

UTAH STATE BULLETIN

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Inquiries concerning administrative rules or other contents of the *Bulletin* may be addressed to the responsible agency or to: Division of Administrative Rules, 4120 State Office Building, Salt Lake City, Utah 84114, 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.utah.gov/>

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Division of Administrative Rules, Salt Lake City 84114

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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 March 3, 2009, 12:00 a.m., and March 16, 2009, 11:59 p.m. are included in this, the April 1, 2009, 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 Rules being repealed are completely struck out.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 between paragraphs (.) indicates that unaffected text from within a section was removed to conserve space. Unaffected sections are not printed. If a PROPOSED RULE is too long to print, the Division of Administrative Rules will include only the RULE ANALYSIS. A copy of each rule that is 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 May 1, 2009. 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 63G-3-302 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 July 30, 2009, 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 seven calendar days after the close of the public comment period 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 Section 63G-3-301; and 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.

**Commerce, Occupational and
Professional Licensing
R156-31c
Nurse Licensure Compact Rules**

NOTICE OF PROPOSED RULE

(Amendment)
DAR FILE NO.: 32430
FILED: 03/05/2009, 10:05

RULE ANALYSIS

PURPOSE OF THE RULE OR REASON FOR THE CHANGE: The Division is proposing amendments to this rule to reflect changes made by other Compact States and the model Nurse Licensure Compact Rule. The concepts covered in the proposed amendments have been policies with the Nurse Licensure Compact Administrators and hence have been followed for a number of years. Because the rule addresses the implementation of an interstate compact, all states that have adopted the compact language must also adopt the same rule. The proposed amendments reflect changes in the database and several years of experience implementing and maintaining the operation of the Compact. Also, clean-up changes were made to the term "rules" which is changed to "rule".

SUMMARY OF THE RULE OR CHANGE: Throughout the rule, the term "rules" has been replaced with "rule" where applicable. Subsection R156-31c-102(2) is deleted as the phrase "current investigative information" is defined in the governing statute and does not need further clarification in this rule. In Section R156-31c-201, amendments add military identification that can be used to verify primary state of residence; clarify how a person on a visa can be issued a license and declaration of state of residence; and clarify how licenses are to be marked that do not have the multi-state practice privilege. Such licenses shall be issued as valid only in the state that issues the license. Added Subsection R156-31c-302(2) which provides a mechanism by which a license which has been revoked, suspended, surrendered or an application denied for cause, can only be issued a single state license until the action would have been cleared by the original state of licensure.

STATE STATUTORY OR CONSTITUTIONAL AUTHORIZATION FOR THIS RULE: Section 58-31c-103 and Subsection 58-1-106(1)(a)

ANTICIPATED COST OR SAVINGS TO:

❖ **THE STATE BUDGET:** The Division will incur minimal costs of approximately \$50 to reprint the rule once the proposed amendments are made effective. Any costs incurred will be absorbed in the Division's current budget. The additional language reflects concepts already in place with the Nurse Licensure Compact Administrators (NLCA) policy book. It was determined the language had a substantial impact on a person's ability to be licensed and to practice; therefore, the provisions belonged in the rule and not just policy. Any changes required in the Division as a result of the proposed amendments should be minimal.

❖ **LOCAL GOVERNMENTS:** There should be little to no effect on local government. If a local government is already using nurses with a multistate practice privilege, the proposed amendments will not affect that relationship.

❖ **SMALL BUSINESSES AND PERSONS OTHER THAN BUSINESSES:** The proposed amendments simply move policy statements into the rule which have been in place for a number of years. Adding the language to the rule will not affect the manner in which the NLCA functions or how a multistate license will be issued. Those individuals already affected by the Nurse Licensure Compact will not experience any change as this filing codifies existing policy into a rule.

COMPLIANCE COSTS FOR AFFECTED PERSONS: There should be no compliance costs to anyone as a result of the proposed amendments because the language being added just moves policy into the rule where it appropriately belongs.

COMMENTS BY THE DEPARTMENT HEAD ON THE FISCAL IMPACT THE RULE MAY HAVE ON BUSINESSES: This rule filing codifies existing Division policies under the Nurse Licensure Compact Rule. No fiscal impact to businesses is anticipated. Francine A. Giani, Executive Director

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

**COMMERCE
OCCUPATIONAL AND PROFESSIONAL LICENSING
HEBER M WELLS BLDG
160 E 300 S
SALT LAKE CITY UT 84111-2316, or
at the Division of Administrative Rules.**

DIRECT QUESTIONS REGARDING THIS RULE TO:

Laura Poe at the above address, by phone at 801-530-6789, by FAX at 801-530-6511, or by Internet E-mail at lpoe@utah.gov

INTERESTED PERSONS MAY PRESENT THEIR VIEWS ON THIS RULE BY SUBMITTING WRITTEN COMMENTS TO THE ADDRESS ABOVE NO LATER THAN 5:00 PM on 05/01/2009.

THIS RULE MAY BECOME EFFECTIVE ON: 05/08/2009

AUTHORIZED BY: F. David Stanley, Director

**R156. Commerce, Occupational and Professional Licensing.
R156-31c. Nurse Licensure Compact Rule[s].
R156-31c-101. Title.**

Th[ese] rule[s] are known as the "Nurse Licensure Compact Rule[s]".

R156-31c-102. Definitions.

In addition to the definitions in Title 58, Chapters 1 and 31c, as used in Title 58, Chapter 31c or th[ese] rule[s]:

(1) "Board", as used in th[ese] rule[s], means the party state's regulatory body responsible for issuing nurse licenses.

(2) ["Current significant investigative information", as used in these rules, is defined in Section 58-31c-102.

~~(3)~~ "Information system", as used in ~~th[ese]is rule[s]~~, means the coordinated licensure information system as defined in Section 58-31c-102.

~~(4)~~ "Primary state of residence", as used in ~~th[ese]is rule[s]~~, means the state of a person's declared fixed permanent and principal home for legal purposes; domicile.

~~(5)~~ "Public", as used in ~~th[ese]is rule[s]~~, means any individual or entity other than designated staff or representatives of party state Boards or the National Council of State Boards of Nursing, Inc.

R156-31c-103. Authority - Purpose.

~~Th[ese]is rule[s-are] is~~ adopted by the Division under the authority of Subsection 58-1-106(1) to enable the Division to administer Title 58, Chapter 31c.

R156-31c-201. Issuing a License.

(1) As of July 1, 2005 no applicant for initial licensure will be issued a compact license granting a multi-state privilege to practice unless the applicant first obtains a passing score on the applicable NCLEX examination or any predecessor examination used for licensure.

(2) A nurse applying for a license in a home party state shall produce evidence of the nurse's primary state of residence. Such evidence shall include a declaration signed by the licensee. Further evidence that may be requested may include:

(a) driver's license with a home address;
 (b) voter registration card displaying a home address;~~[-or]~~
 (c) federal income tax return declaring the primary state of residence~~[-];~~

~~(d) military form no. 2058 - state of legal residence certificate;~~
~~or~~

~~(e) W-2 form from the United States government or any bureau, division or agency thereof indicating the declared state of residence.~~

~~(3) A nurse on a visa from another country applying for licensure in a party state may declare either the country of origin or the party state as the primary state of residence. If the foreign country is declared the primary state of residence, a single state license will be issued by the party state.~~

~~(4) A license issued by a party state is valid for practice in all other party states unless clearly designated as valid only in the state which issued the license.~~

~~(5) When a party state issues a license authorizing practice only in that state and not authorizing practice in other party states (i.e. a single state license), the license shall be clearly marked with words indicating that it is valid only in the state of issuance.~~

~~(3)~~ A nurse changing primary state of residence, from one party state to another party state, may continue to practice under the former home state license and multi-state privilege during the processing of the nurse's licensure application in the new home state for a period not to exceed 30 days.

~~(4)~~ The licensure application in the new home state of a nurse under pending investigation by the former home state shall be held in abeyance and the 30 day period in Subsection (2) shall be stayed until resolution of the pending investigation.

~~(5)~~ The former home state license shall be expired and no longer valid upon the issuance of a new home state license.

~~(6)~~ If a decision is made by the new home state denying licensure the new home state shall notify the former home state

within ten business days and the former home state shall take action in accordance with that state's laws and rules.

R156-31c-302. Limitations on Multi-state Licensure Privilege - Discipline.

(1) Home state Boards shall include in all licensure disciplinary orders and stipulation agreements that limit practice or require monitoring the requirement that the licensee subject to said order or stipulation will agree to limit the licensee's practice to the home state during the pendency of the order or stipulation. This requirement may, in the alternative, allow the nurse to practice in other party states with prior written authorization from both the home state and such other party state Boards.

(2) An individual who had a license which was surrendered, revoked, suspended, or an application denied for cause in a prior state of residence may be issued a single state license in a new primary state of residence until such time as the individual would be eligible for an unrestricted license by the prior state(s) of adverse action. Once eligible for licensure in the prior state, a multistate license may be issued.

KEY: nurses, licensing

Date of Enactment or Last Substantive Amendment:
~~[September 19, 2005]~~2009

Notice of Continuation: November 29, 2004

Authorizing, and Implemented or Interpreted Law: 58-31c-103; 58-1-106(1)(a)



Commerce, Occupational and Professional Licensing **R156-55a** Utah Construction Trades Licensing Act Rule

NOTICE OF PROPOSED RULE

(Amendment)

DAR FILE NO.: 32438

FILED: 03/12/2009, 09:32

RULE ANALYSIS

PURPOSE OF THE RULE OR REASON FOR THE CHANGE: The Division and Construction Services Commission are proposing amendments to the rule to make some technical changes.

SUMMARY OF THE RULE OR CHANGE: In Subsection R156-55a-302c(1), provides that a new applicant as a qualifier for a I103 Electrical Trades Instruction Facility shall be licensed as either a master electrician or a residential master electrician. Amendment to Subsection R156-55a-302c(2) provides that a new applicant as a qualifier for a I104 Plumbing Trades Instruction Facility shall be licensed as either a master plumber or a residential master plumber. These amendments are being proposed due to a recent statutory amendment in H.B. 401, 2008 Legislative General Session, which created the master plumber classification as the highest level of

licensure. Changes are made to both electrical and plumbing instructor qualifier requirements to be consistent. The instructor should be licensed at the most qualified level. In Section R156-55a-306, amendments proposed are a technical correction to clarify what items in the former Subsection (2) can be considered when a new entity is applying for licensure.

An applicant argued that the way Subsection (2) was written, unless a new entity has had financial problems, the Division cannot consider the owner's prior history even if there has been a Residence Lien Recovery payout or other similar failures. Section R156-55a-602 is being added to clarify what types of insurance companies can issue acceptable bonds and to clarify the amount of the bond that is acceptable. This requirement has been used in the contractor application forms for years but has never been placed in the rule. (DAR NOTE: H.B. 401 (2008) is found at Chapter 215, Laws of Utah 2008, and was effective 05/05/2008.)

STATE STATUTORY OR CONSTITUTIONAL AUTHORIZATION FOR THIS RULE: Section 58-55-101 and Subsections 58-1-106(1)(a), 58-1-202(1)(a), 58-55-308(1), 58-55-102(35), 58-55-501(21)

ANTICIPATED COST OR SAVINGS TO:

❖ THE STATE BUDGET: The Division will incur minimal costs of approximately \$100 to reprint the rule once the proposed amendments are made effective. Any costs incurred will be absorbed in the Division's current budget.

❖ LOCAL GOVERNMENTS: The proposed amendments will not apply to local governments; proposed amendments will only apply to persons or companies applying for licensure as a contractor in Utah.

❖ SMALL BUSINESSES AND PERSONS OTHER THAN BUSINESSES: Since the proposed amendments are primarily technical changes, the Division does not anticipate any significant impact to either small businesses or persons other than businesses who may apply for licensure as a contractor. The bond requirements have been used for sometime, but the requirements have not been placed in the rule as they should have been.

COMPLIANCE COSTS FOR AFFECTED PERSONS: Since the proposed amendments are primarily technical changes, the Division does not anticipate any significant impact to any affected persons who may apply for licensure as a contractor.

COMMENTS BY THE DEPARTMENT HEAD ON THE FISCAL IMPACT THE RULE MAY HAVE ON BUSINESSES: This rule filing conforms the instructor licensure provisions for plumbers and electricians to new statutory changes, clarifies the financial responsibility provision and adopts by rule the existing practice regarding contractor license bonds. No fiscal impact to businesses is anticipated from this filing. Francine A. Giani, Executive Director

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

COMMERCE
OCCUPATIONAL AND PROFESSIONAL LICENSING
HEBER M WELLS BLDG
160 E 300 S
SALT LAKE CITY UT 84111-2316, 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 dansjones@utah.gov

INTERESTED PERSONS MAY PRESENT THEIR VIEWS ON THIS RULE BY SUBMITTING WRITTEN COMMENTS TO THE ADDRESS ABOVE NO LATER THAN 5:00 PM on 05/01/2009

INTERESTED PERSONS MAY ATTEND A PUBLIC HEARING REGARDING THIS RULE: 4/29/2009 at 9:00 AM, Heber Wells Bldg, 160 E 300 S, Conference Room 474, Salt Lake City, UT.

THIS RULE MAY BECOME EFFECTIVE ON: 05/08/2009

AUTHORIZED BY: F. David Stanley, Director

R156. Commerce, Occupational and Professional Licensing.

R156-55a. Utah Construction Trades Licensing Act Rule.

R156-55a-302c. Qualifications for Licensure Requiring Licensure in a Prerequisite Classification.

(1) Beginning at the effective date of this rule, e[~~E~~]ach new applicant as a qualifier for licensure as a I103 Electrical Trades Instruction Facility shall also be licensed as [either] a [journeyman ~~or~~] master electrician or a [residential journeyman ~~or~~] residential master electrician.

(2) Beginning at the effective date of this rule, e[~~E~~]ach new applicant as a qualifier for licensure as a I104 Plumbing Trades Instruction Facility shall also be licensed as [either] a [journeyman] master plumber or a residential [journeyman] master plumber.

R156-55a-306. Contractor Financial Responsibility - Division Audit.

In accordance with Subsections 58-55-306(2) and 58-55-102(16), the Division may consider various relevant factors in conducting an audit of the demonstration of financial responsibility including:

(1)(a) judgments, tax liens, collection actions, bankruptcy schedules and a history of late payments to creditors, including documentation showing the resolution of each of the above actions;

(b) the applicant's or licensee's financial statements and tax returns, including the ability to prepare or have prepared competent and current financial statements and tax returns;

(c) an acceptable current credit report of the applicant or licensee which meets the following requirements:

(i) for individuals:

(A) a credit report from each of the three national reporting agencies, Trans Union, Experian, and Equifax; or

(B) a merged credit report of the agencies identified in Subsection (A) prepared by the National Association of Credit Managers (NACM); or

(ii) for entities, a business credit report such as an Experian Business Credit Report or a Dun and Bradstreet Report;

(d) the applicant's or licensee's explanation of the reasons for any financial difficulties and how the financial difficulties were resolved; ~~and~~

(e) any of the factors listed in Subsection R156-1-302 which may relate to failure to maintain financial responsibility[-];

~~[(2) If the applicant or licensee has an inadequate financial history, the Division may also consider the following factors:~~

~~—]([a]f) each of the factors listed in this Subsection [(+) regarding the financial history of the owners of the applicant or licensee;~~

~~[(b]g) any guaranty agreements provided for the applicant or licensee; and~~

~~[(e]h) any history of prior entities owned or operated by the owners of the applicant or licensee which have failed to maintain financial responsibility.~~

R156-55a-602. Contractor License Bonds.

(1) Pursuant to the provisions of Subsection 58-55-306(1)(b), a contractor shall provide a license bond issued by a surety acceptable to the Division in the amount of \$50,000 or such higher amount as may be determined by the Division and the Commission as provided for in Subsection R156-55a-602(3). An acceptable surety is one that is listed in the Department of Treasury, Fiscal Service, Circular 570, entitled "Companies Holding Certificates of Authority as Acceptable Sureties on Federal Bonds and as Acceptable Reinsuring Companies" at the date of the bond.

(2) The coverage of the license bond shall include losses which may occur as the result of the contractor's violation of the unprofessional or unlawful provisions contained in Title 58, Chapters 1 and 55.

(3) The amount of the bond specified under Subsection R156-55a-602(1) may be increased by an amount determined by the Commission and Division when the financial history of the applicant, including any of its owners holding more than 10 percent interest, indicates the \$50,000 bond is insufficient to reasonably cover risks to the public health, safety and welfare.

KEY: contractors, occupational licensing, licensing

Date of Enactment or Last Substantive Amendment: [~~October 9, 2008~~2009]

Notice of Continuation: November 8, 2006

Authorizing, and Implemented or Interpreted Law: 58-1-106(1)(a); 58-1-202(1)(a); 58-55-101; 58-55-308(1); 58-55-102(35); 58-55-501(21)



Education, Administration **R277-462** Comprehensive Counseling and Guidance Program

NOTICE OF PROPOSED RULE

(Amendment)

DAR FILE NO.: 32446

FILED: 03/16/2009, 15:00

RULE ANALYSIS

PURPOSE OF THE RULE OR REASON FOR THE CHANGE: This rule is amended to provide for clarification of two issues: 1) that the

student education occupation plans are four year plans; and 2) that funds may be used for personnel costs, including clerical positions, that support the student education occupation plan (SEOP) process. The existing language appears to exclude clerical positions.

SUMMARY OF THE RULE OR CHANGE: The changes include: 1) adding "Four year" in Subsection R277-462-4(C); and 2) changing "for" to "including" in Subsection R277-462-6(E).

STATE STATUTORY OR CONSTITUTIONAL AUTHORIZATION FOR THIS RULE: Subsection 53A-1a-106(2)(b)

ANTICIPATED COST OR SAVINGS TO:

❖ THE STATE BUDGET: There are no anticipated costs or savings to the state budget. The changes are for clarification only and do not result in any costs or savings.

❖ LOCAL GOVERNMENTS: There are no anticipated costs or savings to local government. The changes are for clarification only which do not result in any costs or savings.

❖ SMALL BUSINESSES AND PERSONS OTHER THAN BUSINESSES: There are no anticipated costs or savings to small businesses AND persons other than businesses. The changes are for clarification only and apply to public schools--not to businesses.

COMPLIANCE COSTS FOR AFFECTED PERSONS: There are no compliance costs for affected persons. The changes are for clarification only which do not result in any costs.

COMMENTS BY THE DEPARTMENT HEAD ON THE FISCAL IMPACT THE RULE MAY HAVE ON BUSINESSES: I have reviewed this rule and I see no fiscal impact on businesses. Patti Harrington, State Superintendent of Public Instruction

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

EDUCATION

ADMINISTRATION

250 E 500 S

SALT LAKE CITY UT 84111-3272, or

at the Division of Administrative Rules.

DIRECT QUESTIONS REGARDING THIS RULE TO:

Carol Lear at the above address, by phone at 801-538-7835, by FAX at 801-538-7768, or by Internet E-mail at carol.lear@schools.utah.gov

INTERESTED PERSONS MAY PRESENT THEIR VIEWS ON THIS RULE BY SUBMITTING WRITTEN COMMENTS TO THE ADDRESS ABOVE NO LATER THAN 5:00 PM on 05/01/2009.

THIS RULE MAY BECOME EFFECTIVE ON: 05/08/2009

AUTHORIZED BY: Carol Lear, Director, School Law and Legislation

R277. Education, Administration.**R277-462. Comprehensive Counseling and Guidance Program.****R277-462-4. Student Education Occupation Planning.**

A. School district and charter school secondary schools that receive Comprehensive Counseling and Guidance funds shall complete written SEOPs for all students.

B. Plans shall be signed by parents/guardians.

C. Four year [P]plans shall be completed for students prior to the beginning of their ninth grade years.

D. Plans shall be maintained by the student's school.

E. Students' course registration and class changes shall be consistent with their written SEOPs.

F. The SEOP process shall be carried out consistent with the policies and goals of the school districts' or charter schools' Comprehensive Counseling and Guidance Program models.

R277-462-6. Use of Comprehensive Counseling and Guidance Program Funds.

A. School districts and charter schools shall satisfy all provisions of R277-462 including established counselor to student ratios, in order to receive Comprehensive Counseling and Guidance Program funds.

B. Funds shall be used for students in grades 7-12.

C. Funds may be used to provide a school guidance curriculum.

D. Funds may be used to provide student activities that support the SEOP process.

E. Funds may be used for personnel costs [for]including clerical positions that support the SEOP process.

F. Funds may be used for Career Center equipment or materials such as computers, media equipment, computer software, occupational information, SEOP folders or educational information.

G. Funds may be used for professional development for personnel involved in the Comprehensive Counseling and Guidance Program.

H. Funds may be used for the expenses of extended days or years which are required to run the Program.

I. Funds may be used for guidance curriculum materials for use in classrooms.

J. Funds may be used at a minimum for one secondary school counselor, per school, per year to pay for membership in the American School Counselor Association (ASCA) to facilitate accessing research and resources for effective Program implementation and effective student interventions and outcomes.

KEY: public education, counselors

Date of Enactment or Last Substantive Amendment: [February 24], 2009

Notice of Continuation: September 7, 2004

Authorizing, and Implemented or Interpreted Law: Art X Sec 3; 53A-15-201; 53A-17a-131.8

◆ ————— ◆

Education, Administration

R277-477

Distribution of Funds from the School Trust Lands Account and Implementation of the School LAND Trust Program

NOTICE OF PROPOSED RULE

(Amendment)

DAR FILE No.: 32447

FILED: 03/16/2009, 15:00

RULE ANALYSIS

PURPOSE OF THE RULE OR REASON FOR THE CHANGE: This rule is amended to provide for review and monitoring of funds and revenue generated by school trust lands, and to provide school community councils and governing boards of education flexibility to determine the uses of the school trust land funds, which are still consistent with statutory language, in ways which best serve local needs.

SUMMARY OF THE RULE OR CHANGE: The amended rule provides: 1) new definitions; 2) revised language in distribution of funds; and 3) a new section (Section R277-477-4) on the administration of the School LAND Trust Program. The current Section R277-477-4 will be renumbered to Section R277-477-5.

STATE STATUTORY OR CONSTITUTIONAL AUTHORIZATION FOR THIS RULE: Subsection 53A-1-401(3)

ANTICIPATED COST OR SAVINGS TO:

❖ **THE STATE BUDGET:** There are no anticipated costs or savings to the state budget. The School Children's Trust Section within the Utah State Office of Education will provide any necessary services at the state level with existing staff within existing budget.

❖ **LOCAL GOVERNMENTS:** There are no anticipated costs or savings to local government. School community councils and governing boards of education will now have more flexibility in utilizing the school trust land funds in ways which best serve local needs, but are still consistent with statutory language.

❖ **SMALL BUSINESSES AND PERSONS OTHER THAN BUSINESSES:** There are no anticipated costs or savings to small businesses AND persons other than businesses. This rule and program apply to public schools--not businesses.

COMPLIANCE COSTS FOR AFFECTED PERSONS: There are no compliance costs for affected persons. School community councils and governing boards of education will now have more flexibility in utilizing the school trust land funds in ways which best serve local needs.

COMMENTS BY THE DEPARTMENT HEAD ON THE FISCAL IMPACT THE RULE MAY HAVE ON BUSINESSES: I have reviewed this rule and I see no fiscal impact on businesses. Patti Harrington, State Superintendent of Public Instruction

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

EDUCATION
ADMINISTRATION
250 E 500 S
SALT LAKE CITY UT 84111-3272, or
at the Division of Administrative Rules.

DIRECT QUESTIONS REGARDING THIS RULE TO:

Carol Lear at the above address, by phone at 801-538-7835, by FAX at 801-538-7768, or by Internet E-mail at carol.lear@schools.utah.gov

INTERESTED PERSONS MAY PRESENT THEIR VIEWS ON THIS RULE BY SUBMITTING WRITTEN COMMENTS TO THE ADDRESS ABOVE NO LATER THAN 5:00 PM on 05/01/2009.

THIS RULE MAY BECOME EFFECTIVE ON: 05/08/2009

AUTHORIZED BY: Carol Lear, Director, School Law and Legislation

R277. Education, Administration.

R277-477. Distribution of Funds from the Interest and Dividend Account (School LAND Trust [~~Lands Account~~] Funds) and ~~Implementation~~ Administration of the School LAND Trust Program.

R277-477-1. Definitions.

A. "Board" means the Utah State Board of Education. The Board is the representative and advocate for beneficiaries of the School Trust corpus and the School LAND Trust Program.

B. "Critical academic needs" for purposes of this rule means a school's weakness(es) in academic areas for which there is a Utah Core curriculum.

[B]C. "Fall Enrollment Report" means the audited census of students registered in Utah public schools as reported in the audited October 1 Fall Enrollment Report from the previous year.

[C]D. "Funds" means interest and dividend income as defined under Section 53A-16-101.5(2).

[D]E. "Interest and Dividends Account" means an account created under Section 53A-16-101 established to collect interest and dividends from the permanent State School Fund until the end of the fiscal year at which time the funds are distributed to school districts through the School LAND Trust Program.

