog trainer concerning the use of prescription drugs shall include:

(1) affiliation with a law enforcement official from a Utah law enforcement agency who is responsible for the purchase, storage, and use of the authorized prescription drugs;

(2) requesting and receiving authorization for each drug to be bought or used; and

(3) the protocols describing how authorized prescription drugs will be purchased, stored, used, and accounted for are available for division inspection.

R156-17a-[615]617. Operating Standards - Issuing Prescription Orders by Electronic Means.

In accordance with Subsection 58-17a-102(46), prescription orders may be issued by electronic means of communication according to the following:

(1) Prescription orders for Schedule II - V controlled substances received by electronic means of communication shall be handled according to the rules of the federal Drug Enforcement Administration.

(2) Prescription orders for noncontrolled substances received by electronic means of communication may be dispensed by a pharmacist or pharmacy intern only if all of the following conditions are satisfied:

(a) All electronically transmitted prescription orders shall include the following:

(i) all information that is required to be contained in a prescription order pursuant to Section 58-17a-602;

(ii) the time and date of the transmission, and if a facsimile transmission, the electronically encoded date, time, and fax number of the sender; and

(iii) the name of the pharmacy intended to receive the transmission.

(b) The prescription order shall be transmitted by an authorized prescriber or his designated agent.

(c) The pharmacist shall exercise professional judgment regarding the accuracy and authenticity of the transmitted prescription. The pharmacist is responsible for assuring that each electronically transferred prescription order is valid and shall authenticate a prescription order issued by a licensed prescriber which has been transmitted to the dispensing pharmacy before filling it, whenever there is a question.

(d) An electronically transmitted prescription order that meets the requirements above shall be deemed to be the original prescription.

(3) This section does not apply to the use of electronic equipment to transmit prescription orders within inpatient medical facilities.

(4) No agreement between a prescriber and a pharmacy shall require that prescription orders be transmitted by electronic means from the prescriber to only that pharmacy.

(5) Wholesalers, distributors, manufacturers, pharmacists and pharmacies shall not supply electronic equipment to any prescriber for transmitting prescription orders.

(6) An electronically transmitted prescription order shall be transmitted to the pharmacy of the patient's choice and shall be directed at the option of the patient.

(7) Prescription orders electronically transmitted to the pharmacy by the patient shall not be filled or dispensed.

(8) A prescription order may be transferred between pharmacies by computer but not by facsimile transmission. A prescription must be transmitted by facsimile from the site of origination to the dispensing pharmacy. Transmission by facsimile between pharmacies is not allowed except that a branch pharmacy may fax to its parent pharmacy.

R156-17a-[616]618. Operating Standards - Sterile Pharmaceuticals.

In accordance with Subsection 58-17a-601(1), the following applies with respect to sterile pharmaceuticals:

(1) Pharmacies in general acute hospitals as defined in Title 26 that prepare sterile pharmaceuticals shall conform to the Joint Commission on Accreditation of Healthcare Organization standards, the American Society of Health-System Pharmacists guidelines, or other standards approved by the board and division.

(2) The following standards shall apply to all other pharmacies preparing sterile pharmaceuticals:

(a) Pharmacies are responsible for correct preparation of sterile products, notwithstanding the location of the patient. All

sterile products must be prepared according to the current standards and ethics of the profession.

(b) As a minimum each pharmacy preparing parenteral products shall:

(i) prepare and maintain a policy and procedure manual for the compounding, dispensing and delivery of sterile pharmaceutical prescription drug orders including lot numbers of the components used in compounding sterile prescriptions except for large volume parenterals;

(ii) have a laminar flow hood certified at least annually by an independent contractor;

(iii) have appropriate disposal procedures and containers;

(iv) have biohazard cabinetry when cytotoxic drug products are prepared;

(v) have temperature-controlled delivery container;

(vi) have infusion devices, if appropriate;

(vii) have supplies and other necessary resources adequate to maintain an environment suitable for the aseptic preparation of sterile products;

(viii) have sufficient current reference materials related to sterile products to meet the needs of pharmacy staff; and

(ix) have written procedures requiring sampling for microbial contamination.

(c) The pharmacist-in-charge of each pharmacy preparing parenteral products shall assure that any compounded sterile pharmaceutical be shipped or delivered to a patient in appropriate temperature-controlled delivery containers with appropriate monitors and stored appropriately in the patient's home. If appropriate, the pharmacist must demonstrate or document the patient's or patient's agent's training and competency in managing this type of therapy provided by the pharmacist to the patient in the home environment. A pharmacist must be involved in the patient's or patient's agent's training process in any area that relates to drug compounding, labeling, storage, stability, or incompatibility. The pharmacist must be responsible for seeing that the patient's or patient's agent's competency in the above areas is reassessed on an ongoing basis.

R156-17a-[617]619. Operating Standards - Pharmaceutical Administration Facility.

In accordance with Subsection 58-17a-601(1), the following applies with respect to prescription drugs which are held, stored, or otherwise under the control of a pharmaceutical administration facility for administration to patients:

(1) The licensed pharmacist shall provide consultation on all aspects of pharmacy services in the facility; establish a system of records of receipt and disposition of all controlled substances in sufficient detail to enable an accurate reconciliation; and determine that drug records are in order and that an account of all controlled substances is maintained and periodically reconciled.

(2) Authorized destruction of all prescription drugs shall be witnessed by the medical or nursing director or a designated physician or registered nurse employed in the facility and the supervising pharmacist and must be in compliance with DEA regulations.

(3) Prescriptions for patients in the facility can be verbally requested by a licensed medical practitioner and may be entered as the physician's order; but, the practitioner must personally sign the order in the facility record within 72 hours, if a Schedule II

controlled substance, and within 30 days if another prescription drug. The physician's verbal order may be copied and forwarded to a pharmacy for dispensing and may serve as the pharmacy's record of the prescription order.

(4) Prescriptions for controlled substances for patients in pharmaceutical administration facilities shall be dispensed according to the Utah Controlled Substance Act, Title 58, Chapter 37, and the Controlled Substance Rules of the Division of Occupational and Professional Licensing, R156-37.

(5) Emergency drug kit.

(a) An emergency drug kit may be used by pharmaceutical administration facilities. The emergency drug kit shall be considered to be a physical extension of the pharmacy supplying the emergency drug kit and shall at all times remain under the ownership of that pharmacy.

(b) The contents and quantity of drugs and supplies in the emergency drug kit shall be determined by the Medical Director or Director of Nursing of the pharmaceutical administration facility and the pharmacist-in-charge of the pharmacy.

(c) A copy of the approved list of contents shall be conspicuously posted on or near the kit.

(d) The emergency kit shall be used only for bona fide emergencies and only when medications cannot be obtained from a pharmacy in a timely manner.

(e) Records documenting the receipt and removal of drugs in the emergency kit shall be maintained by the facility and the pharmacy.

(f) The pharmacy shall be responsible for ensuring proper storage, security and accountability of the emergency kit and shall ensure that:

(i) the emergency kit is stored in a locked area and is locked itself; and

(ii) emergency kit drugs are accessible only to licensed physicians, physician assistants, and nurses employed by the facility.

(g) The contents of the emergency kit, the approved list of contents, and all related records shall be made freely available and open for inspection to appropriate representatives of the division and the Utah Department of Health.

R156-17a-620. Operating Standards - Pharmacist Administration - Guidelines.

In accordance with Subsection 58-17a-102(43)(b)(ii)(B), approved written guidelines for outpatient administration of a prescription drug are:

- (1) on a form as prescribed by the Division and Board;
- (2) readily available at each practice site; and
- (3) immediately available to the Division upon request.

R156-17a-621. Operating Standards - Pharmacist Administration - Training.

In accordance with Subsection 58-17a-502(9), appropriate training for administration is defined as follows:

- (1) current CPR certification;
- (2) completion of an injectable administration program which includes didactic and practical training for administration of an injectable drug;
- (3) completion of a program which includes the current guidelines from the Advisory Committee on Immunization Practices

(ACIP) of the United States Center for Disease Control and Prevention for administration of any immunization.

(4) Sources of appropriate training include:

(a) ACPE approved program;

(b) curriculum-based program from an ACPE accredited college of pharmacy;

(c) state or local health department program.

KEY: pharmacists, licensing, pharmacies*

[December 3, 1998]1999

58-17a-101

58-37-1

58-1-106(1)

58-1-202(1)



**Commerce, Occupational and
Professional Licensing
R156-60c
Professional Counselor Licensing Act
Rules**

NOTICE OF PROPOSED RULE

(Amendment)

DAR FILE NO.: 22329

FILED: 08/16/1999, 15:34

RECEIVED BY: NL

RULE ANALYSIS

PURPOSE OF THE RULE OR REASON FOR THE CHANGE: Changes in the rules are being proposed as a result of changes made in the governing statute by the 1999 Legislature which eliminated temporary licensure. Additional changes are being made as a result of Division and Board review. **(DAR Note:** S.B. 195 is found at 1999 Utah Laws 81, and was effective March 17, 1999.)

SUMMARY OF THE RULE OR CHANGE: Deleted references to temporary licensure throughout the rule. In Section R156-60c-302a, changed information to who approves the accrediting of the school rather than to reference a specific publication that lists the approved schools. This change will eliminate the need for the Division to continually update the rule every time a new edition of the publication is released. In Subsection R156-60c-302a(4), a clarification was added regarding additional education taken after a degree was obtained. In Section R156-60c-302c, deleted references to minimum scores on examinations required for licensure. In Sections R156-60c-302b and R156-60c-401, changes were made with respect to approved supervisor requirements as a result of the deletion of temporary licensure. Changes set forth the criteria to be an approved (qualified) supervisor and provide that the Division does not need to preapprove each supervisor before supervision begins. In Section R156-60c-402, added as a duty and responsibility of a supervisor that they assure each supervisee has met the educational

requirements prior to beginning the supervised training period.

STATE STATUTORY OR CONSTITUTIONAL AUTHORIZATION FOR THIS RULE: Section 58-60-401, and Subsections 58-1-106(1) and 58-1-202(1)

ANTICIPATED COST OR SAVINGS TO:

❖THE STATE BUDGET: Minimal cost to the Division to reprint the proposed rules once they are made effective. Any costs incurred will be absorbed by the current Division budget. Also, minimal savings to the Division in not needing to republish the rules every year when the accreditation book referenced in the rules is updated. The elimination of temporary licensure and preapproval of supervisors will allow the Division to utilize personnel resources in other areas.

❖LOCAL GOVERNMENTS: Proposed rules do not apply to local governments; therefore, no costs or savings are anticipated.

❖OTHER PERSONS: The elimination of temporary licensure and preapproval of supervisors will reduce the cost to professional counselor trainees to begin their supervised training, which is required for licensure. An estimated cost savings will be under \$200 per applicant. The number of applicants affected is estimated to be about 300 per year for a total savings of \$60,000 per year.

COMPLIANCE COSTS FOR AFFECTED PERSONS: No increased costs will be incurred as a result of these proposed rules. Only savings are anticipated to professional counselor trainees (see explanation anticipated cost or savings to other persons above).

COMMENTS BY THE DEPARTMENT HEAD ON THE FISCAL IMPACT THE RULE MAY HAVE ON BUSINESSES: The proposed amendments to these rules are primarily the result of legislation during the last session eliminating temporary licensure. In addition, there is a technical change regarding the specification of approved schools as well as clarification regarding additional education undertaken after the license applicant obtained his degree, which will allow an applicant to take certain required qualifying courses without requiring an entire new degree. The proposed changes will have a minimal potential positive impact on the state budget due to elimination of the need to recompile and publish approved schools annually. Elimination of temporary licensure will allow personnel resources now utilized in that process to be redirected elsewhere. There should be no impact on local governments. Elimination of the temporary license and preapproval of supervisors will result in an estimated savings of \$200 per license applicant for a gross savings to the affected professionals of approximately \$60,000 per year (300 applicants annually).

THE FULL TEXT OF THIS RULE MAY BE INSPECTED, DURING REGULAR BUSINESS HOURS, AT:

Commerce
Occupational and Professional Licensing
Fourth Floor, Heber M. Wells Building
160 East 300 South
PO Box 146741
Salt Lake City, UT 84114-6741, or
at the Division of Administrative Rules.

DIRECT QUESTIONS REGARDING THIS RULE TO:

Dan S. Jones at the above address, by phone at (801) 530-6720, by FAX at (801) 530-6511, or by Internet E-mail at brdopl.dsjones@email.state.ut.us.

INTERESTED PERSONS MAY PRESENT THEIR VIEWS ON THIS RULE BY SUBMITTING WRITTEN COMMENTS TO THE ADDRESS ABOVE NO LATER THAN 5:00 P.M. ON 10/01/1999; OR ATTENDING A PUBLIC HEARING SCHEDULED FOR 09/08/1999, 10:00 a.m., 160 East 300 South, Conference Room 428 (Fourth Floor), Salt Lake City, UT.

THIS RULE MAY BECOME EFFECTIVE ON: 10/02/1999

AUTHORIZED BY: A. Gary Bowen, Director

**R156. Commerce, Occupational and Professional Licensing.
R156-60c. Professional Counselor Licensing Act Rules.
R156-60c-102. Definitions.**

In addition to the definitions in Title 58, Chapters 1 and 60, as used in Title 58, Chapters 1 and 60, or these rules:

(1) "Internship" means:

(a) 600 clock hours of supervised counseling experience of which 200 hours must be in the provision of mental health therapy; or

(b) five years of supervised experience engaged in the practice of mental health therapy.

(2) "Practicum" means a supervised counseling experience in an appropriate setting of at least three semester or five quarter hours duration for academic credit.

(3) [~~"Temporary certificate", as used in Section 58-60-116, means a temporary license issued by the division to practice as a professional counselor-temporary under the supervision of an approved supervisor in accordance with Section 58-60-116 and Sections R156-60c-302b and R156-60c-401.~~

~~—(4)—~~"Unprofessional conduct" as defined in Title 58, Chapters 1 and 60 is further defined, in accordance with Subsection 58-1-203(5), in Section R156-60c-502.

R156-60c-302a. Qualifications for Licensure - Education Requirements.

(1) The recognized accredited institution of higher education in Subsection 58-60-405(4) is one which is accredited by a professional[regional-institutional] accrediting body approved by the Council for Higher Education Accreditation of the American Council on Education at the time the applicant obtained the education[identified in the "Accredited Institutions of Postsecondary Education", 1997-98 edition, published for the Commission of Recognition of Postsecondary Accreditation of the American Council on Education].

(2) The core curriculum in Subsection 58-60-405(4)(a) shall consist of the following courses:

(a) a minimum of two semester or three quarter hours shall be in ethical standards, issues, behavior and decision-making;

(b) a minimum of two semester or three quarter hours shall be in professional roles and functions, trends and history, professional preparation standards and credentialing;

(c) a minimum of two semester or three quarter hours shall be in individual theory;

(d) a minimum of two semester or three quarter hours shall be in group theory;

(e) a minimum of six semester or nine quarter hours shall be in human growth and development. Examples are:

- (i) physical, social and psychosocial development;
- (ii) personality development;
- (iii) learning theory and cognitive development;
- (iv) emotional development;
- (v) life-span development;
- (vi) enhancing wellness;
- (vii) human sexuality; and
- (viii) career development;

(f) a minimum of three semester or five quarter hours shall be in cultural foundations. Examples are:

- (i) human diversity;
- (ii) multicultural issues and trends;
- (iii) gender issues;
- (iv) exceptionality;
- (v) disabilities;
- (vi) aging; and
- (vii) discrimination;

(g) a minimum of six semester or nine quarter hours shall be in the application of individual and group therapy and other therapeutic methods and interventions. Examples are:

- (i) building, maintaining and terminating relationships;
- (ii) solution-focused and brief therapy;
- (iii) crisis intervention;
- (iv) prevention of mental illness;
- (v) treatment of specific syndromes;
- (vi) case conceptualization;
- (vii) referral, supportive and follow-up services; and
- (viii) lab not to exceed four semester or six quarter hours;

(h) a minimum of two semester or three quarter hours shall be in psychopathology and DSM classification;

(i) a minimum of two semester or three quarter hours shall be in dysfunctional behaviors. Examples are:

- (i) addictions;
- (ii) substance abuse;
- (iii) cognitive dysfunction;
- (iv) sexual dysfunction; and
- (v) abuse and violence;

(j) a minimum of two semester or three quarter hours shall be in a foundation course in test and measurement theory;

(k) a minimum of two semester or three quarter hours shall be in an advanced course in assessment of mental status;

(l) a minimum of three semester or five quarter hours shall be in research and evaluation. This shall not include a thesis, dissertation, or project, but may include:

- (i) statistics;
- (ii) research methods, qualitative and quantitative;
- (iii) use and interpretation of research data;
- (iv) evaluation of client change; and
- (v) program evaluation;

(m) a minimum of three semester or five quarter hours of practicum as defined in Subsection R156-60c-102(2);

(n) a minimum of six semester or nine quarter hours of internship as defined in Subsection R156-60c-102(1); and

(o) a minimum of 16 semester or 23 quarter hours of course work in the behavioral sciences. No more than six semester or nine quarter hours of credit for thesis, dissertation or project hours shall be counted toward the required core curriculum hours in this subsection. These hours are required beginning January 1, 1997.

(3) The supplemental course work shall consist of formal graduate level work meeting the requirements of Subsections (1) and (2) in regularly offered and scheduled classes. University based directed reading courses may be approved at the discretion of the board.

(4) Professional counseling course work required in the core curriculum pursuant to Subsection 58-60-405(4)(a) may be completed after the applicant received their[post] degree; however, pursuant to Subsection 58-60-405(5), the experience required must be obtained after the complete education requirement has been met.

R156-60c-302b. Qualifications for Licensure - Experience Requirements.

(1) ~~[In accordance with Subsections 58-60-405(5) and (6), each individual entering into supervised professional counselor training under an approved supervisor shall obtain a license as a professional counselor temporary under Section 58-60-116.~~

~~(2) A change in supervisor must be submitted to the Division on forms prescribed by the Division.~~

~~(3) [The professional[Professional] counselor and mental health therapy training [consisting of a minimum of 4,000 hours]qualifying an applicant for licensure as a professional counselor under Subsections 58-60-405(5) and (6)[to be approved by the division in collaboration with the board,] shall:~~

~~(a) be completed in not less than two years;~~

~~(b) be completed while the applicant is an employee of a public or private agency engaged in mental health therapy under the supervision of a[n approved] qualified professional counselor, psychiatrist, psychologist, clinical social worker, registered psychiatric mental health nurse specialist, or marriage and family therapist; and~~

~~(c) be completed under a program of supervision by a mental health therapist meeting the requirements under Sections R156-60c-401 and R156-60c-402.~~

(4) An applicant for licensure as a professional counselor, who is not seeking licensure by endorsement based upon licensure in another jurisdiction, who has completed all or part of the professional counselor and mental health therapy training requirements under Subsection (3) outside the state may receive credit for that training completed outside of the state if it is demonstrated by the applicant that the training completed outside the state is equivalent to and in all respects meets the requirements for training under Subsections 58-60-405(5) and (6), and Subsections R156-60c-302b(3). The applicant shall have the burden of demonstrating by evidence satisfactory to the division and board that the training completed outside the state is equivalent to and in all respects meets the requirements under this Subsection.

R156-60c-302c. Qualifications for Licensure - Examination Requirements.

(1) ~~[The examination requirements which must be met by an]An applicant for licensure as a professional counselor under Subsection 58-60-405(7) must pass the following examinations[are established as follows]:~~

(a) the Utah Professional Counselor Law, Rules and Ethics Examination [~~with a score of at least 75~~];

(b) the National Counseling Examination of the National Board for Certified Counselors [~~with the minimum criterion score as set by the National Board for Certified Counselors~~]; and

(c) the National Clinical Mental Health Counseling Examination of the National Board of Certified Counselors [~~with the minimum criterion score as set by the National Board for Certified Counselors. This examination is required beginning January 1, 1997~~].

R156-60c-401. [Qualifications for Designation as an Approved] Requirements to be Qualified as a Professional Counselor Training Supervisor and Mental Health Therapist Training Supervisor.

[~~To be approved by the division in collaboration with the board as a supervisor of professional counselor and mental health therapy training required under~~] In accordance with Subsections 58-60-405(5) and (6), in order for an individual to be qualified as a professional counselor training supervisor or mental health therapist trainer, the individual shall have the following qualifications:

(1) be currently licensed in good standing in a profession set forth for a supervisor under Subsection 58-60-405(5) in the state in which the supervised training is being performed; and

(2) have engaged in lawful [~~demonstrate~~] practice as a licensee engaged in the practice of mental health therapy for not less than 4,000 hours in a period of not less than two years prior to beginning supervision activities. [~~or equivalent experience as approved by the division and board;~~

~~(3) if providing supervision within the state, submit an application on forms available from the division and be approved as a supervisor by the division in collaboration with the board prior to engaging in supervision of training required for licensure; and~~

~~(4) if supervision was provided outside the state, submit evidence of qualifications as a supervisor on forms available from the division providing evidence that during the period of supervision of an applicant for licensure, that the supervisor in all respects met the qualifications for a supervisor within the state under this section.]~~

R156-60c-402. Duties and Responsibilities of a Supervisor of Professional Counselor and Mental Health Therapy Training.

The duties and responsibilities of a licensee providing supervision to an individual completing supervised professional counselor and mental health therapy training requirements for licensure as a professional counselor are to:

(1) be professionally responsible for the acts and practices of the supervisee which are a part of the required supervised training;

(2) be engaged in a relationship with the supervisee in which the supervisor is independent from control by the supervisee and in which the ability of the supervisor to supervise and direct the practice of the supervisee is not compromised;

(3) be available for advice, consultation, and direction consistent with the standards and ethics of the profession and the requirements suggested by the total circumstances including the supervisee's level of training, diagnosis of patients, and other factors known to the supervisee and supervisor;

(4) provide periodic review of the client records assigned to the supervisee;

(5) comply with the confidentiality requirements of Section 58-60-114;

(6) monitor the performance of the supervisee for compliance with laws, standards, and ethics applicable to the practice of professional counseling and report violations to the division;

(7) supervise only a supervisee who is an employee of a public or private mental health agency;

(8) submit appropriate documentation to the division with respect to all work completed by the supervisee evidencing the performance of the supervisee during the period of supervised professional counselor and mental health therapy training, including the supervisor's evaluation of the supervisee's competence in the practice of professional counseling and mental health therapy; [~~and~~]

(9) supervise not more than three supervisees at any given time unless approved by the board and division; and

(10) assure each supervisee has met the educational requirement as outlined in Subsection 58-60-405(4) and R156-60c-302a prior to beginning the supervised training of the supervisee as required under Subsection 58-60-405(5).

KEY: licensing, counselors, mental health, professional counselors*
[August 20, 1998]1999

58-60-401
58-1-106(1)
58-1-202(1)



Environmental Quality, Solid and Hazardous Waste
R315-301-2
Definitions

NOTICE OF PROPOSED RULE
(Amendment)

DAR FILE NO.: 22305
FILED: 08/13/1999, 12:03
RECEIVED BY: NL

RULE ANALYSIS

PURPOSE OF THE RULE OR REASON FOR THE CHANGE: As a result of recent changes in the Utah Waste Tire Recycling Act, a new definition is added to the rule. Also, specific points are clarified in two other definitions.

SUMMARY OF THE RULE OR CHANGE: The definition of the term "waste tire storage facility" is added to the rule, and the definitions of "municipal landfill" and "municipal solid waste" are clarified.

STATE STATUTORY OR CONSTITUTIONAL AUTHORIZATION FOR THIS RULE: Sections 19-6-105, 19-6-108, and 19-6-109
FEDERAL REQUIREMENT FOR THIS RULE: 40 CFR 258 (1998)

ANTICIPATED COST OR SAVINGS TO:

❖THE STATE BUDGET: Since the proposed rule changes will not affect state entities, there will be no cost or savings impact to the state budget.

❖LOCAL GOVERNMENTS: Since the actual requirements of the rule will not change, there will be no cost or savings impact to local governments that own or operate solid waste facilities.

❖OTHER PERSONS: Since the actual requirements of the rule will not change, there will be no cost or savings impact to other persons who own or operate solid waste facilities.

COMPLIANCE COSTS FOR AFFECTED PERSONS: The actual requirements of the rule will not change, therefore, there will be no change in compliance costs for affected persons beyond the current statutory and regulatory impact. However, the addition of the definition of the term "waste tire storage facility" is the basis for changes in Rules R315-310 and R315-314, which will cause changes in compliance costs for affected persons.

COMMENTS BY THE DEPARTMENT HEAD ON THE FISCAL IMPACT THE RULE MAY HAVE ON BUSINESSES: Since the actual requirements of the rule are not changed, the proposed changes in the rule have no fiscal impact on businesses beyond the current statutory and regulatory impact--Dianne R. Nielson

THE FULL TEXT OF THIS RULE MAY BE INSPECTED, DURING REGULAR BUSINESS HOURS, AT:

Environmental Quality
Solid and Hazardous Waste
Cannon Health Building
288 North 1460 West
PO Box 144880
Salt Lake City, UT 84114-4880, or
at the Division of Administrative Rules.

DIRECT QUESTIONS REGARDING THIS RULE TO:

Carl E. Wadsworth at the above address, by phone at (801) 538-6170, by FAX at (801) 538-6715, or by Internet E-mail at eqshw.cwadswor@state.ut.us.

INTERESTED PERSONS MAY PRESENT THEIR VIEWS ON THIS RULE BY SUBMITTING WRITTEN COMMENTS TO THE ADDRESS ABOVE NO LATER THAN 5:00 P.M. ON 10/01/1999.

THIS RULE MAY BECOME EFFECTIVE ON: 10/15/1999

AUTHORIZED BY: Dennis R. Downs, Executive Secretary

R315. Environmental Quality, Solid and Hazardous Waste.
R315-301. Solid Waste Authority, Definitions, and General Requirements.
R315-301-2. Definitions.

Terms used in Rules R315-301 through R315-320 are defined in Sections 19-1-103 and 19-6-102. In addition, for the purpose of Rules R315-301 through 320, the following definitions apply.

(1) "Active area" means that portion of a facility where solid waste recycling, reuse, treatment, storage, or disposal operations are being conducted.

(2) "Airport" means a public-use airport open to the public without prior permission and without restrictions within the physical capacities of available facilities.

(3) "Aquifer" means a geological formation, group of formations, or portion of a formation that contains sufficiently saturated permeable material to yield useable quantities of ground water to wells or springs.

(4) "Areas susceptible to mass movement" means those areas of influence, characterized as having an active or substantial possibility of mass movement, where the movement of earth material at, beneath, or adjacent to the landfill unit, because of natural or human-induced events, results in the downslope transport of soil and rock material by means of gravitational influence. Areas of mass movement include landslides, avalanches, debris slides and flows, soil fluctuation, block sliding, and rock falls.

(5) "Asbestos Waste" means friable asbestos, which is any material containing more than 1% asbestos as determined using the method specified in Appendix A, 40 CFR Part 763.1, 1991 ed., which is adopted and incorporated by reference, that when dry, can be crumbled, pulverized, or reduced to powder by hand pressure.

(6) "Background concentration" means the concentration of a contaminant in ground water upgradient or a lateral hydraulically equivalent point from a facility, practice, or activity, and which has not been affected by that facility, practice, or activity.

(7) "Class I landfill" means a municipal landfill or a commercial landfill solely under contract with a local government taking municipal waste generated within the boundaries of the local government and receiving, on a yearly average, over 20 tons of solid waste per day.

(8) "Class II landfill" means a municipal landfill or a commercial landfill solely under contract with a local government taking municipal waste generated within the boundaries of the local government and receiving, on a yearly average, 20 tons, or less, of solid waste per day.

(9) "Class III landfill" means a non-commercial landfill that is to receive only industrial solid waste, but excluding farms and ranches.

(10) "Class IV landfill" means a landfill that is to receive only construction/demolition waste, yard waste, inert waste, dead animals, or upon meeting the requirements of Section 26-32a-103.5 and Section R315-320-3, waste tires and materials derived from waste tires.

(11) "Class V landfill" means a commercial landfill which receives any nonhazardous solid waste for disposal. Class V landfill does not include a landfill that is solely under contract with a local government within the state to dispose of nonhazardous solid waste generated within the boundaries of the local government.

(12) "Closed facility" means any facility that no longer receives solid waste and has completed an approved closure plan, and any landfill on which an approved final cover has been installed.

(13) "Commercial solid waste" means all types of solid waste generated by stores, offices, restaurants, warehouses, and other nonmanufacturing activities, excluding household waste and industrial wastes.

(14) "Composite liner" means a liner system consisting of two components: the upper component consisting of a synthetic flexible membrane liner, and the lower component consisting of a layer of

compacted soil. The composite liner must have the synthetic flexible membrane liner installed in direct and uniform contact with the compacted soil component and be constructed of specified materials and compaction to meet specified permeabilities.

(15) "Composting" means a method of solid waste management whereby the organic component of the waste stream is biologically decomposed under controlled conditions to a state in which the end product or compost can be safely handled, stored, or applied to the land without adversely affecting human health or the environment.

(16) "Construction/demolition waste" means waste from building materials, packaging, and rubble resulting from construction, remodeling, repair, and demolition operations on pavements, houses, commercial buildings, and other structures. Such waste may include: bricks, concrete, other masonry materials, soil, asphalt, rock, untreated lumber, rebar, and tree stumps. It does not include asbestos, contaminated soils or tanks resulting from remediation or clean-up at any release or spill, waste paints, solvents, sealers, adhesives, or similar hazardous or potentially hazardous materials.

(17) "Contaminant" means any physical, chemical, biological, or radiological substance or matter in water or soil which is a result of human activity.

(18) "Displaced or displacement" means the relative movement of any two sides of a fault measured in any direction.

(19) "Drop box facility" means a facility used for the placement of a large detachable container or drop box for the collection of solid waste for transport to a solid waste disposal facility. The facility includes the area adjacent to the containers for necessary entrance, exit, unloading, and turn-around areas. Drop box facilities normally serve the general public with uncompacted loads and receive waste from off-site. Drop box facilities do not include residential or commercial waste containers on the site of waste generation.

(20) "Energy recovery" means the recovery of energy in a useable form from incineration, burning, or any other means of using the heat of combustion of solid waste that involves high temperature (above 1200 degrees Fahrenheit) processing.

(21) "Existing facility" means any facility that was receiving solid waste on or before July 15, 1993.

(22) "Expansion of a solid waste disposal facility" means any lateral or vertical expansion beyond or above the boundaries outlined in the initial permit application. Where no boundaries were designated in the disposal facility permit, expansion shall apply to all new land purchased or acquired after the effective date of these rules.

(23) "Facility" means all contiguous land, structures, other appurtenances, and improvements on the land used for treating, storing, or disposing of solid waste. A facility may consist of several treatment, storage, or disposal operational units, e.g., one or more incinerators, landfills, container storage areas, or combinations of them.

(24) "Floodplain" means the land which has been or may be hereafter covered by flood water which has a 1% chance of occurring any given year. The flood is also referred to as the base flood or 100-year flood.

(25) "Free liquids" means liquids which readily separate from the solid portion of a waste under ambient temperature and pressure or as determined by EPA test method 9095 (Paint Filter Liquids

Test) as provided in EPA Report SW-846 "Test Methods for Evaluating Solid Waste" third edition, November 1986, as revised December 1987 which is adopted and incorporated by reference.

(26) "Garbage" means discarded animal and vegetable wastes and animal and vegetable wastes resulting from the handling, preparation, cooking and consumption of food, and of such a character and proportion as to be capable of attracting or providing food for vectors. Garbage does not include sewage and sewage sludge.

(27) "Ground water" means subsurface water which is in the zone of saturation including perched ground water.

(28) "Ground water quality standard" means a standard for maximum allowable contamination in ground water as set by Section R315-308-4.

(29) "Hazardous waste" means hazardous waste as defined by Subsection 19-6-102(9) and Section R315-2-3.

(30) "Holocene fault" means a fracture or zone of fractures along which rocks on one side of the fracture have been displaced with respect to those on the other side, which has occurred in the most recent epoch of the Quaternary period extending from the end of the Pleistocene, approximately 11,000 years ago, to the present.

(31) "Household size" means a container for a material or product that is normally and reasonably associated with households or household activities. The containers are of a size and design to hold materials or products generally for immediate use and not for storage, five gallons or less in size.

(32) "Household waste" means any solid waste, including garbage, trash, and sanitary waste in septic tanks, derived from households including single and multiple residences, hotels, motels, bunkhouses, ranger stations, crew quarters, campgrounds, picnic grounds, and day-use recreation areas.

(33) "Incineration" means a controlled thermal process by which solid wastes are physically or chemically altered to gas, liquid, or solid residues which are also regulated solid wastes. Incineration does not include smelting operations where metals are reprocessed or the refining, processing, or the burning of used oil for energy recovery as described in Rule R315-15.

(34) "Industrial solid waste" means any solid waste generated at a manufacturing or other industrial facility that is not a hazardous waste. Industrial solid waste includes waste resulting from the following manufacturing processes and associated activities: electric power generation; fertilizer or agricultural chemicals; food and related products or by-products; inorganic chemicals; iron and steel manufacturing; leather and leather products; nonferrous metals manufacturing or foundries; organic chemicals; plastics and resins manufacturing; pulp and paper industry; rubber and miscellaneous plastic products; stone, glass, clay, and concrete products; textile manufacturing; transportation equipment; and water treatment. This term does not include mining waste; oil and gas waste; or other waste excluded by Subsection 19-6-102(17)(b).

(35) "Industrial solid waste facility" means a facility which receives only industrial solid waste from on-site or off-site sources for disposal.

(36) "Inert waste" means noncombustible, nonhazardous solid wastes that retain their physical and chemical structure under expected conditions of disposal, including resistance to biological or chemical attack.

(37) "Landfill" means a disposal facility where solid waste is placed in or on the land and which is not a landtreatment facility or surface impoundment.

(38) "Landtreatment, landfarming, or landspreading facility" means a facility or part of a facility where solid waste is applied onto or incorporated into the soil surface for the purpose of biodegradation.

(39) "Lateral expansion of a solid waste disposal facility" means any horizontal expansion of the waste boundaries of an existing landfill cell, module, or unit or expansions not consistent with past normal operating practices.

(40) "Lateral hydraulically equivalent point" means a point located hydraulically equal to a facility and in the same ground water with similar geochemistry such that the ground water, at that point, has not been affected by the facility.

(41) "Leachate" means a liquid that has passed through or emerged from solid waste and may contain soluble, suspended, miscible, or immiscible materials removed from such waste.

(42) "Lithified earth material" means all rock, including all naturally occurring and naturally formed aggregates or masses of minerals or small particles of older rock that formed by crystallization of magma or by induration of loose sediments. This term does not include human-made materials, such as fill, concrete and asphalt, or unconsolidated earth materials, soil, or regolith lying at or near the earth surface.

(43) "Lower explosive limit" means the lowest percentage by volume of a mixture of explosive gases which will propagate a flame in air at 25 degrees Celsius (77 degrees Fahrenheit) and atmospheric pressure.

(44) "Maximum horizontal acceleration in lithified earth material" means the maximum expected horizontal acceleration depicted on a seismic hazard map, with a 90% or greater probability that the acceleration will not be exceeded in 250 years, or the maximum expected horizontal acceleration based on site specific seismic risk assessment.

(45) "Municipal landfill" means a landfill that is not for profit and is either owned and operated by a local government or a government entity such as a city, town, county, service district, or an entity created by interlocal agreement of local governments, or is solely under contract with a local government or government entity. ~~[-The landfill accepts, for disposal, the nonhazardous solid waste, including municipal solid waste, generated within the jurisdictional boundaries of the local government or government entity.]~~

(46) "Municipal solid waste" means household waste, commercial solid waste, and non-hazardous sludge, ~~and exempt small quantity generator waste~~.

(47) "New facility" means any facility that begins receiving solid waste after July 15, 1993.

(48) "Off-site" means any site which is not on-site.

(49) "On-site" means the same or geographically contiguous property which may be divided by public or private right-of-way, provided that the entrance and exit between the properties is at a cross-roads intersection, and access is by crossing, as opposed to going along the right-of-way. Property separated by a private right-of-way, which the site owner or operator controls, and to which the public does not have access, is also considered on-site property.

(50) "Operator" means the person, as defined by Subsection 19-1-103(4), responsible for the overall operation of a facility.

(51) "Owner" means the person, as defined by Subsection 19-1-103(4), who owns a facility or part of a facility.

(52) "PCB" ~~or~~ ~~and~~ "PCBs" means any chemical substance that is limited to the biphenyl molecule that has been chlorinated to varying degrees or any combination of materials which contain such substances.

(53) "Permeability" means the ease with which a porous material allows water and the solutes contained therein to flow through it. This is usually expressed in units of centimeters per second (cm/sec) and termed hydraulic conductivity. Soils and synthetic liners with a permeability for water of 1×10^{-7} cm/sec or less may be considered impermeable.

(54) "Permit" means the plan approval as required by Subsection 19-6-108(3)(a), or equivalent control document issued by the Executive Secretary to implement the requirements of the Utah Solid and Hazardous Waste Act.

(55) "Pile" means any noncontainerized accumulation of solid waste that is used for treatment or storage.

(56) "Poor foundation conditions" means those areas where features exist which indicate that a natural or human-induced event may result in inadequate foundation support for the structural components of a landfill unit.

(57) "Putrescible" means organic material subject to decomposition by microorganisms.

(58) "Qualified ground water scientist" means a scientist or engineer who has received a baccalaureate or post-graduate degree in the natural sciences or engineering and has sufficient training and experience in ground water hydrology and related fields as may be demonstrated by state registration, professional certification, or completion of accredited university programs that enable that individual to make sound professional judgements regarding ground water monitoring, contaminant fate and transport, and corrective action.

(59) "Recycling" means extracting valuable materials from the waste stream and transforming or remanufacturing them into ~~useable~~ usable materials that have a demonstrated or potential market.

(a) Recycling does not include processes that generate such volumes of material that no market exists for the material.

(b) Any part of the waste stream entering a recycling facility and subsequently returned to a waste stream or disposed has the same regulatory designation as the original waste.

(c) Recycling includes the substitution of nonhazardous solid waste fuels for conventional fuels (such as coal, natural gas, and petroleum products) for the purpose of generating the heat necessary to manufacture a product.

(60) "Recyclable materials" means those solid wastes that can be recovered from or otherwise diverted from the waste stream for the purpose of recycling, such as metals, paper, glass, and plastics.

(61) "Run-off" means any rainwater, leachate, or other liquid that has contacted solid waste and drains over land from any part of a facility.

(62) "Run-on" means any rainwater, leachate, or other liquid that drains over land onto the active area of a facility.

(63) "Scavenging" means the uncontrolled removal of solid waste from a facility.

(64) "Seismic impact zone" means an area with a 10% or greater probability that the maximum horizontal acceleration in

lithified earth material, expressed as a percentage of the earth's gravitational pull, will exceed 0.10g in 250 years.

(65) "Septage" means a semisolid consisting of settled sewage solids combined with varying amounts of water and dissolved materials generated from septic tank systems.

(66) "Sharps" means any discarded or contaminated article or instrument from a health facility that may cause puncture or cuts. Such waste may include needles, syringes, blades, needles with attached tubing, pipettes, pasteurs, broken glass, and blood vials.

(67) "Sludge" means any solid, semisolid, or liquid waste, including grit and screenings generated from a:

- (a) municipal, commercial, or industrial waste water treatment plant;
- (b) water supply treatment plant;
- (c) car wash facility;
- (d) air pollution control facility; or
- (e) any other such waste having similar characteristics.

(68) "Solid waste disposal facility" means a facility or part of a facility at which solid waste is received from on-site or off-site sources and intentionally placed into or on land and at which waste, if allowed by permit, may remain after closure. Solid waste disposal facilities include landfills, incinerators, and land treatment areas.

(69) "Solid waste incinerator facility" means a facility at which solid waste is received from on-site or off-site sources and is subjected to the incineration process. An incinerator facility that incinerates solid waste for any reason, including energy recovery, volume reduction, or to render it non-infectious, is a solid waste incinerator facility and is subject to Rules R315-301 through 320.

(70) "Special waste" means discarded materials which may require special handling or may pose a threat to public safety, human health, or the environment. Special waste may include ash, automobile bodies, furniture and appliances, infectious waste, tires, dead animals, asbestos, industrial waste, wastes exempt from the hazardous waste classifications under the Federal Resource Conservation and Recovery Act, U.S.C., Section 6901, et seq., PCBs, and sludge.

(71) "State" means the State of Utah.

(72) "Structural components" means liners, leachate collection systems, final covers, run-on or run-off systems, and any other component used in the construction and operation of a landfill that is necessary for the protection of human health and the environment.

(73) "Surface impoundment or impoundment" means a facility or part of a facility which is a natural topographic depression, human-made excavation, or diked area formed primarily of earthen materials, although it may be lined with synthetic materials, which is designed to hold an accumulation of liquid waste or waste containing free liquids, and which is not an injection well. Examples of surface impoundments are holding, storage, settling, and aeration pits, ponds, and lagoons.

(74) "Transfer station" means a permanent, fixed, supplemental collection and transportation facility used by persons and route collection vehicles to deposit collected solid waste from off-site into a larger transfer vehicle for transport to a solid waste handling or disposal facility.

(75) "Transport vehicle" means a vehicle capable of hauling large amounts of solid waste such as a truck, packer, or trailer that

may be used by refuse haulers to transport solid waste from the point of generation to a transfer station or a disposal facility.

(76) "Twenty-five year storm" means a 24-hour storm of such intensity that it has a 4% probability of being equalled or exceeded any given year. The storm could result in what is referred to as a 25-year flood.

(77) "Unit boundary" means a vertical surface located at the hydraulically downgradient limit of a landfill unit or other solid waste disposal facility unit which is required to monitor ground water. This vertical surface extends down into the ground water.

(78) "Unstable area" means a location that is susceptible to natural or human induced events or forces capable of impairing the integrity of some or all of the landfill structural components responsible for preventing releases from a facility. Unstable areas can include poor foundation conditions, areas susceptible to mass movements, and karst terrains.

(79) "Vadose zone" means the zone of aeration including soil and capillary water. The zone is bound above by the land surface and below by the water table.

(80) "Vector" means a living animal including insect or other arthropod which is capable of transmitting an infectious disease from one organism to another.

(81) "Washout" means the carrying away of solid waste by waters of a base or 100-year flood.

(82) "Waste tire storage facility" or "waste tire pile" means any site where more than 1,000 waste tires or 1,000 passenger tire equivalents are stored on the ground.

(a) A waste tire storage facility includes:

(i) whole waste tires used as a fence;

(ii) whole waste tires used as a windbreak; and

(iii) waste tire generators where more than 1,000 waste tires are held.

(b) A waste tire storage facility does not include:

(i) a site where waste tires are stored exclusively in buildings or in trailers;

(ii) if whole waste tires are stored for five or fewer days, the site of a registered tire recycler or a processor for a registered tire recycler;

(iii) a permitted solid waste disposal facility that stores whole tires in piles for not longer than one year;

(iv) a staging area where tires are temporarily placed on the ground, not stored, to accommodate activities such as sorting, assembling, or loading or unloading of trucks; or

(v) a site where waste tires or material derived from waste tires are stored for five or fewer days and are used for ballast to maintain covers on agricultural materials or to maintain covers at a construction site or are to be recycled or applied to a beneficial use.

(c) Tires attached to a vehicle are not considered waste tires until they are removed from the vehicle.

~~(82)~~(83) "Wetlands" means those areas that are inundated or saturated by surface or ground water at a frequency and duration sufficient to support, and under normal conditions do support, a prevalence of vegetation typically adapted for life in saturated soil conditions. Wetlands generally include swamps, marshes, bogs, and similar areas.

~~(83)~~(84) "Yard waste" means vegetative matter resulting from landscaping, land maintenance, and land clearing operations including grass clippings, prunings, and other discarded material generated from yards, gardens, parks, and similar types of facilities.

Yard waste does not include garbage, paper, plastic, sludge, septage, or manure.

KEY: solid waste management, waste disposal
~~[March 15,]1999~~ **19-6-105**
 Notice of Continuation April 2, 1998 **19-6-108**
19-6-109
40 CFR 258



**Environmental Quality, Solid and
 Hazardous Waste
 R315-306-1
 Applicability**

NOTICE OF PROPOSED RULE
 (Amendment)
 DAR FILE NO.: 22306
 FILED: 08/13/1999, 12:03
 RECEIVED BY: NL

RULE ANALYSIS

PURPOSE OF THE RULE OR REASON FOR THE CHANGE: The rule is changed to exempt facilities that incinerate or cremate exclusively human or animal remains from the energy recovery and incinerator requirements. Formerly, Rule R315-304 regulated all industrial solid waste facilities, including landfills and incinerators. Recent changes in Rule R315-304 made the rule applicable only to landfills. Therefore, incinerators that incinerate industrial solid waste will now be regulated by Rule R315-306.

SUMMARY OF THE RULE OR CHANGE: The rule change will exempt facilities that incinerate or cremate exclusively human or animal remains from the requirements of Rule R315-306. Also, the rule is changed to become applicable to incinerators that incinerate industrial solid waste.

STATE STATUTORY OR CONSTITUTIONAL AUTHORIZATION FOR THIS RULE: Sections 19-6-104, 19-6-105, and 19-6-108

ANTICIPATED COST OR SAVINGS TO:
 ❖**THE STATE BUDGET:** State entities that own or operate facilities that incinerate or cremate exclusively human or animal remains will not be required to obtain a permit or to meet the requirements of Rule R315-306. Therefore, these state entities should experience a substantial cost savings. The aggregate cost savings cannot be estimated since the number of these facilities is not known and because of the great variation in permitting costs for individual facilities.
 ❖**LOCAL GOVERNMENTS:** Local governments that own or operate facilities that incinerate or cremate exclusively human or animal remains will not be required to obtain a

permit or to meet the requirements of Rule R315-306. Therefore, these local governments should experience a substantial cost savings. The aggregate cost savings cannot be estimated since the number of these facilities is not known and because of the great variation in permitting costs for individual facilities.

❖**OTHER PERSONS:** Other persons that own or operate facilities that incinerate or cremate exclusively human or animal remains will not be required to obtain a permit or to meet the requirements of Rule R315-306. Therefore, these persons should experience a substantial cost savings. The aggregate cost savings cannot be estimated since the number of these facilities is not known and because of the great variation in permitting costs for individual facilities. Incinerators that incinerate industrial waste will now be regulated by Rule R315-306 instead of Rule R315-304, with the requirements remaining the same. Therefore, industries that own or operate incinerators of industrial waste will experience no costs beyond current statutory or regulatory costs.

COMPLIANCE COSTS FOR AFFECTED PERSONS: The owners or operators of facilities that incinerate or cremate exclusively human or animal remains will not incur the costs for permitting and meeting the requirements of Rule R315-306. The only cost savings that can currently be estimated are the application and review fees that would be charged by the Division of Solid and Hazardous Waste. The application fee is \$1,000 for a noncommercial incinerator and \$5,000 for a commercial incinerator. The Division charges \$60 per hour to review a permit application and it is estimated that approximately 24 hours would be required to review an application for a permit to operate an incinerator. The total cost savings for affected persons cannot be estimated because of the great variation in the costs for individual facilities to prepare a permit application. Also, there will be no change in compliance costs for affected persons who own or operate industrial waste incinerators beyond the current statutory and regulatory impact since the requirements for these incinerators have not changed.

COMMENTS BY THE DEPARTMENT HEAD ON THE FISCAL IMPACT THE RULE MAY HAVE ON BUSINESSES: Businesses that own or operate facilities that incinerate or cremate exclusively human or animal remains should experience a substantial cost savings associated with preparing a permit application and completing the permitting process. Since the actual requirements have not changed, businesses that own industrial waste incinerators should experience no fiscal impact beyond the current statutory and regulatory impact--Dianne R. Nielson

THE FULL TEXT OF THIS RULE MAY BE INSPECTED, DURING REGULAR BUSINESS HOURS, AT:
 Environmental Quality
 Solid and Hazardous Waste
 Cannon Health Building
 288 North 1460 West
 PO Box 144880
 Salt Lake City, UT 84114-4880, or
 at the Division of Administrative Rules.

DIRECT QUESTIONS REGARDING THIS RULE TO:
Carl E. Wadsworth at the above address, by phone at (801) 538-6170, by FAX at (801) 538-6715, or by Internet E-mail at eqshw.cwadswor@state.ut.us.

INTERESTED PERSONS MAY PRESENT THEIR VIEWS ON THIS RULE BY SUBMITTING WRITTEN COMMENTS TO THE ADDRESS ABOVE NO LATER THAN 5:00 P.M. ON 10/01/1999.

THIS RULE MAY BECOME EFFECTIVE ON: 10/15/1999

AUTHORIZED BY: Dennis R. Downs, Executive Secretary

R315. Environmental Quality, Solid and Hazardous Waste.
R315-306. Energy Recovery and Incinerator Standards.
R315-306-1. Applicability.

(1) These standards apply to any energy recovery and incinerator facility as specified in Subsections R315-306-2(1) and R315-306-3(1).

(2) These standards do not apply to:

- (a) an incineration facility which is required to obtain a state or federal hazardous waste plan approval;
- (b) a facility burning only untreated woodwaste;
- (c) the flaring of gases recovered at a landfill; or
- (d) a facility that incinerates or cremates exclusively human or animal remains[industrial solid waste facilities].

KEY: solid waste management, waste disposal
[November 16, 1998]1999
Notice of Continuation April 2, 1998

19-6-104
19-6-105
19-6-108

◆ **Environmental Quality, Solid and Hazardous Waste** ◆
R315-308
Ground Water Monitoring Requirements

NOTICE OF PROPOSED RULE
(Amendment)
DAR FILE NO.: 22307
FILED: 08/13/1999, 12:03
RECEIVED BY: NL

RULE ANALYSIS

PURPOSE OF THE RULE OR REASON FOR THE CHANGE: The rule is changed to increase flexibility in the schedule for collecting the information to establish the background concentrations of groundwater constituents; to clarify the information on the results of ground water monitoring that must be submitted by a solid waste disposal facility as part of the annual report; and, as a result of new information, the ground water

protection standard for several constituents listed in Section R315-308-4 is updated.

SUMMARY OF THE RULE OR CHANGE: The rule is changed to allow increased flexibility in the schedule for collecting the information required to establish background concentrations for ground water constituents at a solid waste disposal facility; the information that must be submitted in the annual report on the ground water monitoring at a solid waste disposal facility is clarified; and the ground water protection standard for several constituents is updated as a result of new information.

STATE STATUTORY OR CONSTITUTIONAL AUTHORIZATION FOR THIS RULE: Section 19-6-105
FEDERAL REQUIREMENT FOR THIS RULE: 40 CFR 258 (1998)

ANTICIPATED COST OR SAVINGS TO:

❖THE STATE BUDGET: Since the proposed changes to the rule do not affect state agencies, there will be no cost or savings impact to the state budget.

❖LOCAL GOVERNMENTS: There may be a minimal increase in costs of record keeping and reporting for local governments that own or operate landfills that are required to monitor ground water. The anticipated aggregate increase in cost cannot be estimated because of the variation in record keeping and reporting practices at individual facilities.

❖OTHER PERSONS: There may be a minimal increase in costs of record keeping and reporting for other persons that own or operate landfills that are required to monitor ground water. The anticipated aggregate increase in cost cannot be estimated because of the variation in record keeping and reporting practices at individual facilities.

COMPLIANCE COSTS FOR AFFECTED PERSONS: Affected persons that own or operate landfills that are required to monitor ground water and do not currently provide the ground water monitoring results as specified in the proposed rule change may experience a minimal increase in costs. The cost increase will be associated with record keeping, organizing the records, and preparing the annual report. It is estimated that no more than two hours of increased time, once each year, will be required to collect and organize the required ground water monitoring information and complete the annual report. The increase in costs for affected persons cannot be estimated because of the variation in record keeping and reporting practices at individual facilities.

COMMENTS BY THE DEPARTMENT HEAD ON THE FISCAL IMPACT THE RULE MAY HAVE ON BUSINESSES: There may be a slight increase in record keeping and reporting costs to businesses that own or operate landfills that are required to monitor the ground water if they currently do not report the ground water monitoring results as specified in the proposed rule change--Dianne R. Nielson

THE FULL TEXT OF THIS RULE MAY BE INSPECTED, DURING REGULAR BUSINESS HOURS, AT:
Environmental Quality
Solid and Hazardous Waste
Cannon Health Building
288 North 1460 West

PO Box 144880
Salt Lake City, UT 84114-4880, or
at the Division of Administrative Rules.

DIRECT QUESTIONS REGARDING THIS RULE TO:

Carl E. Wadsworth at the above address, by phone at (801) 538-6170, by FAX at (801) 538-6715, or by Internet E-mail at eqshw.cwadswor@state.ut.us.

INTERESTED PERSONS MAY PRESENT THEIR VIEWS ON THIS RULE BY SUBMITTING WRITTEN COMMENTS TO THE ADDRESS ABOVE NO LATER THAN 5:00 P.M. ON 10/01/1999.

THIS RULE MAY BECOME EFFECTIVE ON: 10/15/1999

AUTHORIZED BY: Dennis R. Downs, Executive Secretary

R315. Environmental Quality, Solid and Hazardous Waste.

R315-308. Ground Water Monitoring Requirements.

R315-308-1. Applicability.

(1) Each existing landfill, pile, or landtreatment disposal facility that is required to perform ground water monitoring shall comply with the ground water monitoring requirements according to the compliance schedule as established by the Executive Secretary during the permitting or the permit renewal process.

(2) Each new landfill, pile, or landtreatment disposal facility that is required to perform ground water monitoring shall have the ground water monitoring system complete and operational before waste may be accepted at the facility.

(3) Ground water monitoring requirements may be [~~suspended~~waived] by the Executive Secretary if the owner or operator of a solid waste disposal facility can demonstrate that there is no potential for migration of hazardous constituents from the facility to the ground water during the active life of the facility and the post-closure care period. This demonstration must be certified by a qualified ground-water scientist and approved by the Executive Secretary, and must be based upon:

(a) site-specific field collected measurements, sampling, and analysis of physical, chemical, and biological processes affecting contaminant fate and transport; and

(b) contaminant fate and transport predictions that maximize contaminant migration and consider impacts on human health and the environment.

(4) Once a ground water monitoring system and program has been established at a disposal facility, ground water monitoring shall continue to be conducted throughout the active life, closure, and post-closure care periods as specified by the Executive Secretary.

R315-308-2. Ground Water Monitoring Requirements.

(1) The ground water monitoring system must consist of at least one background or upgradient well and two downgradient wells, installed at appropriate locations and depths to yield ground water samples from the uppermost aquifer and all hydraulically connected aquifers below the facility, cell, or unit. The downgradient wells shall be designated as the point of compliance and must be installed at the closest practicable distance hydraulically down gradient from the unit boundary not to exceed

150 meters (500 feet) and must also be on the property of the owner or operator:

(a) the upgradient well must represent the quality of background water that has not been affected by leakage from the active area; and

(b) the downgradient wells must represent the quality of ground water passing the point of compliance. Additional wells may be required by the Executive Secretary in complicated hydrogeological settings or to define the extent of contamination detected.

(2) All monitoring wells must be cased in a manner that maintains the integrity of the monitoring well bore hole. This casing must allow collection of representative ground water samples. Wells must be constructed in such a manner as to prevent contamination of the samples, the sampled strata, and between aquifers and water bearing strata. All monitoring wells and all other devices and equipment used in the monitoring program must be operated and maintained so that they perform to design specifications throughout the life of the monitoring program.

(3) The ground water monitoring program must include at a minimum, procedures and techniques for:

(a) well construction and completion;

(b) decontamination of drilling and sampling equipment;

(c) sample collection;

(d) sample preservation and shipment;

(e) analytical procedures and quality assurance;

(f) chain of custody control; and

(g) procedures to ensure employee health and safety during well installation and monitoring.

(4) Each facility shall have a state certified laboratory complete tests, using methods with appropriate detection levels, as specified in the approved ground water monitoring plan, on samples for the following:

(a) during the first year of facility operation after wells are installed or an alternative schedule as approved by the Executive Secretary, a minimum of eight independent samples from the upgradient and four independent samples from each downgradient well for all parameters listed in Section R315-308-4 to establish background concentrations;

(b) after background levels have been established, a minimum of one sample, semiannually, from each well, background and downgradient, for all parameters listed in Section R315-308-4 as a detection monitoring program;

(i) In the detection monitoring program, the owner or operator must determine ground water quality at each monitoring well on a semiannual basis during the life of an active area, including the closure period, and the post-closure care period.

(ii) The owner or operator must express the ground water quality at each monitoring well in a form appropriate for the determination of statistically significant changes;

(c) field measured pH, water temperature, and water conductivity must accompany each sample collected;

(d) analysis for the heavy metals and the organic constituents from Section R315-308-4 shall be completed on unfiltered samples; and

(e) the Executive Secretary may specify additional or fewer constituents depending upon the nature of the ground water or the waste on a site specific basis considering:

(i) the types, quantities, and concentrations of constituents in wastes managed at the landfill;

(ii) the mobility, stability, and persistence of waste constituents or their reaction products in the unsaturated zone beneath the landfill;

(iii) the detectability of indicator parameters, waste constituents, and reaction products in the ground water; and

(iv) the background concentration or values and coefficients of variation of monitoring parameters or constituents in the ground water.

(f) The following information shall be placed in the facility's operating record and a copy submitted to the Executive Secretary as the ground water monitoring results to be included in the annual report required by Subsection R315-302-2(4)(e):

(i) a report on the procedures, including the quality control/quality assurance, followed during the collection of the ground water samples;

(ii) the results of the field measured parameters required by Subsections R315-308-2(4)(c) and R315-308-2(6);

(iii) a report of the chain of custody and quality control/quality assurance procedures of the laboratory;

(iv) the results of the laboratory analysis of the constituents specified in Section R315-308-4 or an alternative list of constituents approved by the Executive Secretary:

(A) the results of the laboratory analysis shall list the constituents by name and CAS number; and

(B) a list of the detection limits and the test methods used; and

(v) the statistical analysis of the results of the ground water monitoring as required by Subsection R315-308-2(7).

(vi) The results of the ground water monitoring may be submitted in electronic format.

(5) After background constituent levels have been established, a ground water quality protection standard shall be set by the Executive Secretary which shall become part of the ground water monitoring plan. The ground water quality protection standard will be set as follows.

(a) For constituents with background levels below the standards listed in Section R315-308-4, the ground water quality standards of Section R315-308-4 shall be the ground water quality protection standard.

(b) If a constituent is detected and a background level is established but the ground water quality standard for the constituent is not included in Section R315-308-4 or the constituent has a background level that is higher than the value listed in Section R315-308-4 for that constituent, the ground water quality protection standard for that constituent shall be set according to health risk standards.

(6) The ground water monitoring program must include a determination of the ground water surface elevation each time ground water is sampled.

(7) The owner or operator shall use a statistical method for determining whether a significant change has occurred as compared to background. The Executive Secretary will approve such a method as part of the ground water monitoring plan. Possible statistical methods include:

(a) a parametric analysis of variance (ANOVA) followed by multiple comparisons procedures to identify statistically significant evidence of contamination. The method must include estimation

and testing of the contrasts between each compliance well's mean and the background mean levels for each constituent;

(b) an analysis of variance (ANOVA) based on ranks followed by multiple comparisons procedures to identify statistically significant evidence of contamination. The method must include estimation and testing of the contrasts between each compliance well's median and the background median levels for each constituent;

(c) a tolerance or prediction interval procedure in which an interval for each constituent is established from the distribution of the background data, and the level of each constituent in each compliance well is compared to the upper tolerance or prediction limit;

(d) a control chart approach that gives control limits for each constituent; or

(e) another statistical test method approved by the Executive Secretary.

(8) The Executive Secretary may specify additional or fewer sampling and analysis events, no less than annually, depending upon the nature of the ground water or the waste on a site specific basis considering:

(a) lithology of the aquifer and unsaturated zone;

(b) hydraulic conductivity of the aquifer and unsaturated zone;

(c) ground water flow rates;

(d) minimum distance between upgradient edge of the landfill unit and downgradient monitoring well screen (minimum distance of travel); and

(e) resource value of the aquifer.

(9) The owner or operator must determine and report the ground water flow rate and direction in the upper most aquifer each time the ground water is sampled.

(10) If the owner or operator determines that there is a statistically significant change in any parameter or constituent at any monitoring well at the compliance point, the owner or operator must:

(a) within 14 days of receipt of the sample analysis results, enter the information in the operating record and notify the Executive Secretary of this finding in writing. The notification must indicate what parameters or constituents have shown statistically significant changes; and

(b) immediately resample the ground water in all monitoring wells, both background and downgradient, or in a subset of wells specified by the Executive Secretary, and determine:

(i) the concentration of all constituents listed in Section R315-308-4, including additional constituents that may have been identified in the approved ground water monitoring plan;

(ii) if there is a statistically significant change such that the established ground water quality protection level has been exceeded; and

(iii) notify the Executive Secretary in writing within seven days of receipt of the sample analysis results.

(c) The owner or operator may demonstrate that a source other than the solid waste disposal facility caused the contamination or that the statistically significant change resulted from error in sampling, analysis, statistical evaluation, or natural variation in ground water quality. A report documenting this demonstration must be certified by a qualified ground-water scientist and approved by the Executive Secretary and entered in the operating record. If a successful demonstration is made and documented, the owner or

operator may continue monitoring as specified in Subsection R315-308-2(4)(b).

(11) If, after 90 days, a successful demonstration as stipulated in Subsection R315-308-2(10)(c) is not made, the owner or operator must initiate the assessment monitoring program required as follows:

(a) within 14 days of the determination that a successful demonstration is not made, take one sample from each downgradient well and analyze for all constituents listed as Appendix II in 40 CFR Part 258, 1991 ed., which is adopted and incorporated by reference.

(b) for any constituent detected from Appendix II, 40 CFR Part 258, in the downgradient wells a minimum of eight independent samples from the upgradient and four independent samples from each downgradient well must be collected and analyzed to establish background concentration levels for the constituents; and

(c) within 14 days of the receipt of the results of the analysis of the samples, place a notice in the operation record and notify the Executive Secretary in writing identifying the Appendix II, 40 CFR Part 258, constituents and their concentrations that have been detected as well as background levels. The Executive Secretary shall establish a ground water quality protection standard pursuant to Subsection R315-308-2(5) for any Appendix II, 40 CFR Part 258, constituent detected in the downgradient wells.

(d) The owner or operator shall thereafter resample:

(i) all wells on a quarterly basis for all constituents in Section R315-308-4, or the alternative list that may have been approved as part of the permit, and for those constituents detected from Appendix II, 40 CFR Part 258; and

(ii) the downgradient wells on an annual basis for all constituents in Appendix II, 40 CFR Part 258.

(e) If after two consecutive sampling events, the concentrations of all constituents being analyzed in Subsection R315-308-2(11)(d)(i) are shown to be at or below established background values, the owner or operator must notify the Executive Secretary of this finding and may, upon the approval of the Executive Secretary, return to the monitoring schedule and constituents as specified in Subsection R315-308-2(4)(b).

(12) If one or more constituents from Section R315-308-4 or the approved alternative list, or from those detected from Appendix II, 40 CFR Part 258, are detected at statistically significant levels above the ground water quality protection standard as established pursuant to Subsection R315-308-2(5) in any sampling event, the owner or operator must:

(a) within 14 days of the receipt of this finding, place a notice in the operating record identifying the constituents and concentrations that have exceeded the ground water quality standard. Within the same time period, the owner or operator must also notify the Executive Secretary and all appropriate local governmental and local health officials that the ground water quality standard has been exceeded;

(b) characterize the nature and extent of the release by installing additional monitoring wells as necessary;

(c) install at least one additional monitoring well at the facility boundary in the direction of contaminant migration and sample this well and analyze the sample for the constituents in Section R315-308-4 or the approved alternative list and the detected constituents from Appendix II, 40 CFR Part 258; and

(d) notify all persons who own the land or reside on the land that directly overlies any part of the plume of contamination if contaminants have migrated off-site as indicated by sampling of wells in accordance with Subsections R315-308-2(12)(b) and (12)(c).

(e) The owner or operator may demonstrate that a source other than the solid waste disposal facility caused the contamination or that the statistically significant change resulted from error in sampling, analysis, statistical evaluation, or natural variation in ground water quality. A report documenting this demonstration must be certified by a qualified ground-water scientist and approved by the Executive Secretary and entered in the operating record. If a successful demonstration is made, documented and approved, the owner or operator may continue monitoring as specified in Subsection R315-308-2(11)(d) or Subsection R315-308-2(11)(e) when applicable.

R315-308-4. Constituents for Detection Monitoring.

(1) The table lists the constituents for detection monitoring, the CAS number for the constituents, and the ground water quality standard for the constituents for any facility that is required to monitor ground water under Rule R315-308.

