

# UTAH STATE BULLETIN

OFFICIAL NOTICES OF UTAH STATE GOVERNMENT  
Filed March 17, 2009, 12:00 a.m. through April 1, 2009, 11:59 p.m.

Number 2009-8  
April 15, 2009

Kimberly K. Hood, Executive Director  
Kenneth A. Hansen, Director  
Nancy L. Lancaster, Editor

The *Utah State Bulletin (Bulletin)* is an official noticing publication of the executive branch of Utah State Government. The Department of Administrative Services, Division of Administrative Rules produces the *Bulletin* under authority of Section 63G-3-402, *Utah Code Annotated* 1953.

Inquiries concerning administrative rules or other contents of the *Bulletin* may be addressed to the responsible agency or to: Division of Administrative Rules, 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/>

The information in this *Bulletin* is summarized in the *Utah State Digest (Digest)*. The *Digest* is available by E-mail or over the Internet. Visit <http://www.rules.utah.gov/publicat/digest.htm> for additional information.

Division of Administrative Rules, Salt Lake City 84114

Unless otherwise noted, all information presented in this publication is in the public domain and may be reproduced, reprinted, and redistributed as desired. Materials incorporated by reference retain the copyright asserted by their respective authors. Citation to the source is requested.

Printed in the United States of America

**Library of Congress Cataloging-in-Publication Data**

Utah state bulletin.

Semimonthly.

1. Delegated legislation--Utah--Periodicals. 2. Administrative procedure--Utah--Periodicals.

I. Utah. Office of Administrative Rules.

KFU440.A73S7

348.792'025--DDC

85-643197

# TABLE OF CONTENTS

---

## 1. EDITOR'S NOTES

Legislation Affecting Administrative Rulemaking.....	1
------------------------------------------------------	---

## 2. SPECIAL NOTICES

Governor, Administration: Governor's Executive Order 2008-0011: Authorizing the Lieutenant Governor to Act as the Governor's Agent on the State Building Ownership Authority.....	2
-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------	---

Governor, Administration: Governor's Executive Order 2008-0012: Authorizing the Lieutenant Governor to Act as the Governor's Agent on the State Bonding Commission.....	2
-------------------------------------------------------------------------------------------------------------------------------------------------------------------------	---

Health, Health Care Financing, Coverage and Reimbursement Policy: Notice for May 2009 Medicaid Rate Changes.....	3
------------------------------------------------------------------------------------------------------------------	---

Health, Health Care Financing, Coverage and Reimbursement Policy: Request for Exception to Medicaid Moratorium on Nursing Home Certification by Utah State Veteran's Nursing Homes .....	3
------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------	---

## 3. NOTICES OF PROPOSED RULES

### Alcoholic Beverage Control

#### Administration

No. 32459 (Amendment): R81-1-6. Violation Schedule .....	5
----------------------------------------------------------	---

### Environmental Quality

#### Air Quality

No. 32458 (Amendment): R307-101-2. Definitions .....	6
------------------------------------------------------	---

#### Water Quality

No. 32480 (Amendment): R317-101-2. Definitions and Eligibility .....	8
----------------------------------------------------------------------	---

### Human Services

#### Aging and Adult Services

No. 32471 (Repeal and Reenact): R510-400. Home and Community-Based Alternatives Services Policy and Procedures .....	9
----------------------------------------------------------------------------------------------------------------------	---

#### Child and Family Services

No. 32455 (Amendment): R512-2. Title IV-B Child Welfare/Family Preservation and Support Services and Title IV-E Foster Care, Adoption, and Independent Living.....	18
--------------------------------------------------------------------------------------------------------------------------------------------------------------------	----

No. 32456 (Amendment): R512-32. Children with Reportable Communicable Diseases .....	19
--------------------------------------------------------------------------------------	----

No. 32457 (Amendment): R512-40. Adoptive Home Studies, Recruitment, Approval .....	22
------------------------------------------------------------------------------------	----

No. 32464 (Amendment): R512-302. Out of Home Services, Responsibilities Pertaining to an Out of Home Caregiver.....	23
---------------------------------------------------------------------------------------------------------------------	----