F. "Local board of education" means the locally-elected board designated in Section 53A-3-101 that makes decisions and directs the actions of local school districts and is directed in Section 53A-16-101.5(5)(b) to approve School LAND Trust plans for schools under the local board's authority.

G. "School Children's Trust Section" means employees designated by the Superintendent who have responsibility for overseeing the use of School LAND Trust Program funds.

H. "School community" means the geographic area designated by the school district as the attendance area with reasonable

inclusion of the parents or legal guardians of additional students who are attending the school.

I. "State Charter School Board (SCSB)" means the board designated under Section 53A-1a-501.5 that has responsibility for making recommendations regarding the welfare of charter schools to the Board and the board that has responsibility to approve School LAND Trust plans for charter schools. The SCSB has primary responsibility to provide training and oversight for charter school School LAND Trust plans.

J. "State Superintendent of Public Instruction (Superintendent)" means the individual appointed by the Board as provided for in Section 53A-1-301(1) to administer all programs assigned to the Board in accordance with the policies and the standards established by the Board.

[E]K. "Student" means a child in public school grades kindergarten through twelve counted on the audited October 1 Fall Enrollment Report of the school district, charter school, or USDB.

[F]L. "USDB" means the Utah Schools for the Deaf and the Blind.

[G]M. "USOE" means the Utah State Office of Education.

R277-477-2. Authority and Purpose.

A. This rule is authorized by Utah Constitution Article X, Section 3 which places general control and supervision of the public school system under the Board, by Section 53A-16-101.5(3)(c) which allows the Board to adopt rules regarding the time and manner in which the student count shall be made for allocation of school trust land funds, and by Section 53A-1-401(3) which allows the Board to adopt rules in accordance with its responsibilities.

B. The purpose of this rule is to:

(1) provide direction in the distribution of interest and dividends from the Interest and Dividends Account created in Section 53A-16-101 and funded in Section 53A-16-101.5(2) through school districts;

(2) provide a process for the dissemination of accurate and uniform information to the Legislature, Board, local school boards, schools, the School and Institutional Trust Lands Administration, State Treasurer, State Director of Finance, USOE, and others as necessary to facilitate effective administration and implementation of the School LAND Trust Program; and provide for appropriate and adequate oversight of the expenditure and use of School LAND Trust monies by designated local boards of education, the SCSB, and the Board;

(3) provide for review and monitoring of funds and revenue generated by school trust lands; and

[3]4 determine the time and manner in which the student count shall be made for allocation of the monies as provided in Section 53A-16-101.5(3)(c).

R277-477-3. Distribution of Funds -- Determination of Proportionate Share.

A. Funds shall be distributed to school districts and charter schools as provided under Section 53A-16-101.5(3)(a). The distribution shall be based on the state's total fall enrollment as reflected in the audited October 1 Fall Enrollment Report from the previous school year.

B. Each school district and the USOE, with regard to charter schools and the USDB, shall distribute funds received under R277-477-3A to each school within each school district or to each charter school and USDB on an equal per student basis.

C. Local ~~[school]~~boards of education and the USOE may adjust distributions, maintaining an equal per student distribution within a school district for school openings and closures and for boundary changes occurring after the audited October 1 Fall Enrollment Report of the prior year.

D. All public non-charter schools receiving funds shall have a school community council as required by Sections 53A-1a-108~~[-and a current school plan for]~~ and R277-491; funds shall be used to enhanc[ing]e or improv[ing]e a school's academic excellence consistent with Section 53A-16-101.5. Plans shall be approved by the local [school]-board of education. Required school community council-generated plans or programs include:

- (1) School Improvement Plan;
- (2) School LAND Trust Program;
- (3) Reading Achievement Plan (for elementary schools)
- (4) Professional Development Plan;
- (5) Child Access Routing Plan; and
- (6) Recommendations regarding school/school district programs and community environment.

E. All charter schools that elect to receive School LAND Trust funds shall have a committee consisting of a majority of parents elected from parents of students currently attending the charter school that is designated to make decisions about the School LAND Trust funds, and a current school plan for enhancing or improving academic excellence consistent with Section 53A-16-101.5 approved by the ~~[State Charter School Board]~~SCSB for state chartered schools.

F. The plan shall be electronically submitted to the USOE on the School LAND Trust Program website.

G. All charter schools shall be considered collectively as a school district to receive a base amount under Section 53A-16-101.5(3)(a)(i).

H. The USDB shall receive the average statewide per pupil base amount as the school's base allocation.

I. In order to receive its allocation, a school shall satisfy the requirements of Section 53A-16-101.5(4-7).

J. Plans shall include specific academic goals, steps to meet those goals, measurements to assess improvement and specific expenditures to implement plans that may include purchase of workbooks, textbooks, professional development, computer hardware and software, library and media supplies, or supplement funding for aides, teachers and specialists, and other tools for student academic improvement consistent with Section 53A-16-101.5(5).

K. Income from the Interest and Dividends Account shall be distributed to school districts, USDB, and charter schools after the close of the state fiscal year as the USOE receives the funds in the Interest and Dividends Account within the Uniform School Fund.

L. ~~[Each school board]~~Local boards of education or the SCSB shall approve plans annually and shall ensure timely distribution of the funds to schools with approved plans~~[approved by the local school board]~~.

M. When approving school plans on the School LAND Trust Program website, school district and charter school personnel shall report the meeting date(s) when the local ~~[school]-board of education or the SCSB~~ approved the plans.

N. Funds not used in the school approved plan may be carried over by the school to the next school year and added to the School LAND Trust Program funds available for expenditure in that school the following year. Schools shall provide an explanation for any

carry over that exceeds one-third of the school's allocation in the school plan or report.

O. School LAND Trust Program funds shall be focused on the school's critical academic needs.

~~[(1) School LAND Trust Funds shall only be used to directly impact instruction and enhance academic excellence in reading, writing, mathematics, science, social studies, technology, fine arts, foreign language, and career education in high schools.~~

~~— (2) Expenditures to aid students in recovering academic credits, assisting students in completion and recovery of credits towards graduation, study skill classes and college entrance exam preparation classes are appropriate academic uses of the specific School LAND Trust Program funds.~~

~~— (3) Programs to improve school climate, provide security, address behavioral issues, prevent bullying, permanent auditorium audio systems, and other non-academic school needs are not eligible for funding from the School LAND Trust Program.~~

~~— (4) Student incentives shall be academic and the total may not exceed \$1000, or four percent of the School LAND Trust Program funds, whichever is less. Examples of academic incentives include academic field trips, flashcards, books, or student planners.~~

~~— (5) Schools for individuals with disabilities may use funds as needed to directly impact and improve student performance according to the Individual Education Plan (IEP) of the students.]P. School LAND Trust Program funds shall be focused on implementing a recommended course of action to enhance or improve student academic achievement and implement a component of the school improvement plan focused on the school's identified critical academic needs, as explained in Section 53A-1a-108.5 and Section 53A-16-101.5(5).~~

Q. Examples of successful programs with School LAND Trust monies may include activities such as:

- (1) credit recovery courses and programs;
- (2) study skills classes;
- (3) college entrance exam preparation classes;
- (4) academic field trips;
- (5) classroom equipment and materials such as flashcards, math manipulatives, calculators, microscopes, maps, books, or student planners;
- (6) teachers and teacher aides;
- (7) professional development directly tied to school academic goals;
- (8) computer labs, software, LCDs, smart boards;
- (9) books and textbooks.

R. Schools serving students with disabilities may use funds as needed to directly influence and improve student performance according to the student Individual Education Plans (IEPs).

S. The School Children's Trust Section of the USOE shall create and electronically post model plans for elementary and secondary schools.

~~[P]T. Funds from the School LAND Trust Program that are expended inconsistent with the requirements and academic intent of the law, inconsistent with R277-477, or inconsistent with the original school board/charter board approval shall be withheld by the USOE in subsequent years until the misappropriated funds have been restored.~~

[Q]U. Schools serving only youth in custody may form committees and submit plans to the district serving the students. Youth in custody schools shall receive the same per pupil distribution as other schools in the district providing services.

~~[R]~~V. Plans submitted by charter schools shall be prepared, submitted and approved by the charter school committee established in R277-470-9D, requiring a majority of elected parents to serve on the committee, and then submitted first to the local charter school board, then to the local ~~[school]~~board of education for approval, if the school is chartered by the district, or to the ~~[State Charter School Board]~~SCSB if the school is chartered by the Board.

~~[S]~~W. Plans submitted by the USDB governing board shall be reviewed and approved by the State Superintendent or designee.

R277-477-4. Administration of School LAND Trust Program.

A. The School Children's Trust Section of the USOE shall provide support to local boards of education, to the SCSB and to local charter trust land committees, as directed by the Superintendent.

B. Support services shall include:

(1) Regional training and, to the extent of resources available, school district or school training for school community councils, as requested by local boards of education or the SCSB;

(2) Training materials;

(3) Model plans for school improvement, reading achievement, School LAND Trust, professional development assistance, and child access routing plans for both elementary and secondary schools.

(4) Materials, suggested practices and plans for use by community councils and charter school trust land committees to:

(a) increase community and parent awareness and knowledge of community councils;

(b) increase community and parent knowledge about school trust lands and their history and purpose in generating funds for public schools;

(c) encourage parent participation in developing plans for local board approval for the use of School LAND Trust allotments.

C. The School Children's Trust Section shall monitor development of School LAND Trust plans and assist local community councils and charter school trust land committees with plan development as requested, and monitor expenditures and compliance with statutory requirements. Assistance/monitoring may include:

(1) timely notification of annual School LAND Trust allotments to public schools;

(2) clear and timely notification of required timelines for plan submission;

(3) periodic, cost-effective and scheduled review of submitted school plan consistency and plan expenditures and results;

(4) verifying web postings and other information regarding school community council and charter school trust land committees compliance with the Utah Public and Open Meetings Act.

D. The School Children's Trust Section shall receive direction from the Superintendent as it provides monitoring and review.

E. Monitoring and review shall be accomplished primarily through written/electronic assurances from school community councils and charter school trust land committees, written/electronic submission of information from local school boards and charter schools and random and selective paper audits of School LAND Trust expenditures and the execution of School LAND Trust plans.

F. The School Children's Trust Section shall, under the direction of the Superintendent, provide oversight and expertise regarding the School LAND Trust account and all related activities. Oversight and activities may include:

(1) attending meetings where school trust land, permanent fund, and school community council issues are discussed and voted on;

(2) providing information to other state agencies, general public, and the Legislature regarding school trust lands and revenues;

(3) reviewing and providing information as representatives of the Superintendent to boards, state agencies and employees that have responsibility for managing school trust lands, maximizing trust land revenues, and investing the permanent State School Fund prudently;

(4) increase and strengthen beneficiary monitoring; and

(5) other activities or assignments as directed by the Superintendent.

R277-477-[4]5. Information to USOE.

A. Information on each school's plan to address critical academic needs shall be completed via the School LAND Trust Program website maintained through the USOE for accurate and uniform reporting.

B. To facilitate submission of information by schools, each school board shall establish a timeline for timely submission of information and a district submission date for the district schools not later than May 15 of each year.

C. Timelines shall allow for school committee reconsideration and editing of the school plan following local ~~[school]~~board of education or SCSB requested changes.

D. USOE staff ~~[shall]~~may visit ~~[ten percent of the]~~schools receiving funds from the School LAND Trust Program ~~[annually]~~as directed by the Superintendent to discuss the program~~[-and website]~~, receive information and suggestions, provide training, and answer questions~~[-and review implementation of the plans and reported purchases]~~.

~~[E. USOE staff shall read school plans and reports for compliance with the law.~~

~~[F]~~E. School districts and charter schools wishing to submit information to the School LAND Trust website through a comprehensive electronic plan shall meet the parameters for programming and data entry required by the USOE. They shall review School LAND Trust plans on the USOE website prior to local ~~[school]~~board of education or SCSB approval to ensure information consistent with the law has been downloaded by individual schools into the electronic plan visible on the School LAND Trust Program website.

~~[G]~~F. Charter school and school district business administrators shall enter financial data relating to the School LAND Trust Program on the School LAND Trust Program website at the time they prepare and submit Annual Program Report (APR) data to the USOE. The appropriate data shall appear in the final reports submitted online by school community councils for reporting to parents as required in Section 53A-1a-108.

~~[H]~~G. The financial data shall include:

(1) the annual distribution received by each school (the sum of the distributions to schools within a school district equals the total distributed to the school district by the USOE);

(2) expenditures made by each school from revenues received from the School LAND Trust in the prior fiscal year.

[H]H. Expenditures made after the close of the fiscal year shall be accounted for as expenditures in the following fiscal year.

[F]. The financial report in each school final report shall be consistent with the narrative submitted by that school community council or charter committee.

KEY: schools, trust lands funds

Date of Enactment or Last Substantive Amendment: [~~October 8, 2008~~2009]

Notice of Continuation: November 23, 2005

Authorizing, and Implemented or Interpreted Law: Art X Sec 3; 53A-16-101.5(3)(c); 53A-1-401(3)

◆ ————— ◆

Education, Administration R277-484 Data Standards

NOTICE OF PROPOSED RULE

(Amendment)

DAR FILE NO.: 32448

FILED: 03/16/2009, 15:00

RULE ANALYSIS

PURPOSE OF THE RULE OR REASON FOR THE CHANGE: This rule is amended to provide for school district implementation of Utah eTranscript and Record Exchange (UTREx) and to provide that UTREx replace the current Utah State Office of Education Clearinghouse by the 2010-2011 school year. The amended rule also provides revised language for disclosing data for research.

SUMMARY OF THE RULE OR CHANGE: The amended rule provides new definitions, procedures for UTREx to replace the Clearinghouse, and revised procedures for disclosing data for research.

STATE STATUTORY OR CONSTITUTIONAL AUTHORIZATION FOR THIS RULE: Subsection 53A-1-401(3)

ANTICIPATED COST OR SAVINGS TO:

❖ **THE STATE BUDGET:** There are no anticipated costs or savings to the state budget. A federal grant has been obtained to cover any costs to the state associated with implementation of UTREx.

❖ **LOCAL GOVERNMENTS:** There will be costs to school districts/charter schools that could range from \$0 to \$30,000 depending upon whether a school district/charter school needs to acquire a new student information system, modify an existing student information system, or modify data elements in an existing student information system. The costs are too speculative at this time to determine.

❖ **SMALL BUSINESSES AND PERSONS OTHER THAN BUSINESSES:** There are no anticipated costs or savings to small businesses AND persons other than businesses. The rule and amendment are only relative to public schools.

COMPLIANCE COSTS FOR AFFECTED PERSONS: There will be compliance costs to school districts/charter schools ranging from \$0 to \$30,000 depending upon whether a school

district/charter school needs to acquire a new student information system, modify an existing student information system, or modify data elements in an existing student information system. The costs are too speculative at this time to determine.

COMMENTS BY THE DEPARTMENT HEAD ON THE FISCAL IMPACT THE RULE MAY HAVE ON BUSINESSES: I have reviewed this rule and I see no fiscal impact on businesses. Patti Harrington, State Superintendent of Public Instruction

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

EDUCATION
ADMINISTRATION
250 E 500 S
SALT LAKE CITY UT 84111-3272, or
at the Division of Administrative Rules.

DIRECT QUESTIONS REGARDING THIS RULE TO:

Carol Lear at the above address, by phone at 801-538-7835, by FAX at 801-538-7768, or by Internet E-mail at carol.lear@schools.utah.gov

INTERESTED PERSONS MAY PRESENT THEIR VIEWS ON THIS RULE BY SUBMITTING WRITTEN COMMENTS TO THE ADDRESS ABOVE NO LATER THAN 5:00 PM on 05/01/2009.

THIS RULE MAY BECOME EFFECTIVE ON: 05/08/2009

AUTHORIZED BY: Carol Lear, Director, School Law and Legislation

R277. Education, Administration.

R277-484. Data Standards.

R277-484-1. Definitions.

A. "Annual Financial Report" means an account of LEA revenue and expenditures by source and fund sufficient to meet the reporting requirements specified in Section 53A-1-301(3)(d) and (e).

B. "Annual Program Report" means an account of LEA revenue and expenditures by source and program sufficient to meet the reporting requirements specified in Section 53A-1-301(3)(d) and (e).

C. "Board" means the Utah State Board of Education.

D. "Computer Aided Credentials of Teachers in Utah System (CACTUS)" means the database maintained on all licensed Utah educators. The database includes information such as:

- (1) personal directory information;
- (2) educational background;
- (3) endorsements;
- (4) employment history;
- (5) professional development information;
- (6) completion of employee background checks; and
- (7) a record of disciplinary action taken against the educator.

E. "Data Clearinghouse File" means the electronic file of student level data submitted by LEAs to the USOE in the layout specified by the USOE. This definition is effective until July 1, 2010.

F. "Data Warehouse" means the database of demographic information, course taking, and test results maintained by the USOE on all students enrolled in Utah schools.

G. "EDEN" means the Education Data Exchange Network, the mechanism by which state education agencies are mandated as of the 2008-09 school year to submit data to the U.S. Department of Education.

H. "ESEA" means the federal Elementary and Secondary Education Act, also known as the No Child Left Behind Act.

I. "LEA" means local education agency, which may be either a public school district or a charter school.

J. "MSP" means Minimum School Program, the set of state support K-12 public school funding programs.

K. "MST" means Mountain Standard Time.

L. "USOE" means Utah State Office of Education.

M. "Utah eTranscript and Record Exchange (UTREx)" means a system that allows individual detailed student records to be exchanged electronically among Utah public schools and LEAs and the USOE, and allows electronic transcripts to be sent to any participating post-secondary institution. This definition becomes effective on July 1, 2010.

~~(M)N.~~ "Year" means both the school year and the fiscal year for LEAs in Utah, which runs from July 1 through June 30.

~~(N)O.~~ "YICISIS" means the Youth In Custody Student Information System.

R277-484-3. Deadlines for Data Submission.

For the purpose of submission of student level data, each LEA shall participate in UTREx as of July 1, 2010. LEAs shall submit data to the USOE through the following reports by 5:00 p.m. MST on the date and in the format specified by the USOE:

A. February 28 - Community Development and Renewal Agency and/or Redevelopment Agency Taxing Entity Committee Representative List - Business Services.

B. June 15

(1) Immunization Status Report (to Utah Department of Health) - final;

(2) Safe School Incidents Report - for current year.

C. June 29 - CACTUS - final update for current year.

D. July 15

(1) Adult Education - final report for prior year;

(2) Bus Driver Credentials Report - for current year - Business Services;

(3) Classified Personnel Report - for prior year - Business Services;

(4) Data Clearinghouse File - final comprehensive update for prior year - Data Assessment, and Accountability - effective until July 1, 2010;

(5) UTREx - final comprehensive update for prior year - Data Assessment, and Accountability - effective on July 1, 2010;

~~(5)6.~~ Driver Education Report - for prior year - Educator Quality;

~~(6)7.~~ ESEA Choice and Supplemental Services Report - for prior year;

~~(7)8.~~ Fee Waivers Report - for prior year;

~~(8)9.~~ Fire Drill Compliance Statement - for prior year;

~~(9)10.~~ Home Schooled Students Report - for prior year;

~~(10)1.~~ Teacher Benefits Report - for prior year;

~~(14)2.~~ Pupil Transportation Statistics - for prior year:

(a) Bus Inventory Report;

(b) Year End Pupil Transportation Statistics Reports.

E. September 15

(1) Membership Audit Report - for prior year;

(2) Adult Education - Financial Audit for prior year.

F. October 1

(1) Annual Financial Report (AFR) - for prior year;

(2) Annual Program Report (APR) - for prior year.

G. October 15

(1) Data Clearinghouse File - update as of October 1 for current year - effective until July 1, 2010.

(1) UTREx - update as of October 1 for current year - effective on July 1, 2010.

~~(2) YICISIS - update as of October 1 for current year.~~

H. November 1

~~(1) [Data Clearinghouse File - optional revised final comprehensive update for prior year;~~

~~(2) Enrollment and Transfer Student Documentation Audit Report - for current year;~~

~~(3)2.~~ Immunization Status Report - for current year;

~~(4)3.~~ Pupil Transportation Statistics for state funding;

(a) Schedule A1 (Miles, Minutes, Students Report) - projected for current year;

(b) Schedule B (Miscellaneous Expenditure Report) - for prior year;

~~(5)4.~~ Negotiations report - for current year.

I. November 15

(1) CACTUS - update for current year; and

(2) Free and Reduced Price Lunch Enrollment Survey - as of October 31 for current year.

J. November 30 - Financial Audit Report - for prior year.

K. December 15 - Data Clearinghouse File - update as of December 1 for current year - effective until July 1, 2010.

L. December 15 - UTREx - update as of December 1 for current year - effective on July 1, 2010.

R277-484-4. Adjustments to Deadlines.

A. Deadlines that fall on a weekend or state holiday in a given year shall be moved to the date of the first workday after the date specified in Section 3 for that year.

B. An LEA may seek an extension of a deadline to ensure continuation of funding and provide more accurate input to allocation formulas by submitting a written request to the USOE. The request shall be received by the USOE State Director of School Finance and Statistics at least 24 hours before the specified deadline in Section 3 and include:

(1) The reason(s) why the extension is needed;

(2) The signatures of the LEA business administrator and the district superintendent or charter school director; and

(3) The date by which the LEA shall submit the report.

C. In processing the request for the extension, the USOE State Director of School Finance and Statistics shall:

(1) Take into consideration the pattern of LEA compliance with reporting deadlines and the urgency of the use which depends on the data to be submitted, consult with other USOE staff who have knowledge relevant to the situation of the LEA; and either

(2) Approve the request and allow the MSP fund transfer process to continue; or

(3) Recommend denial of the request and forward it the USOE Associate Superintendent for Business Services for a final decision on whether to stop the MSP fund transfer process.

D. If, after receiving an extension, the LEA fails to submit the report by the agreed date, the MSP fund transfer process shall be stopped and the procedure described in Section [6]8 shall apply.

E. Extensions shall apply only to the report(s) and date(s) specified in the request.

F. Exceptions - Deadlines for the following reports may not be extended:

(1) June 29 CACTUS Update;

(2) July 15 Final Data Clearinghouse File - final comprehensive update for prior year- Data Assessment, and Accountability - effective until July 1, 2010;

(3) July 15 UTREx - final comprehensive update for prior year - Data Assessment, and Accountability - effective on July 1, 2010;

~~(3)4] [November 1 error corrected Data Clearinghouse File; and~~

~~—(4)—November 15 CACTUS - update for current year.~~

R277-484-5. Official Data Source ~~[for Accountability Reporting] and Required LEA Compatibility.~~

A. The USOE shall load operational data collections into the Data Warehouse as of the submission deadlines specified.

B. The Data Warehouse shall be the sole official source of data for annual:

(1) school performance reports required under Section 53A-3a-602.5;

(2) determination of adequate yearly progress as required under the ESEA; and

(3) submission of data files to the U.S. Department of Education via EDEN.

C. Prior to an LEA acquiring a student information system, replacing an existing student information system, or modifying data elements in an existing student information system, an LEA shall have USOE approval to ensure that the LEA's new or modified student information system maintains compatibility with UTREx.

R277-484-9. Disclosure of Data ~~[F]for Research.~~

~~[A.—The USOE may disclose confidential, personally identifiable information of students to organizations for research and analysis purposes to improve instruction in public schools. Any such disclosure shall be made only if the following requirements are met:~~

~~(1) the disclosure is in accordance with the federal Family Educational Rights and Privacy Act (FERPA), 34 CFR 99-31(a)(6); and~~

~~(2) the research being done has been commissioned by the Board. In some cases, as approved by the Board, personally identifiable data may be provide to the researcher/contractor but only in a secure manner.~~

~~B. Those not commissioned but desiring data shall use the publicly available data on the USOE websites or request the research data set provided by the USOE Computer Services Section. This standard, deidentified data set shall be developed each year and available upon request.~~

~~C. The recipient organization shall sign the USOE Confidentiality Agreement.]A. The USOE may provide limited or extensive data sets for research and analysis purposes to qualified researchers or organizations.~~

(1) A reasonable method shall be used to qualify researchers or organizations to receive data, such as evidence that a research proposal has been approved by a federally recognized Institutional Review Board (IRB).

(2) A standardized, de-identified research data package shall be prepared each year by the USOE for qualified researchers to systematically protect individual student data.

(3) The USOE is not obligated to fill every data request and may develop procedures to determine which requests will be filled or to assign priorities to multiple requests. The USOE/Board understands that it will respond in a timely manner to all requests submitted under Section 63G-2-101 et seq., Government Records Access and Management Act.

(a) In filling data requests, higher priority shall be given to requests that will help improve instruction in Utah's public schools.

(b) In filling data requests, higher priority shall be given to requests from universities, colleges, schools, faculty, students and government entities residing in Utah.

(4) A fee may be charged to prepare data or to deliver data, particularly if the preparation requires original work. The USOE shall comply with Section 63G-2-203 in assessing fees.

(5) The researcher or organization shall provide a copy of the report or publication produced using USOE data to USOE at least 10 business days prior to the public release.