	CAS	Ground Water Protection Standard (mg/l)
Inorganic Constituents		
Ammonia (as N)	7664-41-7	
Carbonate/Bicarbonate		
Calcium		
Chemical Oxygen Demand (COD)		
Chloride		
Iron	7439-89-6	
Magnesium		
Manganese	7439-96-5	
Nitrate (as N)		
pH		
Potassium		
Sodium		
Sulfate		
Total Dissolved Solids (TDS)		
Total Organic Carbon (TOC)		
Heavy Metals		
Antimony	7440-36-0	0.006
Arsenic	7440-38-2	0.05
Barium	7440-39-3	2
Beryllium	7440-41-7	0.004
Cadmium	7440-43-9	0.005
Chromium		0.1
Cobalt	7440-48-4	[0-4]2
Copper	7440-50-8	1.3
Lead		0.015
Mercury	7439-97-6	0.002
Nickel	7440-02-0	0.1
Selenium	7782-49-2	0.05
Silver	7440-22-4	0.1
Thallium		0.002
Vanadium	7440-62-2	[0-05]0.3
Zinc	7440-66-6	5
Organic Constituents		
Acetone	67-64-1	[0-7]4
Acrylonitrile	107-13-1	0.1
Benzene	71-43-2	0.005
Bromochloromethane	74-97-5	0.01

Bromodichloromethane ¹	75-27-4	0.1
Bromoform ¹	75-25-2	0.1
Carbon disulfide	75-15-0	[0-7]4
Carbon tetrachloride	56-23-5	0.005
Chlorobenzene	108-90-7	0.1
Chloroethane	75-00-3	[0-3]15
Chloroform ¹	67-66-3	0.1
Dibromochloromethane ¹	124-48-1	0.1
1,2-Dibromo-3-chloropropane	96-12-8	0.0002
1,2-Dibromoethane	106-93-4	0.00005
1,2-Dichlorobenzene (ortho)	95-50-1	0.6
1,4-Dichlorobenzene (para)	106-46-7	0.075
trans-1,4-Dichloro-2-butene	110-57-6	
1,1-Dichloroethane	75-34-3	[0-7]4
1,2-Dichloroethane	107-06-2	0.005
1,1-Dichloroethylene	75-35-4	0.007
cis-1,2-Dichloroethylene	156-59-2	0.07
trans-1,2-Dichloroethylene	156-60-5	0.1
1,2-Dichloropropane	78-87-5	0.005
cis-1,3-Dichloropropene	10061-01-5	0.002
trans-1,3-Dichloropropene	10061-02-6	0.002
Ethylbenzene	100-41-4	0.7
2-Hexanone	591-78-6	1.5
Methyl bromide	74-83-9	0.01
Methyl chloride	74-87-3	0.003
Methylene bromide	74-95-3	[0-07]0.4
Methylene chloride	75-09-2	0.005
Methyl ethyl ketone	78-93-3	0.17
Methyl iodide	74-88-4	
4-Methyl-2-pentanone	108-10-1	[0-6]3
Styrene	100-42-5	0.1
1,1,1,2-Tetrachloroethane	630-20-6	0.07
1,1,2,2-Tetrachloroethane	79-34-5	0.005[8]
Tetrachloroethylene	127-18-4	0.005
Toluene	108-88-3	1
1,1,1-Trichloroethane	71-55-6	0.2
1,1,2-Trichloroethane	79-00-5	0.005
Trichloroethylene	79-01-6	0.005
Trichlorofluoromethane	75-69-4	[2]10
1,2,3-Trichloropropane	96-18-4	0.04
Vinyl acetate	108-05-4	[7]37
Vinyl Chloride	75-01-4	0.002
Xylenes	1330-20-7	10

¹ The ground water protection standard of 0.1 mg/l is for the total of Bromodichloromethane, Bromoform, Chloroform, and Dibromochloromethane.

KEY: solid waste management, waste disposal
[November 16, 1998]1999 **19-6-105**
Notice of Continuation April 20, 1998 **40 CFR 258**



**Environmental Quality, Solid and
 Hazardous Waste
 R315-310
 Permit Requirements for Solid Waste
 Facilities**

NOTICE OF PROPOSED RULE
 (Amendment)
 DAR FILE NO.: 22308
 FILED: 08/13/1999, 12:03
 RECEIVED BY: NL

RULE ANALYSIS

PURPOSE OF THE RULE OR REASON FOR THE CHANGE: The rule is changed to implement recent changes in the Utah Waste Tire Recycling Act by requiring a permit for waste tire storage facilities and specifying the contents of the permit application. Also, other specific points of the rule are clarified.

SUMMARY OF THE RULE OR CHANGE: The rule is changed to require a permit for waste tire storage facilities and to specify the contents of the permit application. Also, the contents of a solid waste permit application with respect to information required on ground water monitoring plans, landfill gas monitoring plans, quality control plans, and quality assurance plans are clarified.

STATE STATUTORY OR CONSTITUTIONAL AUTHORIZATION FOR THIS RULE: Sections 19-6-105, 19-6-108, 19-6-109, and 26-32a-112.3

FEDERAL REQUIREMENT FOR THIS RULE: 40 CFR 258 (1998)

ANTICIPATED COST OR SAVINGS TO:

❖**THE STATE BUDGET:** To implement the recent changes in the Utah Waste Tire Recycling Act, changes in Rules R315-310, R315-314, and R315-320 are required. As a result of the changes in these three rules, the Utah Department of Environmental Quality will experience a slight increase in workload associated with permit reviews and enforcement oversight. This work will be done with current staff at no cost or savings impact to the Department. However, state entities that own or operate waste tire storage facilities will experience an increase in costs. It is not possible to give an estimate of the aggregated costs since the number of waste tire storage facilities owned by state entities is not known and because of the great variation in permitting costs for individual facilities.

❖**LOCAL GOVERNMENTS:** As a result of recent changes in the Utah Waste Tire Recycling Act, changes in Rules R315-310, R315-314, and R315-320 are required. As a result of changes in these three rules, local governmental entities that regulate waste tire storage facilities may experience increased costs associated with enforcement oversight. It is not possible to estimate the additional staff or time that will be required, therefore, an aggregate cost estimate cannot be made. Also, local governments that own or operate waste tire storage facilities will experience an increase in costs. It is not possible to give an estimate of the aggregated costs since the number of waste tire storage facilities owned by local governments is not known and because of the great variation in permitting costs for individual facilities.

❖**OTHER PERSONS:** As a result of recent changes in the Utah Waste Tire Recycling Act, changes in Rules R315-310, R315-314, and R315-320 are required. As a result of the changes in rules R315-310 and R315-314, other persons that own or operate waste tire storage facilities will experience an increase in costs. It is not possible to give an estimate of the aggregated costs since the number of waste tire storage facilities owned by other persons is not known and because of the great variation in permitting costs for individual facilities.

COMPLIANCE COSTS FOR AFFECTED PERSONS: Compliance costs for persons that own or operate a waste tire storage facility will increase as a result of the changes in Rules R315-310 and R315-314. The increased costs will be associated with the preparation of a permit application and the completion of the permitting process. The only costs that can currently be estimated are the fees that will be charged by the Division of Solid and Hazardous Waste for reviewing a permit application. The Division charges \$60 per hour to review a permit application and it is estimated that an application for a waste tire storage facility can be reviewed in approximately eight hours. It is not possible to estimate the total compliance costs due to the variations among the individual waste tire storage facilities with respect to size, operation practices, and the entity preparing the permit application. Other proposed changes in the rule do not change the actual requirements of the rule and therefore, will cause no change in compliance costs beyond the current statutory and regulatory impact.

COMMENTS BY THE DEPARTMENT HEAD ON THE FISCAL IMPACT THE RULE MAY HAVE ON BUSINESSES: Businesses that own or operate a waste tire storage facility will experience an increase in costs associated with obtaining a permit. These costs cannot currently be estimated. The other proposed changes in the rule will have no fiscal impact on businesses beyond the current statutory and regulator impact--Dianne R. Nielson

THE FULL TEXT OF THIS RULE MAY BE INSPECTED, DURING REGULAR BUSINESS HOURS, AT:

Environmental Quality
Solid and Hazardous Waste
Cannon Health Building
288 North 1460 West
PO Box 144880
Salt Lake City, UT 84114-4880, or
at the Division of Administrative Rules.

DIRECT QUESTIONS REGARDING THIS RULE TO:

Carl E. Wadsworth at the above address, by phone at (801) 538-6170, by FAX at (801) 538-6715, or by Internet E-mail at eqshw.cwadswor@state.ut.us.

INTERESTED PERSONS MAY PRESENT THEIR VIEWS ON THIS RULE BY SUBMITTING WRITTEN COMMENTS TO THE ADDRESS ABOVE NO LATER THAN 5:00 P.M. ON 10/01/1999.

THIS RULE MAY BECOME EFFECTIVE ON: 10/15/1999

AUTHORIZED BY: Dennis R. Downs, Executive Secretary

R315. Environmental Quality, Solid and Hazardous Waste.

R315-310. Permit Requirements for Solid Waste Facilities.

R315-310-1. Applicability.

(1) The following solid waste facilities require a permit:

(a) Class I, II, ~~III~~, IV, and V landfills;]

—(b) ~~except those facilities specified by Subsection R315-304-1(3), Class III Landfills;]~~

~~(c)~~(b) energy recovery and incinerator facilities that are regulated by Rule R315-306; ~~and]~~

~~(d)~~(c) landtreatment disposal facilities that are regulated by Rule R315-307[-]; and

(d) waste tire storage facilities.

(2) Permits are not required for corrective actions at solid waste ~~handling~~ facilities performed by the state or in conjunction with the United States Environmental Protection Agency or in conjunction with actions to implement the Comprehensive Environmental Response Compensation and Liability Act of 1980 (CERCLA), or corrective actions taken by others to comply with a state or federal cleanup order.

(3) The permit requirements of Rule R315-310 apply to each existing solid waste facility, for which a permit is required.

(a) The Executive Secretary may incorporate a compliance schedule for each existing facility to ensure that each existing facility meet the requirements of Rule R315-310.

(b) Each new disposal facility or lateral expansion at an existing disposal facility, for which a permit is required, shall:

(i) apply for a permit according to the requirements of Rule R315-310; and

(ii) not begin construction of the facility, lateral expansion, or unit until a permit has been granted.

R315-310-3. General Contents of a Permit Application for a New Facility or a Facility Seeking Expansion.

(1) Each permit application shall contain the following:

(a) the name and address of the applicant, property owner, and responsible party for the site operation;

(b) a general description of the facility accompanied by facility plans and drawings and, except for Class II, IIIb, and IV~~b~~ Landfills and waste tire storage facilities, unless required by the Executive Secretary, the facility plans and drawings shall be signed and sealed by a professional engineer registered in the State of Utah;

(c) a legal description and proof of ownership, lease agreement, or other mechanism approved by the Executive Secretary of the proposed site, latitude and longitude map coordinates of the facility's front gate, and maps of the proposed facility site including land use and zoning of the surrounding area;

(d) the types of waste to be handled at the facility and area served by the facility;

(e) the plan of operation required by Subsection R315-302-2(2);

(f) the form used to record weights or volumes of wastes received required by Subsection R315-302-2(3)(a)(i);

(g) an inspection schedule and inspection log required by Subsection R315-302-2(5)(a);

(h) the closure and post-closure plans required by Section R315-302-3;

(i) documentation to show that any waste water treatment facility, such as a run-off or a leachate treatment system, is being reviewed or has been reviewed by the Division of Water Quality; and

(j) a financial assurance plan as set forth in Rule R315-309.

(2) Special Requirements for ~~Any~~ Commercial Solid Waste Disposal Facility.

(a) The Executive Secretary will require and review the information set forth in Subsections 19-6-108(9) and 19-6-108(10) as part of the permitting process.

(b) Subsection 19-6-108(3)(c) requires that after receiving a permit from the Executive Secretary, commercial solid waste disposal facilities must be approved by the local government, the governor, and the Legislature.

(c) Commercial solid waste disposal facilities solely under contract with a local government within the state to dispose of nonhazardous solid waste generated within the boundaries of the local government are not subject to Subsections R315-310-3(2)(a) and (b).

R315-310-4. Contents of a Permit Application for a New or Expanded Class I, II, III, IV, and V Landfill Facility as Specified.

(1) Each application for a new or expanded landfill shall contain the information required by Section R315-310-3.

(2) Each application shall also contain:

(a) the following maps shall be included in a permit application for a Class I, II, III, IV, and V Landfill:

(i) topographic map of the landfill unit drawn to a scale of 200 feet to the inch containing five foot contour intervals where the relief exceeds 20 feet and two foot contour intervals where the relief is less than 20 feet, showing the boundaries of the landfill unit, ground water monitoring wells, landfill gas monitoring points, and borrow and fill areas; and

(ii) the most recent full size U.S. Geological Survey topographic map, 7-1/2 minute series, if printed, or other recent topographic survey of equivalent detail of the area, showing the waste facility boundary, the property boundary, surface drainage channels, existing utilities, and structures within one-fourth mile of the facility site, and the direction of the prevailing winds.

(b) a permit application for a Class I, II, IIIa, IVa, and V Landfill shall contain a geohydrological assessment of the facility that addresses:

(i) local and regional geology and hydrology, including faults, unstable slopes and subsidence areas on site;

(ii) evaluation of bedrock and soil types and properties, including permeability rates;

(iii) depths to ground water or aquifers;

(iv) direction and flow rate of ground water;

(v) quantity, location, and construction of any private and public wells on the site and within 2,000 feet of the facility boundary;

(vi) tabulation of all water rights for ground water and surface water on the site and within 2,000 feet of the facility boundary;

(vii) identification and description of all surface waters on the site and within one mile of the facility boundary;

(viii) background ground and surface water quality assessment and identification of impacts of the existing facility upon ground and surface waters from landfill leachate discharges;

(ix) calculation of a site water balance; and

(x) conceptual design of a ground water and surface water monitoring system, including proposed installation methods for these devices and where applicable, a vadose zone monitoring plan;

(c) a permit application for a Class I, II, IIIa, IVa, and V Landfill shall contain an engineering report, plans, specifications, and calculations that address:

(i) how the facility will meet the location standards pursuant to Section R315-302-1 including documentation of any demonstration made with respect to any location standard;

(ii) the basis for calculating the facility's life;

(iii) cell design to include liner design, cover design, fill methods, elevation of final cover and bottom liner, and equipment requirements and availability;

(iv) identification of borrow sources for daily and final cover, and for soil liners;

(v) interim and final leachate collection, treatment, and disposal;

(vi) ground water monitoring that meet the requirements of Rule R315-308[well location, design, and construction];

(vii) landfill gas monitoring and control that meet the requirements of Subsection R315-303-3(5)[control and monitoring];

(viii) design and location of run-on and run-off control systems;[-and]

(ix) closure and post-closure design, construction, maintenance, and land use[-]; and

(x) quality control and quality assurance for the construction of any engineered structure or feature, excluding buildings at landfills, at the solid waste disposal facility and for any applicable activity such as ground water monitoring.

(d) a permit application for a Class I, II, III, IV, and V Landfill shall contain a closure plan to address:

(i) closure schedule;

(ii) capacity of site in volume and tonnage;

(iii) final inspection by regulatory agencies; and

(iv) identification of closure costs including cost calculations and the funding mechanism.

(e) a permit application for a Class I, II, III, IV, and V Landfill shall contain a post-closure plan to address:

(i) site monitoring of landfill gas, ground water, and surface water;

(ii) changes to record of title, land use, and zoning restrictions;

(iii) maintenance activities to maintain cover and run-on and run-off systems;

(iv) identification of post-closure costs including cost calculations and the funding mechanism; and

(v) list the name, address, and telephone number of the person or office to contact about the facility during the post-closure period.

R315-310-8. Contents of a Permit Application for a New or Expanding Waste Tire Storage Facility.

Each application for a waste tire storage facility permit shall contain the information required in Subsections R315-310-3(1)(a), (b), and (c), and Subsection R315-314-3(3).

R315-310-[8]9. Contents of a Permit Application for an Existing Facility or a Permit Renewal.

The owner or operator of each existing facility shall apply for a permit or renewal of their permit by submitting the applicable information and application specified in Sections R315-310-3, -4, -5, -6, ~~[or]~~-7, or -8, as appropriate. Previous information submitted to the Executive Secretary may be referred to in the application. Changes in operating methods or other changes must be noted in the application in order to be authorized by permit.

R315-310-[9]10. Permit Transfer.

(1) A permit may not be transferred without approval from the Executive Secretary, nor shall a permit be transferred from one property to another.

(2) Application for transfer of a permit shall be made at least 60 days prior to the change of permittee.

(3) The new permittee shall:

(a) assume permit requirements[;] and all financial responsibility[; ~~disclosure statement, and public notice and hearing requirements~~];

(b) provide adequate documentation that the operator has or shall have ownership or control of the facility for which the transfer of permit has been requested;

(c) demonstrate adequate knowledge and ability to operate the facility in accordance with the permit conditions; and

(d) demonstrate adequate financial assurance as required in the permit for the operation of the facility.

(4) An application for permit transfer may be denied if the Executive Secretary finds that the applicant has:

(a) knowingly misrepresented a material fact in the application;

(b) refused or failed to disclose any information requested by the Executive Secretary;

(c) exhibited a history of willful disregard of any state or federal environmental law; or

(d) had any permit revoked or permanently suspended for cause under any state or federal environmental law.

KEY: solid waste management, waste disposal

~~[November 15, 1997]~~1999

Notice of Continuation April 20, 1998

19-6-105

19-6-108

19-6-109

40 CFR 258



Environmental Quality, Solid and Hazardous Waste

R315-314

Facility Standards for Piles Used for Storage and Treatment

NOTICE OF PROPOSED RULE

(Amendment)

DAR FILE NO.: 22309

FILED: 08/13/1999, 12:03

RECEIVED BY: NL

RULE ANALYSIS

PURPOSE OF THE RULE OR REASON FOR THE CHANGE: As specified in recent changes in the Utah Waste Tire Recycling Act, the rule is changed to require a permit for waste tire storage facilities and require these facilities to operate in accordance with the conditions of the permit. Also, other items of the rule are clarified.

SUMMARY OF THE RULE OR CHANGE: The rule is changed to require that a waste tire storage facility obtain a permit and operate the facility in accordance with the conditions of the permit. Also, the applicability of the rule, the requirements for tires stored in a fence, and the requirements for tires stored in piles at a tire recycler facility are clarified.

STATE STATUTORY OR CONSTITUTIONAL AUTHORIZATION FOR THIS RULE: Sections 19-6-104, 19-6-105, 19-6-108, and 26-32a-112.3

ANTICIPATED COST OR SAVINGS TO:

❖THE STATE BUDGET: To implement recent changes in the Utah Waste Tire Recycling Act, changes in Rules R315-310, R315-314, and R315-320 are required. As a result of changes in these three rules, the Utah Department of Environmental Quality will experience slight increase in workload associated with permit reviews and enforcement oversight. This additional work will be done by current staff at no cost or savings impact to the Department. However, state entities that own or operate waste tire storage facilities will experience an increase in costs. It is not possible to give an estimate of the aggregated costs since the number of waste tire storage facilities is not known and because of the great variation in permitting costs for individual state owned waste tire storage facilities.

❖LOCAL GOVERNMENTS: As a result of recent changes in the Utah Waste Tire Recycling Act, changes in Rules R315-310, R315-314, and R315-320 are required. As a result of changes in these three rules, local governmental entities that regulate waste tire storage facilities may experience increased costs associated with enforcement oversight. It is not possible to estimate the additional staff or time that will be required, therefore, an aggregate cost estimate cannot be made. Also, local governments that own or operate waste tire storage facilities will experience an increase in costs. It is not possible to give an estimate of the aggregated costs since the number of waste tire storage facilities owned by local governments is not known and because of the great variation in permitting costs for individual facilities.

❖OTHER PERSONS: As a result of recent changes in the Utah Waste Tire Recycling Act, changes in Rules R315-310, R315-314, and R315-320 are required. As a result of the changes in Rules R315-310 and R315-314, other persons that own or operate waste tire storage facilities will experience an increase in costs. It is not possible to give an estimate of the aggregated costs since the number of waste tire storage facilities owned by other persons is not known and because of the great variation in permitting costs for individual facilities.

COMPLIANCE COSTS FOR AFFECTED PERSONS: Compliance costs for persons that own or operate a waste tire storage facility will increase as a result of the changes in Rules R315-310 and R315-314. The increased costs will be associated with the preparation of a permit application and the completion of the permitting process. The only costs that can currently be estimated are the fees that will be charged by the Division of Solid and Hazardous Waste for reviewing a permit application. The Division charges \$60 per hour to review a permit application and it is estimated that an application for a waste tire storage permit can be reviewed in

approximately eight hours. It is not possible to estimate the total compliance costs due to the variations among the individual waste tire storage facilities with respect to size, operation practices, and the entity preparing the permit application. Other proposed changes in the rule do not change the actual requirements and therefore will cause no change in compliance costs beyond the current statutory and regulatory impact.

COMMENTS BY THE DEPARTMENT HEAD ON THE FISCAL IMPACT THE RULE MAY HAVE ON BUSINESSES: Businesses that own or operate a waste tire storage facility will experience an increase in costs associated with obtaining a permit. These costs cannot currently be estimated. The other proposed changes in the rule will have no fiscal impact on businesses beyond the current statutory and regulator impact--Dianne R. Nielson

THE FULL TEXT OF THIS RULE MAY BE INSPECTED, DURING REGULAR BUSINESS HOURS, AT:

Environmental Quality
Solid and Hazardous Waste
Cannon Health Building
288 North 1460 West
PO Box 144880
Salt Lake City, UT 84114-4880, or
at the Division of Administrative Rules.

DIRECT QUESTIONS REGARDING THIS RULE TO:

Carl E. Wadsworth at the above address, by phone at (801) 538-6170, by FAX at (801) 538-6715, or by Internet E-mail at eqshw.cwadswor@state.ut.us.

INTERESTED PERSONS MAY PRESENT THEIR VIEWS ON THIS RULE BY SUBMITTING WRITTEN COMMENTS TO THE ADDRESS ABOVE NO LATER THAN 5:00 P.M. ON 10/01/1999.

THIS RULE MAY BECOME EFFECTIVE ON: 10/15/1999

AUTHORIZED BY: Dennis R. Downs, Executive Secretary

**R315. Environmental Quality, Solid and Hazardous Waste.
R315-314. Facility Standards for Piles Used for Storage and Treatment.**

R315-314-1. Applicability.

(1) The requirements of Rule R315-314 apply to the following:

(a) a pile of solid waste containing garbage that has been in place for more than seven days;

(b) a pile of solid waste which does not contain garbage that has been in place for more than 90 days;

(c) a pile of material derived from waste tires where more than 1,000 passenger tire equivalents are stored at one site; and

(d) a pile of whole waste tires where more than 1,000 tires are stored at one site.

(2) The requirements of Rule R315-314 do not apply to the following:

(a) solid waste stored or treated in piles prior to recycling including compost piles and wood waste;

(b) solid waste stored in fully enclosed buildings, provided that no liquids or sludge containing free liquids are added to the waste;

(c) a pile of inert waste, as defined by Subsection R315-301-2(36); and

(d) a pile of whole waste tires located at a permitted waste disposal facility that is stored for not longer than one year.

(3) A site where crumb rubber, an ultimate product derived from waste tires, or waste tires that have been reduced to materials for beneficial use are stored for not longer than one year may receive a wavier of the requirements of Rule R315-314 from the Executive Secretary on a site specific basis.

(a) No wavier of the requirements of Rule R315-314 will be granted by the Executive Secretary without application from the owner or operator of the storage site.

(b) In granting a wavier of the requirements of Rule R315-314, the Executive Secretary may place conditions on the owner or operator of the storage site as to the sizes of piles, distance between piles, or other operational practices that will minimize fire danger or a risk to human health or the environment.

(c) The Executive Secretary may revoke a wavier of the Requirements of Rule R315-314 if the Executive Secretary finds that:

(i) any condition of the wavier is not met; or

(ii) the operation of the storage site presents a fire danger or a threat to human health or the environment.

~~— (1) Rule R315-314 is applicable to solid waste stored or treated in piles where the solid waste, other than garbage, is in place for more than 90 days and garbage is in place for more than seven days. These standards are also applicable to storing of garbage and sludge in piles, to material derived from waste tires stored in piles, and to tire piles where more than 1000 tires are stored at one facility. The standards for waste tire piles do not apply to permitted waste disposal facilities or municipal landfills that have tire piles.~~

~~— (2) Other solid wastes stored or treated in piles prior to waste recycling including compost piles of vegetative waste and wood waste are not subject to the standards of Rule R315-314.~~

~~— (3) Waste piles stored in fully enclosed buildings are not subject to the standards of Rule R315-314, provided that no liquids or sludge with free liquids are added to the pile.~~

~~— (4) Inert waste is not subject to the standards of Rule R315-314.~~

~~— (5) The standards of Rule R315-314 do not apply to industrial solid waste facilities.]~~

R315-314-2. General Requirements.

(1) Each owner and operator shall:

(a) comply with the applicable requirements of Section R315-302-2; and

(b) remove all solid waste from the pile at closure to another permitted facility.

(2) Requirements for Solid Waste Likely to Produce Leachate.

(a) Waste piles shall be placed upon a surface such as sealed concrete, asphalt, clay, or an artificial liner underlying the pile to prevent subsurface soil and potential ground water contamination and to allow collection of run-off and leachate. The liner shall be designed of sufficient thickness and strength to withstand stresses imposed by pile handling vehicles and the pile itself.

(b) A run-off collection and treatment system shall be designed, installed and maintained to collect and treat a 25-year storm event.

(c) Waste piles having a capacity of greater than 10,000 cubic yards shall have either:

(i) a ground water monitoring system that complies with Rule R315-308; or

(ii) a leachate detection, collection and treatment system.

(iii) For purposes of this subsection, capacity refers to the total capacity of all leachate-generating piles at one facility, e.g., two, 5,000 cubic yard piles will subject the facility to the requirements of this subsection.

(d) A run-on prevention system shall be designed and maintained to divert the maximum flow from a 25-year storm event.

(e) The Executive Secretary may require that the entire base or liner shall be inspected for wear and integrity and repaired or replaced by removing stored wastes or otherwise providing inspection access to the base or liner; the request shall be in writing and cite the reasons including valid ground water monitoring or leachate detection data leading to request such an inspection, repair or replacement.

(3) The length of time that solid waste may be stored in piles shall not exceed 1 year unless the Executive Secretary determines that the solid waste may be stored in piles for a longer time period without becoming a threat to human health or the environment.

(4) The Executive Secretary or an authorized representative may enter and inspect a site where waste is stored in piles as specified in Subsection R315-302-2(5)(b).

R315-314-3. Requirements for a Waste Tire Storage Facility[Piles].

(1) The definitions of Section R315-320-2 are applicable to the requirements for a waste tire storage facility[piles].

(2) No waste tire storage facility may be established, maintained, or expanded until the owner or operator of the waste tire storage facility has obtained a permit from the Executive Secretary. The owner or operator of the waste tire storage facility shall operate the facility in accordance with the conditions of the permit and otherwise follow the permit.

~~(2)~~(3) The owner or operator of a waste tire storage[pile] facility shall:

(a) submit the following for approval by the Executive Secretary:

(i) the information required in Subsections R315-310-3(1)(a), (b), and (c);

(ii) a plan of operation as required by Subsection R315-302-2(2);

(iii) a plot plan of the storage site showing:

(A) the arrangement and size of the tire piles on the site;

(B) the width of the fire lanes and the type and location of the fire control equipment; and

(C) the location of any on-site buildings and the type of fencing to surround the site;

(iv) a financial assurance plan including the date that the financial assurance mechanism becomes effective; and

(v) a vector control plan;

(b) accumulate tires only in designated areas;

(c) control access to the [tire pile]storage site by fencing;

(d) limit individual tire piles to a maximum of 5,000 square feet of continuous area in size at the base of the pile;

(e) limit the individual tire piles to 50,000 cubic feet in volume or 10 feet in height;

(f) insure that piles be at least ~~40~~10 feet from [the perimeter of the]any property line or[and 50 feet from] any building and not exceed 6 feet in height when within 20 feet of any property line or building;

(g) provide for a 40 foot fire lane that contains no flammable or combustible material or vegetation between tire piles;

(h) effect a vector control program, if necessary, to minimize mosquito breeding and the harborage of other vectors such as rats or other animals;

(i) provide on-site fire control equipment that is maintained in good working order;

(j) display an emergency procedures plan and inspection approval by the local fire department and require all employees to be familiar with the plan;

(k) obtain an approval or permit from the local fire department, if required, and be in compliance with all applicable environmental and zoning requirements;~~and~~

(l) establish financial assurance for clean-up and closure of the site[-];

(i) in the amount of \$150 per ton of tires stored at the site; and
(ii) in the form of a trust fund, letter of credit, or other mechanism as approved by the Executive Secretary;[

~~— (i) Financial assurance may include insurance, surety bond, trust fund, other mechanism, or combination of mechanisms as approved by the Executive Secretary.~~

~~— (ii) The amount of financial assurance shall be \$150 per ton of tires stored at the storage site.~~

~~— (iii) Financial assurance shall be approved by the Executive Secretary and administered by the local health department in which the tire pile is located.]~~

(m) maintain a record of the number of:

(i) tires received at the site;

(ii) tires shipped from the site

(iii) piles of tires at the site; and

(iv) tires in each pile; and

(n) meet the applicable reporting requirements of Subsection R315-302-2(4).

(4) Whole Tires Stored in a Tire Fence.

(a) Whole Tires stored in a tire fence are exempt from Subsections R315-314-3(3)(e), (f), and (g) but must:

(i) obtain a permit from the Executive Secretary as required by Subsection R315-314-3(3);

(ii) receive approval for establishing, maintaining, or expanding the tire fence from the local government and the local fire department and submit documentation of these approvals to the Executive Secretary; and

(iii) maintain the fence no more than one tire wide and eight feet high.

(b) An owner of a tire fence may receive a wavier from the requirements of Subsection R315-314-3(4)(a)(i) if the Executive Secretary receives written notice from the owner of the tire fence on or before November 15, 1999 that documents and certifies that:

(i) the tire fence was in existence prior to October 15, 1999; and

~~(ii)~~ no tires have been added to the fence after October 14, 1999.

~~(5)~~ Each tire recycler, as defined by Subsection 26-32a-103~~(12)~~~~(18)~~, that stores tires in piles prior to recycling shall comply with the following requirements:

~~(a)~~ if the tire recycler documents that the waste tires are stored for five or fewer days, the tire recycler shall:

~~(i)~~ meet the requirements of Subsections R315-314-3(3)(b) through (g); or

~~(ii)~~ obtain a waiver from the requirements of Subsections R315-314-3(3)(b) through (g) from the local fire department; or

~~(b)~~ if the tire recycler does not document that the waste tires are stored for five or fewer days, the tire recycler shall be considered a waste tire storage facility and shall:

~~(i)~~ meet the requirements of Subsections R315-314-3(2) and (3); and

~~(a)~~ the owner or operator shall submit the information required in Subsection R315-314-3(2)(a);

~~(b)~~ the tire pile site shall be in compliance with the requirements of Subsections R315-314-3(2)(b) through (f);

~~(c)~~ tires stored for recycling inside a building are not required to comply with the requirements of Subsections R315-314-3(2)(d) through (g);

~~(ii)~~ the amount of financial assurance required by Subsection R315-314-3~~(2)~~~~(3)~~(l) shall be \$150 per ton of tires held as the average inventory during the preceding year of operation; and

~~(e)~~ recycle and move from the site at least 75% of the tires entering the site during the calendar or fiscal year. An owner or operator not meeting this requirement will no longer be considered to be operating a storage site for recycling, and compliance with all requirements for tire piles will be required].

KEY: solid waste management, waste disposal
~~November 16, 1998~~ 1999 **19-6-104**
Notice of Continuation April 28, 1998 **19-6-105**
19-6-108

Environmental Quality, Solid and Hazardous Waste
R315-315-7
PCB Containing Waste

NOTICE OF PROPOSED RULE
(Amendment)
DAR FILE No.: 22310
FILED: 08/13/1999, 12:03
RECEIVED BY: NL

RULE ANALYSIS

PURPOSE OF THE RULE OR REASON FOR THE CHANGE: The rule is changed to update references to the Code of Federal Regulations and clarify requirements for the acceptance of

certain wastes containing polychlorinated biphenyls (PCBs) at solid waste disposal facilities.

SUMMARY OF THE RULE OR CHANGE: References to the Code of Federal Regulations are updated by citing the 1998 edition instead of the 1997 edition; the word "and" is replaced by "or," and the phrase "may be disposed" is added for clarification.

STATE STATUTORY OR CONSTITUTIONAL AUTHORIZATION FOR THIS RULE: Section 19-6-105

FEDERAL REQUIREMENT FOR THIS RULE: 40 CFR 761 (1998)

THIS RULE OR CHANGE INCORPORATES BY REFERENCE THE FOLLOWING MATERIAL: 40 CFR 761 (1998)

ANTICIPATED COST OR SAVINGS TO:

❖THE STATE BUDGET: Since the rule change will not affect state entities and the enforcement of the rule will not change, there will be no cost or savings impact on the state budget.

❖LOCAL GOVERNMENTS: Since the actual requirements of the rule are not changed, there will be no cost or savings impact to local governments beyond that already required.

❖OTHER PERSONS: Since the actual requirements of the rule are not changed, there will be no cost or savings impact to other persons beyond that already required.

COMPLIANCE COSTS FOR AFFECTED PERSONS: The compliance costs for affected persons will not change since the actual requirements of the rule are not changed.

COMMENTS BY THE DEPARTMENT HEAD ON THE FISCAL IMPACT THE RULE MAY HAVE ON BUSINESSES: The actual requirements of the rule are not changed, therefore, there will be no change in the fiscal impact on businesses--Dianne R. Nielson

THE FULL TEXT OF THIS RULE MAY BE INSPECTED, DURING REGULAR BUSINESS HOURS, AT:

Environmental Quality
Solid and Hazardous Waste
Cannon Health Building
288 North 1460 West
PO Box 144880
Salt Lake City, UT 84114-4880, or
at the Division of Administrative Rules.

DIRECT QUESTIONS REGARDING THIS RULE TO:

Carl E. Wadsworth at the above address, by phone at (801) 538-6170, by FAX at (801) 538-6715, or by Internet E-mail at eqshw.cwadswor@state.ut.us.

INTERESTED PERSONS MAY PRESENT THEIR VIEWS ON THIS RULE BY SUBMITTING WRITTEN COMMENTS TO THE ADDRESS ABOVE NO LATER THAN 5:00 P.M. ON 10/01/1999.

THIS RULE MAY BECOME EFFECTIVE ON: 10/15/1999

AUTHORIZED BY: Dennis R. Downs, Executive Secretary

R315. Environmental Quality, Solid and Hazardous Waste.**R315-315. Special Waste Requirements.****R315-315-7. PCB Containing Waste.**

(1) Any facility that disposes of nonhazardous waste containing PCBs is regulated by Rules R315-301 through 320.

(2) The following waste containing PCBs may be disposed in a permitted Class I, II, III, IV, or V Landfill or in a permitted incinerator or energy recovery facility:

(a) waste containing PCBs at concentrations less than 50 ppm;

(b) PCB household waste as defined by 40 CFR 761.3 (1998)[(1997), as amended by 63 FR 35436-35474]; and

(c) small quantities of intact, non-leaking small PCB capacitors from fluorescent lights.

(3) Waste containing PCBs at concentrations of 50 ppm, or higher, are prohibited from disposal in a landfill, incinerator, or energy recovery facility that is regulated by Rules R315-301 through 320 except:

(a) the following facilities may receive waste containing PCBs at concentrations of 50 ppm or higher:

(i) an existing facility, as defined by Subsection R315-301-2(21), that is permitted under 40 CFR 761.70 or .75 (1998)[(1997), as amended by 63 FR 35436-35474] to accept waste containing PCBs; or

(ii) a new facility, as defined by Subsection R315-301-2(47), that is permitted under 40 CFR 761.70, .71, .72, or .75 (1998)[(1997), as amended by 63 FR 35436-35474] to accept waste containing PCBs, which facility must also receive approval under Rules R315-301 through 320; ~~and~~ or

(b) when approved by the Executive Secretary, the following wastes may be disposed at a permitted landfill or may be disposed at an incinerator that meets the requirements of Subsection R315-315-7(3)(a):

(i) PCB bulk products regulated by 40 CFR 761.62(b) (1998)[(1997), as amended by 63 FR 35436-35474];

(ii) drained PCB contaminated equipment as defined by 40 CFR 761.3[-] (1998)[(1997), as amended by 63 FR 35436-35474];

(iii) drained PCB articles as defined by 40 CFR 761.3 (1998)[(1997), as amended by 63 FR 35436-35474];

(iv) non-liquid cleaning materials remediation wastes containing PCB's regulated by 40 CFR 761.61(a)(5)(v)(A) (1998)[(1997), as amended by 63 FR 35436-35474];

(v) PCB containing manufactured products regulated by 40 CFR 761.62(b)(1)(i) and (ii) (1998)[(1997), as amended by 63 FR 35436-35474]; or

(vi) non-liquid PCB containing waste, initially generated as a non-liquid waste, generated as a result of research and development regulated by 40 CFR 761.64(b)(2) (1998)[(1997), as amended by 63 FR 35436-35474].

KEY: solid waste management, waste disposal

[March 15, 1999

19-6-105

Notice of Continuation April 28, 1998

◆ _____ ◆

Environmental Quality, Solid and Hazardous Waste

R315-317-3

Violations, Orders, and Hearings

NOTICE OF PROPOSED RULE

(Amendment)

DAR FILE No.: 22311

FILED: 08/13/1999, 12:03

RECEIVED BY: NL

RULE ANALYSIS

PURPOSE OF THE RULE OR REASON FOR THE CHANGE: The rule is changed to conform to the Utah Administrative Procedures Act and Rule R315-12, which contains the administrative procedures for the Division of Solid and Hazardous Waste.

SUMMARY OF THE RULE OR CHANGE: The rule is changed to clarify the contents of a request for a hearing before the Utah Solid and Hazardous Waste Control Board, and Rule R315-12 is referenced.

STATE STATUTORY OR CONSTITUTIONAL AUTHORIZATION FOR THIS RULE: Sections 19-6-105, 19-6-108, 19-6-109, 19-6-111, and 19-6-112

ANTICIPATED COST OR SAVINGS TO:

❖ **THE STATE BUDGET:** Since the actual requirements of the rule are not changed, there is no anticipated cost or savings impact on the state budget.

❖ **LOCAL GOVERNMENTS:** Since the actual requirements of the rule are not changed, there is no anticipated cost or savings impact for local governments.

❖ **OTHER PERSONS:** Since the actual requirements of the rule are not changed, there is no anticipated cost or savings impact for other persons.

COMPLIANCE COSTS FOR AFFECTED PERSONS: The actual requirements of the rule are not changed, therefore, there will be no compliance costs for affected persons beyond current statutory or regulatory impact.

COMMENTS BY THE DEPARTMENT HEAD ON THE FISCAL IMPACT THE RULE MAY HAVE ON BUSINESSES: The proposed changes in the rule have no fiscal impact on businesses beyond the current statutory and regulatory impact--Dianne R. Nielson

THE FULL TEXT OF THIS RULE MAY BE INSPECTED, DURING REGULAR BUSINESS HOURS, AT:

Environmental Quality
Solid and Hazardous Waste
Cannon Health Building
288 North 1460 West
PO Box 144880
Salt Lake City, UT 84114-4880, or
at the Division of Administrative Rules.

DIRECT QUESTIONS REGARDING THIS RULE TO: Carl E. Wadsworth at the above address, by phone at (801) 538-6170, by FAX at (801) 538-6715, or by Internet E-mail at eqshw.cwadswor@state.ut.us.

INTERESTED PERSONS MAY PRESENT THEIR VIEWS ON THIS RULE BY SUBMITTING WRITTEN COMMENTS TO THE ADDRESS ABOVE NO LATER THAN 5:00 P.M. ON 10/01/1999.

THIS RULE MAY BECOME EFFECTIVE ON: 10/15/1999

AUTHORIZED BY: Dennis R. Downs, Executive Secretary

R315. Environmental Quality, Solid and Hazardous Waste. R315-317. Other Processes, Variances, and Violations. R315-317-3. Violations, Orders, and Hearings.

(1) Whenever the Executive Secretary or his duly appointed representative determines that any person is in violation of any applicable approved solid waste operation plan or permit or the requirements of Rules R315-301 through 320, the Executive Secretary may cause written notice of violation to be served upon the alleged violators. The notice shall specify the provisions of the plan, permit, or rules alleged to have been violated and the facts alleged to constitute the violation. The Executive Secretary may issue an order that necessary corrective action be taken within a reasonable time or may request the attorney general or the county attorney in the county in which the violation takes place to bring a civil action for injunctive relief and enforcement of the permit requirements or the requirements of Rules R315-301 through 320. (2) Any order issued pursuant to Subsection R315-317-3(1) shall become final unless, within 30 days after the order is served, the person[s] specified therein files a written request, containing the information specified in Subsection 63-46b-3(3), [in writing, a hearing] for agency action before the Board as provided in Section R315-12-3. Title 63, Chapter 46b and Rule R315-12 shall govern the conduct of hearings before the Board.

KEY: solid waste management, waste disposal
[March 15,]1999 **19-6-105**
Notice of Continuation April 28, 1998 **19-6-108**
19-6-109
19-6-111
19-6-112



Environmental Quality, Solid and Hazardous Waste
R315-320
Waste Tire Transporter and Recycler Requirements

NOTICE OF PROPOSED RULE
(Amendment)
DAR FILE NO.: 22312
FILED: 08/13/1999, 12:03
RECEIVED BY: NL

RULE ANALYSIS

PURPOSE OF THE RULE OR REASON FOR THE CHANGE: The rule is changed to implement recent changes in the Utah Waste Tire Recycling Act. Also, other items of the rule are clarified.

SUMMARY OF THE RULE OR CHANGE: The following changes are made in definitions contained in the rule: definitions of the terms "demonstrated market" and "waste tire generator" are added to the rule, and the definition of the term "waste tire recycler" is expanded and clarified; the requirements for the landfilling of material derived from waste tires are expanded and clarified; the amount of liability insurance for waste tire transporters and recyclers is established at \$300,000; fees are established for the registration of waste tire transporters and recyclers that are regulated by local governments or local health departments; conditions for the revocation of the registration of a waste tire transporter or a recycler are specified; the requirements for the partial reimbursement for recycling waste tires are expanded and clarified; the requirements for reimbursement for the removal of an abandoned waste tire pile or a tire pile at a landfill owned by a government entity are added to the rule. Also, a waste tire tracking and reporting system is specified in the rule.

STATE STATUTORY OR CONSTITUTIONAL AUTHORIZATION FOR THIS RULE: Title 26, Chapter 32a; and Section 19-6-105

ANTICIPATED COST OR SAVINGS TO:
❖THE STATE BUDGET: To implement recent changes in the Utah Waste Tire Recycling Act, changes in Rules R315-310, R315-314, and R315-320 are required. As a result of the changes in these three rules, the Utah Department of Environmental Quality will experience a slight increase in workload associated with permit reviews and enforcement oversight. This additional work will be done with current staff at no cost or savings impact. Also, since the proposed changes in Rule R315-320 do not affect other state agencies, there will be no cost or savings impact to the state budget.
❖LOCAL GOVERNMENTS: As a result of recent changes in the Utah Waste Tire Recycling Act, changes in Rules R315-310, R315-314, and R315-320 are required. Due to the changes in these three rules, local governmental entities that regulate waste tire transporters or recyclers will experience increased costs associated with enforcement oversight. It is not currently possible to estimate the staff and time that will be required, therefore, an aggregate cost estimate cannot be made.
❖OTHER PERSONS: As a result of recent changes in the Utah Waste Tire Recycling Act, changes in Rules R315-310, R315-314, and R315-320 are required. Due to changes in Rule R315-320, the costs for waste tire transporters and recyclers will increase. It is not possible to estimate an aggregate cost increase due to the great variation in the sizes and operational practices of the individual transporters and recyclers.

COMPLIANCE COSTS FOR AFFECTED PERSONS: Persons who are engaged in the activities of waste tire transporting or recycling will experience an increase in operational costs associated with registration fees and record keeping. Also, transporters or recyclers who desire to carry liability coverage for less than \$300,000 will experience an increase in insurance costs. However, as yet, no waste tire transporter or recycler has desired to carry liability coverage for less than \$300,000. Due to the variation in the sizes and operational practices of the individual transporters and recyclers, it is currently not possible to estimate the increase in compliance costs for affected persons.

COMMENTS BY THE DEPARTMENT HEAD ON THE FISCAL IMPACT THE RULE MAY HAVE ON BUSINESSES: Businesses that are engaged in waste tire transporting or recycling will experience an increase in costs associated with registration fees and record keeping, and in some cases an increase in liability coverage costs. These costs cannot currently be estimated--Dianne R. Nielson

THE FULL TEXT OF THIS RULE MAY BE INSPECTED, DURING REGULAR BUSINESS HOURS, AT:
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 Solid and Hazardous Waste
 Cannon Health Building
 288 North 1460 West
 PO Box 144880
 Salt Lake City, UT 84114-4880, or
 at the Division of Administrative Rules.

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 Carl E. Wadsworth at the above address, by phone at (801) 538-6170, by FAX at (801) 538-6715, or by Internet E-mail at eqshw.cwadswor@state.ut.us.

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THIS RULE MAY BECOME EFFECTIVE ON: 10/15/1999

AUTHORIZED BY: Dennis R. Downs, Executive Secretary

**R315. Environmental Quality, Solid and Hazardous Waste.
 R315-320. Waste Tire Transporter and Recycler Requirements.
 R315-320-1. Authority, ~~and~~ Purpose, and Inspection.**

(1) The waste tire transporter and recycler requirements are promulgated under the authority of the Waste Tire Recycling Act, Title 26, Chapter 32a, and the Solid and Hazardous Waste Act Title 19, Chapter 6, to protect human health; to prevent land, air and water pollution; to conserve the state's natural, economic, and energy resources; and to promote recycling of waste tires.

(2) Except for Subsections R315-320-4(7) and R315-320-5(7), which apply to the application fees for the registration of a waste tire transporter and a waste tire recycler throughout the state, [This rule]Rule R315-320 does not supersede[-or affect] any ordinance or regulation adopted by the governing body of a political subdivision or local health department if the ordinance or regulation

is at least as stringent as ~~[this rule]Rule R315-320~~, nor does ~~[this rule]Rule R315-320~~ relieve a tire transporter or recycler from the requirement to meet all applicable local ordinances or regulations.

(3) The Executive Secretary or an authorized representative may enter and inspect the site of a waste tire transporter or a waste tire recycler as specified in Subsection R315-302-2(5)(b).

R315-320-2. Definitions.

Terms used in Rule R315-320 are defined in Sections R315-301-2 and 26-32a-103. In addition, for the purpose of this rule, the following definitions apply:

(1) "Crumb rubber" means waste tires that have been ground, shredded or otherwise reduced in size such that the ~~[material can pass through a ASTM standard 10 mesh screen]~~particles are less than or equal to 1/4 inch in diameter and are 95% wire free by weight.

(2) "Demonstrated market" exists when an "arms length transaction" has been completed and documented which meets the following conditions:

(a) the transaction must be between a willing seller and a willing buyer who have no other business relationship or responsibility to each other; and

(b) the transaction is for reasonable quantity of material derived from waste tires at a price dictated by current economic conditions.

(c) The potential for sale or the possibility of sale does not constitute the demonstration of a market.

~~[(2)](3) "Shredded Tires" means waste tires that have been reduced in size so that the greatest dimension of a minimum of 60 percent, by weight, of the pieces ~~[are]~~is no more than six inches and the greatest dimension of any piece is no more than 12 inches.~~

~~---(3) "Ultimate product" means:~~

~~---(a) a product that has, as a component, waste tires or materials derived from waste tires and may have the following characteristics:~~

~~---(i) has a demonstrated market;~~

~~---(ii) is the last manufacturing step in a processing sequence; or~~

~~---(iii) meets all of the specifications for a material that is being replaced in a processing sequence;~~

~~---(b) Ultimate product includes pyrolyzed tires and crumb rubber;~~

~~---(c) Ultimate product does not include a product which, upon disposal or disassembly of the product, whole tires remain.]~~

(4) "Vehicle identification number" means the identifying number assigned by the manufacture or by the Utah Motor Vehicle Division of the Utah Tax Commission for the purpose of identifying the vehicle.

(5) "Waste tire generator" means a person, an individual, or an entity that may cause waste tires to enter the waste stream. A waste tire generator may include:

(a) a tire dealer, a car dealer, a trucking company, an owner or operator of an auto salvage yard, or other person, individual, or entity that removes or replaces tires on a vehicle other than their personal vehicle; or

(b) a tire dealer, a car dealer, a trucking company, an owner or operator of an auto salvage yard, a waste tire transporter, a waste tire recycler, a waste tire processor, a waste tire storage facility, or a disposal facility that receives waste tires from a person, an individual, or an entity.

~~(5)~~(6) "Waste tire recycling" or "recycling" means:

(a) the burning of waste tires or material derived from waste tires as a fuel for energy recovery; or~~or the creation of ultimate products from waste tires or material derived from waste tires;~~

(b) the manufacture or creation of an ultimate product that has a demonstrated market where material derived from waste tires is used as a raw material in the manufacture or creation of the ultimate product.

(c) Waste tire recycling does not include ultimate products:

(i) that are used in a beneficial use; or

(ii) that do not have a demonstrated market.

R315-320-3. Landfilling of Waste Tires and Material Derived from Waste Tires.

(1) Landfilling of Whole Tires. Except for tires from devices moved exclusively by human power and tires with a rim diameter greater than 24.5 inches, an individual, including a waste tire transporter, may not dispose of more than four whole tires at one time in a landfill.

(2) Landfilling of Material Derived from Waste Tires.

(a) An individual, including a waste tire transporter, may dispose of material derived from waste tires in a landfill which has a permit issued by the Executive Secretary.

(b) Except for the beneficial use of material derived from waste tires at a landfill, material derived from waste tires shall be disposed in a separate landfill cell that is designed and constructed, as approved by the Executive Secretary, to keep the material in a clean and accessible condition so that it can reasonably be retrieved from the cell for future recycling.

(3) Reimbursement for Landfilling Shredded Tires.

(a) The owner or operator of a permitted landfill may apply for reimbursement for landfilling shredded tires as specified in Subsection R315-320-6(1).

(b) To receive the reimbursement, the owner or operator of the landfill must meet the following conditions:

(i) the waste tires shall be shredded;

(ii) the shredded tires shall be stored in a segregated cell or other landfill facility that ensures the shredded tires are in a clean and accessible condition so that they ~~may~~can be reasonably retrieved and recycled at a future time; and

(iii) the design and operation of the landfill cell or other landfill facility has been reviewed and approved by the Executive Secretary prior to the acceptance of shredded tires.

(4) Violation of Subsections R315-320-3(1), ~~(2)~~, or (3) is subject to enforcement proceedings and a civil penalty as specified in Subsection 26-32a-103.5(4).

R315-320-4. Waste Tire Transporter~~Registration~~ Requirements.

(1) Each waste tire transporter who transports waste tires within the state of Utah must apply for, receive and maintain a current waste tire transporter registration certificate from the Executive Secretary.

(2) Each applicant for registration as a waste tire transporter shall complete a waste tire transporter application form provided by the Executive Secretary and provide the following information:

(a) business name;

(b) address to include:

(i) mailing address; and

(ii) site address if different from mailing address;

(c) telephone number;

(d) list of vehicles used including the following:

(i) description of vehicle;

(ii) license number of vehicle;

(iii) vehicle identification number; and

(iv) name of registered owner;

(e) name of business owner;

(f) name of business operator;

(g) list of sites to which waste tires are to be transported;

(h) liability insurance information as follows:

(i) name of company issuing policy;

(ii) amount of liability insurance coverage; and

(iii) term of policy.

(3) A waste tire transporter shall demonstrate financial responsibility for bodily injury and property damage, including bodily injury and property damage to third parties caused by sudden or nonsudden accidental occurrences arising from transporting waste tires. The waste tire transporter shall have and maintain liability coverage for sudden or nonsudden accidental occurrences~~]. The Executive Secretary may not require the liability coverage to exceed~~ in the amount of \$300,000.

(4) A waste tire transporter shall notify the Executive Secretary of:

(a) any change in liability insurance coverage within 5 working days of the change; and

(b) any other change in the information provided in Subsection R315-320-4(2) within 20 days of the change.

(5) A registration certificate will be issued to an applicant following the:

(a) completion of the application required by Subsection R315-320-4(2);

(b) presentation of proof of liability coverage as required by Subsection R315-320-4(3); and

(c) payment of the fee as required by the Annual Appropriations Act.

(6) A waste tire transporter registration certificate is not transferable and shall be issued for the term of one year.

~~(7) If a waste tire transporter has a valid registration from any county in Utah having a waste tire transporter registration program]is required to be registered by a local government or a local health department:~~

(a) the waste tire transporter shall pay an annual registration fee to the local government or the local health department not to exceed to the following schedule:

(i) for one through five trucks, \$50; and

(ii) \$10 for each additional truck;

~~(b) the Executive Secretary shall issue a non-transferable registration certificate upon the applicant meeting the requirements of Subsections R315-320-4(2) and (3) and shall not require the payment of the fee specified in Subsection R315-320-4(5)(c)[the Annual Appropriations Act]; and~~

~~(c) the registration certificate shall be valid for one year.~~

(8) Waste tire transporters storing tires in piles must meet the requirements of Rule R315-314.

(9) Reporting Requirements.

(a) Each waste tire transporter shall submit a quarterly activity report to the Executive Secretary. The activity report shall be

submitted on or before the 30th of the month following the end of each quarter.

(b) The activity report shall contain the following information:

(i) the number of waste tires collected at each waste tire generator, including the name, address, and telephone number of the waste tire generator;

(ii) the number of tires shall be listed by the type of tire based on the following:

(A) passenger/light truck tires or tires with a rim diameter of 19.5 inches or less;

(B) truck tires or tires ranging in size from 7.50x20 to 12R24.5; and

(C) other tires such as farm tractor, earth mover, motorcycle, golf cart, ATV, etc.

(iii) the number or tons of waste tires shipped to each waste tire recycler or processor for a waste tire recycler, including the name, address, and telephone number of each recycler or processor;

(iv) the number of tires shipped as used tires to be resold;

(v) the number of waste tires placed in a permitted waste tire storage facility; and

(vi) the number of tires disposed in a permitted landfill, or put to other legal use.

(c) The activity report may be submitted in electronic format.

(10) Revocation of Registration.

(a) The registration of a waste tire transporter may be revoked upon the Executive Secretary finding that:

(i) the activities of the waste transporter that are regulated under Section R315-320-4 have been or are being conducted in a way that endangers human health or the environment;

(ii) the waste tire transporter has made a material misstatement of fact in applying for or obtaining a registration as a waste tire transporter or in the quarterly activity report required by Subsection R315-320-4(9);

(iii) the waste tire transporter has provided a recycler with a material misstatement of fact which the recycler subsequently used as documentation in a request for partial reimbursement under Section 26-32a-108;

(iv) the waste tire transporter has violated any provision of the Waste Tire Recycling Act, Title 26 Chapter 32a, or any order, approval, or rule issued or adopted under the Act;

(v) the waste tire transporter failed to meet or no longer meets the requirements of Section R315-320-4;

(vi) the waste tire transporter has been convicted under Subsection 26-32a-112.9; or

(vii) the waste tire transporter has had the registration from a local government or a local health department revoked.

(b) Registration will not be revoked for submittal of incomplete information required for registration or a reimbursement request if the error was not a material misstatement.

(c) For purposes of Subsection R315-320-10(1)(a), the statements, actions, or failure to act of a waste tire transporter shall include the statements, actions, or failure to act of any officer, director, agent or employee of the waste tire transporter.

(d) The administrative procedures set forth in Rule R315-12 shall govern revocation of registration.

R315-320-5. Waste Tire Recycler ~~Registration~~ Requirements.

(1) Each waste tire recycler operating within the state and each waste tire recycler operating outside the state, but requesting

reimbursement allowed by Subsection 26-32a-107(1) and Section R315-320-6, must apply for, receive and maintain a current waste tire recycler registration certificate from the Executive Secretary.

(2) Each applicant for registration as a waste tire recycler shall complete a waste tire recycler application form provided by the Executive Secretary and provide the following information:

(a) business name;

(b) address to include:

(i) mailing address; and

(ii) site address if different from mailing address;

(c) telephone number;

(d) owner name;

(e) operator name;

(f) description of the recycling process;

(g) proof that the recycling process described in Subsection R315-320-5(2)(f) is being conducted at the site or that the recycler has the ability to conduct the process at the site;

~~(g)~~(h) estimated number of tires to be recycled each year; and

~~(h)~~(i) liability insurance information as follows:

(i) name of company issuing policy;

(ii) proof of the amount of liability insurance coverage; and

(iii) term of policy.

(3) A waste tire recycler shall demonstrate financial responsibility for bodily injury and property damage, including bodily injury and property damage to third parties caused by sudden or nonsudden accidental occurrences arising from storing and recycling waste tires. The waste tire recycler shall have and maintain liability coverage for sudden or nonsudden accidental occurrences ~~[-The Executive Secretary may not require the liability coverage to exceed]~~ in the amount of \$300,000.

(4) A waste tire recycler shall notify the Executive Secretary of:

(a) any change in liability insurance coverage within 5 working days of the change; and

(b) any other change in the information provided in Subsection R315-320-5(2) within 20 days of the change.

(5) A registration certificate will be issued to an applicant following the:

(a) completion of the application required by Subsection R315-320-5(2);

(b) presentation of proof of liability coverage as required by Subsection R315-320-5(3); and

(c) payment of the fee as required by the Annual Appropriations Act.

(6) A waste tire recycler registration certificate is not transferable and shall be issued for a term of one year.

(7) If a waste tire recycler ~~[has a valid registration from any county in Utah having a waste tire recycler registration program]~~ is required to be registered by a local government or a local health department:

(a) the waste tire recycler shall pay an annual registration fee to the local government or local health department not to exceed the to the following schedule:

(i) if up to 200 tons of waste tires are recycled per day, the fee is \$300;

(ii) if 201 to 700 tons of waste tires are recycled per day, the fee is \$400; or

(iii) if over 700 tons of waste tires are recycled per day, the fee is \$500.

~~[(a)](b)~~ ~~[the]~~The Executive Secretary shall issue a non-transferable registration certificate upon the applicant meeting the requirements of Subsections R315-320-5(2) and (3) and shall not require the payment of the fee specified in Subsection R315-320-5(5)(c).~~[the Annual Appropriations Act, and]~~

~~[(b)](c)~~ ~~[the]~~The registration certificate shall be valid for one year.

(8) Waste tire recyclers must meet the requirements of Rule R315-312 for recycling facilities and the requirements of Rule R315-314 for waste tires stored in piles.

(9) Revocation of Registration.

(a) The registration of a tire recycler may be revoked upon the Executive Secretary finding that:

(i) the activities of the waste tire recycler that are regulated under Section R315-320-5 have been or are being conducted in a way that endangers human health or the environment;

(ii) the waste tire recycler has made a material misstatement of fact in applying for or obtaining a registration as a waste tire recycler;

(iii) the waste tire recycler has made a material misstatement of fact in applying for partial reimbursement under Section 26-32a-108;

(iv) the waste tire recycler has violated any provision of the Waste Tire Recycling Act, Title 26 Chapter 32a, or any order, approval, or rule issued or adopted under the Act;

(v) the waste tire recycler has failed to meet or no longer meets the requirements of Subsection R315-320-5(1);

(vi) the waste tire recycler has been convicted under Subsection 26-32a-112.9; or

(vii) the waste tire recycler has had the registration from a local government or a local health department revoked.

(b) Registration will not be revoked for submittal of incomplete information required for registration or a reimbursement request if the error was not a material misstatement.

(c) For purposes of Subsection R315-320-5(9)(a), the statements, action, or failure to act of a waste tire recycler shall include the statements, actions, or failure to act of any officer, director, agent, or employee of the waste tire recycler.

(d) The administrative procedures set forth in Rule R315-12 shall govern revocation of registration.

R315-320-6. Reimbursement for Recycling Waste Tires.

~~—(1) As provided in Subsection 26-32a-107(1)(a), any waste tire recycler within the state may submit an application for partial reimbursement of the cost of transporting and processing the recycled waste tires to the local health department having jurisdiction over the applicant's business address.~~

~~—(a) The applicant shall meet all requirements established by the local health department to regulate waste tire recycling.~~

~~—(b) The application shall be filed in the form established by the local health department.]~~

~~[(2)](1)~~ Any waste tire recycler who recycles, at an out-of-state location, tires that are generated within the state, may apply for partial reimbursement to the Executive Secretary, ~~[for the cost of transporting and processing the recycled tires]~~ as provided in Subsection 26-32a-107(1)(b).

(a) A waste tire recycler who requests partial reimbursement ~~[for waste tires recycled outside the state]~~ ~~from the Executive Secretary,~~ shall meet the following requirements:

(i) the recycler must be registered as required by Section R315-320-5;

(ii) the recycling site must be outside the state; and

(iii) the recycler must demonstrate that the waste tires or material derived from waste tires were generated within the State of Utah and either

(A) removed and transported by a tire transporter registered as required by Section R315-320-4 or a recycler registered as required by Section R315-320-5 or a person as defined in Subsection 26-32a-103~~[(23)](28)~~(c); or

(B) generated by a private person who is not a waste tire transporter as defined in Section 26-32a-103(28), and that person brings the waste tires to the recycler.

(b) A waste tire recycler ~~[who recycles Utah generated waste tires outside of the state]~~ may claim partial reimbursement for waste tires removed from tire piles subject to:

(i) the requirements of Subsections R315-320-6~~[(2)](1)~~ and 26-32a-107.5;

(ii) submission of the application as required in Subsection R315-320-6~~[(2)](1)~~(c); and

(iii) the application required in Subsection R315-320-6~~[(2)](1)~~(c) may be submitted at a minimum of monthly intervals.

(c) Any waste tire recycler requesting partial reimbursement ~~[for waste tires or material derived from waste tires recycled outside the state]~~ ~~from the Executive Secretary,~~ must submit an application ~~[to the Executive Secretary]~~ on a form designated by the Executive Secretary and shall ~~[contain]~~ provide the following:

(i) business name;

(ii) name of owner;

(iii) name of operator;

(iv) a brief description of the recycler's business;

(v) quantity, in tons, of waste tires or tire derived material for which partial reimbursement is being claimed, accompanied by documentation of recycling;

(vi) a description of how waste tires or material derived from waste tires were recycled;

(vii) a demonstration that the requirements of Subsection 26-32a-107(4) have been met; and

(viii) a demonstration that at least 100,000 waste tires~~;~~ ~~generated within the state;~~ will be recycled each year.

(d) Any waste tire recycler that applies ~~to the Executive Secretary~~ for partial reimbursement ~~[the out-of-state recycling rebate]~~ for [ground]the recycling of crumb rubber or chipped tires must show that the [ground rubber]material has been used as a component in a product.

~~—(3) A waste tire recycler who qualifies for partial reimbursement may waive the reimbursement and request, in writing to the Executive Secretary, that the reimbursement be paid to a person who processes the waste tires or material derived from waste tires prior to receipt of such tires or materials by the recycler.]~~

(e) No partial reimbursement will be approved by the Executive Secretary for a recycler that is not the holder of a current, valid waste tire recycler registration at the time of submittal of the request.

(2) No partial reimbursement request submitted by a waste tire recycler for the first time, or the first time a specific recycling process or a beneficial use activity is used, shall be approved by a local health department under Section 26-32a-108 until the local health department has received from the Executive Secretary a written certification that the Executive Secretary has determined the processing of the waste tires to be recycling or a beneficial use. If the reimbursement request contains sufficient information, the Executive Secretary shall make the recycling or beneficial use determination and notify the local health department in writing within 15 days of receiving the request for determination.

~~(3)~~(3) In addition to any other penalty imposed by law, any person who knowingly or intentionally provides false information required by Section R315-320-5 or Section R315-320-6 shall be ineligible to receive any reimbursement and shall return to the Division of Finance any reimbursement previously received that was obtained through the use of false information.

R315-320-7. Responsibilities of Executive Secretary For Processing Partial Reimbursement Requests for Waste Tires Recycled Outside Utah.

(1) The Executive Secretary, upon receipt of an application for reimbursement, shall:

- (a) review the application for completeness;
- (b) if the application is the initial application of the recycler, the Executive Secretary may conduct an on-site investigation of the recycler's operation and waste tire use; and

(c) determine whether the recycler has met the requirements of Subsection R315-320-6~~(2)~~(1).