#### Juvenile Justice Services

No. 32453 (Amendment): R547-1. Residential and Nonresidential, Nonsecure Community Program Standards.....	26
-----------------------------------------------------------------------------------------------------------	----

TABLE OF CONTENTS

---

Insurance

Administration  
No. 32491 (Amendment): R590-146-20. Standards for Marketing .....46

Labor Commission

Adjudication  
No. 32482 (Amendment): R602-7-4. Hearings .....47  
No. 32483 (Amendment): R602-8-4. Hearings .....48

Natural Resources

Parks and Recreation  
No. 32470 (Amendment): R651-611-4. Special Fees.....48  
  
Forestry, Fire and State Lands  
No. 32487 (Amendment): R652-5-200. Payments .....50  
No. 32485 (Amendment): R652-20-1600. Posting Dates/Simultaneous Filing .....52  
No. 32486 (Amendment): R652-70. Sovereign Lands.....52  
No. 32489 (Amendment): R652-90. Sovereign Land Management Planning.....54

Public Safety

Fire Marshal  
No. 32466 (Amendment): R710-9. Rules Pursuant to the Utah Fire Prevention Law.....55

Transportation

Motor Carrier  
No. 32488 (Amendment): R909-1-1. Adoption of Federal Regulations .....60  
  
No. 32490 (Amendment): R909-75. Safety Regulations for Motor Carriers  
Transporting Hazardous Materials and/or Hazardous Wastes .....60

**4. FIVE-YEAR NOTICES OF REVIEW AND STATEMENTS OF CONTINUATION**

Health

Community and Family Health Services, Chronic Disease  
No. 32465: R384-100. Cancer Reporting Rule.....62  
  
Community and Family Health Services, Children with Special Health Care Needs  
No. 32454: R398-10. Autism Spectrum Disorders and Mental Retardation Reporting.....62

Insurance

Administration  
No. 32467: R590-226. Submission of Life Insurance Filings .....63  
No. 32468: R590-227. Submission of Annuity Filings .....63  
  
No. 32469: R590-228. Submission of Credit Life and Credit Accident and Health  
Insurance Form and Rate Filings .....64

Public Safety

Peace Officer Standards and Training  
No. 32472: R728-502. Procedure for POST Instructor Certification.....65

---

**5. NOTICES OF RULE EFFECTIVE DATES** ..... 66

**6. RULES INDEX** ..... 67



# EDITOR'S NOTES

---

## LEGISLATION AFFECTING ADMINISTRATIVE RULEMAKING

During the 2009 General Session, the Legislature passed the following bills that affect rulemaking.

H.B. 32. Amendments to Agency Rulemaking Regarding Criminal Penalties. Rep. B. Ferry.

After almost four years and four other bills (H.B. 317 (2006), S.B. 138 (2007), H.B. 57 (2008) and H.B. 80 (2008)), H.B. 32 (2009) concludes the Administrative Rules Review Committee's effort to amend provisions of statute that provide a criminal penalty for violation of an administrative rule. H.B. 32 affects statutes for the following departments:

- Commerce (Title 61);
- Health (Title 26);
- Insurance (Title 31A);
- Labor Commission (Titles 34 and 34A);
- Natural Resources (Title 23); and
- Public Service Commission (Title 54).

Additionally, H.B. 32 amends the Utah Administrative Rulemaking Act. Subsection 63G-3-201(5) still requires each agency "to enumerate any penalty authorized by statute that may result from its violation." These penalties may be criminal or civil. The amendment, expanding Subsection (5), clarifies that a statute may not provide a class C misdemeanor or greater except in very specific instances.

H.B. 32 passed on 03/04/2009. Pending gubernatorial action, H.B. 32 will go into effect on 05/12/2009. Additional information about H.B. 32 is available from the Legislature's web site at <http://le.utah.gov/~2009/htmdoc/hbillhtm/HB0032.htm> .

H.B. 197. Reauthorization of Administrative Rules. Rep. B. Ferry.