B. Student information

(1) Requests for data that disclose student information shall be provided in accordance with the Family Educational Rights and Privacy Act (FERPA), 34 CFR 99-31(a)(6), so that:

(a) the individual data is de-identified, meaning it is not possible to trace the data to an actual student.

(b) the recipient of student data shall agree to not report or publish data in a manner that discloses a student's identity. For example, reporting test scores for a race subgroup that has a count, also known as n-size, less than 10 could enable someone to identify the actual students and shall not be published.

C. Licensed educator information

(1) The USOE shall provide information about licensed educators maintained in the CACTUS database that is required under Section 63G-2-301(2).

(2) Additional information/data may be released by the USOE consistent with the purposes of CACTUS, the confidentiality protections accepted by requester(s), and the benefit that the research may provide for public education in Utah, as determined by the USOE.

D. Recipients of USOE research data shall sign a USOE non-disclosure agreement if required by the USOE.

E. The Board or the USOE may commission research or may approve research requests.

F. The USOE may provide personally identifiable data about students or licensed educators consistent with state and federal law. Some data may be provided only if the researcher or contractor agrees to preserve the confidentiality of private and protected data.

KEY: data standards, reports, deadlines, research data requests Date of Enactment or Last Substantive Amendment: [April 11, 2008]2009

Notice of Continuation: June 2, 2008

Authorizing, and Implemented or Interpreted Law: Art X Sec 3; 53A-1-401(3); 53A-1-301(3)(d) and (e)



Education, Administration
R277-491
 School Community Councils

NOTICE OF PROPOSED RULE

(Amendment)

DAR FILE NO.: 32449

FILED: 03/16/2009, 15:00

RULE ANALYSIS

PURPOSE OF THE RULE OR REASON FOR THE CHANGE: This rule is amended to provide language to ensure that local school community councils and boards of education have flexibility in decision-making processes provided for in statute. The amended rule also provides specific language regarding open and public meetings laws that local school community councils must follow.

SUMMARY OF THE RULE OR CHANGE: The amendments include: 1) revisions to definitions; 2) revised language in the authority and purposes; 3) revised language within the school community council/school administrator responsibilities section; and 4) revised language within the additional school community council information and provisions section.

STATE STATUTORY OR CONSTITUTIONAL AUTHORIZATION FOR THIS RULE: Subsection 53A-1-401(3)

ANTICIPATED COST OR SAVINGS TO:

❖ THE STATE BUDGET: There are no anticipated costs or savings to the state budget. School community councils will now have more flexibility in decision-making processes which does not result in costs or savings.

❖ LOCAL GOVERNMENTS: There are no anticipated costs or savings to local government. Enabling school community councils to have more flexibility in decision-making processes which does not cost or save money at the local level.

❖ SMALL BUSINESSES AND PERSONS OTHER THAN BUSINESSES: There are no anticipated costs or savings to small businesses AND persons other than businesses. This rule and program apply to public school committees--not to businesses or individuals.

COMPLIANCE COSTS FOR AFFECTED PERSONS: There are no compliance costs for affected persons. Enabling school community councils to have more flexibility in decision-making processes only lessens compliance issues.

COMMENTS BY THE DEPARTMENT HEAD ON THE FISCAL IMPACT THE RULE MAY HAVE ON BUSINESSES: I have reviewed this rule and I see no fiscal impact on businesses. Patti Harrington, State Superintendent of Public Instruction

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

EDUCATION
 ADMINISTRATION
 250 E 500 S
 SALT LAKE CITY UT 84111-3272, or

at the Division of Administrative Rules.

DIRECT QUESTIONS REGARDING THIS RULE TO:

Carol Lear at the above address, by phone at 801-538-7835, by FAX at 801-538-7768, or by Internet E-mail at carol.lear@schools.utah.gov

INTERESTED PERSONS MAY PRESENT THEIR VIEWS ON THIS RULE BY SUBMITTING WRITTEN COMMENTS TO THE ADDRESS ABOVE NO LATER THAN 5:00 PM on 05/01/2009.

THIS RULE MAY BECOME EFFECTIVE ON: 05/08/2009

AUTHORIZED BY: Carol Lear, Director, School Law and Legislation

R277. Education, Administration.

R277-491. School Community Councils.

R277-491-1. Definitions.

A. "Board" means the Utah State Board of Education.

B. "Candidate" means a parent or school employee who has filed for election to the school community council.

C. "Contested race" means the election of members to a school community council when there are more candidates than open positions.

~~[F]D.~~ "[~~Most e~~]Critical academic needs" for purposes of this rule means a school's weakness(es) in [~~the areas of reading, writing, mathematics, science, social studies, technology, fine arts, foreign language, and career education in high schools~~]academic areas for which there is a Utah Core curriculum.

~~[D]E.~~ "Days" means calendar days unless otherwise specifically designated.

~~[E]F.~~ "Develop school improvement plan and school trust program and other programs" means to participate actively in the creation of plans, including analysis of school assessment data, development of School LAND Trust budgets, and review of School LAND Trust expenditures under Section 53A-16-101.5(5)(a)(iv) and 53A-16-101.5(6)(b)(ii)~~[; -t]~~. This may include establishing subcommittees where needed or assigning work to individuals.

G. "Parent" means the parent or legal guardian of a student attending the non-charter public school or of a student who will be enrolled at the school in the next school year.

H. "Parent member" means a parent or guardian of a student who is attending the school or of a student who will be enrolled at the school in the next school year if the election is held in the spring.

A parent member of a school community council may not include a person who meets the definition of a school employee member unless the person's employment at the school does not exceed an average of six hours per week, consistent with Section 53A-1a-108(1)(a)(ii).

I. "School administrator" means a school principal, school assistant principal or designee as specifically assigned by the school administrator.

J. "School community" means the geographic area designated by the school district as the attendance area with reasonable inclusion of the parents or legal guardians of additional students who are attending the school.

K. "School employee member" means a person employed at the school for more than an average of six hours per week by the

school or school district; the principal is one school employee member.

L. "Secure ballot box" means a closed container prepared by the school for the deposit of secret ballots for the school community council elections.

M. "Student" means a child in public school grades kindergarten through twelve counted on the audited October 1 Fall Enrollment Report.

N. "Students attending the school" for purposes of this rule means students currently attending the school and those officially enrolled to attend the school in the next school year.

O. "USDB" means the Utah Schools for the Deaf and the Blind.

P. "USOE" means the Utah State Office of Education.

R277-491-2. Authority and Purpose.

A. This rule is authorized by Utah Constitution Article X, Section 3 which vests general control and supervision of public education in the Board and by Section 53A-1-401(3) which permits the Board to adopt rules in accordance with its responsibilities.

B. Local boards of education for school districts and the State Charter School Board for state-sponsored charter schools are responsible for school community council operations, plans, oversight, and training.

~~[B]C.~~ The purpose of this rule is to:

(1) provide procedures and clarifying information to school community councils to assist them in fulfilling school community council responsibilities consistent with Section 53A-1a-108(3);

(2) provide direction to school districts and schools in establishing and maintaining school community councils whose primary focus is ~~[improving educational excellence through team decision making by the principal and elected representatives of parents and staff]~~ to develop, approve, and assist in implementing school improvement plans, and advise school/school district administrators consistent with Sections 53A-1a-108(3) and 53A-16-101.5;

(3) provide a framework and support for improved academic achievement of students that is locally driven from within individual schools, through critical review of testing results and other indicators of student success, by establishing meaningful, measurable goals and implementing research-based programs and processes to reach the goals;

(4) encourage increased participation of the parents, school employees and others that support the purposes of the school community councils; and

(5) encourage compliance with the law in the election of school community councils, in meeting reporting requirements, in complying with open and public meetings requirements.

R277-491-4. School Community Council School/School Administrator Responsibilities.

A. A school administrator may not serve as chair or co-chair of the school community council.

~~[A]B.~~ ~~[A school administrator or designee shall assist a]~~The school community council chair ~~[with]~~shall provide~~[ing]~~ the following information to the school community, with assistance from the school administration:

(1) Notice of dates and times of school community council elections at least 14 days before the elections are held;

(2) Timely notice of school community council positions that are up for election;

(3) Instructions for applying to become a school community council member together with timelines for submitting information and applications;

(4) Notice of the school community council meeting schedule, provided in the first 14 days of the school year;

(5) A summary of the school community council's actions and activities for the first half of the school year, provided mid-way through the school year;

(6) A summary of the annual expenditure report ~~[on how the school's]~~ of all School LAND Trust Program funds ~~[were used consistent with approved uses of the funds,]~~ provided to the school community and to the local board of education or State Charter School Board in the fall of the school year following the school year that the school plans ~~[was]~~were implemented; and

(7) Posting the school community council meeting information (time, place and date of meeting; meeting agenda and previous meeting minutes) on the school's website at least one week prior to each meeting, and on the access door(s) of the school on the day of the meeting.

~~[A school administrator shall assist a]~~The school community council chair, assisted by the school administrator, shall~~[to]~~ provide information on the school website and in at least one other direct delivery method ensuring that all parents are notified as provided in Section 53A-1a-108(7)(a).

~~[A school administrator shall assist a]~~The school community council chair, assisted by the school administrator, shall~~[to]~~ act in compliance with the Utah Open and Public Meetings Act, Section 52-4-101 et seq., including:

- (1) posting upcoming agendas and meeting locations;
- (2) posting minutes of the most recent meeting;
- (3) posting the agenda and location of the upcoming meeting on the school's website at least one week prior to the meeting;
- (4) posting the agenda and location of the upcoming meeting on the school's access door on the day of the meeting;
- (5) providing timely written minutes of the meeting[-]; and
- (6) recording the meeting, and other required or appropriate activities.

D. School community council responsibilities do not allow for closed meetings, consistent with the purposes of Section 52-4-205.

~~[D]E.~~ School community councils shall become familiar with and consider the following:

(1) Satisfying the meeting recording process with sensitivity for parents and community members whose primary language is not English; and

(2) The limitations of open and public meetings in secure or locked school settings and facilities.

R277-491-5. Parent Rights and Responsibilities.

A. Parents of students attending a school and to the extent possible, parents whose children will attend the school in the next school year (for spring community council elections) shall receive notice of open school community council positions and of elections consistent with Section 53A-1a-108.

B. Parents of students attending a school shall have access to schedules, agendas, minutes and decisions consistent with Sections 53A-1a-108(7) and (8).

C. School community council parent members shall participate fully in the development of various school plans described in Section 53A-1a-108(3) including, at a minimum:

- (1) School Improvement Plan;

(2) School LAND Trust Plan;
(3) Reading Achievement Plan (for elementary schools);
(4) Professional Development Plan;
(5) Child Access Routing Plan; and
(6) Review of School Health Plans required under Section 53A-11-204.

D. Parents shall receive timely notice of school community council timelines and procedures that affect parent member elections, school community council meeting information and other parent rights or opportunities, consistent with state law, Board rules, and local board policy.

R277-491-6. Additional School Community Council Information and Provisions.

A. School community councils shall set the beginning terms for school community council members consistent with Section 53A-1a-108(5)(g).

B. School community councils shall report on ~~[projects]~~plans, and programs, and expenditures, including detailed descriptions of expenditures for professional development, at least annually to local boards of education and cooperate with the ~~[USOE, training,~~ legislative and USOE monitoring, and audits.

C. School community councils may establish procedures and requirements for parent notification and election timelines that are not inconsistent with Sections 53A-1a-108, 53A-16-101.5, 52-4-101 et. seq., this rule, or local board policy.

D. Public schools that are secure facilities, juvenile detention facilities, hospital program schools, and other small special programs may receive all funds available to schools with school community councils if the schools demonstrate and document a good faith effort to recruit members, have meetings and publicize results as recognized and affirmed by local boards of education.

E. School community councils may designate districts, areas or grade levels in order to recruit school community council members from all areas of the school community. If parents from designated areas do not apply for the school community council positions, positions shall be filled with interested parents who do apply.

F. Local ~~[school-]~~boards of education may ask school community councils to address local issues at the school community council level for discussion before bringing the issues to local ~~[school-]~~boards of education. School community councils may be asked for information to inform local board decisions.

G. Local boards of education, and the State Charter School Board for state-sponsored charter schools, shall report approval dates of required plans to the USOE~~[have final and absolute authority in many school governance issues including school district employment, curriculum, calendaring and planning decisions]~~. School community councils are encouraged to ~~discuss these and similar issues in order to~~ advise and inform ~~[local]~~ elected local board members~~[s]~~.

H. ~~[H]~~Local boards [members] of education make [final] decisions in governing school districts with superintendents and principals acting under the direction and in behalf of local board of education in all areas of governance, including implementing approved School Improvement and School LAND Trust Program plans.

KEY: school community councils

Date of Enactment or Last Substantive Amendment:
[November 10, 2008]2009

Authorizing, and Implemented or Interpreted Law: Art X Sec 3; 53A-1-401(3)



Education, Administration
R277-502-4
 License Levels, Procedures, and
 Periods of Validity

NOTICE OF PROPOSED RULE

(Amendment)
 DAR FILE NO.: 32450
 FILED: 03/16/2009, 15:00

RULE ANALYSIS

PURPOSE OF THE RULE OR REASON FOR THE CHANGE: This section of the rule currently provides that a Level 3 license may be issued by the Utah State Board of Education to a Level 2 license holder who has achieved National Board Professional Teaching Standards Certification or who holds a current Certificate of Clinical Competence from the American Speech-Language-Hearing Association. The amendment provides language that requires Level 3 license holders to remain current on these certification requirements in order to renew Level 3 licenses.

SUMMARY OF THE RULE OR CHANGE: The amendment adds revised new language regarding renewal of a specific educator license level in Section R277-502-4.

STATE STATUTORY OR CONSTITUTIONAL AUTHORIZATION FOR THIS RULE: Section 53A-6-104

ANTICIPATED COST OR SAVINGS TO:

❖ THE STATE BUDGET: There are no anticipated costs or savings to the state budget resulting from this amendment. The amendment merely provides clarification to existing practice.

❖ LOCAL GOVERNMENTS: There are no anticipated costs or savings to the local government resulting from this amendment. The amendment merely provides clarification and consistency to existing practice.

❖ SMALL BUSINESSES AND PERSONS OTHER THAN BUSINESSES: There are no anticipated costs or savings to small businesses AND persons other than businesses resulting from this amendment. The amendment merely provides clarification to existing practice.

COMPLIANCE COSTS FOR AFFECTED PERSONS: There are no compliance costs for affected persons resulting from this amendment. The amendment merely provides clarification to existing practice.

COMMENTS BY THE DEPARTMENT HEAD ON THE FISCAL IMPACT THE RULE MAY HAVE ON BUSINESSES: I have reviewed this rule and I see no fiscal impact on businesses. Patti Harrington, State Superintendent of Public Instruction

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

EDUCATION
ADMINISTRATION
250 E 500 S
SALT LAKE CITY UT 84111-3272, or
at the Division of Administrative Rules.

DIRECT QUESTIONS REGARDING THIS RULE TO:

Carol Lear at the above address, by phone at 801-538-7835, by FAX at 801-538-7768, or by Internet E-mail at carol.lear@schools.utah.gov

INTERESTED PERSONS MAY PRESENT THEIR VIEWS ON THIS RULE BY SUBMITTING WRITTEN COMMENTS TO THE ADDRESS ABOVE NO LATER THAN 5:00 PM on 05/01/2009.

THIS RULE MAY BECOME EFFECTIVE ON: 05/08/2009

AUTHORIZED BY: Carol Lear, Director, School Law and Legislation

R277. Education, Administration.

R277-502. Educator Licensing and Data Retention.

R277-502-4. License Levels, Procedures, and Periods of Validity.

A. An initial license, the Level 1 license, is issued to an individual who is recommended by a Board-approved educator preparation program or approved alternative preparation program, or an educator with a professional educator license from another state.

(1) LEAs and educator preparation institutions shall cooperate in preparing candidates for the educator Level 1 license. The resources of both may be used to assist candidates in preparation for licensing.

(2) The recommendation indicates that the individual has satisfactorily completed the programs of study required for the preparation of educators and has met licensing standards in the license areas of concentration for which the individual is recommended.

(3) The Level 1 license is issued for three years.

(4) An educator shall satisfy all requirements of R277-522, Entry Years Enhancements (EYE) for Quality Teaching - Level 1 Utah Teachers.

(5) An educator shall satisfy all federal requirements for an educator license prior to moving from Level 1 to Level 2.

(6) A license applicant who has received or completed license preparation activities or coursework inconsistent with this rule may present compelling information and documentation for review and approval by the USOE to satisfy the licensing requirements.

B. A Level 2 license may be issued by the Board to a Level 1 license holder upon satisfaction of all USOE requirements for the Level 2 license and upon the recommendation of the employing LEA.

(1) The recommendation shall be made following the completion of three years of successful, professional growth and educator experience, satisfaction of R277-522, Entry Years Enhancements (EYE) for Quality Teaching - Level 1 Utah Teachers, any additional requirements imposed by the employing LEA, and before the Level 1 license expires.

(2) A Level 2 license shall be issued for five years and shall be valid unless suspended or revoked for cause by the Board.

(3) The Level 2 license may be renewed for successive five year periods consistent with R277-501, Educator Licensing Renewal.

(4) A Level 2 license holder shall satisfy all federal requirements for an educator license holder prior to renewal after June 30, 2006 to remain highly qualified.

C. A Level 3 license may be issued by the Board to a Level 2 license holder who has achieved National Board Professional Teaching Standards Certification[-]_or who holds a current Certificate of Clinical Competence from the American Speech-Language-Hearing Association (ASHA), or who holds a doctorate in the educator's field of practice.

(1) A Level 3 license is valid for seven years unless suspended or revoked for cause by the Board.

(2) The Level 3 license may be renewed for successive seven year periods consistent with R277-501.

(3) A Level 3 license may be renewed if the holder maintains National Board Professional Teaching Standards Certification status or maintains a current Certificate of Clinical Competence from the American Speech-Language-Hearing Association.

D. Licenses expire on June 30 of the year of expiration recorded on CACTUS and may be renewed any time after January of that year. Responsibility for securing renewal of the license rests solely with the holder.

KEY: professional competency, educator licensing

Date of Enactment or Last Substantive Amendment: [January 7,]2009

Notice of Continuation: September 6, 2007

Authorizing, and Implemented or Interpreted Law: Art X Sec 3; 53A-6-104; 53A-1-401(3)



Environmental Quality, Drinking Water **R309-105-6** Construction of Public Drinking Water Facilities

NOTICE OF PROPOSED RULE

(Amendment)

DAR FILE NO.: 32444

FILED: 03/16/2009, 14:20

RULE ANALYSIS

PURPOSE OF THE RULE OR REASON FOR THE CHANGE: The purpose of this amendment is to clarify the specific requirements for obtaining an "exception" to construction standards.

SUMMARY OF THE RULE OR CHANGE: In order for the Executive Secretary to consider granting an "exception," the water system must submit a written request with citation of the specific rule for which the "exception" is being requested, a detailed explanation, what the system proposes, and justification.

STATE STATUTORY OR CONSTITUTIONAL AUTHORIZATION FOR THIS RULE: Section 19-4-104

ANTICIPATED COST OR SAVINGS TO:

- ❖ THE STATE BUDGET: None--This rule amendment only clarifies the specific components in an exception request. It will not increase workload or require additional personnel or funds from the state budget.
- ❖ LOCAL GOVERNMENTS: None--This rule amendment only clarifies the specific components in an exception request. It will not increase workload or require additional personnel or funds from local government.
- ❖ SMALL BUSINESSES AND PERSONS OTHER THAN BUSINESSES: None--This rule amendment only clarifies the specific components in an exception request. It will not increase workload or require additional personnel or funds from small business.

COMPLIANCE COSTS FOR AFFECTED PERSONS: None--This rule amendment only clarifies the specific components in an exception request. It will not increase workload or require additional personnel or funds from consumers.

COMMENTS BY THE DEPARTMENT HEAD ON THE FISCAL IMPACT THE RULE MAY HAVE ON BUSINESSES: The department agrees that the proposed changes to this rule will have little to no detrimental impact on existing water systems or to new public water systems. William Sinclair, Acting Executive Director

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

ENVIRONMENTAL QUALITY
DRINKING WATER
150 N 1950 W
SALT LAKE CITY UT 84116-3085, or
at the Division of Administrative Rules.

DIRECT QUESTIONS REGARDING THIS RULE TO:

Bob Hart or Ying-Ying Macauley at the above address, by phone at 801-536-0054 or 801-536-4188, by FAX at 801-536-4211 or 801-536-4211, or by Internet E-mail at bhart@utah.gov or ymacauley@utah.gov

INTERESTED PERSONS MAY PRESENT THEIR VIEWS ON THIS RULE BY SUBMITTING WRITTEN COMMENTS TO THE ADDRESS ABOVE NO LATER THAN 5:00 PM on 05/01/2009.

THIS RULE MAY BECOME EFFECTIVE ON: 05/08/2009

AUTHORIZED BY: Ken Bousfield, Director

R309. Environmental Quality, Drinking Water.
R309-105. Administration: General Responsibilities of Public Water Systems.

R309-105-6. Construction of Public Drinking Water Facilities.

The following requirements pertain to the construction of public water systems.

- (1) Approval of Engineering Plans and Specifications

(a) Complete plans and specifications for all public drinking water projects, as described in R309-500-5, shall be approved in writing by the Executive Secretary prior to the commencement of construction. A 30-day review time should be assumed.

(b) Appropriate engineering reports, supporting information and master plans may also be required by the Executive Secretary as needed to evaluate the proposed project. A certificate of convenience and necessity or an exemption therefrom, issued by the Public Service Commission, shall be filed with the Executive Secretary prior to approval of any plans or specifications for projects described in R309-500-4(1) as new or previously un-reviewed water system[405-6(3)(a)].

(2) Acceptable Design and Construction Methods

(a) The design and construction methods of all public drinking water facilities shall conform to the applicable standards contained in R309-500 through R309-550 of these rules. The Executive Secretary may require modifications to plans and specifications before approval is granted.

(b) There may be times in which the requirements of the applicable standards contained in R309-500 through R309-550 are not appropriate. Thus, the Executive Secretary may grant an "exception" to portions of these standards if it can be shown that the granting of such an exception will not jeopardize the public health. In order for the Executive Secretary to consider such a request, the Division asks that it receive a written request directly from the management of the public dinking water system, preferably on system letterhead, that includes the following:

(i) citation of the specific rule for which the "exception" is being requested;

(ii) a detailed explanation, drawings may be included, of why the conditions of rule cannot be met;

(iii) what the system proposes, drawings may be included, in lieu of rule;

(iv) justification the proposed alternative will protect the public health to a similar or better degree than required by rule.

Physical conditions as well as cost may be justification for requesting an "exception-to-rule."

(c) Alternative or new treatment techniques may be developed which are not specifically addressed by the applicable standards contained in R309-500 through R309-550. These treatment techniques may be accepted by the Executive Secretary if it can be shown that:

(i) They will result in a finished water meeting the requirements of R309-200 of these regulations.

(ii) The technique will produce finished water which will protect public health to the same extent provided by comparable treatment processes outlined in the applicable standards contained in R309-204 and R309-500 through R309-550.

(iii) The technique is as reliable as any comparable treatment process governed by the applicable standards contained in R309-204 and R309-500 through R309-550.

(3) Description of "Public Drinking Water Project"

Refer to R309-500-5 for the description of a public drinking water project and R309-500-6 for required items to be submitted for plan approval.

(4) Specifications for the drilling of a public water supply well may be prepared and submitted by a licensed well driller holding a current Utah Well Driller's Permit if authorized by the Executive Secretary.

(5) Drawing Quality and Size

Drawings which are submitted shall be compatible with Division of Drinking Water Document storage. Drawings which are illegible or

of unusual size will not be accepted for review. Drawing size shall not exceed 30" x 42" nor be less than 8-1/2" x 11".

(6) Requirements After Approval of Plans for Construction

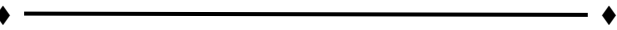
After the approval of plans for construction, and prior to operation of any facilities dealing with drinking water, the items required by R309-500-9 shall be submitted and an operating permit received.

KEY: drinking water, watershed management

Date of Enactment or Last Substantive Amendment: ~~May 14, 2007~~**2009**

Notice of Continuation: May 16, 2005

Authorizing, and Implemented or Interpreted Law: 19-4-104; 63-46b-4



Environmental Quality, Drinking Water R309-110-4 Definitions

NOTICE OF PROPOSED RULE

(Amendment)

DAR FILE NO.: 32443

FILED: 03/16/2009, 13:46

RULE ANALYSIS

PURPOSE OF THE RULE OR REASON FOR THE CHANGE: The purpose of this amendment is to add a definition for "Master Plan" along with a list of items expected to be included.

SUMMARY OF THE RULE OR CHANGE: This change adds a definition for "Master Plan" along with a list of items expected to be included.

STATE STATUTORY OR CONSTITUTIONAL AUTHORIZATION FOR THIS RULE: Section 19-4-104

ANTICIPATED COST OR SAVINGS TO:

❖ THE STATE BUDGET: None--Since this rule amendment only clarifies what is considered a proper Master Plan for public drinking water systems, it will not increase workload or require additional personnel or other funds from the state budget.