(2) If the Executive Secretary determines that the recycler qualifies for partial reimbursement, an application for partial reimbursement along with a brief report of the results of the investigation, if conducted, and ~~the Executive Secretary shall submit the~~ dollar amount approved for payment~~[shall be submitted]~~ to the Division of Finance.

R315-320-8. Reimbursement for the Removal of an Abandoned Tire Pile or a Tire Pile at a Landfill Owned by a Governmental Entity.

(1) A county or municipality applying for payment for removal of an abandoned tire pile or a tire pile at a county or municipal owned landfill shall meet the requirements of Section 26-32a-107.7.

(2) The following items shall be submitted to the Executive Secretary when requesting a determination of reasonability of a bid as specified in Subsection 26-32a-107.7(2):

- (a) a copy of the bid;
- (b) a letter from the local health department stating that the tire pile is abandoned or that the tire pile is at a landfill owned or operated by a governmental entity and certifying that no tires were added to the pile after June 30, 1999; and
- (c) a written statement from the county or municipality that the bidding was conducted according to the legal requirements for competitive bidding.

(3) The Executive Secretary will review the submitted documentation in accordance with Subsection 26-32a-107.7(2) and will inform the county or municipality if the bid is reasonable.

(4) A determination of reasonability of the bid will be made and the county or municipality notified withing 30 days of receipt of the request by the Executive Secretary.

(5) A bid determined to be unreasonable shall not be deemed eligible for reimbursement.

KEY: solid waste management, waste disposal

[November 16, 1998]1999

Notice of Continuation March 12, 1999

19-6-105

26-32a



**Health, Community and Family Health
Services, Health Education Services**

R402-5

Birth Defects Reporting

NOTICE OF PROPOSED RULE

(New)

DAR FILE No.: 22316

FILED: 08/16/1999, 11:06

RECEIVED BY: NL

RULE ANALYSIS

PURPOSE OF THE RULE OR REASON FOR THE CHANGE: This rule provides for the accurate and timely reporting of birth defects, which permits the Department to monitor prevalence rates, determine demographic distribution, assess clustering of birth defects, and identify trends over time. Additionally, risk factors may be identified which provide insight into primary prevention strategies for birth defects.

SUMMARY OF THE RULE OR CHANGE: This rule requires statewide reporting of birth defects in Utah by hospitals, birthing centers and cytology laboratories. It provides the necessary legal coverage for those individuals who voluntarily report confidential information regarding birth defect cases.

STATE STATUTORY OR CONSTITUTIONAL AUTHORIZATION FOR THIS RULE: Sections 26-10-2 and 26-25-1, and Subsections 26-1-30(2)(c), (d), (e), (g), (p), (t), and 26-10-1(2)

ANTICIPATED COST OR SAVINGS TO:

❖**THE STATE BUDGET:** It is anticipated that this rule will not impose any new or additional cost since the Department has been collecting this information on a voluntary basis.

❖**LOCAL GOVERNMENTS:** The only local governmental entities that are affected by this rule are those that operate hospitals. Personnel at all hospitals within the state have been voluntarily reporting this information. The aggregate cost of this reporting by all hospitals operated by local governments is estimated to be less than \$30 annually, based on postage and handling costs and on the five to ten minutes it takes for each to run the report at an average of \$12.50 per hour in employee costs.

❖ **OTHER PERSONS:** Personnel at all hospitals, birthing centers, and cytology laboratories already submit this information on a voluntary basis. The aggregate cost of this reporting for all nongovernment facilities is estimated to be less than \$200 annually, based on postage and handling costs and on the five to ten minutes it takes for each to run the report at an average of \$12.50 per hour in employee costs.

COMPLIANCE COSTS FOR AFFECTED PERSONS: Each person that reports this information will incur costs of between \$5 and \$30 annually.

COMMENTS BY THE DEPARTMENT HEAD ON THE FISCAL IMPACT THE RULE MAY HAVE ON BUSINESSES: The affected businesses have voluntarily incurred these costs to support this important public health data gathering. This rule should impose no new fiscal impacts--Rod L. Betit

THE FULL TEXT OF THIS RULE MAY BE INSPECTED, DURING REGULAR BUSINESS HOURS, AT:

Health
Community and Family Health Services,
Health Education Services
105B, Cannon Health Building
280 North 1460 West
PO Box 142106
Salt Lake City, UT 84114-2106, or
at the Division of Administrative Rules.

DIRECT QUESTIONS REGARDING THIS RULE TO:
Marcia Feldkamp at the above address, by phone at (801) 538-6953, by FAX at (801) 538-9448, or by Internet E-mail at mfeldkam@doh.state.ut.us.

INTERESTED PERSONS MAY PRESENT THEIR VIEWS ON THIS RULE BY SUBMITTING WRITTEN COMMENTS TO THE ADDRESS ABOVE NO LATER THAN 5:00 P.M. ON 10/01/1999.

THIS RULE MAY BECOME EFFECTIVE ON: 10/02/1999

AUTHORIZED BY: Rod Betit, Executive Director

R402. Health, Community and Family Health Services, Health Education Services.

R402-5. Birth Defects Reporting.

R402-5-1. Purpose and Authority.

This rule establishes reporting requirements for birth defects for births in Utah and for birth-defect related test results. Sections 26-1-30(2)(c), (d), (e), (g), (p), (t), 26-10-1(2), and 26-10-2 authorize this rule.

R402-5-2. Definitions.

As used in this rule:

(1) "Cytogenetics laboratory" means a laboratory in Utah that conducts genetic analysis of samples taken from humans.

(2) "Birthing center" means a birthing center licensed under Title 26, Chapter 21.

(3) "Birth defect" means a structural malformation listed in the ICD-9-CM with a diagnostic code from 740.0 to 759.9 or in the ICD-10 with a diagnostic code from Q00-Q99.

(4) "Fetal death" means the delivery of a dead fetus that is of 20 weeks or more gestation, calculated from the date the last menstrual period began to the date of delivery.

(5) "Hospital" means general acute hospital, children's speciality hospital, remote-rural hospital licensed under Title 26, Chapter 21.

(6) "Infant" means an individual under 12 months of age.

R402-5-3. Reporting by Hospitals and Birthing Centers.

The hospital or birthing center where there is a live birth with a birth defect, a fetal death with a birth defect, or admission of an infant with a birth defect shall report or cause to report to the department within 40 days following the birth, fetal death, or admission of the infant the following:

(1) infant's name;

(2) infant's date of birth;

(3) mother's name;

(4) mother's date of birth;

(5) delivery hospital;

(6) birth defects diagnoses; and

(7) mother's state of residency at delivery.

R402-5-4. Reporting by Cytogenetic Laboratories.

A cytogenetic laboratory operating in the state that identifies a human chromosomal or genetic abnormality shall report the following on a calendar quarterly basis to the department within 40 days of the end of the preceding calendar quarter:

(1) if live born, infant's name and date of birth;

(2) mother's name;

(3) mother's date of birth;

(4) date the sample is accepted by the laboratory;

(5) test conducted;

(6) test result; and

(7) mother's state of residency at delivery.

R402-5-5. Record Abstraction.

Hospitals and birthing centers required to report pursuant to this rule shall allow personnel from the department or its contractors to abstract information from the mother's and infant's files on their demographic characteristics, family history of birth defects, and outcomes of that and other pregnancies by that mother.

R402-5-6. Liability.

As provided in Title 26, Chapter 25, persons who report, either voluntarily or as required by this rule, information covered by this rule may not be held liable for reporting the information to the Department of Health.

R402-5-7. Penalties.

As required by Section 63-46a-3(5): Any hospital, birthing center, or cytogenetic laboratory that violates any provision of this rule may be assessed a civil money penalty not to exceed the sum of \$5,000 or be punished for violation of a class B misdemeanor for the first violation and for any subsequent similar violation within two years for violation of a class A misdemeanor as provided in Section 26-23-6.

KEY: birth defects, birth defect reporting
1999 26-1-30(2)(c), (d), (e), (g), (p), (t)
26-10-1(2)
26-10-2
26-25-1

◆ ————— ◆
**Health, Health Systems Improvement,
Emergency Medical Services**

R426-1

Ambulance Rules

NOTICE OF PROPOSED RULE

(Repeal)

DAR FILE No.: 22319

FILED: 08/16/1999, 14:18

RECEIVED BY: NL

RULE ANALYSIS

PURPOSE OF THE RULE OR REASON FOR THE CHANGE: A new Emergency Medical Services (EMS) Systems Act was adopted during the 1999 legislature, making it necessary to rewrite the EMS rules. The new rules, filed simultaneously with this rule filing, will replace this rule.

(DAR Note: S.B. 54 is found at 1999 Utah Laws 141, and was effective March 18, 1999.)

SUMMARY OF THE RULE OR CHANGE: The old Ambulance Rules will become part of the new Emergency Medical Services (EMS) rules that are based on the new EMS Systems Act, Title 26, Chapter 8a.

(DAR Note: Repealed Rule R426-1 was rewritten and proposed as new rules R426-11 (DAR No. 22322), R426-12 (DAR No. 22323), R426-13 (DAR No. 22324), R426-14 (DAR No. 22325), R426-15 (DAR No. 22326), and R426-16 (DAR No. 22327). Specifically, it is in R426-11-200 and R426-11-300; R426-12-101, 102, 103, 200 series, 300 series, 400 series, 700, 800, 900, 1000, 1100, 1101, 1200, and 1201; all of R426-13-100; all of R426-14; all of R426-15 and R426-16. All of these proposed new rules are in this *Bulletin*.)

STATE STATUTORY OR CONSTITUTIONAL AUTHORIZATION FOR THIS RULE: Title 26, Chapter 8

ANTICIPATED COST OR SAVINGS TO:

◆THE STATE BUDGET: The costs associated with the repeal of this rule and the adoption of the replacement rules, which are filed simultaneously with this repeal, are explained in the filings for the replacement rules.

◆LOCAL GOVERNMENTS: The costs associated with the repeal of this rule and the adoption of the replacement rules, which are filed simultaneously with this repeal, are explained in the filings for the replacement rules.

◆OTHER PERSONS: The costs associated with the repeal of this rule and the adoption of the replacement rules, which are

filed simultaneously with this repeal, are explained in the filings for the replacement rules.

COMPLIANCE COSTS FOR AFFECTED PERSONS: The costs associated with the repeal of this rule and the adoption of the replacement rules, which are filed simultaneously with this repeal, are explained in the filings for the replacement rules.

COMMENTS BY THE DEPARTMENT HEAD ON THE FISCAL IMPACT THE RULE MAY HAVE ON BUSINESSES: This repeal should have no fiscal impact on business. The substance of the rule is incorporated into a new set of replacement rules--Rod L. Betit

THE FULL TEXT OF THIS RULE MAY BE INSPECTED, DURING REGULAR BUSINESS HOURS, AT:

Health
Health Systems Improvement,
Emergency Medical Services
Cannon Health Building
288 North 1460 West
PO Box 142004
Salt Lake City, UT 84114-2004, or
at the Division of Administrative Rules.

DIRECT QUESTIONS REGARDING THIS RULE TO:

Leslie Johnson at the above address, by phone at (801) 538-6292, by FAX at (801) 538-6808, or by Internet E-mail at ljohnso@doh.state.ut.us.

INTERESTED PERSONS MAY PRESENT THEIR VIEWS ON THIS RULE BY SUBMITTING WRITTEN COMMENTS TO THE ADDRESS ABOVE NO LATER THAN 5:00 P.M. ON 10/01/1999.

THIS RULE MAY BECOME EFFECTIVE ON: 10/02/1999

AUTHORIZED BY: Rod L. Betit, Executive Director, Utah Dept. of Health

R426. Health, Health Systems Improvement, Emergency Medical Services.

~~[R426-1. Ambulance Rules:~~

~~**R426-1-1. Authority and Purpose:**~~

~~— (1) This rule is established under Title 26, Chapter 8:~~

~~— (2) The purpose of this rule is to provide for the establishment of uniform minimum standards to be met by those providing ambulance services in the state of Utah and for the control, inspection, and regulation of all persons performing these services and their ambulance equipment, so as to promote the health and safety of the people of this state:~~

~~**R426-1-2. Definitions:**~~

~~— As used in rule R426-1:~~

~~— (1) Advanced life Support Personnel means Emergency Medical Technicians or other persons certified by the Department, in accordance with R426-1, who provide advanced life support:~~

~~— (2) Advanced Life Support means an advanced level of pre-hospital and inter-hospital emergency care that includes basic life support functions including cardiopulmonary resuscitation (CPR) plus some or all of the following techniques or procedures: cardiac monitoring, manual cardiac defibrillation, administration of specific~~

medications, drugs, and solutions, use of adjunctive medical devices, trauma care, and other techniques and procedures authorized by the committee.

— (3) Agency means any department, division, board, council, committee, authority, or agency of the state of Utah, or any of its political subdivisions.

— (4) Ambulance means any privately or publicly owned land vehicle designed, constructed, or modified and equipped and is intended to be used for and is maintained or operated for transportation upon the streets or highways, in this state of individuals who are sick, injured, wounded, or otherwise incapacitated or helpless.

— (5) Ambulance Service means transportation and care of patients by ambulance.

— (6) Basic Life Support means prehospital and interhospital emergency care which includes some or all of the techniques and procedures taught in a department-approved Emergency Medical Technician-basic training course.

— (7) Basic Life Support Personnel means Emergency Medical Technicians, emergency medical care first responders and other certified persons as specified by the committee who are engaged in the provision of basic life support.

— (8) EMS Committee means the State Emergency Medical Services (EMS) Committee.

— (9) Department means the Utah Department of Health.

— (10) Director means the Director of the Department of Health.

— (11) Emergency Medical Technician-Basic (EMT) means an individual who has completed a basic training program approved by the Department who is certified by the Department as qualified to render services enumerated in R426-1 in accordance with his level of training.

— (12) Emergency Medical Technician-Intermediate (EMT-I) means an individual who has completed an advanced life support training program approved by the Department who is certified by the Department as qualified to render services enumerated in R426-1 in accordance with his level of training.

— (13) Advanced Life Support Training Module means a skill enhancement training program developed by the Department and approved by the committee for use by EMTs. The module currently approved is IV Infusion, with modular certification identified as IV, which includes pediatric vascular access.

— (14) EMT-Advanced means an EMT-I or an EMT with IV certification.

— (15) EMT-Paramedic (EMT-P) means an Emergency Medical Technician (EMT) who has completed an advanced life support training program approved by the Department who is certified by the Department as qualified to render services enumerated in R426-3.

— (16) License means the authorization issued by the Department to a person to provide ambulance service in the state.

— (17) License Officer means the Director of the Department of Health or his designee.

— (18) Medical Control means direction and advice provided by medical personnel at a designated medical facility to pre-hospital basic or advanced life support personnel by radio or telephonic communications.

— (19) Net income means the sum of net service revenue, plus other operating revenue and subsidies of any type, less operating expenses, interest expense, and income tax expense.

— (20) Total assets means one-half of the assets at the beginning of the ambulance service fiscal year, plus one-half of the assets at the end of the fiscal year.

— (21) Net service revenue means gross charges less adjustments to recognize the difference, if any, between the established rate that was charged by the ambulance service, and the amounts paid, or to be paid, by third party payors such as Worker's Compensation, Medicare, Medicaid, Blue Cross or other insurance carriers, where the ambulance service accepts the amount of the payment by the third party as full payment.

— (22) Patient means an individual who, as the result of illness or injury, needs immediate medical attention, whose physical or mental condition presents an imminent danger of loss of life or significant health impairment, or who may be otherwise incapacitated or helpless as a result of a physical or mental condition.

— (23) Permit means the authorization issued by the Department in respect to an ambulance used or to be used to provide ambulance service in the state.

— (24) Person means any individual, firm, partnership, association, corporation, company, group of individuals acting together for a common purpose, agency, or organization of any kind.

— (25) Resource Hospital means a facility designated by the EMS Committee which assumes medical leadership and medical control for the provision of advanced life support services in a specified geographical area.

R426-1-3. Requisites for Providing Ambulance Service:

— (1) An ambulance license and ambulance permit will be issued for a period of four years from the date of issue and will remain valid for the period unless revoked or suspended by the Department. Annual inspections will be conducted to assure compliance. The Department may adjust the four year licensure period to adjust to revised recertification schedules.

— (2) License Process - An application for an original license, renewal license, expanded license, or change in ownership, shall be made to the license officer on forms provided by the Department and shall contain as a minimum the following:

— (a) Financial statement of ambulance service operating revenues and expenses for the previous fiscal year. Services operating for a profit shall also provide a balance sheet and a description of any judgments, executions or liens against the assets of the applicant. The financial information provided shall clearly demonstrate that the applicant has adequate resources to provide the services proposed.

— (b) Articles of Incorporation, or certificate of good standing or renewal license, if incorporated.

— (c) The name and address of the owner of the ambulance service or proposed ambulance service.

— (d) The name under which the applicant is doing business or proposes to do business.

— (e) The training and experience of the applicant in the transportation and care of patients.

— (f) A description and general location of each ambulance or boat to be used as an ambulance, including the make, model, year of manufacture, motor and chassis number, and the color scheme, insignia, name or monogram, or other distinguishing characteristics.

~~— (g) The geographical area to be served, and the location of the place or places from which the ambulance service intends to operate.~~

~~— (i) If the application is for an original or expanded license and proposes to serve a geographical area that is already served by existing licensees, then the Committee shall evaluate whether public need and necessity supports the proposed service, as opposed to continuation of the existing service. If the Committee finds that public need and necessity would be served by the change, then the Department shall modify all existing licenses that previously served the overlapping geographical area, to remove the overlapping authority from existing licenses, effective on the date that the new license is issued. If the Committee does not find that public need and necessity would be met, then the application shall be denied, and existing licenses shall continue without change.~~

~~— (ii) A licensed ambulance agency is responsible for the provision of ambulance service (including standby) for any special events that require ambulance service within their geographic service area. If the licensed ambulance agency determines that it is unable or unwilling to provide the special event coverage, the responsible agency may contact another licensed ambulance agency to provide ambulance service for the special event.~~

~~— (h) Name of the training officer who will assume responsibility for the ambulance personnel continuing education program.~~

~~— (i) EMT-Advanced ambulance service licensure - Requirements noted as follows are in addition to regular ambulance service licensure:~~

~~— (i) Provide the name of the physician medical director who shall develop and review treatment protocols, assess field performance and critique ambulance runs. This provision also applies to services using pneumatic trousers.~~

~~— (ii) Receive Department approval for the use of EMT-I optional skills and drugs, esophageal obturator airway, intraosseous infusion.~~

~~— (iii) Receive Department approval for the use of EMT-IV optional skill, intraosseous infusion.~~

~~— (iv) Secure written support from all related agencies, including the proposed or designated resource hospital before submitting an application.~~

~~— (v) Secure written support from the physician medical director and all hospital physicians who provide EMT medical control for the ambulance service area.~~

~~— (vi) Agree to abide by resource hospital medical leadership and medical control.~~

~~— (vii) Agree to cooperate with the resource hospital to assure provision of continuing medical education for EMT-advanced personnel in accordance with Department recertification standards.~~

~~— (3) Inspection Process - Upon receipt of an application for ambulance service license, the state license officer shall comply with requirements in Title 26, Chapter 8. Upon approval by the Department of the application, but before issuing a license to the new ambulance service, the license officer shall cause to be inspected the ambulance, equipment and the personnel training qualifications designated in each application hereunder to determine compliance with R426-1.~~

~~— (4) Change of Ownership or Management. - Upon change of ownership or management, an ambulance license and ambulance permit shall terminate and the new owner or operator shall be~~

~~required to file within ten business days of acquisition an application for an ambulance license and ambulance permit in conformance with all requirements for an original.~~

~~— (5) Ambulance Vehicle Requirements:~~

~~— (a) An application for an original or renewal ambulance permit shall be made to the license officer, upon forms prescribed by him. No ambulance shall be used in providing ambulance service unless there is in effect, with respect to it, a currently valid permit. Each ambulance shall carry a decal showing the permit expiration date and permit number issued by the Department as evidence that the ambulance identified thereon has been inspected and determined to be in compliance with R426-1.~~

~~— (b) Ambulances shall be maintained in good mechanical repair and sanitary condition on suitable premises, properly equipped, maintained and operated so as to contribute to the general well-being of patients.~~

~~— (c) All carriers providing emergency ambulance service, shall notify the Department whenever the general location of an ambulance is changed.~~

~~— (d) Ground ambulances shall use warning devices, such as lights and sirens, in accordance with Utah law.~~

~~— (e) Ambulance Manufacturing Specifications - An ambulance permit for a new or replacement vehicle shall be issued only if the applicable ambulance complies with the following specifications:~~

~~— (i) Van or Truck Chassis:~~

~~— (A) New Vehicles - Federal GSA Specification No. KKK-A-1822-C, dated January 1, 1990. This document is published by the General Services Administration, Washington, D.C., and copies may be obtained from the Bureau of Emergency Medical Services.~~

~~— (B) Used Vehicles manufactured prior to July 10, 1991 - Federal Specification No. KKK-A-1822, as amended, in effect at the time of manufacture or purchased under Utah specifications in effect between January 1986, and July 10, 1991.~~

~~— (ii) Special consideration will be given by the EMS Committee to communities with limited populations or unique problems for use of ambulance vehicles which do not meet the above specifications.~~

~~— (f) Ambulance Driver Requirements - The driver of each ambulance, while transporting an emergency patient, shall comply with the following requirements:~~

~~— (i) Destination Restriction - In the absence of physician direction, specific area protocols or other decisive factors to the contrary, a ground ambulance driver shall transport emergency patients to the nearest accessible medical facility equipped, staffed and prepared to receive emergency cases and administer emergency medical care appropriate to the needs of the patient.~~

~~— (ii) Siren and Red Warning Light Restrictions - Ground ambulance drivers shall not display red warning light and use siren except when:~~

~~— (A) Responding to an emergency call;~~

~~— (B) Engaged in lifesaving services at the scene; or~~

~~— (C) Transporting emergency patients who are classified as "emergent" by the ambulance attendant on the ambulance trip report form.~~

~~— (g) Ambulance Accident Reports - All licensed providers shall send a copy of the official accident report to the Department whenever a permitted vehicle is involved in an accident while responding to or transporting a patient.~~

~~— (6) Equipment and Supplies~~

— (a) In accordance with the basic or advanced life support licensure level granted an ambulance service, minimum quantities of supplies and equipment shall be carried on each of the service's ambulance vehicles as described in "R426 Appendix". This list may be modified at the discretion of the Department as other needs or new methodology become known. All equipment shall be stored or secured in a manner as to prevent its movement during a crash.

— (b) Equipment rated "not recommended" or "unacceptable" by the American College of Surgeons is not approved under R426-1. Current ratings will be provided by the Bureau of Emergency Medical Services on request.

— (c) No advanced life support equipment, supplies or drugs may be carried on an ambulance where the use of that equipment by an EMT or EMT-Paramedic is not approved by R426-1. If a medical director wishes to have additional ALS equipment, supplies or drugs carried on an ambulance within his jurisdiction for physician or licensed nurse practitioner with Advanced Cardiac Life Support (ACLS) certification to use, a request for approval shall be submitted by the medical director to the EMS Committee at least 30 days prior to the Committee's regular scheduled quarterly meeting. If approved, the responsibility for use and maintenance of equipment falls solely on the requesting physician and the physician's associates.

— (d) Special equipment considerations:

— (e) Critical Care Transport - Ground ambulances used in conjunction with hospital critical care transport teams are exempt from the above requirements but shall carry equipment appropriate to the specific needs of the patient.

— (7) Safety - Safety equipment shall be carried and maintained in working condition:

— (a) Ambulances shall be equipped with approved safety belts for the driver and all passengers:

— (b) Ground ambulances shall display a current safety inspection decal on the lower left hand corner of the left rear window:

— (c) Water ambulances shall comply with all current state boating regulations:

— (8) Communications - All ambulances shall be equipped to allow ambulance personnel to be able to:

— (a) communicate with hospital emergency departments, dispatch centers, emergency medical services, and law enforcement agencies; and

— (b) communicate on radio frequencies approved by the Department:

— (9) Sanitation:

— (a) The ambulance shall be maintained in a clean condition with interior being thoroughly cleaned after each use as appropriate:

— (b) Linens shall be clean and changed after each use:

— (c) Equipment:

— (i) All equipment except disposable items, shall be so designed, constructed, and made of materials that under normal conditions and operations, it shall be durable and capable of withstanding repeated cleaning:

— (ii) Equipment intended for one use only, shall not be reused:

— (iii) Equipment shall be maintained in working condition and equipment checks documented according to local hospital standards:

— (iv) Equipment shall be cleaned after each use:

— (v) Sanitizing or sterilization of equipment shall be accomplished prior to use on a subsequent run:

— (vi) Equipment shall be stored in a protected manner and be readily accessible:

— (10) Records-

— (a) Incident Records - A record shall be made for each trip on forms or data format specified by the Department. Copies shall be transmitted in accordance with instructions provided by the Department. Storage of forms and use of information contained therein shall assure patient confidentiality. Copies of the above trip records shall be maintained and stored by each ambulance service for a minimum of ten years. The method of storage shall lend itself to ready retrieval of specified records:

— (b) Personnel Records - A personnel file shall be maintained for ambulance personnel which shall include their qualifications and training:

— (c) Records required herein shall be available for inspection by representatives of the Department:

R426-1-4. Required Vehicle Insurance Coverages:

— (1) Licensee shall provide the Department with a copy of his certificate of insurance, showing proof of his ability to respond to damages, due to operation of the vehicle, in the manner and minimum amounts specified below:

— (a) Liability insurance in the amount of \$100,000 for each individual claim and \$300,000 for total claims for personal injury from any one occurrence:

— (b) Liability insurance in the amount of \$25,000 for property damage from any one occurrence:

— (2) Insurance shall be obtained from an insurance company authorized to write liability coverage in the state of Utah or through a self-insurance program:

— (3) Any coverage changes shall be reported by the licensee to the Department within 60 days of the date of change:

R426-1-5. Personnel:

— (1) Ground ambulances, while providing ambulance services, shall have the following minimum complement of personnel who shall meet all requirements as outlined in this Ambulance Rule:

— (a) Two attendants, each of whom is an Emergency Medical Technician, EMT-Paramedic, licensed medical doctor or registered nurse under Title 58, and

— (b) A driver, 18 years of age or older, who is the holder of a valid driver's license. If the driver is also an EMT, EMT-I, EMT-Paramedic, licensed medical doctor or registered nurse under Title 58, the driver shall qualify as one of the two attendants required:

— (2) Ambulance services authorized by the Department to provide advanced life support shall assure that at least one EMT-Advanced, EMT-Paramedic, nurse, or physician responds on each call:

— (3) An applicant for basic EMT or ambulance driver shall provide the information required on the application, including his social security number:

— (4) The Department shall exclude from EMT certification an individual who may pose an unacceptable risk to public health and safety, as indicated by his criminal history. The Department shall conduct a background check on each individual who seeks to certify or recertify as an EMT:

— (a) An individual convicted of certain crimes presents an unreasonable risk and the Department shall deny all applications for certification or recertification by individuals convicted of the following crimes:

— (i) Sexual misconduct if the victim's failure to affirmatively consent is an element of the crime, such as forcible rape:

— (ii) Sexual or physical abuse of children, the elderly or infirm, such as sexual misconduct with a child, making or distributing child pornography or using a child in a sexual display, incest involving a child, assault on an elderly or infirm person:

— (iii) Abuse, neglect, theft from, or financial exploitation of a person entrusted to the care or protection of the applicant, if the victim is an out-of-hospital patient or a patient or resident of a health care facility:

— (iv) Crimes of violence against persons, such as aggravated assault, murder or attempted murder, manslaughter except involuntary manslaughter, kidnaping, robbery of any degree, or arson, or attempts to commit such crimes:

— (b) Except in extraordinary circumstances, established by clear and convincing evidence that certification or recertification will not jeopardize public health and safety, the Department shall deny applicants for certification or recertification in the following categories:

— (i) Persons who are convicted of any crime not listed in (a) and who are currently incarcerated, on work release, on probation or on parole:

— (ii) Conviction of crimes in the following categories, unless at least three years have passed since the conviction or at least three years have passed since release from custodial confinement, whichever occurs later:

— (A) Crimes of violence against persons, such as assault;

— (B) Crimes defined as domestic violence under Section 77-36-1;

— (C) Crimes involving controlled substances or synthetics, or counterfeit drugs, including unlawful possession or distribution, or intent to distribute unlawfully, Schedule I through V drugs as defined by the Uniform Controlled Dangerous Substances Act; and

— (D) Crimes against property, such as grand larceny, burglary, embezzlement or insurance fraud:

— (c) The Department shall deny certification or recertification to individuals convicted of crimes, including DUIs, but not including minor traffic violations chargeable as infractions after consideration of the following factors:

— (i) The seriousness of the crime:

— (ii) Whether the crime relates directly to the skills of prehospital care service and the delivery of patient care:

— (iii) Amount of time that has elapsed since the crime was committed:

— (iv) Whether the crime involved violence to or abuse of another person:

— (v) Whether the crime involved a minor or a person of diminished capacity as a victim:

— (vi) Whether the applicant's actions and conduct since the crime occurred are consistent with the holding of a position of public trust:

— (vii) Total number of arrests and convictions:

— (viii) Whether the applicant was truthful regarding the crime on his/her application:

— (d) Certified EMS personnel must notify the Department of any arrest or conviction. The Department may suspend, decertify, or place on probation anyone who does not notify the Department within 30 days of the arrest or conviction:

— (e) The Department may decertify or suspend certification, or place a person on probation for any of the above violations:

— (f) The Department may require an EMT to submit to a background check upon Department request. The Department may decertify or suspend certification, or place on probation an EMT who refuses to submit to a background check:

— (5) The Department may refuse to issue a certification or recertification, or suspend or revoke a certification for any of the following causes:

— (a) Habitual or excessive use or addiction to narcotics or dangerous drugs. Refusal to take a drug test administered by an EMS employer or the department is grounds for refusal, suspension or certification revocation by the Department of Health:

— (b) Habitual abuse of alcoholic beverages or being under the influence of alcoholic beverages while on call or on duty as an Emergency Medical Technician or while driving any emergency vehicle:

— (c) Failure to comply with the emergency medical technician training certification or recertification requirements of this rule:

— (d) Fraud or deceit in applying for or obtaining a certification or fraud, deceit, incompetence, patient abuse, theft, or dishonesty in the performance of duties and practice as an emergency medical technician:

— (e) Involvement in the unauthorized use or removal of narcotics, drugs, supplies or equipment from any emergency vehicle or health care facility:

— (f) Performing procedures or skills beyond the level of certification or violation of laws pertaining to medical practice and drugs:

— (g) Conviction of a felony, misdemeanor, or a crime involving moral turpitude, excluding minor traffic violations chargeable as infractions:

— (h) Mental incompetence as determined by a court of competent jurisdiction:

— (i) Demonstrated inabilities and failure to perform adequate patient care:

— (j) For good cause, including conduct which is unethical, immoral, or dishonorable:

— (6) An individual who wishes to be certified as a Basic Emergency Medical Technician (EMT), shall:

— (a) submit a completed application form, including social security number, to the Department;

— (b) be 18 years of age or older;

— (c) submit to a background investigation;

— (d) complete a Department-approved EMT course;

— (e) display technical competence during field and clinical training;

— (f) successfully complete the Department written and practical examinations; and

— (g) complete all requirements for certification within 90 days from course completion date. The Department may extend the time limit to individuals who demonstrate good cause based on extenuating circumstances:

~~— (7) An individual who wishes to be certified as an Emergency Medical Technician - Intermediate (EMT-I), shall:~~

~~— (a) have 12 months of field experience as a certified EMT, however, the 12 month period may be reduced to six months with special authorization from the Department, based upon a written request from the resource hospital medical director showing the need for advanced level EMTs;~~

~~— (b) be currently certified as an EMT in Utah;~~

~~— (c) complete a Department-approved EMT-I course;~~

~~— (d) display technical competence during field and clinical training;~~

~~— (e) successfully complete the Department written examination and clinical practical evaluation; and~~

~~— (f) complete all requirements for certification within 90 days from course completion date; however, the Department may extend the time limit to individuals who demonstrate good cause based on extenuating circumstances.~~

~~— (8) An individual who wishes to be certified in EMT-IV Infusion (IV) shall:~~

~~— (a) have 12 months of field experience as a certified EMT, however, the 12 month period may be reduced to six months with special authorization from the Department based upon a written request from the resource hospital medical director showing the need for advanced level EMTs;~~

~~— (b) be currently certified as an EMT in Utah;~~

~~— (c) complete the Department-approved IV training module which includes pediatric vascular access;~~

~~— (d) successfully complete the Department written examination and clinical practical evaluation; and~~

~~— (e) Complete all requirements for certification within 90 days from course completion date; however, the Department may extend the time limit to individuals who demonstrate good cause based on extenuating circumstances.~~

~~— (9) Recertification is required every four years. This period may be modified by the Department to standardize EMT recertification cycles. Anyone who recertifies after July 1, 1998, shall receive a four year certification. Anyone certified prior to that date, must continue to recertify as of the date on their identification badge and will be converted to the four year cycle upon recertification:~~

~~— (a) An EMT-Basic who wishes to recertify shall:~~

~~— (i) submit a completed application form, including social security number, to the Department;~~

~~— (ii) submit to a background investigation;~~

~~— (iii) maintain and submit verification of a department-approved current course completion in cardiopulmonary resuscitation;~~

~~— (iv) submit to the Department evidence of having completed 25 hours of Department-approved CME each year, in accordance with the Recertification Protocol for Emergency Medical Technicians;~~

~~— (v) successfully complete the Department EMT written and practical examinations;~~

~~— (vi) submit a statement from the applicant's sponsoring agency confirming the applicant's results of a TB examination.~~

~~— (vii) Certification as an EMT-P or an EMT-I will fulfill EMT recertification requirements. Recertification will be for a concurrent time period:~~

~~— (b) An EMT-Intermediate who wishes to recertify shall:~~

~~— (i) complete all EMT-Basic recertification requirements;~~

~~— (ii) successfully complete the Department written and practical Intermediate examination;~~

~~— (iii) submit a letter to the Bureau from the resource hospital medical director recommending the individual for recertification and verifying the individual's demonstrated proficiency in the following EMT-I skills:~~

~~— (A) initiating and terminating intravenous infusion, including pediatric vascular access;~~

~~— (B) insertion and removal of intraosseous needles;~~

~~— (C) insertion and removal of esophageal obturator airway; and~~

~~— (D) administration of medications via intramuscular, subcutaneous, and intravenous routes.~~

~~— (c) An EMT-IV who wishes to recertify shall:~~

~~— (i) successfully complete EMT-Basic recertification requirements;~~

~~— (ii) submit a letter to the Bureau from the resource hospital medical director recommending the individual for recertification and verifying the individual's demonstrated proficiency in EMT-IV skills; and~~

~~— (iii) successfully complete the Department IV written examination:~~

~~— (10) Emergency Medical Technicians who permit their certification to lapse for a period of less than one year, and who wish to regain it shall:~~

~~— (a) submit a completed application, including social security number, to the Department;~~

~~— (b) submit to a background check;~~

~~— (c) submit to the Department evidence of having completed 25 hours each year of Department-approved CME, in accordance with the Recertification Protocol for Emergency Medical Technicians;~~

~~— (d) maintain and submit verification of a department-approved current course completion in cardiopulmonary resuscitation;~~

~~— (e) successfully complete the Department's written and practical examination;~~

~~— (11) Those individuals who permit their EMT-I certification to lapse for a period of less than one year, and wish to regain it shall:~~

~~— (a) submit the following:~~

~~— (i) completed recertification application including social security number;~~

~~— (ii) letter of recommendation from the ambulance or rescue service with which they are affiliated;~~

~~— (iii) letter of recommendation including results of a structured oral examination, from the resource hospital medical director verifying proficiency in EMT-I skills; and~~

~~— (iv) evidence of completion of 25 hours of Department-approved CME for each year since last recertification.~~

~~— (b) Complete the written and practical recertification examination:~~

~~— (12) Those individuals who permit their IV certification to lapse and wish to regain it shall:~~

~~— (a) Submit a completed recertification application to the Department, including social security number;~~

~~— (b) Complete the basic EMT certification requirements;~~

~~— (c) Submit a letter of recommendation including results of a structured oral examination from the resource hospital medical director verifying proficiency in EMT-IV skills; and~~

~~— (d) Successfully complete the Department's written examination.~~

— (13) The Department may grant reciprocity for EMT-Basic applicants certified outside of the State of Utah based on the following considerations:

— (a) Applicants shall submit to the Department a completed application, including social security number.

— (b) Applicants shall provide the Department with a current copy of their Emergency Medical Technician Certification.

— (c) Applicants shall submit to a background check.

— (d) Applicants shall provide verification to the Department that the certifying course meets the standards established by the Department.

— (e) Applicants shall successfully complete the Department's written and practical examinations.

— (14) Reciprocity for advanced level applicants certified outside of the state of Utah is, at the discretion of the Department, based on the following considerations:

— (a) Applicants shall provide the Department with a copy of their current Emergency Medical Technician Certification.

— (b) Applicants shall provide verification to the Department that the certifying course meets the standards established by the Department.

— (c) Applicants shall complete all basic EMT reciprocity requirements.

— (d) Applicants shall successfully complete the Department applicable Advanced Level certification written and practical examinations.

— (15) Persons who fail any part of the written or practical certifying examination may retest based upon the following:

— (a) Only one re-examination is permitted.

— (b) Applicants who fail the EMT-Basic re-examination must take a complete EMT training course to be eligible for further examination.

— (c) Applicants failing the IV Infusion re-examination must take that complete module to be eligible for further examination.

— (16) Recertification Examination Standards

— (a) An EMT-Basic who fails any part of the written or practical recertification examination may retest in accordance with testing standards established by the Department.

— (b) An EMT-I who fails any part of the written or practical recertification examination may retest in accordance with testing standards established by the Department.

— (i)

— (17) An individual who teaches EMT training programs shall:

— (a) Be certified as an Emergency Medical Technician Instructor, or instructor specialist by the Department, or be a licensed physician under Title 58;

— (b) Successfully complete an instructor certification course.

— (18) An individual who teaches EMT-Advanced training programs shall be licensed under Title 58 as a physician or registered nurse, or be approved by the Department.

— (19) An individual who teaches pediatric vascular courses must be a licensed physician or registered nurse who has completed a Department-approved pediatric advanced life support course or who has completed the Department Emergency Medical Services for Children instructor course.

— (20) When responding to a medical emergency, EMTs shall display their Department-approved certification identification on outer clothing to identify competency level at the scene. EMTs representing volunteer ambulance services shall comply with this

requirement to the extent practicable. Any person displaying a Utah EMT certification identification, who is not so certified, is guilty of a Class B misdemeanor, as provided in 26-8-7(1) and 26-8-15.

— (21) An EMT shall be under medical control of a physician representing a designated resource hospital. When EMTs arrive at the scene of an injury or illness, they must secure radio or telephonic contact with their resource hospital to establish medical control as quickly as possible. If radio or telephonic contact cannot be obtained, the EMT must so indicate on the EMS report form and must follow local written protocol. If there is a physician at the scene who wishes to assist or provide medical direction to the EMT, the EMT may follow his instructions, but only until communications are established with the physician at the resource hospital. Once communications are established with the resource hospital physician, the EMT shall take orders from him. If the physician at the scene wishes to continue directing EMT activities, the EMT shall place the at-scene physician in radio contact with the resource hospital physician. The resource hospital physician may (1) allow the physician at the scene to assume or continue medical control, (2) retain EMT medical control, but allow the physician at the scene to assist, or (3) retain medical control with no participation by the on-scene physician. If option (1) is followed, all orders given to EMTs by the at-scene physician shall be repeated over the radio or telephone by the resource hospital physician for evaluation and documentation. If, in the judgment of the resource hospital physician who is monitoring and evaluating the at-scene medical control, the care is inappropriate to the nature of the medical emergency, the resource hospital physician may reassume medical control of the at-scene EMTs.

R426-1-6. Compartmentalized Pneumatic Trousers.

— (1) Training Requirements - EMTs shall be trained in the use of Compartmentalized Pneumatic Trousers in the Department approved EMT training course.

— (2) Operational Procedures:

— (a) Compartmentalized pneumatic trousers shall be applied and removed only by personnel trained in their use.

— (b) Prior to applying compartmentalized pneumatic trousers the Emergency Medical Technician shall communicate with a licensed physician or registered nurse, trained in their use, for application approval. If communication is not possible, the Emergency Medical Technician may proceed in accordance with standing orders described in R426-1-6-(3).

— (3) Standing Orders

— (a) Written Standing Orders shall be signed by a licensed physician trained in the use of compartmentalized pneumatic trousers.

— (b) Standing orders shall be on file at the local ambulance or rescue service and include:

— (i) Indications for use;

— (ii) Contraindications for use;

— (iii) Application; and

— (iv) Removal.

R426-1-7. EMT-Advanced Standards.

— (1) Resource Hospital - Advanced Life Support (ALS) system control shall be vested in a regional resource hospital designated by the EMS Committee. Resource hospital designation process - A hospital desiring to be designated as a regional resource hospital

shall complete an application form provided by the Department which assures that the following rules will be met:

— (a) The hospital will assume medical leadership for the provision of advanced life support services in a specified geographical area.

— (b) The hospital will designate a physician as medical director who will assume overall medical direction of the regional advanced life support system.

— (c) The hospital will designate an ALS medical control committee which will meet at least quarterly to review and evaluate EMT-Advanced emergency runs, continuing medical education needs and program administration problems. Committee members shall include resource hospital medical director, hospital nurse representative, hospital administration representative, ambulance and emergency services representatives. Minutes shall be kept and filed for Department review.

— (d) The hospital will assume management responsibility for EMT-Advanced training programs and will conduct them only upon written authorization by the Department and in accordance with Departmental curriculum and guidelines.

— (e) The hospital will assume responsibility for providing didactic and clinical CME for EMT-Advanced personnel within their region.

— (f) The hospital will assure that medical control will be available to EMT-Advanced personnel 24 hours per day via department approved telecommunications. Control shall be as follows:

— (i) EMT-IV and EMT-I (excluding drug orders), direct voice communications with a licensed physician or a registered nurse in voice contact with a licensed physician or by voice communication with responding paramedics as per local medical control protocol.

— (ii) EMT-IV and EMT-I may initiate intraosseous infusion after direct voice communications with a licensed physician or with a registered nurse who is in voice contact with a licensed physician. Standing orders for use of intraosseous infusion are not sufficient.

— (iii) Drug orders shall be given only by a registered nurse who is currently certified by the American Heart Association in Advanced Cardiac Life Support (ACLS), or by a physician.

— (g) The medical director may provide to Advanced EMTs signed written standing or contingency orders for the use of IVs and esophageal obturators to deal with extraordinary circumstances or when medical control via telecommunications is not available; however, routine system operation shall be in accordance with R426-1-7(1)(f).

— (h) The hospital shall provide patient data identified by the department. This data shall be submitted at least quarterly to the department. Corporate submittal is preferred. The data must be submitted electronically in a format acceptable to the department.

— (i) The minimum data set that hospitals are required to submit comes from the UB92 file format. The required data elements are:

— Unique Patient Control Number

— Record Type

— Provider Identifier (hospital)

— Patient Social Security Number

— Patient Control Number

— Type of Bill

— Patient Name

— Patient's Address (postal zip code)

— Patient Date of Birth

— Patient's Gender

— Admission Date

— Admission Hour

— Discharge Hour

— Patient's Medical Record Number

— Revenue Code 1 ("450" in at least one of the Rev code fields)

— Total Charges by Revenue Code 1 ("001" last total Charge Field, is sum)

— Revenue Code 2 ("450" used for record selection)

— Total Charges by Revenue Code 2 ("001" sum of all charges)

— Primary Payer Identification

— Estimated Amount Due

— Secondary Payer Identification

— Estimated Amount Due

— Tertiary Payer Identification

— Estimated Amount Due

— Patient Estimated Amount Due

— Principal Diagnosis Code

— Secondary Diagnosis Code 1

— Secondary Diagnosis Code 2

— Secondary Diagnosis Code 3

— Secondary Diagnosis Code 4

— Secondary Diagnosis Code 5

— Secondary Diagnosis Code 6

— Secondary Diagnosis Code 7

— Secondary Diagnosis Code 8

— External Cause of Injury Code (E-Code)

— Procedure Coding Method Used

— Principal Procedure

— Secondary Procedure 1

— Secondary Procedure 2

— Secondary Procedure 3

— Secondary Procedure 4, and

— Secondary Procedure 5

— (j) Where medications are approved, the hospital will provide initial supplies and replenish supplies expended during patient treatment.

— (k) Where EMT or EMT-I defibrillation services are approved, the Medical Director or service Medical Director approved by the Department shall conduct or have his designee conduct a periodic review and practical session for each certified EMT or EMT-I for whom he provides medical control. The review shall be in accordance with Department protocol. He shall suspend any certified EMT or EMT-I from functioning for 30 days if the EMT fails to pass the required review. If the EMT fails three consecutive defibrillation practical reviews he shall be decertified by the Department. However, if because of illness or medical director-approved absence from service, the EMT is unable to be present for examination, he may be reinstated, after testing if no longer than six months have elapsed since his last successful examination.

— (2) Operational standards

— (a) Persons certified as EMTs with IV certification or EMT-Is, while functioning under resource hospital medical control, may provide basic life support services plus the following advanced life support procedures:

— (i) EMTs with IV certification - Administer intravenous and intraosseous solutions as listed in the "R426 Appendix", and draw blood specimens for analysis.

— (ii) EMT-I - Administer IV infusion, airway intubation by esophageal obturator, and drugs limited to those described in the document "R426 Appendix." Cardiac drugs may be used only when:

— (A) The patient is being monitored;

— (B) The EMT-I has received verbal direction from the resource hospital physician or other authorized medical personnel to administer the drug. Standing orders for the use of drugs are not allowed.

— (b) Defibrillation - Persons certified as EMTs, EMT-Is, or paramedics while functioning under these standards shall:

— (i) Utilize equipment specified for defibrillation and report all runs where cardiopulmonary resuscitation is performed.

— (ii) Determine the presence of ventricular fibrillation and defibrillate according to the established Department protocol.

— (3) Equipment and supplies - See "R426 Appendix" for required list of equipment and supplies.

— (4) EMT-Advanced/Physician Relationship - An Advanced EMT where possible shall be under medical control of a physician representing a designated resource hospital. When Advanced EMTs arrive at the scene of an injury or illness, they should secure radio or telephonic contact with their resource hospital to establish medical control as quickly as possible. If radio or telephonic contact cannot be obtained, the Advanced EMT should so indicate on the EMS report form and should follow local written protocol. If there is a physician at the scene who wishes to assist or provide medical direction to the Advanced EMT, the Advanced EMT shall follow his instructions but only until communications are established with the physician at the resource hospital. Once communications are established with the resource hospital physician, the Advanced EMT shall take orders from him. If the physician at the scene wishes to continue directing Advanced EMT activities, the Advanced EMT shall place the at-scene physician in radio contact with the resource hospital physician. The resource hospital physician has the option of (1) allowing the physician at the scene to assume or continue medical control, (2) assuming Advanced EMT medical control, but allowing the physician at the scene to assist, or (3) assuming medical control with no participation by the on scene physician. In the event option 1 is followed, all orders given to Advanced EMTs by the at-scene physician shall be repeated over the radio or telephone by the resource hospital physician for evaluation and documentation. If in the judgment of the resource hospital physician who is monitoring and evaluating the at-scene medical control, the care is inappropriate to the nature of the medical emergency, the resource hospital physician may reassume medical control of the at-scene Advanced EMTs.

— (5) Paramedics on board non-paramedic ambulances - Certified EMT-Paramedics providing services for a licensed paramedic rescue service may, under medical control, continue those services during transport of the patient to a medical facility in a licensed EMT-Basic or EMT-Intermediate ambulance.

R426-1-8. Maximum Licensed Services Transportation Rates and Charges.

— (1) Licensed services operating under R426-1 shall not charge more than the maximum rates described under R426-1-8(3) through (7). In addition, the net income of licensed services, including

subsidies of any type, shall not exceed the greater of the net income limit set by R426-1-8(a) or (b):

— (a) The net income limit shall be the greater of eight percent of gross revenue or 14 percent return on average assets.

— (b) Licensed Services may change rates at their discretion after notifying the Department, provided that the rates do not exceed the maximums specified in R426-1-8:

— (2) The initial regulated rates established in R426-1-8(3), R426-1-8(4), R426-1-8(5), R426-1-8(6) and R426-1-8(7) are effective July 1, 1998, and shall be adjusted annually on July 1 thereafter, based on an annual review of the most recent 12 month percentage change in price levels from the following sources: U.S. Bureau of Labor Statistics Occupational Employment and Wage Data, the National Consumer Pricing Index (CPI), the State of Utah Governor's Office of Planning and Budget economic report, the U.S. Bureau of Labor Statistics seasonally adjusted CPI for Urban Consumers transportation and medical care categories, and the U.S. Bureau of Labor Statistics seasonally adjusted CPI for Urban Wage Earners and Clerical Workers transportation and medical categories. The adjustment shall be made effective and published by order of the Department prior to June 1 of each year and become effective July 1, of each year. As of the beginning of fiscal year 2000, all licensed services will collect financial data as delineated by the department to be submitted as detailed under R426-1-8(10). This data shall then be used as the basis for the annual rate adjustment beginning July 1, 2001.

— (3) Base Rates -

— (a) Basic Life Support - \$226.62 per transport.

— (b) Advanced Life Support - Intermediate - \$269.12 per transport.

— (c) Advanced Life Support - Paramedic Ambulance Transfer Service inter-facility transports, and Paramedic Ambulance transports that provide basic life support - \$339.94 per transport.

— (d) Advanced Life Support - Paramedic ambulance transports that, under physician medical direction, provide basic or intermediate ambulance transports that have paramedics on-board to continue advanced life support initiated by a paramedic rescue service - Basic ambulance service - \$407.92 per transport, Intermediate ambulance service - \$450.42 per transport. Any ambulance service that interfaces with a paramedic rescue service must have an interlocal or equivalent agreement in place, dealing with reimbursing the paramedic agency for services provided up to the maximum of \$141.64 per transport.

— (4) Mileage Rate - \$9.92 per mile or fraction thereof. In all cases mileage shall be computed from the point of pickup to the point of delivery.

— (5) Surcharges -

— (a) Emergency - A surcharge of \$22.48 per transport may be assessed for emergency responses.

— (b) Night - A surcharge of \$22.48 per transport may be assessed for ambulance service between the hours of 8:00 p.m. and 8:00 a.m.

— (c) Off-road - Where the ambulance is required to travel for ten miles or more on unpaved roads, a surcharge of \$18.73 per transport may be assessed.

— (6) Special Provisions -

— (a) Multiple Patients - If more than one patient is transported from the same point of origin to the same point of delivery in the

same ambulance, the charges to be assessed to each individual will be determined as follows:

- (i) Each patient will be assessed the transportation rate.
- (ii) The emergency surcharge, night surcharge and mileage rate will be computed as specified, the sum to be divided equally between the total number of patients.
- (b) Round trip - A round trip may be billed as two one-way trips.
- (c) Waiting time - An ambulance shall provide 15 minutes of time at no charge at both point of pickup and point of delivery, and may charge \$12.49 per quarter hour or fraction thereof thereafter. On round trips, 30 minutes at no charge will be allowed from the time the ambulance reaches the point of delivery until starting the return trip. At the expiration of the 30 minutes, the ambulance service may charge \$12.49 per quarter hour or fraction thereof thereafter.
- (7) Non-transport rate - Where an ambulance is summoned to a medical emergency by a dispatch agency, but does not transport, a charge of \$187.38 may be assessed.
- (8) Charges for supplies - Supplies shall be priced fairly and competitively with similar products in the local area.
- (9) Uncontrollable Cost Escalation -
 - (a) In the event of a temporary escalation of costs, an ambulance service may petition the EMS Committee for permission to make a temporary service-specific surcharge. The petition shall specify the amount of the proposed surcharge, the reason for the surcharge, and provide sufficient financial data to clearly demonstrate the need for the proposed surcharge. Since this is intended to only provide temporary relief, the petition shall also include a recommended time limit.
 - (b) The petition shall be submitted to the Department, which shall within 30 days, notify the ambulance service of the date and time of the next EMS Committee meeting and the disposition of the petition. Prior to the EMS Committee meeting, the Department shall evaluate the petition for reasonableness and prepare a written response for consideration by the EMS Committee. The EMS Committee may reject, modify or adopt the proposed surcharge as a proposed rule and direct the Department to submit a notice of rule change to the Division of Administrative Rules in accordance with the Rulemaking Act. The public comment period shall include a public hearing.
- (10) Licensed Service reporting requirements - The licensed service shall file with the Department within five months of the end of each licensed service's fiscal year, an operating report in accordance with the instructions, guidelines and review criteria specified in the EMS Committee's "Department of Health Uniform Licensed Service Fiscal Reporting Guide". The Department shall provide a summary of operating reports received during the previous state fiscal year to the EMS Committee in the October quarterly meeting, beginning 2001.
- (11) Fiscal audits -
 - (a) Upon receipt of licensed service fiscal reports, the Department shall review them for compliance to standards established in the "Department of Health Uniform Licensed Service Fiscal Reporting Guide." The Department, or its representative, may audit licensed services to verify the information given in the report.

— (b) Where the Department determines that the audited service is not in compliance with this rule, the Department shall proceed in accordance with Section 26-8-12.

R426-1-9. Inspections:

- (1) The Department shall make all investigations and inspections necessary for the enforcement of R426-1.
- (2) Inspections, other than the initial inspection, shall be made on an annual basis or as may be required and may include all personnel, ambulances, facilities, communications equipment, methods, procedures, materials, and all other attributes or characteristics. Findings shall be recorded on an inspection report form provided for this purpose. The licensee or its representative shall sign the inspection form acknowledging the inspection; however, signature shall not necessarily indicate agreement with the findings thereof. A copy of the inspection report shall be furnished to the licensee.
- (3) Based upon compliance of the ambulance service an ambulance service license and ambulance vehicle permit will be issued. In conjunction with ambulance vehicle permits, decals shall be issued for specific ambulances which shall not be transferrable to other ambulances.

R426-1-10. Exemptions from the Provisions of this Rule:

- See Section 26-8-10:

R426-1-11. Denial, Suspension or Revocation of a License, Permit or Certificate:

- See Section 26-8-12:

R426-1-12. Research or Study Projects:

- (1) Persons proposing to undertake a research or study project which requires waiver of any rules herein, shall have a project director who is a physician licensed to practice medicine in the state of Utah, and shall submit a written proposal to the Bureau of Emergency Medical Services for presentation to the EMS Committee. The Committee may only waive rules if the waiver is not inconsistent with statutory requirements. The proposal shall include the following:
 - (a) A project description, including:
 - (i) Need for project;
 - (ii) Project goal;
 - (iii) Specific objectives;
 - (iv) Methodology for project implementation;
 - (v) Geographical area to be covered by the proposed project;
 - (vi) Specific regulation to be waived;
 - (vii) Proposed waiver language;
 - (viii) Evaluation methodology;
 - (b) A list of the pre-hospital providers and hospitals participating in the project.
 - (c) A signed statement of endorsement from participating hospital medical directors and administrators, the director of each participating paramedic/ambulance provider, other project participants, and other parties who may be significantly affected.
 - (d) A description of the skills to be utilized by the Paramedics/EMT's, if different from those specified in these regulations, and provision for training and supervising of personnel who are to utilize these skills, including the names of personnel:

— (c) The name and signature of the project director attesting to his support and approval of the project proposal.

— (2) Study project approval

— (a) The EMS Committee may grant approval to any project found to comply with the conditions specified in this section. Interested and affected parties will be notified of any proposed project and be provided an opportunity to comment. Only one project on any given subject shall be conducted within the state at any given time.

— (b) A representative of the State Epidemiological Office or another person with statistical expertise, approved by the Director of the Bureau of Emergency Medical Services, shall review project design and make recommendations regarding technical detail, elimination of bias, study monitoring, hypothesis development in testing, and statistical validity.

— (c) When considering any project, the EMS Committee may, at its discretion, require additional conditions to be met.

— (d) Project approval shall be granted for a period of one year from the date of approval by the EMS Committee. Approval for continuation beyond this period by the EMS Committee shall be based on the achievement and satisfactory progress as evidenced in written progress reports to be submitted to the Bureau of Emergency Medical Services at least 90 days prior to the end of the approved year. The time periods for the project may not exceed three years.

— (e) Approval of a project by the EMS Committee shall constitute approval of the personnel listed in the proposal to exercise the specified skills of the participants in the project. The Project Director shall submit the names of additional project personnel not initially approved, to the Bureau of Emergency Medical Services for consideration by the EMS Committee.

— (f) The EMS Committee may rescind approval for the project at any time for just cause. Before any rescission is final, the agency involved in the study will be allowed a hearing by the EMS Committee to explain and express their views.

— (3) Study recommendations - At least six months prior to the planned completion of the project, the medical director shall submit to the Bureau of Emergency Medical Services, a report with the preliminary findings of the project and any recommendations for changes in the project requirements.

R426-1-13. Training Equipment Rental Fees.

— Department-owned training equipment is available for rental upon request to assist training personnel in conducting initial training and continuing medical education programs.

R426-1-14. Penalty for Violation of Rule.

— Any person who violates any provision of this rule may be assessed a penalty not to exceed the sum of \$5,000 or be punished for violation of a class B misdemeanor for the first violation and for any subsequent similar violation within two years for violation of a class A misdemeanor as provided in Section 26-23-6.

KEY: emergency medical services

February 26, 1999 **26-8**

Notice of Continuation December 9, 1997

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Health, Health Systems Improvement, Emergency Medical Services **R426-3** Paramedic Rules

NOTICE OF PROPOSED RULE

(Repeal)

DAR FILE No.: 22320

FILED: 08/16/1999, 14:18

RECEIVED BY: NL

RULE ANALYSIS

PURPOSE OF THE RULE OR REASON FOR THE CHANGE: A new Emergency Medical Services (EMS) Systems Act was adopted during the 1999 legislature session, making it necessary to rewrite the EMS Rules. The new rules, filed simultaneously with this rule filing, will replace this rule.

(DAR Note: S.B. 54 is found at 1999 Utah Laws 141, and was effective March 18, 1999.)

SUMMARY OF THE RULE OR CHANGE: The old Ambulance Rules will become part of the new Emergency Medical Services (EMS) rules that are based on the new EMS Systems Act, Chapter 26, Title 8a.

(DAR Note: Repealed Rule R426-3 was rewritten and proposed as new rules R426-11 (DAR No. 22322), R426-12 (DAR No. 22323), R426-14 (DAR No. 22325), R426-15 (DAR No. 22326), and R426-16 (DAR No. 22327). Specifically, it is in R426-11; R426-12-101, 102, 103, 500 series, 700, 800, 900, 1000, 1100, 1101, 1200, and 1201; all of R426-14; all of R426-15; R426-16-3. All of these proposed new rules are in this *Bulletin*.)

STATE STATUTORY OR CONSTITUTIONAL AUTHORIZATION FOR THIS RULE: Title 26, Chapter 8

ANTICIPATED COST OR SAVINGS TO:

❖ THE STATE BUDGET: The costs associated with the repeal of this rule and the adoption of the replacement rules, which are filed simultaneously with this repeal, are explained in the filings for the replacement rules.

❖ LOCAL GOVERNMENTS: The costs associated with the repeal of this rule and the adoption of the replacement rules, which are filed simultaneously with this repeal, are explained in the filings for the replacement rules.

❖ OTHER PERSONS: The costs associated with the repeal of this rule and the adoption of the replacement rules, which are filed simultaneously with this repeal, are explained in the filings for the replacement rules.

COMPLIANCE COSTS FOR AFFECTED PERSONS: The costs associated with the repeal of this rule and the adoption of the replacement rules, which are filed simultaneously with this repeal, are explained in the filings for the replacement rules.

COMMENTS BY THE DEPARTMENT HEAD ON THE FISCAL IMPACT THE RULE MAY HAVE ON BUSINESSES: This repeal should have no fiscal impact on business. The substance of the rule is incorporated into a new set of replacement rules--Rod L. Betit

THE FULL TEXT OF THIS RULE MAY BE INSPECTED, DURING REGULAR BUSINESS HOURS, AT:

Health
Health Systems Improvement,
Emergency Medical Services
Cannon Health Building
288 North 1460 West
PO Box 142004
Salt Lake City, UT 84114-2004, or
at the Division of Administrative Rules.

DIRECT QUESTIONS REGARDING THIS RULE TO:

Leslie Johnson at the above address, by phone at (801) 538-6292, by FAX at (801) 538-6808, or by Internet E-mail at ljohnso@doh.state.ut.us.

INTERESTED PERSONS MAY PRESENT THEIR VIEWS ON THIS RULE BY SUBMITTING WRITTEN COMMENTS TO THE ADDRESS ABOVE NO LATER THAN 5:00 P.M. ON 10/01/1999.

THIS RULE MAY BECOME EFFECTIVE ON: 10/02/1999

AUTHORIZED BY: Rod L. Betit, Executive Director, Utah Dept. of Health

R426. Health, Health Systems Improvement, Emergency Medical Services.

[R426-3. Paramedic Rules:

R426-3-1. Authority and Purpose:

- (1) This rule is established under Section 26-8-4.
- (2) The purposes of rule R426-3 are to set forth the policies adopted by the Utah Emergency Medical Services (EMS) Committee for:
 - (a) Licensing of agencies providing paramedic services.
 - (b) Establishing guidelines for training of paramedic personnel.
 - (c) Certifying and recertifying of paramedic personnel.
 - (d) Establishing paramedic vehicle supply and equipment standards.
 - (e) Setting rates and charges for paramedic services.
 - (f) Other related rules pertaining to the administration of the Utah Mobile Paramedic system.

R426-3-2. Definitions:

— As used in rule R426-3:

- (1) Agency means any department, division, board, council, committee, authority or agency of the State of Utah, or any of its political subdivisions.
- (2) Associate Hospital means a hospital which provides 24-hour emergency care and has communication equipment approved by the Department which enables communication with EMT-Paramedics at a remote location through linkage with a base station hospital.
- (3) Base Station Hospital means a hospital which provides 24-hour emergency care and has communication equipment approved by the Department which enables communication by radio and telephone with paramedics at a remote location.
- (4) Department means the Utah Department of Health.

— (5) EMS Committee means the Utah Emergency Medical Services Committee.

— (6) EMT-Paramedic means an emergency medical technician who has completed an advanced life support training program approved by the Department who is certified by the Department as qualified to render services enumerated in R426-3.

— (7) License Officer means the Director of the Department or his designee.

— (8) Patient means an individual who, as the result of illness or injury, needs immediate medical attention, whose physical or mental condition presents an imminent danger of loss of life or significant health impairment, or who may be otherwise incapacitated or helpless as a result of a physical or mental condition.

— (9) Person means any individual, firm, partnership, association, corporation, company, group of individuals acting together for a common purpose, agency, or organization of any kind, public or private.

— (10) Physician means a medical doctor licensed to practice medicine and surgery in Utah.

— (11) Receiving Center means any hospital which provides emergency care.

— (12) Registered Nurse means a registered nurse licensed in Utah.

R426-3-3. Administration of the Paramedic Rules:

— (1) The EMS Committee is responsible to establish rules as enumerated in the Utah Emergency Medical Services Systems Act, Section 26-8-4. Pursuant to the Act (Subsection 26-8-3(3)) and to more effectively regulate the paramedic program, a Paramedic Advisory Subcommittee is established as a standing subcommittee advisory to the EMS Committee.

— (2) The Department is responsible for licensing paramedic services, issuing ambulance and emergency response vehicle permits, developing, conducting, or authorizing training programs; testing and certifying EMT-Paramedics and administering rules herein adopted by the EMS Committee.

— (a) The Department shall license paramedic services for a period of four years from the date of issue. The license is valid for the period unless revoked or suspended by the Department. The Department will conduct annual inspections to assure compliance. The Department may adjust the four year licensure period to adjust to revised recertification schedules:

— (i) An application for a license shall be made to the appropriate Department representative on forms provided by the Department and shall contain at least the following information:

— (A) written support from all related agencies;

— (B) financial statement (agencies are exempted);

— (C) copy of the Articles of Incorporation, if incorporated;

— (D) the name and address of the owner of the paramedic service or proposed paramedic service;

— (E) the name under which the applicant is doing business or proposes to do business;

— (F) the training and experience of the applicant in the transportation and care of patients;

— (G) the location and description of the place or places from which the paramedic service is intended to operate;

— (H) the proposed geographic service area;

— (I) agreement to provide reports to the Department, for each trip made, on forms specified by the Department; and

— (J) agreement to make available, time for recertification programs available by hospitals, division, district, or develop their own as necessary;

— (ii) Upon receipt of an appropriately completed application form for a paramedic service license, the license officer shall comply with the requirements in Chapter 8, Title 26. The Paramedic Advisory Committee shall review each application and make recommendations to the EMS Committee for licensure based upon type of paramedic service to be offered, equipment, trained personnel, and whether the public convenience and necessity requires the proposed paramedic service. Upon approval by the EMS Committee, and before issuing a license to a new paramedic service, the license officer shall cause the paramedic vehicle and equipment to be inspected. The paramedic personnel training qualifications designated in each application hereunder will be reviewed to determine compliance with R426-3.