The reauthorization bill is the Administrative Rules Review Committee's annual bill required by Section 63G-3-502. H.B. 197 reauthorized all administrative rules in effect on 02/28/2009, except:

- Subsections R277-470-12 (B) and (C) from Education, Administration, regarding "Charter Schools, Charter School Parental Involvement";
- Rule R592-13 from Insurance, Title and Escrow Commission, regarding "Minimum Charges for Escrow Services"; and
- Rule R765-603 from Regents (Board of), Administration, regarding "Regents' Scholarship."

H.B. 197 passed on 03/10/2009. Pending gubernatorial action, pursuant to Subsection 63G-3-502(2) and Section 2 of the bill, H.B. 197 will go into effect on 05/01/2009. Additional information about H.B. 197 is available from the Legislature's web site at <http://le.utah.gov/~2009/htmdoc/hbillhtm/hb0197.htm>.

S.B. 88. Administrative Rulemaking Act Amendments. Sen. H. Stephenson.

S.B. 88, Administrative Rulemaking Act Amendments, amends Subsection 63G-3-301(13) of the Utah Administrative Rulemaking Act. In response to legislation that specifically requires rulemaking, this bill permits an agency to provide a copy of an existing rule that meets the requirement to the Administrative Rules Review Committee instead of appearing before the committee.

S.B. 88 passed on 02/11/2009. Pending gubernatorial action, S.B. 88 takes effect on 05/12/2009. More information about S.B. 88 is available on the Legislature's web site at <http://le.utah.gov/~2009/htmdoc/sbillhtm/sb0088.htm>.

*Questions about these bills may be directed to Ken Hansen (801-538-3777).*

## SPECIAL NOTICES

---

### **Governor's Executive Order 2008-0011: Authorizing the Lieutenant Governor to Act as the Governor's Agent on the State Building Ownership Authority**

#### EXECUTIVE ORDER

I, JON M. HUNTSMAN, JR., GOVERNOR OF THE STATE OF UTAH, authorize Lieutenant Governor Gary R. Herbert to sign State Building Ownership Authority documents for me, vote on my behalf as a member of the Authority, and act in all other respects as my agent and proxy on the authority until January 1, 2013. The State Building Ownership Authority is created by Section 63B-1-304, Utah Code Annotated 1953, as amended.

IN TESTIMONY WHEREOF, I have hereunto set my hand and caused to be affixed the Great Seal of the State of Utah. Done at the Utah State Capitol in Salt Lake City, Utah, this 16th day of December, 2008.

**Jon M. Huntsman, Jr.**  
**Governor**

ATTEST:

**Gary R. Herbert**  
**Lieutenant Governor**

2008/0011

---

### **Governor's Executive Order 2008-0012: Authorizing the Lieutenant Governor to Act as the Governor's Agent on the State Bonding Commission**

#### EXECUTIVE ORDER

I, JON M. HUNTSMAN, JR., GOVERNOR OF THE STATE OF UTAH, authorize Lieutenant Governor Gary R. Herbert to sign State Bonding Commission documents for me, vote on my behalf as a member of the Commission, and act in all other respects as my agent and proxy on the Commission until January 1, 2013. The State Bonding Commission is created by Section 63B-1-201, Utah Code Annotated 1953, as amended.

IN TESTIMONY WHEREOF, I have hereunto set my hand and caused to be affixed the Great Seal of the State of Utah. Done at the Utah State Capitol in Salt Lake City, Utah, this 17th day of December, 2008.

**Jon M. Huntsman, Jr.**  
**Governor**



ATTEST:

**Gary R. Herbert**  
**Lieutenant Governor**

2008/0012

---

**Health**  
**Health Care Financing, Coverage and Reimbursement Policy**

**Notice for May 2009 Medicaid Rate Changes**

Effective 05/01/2009, Utah Medicaid will adjust its rates consistent with approved technologies. Rate adjustments include new codes priced consistent with approved methodologies. Rate adjustments include new codes priced consistent with approved Medicaid methodologies as well as potential adjustments to existing codes. It is not anticipated that these rate changes will have a substantial fiscal impact. All rate changes are posted to the web and can be viewed at:  
<http://health.utah.gov/medicaid/stplan/bcrp.htm>

---

**Health**  
**Health Care Financing, Coverage and Reimbursement Policy**

**Request for Exception to Medicaid Moratorium on Nursing Home Certification by Utah State Veteran's Nursing Homes**

Subsection 26-18-503 (5) provides that the director of the Division of Health Care Financing shall issue additional Medicaid certification when requested by a nursing care facility or other interested party if there is insufficient bed capacity with current certified programs in a service area. A determination of insufficient bed capacity shall be based on the nursing care facility or other interested party providing reasonable evidence of an inadequate number of beds in the county or group of counties impacted by the requested Medicaid certification based on various factors, including whether the nursing care facility will offer specialized or unique services that are underserved in a service area.