❖ LOCAL GOVERNMENTS: None--Since this rule amendment only clarifies what is considered a proper Master Plan for public drinking water systems, it will not increase workload or require additional personnel or other funds from local government.

❖ SMALL BUSINESSES AND PERSONS OTHER THAN BUSINESSES: None--Since this rule amendment only clarifies what is considered a proper Master Plan for public drinking water systems, it will not increase workload or require additional personnel or other funds from small businesses.

COMPLIANCE COSTS FOR AFFECTED PERSONS: None--Since this rule amendment only clarifies what is considered a proper Master Plan for public drinking water systems, it will not increase workload or require additional personnel or other funds from consumers.

COMMENTS BY THE DEPARTMENT HEAD ON THE FISCAL IMPACT THE RULE MAY HAVE ON BUSINESSES: The department agrees that the proposed changes to this rule will have little to no detrimental impact on existing water systems or to new public water systems. William Sinclair, Acting Executive Director

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

ENVIRONMENTAL QUALITY

DRINKING WATER

150 N 1950 W

SALT LAKE CITY UT 84116-3085, or

at the Division of Administrative Rules.

DIRECT QUESTIONS REGARDING THIS RULE TO:

Ying-Ying Macauley or Bob Hart at the above address, by phone at 801-536-4188 or 801-536-0054, by FAX at 801-536-4211 or 801-536-4211, or by Internet E-mail at ymacauley@utah.gov or bhart@utah.gov

INTERESTED PERSONS MAY PRESENT THEIR VIEWS ON THIS RULE BY SUBMITTING WRITTEN COMMENTS TO THE ADDRESS ABOVE NO LATER THAN 5:00 PM on 05/01/2009.

THIS RULE MAY BECOME EFFECTIVE ON: 05/08/2009

AUTHORIZED BY: Ken Bousfield, Director



R309. Environmental Quality, Drinking Water.

R309-110. Administration: Definitions.

R309-110-4. Definitions.

As used in R309:

"Action Level" means the concentration of lead or copper in drinking water tap samples (0.015 mg/l for lead and 1.3 mg/l for copper) which determines, in some cases, the corrosion treatment, public education and lead line replacement requirements that a water system is required to complete.

.....

"Man-Made Beta Particle and Photon Emitters" means all radionuclides emitting beta particles and/or photons listed in Maximum Permissible Body Burdens and maximum Permissible Concentration of Radionuclides in Air or Water for Occupational Exposure, "NBS Handbook 69," except the daughter products of thorium-232, uranium-235 and uranium-238.

"Master Plan" (or "System Capacity and Expansion Report") means a organized plan addressing the present and future demands that will be placed on a public drinking water system by expanding into undeveloped areas or accepting additional service contracts. As a minimum a satisfactory master plan must contain the following elements:

(a) A listing of sources including: the source name, the source type (i.e., well, spring, reservoir, stream etc.) for both existing sources and additional sources identified as needed for system expansion, the minimum reliable flow of the source in gallons per minute, the status of the water right and the flow capacity of the water right.

(b) A listing of storage facilities including: the storage tank name, the type of material (i.e., steel, concrete etc.), the diameter, the total volume in gallons, and the elevation of the overflow, the lowest level (elevation) of the equalization volume, the fire suppression volume, and the emergency volume or the outlet.

(c) A listing of pump stations including: the pump station name and the pumping capacity in gallons per minute. Under this requirement one does not need to list well pump stations as they are provided in requirement (a) above.

(d) A listing of the various pipeline sizes within the distribution system with their associated pipe materials and, if readily available, the approximate length of pipe in each size and material category. A schematic of the distribution piping showing node points, elevations, length and size of lines, pressure zones, demands, and coefficients used for the hydraulic analysis required by (h) below will suffice.

(e) A listing by customer type (i.e., single family residence, 40 unit condominium complex, elementary school, junior high school, high school, hospital, post office, industry, commercial etc.) along with an assessment of their associated number of ERC'S.

(f) The number of connections along with their associated ERC value that the public drinking water system is committed to serve, but has not yet physically connected to the infrastructure.

(g) A description of the nature and extent of the area currently served by the water system and a plan of action to control addition of new service connections or expansion of the public drinking water system to serve new development(s). The plan shall include current number of service connections and water usage as well as land use projections and forecasts of future water usage.

(h) A hydraulic analysis of the existing distribution system along with any proposed distribution system expansion identified in (g) above.

(i) A description of potential alternatives to manage system growth, including interconnections with other existing public drinking water systems, developer responsibilities and requirements, water rights issues, source and storage capacity issues and distribution issues.

"Maximum Contaminant Level" (MCL) means the maximum permissible level of a contaminant in water which is delivered to any user of a public water system.

"Maximum residual disinfectant level" (MRDL) means a level of a disinfectant added for water treatment that may not be exceeded at the consumer's tap without an unacceptable possibility of adverse health effects. For chlorine and chloramines, a PWS is in compliance with the MRDL when the running annual average of monthly averages of samples taken in the distribution system, computed quarterly, is less than or equal to the MRDL. For chlorine dioxide, a PWS is in compliance with the MRDL when daily samples are taken at the entrance to the distribution system and no two consecutive daily samples exceed the MRDL. MRDLs are enforceable in the same manner as MCLs pursuant to UT Code S 19-4-104. There is convincing evidence that addition of a disinfectant is necessary for control of waterborne microbial contaminants. Notwithstanding the MRDLs listed in R309-200-5(3), operators may increase residual disinfectant levels of chlorine or chloramines (but not chlorine dioxide) in the distribution system to a level and for a time necessary to protect public health to address specific microbiological contamination problems caused by circumstances such as distribution line breaks, storm runoff events, source water contamination, or cross-connections.

"Maximum residual disinfectant level goal" (MRDLG) means the maximum level of a disinfectant added for water treatment at which no

known or anticipated adverse effect on the health of persons would occur, and which allows an adequate margin of safety. MRDLGs are non-enforceable health goals and do not reflect the benefit of the addition of the chemical for control of waterborne microbial contaminants.

.....

KEY: drinking water, definitions

Date of Enactment or Last Substantive Amendment: ~~May 14, 2007~~2009

Notice of Continuation: May 16, 2005

Authorizing, and Implemented or Interpreted Law: 19-4-104; 63-46b-4

◆ ————— ◆

Environmental Quality, Drinking Water R309-500 Facility Design and Operation: Plan Review, Operation and Maintenance Requirements

NOTICE OF PROPOSED RULE

(Amendment)

DAR FILE NO.: 32445

FILED: 03/16/2009, 14:44

RULE ANALYSIS

PURPOSE OF THE RULE OR REASON FOR THE CHANGE: The change in Section R309-500-5 is to allow upgrading pipelines or tapping with corporation stops be considered as on-going operation and maintenance procedures. The change in Subsection R309-500-6(3)(b) is to require previously approved standard installation drawings for waiving plan submittal.

SUMMARY OF THE RULE OR CHANGE: The change in Section R309-500-5 is to allow upgrading existing deteriorated pipelines or tapping with corporation stops be considered as on-going operation and maintenance procedures and be exempt from plan review requirements. The changes in Subsection R309-500-6(3)(b) are to require previously approved standard installation drawings for waiving plan submittal in addition to the system designated professional engineer responsible for the entire water system.

STATE STATUTORY OR CONSTITUTIONAL AUTHORIZATION FOR THIS RULE: Section 19-4-104

ANTICIPATED COST OR SAVINGS TO:

❖ THE STATE BUDGET: Little to none--This amendment allows upgrading pipelines to be exempt from plan review requirements and specifies the requirements of obtaining plan submittal waiver. It will not increase workload or require additional personnel or other funds from the state budget.

❖ LOCAL GOVERNMENTS: Little to none--This amendment allows upgrading pipelines to be exempt from plan review

requirements and specifies the requirements of obtaining plan submittal waiver. It will not increase workload or require additional personnel or other funds from local government.

❖ **SMALL BUSINESSES AND PERSONS OTHER THAN BUSINESSES:** Little to none--This amendment allows upgrading pipelines to be exempt from plan review requirements and specifies the requirements of obtaining plan submittal waiver. It will not increase workload or require additional personnel or other funds from small businesses.

COMPLIANCE COSTS FOR AFFECTED PERSONS: Little to none--This amendment allows upgrading pipelines to be exempt from plan review requirements and specifies the requirements of obtaining plan submittal waiver. It will not increase workload or require additional personnel or other funds from consumers.

COMMENTS BY THE DEPARTMENT HEAD ON THE FISCAL IMPACT THE RULE MAY HAVE ON BUSINESSES: The department agrees that the proposed changes to this rule will have little to no detrimental impact on existing water systems or to new public water systems. William Sinclair, Acting Executive Director

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

ENVIRONMENTAL QUALITY
DRINKING WATER
150 N 1950 W
SALT LAKE CITY UT 84116-3085, or
at the Division of Administrative Rules.

DIRECT QUESTIONS REGARDING THIS RULE TO:

Ying-Ying Macauley or Bob Hart at the above address, by phone at 801-536-4188 or 801-536-0054, by FAX at 801-536-4211 or 801-536-4211, or by Internet E-mail at ymacauley@utah.gov or bhart@utah.gov

INTERESTED PERSONS MAY PRESENT THEIR VIEWS ON THIS RULE BY SUBMITTING WRITTEN COMMENTS TO THE ADDRESS ABOVE NO LATER THAN 5:00 PM on 05/01/2009.

THIS RULE MAY BECOME EFFECTIVE ON: 05/08/2009

AUTHORIZED BY: Ken Bousfield, Director

R309. Environmental Quality, Drinking Water.

R309-500. Facility Design and Operation: Plan Review, Operation and Maintenance Requirements.

R309-500-5. Public Drinking Water Project.

(1) Definition.

A public drinking water project, requiring the submittal of a project notification form along with plans and specifications, is any of the following:

(a) The construction of any facility for a proposed drinking water system (see 19-4-106(3) of the Utah Code or R309-500-4(1) above describing the authority of the Executive Secretary).

(b) Any addition to, or modification of, the facilities of an existing public drinking water system which may affect the quality or quantity of water delivered.

(c) Any activity, other than on-going operation and maintenance procedures, which may affect the quality or quantity of water delivered by an existing public drinking water system. Such activities include:

(i) the interior re-coating or re-lining of any raw or drinking water storage tank, or water storage chamber within any treatment facility,

(ii) the "in-situ" re-lining of any pipeline,

(iii) a change or addition of any primary coagulant water treatment chemical (excluding filter, flocculent or coagulant aids) when the proposed chemical does not appear on a list of chemicals pre-approved by the Executive Secretary for a specific treatment facility, and

(iv) the re-development of any spring or well source or replacement of a well pump with one of different capacity.

(2) On-going Operation and Maintenance Procedures.

On-going operation and maintenance procedures are not considered public drinking water projects and, accordingly, are not subject to the project notification, plan approval and operating permit requirements of this rule. However, these activities shall be carried out in accordance with all operation and maintenance requirements contained in R309-500 through R309-550 and specifically the disinfection, flushing and bacteriological sampling and testing requirements of ANSI/AWWA C651-05 for pipelines, ANSI/AWWA C652-02 for storage facilities, and ANSI/AWWA C654-03 for wells before they are placed back into service. The following activities are considered to be on-going operation and maintenance procedures:

(a) pipeline leak repair,

(b) replacement of existing deteriorated pipeline where the new pipeline segment is the same size as the old pipeline or the new segment is upgraded to meet the minimum pipeline sizes required by R309-550-5(4) or larger sizes as determined by a hydraulic analysis in accordance with R309-550-5(3).

(c) tapping existing water mains with corporation stops so as to make connection to new service laterals to individual structures.

(d)[(e)] distribution pipeline additions where the pipeline size is the same as the main supplying the addition or the pipeline addition meets the minimum pipeline sizes required by R309-550-5(4) or larger sizes as determined by a hydraulic analysis in accordance with R309-550-5(3), the length is less than 500 feet and contiguous segments of new pipe total less than 1000 feet in any fiscal year,

(e)[(f)] entry into a drinking water storage facility for the purposes of inspection, cleaning and maintenance, and

(f)[(g)] replacement of equipment or pipeline appurtenances with the same type, size and rated capacity (fire hydrants, valves, pressure regulators, meters, service laterals, chemical feeders and booster pumps including deep well pumps).

R309-500-6. Plan Approval Procedure.

(1) Project Notification.

The Division shall be notified prior to the construction of any "public drinking water project" as defined in R309-500-5(1) above. The notification may be prior to or simultaneous with submission of construction plans and specifications as required by R309-500-6(2) below. Notification shall be made by the management of the regulated public water system on a form provided by the Division. Information required by this form shall be determined by the Division and may include:

(a) whether the project is for a new or existing public drinking water system,

(b) the professional engineer, registered in the State of Utah, designing the project and his/her experience designing public drinking water projects within the state,

(c) the individual(s) who will be inspecting the project during construction and whether such inspection will be full-time or part time,

(d) whether required approvals or permits from other governmental agencies (e.g. local planning commissions, building inspectors, Utah Division of Water Rights) are awaiting approval by the Executive Secretary, the agency's name and contact person,

(e) the fire marshal, fire district or other entity having legal authority to specify requirements for fire suppression in the project area,

(f) for community and non-transient non-community public water systems or any public water system treating surface water, the name of the certified operator who is, or will be, in direct responsible charge of the water system,

(g) whether the water system has a registered professional engineer employed, appointed or designated as being directly responsible for the entire system design and his or her name and whether the system is requesting waiving of plan submittal under conditions of R309-500-6 (3),

(h) the anticipated construction schedule, and

(i) a description of the type of legal entity responsible for the water system (i.e. corporation, political subdivision, mutual ownership, individual ownership, etc.) and the status of the entity with respect to the rules of the Utah Public Service Commission.

(2) Pre-Construction Requirements.

All of the following shall be accomplished before construction of any public drinking water project commences:

(a) Contract documents, plans and specifications for a public drinking water project shall be submitted to the Division at least 30 days prior to the date on which action is desired unless the system is eligible for and has requested waiving of plan submittal. Any submittal shall include engineering reports, pipe network hydraulic analyses, water consumption data, supporting information, evidence of rights-of-way and reference to any previously submitted master plans pertinent to the project, along with a description of a program for keeping existing water works facilities in operation during construction so as to minimize interruption of service.

(b) Plans and specifications shall be prepared for every anticipated public water system project. The design utilized shall conform to the requirements of R309-500 through R309-550. Furthermore, the plans and specification shall be sufficiently detailed to assure that the project shall be properly constructed. Drawings shall be compatible with Division's document storage and microfilming practice. Drawings which are illegible or of unusual size shall not be accepted for review. Drawing size shall not exceed 30" x 42" nor be less than 8-1/2" x 11".

(c) The plans and specifications shall be stamped and signed by a licensed professional engineer in accordance with Section 58-22-602(2) of the Utah Code.

(d) Plans and specifications shall be reviewed for conformance with R309-500 through R309-550. No work shall commence on a public water system project until a plan approval has been issued by the Executive Secretary unless conditions outlined in R309-500-6(3) are met and waiving of plan submittal has been requested. If construction or the ordering of substantial equipment has not commenced within one year, a renewal of the Plan Approval shall be obtained prior to proceeding with construction.

(e) If, in the judgment of the Executive Secretary, alternate designs or specific solutions can protect the public health to the same or greater extent as achieved in R309-500 through R309-550, the Executive Secretary may grant an exception thereto (see the third paragraph of R309-500-4(1)).

(f) Novel equipment or treatment techniques may be developed which are not specifically addressed by these rules. These may be accepted by the Executive Secretary if it can be shown that:

(i) the technique will produce water meeting the requirements of R309-200 of these rules,

(ii) the Executive Secretary has determined that it will protect public health to the same extent provided by comparable treatment processes outlined in these rules, and

(iii) the Executive Secretary has determined the technique is as reliable as any comparable treatment process outlined in these rules.

(3) Waiving of Plan Submittal Requirement.

With identification of a professional engineer, as indicated below, on a project notification form the plan submittal requirement may be waived for certain projects. In these instances, in lieu of plans and specifications, a "certification of rule conformance" shall be submitted along with the additional information required for an operating permit (see R309-500-9), signed by the professional engineer identified to Executive Secretary in (b) or, if the system has not employed, appointed, or designated such, the registered professional engineer who prepared the items in (a). Projects eligible for this waiving of plan submittal are:

(a) distribution system improvements (excluding pressure reducing valve stations and in-line booster pump stations) which conform to a "master plan" previously reviewed and approved by the Executive Secretary and installed in accordance with the []system's standard installation drawings,[] also previously reviewed and approved by the Executive Secretary, or

(b) distribution system improvements consisting solely of pipelines and pipeline appurtenances (excluding pressure reducing valve stations and in-line booster pump stations);

(i) less than or equal to 4 inches in diameter in water systems (without fire hydrants) serving solely a residential population less than 3,300;

(ii) less than or equal to 8 inches in diameter in water systems (with fire hydrants) providing water for mixed use (commercial, industrial, agricultural and/or residential) to a population less than 3,300;

(iii) less than or equal to 12 inches in diameter in water systems (with fire hydrants) providing water for mixed use to a population between 3,300 and 50,000;

(iv) less than or equal to 16 inches in diameter in water systems (with fire hydrants) providing water for mixed use to a population greater than 50,000.

Additionally, the above systems in (b) shall employ, appoint or designate a registered professional engineer who is directly responsible for the entire public water system design and identify this individual to the Executive Secretary as well as have standard installation drawings previously reviewed and approved by the Division before being eligible for waiving of plan submittal requirements.

KEY: drinking water, plan review, operation and maintenance requirements, permits

Date of Enactment or Last Substantive Amendment: [~~August 15, 2004~~]2009

Notice of Continuation: April 2, 2007

Authorizing, and Implemented or Interpreted Law: 19-4-104

◆ ————— ◆

**Environmental Quality, Solid and
Hazardous Waste
R315-315
Special Waste Requirements**

NOTICE OF PROPOSED RULE

(Amendment)

DAR FILE NO.: 32441

FILED: 03/12/2009, 14:35

RULE ANALYSIS

PURPOSE OF THE RULE OR REASON FOR THE CHANGE: The changes in Rule R315-315 are proposed to correct references to asbestos-containing material, remove unnecessary requirements, clarify procedures, and allow polychlorinated biphenols (PCB) capacitors from equipment other than fluorescent lights and waste that contain less than 50 ppm of PCBs to be disposed in a landfill.

SUMMARY OF THE RULE OR CHANGE: The references to wastes that are prohibited for disposal are removed as these prohibitions are in other solid waste rules and in statute. The term "regulated asbestos-containing material" is substituted for "asbestos waste." Regulated asbestos-containing material is the term used in the Division of Air Quality rules and in Federal rules. Requirements in the rule that are not enforced by the Division of Solid and Hazardous Waste are removed. These requirements are enforced by the Department of Transportation or by the Division of Air Quality. Several changes are made in the rule to clarify the meaning of the rule or the specific requirement. Sections of the rule are changed to allow landfill operators more freedom in waste handling while maintaining good operating procedures. The rule is changed to allow small PCB-containing capacitors that are similar to those found in fluorescent lights to be disposed of at landfills. The term remediation is removed to allow all non-hazardous waste that contain less than 50 ppm of PCBs to be disposed in a landfill. Incorporation of several sections of 40 CFR are removed and reference to the sections is substituted.

STATE STATUTORY OR CONSTITUTIONAL AUTHORIZATION FOR THIS RULE: Section 19-6-105

ANTICIPATED COST OR SAVINGS TO:

❖ **THE STATE BUDGET:** The changes will not result in any costs or savings to the state budget. The rule changes do not change the personnel required to administer the rule nor will the rule change require the state to expend any resources not currently committed in enforcement or compliance.

❖ **LOCAL GOVERNMENTS:** The changes may result in cost savings to a local government that is disposing of equipment containing PCB capacitors or waste containing less than 50 ppm of PCBs. Prior to the rule change, capacitors, from equipment other than fluorescent lights, would have been removed and disposed of in a facility that is approved to accept PCB-containing waste. Material containing PCBs in concentrations less than 50 ppm would have been treated the

same way. PCB disposal facilities typically have higher disposal costs than solid waste landfills. The amount of the savings is unknown.

❖ **SMALL BUSINESSES AND PERSONS OTHER THAN BUSINESSES:** The changes may result in cost savings to a business that is disposing of equipment containing PCB capacitors or waste containing less than 50 ppm of PCBs. Prior to the rule change, capacitors, from equipment other than fluorescent lights, would have been removed and disposed of in a facility that is approved to accept PCB-containing waste. Material containing PCBs in concentrations less than 50 ppm would have been treated the same way. PCB disposal facilities typically have higher disposal costs than solid waste landfills. The amount of the savings is unknown.

COMPLIANCE COSTS FOR AFFECTED PERSONS: There will not be any increased compliance costs for persons affected by the proposed rule changes. The changes may result in cost savings to a person that is disposing of equipment containing PCB capacitors or waste containing less than 50 ppm PCBs. Prior to the rule change, capacitors, from equipment other than fluorescent lights, would have been removed and disposed of in a facility that is approved to accept PCB-containing waste. Material containing PCBs in concentrations less than 50 ppm would have been treated the same way. PCB disposal facilities typically have higher disposal costs than solid waste landfills. The amount of the savings is unknown.

COMMENTS BY THE DEPARTMENT HEAD ON THE FISCAL IMPACT THE RULE MAY HAVE ON BUSINESSES: The proposed rule changes will result in some cost savings for businesses that are disposing of equipment that contains PCB capacitors and wastes that contain less than 50 ppm. No other costs or savings will result from the proposed rule change. William Sinclair, Acting Executive Director

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

ENVIRONMENTAL QUALITY
SOLID AND HAZARDOUS WASTE
288 N 1460 W
SALT LAKE CITY UT 84116-3231, or
at the Division of Administrative Rules.

DIRECT QUESTIONS REGARDING THIS RULE TO:

Ralph Bohn at the above address, by phone at 801-538-6794, by FAX at 801-538-6715, or by Internet E-mail at Rbohn@utah.gov

INTERESTED PERSONS MAY PRESENT THEIR VIEWS ON THIS RULE BY SUBMITTING WRITTEN COMMENTS TO THE ADDRESS ABOVE NO LATER THAN 5:00 PM on 05/04/2009.

THIS RULE MAY BECOME EFFECTIVE ON: 05/15/2009

AUTHORIZED BY: Dennis Downs, Director

R315. Environmental Quality, Solid and Hazardous Waste.**R315-315. Special Waste Requirements.****R315-315-1. General Requirements.**

(1) If special wastes are accepted at the facility, proper provisions shall be made for handling and disposal. These provisions ~~shall~~ may include, where required and approved by the Executive Secretary, a separate area for disposal of the wastes, designated by appropriate signs.

(2) ~~The following wastes are prohibited from disposal at a solid waste disposal facility.~~

~~—(a) Lead acid batteries must be recycled and otherwise managed in accordance with Sections 19-6-601 through 607.~~

~~—(b) Used oil must be recycled and otherwise managed in accordance with Rule R315-15. Sections R315-315-2 through 9 are applicable to all solid waste facilities regulated by Rules R315-301 through 320.~~

R315-315-2. Asbestos Waste.

(1) ~~Asbestos waste~~ Regulated asbestos-containing material to be disposed of shall be handled, transported, and disposed in a manner that will not permit the release of asbestos fibers into the air and must otherwise comply with Code of Federal Regulations, Title 40, Part 61, Section 154~~[-2006 ed.]~~.

(2) No transporter or disposal facility shall accept ~~friable asbestos waste~~ regulated asbestos-containing material unless the waste has been adequately wetted and containerized.

(a) ~~Asbestos waste~~ Regulated asbestos-containing material is adequately wetted when its moisture content prevents fiber release.

(b) ~~Asbestos waste~~ Regulated asbestos-containing material is properly containerized when it is placed in double plastic bags of 6-mil or thicker, sealed in such a way to be leak-proof and air-tight, and the amount of void space or air in the bags is minimized. ~~Asbestos waste~~ Regulated asbestos-containing material slurries must be packaged in leak-proof and air-tight rigid containers if such slurries are too heavy for the plastic bag containers. ~~The~~ Upon ~~submission of a request, including documentation demonstrating safety, the~~ Executive Secretary may authorize other proper methods of containment which may include double bagging, plastic-lined cardboard containers, plastic-lined metal containers, or the use of vacuum trucks for the transport of slurry.

(c) All ~~asbestos~~ containers holding regulated asbestos-containing material shall be labeled with the name of the waste generator, the location where the waste was generated, and tagged with a warning label indicating that the containers hold ~~asbestos~~ regulated asbestos-containing material.