— (iii) The applicant for a paramedic service provider license will assure the Department that it complies with the following standards:

— (A) Utilize one of the following response configurations which shall be so designated on the license:

— (I) Paramedic Rescue - Rescue units to be used for response only, utilizing a licensed ambulance service for transport.

— (H) Paramedic Tactical Rescue - A rescue unit trained in combat medical response whose primary mission is the retrieval and field treatment of injured peace officers or victims of traumatic confrontations. In addition to the information required under R426-3-3(2)(a) for licensure as a Paramedic Tactical Rescue Unit (PTRU), the applicant shall provide to the Department its standard operating procedures and a letter of recommendation by the Commissioner of the Utah Department of Public Safety. Upon licensure, a PTRU shall function within another EMS service licensure area at the invitation of the local or state public safety authority. The PTRU shall then notify the local EMS agency to establish medical protocol. The PTRU shall also immediately notify the Department of its activation and circumstances of deployment, including location, situation, possible duration, and special needs.

— (HH) Paramedic Ambulance - Ambulances to be used routinely to transport patients. These units shall also comply with the requirements of the Ambulance Rules of the Utah Emergency Medical Services Act.

— (IV) Paramedic Ambulance Transfer Service - Paramedic ambulance services may be licensed for "Paramedic Transfer Service" only. The service is restricted to movement of patients, upon physician request, between medical or nursing facilities. This service is not intended to be a first response paramedic service.

— (B) Staffing Requirements

— (I) Paramedic configuration at the scene of an accident or medical emergency should be no less than two persons, each of whom is an EMT-Paramedic, licensed medical doctor or registered nurse under Title 58.

— (H) Under extraordinary circumstances, as defined by the EMS Committee, a paramedic vehicle may be manned by one EMT-Paramedic and one EMT. The licensee shall maintain a log of all events and submit them to the Department thirty days prior to the quarterly EMS Committee meeting for Committee review. The log

shall show each date of variance, vehicle identification number, variance time period and justification.

— (HH) When a paramedic ambulance has been requested by the referring or attending physician for non-first response inter-facility movement of a patient, and the physician describes the condition of the patient as "serious or potentially critical," paramedic ambulance minimum staffing shall be as noted under R426-3-3(2)(a)(iii)(B)(I). Where the physician describes the condition of the patient as "critical," minimum paramedic ambulance staffing shall be as noted under R426-3-3(2)(a)(iii)(B)(I), plus a driver who is the holder of a valid driver's license.

— (IV) The Department shall not authorize the expansion of an existing paramedic service until the provider can show adequate manning levels to meet the required standard of two paramedics at the scene of each accident or medical emergency.

— (C) Availability - Provide 24-hour coverage in the defined geographic service area. Paramedic transfer services shall provide 24-hour on-call coverage.

— (D) Response Area - The closest vehicle will be dispatched regardless of geopolitical boundaries between contiguous paramedic services.

— (iv) Equipment, Supplies and Medications - Each paramedic unit shall carry medical equipment, supplies, medications, access and extrication equipment, and a standard tool box as described in the "R426 Appendix" hereby incorporated by reference into R426-3. This document may be modified at the discretion of the Department as other needs or new methodology becomes known. Copies may be obtained from the Department.

— (A) Tool Box - Paramedic services licensed only to provide paramedic ambulance transfer services are exempt from these requirements.

— (B) Access and Extrication Equipment - The equipment specified may either be carried on board the paramedic vehicle or on a second vehicle that routinely accompanies the paramedic vehicle to the scene of an accident. Paramedic services licensed only to provide paramedic ambulance transfer services are exempt from these requirements.

— (C) Medications - Due to the nature of the difficulties involved in delivering emergency medical care in the field, it will be the responsibility of the local physician advisor to direct the standardization of the optimal package form of medications and the equipment designed for the administration of medications. These package forms will be made available for the resupplying of the paramedic units. All medications shall be stored per manufacturers' recommendations for temperature control and packaging requirements. A record shall be maintained which records the minimum and maximum temperatures inside each drug box during each 24-hour period. Any medications known or suspected to have been subjected to temperature outside the recommended range shall be returned to the hospital for replacement.

— (v) The Department may conduct periodic inspections to determine that operational procedures, equipment condition and maintenance, drug and medication supplies and inventories are adequate and appropriate to the goals of the paramedic program. In this regard, Department representatives shall take the appropriate action to see that operational procedures, equipment condition and maintenance, drug and medication supplies and inventories found to be inadequate or inappropriate by any party are corrected, remedied, standardized or amended. Any licensed paramedic

service shall allow emergency department physicians, nurses and other persons selected by the Department and participating in emergency medical services to ride with paramedic units for the purposes of:

- (A) Evaluation of EMT-Paramedic performance;
- (B) Identification of training needs;
- (C) Improving communications between manpower resources;
- (D) Clarification of role assignments as related to hospital emergency departments, communications, transportation and other components of the paramedic system;

— (E) Training new paramedic personnel;

— (F) Other purposes deemed necessary by the provider, District EMS Director or the Department.

— (vi) All licensed providers shall send a copy of the official accident report to the Department whenever a permitted vehicle is involved in an accident while responding to or transporting a patient.

— (b) The Department shall recommend for designation by the EMS Committee participating base station hospitals and associate hospitals who shall comply with the following:

- (i) Maintain a 24-hour emergency facility;
- (ii) Assist the Department in collecting statistics and evaluating performance costs relating to the program. Each participating hospital shall use the standard Emergency Department Log or other forms as the Department requires;
- (iii) Provide initial supplies of new medication when needed and replenish medical supplies and equipment expended during treatment of patients by mobile units;

— (iv) Not transfer to another facility any patient who has been treated by a mobile intensive care paramedic unless or until, in the judgment of a licensed physician or registered nurse, the patient is medically able to be transferred and the transfer is in the best medical interest of the patient.

— (v) Abide by the Utah Mobile Paramedic Rules established by the EMS Committee.

— (vi) Provide to the Department a list of Hospital Paramedic Committee members. The committee should be composed of at least a licensed physician, designated as Medical Director for paramedic-hospital activities, a registered nurse, a representative of hospital administration and a certified paramedic. The committee shall meet monthly to assess paramedic field performance and evaluate continuing education needs. Each base and associate hospital shall submit a quarterly report of meetings outlining findings, recommendations, follow-up results and the names of paramedics involved in tape critique sessions.

— (vii) All paramedic services shall be equipped to allow paramedic personnel to be able to:

— (A) communicate with hospital emergency departments, dispatch centers, emergency medical services, and law enforcement agencies; and

— (B) communicate on radio frequencies approved by the Department;

— (viii) Have a licensed physician or registered nurse, qualified in CPR and ECG interpretation who is supervised by a licensed physician acting in accordance with the provisions of the Utah Nurse Practice Act, immediately available at all times to communicate with the EMT-Paramedics in the field.

— (ix) Provide supervised clinical training for initial EMT-Paramedic training and for the continuing education of certified EMT-Paramedics.

— (c) The Department shall approve local plans for paramedic system operation:

— (i) Local emergency medical services councils will develop for Department approval, detailed plans for the operation of the paramedic systems within their district. Councils may request assistance from the Department in the development of paramedic system plans. Plans shall be in conformity with the Utah Mobile Paramedic Rules and shall include procedures and protocol as follows:

— (A) Communications including public access, paramedic dispatch, and training;

— (B) Patient triage;

— (C) Patient or guardian refusal of services;

— (D) EMT-Paramedic standing orders;

— (E) Patient or guardian facility preference;

— (F) Patient transfer;

— (G) Medical records transfer and accessibility; and

— (H) In-service training.

— (ii) The plan will include letters of support from local government officials, hospital administration and paramedic providers to assure operational integrity of the paramedic system.

— (iii) Plans will include procedures for conducting in-service education programs and the responsible people to contact for the program.

— (iv) Plans for new paramedic services shall be submitted to the Department prior to the system start-up.

— (v) Paramedic system plans will be reviewed by the Department and returned to the District EMS Director within 30 days of submittal.

R426-3-4. Training and Certification:

— (1) EMT-Paramedic certification will be awarded by the Department for a four year period upon successful completion of a training program which shall consist of a minimum of 1,000 hours training as determined by the Department and a pass on the Department certification examination:

— (2) At the discretion of the Department a trainee may be provisionally certified as a Paramedic for a period not to exceed 90 days. The employing agency is responsible to insure the proficiency of its EMT-Paramedics. It is their obligation to the patients they serve to make certain that any EMT-Paramedic whose job takes him away from patient care for a prolonged time, be reintroduced to patient care in a proper manner which is safe for the patient. To be certified as a paramedic, an individual shall:

— (a) Have 12 months of field experience as a certified EMT. However, the 12-month period may be reduced to six months with special authorization from the Department based upon a written request from the resource hospital medical director.

— (b) Be currently certified as an EMT in Utah.

— (c) Submit a completed application form to the department.

— (d) Submit to a background investigation.

— (3) Paramedic training programs authorized by the Department to provide initial EMT-Paramedic training or continuing medical education experiences shall provide the following:

- (a) qualified teaching staff and resource facility;
- (b) adequate clinical facilities to allow for a variety of learning experiences;
- (c) qualified physicians, nurses and other health professionals to supervise trainees during initial training;
- (d) Authorized hospitals shall provide a variety of supervised training experiences for trainees during initial training and for certified EMT- Paramedics as part of the continuing education program as defined in this rule. Patient care clinical areas shall include the following:
 - (i) emergency Department;
 - (ii) intensive care unit;
 - (iii) coronary care unit;
 - (iv) delivery room;
 - (v) operating room;
 - (vi) recovery room;
- (e) Trainees may be accepted into programs under criteria established by the training institution, but shall as a minimum provide documentation of successful completion of an 120-hour EMT training program or its equivalent.
- (f) The training institution, or Department, shall have the authority to terminate training of any trainee during any phase of the program because of:
 - (i) failure to achieve minimum academic standards;
 - (ii) disclosure of fraudulent application;
 - (iii) failure of clinical or fieldwork training segments due to:
 - (A) technical incompetence due to emotional instability under stress; or
 - (B) technical incompetence as determined by supervisory personnel or instructional staff of the training institution, training hospital or paramedic service involved in field internship training. Reasons for termination by the training institution shall be reduced to written form and submitted to the Department prior to any action taken toward trainee.
 - (iv) Conviction of any felony, misdemeanor or act or moral turpitude, excluding minor traffic violations chargeable as infractions.
- (4) Paramedic training programs must meet the requirements of the paramedic training program accreditation standards as established by the Department.
- (5) The Department shall establish EMT-Paramedic testing standards in conjunction with the paramedic training institutions.
- (6) The Department shall establish other criteria relevant to the training of EMT-Paramedics.
- (7) Training Program Monitoring - The Department shall be responsible for monitoring local in-service educational programs for EMT-Paramedics.
- (8) Physician Training Consultant - Each paramedic provider shall provide for a physician operationally involved to serve as training consultant. The training consultant shall be responsible for the provider's paramedic continuing education program in accordance with state in-service training requirements and shall develop and maintain competency skill levels including the following subject areas:
 - (a) triage;
 - (b) cardiopulmonary resuscitation;
 - (c) airway management including:
 - (i) endotracheal or esophageal intubation;
 - (ii) removal of foreign objects; and

- (iii) suctioning
- (d) administration of intravenous or intraosseous solutions and intravenous medications;
- (e) drug administration;
- (f) arrhythmia recognition;
- (g) splinting and bandaging;
- (h) soft tissue injuries;
- (i) extrication and movement of injured persons;
- (j) bleeding wounds and shock;
- (k) oxygen administration;
- (l) emergency childbirth; and
- (m) medical and environmental emergencies.

R426-3-5. Recertification:

- (1) Paramedic recertification shall be for a period of four years. This period may be modified by the Department to standardize all expiration dates to June 30. Anyone who certifies after July 1, 1998, shall receive a four year certification. Anyone certified prior to that date, must continue to recertify as of the date on their identification badge and will be converted to the four year cycle upon recertification.
- (2) An EMT-Paramedic who wishes to recertify shall:
 - (a) submit a completed recertification application form, including social security number;
 - (b) submit to a background investigation;
 - (c) maintain and submit verification of current department approved current course completion in adult and pediatric advanced Cardiac Life Support;
 - (d) submit verification of annual completion of 25 hours per year of Department approved continuing education;
 - (e) submit a statement from the applicant's sponsoring agency confirming the applicant's results of a TB examination;
 - (f) submit an evaluation and recommendation from the sponsoring agency's physician advisor;
 - (g) successfully complete the Department written examination.
- (3) At the discretion of the Department, an EMT-Paramedic may have his certification provisionally extended for a period not to exceed 90 days, for evaluation.

R426-3-6. EMT-Paramedic Functions:

- (1) Upon satisfactory completion of the initial training program and upon Department certification, an EMT-Paramedic may carry out the following functions:
 - (a) Render advanced first aid, rescue and resuscitation services;
 - (b) Administer parenteral medications under the direct supervision of a licensed physician or a registered nurse both during training and after certification;
 - (c) Perform cardiopulmonary resuscitation and defibrillation in a pulseless, non-breathing patient;
 - (d) Where voice contact or a telemetered electrocardiogram is monitored by a licensed physician or a registered nurse supervised by a licensed physician, and direct communication is maintained, upon order of the physician or nurse, perform procedures and administer drugs approved by the EMS Committee as follows:
 - (i) administer intravenous or intraosseous solutions;
 - (ii) perform gastric suction by intubation;
 - (iii) administer airway intubation by esophageal tube or endotracheal tube;

— (iv) perform needle aspiration of the chest;

— (v) perform a phlebotomy or draw blood specimens for analysis;

— (vi) administer drugs of the following classes:

— (A) antiarrhythmic agents;

— (B) vagolytic agents;

— (C) chronotropic agents;

— (D) ionotropic agents;

— (E) analgesic agents;

— (F) alkalinizing agents; and

— (G) vasopressor agents.

— (vii) provide medication by intracardiac puncture; and

— (viii) perform cricothyroidotomy.

— (e) Services noted in this section under written standing or contingency orders signed by the Base Station or Associate Hospital Medical Director(s) and approved by the Paramedic Advisory Subcommittee:

— (2) At the scene of an accident, in transit, or where a sudden illness occurs, certified Paramedics shall be responsible for the direction and provision of emergency medical care, as described in this section.

— (3) The Department shall exclude from paramedic certification an individual who may pose an unacceptable risk to public health and safety, as indicated by his criminal history. The Department shall conduct a background check on each individual who seeks to certify or recertify as a paramedic:

— (a) An individual convicted of certain crimes presents an unreasonable risk and the Department shall deny all applications for certification or recertification by individuals convicted of the following crimes:

— (i) Sexual misconduct if the victim's failure to affirmatively consent is an element of the crime, such as forcible rape.

— (ii) Sexual or physical abuse of children, the elderly or infirm; such as sexual misconduct with a child, making or distributing child pornography or using a child in a sexual display, incest involving a child, assault on an elderly or infirm person.

— (iii) Abuse, neglect, theft from, or financial exploitation of a person entrusted to the care or protection of the applicant, if the victim is an out-of-hospital patient or a patient or resident of a health care facility.

— (iv) Crimes of violence against persons, such as aggravated assault, murder or attempted murder, manslaughter except involuntary manslaughter, kidnaping, robbery of any degree; or arson; or attempts to commit such crimes.

— (b) Except in extraordinary circumstances, established by clear and convincing evidence that certification or recertification will not jeopardize public health and safety, the Department shall deny applicants for certification or recertification in the following categories:

— (i) Persons who are convicted of any crime not listed in (a) and who are currently incarcerated, on work release, on probation or on parole.

— (ii) Conviction of crimes in the following categories, unless at least three years have passed since the conviction or at least three years have passed since release from custodial confinement, whichever occurs later:

— (A) Crimes of violence against persons, such as assault;

— (B) Crimes defined as domestic violence under Section 77-36-1;

— (C) Crimes involving controlled substances or synthetics, or counterfeit drugs, including unlawful possession or distribution, or intent to distribute unlawfully, Schedule I through V drugs as defined by the Uniform Controlled Dangerous Substances Act; and

— (D) Crimes against property, such as grand larceny, burglary, embezzlement or insurance fraud.

— (c) The Department shall deny certification or recertification to individuals convicted of crimes, including DUIs, but not including minor traffic violations chargeable as infractions after consideration of the following factors:

— (i) The seriousness of the crime.

— (ii) Whether the crime relates directly to the skills of prehospital care service and the delivery of patient care.

— (iii) Amount of time that has elapsed since the crime was committed.

— (iv) Whether the crime involved violence to or abuse of another person.

— (v) Whether the crime involved a minor or a person of diminished capacity as a victim.

— (vi) Whether the applicant's actions and conduct since the crime occurred are consistent with the holding of a position of public trust.

— (vii) Total number of arrests and convictions.

— (viii) Whether the applicant was truthful regarding the crime on his/her application.

— (d) Certified EMS personnel must notify the Department of any arrest or conviction. The Department may suspend, decertify, or place on probation anyone who does not notify the Department within 30 days of the arrest or conviction.

— (e) The Department may decertify or suspend certification, or place a person on probation for any of the above violations.

— (f) The Department may decertify or suspend certification, or place on probation an EMT-Paramedic who refuses to submit to a background check

— (4) Refusal, Suspension or Revocation of Certification - The Department may refuse to issue a certification or recertification, or suspend or revoke a certification for any of the following causes:

— (a) Habitual or excessive use or addiction to narcotics or dangerous drugs. Refusal to take a drug test administered by an EMS employer or the Department, is grounds for refusal; suspension or certification revocation by the Department of Health.

— (b) Habitual abuse of alcoholic beverages or being under the influence of alcoholic beverages while on call or on duty as an EMT-Paramedic or while driving any emergency vehicle.

— (c) Failure to comply with the EMT-Paramedic training certification or recertification requirements of this rule.

— (d) Fraud or deceit in applying for or obtaining a certification or fraud, deceit, incompetence, patient abuse, theft, or dishonesty in the performance of duties and practice as an EMT-Paramedic.

— (e) Involvement in the unauthorized use or removal of narcotics, drugs, supplies or equipment from any emergency vehicle or health care facility.

— (f) Performing procedures or skills beyond the level of certification or violation of laws pertaining to medical practice and drugs.

— (g) Mental incompetence as determined by a court of competent jurisdiction.

— (h) Demonstrated inabilities and failure to perform adequate patient care.

— (i) For good cause, including conduct which is unethical, immoral, or dishonorable.

— (5) A Paramedic shall be under medical control of a physician representing a designated base station hospital. When Paramedics arrive at the scene of an injury or illness, they must secure radio or telephonic contact with a base station hospital Emergency Department to establish medical control as quickly as possible. If radio or telephonic contact cannot be obtained, Paramedics must so indicate on the Incident Trip Report form and follow local written contingency orders of the base station hospital providing medical control. If there is a physician at the scene who wishes to assist or provide medical direction to the Paramedics, the Paramedics shall follow his instructions but only until communications are established with a physician at the base station hospital Emergency Department. Once communications are established with the base station hospital physician, the Paramedics must take orders from him. If the physician at the scene wishes to continue directing paramedic activities, the Paramedics may place the at-scene physician in radio or telephonic contact with the base station physician. The base station physician may (1) allow the physician at the scene to assume or continue medical control, (2) retain paramedic medical control, but allow the physician at the scene to assist, or (3) retain medical control with no participation by the on-scene physician. If Option (1) is followed, all orders given to the Paramedic by the at-scene physician, shall be repeated over the radio or telephone to the base station hospital physician for evaluation and documentation. If in the judgment of the base station hospital physician who is monitoring and evaluating the at-scene medical control, the care is inappropriate to the nature of the medical emergency, the base station hospital physician may reassume medical control of the at-scene EMT-Paramedics.

R426-3-7. Fees and Charges.

— (1) The base station hospital, associate hospital and receiving center shall not bill or otherwise charge patients for mobile paramedic services provided to patients by EMT-Paramedics at the scene of an emergency, during transport to the hospital or other emergency facility and before admission to the hospital, unless they are the licensed provider of paramedic services. The hospital may recover the cost, through the patient billing process for supplies and drugs administered by the EMT-Paramedic to patients, if the supplies or drugs were subsequently replaced by the hospital as outlined in the Utah Mobile Paramedic rules.

— (2) Paramedic Services operating under R426-3 may, at their discretion, make charges for paramedic services not to exceed the standards set in R426-1, Ambulance Rules.

R426-3-8. Denial, Suspension, or Revocation:

— See Section 26-8-13.

R426-3-9. Research or Study Projects:

— (1) Persons proposing to undertake a research or study project which requires waiver of any rule herein, shall have a project director who is a physician licensed to practice medicine in the state of Utah, and shall submit a written proposal to the Bureau of Emergency Medical Services for presentation to the EMS Committee. The Committee may only waive rules if the waiver is not inconsistent with statutory requirements. The proposal shall include the following:

— (a) A project description, including:

— (i) Need for project;

— (ii) Project goal;

— (iii) Specific objectives;

— (iv) Methodology for the project implementation;

— (v) Geographical area to be covered by the proposed project;

— (vi) Specific rule to be waived;

— (vii) Proposed waiver language; and

— (viii) Evaluation methodology.

— (b) A list of the pre-hospital providers and hospitals participating in the project.

— (c) A signed statement of endorsement from participating hospital medical directors and administrators, the director of each participating paramedic/ambulance provider, other project participants, and other parties who may be significantly affected.

— (d) A description of the skills to be utilized by the EMT-Paramedics, if different from those specified in R426-3, and provision for training and supervising of personnel who are to utilize these skills, including the names of the personnel.

— (e) The name and signature of the project director attesting to his support and approval of the project proposal.

— (2) Study project approval

— (a) The EMS Committee may grant approval to any project found to comply with the conditions specified in this section. Interested and affected parties will be notified of any proposed project and be provided an opportunity to comment. Only one project on any given subject shall be conducted within the state at any given time.

— (b) A representative of the State Epidemiological Office or another person with statistical expertise, approved by the Director of the Bureau of Emergency Medical Services, shall review project design and make recommendations regarding technical detail, elimination of bias, study monitoring, hypothesis development in testing, and statistical validity.

— (c) When considering any project, the EMS Committee may, at its discretion, require additional conditions to be met.

— (d) Project approval shall be granted for a period of one year from the date of approval by the EMS Committee. Approval for continuation beyond this period by the EMS Committee shall be based on the achievement and satisfactory progress as evidenced in written progress reports to be submitted to the Bureau of Emergency Medical Services at least 90 days prior to the end of the approved year. The time periods for the project shall not exceed three years.

— (e) Approval of a project by the EMS Committee shall constitute approval of the personnel listed in the proposal to exercise the specified skills of the participants in the project. The Project Director shall submit the names of additional personnel not initially approved, to the Bureau of Emergency Medical Services for consideration by the EMS Committee.

— (f) The EMS Committee may rescind approval for the project at any time for just cause. Before any rescission is final the agency involved in the study will be allowed a hearing by the EMS Committee to explain and express their views.

— (3) Study recommendations - At least six months prior to the planned completion of the project, the medical director shall submit to the Bureau of Emergency Medical Services, a report with the preliminary findings of the project and any recommendations for changes in the project requirements.

R426-3-10. Penalty for Violation of Rule:

~~Any person who violates any provision of this rule may be assessed a penalty not to exceed the sum of \$5,000 or be punished for violation of a class B misdemeanor for the first violation and for any subsequent similar violation within two years for violation of a class A misdemeanor as provided in Section 26-23-6.~~

KEY: emergency medical services

~~January 22, 1999~~ **26-8-1 et seq.**

~~Notice of Continuation December 9, 1997~~

]



Health, Health Systems Improvement,
Emergency Medical Services

R426-4

Emergency Medical Dispatcher Rules

NOTICE OF PROPOSED RULE

(Repeal)

DAR FILE NO.: 22321

FILED: 08/16/1999, 14:18

RECEIVED BY: NL

RULE ANALYSIS

PURPOSE OF THE RULE OR REASON FOR THE CHANGE: A new Emergency Medical Services (EMS) Systems Act was adopted during the 1999 legislature, making it necessary to rewrite the EMS Rules. The new rules, filed simultaneously with this rule filing, will replace this rule.

(DAR Note: S.B. 54 is found at 1999 Utah Laws 141, and was effective March 18, 1999.)

SUMMARY OF THE RULE OR CHANGE: The old Ambulance Rules will become part of the new Emergency Medical Services (EMS) rules that are based on the new EMS Systems Act, Chapter 26, Title 8a.

(DAR Note: Repealed Rule R426-4 was rewritten and proposed as new rules R426-11 (DAR No. 22322), R426-12 (DAR No. 22323), R426-13 (DAR No. 22324), and R426-15 (DAR No. 22326). Specifically, it is in all of R426-11; R426-12-600, 700, 800, 900, 1000, 1100, 1101, 1200, and 1201; R426-13; and R426-15-300. All of these proposed new rules are in this *Bulletin*.)

STATE STATUTORY OR CONSTITUTIONAL AUTHORIZATION FOR THIS RULE: Title 26, Chapter 8

ANTICIPATED COST OR SAVINGS TO:

❖THE STATE BUDGET: The costs associated with the repeal of this rule and the adoption of the replacement rules, which are filed simultaneously with this repeal, are explained in the filings for the replacement rules.

❖LOCAL GOVERNMENTS: The costs associated with the repeal of this rule and the adoption of the replacement rules, which are filed simultaneously with this repeal, are explained in the filings for the replacement rules.

❖OTHER PERSONS: The costs associated with the repeal of this rule and the adoption of the replacement rules, which are filed simultaneously with this repeal, are explained in the filings for the replacement rules.

COMPLIANCE COSTS FOR AFFECTED PERSONS: The costs associated with the repeal of this rule and the adoption of the replacement rules, which are filed simultaneously with this repeal, are explained in the filings for the replacement rules.

COMMENTS BY THE DEPARTMENT HEAD ON THE FISCAL IMPACT THE RULE MAY HAVE ON BUSINESSES: This repeal should have no fiscal impact on business. The substance of the rule is incorporated into a new set of replacement rules--Rod L. Betit

THE FULL TEXT OF THIS RULE MAY BE INSPECTED, DURING REGULAR BUSINESS HOURS, AT:

Health
Health Systems Improvement,
Emergency Medical Services
Cannon Health Building
288 North 1460 West
PO Box 142004
Salt Lake City, UT 84114-2004, or
at the Division of Administrative Rules.

DIRECT QUESTIONS REGARDING THIS RULE TO:

Leslie Johnson at the above address, by phone at (801) 538-6292, by FAX at (801) 538-6808, or by Internet E-mail at ljohnso@doh.state.ut.us.

INTERESTED PERSONS MAY PRESENT THEIR VIEWS ON THIS RULE BY SUBMITTING WRITTEN COMMENTS TO THE ADDRESS ABOVE NO LATER THAN 5:00 P.M. ON 10/01/1999.

THIS RULE MAY BECOME EFFECTIVE ON: 10/02/1999

AUTHORIZED BY: Rod Betit, Executive Director, Utah Dept. of Health

R426. Health, Health Systems Improvement, Emergency Medical Services.

~~R426-4. Emergency Medical Dispatcher Rules:~~

~~R426-4-1. Authority and Purpose:~~

- ~~(1) This rule is established under Section 26-8-4.~~
- ~~(2) The purposes of Rule R426-4 are to:~~
 - ~~(a) Provide for the establishment of minimum standards to be met by those providing Medical Dispatch services in the State of Utah to promote the health and safety of the people of this state; and~~
 - ~~(b) Establish training and certification standards for dispatchers who voluntarily request certification as Emergency Medical Dispatchers.~~

~~R426-4-2. Definitions:~~

- ~~As used in R426-4:~~
 - ~~(1) Department means the Utah Department of Health.~~
 - ~~(2) Emergency Medical Dispatcher (EMD) means a person certified by the Department who has successfully completed a Department approved Emergency Medical Dispatch Course.~~

~~(3) Local Medical Director means a person recognized by the Department who assumes medical leadership for the provision of basic or advanced life support services in the dispatch agency's geographical area.~~

~~(4) Person means any individual, firm, partnership, association, corporation, company, group of individuals acting together for a common purpose, agency, or organization of any kind.~~

~~(5) Selective Medical Dispatch System means a Department approved reference system used by a local dispatch agency to dispatch aid to medical emergencies which includes:~~

~~(a) Systemized caller interrogation questions;~~

~~(b) Systemized pre-arrival instructions; and~~

~~(c) Protocols matching the dispatcher's evaluation of injury or illness severity with vehicle response mode and configuration.~~

~~(6) Vehicle Response Mode means the use of emergency driving techniques, such as red-light-and-siren vs. routine driving response.~~

~~(7) Vehicle Response Configuration means the specific vehicle(s) of varied types, capabilities, and numbers responding to render assistance.~~

~~R426-4-3. Requisites for Providing Medical Dispatch Service.~~

~~(1) All agencies who routinely accept calls for EMS assistance from the public and dispatch emergency medical personnel shall have in effect a Selective Medical Dispatch System approved by the local medical directors.~~

~~(2) The Department shall assist local dispatch agencies in implementing a Selective Medical Dispatch System by providing technical assistance.~~

~~(3) Dispatch agencies shall provide for quality assurance by initiating an ongoing medical call review procedure.~~

~~R426-4-4. Personnel.~~

~~(1) Dispatchers serving medical providers are not required to be certified as Emergency Medical Dispatchers, but are encouraged to voluntarily seek training and certification through a Department approved course. Certification allows the dispatcher to fall under the liability immunity coverage provided in Subsection 26-8-11(2).~~

~~(2) The Department shall develop an Emergency Medical Dispatch training and certification program. Curriculum standards shall be established by the Department. To be initially certified as an EMD, an individual must:~~

~~(a) successfully complete a state approved EMD Course.~~

~~(b) submit to the department a completed application form, including social security number.~~

~~(c) submit to a background check.~~

~~(d) maintain and submit verification of a department-approved current course completion in cardiopulmonary resuscitation.~~

~~(e) successfully pass the Department's written examination.~~

~~(f) complete all requirements for certification within 90 days from course completion date. The Department may extend the time limit to individuals who demonstrate good cause based on extenuating circumstances.~~

~~(3) Recertification is required every four years to maintain state certification. Anyone who recertifies after July 1, 1998, shall receive a four year certification. Anyone certified prior to that date, must continue to recertify as of the date on their identification badge and will be converted to the four year cycle upon recertification. This period may be modified by the Department. An EMD who wishes to recertify shall:~~

~~(a) submit to the Department a completed application form including social security number;~~

~~(b) submit to a background check;~~

~~(c) maintain and submit verification of a department-approved current course completion in cardiopulmonary resuscitation;~~

~~(d) successfully complete the Department's EMD written examination; and~~

~~(e) complete 12 hours annually of Department-approved continuing medical dispatch education or in-service during the four year recertification period.~~

~~(4) The Department may grant reciprocity for applicants certified outside of Utah based on the following considerations:~~

~~(a) Applicants shall provide the Department with a current copy of their Emergency Medical Dispatcher certification.~~

~~(b) Applicants shall provide the Department proof that the certifying course meets the standards established by the Department.~~

~~(c) Applicants shall complete all certification requirements.~~

~~(5) This rule shall not preclude any physically handicapped individual from certifying or recertifying, who can demonstrate proficiency in verbally describing the treatment methods outlined in the Department approved EMD course to a caller.~~

~~(6) Those individuals who permit their certification to lapse may be recertified by completion of the recertification requirements.~~

~~(7) Instructors who teach emergency medical dispatchers shall meet certification standards established by the Department.~~

~~(8) The Department shall exclude from EMD certification an individual who may pose an unacceptable risk to public health and safety, as indicated by his criminal history. The Department shall conduct a background check on each individual who seeks to certify or recertify as an EMD:~~

~~(a) An individual convicted of certain crimes presents an unreasonable risk and the Department shall deny all applications for certification or recertification by individuals convicted of the following crimes:~~

~~(i) Sexual misconduct if the victim's failure to affirmatively consent is an element of the crime, such as forcible rape.~~

~~(ii) Sexual or physical abuse of children, the elderly or infirm, such as sexual misconduct with a child, making or distributing child pornography or using a child in a sexual display, incest involving a child, assault on an elderly or infirm person.~~

~~(iii) Abuse, neglect, theft from, or financial exploitation of a person entrusted to the care or protection of the applicant, if the victim is an out-of-hospital patient or a patient or resident of a health care facility.~~

~~(iv) Crimes of violence against persons, such as aggravated assault, murder or attempted murder, manslaughter except involuntary manslaughter, kidnaping, robbery of any degree, or arson; or attempts to commit such crimes:~~

~~(b) Except in extraordinary circumstances, established by clear and convincing evidence that certification or recertification will not jeopardize public health and safety, the Department shall deny applicants for certification or recertification in the following categories:~~

~~(i) Persons who are convicted of any crime not listed in (a) and who are currently incarcerated, on work release, on probation or on parole:~~

~~(ii) Conviction of crimes in the following categories, unless at least three years have passed since the conviction or at least three years have passed since release from custodial confinement, whichever occurs later:~~

~~(A) Crimes of violence against persons, such as assault;~~

~~(B) Crimes defined as domestic violence under Section 77-36-1;~~

~~(C) Crimes involving controlled substances or synthetics, or counterfeit drugs, including unlawful possession or distribution; or intent to distribute unlawfully, Schedule I through V drugs as defined by the Uniform Controlled Dangerous Substances Act; and~~

~~(D) Crimes against property, such as grand larceny, burglary, embezzlement or insurance fraud.~~

~~(c) The Department shall deny certification or recertification to individuals convicted of crimes, including DUIs, but not including minor traffic violations chargeable as infractions after consideration of the following factors:~~

~~(i) The seriousness of the crime.~~

~~(ii) Whether the crime relates directly to the skills of prehospital care service and the delivery of patient care.~~

~~(iii) Amount of time that has elapsed since the crime was committed.~~

~~(iv) Whether the crime involved violence to or abuse of another person.~~

~~(v) Whether the crime involved a minor or a person of diminished capacity as a victim.~~

~~(vi) Whether the applicant's actions and conduct since the crime occurred are consistent with the holding of a position of public trust.~~

~~(vii) Total number of arrests and convictions.~~

~~(viii) Whether the applicant was truthful regarding the crime on his/her application.~~

~~(d) Certified EMS personnel must notify the Department of any arrest or conviction. The Department may suspend, decertify, or place on probation anyone who does not notify the Department within 30 days of the arrest or conviction.~~

~~(e) The Department may decertify or suspend certification, or place a person on probation for any of the above violations.~~

~~(f) The Department may require an EMD to submit to a background check upon Department request. The Department may decertify or suspend certification, or place on probation an EMD who refuses to submit to a background check.~~

~~(9) The Department may refuse to issue a certification or recertification, or suspend or revoke a certification for any of the following causes:~~

~~(a) Habitual or excessive use or addiction to narcotics or dangerous drugs. Refusal to take a drug test as administered by an EMS employer or the Department is grounds for refusal, suspension or certification revocation by the Department of Health.~~

~~(b) Habitual abuse of alcoholic beverages or being under the influence of alcoholic beverages while on call or on duty as an Emergency Medical Dispatcher or while driving any emergency vehicle.~~

~~(c) Failure to comply with the emergency medical dispatcher training certification or recertification requirements of this rule.~~

~~(d) Fraud or deceit in applying for or obtaining a certification or fraud, deceit, incompetence, patient abuse, theft, or dishonesty in the performance of duties and practice as an emergency medical dispatcher.~~

~~(e) Involvement in the unauthorized use or removal of narcotics, drugs, supplies or equipment from any emergency vehicle or health care facility.~~

~~(f) Performing procedures or skills beyond the level of certification or violation of laws pertaining to medical practice and drugs.~~

~~(g) Conviction of a felony, misdemeanor or a crime involving moral turpitude, but not including minor traffic violations chargeable as infractions.~~

~~(h) Mental incompetence as determined by a court of competent jurisdiction.~~

~~(i) Demonstrated inability and failure to perform adequate patient care.~~

~~(j) For good cause, including conduct which is unethical, immoral, or dishonorable.~~

R426-4-5. Penalty for Violation of Rule.

Any person who violates any provision of this rule may be assessed a penalty not to exceed the sum of \$5,000 or be punished for violation of a class B misdemeanor for the first violation and for any subsequent similar violation within two years for violation of a class A misdemeanor as provided in Section 26-23-6.

KEY: emergency medical services

January 22, 1999 **26-8**

Notice of Continuation December 2, 1997

]



Health, Health Systems Improvement,
Emergency Medical Services

R426-11

Definitions and Quality Assurance
Reviews

NOTICE OF PROPOSED RULE

(New)

DAR FILE NO.: 22322

FILED: 08/16/1999, 15:18

RECEIVED BY: NL

RULE ANALYSIS

PURPOSE OF THE RULE OR REASON FOR THE CHANGE: The 1999 legislature adopted a new Emergency Medical Services (EMS) Systems Act, necessitating the reorganization of the EMS rules. This rule aggregates the definitions that were in several rules that will be repealed contemporaneously with the adoption of this rule. Several definitions are repealed because they are not necessary for the new rules. It also adds a few definitions made necessary by the adoption of Title 26, Chapter 8a. It also places the quality assurance provisions in a single place instead of being spread throughout the rules.

(DAR Note: S.B. 54 is found at 1999 Utah Laws 141, and was effective March 18, 1999.)

SUMMARY OF THE RULE OR CHANGE: This rule aggregates definitions from several rules that are being replaced by newer rules. It also places the quality assurance provisions in a single place instead of being spread throughout the rules.

(DAR Note: Repealed Rules R426-1, R426-3, and R426-4 were rewritten and proposed as new rules R426-11 (DAR No. 22322), R426-12 (DAR No. 22323), R426-13 (DAR No. 22324), R426-14 (DAR No. 22325), R426-15 (DAR No. 22326), and R426-16 (DAR No. 22327). Specifically, repealed Rule R426-1 is in R426-11-200 and R426-11-300; repealed Rules R426-3 and R426-4 are in R426-11. All of these repealed and proposed new rules are in this issue of the *Bulletin*.)

STATE STATUTORY OR CONSTITUTIONAL AUTHORIZATION FOR THIS RULE: Title 26, Chapter 8

ANTICIPATED COST OR SAVINGS TO:

❖**THE STATE BUDGET:** There is no cost associated with aggregating the definitions. Costs associated with the new definitions are covered in the new rule filings that contain the defined terms. The quality assurance provisions do not impose any additional duties on the Department of Health. Therefore, there are no costs to the state budget to implement this rule.

❖**LOCAL GOVERNMENTS:** There is no cost associated with aggregating the definitions. Costs associated with the new definitions are covered in the new rule filings that contain the defined terms. The quality assurance provisions do not impose any additional responsibilities on local governments. Therefore, there are no costs to local governments because of this rule.

❖**OTHER PERSONS:** There is no cost associated with aggregating the definitions. Costs associated with the new definitions are covered in the new rule filings that contain the defined terms. The quality assurance provisions do not impose any additional responsibilities on other persons. Therefore, there are no costs to other persons because of this rule.

COMPLIANCE COSTS FOR AFFECTED PERSONS: There is no cost associated with aggregating the definitions. Costs associated with the new definitions are covered in the new rule filings that contain the defined terms. The quality assurance provisions do not impose any additional

responsibilities on affected persons. Therefore, there are no costs to affected persons because of this rule.

COMMENTS BY THE DEPARTMENT HEAD ON THE FISCAL IMPACT THE RULE MAY HAVE ON BUSINESSES: This rule consolidates definitions and should have no fiscal impact on regulated businesses--Rod L. Betit

THE FULL TEXT OF THIS RULE MAY BE INSPECTED, DURING REGULAR BUSINESS HOURS, AT:

Health
Health Systems Improvement,
Emergency Medical Services
Cannon Health Building
288 North 1460 West
PO Box 142004
Salt Lake City, UT 84114-2004, or
at the Division of Administrative Rules.

DIRECT QUESTIONS REGARDING THIS RULE TO:

Leslie Johnson at the above address, by phone at (801) 538-6292, by FAX at (801) 538-6808, or by Internet E-mail at ljohonso@doh.state.ut.us.

INTERESTED PERSONS MAY PRESENT THEIR VIEWS ON THIS RULE BY SUBMITTING WRITTEN COMMENTS TO THE ADDRESS ABOVE NO LATER THAN 5:00 P.M. ON 10/01/1999.

THIS RULE MAY BECOME EFFECTIVE ON: 10/02/1999

AUTHORIZED BY: Rod L. Betit, Executive Director

R426. Health, Health Systems Improvement, Emergency Medical Services.

R426-11. Definitions and Quality Assurance Reviews.

R426-11-1. Authority and Purpose.

This rule establishes uniform definitions for all R426 rules. It also provides administration standards applicable to all R426 rules.

R426-11-2. General Definitions.

The definitions in Title 26, Chapter 8a are adopted and incorporated by reference into this rule, in addition:

(1) "Air Ambulance" means any privately or publicly owned air vehicle specifically designed, constructed, or modified, which is intended to be used for and is maintained or equipped with the intent to be used for, maintained or operated for the transportation of individuals who are sick, injured, or otherwise incapacitated or helpless.

(2) "Air medical personnel" means the pilot and patient care personnel who are involved in an air medical transport.

(3) "Air Medical Service" means any publicly or privately owned organization that is licensed or applies for licensure under R426-2.

(4) "Air Medical Service Medical Director" means a physician knowledgeable of potential medical complications which may arise because of air medical transport, and is responsible for overseeing and assuring that the appropriate air ambulance, medical

personnel, and equipment are provided for patients transported by the air ambulance service.

(5) "Air Medical Transport Service" means the transportation and care of patients by air ambulance.

(6) "CAMTS" is the acronym for the Commission on Accreditation of Medical Transport Systems, which is a non-profit organization dedicated to improving the quality of air medical services.

(7) "Categorization" means the process of identifying and developing a stratified profile of Utah hospital trauma critical care capabilities in relation to the standards defined under R426-5-7.

(8) "Certify," "Certification," and "Certified" mean the official Department recognition that an individual has completed a specific level of training and has the minimum skills required to provide emergency medical care at the level for which he is certified.

(9) "Committee" or "EMS Committee" means the State Emergency Medical Services Committee created by Section 26-11-7.

(10) "Competitive grant" means a grant awarded through the Emergency Medical Services Grants Program on a competitive basis for a share of available funds.

(11) "Continuing Medical Education" means Department-approved training relating specifically to the appropriate level of certification designed to maintain or enhance an individual's emergency medical skills.

(12) "Course Coordinator" means an individual who has completed a Department course coordinator course and is certified by the Department as capable to conduct Department-authorized EMS courses.

(13) "Department" means the Utah Department of Health.

(14) "Emergency Medical Dispatcher" or "EMD" means an individual who has completed an EMD training program, approved by the Bureau, who is certified by the Department as qualified to render services enumerated in this rule.

(15) "Emergency Medical Dispatch Center" means an agency designated by the Department for the routine acceptance of calls for emergency medical assistance from the public, utilizing a selective medical dispatch system to dispatch licensed ambulance, and paramedic services.

(16) "EMS" means emergency medical services.

(17) "Field EMS Personnel" means a certified individual or individuals who are on-scene providing direct care to a patient.

(18) Grants Review Subcommittee means a subcommittee appointed by the EMS Committee to review, evaluate, prioritize and make grant funding recommendations to the EMS Committee.

(19) "Inclusive Trauma System" means the coordinated component of the State emergency medical services (EMS) system composed of all general acute hospitals licensed under Title 26, Chapter 21, trauma centers, and prehospital providers which have established communication linkages and triage protocols to provide for the effective management, transport and care of all injured patients from initial injury to complete rehabilitation.

(19) "Individual" means a human being.

(20) "EMS Instructor" means an individual who has completed a Department EMS instructor course and is certified by the Department as capable to teach EMS personnel.

(21) "Level of Care" means the capabilities and commitment to the care of the trauma patient available within a specified facility.

(22) "Matching Funds" means that portion of funds, in cash, contributed by the grantee to total project expenditures.

(23) "Medical Control" means a person who provides medical supervision to an EMS provider as either:

(a) on-line medical control which refers to physician medical direction of prehospital personnel during a medical emergency; and

(b) off-line medical control which refers to physician oversight of local EMS services and personnel to assure their medical accountability.

(24) "Medical Director" means a physician certified by the Department to provide off-line medical control.

(25) "Net Income" - The sum of net service revenue, plus other operating revenue and subsidies of any type, less operating expenses, interest expense, and income.

(26) "Paramedic Rescue Service" means the provision of rescue, extrication and patient care by paramedic personnel, without actual transporting capabilities.

(27) "Paramedic Rescue Unit" means a vehicle which is properly equipped, maintained and used to transport paramedics to the scene of emergencies to perform paramedic rescue services.

(28) "Paramedic Tactical Rescue Service" means the retrieval and field treatment of injured peace officers or victims of traumatic confrontations by paramedics who are trained in combat medical response.

(29) "Paramedic Tactical Rescue Unit" means a vehicle which is properly equipped, maintained and used to transport paramedics to the scene of traumatic confrontations to provide paramedic tactical rescue services.

(30) "Patient" means an individual who, as the result of illness or injury, meets any of the criteria in Section 26-8a-305.

(31) "Per Capita grants" mean block grants determined by prorating available funds on a per capita basis as delineated in 26-8a-207, as part of the Emergency Medical Services Grants Program.

(32) "Permit" means the document issued by the Department that authorizes a vehicle to be used in providing emergency medical services.

(33) "Person" means an individual, firm, partnership, association, corporation, company, group of individuals acting together for a common purpose, agency or organization of any kind, public or private.

(34) "Physician" means a medical doctor licensed to practice medicine in Utah.

(35) "Pilot" means any individual licensed under Federal Aviation Regulations, Part 135.

(36) "Primary emergency medical services" means a for-profit organization that is the only licensed or designated service in a geographical area.

(37) "Quick Response Unit" means an organization that provides emergency medical services to supplement local ambulance services or provide unique services such as search and rescue and ski patrol.

(38) "Resource Hospital" means a facility designated by the EMS Committee to provide on-line medical control for the provision of prehospital emergency care.

(39) "Selective Medical Dispatch System" means a department-approved reference system used by a local dispatch agency to dispatch aid to medical emergencies which includes:

- (a) systemized caller interrogation questions;
- (b) systemized pre-arrival instructions; and

(c) protocols matching the dispatcher's evaluation of injury or illness severity with vehicle response mode and configuration.

(40) "Specialized Life Support Air Medical Service" means a level of care which requires equipment or speciality patient care by one or more medical personnel in addition to the regularly scheduled air medical team.

(41) "Training Officer" means an individual who has completed a department Training Officer Course and is certified by the Department to be responsible for an EMS provider organization's continuing medical education, recertification records, and testing.

R426-11-3. Quality Assurance Reviews.

(1) The Department may conduct quality assurance reviews of licensed and designated organizations and training programs on an annual basis or more frequently as necessary to enforce this rule:

(2) The Department shall conduct a quality assurance review prior to issuing a new license or designation.

(3) The Department may conduct quality assurance reviews on all personnel, vehicles, facilities, communications, equipment, documents, records, methods, procedures, materials and all other attributes or characteristics of the organization, which may include audits, surveys, and other activities as necessary for the enforcement of the Emergency Medical Services System Act and the rules promulgated pursuant to it.

(a) The Department shall record its findings and provide the organization with a copy.

(b) The organization must correct all deficiencies within 30 days of receipt of the Department's findings.

(c) The organization shall immediately notify the Department on a Department-approved form when the deficiencies have been corrected.

KEY: emergency medical services

1999

26-8a



Health, Health Systems Improvement,
Emergency Medical Services

R426-12

Emergency Medical Services Training
and Certification Standards

NOTICE OF PROPOSED RULE

(New)

DAR FILE No.: 22323

FILED: 08/16/1999, 15:18

RECEIVED BY: NL

RULE ANALYSIS

PURPOSE OF THE RULE OR REASON FOR THE CHANGE: The 1999 legislature adopted a new Emergency Medical Services (EMS) Systems Act, necessitating the reorganization of the EMS rules. This Training and Certification Standards rule covers all levels of certification for emergency medical personnel. This rule replaces portions of several rules that are being repealed contemporaneously with the adoption of this rule. It establishes qualification standards for level are Emergency Medical Technician-Basic, Emergency Medical Technician-Intermediate, Paramedic, Emergency Medical Dispatcher, EMS-Instructor, EMS-Training Officer, EMS-Course Coordinator, and Medical Directors. The rule also contains reasons for refusal, suspension, or revocation of certification; rules for training programs, facilities, and teaching staff; and written and practical test requirements.

(DAR Note: S.B. 54 is found at 1999 Utah Laws 141, and was effective March 18, 1999.)

SUMMARY OF THE RULE OR CHANGE: This Training and Certification Standards rule covers all levels of certification for emergency medical personnel. It establishes qualification standards for level are Emergency Medical Technician-Basic, Emergency Medical Technician- Intermediate, Paramedic, Emergency Medical Dispatcher, Emergency Medical Services (EMS)-Instructor, EMS-Training Officer, EMS-Course Coordinator, and Medical Directors. The rule also contains reasons for refusal, suspension, or revocation of certification; rules for training programs, facilities and teaching staff; and written and practical test requirements.

(DAR Note: Repealed Rules R426-1, R426-3, and R426-4 were rewritten and proposed as new rules R426-11 (DAR No. 22322), R426-12 (DAR No. 22323), R426-13 (DAR No. 22324), R426-14 (DAR No. 22325), R426-15 (DAR No. 22326), and R426-16 (DAR No. 22327). Specifically, repealed Rule R426-1 is in R426-12-101, 102, 103, 200 series, 300 series, 400 series, 700, 800, 900, 1000, 1100, 1101, 1200, and 1201; repealed Rule R426-3 is in R426-12-101, 102, 103, 500 series, 700, 800, 900, 1000, 1100, 1101, 1200, and 1201; repealed Rule R426-4 is in R426-12-600, 700, 800, 900, 1000, 1100, 1101, 1200, and 1201. All of these repealed and proposed new rules are in this issue of the *Bulletin*.)

STATE STATUTORY OR CONSTITUTIONAL AUTHORIZATION FOR THIS RULE: Title 26, Chapter 8a

THIS RULE OR CHANGE INCORPORATES BY REFERENCE THE FOLLOWING MATERIAL: "EMT-Basic Training Program: National Standard Curriculum" (United State Department of Transportation: 1994); "Emergency Medical Technician-Intermediate: National Standard Curriculum" (United States

Department of Transportation: 1999); "EMT-Intermediate Training Program: National Standard Curriculum" (United States Department of Transportation: 1999); "EMT-Paramedic Training Program: National Standard Curriculum" (United States Department of Transportation: 1998); "EMD Training Program: National Standard Curriculum" (United States Department of Transportation: 1995); "EMS Instructor Training Program: National Standard Curriculum" (United States Department of Transportation: 1995)

ANTICIPATED COST OR SAVINGS TO:

❖THE STATE BUDGET: Although this is a new rule, there is no substantive change from the prior methodologies implemented under the rules that this rule replaces. It requires no additional action by the state. Therefore, there is no cost or savings to the state budget.

❖LOCAL GOVERNMENTS: Although this is a new rule, there is no substantive change from the prior methodologies implemented under the rules that this rule replaces. It requires no additional action by the local governments. Therefore, there is no cost or savings to the local governments. Local governments will not see any change in the way their EMS personnel certify and recertify; therefore there will not be a cost or savings to them.

❖OTHER PERSONS: Although this is a new rule, there is no substantive change from the prior methodologies implemented under the rules that this rule replaces. It requires no additional action by other persons. Therefore, there is no cost or savings to them.

COMPLIANCE COSTS FOR AFFECTED PERSONS: There will be no additional costs to any person as this rule simply restates the methodologies implemented under the rules that this rule replaces.

COMMENTS BY THE DEPARTMENT HEAD ON THE FISCAL IMPACT THE RULE MAY HAVE ON BUSINESSES: This rule consolidates existing requirements and does not impose new requirements. There should be no fiscal impact on regulated businesses--Rod L. Betit

THE FULL TEXT OF THIS RULE MAY BE INSPECTED, DURING REGULAR BUSINESS HOURS, AT:

Health
Health Systems Improvement,
Emergency Medical Services
Cannon Health Building
288 North 1460 West
PO Box 142004
Salt Lake City, UT 84114-2004, or
at the Division of Administrative Rules.

DIRECT QUESTIONS REGARDING THIS RULE TO:

Leslie Johnson at the above address, by phone at (801) 538-6292, by FAX at (801) 538-6808, or by Internet E-mail at ljohnso@doh.state.ut.us.

INTERESTED PERSONS MAY PRESENT THEIR VIEWS ON THIS RULE BY SUBMITTING WRITTEN COMMENTS TO THE ADDRESS ABOVE NO LATER THAN 5:00 P.M. ON 10/01/1999.

THIS RULE MAY BECOME EFFECTIVE ON: 10/02/1999

AUTHORIZED BY: Rod Betit, Executive Director

R426. Health, Health Systems Improvement, Emergency Medical Services.

R426-12. Emergency Medical Services Training and Certification Standards.

R426-12-100. Authority and Purpose.

This Rule is established under Title 26, Chapter 8a to provide uniform minimum standards to be met by those providing emergency medical services in the State of Utah; and for the training, certification, and recertification of individuals who provide emergency medical service and for those providing instructions and training to prehospital emergency medical care providers.

R426-12-101. Written and Practical Test Requirements.

(1) The Department shall:

(a) develop written and practical tests for each certification; and

(b) establish the passing score for certification written and practical tests.

(2) The Department may administer the tests or delegate the administration of any test to another entity.

R426-12-102. Emergency Medical Care During Clinical Training.

A student enrolled in a department approved training program may, under the direct supervision of the course coordinator, an instructor in the course, or a preceptor for the course perform activities delineated within the training curriculum that otherwise require the certification to perform those activities.

R426-12-103. Temporary Certification for 2002 Winter Olympics.

(1) The Department may issue temporary certifications, valid from January 1 to March 20, 2002, to individuals to work or volunteer with the Salt Lake Organizing Committee or a specific EMS provider organization that provides EMS services for the 2002 Winter Olympics or Paralympics.

(2) An individual certified and in good standing in another state, seeking Utah certification during the 2002 Winter Olympics or Paralympics under this section must:

(a) submit the applicable fees and a completed application, including social security number and signature, to the Department;

(b) submit to a background investigation; and

(c) submit documentation of having completed a course in cardiopulmonary resuscitation offered by the National Safety Council, the American Red Cross, or the American Heart Association or a course that the applicant can demonstrate to the Department to be equivalent.

R426-12-200. EMT-B Requirements and Scope of Practice.

(1) The Department may certify as an EMT-Basic (EMT-B) an individual who meets the initial certification requirements in R426-12-201.

(2) The Committee adopts the 1994 United States Department of Transportation's "EMT-Basic Training Program: National Standard Curriculum" as the standard for EMT-B training

and competency in the state, which is adopted and incorporated by reference.

(3) An EMT-B may perform the skills described in the EMT-Basic Training Program: National Standard Curriculum.

R426-12-201. EMT-B Initial Certification.

(1) The Department may certify an EMT-B for a four year period.

(2) An individual who wishes to become certified as an EMT-B must:

(a) successfully complete a Department-approved EMT-B course;

(b) be able to perform functions listed in the EMT-Basic Training Program: National Standard Curriculum as verified by personal attestation and successful accomplishment during the course of all cognitive skills and objectives and all psychomotor skills and objectives listed in the curriculum;

(c) achieve a favorable recommendation from the course coordinator and course medical director stating technical competence during field and clinical training and successful completion of all training requirements for EMT-B certification;

(d) be 18 years of age or older;

(e) submit the applicable fees and a completed application, including social security number and signature, to the Department;

(f) submit to a background investigation;

(g) submit to the Department a statement from a physician, confirming the applicant's results of a TB examination conducted within one year prior to completing the EMT-B course; and

(h) within 90 days after completing the EMT-B course, successfully complete the Department written and practical EMT-B examinations, or reexaminations, if necessary.

(3) The Department may extend the time limit in Subsection (2)(h) for an individual who demonstrates that the inability to meet the requirements within the 90 days was due to circumstances beyond his control.

R426-12-202. EMT-B Certification Challenges.

(1) The Department may certify as an EMT-B a registered nurse licensed in Utah, physician assistant licensed in Utah, and physician licensed in Utah who:

(a) is able to demonstrate proficiency and competence to perform the functions listed in the EMT-Basic Training Program: National Standard Curriculum as verified by personal attestation and successful demonstration to a course coordinator and an off-line medical director of all cognitive skills and objectives and all psychomotor skills and objectives listed in the curriculum;

(b) has a knowledge of:

(i) medical control protocols;

(ii) state and local protocols;

(iii) the role and responsibilities of an EMT-B;

(c) submit documentation of having completed a course in cardiopulmonary resuscitation offered by the National Safety Council, the American Red Cross, or the American Heart Association or a course that the applicant can demonstrate to the Department to be equivalent; and

(d) is 18 years of age or older.

(2) To become certified, the applicant must:

(a) submit three letters of recommendation from health care providers attesting to the applicant's patient care skills and abilities;

(b) submit an application, including documentation of compliance with this section, and pay all required fees;

(c) within 90 days after submitting the challenge application, successfully complete the Department written and practical EMT-B examinations, or reexaminations, if necessary;

(d) submit the applicable fees and a completed application, including social security number and signature, to the Department;

(e) submit to a background investigation; and

(f) submit a statement from a physician, confirming the applicant's results of a TB examination conducted within one year prior to submitting the application.

R426-12-203. EMT-B Reciprocity.

(1) The Department may certify as an EMT-B an individual certified outside of the State of Utah if the applicant can demonstrate the applicant's out-of-state training and experience is equivalent to what is required in Utah.

(2) An individual seeking reciprocity for certification in Utah based on out-of-state training and experience must submit the applicable fees and a completed application, including social security number and signature, to the Department and within one year of submitting the application must:

(a) submit to a background investigation;

(b) submit a statement from a physician, confirming the applicant's results of a TB examination conducted within the prior year;

(c) successfully complete the Department written and practical EMT-B examinations, or reexaminations, if necessary;

(d) submit documentation of having completed a course in cardiopulmonary resuscitation offered by the National Safety Council, the American Red Cross, or the American Heart Association or a course that the applicant can demonstrate to the Department to be equivalent;

(e) submit a current certification from one of the states of the United States or its possessions, or current registration and the name of training institution if registered with the National Registry of EMTs; and

(f) provide documentation of completion of 25 hours of continuing medical education within the prior year.

R426-12-204. EMT-B Recertification Requirements.

(1) The Department may recertify an EMT-B for a four year period or for a shorter period as modified by the Department to standardize recertification cycles.

(2) An individual seeking recertification must:

(a) submit the applicable fees and a completed application, including social security number and signature, to the Department;

(b) submit to a background investigation;

(c) submit documentation of having completed a course in cardiopulmonary resuscitation offered by the National Safety Council, the American Red Cross, or the American Heart Association or a course that the applicant can demonstrate to the Department to be equivalent;

(d) successfully complete the Department applicable written and practical recertification examinations, or reexaminations if necessary, within one year prior to expiration of the certification to be renewed; and

(e) submit a statement from the applicant's EMS provider organization or a physician, confirming the applicant's results of a TB examination.

R426-12-205. EMT-B Lapsed Certification.

(1) An individual whose EMT-B certification has expired for less than one year may, within one year after expiration, complete all recertification requirements and pay a lapsed fee to become certified.

(2) An individual whose certification has expired for more than one year must take an EMT-B course and reapply as if there were no prior certification.

R426-12-206. EMT-B Testing Failures.

(1) Except as provided in Subsection (2):

(a) An individual who fails any part of the EMT-B certification written or practical examination may retake the EMT-B examination once without further course work.

(b) If the individual fails on the re-examination, he must take a complete EMT-B training course to be eligible for further examination.

(c) The individual may retake the course as many times as he desires, but may only take the examinations twice for each completed course.

(2) An EMT-B who fails any part of the recertification written or practical examination may retake the examinations once without retaking the course. If the EMT-B fails on the reexaminations, he may:

(a) retake the course; or

(b) request a meeting with department staff to evaluate reasons for the failure and suggest methods for remediation.

(3) The Department may offer the examination one additional time if:

(a) the Department allows remediation;

(b) the Department determines that the individual would likely pass the examination after completion of any suggested remediation; and

(c) the EMT-B completes the remediation.

(4) If the Department does not allow the third examination, the EMT-B may seek review before the EMS Committee by filing a request for agency action within 30 days if issuance of the Department's determination.

R426-12-300. EMT-B-IV Requirements and Scope of Practice.

(1) The Department may certify an EMT-B as an EMT-Basic with IV capabilities (EMT-B-IV) who:

(a) meets the initial certification requirements in R426-12-301; and

(b) has 12 months of field experience as a certified EMT-B, six months of which may be waived upon a written request from the off-line medical director showing that there is a shortage of EMT-B-IVs to serve the area.

(2) The Committee adopts the affective, cognitive, and psychomotor objectives for IV therapy from the 1999 United States Department of Transportation's "Emergency Medical Technician-

Intermediate: National Standard Curriculum" as the standard for EMT-B-IV training and competency in the state, which is adopted and incorporated by reference.

(3) In addition to the skills that an EMT-B may perform, an EMT-B-IV may perform the IV skills described in the EMT-Intermediate Training Program: National Standard Curriculum.

R426-12-301. EMT-B-IV Initial Certification.

(1) The Department may certify an EMT-B-IV for a four year period. The expiration for the IV certification shall correlate with the expiration date for the EMT-B certification. If the EMT-B expiration date is less than one year after the date of the IV certification, the individual need not re-test for the IV module. Thereafter, recertification requirements must be completed every four years in conjunction with recertification as an EMT-B.

(2) An individual who wishes to become certified as an EMT-B-IV must:

(a) successfully complete a Department-approved EMT-B-IV course;

(b) be able to perform functions listed in the EMT-IV module of the Emergency Medical Technician-Intermediate: National Standard Curriculum as verified by personal attestation and successful accomplishment during the course of all cognitive skills and objectives and all psychomotor skills and objectives listed in the curriculum;

(c) achieve a favorable recommendation from the course coordinator and course medical director stating technical competence during field and clinical training and successful completion of all training requirements for EMT-B-IV certification; and

(d) be 18 years of age or older;

(e) submit the applicable fees and a completed application, including social security number and signature, to the Department;

(f) submit to a background investigation;

(g) submit to the Department a statement from a physician, confirming the applicant's results of a TB examination conducted within one year prior to completing the EMT-B-IV course; and

(h) within 90 days after completing the EMT-B-IV course, successfully complete the Department written and practical EMT-B-IV examinations, or reexaminations, if necessary.

(3) The Department may extend the time limit in Subsection (2)(h) for an individual who demonstrates that the inability to meet the requirements within the 90 days was due to circumstances beyond his control.

R426-12-302. EMT-B-IV Reciprocity.

(1) The Department may certify as an EMT-B-IV an individual certified outside of the State of Utah if the applicant can demonstrate the applicant's out-of-state training and experience is equivalent to what is required in Utah.

(2) An individual seeking reciprocity for certification in Utah based on out-of-state training and experience must submit the applicable fees and a completed application, including social security number and signature, to the Department and within one year of submitting the application:

(a) submit to a background investigation;

(b) submit a statement from a physician, confirming the applicant's results of a TB examination conducted within the prior year;

(c) successfully complete the Department written and practical EMT-B-IV examinations, or reexaminations, if necessary;

(d) submit documentation of having completed a course in cardiopulmonary resuscitation offered by the National Safety Council, the American Red Cross, or the American Heart Association or a course that the applicant can demonstrate to the Department to be equivalent;

(e) submit a current certification from one of the states of the United States or its possessions, or current registration and the name of training institution if registered with the National Registry of EMTs; and

(f) provide documentation of completion of 25 hours of continuing medical education within the prior year.

R426-12-303. EMT-B-IV Recertification Requirements.

(1) The Department may recertify an individual as an EMT-B-IV for a four year period or for a shorter period as modified by the Department to standardize recertification cycles.

(2) An individual seeking recertification must:

(a) complete all EMT-B recertification requirements;

(b) submit the applicable fees and a completed application, including social security number and signature, to the Department;

(c) submit a letter from the off-line medical director recommending the individual for recertification and verifying the individual's demonstrated proficiency in the following EMT-B-IV skills:

(i) initiating and terminating intravenous infusion;

(ii) successful completion of the Department's pediatric vascular access skills station; and

(iii) insertion and removal of intraosseous needles; and

(d) successfully complete the Department's IV written recertification examination, or reexamination if necessary, within one year prior to expiration of the IV certification.