The Utah State Veterans' Nursing Homes in Salt Lake City and Ogden have requested an exception to the Medicaid moratorium on nursing home bed certification contained in Section 26-18-503. They assert that they offer specialized or unique services including: 1) Veteran's Administration certification standards; 2) treatment for Post Traumatic Stress Disorder; 3) traumatic Brain Injury (moderate forms); and 4) general, special care for veterans based on medical, psychological, cognitive and functional needs.

Five (5) beds are being sought in Salt Lake City and eight (8) in Ogden. Utah Medicaid seeks comments from nursing care facilities and the public on this request. Those providing comments are encouraged to review Subsection 26-18-503(5) and to tailor their comments to the standards set in law.

Copies of this notice are being sent to all licensed nursing care facilities in Utah, as well as for publication in local newspapers of general circulation. This notice will also be submitted for publication in the *Utah State Bulletin*.

*Please submit comments to the Division of Health Care Financing, Director's Office, PO Box 143101, Salt Lake City, UT 84114-3101 no later than 04/30/2009 for consideration. Comments may also be submitted via email to [cdevashrayee@utah.gov](mailto:cdevashrayee@utah.gov).*

## 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 17, 2009, 12:00 a.m., and April 1, 2009, 11:59 p.m. are included in this, the April 15, 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 15, 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 August 13, 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.**

**Alcoholic Beverage Control,  
Administration  
R81-1-6  
Violation Schedule**

**NOTICE OF PROPOSED RULE**

(Amendment)

DAR FILE NO.: 32459

FILED: 03/23/2009, 16:53

**RULE ANALYSIS**

PURPOSE OF THE RULE OR REASON FOR THE CHANGE: At the request of Representative James Dunnigan, the Alcohol Beverage Control Commission unanimously agreed to amend the Alcoholic Beverage Control Commission Violation Grid to decrease the classification of permitting a patron to leave with an open container of alcohol from a "serious" offense to a "moderate" offense in full-service and limited-service restaurants. The Violation Grid is incorporated by reference as part of this rule.

SUMMARY OF THE RULE OR CHANGE: The Alcoholic Beverage Control Commission Violation Grid, which is incorporated in the rule by reference, will be amended as follows: In the full-service restaurant chapter page 13, item 22, the degree of penalty is amended from "serious" to "moderate". The same change is made in the limited-service restaurant chapter on page 10, item 19.

STATE STATUTORY OR CONSTITUTIONAL AUTHORIZATION FOR THIS RULE: Section 32A-1-107

THIS RULE OR CHANGE INCORPORATES BY REFERENCE THE FOLLOWING MATERIAL: Alcoholic Beverage Control Commission Violation Grid, 2008

ANTICIPATED COST OR SAVINGS TO:

❖ THE STATE BUDGET: None--The cost to the state is in holding a violation prehearing. The cost is the same regardless of the classification of the violation.

❖ LOCAL GOVERNMENTS: None--This rule amendment affects the Department of Alcoholic Beverage Control's adjudication of violations. These proceedings take place on the state level and do not affect local governments.

❖ SMALL BUSINESSES AND PERSONS OTHER THAN BUSINESSES: Though it is not possible to determine an exact dollar amount, this amendment may affect restaurants, including those with fewer than 50 employees, who are cited for permitting a patron to leave the premises with an open container of alcohol. The classification for this offense is being decreased from serious to moderate and a moderate offense carries a lesser fine than a serious offense.

COMPLIANCE COSTS FOR AFFECTED PERSONS: None--There are no compliance costs involved in this proposed amendment to the Violation Grid. The amendment merely takes into account the fact that restaurants are run differently than private clubs and taverns and, therefore, the penalties for some violations should be assessed differently.