(3) ~~Disposal~~ The following standards apply to the disposal of ~~Asbestos Waste~~ Regulated Asbestos-Containing Material ~~[-:]~~:

(a) ~~Upon~~ upon entering the disposal site, the transporter of the ~~asbestos waste~~ regulated asbestos-containing material shall notify the landfill operator that the load contains ~~asbestos~~ regulated asbestos-containing material by presenting the waste shipment record. The landfill operator will verify quantities received, sign off on the waste shipment record, and send a copy of the waste shipment record to the generator within 30 days~~[-:]~~;

(b) ~~Upon the~~ upon receipt of the ~~asbestos waste~~ regulated asbestos-containing material, the landfill operator shall ~~require that the vehicles that have transported asbestos waste be marked with warning signs as specified in 40 CFR Part 61.149(d)(1)(iii), 1995 ed., which is adopted and incorporated by reference. The operator shall also~~ inspect the loads to verify that the ~~asbestos waste~~ regulated asbestos-containing material is properly contained in leak-proof containers and

labeled appropriately. The operator shall notify the local health department and the Executive Secretary if the operator believes that the ~~asbestos waste~~ regulated asbestos-containing material is in a condition that may cause ~~significant~~ fiber release during disposal. If the wastes are not properly containerized, and the landfill operator accepts the load, the operator shall thoroughly soak the ~~asbestos~~ regulated asbestos-containing material with a water spray prior to unloading, rinse out the truck, and immediately cover the ~~wastes~~ regulated asbestos-containing material with ~~non-waste~~ material which prevents fiber release prior to compacting the ~~waste~~ regulated asbestos-containing material in the landfill.

(c) During ~~waste~~ deposition and covering of the regulated asbestos-containing material, the operator:

(i) may prepare a separate trench or separate area of the landfill to receive only ~~asbestos waste~~ regulated asbestos-containing material, or may dispose of ~~asbestos~~ the regulated asbestos-containing material at the working face of the landfill;

(ii) shall place ~~asbestos~~ the regulated asbestos-containing material containers into the trench, separate area, or at the bottom of the landfill working face with sufficient care to avoid breaking the containers;

(iii) within 18 hours or at the end of the operating day, shall completely cover the containerized ~~waste~~ regulated asbestos-containing material with sufficient care to avoid breaking the containers with a minimum of six inches of material containing no ~~asbestos~~ regulated asbestos-containing material. If the ~~waste~~ regulated asbestos-containing material is improperly containerized, it must be completely covered immediately with six inches of material containing no ~~asbestos~~ regulated asbestos-containing material; and

(iv) shall not compact ~~asbestos-containing material~~ regulated asbestos-containing material until completely covered with a minimum of six inches of material containing no ~~asbestos~~ regulated asbestos-containing material.

(d) The operator shall provide barriers adequate to control public access. At a minimum, the operator shall:

(i) limit access to the ~~asbestos~~ regulated asbestos-containing material management site to no more than two entrances by gates that can be locked when left unattended and by fencing adequate to restrict access by the general public; and

(ii) place warning signs at the entrances and at intervals no greater than ~~200~~ 330 feet along the perimeter of the sections where ~~asbestos waste~~ regulated asbestos-containing material is deposited that comply with the requirements of 40 CFR ~~Part~~ 61.154(b)~~[-1995 ed., which is adopted and incorporated by reference]~~; and

(e) close the separate trenches, if constructed, according to the requirements of Subsection R315-303-3(4) with the required signs in place.

R315-315-4. Bulky Waste.

Bulky waste such as automobile bodies, furniture, and appliances shall be crushed and then pushed onto the working face near the bottom of the cell, but not in an area that will compromise the integrity of the liner system, or into a separate disposal area.

R315-315-5. Sludge Requirements.

(1) ~~No water treatment plant sludge, digested waste water treatment plant sludge, or septage containing free liquids may be disposed in any landfill with other solid waste~~ Sludges containing free liquids may not be disposed in a landfill with other solid waste.

(2) Sludges, if they contain no free liquids, may be placed in the landfill working face and covered with other solid waste or other suitable cover material~~[Water treatment plant sludge, digested waste water treatment plant sludge, or septage containing no free liquids may be placed at or near the bottom of the landfill working face and covered with other solid waste or other suitable cover material].~~

(3) Disposal of any type of sludge in a landfill must meet the requirements of Subsection R315-303-3(1).

R315-315-6. Dead Animals.

(1) Dead animals shall be managed and disposed in a manner that minimizes odors and the attraction, harborage, or propagation of insects, rodents, birds, or other animals.

(2) Dead animals may be disposed at the active working face of a permitted landfill or in a separate trench, at a permitted facility, specifically prepared to receive dead animals.

(a) If dead animals are disposed at the active working face of a permitted landfill, the carcasses shall be ~~placed at or near the bottom of the cell and~~ immediately covered with a minimum of two feet of soil other ~~[waste] material~~.

(b) If dead animals are disposed in a separate trench, at a permitted facility, the carcasses shall be completely covered with a minimum of six inches of earth at the end of the working day the carcasses are received.

R315-315-7. PCB Containing Waste.

(1) Any facility that disposes of nonhazardous waste, hazardous waste, or radioactive waste containing PCBs is regulated by Rules R315-301 through 320.

(2) The following ~~[waste] wastes~~ containing PCBs may be disposed in a permitted Class I, II, III, IV, V, or VI Landfill; permitted incinerator; permitted energy recovery facility; or a facility permitted by rule under Rule R315-318:

(a) waste, as specified by 40 CFR 761.61, containing PCBs at concentrations less than 50 ppm~~[as found in situ at the original remediation site as specified by 40 CFR 761.61 (2001)];~~

(b) PCB household waste as defined by 40 CFR 761.3 ~~[(2001)];~~ and

(c) small quantities, 10 or fewer, of intact, non-leaking, small PCB capacitors, including capacitors from fluorescent lights x-ray machines, and other machines and test equipment.

(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 for treatment or disposal:

(i) a facility ~~[that began receiving waste]~~ permitted prior to July 15, 1993~~[-, that is permitted]~~ under 40 CFR 761.70, .75 or .77~~[(2001)]~~ ~~to accept waste containing PCBs];~~ or

(ii) a facility ~~[that began receiving waste]~~ permitted after July 15, 1993~~[-, that is permitted]~~ under 40 CFR 761.70, .71, .72, .75, or .77 ~~[(2001) to accept waste containing PCBs, which facility must also receive approval]~~ and approved by the Executive Secretary under Rules R315-301 through 320; or

(b) a Class I or V landfill that has a liner and ground water monitoring or an incinerator that meets the requirements of Subsection R315-315-7(a)(i) or (ii) and when approved by the Executive Secretary, ~~[the following wastes may be disposed at an approved unit of a permitted landfill or may be disposed at an incinerator that meets~~

~~the requirements of Subsection R315-315-7(3)(a)(i) or (ii)] may dispose of the following PCB wastes:~~

(i) PCB bulk products regulated by 40 CFR 761.62(b)~~[(2001)];~~

(ii) drained PCB contaminated equipment as defined by 40 CFR 761.3~~[(2001)];~~

(iii) drained PCB articles, including drained PCB transformers, as defined by 40 CFR 761.3~~[(2001)];~~

(iv) non-liquid cleaning materials remediation wastes containing PCB's regulated by 40 CFR 761.61(a)(5)(v)(A)~~[(2001)];~~

(v) PCB containing manufactured products regulated by 40 CFR 761.62(b)(1)(i) and (ii)~~[(2001)];~~ 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)~~[(2001)].~~

(c) If a unit of a permitted landfill is approved to receive PCB containing wastes under Subsection R315-315-7(3)(b), the owner or operator of the landfill:

(i) shall modify the approved Ground Water Monitoring Plan to include the testing of the ground water samples for PCB containing constituents at appropriate detection levels; and

(ii) ~~[may be required to]~~ shall test the leachate generated at the unit of the landfill ~~for PCB's~~ ~~[under 40 CFR 761.62(b)(2)].~~

R315-315-8. Petroleum Contaminated Soils.

(1) Terms used in Section R315-315-8 are defined in Section R315-301-2. ~~[In addition, for]~~ For the purpose of Section R315-315-8 and in addition to the definitions in Section R315-301-2, the following definition applies: "Petroleum contaminated soils" means soils that have been contaminated with either diesel or gasoline or both.

(2) Petroleum contaminated soils that are not a hazardous waste may be accepted for disposal at a:

- (a) Class I Landfill;
- (b) Class II Landfill;
- (c) Class III Landfill; or
- (d) Class V Landfill.

(3) Petroleum contaminated soils containing the following constituents at or below the following levels and are otherwise not a hazardous waste, may be accepted for disposal at a Class IV or VI Landfill:

- (a) Benzene, 0.03 mg/kg;
- (b) Ethylbenzene, 13 mg/kg;
- (c) Toluene, 12 mg/kg; and
- (d) Xylenes, 200 mg/kg.

KEY: solid waste management, waste disposal

Date of Enactment or Last Substantive Amendment: ~~[October 15, 2003]~~ 2009

Notice of Continuation: February 14, 2008

Authorizing, and Implemented or Interpreted Law: 19-6-105



Health, Health Care Financing,
Coverage and Reimbursement Policy

R414-510

Intermediate Care Facility for
Individuals with Mental Retardation
Transition Program

NOTICE OF PROPOSED RULE

(Amendment)

DAR FILE No.: 32440

FILED: 03/12/2009, 12:04

RULE ANALYSIS

PURPOSE OF THE RULE OR REASON FOR THE CHANGE: This change is necessary to specify which individuals are eligible to participate in the Intermediate Care Facility for Individuals with Mental Retardation (ICF/MR) Transition Program.

SUMMARY OF THE RULE OR CHANGE: This change specifies which individuals are eligible to participate in the ICF/MR Transition Program. It also clarifies terminology used to describe this program.

STATE STATUTORY OR CONSTITUTIONAL AUTHORIZATION FOR THIS RULE: Section 26-18-3

ANTICIPATED COST OR SAVINGS TO:

❖ THE STATE BUDGET: There is no budget impact because this change only clarifies ongoing criteria to participate in the ICF/MR Transition Program. It does not affect payments or services.

❖ LOCAL GOVERNMENTS: There is no impact to local governments because they do not determine eligibility for Medicaid programs and do not fund or provide Medicaid services.

❖ SMALL BUSINESSES AND PERSONS OTHER THAN BUSINESSES: There is no impact to other persons and small businesses because this change only clarifies ongoing criteria to participate in the ICF/MR Transition Program. It does not affect payments or services.

COMPLIANCE COSTS FOR AFFECTED PERSONS: There are no compliance costs to any individual or entity because this change only clarifies ongoing criteria to participate in the ICF/MR Transition Program. It does not affect payments or services.

COMMENTS BY THE DEPARTMENT HEAD ON THE FISCAL IMPACT THE RULE MAY HAVE ON BUSINESSES: This rule adds a definition and should not change reimbursement to any provider. There should be no fiscal impact. David N. Sundwall, MD, Executive Director

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

HEALTH
HEALTH CARE FINANCING,
COVERAGE AND REIMBURSEMENT POLICY
CANNON HEALTH BLDG
288 N 1460 W
SALT LAKE CITY UT 84116-3231, or
at the Division of Administrative Rules.

DIRECT QUESTIONS REGARDING THIS RULE TO:

Craig Devashrayee at the above address, by phone at 801-538-6641, by FAX at 801-538-6099, or by Internet E-mail at cdevashrayee@utah.gov

INTERESTED PERSONS MAY PRESENT THEIR VIEWS ON THIS RULE BY SUBMITTING WRITTEN COMMENTS TO THE ADDRESS ABOVE NO LATER THAN 5:00 PM on 05/01/2009.

THIS RULE MAY BECOME EFFECTIVE ON: 05/08/2009

AUTHORIZED BY: David N. Sundwall, Executive Director

R414. Health, Health Care Financing, Coverage and Reimbursement Policy.**R414-510. Intermediate Care Facility for Individuals with Mental Retardation Transition Program.****R414-510-1. Introduction and Authority.**

(1) This rule implements the Intermediate Care Facility for Individuals with Mental Retardation (ICF/MR) Transition Program. Program participation is voluntary and allows an individual to transition out of an ICF/MR into the Community Supports Waiver for Individuals with Intellectual Disabilities and Other Related Conditions Home and Community-Based Services (HCBS) Waiver Program.

(2) This rule is authorized by Section 26-18-3. Waiver services for this program are optional and provided in accordance with 42 CFR 440.225.

R414-510-2. Definitions.

(1) "ICF/MR Transition Program applicant" is an individual who meets the eligibility requirements found in Section R414-510-3 of this rule, and who submits an ICF/MR Transition Program application to the Utah Department of Health, Division of Health Care Financing during the open application period as described in Subsection R414-510-4(2) of this rule.

(2) "Slot" refers to the funding that is available for one individual to participate in the ICF/MR Transition Program.

R414-510-[2]3. Client Eligibility Requirements.

Services are available to an individual who:

- (1) receives ICF/MR benefits under the Utah Medicaid State Plan;
- (2) has a diagnosis of mental retardation or a related condition;
- (3) meets ICF/MR level of care criteria defined in Section R414-502-8;
- (4) meets the Utah Department of Human Services, Division of Services for People with Disabilities state funding eligibility criteria found in Subsection 62A-5-102(4); and
- (5) has resided in a Medicaid-certified ICF/MR located in Utah for at least 12 consecutive months.

R414-510-[3]4. Program Access Requirements.

(1) Legislative appropriations determine the number of ~~participants~~ individuals selected in the particular year for placement in the program.

(2) Upon new legislative appropriation for the program, the Department announces an open application period for accepting applications.

(3) After the open application period, the Department places the name of each ICF/MR Transition Program applicant on both a longevity list and a random list. On the longevity list, the Department ranks each ICF/MR Transition Program applicant according to length of consecutive stay in an ICF/MR in Utah. On the random list, the

Department randomly ranks each ICF/MR Transition Program applicant based on a computerized random selection.

(4) The Department takes evenly from the longevity list and the random list for placement in the Community Supports Waiver for Individuals with Intellectual Disabilities and Other Related Conditions HCBS Waiver Program. If the Legislature funds an odd number of program [~~participants~~]slots, the Department places one additional individual from the longevity list.

(5) If an ICF/MR Transition Program applicant is selected for transition and has a spouse who also resides in a Utah ICF/MR and who meets the eligibility criteria in Section R414-510-2, the Department shall provide an additional slot for the spouse to participate in the transition program without affecting the number of available slots from the longevity and random lists.

(6) Once the Department places individuals into the program for the year's appropriation, the longevity and random lists are retired and no longer used. The Department makes no new placements into the program to replace individuals who leave the program for whatever reason.

(7) As the Legislature makes new appropriations for the program, the Department creates new longevity and random lists for each new appropriation and selects individuals for the program as described in subsections (2) through (4).

R414-510-[4]5. Service Coverage.

This rule incorporates by reference the services and limitations found in the Medicaid 1915(c) HCBS Services Waiver and the Community Supports Waiver for Individuals with Intellectual Disabilities and Other Related Conditions, State Implementation Plan, Effective July 1, 2005.

R414-510-[5]6. Reimbursement Methodology.

The Department of Human Services (DHS) contracts with DHCF to set 1915(c) HCBS waiver rates for waiver covered services. The DHS rate-setting process is designed to comply with requirements under the 1915(c) HCBS Waiver program and other applicable Medicaid rules. Medicaid requires that rates for services not exceed customary charges.

KEY: Medicaid

Date of Enactment or Last Substantive Amendment: [~~March 10, 2008~~]2009

Authorizing, and Implemented or Interpreted Law: 26-1-5; 26-18-3

Human Services, Aging and Adult Services

R510-302

Adult Protective Services

NOTICE OF PROPOSED RULE

(Repeal and Reenact)
DAR FILE No.: 32428
FILED: 03/03/2009, 10:54

RULE ANALYSIS

PURPOSE OF THE RULE OR REASON FOR THE CHANGE: The Adult Protective Services (APS) statute recently was completely overhauled and the rule must now be changed to reflect the update to the statute and bring it into compliance with state law.

SUMMARY OF THE RULE OR CHANGE: During the 2008 General Legislative Session, updates were made to the APS statute in S.B. 63, which required minor elements within the APS rule to be redone. The previous version of the rule included services which are no longer provided by APS and these have been removed. Examples include Adult Day Care and Adult Foster Care. The reenacted rule contains requirements to provide notice to perpetrators and also provides opportunities for administrative hearings. The repealed rule did not contain these provisions. (DAR NOTE: S.B. 63 (2008) is found at Chapter 91, Laws of Utah 2008, and was effective 05/05/2008.)

STATE STATUTORY OR CONSTITUTIONAL AUTHORIZATION FOR THIS RULE: Section 62A-3-301

ANTICIPATED COST OR SAVINGS TO:

❖ **THE STATE BUDGET:** There is no fiscal impact to the state because the rule change brings the the rule into compliance with current statute and processes and does not require a change in operations.

❖ **LOCAL GOVERNMENTS:** There is no fiscal impact on local governments because the rule change does not affect how local governments operate.

❖ **SMALL BUSINESSES AND PERSONS OTHER THAN BUSINESSES:** There is no fiscal impact on small businesses because small businesses do not currently participate in APS activities.

COMPLIANCE COSTS FOR AFFECTED PERSONS: There is no fiscal impact on affected persons because there is no cost to clients of the Adult Protective Services program.

COMMENTS BY THE DEPARTMENT HEAD ON THE FISCAL IMPACT THE RULE MAY HAVE ON BUSINESSES: The Department does not anticipate any fiscal impact resulting from this change. Lisa-Michele Church, Executive Director

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

HUMAN SERVICES
AGING AND ADULT SERVICES
Room 325
120 N 200 W
SALT LAKE CITY UT 84103-1500, or
at the Division of Administrative Rules.

DIRECT QUESTIONS REGARDING THIS RULE TO:

Nels R. Holmgren at the above address, by phone at 801-538-3921, by FAX at 801-538-4395, or by Internet E-mail at NHOLMGREN@utah.gov

INTERESTED PERSONS MAY PRESENT THEIR VIEWS ON THIS RULE BY SUBMITTING WRITTEN COMMENTS TO THE ADDRESS ABOVE NO LATER THAN 5:00 PM on 05/08/2009.

THIS RULE MAY BECOME EFFECTIVE ON: 05/11/2009

AUTHORIZED BY: Nels R. Holmgren, Director

R510. Human Services, Aging and Adult Services.

~~R510-302. Adult Protective Services.~~

~~R510-302-1. Authority and Purpose.~~

~~— (1) This rule is promulgated in accordance with the provisions of Section 62A-3-301, et seq. This purpose is to define services provided by the Adult Protective Services Unit in the Division of Aging and Adult Services, which may be provided to eligible clients.~~

~~— (2) Definitions:~~

~~— (a) "Abuse", "neglect" or "exploitation" as defined in Section 62A-3-301, et seq.~~

~~— (b) "Adult Day Care" means providing daily care and supervision designed to meet the needs of functionally impaired adults through a comprehensive program that provides a variety of social, recreational and related support services in a protective setting which allows for the maximum functioning of vulnerable adults.~~

~~— (c) "Adult Foster Care" means the provision of family-based care for vulnerable adults who are unable to live independently.~~

~~— (d) "Family Support" means the provision of services or payments to increase the capabilities of families to care for vulnerable adults in the natural home setting.~~

~~— (e) "Adult Protective Services" means the unit within the Division of Aging and Adult Services within the Department of Human Services responsible to investigate abuse, neglect and exploitation of vulnerable adults and provide appropriate protective services.~~

~~— (f) "Protective Payee" means a person who is eligible for adult protective services, is having difficulty managing their own funds, and voluntarily requests assistance in managing those funds.~~

~~— (g) "Protective Supervision" means the provision of services to assist a vulnerable adult to remain in a safe community setting through coordination with concerned agencies, families, or individuals, and may include such services as short term counseling, assistance in money management, and crisis intervention.~~

~~— h. "Short Term Services" means limited protective services provided with the permission of the affected vulnerable adult or the guardian of the vulnerable adult, as outlined in a service agreement for the purpose of resolving a protective need found during an APS investigation. Services provided under Short Term Services may include protective supervision, adult day care, adult foster care, or family support.~~

~~— i. "Vulnerable Adult" as defined in 62A-3-301.~~

~~— (3) Procedure, Services and Assistance:~~

~~— (a) Pursuant to Section 62A-3-301, et seq., this rule establishes the procedure by which the Division of Aging and Adult Services will operate the Adult Protective Services Program as authorized by law.~~

~~— (b) Adult Protective Services shall receive calls from any person who has reason to believe that a vulnerable adult has been the subject of abuse, neglect or exploitation.~~

~~— (c) Adult Protective Services' aid and assistance is available, on a voluntary basis, to all eligible vulnerable adults who are being or have been abused, neglected, or exploited, but shall be limited to the availability of budgetary resources being sufficiently allocated to Adult Protective Services. Vulnerable adults whose income and assets exceed the Adult Protective Services income guidelines, may be assessed a fee by the Division for services based on the Adult Protective Services~~

~~Payment Schedule established by the Division, pursuant to Section 62A-3-316(1).~~

~~— (d) Adult Protective Services shall, through its intake system via telephone communication, receive calls which are intended to enlist Adult Protective Services to provide a vulnerable adult with protection from abuse, neglect, or exploitation. Adult Protective Services may be accessed for and in behalf of any eligible citizen of the State.~~

~~— (e) In order for Adult Protective Services to take action, persons who make appropriate referrals shall include the following information:~~

~~— (i) The approximate age of the vulnerable adult. Note: a vulnerable adult must be 18 years of age, or older, to be eligible.~~

~~— (ii) A description of the mental and/or physical impairment which substantially affects the person's ability to do one or more of the following: provide personal protection or necessities, obtain services, carry out activities of daily living, manage one's own resources, or comprehend the nature and consequences of remaining in a situation of abuse, neglect or exploitation. (62A-3-301(26)).~~

~~— (iii) A statement of a specific allegation of abuse, neglect or exploitation being perpetrated or inflicted upon the victim.~~

~~— (f) Adult Protective Services shall make a record of each report received. Adult Protective Services shall then evaluate each report for possible follow up and investigation. Some reports may not be accepted for investigation if the vulnerable adult is not currently at risk of abuse, neglect, or exploitation.~~

~~— (g) Adult Protective Services investigations will be conducted on all screened and accepted referrals. Under normal conditions, investigations will begin within three working days of receipt of the referral. Investigations will be completed within 60 days unless a case extension policy exception has been obtained.~~

~~— (h) To obtain a case extension policy exception:~~

~~— (i) The caseworker shall, with or without being requested by the client, submit a Policy Exception form to the Supervisor for approval.~~

~~— (ii) The form shall document the reasons for the case extension request, and how the extension will assist in protecting the client.~~

~~— (i) Eligible Adult Protective Services clients may receive emergency placements in a safe environment until a resolution of the immediate problem/crisis can be made.~~

~~— (j) Private homes used as emergency shelter homes must meet the same standards as Adult Foster Care providers. Facilities used as emergency shelter placements shall be either certified or licensed as a residential facility or have a current business license.~~

~~— (k) If the protective need identified during an investigation cannot be resolved by the investigation due date, the investigator may request a Short Term Services Review Committee meeting for consultation, recommendations, and approval to continue efforts to resolve the protective need under the Short Term Services Program. After closure of an investigation, no services can be provided without approval from the committee for Short Term Services. That review committee may approve short term services in 90 day increments, with subsequent reviews as needed to continue the service. Nevertheless, the vulnerable adult receiving these services, or the vulnerable adult's guardian or conservator, must voluntarily consent to and accept the services. If consent is withdrawn by the vulnerable adult, or the vulnerable adult's guardian or conservator, the services will cease unless a court order is obtained for such services to continue.~~

~~— (l) Eligible Adult Protective Services clients may receive Protective Payee services to assure that basic living needs are being met and money management skills are being learned at a level appropriate to the client's level of functioning. Protective payee services may be provided to clients who:~~

—(i) Have a physical or mental impairment which directly relates to the need for payee services, and are assessed by the worker to be incapable of handling their own funds.

—(ii) Have no other appropriate person or institution to assume payee responsibility.

—(iii) Are capable of consenting to the obtaining of services, and are then able to accept the services. Note: If consent is withdrawn, the payee services will cease unless court ordered.

—(iv) Do not reside in a health care facility as defined in Section 26-21-2, residential treatment program, or other facility that is capable of providing payee services. Have an income which falls within the Adult Services income guidelines. The Client may be assessed a fee for services based on the Adult Protective Services Payment Schedule.

—(m) Eligible Adult Protective Services clients, or the service provider, may receive an immediate payment of funds in emergency situations. These funds will be issued through an Over the Counter-Check, or a one time payment to the service provider. These funds may be issued for such purposes as shelter, food, clothing, medicine or other emergencies which are needed immediately and cannot be funded from any other source. The worker is authorized to request that an agreement for repayment of the funds document be signed by the client, if appropriate.

—(n) Eligible Adult Protective Services clients may receive Adult Day Care to assist them in improving their ability to personally function and provide self care. Adult Day Care may also be provided as respite for eligible caregivers. Clients may qualify for Adult Day Care if they require one or more of the following:

—(i) Assistance with activities of daily living.

—(ii) 24-hour supervision.

—(iii) Assistance due to significant loss of memory or cognitive function.

—(iv) Assistance due to developmental disabilities.