R426-12-304. EMT-B-IV Lapsed Certification.

(1) An individual whose EMT-B-IV certification has expired for less than one year, may, within one year after expiration, complete all recertification requirements and pay a lapsed fee to become certified.

(2) An individual whose EMT-B-IV certification has expired for more than one year must take retake the IV training and reapply as if there were no prior IV certification.

R426-12-305. EMT-B-IV Testing Failures.

(1) Except as provided in Subsection (2):

(a) An individual who fails any part of the EMT-B-IV certification written or practical examination may retake the EMT-B-IV examination once without further course work.

(b) If the individual fails on the re-examination, he must take a complete EMT-B-IV training course to be eligible for further examination.

(c) The individual may retake the course as many times as he desires, but may only take the examinations twice for each completed course.

(2) An EMT-B-IV who fails any part of the recertification written or practical examination may retake the examinations once without retaking the course. If the EMT-B-IV fails on the reexaminations, he may:

(a) retake the course; or

(b) request a meeting with department staff to evaluate reasons for the failure and suggest methods for remediation.

(3) The Department may offer the examination one additional time if:

(a) the Department allows remediation;

(b) the Department determines that the individual would likely pass the examination after completion of any suggested remediation; and

(c) the EMT-B-IV completes the remediation.

(4) If the Department does not allow the third examination, the EMT-B-IV may seek review before the EMS Committee by filing a request for agency action within 30 days if issuance of the Department's determination.

R426-12-400. EMT-I Requirements and Scope of Practice.

(1) The Department may certify an individual as an EMT-Intermediate (EMT-I) who:

(a) meets the initial certification requirements in R426-12-401;

(b) is currently certified as an EMT-B or EMT-B-IV; and

(c) has 12 months of field experience as a certified EMT-B or EMT-B-IV; however, the 12 month period may be reduced to six months with special authorization from the Department based upon a written request from the off-line medical director that there is a shortage of EMT-Is to serve the area.

(2) The Committee adopts the 1999 United States Department of Transportation's "EMT-Intermediate Training Program: National Standard Curriculum" as the standard for EMT-I training and competency in the state, which is adopted and incorporated by reference.

(3) An EMT-I may perform the skills described in the EMT-Intermediate Training Program: National Standard Curriculum.

R426-12-401. EMT-I Initial Certification.

(1) The Department may certify an EMT-I for a four year period.

(2) An individual who wishes to become certified as an EMT-I must:

(a) successfully complete a Department-approved EMT-I course;

(b) be able to perform functions listed in the EMT-Intermediate Training Program: National Standard Curriculum as verified by personal attestation and successful accomplishment during the course of all cognitive skills and objectives and all psychomotor skills and objectives listed in the curriculum;

(c) achieve a favorable recommendation from the course coordinator and course medical director stating technical competence during field and clinical training and successful completion of all training requirements for EMT-I certification; and

(d) be 18 years of age or older;

(e) submit the applicable fees and a completed application, including social security number and signature, to the Department;

- (f) submit to a background investigation;
 - (g) submit to the Department a statement from a physician, confirming the applicant's results of a TB examination conducted within one year prior to completing the EMT-I course; and
 - (h) within 90 days after completing the EMT-I course, successfully complete the Department written and practical EMT-B examinations, or reexaminations, if necessary.
- (3) The Department may extend the time limit in Subsection (2)(h) for an individual who demonstrates that the inability to meet the requirements within the 90 days was due to circumstances beyond his control.

R426-12-402. EMT-I Reciprocity.

- (1) The Department may certify as an EMT-I an individual certified outside of the State of Utah if the applicant can demonstrate the applicant's out-of-state training and experience is equivalent to what is required in Utah.
- (2) An individual seeking reciprocity for certification in Utah based on out-of-state training and experience must submit the applicable fees and a completed application, including social security number and signature, to the Department and within one year of submitting the application:
- (a) submit to a background investigation;
 - (b) submit a statement from a physician, confirming the applicant's results of a TB examination conducted within the prior year;
 - (c) successfully complete the Department written and practical EMT-I examinations, or reexaminations, if necessary;
 - (d) submit documentation of having completed a course in cardiopulmonary resuscitation offered by the National Safety Council, the American Red Cross, or the American Heart Association or a course that the applicant can demonstrate to the Department to be equivalent;
 - (e) submit a current certification from one of the states of the United States or its possessions, or current registration and the name of training institution if registered with the National Registry of EMTs; and
 - (f) provide documentation of completion of 25 hours of continuing medical education within the prior year.

R426-12-403. EMT-I Recertification Requirements.

- (1) The Department may recertify an individual as an EMT-I for a four year period or for a shorter period as modified by the Department to standardize recertification cycles.
- (2) An individual seeking recertification must:
- (a) submit the applicable fees and a completed application, including social security number and signature, to the Department;
 - (b) submit to a background investigation;
 - (c) submit documentation of having completed a course in cardiopulmonary resuscitation offered by the National Safety Council, the American Red Cross, or the American Heart Association or a course that the applicant can demonstrate to the Department to be equivalent;
 - (d) successfully complete the Department applicable written and practical recertification examinations, or reexaminations if necessary, within one year prior to expiration of the certification to be renewed;

- (e) submit a statement from the applicant's EMS provider organization or a physician, confirming the applicant's results of a TB examination;
- (f) complete the specific recertification requirements for the certification level.
- (g) complete a minimum of 25 hours of Department-approved continuing medical education in each of the prior four years and submit to the Department evidence of completion; and
- (h) submit a letter from the off-line medical director recommending the individual for recertification and verifying the individual's demonstrated proficiency in the following EMT-I skills:
 - (i) initiating and terminating intravenous infusion;
 - (ii) completion of pediatric vascular access skills station;
 - (iii) insertion and removal of intraosseous needle;
 - (iv) insertion and removal of endotracheal tube;
 - (v) administration of medications via intramuscular, subcutaneous, and intravenous routes; and
 - (vi) EKG rhythm recognition.

R426-12-404. EMT-I Lapsed Certification.

- (1) An individual whose EMT-I certification has expired for less than one year, may, within one year after expiration, complete all recertification requirements and pay a lapsed fee to become certified.
- (2) An individual whose certification has expired for more than one year must take the EMT-B and EMT-I courses and reapply as if there were no prior certification.

R426-12-405. EMT-I Testing Failures.

- (1) Except as provided in Subsection (2):
- (a) An individual who fails any part of the EMT-I certification written or practical examination may retake the EMT-I examination once without further course work.
 - (b) If the individual fails on the re-examination, he must take a complete EMT-I training course to be eligible for further examination.
 - (c) The individual may retake the course as many times as he desires, but may only take the examinations twice for each completed course.
- (2) An EMT-I who fails any part of the EMT-I recertification written or practical examination may retake the examinations once without retaking the course. If the EMT-I fails on the reexamination, he may:
- (a) retake the course; or
 - (b) request a meeting with department staff to evaluate reasons for the failure and suggest methods for remediation.
- (3) The Department may offer the examination one additional time if:
- (a) the Department allows remediation;
 - (b) the Department determines that the individual would likely pass the examination after completion of any suggested remediation; and
 - (c) the EMT-I completes the remediation.
- (4) If the Department does not allow the third examination, the EMT-I may seek review before the EMS Committee by filing a request for agency action within 30 days of issuance of the Department's determination.

R426-12-500. Paramedic Requirements and Scope of Practice.

(1) The Department may certify an individual as a paramedic who:

(a) meets the initial certification requirements in R426-12-501;

(b) has 12 months of field experience as a certified EMT-B, EMT-B-IV, or EMT-I; however, the 12 month period may be reduced to six months with special authorization from the Department based upon a written request from the off-line medical director that there is a shortage of paramedics to serve the area.

(2) The Committee adopts the 1998 United States Department of Transportation's "EMT-Paramedic Training Program: National Standard Curriculum" as the standard for paramedic training and competency in the state, which is adopted and incorporated by reference.

(3) A paramedic may perform the skills described in the EMT-Paramedic: National Standard Curriculum.

R426-12-501. Paramedic Initial Certification.

(1) The Department may certify a paramedic for a four year period.

(2) An individual who wishes to become certified must:
(a) successfully complete a Department-approved paramedic course;

(b) be able to perform functions listed in the EMT-Paramedic Training Program: National Standard Curriculum as verified by personal attestation and successful accomplishment during the course of all cognitive skills and objectives and all psychomotor skills and objectives listed in the curriculum;

(c) achieve a favorable recommendation from the course coordinator and course medical director stating technical competence during field and clinical training and successful completion of all training requirements for paramedic certification;

(d) be 18 years of age or older;

(e) submit the applicable fees and a completed application, including social security number and signature, to the Department;

(f) submit to a background investigation; and

(g) submit to the Department a statement from a physician, confirming the applicant's results of a TB examination conducted within one year prior to completing the paramedic course; and

(h) within 90 days after completing the paramedic course, successfully complete the Department written and practical paramedic examinations, or reexaminations, if necessary.

(3) The Department may extend the time limit in Subsection (2)(h) for an individual who demonstrates that the inability to meet the requirements within the 90 days was due to circumstances beyond his control.

R426-12-502. Reciprocity.

(1) The Department may certify as a paramedic an individual certified outside of the State of Utah if the applicant can demonstrate the applicant's out-of-state training and experience is equivalent to what is required in Utah.

(2) An individual seeking reciprocity for certification in Utah based on out-of-state training and experience must submit the applicable fees and a completed application, including social

security number and signature, to the Department and within one year of submitting the application;

(a) submit to a background investigation;

(b) submit a statement from a physician, confirming the applicant's results of a TB examination conducted within the prior year;

(c) successfully complete the Department written and practical paramedic examinations, or reexaminations, if necessary;

(d) maintain and submit verification of current department-approved course completion in Adult and Pediatric Advanced Cardiac Life Support;

(e) submit a current certification from one of the states of the United States or its possessions, or current registration and the name of training institution if registered with the National Registry of EMTs; and

(f) provide documentation of completion of 25 hours of continuing medical education within the prior year.

R426-12-503. Paramedic Recertification Requirements.

(1) The Department may recertify a paramedic for a four year period or for a shorter period as modified by the Department to standardize recertification cycles.

(2) An individual seeking recertification must:

(a) submit the applicable fees and a completed application, including social security number and signature, to the Department;

(b) submit to a background investigation;

(c) successfully complete the applicable Department recertification examinations, or reexaminations if necessary, within one year prior to expiration of the certification to be renewed;

(d) submit a statement from the applicant's EMS provider organization or a physician, confirming the applicant's results of a TB examination;

(e) complete the specific recertification requirements for the certification level;

(f) complete a minimum of 25 hours of Department-approved continuing medical education in each of the prior four years and submit to the Department evidence of completion;

(g) maintain and submit verification of current department-approved course completion in Adult and Pediatric Advanced Cardiac Life Support; and

(h) submit an evaluation of clinical competency and a recommendation for recertification from an off-line medical director.

R426-12-504. Paramedic Lapsed Certification.

An individual whose paramedic certification has expired and who wishes to become certified as a paramedic may:

(1) submit a completed application, including social security number and signature to the department;

(2) submit to a background investigation;

(3) submit to the Department evidence of having completed 100 hours of Department-approved continuing medical education within the prior four years.

(4) submit a statement from a physician, confirming the applicant's results of a TB examination;

(5) submit verification of current completion of a department-approved course in adult and pediatric advanced life support;

(6) submit a letter of recommendation including results of an oral examination, from a certified off-line medical director, verifying proficiency in paramedic skills;

(7) successfully complete the applicable Department written and practical examinations.

(8) pay all applicable fees.

R426-12-505. Paramedic Testing Failures.

(1) If an individual fails the written or practical certification or recertification examination after two attempts, he may, within 30 days following notification in writing of this second failure, submit a written request to take the test a third time.

(2) Within thirty days of receipt of the request, the Department shall convene a review board consisting of:

(a) the chairman of the Paramedic Advisory Sub-Committee;

(b) the off-line medical director for the individual's EMS provider organization, if the individual is employed by or is associated with an EMS provider organization as an EMS personnel;

(c) a representative of the Department; and

(d) a representative from the entity that provided training, but if the training was not provided in-state, then a representative of an in-state training entity that provides paramedic training.

(3) The review board shall allow the individual to appear and provide information.

(4) The board shall review whether a program of re-education and reexamination within 30 days would likely result in successful completion of the examinations and shall recommend a course of action to the department.

(5) The Department shall consider the review board's recommendation and provide one opportunity for reexamination within 30 days of its decision if it determines that re-education and reexamination within that time would likely result in successful completion of the examinations.

R426-12-600. Emergency Medical Dispatcher (EMD).

(1) The Department may certify as an EMD an individual who meets the initial certification requirements in R426-12-601.

(2) The Committee adopts the 1995 United States Department of Transportation's "EMD Training Program: National Standard Curriculum" as the standard for EMD training and competency in the state, which is adopted and incorporated by reference.

R426-12-601. EMD Initial Certification.

(1) The Department may certify EMD for a four year period.

(2) An individual who wishes to become certified as an EMD must:

(a) successfully complete a Department-approved EMD course;

(b) be able to perform functions listed in the EMD Training Program: National Standard Curriculum as verified by personal attestation and successful accomplishment of all skills listed in the curriculum;

(c) achieve a favorable recommendation from the course coordinator and course medical director stating technical competence during training;

(d) be 18 years of age or older;

(e) submit the applicable fees and a completed application, including social security number and signature, to the Department;

(f) submit to a background investigation; and

(g) within 90 days after completing the EMD course, successfully complete the Department written and practical EMD examinations, or reexaminations, if necessary.

(3) The Department may extend the time limit in Subsection (2)(h) for an individual who demonstrates that the inability to meet the requirements within the 90 days was due to circumstances beyond his control.

R426-12-602. EMD Reciprocity.

(1) The Department may certify as an EMD an individual certified outside of the State of Utah if the applicant can demonstrate the applicant's out-of-state training and experience is equivalent to what is required in Utah.

(2) An individual seeking reciprocity for certification in Utah based on out-of-state training and experience must submit the applicable fees and a completed application, including social security number and signature, to the Department and within one year of submitting the application:

(a) submit to a background investigation;

(b) successfully complete the Department written EMD examination, or reexamination, if necessary;

(c) submit documentation of having completed a course in cardiopulmonary resuscitation offered by the National Safety Council, the American Red Cross, or the American Heart Association or a course that the applicant can demonstrate to the Department to be equivalent;

(d) submit a current certification from one of the states of the United States or its possessions or the National Academy of EMDs; and

(e) provide documentation of completion of 12 hours of continuing medical education within the prior year.

R426-12-603. EMD Recertification.

(1) The Department may recertify an EMD for a four year period or for a shorter period as modified by the Department to standardize recertification cycles.

(2) An individual seeking recertification must:

(a) submit the applicable fees and a completed application, including social security number and signature, to the Department;

(b) submit to a background investigation;

(c) submit documentation of having completed a course in cardiopulmonary resuscitation offered by the National Safety Council, the American Red Cross, or the American Heart Association or a course that the applicant can demonstrate to the Department to be equivalent;

(d) submit to the Department evidence of having completed 12 hours of Department-approved continuing medical education in each of the previous four years; and

(e) successfully complete the Department EMD written recertification examination, or reexamination if necessary, within one year prior to expiration of the certification to be renewed

R426-12-604. EMD Lapsed Certification.

An EMD whose certification has expired must take the EMD course and reapply as if there were no prior certification.

R426-12-605. EMD Testing Failures.

An individual who fails any part of the EMD certification or recertification written examination, may retake the examination once without retaking the course. The individual may retake the course as many times as he desires, but may only take the examinations twice for each completed course.

R426-12-700. Emergency Medical Services Instructor Requirements.

(1) The Department may certify as an EMS Instructor an individual who:

(a) meets the initial certification requirements in R426-12-701; and

(b) has been certified for 12 months.

(2) The Committee adopts the 1995 United States Department of Transportation's "EMS Instructor Training Program: National Standard Curriculum" as the standard for EMS Instructor training and competency in the state, which is adopted and incorporated by reference.

(3) An EMS instructor may only teach up to the certification level to which the instructor is certified. An EMS instructor who is only certified as an EMD may only teach EMD courses.

(4) An EMS instructor must abide by the terms of the "EMS Instructor Contract," teach according to the contract, and comply with the teaching standards and procedures in the EMS Instructor Manual or EMD Instructor Manual as incorporated into the respective "EMS Instructor Contract" or "EMD Instructor Contract."

R426-12-701. EMS Instructor Certification.

(1) The Department may certify an individual who is an EMT-B, EMT-B-IV, EMT-I, paramedic, or EMD as an EMS Instructor for a two year period.

(2) An individual who wishes to become certified as an EMS Instructor must:

(b) submit an application and pay all applicable fees;

(c) submit three letters of recommendation regarding EMS skills and teaching abilities;

(d) submit documentation of 15 hours of teaching experience;

(e) successfully complete all required examinations; and

(f) submit annually a completed and signed "EMS Instructor Contract" to the department agreeing to abide by the standards and procedures in the then current EMS Instructor Manual or EMD Instructor Manual.

(3) An individual who wishes to become certified as an EMS Instructor to teach EMT-B, EMT-B-IV, EMT-I, or paramedic courses must also:

(a) provide documentation of 30 hours of patient care within the prior year;

(b) submit verification that the individual is recognized as a CPR instructor by the National Safety Council, the American Red Cross, or the American Heart Association; and

(c) successfully complete the department-sponsored initial EMS instructor training course.

(4) An individual who wishes to become certified as an EMS Instructor to teach EMD courses must also successfully complete the department-sponsored initial EMS instructor training course.

(5) The Department may waive portions of the initial EMS instructor training courses for previously completed department-approved instructor programs.

R426-12-702. EMS Instructor Recertification.

An EMS instructor who wishes to recertify as an instructor must:

(1) maintain current EMS certification;

(2) attend the required department-approved recertification training;

(3) submit verification of 30 hours of EMS teaching experience in the prior two years;

(4) if teaching an EMT-B, EMT-B-IV, EMT-I, or paramedic course, submit verification that the instructor is currently recognized as a CPR instructor by the National Safety Council, the American Red Cross, or the American Heart Association;

(5) submit an application and pay all applicable fees;

(6) successfully complete any Department-required examination; and

(7) submit annually a completed and signed "EMS Instructor Contract" to the department agreeing to abide by the standards and procedures in the then current EMS Instructor Manual.

R426-12-703. EMS Instructor Lapsed Certification.

(1) An EMS instructor whose instructor certification has expired for less than two years may again become certified by completing the recertification requirements in R426-12-702.

(2) An EMS instructor whose instructor certification has expired for more than two years must complete all initial instructor certification requirements and reapply as if there were no prior certification.

R426-12-800. Emergency Medical Services Training Officer Requirements.

(1) The Department may certify an individual as a training officer for a one year period.

(2) A training officer must abide by the terms of the "Training Officer Contract" and comply with the standards and procedures in the Training Officer Manual as incorporated into the "Training Officer Contract."

R426-12-801. Emergency Medical Services Training Officer Certification.

An individual who wishes to be certified as a training officer must:

(1) be currently certified as an EMS instructor;

(2) successfully complete the Department's seminar for new training officers;

(3) successfully complete any Department examinations;

(4) submit an application and pay all applicable fees; and

(5) submit annually a completed and signed "Training Officer Contract" to the Department agreeing to abide by the standards and procedures in the then current Training Officer Manual.

R426-12-802. Emergency Medical Services Training Officer Recertification.

A training officer who wishes to recertify as a training officer must:

- (1) attend a training officer seminar every year;
- (2) be currently certified as an EMS instructor;
- (3) submit an application and pay all applicable fees;
- (4) successfully complete any Department-examination requirements; and

(5) submit annually a completed and signed new "Training Officer Contract" to the department agreeing to abide to the standards and procedures in the then current training officer manual.

R426-12-803. Emergency Medical Services Training Officer Lapsed Certification.

A training officer whose training officer certification has expired must complete all initial training officer certification requirements and reapply as if there were no prior certification.

R426-12-900. Course Coordinator Certification.

(1) The Department may certify an individual as a course coordinator for a one year period.

(2) A course coordinator must abide by the terms of the "Course Coordinator Contract" and comply standards and procedures in the Course Coordinator Manual as incorporated into the "Course Coordinator Contract."

R426-12-901. Course Coordinator Certification.

An individual who wishes to certify as a course coordinator must:

- (1) be certified as an EMS instructor for one year;
- (2) be an instructor of record for at least one course;
- (3) have taught a minimum of 15 hours in a course;
- (4) have co-coordinated one course with a certified course coordinator;

(5) submit a written evaluation and recommendation from the course coordinator in the co-coordinated course;

(6) complete certification requirements prior to application to the Department's course for new course coordinators;

(7) submit an application and pay all applicable fees;

(8) complete the Department's course for new course coordinators;

(9) successfully complete all examination requirements;

and

(10) sign and submit annually the "Course Coordinator Contract" to the Department agreeing to abide to the standards and procedures in the then current Course Coordinator Manual.

R426-12-902. Course Coordinator Recertification.

A course coordinator who wishes to recertify as a course coordinator must:

(1) be currently certified as an EMS instructor;
(2) coordinate or co-coordinate at least one course every two years;

(3) attend a course coordinator seminar every year;

(4) submit an application and pay all applicable fees;

(5) successfully complete all examination requirements; and

(6) sign and submit annually a Course Coordinator Contract to the Department agreeing to abide to the policies and procedures in the then current Course Coordinator Manual.

R426-12-903. Emergency Medical Services Course Coordinator Lapsed Certification.

A course coordinator whose course coordinator certification has expired must complete all initial course coordinator certification requirements and reapply as if there were no prior certification.

R426-12-1000. Course Approvals.

A course coordinator offering EMS training to individuals to become certified must obtain Department approval prior to initiating an EMS training course. The Department shall approve a course if:

(1) the applicant submits the course application and fees no earlier than 90 days and no later than 30 days prior to commencing the course;

(2) the applicant has sufficient equipment available for the training or if the equipment is available for rental from the Department;

(3) the Department finds that the course meets all the Department rules and contracts governing training;

(4) the course coordinators and instructors hold current respective course coordinator and EMS instructor certifications; and

(5) the Department has the capacity to offer the applicable examinations in a timely manner after the conclusion of the course.

R426-12-1100. Off-line Medical Director Requirements.

(1) The Department may certify an off-line medical director for a four year period.

(2) An off-line medical director must be:

(a) a physician actively engaged in the provision of emergency medical care;

(b) familiar with the Utah EMS Systems Act, Title 26, Chapter 8a, and applicable state rules; and

(c) familiar with medical equipment and medications required under "R426 Equipment, Drugs and Supplies List."

R426-12-1101. Off-line Medical Director Certification.

An individual who wishes to certify as an off-line medical director must:

(1) have completed a American College of Emergency Physicians or National Association of Emergency Medical Physicians medical director training course or the Department's medical director training course or complete one within six months after becoming medical director; and

(2) submit an application and pay all applicable fees.

R426-12-1200. Refusal, Suspension or Revocation of Certification.

(1) The Department shall exclude from EMS certification an individual who may pose an unacceptable risk to public health and safety, as indicated by his criminal history. The Department shall conduct a background check on each individual who seeks to certify or recertify as an EMS personnel.

(a) An individual convicted of certain crimes presents an unreasonable risk and the Department shall deny all applications for certification or recertification from individuals convicted of the following crimes:

(i) Sexual misconduct if the victim's failure to affirmatively consent is an element of the crime, such as forcible rape.

(ii) Sexual or physical abuse of children, the elderly or infirm, such as sexual misconduct with a child, making or distributing child pornography or using a child in a sexual display, incest involving a child, assault on an elderly or infirm person.

(iii) Abuse, neglect, theft from, or financial exploitation of a person entrusted to the care or protection of the applicant, if the victim is an out-of-hospital patient or a patient or resident of a health care facility.

(iv) Crimes of violence against persons, such as aggravated assault, murder or attempted murder, manslaughter except involuntary manslaughter, kidnaping, robbery of any degree; or arson; or attempts to commit such crimes.

(b) Except in extraordinary circumstances, established by clear and convincing evidence that certification or recertification will not jeopardize public health and safety, the Department shall deny applicants for certification or recertification in the following categories:

(i) Persons who are convicted of any crime not listed in (a) and who are currently incarcerated, on work release, on probation or on parole.

(ii) Conviction of crimes in the following categories, unless at least three years have passed since the conviction or at least three years have passed since release from custodial confinement, whichever occurs later:

(A) Crimes of violence against persons, such as assault

(B) Crimes defined as domestic violence under Section 77-36-1;

(C) Crimes involving controlled substances or synthetics, or counterfeit drugs, including unlawful possession or distribution, or intent to distribute unlawfully, Schedule I through V drugs as defined by the Uniform Controlled Dangerous Substances Act; and

(D) Crimes against property, such as grand larceny, burglary, embezzlement or insurance fraud.

(c) The Department shall deny certification or recertification to individuals convicted of crimes, including DUIs, but not including minor traffic violations chargeable as infractions after consideration of the following factors:

(i) The seriousness of the crime.

(ii) Whether the crime relates directly to the skills of prehospital care service and the delivery of patient care.

(iii) Amount of time that has elapsed since the crime was committed.

(iv) Whether the crime involved violence to or abuse of another person.

(v) Whether the crime involved a minor or a person of diminished capacity as a victim.

(vi) Whether the applicant's actions and conduct since the crime occurred are consistent with the holding of a position of public trust.

(vii) Total number of arrests and convictions.

(viii) Whether the applicant was truthful regarding the crime on his/her application.

(2) Certified EMS personnel must notify the Department of any arrest or conviction within 30 days of the arrest or conviction.

(3) The Department may require EMS personnel to submit to a background examination or a drug test upon Department request.

(4) The Department may refuse to issue a certification or recertification, or suspend or revoke a certification for any of the following causes:

(a) any of the reasons for exclusion listed in Subsection (1);

(b) a violation of Subsection (2);

(c) a refusal to submit to a background examination pursuant to Subsection (3);

(d) habitual or excessive use or addiction to narcotics or dangerous drugs;

(e) refusal to submit to a drug test administered by the individual's EMS provider organization or the Department;

(f) habitual abuse of alcoholic beverages or being under the influence of alcoholic beverages while on call or on duty as an EMS personnel or while driving any Department-permitted vehicle;

(g) failure to comply with the training, certification, or recertification requirements for the certification;

(h) failure to comply with a contractual agreement as an EMS instructor or a course coordinator;

(i) fraud or deceit in applying for or obtaining a certification;

(j) fraud, deceit, incompetence, patient abuse, theft, or dishonesty in the performance of duties and practice as a certified individual;

(k) unauthorized use or removal of narcotics, drugs, supplies or equipment from any emergency vehicle or health care facility;

(l) performing procedures or skills beyond the level of certification;

(m) violation of laws pertaining to medical practice, drugs, or controlled substances;

(n) conviction of a felony, misdemeanor, or a crime involving moral turpitude, excluding minor traffic violations chargeable as infractions;

(o) mental incompetence as determined by a court of competent jurisdiction;

(p) demonstrated inability and failure to perform adequate patient care;

(q) inability to provide emergency medical services with reasonable skill and safety because of illness, drunkenness, use of drugs, narcotics, chemicals, or any other type of material, or as a result of any other mental or physical condition, when the individual's condition demonstrates a clear and unjustifiable threat or potential threat to oneself, coworkers, or the public health, safety, or welfare that cannot be reasonably mitigated; and

(r) other or good cause, including conduct which is unethical, immoral, or dishonorable to the extent that the conduct reflects negatively on the EMS profession or might cause the public to lose confidence in the EMS system.

R426-12-1201. Penalties.

As required by Subsection 63-46a-3(5): Any person that violates any provision of this rule may be assessed a civil money penalty not to exceed the sum of \$5,000 or be punished for violation of a class B misdemeanor for the first violation and for any subsequent similar violation within two years for violation of a class A misdemeanor as provided in Section 26-23-6.

KEY: emergency medical services

1999

26-8a



Health, Health Systems Improvement,
Emergency Medical Services
R426-13
Emergency Medical Services Provider
Designations

NOTICE OF PROPOSED RULE

(New)

DAR FILE No.: 22324

FILED: 08/16/1999, 15:18

RECEIVED BY: NL

RULE ANALYSIS

PURPOSE OF THE RULE OR REASON FOR THE CHANGE: The 1999 legislature adopted a new Emergency Medical Services (EMS) Systems Act, necessitating the reorganization of the EMS rules. This rule covers the designation of Quick Response Units, Resource Hospitals, and Emergency Medical Dispatch Centers. It replaces portions of several rules that are being repealed contemporaneously with the adoption of this rule. It also contains reasons for refusal, suspension, or revocation of a designation.

(DAR Note: S.B. 54 is found at 1999 Utah Laws 141, and was effective March 18, 1999.)

SUMMARY OF THE RULE OR CHANGE: This rule covers the designation of Quick Response Units, Resource Hospitals, and Emergency Medical Dispatch Centers. It also contains reasons for refusal, suspension, or revocation of a designation.

(DAR Note: Repealed Rules R426-1, R426-3, and R426-4 were rewritten and proposed as new rules R426-11 (DAR No. 22322), R426-12 (DAR No. 22323), R426-13 (DAR No. 22324), R426-14 (DAR No. 22325), R426-15 (DAR No. 22326), and R426-16 (DAR No. 22327). Specifically, repealed Rule R426-1 is in all of R426-13-100; repealed Rule R426-4 is in R426-13. All of these repealed and proposed new rules are in this issue of the *Bulletin*.)

STATE STATUTORY OR CONSTITUTIONAL AUTHORIZATION FOR THIS RULE: Title 26, Chapter 8a

ANTICIPATED COST OR SAVINGS TO:

❖THE STATE BUDGET: Although this is a new rule, there is no substantive change from the prior methodologies implemented under the rules that this rule replaces. It requires no additional action by the state. Therefore, there is no cost or savings to the state budget.

❖LOCAL GOVERNMENTS: Although this is a new rule, there is no substantive change from the prior methodologies implemented under the rules that this rule replaces. It requires no additional action by the local governments. Therefore, there is no cost or savings to the local governments. Local governments will not see any change in the way that they could achieve designation for their emergency medical services; therefore there will not be a cost or savings to them.

❖OTHER PERSONS: Although this is a new rule, there is no substantive change from the prior methodologies implemented under the rules that this rule replaces. It requires no additional action by the other persons. Therefore, there is no cost or savings to them.

COMPLIANCE COSTS FOR AFFECTED PERSONS: There will be no additional costs to any person as this rule simply restates the methodologies implemented under the rules that this rule replaces.

COMMENTS BY THE DEPARTMENT HEAD ON THE FISCAL IMPACT THE RULE MAY HAVE ON BUSINESSES: This rule consolidates existing requirements and does not impose new requirements. There should be no fiscal impact on regulated businesses--Rod L. Betit

THE FULL TEXT OF THIS RULE MAY BE INSPECTED, DURING REGULAR BUSINESS HOURS, AT:

Health
Health Systems Improvement,
Emergency Medical Services
Cannon Health Building
288 North 1460 West
PO Box 142004
Salt Lake City, UT 84114-2004, or
at the Division of Administrative Rules.

DIRECT QUESTIONS REGARDING THIS RULE TO:

Leslie Johnson at the above address, by phone at (801) 538-6292, by FAX at (801) 538-6808, or by Internet E-mail at ljjohnso@doh.state.ut.us.

INTERESTED PERSONS MAY PRESENT THEIR VIEWS ON THIS RULE BY SUBMITTING WRITTEN COMMENTS TO THE ADDRESS ABOVE NO LATER THAN 5:00 P.M. ON 10/01/1999.

THIS RULE MAY BECOME EFFECTIVE ON: 10/02/1999

AUTHORIZED BY: Rod Betit, Executive Director



R426. Health, Health Systems Improvement, Emergency Medical Services.**R426-13. Emergency Medical Services Provider Designations.**
R426-13-100. Authority and Purpose.

This rule is established under Title 26, Chapter 8a. It establishes standards for the designation of emergency medical service providers.

R426-13-200. Designation Types.

(1)(a) An entity that provides pre-hospital emergency medical care, but that does not provide ambulance transport or paramedic service, may obtain a designation from the Committee as a quick response unit.

(b) An entity that accepts calls for 9-1-1 EMS assistance from the public, and dispatches emergency medical vehicles and field EMS personnel may obtain a designation from the Committee as an emergency medical dispatch center.

(2) Commencing July 1, 2000, a hospital that provides on-line medical control for prehospital emergency care must first obtain a designation from the Committee as a resource hospital.

R426-13-300. Service Levels.

A quick response unit may only operate and perform the skills at the service level at which it is designated. The Committee may designate at service levels that correspond to the:

(1) 1994 United States Department of Transportation's "EMT-Basic Training Program: National Standard Curriculum:"

(2) 1999 United States Department of Transportation's "EMT-Intermediate Training Program: National Standard Curriculum:"

(3) 1994 United States Department of Transportation's "EMT-Basic Training Program: National Standard Curriculum," with the IV module from the 1999 United States Department of Transportation's "EMT-Intermediate Training Program: National Standard Curriculum."

R426-13-400. Quick Response Unit Minimum Designation Requirements.

A quick response unit must meet the following minimum requirements:

(1) have sufficient rescue vehicles, equipment, and supplies that meet the requirements of this rule and as may be necessary to carry out its responsibilities under its designation;

(2) have locations for stationing its rescue vehicles;

(3) have a certified training officer;

(4) have a plan of operations, which shall include:

(a) the number, training, and certification of personnel;

(b) the scope of operations; and

(c) a description of how the designee proposes to interface with other EMS agencies;

(5) have sufficient trained and certified staff that meet the requirements of this rule, R426-5, and as may be necessary to carry out its responsibilities under its designation;

(6) have a certified off-line medical director; and

(7) not be disqualified for any of the following reasons:

(a) violation of Subsection 26-8a-504(1); or

(b) a history of disciplinary action relating to an EMS license, permit, designation or certification in this or any other state.

R426-13-500. Emergency Medical Dispatch Center Minimum Designation Requirements.

An emergency medical dispatch center must:

(1) have in effect a selective medical dispatch system approved by the off-line medical directors and the Department, which includes:

(a) systemized caller interrogation questions;

(b) systemized pre-arrival instructions; and

(c) protocols matching the dispatcher's evaluation of injury or illness severity with vehicle response mode and configuration;

(2) have a certified off-line medical director; and

(3) have an ongoing medical call review quality assurance program.

R426-13-600. Quick Response Unit and Emergency Medical Dispatch Center Application.

An entity desiring a designation or a renewal of its designation as a quick response unit or an emergency medical dispatch center shall submit the applicable fees and an application on Department-approved forms to the Department. As part of the application, the applicant shall submit documentation that it meets the minimum requirements for the designation listed in this rule and the following:

(1) identifying information about the entity and its principals;

(2) the name of the person or governmental entity financially and otherwise responsible for the service provided by the designee and documentation from that entity accepting the responsibility;

(3) identifying information about the entity that will provide the service and its principals;

(4) if the applicant is not a governmental entity, a statement of type of entity and certified copies of the documents creating the entity;

(5) a description of the geographical area that it will serve;

(6) a plan of operation meeting the requirements of the application; and

(7) other information that the Department determines necessary for the processing of the application and the oversight of the designated entity.

R426-13-700. Resource Hospital Minimum Requirements.

A resource hospital must meet the following minimum requirements:

(1) be licensed in Utah or another state as a general acute hospital or be a Veteran's Administration hospital operating in Utah;

(2) have protocols for providing on-line medical direction to pre-hospital emergency medical care providers;

(3) have the ability to communicate with other EMS providers operating in the area; and

(4) be willing and able to provide on-line medical direction to quick response units, ambulance services and paramedic services operating within the state;

R426-13-800. Resource Hospital Application.

A hospital desiring to be designated as a resource hospital shall submit the applicable fees and an application on Department-approved forms to the Department. As part of the application, the applicant shall provide:

- (1) the name of the hospital to be designated;
- (2) the hospital's address;
- (3) the name and phone number of the individual who supervises the hospital's responsibilities as a designated resource hospital; and
- (4) other information that the Department determines necessary for the processing of the application and the oversight of the designated entity.

R426-13-900. Immediate Application Denial.

(1) The Department may deny an application for a designation for any of the following reasons:

- (a) failure to meet requirements as specified in the rules governing the service;
- (b) failure to meet vehicle, equipment or staffing requirements;
- (c) failure to meet requirements for renewal or upgrade;
- (d) conduct during the performance of duties relating to its responsibilities as an EMS provider that is contrary to accepted standards of conduct for EMS personnel described in Sections 26-8a-502 and 26-8a-504;
- (e) failure to meet agreements covering training standards or testing standards;
- (f) a history of disciplinary action relating to a license, permit, designation, or certification in this or any other state;
- (g) a history of criminal activity by the licensee or its principals while licensed or designated as an EMS provider or while operating as an EMS service with permitted vehicles;
- (h) falsifying or misrepresenting any information required for licensure or designation or by the application for either;
- (i) failure to pay the required designation or permitting fees or failure to pay outstanding balances owed to the Department;
- (j) failure to submit records and other data to the Department as required by statute or rule;
- (k) misuse of grant funds received under Section 26-8a-207; and

(1) violation of OSHA or other federal standards that it is required to meet in the provision of the EMS service.

(2) An applicant who has been denied a designation may request a Department review by filing a written request for reconsideration within thirty calendar days of the issuance of the Department's denial.

R426-13-1000. Application Review and Award.

(1) If the Department finds that an application for designation is complete and that the applicant meets all requirements, it may approve the designation.

(2) Issuance of a designation by the Department is contingent upon the applicant's demonstration of compliance with all applicable rules and a successful Department quality assurance review.

(3) A designation may be issued for up to a four-year period. The Department may alter the length of the designation to standardize renewal cycles.

R426-13-1100. Change in Service Level.

(1) A quick response unit that desires to upgrade its designation shall submit the applicable fees and an application on Department-approved forms to the Department. As part of the application, the applicant shall provide:

- (a) a letter of support from its off-line medical director;
- (b) a copy of new treatment protocols for the upgraded service approved by the off-line medical director; and
- (c) an updated plan of operations demonstrating the ability to provide the service.

(2) If the Department finds that the applicant has demonstrated the ability to provide the upgraded service, it shall issue a new designation reflecting the upgraded service.

R426-13-1200. Criteria for Denial of Designation.

(1) The Department may deny an application for designation for any of the following reasons:

- (a) failure to meet requirements as specified in the rules governing the service;
- (b) failure to meet vehicle or equipment requirements;
- (c) failure to meet requirements for renewal or upgrade;
- (d) conduct during the performance of duties relating to the responsibilities that is contrary to accepted standards of conduct for EMS personnel described in Sections 26-8a-502 and 26-8a-504;
- (e) a history of disciplinary action relating to an EMS license, permit, designation or certification in this or any other state;
- (f) a history of criminal activity while licensed or designated as an EMS provider or while operating as an EMS service with permitted vehicles;
- (g) falsifying the application or related documents for an EMS provider license or designation;
- (h) failure to pay the required designation, permitting, or other fees or failure to pay outstanding balances owed to the Department;
- (i) misrepresenting any information required for licensure or designation or by the application for either;
- (j) failure to submit records and other data to the Department as required by R426-8;
- (k) misuse of grant funds received under Section 26-8a-207; and

(1) violation of OSHA or other federal standards that it is required to meet in the provision of the EMS service.

(2) An applicant who has been denied a designation may appeal by filing an appeal within thirty calendar days of the issuance of the Department's denial.

R426-13-1300. Penalties.

As required by Subsection 63-46a-3(5): Any person that violates any provision of this rule may be assessed a civil money penalty not to exceed the sum of \$5,000 or be punished for violation of a class B misdemeanor for the first violation and for any subsequent similar violation within two years for violation of a class A misdemeanor as provided in Section 26-23-6.

KEY: emergency medical services**1999****26-8a**

Health, Health Systems Improvement,
Emergency Medical Services
R426-14
Ambulance Service and Paramedic
Service Licensure

NOTICE OF PROPOSED RULE

(New)

DAR FILE NO.: 22325

FILED: 08/16/1999, 15:18

RECEIVED BY: NL

RULE ANALYSIS

PURPOSE OF THE RULE OR REASON FOR THE CHANGE: During the 1999 legislative session, a new Emergency Medical Services (EMS) Systems Act was adopted. The new Act made necessary many changes to the rules.

(DAR Note: S.B. 54 is found at 1999 Utah Laws 141, and was effective March 18, 1999.)

SUMMARY OF THE RULE OR CHANGE: This rule covers the licensure of ambulance services and paramedic services. It replaces portions of several rules that are being repealed contemporaneously with the adoption of this rule. It also contains reasons for refusal, suspension, or revocation of a license. Prior to the adoption of Title 26, Chapter 8a, licensure was controlled by the Emergency Medical Services (EMS) Committee. However, the new law requires that the Department of Health now license these providers.

(DAR Note: Repealed Rules R426-1, R426-3, and R426-4 were rewritten and proposed as new rules R426-11 (DAR No. 22322), R426-12 (DAR No. 22323), R426-13 (DAR No. 22324), R426-14 (DAR No. 22325), R426-15 (DAR No. 22326), and R426-16 (DAR No. 22327). Specifically, repealed Rules R426-1 and R426-3 are in all of R426-14. All of these repealed and proposed new rules are in this issue of the *Bulletin*.)

STATE STATUTORY OR CONSTITUTIONAL AUTHORIZATION FOR THIS RULE: Title 26, Chapter 8a

ANTICIPATED COST OR SAVINGS TO:

❖THE STATE BUDGET: The costs to implement this rule and the additional responsibilities placed on the Department of Health were provided for in the fiscal note to S.B. 54.

❖LOCAL GOVERNMENTS: There is no cost associated with the changes made by this rule because it maintains the methodologies implemented under the prior rules. Local governments may experience some savings because of the more streamlined process that this rule implements. However, the savings are too difficult to determine due to the infrequency of new license applications.

❖OTHER PERSONS: There is no cost associated with the changes made by this rule because it maintains the methodologies implemented under the prior rules. Other persons may experience some savings because of the more streamlined process that this rule implements. However, the

savings are too difficult to determine due to the infrequency of new license applications.

COMPLIANCE COSTS FOR AFFECTED PERSONS: There is no cost associated with the changes made by this rule because it maintains the methodologies implemented under the prior rules.

COMMENTS BY THE DEPARTMENT HEAD ON THE FISCAL IMPACT THE RULE MAY HAVE ON BUSINESSES: This rule consolidates and simplifies several rules. It is anticipated that it will impose no new costs on businesses. It will be carefully reevaluated if comments received during the rule comment period suggest that costs or other burdens on business can be further reduced--Rod L. Betit

THE FULL TEXT OF THIS RULE MAY BE INSPECTED, DURING REGULAR BUSINESS HOURS, AT:

Health
Health Systems Improvement,
Emergency Medical Services
Cannon Health Building
288 North 1460 West
PO Box 142004
Salt Lake City, UT 84114-2004, or
at the Division of Administrative Rules.

DIRECT QUESTIONS REGARDING THIS RULE TO:

Leslie Johnson at the above address, by phone at (801) 538-6292, by FAX at (801) 538-6808, or by Internet E-mail at ljohnso@doh.state.ut.us.

INTERESTED PERSONS MAY PRESENT THEIR VIEWS ON THIS RULE BY SUBMITTING WRITTEN COMMENTS TO THE ADDRESS ABOVE NO LATER THAN 5:00 P.M. ON 10/01/1999.

THIS RULE MAY BECOME EFFECTIVE ON: 10/02/1999

AUTHORIZED BY: Rod Betit, Executive Director

R426. Health, Health Systems Improvement, Emergency Medical Services.

R426-14. Ambulance Service and Paramedic Service Licensure. R426-14-100. Authority and Purpose.

This rule is established under Title 26, Chapter 8a. It establishes standards for the licensure of ambulance and paramedic services.

R426-14-101. Requirement for Licensure.

A person or entity that provides or represents that it provides ambulance or paramedic services must first be licensed by the department.

R426-14-200. Licensure Types.

The Department issues licenses for a type of service at a certain service level.

(1) The Department may issue ambulance licenses for the following types of service at the given levels:

(a) ground ambulance, EMT-B;

(b) ground ambulance, EMT-B-IV;

(c) ground ambulance, EMT-I;
 (c) inter-facility transfer ground ambulance, EMT-B;
 (d) inter-facility transfer ground ambulance, EMT-B-IV;
 and
 (e) inter-facility transfer ground ambulance, EMT-I.
 (2) The Department may issue paramedic licenses for the following types of service at the given response configurations:
 (a) paramedic rescue;
 (b) paramedic tactical rescue;
 (c) paramedic ground ambulance; and
 (d) paramedic ground ambulance inter-facility transfer service.

R426-14-201. Scope of Operations.

(1)(a) A ground ambulance, EMT-B, licensee may only provide service to a specific geographic service area and is responsible to provide service to its entire specific geographic service area. It may provide emergency medical transport and emergency medical services corresponding to the 1994 United States Department of Transportation's "EMT-Basic Training Program: National Standard Curriculum" to a geographic service area.

(b) A ground ambulance, EMT-B-IV, licensee may only provide service to a specific geographic service area and is responsible to provide service to its entire specific geographic service area. It may provide emergency medical transport and emergency medical services corresponding to the 1994 United States Department of Transportation's "EMT-Basic Training Program: National Standard Curriculum" and the IV module of the 1999 United States Department of Transportation's "EMT-Intermediate Training Program: National Standard Curriculum."

(c) A ground ambulance, EMT-I, licensee may only provide service to a specific geographic service area and is responsible to provide service to its entire specific geographic service area. It may provide emergency medical transport and emergency medical services corresponding to the 1999 United States Department of Transportation's "EMT-Intermediate Training Program: National Standard Curriculum."

(d) An inter-facility transfer ground ambulance, EMT-B, licensee may only provide service to a specific geographic service area. It may only provide emergency medical transport and emergency medical services during transport corresponding to the 1994 United States Department of Transportation's "EMT-Basic Training Program: National Standard Curriculum." It may not provide emergency medical services in response to emergency dispatch, except as provided as a special condition to the license.

(e) An inter-facility transfer ground ambulance, EMT-B-IV, licensee may only provide service to a specific geographic service area. It may only provide emergency medical transport and emergency medical services during transport corresponding to the 1994 United States Department of Transportation's "EMT-Basic Training Program: National Standard Curriculum" and the IV module of the 1999 United States Department of Transportation's "EMT-Intermediate Training Program: National Standard Curriculum." It may not provide emergency medical services in response to emergency dispatch.

(f) An inter-facility transfer ground ambulance, EMT-I, licensee may only provide service to a specific geographic service area. It may only provide emergency medical transport and

emergency medical services during transport corresponding to the 1999 United States Department of Transportation's "EMT-Intermediate Training Program: National Standard Curriculum." It may not provide emergency medical services in response to emergency dispatch.

(2) A paramedic licensee may only provide service to a specific geographic service area and is responsible to provide service to its entire specific geographic service area. It may only provide emergency medical services during transport corresponding to the 1998 United States Department of Transportation's "EMT-Paramedic Training Program: National Standard Curriculum." Paramedic licensees that are licensed for adjacent areas are encouraged to enter into mutual aid agreements to facilitate rapid response from the paramedic licensee closest to the scene. The Department licenses paramedic providers in one of the following response configurations:

(a) A paramedic rescue that relies on a licensed ambulance service to transport a patient.

(b) A paramedic tactical rescue may only provide combat medical response where the primary mission is the retrieval and field treatment of injured peace officers or victims of traumatic confrontations. It may only function at the invitation of the local or state public safety authority. When called upon for assistance, it must immediately notify the local ambulance licensee to coordinate patient transportation.

(c) A paramedic ground ambulance may be used routinely to transport patients. It must also comply with the requirements applicable to ground ambulances;

(d) A paramedic ground ambulance inter-facility transfer service may only be used to transport patients upon physician request between medical or nursing facilities. Unless otherwise licensed to do so, it may not provide paramedic rescue, paramedic quick response, or paramedic tactical rescue services. It may only provide service to a specific geographic service area.

R426-14-300. Minimum Licensure Requirements.

A licensee must meet the following minimum requirements:

(1) have sufficient rescue vehicles, equipment, and supplies that meet the requirements of this rule and as may be necessary to carry out its responsibilities under its license;

(2) have locations or staging areas for stationing its vehicles;

(3) have a dispatch agreement with a public safety answering point that answers and responds to 911 calls or with a local single access public safety answering point that answers and responds to requests for emergency assistance;

(4) enter into mutual aid agreements with other licensees to give assistance in times of unusual demand;

(5) have a certified EMS training officer;

(6) have a plan of operations, which shall include:

(a) the number, training, and certification of personnel;

(b) the scope of operations; and

(c) a description of the how the licensee proposes to interface with other EMS agencies;

(7) have sufficient trained and certified staff that meet the requirements of this rule and as may be necessary to carry out its responsibilities under its license;

(8) have a certified off-line medical director;

(9) if a paramedic tactical rescue, be a public safety agency or have a letter of recommendation from a county or city law enforcement agency within the paramedic tactical rescue's geographic service area; and

(10) not be disqualified for any of the following reasons:

(a) violation of Subsection 26-8a-504(1); or

(b) a history of disciplinary action relating to an EMS license, permit, designation or certification in this or any other state.

R426-14-301. Application, Department Review, and Issuance.

(1) An applicant desiring to be licensed or to renew its license shall submit the applicable fees and an application on Department-approved forms to the Department. As part of the application, the applicant shall submit documentation that it meets the requirements listed in R426-14-300 and the following:

(a) identifying information about the entity and its principals;

(b) the name of the person or governmental entity financially and otherwise responsible for the service provided by the licensee and documentation from that entity accepting the responsibility;

(c) identifying information about the entity that will provide the service and its principals;

(d) a legal description, general description, and detailed map of the geographical area that it will serve;

(e) a detailed plan of operation meeting the requirements of the application;

(f) financial and insurance information; and

(g) other information that the Department determines necessary for the processing of the application and the oversight of the licensed entity.

(2) If upon Department review the application is complete and it appears that the applicant meets all the requirements, the Department shall issue a notice of agency action as required in Section 26-8a-405.

(3) Award of a new license or a renewal license is contingent upon the applicant's demonstration of compliance with all applicable statutes and rules and a successful Department quality assurance review.

(4) A license may be issued for up to a four-year period. The Department may alter the length of the license to standardize renewal cycles.

R426-14-302. Immediate Application Denial.

(1) The Department may deny an application for a license or a renewal of a license without reviewing whether a license must be granted or renewed to meet public convenience and necessity for any of the following reasons:

(a) failure to meet substantial requirements as specified in the rules governing the service;

(b) failure to meet vehicle, equipment, staffing, or insurance requirements;

(c) failure to meet agreements covering training standards or testing standards;

(d) substantial violation of Subsection 26-8a-504(1);

(e) a history of disciplinary action relating to a license, permit, designation, or certification in this or any other state;

(f) a history of criminal activity by the licensee or its principals while licensed or designated as an EMS provider or while operating as an EMS service with permitted vehicles;

(g) falsification or misrepresentation of any information in the application or related documents;

(h) failure to pay the required licensing or permitting fees or other fees or failure to pay outstanding balances owed to the Department;

(j) financial insolvency;

(k) failure to submit records and other data to the Department as required by R426-8;

(l) a history of inappropriate billing practices, such as:

(i) charging a rate that exceeds the maximum rate allowed by rule;

(ii) charging for items or services for which a charge is not allowed by statute or rule; or

(iii) Medicare or Medicaid fraud.

(m) misuse of grant funds received under Section 26-8a-207; and

(n) violation of OSHA or other federal standards that it is required to meet in the provision of the EMS service.

(2) An applicant that has been denied a license may appeal by filing a written appeal within thirty calendar days of the issuance of the Department's denial.

R426-14-400. Change in Service Level.

(1) A ground ambulance, EMT-B licensee that desires to upgrade to a ground ambulance, EMT-B-IV or EMT-I and a ground ambulance, EMT-B-IV licensee that desires to upgrade to a ground ambulance EMT-I shall submit the applicable fees and an application on Department-approved forms to the Department. As part of the application, the applicant shall provide:

(a) a copy of new treatment protocols for the upgraded service approved by the off-line medical director;

(b) an updated plan of operations demonstrating the ability to provide the service; and

(c) an assessment of field performance by the licensee's off-line medical director

(2) If the Department finds that the applicant has demonstrated the ability to provide the upgraded service, it shall issue a revised license reflecting the new level of service without making a separate finding of public convenience and necessity.

R426-14-401. Change of Owner or Operator.

(1) A license and the vehicle permits terminate if the holder of a licensed service transfers ownership of the service to another party. The new owner must submit, within ten business days of acquisition, applications and fees for a new license and vehicle permits. The new owner must meet all the statutory and rules requirements as if applying for a new license.

(2) A license and the vehicle permits terminate if the operator listed on the license no longer provides the service. Any successor must file, within ten business days of succession, an application and submit fees for a new license and vehicle permits. The party applying for the license must meet all the statutory and rules requirements as if applying for a new license.

R426-14-500. Mutual Aid.

(1) An ground ambulance service may have in place agreements with other ground ambulance services to call upon them for assistance during times of unusual demand. A time of unusual demand exists in circumstances that the management of the ground ambulance service has determined that its current personnel and equipment are not sufficient to meet the needs of a particular incident, event or combination of incidents or events. A mutual aid agreement may not provide for the provision of ongoing service for a specified area or for specified time periods.

(2) A ground ambulance licensee must provide all ambulance service, including standby services, for any special event that requires ground ambulance service within its geographic service area. If the ground ambulance licensee is unable or unwilling to provide the special event coverage, the licensee may arrange with a ground ambulance licensee through the use of a mutual aid agreement to provide ground ambulance service for the special event.

R426-14-600. Penalties.

As required by Subsection 63-46a-3(5): Any person that violates any provision of this rule may be assessed a civil money penalty not to exceed the sum of \$5,000 or be punished for violation of a class B misdemeanor for the first violation and for any subsequent similar violation within two years for violation of a class A misdemeanor as provided in Section 26-23-6.

**KEY: emergency medical services
1999**

26-8a



Health, Health Systems Improvement,
Emergency Medical Services
R426-15
Licensed and Designated Provider
Operations

**NOTICE OF PROPOSED RULE
(New)**

DAR FILE NO.: 22326
FILED: 08/16/1999, 15:18
RECEIVED BY: NL

RULE ANALYSIS

PURPOSE OF THE RULE OR REASON FOR THE CHANGE: The 1999 legislature adopted a new Emergency Medical Services (EMS) Systems Act, necessitating the reorganization of the EMS rules. This rule covers the operations of licensed and designated EMS providers. It replaces portions of several rules that are being repealed contemporaneously with the adoption of this rule. It also contains disciplinary provisions applicable to all EMS providers.

(DAR Note: S.B. 54 is found at 1999 Utah Laws 141, and was effective March 18, 1999.)

SUMMARY OF THE RULE OR CHANGE: This rule covers the operations of licensed and designated Emergency Medical Services (EMS) providers. It also contains disciplinary provisions applicable to all EMS providers.

(DAR Note: Repealed Rules R426-1, R426-3, and R426-4 were rewritten and proposed as new rules R426-11 (DAR No. 22322), R426-12 (DAR No. 22323), R426-13 (DAR No. 22324), R426-14 (DAR No. 22325), R426-15 (DAR No. 22326), and R426-16 (DAR No. 22327). Specifically, repealed Rules R426-1 and R426-3 are in all of R426-15; repealed Rule R426-4 is in R426-15-300. All of these repealed and proposed new rules are in this issue of the *Bulletin*.)

STATE STATUTORY OR CONSTITUTIONAL AUTHORIZATION FOR THIS RULE: Title 26, Chapter 8a

ANTICIPATED COST OR SAVINGS TO:

❖THE STATE BUDGET: Although this is a new rule, there is no substantive change from the prior methodologies implemented under the rules that this rule replaces. It requires no additional action by the state. Therefore, there is no cost or savings to the state budget.

❖LOCAL GOVERNMENTS: Although this is a new rule, there is no substantive change from the prior methodologies implemented under the rules that this rule replaces. It requires no additional action by the local governments. Therefore, there is no cost or savings to the local governments. Local governments will not see any change in the way they operate their EMS services; therefore there will not be a cost or savings to them.

❖OTHER PERSONS: Although this is a new rule, there is no substantive change from the prior methodologies implemented under the rules that this rule replaces. It requires no additional action by other persons. Therefore, there is no cost or savings to them.

COMPLIANCE COSTS FOR AFFECTED PERSONS: There will be no additional costs to any person as this rule simply restates the methodologies implemented under the rules that this rule replaces.

COMMENTS BY THE DEPARTMENT HEAD ON THE FISCAL IMPACT THE RULE MAY HAVE ON BUSINESSES: This rule consolidates existing requirements and does not impose new requirements. There should be no fiscal impact on regulated businesses--Rod L. Betit

THE FULL TEXT OF THIS RULE MAY BE INSPECTED, DURING REGULAR BUSINESS HOURS, AT:

Health
Health Systems Improvement,
Emergency Medical Services
Cannon Health Building
288 North 1460 West
PO Box 142004
Salt Lake City, UT 84114-2004, or
at the Division of Administrative Rules.

DIRECT QUESTIONS REGARDING THIS RULE TO:

Leslie Johnson at the above address, by phone at (801) 538-6292, by FAX at (801) 538-6808, or by Internet E-mail at ljohnso@doh.state.ut.us.

INTERESTED PERSONS MAY PRESENT THEIR VIEWS ON THIS RULE BY SUBMITTING WRITTEN COMMENTS TO THE ADDRESS ABOVE NO LATER THAN 5:00 P.M. ON 10/01/1999.

THIS RULE MAY BECOME EFFECTIVE ON: 10/02/1999

AUTHORIZED BY: Rod L. Betit, Executive Director

R426. Health, Health Systems Improvement, Emergency Medical Services.

R426-15. Licensed and Designated Provider Operations.

R426-15-100. Authority and Purpose.

This rule is established under Title 26, Chapter 8a. It establishes standards for the operation of EMS providers licensed or designated under the provisions of the Emergency Medical Services System Act.

R426-15-200. Staffing.

(1) Ambulances, while providing ambulance services, shall have the following minimum complement of personnel:

(a) Two attendants, each of whom is a certified EMT-Basic, EMT-B-IV, EMT-Intermediate, or Paramedic.

(b) A driver, 18 years of age or older, who is the holder of a valid driver's license. If the driver is also an EMT-Basic, EMT-B-IV, EMT-Intermediate, EMT-Paramedic, the driver qualifies as one of the two required attendants.

(c) Ambulance services authorized by the Department to provide IV or Intermediate services shall assure that at least one EMT-I or EMT-B-IV responds on each call.

(d) If on-line medical control determines the condition of the patient to be "serious or potentially critical," at least one paramedic shall accompany the patient on board the ambulance to the hospital, if paramedics are on scene.

(e) If on-line medical control determines the condition of the patient to be "critical," the ambulance driver and two paramedics shall accompany the patient on board the ambulance to the hospital, if paramedics are on scene.

(2) Paramedic services shall have the following minimum complement of personnel:

(a) Staffing at the scene of an accident or medical emergency shall be no less than two persons, each of whom is a Paramedic;

(b) If a paramedic ground ambulance or paramedic ground ambulance inter-facility transfer service has been requested by a transferring physician for inter-facility movement of a patient, the staffing shall be as follows:

(i) If the physician describes the condition of the patient as "serious or potentially critical," minimum staffing shall be two paramedics;

(ii) If the physician describes the condition of the patient as "critical," minimum staffing shall be the ambulance driver and two paramedics.

(3) Each licensee shall maintain a personnel file for each certified individual. The personnel file must include records documenting the individual's qualifications, training, certification, immunizations, and continuing medical education.

R426-15-201. Vehicle Permit.

(1) EMS provider organizations that operate vehicles that Section 26-8a-304 requires to have a permit must annually obtain a permit and display a permit decal for each of its vehicles used in providing the service.

(2) The Department shall issue annual permits for vehicles used by licensees only if the new or replacement ambulance meets the:

(a) Federal General Services Administration Specification for ground ambulances as of the date of manufacture; and

(b) equipment and supply requirements of "R426 Equipment, Drug and Supplies List."

(3) The Committee may give consideration for a variance from the requirements of Subsection (2) to communities with limited populations or unique problems for purchase and use of ambulance vehicles.

(4) The permittee shall display the permit decal showing the expiration date and number issued by the Department on a publicly visible place on the vehicle.

(5) Permits and decals are not transferrable to other vehicles.

R426-15-202. Permitted Vehicle Operations.

(1) Ambulance licensees shall notify the Department of the location or staging areas of each vehicle and whenever it changes the location or staging areas for each vehicle.

(2) Vehicles shall be maintained on a premises suitable to make it available for immediate use, in good mechanical repair, properly equipped, and in a sanitary condition.

(3) Each ambulance shall be maintained in a clean condition with the interior being thoroughly cleaned after each use in accordance with OSHA standards.

(4) Each ambulance shall be equipped with adult and child safety restraints and to the point practicable all occupants must be restrained.

R426-15-203. Vehicle Supply Requirements.

(1) In accordance with the licensure or designation type and level, the permittee shall carry on each permitted vehicle the minimum quantities of supplies, medications, and equipment as described in "R426 Equipment, Drug and Supplies List."

(2) The department shall develop, enforce, maintain and modify "R426 Equipment, Drug and Supplies List" as other needs or new methodologies become known.

(3) The permittee may carry on a permitted vehicle only equipment, supplies, and medications that are authorized by the Department.

(4) All equipment, except disposable items, shall be so designed, constructed, and of such materials that under normal conditions and operations, it is durable and capable of withstanding repeated cleaning. The permittee:

(a) shall clean the equipment after each use in accordance with OSHA standards;

(b) shall sanitize or sterilize equipment prior to reuse;

(c) may not reuse equipment intended for single use;

(d) shall clean and change linens after each use; and

(e) shall store or secure all equipment in a readily accessible and protected manner and in a manner to prevent its movement during a crash.

(5) The permittee shall test, maintain, and calibrate its equipment in accordance with the manufacturer's standards.

(a) The permittee shall maintain a working agreement with an authorized technician for regular maintenance and annual inspection for certification of the equipment's ability to function correctly.

(b) The permittee shall document all equipment inspections, testing, maintenance, and calibrations. Testing or calibration conducted by an outside service shall be documented and available for Department review.

(c) A permittee required to carry any of the following equipment shall perform monthly inspections to ensure its ability to function correctly:

(i) defibrillator, manual or automatic;

(ii) autovent;

(iii) infusion pump;

(iv) glucometer;

(v) flow restricted, oxygen-powered ventilation devices;

(vi) suction equipment;

(vii) electronic Doppler device;

(viii) automatic blood pressure/pulse measuring device;

(ix) pulse oximeter.

(d) For all pieces of required equipment that require consumables for the operation of the equipment; power supplies; electrical cables, pneumatic power lines, hydraulic power lines, or related connectors, the permittee shall perform monthly inspections to ensure their correct function

(7) A licensee shall:

(a) store all medications according to the manufacturers' recommendations for temperature control and packaging requirements; and

(b) return to the licensee's designated resource hospital for replacement any medication known or suspected to have been subjected to temperatures outside the recommended range.

R426-15-204. Insurance.

(1) An ambulance licensee shall provide the Department with a copy of his certificate of insurance, showing proof of his ability to respond to damages due to operation of the vehicle, in the manner and minimum amounts specified below:

(a) Liability insurance in the amount of \$100,000 for each individual claim and \$300,000 for total claims for personal injury from any one occurrence.

(b) Liability insurance in the amount of \$25,000 for property damage from any one occurrence.

(2) The ambulance licensee shall obtain the insurance from an insurance company authorized to write liability coverage in the state of Utah or through a self-insurance program.

(3) The ambulance licensee shall report any coverage change to the Department within 60 days after the change. The ambulance licensee must direct the insurance carrier or self-

insurance program to notify the Department of all changes in insurance coverage.

R426-15-205. Communications.

All permitted vehicles shall be equipped to allow field EMS personnel to be able to:

(1) communicate with hospital emergency departments, dispatch centers, EMS providers, and law enforcement services; and

(2) communicate on radio frequencies assigned to the Department for EMS use by the Federal Communications Commission.

R426-15-300. Emergency Medical Dispatch Center.

An emergency medical dispatch center must annually provide organizational information to the Department.

R426-15-400. Resource Hospital.

(1) A resource hospital must provide on-line medical control for all prehospital EMS providers who request assistance for patient care, 24 hours-a-day, seven days a week. A resource hospital must:

(a) create and abide by written prehospital emergency patient care protocols for use in providing on-line medical control for prehospital EMS providers;

(b) train new staff on the protocols before the new staff is permitted to provide on-line medical control; and annually review with physician and nursing staff

(c) annually provide in-service training on the protocols to all physicians and nurses who provide on-line medical control; and

(d) make the protocols immediately available to staff for reference.