COMMENTS BY THE DEPARTMENT HEAD ON THE FISCAL IMPACT THE RULE MAY HAVE ON BUSINESSES: Representative Dunnigan made a compelling argument for reducing the penalties for restaurants that permit a patron to leave with an open container of alcohol by pointing out how restaurants operate differently from private clubs and taverns. The only fiscal impact this proposed rule amendment may have is that restaurants may be assessed a smaller fine than prior to the amendment. Dennis R. Kellen, Director

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

ALCOHOLIC BEVERAGE CONTROL  
ADMINISTRATION  
1625 S 900 W  
SALT LAKE CITY UT 84104-1630, or  
at the Division of Administrative Rules.

DIRECT QUESTIONS REGARDING THIS RULE TO:

Sharon Mackay at the above address, by phone at 801-977-6800, by FAX at 801-977-6889, or by Internet E-mail at [smackay@utah.gov](mailto:smackay@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 05/15/2009.

THIS RULE MAY BECOME EFFECTIVE ON: 05/22/2009

AUTHORIZED BY: Dennis R. Kellen, Director

**R81. Alcoholic Beverage Control, Administration.**

**R81-1. Scope, Definitions, and General Provisions.**

**R81-1-6. Violation Schedule.**

(1) Authority. This rule is pursuant to Sections 32A-1-107(1)(c)(i), 32A-1-107(1)(e), 32A-1-107(4)(b), 32A-1-119(5), (6) and (7). These provisions authorize the commission to establish criteria and procedures for imposing sanctions against licensees and permittees and their officers, employees and agents who violate statutes and commission rules relating to alcoholic beverages. For purposes of this rule, holders of certificates of approval are also considered licensees. The commission may revoke or suspend the licenses or permits, and may impose a fine against a licensee or permittee in addition to or in lieu of a suspension. The commission also may impose a fine against an officer, employee or agent of a licensee or permittee. Violations are adjudicated under procedures contained in Section 32A-1-119 and disciplinary hearing Section R81-1-7.

.....

(5) Aggravating and Mitigating Circumstances. The commission and presiding officers may adjust penalties within penalty ranges based upon aggravating or mitigating circumstances.

(a) Examples of mitigating circumstances are:

(i) no prior violation history;

(ii) good faith effort to prevent a violation;

(iii) existence of written policies governing employee conduct;

(iv) extraordinary cooperation in the violation investigation that shows the licensee or permittee and the officer, employee or agent of the licensee or permittee accepts responsibility; and

(v) there was no evidence that the investigation was based on complaints received or on observed misconduct of others, but was based solely on the investigating authority creating the opportunity for a violation.

(b) Examples of aggravating circumstances are:

- (i) prior warnings about compliance problems;
- (ii) prior violation history;
- (iii) lack of written policies governing employee conduct;
- (iv) multiple violations during the course of the investigation;
- (v) efforts to conceal a violation;
- (vi) intentional nature of the violation;
- (vii) the violation involved more than one patron or employee;
- (viii) the violation involved a minor and, if so, the age of the minor; and
- (ix) whether the violation resulted in injury or death.

(6) Violation Grid. Any proposed substantive change to the violation grid that would establish or adjust the degree of seriousness of a violation shall require rulemaking in compliance with title 63G-3, the Utah Administrative Rulemaking Act. A violation grid describing each violation of the alcoholic beverage control laws, the statutory and rule reference, and the degree of seriousness of each violation is available for public inspection in the department's administrative office. A copy will be provided upon request at reproduction cost. It is entitled "Alcoholic Beverage Control Commission Violation Grid" ([2007]2008 edition) and is incorporated by reference as part of this rule.