—(v) Assistance in overcoming isolation related to their disability or to support the transition from independent living to group care or vice versa.

—(vi) Assistance to prevent premature institutionalization.

—(o) Eligible Adult Protective Services clients may receive Adult Foster Care to enable them to remain in a community setting and prevent premature institutionalization. Individuals who are unable to live alone or whose mental, emotional and physical conditions are such that the care given by a foster care provider will meet the person's needs may be appropriate for adult foster care. Individuals with the following medical, mental and behavioral problems will not be normally considered appropriate for Adult Foster Care assistance:

—(i) Require medication which they are unable to manage and administer themselves.

—(ii) Are considered by the Adult Protective Services to be a danger to themselves or others.

—(iii) Are incontinent, unless they are capable of self care.

—(iv) Are bedridden or confined to wheelchairs without having sufficient transfer skills from the wheelchair.

—(v) Have mental or neurological problems requiring professional supervision and treatment.

—(vi) Require constant assistance with toileting, dressing, grooming, hygiene or bathing.

—(vii) Exhibit destructive verbal and behavioral problems under normal living conditions.

—(viii) Require supervision at night time due to wandering or agitated behavior.

—(p) Adult Foster Care services will only be provided in homes which are licensed in accordance with State standards.

—(q) Eligible Adult Protective Services clients may receive Family Support payments to increase the capabilities of families to care for them in the natural home setting when no other services are available. These services are intended to help maintain the individual in a family member's home and prevent premature institutionalization. Vulnerable adult clients are eligible for this service when:

—(i) The client is unable to live unassisted due to mental, emotional and physical conditions and requires assistance or care in order to be able to safely remain in the community.

—(ii) A physician's statement indicates that the vulnerable adult is able to remain in his own home or the home of a relative and would benefit from Family Support Services.

—(iii) The vulnerable adult meets income eligibility guidelines established by the Division.

—(r) Adult Protective Services may petition the courts for legal authority to intervene when it has determined that the vulnerable adult cannot be protected in any less restrictive manner and there is evidence that the vulnerable adult lacks the capacity to consent to services.

—(s) Services provided by Adult Protective Services will be terminated when:

—(i) The circumstances which directly or indirectly caused, or were primary reasons for the abuse, neglect or exploitation, no longer exist; and the vulnerable adult is protected, or

—(ii) The vulnerable adult receiving voluntary services requests that those services be terminated.]

R510-302. Adult Protective Services.

R510-302-1. Purpose.

— This rule clarifies the responsibilities of Adult Protective Services.

R510-302-2. Authority.

— This rule is authorized by Sections 62A-3-106.5 and 62A-3-302.

R510-302-3. Principles.

— (1) Adult Protective Services shall respect the lifestyle that is knowingly and voluntarily chosen by the vulnerable adult.

— A vulnerable adult with capacity to consent has the right to self-determination.

— (2) All services provided are voluntary unless court ordered.

— (3) All services provided should be the least restrictive possible.

— (4) All services provided shall be community-based unless community-based services are unavailable.

— (5) Adult Protective Services shall encourage a vulnerable adult's family and community to take responsibility for providing necessary services.

— (6) Adult Protective Services shall coordinate and cooperate with other agencies to protect vulnerable adults.

— (7) Adult Protective Services shall treat vulnerable adults and others in a courteous, dignified and professional manner.

R510-302-4. Definitions.

— (1) All definitions found in Title 62A Chapter 3 are incorporated by reference.

— (2) Activities of Daily Living means the ability to: take a full body bath or shower, including transfer in and out of the bath or shower; tend to personal hygiene needs, including care of teeth, dentures, shaving, and hair care; put on, fasten and take off all clothing, and select appropriate attire; walk without supervision or cues, including using a walker or cane; use steps or ramps; use toilet

or commode, including transferring on and off toilet, cleansing self, changing pads, and caring for colostomy or catheter in appropriate manner; transfer without supervision or devices in and out of a bed or chair; and the ability to feed oneself, prepare food on a plate, drink from a cup and/or use necessary adaptive devices.

(3) Instrumental Activities of Daily Living means the core life activities of independent living, including using the telephone, managing money, preparing meals, doing housework, remembering to take medications, providing for ones necessities, and obtaining services.

(4) Conservator means an individual or agency appointed by a court in accordance with Section 75-5-401, et seq.

(5) Guardian means an individual or agency appointed by a court in accordance with Section 75-5-303, et seq.

(6) Incapacitated Person is as defined in Section 75-1-201(18).

(7) Intentionally is as defined in Section 76-2-103(1).

(8) Knowingly is as defined in Section 76-2-103(2).

(9) Lifestyle Choice means the way of life knowingly and voluntarily preferred or selected by a person who has capacity to consent.

(10) Limited Capacity means that a person's ability to understand and communicate regarding the nature and consequences of decisions concerning the adult's person or property is limited in one or more, but not all, functional areas, or during identified times of day, due to an mental illness, developmental disability, organic brain disorder, physical illness or disability, chronic use of drugs, chronic intoxication, short-term memory loss, or other cause.

(11) Long-term care facility is as defined in Section 62A-3-202.

Protective intervention funding means payments made to the vulnerable adult, family, or caregiver or other provider that will alleviate or resolve a protective need.

(12) Protective Need means a need resulting from or related to the abuse, neglect, or financial exploitation of a vulnerable adult.

(13) Protective Supervision means an APS service offered to reduce or resolve a vulnerable adult's protective need.

(14) Recklessly is as defined in Section 76-2-103(3).

(15) Respite Care means a time-limited period of relief from care giving responsibilities paid to a respite care provider or individual from Protective Intervention Funds.

(16) Service Plan means a document created by the caseworker for an approved Short Term Service Case that includes a goal, objectives, methods, and progress reviews to resolve the protective needs identified in an Adult Protective Services investigation, and which implements recommendations of the case review committee.

(17) Short-term protective services include but are not limited to crisis intervention, emergency shelter, protective supervision, respite care, supported living services, short-term intervention funding, or monitoring the vulnerable adult's money-management.

(18) Short-Term intervention funding means short-term payments made to the vulnerable adult, family, or caregiver or other provider, during a short-term service case for goods or services other than for Respite care or Supported Living, that will alleviate or resolve a protective need.

(19) Supported Living means short-term payments made to individuals or providers that enable the vulnerable adult to remain in his or her own home or in the home of a relative.

R510-302-5. Records.

(1) Adult Protection case files shall be securely maintained.

(2) An Adult Protection case file shall include all records

relating to an investigation performed by Adult Protective Services, and may include an adult protection report, capacity assessment, allegation assessment, risk assessment, service plan recommendations and service plans, case activity record, correspondence, agreements, authorizations, medical and psychological records, financial records, police reports, photographs, video recordings, audio recordings, court documents, and legal documents.

(a) Short-term service case files may include in addition to the above items: client eligibility documents, information releases, correspondence, Assessments, disbursement requests, records of Protective Intervention payments, and service plan documents.

(3) An Adult Protection case file shall document services needed by and provided for each vulnerable adult client.

(4) Case Review Committee recommendations will be documented in the case record.

(5) If a vulnerable adult dies after a referral is received, the investigator shall complete a report in compliance with DHS Policy and Procedures 05-02.

R510-302-6. Adult Protective Services Intake.

(1) Referrals may be submitted to APS Intake Office via written or telephonic means from any person who has reason to believe that a vulnerable adult has been abused, neglected, or exploited in the State of Utah.

(2) All referrals shall be evaluated by APS Intake to determine whether APS shall investigate the allegation.

(3) APS shall investigate all allegations of abuse, neglect, or exploitation of a vulnerable adult in the State of Utah except as follows:

(a) Allegations involving non-serious incidents of abuse, neglect or exploitation in a long-term care facility shall be referred to the long-term care ombudsman program in accordance with Section 62A-3-201, et seq.

(i) Non-serious incidents are incidents between residents over the age of 60 in which there are no injuries that require medical attention, and in which the facility has taken all reasonable steps to protect residents from future harm.

(4) APS shall notify the Department of Health and the Local Long-term Care Ombudsman when a referral involves a long-term care facility.

(5) APS may submit a referral that involves a Division employee or other potential conflict of interest to the DHS Office of Services Review for investigation.

(6) APS shall not accept a referral that does not involve an allegation that a vulnerable adult may have been or is being abused, neglected, or exploited.

(7) APS shall not accept or investigate a referral that involves the abuse, neglect, or exploitation of a vulnerable adult on an Indian Reservation unless a written agreement between APS and tribal authorities is in effect and grants APS authority to investigate.

(a) APS may refer a case that involves the abuse, neglect, or exploitation of a vulnerable adult on an Indian Reservation to federal or tribal authorities.

(8) APS shall not accept or investigate a referral that identifies no current abuse, neglect, or exploitation but anticipates that abuse, neglect, or exploitation may occur in the future.

R510-302-7. Investigation.

(1) The assigned investigator shall review the referral received from APS Intake and determine whether:

- (a) there is an allegation of abuse, neglect or exploitation;
- (b) the alleged victim is a vulnerable adult;
- (c) the alleged victim has the capacity to consent;
- (d) the alleged victim has a legal guardian or conservator; and
- (e) an emergency exists.

(2) The investigator shall initiate the investigation and make a face-to-face visit with the alleged victim.

(a) The investigator shall seek the consent of the vulnerable adult to provide services if the vulnerable adult has the capacity to consent.

(b) The investigator shall seek the consent of the vulnerable adult's legal guardian to provide services if the vulnerable adult does not have the capacity to consent.

(c) The investigator may seek a court order to provide services in the absence of consent from the vulnerable adult or the vulnerable adult's legal guardian.

(3) The investigator may not enter the home of a vulnerable adult unless the vulnerable adult, legal guardian, or caretaker consents, except as described in subsection (a) below.

(a) The investigator may enter the home of a vulnerable adult if exigent circumstances exist to protect the vulnerable adult from imminent harm.

(b) The Investigator may contact persons who may have information regarding the vulnerable adult's circumstances and to obtain information necessary to investigate allegations of abuse, neglect, or exploitation.

(4) The investigator shall evaluate the extent of the alleged victim's mental and/or physical impairment, whether the alleged victim is a vulnerable adult, and whether any impairment substantially impacts activities of daily living.

(5) The investigator shall interview the alleged perpetrator unless:

(a) specifically requested not to do so by law enforcement officers in order to avoid impeding an ongoing criminal investigation or proceeding;

(b) interviewing the alleged perpetrator would likely endanger any person;

(c) prior to interviewing the alleged perpetrator, the allegation is found to be without merit;

(d) an alleged victim with capacity terminates the APS investigation;

(e) APS is unable to locate the victim;

(f) the alleged victim died before the investigation started;

(g) the alleged perpetrator is unknown; or

(h) the alleged perpetrator has declined the interview.

(6) The Investigator shall, based on all information obtained during the investigation, determine:

(a) whether each allegation of abuse, neglect, and exploitation identified by the referent is supported, inconclusive, or without merit; and

(b) whether each allegation of abuse, neglect, and exploitation identified during the investigation is supported, inconclusive, or without merit.

(7) When the investigator has reason to believe a drug lab may be located at an investigative site, the investigator will contact law enforcement agencies and not enter the site until the local health department determines it is safe to do so.

(a) Law enforcement agencies may be asked to assess and secure a vulnerable adult's immediate safety, facilitate the vulnerable adult's exit from the lab site, and arrange for emergency transportation to the hospital for decontamination.

(8) The investigator may obtain an administrative subpoena when the following circumstances apply:

(a) the vulnerable adult lacks the capacity to consent;

(b) the vulnerable adult's legal guardian refuses to consent;

(c) the custodian of the records or items pertinent to an investigation refuses to allow access to those records or items without a subpoena; and

(d) the information sought is necessary to investigate allegations of abuse, neglect or exploitation or to protect the alleged victim.

(9) An administrative subpoena form shall include a list that specifically identifies the documents or objects being subpoenaed.

(a) An administrative subpoena is not valid until signed by the Director or Regional Director.

(b) The investigator shall document all items received as a result of the subpoena.

(10) The Investigator shall determine whether the vulnerable adult has an unmet protective need.

(a) If an unmet protective need exists, the investigator shall refer the vulnerable adult and the vulnerable adult's legal guardian to available community resources and services to resolve the protective need.

(b) If an unmet protective need exists, the investigator or Supervisor may request a review by the Case Review Committee to determine if Short-Term Services may help to resolve the protective need.

(c) APS shall not facilitate the placement of a vulnerable adult who lacks capacity to consent with an unlicensed caregiver.

(d) APS may contact the family of a vulnerable adult and inform the family that the vulnerable adult requires alternate living arrangements in an environment that is safe and meets the vulnerable adult's protective needs.

(e) APS may, but is not required to, seek or facilitate the placement of a vulnerable adult with a licensed caregiver.

(f) Protective Intervention Funds may, in the sole discretion of APS, be made available to the vulnerable adult, family caregiver or other provider to alleviate or resolve a protective need, and must directly benefit the vulnerable adult.

(i) One-time payments may be made for medications, medical treatment, or medical equipment or supplies not covered by insurance or other medical coverage; transportation; minor repairs or modifications; rent; food; or clothing, or other needs that directly benefit the vulnerable adult to alleviate or resolve a protective need.

(ii) Payments may be made to a service provider or individual for approved Short-term services for Respite care, Supported living, or for short-term intervention funds.

R510-302-8. Income Eligibility.

(1) There are no income eligibility requirements for an APS investigation of allegations of abuse, neglect, or exploitation.

(2) There are no income eligibility requirements in order to receive short-term protective supervision services.

(3) There are no income eligibility requirements in order to receive Protective Intervention Funds to resolve a situational crisis or an immediate protective need.

(4) Short-term protective services may only be provided to a vulnerable adult who is the victim of abuse, neglect, or exploitation.

(5) Short-term protective services may only be provided in accordance with the terms of a service plan consented to and signed by the vulnerable adult or the vulnerable adult's legal guardian, or

pursuant to court order. An updated service plan will be signed at each case review.

(6) A vulnerable adult shall meet income eligibility requirements in order to receive short-term protective services other than protective supervision services, including respite care, supported living, short-term intervention funding, protective payee services, and other services approved by the APS Director or regional director.

(a) For purposes of eligibility for short-term protective services, "family" includes an adult, the adult's spouse, and their natural children under age 18, who are residing in the same household.

A person living under the care of someone other than their spouse is considered a one-person family.

(b) In determining whether a vulnerable adult meets income eligibility requirements for short-term protective services, family assets shall be disclosed and evaluated.

(i) Family assets include the fair market value of stocks, bonds, certificates of deposit, notes, savings and checking accounts, inheritance, capital gains, or gifts, which can be readily converted to cash.

(ii) A client's income and deductions will be used to determine the client's adjusted gross income to determine the client's eligibility status.

(iii) Monthly gross income includes the total monthly income received by an individual from earnings, military pay, commissions, tips, piece-rate payments, and cash bonuses; net income from self-employment; Social Security Pensions, SSI, Survivor's Benefits, and Permanent Disability Insurance payments; dividends, interest, income from estates or trusts, net rental income or royalties, net income from rental of property, receipts from boarders or lodgers; pensions, annuities; unemployment compensation; strike benefits; worker's compensation; alimony, child support, money received as specified in a divorce or support decree; Veterans' pensions or subsistence allowances; and other regular (three out of six months) financial assistance.

(iv) Monthly gross income does not include per capita payments to or funds held in trust for any individual in satisfaction of a judgment of the Indian Claims Commission or the Court of Claims; net proceeds received from the sale of a primary residence or an automobile; money borrowed; insurance payments in excess of incurred costs that must be paid from the settlement; the value of the coupon allotment under the Food Stamp Act; the value of USDA donated foods; the value of supplemental food assistance under the Child Nutrition Act of 1966 and the special food service program for children under the National School Lunch Act; any payment received under the Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970; earnings of a child (under 18 years of age) residing in the home; payments for energy assistance and weatherization HEAT program; housing subsidies paid by the Federal government; payments or grants received due to natural disaster; educational loans, grants, or scholarships to any undergraduate student for educational purposes that is made or insured by the U.S. Commissioner of Education (BEOG; SEOG; NDSL; Guaranteed Student Loans; SSIG; and PELL Grants); payments to participate in a service learning program, such as College Work-Study or University Year for Action; and that portion of any other loan, grant, or scholarship which is conditioned upon school attendance, actually used for tuition, books, fees, equipment, special clothing needs, transportation to and from the school, and the child care services necessary for school attendance.

(v) The expenses that shall be deducted in determining adjusted gross income are limited to medical expenses (including Medicaid spend-down and insurance); storage expenses; child support paid, including money paid for house payments, rent, etc. as specified in a divorce or support decree; the dollar amount of first mortgage/rental payment over 25% of monthly countable income (not counted for Foster Care); and fees paid for other programs and protective services.

(vi) The sum of all family assets shall be divided by the number of family members, and if that amount exceeds \$4,000 per family member, then the value over \$4,000 shall be prorated over twelve months, and the resulting amount shall be added to the monthly countable income.

(vii) Eligibility status must be verified annually and within 30 days of any family member's increase in assets.

(viii) A client's adjusted gross income for income tax purposes is not the same as the adjusted gross income for service eligibility purposes.

(ix) All family assets and expenses shall be supported with current bank records, check stubs, and other verifiable records. Documentation must clearly indicate the name of the applicable family member.

R510-302-9. Protective Need Intervention.

(1) If protective services are needed and the vulnerable adult has the capacity to consent, the Investigator will work with the vulnerable adult to identify options to alleviate the protective need. If a vulnerable adult lacks the capacity to consent to protective services and has no legal guardian, the Investigator may:

(a) request a multi-disciplinary case staffing;

(b) contact the vulnerable adult's family;

(c) contact mental health professionals or physicians;

(d) contact agencies, organizations or services available to meet the vulnerable adult's protective need; or

(e) contact the Office of the Public Guardian.

(2) The Investigator may provide short-term counseling or crisis intervention to assist the vulnerable adult in obtaining services or benefits relating to the abuse, neglect, or exploitation.

(3) The Investigator may request Protective Intervention Funding to alleviate the vulnerable adult's protective need.

(a) Emergency shelter placements may be made for up to 30 days within a twelve-month period for a vulnerable adult who has been abused, neglected, or exploited only if:

(i) the vulnerable adult's circumstances require immediate alternate living arrangements in a safe environment;

(ii) the vulnerable adult or legal guardian consents to the emergency shelter placement or a court order authorizes the placement;

(iii) the vulnerable adult does not meet the eligibility requirements for shelter under the Family Violence program; and

(iv) the emergency shelter has all required current licenses and certifications.

R510-302-10. Short Term Intervention.

(1) A short-term services Case Review Committee shall monitor and review short-term services.

(a) The Case Review Committee will consist of the primary worker, supervisor or designee, and two other region workers. The Committee may include other APS and community or agency individuals when determined necessary by the Case Review Committee.

(b) The Case Review Committee shall oversee the progress made towards resolution of the protective need.

(c) The Case Review Committee may recommend that short-term services are initiated, extended, or terminated.

(d) The Case Review Committee may recommend community referrals or alternative actions.

(e) The Case Supervisor may approve or deny Short-Term Services recommended by the Case Review Committee.

(2) Short-Term Services may only be provided under the following conditions:

(a) Short-term services are voluntary and shall not be implemented without the written consent of the vulnerable adult or the vulnerable adult's legal representative.

(b) Every short-term service case shall include a protective supervision service.

(c) Protective Intervention funds for Short-term services shall not be disbursed without the approval of the APS supervisor or regional director.

(d) Respite Care funds may not be used for caring for other members of the family, performing extensive household tasks, or transportation.

(e) Respite Care may be provided in the vulnerable adult's home, a caregiver's home, or in a licensed facility.

(f) Supported Living Payments may be made to providers to enable the vulnerable adult to remain in his own home or in the home of a relative, and may include short-term supervision, transportation, assistance with shopping, training or assistance with activities of daily living.

(g) Payments for Short-Term Services may not be made until a case has been approved by the Case Review Committee and Services voluntarily agreed to in writing by the vulnerable adult, his or her guardian, or approved by court order.

R510-302-11. Protective Payee Services.

(1) Protective Payee Services are available only to a vulnerable adult who has been approved for this service prior to May 5, 2008.

(2) Protective Payee Services include money management skills for individuals without a legal guardian.

(a) The protective payee will review the vulnerable adult's financial account and allocate, with the vulnerable adult (if able to participate) funds for the vulnerable adult's basic needs, such as food, clothing, shelter, medical care, and other costs of care or special needs.

(b) If the vulnerable adult has income remaining after all basic costs are paid, it shall be placed in the vulnerable adult's trust account.

(c) The protective payee will provide the vulnerable adult with a monthly copy of the account ledger.

(3) Protective Payee Services shall be documented in accordance with standard accounting practices.

(4) Protective Payee Services shall cease if the vulnerable adult withdraws consent unless otherwise required by court order.

(5) Protective Payee Services shall cease if another person provides protective payee services.

(6) Protective Payee Services shall cease if the vulnerable adult has minor children residing in the home for whom he has legal responsibility and for whom any type of financial assistance is received.

(7) When Protective Payee Services are terminated due to the death of the vulnerable adult, the vulnerable adult's remaining expenses, including burial expenses, shall be paid from the account and the funding agencies shall be notified of the vulnerable adult's death. Any remaining funds shall be distributed in accordance with State law.

R510-302-12. Termination of Short-Term Protective Services.

(1) A vulnerable adult has no entitlement or right to short-term protective services.

(2) Protective Services may be terminated by the vulnerable adult or APS at any time.

(3) Protective Services shall be terminated when:

(a) the vulnerable adult is no longer in immediate danger of abuse, neglect or exploitation;

(b) a vulnerable adult who voluntarily accepted services requests that those services be terminated;

(c) recommended by the Case Review Committee;

(d) the court terminates an order requiring APS to provide services;

(e) the vulnerable adult is receiving protective services from other persons or agencies;

(f) the vulnerable adult's behavior is abusive or violent and constitutes a threat;

(g) the vulnerable adult no longer meets the eligibility requirements for services;

(h) the vulnerable adult refuses to comply with the service plan;

(i) there is insufficient funding to pay for the service;

(j) the vulnerable adult moves out of State; or

(k) the vulnerable adult dies.

(4) When APS terminates Short-Term protective services, a letter will be sent to the vulnerable adult stating the case is going to be terminated and the reason for termination.

(a) The letter shall state that termination becomes effective 10 days from the date the letter was sent unless the vulnerable adult requests an administrative review of the reason for the termination and to decide if the services should be reinstated or alternative services may be available.

(b) In Protective Payee Short-Term Service cases, the letter to the vulnerable adult shall be copied to the agency providing funding (income) for the vulnerable adult.

(5) Upon the death of a vulnerable adult, the following procedures should be followed:

(a) The family of the vulnerable adult will be contacted to arrange for the burial.

(b) If the family is unable to pay for the burial, APS may suggest a list of other resources to pay burial expenses, such as relatives, religious organizations, insurance, and the County Commission.

(c) If no one accepts responsibility, APS will make contacts to arrange burial, however APS shall not pay for the burial.

(d) APS shall notify SSA, VA, or other sources, of entitlement benefits if APS is acting as the vulnerable adult's protective payee.

(e) APS shall complete a Deceased Client Report form in accordance with DHS policy 05-02.

KEY: vulnerable adults, domestic violence, shelter care facilities, short-term services
Date of Enactment or Last Substantive Amendment: ~~November 18, 2002~~ 2009
Notice of Continuation: August 21, 2007
Authorizing, and Implemented or Interpreted Law: 62A-3-301 et seq.

◆ ————— ◆

Public Safety, Fire Marshal R710-2-6

List of Approved Class C Common State Approved Explosives

NOTICE OF PROPOSED RULE

(Amendment)

DAR FILE No.: 32451

FILED: 03/16/2009, 20:56

RULE ANALYSIS

PURPOSE OF THE RULE OR REASON FOR THE CHANGE: On 03/10/2009, the Utah Fire Prevention Board met in a regularly scheduled Board meeting, and voted by unanimous vote to amend Section R710-2-6 to allow those fireworks that are marked with the California State Fire Marshal Safe and Sane Registered Fireworks Seal to be exempt from the required annual testing process and be placed on the approved fireworks list.

SUMMARY OF THE RULE OR CHANGE: The Board proposes to make the following amendments in Section R710-2-6 as follows: 1) in Subsection R710-2-6(6.1), the Board proposes to add the verbiage that requires annual testing of fireworks as required in Subsection 53-7-222(1); and 2) in Subsection R710-2-6(6.4), the Board proposes to amend the rule to allow those fireworks that bear the California State Fire Marshal Safe and Sane Registered Fireworks Seal to be exempt from the required annual testing and that approved firework can be placed on the Utah fireworks approved list.

STATE STATUTORY OR CONSTITUTIONAL AUTHORIZATION FOR THIS RULE: Section 53-7-204

ANTICIPATED COST OR SAVINGS TO:

❖ **THE STATE BUDGET:** There is no aggregate anticipated cost to state government for the enactment of these proposed amendments. There is an anticipated savings to state government of approximately \$1,000 for the fireworks that are normally placed through the testing process that will now not be required to be annually tested.