(2) The on-line medical control shall be by direct voice communication with a physician or a registered nurse or physician's assistant licensed in Utah who is in voice contact with a physician.

(3) A resource hospital must establish and actively implement a quality improvement process.

(a) The hospital must designate a medical control committee.

(b) The committee must meet at least quarterly to review and evaluate prehospital emergency runs, continuing medical education needs and EMS system administration problems.

(i) Committee members must include an emergency physician representative, hospital nurse representative, hospital administration representative, and ambulance and emergency services representatives.

(ii) The hospital must keep minutes of the medical control committee's meetings and make them available for Department review.

(c) The hospital must appoint a quality review coordinator for the prehospital quality improvement process.

(d) The hospital must cooperate with the prehospital EMS providers' off-line medical directors in the quality review process, including granting access to hospital medical records of patients served by the particular prehospital EMS provider.

(e) The hospital must assist the Department in evaluating EMS system effectiveness by submitting to the Department, in an electronic format specified by the Department, quarterly data specified by the Committee.

(4) A resource hospital shall make initial and replacement medications and IV fluids available to all EMS providers authorized to use them.

R426-15-401. Medical Control.

(1) All licensees and quick response units must enter into a written agreement with a physician to serve as its off-line medical director to supervise the medical care provided by the field EMS personnel. The physician must be familiar with:

(a) the design and operation of the local prehospital EMS system; and

(b) local dispatch and communication systems and procedures.

(2) The off-line medical director shall develop and implement patient care standards which include written standing orders and triage, treatment, and transport protocols.

(3) The off-line medical director shall ensure the qualification of field EMS personnel involved in patient care and dispatch through the provision of ongoing continuing medical education programs and appropriate review and evaluation;

(4) The off-line medical director shall:

(a) develop and implement an effective quality improvement program, including medical audit, review, and critique of patient care;

(b) annually review triage, treatment, and transport protocols and update them as necessary;

(c) suspend from patient care, pending Department review, a field EMS personnel who does not comply with local medical triage, treatment and transport protocols, who violates any of the EMS rules, or who the medical director determines is providing emergency medical service in a careless or unsafe manner. The medical director must notify the Department within one business day of the suspension.

(d) Attend meetings of the local EMS Council, if one exists, to participate in the coordination and operations of local EMS providers.

R426-15-402. Scene and Patient Management.

(1) Upon arrival at the scene of an injury or illness, the field EMS personnel shall secure radio or telephonic contact with the resource hospital to establish on-line medical control as quickly as possible.

(2) If radio or telephonic contact cannot be obtained, the field EMS personnel shall so indicate on the EMS report form and follow local written protocol;

(3) If there is a physician at the scene who wishes to assist or provide on-scene medical direction to the field EMS personnel, the field EMS personnel must follow his instructions, but only until communications are established with the physician at the resource hospital. If the proposed treatment from the on-scene physician differs from existing EMS triage, treatment and transport protocols and is contradictory to quality patient care, the field EMS personnel may revert to existing EMS triage, treatment and transport protocols for the continued management of the patient.

(4) If the physician at the scene wishes to continue directing the field EMS personnel's activities, the field EMS personnel shall so notify on-line medical control;

(5) The on-line medical control may:

(a) allow the on-scene physician to assume or continue medical control;

(b) assume medical control, but allowing the physician at the scene to assist; or

(c) assume medical control with no participation by the on-scene physician.

(5) If on-line medical control allows the on-scene physician to assume or continue medical control, the field EMS personnel shall repeat the on-scene physician's orders to the on-line medical control for evaluation and recording. If, in the judgment of the on-line medical control who is monitoring and evaluating the at-scene medical control, the care is inappropriate to the nature of the medical emergency, the on-line medical control may reassume medical control of the field EMS personnel at the scene.

R426-15-500. Pilot Projects, Variances, Waivers.

(1) A persons who proposes to undertake a research or study project which requires waiver of any rule must have a project director who is a physician licensed to practice medicine in the state of Utah, and must submit a written proposal to the Department for presentation to the EMS Committee.

(2) The proposal shall include the following:

(a) A project description that describes the:

(i) need for project;

(ii) project goal;

(iii) specific objectives;

(iv) methodology for the project implementation;

(v) geographical area involved by the proposed project;

(vi) specific rule or portion of rule to be waived;

(vii) proposed waiver language; and

(viii) evaluation methodology.

(b) A list of the EMS providers and hospitals participating in the project;

(c) A signed statement of endorsement from the participating hospital medical directors and administrators, the director of each participating paramedic and ambulance licensee, other project participants, and other parties who may be significantly affected.

(d) If the pilot project requires the use of additional skills, a description of the skills to be utilized by the field EMS personnel and provision for training and supervising the field EMS personnel who are to utilize these skills, including the names of the field EMS personnel.

(e) The name and signature of the project director attesting to his support and approval of the project proposal.

(3) If the pilot project involves human subjects research, the applicant must also obtain Department Institutional Review Board approval.

(4) The EMS Committee may require the applicant to meet additional conditions as it considers necessary or helpful to the success of the project, integrity of the EMS system, and safety to the public.

(5) The Committee may initially grant project approval for one year. The Committee grant approval for continuation beyond the initial year based on the achievement and satisfactory progress as evidenced in written progress reports to be submitted to the Department at least 90 days prior to the end of the approved period. A pilot project may not exceed three years;

- (6) The Committee may only waive a rule if:
 - (a) the applicant has met the requirements of this section;
 - (b) the waiver is not inconsistent with statutory requirements;
 - (c) there is not already another pilot project being conducted on the same subject; and
 - (d) it finds that the pilot project has the potential to improve pre-hospital medical care.
- (7) Approval of a project allows the field EMS personnel listed in the proposal to exercise the specified skills of the participants in the project. The project director shall submit the names of field EMS personnel not initially approved to the Department for consideration by the EMS Committee.
- (8) The EMS Committee may rescind approval for the project at any time if:
 - (a) those implementing the project fail to follow the protocols and conditions outlined for the project;
 - (b) it determines that the waiver is detrimental to public health; or
 - (c) it determines that the project's risks outweigh the benefits that have been achieved.
- (9) The Committee shall allow the EMS provider involved in the study to appear before the Committee to explain and express its views before determining to rescind it the waiver for the project.
- (10) At least six months prior to the planned completion of the project, the medical director shall submit to the Department a report with the preliminary findings of the project and any recommendations for change in the project requirements;

R426-15-600. Confidentiality of Patient Information.

Licenseses, designees, and EMS certified individuals shall not disclose patient information except as necessary for patient care or as allowed by statute or rule.

R426-15-700. Penalties.

As required by Subsection 63-46a-3(5): Any person that violates any provision of this rule may be assessed a civil money penalty not to exceed the sum of \$5,000 or be punished for violation of a class B misdemeanor for the first violation and for any subsequent similar violation within two years for violation of a class A misdemeanor as provided in Section 26-23-6.

KEY: emergency medical services

1999

26-8a



Health, Health Systems Improvement,
Emergency Medical Services
R426-16
Emergency Medical Services Maximum
Ambulance Transportation Rates and
Charges

NOTICE OF PROPOSED RULE

(New)

DAR FILE NO.: 22327

FILED: 08/16/1999, 15:18

RECEIVED BY: NL

RULE ANALYSIS

PURPOSE OF THE RULE OR REASON FOR THE CHANGE: The 1999 Legislature adopted a new Emergency Medical Services (EMS) Systems Act, necessitating the reorganization of the EMS rules.

(DAR Note: S.B. 54 is found at 1999 Utah Laws 141, and was effective March 18, 1999.)

SUMMARY OF THE RULE OR CHANGE: This rule makes no substantive change to the methodologies implemented under those portions of the previous rules that it replaces. It simply consolidates the provisions into one rule.

(DAR Note: Repealed Rules R426-1, R426-3, and R426-4 were rewritten and proposed as new rules R426-11 (DAR No. 22322), R426-12 (DAR No. 22323), R426-13 (DAR No. 22324), R426-14 (DAR No. 22325), R426-15 (DAR No. 22326), and R426-16 (DAR No. 22327). Specifically, repealed Rule R426-1 is in all of R426-16; repealed Rule R426-3 is in R426-16-3. All of these repealed and proposed new rules are in this issue of the *Bulletin*.)

STATE STATUTORY OR CONSTITUTIONAL AUTHORIZATION FOR THIS RULE: Title 26, Chapter 8a

ANTICIPATED COST OR SAVINGS TO:

❖THE STATE BUDGET: This rule consolidates information that was formerly found in rules governing ambulances and paramedics separately. There is no change in costs from the present ambulance and paramedic rates.

❖LOCAL GOVERNMENTS: Local governments will not experience any change in costs because this is simply a consolidation of portions of other rules into one rule. There is no change in any requirement.

❖OTHER PERSONS: Other persons will not experience any change in costs because this is simply a consolidation of portions of other rules into one rule. There is no change in any requirement.

COMPLIANCE COSTS FOR AFFECTED PERSONS: There will be no additional costs to anyone to comply with the proposed rule as it imposes no new requirements. This is a consolidation of portions of separate rules into a single rule.

COMMENTS BY THE DEPARTMENT HEAD ON THE FISCAL IMPACT

THE RULE MAY HAVE ON BUSINESSES: This rule consolidates and simplifies several rules. It is anticipated that it will impose no new costs on businesses. It will be carefully reevaluated if comments received during the rule comment period suggest that costs or other burdens on business can be further reduced--Rod L. Betit

THE FULL TEXT OF THIS RULE MAY BE INSPECTED, DURING REGULAR BUSINESS HOURS, AT:

Health
Health Systems Improvement,
Emergency Medical Services

Cannon Health Building
288 North 1460 West
PO Box 142004
Salt Lake City, UT 84114-2004, or
at the Division of Administrative Rules.

DIRECT QUESTIONS REGARDING THIS RULE TO:

Leslie Johnson at the above address, by phone at (801) 538-6292, by FAX at (801) 538-6808, or by Internet E-mail at ljohnso@doh.state.ut.us.

INTERESTED PERSONS MAY PRESENT THEIR VIEWS ON THIS RULE BY SUBMITTING WRITTEN COMMENTS TO THE ADDRESS ABOVE NO LATER THAN 5:00 P.M. ON 10/01/1999.

THIS RULE MAY BECOME EFFECTIVE ON: 10/02/1999

AUTHORIZED BY: Rod Betit, Executive Director

R426. Health, Health Systems Improvement, Emergency Medical Services.

R426-16. Emergency Medical Services Maximum Ambulance Transportation Rates and Charges.

R426-16-1. Authority and Purpose.

(1) This rule is established under Title 26, Chapter 8a.

(2) The purpose of this rule is to provide for the establishment of maximum ambulance transportation and rates to be charged by licensed ambulance services in the State of Utah.

R426-16-2. Maximum Ambulance Transportation Rates and Charges.

(1) Licensed services operating under R426-3 shall not charge more than the maximum rates described in this rule. In addition, the net income of licensed services, including subsidies of any type, shall not exceed the net income limit set by this rule.

(a) The net income limit shall be the greater of eight percent of gross revenue or 14 percent return on average assets.

(b) Licensed Services may change rates at their discretion after notifying the Department, provided that the rates do not exceed the maximums specified in this rule.

(2) The initial regulated rates established in this rule shall be adjusted annually on July 1, based on an annual review of the most recent 12 month percentage change in price levels from the following sources: U.S. Bureau of Labor Statistics Occupational Employment and Wage Data, the National Consumer Pricing Index (CPI), the State of Utah Governor's Office of Planning and Budget economic report; the U.S. Bureau of Labor Statistics seasonally adjusted CPI for Urban Consumers transportation and medical care categories, and the U.S. Bureau of Labor Statistics seasonally adjusted CPI for Urban Wage Earners and Clerical Workers transportation and medical categories. The adjustment shall be made effective and published by order of the Department prior to June 1 of each year and become effective July 1, of each year. As of the beginning of fiscal year 2000, all licensed services will collect financial data as delineated by the department to be submitted as detailed under R426-8-2(10). This data shall then be used as the basis for the annual rate adjustment beginning July 1, 2001.

(3) Base Rates

(a) Basic ambulance - \$235.68 per transport.

(b) Intermediate ambulance - \$279.88 per transport.

(c) Paramedic Ambulance Transfer Service inter-facility transports, and Paramedic Ambulance transports that provide basic life support - \$353.54 per transport.

(d) Paramedic ambulance transports that, under physician medical direction, provide basic or intermediate ambulance transports that have paramedics on-board to continue advanced life support initiated by a paramedic rescue service - Basic ambulance service - \$424.24 per transport, Intermediate ambulance service - \$468.44 per transport. Any ambulance service that interfaces with a paramedic rescue service must have an interlocal or equivalent agreement in place, dealing with reimbursing the paramedic agency for services provided up to the maximum of \$147.31 per transport.

(4) \$10.32 per mile or fraction thereof. In all cases mileage shall be computed from the point of pickup to the point of delivery.

(5) Surcharges -

(a) A surcharge of \$23.38 per transport may be assessed for emergency responses.

(b) A surcharge of \$23.38 per transport may be assessed for ambulance service between the hours of 8:00 p.m. and 8:00 a.m.

(c) Where the ambulance is required to travel for ten miles or more on unpaved roads, a surcharge of \$19.48 per transport may be assessed.

(6) Special Provisions -

(a) If more than one patient is transported from the same point of origin to the same point of delivery in the same ambulance, the charges to be assessed to each individual will be determined as follows:

(i) Each patient will be assessed the transportation rate.

(ii) The emergency surcharge, night surcharge and mileage rate will be computed as specified, the sum to be divided equally between the total number of patients.

(b) A round trip may be billed as two one-way trips.

(c) An ambulance shall provide 15 minutes of time at no charge at both point of pickup and point of delivery, and may charge \$12.99 per quarter hour or fraction thereof thereafter. On round trips, 30 minutes at no charge will be allowed from the time the ambulance reaches the point of delivery until starting the return trip. At the expiration of the 30 minutes, the ambulance service may charge \$12.99 per quarter hour or fraction thereof thereafter.

(7) Where an ambulance is summoned to a medical emergency by a dispatch agency, but does not transport, a charge of \$194.88 may be assessed.

(8) Supplies shall be priced fairly and competitively with similar products in the local area.

(9) Uncontrollable Cost Escalation -

(a) In the event of a temporary escalation of costs, an ambulance service may petition the EMS Committee for permission to make a temporary service-specific surcharge. The petition shall specify the amount of the proposed surcharge, the reason for the surcharge, and provide sufficient financial data to clearly demonstrate the need for the proposed surcharge. Since this is intended to only provide temporary relief, the petition shall also include a recommended time limit.

(b) The petition shall be submitted to the Department, which shall within 30 days, notify the ambulance service of the date and time of the next EMS Committee meeting and the disposition of the petition. Prior to the EMS Committee meeting, the

Department shall evaluate the petition for reasonableness and prepare a written response for consideration by the EMS Committee. The EMS Committee may reject, modify or adopt the proposed surcharge as a proposed rule and direct the Department to submit a notice of rule change to the Division of Administrative Rules in accordance with the Rulemaking Act. The public comment period shall include a public hearing.

(10) The licensed service shall file with the Department within five months of the end of each licensed service's fiscal year, an operating report in accordance with the instructions, guidelines and review criteria specified in the EMS Committee's "Department of Health Uniform Licensed Service Fiscal Reporting Guide". The Department shall provide a summary of operating reports received during the previous state fiscal year to the EMS Committee in the October quarterly meeting, beginning 2001.

(11) Fiscal audits

(a) Upon receipt of licensed service fiscal reports, the Department shall review them for compliance to standards established in the "Department of Health Uniform Licensed Service Fiscal Reporting Guide." The Department, or its representative, may audit licensed services to verify the information given in the report.

(b) Where the Department determines that the audited service is not in compliance with this rule, the Department shall proceed in accordance with Section 26-8a-504.

R426-16-3. Paramedic Fees and Charges.

A resource hospital may recover the cost, through the patient billing process for supplies and drugs administered by the Paramedic to patients, if the supplies or drugs were subsequently replaced by the hospital as outlined in the Emergency Medical Services Operational Standards.

R426-16-4. Penalty for Violation of Rule.

Any person who violates any provision of this rule may be assessed a penalty not to exceed the sum of \$5,000 or be punished for violation of a class B misdemeanor for the first violation and for any subsequent similar violation within two years for violation of a class A misdemeanor as provided in Section 26-23-6.

KEY: emergency medical services

1999

26-8a



Health, Health Systems Improvement,
Emergency Medical Services

R426-100

Emergency Medical Services Do Not
Resuscitate

NOTICE OF PROPOSED RULE

(Amendment)

DAR FILE NO.: 22328

FILED: 08/16/1999, 15:18

RECEIVED BY: NL

RULE ANALYSIS

PURPOSE OF THE RULE OR REASON FOR THE CHANGE: The 1999 legislature adopted a new Emergency Medical Services (EMS) Systems Act, necessitating the reorganization of the EMS rules. This rule change will delete the use of necklaces to be issued to patients with Emergency Medical Services/Do Not Resuscitate (EMS/DNR) directives. A necklace has never been developed for use in this program; therefore, the rule provision will be deleted.

(DAR Note: S.B. 54 is found at 1999 Utah Laws 141, and was effective March 18, 1999.)

SUMMARY OF THE RULE OR CHANGE: This rule change deletes the use of necklaces to be issued to patients with Emergency Medical Services/Do Not Resuscitate (EMS/DNR) directives. It also changes references to the Emergency Medical Services (EMS) Systems Act from Title 26, Chapter 8 to Title 26, Chapter 8a.

STATE STATUTORY OR CONSTITUTIONAL AUTHORIZATION FOR THIS RULE: Title 26, Chapter 8a

ANTICIPATED COST OR SAVINGS TO:

❖THE STATE BUDGET: There will be no cost to the state for this change because a necklace will not have to be developed for the Do Not Resuscitate program. There will be no savings because the Department has never used the necklace.

❖LOCAL GOVERNMENTS: There is no cost to local government regarding the Do Not Resuscitate program. This program is free to patients who request advance directives and is not used by local government agencies.

❖OTHER PERSONS: This rule change imposes no requirements on anyone. No person with an EMS/DNR directive will need to do anything because of this rule. No person seeking an EMS/DNR will need to do anything differently than in the past.

COMPLIANCE COSTS FOR AFFECTED PERSONS: There will be no additional requirements and no additional costs placed upon anyone because of this rule.

COMMENTS BY THE DEPARTMENT HEAD ON THE FISCAL IMPACT THE RULE MAY HAVE ON BUSINESSES: Necklaces to indicate a Do Not Resuscitate directive have never been developed or used. This change will not have a fiscal impact on regulated businesses--Rod L. Betit

THE FULL TEXT OF THIS RULE MAY BE INSPECTED, DURING REGULAR BUSINESS HOURS, AT:

Health
Health Systems Improvement,
Emergency Medical Services

Cannon Health Building
288 North 1460 West
PO Box 142004
Salt Lake City, UT 84114-2004, or
at the Division of Administrative Rules.

DIRECT QUESTIONS REGARDING THIS RULE TO:

Leslie Johnson at the above address, by phone at (801) 538-6292, by FAX at (801) 538-6808, or by Internet E-mail at ljjohnso@doh.state.ut.us.

INTERESTED PERSONS MAY PRESENT THEIR VIEWS ON THIS RULE BY SUBMITTING WRITTEN COMMENTS TO THE ADDRESS ABOVE NO LATER THAN 5:00 P.M. ON 10/01/1999.

THIS RULE MAY BECOME EFFECTIVE ON: 10/02/1999

AUTHORIZED BY: Rod L. Betit, Executive Director, Utah Dept. of Health

R426. Health, Health Systems Improvement, Emergency Medical Services.

R426-100. Emergency Medical Services Do Not Resuscitate.

R426-100-1. Purpose.

This rule implements the prehospital Emergency Medical Services/Do Not Resuscitate (EMS/DNR) provisions of Section 75-2-1105.5.

~~R426-100-2. Definitions.~~

~~Terms used in this rule are defined in Section 75-2-1103, in addition:~~

- ~~(1) "Department" means the Utah Department of Health.~~
~~(2) "EMS/DNR Directive" means a directive completed pursuant to the requirements of Section 75-2-1105.5 and this rule.~~
~~(3) "EMS/DNR form" means the form issued by the Department upon which a declarant may execute an EMS/DNR Directive, and upon which a physician may make a determination that a declarant is in a terminal condition.~~
~~(4) "EMS personnel" means any person certified to provide emergency medical services under Title 26, Chapter 8.~~
~~(5) "Proxy" has the same meaning as it is used in Subsection 75-2-1105.5(4)(b).]~~

R426-100-[3]2. EMS/DNR Forms, Directives, and Bracelets[and Necklaces].

(1) Only the Utah Department of Health may create EMS/DNR forms. Each EMS/DNR form must have a state of Utah watermark and a unique identifying number provided by the Department.

(2) The Department shall distribute the EMS/DNR directive forms to any licensed physician as requested.

(3) An EMS/DNR directive is valid only if made on an EMS/DNR form upon which a physician licensed to practice medicine under Part 1 of Chapter 12, Title 58, the Utah Osteopathic Medicine Licensing Act, or under Part 5, of Chapter 12, Title 58, the Utah Medical Practice Act, also makes a determination certifying that the declarant is in a terminal condition.

(4) Only the Department may create an EMS/DNR bracelet[~~or necklace~~] which may be issued only to individuals whose physician has determined that the declarant is in a terminal condition and who submits an EMS/DNR directive to the Department. The bracelet[~~or necklace~~] shall clearly display the declarant's name, the name of the proxy if the EMS/DNR directive was made by a proxy, attending physician's name and telephone number, and the unique identifying number from the EMS/DNR form.

R426-100-[4]3. Issuance of an EMS/DNR Directive, or Bracelet[or Necklace].

(1) If the prospective declarant or proxy desires to make an EMS/DNR directive, the physician who makes the determination that the declarant is in a terminal condition must:

- (a) explain to the prospective declarant or proxy, and his family, the significance of making an EMS/DNR directive;
 (b) complete the information requested on the EMS/DNR form;
 (c) sign and date the EMS/DNR form certifying that the declarant is in a terminal condition;
 (d) give the original of the directive with the watermark to the declarant or the proxy; and
 (e) fill out and give to the declarant or proxy the authorized EMS/DNR bracelet[~~or necklace~~] to be placed on the declarant.

(2) The physician or designee, who places the bracelet[~~or necklace~~], must explain to the declarant or proxy how and by whom the EMS/DNR directive may be revoked.

(3) The physician or designee, shall confirm with the Department the execution of the EMS/DNR directive and placement of the EMS/DNR and bracelet or necklace by submitting a duplicate original of the EMS/DNR directive to the Department.

(4) The EMS/DNR directive is effective immediately upon the physician's signing the EMS/DNR directive. The EMS/DNR directive is the property of the declarant and shall be kept with the declarant's medical record, but is not part of the medical record.

(a) To be honored by EMS personnel, the EMS/DNR directive must be placed in an unobstructed view above the declarant on the wall or in close proximity to the head of the bed or the declarant must be wearing the EMS/DNR bracelet[~~or necklace~~], except in health care facilities licensed pursuant to Title 26, Chapter 21.

(b) To be honored by EMS personnel who are called to render service in health care facilities licensed pursuant to Title 26, Chapter 21, the EMS/DNR directive must be displayed in the declarant's medical record or the declarant must be wearing an EMS/DNR bracelet[~~or necklace~~]. Health care facility personnel must present the medical record to responding EMS personnel upon their arrival. Health care facilities shall document for Department review that appropriate health care facility staff have been informed of the declarant's EMS/DNR directive sufficient to notify EMS personnel of the existence of the EMS/DNR directive.

(5) If the EMS/DNR directive is not complete or does not appear to conform to statutory and regulatory requirements, the Department shall notify the physician and explain the defect or defects and shall notify the declarant or proxy and EMS agencies likely to respond to the declarant.

R426-100-[5]4. Revocation of an EMS/DNR Directive.

(1) An EMS/DNR bracelet[~~or necklace~~] is the embodiment of an EMS/DNR directive and shall be given the same legal treatment as the actual EMS/DNR directive. An EMS/DNR directive may be revoked as provided in Section 75-2-1111.

(2) If both the original of the EMS/DNR directive with the watermark and the EMS/DNR bracelet[~~or necklace~~] are not intact, or have been defaced, the EMS/DNR directive is invalid. If an EMS/DNR directive is revoked, EMS personnel must provide emergency medical services to the declarant as if no EMS/DNR directive had been issued.

(3) If there is any question about the validity of an EMS/DNR directive, the EMS personnel must provide emergency medical services to the declarant as if no EMS/DNR directive had been issued.

R426-100-[6]5. Treatment of a Declarant with an EMS/DNR Directive.

(1) As part of routine patient assessment, EMS personnel must inspect to see if the declarant is wearing an EMS/DNR bracelet or has an EMS/DNR directive either clearly displayed or located within the declarant's medical record file. If the EMS/DNR directive appears to be incorrectly executed, incomplete, or otherwise flawed in the making, EMS personnel need not honor the EMS/DNR directive. EMS personnel are not liable for failure to honor an EMS/DNR directive.

(2) An EMS/DNR directive only directs that life sustaining procedures be withheld. It does not direct the withholding of medication or the performance of any medical procedure either of which is intended to provide comfort care or to alleviate pain.

(3) In the case of a declarant who has sustained a recent injury clearly unrelated to the terminal condition that served as the basis for the EMS/DNR directive, EMS personnel may contact medical control regarding the provision of emergency medical services to the declarant.

KEY: emergency medical services
[1994]1999

75-2-1105.5



Natural Resources, Parks and
Recreation
R651-601
Definitions as Used in These Rules

NOTICE OF PROPOSED RULE

(Amendment)
DAR File No.: 22281
FILED: 08/11/1999, 15:01
RECEIVED BY: NL

RULE ANALYSIS

PURPOSE OF THE RULE OR REASON FOR THE CHANGE: This amendment will update reference sections and terms used

throughout the state park system. In order to more accurately define natural and cultural resources contained in our state parks, definitions have been updated to more clearly define what natural and cultural resources are in Utah.

SUMMARY OF THE RULE OR CHANGE: Terms and references have changed since the last review of this rule. The board has approved changes as listed in this rule amendment.

STATE STATUTORY OR CONSTITUTIONAL AUTHORIZATION FOR THIS RULE: Subsection 63-11-17(2)(b)

ANTICIPATED COST OR SAVINGS TO:

❖THE STATE BUDGET: No cost or savings impact as this amendment is for clarification purposes and requires no new action by the State Parks Board.

❖LOCAL GOVERNMENTS: Local government does not have authority over state parks. As a result of this update on natural resources, they may benefit by a better understanding of parks and recreation in Utah.

❖OTHER PERSONS: This rule would serve to simplify and advise the public of the natural and cultural resources throughout the state and what features and values are defined, including all lands, soils and waters, natural systems and processes, and all plants, animals, topographic, geologic and paleontological components of a park area, as well as all historic and prehistoric, sites, trails, structures, inscriptions, rock art, and artifacts representative of a given culture occurring on any park area.

COMPLIANCE COSTS FOR AFFECTED PERSONS: With a better understanding of what a natural resource is, visitation would be more enjoyable for those living in Utah or visiting from out of state.

COMMENTS BY THE DEPARTMENT HEAD ON THE FISCAL IMPACT THE RULE MAY HAVE ON BUSINESSES: This rule has no fiscal impact on business.

THE FULL TEXT OF THIS RULE MAY BE INSPECTED, DURING REGULAR BUSINESS HOURS, AT:

Natural Resources
Parks and Recreation
116
1594 West North Temple
PO Box 146001
Salt Lake City, UT 84114-6001, or
at the Division of Administrative Rules.

DIRECT QUESTIONS REGARDING THIS RULE TO:

Dee Guess at the above address, by phone at (801) 538-7320, by FAX at (801) 537-3144, or by Internet E-mail at nrdomain.dguess@email.state.ut.us.

INTERESTED PERSONS MAY PRESENT THEIR VIEWS ON THIS RULE BY SUBMITTING WRITTEN COMMENTS TO THE ADDRESS ABOVE NO LATER THAN 5:00 P.M. ON 10/01/1999.

THIS RULE MAY BECOME EFFECTIVE ON: 10/02/1999

AUTHORIZED BY: David K. Morrow, Deputy Director

R651. Natural Resources, Parks and Recreation.

R651-601. Definitions as Used in These Rules.

R651-601-1. Division.

"Division" means the Division of Parks and Recreation, Department of Natural Resources.

R651-601-2. Ranger.

"Ranger" means any employee of the Division who is designated by the Director or his designee as a peace officer as defined in Section ~~[77-1a-1]~~53-13-103.

R651-601-3. Division Representative.

"Division Representative" means any employee of the Division authorized by the Director or his designee to act in an official capacity.

R651-601-4. Natural and Cultural Resources.

"Natural and Cultural Resources" means those features and values including all lands, soils and waters, natural systems and processes, and all plants, animals, topographic, geologic and paleontological components of a park area as well as all historic and pre-historic, sites, trails, structures, inscriptions, rock art and artifacts representative of a given culture occurring on any park area.

R651-601-~~[4]~~5. Park System.

"Park system" means all ~~[lands, waters, and]~~natural and cultural resource, and all buildings and other improvements owned, leased, or otherwise managed by the Division.

R651-601-~~[5]~~6. Park Area.

"Park area" means any individual park property in the park system.

R651-601-~~[6]~~7. ~~[Superintendent]~~Manager.

~~"[Superintendent]~~Manager" means the Division representative in charge of a park area.

R651-601-~~[7]~~8. Permission.

"Permission" means oral or written authorization by a park representative.

R651-601-~~[8]~~9. Permit.

"Permit" means written authorization by a park representative.

R651-601-~~[9]~~10. Posted.

"Posted" means displayed printed instruction or information.

R651-601-~~[10]~~11. Person.

"Person" means individual, corporation, company, partnership, trust, firm, or association of persons.

KEY: parks

~~[1989]~~1999

Notice of Continuation June 29, 1999

63-11-17(2)(b)



Natural Resources, Parks and Recreation

R651-602

Aircraft and Powerless Flight

NOTICE OF PROPOSED RULE

(Amendment)

DAR FILE No.: 22282

FILED: 08/11/1999, 15:01

RECEIVED BY: NL

RULE ANALYSIS

PURPOSE OF THE RULE OR REASON FOR THE CHANGE: To add the exact time of permission and whom they receive permission to land or take off the powerless flight and aircraft regarding deliveries and pickups. Also defines "permit."

SUMMARY OF THE RULE OR CHANGE: This rule needed more clarification as to when permission is granted and from whom, and what kind of permit is needed.

STATE STATUTORY OR CONSTITUTIONAL AUTHORIZATION FOR THIS RULE: Subsection 63-11-17(2)(b)

ANTICIPATED COST OR SAVINGS TO:

❖THE STATE BUDGET: Since changes for definitions in the rule do not affect state entities and the enforcement of the rule will not change, there will be no cost or savings impact.

❖LOCAL GOVERNMENTS: None, because local government has no authority over state parks. Since changes in this rule do not affect local governments and the enforcement of the rule will not change, there will be no cost or savings impact.

❖OTHER PERSONS: A Special Use Permit may or may not have a cost involved, subject to the kind of activity being held. A park manager may waive fees based on particular park-use conditions, weather, and special group considerations. If a fee is charged, it is according to the Parks fee schedule in Rule R651-611. Amounts vary, but \$25 per event is normal for weekdays and \$50 is the normal charge for Sundays and holidays.

COMPLIANCE COSTS FOR AFFECTED PERSONS: Visitors using the state parks for private or public activities must have a Special Use Permit in order to conduct that activity. If a fee is charged, it is done so using the State Parks fee schedule. The park manager may waive fees based upon park use conditions, weather, and special group considerations. Special Use Permit fees are paid prior to the event so compliance is guaranteed.

COMMENTS BY THE DEPARTMENT HEAD ON THE FISCAL IMPACT THE RULE MAY HAVE ON BUSINESSES: This rule has no fiscal impact on businesses.

THE FULL TEXT OF THIS RULE MAY BE INSPECTED, DURING REGULAR BUSINESS HOURS, AT:

Natural Resources
Parks and Recreation

116
1594 West North Temple
PO Box 146001
Salt Lake City, UT 84114-6001, or
at the Division of Administrative Rules.

DIRECT QUESTIONS REGARDING THIS RULE TO:
Dee Guess at the above address, by phone at (801) 538-7320, by FAX at (801) 537-3144, or by Internet E-mail at nrdomain.dguess@email.state.ut.us.

INTERESTED PERSONS MAY PRESENT THEIR VIEWS ON THIS RULE BY SUBMITTING WRITTEN COMMENTS TO THE ADDRESS ABOVE NO LATER THAN 5:00 P.M. ON 10/01/1999.

THIS RULE MAY BECOME EFFECTIVE ON: 10/02/1999

AUTHORIZED BY: David K. Morrow, Deputy Director

R651. Natural Resources, Parks and Recreation.

R651-602. Aircraft and Powerless Flight.

R651-602-1. Landing or Taking Off.

The landing or taking off of aircraft within the park system other than at designated landing areas is prohibited.

R651-602-2. Air Delivery or Pickup.

Except in emergencies, the air delivery or pickup of any person or thing without advanced permission from the park manager is prohibited.

R651-602-3. Powerless Flight Launching and Landing.

The launching or landing of gliders, hot-air balloons, hang gliders, and other devices designed to carry persons or objects through the air in powerless flight is prohibited [~~without a permit~~]except by Special Use Permit (see R651-608).

KEY: parks

~~[1989]~~October 2, 1999

63-11-17(2)(b)

Notice of Continuation June 29, 1999



Natural Resources, Parks and Recreation

R651-603

Animals

NOTICE OF PROPOSED RULE

(Amendment)

DAR FILE NO.: 22283

FILED: 08/11/1999, 15:01

RECEIVED BY: NL

RULE ANALYSIS

PURPOSE OF THE RULE OR REASON FOR THE CHANGE: Allows the Parks and Recreation Board to make reasonable rules and regulations regarding fish and game on property controlled by the Division of Parks and Recreation.

SUMMARY OF THE RULE OR CHANGE: This rule amendment defines more clearly animal exclusions to the rule and relocates items connected with hunting of wildlife, hunting with firearms, trapping and hunting, and fishing. It then renumbers the paragraphs left in this rule.

STATE STATUTORY OR CONSTITUTIONAL AUTHORIZATION FOR THIS RULE: Subsection R63-11-17(2)(b)

ANTICIPATED COST OR SAVINGS TO:

❖THE STATE BUDGET: This rule eliminates some confusion by the public regarding hunting, hunting with firearms, trapping, and fishing in the state of Utah by moving the information to Rule R651-614 where it more appropriately applies. Since it is a rule already in effect, there will be no cost impact to the state budget.

❖LOCAL GOVERNMENTS: Enforcement of this rule does not apply to local government as they have no authority over state parks.

❖OTHER PERSONS: No impact as this amendment does not impose any new requirements on anyone.

COMPLIANCE COSTS FOR AFFECTED PERSONS: There is no cost because this amendment relocates some paragraphs that more accurately pertain to a different section of the rules.

COMMENTS BY THE DEPARTMENT HEAD ON THE FISCAL IMPACT THE RULE MAY HAVE ON BUSINESSES: This rule has no fiscal impact on business.

THE FULL TEXT OF THIS RULE MAY BE INSPECTED, DURING REGULAR BUSINESS HOURS, AT:

Natural Resources
Parks and Recreation
116
1594 West North Temple
PO Box 146001
Salt Lake City, UT 84114-6001, or
at the Division of Administrative Rules.

DIRECT QUESTIONS REGARDING THIS RULE TO:
Dee Guess at the above address, by phone at (801) 538-7320, by FAX at (801) 537-3144, or by Internet E-mail at nrdomain.dguess@email.state.ut.us.

INTERESTED PERSONS MAY PRESENT THEIR VIEWS ON THIS RULE BY SUBMITTING WRITTEN COMMENTS TO THE ADDRESS ABOVE NO LATER THAN 5:00 P.M. ON 10/01/1999.

THIS RULE MAY BECOME EFFECTIVE ON: 10/02/1999

AUTHORIZED BY: David K. Morrow, Deputy Director



R651. Natural Resources, Parks and Recreation.

R651-603. Animals.

R651-603-1. Pets.

(1) All pets are prohibited in park areas unless caged, or physically controlled on a six foot maximum leash, or confined to the inside of a vehicle.

(2) Pet owners are responsible for picking up and properly disposing of all fecal matter.

R651-603-2. Animal Exclusions.

All animals are prohibited from public buildings, bathing beaches and adjacent waters, eating places ~~[and food stores]~~ and any other trails or locations posted closed to pets within the park system, except for guide or service dogs as authorized by Section 26-30-~~[+]~~2.

R651-603-3. Unattended Animal.

Leaving any animal unattended is prohibited except by permit.

R651-603-4. Dangerous Animals.

Vicious, dangerous, or noisy animals of any kind are prohibited within the park system.

~~[R651-603-5. Hunting Wildlife.~~

~~Hunting of any wildlife is prohibited within the boundaries of all park areas except those designated open as follows:~~

- ~~(1) Antelope Island - by special permit only~~
- ~~(2) Coral Pink Sand Dunes State Park - small game~~
- ~~(3) Deer Creek State Park - small game - waterfowl~~
- ~~(4) East Canyon State Park - small game~~
- ~~(5) Gunlock State Park - small game~~
- ~~(6) Huntington State Park - waterfowl~~
- ~~(7) Hyrum State Park - small game~~
- ~~(8) Jordanelle State Park - waterfowl~~
- ~~(9) Pioneer Trail, Mormon Flat Unit - big and small game~~
- ~~(10) Quail Creek - waterfowl~~
- ~~(11) Rockport State Park - waterfowl~~
- ~~(12) Scofield State Park - waterfowl~~
- ~~(13) Starvation State Park - big and small game~~
- ~~(14) Steinaker State Park - waterfowl~~
- ~~(15) Wasatch Mountain State Park - big and small game~~
- ~~(16) Willard Bay State Park - small game~~
- ~~(17) Yuba State Park - small game~~

R651-603-6. Hunting with Firearms.

~~Hunting with rifles and handguns on park areas designated open is prohibited within one mile of all park area facilities including but not limited to buildings, camp/picnic sites, overlooks, golf courses, boat ramps, and developed beaches. Shotguns and archery equipment are prohibited within one-quarter mile of above stated areas.~~

R651-603-7. Trapping.

~~All trapping on park areas is prohibited except by permit.~~

R651-603-8. Hunting and Fishing.

~~All hunting and trapping activities conducted within the park system shall, in addition to the rules contained herein, be in accordance with the provisions of the Wildlife Resources Code 23-13-]~~

R651-603-~~[9]~~5. Wildlife.

Feeding, touching, teasing, molesting, or intentionally disturbing any wildlife is prohibited except as approved for authorized hunting and trapping activities (see R651-614).

R651-603-~~[10]~~6. Livestock.

Allowing livestock to graze or be on any lands within the park system is prohibited except by permit.

R651-603-~~[11]~~7. Hitching or Tying Animals.

Hitching or tying an animal to any tree, shrub or structure in a manner that may cause damage or block or restrict foot or vehicular traffic is prohibited.

R651-603-~~[12]~~8. Horse Use on Trails.

Horses and other saddle or pack animals are prohibited on developed trails and routes not posted open for their use.

R651-603-~~[13]~~9. Horse Use within a Park.

Horse and other saddle or pack animals are prohibited from all campgrounds, picnic areas and other areas of public gatherings except where trails and facilities are specifically designed and posted for such use.

KEY: parks

~~[July 6, 1998]~~ **October 2, 1999**

63-11-17(2)(b)

Notice of Continuation June 29, 1999



Natural Resources, Parks and Recreation
R651-606
Camping

NOTICE OF PROPOSED RULE

(Amendment)

DAR FILE NO.: 22284

FILED: 08/11/1999, 15:01

RECEIVED BY: NL

RULE ANALYSIS

PURPOSE OF THE RULE OR REASON FOR THE CHANGE: The State Parks Board is allowed to permit multiple use of state parks and property controlled by it.

SUMMARY OF THE RULE OR CHANGE: "Camping equipment" was designated for cleanup and removal. This amendment

changes that definition to "personal property" as there are many other items that are not "camping," but are personal property that might need to be removed, such as a briefcase, etc. The "annual" park system fee schedule can be modified at any time by board action and a special meeting. Therefore, "annual" no longer applies in this rule.

STATE STATUTORY OR CONSTITUTIONAL AUTHORIZATION FOR THIS RULE: Subsection 63-11-17(2)(b)

ANTICIPATED COST OR SAVINGS TO:

❖THE STATE BUDGET: Since permit fees are already in place, this does not have any anticipated increase to the state budget. This amendment serves to take out "annual" from the park system fee schedule as the Board may meet more than once a year to increase fees or have a special session for a specific purpose.

❖LOCAL GOVERNMENTS: There will be no cost or savings to local governments. Local governments have no authority over state parks.

❖OTHER PERSONS: This amendment states that no person may use the showers during camping unless they have a camping or shower authorization permit. It also states that in the cleanup of the campsite, all personal items must be removed. It is directional and will eliminate the possibility of persons not staying in the park using the showers or camping without a proper permit. Therefore, there is no cost to other persons.

COMPLIANCE COSTS FOR AFFECTED PERSONS: Every person who is camping or wants to shower should pay their camping fee when they enter the park. Showers are included in that fee.

COMMENTS BY THE DEPARTMENT HEAD ON THE FISCAL IMPACT THE RULE MAY HAVE ON BUSINESSES: This rule has no fiscal impact on businesses.

THE FULL TEXT OF THIS RULE MAY BE INSPECTED, DURING REGULAR BUSINESS HOURS, AT:

Natural Resources
Parks and Recreation
116
1594 West North Temple
PO Box 146001
Salt Lake City, UT 84114-6001, or
at the Division of Administrative Rules.

DIRECT QUESTIONS REGARDING THIS RULE TO:

Dee Guess at the above address, by phone at (801) 538-7320, by FAX at (801) 537-3144, or by Internet E-mail at nrdomain.dguess@email.state.ut.us.

INTERESTED PERSONS MAY PRESENT THEIR VIEWS ON THIS RULE BY SUBMITTING WRITTEN COMMENTS TO THE ADDRESS ABOVE NO LATER THAN 5:00 P.M. ON 10/01/1999.

THIS RULE MAY BECOME EFFECTIVE ON: 10/02/1999

AUTHORIZED BY: David K. Morrow, Deputy Director

R651. Natural Resources, Parks and Recreation.

R651-606. Camping.

R651-606-1. Permit Required for Camping in Undeveloped Areas.

No person shall camp in undeveloped locations of a park area without proper permit.

R651-606-2. Reserved Campsites may not be Taken.

No person shall occupy or otherwise use a campsite when it is occupied or reserved for another person.

R651-606-3. Maximum Occupancy of Campsites.

Unless authorized by a park representative, individual campsites shall not be occupied by more than two vehicles and eight persons.

R651-606-4. Payment Required before Occupancy of Campsite.

No person shall occupy camping facilities prior to payment of required fees.

R651-606-5. Time-Limit in Campsite may not be Exceeded.

No person shall exceed the limitation on the length of time persons may camp within a park area as approved in the [annual] park system fee schedule (see R651-611).

R651-606-6. Use of Showers.

Showers may[~~be used~~] only be used by campers with camping or shower authorization permits and only in accordance with posted restrictions.

R651-606-7. Camping only in Designated Areas.

All persons shall park or camp only in areas designated for those purposes.

R651-606-8. Time by which Campsites shall be Vacated.

All persons shall vacate the campsite by 2:00 p.m. of the last day of the camp permit.

R651-606-9. Clean-up of Campsite Required.

All persons shall remove all [~~camping equipment~~]personal property, debris and litter prior to departing the site.

R651-606-10. Quiet Hours.

No person shall violate the 10 p.m. to 7 a.m. park area quiet hours.

KEY: parks

~~[1989]~~**October 2, 1999**

63-11-17(2)(b)

Notice of Continuation June 29, 1999



Natural Resources, Parks and
Recreation
R651-607
Disorderly Conduct

NOTICE OF PROPOSED RULE

(Amendment)
DAR FILE NO.: 22285
FILED: 08/11/1999, 15:01
RECEIVED BY: NL

RULE ANALYSIS

PURPOSE OF THE RULE OR REASON FOR THE CHANGE: The purpose of this rule amendment is to state that no person shall participate in a posted restricted activity

SUMMARY OF THE RULE OR CHANGE: A person is not allowed to participate in certain activities when visiting a park within the state park system.

STATE STATUTORY OR CONSTITUTIONAL AUTHORIZATION FOR THIS RULE: Subsection 63-11-17(2)(b)

ANTICIPATED COST OR SAVINGS TO:

❖THE STATE BUDGET: None, as offenses against persons and property shall be handled through the Utah Criminal Code. This amendment adds that no person shall participate in a posted restricted activity. This amendment will make the public aware to look for posted areas before any activity can begin.

❖LOCAL GOVERNMENTS: Local government has no authority over state parks, and therefore, there is no anticipated cost or savings to local government.

❖OTHER PERSONS: There are no costs involved in this rule because it is talking about restricted activities within the park system.

COMPLIANCE COSTS FOR AFFECTED PERSONS: There is no cost since State Parks has addressed disorderly conduct and this amendment simply adds a sentence regarding posting restricted activities to give a better understanding to the rules of the state park system.

COMMENTS BY THE DEPARTMENT HEAD ON THE FISCAL IMPACT THE RULE MAY HAVE ON BUSINESSES: This rule has no fiscal impact on businesses.

THE FULL TEXT OF THIS RULE MAY BE INSPECTED, DURING REGULAR BUSINESS HOURS, AT:

Natural Resources
Parks and Recreation
116
1594 West North Temple
PO Box 146001
Salt Lake City, UT 84114-6001, or
at the Division of Administrative Rules.

DIRECT QUESTIONS REGARDING THIS RULE TO:

Dee Guess at the above address, by phone at (801) 538-7320, by FAX at (801) 537-3144, or by Internet E-mail at nrdomain.dguess@email.state.ut.us.

INTERESTED PERSONS MAY PRESENT THEIR VIEWS ON THIS RULE BY SUBMITTING WRITTEN COMMENTS TO THE ADDRESS ABOVE NO LATER THAN 5:00 P.M. ON 10/01/1999.

THIS RULE MAY BECOME EFFECTIVE ON: 10/02/1999

AUTHORIZED BY: David K.Morrow, Deputy Director

R651. Natural Resources, Parks and Recreation.

R651-607. Disorderly Conduct.

R651-607-1. Applicability of the Utah Criminal Code.

Offenses against persons and property shall be handled through the Utah Criminal Code.

R651-607-2. Restricted Activities.

No person shall participate in a posted restricted activity.

KEY: parks

[1989]October 2, 1999

63-11-17(2)(b)

Notice of Continuation June 29, 1999

◆ ————— ◆
Natural Resources, Parks and
Recreation
R651-608
Events of Special Uses

NOTICE OF PROPOSED RULE

(Amendment)
DAR FILE NO.: 22286
FILED: 08/11/1999, 15:01
RECEIVED BY: NL

RULE ANALYSIS

PURPOSE OF THE RULE OR REASON FOR THE CHANGE: In this rule there are requirements for permits that must be met. One item not addressed was coinsuring the Division against accident, etc., and the coverage of liability insurance. This amendment addresses that addition.

SUMMARY OF THE RULE OR CHANGE: Adds liability insurance and co-insures the Division for special events in the state parks.

STATE STATUTORY OR CONSTITUTIONAL AUTHORIZATION FOR THIS RULE: Subsection 63-11-17(2)(b)

ANTICIPATED COST OR SAVINGS TO:

❖THE STATE BUDGET: No cost because there are no funding consequences due to changes in the requirement.

❖LOCAL GOVERNMENTS: Enforcement of this rule does not apply to local government as they have no authority over state parks.

❖OTHER PERSONS: Anyone needing liability insurance for a special event would provide proof of the liability insurance prior to the event taking place. When a Special Use Permit is filed with Parks and Recreation, and our Division feels that a need exists for insurance coverage to cover certain kinds of activities, the Division will, on a case-by-case basis, obtain a recommendation from the Risk Management Coordinator of Utah or designated representative, suggestions about insurance levels needed, based on certain conditions. Some events may not require insurance, i.e., sewing bee at a park; and some need the generally accepted \$1,000,000 general aggregate. Others may not be able to get that level coverage and we will have them get the highest amount commercially available (with approval of Risk Management). Therefore the cost for the insurance would vary with each activity covered by Special Use Permits.

COMPLIANCE COSTS FOR AFFECTED PERSONS: No additional costs since anyone using a special use permit is already required to pay a fee according to the fee schedule adopted by the Board.

COMMENTS BY THE DEPARTMENT HEAD ON THE FISCAL IMPACT THE RULE MAY HAVE ON BUSINESSES: This rule has no fiscal impact on businesses.

THE FULL TEXT OF THIS RULE MAY BE INSPECTED, DURING REGULAR BUSINESS HOURS, AT:

Natural Resources
Parks and Recreation
116
1594 West North Temple
PO Box 146001
Salt Lake City, UT 84114-6001, or
at the Division of Administrative Rules.

DIRECT QUESTIONS REGARDING THIS RULE TO:

Dee Guess at the above address, by phone at (801) 538-7320, by FAX at (801) 537-3144, or by Internet E-mail at nrdomain.dguess@email.state.ut.us.

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THIS RULE MAY BECOME EFFECTIVE ON: 10/02/1999

AUTHORIZED BY: David K. Morrow, Deputy Director

R651. Natural Resources, Parks and Recreation.

R651-608. Events of Special Uses.

R651-608-1. Permit Requirements.

A special assembly, exhibit, public speech, public demonstration, or special activity or use (in this Rule collectively called "event") shall be by special use permit ("permit").

(1) REQUESTS. The person or group desiring to conduct an event shall request a permit from the local park ~~officer~~manager, region or the Division's main office at least 30 business days before the proposed event. Late requests may be accepted subject to the terms of subsection (4) below.

(2) REQUIREMENTS. The Division director or his designee shall have the discretion to grant or deny the request for permit. A permit may be granted only on the following requirements: (a) No event may substantially interrupt the safe and orderly operation of the park or facility; (b) No event may unduly interfere with proper fire, police, ambulance or other life-safety protection or service to areas where the activity will take place or areas contiguous thereto; (c) No event may be reasonably likely to cause injury to persons or property; (d) No event may be held for the primary purpose of advertising the goods, wares or merchandise of a particular business establishment or vendor; ~~and~~ (e) No event may involve pornographic or obscene materials or performances, or materials harmful to minors, as those terms are used in the Utah criminal code or in applicable local ordinances ~~[-]; and~~ (f) liability insurance will be required, co-insuring the Division.

(3) CONFLICTING REQUESTS.

(a) Considerations. When two or more persons, groups or organizations request to use a park or facility for events that conflict as to time, place, or purpose, the Division director or his designee shall evaluate: (i) the size, nature and purpose of each event; (ii) each event's historical or traditional use of the park or facility; (iii) the date and time each conflicting request was received by the Division; (iv) whether an event would require Division support services; (v) possible alternative places or times for the conflicting events; and (vi) other factors that would resolve the conflicts, protect the public safety, health, and welfare, or assist the Division in regulating the time, place, and manner of the events.

(b) Disposition. After obtaining the relevant information and weighing the relevant considerations stated in the immediately preceding paragraph, the Division director or his designee shall resolve the conflict (i) by the parties' agreement to modify the requests to avoid conflicts and accommodate the public interest; or (ii) if no voluntary agreement is reached, by ordering the time, place, and manner for each requested event; or (iii) by exercising his discretion to deny one or more or all of the requests.

(4) LATE REQUESTS. When a request for permit is not timely made under subsection (1), the request shall state the grounds for its untimeliness. If the Division director or his designee determines that the untimeliness should be excused because of exigency, unexpected circumstances, or other reasons, the request shall be processed.

(5) APPEALS. There shall be no right to administrative appeal of the decision granting or denying a request for permit.

R651-608-2. Events Prohibited without Permit.

Conducting or participating in any event is prohibited unless the proper permit has been obtained in advance.

KEY: parks

[1989]October 2, 1999

63-11-17(2)(b)

Notice of Continuation June 29, 1999



Natural Resources, Parks and
Recreation
R651-610
Expulsion

NOTICE OF PROPOSED RULE

(Amendment)
DAR FILE NO.: 22287
FILED: 08/11/1999, 15:01
RECEIVED BY: NL

RULE ANALYSIS

PURPOSE OF THE RULE OR REASON FOR THE CHANGE: This amendment adds restricted activities for posted areas of the state park system.

SUMMARY OF THE RULE OR CHANGE: This amendment adds "or other peace officer" to more clearly define who can expel any person, or persons, violating one or more state park laws while at a state park. Previously the rule stated "ranger," but now encompasses any legally designated peace officer.

STATE STATUTORY OR CONSTITUTIONAL AUTHORIZATION FOR THIS RULE: Subsection 63-11-17(2)(b)

ANTICIPATED COST OR SAVINGS TO:

❖THE STATE BUDGET: If other agency officers assist or take charge, there may be some cost impact for their time at our parks.

❖LOCAL GOVERNMENTS: Local government has no authority over state parks and therefore, there would be no cost or savings impact.

❖OTHER PERSONS: This rule amendment allows peace officers from other agencies to help in expulsion from a park when an individual violates park rules. The effect to them would be expulsion from the park.

COMPLIANCE COSTS FOR AFFECTED PERSONS: Parks can now enlist assistance of "other peace officers," if and when needed.

COMMENTS BY THE DEPARTMENT HEAD ON THE FISCAL IMPACT THE RULE MAY HAVE ON BUSINESSES: This rule has no fiscal impact on businesses.

THE FULL TEXT OF THIS RULE MAY BE INSPECTED, DURING REGULAR BUSINESS HOURS, AT:

Natural Resources
Parks and Recreation
116
1594 West North Temple
PO Box 146001
Salt Lake City, UT 84114-6001, or
at the Division of Administrative Rules.

DIRECT QUESTIONS REGARDING THIS RULE TO:

Dee Guess at the above address, by phone at (801) 538-7320, by FAX at (801) 537-3144, or by Internet E-mail at nrdomain.dguess@email.state.ut.us.

INTERESTED PERSONS MAY PRESENT THEIR VIEWS ON THIS RULE BY SUBMITTING WRITTEN COMMENTS TO THE ADDRESS ABOVE NO LATER THAN 5:00 P.M. ON 10/01/1999.

THIS RULE MAY BECOME EFFECTIVE ON: 10/02/1999

AUTHORIZED BY: David K. Morrow, Deputy Director

R651. Natural Resources, Parks and Recreation.**R651-610. Expulsion.****R651-610-1. Violation of Rules.**

Any person or persons who are in violation of any rules promulgated under Section 63-11-17 may be expelled from the park area by a ranger or other peace officer, and prohibited from returning for 48 hours.

KEY: parks, fees

[1989]October 2, 1999

63-11-17(2)(b)

Notice of Continuation June 29, 1999



Natural Resources, Parks and
Recreation
R651-612
Firearms, Traps and Other Weapons

NOTICE OF PROPOSED RULE

(Amendment)
DAR FILE NO.: 22288
FILED: 08/11/1999, 15:01
RECEIVED BY: NL

RULE ANALYSIS

PURPOSE OF THE RULE OR REASON FOR THE CHANGE: To Section 53-5-701 (Concealed Weapons Act) to this rule for clarification.

SUMMARY OF THE RULE OR CHANGE: Indicates when a weapon or device is being used for legal pursuit of wildlife.

STATE STATUTORY OR CONSTITUTIONAL AUTHORIZATION FOR THIS RULE: Subsection 63-11-17(2)(b)

ANTICIPATED COST OR SAVINGS TO:

❖THE STATE BUDGET: Rule R651-614 and Section 53-5-701 (Concealed Weapons Act) have been added to accurately pinpoint in the code and the rules where the topic "weapon or device being used for legal pursuit of wildlife" is addressed.

❖LOCAL GOVERNMENTS: None, because local government has no authority over state parks. Since changes in this rule do not affect local governments and the enforcement of the rule will not change, there will be no cost or savings impact.

❖OTHER PERSONS: No cost or savings anticipated by the addition of clarifying terminology or reference used.

COMPLIANCE COSTS FOR AFFECTED PERSONS: No costs or savings impact because this amendment updates codes to comply with this rule.

COMMENTS BY THE DEPARTMENT HEAD ON THE FISCAL IMPACT THE RULE MAY HAVE ON BUSINESSES: This rule has no fiscal impact on businesses.

THE FULL TEXT OF THIS RULE MAY BE INSPECTED, DURING REGULAR BUSINESS HOURS, AT:

Natural Resources
Parks and Recreation
116
1594 West North Temple
PO Box 146001
Salt Lake City, UT 84114-6001, or
at the Division of Administrative Rules.

DIRECT QUESTIONS REGARDING THIS RULE TO:
Dee Guess at the above address, by phone at (801) 538-7320, by FAX at (801) 537-3144, or by Internet E-mail at nrdomain.dguess@email.state.ut.us.

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THIS RULE MAY BECOME EFFECTIVE ON: 10/02/1999

AUTHORIZED BY: David K. Morrow, Deputy Director

**R651. Natural Resources, Parks and Recreation.
R651-612. Firearms, Traps and Other Weapons.
R651-612-1. Weapons Prohibited.**

Possession or use of firearms, including air and gas powered types, traps and all other devices capable of launching a projectile which could immobilize, injure, or kill any person or animal or damage property are prohibited in the park system unless:

- (1) The weapon or device is unloaded and cased or otherwise packed away to prevent its use in the park area.
- (2) The weapon or device is being used for the legal pursuit of wildlife, see R651-~~603-5~~614, or in accordance with UCA 53-5-701 Concealed Weapons Act.
- (3) The weapon or device is being used by authorized enforcement officers in the performance of their official duties.

KEY: parks
[1989]October 2, 1999 **63-11-17(2)(b)**
Notice of Continuation June 29, 1999



Natural Resources, Parks and
Recreation
R651-614
Fishing, Hunting and Trapping

NOTICE OF PROPOSED RULE

(Amendment)
DAR FILE No.: 22289
FILED: 08/11/1999, 15:01
RECEIVED BY: NL

RULE ANALYSIS

PURPOSE OF THE RULE OR REASON FOR THE CHANGE: Transferring hunting and trapping to this section from Rule R651-603 to make it flow better and be easier to find for the public.

SUMMARY OF THE RULE OR CHANGE: Rule R651-603 is regarding "animals." This section fits more appropriately with fishing because it is a sporting event also, and was therefore transferred as Sections R651-614-2 through R651-614-6 to make the rule more exact.

STATE STATUTORY OR CONSTITUTIONAL AUTHORIZATION FOR THIS RULE: Subsection 63-11-17(2)(b)

ANTICIPATED COST OR SAVINGS TO:

- ❖THE STATE BUDGET: None, because this rule amendment moves already existing rule sections to a more appropriate section of the rules to be consistent with like sports.
- ❖LOCAL GOVERNMENTS: None, because local government has no authority over state parks.
- ❖OTHER PERSONS: Rule sections are already in existence and active and therefore there is no anticipated cost or savings to other persons.

COMPLIANCE COSTS FOR AFFECTED PERSONS: No costs are associated with this amendment as the information therein is already in rule. The amendment information was moved from Rule R651-603.

COMMENTS BY THE DEPARTMENT HEAD ON THE FISCAL IMPACT THE RULE MAY HAVE ON BUSINESSES: This rule has no fiscal impact on businesses.

THE FULL TEXT OF THIS RULE MAY BE INSPECTED, DURING REGULAR BUSINESS HOURS, AT:

Natural Resources
Parks and Recreation
116
1594 West North Temple
PO Box 146001
Salt Lake City, UT 84114-6001, or
at the Division of Administrative Rules.

DIRECT QUESTIONS REGARDING THIS RULE TO:
Dee Guess at the above address, by phone at (801) 538-7320, by FAX at (801) 537-3144, or by Internet E-mail at nrdomain.dguess@email.state.ut.us.

INTERESTED PERSONS MAY PRESENT THEIR VIEWS ON THIS RULE BY SUBMITTING WRITTEN COMMENTS TO THE ADDRESS ABOVE NO LATER THAN 5:00 P.M. ON 10/01/1999.

THIS RULE MAY BECOME EFFECTIVE ON: 10/02/1999

AUTHORIZED BY: David K. Morrow, Deputy Director

R651. Natural Resources, Parks and Recreation.

R651-614. Fishing, Hunting and Trapping.

R651-614-1. Applicability of the Utah Fish and Game Code.

Fishing, hunting and trapping shall be in accordance with the Utah Fish and Game Code, with the following provisions.

R651-614-2. Fishing near Public Areas.

Fishing from or within 100 feet of any public float designed for water sports, developed beaches, public loading docks, or boat ramps is prohibited.

R651-614-3. Ice Fishing.

Ice fishing is prohibited in areas posted closed by the [superintendent]park manager.

R651-614-4. Hunting Wildlife.

Hunting of any wildlife is prohibited within the boundaries of all park areas except those designated open as follows:

- (1) Antelope Island State Park - By special permit only
- (2) Coral Pink Sand Dunes State Park - small game
- (3) Deer Creek State Park - small game and waterfowl
- (4) East Canyon State Park - small game
- (5) Gunlock State Park - small game
- (6) Huntington State Park - waterfowl
- (7) Hyrum State Park - small game
- (8) Jordanelle State Park - big and small game and waterfowl

- (9) Minersville - waterfowl
- (10) Quail Creek State Park - waterfowl
- (11) Rockport State Park - waterfowl
- (12) Scofield State Park - waterfowl
- (13) Starvation State Park - big and small game
- (14) Steinaker State Park - waterfowl, falconry between October 15 and April 14 annually.

(15) Pioneer Trail, Mormon Flat Unit - big and small game

- (16) Wasatch Mountain State Park - big and small game
- (17) Yuba State Park - small game

R651-614-5. Hunting with Firearms.

Hunting with rifles and handguns on park areas designated open is prohibited within one mile of all park area facilities, including, but not limited to buildings, camp/picnic sites, overlooks, golf courses, boat ramps and developed beaches. Shotguns and archery equipment are prohibited within one-quarter mile of above stated areas.

R651-614-6. Trapping.

All trapping on park areas is prohibited except when authorized and permitted by the park manager.

KEY: parks

[1989]October 2, 1999

63-11-17(2)(b)

Notice of Continuation June 29, 1999



Natural Resources, Parks and Recreation

R651-615

Motor Vehicle Use

NOTICE OF PROPOSED RULE

(Amendment)

DAR FILE No.: 22290

FILED: 08/11/1999, 15:01

RECEIVED BY: NL

RULE ANALYSIS

PURPOSE OF THE RULE OR REASON FOR THE CHANGE: The purpose of this amendment is to add "or towed device" to those items which cannot block, restrict, or otherwise interfere with normal use of any park facility. The rule currently only lists "a vehicle" and there are many other devices that can cause the same problem. Also changes "open" riding areas to "off-highway-vehicle" riding areas to clarify which areas are designated as riding areas in the state park system.

SUMMARY OF THE RULE OR CHANGE: To add towed devices to those items that cannot interfere with normal use of any park facility and to define off-highway vehicle riding areas.

STATE STATUTORY OR CONSTITUTIONAL AUTHORIZATION FOR THIS RULE: Subsection 63-11-17(2)(b)

ANTICIPATED COST OR SAVINGS TO:

❖THE STATE BUDGET: None--this amendment simply further identifies the title and chapter of Utah Traffic Rules and Regulations referred to in this rule. It also expands the word "open" to mean "off-highway vehicle" riding areas, and clarifies that the Off-Highway Vehicle Act, to which this rule indicates, is the "Utah" Off-Highway Vehicle Act.

❖LOCAL GOVERNMENTS: None--enforcement of this rule does not apply to local government as they have no authority over state parks.

❖OTHER PERSONS: This rule is already in existence and enacted. Adding the title and further defining terms will not involve monetary changes.

COMPLIANCE COSTS FOR AFFECTED PERSONS: No compliance costs as this rule is already in existence and active.

COMMENTS BY THE DEPARTMENT HEAD ON THE FISCAL IMPACT THE RULE MAY HAVE ON BUSINESSES: This rule has no fiscal impact on businesses.

THE FULL TEXT OF THIS RULE MAY BE INSPECTED, DURING REGULAR BUSINESS HOURS, AT:

Natural Resources
Parks and Recreation
116
1594 West North Temple
PO Box 146001
Salt Lake City, UT 84114-6001, or
at the Division of Administrative Rules.