**KEY: alcoholic beverages**

**Date of Enactment or Last Substantive Amendment: 2009**

**Notice of Continuation: August 31, 2006**

**Authorizing, and Implemented or Interpreted Law: 32A-1-107; 32A-1-119(5)(c); 32A-1-702; 32-1-703; 32A-1-704; 32A-1-807; 32A-3-103(1)(a); 32A-4-103(1)(a); 32A-4-106(1)(a); 32A-4-203(1)(a); 32A-4-304(1)(a); 32A-4-307(1)(a); 32A-4-401(1)(a); 32A-5-103(1)(a); 32A-6-103(2)(a); 32A-7-103(2)(a); 32A-7-106(5); 32A-8-103(1)(a); 32A-8-503(1)(a); 32A-9-103(1)(a); 32A-10-203(1)(a); 32A-10-206(14); 32A-10-303(1)(a); 32A-10-306(5); 32A-11-103(1)(a)**

## Environmental Quality, Air Quality R307-101-2 Definitions

### NOTICE OF PROPOSED RULE

(Amendment)

DAR FILE No.: 32458

FILED: 03/23/2009, 14:47

### RULE ANALYSIS

PURPOSE OF THE RULE OR REASON FOR THE CHANGE: This rule change updates the version of Threshold Limit Values for Chemical Substances and Physical Agents and Biological Exposure Indices referenced in several definitions in Section

R307-101-2 to the most recent version. All references to Threshold Limit Values for Chemical Substances and Physical Agents and Biological Exposure Indices need to be consistent and up-to-date to ensure that the most recently published Threshold Limit Values constitute the basis of regulatory actions and requirements.

SUMMARY OF THE RULE OR CHANGE: The following definitions in Section R307-101-2 are established by reference: "Acute Hazardous Air Pollutant," "Carcinogenic Hazardous Air Pollutant," "Chronic Hazardous Air Pollutant," "Threshold Limit Value - Ceiling (TLV-C)," and "Threshold Limit Value - Time Weighted Average (TLV-TWA)." This rule change updates the version date of the referenced document to the most current American Conference of Governmental Industrial Hygienists publication of Threshold Limit Values for Chemical Substances and Physical Agents and Biological Exposure Indices.

STATE STATUTORY OR CONSTITUTIONAL AUTHORIZATION FOR THIS RULE: Subsection 19-2-104(1)(a)

THIS RULE OR CHANGE INCORPORATES BY REFERENCE THE FOLLOWING MATERIAL: American Conference of Governmental Industrial Hygienists publication of "Threshold Limit Values for Chemical Substances and Physical Agents and Biological Exposure Indices, 2009"

ANTICIPATED COST OR SAVINGS TO:

❖ THE STATE BUDGET: Because these revisions do not create any new requirements, no change in costs is expected for the state budget.

❖ LOCAL GOVERNMENTS: Because this revision does not create any new requirements, no change in costs is expected for local governments.

❖ SMALL BUSINESSES AND PERSONS OTHER THAN BUSINESSES: Small Businesses: Because this revision does not create any new requirements, no change in costs is expected for small businesses. Other Persons: Because this revision does not create any new requirements, no change in costs is expected for other persons.

COMPLIANCE COSTS FOR AFFECTED PERSONS: Because this revision does not create any new requirements, no change in costs is expected for affected persons.

COMMENTS BY THE DEPARTMENT HEAD ON THE FISCAL IMPACT THE RULE MAY HAVE ON BUSINESSES: This amendment does not create new requirements. Therefore, no additional costs are expected. William Sinclair, Acting Executive Director

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

ENVIRONMENTAL QUALITY

AIR QUALITY

150 N 1950 W

SALT LAKE CITY UT 84116-3085, or

at the Division of Administrative Rules.

## DIRECT QUESTIONS REGARDING THIS RULE TO:

Kimberly Kreykes at the above address, by phone at 801-536-4042, by FAX at 801-536-4099, or by Internet E-mail at [kkreykes@utah.gov](mailto:kkreykes@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 05/15/2009.

THIS RULE MAY BECOME EFFECTIVE ON: 06/03/2009

AUTHORIZED BY: Bryce Bird, Planning Branch Manager

### **R307. Environmental Quality, Air Quality.**

#### **R307-101. General Requirements.**

##### **R307-101-2. Definitions.**

Except where specified in individual rules, definitions in R307-101-2 are applicable to all rules adopted by the Air Quality Board.