❖ **LOCAL GOVERNMENTS:** There is no aggregate anticipated cost to local government for the enactment of these proposed amendments. There is an anticipated savings to local government of approximately \$2,000 for the fireworks that are normally placed through the testing process that will now not be required to be annually tested. Local government has assisted the state in this testing process and will no longer be

required to test every new firework that is to be added to the approved list.

❖ **SMALL BUSINESSES AND PERSONS OTHER THAN BUSINESSES:** There is no aggregate anticipated cost to small businesses for the enactment of these proposed amendments. There is an anticipated savings of approximately \$7,000 to small businesses that will now be able to list their fireworks that need approval to the approved list without having to set them off in front of the State Fire Marshal's Office and local government if they have been previously approved by the California State Fire Marshal's Office.

COMPLIANCE COSTS FOR AFFECTED PERSONS: There are no compliance costs for affected persons to implement these new proposed rule amendments. There is a savings to all involved due to the allowance of those fireworks with the California Safe and Sane Fireworks Seal to be placed on the Utah fireworks approved list without having to be actually tested for performance to meet the requirements of the Utah Fireworks Act.

COMMENTS BY THE DEPARTMENT HEAD ON THE FISCAL IMPACT THE RULE MAY HAVE ON BUSINESSES: There is no fiscal impact to businesses for the enactment of these proposed amendments. There is a substantial savings to business for the enactment of these proposed rule amendments and is in the best interest of all involved. D. Lance Davenport, Commissioner

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

PUBLIC SAFETY
FIRE MARSHAL
Room 302
5272 S COLLEGE DR
MURRAY UT 84123-2611, or
at the Division of Administrative Rules.

DIRECT QUESTIONS REGARDING THIS RULE TO:

Brent Halladay at the above address, by phone at 801-284-6352, by FAX at 801-284-6351, or by Internet E-mail at bhallada@utah.gov

INTERESTED PERSONS MAY PRESENT THEIR VIEWS ON THIS RULE BY SUBMITTING WRITTEN COMMENTS TO THE ADDRESS ABOVE NO LATER THAN 5:00 PM on 05/01/2009.

THIS RULE MAY BECOME EFFECTIVE ON: 05/08/2009

AUTHORIZED BY: Ron L. Morris, Utah State Fire Marshal

R710. Public Safety, Fire Marshal.

R710-2. Rules Pursuant to the Utah Fireworks Act.

R710-2-6. List of Approved Class C Common State Approved Explosives.

6.1 The State Fire Marshal shall test and approve any Class C common state approved explosive before it is placed on the approved list as required in UCA 53-7-222(1).

6.[+]2 The State Fire Marshal shall publish a list of approved class C common state approved explosives each year as required in UCA 53-7-222(1)(b).

6.[2]3 The testing shall be conducted annually or as needed.

6.4 Any firework that bears the "California State Fire Marshal Safe and Sane Registered Fireworks Seal" is exempted from the testing process and can be placed on the approved list.

KEY: fireworks

Date of Enactment or Last Substantive Amendment: [~~December 9, 2008~~]May 8, 2009

Notice of Continuation: June 4, 2007

Authorizing, and Implemented or Interpreted Law: 53-7-204

Public Service Commission,
Administration

R746-360-5

Fund Remittances and Disbursements

NOTICE OF PROPOSED RULE

(Amendment)

DAR FILE NO.: 32434

FILED: 03/11/2009, 09:36

RULE ANALYSIS

PURPOSE OF THE RULE OR REASON FOR THE CHANGE: The purpose of this amendment is to change the guidelines for reporting and remittance of Universal Service Fund (USF) surcharge fees collected by telecommunications corporations.

SUMMARY OF THE RULE OR CHANGE: Surcharges should be remitted monthly from entities that average \$10 or more per month in surcharge collections. Surcharges should be remitted semi-annually from entities that average less than \$10 per month in surcharge collections.

STATE STATUTORY OR CONSTITUTIONAL AUTHORIZATION FOR THIS RULE: Section 54-8b-15

ANTICIPATED COST OR SAVINGS TO:

❖ THE STATE BUDGET: The amendment will have no effect to the state budget. No changes to state agency activities will occur.

❖ LOCAL GOVERNMENTS: The amendment applies only between the Public Service Commission and telecommunications companies that have collected surcharge fees, local government is not affected.

❖ SMALL BUSINESSES AND PERSONS OTHER THAN BUSINESSES: No telecommunications carriers subject to this rule have fewer than 50 employees. The proposed change does not apply to persons other than telecommunications carriers.

COMPLIANCE COSTS FOR AFFECTED PERSONS: Telecommunications carriers collecting small amounts of USF surcharges will not need to send monthly payments in for these small amounts. This will reduce their expenses, albeit by a very small amount. The benefit is simplifying the

accounting and transmittal processes for USF surcharge collections. Some monthly remittances have been for \$5 or less.

COMMENTS BY THE DEPARTMENT HEAD ON THE FISCAL IMPACT THE RULE MAY HAVE ON BUSINESSES: The amendment will help telecommunications carriers collecting USF surcharges reduce the number of small amount checks they send in to remit USF surcharge collections. Ted Boyer, Commission Chairman

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

PUBLIC SERVICE COMMISSION
ADMINISTRATION
HEBER M WELLS BLDG
160 E 300 S
SALT LAKE CITY UT 84111-2316, or
at the Division of Administrative Rules.

DIRECT QUESTIONS REGARDING THIS RULE TO:

Sheri Bintz at the above address, by phone at 801-530-6714, by FAX at 801-530-6796, or by Internet E-mail at sbintz@utah.gov

INTERESTED PERSONS MAY PRESENT THEIR VIEWS ON THIS RULE BY SUBMITTING WRITTEN COMMENTS TO THE ADDRESS ABOVE NO LATER THAN 5:00 PM on 05/01/2009.

THIS RULE MAY BECOME EFFECTIVE ON: 05/08/2009

AUTHORIZED BY: Sandy Mooy, Legal Counsel

**R746. Public Service Commission, Administration.
R746-360. Universal Public Telecommunications Service Support Fund.**

R746-360-5. Fund Remittances and Disbursements.

A. Remitting Surcharge Revenues --

1. Telecommunications corporations, not eligible for USF support funds, providing telecommunications services subject to USF surcharges shall collect and remit surcharge revenues to the Commission as follows:

a. if the average monthly USF surcharge collections over the prior six months was ten dollars or greater, within 45 days after the end of each month[-].

b. if the average monthly USF surcharge collections over the prior six months was less than ten dollars, the telecommunications corporation may accrue the USF surcharge collections and submit the accrued collections on a semiannual basis.

2. Telecommunications corporations eligible for USF support funds shall make remittances as follows:

a. Prior to the end of each month, the fund administrator shall inform each qualifying telecommunications corporation of the estimated amount of support that it will be eligible to receive from the USF for that month.

b. Net fund contributions shall be remitted to the Commission within 45 calendar days after the end of each month. If the net amount owed is not received by that date, remedies, including withholding future support from the USF, may apply.

3. The Commission will forward remitted revenues to the Utah State Treasurer's Office for deposit in a USF account.

B. Distribution of Funds -- Net Fund distributions to qualifying telecommunications corporations for a given month shall be made 60 days after the end of that month, unless withheld for failure to maintain qualification or failure to comply with Commission orders or rules.

KEY: public utilities, telecommunications, universal service
Date of Enactment or Last Substantive Amendment: [~~October 1, 2008~~2009
Notice of Continuation: November 25, 2008
Authorizing, and Implemented or Interpreted Law: 54-3-1; 54-4-1; 54-7-25; 54-7-26; 54-8b-12; 54-8b-15



End of the Notices of 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 Section 63G-3-305.

Health, Health Care Financing, Coverage and Reimbursement Policy **R414-54** Speech-Language Pathology Services

FIVE YEAR NOTICE OF REVIEW AND STATEMENT OF CONTINUATION

DAR FILE No.: 32432
FILED: 03/09/2009, 14:19

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: Section 26-1-5 grants the Department of Health the power to adopt, amend, or rescind rules that shall have the force and effect of law. Section 26-18-3 requires the Department to implement the Medicaid program through administrative rules. In addition, 42 CFR 409.17 authorizes the Department to provide speech-language pathology services to Medicaid clients who qualify for the services.

SUMMARY OF WRITTEN COMMENTS RECEIVED DURING AND SINCE THE LAST FIVE YEAR REVIEW OF THE RULE FROM INTERESTED PERSONS SUPPORTING OR OPPOSING THE RULE: The Department did not receive any written or oral comments.

REASONED JUSTIFICATION FOR CONTINUATION OF THE RULE, INCLUDING REASONS WHY THE AGENCY DISAGREES WITH COMMENTS IN OPPOSITION TO THE RULE, IF ANY: This rule is necessary because it outlines the provisions of speech-language pathology services for Medicaid clients eligible for these services. Therefore, this rule should be continued.

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

HEALTH
HEALTH CARE FINANCING,
COVERAGE AND REIMBURSEMENT POLICY
CANNON HEALTH BLDG
288 N 1460 W

SALT LAKE CITY UT 84116-3231, or
at the Division of Administrative Rules.

DIRECT QUESTIONS REGARDING THIS RULE TO:

Kimi McNutt at the above address, by phone at 801-538-6381, by FAX at 801-538-6099, or by Internet E-mail at KMCNUTT@utah.gov

AUTHORIZED BY: David N. Sundwall, Executive Director

EFFECTIVE: 03/09/2009



Insurance, Administration **R590-195** Rental Car Related Licensing

FIVE YEAR NOTICE OF REVIEW AND STATEMENT OF CONTINUATION

DAR FILE No.: 32435
FILED: 03/11/2009, 17:38

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: In Subsection 31A-2-201(3) the code authorizes the commissioner to write rules to implement Title 31A of the Utah Code. Subsection 31A-23a-106(2)(d) authorizes car rental related insurance as a type of limited lines insurance. Subsection 31A-23a-110(1) authorizes the commissioner to set the form and content of licenses prescribed in Title 31A, Chapter 23a. Subsection 31A-23a-113(3) authorizes the commissioner to recognize other producers for a kind of insurance not listed here.

SUMMARY OF WRITTEN COMMENTS RECEIVED DURING AND SINCE THE LAST FIVE YEAR REVIEW OF THE RULE FROM INTERESTED PERSONS SUPPORTING OR OPPOSING THE RULE: The department has not received written comments regarding this rule in the past five years.

REASONED JUSTIFICATION FOR CONTINUATION OF THE RULE, INCLUDING REASONS WHY THE AGENCY DISAGREES WITH COMMENTS IN OPPOSITION TO THE RULE, IF ANY: This rule is needed to support and give direction to the licensing process for car rental related insurance. This is a unique line of insurance and requires separate treatment from a traditional insurance agency. Therefore, this rule should be continued.

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

INSURANCE
ADMINISTRATION
Room 3110 STATE OFFICE BLDG
450 N MAIN ST
SALT LAKE CITY UT 84114-1201, or
at the Division of Administrative Rules.

DIRECT QUESTIONS REGARDING THIS RULE TO:

Jilene Whitby at the above address, by phone at 801-538-3803, by FAX at 801-538-3829, or by Internet E-mail at jwhitby@utah.gov

AUTHORIZED BY: Jilene Whitby, Information Specialist

EFFECTIVE: 03/11/2009



Insurance, Administration
R590-220
Submission of Accident and Health
Insurance Filings

**FIVE YEAR NOTICE OF REVIEW AND
STATEMENT OF CONTINUATION**

DAR FILE NO.: 32442
FILED: 03/12/2009, 18:46

**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 31A-2-201(3) authorizes the commissioner to write rules to implement the provisions of Title 31A of the Utah Code. Section 31A-2-201.1 authorizes the commissioner to write rules setting requirements for the filing of forms, rates or reports. Subsection 31A-2-202(2) authorizes the commissioner to prescribe forms to collect necessary information and data from licensees. Subsection 31A-22-620(3)(f) authorizes the commissioner to adopt rules that prohibit policy provisions that are unfair and discriminatory under a Medicare supplement policy or certificate. Subsections 31A-30-106(1)(i) and (k) allow the commissioner to set health and accident rating requirements and auditing restrictions.

SUMMARY OF WRITTEN COMMENTS RECEIVED DURING AND SINCE THE LAST FIVE YEAR REVIEW OF THE RULE FROM INTERESTED PERSONS SUPPORTING OR OPPOSING THE RULE: Within the past five years, the department received comments from an insurer regarding changes filed 05/31/2006. Concerns dealt with the requirement that all filings provide domicile state and filing status information. This requirement was later eliminated. Concern was also expressed about reducing the time requirement to make spelling and punctuation correction, from 30 to 15 days; and that when additional types of insurance products are offered by an insurer, the discretionary group has to be reauthorized. After three comment periods, all parties were satisfied with the rule and changes were put into effect 01/22/2007. Additional changes were filed 05/15/2007 which elicited written comments from two insurers. One insurers comments dealt solely with grammar and punctuation. The other insurer requested clarification on what constituted a rejected filing and its relation to a Filing Objection Letter; requested a definition for Rate Revision; and requested clarification regarding a new form filing versus a rate revision.

REASONED JUSTIFICATION FOR CONTINUATION OF THE RULE, INCLUDING REASONS WHY THE AGENCY DISAGREES WITH COMMENTS IN OPPOSITION TO THE RULE, IF ANY: This rule is important in making sure the department receives policy rate and form information necessary to make sure there is no unfair discrimination in the coverage they provide and the rates charged. Therefore, this rule should be continued.

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

INSURANCE
ADMINISTRATION
Room 3110 STATE OFFICE BLDG
450 N MAIN ST
SALT LAKE CITY UT 84114-1201, or
at the Division of Administrative Rules.

DIRECT QUESTIONS REGARDING THIS RULE TO:

Jilene Whitby at the above address, by phone at 801-538-3803, by FAX at 801-538-3829, or by Internet E-mail at jwhitby@utah.gov

AUTHORIZED BY: Jilene Whitby, Information Specialist

EFFECTIVE: 03/12/2009



Insurance, Administration
R590-225
Submission of Property and Casualty
Rate and Form Filings

**FIVE YEAR NOTICE OF REVIEW AND
STATEMENT OF CONTINUATION**

DAR FILE NO.: 32439
FILED: 03/12/2009, 11:01

**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 31A-2-201(3) authorizes the commissioner to write rules to implement the provisions of Title 31A. Section 31A-2-201.1 authorizes the commissioner to write rules setting requirements for the filing of forms, rates or reports. Subsection 31A-2-202(2) authorizes the commissioner to prescribe forms to collect necessary information and data from licensees. Section 31A-19a-203 sets standards for the filing of rates, supplementary information, and amendments to rates. The rule sets forth the forms to be used and other requirements and procedures in the filing of property and casualty rates and forms.

SUMMARY OF WRITTEN COMMENTS RECEIVED DURING AND SINCE THE LAST FIVE YEAR REVIEW OF THE RULE FROM INTERESTED PERSONS SUPPORTING OR OPPOSING THE RULE: Within the past five years, the department has on four different occasions filed changes to this rule. The last time in May of 2007 the changes elicited two written comments, most of which were grammatical and nonsubstantive. Those who filed the comments agreed to the corrections being made later with more substantive changes.

REASONED JUSTIFICATION FOR CONTINUATION OF THE RULE, INCLUDING REASONS WHY THE AGENCY DISAGREES WITH COMMENTS IN OPPOSITION TO THE RULE, IF ANY: This rule is important in making sure the department receives policy rate and form information necessary to make sure there is no unfair discrimination in the coverage they provide and the rates charged. Therefore, this rule should be continued.

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

INSURANCE
ADMINISTRATION
Room 3110 STATE OFFICE BLDG
450 N MAIN ST
SALT LAKE CITY UT 84114-1201, or
at the Division of Administrative Rules.

DIRECT QUESTIONS REGARDING THIS RULE TO:

Jilene Whitby at the above address, by phone at 801-538-3803, by FAX at 801-538-3829, or by Internet E-mail at jwhitby@utah.gov

AUTHORIZED BY: Jilene Whitby, Information Specialist

EFFECTIVE: 03/12/2009



Regents (Board Of), Salt Lake
Community College
R784-1
Government Records Access and
Management Act Rules

**FIVE YEAR NOTICE OF REVIEW AND
STATEMENT OF CONTINUATION**

DAR FILE NO.: 32433
FILED: 03/09/2009, 16:23

**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: The authority for the following rule includes The Government Records Access and Management Act (GRAMA), Section 63G-2-204, effective 07/01/1992, which states that "a governmental entity may make rules...specifying where and to whom requests for access shall be directed," and Section 63A-12-104, which states that "A governmental entity...may, by rule, specify at which level the requirements specified in this chapter shall be undertaken."

SUMMARY OF WRITTEN COMMENTS RECEIVED DURING AND SINCE THE LAST FIVE YEAR REVIEW OF THE RULE FROM INTERESTED PERSONS SUPPORTING OR OPPOSING THE RULE: No comments received, either supporting or opposing the rule.

REASONED JUSTIFICATION FOR CONTINUATION OF THE RULE, INCLUDING REASONS WHY THE AGENCY DISAGREES WITH COMMENTS IN OPPOSITION TO THE RULE, IF ANY: The College desires to continue providing notice that third party requests for records are to be directed to a single point of contact at the College. Therefore, this rule should be continued.

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

REGENTS (BOARD OF)
SALT LAKE COMMUNITY COLLEGE
Room AD150 JAY L NELSON ADMINISTRATION BLDG
4600 S REDWOOD RD
TAYLORSVILLE UT 84123, or
at the Division of Administrative Rules.

DIRECT QUESTIONS REGARDING THIS RULE TO:

Nancy Sanchez at the above address, by phone at 801-957-4041, by FAX at 801-957-4094, or by Internet E-mail at nancy.sanchez@slcc.edu

AUTHORIZED BY: Nancy Sanchez, Director

EFFECTIVE: 03/09/2009



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*. Statute permits an agency to make a rule effective "on any date specified by the agency that is no fewer than seven calendar days after the close of the public comment period . . . , nor more than 120 days after the publication date." Subsection 63G-3-301(9).

Abbreviations

AMD = Amendment
CPR = Change in Proposed Rule
NEW = New Rule
R&R = Repeal and Reenact
REP = Repeal

Education

Administration

No. 32310 (AMD): R277-473. Testing Procedures.
Published: February 1, 2009
Effective: March 10, 2009

No. 32311 (AMD): R277-509. Certification of Student Teachers and Interns.
Published: February 1, 2009
Effective: March 10, 2009

No. 32312 (AMD): R277-510. Educator Licensing - Highly Qualified Assignment.
Published: February 1, 2009
Effective: March 10, 2009

No. 32313 (AMD): R277-700. The Elementary and Secondary School Core Curriculum.
Published: February 1, 2009
Effective: March 10, 2009

No. 32314 (AMD): R277-705. Secondary School Completion and Diplomas.
Published: February 1, 2009
Effective: March 10, 2009

No. 32315 (AMD): R277-733. Adult Education Programs.
Published: February 1, 2009
Effective: March 10, 2009

Insurance

No. 32272 (AMD): R590-126-4. Prohibited Policy Provisions.
Published: February 1, 2009
Effective: March 12, 2009

Labor Commission

Adjudication

No. 32276 (AMD): R602-2-2. Guidelines for Utilization of Medical Panel.
Published: February 1, 2009
Effective: March 10, 2009

No. 32277 (NEW): R602-7. Adjudication of Discrimination Claims.
Published: February 1, 2009
Effective: March 10, 2009

No. 32278 (NEW): R602-8. Adjudication of Utah Occupational Safety and Health Citation Claims.
Published: February 1, 2009
Effective: March 10, 2009

Natural Resources

Wildlife Resources

No. 32300 (AMD): R657-17-4. General Deer Permits and Tags.
Published: February 1, 2009
Effective: March 10, 2009

No. 32309 (AMD): R657-38. Dedicated Hunter Program.
Published: February 1, 2009
Effective: March 10, 2009

No. 32299 (AMD): R657-44-3. Damage to Cultivated Crops, Fences, or Irrigation Equipment by Big Game Animals.
Published: February 1, 2009
Effective: March 10, 2009

No. 32297 (AMD): R657-55-4. Obtaining Authority to Distribute Wildlife Convention Permit Series.
Published: February 1, 2009
Effective: March 10, 2009

No. 32298 (AMD): R657-60-2. Definitions.
Published: February 1, 2009
Effective: March 10, 2009

Public Safety

Fire Marshal

No. 32304 (AMD): R710-3. Assisted Living Facilities.
Published: February 1, 2009
Effective: March 10, 2009

Public Service Commission

Administration

No. 32232 (AMD): R746-343-3. Eligibility Requirements.
Published: January 15, 2009
Effective: March 3, 2009

NOTICES OF RULE EFFECTIVE DATES

Tax Commission

Motor Vehicle Enforcement

No. 32234 (AMD): R877-23V-7. Misleading Advertising Pursuant to Utah Code Ann. Section 41-3-210.

Published: January 15, 2009

Effective: March 3, 2009

Property Tax

No. 32260 (AMD): R884-24P-19. Appraiser Designation Program Pursuant to Utah Code Ann. 59-2-701 and 59-2-702.

Published: January 15, 2009

Effective: March 3, 2009

No. 32233 (AMD): R884-24P-24. Form for Notice of Property Valuation and Tax Changes Pursuant to Utah Code Ann. Sections 59-2-918 through 59-2-924.

Published: January 15, 2009

Effective: March 3, 2009

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, 2008, including notices of effective date received through March 16, 2009. 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: The index may contain inaccurate page number references. Also the index is incomplete in the sense that index entries for Changes in Proposed Rules (CPRs) are not preceded by entries for their parent Proposed Rules. Bulletin issue information and effective date information presented in the index are, to the best of our knowledge, complete and accurate. If you have any questions regarding the index and the information it contains, please contact Nancy Lancaster (801-538-3218), Mike Broschinsky (801-538-3003), or Kenneth A. Hansen (801-538-3777).

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.utah.gov/>).