DIRECT QUESTIONS REGARDING THIS RULE TO:
Dee Guess at the above address, by phone at (801) 538-7320, by FAX at (801) 537-3144, or by Internet E-mail at nrdomain.dguess@email.state.ut.us.

INTERESTED PERSONS MAY PRESENT THEIR VIEWS ON THIS RULE BY SUBMITTING WRITTEN COMMENTS TO THE ADDRESS ABOVE NO LATER THAN 5:00 P.M. ON 10/01/1999.

THIS RULE MAY BECOME EFFECTIVE ON: 10/02/1999

AUTHORIZED BY: David K. Morrow, Deputy Director

R651. Natural Resources, Parks and Recreation.
R651-615. Motor Vehicle Use.
R651-615-1. Traffic Rules and Regulations.

The use and operation of motor vehicles in general shall be in accordance with ~~the Section 41-6 of~~ the Utah Traffic Rules and Regulations, Title 41, Chapter 6.

R651-615-2. Blocking and Restricting Normal Use.

Blocking, restricting or otherwise interfering with the normal use of any park facility with a vehicle or towed device is prohibited.

R651-615-3. Roadway and Parking Areas.

Operating or parking a motor vehicle or trailer except on roadways and parking areas developed for that use is prohibited.

R651-615-4. Entering and Leaving Park Site.

Operating a motor vehicle in a developed park area for any purpose other than entering or leaving the site is prohibited.

R651-615-5. Off Road Use.

The operation of vehicles off road is prohibited within the boundaries of all park areas except those with designated ~~open~~ off-highway vehicle riding areas.

R651-615-6. Off-Highway Vehicles.

Operation of off-highway vehicles is prohibited on all park area roads unless authorized in accordance with the provisions of the Utah Off-Highway Vehicle Act.

KEY: parks
[1989]October 2, 1999 **63-11-17(2)(b)**
Notice of Continuation June 29, 1999



Natural Resources, Parks and
Recreation
R651-617
Permit Violation

NOTICE OF PROPOSED RULE
(Amendment)
DAR FILE No.: 22291
FILED: 08/11/1999, 15:01
RECEIVED BY: NL

RULE ANALYSIS

PURPOSE OF THE RULE OR REASON FOR THE CHANGE: The purpose of this rule change is to more clearly define what terms and conditions are being violated, and what the penalty for the violations will be.

SUMMARY OF THE RULE OR CHANGE: If a person violates several conditions named in this amendment, they may lose their permit for seven days or more if certain, more serious violations occur.

STATE STATUTORY OR CONSTITUTIONAL AUTHORIZATION FOR THIS RULE: Subsection 63-11-17(2)(b)

ANTICIPATED COST OR SAVINGS TO:

❖THE STATE BUDGET: There would be no fiscal impact. Rule amendment enhances this rule by adding the time (days) a permit may be revoked or suspended, who may revoke it, and the reasons behind a revocation.

❖LOCAL GOVERNMENTS: None, as local government has no authority over state parks.

❖OTHER PERSONS: If a person would have their permit revoked or suspended, there may be a cost in reinstating or buying a new permit.

COMPLIANCE COSTS FOR AFFECTED PERSONS: If a permit is revoked or suspended there may be some costs if a person has to purchase a new permit.

COMMENTS BY THE DEPARTMENT HEAD ON THE FISCAL IMPACT THE RULE MAY HAVE ON BUSINESSES: This rule has no fiscal impact on businesses.

THE FULL TEXT OF THIS RULE MAY BE INSPECTED, DURING REGULAR BUSINESS HOURS, AT:

Natural Resources
Parks and Recreation
116
1594 West North Temple
PO Box 146001
Salt Lake City, UT 84114-6001, or
at the Division of Administrative Rules.

DIRECT QUESTIONS REGARDING THIS RULE TO:
Dee Guess at the above address, by phone at (801) 538-7320, by FAX at (801) 537-3144, or by Internet E-mail at nrdomain.dguess@email.state.ut.us.

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THIS RULE MAY BECOME EFFECTIVE ON: 10/02/1999

AUTHORIZED BY: David K. Morrow, Deputy Director

R651. Natural Resources, Parks and Recreation.

R651-617. Permit Violation.

R651-617-1. Revocation or Suspension of Permit.

~~[If any term or condition of any permit is violated the permit may be revoked or suspended by a ranger.]~~ A permit may be revoked or suspended for seven (7) days by a park representative if one of the following occurs: (1) false or fictitious statements or qualifications were provided to obtain the permit; (2) the terms or conditions of the permit were violated; (3) the permit holder allowed the permit to be used by an unauthorized person. In addition, the division director or individual designated by the division director may revoke or suspend the permit for an additional length of time.

KEY: parks

~~[1989]~~ **October 2, 1999**

63-11-17(2)(b)

Notice of Continuation June 29, 1999

Natural Resources, Parks and Recreation

R651-619

Possession of Alcoholic Beverages or Controlled Substances

NOTICE OF PROPOSED RULE

(Amendment)

DAR FILE NO.: 22292

FILED: 08/11/1999, 15:01

RECEIVED BY: NL

RULE ANALYSIS

PURPOSE OF THE RULE OR REASON FOR THE CHANGE: This rule amendment is to specifically list where alcohol consumption may or may not be used and that any abuse of alcohol or controlled substances will be dealt with through the Utah Code, Titles 32A, 41, 58, 73, and 74.

SUMMARY OF THE RULE OR CHANGE: To tighten the restrictions and penalties for possession of alcoholic beverages and controlled substances if used in the state park system.

STATE STATUTORY OR CONSTITUTIONAL AUTHORIZATION FOR THIS RULE: Subsection 63-11-17(2)(b)

ANTICIPATED COST OR SAVINGS TO:

❖THE STATE BUDGET: Titles 32A, 41, 58, 73, and 76 deal with all infractions of this rule dealing with possession of alcoholic beverages or controlled substances.

❖LOCAL GOVERNMENTS: Local government has no authority over state parks. This amendment would be generally useful for them to keep local and state laws on alcohol in compliance with each other.

❖OTHER PERSONS: Those who violate Rule R651-619 will be dealt with through Titles 32A, 41, 58, 73, and 76.

COMPLIANCE COSTS FOR AFFECTED PERSONS: Sales of liquor or controlled substances by or to any person are governed by this rule and will be followed based upon the above titles.

COMMENTS BY THE DEPARTMENT HEAD ON THE FISCAL IMPACT THE RULE MAY HAVE ON BUSINESSES: This rule has no fiscal impact on businesses.

THE FULL TEXT OF THIS RULE MAY BE INSPECTED, DURING REGULAR BUSINESS HOURS, AT:

Natural Resources
Parks and Recreation
116
1594 West North Temple
PO Box 146001
Salt Lake City, UT 84114-6001, or
at the Division of Administrative Rules.

DIRECT QUESTIONS REGARDING THIS RULE TO:

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INTERESTED PERSONS MAY PRESENT THEIR VIEWS ON THIS RULE BY SUBMITTING WRITTEN COMMENTS TO THE ADDRESS ABOVE NO LATER THAN 5:00 P.M. ON 10/01/1999.

THIS RULE MAY BECOME EFFECTIVE ON: 10/02/1999

AUTHORIZED BY: David K. Morrow, Deputy Director

R651. Natural Resources, Parks and Recreation.

R651-619. Possession of Alcoholic Beverages or Controlled Substances.

R651-619-1. Possession of Alcohol and Controlled Substances.

~~[No person shall possess]~~ Offenses for the possession or use of any alcoholic beverage or controlled substance [except in accordance with Law, including these rules], shall be handled through Utah Code, Titles 32A, 41, 58, 73 and 76.

~~**[R651-619-2. Possession of Alcohol:**~~

~~_____ Possession of any container which contains an alcoholic beverage in excess of one fluid gallon by any person or persons is prohibited unless a permit has been obtained in advance.~~

~~**[R651-619-3. Alcohol Prohibited:**~~

~~_____ Possession or consumption of any alcoholic beverage except in concessionaire or Division operated areas which have been expressly authorized for activity is prohibited in the following park areas:~~

- _____ (1) Jordan River State Park
- _____ (2) Great Salt Lake State Park]

R651-619-2. Alcohol in Buildings.

Possession and consumption of any alcoholic beverage in park system visitor centers, museums and administration offices is prohibited.

KEY: parks
[1989]October 2, 1999 **63-11-17(2)(b)**
Notice of Continuation June 29, 1999



Natural Resources, Parks and
Recreation
R651-620
Protection of Public Property, Features
and Resources

NOTICE OF PROPOSED RULE
(Amendment)
DAR FILE No.: 22293
FILED: 08/11/1999, 15:01
RECEIVED BY: NL

RULE ANALYSIS

PURPOSE OF THE RULE OR REASON FOR THE CHANGE: The Board of Parks and Recreation is allowed to make rules governing the use and protection of the state park system. This amendment is to make clear what penalties will be enforced for crimes against capital improvements, and natural and cultural resources throughout the park system.

SUMMARY OF THE RULE OR CHANGE: Protection of park system property and facilities from being defaced, removed, dug up, cut down, or endangered in any manner.

STATE STATUTORY OR CONSTITUTIONAL AUTHORIZATION FOR THIS RULE: Subsection 63-11-17(2)(b)

ANTICIPATED COST OR SAVINGS TO:

- ❖THE STATE BUDGET: Protection of resources park system property is addressed in this rule and any offenses are handled through the Utah Criminal Code. There is no cost or savings associated with this rule.
 - ❖LOCAL GOVERNMENTS: None--local government has no authority over state parks, but may be a good source of information to and from state parks.
 - ❖OTHER PERSONS: The public will be more aware of exact rules regarding protection of resources of park system properties, but no fiscal impact would be apparent.
- COMPLIANCE COSTS FOR AFFECTED PERSONS: This rule is for protection of state property and resources only. There are no compliance costs in this amendment.

COMMENTS BY THE DEPARTMENT HEAD ON THE FISCAL IMPACT THE RULE MAY HAVE ON BUSINESSES: This rule has no fiscal impact on businesses.

THE FULL TEXT OF THIS RULE MAY BE INSPECTED, DURING REGULAR BUSINESS HOURS, AT:
Natural Resources
Parks and Recreation
116
1594 West North Temple
PO Box 146001
Salt Lake City, UT 84114-6001, or
at the Division of Administrative Rules.

DIRECT QUESTIONS REGARDING THIS RULE TO:
Dee Guess at the above address, by phone at (801) 538-7320, by FAX at (801) 537-3144, or by Internet E-mail at nrdomain.dguess@email.state.ut.us.

INTERESTED PERSONS MAY PRESENT THEIR VIEWS ON THIS RULE BY SUBMITTING WRITTEN COMMENTS TO THE ADDRESS ABOVE NO LATER THAN 5:00 P.M. ON 10/01/1999.

THIS RULE MAY BECOME EFFECTIVE ON: 10/02/1999

AUTHORIZED BY: David K. Morrow, Deputy Director

R651. Natural Resources, Parks and Recreation.
R651-620. Protection of [Public Property, Features and Resources]Park System Property.
R651-620-1. [Natural or Cultural Features or Resources]Applicability of Criminal Code.

~~[The intentional or wanton destruction, defacement, or removal of any natural or cultural feature or resource is prohibited.]~~Offenses against capital improvements, natural and cultural resources will normally be handled through the Utah Criminal Code.

~~**[R651-620-2. Public Buildings, Signs, Equipment, Monuments, Etc:**~~

~~_____The intentional or wanton possession, destruction, injury, defacement, removal, or disturbance in any manner of any public building, sign, equipment, monument, marker or other structure is prohibited.]~~

R651-620-[3]2. Plants, Soil, or Minerals.
The digging, removing, or possessing, or destruction of any plant, soil, or minerals is prohibited except when authorized by permit.

R651-620-[4]3. Tossing, Throwing, or Rolling of Rocks and other Materials.
The tossing, throwing, or rolling of rocks or other materials into valleys or canyons or down hills and mountains is prohibited.

R651-620-[5]4. Firewood.

Collecting or cutting of firewood is prohibited without a permit.

R651-620-5. Glass Containers.

Use or possession of glass containers on posted bathing beaches, adjacent waters and lawn areas is prohibited.

KEY: parks

~~[1989]~~October 2, 1999

63-11-17(2)(b)

Notice of Continuation June 29, 1999



Natural Resources, Parks and
Recreation
R651-622-2
Rock Climbing

NOTICE OF PROPOSED RULE
(Amendment)

DAR FILE NO.: 22294
FILED: 08/11/1999, 15:01
RECEIVED BY: NL

RULE ANALYSIS

PURPOSE OF THE RULE OR REASON FOR THE CHANGE: This amendment adds a new section to this rule regarding installation of hardware/equipment regarding technical rock climbing equipment and the regulations prohibiting use of equipment without a permit.

SUMMARY OF THE RULE OR CHANGE: Add new Section R651-622-2, regarding prohibited installation of permanently installed technical rock climbing equipment or hardware throughout the park system without a permit.

STATE STATUTORY OR CONSTITUTIONAL AUTHORIZATION FOR THIS RULE: Subsection 63-11-17(2)(b)

ANTICIPATED COST OR SAVINGS TO:

❖THE STATE BUDGET: Technical Rock climbing is already prohibited without a permit in the first part of this rule in Section R651-622-1. This amendment adds that installation of new or removal of existing technical rock climbing equipment is prohibited without a permit. Fees for a permit would come from the Special Use Permit and range from \$25 to \$50 (Sundays and holidays)

❖LOCAL GOVERNMENTS: Local government has no authority over state parks and there is no anticipated cost or savings.

❖OTHER PERSONS: No additional costs since persons are already paying a fee for technical rock climbing by way of a Special Use Permit. This amendment adds items to also be covered under that Special Use Permit.

COMPLIANCE COSTS FOR AFFECTED PERSONS: An addition prohibiting the use of certain rock climbing equipment, except

by permit. Equipment is already installed so there will be no monetary charges.

COMMENTS BY THE DEPARTMENT HEAD ON THE FISCAL IMPACT THE RULE MAY HAVE ON BUSINESSES: This rule has no fiscal impact on businesses.

THE FULL TEXT OF THIS RULE MAY BE INSPECTED, DURING REGULAR BUSINESS HOURS, AT:

Natural Resources
Parks and Recreation
116
1594 West North Temple
PO Box 146001
Salt Lake City, UT 84114-6001, or
at the Division of Administrative Rules.

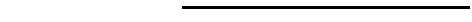
DIRECT QUESTIONS REGARDING THIS RULE TO:

Dee Guess at the above address, by phone at (801) 538-7320, by FAX at (801) 537-3144, or by Internet E-mail at nrdomain.dguess@email.state.ut.us.

INTERESTED PERSONS MAY PRESENT THEIR VIEWS ON THIS RULE BY SUBMITTING WRITTEN COMMENTS TO THE ADDRESS ABOVE NO LATER THAN 5:00 P.M. ON 10/01/1999.

THIS RULE MAY BECOME EFFECTIVE ON: 10/02/1999

AUTHORIZED BY: David K. Morrow, Deputy Directory



R651. Natural Resources, Parks and Recreation.

R651-622. Rock Climbing.

R651-622-1. Permit Required for Technical Rock Climbing.

Technical rock climbing is prohibited without a permit.

R651-622-2. Installation of Hardware/Equipment.

Installation of new or the removal of existing, permanently installed technical rock climbing equipment or hardware is prohibited without a permit.

KEY: parks

~~[1989]~~October 2, 1999

63-11-17(2)(b)

Notice of Continuation June 29, 1999



Natural Resources, Parks and
Recreation
R651-624
Sanitation

NOTICE OF PROPOSED RULE
(Amendment)

DAR FILE NO.: 22295
FILED: 08/11/1999, 15:01
RECEIVED BY: NL

RULE ANALYSIS

PURPOSE OF THE RULE OR REASON FOR THE CHANGE: The Criminal Code for the state of Utah more appropriately defines the law regarding comfort stations and body waste, etc. Two paragraphs, Sections R651-624-4 and R651-624-6, were deleted to avoid confusion between these rules. The Criminal Code for the state of Utah will be the deciding vote.

SUMMARY OF THE RULE OR CHANGE: It was determined by the board and law enforcement personnel of the park system, that the Criminal Code should define the penalties for violating these two sections of this rule.

STATE STATUTORY OR CONSTITUTIONAL AUTHORIZATION FOR THIS RULE: Subsection 63-11-17(2)(b)

ANTICIPATED COST OR SAVINGS TO:

❖THE STATE BUDGET: This is a safety and health rule for protection of state property and facilities and there is no fiscal impact as this section is being removed, but is covered in the Utah Criminal Code.

❖LOCAL GOVERNMENTS: There is no anticipated cost or savings as local government has no authority over state parks.

❖OTHER PERSONS: The public will be more aware of exact rules regarding protection of resources of park system properties, but no fiscal impact would be apparent.

COMPLIANCE COSTS FOR AFFECTED PERSONS: This rule is for protection of state property and facilities and health standards. No costs since the Utah Criminal Code is being referred to instead of the deleted sections of this rule for clarification and to eliminate confusion.

COMMENTS BY THE DEPARTMENT HEAD ON THE FISCAL IMPACT THE RULE MAY HAVE ON BUSINESSES: This rule has no fiscal impact on businesses.

THE FULL TEXT OF THIS RULE MAY BE INSPECTED, DURING REGULAR BUSINESS HOURS, AT:

Natural Resources
Parks and Recreation
116
1594 West North Temple
PO Box 146001
Salt Lake City, UT 84114-6001, or
at the Division of Administrative Rules.

DIRECT QUESTIONS REGARDING THIS RULE TO:

Dee Guess at the above address, by phone at (801) 538-7320, by FAX at (801) 537-3144, or by Internet E-mail at nrdomain.dguess@email.state.ut.us.

INTERESTED PERSONS MAY PRESENT THEIR VIEWS ON THIS RULE BY SUBMITTING WRITTEN COMMENTS TO THE ADDRESS ABOVE NO LATER THAN 5:00 P.M. ON 10/01/1999.

THIS RULE MAY BECOME EFFECTIVE ON: 10/02/1999

AUTHORIZED BY: David K. Morrow, Deputy Director

R651. Natural Resources, Parks and Recreation.

R651-624. Sanitation.

R651-624-1. Garbage and Rubbish.

Disposing of garbage and rubbish of any kind other than at points or places designated for the disposal of materials is prohibited.

R651-624-2. Trailer Refuse or Waste.

Draining or dumping refuse or wastes from any trailer or other vehicle except in places or receptacles provided for that use is prohibited.

R651-624-3. Cleaning and Washing at Hydrants.

Cleaning food or washing clothing or articles of household use at campground hydrants is prohibited.

~~**R651-624-4. Comfort Stations.**~~

~~Depositing any body wastes in or on any portion of any comfort station or other public structure except into fixtures provided for that purpose is prohibited. Placement of any bottle, can, cloth, metal, wood, or stone substances in any of the plumbing fixtures in station or structure is prohibited. All comfort stations shall be used in a clean, sanitary, orderly and appropriate manner.~~

~~**R651-624-[5]4. Fish Cleaning.**~~

~~Cleaning fish at campground hydrants or any other facility not specifically designed for that purpose is prohibited. All fish entrails or other inedible fish parts shall be disposed of in an appropriate fish cleaning station or trash can.~~

~~**R651-624-6. Body Waste.**~~

~~Urinating or defecating other than at places provided is prohibited.]~~

KEY: parks

~~**[1989]October 2, 1999**~~

63-11-17(2)(b)

Notice of Continuation June 29, 1999



Natural Resources, Parks and
Recreation
R651-627
Swimming

NOTICE OF PROPOSED RULE

(Amendment)

DAR FILE No.: 22298

FILED: 08/11/1999, 15:01

RECEIVED BY: NL

RULE ANALYSIS

PURPOSE OF THE RULE OR REASON FOR THE CHANGE: To bring this rule into accordance with Section 73-18b-1 (the Utah Water Safety Act), the reasons why swimming is prohibited.

It also adds rules for scuba diving in accordance with Section 73-18b-1 and defines public health closures where swimming is concerned.

SUMMARY OF THE RULE OR CHANGE: This rule was changed to bring it into compliance with Section 73-18b-1 (the Utah Water Safety Act).

STATE STATUTORY OR CONSTITUTIONAL AUTHORIZATION FOR THIS RULE: Section 63-11-17

ANTICIPATED COST OR SAVINGS TO:
 ❖THE STATE BUDGET: No cost or savings because swimming is prohibited for safety issues in accordance with Section 73-18b-1 and Rule R651-801. This rule also adds scuba diving and public health closures regarding swimming.
 ❖LOCAL GOVERNMENTS: Local government does not have authority over state parks. There is no anticipated cost or savings.
 ❖OTHER PERSONS: This amendment addresses public health and safety issues regarding swimming and scuba diving. If a person were to violate the "no swimming" area, or any other violation of the Utah Water Safety Act, they could be ticketed and have to pay a fine.
 COMPLIANCE COSTS FOR AFFECTED PERSONS: Persons who violate this rule may have to pay a fine.

COMMENTS BY THE DEPARTMENT HEAD ON THE FISCAL IMPACT THE RULE MAY HAVE ON BUSINESSES: This rule has no fiscal impact on businesses.

THE FULL TEXT OF THIS RULE MAY BE INSPECTED, DURING REGULAR BUSINESS HOURS, AT:
 Natural Resources
 Parks and Recreation
 116
 1594 West North Temple
 PO Box 146001
 Salt Lake City, UT 84114-6001, or
 at the Division of Administrative Rules.

DIRECT QUESTIONS REGARDING THIS RULE TO:
 Dee Guess at the above address, by phone at (801) 538-7320, by FAX at (801) 537-3144, or by Internet E-mail at nrdomain.dguess@email.state.ut.us.

INTERESTED PERSONS MAY PRESENT THEIR VIEWS ON THIS RULE BY SUBMITTING WRITTEN COMMENTS TO THE ADDRESS ABOVE NO LATER THAN 5:00 P.M. ON 10/01/1999.

THIS RULE MAY BECOME EFFECTIVE ON: 10/02/1999

AUTHORIZED BY: David K. Morrow, Deputy Director

R651. Natural Resources, Parks and Recreation.
R651-627. Swimming.
R651-627-1. ~~[Permitted Areas for Swimming]~~Prohibited Swimming Areas.
~~[Swimming is permitted except in areas and at times where such activities are prohibited in the interest of public health~~

~~and safety. Prohibited areas shall be designated and posted by the Division or other public agencies within their authority.]Swimming is prohibited for safety issues, in accordance with the Utah Water Safety Act, 73-18b-1. (Also see R651-801)~~

R651-627-2. Scuba Diving.
Scuba diving shall only be participated in when in accordance with the Utah Water Safety Act, 73-18b-1. (Also see R651-801)

R651-627-3. Public Health Closures.
Swimming is prohibited when a public health closure has been posted by the park manager or other public health agency.

KEY: parks
[1989]October 2, 1999 **63-11-17(2)(b)**
Notice of Continuation June 29, 1999



Natural Resources, Parks and
 Recreation
R651-628
 Trails

NOTICE OF PROPOSED RULE
 (Amendment)
 DAR FILE No.: 22299
 FILED: 08/11/1999, 15:01
 RECEIVED BY: NL

RULE ANALYSIS

PURPOSE OF THE RULE OR REASON FOR THE CHANGE: Persons visiting the state parks are now required to stay on walks and designated trails in posted areas.

SUMMARY OF THE RULE OR CHANGE: For the safety of the visitor and to preserve the parks, it is now required that all persons remain on walks and designated trails in posted areas.

STATE STATUTORY OR CONSTITUTIONAL AUTHORIZATION FOR THIS RULE: Subsection 63-11-17(2)(b)

ANTICIPATED COST OR SAVINGS TO:
 ❖THE STATE BUDGET: This proposed rule change further identifies requirements regarding walks and designated trails in the state park system. Since this requirement does not involve the state budget in any way, there will be no impact on the state budget.
 ❖LOCAL GOVERNMENTS: Local government has no authority over state parks. No local government is involved and therefore, no impact on the budget of any local government.
 ❖OTHER PERSONS: This amendment states that persons are required to stay on walks and designated trails in posted areas. It does not show a punishment if they do not follow

the rule, but the park manager would be able to exercise an option to remove them from the park if they do not comply. COMPLIANCE COSTS FOR AFFECTED PERSONS: There are no costs associated with this rule, so no compliance costs are involved.

COMMENTS BY THE DEPARTMENT HEAD ON THE FISCAL IMPACT THE RULE MAY HAVE ON BUSINESSES: This rule has no fiscal impact on businesses.

THE FULL TEXT OF THIS RULE MAY BE INSPECTED, DURING REGULAR BUSINESS HOURS, AT:

Natural Resources
Parks and Recreation
116
1594 West North Temple
PO Box 146001
Salt Lake City, UT 84114-6001, or
at the Division of Administrative Rules.

DIRECT QUESTIONS REGARDING THIS RULE TO:
Dee Guess at the above address, by phone at (801) 538-7320, by FAX at (801) 537-3144, or by Internet E-mail at nrdomain.dguess@email.state.ut.us.

INTERESTED PERSONS MAY PRESENT THEIR VIEWS ON THIS RULE BY SUBMITTING WRITTEN COMMENTS TO THE ADDRESS ABOVE NO LATER THAN 5:00 P.M. ON 10/01/1999.

THIS RULE MAY BECOME EFFECTIVE ON: 10/02/1999

AUTHORIZED BY: David K. Morrow, Deputy Director

R651. Natural Resources, Parks and Recreation.

R651-628. Trails and Walks.

R651-628-1. Bicycles and Motor Vehicles.

[Riding bicycles]Bicycling, rollerblading, roller skating, skateboarding, or operating motor vehicles on any trail or [path]walk not specifically designated and posted for that purpose is prohibited.

R651-628-2. Interference with Normal Use of Trails and Walks.

Blocking, restricting, or otherwise interfering with the normal use of any trail is prohibited.

R651-628-3. Must Stay on Walks and Designated Trails.

Persons are required to stay on walks and designated trails in posted areas.

KEY: parks

~~[1989]~~October 2, 1999

Notice of Continuation June 29, 1999

63-11-17(2)(b)



Natural Resources, Parks and Recreation

R651-630-1

Unsupervised Children

NOTICE OF PROPOSED RULE

(Amendment)

DAR FILE No.: 22301

FILED: 08/11/1999, 15:01

RECEIVED BY: NL

RULE ANALYSIS

PURPOSE OF THE RULE OR REASON FOR THE CHANGE: Changes the age limit on supervision of children throughout the state park system.

SUMMARY OF THE RULE OR CHANGE: It has been found that children up to the age of 16 have more need for supervision than previously thought. Parks feels that it will cut down on vandalism if parents are required to supervise their children through those four added years.

STATE STATUTORY OR CONSTITUTIONAL AUTHORIZATION FOR THIS RULE: Section 63-11-17(2)(b)

ANTICIPATED COST OR SAVINGS TO:

❖THE STATE BUDGET: This amendment raises the age of the children who must be supervised from 12 to 16. It was a change made because some unsupervised children (under 12) were having problems while visiting state parks. It is seeking to remedy part of the problem by having them wait until they are considered old enough for responsibility. No cost or savings impact. It will be monitored in the future.

❖LOCAL GOVERNMENTS: Local government has no authority over state parks. This filing does not create any direct cost or savings impact to local governments because they are not affected by this rule.

❖OTHER PERSONS: This amendment could makes parents responsible for their children until they are 16, instead of 12. There could be less accidents and less vandalism by making an adult responsible.

COMPLIANCE COSTS FOR AFFECTED PERSONS: This amendment provides a way for state parks to take better care and have less problems with vandalism by making a child be more of an adult before they are allowed unsupervised in the park system.

COMMENTS BY THE DEPARTMENT HEAD ON THE FISCAL IMPACT THE RULE MAY HAVE ON BUSINESSES: This rule has no fiscal impact on businesses.

THE FULL TEXT OF THIS RULE MAY BE INSPECTED, DURING REGULAR BUSINESS HOURS, AT:

Natural Resources
Parks and Recreation

116
1594 West North Temple
PO Box 146001
Salt Lake City, UT 84114-6001, or
at the Division of Administrative Rules.

DIRECT QUESTIONS REGARDING THIS RULE TO:
Dee Guess at the above address, by phone at (801) 538-7320, by FAX at (801) 537-3144, or by Internet E-mail at nrdomain.dguess@email.state.ut.us.

INTERESTED PERSONS MAY PRESENT THEIR VIEWS ON THIS RULE BY SUBMITTING WRITTEN COMMENTS TO THE ADDRESS ABOVE NO LATER THAN 5:00 P.M. ON 10/01/1999.

THIS RULE MAY BECOME EFFECTIVE ON: 10/02/1999

AUTHORIZED BY: David K. Morrow, Deputy Director

**R651. Natural Resources, Parks and Recreation.
R651-630. Unsupervised Children.
R651-630-1. Children under ~~[12]~~16 must be Supervised.**

Allowing children under ~~[12]~~16 years of age to be unsupervised within the park system is prohibited.

KEY: parks
~~[1989]~~October 2, 1999 63-11-17(2)(b)
Notice of Continuation June 29, 1999



Natural Resources, Parks and
Recreation
R651-633
Special Closures or Restrictions

NOTICE OF PROPOSED RULE
(New)
DAR FILE NO.: 22303
FILED: 08/11/1999, 15:01
RECEIVED BY: NL

RULE ANALYSIS

PURPOSE OF THE RULE OR REASON FOR THE CHANGE: Special closures because of emergencies or other reasons stated in this rule were approved by the board at their July 14, 1999, meeting. Reasons are safety, health, and emergency.

SUMMARY OF THE RULE OR CHANGE: To define emergency closures/restrictions and general closures/restrictions for persons visiting the state park system.

STATE STATUTORY OR CONSTITUTIONAL AUTHORIZATION FOR THIS RULE: Subsection 63-11-17(2)(b)

ANTICIPATED COST OR SAVINGS TO:
❖THE STATE BUDGET: This is a new rule regarding special closures or restrictions. It gives both emergency and general closures and restrictions for park visitors to follow for public safety and to protect park resources. No anticipated costs or savings are available.

❖LOCAL GOVERNMENTS: Local government has no authority over state parks and therefore, there is no anticipated cost or savings to local government.

❖OTHER PERSONS: This amendment will make visitors to our park system aware of their obligations to obey special closures or restrictions while visiting parks in the state park system. This change does not involve increased costs or savings.

COMPLIANCE COSTS FOR AFFECTED PERSONS: There is no cost given and this rule has been proposed to clarify where and what people can do throughout the state park system. There are no compliance costs anticipated.

COMMENTS BY THE DEPARTMENT HEAD ON THE FISCAL IMPACT THE RULE MAY HAVE ON BUSINESSES: This rule has no fiscal impact on businesses.

THE FULL TEXT OF THIS RULE MAY BE INSPECTED, DURING REGULAR BUSINESS HOURS, AT:

Natural Resources
Parks and Recreation
116
1594 West North Temple
PO Box 146001
Salt Lake City, UT 84114-6001, or
at the Division of Administrative Rules.

DIRECT QUESTIONS REGARDING THIS RULE TO:
Dee Guess at the above address, by phone at (801) 538-7320, by FAX at (801) 537-3144, or by Internet E-mail at nrdomain.dguess@email.state.ut.us.

INTERESTED PERSONS MAY PRESENT THEIR VIEWS ON THIS RULE BY SUBMITTING WRITTEN COMMENTS TO THE ADDRESS ABOVE NO LATER THAN 5:00 P.M. ON 10/01/1999.

THIS RULE MAY BECOME EFFECTIVE ON: 10/02/1999

AUTHORIZED BY: David K. Morrow, Deputy Director

**R651. Natural Resources, Parks and Recreation.
R651-633. Special Closures or Restrictions.
R651-633-1. Emergency Closures or Restrictions.**

No person shall be in a closed area or participate in a restricted activity which has been posted by the park manager to protect public safety or park resources.

R651-633-2. General Closures or Restrictions.

Persons are prohibited from being in a closed area or participating in a restricted in a restricted activity as listed for the following park areas:

(1) Coral Pink Sand Dunes State Park - Motorized vehicle use is prohibited in the non-motorized area of the sand dunes, except for limited and restricted access through the travel corridor;

(2) Dead Horse State Park - Hang gliding, para gliding and B.A.S.E. jumping is prohibited;

(3) Deer Creek State Park - Dogs are prohibited below high water line and in or on the reservoir except for guide or service dogs as authorized by Section 26-30-2;

(4) Jordan River State Park - Possession or consumption of any alcoholic beverage is prohibited except at the Jordan River Par 3 Golf Course;

(5) Jordanelle State Park - Dogs are prohibited in the Rock Cliff area except for the Perimeter Trail and designated parking areas except for guide or service dogs as authorized by Section 26-30-2;

(6) Palisade State Park - Cliff diving is prohibited;

(7) Red Fleet State Park - Cliff diving is prohibited; and

(8) Snow Canyon State Park -

(a) All hiking and walking in the park is limited to roadways, designated trails and slick rock areas and the Sand Dunes area.

(b) Jenny's Canyon Trail is closed annually from March 20 to June 1.

(c) Johnson's Arch Canyon access is closed annually from March 2 to November 14 by permit or guided walk, the canyon is open from November 15 to March 1.

(d) Dogs are prohibited on all trails and natural areas of the park unless posted open, except for guide or service dogs as authorized by Section 26-30-2.

KEY: parks
October 2, 1999

63-11-17(2)(b)



Public Safety, Fire Marshal
R710-6
Liquefied Petroleum Gas Rules

NOTICE OF PROPOSED RULE
(Amendment)

DAR FILE NO.: 22317
FILED: 08/16/1999, 11:45
RECEIVED BY: NL

RULE ANALYSIS

PURPOSE OF THE RULE OR REASON FOR THE CHANGE: The Utah Liquefied Petroleum Gas Board proposes to make several amendments to an existing rule by changing the title of an incorporated reference, deleting several definitions, expanding the requirement for minimum inspections of liquefied petroleum (LP) Gas containers of more than 5,000 water gallons, removing special requirements for below grade LP Gas installations, and redefining the requirements for LP Gas container minimum construction standards, alterations, and repairs.

SUMMARY OF THE RULE OR CHANGE: On July 20, 1999, the Utah Liquefied Petroleum Gas Board met and addressed the following proposed changes: (1) In Section R710-6-1.1, the Board proposes to change the rule to retitle the currently adopted incorporated reference, National Fire Protection Association (NFPA), Standard 58. The 1998 edition of NFPA 58 was renamed by NFPA and in error the rule was not changed to reflect that title change; (2) In Section R710-6-2, it is proposed to delete several currently adopted definitions. This is due to the proposed deletion of the below grade liquefied petroleum (LP) Gas installation requirement noted in the latter part of the rule and this proposed amendment. It is also proposed to now number the definitions section; (3) In Section R710-6-8.3, the Board proposes to add the requirement that all LP Gas containers over 5,000 water gallons in capacity be inspected at least biannually; (4) In Subsection R710-6-8.4(e), the Board proposes to completely eliminate the requirement that below grade LP Gas installations meet certain specific requirements. With the statewide adoption of the 1998 International Mechanical Code by the Building Codes Commission on January 1, 1999, and the elimination of the below grade LP Gas prohibition statewide, maintaining this requirement would be an undue restriction on the LP Gas industry; (5) In Section R710-6-8.6, the Board proposes to establish minimum nationally accepted standards for construction of LP Gas containers. It is proposed that all new, used, or existing LP Gas containers of 5,000 water gallons or less that are moved into or relocated within the state of Utah be American Society of Mechanical Engineers (ASME) stamped. It is also proposed that all new, used, or existing LP Gas containers of more than 5,000 water gallons that are moved into or relocated within the state of Utah be ASME stamped and shall be registered by the National Board of Boiler and Pressure Vessel Inspectors. The Board also proposes to establish a "Special Classification Permit" process for relocated existing LP Gas containers and establish minimum standards for repairs and alterations to LP Gas containers.

STATE STATUTORY OR CONSTITUTIONAL AUTHORIZATION FOR THIS RULE: Section 53-7-305

ANTICIPATED COST OR SAVINGS TO:

❖THE STATE BUDGET: The anticipated aggregate cost to the state budget would be approximately \$25,000 for the additional amount of time required to inspect the LP Gas containers of more than 5,000 water gallons that are not currently being inspected. There would also be an anticipated aggregate cost of \$250 to reprint the newly changed rule and distribute that rule to all involved in the LP Gas industry.

❖LOCAL GOVERNMENTS: There is no anticipated aggregate cost to local government because these proposed rule changes do not affect local government.

❖OTHER PERSONS: The anticipated aggregate cost to other persons would depend on the amount of American Petroleum Institute (API) rated LP Gas containers that would be relocated within the state of Utah. With the passage of this proposed rule only larger containers that are ASME stamped and National Board Registered would be allowed to be relocated within the state of Utah. Removal of an API vessel

would require that it be removed from service as an LP Gas container. Total anticipated aggregate cost is impossible to predict due to the unknown total API LP Gas containers that might be relocated within the state of Utah. Singular cost per tank replacement is much easier to determine as stated in the next section. There is an anticipated aggregate savings to the LP Gas industry for the removal from the rule of the requirement to meet specific requirements when installing LP Gas below grade. The elimination of this rule section will allow that LP Gas be installed below grade in more occupancies than before, in areas other than basements, will not require the installation of a gas detector, and will not require the installing concern to complete a full system check on a five-year basis. The total anticipated aggregate savings cannot be estimated due to the unknown amount of below grade installations that might occur. Estimation on a singular installation of savings can be approximated at \$100 to \$10,000 per installation depending upon the circumstances. COMPLIANCE COSTS FOR AFFECTED PERSONS: The compliance cost to the state budget would be affected with an approximate increase of \$25,000 to complete the estimated additional 500 currently uninspected LP Gas containers. This is broken down to an approximate cost of \$50 per container to complete the inspection. The LP Gas industry will see an anticipated compliance cost of \$20,000 to \$45,000 per vessel and installation to remove from service a large API-rated LP Gas container. This would only occur when an API-rated container was required to be moved from its present location. The existing API-rated LP Gas container that could be any size from 8,000 to 30,000 water gallons could not be moved to a new location in the state of Utah and installed for continued usage. It would be required to be discontinued from service as an LP Gas container.

COMMENTS BY THE DEPARTMENT HEAD ON THE FISCAL IMPACT THE RULE MAY HAVE ON BUSINESSES: After review of these proposed changes with the Chief Deputy State Fire Marshal, I have concluded that there is a fiscal impact on businesses in Utah. The \$20,000 to \$45,000 impact on businesses would only arise from the removal from service of any API-rated LP Gas containers. This would only be required when the existing API-rated LP Gas container can no longer remain in its current location. Passage of this proposed rule would no longer allow the API-rated LP Gas container to be placed somewhere else in the state of Utah for continued usage. The API-rated LP Gas containers are all older than 1954 in date of production. The API standards they were manufactured under, and the length of time of usage of these LP Gas containers, has caused concern on a national level by those that regulate pressure vessels, that this type of LP Gas container should be slowly phased out in usage. I concur with the recommendation of the LP Gas Board and the State Fire Marshal's Office, that the fiscal impact would be limited to the small number of API-rated LP Gas containers in the state, and the smaller percentage of time that the tank might be required to be moved from its present moorings. I feel that this impact is justified for the increase in safety afforded the citizens of the state of Utah.

THE FULL TEXT OF THIS RULE MAY BE INSPECTED, DURING REGULAR BUSINESS HOURS, AT:

Public Safety
Fire Marshal
Suite 302
5272 South College Drive
Murray, UT 84123-2611, or
at the Division of Administrative Rules.

DIRECT QUESTIONS REGARDING THIS RULE TO:

Brent R. Halladay at the above address, by phone at (801) 284-6350, by FAX at (801) 284-6351, or by Internet E-mail at bhallada@dps.state.ut.us.

INTERESTED PERSONS MAY PRESENT THEIR VIEWS ON THIS RULE BY SUBMITTING WRITTEN COMMENTS TO THE ADDRESS ABOVE NO LATER THAN 5:00 P.M. ON 10/01/1999.

THIS RULE MAY BECOME EFFECTIVE ON: 10/02/1999

AUTHORIZED BY: Brent R. Halladay, Chief Deputy

R710. Public Safety, Fire Marshal.

R710-6. Liquefied Petroleum Gas Rules.

R710-6-1. Adoption, Title, Purpose and Scope.

Pursuant to Title 53, Chapter 7, Section 305, Utah State Code Annotated 1953, the Liquefied Petroleum Gas (LPG) Board adopts minimum rules to provide regulation to those who distribute, transfer, dispense or install LP Gas and/or its appliances in the State of Utah.

There is adopted as part of these rules the following codes which are incorporated by reference:

1.1 National Fire Protection Association (NFPA), Standard 58, [~~Standard for the Storage and Handling of Liquefied Petroleum Gases~~]LP Gas Code, 1998 edition, except as amended by provisions listed in R710-6-8, et seq.

1.2 National Fire Protection Association (NFPA), Standard 54, National Fuel Gas Code, 1996 edition, except as amended by provisions listed in R710-6-8, et seq.

1.3 National Fire Protection Association (NFPA), Standard 501C, Standard on Recreational Vehicles, 1996 Edition, except as amended by provisions listed in R710-6-8, et seq.

1.4 Uniform Fire Code (UFC), Volume 1, Article 82, 1997 edition, as published by the International Fire Code Institute (IFCI), except as amended by provisions listed in R710-6-8, et seq.

1.5 Uniform Fire Code (UFC), Volume 2, Uniform Fire Code Standards (UFCS), No. 82-1 and No. 82-2, 1997 edition, as published by the International Fire Code Institute (IFCI), except as amended by provisions listed in R710-6-8, et seq.

1.6 A copy of the above codes are on file with the Division of Administrative Rules, and the State Fire Marshal's Office. The definitions contained in the afore referenced codes shall also pertain to these rules.

1.7 Title.

These rules shall be known as "Rules Governing LPG Operations in the State of Utah" and may be cited as such, and will be hereinafter referred to as "these rules".

1.8 Validity.

If any article, section, subsection, sentence, clause, or phrase, of these rules is, for any reason, held to be unconstitutional, contrary to statute, or exceeding the authority of the LPG Board such decision shall not affect the validity of the remaining portion of these rules.

1.9 Conflicts.

In the event where separate requirements pertain to the same situation in the same code, or between different codes or standards as adopted, the more restrictive requirement shall govern, as determined by the enforcing authority.

R710-6-2. Definitions.

~~["Basement" means any floor level below the first story in a building, except that a floor level in a building having only one floor level shall be classified as a basement unless such floor level qualifies as a first story as defined herein.~~

] 2.1 "Board" means the Liquefied Petroleum Gas Board.

2.2 "Concern" means a person, firm, corporation, partnership, or association, licensed by the Board.

2.3 "Division" means the Division of the State Fire Marshal.

2.4 "Enforcing Authority" means the division, the municipal or county fire department, other fire prevention agency acting within its respective fire prevention jurisdiction, or the building official of any city or county.

~~"First Story" means the lowest story in a building which qualifies as a story, as defined herein, except that a floor level in a building having only one floor level shall be classified as a first story, provided such floor level is not more than 4 feet below grade, as defined herein, for more than 50 percent of the total perimeter, or not more than 8 feet below grade, as defined herein, at any point.]~~

2.5 "IFCI" means International Fire Code Institute.

2.6 "License" means a written document issued by the Division authorizing a concern to be engaged in an LPG business.

2.7 "LPG" means Liquefied Petroleum Gas.

2.8 "LPG Certificate" means a written document issued by the Division to any person for the purpose of granting permission to such person to perform any act or acts for which authorization is required.

2.9 "NFPA" means the National Fire Protection Association.

2.10 "Possessory Rights" means the right to possess LPG, but excludes broker trading or selling.

2.11 "Public Place" means a highway, street, alley or other parcel of land, essentially unobstructed, which is deeded, dedicated or otherwise appropriated to the public for public use, and where the public exists, travels, traverses or is likely to frequent.

2.12 "Qualified Instructor" means a person holding a valid LPG certificate in the area in which he is instructing.

~~"Story" means that portion of a building included between the upper surface of any floor and the upper surface of the floor above, except that the topmost story shall be that portion of a building included between the upper surface of the topmost floor and the ceiling or roof above. If the finished floor level directly above a usable or unused under-floor space is more than 6 feet above grade as defined herein for more than 50 percent of the total perimeter or is more than 12 feet above grade as defined herein at~~

~~any point, such useable or unused under-floor space shall be considered a story.]~~

2.13 "UCA" means Utah State Code Annotated 1953 as amended.

2.14 "UFC" means Uniform Fire Code.

2.15 "UFCS" means Uniform Fire Code Standards.

R710-6-3. Licensing.

3.1 Type of license.

Class I: A licensed dealer who is engaged in the business of installing gas appliances or systems for the use of LPG and who sells, fills, refills, delivers, or is permitted to deliver any LPG.

Class II: A business engaged in the sale, transportation, and exchange of cylinders, but not transporting or transferring gas in liquid.

Class III: A business not engaged in the sale of LPG, but engaged in the sale and installation of gas appliances, or LPG systems.

Class IV: Those businesses listed below:

(a) Dispensers

(b) Sale of containers greater than 96 pounds water capacity.

(c) Other LPG businesses not listed above.

3.2 Signature on Application.

The application shall be signed by an authorized representative of the applicant. If the application is made by a partnership, it shall be signed by at least one partner. If the application is made by a corporation or association other than a partnership, it shall be signed by the principal officers, or authorized agents.

3.3 Issuance.

Following receipt of the properly completed application, an inspection, completion of all inspection requirements, and compliance with the provision of the statute and these rules, the Division shall issue a license.

3.4 Original, Valid Date.

Original licenses shall be valid for one year from the date of application. Thereafter, each license shall be renewed annually and renewals thereof shall be valid for one year from issuance.

3.5 Renewal.

Application for renewal shall be made in writing, on forms provided by the SFM.

3.6 Refusal to Renew.

The Board may refuse to renew any license in the same manner, and for any reason, that they are authorized, pursuant to Article 5 of these rules to deny a license. The applicant shall, upon such refusal, have the same rights as are granted by Article 5 of this article to an applicant for a license which has been denied by the Board.

3.7 Change of Address.

Every licensee shall notify the Division, in writing, within thirty (30) days of any change of his address.

3.8 Under Another Name.

No licensee shall conduct his licensed business under a name other than the name or names which appears on his license.

3.9 List of Licensed Concerns.

(a) The Division shall make available, upon request and without cost, to the Enforcing Authority, the name, address, and

license number of each concern that is licensed pursuant to these rules.

(b) Upon request, single copies of such list shall be furnished, without cost, to a licensed concern.

3.10 Inspection.

The holder of any license shall submit such license for inspection upon request of the Division or the Enforcing Authority.

3.11 Notification and LPG Certificate.

Every licensed concern shall, within twenty (20) days of employment, and within twenty (20) days of termination of any employee, report to the Division, the name, address, and LPG certificate number, if any, of every person performing any act requiring an LPG certificate for such licensed concern.

3.12 Posting.

Every license issued pursuant to the provisions of these rules shall be posted in a conspicuous place on the premises of the licensed location.

3.13 Duplicate License.

A duplicate license may be issued by the Division to replace any previously issued license, which has been lost or destroyed, upon the submission of a written statement from the licensee to the Division. Such statement shall attest to the fact that the license has been lost or destroyed. If the original license is found it shall be surrendered to Division within 15 days.

3.14 Registration Number.

Every license shall be identified by a number, delineated as P-(number).

3.15 Accidents, Reporting.

Any accident where a licensee and LPG are involved must be reported to the Board in writing by the affected licensee within 3 days upon receipt of information of the accident. The report must contain any pertinent information such as the location, names of persons involved, cause, contributing factors, and the type of accident. If death or serious injury of person(s), or property damage of \$5000.00 or more results from the accident, the report must be made immediately by telephone and followed by a written report.

3.16 Board investigation of accidents.

At their discretion, the Board will investigate, or direct the Division to investigate, all serious accidents as defined in Subsection 3.15.

R710-6-4. LP Gas Certificates.

4.1 Application.

Application for an LPG certificate shall be made in writing to the Division. The application shall be signed by the applicant.

4.2 Examination.

Every person who performs any act or acts within the scope of a license issued under these rules, shall pass an initial examination in accordance with the provisions of this article.

4.3 Types of Initial Examinations:

- (1) Carburetion
- (2) Dispenser
- (3) HVAC/Plumber
- (4) Recreational Vehicle Service
- (5) Serviceman
- (6) Transportation and Delivery

4.4 Initial Examinations.

(a) The initial examination shall include an open book written test of the applicant's knowledge of the work to be performed by the applicant. The written examination questions shall be taken from the adopted statute, administrative rules, NFPA 54, and NFPA 58.

(b) The initial examination shall also include a practical or actual demonstration of some selected aspects of the job to be performed by the applicant.

(c) To successfully complete the written and practical initial examinations, the applicant must obtain a minimum grade of seventy percent (70%) in each portion of the examination taken. Each portion of the examination will be graded separately. Failure of any one portion of the examination will not delete the entire test.

(d) Examinations may be given at various field locations as deemed necessary by the Division. Appointments for field examinations are required.

(e) As required in Sections 4.2 and 4.3, those applicants that have successfully completed the requirements of the Certified Employee Training Program (CETP), as written by the National Propane Gas Association, and that corresponds to the work to be performed by the applicant, shall have the requirement for initial examination waived, after appropriate documentation is provided to the Division by the applicant.

4.5 Original and Renewal Date.

Original LPG certificates shall be valid for one year from the date of issuance. Thereafter, each LPG certificate shall be renewed annually and renewals thereof shall be valid from for one year from issuance.

4.6 Renewal Date.

Application for renewal shall be made in writing on forms provided by the Division.

4.7 Re-examination.

Every holder of a valid LPG Certificate shall take a re-examination every five years from the date of original certificate issuance, to comply with the provisions of Section 4.3 of these rules[-] as follows:

(a) The re-examination to comply with the provisions of Section 4.3 of these rules shall consist of one 25 question open book examination, to be mailed to the certificate holder at least 60 days before the renewal date.

(b) The 25 question re-examination will consist of questions that focus on changes in the last five years to NFPA 54, NFPA 58, the statute, or the adopted administrative rules. The re-examination may also consist of questions that focus on practices of concern as noted by the Board or Division.

(c) The certificate holder is responsible to complete the 25 question re-examination and return it to the Division in sufficient time to renew.

(d) The certificate holder is responsible to return to the Division with the re-examination the correct renewal fees to complete that certificate renewal.

4.8 Refusal to Renew.

The Division may refuse to renew any LPG certificate in the same manner and for any reason that is authorized pursuant to Article 5.

4.9 Inspection.

The holder of a LPG certificate shall submit such certificate for inspection, upon request of the Division or the enforcing authority.

4.10 Type.

(a) Every LPG certificate shall indicate the type of act or acts to be performed and for which the applicant has qualified.

(b) Any person holding a valid LPG certificate shall not be authorized to perform any act unless he is a licensee or is employed by a licensed concern.

(c) It is the responsibility of the LPG certificate holder to insure that the concern they are employed by is licensed under this act.

4.11 Change of Address.

Any change in home address of any holder of a valid LPG certificate shall be reported by the registered person to the Division within thirty (30) days of such change.

4.12 Duplicate.

A duplicate LPG certificate may be issued by the Division to replace any previously issued certificate which has been lost or destroyed upon the submission of a written statement to the Division from the certified person. Such statement shall attest to the certificate having been lost or destroyed. If the original is found, it shall be surrendered to the Division within 15 days.

4.13 Contents of Certificate of Registration.

Every LPG certificate issued shall contain the following information:

- (a) The name and address of the applicant.
- (b) The physical description of applicant.
- (c) The signature of the LP Gas Board Chairman.
- (d) The date of issuance.
- (e) The expiration date.
- (f) Type of service the person is qualified to perform.
- (g) Have printed on the card the following: "This certificate is for identification only, and shall not be used for recommendation or advertising".

4.14 Minimum Age.

No LPG certificate shall be issued to any person who is under sixteen (16) years of age.

4.15 Restrictive Use.

(a) No LPG certificate shall constitute authorization for any person to enforce any provisions of these rules.

(b) A LPG certificate may be used for identification purposes only as long as such certificate remains valid and while the holder is employed by a licensed concern.

(c) Regardless of the acts for which the applicant has qualified, the performance of only those acts authorized under the licensed concern employing such applicant shall be permissible.

(d) Regardless of the acts authorized to be performed by a licensed concern, only those acts for which the applicant for a LPG certificate has qualified shall be permissible by such applicant.

4.16 Right to Contest.

(a) Every person who takes an examination for a LPG certificate shall have the right to contest the validity of individual questions of such examination.

(b) Every contention as to the validity of individual questions of an examination that cannot be reasonably resolved, shall be made in writing to the Division within 48 hours after taking said examination. Contentions shall state the reason for the objection.

(c) The decision as to the action to be taken on the submitted contention shall be by the Board, and such decision shall be final.

(d) The decision made by the Board, and the action taken, shall be reflected in all future examinations, but shall not affect the grades established in any past examination.

4.17 Non-Transferable.

LPG Certificates shall not be transferable to another individual. Individual LPG certificates shall be carried by the person to whom issued.

4.18 New Employees.

New employees of a licensed concern may perform the various acts while under the direct supervision of persons holding a valid LPG certificate for a period not to exceed forty five (45) days from the initial date of employment. By the end of such period, new employees shall have taken and passed the required examination. In the event the employee fails the examination, re-examination shall be taken within 30 days. The employee shall remain under the direct supervision of an employee holding a valid LPG certificate, until certified.

4.19 Certificate Identification.

Every LPG certificate shall be identified by a number, delineated as PE-(number). Such number shall not be transferred from one person to another.

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R710-6-8. Amendments and Additions.

~~[8-1]~~The following amendments and additions~~[to the codes and standards adopted to regulate LPG in section 1-1;]~~ are hereby adopted by the Board:

~~[8-2]~~8.1 All LP Gas facilities that are located in a public place shall be inspected by a certified LP Gas serviceman every five (5) years for leaks in all buried piping~~[.]~~ as follows:

(a) All buried piping shall be pressure tested and inspected for leaks as set forth in NFPA Standard 54, Sections 4.1.1 through 4.3.4.

(b) If a leak is detected and repaired, the buried piping shall again be pressure tested for leaks.

(c) The certified LP Gas serviceman shall keep a written record of the inspection and all corrections made to the buried piping located in a public place.

(d) The inspection records shall be available to be inspected on a regular basis by the Division.

~~[8-3]~~8.2 Whenever the Division is required to complete more than two inspections to receive compliance on an LP Gas System, container, apparatus, appliance, appurtenance, tank or tank trailer, or any pertinent equipment for the storage, transportation or dispensation of LP Gas, the Division shall charge to the owner for each additional inspection, the re-inspection fee as stated in R710-6-6.1(e).

8.3 All LP Gas containers of more than 5000 water gallons shall be inspected at least biannually for compliance with the adopted statute and rules. The following containers are exempt from this requirement:

(a) Those excluded from the act in UCA, Section 53-7-303.

(b) Containers under federal control.

(c) Containers under the control of the U.S. Department of Transportation and used for transportation of LP Gas.

(d) Containers located at private residences.

8.4 UFC Amendments:

(a) UFC, Section 8201 - Scope. On line 4 after the wording "Appendix B." insert the following: "Also reference NFPA, Standard 58, [1995 edition,] as amended by the Board".

(b) UFC, Section 8202.1 Permits and Plans. On line 2 after the word "see" replace "Section 105, Permit 1.1" with "the adopted LPG rules". ~~The rest of UFC, Section 8202.1 is deleted.~~

(c) UFC, Section 8202.2 - Records., is deleted.

(d) UFC, Section 8203.1 - General. Starting on line 2, after the wording "installed in accordance with" insert "NFPA Standard 58, [1995 edition,] NFPA Standard 54, [1996 edition,] and".[

~~(e) UFC, Section 8203.3 Location of Equipment and Piping is amended to add the following Exception:~~

~~Exception: For locations of equipment and piping below grade, refer to NFPA Standard 54, 1996 edition and the following amendments:~~

~~(1) New LP Gas systems may be installed in basements with not more than 6,000 square foot per floor, and not classified as Group E (educational), H (hazardous), or I (institutional) occupancies as defined in the Uniform Building Code.~~

~~(2) All new LP Gas systems installed in basements shall be installed as required in NFPA Standards 54 and 58, and the requirements listed in 8.2(e)(4). All new LP Gas systems installed in basements shall be inspected before occupancy by a certified LP Gas Serviceman, and may be inspected by the Building Official or his representative, or the Building Official may accept the serviceman's inspection.~~

~~(3) All LP Gas systems installed in basements and existing below-grade systems shall be inspected by a certified LP Gas serviceman every five (5) years for compliance with NFPA Standards 54 and 58, and the requirements listed in 8.2(e)(4). Existing below-grade systems shall have until April 15, 1999, to be in compliance with NFPA Standards 54 and 58, and the requirements listed in 8.2(e)(4).~~

~~(4) All new and existing LP Gas systems, installed in basements or below-grade, shall in addition to the requirements listed in NFPA Standards 54 and 58, meet the following:~~

~~(A) An approved and listed audible LP Gas detector shall be installed in accordance with manufacture recommendations:~~

~~(B) The entire gas system shall be pressure tested and inspected for leaks by a certified LP Gas Serviceman as set forth in NFPA Standard 54, Sections 4.1.1 through 4.3.4:~~

~~(C) All tanks, piping, regulators, gauges, connectors, valves, vents, thermostats, pilots, burners and appliance controls, shall be inspected by a certified LP Gas Serviceman for proper installation and function:~~

~~(D) After inspection and successful completion of all code requirements, a weatherproof tag shall be attached to the tank and if possible placed under the inspection cover. The tag shall indicate the name of the inspecting company, license number of the company, name and certification number of inspector, and the date of inspection:~~

~~(E) All companies shall keep on file written paperwork indicating the name and address of the customer, date of inspection, tank information, inspector and certification number, and corrections made to the system. A copy of this inspection shall be left with the customer:~~

~~(5) If a system is changed, modified or repaired, before the expiration of the five (5) year tag, the entire system shall be reinspected to meet the requirements listed in 8.2(e)(3):~~

~~(6) The inspecting company may be allowed to charge a reasonable fee for the above required inspection, and those fees may be monitored by the Board:]~~

~~(f)(e) UFC, Section 8204.1 General. On line 3 delete "and subject to the approval of the chief." and replace it with "as amended by the Board".~~

~~(g)(f) UFC, Section 8204.2 on line 4 after the word "areas" insert "as determined by the Board".~~

~~(h)(g) UFC, Section 8208 - Smoking and Other Sources of Ignition. On line 1 replace "chief" with "enforcing authority".~~

~~(i)(h) UFC, Section 8212.12 is deleted and replaced with NFPA, Standard 58, Section 5-4.1, [1995 edition].~~

8.5 UFCS 82-1 Amendments:

(a) The amendments listed in Part I, Section 82.101 are deleted.

(b) The 1989 edition of NFPA, Standard 58 listed in Part II is deleted and replaced with the [1995]1998 edition of NFPA, Standard 58.

8.6 NFPA, Standard 58 [1995 edition] Amendments:

(a) NFPA, Standard 58, Section 2-2.1.3 is amended to add the following section: (c) All new, used or existing containers of 5000 water gallons or less, installed in the State of Utah or relocated within the State of Utah shall meet the requirements listed in ASME, Boiler and Pressure Vessel Code, "Rules for the Construction of Unfired Pressure Vessels". All new, used or existing containers of more than 5000 water gallons, installed in the State of Utah or relocated within the State of Utah shall meet the requirements listed in ASME, Boiler and Pressure Vessel Code, "Rules for the Construction of Unfired Pressure Vessels", Section VIII, and shall be registered by the National Board of Boiler and Pressure Vessel Inspectors.

(b) NFPA, Standard 58, Section 2-2.1.3 is amended to add the following section: (d) If an existing container is relocated within the State of Utah, and depending upon the container size, does not bear the required ASME construction code and/or National Board Stamping, the new owner may submit to the Division a request for "Special Classification Permit". Material specifications and calculations of the container shall be submitted to the Division by the new owner. Also, the new owner shall insure that a review of the proposed container be completed by a registered professional engineer experienced in pressure vessel container design and construction, and the new owner submit that report to the Division. The Division will approve or disapprove the proposed container. Approval by the Division shall be obtained before the container is set or filled with LP Gas.

(c) NFPA, Standard 58, Section 2-2.1.9 is deleted and rewritten as follows: Repair or alteration of containers shall comply with the latest edition of the National Board Inspection Code or the API Pressure Vessel Inspection Code as applicable. Repairs and alterations shall only be made by those holding a National Board "R" Certificate of Authorization commonly known as an R Stamp.

(d) NFPA Standard 58, Sections 2-4.3(c)(1) and (2) are deleted and amended to read as follows:

Type K copper tubing without joints below grade may be used in exterior LP Gas piping systems only.

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KEY: liquefied petroleum gas
[February 2, 1999]October 2, 1999
Notice of Continuation October 25, 1996

53-7-305



Transportation, Motor Carriers
R909-75-1
Safety Regulations for Motor Carriers
Transporting Hazardous Materials
and/or Hazardous Wastes

NOTICE OF PROPOSED RULE
(Amendment)
DAR FILE NO.: 22278
FILED: 08/04/1999, 07:36
RECEIVED BY: NL

RULE ANALYSIS

PURPOSE OF THE RULE OR REASON FOR THE CHANGE: To clarify requirements for display of identification numbers for large quantity shipments of hazardous materials; revise requirements for display of identification numbers for non-bulk packages of hazardous materials that are poisonous by inhalation in Hazard Zone A or B; providing alternative methods for marking the carrier's telephone number on the exterior of a highway transport vehicle containing hazardous materials that is disconnected from its motive power and not marked with an identification number. Minor technical and editorial changes. To correct a date by which states have to develop legislation to provide exceptions for agricultural operations, materials of trade, and for registered inspectors of small cargo tanks used exclusively for flammable liquid petroleum fuels. To clarify packaging authorizations for agricultural products transported by farmers and to detail the size requirements for markings on bulk packagings. To authorize non-specification cargo tanks for the transportation of flammable liquid petroleum products that are not hazardous wastes, or hazardous substances, when specifically authorized in state statute or regulations by October 1, 1998.

SUMMARY OF THE RULE OR CHANGE: To change the deadline in Sections 173.5(a)(2) and 173.8(d)(3) from July 1, 1998 to October 1, 1998 for states to enact legislation that authorizes exceptions for agricultural operations and non-specification cargo tanks, for consistency with the mandatory compliance date of exceptions of agricultural operations (Sec. 173.5), materials of trade (Sec. 173.6), and non-specification packagings used in intrastate transportation. Sec. 173.6(c)(2) is revised to provide that the size of the identification number markings must be as required by Sec.

172.332(b)(1) or (c)(1), which state the identification number must be displayed in 100 mm (3.9 inches) black Helvetica Medium, Alpine Gothic or Alternate Gothic No. 3 numerals. It is also clarifying that the identification number may be displayed on Class 9 placards. This rule will revise Section 173.8(b) to authorize the transportation of all gasoline, including leaded gasoline which is a marine pollutant in a non-specification cargo tanks (when specifically authorized in State statute or regulation) by October 1, 1998. In Sec. 172.301(a)(3) a revision is made to further clarify that a vehicle or container containing only a single hazardous material and no other material, hazardous or otherwise, in non-bulk packages loaded at one loading facility must be marked with the identification number. In Sec. 172.313(c) concerning identification number marking of a material poisonous by inhalation (PIH) in Hazard Zone A or B in non-bulk packages, the phrase "with more than 1,000 kg (2,205 lbs.)" is changed to "with 1,000 kg (2,205 lbs.) or more" for consistency in approach with Sec. 172.301(a)(3) the words "Hazard Zone A and B" are changed to Hazard Zone A or B" and a provision is added clarifying the requirement for identification number marking display for different PIH materials in a Vehicle or container. In Sec. 172.504, Footnote 1 to Placarding table 1 is revised to correctly state requirements applicable to exclusive use shipments of low specific activity and surface contaminated radioactive materials transported in accordance with Sec. 173.427(b)(3) and (c). Section 172.606(b)(2) is revised to clarify methods for marking the carrier's telephone number on a highway transport vehicle containing hazardous materials that is disconnected from its motive power and not marked with an identification number. Sec. 172.301(a)(3) is revised to apply to a transport vehicle or freight container that is loaded at one loading facility with 4,000 kg or more of hazardous materials in non-bulk packages, when all the hazardous materials have the same proper shipping name and identification number.

STATE STATUTORY OR CONSTITUTIONAL AUTHORIZATION FOR THIS RULE: Section 72-9-103
FEDERAL REQUIREMENT FOR THIS RULE: Title 49, Part 350

THIS RULE OR CHANGE INCORPORATES BY REFERENCE THE FOLLOWING MATERIAL: 49 CFR 170-178 and 49 CFR 180-181, as published by Regulations Management Corporation, October 1, 1997.