"Actual Emissions" means the actual rate of emissions of a pollutant from an emissions unit determined as follows:

(1) In general, actual emissions as of a particular date shall equal the average rate, in tons per year, at which the unit actually emitted the pollutant during a two-year period which precedes the particular date and which is representative of normal source operations. The Executive Secretary shall allow the use of a different time period upon a determination that it is more representative of normal source operation. Actual emissions shall be calculated using the unit's actual operating hours, production rates, and types of materials processed, stored, or combusted during the selected time period.

(2) The Executive Secretary may presume that source-specific allowable emissions for the unit are equivalent to the actual emissions of the unit.

(3) For any emission unit, other than an electric utility steam generating unit specified in (4), which has not begun normal operations on the particular date, actual emissions shall equal the potential to emit of the unit on that date.

(4) For an electric utility steam generating unit (other than a new unit or the replacement of an existing unit) actual emissions of the unit following the physical or operational change shall equal the representative actual annual emissions of the unit, provided the source owner or operator maintains and submits to the executive secretary, on an annual basis for a period of 5 years from the date the unit resumes regular operation, information demonstrating that the physical or operational change did not result in an emissions increase. A longer period, not to exceed 10 years, may be required by the executive secretary if the executive secretary determines such a period to be more representative of normal source post-change operations.

"Acute Hazardous Air Pollutant" means any noncarcinogenic hazardous air pollutant for which a threshold limit value - ceiling (TLV-C) has been adopted by the American Conference of Governmental Industrial Hygienists (ACGIH) in its "Threshold Limit Values for Chemical Substances and Physical Agents and Biological Exposure Indices, (2009[7])."

"Air Contaminant" means any particulate matter or any gas, vapor, suspended solid or any combination of them, excluding steam and water vapors (Section 19-2-102(1)).

"Air Contaminant Source" means any and all sources of emission of air contaminants whether privately or publicly owned or operated (Section 19-2-102(2)).

"Air Pollution" means the presence in the ambient air of one or more air contaminants in such quantities and duration and under conditions and circumstances, as is or tends to be injurious to human health or welfare, animal or plant life, or property, or would unreasonably interfere with the enjoyment of life or use of property as determined by the standards, rules and regulations adopted by the Air Quality Board (Section 19-2-104).

"Allowable Emissions" means the emission rate of a source calculated using the maximum rated capacity of the source (unless the source is subject to enforceable limits which restrict the operating rate, or hours of operation, or both) and the emission limitation established pursuant to R307-401-8.

"Ambient Air" means the surrounding or outside air (Section 19-2-102(4)).

"Appropriate Authority" means the governing body of any city, town or county.

"Atmosphere" means the air that envelops or surrounds the earth and includes all space outside of buildings, stacks or exterior ducts.

"Authorized Local Authority" means a city, county, city-county or district health department; a city, county or combination fire department; or other local agency duly designated by appropriate authority, with approval of the state Department of Health; and other lawfully adopted ordinances, codes or regulations not in conflict therewith.

"Board" means Air Quality Board. See Section 19-2-102(6)(a).

"Breakdown" means any malfunction or procedural error, to include but not limited to any malfunction or procedural error during start-up and shutdown, which will result in the inoperability or sudden loss of performance of the control equipment or process equipment causing emissions in excess of those allowed by approval order or Title R307.

"BTU" means British Thermal Unit, the quantity of heat necessary to raise the temperature of one pound of water one degree Fahrenheit.

"Calibration Drift" means the change in the instrument meter readout over a stated period of time of normal continuous operation when the VOC concentration at the time of measurement is the same known upscale value.

"Carbon Adsorption System" means a device containing adsorbent material (e.g., activated carbon, aluminum, silica gel), an inlet and outlet for exhaust gases, and a system for the proper disposal or reuse of all VOC adsorbed.

"Carcinogenic Hazardous Air Pollutant" means any hazardous air pollutant that is classified as a known human carcinogen (A1) or suspected human carcinogen (A2) by the American Conference of Governmental Industrial Hygienists (ACGIH) in its "Threshold Limit Values for Chemical Substances and Physical Agents and Biological Exposure Indices, (2009[7])."