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	5YR = Five-Year Review
EXD = Expired	

CODE REFERENCE	TITLE	FILE NUMBER	ACTION	EFFECTIVE DATE	BULLETIN ISSUE/PAGE
Administrative Services					
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R13-3	Americans with Disabilities Act Grievance Procedures	32204	AMD	02/26/2009	2009-1/3
<u>Purchasing and General Services</u>					
R33-6	Modification and Termination of Contracts for Supplies and Services (5YR EXTENSION)	31983	NSC	01/29/2009	Not Printed
R33-6	Modification and Termination of Contracts for Supplies and Services	32344	5YR	01/29/2009	2009-4/55
R33-7	Cost Principles (5YR EXTENSION)	31984	NSC	01/29/2009	Not Printed
R33-7	Cost Principles	32345	5YR	01/29/2009	2009-4/55
R33-9	Insurance Procurement (5YR EXTENSION)	31985	NSC	01/29/2009	Not Printed
R33-9	Insurance Procurement	32346	5YR	01/29/2009	2009-4/56
<u>Records Committee</u>					
R35-1-4	Committee Minutes	32355	NSC	02/26/2009	Not Printed
R35-2	Declining Appeal Hearings	32358	NSC	02/26/2009	Not Printed

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R35-4	Compliance with State Records Committee Decisions and Orders	32359	NSC	02/26/2009	Not Printed
R35-5	Subpoenas Issued by the Records Committee	32360	NSC	02/26/2009	Not Printed
R35-6	Expedited Hearings	32361	NSC	02/26/2009	Not Printed
Agriculture and Food					
<u>Animal Industry</u>					
R58-17	Aquaculture and Aquatic Animal Health	32199	AMD	02/19/2009	2009-1/7
R58-20	Domesticated Elk Hunting Park	32397	5YR	02/23/2009	2009-6/90
<u>Plant Industry</u>					
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R68-7	Utah Pesticide Control Act	32332	AMD	03/26/2009	2009-4/4
<u>Regulatory Services</u>					
R70-630	Water Vending Machine	32289	5YR	01/08/2009	2009-3/83
Alcoholic Beverage Control					
<u>Administration</u>					
R81-1	Scope, Definitions, and General Provisions	32222	NSC	01/22/2009	Not Printed
R81-1-28	Special Commission Meetings-Fees	32333	AMD	03/24/2009	2009-4/8
Career Service Review Board					
<u>Administration</u>					
R137-1-2	Definitions	32286	EMR	01/08/2009	2009-3/77
R137-1-22	The Board's Appellate/Step 6 Procedures	32288	EMR	01/08/2009	2009-3/79
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<u>Consumer Protection</u>					
R152-21	Credit Services Organizations Act Rules	32382	5YR	02/17/2009	2009-5/24
<u>Occupational and Professional Licensing</u>					
R156-1	General Rules of the Division of Occupational and Professional Licensing	32241	AMD	02/24/2009	2009-2/2
R156-31b-607	Approved Nursing Education Programs Located Outside of Utah	32365	NSC	02/26/2009	Not Printed
R156-40-302d	Time Limitation for TRT applicants	32236	NSC	01/22/2009	Not Printed
R156-42a	Occupational Therapy Practice Act Rule	32413	5YR	02/26/2009	2009-6/90
R156-44a	Nurse Midwife Practice Act Rules	32356	5YR	02/05/2009	2009-5/24
R156-46a	Hearing Instrument Specialist Licensing Act Rule	32398	5YR	02/24/2009	2009-6/91
R156-46a-302c	Qualifications for Licensure - Examination Requirements	32235	NSC	01/22/2009	Not Printed
R156-56	Utah Uniform Building Standard Act Rules	32001	AMD	01/01/2009	2008-21/9
R156-61	Psychologist Licensing Act Rule	32366	5YR	02/10/2009	2009-5/25
<u>Real Estate</u>					
R162-2-2	Licensing Procedure	32115	AMD	01/08/2009	2008-22/19
R162-6	Licensee Conduct	32248	AMD	03/02/2009	2009-2/8
R162-103	Appraisal Education Requirements	31998	AMD	01/01/2009	2008-21/23
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R210-100	Certified Local Museum Designation	32108	NEW	01/01/2009	2008-22/21
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R212-6	State Register for Historic Resources and Archaeological Sites	32244	NSC	01/22/2009	Not Printed
<u>Library</u>					
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R223-2	Public Library Online Access for Eligibility to Receive Public Funds	32296	AMD	03/26/2009	2009-3/9
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<u>Administration</u>					
R251-105	Applicant Qualifications for Employment with Department of Corrections	31997	AMD	02/26/2009	2008-21/31
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R270-1-14	Essential Personal Property	32180	AMD	01/21/2009	2008-24/3
R270-1-19	Medical Awards	31950	AMD	01/21/2009	2008-19/13
R270-1-19	Medical Awards	31950	CPR	01/21/2009	2008-24/37
R270-2	Crime Victim Reparations Adjudicative Proceedings	32196	NSC	01/12/2009	Not Printed
R270-3	ADA Complaint Procedure	32197	NSC	01/12/2009	Not Printed
R270-3	ADA Complaint Procedure	32394	5YR	02/19/2009	2009-6/91
R270-4	Government Records Access and Management Act	32395	5YR	02/19/2009	2009-6/92
Education					
<u>Administration</u>					
R277-101	Public Participation in Utah State Board of Education Decisions	32254	AMD	02/24/2009	2009-2/13
R277-102	Adjudicative Proceedings	32372	5YR	02/13/2009	2009-5/26
R277-109-1	Definitions	32139	AMD	01/07/2009	2008-23/2
R277-110-1	Definitions	32140	AMD	01/07/2009	2008-23/2
R277-117	Utah State Board of Education Protected Documents	32255	NEW	02/24/2009	2009-2/15
R277-117-2	Authority and Purpose	32400	NSC	03/14/2009	Not Printed
R277-413	Accreditation of Secondary Schools	32373	5YR	02/13/2009	2009-5/26
R277-425	Budgeting, Accounting, and Auditing for Utah School Districts	32374	5YR	02/13/2009	2009-5/26
R277-437	Student Enrollment Options	32265	5YR	01/05/2009	2009-3/83
R277-462	Comprehensive Counseling and Guidance Program	32256	AMD	02/24/2009	2009-2/16
R277-464-4	Oversight Monitoring, Evaluation and Reports	32219	NSC	01/22/2009	Not Printed
R277-469	Instructional Materials Commission Operating Procedures	32257	AMD	02/24/2009	2009-2/20
R277-469-3	Use of State Funds for Instructional Materials	32369	NSC	02/26/2009	Not Printed
R277-473	Testing Procedures	32310	AMD	03/10/2009	2009-3/10
R277-486	Professional Staff Cost Program	32266	5YR	01/05/2009	2009-3/84
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R277-495	Required Policies for Electronic Devices in Public Schools	32141	NEW	01/07/2009	2008-23/3
R277-502	Educator Licensing and Data Retention	32142	AMD	01/07/2009	2008-23/5
R277-509	Certification of Student Teachers and Interns	32311	AMD	03/10/2009	2009-3/12
R277-510	Educator Licensing - Highly Qualified Assignment	32312	AMD	03/10/2009	2009-3/14
R277-518	Applied Technology Education Licenses	32143	AMD	01/07/2009	2008-23/7
R277-520-1	Definitions	32144	AMD	01/07/2009	2008-23/9
R277-524	Paraprofessional Qualifications	32267	5YR	01/05/2009	2009-3/84
R277-527	International Guest Teachers	32145	NEW	01/07/2009	2008-23/11
R277-527-3	Utah State Board of Education/USOE Responsibilities	32285	NSC	02/05/2009	Not Printed
R277-601	Standards for Utah School Buses and Operations	32375	5YR	02/13/2009	2009-5/27
R277-609-1	Definitions	32221	NSC	01/22/2009	Not Printed
R277-700	The Elementary and Secondary School Core Curriculum	32313	AMD	03/10/2009	2009-3/17
R277-705	Secondary School Completion and Diplomas	32314	AMD	03/10/2009	2009-3/20
R277-712	Advanced Placement Programs	32376	5YR	02/13/2009	2009-5/27
R277-724	Criteria for Sponsors Recruiting Day Care Facilities in the Child and Adult Care Food Program	32268	5YR	01/05/2009	2009-3/85
R277-733	Adult Education Programs	32315	AMD	03/10/2009	2009-3/23
R277-735	Corrections Education Programs	32269	5YR	01/05/2009	2009-3/85
R277-911	Secondary Career and Technical Education	32146	AMD	01/07/2009	2008-23/12
<u>Rehabilitation</u>					
R280-201	USOR ADA Complaint Procedure	32270	5YR	01/05/2009	2009-3/86
R280-202	USOE Procedures for Individuals with the Most Severe Disabilities	32271	5YR	01/05/2009	2009-3/86
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<u>Air Quality</u>					
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R307-121	General Requirements: Clean Air and Efficient Vehicle Tax Credit	32275	5YR	01/06/2009	2009-3/86
R307-150	Emission Inventories	32353	5YR	02/05/2009	2009-5/28
R307-405	Permits: Major Sources in Attainment or Unclassified Areas (PSD)	32354	5YR	02/05/2009	2009-5/28
R307-405-2	Applicability	32042	AMD	02/05/2009	2008-21/33
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R309-540-6	Hydropneumatic Systems	32169	AMD	02/15/2009	2008-24/5
R309-700	Financial Assistance: State Drinking Water Project Revolving Loan Program	32028	AMD	01/28/2009	2008-21/34
R309-705	Financial Assistance: Federal Drinking Water Project Revolving Loan Program	32029	AMD	01/28/2009	2008-21/40
<u>Radiation Control</u>					
R313-21	General Licenses	32050	CPR	02/11/2009	2008-24/38
R313-21	General Licenses	32050	AMD	02/11/2009	2008-21/47
R313-22-75	Special Requirements for a Specific License to Manufacture, Assemble, Repair, or Distribute Commodities, Products, or Devices Which Contain Radioactive Material	32206	AMD	02/12/2009	2009-1/27

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R315-2	General Requirements - Identification and Listing of Hazardous Waste	32138	AMD	01/15/2009	2008-23/19
R315-15-13	Registration and Permitting of Used Oil Handlers	32231	NSC	01/22/2009	Not Printed
R315-320	Waste Tire Transporter and Recycler Requirements	32378	5YR	02/17/2009	2009-5/29
<u>Water Quality</u>					
R317-2	Standards of Quality for Waters of the State	31650	CPR	01/12/2009	2008-23/28
R317-2	Standards of Quality for Waters of the State	31650	AMD	01/12/2009	2008-14/30
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<u>Administration</u>					
R380-70	Standards for Electronic Exchange of Clinical Health Information	31980	NEW	02/04/2009	2008-20/12
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R382-10	Eligibility	32185	AMD	01/22/2009	2008-24/7
<u>Community and Family Health Services, Chronic Disease</u>					
R384-100	Cancer Reporting Rule	32465	5YR	03/25/2009	Not Printed
<u>Epidemiology and Laboratory Services, Environmental Services</u>					
R392-101	Food Safety Manager Certification	32370	5YR	02/12/2009	2009-5/30
<u>Community and Family Health Services, Children with Special Health Care Needs</u>					
R398-10	Autism Spectrum Disorders and Mental Retardation Reporting	32454	5YR	03/19/2009	Not Printed
R398-10	Autism Spectrum Disorders and Mental Retardation Reporting (5YR EXTENSION)	32158	NSC	03/19/2009	Not Printed
<u>Health Care Financing, Coverage and Reimbursement Policy</u>					
R414-1-5	Incorporations by Reference	32102	AMD	01/01/2009	2008-22/22
R414-1-5	Incorporations by Reference	32329	AMD	04/01/2009	2009-4/26
R414-9	Federally Qualified Health Centers	32325	5YR	01/26/2009	2009-4/56
R414-14-5	Service Coverage	32223	AMD	02/24/2009	2009-2/23
R414-21-2	Eligibility Requirements	32224	AMD	02/24/2009	2009-2/25
R414-52	Optometry Services	32225	AMD	02/24/2009	2009-2/26
R414-53	Eyeglasses Services	32226	AMD	02/24/2009	2009-2/27
R414-54	Speech-Language Pathology Services	32227	AMD	02/24/2009	2009-2/28
R414-54	Speech-Language Pathology Services	32432	5YR	03/09/2009	2009-7/36
R414-54-3	Services	32326	AMD	04/01/2009	2009-4/27
R414-58	Children's Organ Transplants	32324	5YR	01/26/2009	2009-4/57
R414-59-4	Services for Individuals Eligible for Optional Services	32228	AMD	02/24/2009	2009-2/29
R414-59-4	Client Eligibility Requirements	32327	AMD	04/01/2009	2009-4/28
R414-99	Chiropractic Services	32352	5YR	02/04/2009	2009-5/30
R414-99-2	Client Eligibility Requirements	32229	AMD	02/24/2009	2009-2/30
R414-200	Non-Traditional Medicaid Health Plan Services	32230	AMD	02/24/2009	2009-2/31
R414-301-4	Safeguarding Information	32252	NSC	01/22/2009	Not Printed
R414-308	Application, Eligibility Determinations and Improper Medical Assistance	32184	AMD	01/26/2009	2008-24/9
R414-310	Medicaid Primary Care Network Demonstration Waiver	32186	AMD	01/22/2009	2008-24/13

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<u>Health Systems Improvement, Emergency Medical Services</u>					
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R426-7-5	Penalty for Violation of Rule	32279	NSC	02/05/2009	Not Printed
R426-8-4	Application and Award Formula	31919	AMD	01/13/2009	2008-18/29
R426-12-1400	Penalties	32384	NSC	03/14/2009	Not Printed
R426-13-1300	Penalties	32280	NSC	02/05/2009	Not Printed
R426-14-600	Penalties	32281	NSC	02/05/2009	Not Printed
R426-15-700	Penalties	32282	NSC	02/05/2009	Not Printed
<u>Center for Health Data, Health Care Statistics</u>					
R428-12	Health Data Authority Survey of Enrollees in Health Maintenance Organizations and Preferred Provider Organizations	32118	AMD	01/08/2009	2008-23/21
<u>Health Systems Improvement, Child Care Licensing</u>					
R430-6	Background Screening	31820	R&R	02/16/2009	2008-17/54
R430-6	Background Screening	31820	CPR	02/16/2009	2009-1/51
<u>Epidemiology and Laboratory Services, Laboratory Improvement</u>					
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<u>Administration</u>					
R460-7-2	Definitions	32211	NSC	01/12/2009	Not Printed
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<u>Administration</u>					
R477-4-4	Order of Selection for Career Service Positions	32426	EMR	03/02/2009	2009-6/86
R477-12-3	Reduction in Force	32427	EMR	03/02/2009	2009-6/87
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R495-888	Department of Human Services Related Parties Conflict Investigation Procedure	32154	NEW	01/21/2009	2008-24/18
<u>Administration, Administrative Hearings</u>					
R497-100	Adjudicative Proceedings	32181	AMD	01/21/2009	2008-24/21
R497-100	Adjudicative Proceedings	32328	NSC	02/25/2009	Not Printed
<u>Administration, Administrative Services, Licensing</u>					
R501-1	General Provisions	32190	NSC	01/12/2009	Not Printed
R501-4-7	Administrative Hearing	32191	NSC	01/12/2009	Not Printed
R501-12-8	Safety	32192	NSC	01/12/2009	Not Printed
R501-14	Background Screening	32193	NSC	01/12/2009	Not Printed
<u>Child and Family Services</u>					
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<u>Substance Abuse and Mental Health</u>					
R523-1-5	Fee for Service	32183	AMD	01/22/2009	2008-24/26
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R527-5	Release of Information	32159	R&R	01/21/2009	2008-24/27

CODE REFERENCE	TITLE	FILE NUMBER	ACTION	EFFECTIVE DATE	BULLETIN ISSUE/PAGE
<u>Services for People with Disabilities</u>					
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<u>Administration</u>					
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R590-131-3	Definitions	32322	NSC	02/25/2009	Not Printed
R590-148-22	Loss Ratio	32320	NSC	02/25/2009	Not Printed
R590-149-7	Classification of Records	32403	NSC	03/14/2009	Not Printed
R590-170	Fiduciary and Trust Account Obligations	32405	5YR	02/25/2009	2009-6/92
R590-195	Rental Car Related Licensing	32435	5YR	03/11/2009	2009-7/36
R590-220	Submission of Accident and Health Insurance Filings	32442	5YR	03/12/2009	2009-7/37
R590-225	Submission of Property and Casualty Rate and Form Filings	32439	5YR	03/12/2009	2009-7/38
R590-226	Submission of Life Insurance Filings.	32467	5YR	03/26/2009	Not Printed
R590-227	Submission of Annuity Filings	32468	5YR	03/26/2009	Not Printed
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R628-19	Requirements for the Use of Investment Advisers by Public Treasurers	32367	5YR	02/10/2009	2009-5/31
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R657-13	Taking Fish and Crayfish	32129	AMD	01/07/2009	2008-23/23
R657-17-4	General Deer Permits and Tags	32300	AMD	03/10/2009	2009-3/61
R657-33-19	Exporting Bear from Utah	32319	AMD	03/24/2009	2009-4/50
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R657-55-4	Obtaining Authority to Distribute Wildlife Convention Permit Series	32297	AMD	03/10/2009	2009-3/71
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R657-60-2	Definitions	32298	AMD	03/10/2009	2009-3/72
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R865-4D-2	Clean Special Fuel Certificate, Refund Procedures for Undyed Diesel Fuel Used Off-Highway or to Operate a Power Take-Off Unit, and Sales Tax Liability Pursuant to Utah Code Ann. Sections 59-13-301 and 59-13-304	32035	AMD	01/01/2009	2008-21/76
R865-7H	Environmental Assurance Fee	32392	5YR	02/19/2009	2009-6/93
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R865-19S-29	Wholesale Sale Defined Pursuant to Utah Code Ann. Section 59-12-102	32030	AMD	01/01/2009	2008-21/82
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R865-19S-119	Certain Transactions Involving Food and Lodging Pursuant to Utah Code Ann. Sections 59-12-103 and 59-12-104	32013	AMD	01/01/2009	2008-21/86
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R873-22M-23	Registration Information Update for Vintage Vehicle Special Group License Plates Pursuant to Utah Code Ann. Section 41-1a-1209	32037	AMD	01/01/2009	2008-21/89
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R884-24P-47	Uniform Tax on Aircraft Pursuant to Utah Code Ann. Sections 59-2-404, 59-2-1005, 59-2-1302, and 59-2-1303	32036	AMD	01/01/2009	2008-21/92
R884-24P-53	2008 Valuation Guides for Valuation of Land Subject to the Farmland Assessment Act Pursuant to Utah Code Ann. Section 59-2-515	32044	AMD	01/01/2009	2008-21/93
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R907-64	Longitudinal and Wireless Access to Interstate Highway Rights-of-Way for Installation of Telecommunications Facilities	31961	AMD	01/12/2009	2008-20/25
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R909-3	Standards for Utah School Buses	32274	5YR	01/05/2009	2009-3/89
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R982-101	Americans with Disabilities Complaint Procedure	32237	NSC	01/22/2009	Not Printed
R982-201	Government Records Access and Management Act	32238	NSC	01/22/2009	Not Printed
<u>Employment Development</u>					
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R986-200-240	Additional Payments Available Under Certain Circumstances	32114	AMD	01/06/2009	2008-22/41
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R994-204-402	Procedure for Issuing a Safe Haven Determination	32242	NSC	01/22/2009	Not Printed

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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	5YR = Five-Year Review
EXD = Expired	

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<u>accessing records</u>					
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<u>accreditation</u>					
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<u>activities</u>					
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	32323	R277-494-3	NSC	02/25/2009	Not Printed
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	32197	R270-3	NSC	01/12/2009	Not Printed
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<u>adjudicative proceedings</u>					
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	32372	R277-102	5YR	02/13/2009	2009-5/26
	32427	R477-12-3	EMR	03/02/2009	2009-6/87
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	32181	R497-100	AMD	01/21/2009	2008-24/21
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	32277	R602-7	NEW	03/10/2009	2009-3/52
	32278	R602-8	NEW	03/10/2009	2009-3/57
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	32214	R907-1	AMD	04/14/2009	2009-1/45
	32217	R907-3	NSC	01/12/2009	Not Printed
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<u>air pollution</u>					
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	32275	R307-121	5YR	01/06/2009	2009-3/86
	32353	R307-150	5YR	02/05/2009	2009-5/28
	32354	R307-405	5YR	02/05/2009	2009-5/28
	32042	R307-405-2	AMD	02/05/2009	2008-21/33
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	32037	R873-22M-23	AMD	01/01/2009	2008-21/89

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	32333	R81-1-28	AMD	03/24/2009	2009-4/8
<u>alternative fuels</u>					
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	32275	R307-121	5YR	01/06/2009	2009-3/86
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	32233	R884-24P-24	AMD	03/03/2009	2009-2/42
	32063	R884-24P-27	AMD	01/01/2009	2008-21/90
	32036	R884-24P-47	AMD	01/01/2009	2008-21/92
	32044	R884-24P-53	AMD	01/01/2009	2008-21/93
	32052	R884-24P-70	AMD	01/01/2009	2008-21/97
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<u>archaeological resources</u>					
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Health, Health Care Financing, Coverage and Reimbursement Policy	32327	R414-59-4	AMD	04/01/2009	2009-4/28
	32228	R414-59-4	AMD	02/24/2009	2009-2/29
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	32454	R398-10	5YR	03/19/2009	Not Printed
<u>background screening</u>					
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<u>barrier</u> Transportation, Preconstruction	32000	R930-3	AMD	01/12/2009	2008-21/98
<u>basic application procedures</u> Public Safety, Peace Officer Standards and Training	32132	R728-402	AMD	02/05/2009	2008-23/25
<u>bear</u> Natural Resources, Wildlife Resources	32319	R657-33-19	AMD	03/24/2009	2009-4/50
<u>bed allocations</u> Human Services, Substance Abuse and Mental Health	32183	R523-1-5	AMD	01/22/2009	2008-24/26
<u>bids</u> Transportation, Operations, Construction	32307	R916-2	NSC	02/05/2009	Not Printed
<u>big game</u> Natural Resources, Wildlife Resources	32299	R657-44-3	AMD	03/10/2009	2009-3/69
<u>big game seasons</u> Natural Resources, Wildlife Resources	32337	R657-5	AMD	03/24/2009	2009-4/43
<u>boilers</u> Labor Commission, Safety	32259	R616-2-3	AMD	02/24/2009	2009-2/34
<u>bonuses</u> Transportation, Administration	32213	R907-66	NSC	01/12/2009	Not Printed
<u>boxing</u> Sports Authority (Utah), Pete Suazo Utah Athletic Commission	32188	R859-1-301	AMD	03/01/2009	2009-1/44
<u>brachytherapy</u> Environmental Quality, Radiation Control	32207	R313-32	AMD	02/12/2009	2009-1/30
<u>broad scope</u> Environmental Quality, Radiation Control	32206	R313-22-75	AMD	02/12/2009	2009-1/27
<u>building codes</u> Commerce, Occupational and Professional Licensing	32001	R156-56	AMD	01/01/2009	2008-21/9
<u>building inspections</u> Commerce, Occupational and Professional Licensing	32001	R156-56	AMD	01/01/2009	2008-21/9
<u>buses</u> Education, Administration	32375	R277-601	5YR	02/13/2009	2009-5/27
<u>C plate</u> Transportation, Program Development	32076	R926-11	NEW	01/05/2009	2008-22/39
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	32146	R277-911	AMD	01/07/2009	2008-23/12
<u>cash management</u> Money Management Council, Administration	32293	R628-15-12	NSC	02/05/2009	Not Printed
	32294	R628-16-12	NSC	02/05/2009	Not Printed
<u>certification</u> Labor Commission, Safety	32259	R616-2-3	AMD	02/24/2009	2009-2/34
<u>certifications</u> Transportation, Motor Carrier	32215	R909-19	NSC	01/12/2009	Not Printed
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<u>certified nurse midwife</u> Commerce, Occupational and Professional Licensing	32356	R156-44a	5YR	02/05/2009	2009-5/24
<u>charities</u> Tax Commission, Auditing	32008	R865-19S-12	AMD	01/01/2009	2008-21/80
	32017	R865-19S-27	AMD	01/01/2009	2008-21/81
	32030	R865-19S-29	AMD	01/01/2009	2008-21/82
	32007	R865-19S-90	AMD	01/01/2009	2008-21/83
	32016	R865-19S-92	AMD	01/01/2009	2008-21/84
	32012	R865-19S-113	AMD	01/01/2009	2008-21/85
	32013	R865-19S-119	AMD	01/01/2009	2008-21/86
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	32366	R156-61	5YR	02/10/2009	2009-5/25

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	32192	R501-12-8	NSC	01/12/2009	Not Printed
	32193	R501-14	NSC	01/12/2009	Not Printed
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	32102	R414-1-5	AMD	01/01/2009	2008-22/22
	32325	R414-9	5YR	01/26/2009	2009-4/56
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	32326	R414-54-3	AMD	04/01/2009	2009-4/27
	32327	R414-59-4	AMD	04/01/2009	2009-4/28
	32228	R414-59-4	AMD	02/24/2009	2009-2/29
	32352	R414-99	5YR	02/04/2009	2009-5/30
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	32230	R414-200	AMD	02/24/2009	2009-2/31
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	32184	R414-308	AMD	01/26/2009	2008-24/9
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	32275	R307-121	5YR	01/06/2009	2009-3/86
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	32037	R873-22M-23	AMD	01/01/2009	2008-21/89
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<u>occupational therapy</u> Commerce, Occupational and Professional Licensing	32413	R156-42a	5YR	02/26/2009	2009-6/90
<u>off-highway vehicles</u> Natural Resources, Parks and Recreation	32301	R651-411	5YR	01/13/2009	2009-3/87
	32302	R651-411-2	NSC	02/05/2009	Not Printed
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	32338	R651-636	NEW	03/26/2009	2009-4/42
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	32066	R671-405	AMD	02/25/2009	2008-22/33
<u>PCN</u> Health, Health Care Financing, Coverage and Reimbursement Policy	32187	R414-320	AMD	01/22/2009	2008-24/15
<u>performance measurement</u> Health, Center for Health Data, Health Care Statistics	32118	R428-12	AMD	01/08/2009	2008-23/21
<u>personal property</u> Tax Commission, Property Tax	32260	R884-24P-19	AMD	03/03/2009	2009-2/39
	32233	R884-24P-24	AMD	03/03/2009	2009-2/42
	32063	R884-24P-27	AMD	01/01/2009	2008-21/90
	32036	R884-24P-47	AMD	01/01/2009	2008-21/92
	32044	R884-24P-53	AMD	01/01/2009	2008-21/93
	32052	R884-24P-70	AMD	01/01/2009	2008-21/97
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<u>professional staff</u> Education, Administration	32266	R277-486	5YR	01/05/2009	2009-3/84
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<u>property tax</u> Tax Commission, Property Tax	32260	R884-24P-19	AMD	03/03/2009	2009-2/39
	32233	R884-24P-24	AMD	03/03/2009	2009-2/42
	32063	R884-24P-27	AMD	01/01/2009	2008-21/90
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	32052	R884-24P-70	AMD	01/01/2009	2008-21/97
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<u>protection</u> Commerce, Consumer Protection	32382	R152-21	5YR	02/17/2009	2009-5/24
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	32042	R307-405-2	AMD	02/05/2009	2008-21/33
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	32256	R277-462	AMD	02/24/2009	2009-2/16
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<u>radioactive materials</u> Environmental Quality, Radiation Control	32050	R313-21	AMD	02/11/2009	2008-21/47
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	32207	R313-32	AMD	02/12/2009	2009-1/30
<u>radiopharmaceutical</u> Environmental Quality, Radiation Control	32207	R313-32	AMD	02/12/2009	2009-1/30
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	32030	R865-19S-29	AMD	01/01/2009	2008-21/82
	32007	R865-19S-90	AMD	01/01/2009	2008-21/83
	32016	R865-19S-92	AMD	01/01/2009	2008-21/84
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