ANTICIPATED COST OR SAVINGS TO:

- ❖THE STATE BUDGET: It is determined that there is no fiscal impact since these requirements are already in place under the federal guidelines. By incorporating them it will allow state agents to continue investigating compliance with these regulations.
- ❖LOCAL GOVERNMENTS: It is determined that there is no fiscal impact since these requirements are already in place under the federal guidelines. By incorporating them it will allow state agents to continue investigating compliance with these regulations.
- ❖OTHER PERSONS: It is determined that there is no fiscal impact since these requirements are already in place under the federal guidelines. By incorporating them it will allow

state agents to continue investigating compliance with these regulations.

COMPLIANCE COSTS FOR AFFECTED PERSONS: Since motor carriers are required to comply with these regulations under the federal guidelines, adopting this will not cause an additional burden to them, but will allow agents of the Department of Transportation access to these files.

COMMENTS BY THE DEPARTMENT HEAD ON THE FISCAL IMPACT THE RULE MAY HAVE ON BUSINESSES: No fiscal impact is anticipated.

THE FULL TEXT OF THIS RULE MAY BE INSPECTED, DURING REGULAR BUSINESS HOURS, AT:

Transportation
Motor Carriers
Calvin Rampton
4501 South 2700 West
PO Box 148240
Salt Lake City, UT 84114-8240, or
at the Division of Administrative Rules.

DIRECT QUESTIONS REGARDING THIS RULE TO:
Tamy L. Scott at the above address, by phone at (801) 965-4752, by FAX at (801) 965-4847, or by Internet E-mail at tscott@email.state.ut.us.

INTERESTED PERSONS MAY PRESENT THEIR VIEWS ON THIS RULE BY SUBMITTING WRITTEN COMMENTS TO THE ADDRESS ABOVE NO LATER THAN 5:00 P.M. ON 10/01/1999.

End of the Notices of Proposed Rules Section

THIS RULE MAY BECOME EFFECTIVE ON: 10/02/1999

AUTHORIZED BY: Tamy L. Scott, Safety Investigator

**R909. Transportation, Motor Carrier.
R909-75. Safety Regulations for Motor Carriers Transporting Hazardous Materials and/or Hazardous Wastes.
R909-75-1. Adoption of Federal Regulations.**

Safety Regulations for Motor Carriers Transporting Hazardous Materials and/or Hazardous Wastes, 49 CFR, Sub-Chapter C, of the October 1, 1998, edition as printed in the Regulations Management Corporation Service, are incorporated by reference. In addition, amendments to the same edition, which appear November 1, 1998, ~~and~~ December 1, 1998, January 1, 1999, February 1, 1999, March 1, 1999, April 1, 1999, and May 1, 1999, are incorporated by reference within this rule. This applies to all private, common, and contract carriers by highway in commerce.

KEY: hazardous materials transportation, hazardous substances, hazardous waste, safety regulation
~~May 4~~ October 2, 1999 72-9-103
Notice of Continuation April 22, 1997 72-9-104



NOTICES OF CHANGES IN PROPOSED RULES

After an agency has published a PROPOSED RULE in the *Utah State Bulletin*, it may receive public comment that requires the PROPOSED RULE to be altered before it goes into effect. A CHANGE IN PROPOSED RULE allows an agency to respond to comments it receives.

As with a PROPOSED RULE, a CHANGE IN PROPOSED RULE is preceded by a RULE ANALYSIS. This analysis provides summary information about the CHANGE IN PROPOSED RULE including the name of a contact person, anticipated cost impact of the rule, and legal cross-references.

Following the RULE ANALYSIS, the text of the CHANGE IN PROPOSED RULE is usually printed. The text shows only those changes made since the PROPOSED RULE was published in an earlier edition of the *Utah State Bulletin*. Additions made to the rule appear underlined (e.g., example). Deletions made to the rule appear struck out with brackets surrounding them (e.g., [example]). A row of dots in the text (•••••) indicates that unaffected text was removed to conserve space. If a CHANGE IN PROPOSED RULE is too long to print, the Division of Administrative Rules will include only the RULE ANALYSIS. A copy of rules that are too long to print is available from the agency or from the Division of Administrative Rules.

While a CHANGE IN PROPOSED RULE does not have a formal comment period, there is a 30-day waiting period during which interested parties may submit comments. The 30-day waiting period for CHANGES IN PROPOSED RULES published in this issue of the *Utah State Bulletin* ends October 1, 1999. At its option, the agency may hold public hearings.

From the end of the waiting period through December 30, 1999, the agency may notify the Division of Administrative Rules that it wants to make the CHANGE IN PROPOSED RULE effective. When an agency submits a NOTICE OF EFFECTIVE DATE for a CHANGE IN PROPOSED RULE, the PROPOSED RULE as amended by the CHANGE IN PROPOSED RULE becomes the effective rule. The agency sets the effective date. The date may be no fewer than 30 days nor more than 120 days after the publication date of this issue of the *Utah State Bulletin*. Alternatively, the agency may file another CHANGE IN PROPOSED RULE in response to additional comments received. If the Division of Administrative Rules does not receive a NOTICE OF EFFECTIVE DATE or another CHANGE IN PROPOSED RULE, the CHANGE IN PROPOSED RULE filing, along with its associated PROPOSED RULE, lapses and the agency must start the process over.

CHANGES IN PROPOSED RULES are governed by *Utah Code* Section 63-46a-6 (1996); and *Utah Administrative Code* Rule R15-2, and Sections R15-4-3, R15-4-5, R15-4-7, and R15-4-9.

The Changes in Proposed Rules Begin on the Following Page.

Environmental Quality, Environmental
Response and Remediation
R311-205-2
Underground Storage Tanks: Site
Assessment Protocol

NOTICE OF CHANGE IN PROPOSED RULE

DAR FILE NO.: 22075
FILED: 08/12/1999, 13:24
RECEIVED BY: NL

RULE ANALYSIS

PURPOSE OF THE RULE OR REASON FOR THE CHANGE: The changes in proposed rule are a result of public comments received. Terminology used has been simplified to avoid confusion between laboratories, and clarification regarding allowable modifications to certified analytical methods have been specified as requested by the laboratories.

SUMMARY OF THE RULE OR CHANGE: The technical terminology used has been simplified to avoid confusion between laboratories and to avoid the unnecessary addition of similar terms. Also, clarification regarding allowable modifications to certified analytical methods have been specified as requested by the laboratories.

(DAR Note: The original proposed amendment upon which this change in proposed rule is based was published in the June 15, 1999, issue of the *Utah State Bulletin*.)

STATE STATUTORY OR CONSTITUTIONAL AUTHORIZATION FOR THIS RULE: Sections 19-6-105 and 19-6-403

FEDERAL REQUIREMENT FOR THIS RULE: 40 CFR 280, Subparts E and F (1998)

ANTICIPATED COST OR SAVINGS TO:

❖**THE STATE BUDGET:** No cost or savings anticipated that were not already discussed in the original June 15, 1999, filing.

❖**LOCAL GOVERNMENTS:** No cost or savings anticipated that were not already discussed in the original June 15, 1999, filing.

❖**OTHER PERSONS:** No cost or savings anticipated that were not already discussed in the original June 15, 1999, filing.

COMPLIANCE COSTS FOR AFFECTED PERSONS: No cost or savings anticipated by the changes to the proposed rule based on public comments received. Affected parties already have the capability of running these proposed analytical methods at no additional costs or savings to current fee structure.

COMMENTS BY THE DEPARTMENT HEAD ON THE FISCAL IMPACT THE RULE MAY HAVE ON BUSINESSES: There will be no costs incurred by affected parties by the changes to the proposed rules. Terminology has been simplified to avoid confusion between laboratories and allowable modifications to methods have been specified.

THE FULL TEXT OF THIS RULE MAY BE INSPECTED, DURING REGULAR BUSINESS HOURS, AT:

Environmental Quality
Environmental Response and Remediation
First Floor
168 North 1950 West
PO Box 144840
Salt Lake City, UT 84114-4840, or
at the Division of Administrative Rules.

DIRECT QUESTIONS REGARDING THIS RULE TO:

Dale T. Urban at the above address, by phone at (801) 536-4100, by FAX at (801) 536-4242, or by Internet E-mail at durban@deq.state.ut.us.

INTERESTED PERSONS MAY PRESENT THEIR VIEWS ON THIS RULE BY SUBMITTING WRITTEN COMMENTS TO THE ADDRESS ABOVE NO LATER THAN 5:00 P.M. ON 10/01/1999.

THIS RULE MAY BECOME EFFECTIVE ON: 10/04/1999

AUTHORIZED BY: Brent Bradford, Deputy Director

R311. Environmental Quality, Environmental Response and Remediation.**R311-205. Underground Storage Tanks: Site Assessment Protocol.****R311-205-2. Site Assessment Protocol.**

(a) General Requirements.

(1) For all locations that have underground storage tanks regulated by 40 CFR 280, and require a site assessment pursuant to 40 CFR 280, Subparts E, F, or G, owners or operators shall perform or commission to be performed a site assessment according to the protocol outlined in Section R311-205 or equivalent, as approved by the Executive Secretary. This protocol is a minimum requirement which does not prohibit the collecting of additional samples when needed and is intended to support and supplement requirements of 40 CFR 280, Parts 280.52 and 280.72. Additional environmental samples must be collected when contamination is found, suspected, or as requested by the Executive Secretary. Samples shall be collected in a manner that will detect a release from any portion of the UST. Groundwater samples shall be collected in accordance with the "EPA RCRA Ground-water Monitoring Technical Enforcement Guidance Document" (OSWER Directive 9950.1), 1986. Surface water samples shall be collected in accordance with protocol established in the "Utah Water Quality Monitoring Manual", 1986, or in "EPA Test Methods for Evaluating Solid Waste", SW-846, Vol. 2 Field Manual, Section 9.31-9.79. Soil samples shall be collected in accordance with the "EPA Description and Sampling of Contaminated Soils, A Field Pocket Guide", 1991.

(2) Owners and operators must document and report to the Executive Secretary sample types, sample locations and depths, field and sampling measurement methods, the nature of the stored substance, the type of backfill and native soil, the depth to groundwater, and other factors appropriate for identifying the presence, the source area and the degree and extent of subsurface

contamination. This documentation and reporting is required for UST closures pursuant to 40 CFR 280, Subpart G, and for any abatement, investigation or assessment, monitoring, remediation or corrective action activities performed to fulfill release response and remediation requirements of 40 CFR 280, Subparts E and F.

(3) Owners and operators must comply with site assessment protocols, documentation and reporting requirements stipulated in Sections R311-205-2(a)(1) and (2) and with the testing and site check requirements in R311-205-2(c) when applying to participate in the Petroleum Storage Tank Trust Fund Program following a period of lapse or non-participation in the Fund. This site assessment, documentation and reporting is required for sites re-applying for fund participation pursuant to Section 19-6-428(3)(a).

(4) The owner or operator shall report the discovery of any release or suspected release to the Executive Secretary within twenty-four hours.

(5) All environmental samples shall be collected by a certified groundwater and soil sampler who meets the requirements of Section R311-201.

(6) All environmental samples must be analyzed within the time frame allowed, in accordance with Table 4.1 of the "EPA RCRA Ground-water Monitoring Technical Enforcement Guidance Document" (OSWER Directive 9950.1), by a Utah Certified Environmental Laboratory approved by the Executive Secretary. Soil samples must be corrected for moisture, if necessary, with percent moisture reported to accurately represent the level of contamination.

(7) Environmental samples for UST permanent closure or change in service shall be collected according to the protocol outlined in R311-205-2(b), after the UST system is emptied and cleaned and the closure plan has been approved.

(8) Environmental confirmation samples are required following overexcavation of soils. Confirmation samples shall be taken at locations and depths sufficient to detect the presence, extent and degree of a release from any portion of the UST in accordance with 40 CFR 280, Subparts E, F and G. Additional confirmation samples may be required as determined by the Executive Secretary.

(9) Other types of environmental or quality assurance samples may be required as determined by the Executive Secretary.

(b) Site Assessment for UST Closure.

(1) When UST testing is required, the owner or operator shall test the underground storage tanks and product piping for tightness according to standards established in 40 CFR 280, Subpart D. If the test indicates a release has occurred from the tank or product piping, then the tank or product piping shall be closed in compliance with 40 CFR 280, Subpart G, and R311-204, or repaired, or replaced. Tanks and product piping which are repaired or replaced shall be retested to demonstrate that the tanks or product piping are no longer releasing product. Owners or operators shall begin release investigation and confirmation steps in accordance with 40 CFR 280, Subpart E upon suspecting a release, and release response and corrective action in accordance with 40 CFR 280, Subpart F upon confirming a release.

(2) Tank excavation.

(A) In-place evaluations. For facilities undergoing in-place evaluations with one tank, a minimum of two soil samples, one from each end of the tank, shall be collected in native soils,

below the tank backfill material, and as close as technically feasible to each end of the tank. Any other samples required by Section R311-205-2(a)(1) must also be collected. For facilities undergoing in-place evaluations with two or more tanks adjacent to one another, a minimum of four soil samples shall be collected in native soils, below the tank backfill material, one at each corner of the tank area, and as close to the tank ends as is technically feasible. Any other samples required by Section R311-205-2(a)(1) must also be collected. Soil samples shall be collected from a depth of zero to two feet below the tank backfill and native soil interface. If groundwater is contacted in the process of collecting the soil samples, then a minimum of one groundwater sample and one soil sample, collected from the unsaturated zone immediately above the capillary fringe, shall be collected at each end of the tank area. Groundwater samples shall be collected using proper surface water collection techniques or from a properly installed groundwater monitoring well as established by the Executive Secretary. All environmental samples shall be analyzed using methodologies outlined in Section R311-205-2(d). One soil sample shall be collected at the same depth as indicated for environmental samples to determine native soil type. Techniques of the Unified Soil Classification such as a sieve analysis or laboratory classification may be used to satisfy requirements of determining soil type.

(B) Closure by removal evaluations. For facilities which have excavation zones with one tank, a minimum of two soil samples, one from each end of the tank, shall be collected in native soils, below the tank backfill material, and as close as technically feasible to each end of the tank. Any other samples required by Section R311-205-2(a)(1) must also be collected. For facilities which have excavation zones with two or more tanks adjacent to one another, a minimum of four soil samples shall be collected in native soils, below the tank backfill material, one at each corner of the tank excavation, and as close to the tank ends as is technically feasible. Any other samples required by Section R311-205-2(a)(1) must also be collected. Soil samples shall be collected from a depth of zero to two feet below the tank backfill and native soil interface. If groundwater is contacted in the process of collecting the soil samples, then a minimum of one groundwater sample and one soil sample, collected from the unsaturated zone immediately above the capillary fringe, shall be collected at each end of the tank excavation. Groundwater samples shall be collected using proper surface water collection techniques or from a properly installed groundwater monitoring well as established by the Executive Secretary. All environmental samples shall be analyzed using methodologies outlined in Section R311-205-2(d). One soil sample shall be collected at the same depth as indicated for environmental samples to determine native soil type. Techniques of the Unified Soil Classification such as a sieve analysis or laboratory classification may be used to satisfy requirements of determining soil type.

(3) Dispenser islands.

(A) In-place evaluations. Environmental samples shall be collected at locations as close to where the piping enters the dispenser islands as is possible. An environmental sample shall be collected at each dispenser island in a location as to never allow more than 25 linear feet of piping in a single excavation to go unsampled. Any other samples required by Section R311-205-2(a)(1) must also be collected. Soil samples shall be collected from a depth of zero to two feet beneath the product piping backfill

material and native soil interface or as close to the product piping as is technically feasible in native soils. If groundwater is contacted in the process of collecting the soil samples, then a minimum of one groundwater sample and one soil sample, collected from the unsaturated zone immediately above the capillary fringe, shall be collected. Groundwater samples shall be collected using proper surface water collection techniques or from a properly installed groundwater monitoring well as established by the Executive Secretary. All environmental samples shall be analyzed using methodologies outlined in Section R311-205-2(d). One soil sample shall be collected at the same depth as indicated for environmental samples to determine native soil type. Techniques of the Unified Soil Classification such as a sieve analysis or laboratory classification may be used to satisfy requirements of determining soil type.

(B) Closure by removal evaluations. Environmental samples shall be collected at locations as close to where the piping enters the dispenser islands as is possible. An environmental sample shall be collected at each dispenser island in a location as to never allow more than 25 linear feet of piping in a single excavation to go unsampled. Any other samples required by Section R311-205-2(a)(1) must also be collected. Soil samples shall be collected from a depth of zero to two feet beneath the product piping backfill material and native soil interface or as close to the product piping as is technically feasible in native soils. If groundwater is contacted in the process of collecting the soil samples, then a minimum of one groundwater sample and one soil sample, collected from the unsaturated zone immediately above the capillary fringe, shall be collected. Groundwater samples shall be collected using proper surface water collection techniques or from a properly installed groundwater monitoring well as established by the Executive Secretary. All environmental samples shall be analyzed using methodologies outlined in Section R311-205-2(d). One soil sample shall be collected at the same depth as indicated for environmental samples to determine native soil type. Techniques of the Unified Soil Classification such as a sieve analysis or laboratory classification may be used to satisfy requirements of determining soil type.

(4) Product piping.

(A) In-place evaluations. One product piping soil sample shall be collected at each piping excavation in an area where leaking is most likely to occur such as joints, connections and fittings, and at intervals to never allow more than 50 linear feet of piping in a single excavation to go unsampled. Any other samples required by Section R311-205-2(a)(1) must also be collected. Soil samples shall be collected from a depth of zero to two feet beneath the product piping backfill material and native soil interface or as close to the product piping as is technically feasible in native soil. If groundwater is contacted in the process of collecting the soil samples, then a minimum of one groundwater sample and one soil sample, collected from the unsaturated zone immediately above the capillary fringe, shall be collected. Groundwater samples shall be collected using proper surface water collection techniques or from a properly installed groundwater monitoring well as established by the Executive Secretary. All environmental samples shall be analyzed using methodologies outlined in Section R311-205-2(d). One soil sample shall be collected at the same depth as indicated for environmental samples to determine native soil type. Techniques of the Unified Soil Classification such as a sieve analysis or

laboratory classification may be used to satisfy requirements of determining soil type.

(B) Closure by removal evaluations. One product piping soil sample shall be collected at each piping excavation in an area where leaking is most likely to occur such as joints, connections and fittings, and at intervals to never allow more than 50 linear feet of piping in a single excavation to go unsampled. Any other samples as required by Section R311-205-2(a)(1) must also be collected. Soil samples shall be collected from a depth of zero to two feet beneath the product piping backfill material and native soil interface or as close to the product piping as is technically feasible in native soils. If groundwater is contacted in the process of collecting the soil samples, then a minimum of one groundwater sample and one soil sample, collected from the unsaturated zone immediately above the capillary fringe, shall be collected. Groundwater samples shall be collected using proper surface water collection techniques or from a properly installed groundwater monitoring well as established by the Executive Secretary. All environmental samples shall be analyzed using methodologies outlined in Section R311-205-2(d). One soil sample shall be collected at the same depth as indicated for environmental samples to determine native soil type. Techniques of the Unified Soil Classification such as a sieve analysis or laboratory classification may be used to satisfy requirements of determining soil type.

(c) Testing and Site Check Requirements for Re-applying to Participate in the Petroleum Storage Tank Trust Fund Program following a Period on Non-participation or Applying for Reinstatement in the Fund Program following a Period of Lapse.

(1) Owners or operators of sites wishing to re-apply for participation in the Petroleum Storage Tank Trust Fund Program following a period of lapse or non-participation, must perform a tank tightness test and site check pursuant to Section 19-6-428(3)(a). The tank tightness test and site check must be consistent with requirements for testing and site assessment as defined under 40 CFR 280, Subparts D and E.

(A) The owner or operator shall test the underground storage tanks and product piping for tightness according to standards established in 40 CFR 280, Subpart D. If the test indicates a release has occurred from the tank or product piping, then the tank or product piping shall be closed in compliance with 40 CFR 280, Subpart G, and R311-204, or repaired, or replaced. Tanks and product piping which are repaired or replaced shall be retested to demonstrate that the tanks or product piping are no longer releasing product. Owners or operators shall begin release investigation and confirmation steps in accordance with 40 CFR 280, Subpart E upon suspecting a release, and release response and corrective action in accordance with 40 CFR 280, Subpart F upon confirming a release.

(B) A site check, consistent with the site assessment standards defined in 40 CFR 280, Subpart E, must be performed.

(i) The owner shall develop or commission to have developed a site check plan outlining the intended sampling program. The Executive Secretary must review and approve the site check plan prior to its implementation. At a minimum, the site check must evaluate soils around and beneath all elements of the underground storage tank systems, including tanks, piping and dispensers, for potential evidence of contamination from petroleum releases. A sufficient number of soil samples shall be collected to be representative of soil conditions around the underground storage

tank systems, and to assure, within practical limitations, that contamination is discovered, if present. In addition to soil samples, groundwater samples must be collected when groundwater is encountered during the process of soil sampling. Soil and groundwater sampling protocols, documentation and reporting requirements must conform to 40 CFR 280, Subparts E and F.

(ii) The site check must meet the provisions for minimum sampling requirements for USTs, dispensers and piping as defined for in-place closures in Sections R311-205-2(b)(2)(A), R311-205-2(b)(3)(A), and R311-205-2(b)(4)(A), respectively. Additional sampling may be required by the Executive Secretary based on review of the site check plan and site specific conditions.

(2) All technical services for tank tightness testing and site checks provided under Section R311-205-2(c) must be performed by appropriately qualified and certified individuals as defined in Section R311-201-2.

(d) Laboratory Analyses.

(1) Environmental samples which have been collected to determine levels of contamination from underground storage tanks shall be analyzed using appropriate laboratory methods as referenced in the March 31, 1999 "Table of Analytical Methods for Sampling", or as determined by the Executive Secretary.

(2) Environmental samples which have been collected to determine levels of contamination by gasoline shall be analyzed for total petroleum hydrocarbons (TPH as gasoline range organics C₆ - C₁₀), benzene, toluene, ethylbenzene, and xylenes and naphthalene (BTEXN), and for methyl tertiary butyl ether (MTBE).

(3) Environmental samples which have been collected to determine levels of contamination by diesel fuel shall be analyzed for total petroleum hydrocarbons (TPH as diesel range organics C₁₀ - C₂₈), benzene, toluene, ethylbenzene, xylenes and naphthalene (BTEXN).

(4) Environmental samples which have been collected to determine levels of contamination by used oil shall be analyzed for oil and grease (O and G) or total recoverable petroleum hydrocarbons (TRPH); and for benzene, toluene, ethylbenzene, xylenes, naphthalene (BTEXN); methyl tertiary butyl ether (MTBE); and halogenated organic compounds.

(5) Environmental samples which have been collected to determine levels of contamination by new oil shall be analyzed for oil and grease (O and G) or total recoverable petroleum hydrocarbons (TRPH).

(6) Environmental samples which have been collected to determine levels of contamination from underground storage tanks which contain substances other than or in addition to petroleum shall be analyzed for appropriate constituents as determined by the Executive Secretary.

(7) All laboratory sample results must be returned to the certified groundwater and soil sampler. Environmental samples shall be collected and transported under chain of custody according to EPA methods as approved by the Executive Secretary.

(8) ~~Practical Quantitation Limits (PQL's)~~ Reporting limits used by laboratories analyzing environmental samples taken under this rule ~~should~~ shall be below recommended cleanup levels for the contaminated media under study. ~~Also,~~ E ~~e~~ nvironmental samples ~~should~~ shall be analyzed with the least possible dilution to ensure ~~PQL's~~ reporting limits are below recommended cleanup levels to the extent possible. If more than one determinative analysis is performed on any given environmental sample, the final

dilution factor~~(s)~~ used and the ~~PQL~~ reporting limit must be reported by the laboratory. As an alternative to diluting environmental samples, the laboratory ~~should~~ shall consider using appropriate analytical cleanup methods and describe which analytical cleanup methods were used to eliminate or minimize matrix interference. Any analytical cleanup method used must not eliminate the contaminant of concern or target analyte.

(e) Recordkeeping.

(1) The certified groundwater and soil sampler shall record the approximate depth below grade and location of each and every sample collected to within one foot.

(2) A copy of the site plat, analytical laboratory results, chain of custody forms, and the closure notice as outlined in Section R311-204-4 shall be submitted to the Executive Secretary within 90 days after tank closure.

(3) Upon confirming a release, a site assessment report, an updated site plat, additional analytical laboratory results, chain of custody and any other applicable documentation required by 40 CFR 280, Subparts E and F, following any abatement, investigation or assessment, monitoring, remediation or corrective action activities, shall be submitted to the Executive Secretary within the specified time frames as outlined in compliance schedules.

KEY: hazardous substances, petroleum, underground storage tank*

1999

19-6-205

Notice of Continuation March 12, 1997

19-6-413



**End of the Notices of Changes in
Proposed Rules Section**

FIVE-YEAR NOTICES OF REVIEW AND STATEMENTS OF CONTINUATION

Within five years of an administrative rule's original enactment or last five-year review, the responsible agency is required to review the rule. This review is designed to remove obsolete rules from the *Utah Administrative Code*.

Upon reviewing a rule, an agency may: repeal the rule by filing a PROPOSED RULE; continue the rule as it is by filing a NOTICE OF REVIEW AND STATEMENT OF CONTINUATION (NOTICE); or amend the rule by filing a PROPOSED RULE and by filing a NOTICE. By filing a NOTICE, the agency indicates that the rule is still necessary.

NOTICES are not followed by the rule text. The rule text that is being continued may be found in the most recent edition of the *Utah Administrative Code*. The rule text may also be inspected at the agency or the Division of Administrative Rules. NOTICES are effective when filed. NOTICES are governed by *Utah Code* Section 63-46a-9 (1996).

Education, Administration

R277-609

Standards for School District Discipline
Plans

FIVE-YEAR NOTICE OF REVIEW AND STATEMENT OF CONTINUATION

DAR FILE NO.: 22313
FILED: 08/13/1999, 14:52
RECEIVED BY: NL

NOTICE OF REVIEW AND STATEMENT OF CONTINUATION

CONCISE EXPLANATION OF THE PARTICULAR STATUTORY PROVISIONS UNDER WHICH THE RULE IS ENACTED AND HOW THESE PROVISIONS AUTHORIZE OR REQUIRE THE RULE: Subsection 53A-1-402(1)(b) requires the State Board of Education to establish rules and minimum standards regarding discipline and control.

SUMMARY OF WRITTEN COMMENTS RECEIVED DURING AND SINCE THE LAST FIVE-YEAR REVIEW OF THE RULE FROM INTERESTED PERSONS SUPPORTING OR OPPOSING THE RULE: None.

REASONED JUSTIFICATION FOR CONTINUATION OF THE RULE, INCLUDING REASONS WHY THE AGENCY DISAGREES WITH COMMENTS IN OPPOSITION TO THE RULE, IF ANY: The rule is necessary because of the continuing statutory requirement to establish rules regarding discipline and control.

THE FULL TEXT OF THIS RULE MAY BE INSPECTED, DURING REGULAR BUSINESS HOURS, AT:

Education
Administration
250 East 500 South
Salt Lake City, UT 84111, or
at the Division of Administrative Rules.

DIRECT QUESTIONS REGARDING THIS RULE TO:

Carol B. Lear at the above address, by phone at (801) 538-7835, by FAX at (801) 538-7768, or Internet E-mail at clear@usoe.k12.ut.us.

AUTHORIZED BY: Carol B. Lear, Acting Coordinator, School Law

EFFECTIVE: 08/13/1999



Education, Administration

R277-800

Administration of the Utah School for
the Deaf and the Utah School for the
Blind

FIVE-YEAR NOTICE OF REVIEW AND STATEMENT OF CONTINUATION

DAR FILE NO.: 22314
FILED: 08/13/1999, 14:52
RECEIVED BY: NL

NOTICE OF REVIEW AND STATEMENT OF CONTINUATION

CONCISE EXPLANATION OF THE PARTICULAR STATUTORY PROVISIONS UNDER WHICH THE RULE IS ENACTED AND HOW THESE PROVISIONS AUTHORIZE OR REQUIRE THE RULE: Subsection 53A-25-107(3), which authorizes the State Board of Education to make rules regarding the internal management of the Utah School for the Deaf and for the Utah School for the Blind.

SUMMARY OF WRITTEN COMMENTS RECEIVED DURING AND SINCE THE LAST FIVE-YEAR REVIEW OF THE RULE FROM INTERESTED PERSONS SUPPORTING OR OPPOSING THE RULE: None.

REASONED JUSTIFICATION FOR CONTINUATION OF THE RULE, INCLUDING REASONS WHY THE AGENCY DISAGREES WITH COMMENTS IN OPPOSITION TO THE RULE, IF ANY: The rule is necessary because it provides operating standards for the Utah School for the Deaf and for the Utah School for the Blind.

THE FULL TEXT OF THIS RULE MAY BE INSPECTED, DURING REGULAR BUSINESS HOURS, AT:
Education
Administration
250 East 500 South
Salt Lake City, UT 84111, or
at the Division of Administrative Rules.

DIRECT QUESTIONS REGARDING THIS RULE TO:
Carol B. Lear at the above address, by phone at (801) 538-7835, by FAX at (801) 538-7768, or Internet E-mail at clear@usoe.k12.ut.us.

AUTHORIZED BY: Carol B. Lear, Acting Coordinator, School Law

EFFECTIVE: 08/13/1999

State Office of Rehabilitation holds hearings on a regular basis for which consistent procedures are essential.

THE FULL TEXT OF THIS RULE MAY BE INSPECTED, DURING REGULAR BUSINESS HOURS, AT:
Education
Applied Technology Education (Board for),
Rehabilitation
250 East 500 South
Salt Lake City, UT 84111, or
at the Division of Administrative Rules.

DIRECT QUESTIONS REGARDING THIS RULE TO:
Carol B. Lear at the above address, by phone at (801) 538-7835, by FAX at (801) 538-7768, or Internet E-mail at clear@usoe.k12.ut.us.

AUTHORIZED BY: Carol B. Lear, Acting Coordinator, School Law

EFFECTIVE: 08/13/1999



Education, Applied Technology
Education (Board for), Rehabilitation
R280-150
Adjudicative Proceedings Under the
Vocational Rehabilitation Act

**FIVE-YEAR NOTICE OF REVIEW AND
STATEMENT OF CONTINUATION**

DAR FILE NO.: 22315
FILED: 08/13/1999, 14:52
RECEIVED BY: NL

**NOTICE OF REVIEW AND
STATEMENT OF CONTINUATION**

CONCISE EXPLANATION OF THE PARTICULAR STATUTORY PROVISIONS UNDER WHICH THE RULE IS ENACTED AND HOW THESE PROVISIONS AUTHORIZE OR REQUIRE THE RULE: Subsection 63-46b-1(6) allows the State Board of Education to enact rules affecting or governing adjudicative proceedings.

SUMMARY OF WRITTEN COMMENTS RECEIVED DURING AND SINCE THE LAST FIVE-YEAR REVIEW OF THE RULE FROM INTERESTED PERSONS SUPPORTING OR OPPOSING THE RULE: None.

REASONED JUSTIFICATION FOR CONTINUATION OF THE RULE, INCLUDING REASONS WHY THE AGENCY DISAGREES WITH COMMENTS IN OPPOSITION TO THE RULE, IF ANY: The law continues to allow the State Board of Education to enact rules affecting or governing adjudicative proceedings. The

**End of the Five-Year Notices of Review
and Statements of Continuation Section**

**NOTICES OF
NONSUBSTANTIVE CHANGES
MADE BY THE
DIVISION OF ADMINISTRATIVE RULES**

Under authority of UTAH CODE Subsections 63-46a-10(2) and (3) the Division of Administrative Rules may make nonsubstantive changes to the text of the *Utah Administrative Code*. Specifically:

(2) The division may after notifying the agency make nonsubstantive changes to rules filed with the division or published in the bulletin or code by:

- (a) implementing a uniform system of formatting, punctuation, capitalization, organization, numbering, and wording;
- (b) correcting obvious errors and inconsistencies in punctuation, capitalization, numbering, referencing, and wording;
- (c) changing a catchline to more accurately reflect the substance of each section, part, rule, or title;
- (d) updating or correcting annotations associated with a section, part, rule, or title; and
- (e) merging or determining priority of any amendment, enactment, or repeal to the same rule or section made effective by an agency.

(3) In addition, the division may make the following nonsubstantive changes with the concurrence of the agency:

- (a) eliminate duplication within rules;
- (b) eliminate obsolete and redundant words; and
- (c) correcting defective or inconsistent section and paragraph structure in arrangement of the subject matter of rules.

UTAH CODE Subsection 63-46a-10(4) requires the Division to publish a list of all such changes made after publication of the rule in the *Utah State Bulletin*, giving the affected code citation, a brief description of the change, and the date the change was made. The table below also indicates whether the correction was made under authority of UTAH CODE Subsection 63-46a-10(2) or 63-46a-10(3).

CODE REF.	FILE NO.	DESCRIPTION OF CHANGE	DATE	AUTHORITY
R384-100	22221	The title catchline is being changed to reflect the current agency name in the Department of Health. The old title catchline was: "Community Health Services, Chronic Disease." The new title catchline is: "Community and Family Health Services, Chronic Disease."	08/03/99	63-46a-10(2)
R386-702	22222	The title catchline is being changed to reflect the current agency name in the Department of Health. The old title catchline was: "Community Health Services, Epidemiology." The new title catchline is: "Epidemiology and Laboratory Services, Epidemiology."	08/03/99	63-46a-10(2)
R386-703	22223	see note for DAR No. 22222	08/03/99	63-46a-10(2)

NOTICES OF NONSUBSTANTIVE CHANGES MADE BY THE DIVISION OF ADMINISTRATIVE RULES

CODE REF.	FILE NO.	DESCRIPTION OF CHANGE	DATE	AUTHORITY
R388-801	22224	The title catchline is being changed to reflect the current agency name in the Department of Health. The old title catchline was: "Community Health Services, HIV/AIDS Prevention and Control." The new title catchline is: "Community and Family Health Services, HIV/AIDS Prevention, Tuberculosis Control/Refugee Health."	08/03/99	63-46a-10(2)
R388-802	22225	see note for DAR No. 22224	08/03/99	63-46a-10(2)
R388-803	22226	see note for DAR No. 22224	08/03/99	63-46a-10(2)
R388-804	22227	see note for DAR No. 22224	08/03/99	63-46a-10(2)
R392-100	22228	The title catchline is being changed to reflect the current agency name in the Department of Health. The old title catchline was: "Community Health Services, Environmental Services." The new title catchline is: "Epidemiology and Laboratory Services, Environmental Services."	08/03/99	63-46a-10(2)
R392-200	22229	see note for DAR No. 22228	08/03/99	63-46a-10(2)
R392-300	22230	see note for DAR No. 22228	08/03/99	63-46a-10(2)
R392-301	22231	see note for DAR No. 22228	08/03/99	63-46a-10(2)
R392-302	22232	see note for DAR No. 22228	08/03/99	63-46a-10(2)
R392-400	22233	see note for DAR No. 22228	08/03/99	63-46a-10(2)
R392-401	22234	see note for DAR No. 22228	08/03/99	63-46a-10(2)
R392-402	22235	see note for DAR No. 22228	08/03/99	63-46a-10(2)
R392-501	22236	see note for DAR No. 22228	08/03/99	63-46a-10(2)
R392-502	22237	see note for DAR No. 22228	08/03/99	63-46a-10(2)
R392-510	22238	see note for DAR No. 22228	08/03/99	63-46a-10(2)
R396-100	22239	The title catchline is being changed to reflect the current agency name in the Department of Health. The old title catchline was: "Family Health Services, Child Health." The new title catchline is: "Community and Family Health Services, Immunization."	08/03/99	63-46a-10(2)
R398-1	22240	The title catchline is being changed to reflect the current agency name in the Department of Health. The old title catchline was: "Family Health Services, Children with Special Health Care Needs." The new title catchline is: "Community and Family Health Services, Children with Special Health Care Needs."	08/03/99	63-46a-10(2)
R398-2	22241	see note for DAR No. 22240	08/03/99	63-46a-10(2)

NOTICES OF NONSUBSTANTIVE CHANGES MADE BY THE DIVISION OF ADMINISTRATIVE RULES

CODE REF.	FILE NO.	DESCRIPTION OF CHANGE	DATE	AUTHORITY
R406-100	22242	The title catchline is being changed to reflect the current agency name in the Department of Health. The old title catchline was: "Family Health Services, WIC Services." The new title catchline is: "Community and Family Health Services, WIC Services."	08/03/99	63-46a-10(2)
R406-200	22243	see note for DAR No. 22242	08/03/99	63-46a-10(2)
R406-201	22244	see note for DAR No. 22242	08/03/99	63-46a-10(2)
R406-202	22245	see note for DAR No. 22242	08/03/99	63-46a-10(2)
R406-301	22246	see note for DAR No. 22242	08/03/99	63-46a-10(2)
R428-1	22247	The title catchline is being changed to reflect the current agency name in the Department of Health. The old title catchline was: "Health Data Analysis." The new title catchline is: "Center for Health Data, Health Care Statistics."	08/03/99	63-46a-10(2)
R428-2	22248	see note for DAR No. 22247	08/03/99	63-46a-10(2)
R428-5	22249	see note for DAR No. 22247	08/03/99	63-46a-10(2)
R428-10	22250	see note for DAR No. 22247	08/03/99	63-46a-10(2)
R428-11	22251	see note for DAR No. 22247	08/03/99	63-46a-10(2)
R428-12	22252	see note for DAR No. 22247	08/03/99	63-46a-10(2)
R428-13	22253	see note for DAR No. 22247	08/03/99	63-46a-10(2)
R428-20	22254	see note for DAR No. 22247	08/03/99	63-46a-10(2)
R436-1	22255	The title catchline is being changed to reflect the current agency name in the Department of Health. The old title catchline was: "Vital Records and Health Statistics." The new title catchline is: "Center for Health Data, Vital Records and Statistics."	08/03/99	63-46a-10(2)
R436-2	22256	see note for DAR No. 22255	08/03/99	63-46a-10(2)
R436-3	22257	see note for DAR No. 22255	08/03/99	63-46a-10(2)
R436-4	22258	see note for DAR No. 22255	08/03/99	63-46a-10(2)
R436-5	22259	see note for DAR No. 22255	08/03/99	63-46a-10(2)
R436-6	22260	see note for DAR No. 22255	08/03/99	63-46a-10(2)
R436-7	22261	see note for DAR No. 22255	08/03/99	63-46a-10(2)
R436-8	22262	see note for DAR No. 22255	08/03/99	63-46a-10(2)
R436-9	22263	see note for DAR No. 22255	08/03/99	63-46a-10(2)
R436-10	22264	see note for DAR No. 22255	08/03/99	63-46a-10(2)
R436-11	22265	see note for DAR No. 22255	08/03/99	63-46a-10(2)

NOTICES OF NONSUBSTANTIVE CHANGES MADE BY THE DIVISION OF ADMINISTRATIVE RULES

CODE REF.	FILE NO.	DESCRIPTION OF CHANGE	DATE	AUTHORITY
R436-12	22266	see note for DAR No. 22255	08/03/99	63-46a-10(2)
R436-13	22267	see note for DAR No. 22255	08/03/99	63-46a-10(2)
R436-14	22268	see note for DAR No. 22255	08/03/99	63-46a-10(2)
R436-15	22269	see note for DAR No. 22255	08/03/99	63-46a-10(2)
R436-16	22270	see note for DAR No. 22255	08/03/99	63-46a-10(2)
R436-17	22271	see note for DAR No. 22255	08/03/99	63-46a-10(2)
R438-10	22272	The title catchline is being changed to reflect the current agency name in the Department of Health. The old title catchline was: "Laboratory Services." The new title catchline is: "Epidemiology and Laboratory Services, Laboratory Services."	08/03/99	63-46a-10(2)
R438-12	22273	see note for DAR No. 22272	08/03/99	63-46a-10(2)
R438-13	22274	see note for DAR No. 22272	08/03/99	63-46a-10(2)
R444-1	22275	The title catchline is being changed to reflect the current agency name in the Department of Health. The old title catchline was: "Laboratory Services, Laboratory Improvement." The new title catchline is: "Epidemiology and Laboratory Services, Laboratory Improvement."	08/03/99	63-46a-10(2)
R444-11	22276	see note for DAR No. 22275	08/03/99	63-46a-10(2)
R444-14	22277	see note for DAR No. 22275	08/03/99	63-46a-10(2)

End of the Notices of Nonsubstantive Changes Made by the Division of Administrative Rules Section

NOTICES OF RULE EFFECTIVE DATES

These are the effective dates of PROPOSED RULES or CHANGES IN PROPOSED RULES published in earlier editions of the *Utah State Bulletin*. These effective dates are at least 31 days and not more than 120 days after the date the following rules were published.

Abbreviations

AMD = Amendment
CPR = Change in Proposed Rule
NEW = New Rule
R&R = Repeal and Reenact
REP = Repeal

Administrative Services

Facilities Construction and Management

No. 22104 (AMD): R23-1-17. Procurement of Construction.

Published: July 1, 1999

Effective: August 9, 1999

No. 22103 (NEW): R23-3. Authorization of Programs for Capital Development Projects.

Published: July 1, 1999

Effective: August 9, 1999

Commerce

Occupational and Professional Licensing

No. 22009 (CPR): R156-56. Utah Uniform Building Standard Act Rules.

Published: July 1, 1999

Effective: August 5, 1999

No. 22010 (CPR): R156-56. Utah Uniform Building Standard Act Rules.

Published: July 1, 1999

Effective: August 5, 1999

No. 22102 (AMD): R156-61-302a. Qualifications for Licensure - Education Requirements.

Published: July 1, 1999

Effective: August 5, 1999

Environmental Quality

Radiation Control

No. 22077 (AMD): R313-16. General Requirements Applicable to the installation, Registration, Inspection, and Use of Radiation Machines.

Published: June 15, 1999

Effective: August 13, 1999

No. 22078 (AMD): R313-28. Use of X-Rays in the Healing Arts.

Published: June 15, 1999

Effective: August 13, 1999

No. 22079 (AMD): R313-30. Therapeutic Radiation Machines.

Published: June 15, 1999

Effective: August 13, 1999

No. 22080 (AMD): R313-35. Requirements for X-Ray Equipment Used for Non-Medical Applications.

Published: June 15, 1999

Effective: August 13, 1999

No. 22081 (AMD): R313-70. Payments, Categories and Types of Fees.

Published: June 15, 1999

Effective: August 13, 1999

Health

Community Health Services, Chronic Disease

No. 21849 (CPR): R384-100. Cancer Reporting Rule.

Published: July 1, 1999

Effective: August 16, 1999

Human Services

Administration, Administrative Hearings

No. 22059 (AMD): R497-100. Adjudicative Proceedings.

Published: June 15, 1999

Effective: August 17, 1999

End of the Notices of Rule Effective Dates Section

RULES INDEX BY AGENCY (CODE NUMBER) AND BY KEYWORD (SUBJECT)

The *Rules Index* is a cumulative index that reflects all effective changes to Utah's administrative rules. The current *Index* lists changes made effective from January 2, 1999, including notices of effective date received through August 16, 1999, the effective dates of which are no later than September 1, 1999. The *Rules Index* is published in the *Utah State Bulletin* and in the annual *Index of Changes*. Nonsubstantive changes, while not published in the *Bulletin*, do become part of the *Utah Administrative Code (Code)* and are included in this *Index*, as well as 120-Day (Emergency) rules that do not become part of the *Code*. The rules are indexed by Agency (Code Number) and Keyword (Subject).

DAR NOTE: Because of space constraints, the Keyword Index is not included in this *Bulletin*.

A copy of the *Rules Index* is available for public inspection at the Division of Administrative Rules (4120 State Office Building, Salt Lake City, UT), or may be viewed online at the Division's web site (<http://www.rules.state.ut.us/>).

RULES INDEX - BY AGENCY (CODE NUMBER)

ABBREVIATIONS

AMD = Amendment	NSC = Nonsubstantive rule change
CPR = Change in proposed rule	REP = Repeal
EMR = Emergency rule (120 day)	R&R = Repeal and reenact
NEW = New rule	* = Text too long to print in <i>Bulletin</i> , or repealed text not printed in <i>Bulletin</i>
5YR = Five-Year Review	
EXD = Expired	

CODE REFERENCE	TITLE	FILE NUMBER	ACTION	EFFECTIVE DATE	BULLETIN ISSUE/PAGE
ADMINISTRATIVE SERVICES					
<u>Facilities Construction and Management</u>					
R23-1-17	Procurement of Construction	22104	AMD	08/09/99	99-13/6
R23-3	Authorization of Programs for Capital Development Projects	22103	NEW	08/09/99	99-13/7
R23-29	Across the Board Delegation	22041	5YR	05/11/99	99-11/75
<u>Finance</u>					
R25-5	Payment of Per Diem to Boards	21887	NSC	03/05/99	Not Printed
R25-5	Payment of Per Diem to Boards	22049	AMD	07/13/99	99-11/14
R25-7	Travel-Related Reimbursements for State Employees	21888	NSC	03/05/99	Not Printed
R25-8	Meal Allowance	21889	NSC	03/05/99	Not Printed
<u>Records Committee</u>					
R35-1	State Records Committee Appeal Hearing Procedures	21751	NEW	03/18/99	99-2/2
R35-2	Declining Appeal Hearings	22069	NEW	07/16/99	99-12/6
R35-3	Prehearing Conferences	22070	NEW	07/16/99	99-12/7

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R35-4	Compliance with State Records Committee Decisions and Orders	22071	NEW	07/16/99	99-12/8
R35-5	Subpoenas Issued by the Records Committee	22072	NEW	07/16/99	99-12/9
R35-6	Expedited Hearing	22073	NEW	07/16/99	99-12/10
AGRICULTURE AND FOOD					
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R51-5	Grazing Advisory Boards	21884	5YR	02/22/99	99-6/27
<u>Plant Industry</u>					
R68-15	Quarantine Pertaining to Japanese Beetle, (Popillia Japonica)	21701	AMD	01/15/99	98-24/8
R68-15	Quarantine Pertaining to Japanese Beetle, (Popillia Japonica)	21808	AMD	03/18/99	99-4/7
<u>Regulatory Services</u>					
R70-530-6	Water, Plumbing and Waste	22056	NSC	06/01/99	Not Printed
R70-630	Water Vending Machine	22057	AMD	07/06/99	99-11/19
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<u>Consumer Protection</u>					
R152-2-10	Deposits and Refunds	22032	AMD	08/02/99	99-11/23
R152-16	Motor Fuel Marketing Act Rules	22211	5YR	07/29/99	99-16/49
R152-21	Credit Services Organizations Act Rules	22212	5YR	07/29/99	99-16/49
<u>Occupational and Professional Licensing</u>					
R156-5a	Podiatric Physician Licensing Act Rules	21907	5YR	03/02/99	99-7/54
R156-24a	Physical Therapist Practice Act Rules	21716	AMD	see CPR	98-24/11
R156-24a	Physical Therapist Practice Act Rules	21716	CPR	03/09/99	99-3/56
R156-28	Veterinary Practice Act Rules	21753	AMD	02/18/99	99-2/3
R156-31b	Nurse Practice Act Rules	21903	AMD	04/15/99	99-6/4
R156-37c	Utah Controlled Substance Precursor Act Rules	21908	5YR	03/02/99	99-7/54
R156-39a	Alternative Dispute Resolution Providers Certification Act Rules	21905	5YR	03/01/99	99-6/27
R156-44a	Nurse Midwife Practice Act Rules	22200	5YR	07/22/99	99-16/50
R156-50	Private Probation Provider Licensing Act Rules	21822	AMD	03/18/99	99-4/9
R156-50-502	Unprofessional Conduct	21927	NSC	03/29/99	Not Printed
R156-55a	Utah Construction Trades Licensing Act Rules	22084	AMD	07/19/99	99-12/11
R156-56	Utah Uniform Building Standard Act Rules	22008	AMD	07/01/99	99-10/5
R156-56	Utah Uniform Building Standard Act Rules	22009	AMD	see CPR	99-10/19
R156-56	Utah Uniform Building Standard Act Rules	22009	CPR	08/05/99	99-13/28
R156-56	Utah Uniform Building Standard Act Rules	22010	AMD	see CPR	99-10/21
R156-56	Utah Uniform Building Standard Act Rules	22010	CPR	08/05/99	99-13/29
R156-60a	Social Worker Licensing Act Rules	22085	AMD	07/19/99	99-12/12

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R156-61-302a	Qualifications for Licensure - Education Requirements	22102	AMD	08/05/99	99-13/12
R156-62-302	Qualifications for Registration	21899	AMD	04/15/99	99-6/6
R156-62-302	Qualifications for Registration	21971	NSC	05/01/99	Not Printed
R156-63	Security Personnel Licensing Act Rules	21855	AMD	04/01/99	99-5/7
R156-74	Certified Shorthand Reporters Licensing Act Rules	21812	NEW	03/18/99	99-4/12
R156-78	Rules of the Certified Shorthand Reporters Licensing Board	21813	REP	03/18/99	99-4/13
<u>Real Estate</u>					
R162-2-2	Licensing Procedure	21967	AMD	06/03/99	99-9/3
R162-6	Licensee Conduct	21968	AMD	06/03/99	99-9/4
R162-9	Continuing Education	21969	AMD	06/03/99	99-9/10
R162-101	Authority and Definitions	22000	EMR	05/03/99	99-10/90
R162-101-2	Definitions	22060	AMD	07/16/99	99-12/25
R162-102	Licensing Procedures	22001	EMR	05/03/99	99-10/91
R162-102	Licensing Procedures	21915	AMD	06/10/99	99-7/5
R162-102	Licensing Procedures	22061	AMD	07/16/99	99-12/27
R162-103	Appraisal Education Requirements for Prelicense and Continuing Education Course, School and Instructor Certification	22002	EMR	05/03/99	99-10/94
R162-103	Appraisal Education Requirements for Prelicense and Continuing Education Course, School and Instructor Certification	22062	AMD	07/16/99	99-12/29
R162-104	Experience Requirement	22003	EMR	05/03/99	99-10/98
R162-104	Experience Requirement	22063	AMD	07/16/99	99-12/33
R162-105	Scope of Authority	22004	EMR	05/03/99	99-10/100
R162-105	Scope of Authority	22064	NEW	07/16/99	99-12/36
R162-106	Professional Conduct	22005	EMR	05/03/99	99-10/102
R162-106	Professional Conduct	22065	AMD	07/16/99	99-12/37
R162-107	Unprofessional Conduct	22006	EMR	05/03/99	99-10/104
R162-107	Unprofessional Conduct	22066	AMD	07/16/99	99-12/39
R162-109	Administrative Proceedings	22007	EMR	05/03/99	99-10/105
R162-109	Administrative Proceedings	22067	AMD	07/16/99	99-12/40
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R251-103	Undercover Roles of Offenders	21858	5YR	02/12/99	99-5/57
R251-105	Applicant Qualifications for Employment with Department of Corrections	21828	5YR	02/01/99	99-4/65
R251-105	Applicant Qualifications for Employment with Department of Corrections	21829	AMD	03/29/99	99-4/15
R251-105	Applicant Qualifications for Employment with Department of Corrections	21925	NSC	03/29/99	Not Printed

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R277-102	Adjudicative Proceedings	21893	5YR	02/26/99	99-6/28
R277-105	Recognizing Constitutional Freedoms in the Schools	22173	5YR	07/06/99	99-15/58
R277-413	Accreditation of Secondary Schools, Alternative or Special Purpose Schools	21823	NEW	03/22/99	99-4/16
R277-425	Budgeting, Accounting, and Auditing for Utah School Districts	21894	5YR	02/26/99	99-6/28
R277-436	Gang Prevention and Intervention Programs in the Schools	21902	AMD	04/15/99	99-6/12
R277-437	Student Enrollment Options	21677	NEW	01/05/99	98-23/4
R277-438	Dual Enrollment	22105	5YR	06/08/99	99-13/37
R277-455	Standards and Procedures for Building Plan Review	21895	5YR	02/26/99	99-6/29
R277-458	70% Utilization of School Buildings	22024	EMR	04/30/99	99-10/107
R277-458	70% Utilization of School Buildings	22025	REP	06/15/99	99-10/30
R277-462	Comprehensive Guidance Program	22097	AMD	07/19/99	99-12/42
R277-470	Distribution of Funds for Charter Schools	21773	NSC	01/27/99	Not Printed
R277-503	An Alternative Preparation for Teaching Program	21972	AMD	06/03/99	99-9/13
R277-519	Educator In-service Procedures and Credit	21824	AMD	03/22/99	99-4/19
R277-601	Standards for Utah School Buses and Operations	21896	5YR	02/26/99	99-6/29
R277-609	Standards for School District Discipline Plans	22313	5YR	08/13/99	99-17/128
R277-702	Procedures for the Utah General Educational Development Certificate	21825	AMD	03/22/99	99-4/20
R277-709	Education Programs Serving Youth in Custody	22098	AMD	07/19/99	99-12/44
R277-712	Advanced Placement Programs	21897	5YR	02/26/99	99-6/30
R277-716	Alternative Language Services (ALS)	21973	AMD	06/03/99	99-9/15
R277-733	Adult Basic Skills and Adult High School Programs	21826	AMD	03/22/99	99-4/22
R277-734	Standards and Procedures for Adult Education Section 353 Funds	21898	5YR	02/26/99	99-6/30
R277-735	Standards and Procedures for Corrections Education Programs Serving Inmates of the Utah Department of Corrections	21678	NEW	01/05/99	98-23/6
R277-746	Driver Education Programs for Utah Schools	22099	AMD	07/19/99	99-12/45
R277-800	Administration of the Utah School for the Deaf and the Utah School for the Blind	22314	5YR	08/13/99	99-17/128
R277-916	Technology, Life, and Careers, and Work-Based Learning Programs	22100	NEW	07/19/99	99-12/46

CODE REFERENCE	TITLE	FILE NUMBER	ACTION	EFFECTIVE DATE	BULLETIN ISSUE/PAGE
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R280-201	USOR ADA Complaint Procedure	21679	NEW	01/05/99	98-23/8
R280-202	USOR Procedures for Individuals with the Most Severe Disabilities	21680	NEW	01/05/99	98-23/10
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<u>Air Quality</u>					
R307-12 (Changed to R307-205)	Fugitive Emissions and Fugitive Dust	21697	AMD	see CPR	98-24/12
R307-12 (Changed to R307-205)	Emission Standards: Fugitive Emissions and Fugitive Dust	21697	CPR	05/04/99	99-7/44
R307-101-2	Definitions	21588	AMD	01/07/99	98-22/49
R307-101-2	Definitions	21782	AMD	04/08/99	99-3/4
R307-101-2	Definitions	21851	AMD	05/06/99	99-5/9
R307-150	Periodic Inventories	21590	REP	03/04/99	98-22/55
R307-150	Emission Inventories	21591	NEW	see CPR	98-22/56
R307-150	Emission Inventories	21591	CPR	03/04/99	99-3/57
R307-155	Emission Inventories	21592	REP	03/04/99	99-22/60
R307-155	Hazardous Air Pollutant Inventory	21593	NEW	see CPR	98-22/62
R307-155	Hazardous Air Pollutant Inventory	21593	CPR	03/04/99	99-3/59
R307-158	Emission Statement Inventory	21594	NEW	see CPR	98-22/64
R307-158	Emission Statement Inventory	21594	CPR	03/04/99	99-3/60
R307-170	Continuous Emission Monitoring Program	21504	R&R	see CPR	98-20/5
R307-170	Continuous Emission Monitoring Program	21504	CPR	04/01/99	99-5/51
R307-202-5	Permissible Burning - With Permit	22043	AMD	07/15/99	99-11/24
R307-210-1	Standards of Performance for New Stationary Sources (NSPS)	22044	AMD	07/15/99	99-11/25
R307-214	National Emission Standards for Hazardous Air Pollutants	21844	5YR	02/03/99	99-5/57
R307-221	Emission Standards: Emission Controls for Existing Municipal Solid Waste Landfills	21595	AMD	01/07/99	98-22/66
R307-221	Emission Controls for Existing Municipal Solid Waste Landfills	21850	NSC	02/27/99	Not Printed
R307-302-2	No-Burn Periods for PM10	21570	AMD	01/07/99	98-22/67
R307-309	Davis, Salt Lake, and Utah Counties, Ogden City and Any Nonattainment Area for PM10: Fugitive Emissions and Fugitive Dust	21698	NEW	see CPR	98-24/15
R307-309	Davis, Salt Lake, and Utah Counties, Ogden City and Any Nonattainment Area for PM10: Fugitive Emissions and Fugitive Dust	21698	CPR	05/04/99	99-7/46
R307-328	Davis and Salt Lake Counties and Ozone Nonattainment Areas: Gasoline Transfer and Storage	21949	AMD	07/15/99	99-9/18

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CODE REFERENCE	TITLE	FILE NUMBER	ACTION	EFFECTIVE DATE	BULLETIN ISSUE/PAGE
R307-342	Davis and Salt Lake Counties and Ozone Nonattainment Areas: Qualification of Contractors, Test Procedures for Testing of Vapor Recovery Systems for Gasoline Delivery Tanks	21950	AMD	07/15/99	99-9/21
R307-343	Davis and Salt Lake Counties and Ozone Nonattainment Areas: Emission Standards for Wood Furniture Manufacturing Operations	21727	NEW	see CPR	98-24/18
R307-343	Davis and Salt Lake Counties and Ozone Nonattainment Areas: Emission Standards for Wood Furniture Manufacturing Operations	21727	CPR	06/02/99	99-9/95
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R657-5	Taking Big Game	22076	AMD	07/16/99	99-12/87
R657-14	Commercial Harvesting of Protected Aquatic Wildlife	21937	AMD	05/18/99	99-8/25
R657-27	License Agent Procedures	21827	AMD	03/18/99	99-4/51
R657-33	Taking Bear	21938	AMD	05/18/99	99-8/33
R657-37	Cooperative Wildlife Management Units for Big Game	22027	5YR	05/03/99	99-11/75
R657-37	Cooperative Wildlife Management Units for Big Game	21939	AMD	05/18/99	99-8/39
R657-38	Dedicated Hunter Program	21719	AMD	01/15/99	98-24/107
R657-41	Conservation and Sportsman Permits	21940	AMD	05/18/99	99-8/45
R657-42	Exchanges, Surrenders, Refunds and Reallocation of Licenses, Certificates of Registration and Permits	21720	AMD	01/15/99	98-24/109
R657-43	Landowner Permits	21721	AMD	01/15/99	98-24/110

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R686-100	Professional Practices Advisory Commission, Rules of Procedure: Complaints and Hearings	21921	AMD	05/06/99	99-7/31
R686-103	Professional Practices and Conduct for Utah Educators	21922	NEW	05/06/99	99-7/40
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R698-4	Certification of the Law Enforcement Agency of a Private College or University	21779	NEW	03/05/99	99-3/33
R698-4	Certification of the Law Enforcement Agency of a Private College or University	21913	NSC	04/01/99	Not Printed
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R708-2	Commercial Driver Training Schools	21579	R&R	see CPR	98-22/115
R708-2	Commercial Driver Training Schools	21579	CPR	03/18/99	99-4/61
R708-30	Motorcycle Rider Training Schools	21881	5YR	02/17/99	99-6/32
R708-30	Motorcycle Rider Training Schools	21933	R&R	05/18/99	99-8/48
<u>Fire Marshal</u>					
R710-1	Concerns Servicing Portable Fire Extinguishers	21708	AMD	01/15/99	98-24/112
R710-3	Assisted Living Facilities	21709	AMD	01/15/99	98-24/116
R710-4	Buildings Under the Jurisdiction of the State Fire Prevention Board	21710	AMD	01/15/99	98-24/117
R710-6	Liquefied Petroleum Gas Rules	21733	AMD	02/02/99	99-1/17
R710-8	Day Care Rules	21712	AMD	see CPR	98-24/120
R710-8	Day Care Rules	21712	CPR	02/23/99	99-2/88
R710-9	Rules Pursuant to the Utah Fire Prevention Law	21901	AMD	04/19/99	99-6/21
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R714-500	Chemical Analysis Standards and Training	21945	NSC	05/01/99	Not Printed
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<u>Law Enforcement and Technical Services, Regulatory Licensing</u>					
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R746-365	Intercarrier Service Quality	20997	CPR	01/13/99	98-18/39
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R746-365-4	Service Quality Guidelines	21879	AMD	06/01/99	99-5/42
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R765-607	Utah Higher Education Tuition Assistance Program	21673	NEW	01/04/99	98-23/38
R765-607	Utah Higher Education Tuition Assistance Program	21771	NSC	01/27/99	Not Printed
R765-685	Utah Educational Savings Plan Trust	21674	AMD	01/04/99	98-23/40
<u>Salt Lake Community College</u>					
R784-1	Government Records Access and Management Act Rules	21820	NEW	03/18/99	99-4/57
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R807-1	Curation of Collections from State Lands	21966	NEW	06/03/99	99-9/86
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R850-20-175	Coal Leasing of Lands Acquired in Public Law 105-335 Exchanges	21909	EXP	03/03/99	99-7/52
R850-40-1600	Easement Assignments	21932	AMD	05/18/99	99-8/58
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R865-6F-34	Qualified Subchapter S Subsidiaries Pursuant to Utah Code Ann. Section 59-7-701	21760	AMD	03/16/99	99-2/58
R865-6F-35	S Corporation Determination of Tax Pursuant to Utah Code Ann. Section 59-7-703	21761	AMD	03/16/99	99-2/59
DAR Note: The following three sections will be combined to create one new rule, "R865-7H. Environmental Assurance Fee."					
R865-7H-1	Environmental Assurance Fee for Retailers or Consumers Not Participating in the Environmental Assurance Program Pursuant to Utah Code Ann. Section 19-6-410.5	21737	NEW	03/16/99	99-1/22
R865-7H-2	Environmental Assurance Fee on Packaged Petroleum Products Pursuant to Utah Code Ann. Section 19-6-410.5	21738	NEW	03/16/99	99-1/24
R865-7H-3	Environmental Assurance Fee on Exports of Petroleum Products Pursuant to Utah Code Ann. Section 19-6-410.5	21739	NEW	03/16/99	99-1/24
R865-13G-14	Environmental Assurance Fee Pursuant to Utah Code Ann. Section 19-6-410.5	21740	AMD	04/28/99	99-1/25
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R873-22M-20	Aircraft Regulation Pursuant to Utah Code Ann. Sections 2-1-7, 2-1-7.5, 2-1-7.6, and 2-1-7.7	21997	AMD	06/21/99	99-10/88

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R884-24P-52	Criteria for Determining Primary Residence Pursuant to Utah Code Ann. Sections 59-2-102 and 59-2-103	21326	AMD	see CPR	98-16/58
R884-24P-52	Criteria for Determining Primary Residence Pursuant to Utah Code Ann. Sections 59-2-102 and 59-2-103	21326	CPR	01/12/99	98-23/46
R884-24P-53	1999 Valuation Guides for Valuation of Land Subject to the Farmland Assessment Act Pursuant to Utah Code Ann. Section 59-2-515	21777	EMR	01/12/99	99-3/64
R884-24P-53	1999 Valuation Guides for Valuation of Land Subject to the Farmland Assessment Act Pursuant to Utah Code Ann. Section 59-2-515	21789	AMD	03/16/99	99-3/46
R884-24P-61	1.5 Percent Uniform Fee on Tangible Personal Property Required to be Registered with the State Pursuant to Utah Code Ann. Sections 41-1a-202, 59-2-104, 59-2-401, 59-2-402, and 59-2-405	21762	AMD	03/16/99	99-2/60
R884-24P-63	Performance Standards and Training Requirements Pursuant to Utah Code Ann. Section 59-2-406	21676	AMD	03/16/99	98-23/42
R884-24P-64	Determination and Application of Taxable Value for Purposes of the Property Tax Exemption for Disabled Veterans and the Blind Pursuant to Utah Code Ann. Section 59-2-1104 and 59-2-1106	21998	AMD	06/21/99	99-10/89
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R909-75	Safety Regulations for Motor Carriers Transporting Hazardous Materials and/or Hazardous Wastes	21780	AMD	05/04/99	99-3/49
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R912-3	Restriction of Truck Traffic on SR-128. Legal and Permitted Vehicles	21799	NSC	01/27/99	Not Printed
R912-4	Limitation of Special Permit Vehicles in Provo Canyon. Legal and Permitted Vehicles	21819	REP	06/01/99	99-4/58
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R986-414	Income	21763	AMD	04/08/99	99-2/64
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R986-420	Maximum Allotments	21707	AMD	01/20/99	98-24/125
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R994-311	Governmental Units	22199	5YR	07/20/99	99-16/52
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R994-405	Ineligibility for Benefits	21747	NSC	02/20/99	Not Printed
R994-600	Dislocated Workers	21770	AMD	03/05/99	99-3/51