"Chargeable Pollutant" means any regulated air pollutant except the following:

(1) Carbon monoxide;

(2) Any pollutant that is a regulated air pollutant solely because it is a Class I or II substance subject to a standard promulgated or established by Title VI of the Act, Stratospheric Ozone Protection;

(3) Any pollutant that is a regulated air pollutant solely because it is subject to a standard or regulation under Section 112(r) of the Act, Prevention of Accidental Releases.

"Chronic Hazardous Air Pollutant" means any noncarcinogenic hazardous air pollutant for which a threshold limit value - time weighted average (TLV-TWA) having no threshold limit value - ceiling (TLV-C) has been adopted by the American Conference of Governmental Industrial Hygienists (ACGIH) in its "Threshold Limit

Values for Chemical Substances and Physical Agents and Biological Exposure Indices, (2009[7])."

"Clean Air Act" means federal Clean Air Act as amended in 1990.

.....

"Threshold Limit Value - Ceiling (TLV-C)" means the airborne concentration of a substance which may not be exceeded, as adopted by the American Conference of Governmental Industrial Hygienists in its "Threshold Limit Values for Chemical Substances and Physical Agents and Biological Exposure Indices, [pages 15-72](2009[0])."

"Threshold Limit Value - Time Weighted Average (TLV-TWA)" means the time-weighted airborne concentration of a substance adopted by the American Conference of Governmental Industrial Hygienists in its "Threshold Limit Values for Chemical Substances and Physical Agents and Biological Exposure Indices, [pages 15-72](2009[0])."

"Total Suspended Particulate (TSP)" means minute separate particles of matter, collected by high volume sampler.

"Toxic Screening Level" means an ambient concentration of an air contaminant equal to a threshold limit value - ceiling (TLV- C) or threshold limit value -time weighted average (TLV-TWA) divided by a safety factor.

"Trash" means solids not considered to be highly flammable or explosive including, but not limited to clothing, rags, leather, plastic, rubber, floor coverings, excelsior, tree leaves, yard trimmings and other similar materials.

"Volatile Organic Compound (VOC)" means VOC as defined in 40 CFR 51.100(s)(1), effective as of the date referenced in R307-101-3, is hereby adopted and incorporated by reference.

"Waste" means all solid, liquid or gaseous material, including, but not limited to, garbage, trash, household refuse, construction or demolition debris, or other refuse including that resulting from the prosecution of any business, trade or industry.

"Zero Drift" means the change in the instrument meter readout over a stated period of time of normal continuous operation when the VOC concentration at the time of measurement is zero.

**KEY: air pollution, definitions**

**Date of Enactment or Last Substantive Amendment: [February 8, 2008]2009**

**Notice of Continuation: February 8, 2008**

**Authorizing, and Implemented or Interpreted Law: 19-2-104(1)(a)**



# Environmental Quality, Water Quality

## R317-101-2

### Definitions and Eligibility

#### NOTICE OF PROPOSED RULE

(Amendment)

DAR FILE No.: 32480

FILED: 03/31/2009, 16:33

#### RULE ANALYSIS

PURPOSE OF THE RULE OR REASON FOR THE CHANGE: The proposed change is being made to bring the Utah Wastewater Project Assistance Program rules into conformance with the

additional subsidization funding requirements of the American Recovery and Reinvestment Act of 2009 (ARRA).

SUMMARY OF THE RULE OR CHANGE: The proposed change adds a definition for the term "principal forgiveness".

STATE STATUTORY OR CONSTITUTIONAL AUTHORIZATION FOR THIS RULE: Section 19-5-105

#### ANTICIPATED COST OR SAVINGS TO:

❖ THE STATE BUDGET: There are no anticipated impacts to the state budget. The proposed rule will be implemented using existing resources.

❖ LOCAL GOVERNMENTS: Local governments receiving an authorization through ARRA may benefit from a cost savings up to 50% of the principal loan amount. ARRA requires that 50% of funds be awarded as additional subsidization (i.e., grant, principal forgiveness, or negative interest).

❖ SMALL BUSINESSES AND PERSONS OTHER THAN BUSINESSES: The proposed change applies only to publicly-owned treatment works receiving an authorization through ARRA. No direct costs or savings to small businesses or other persons are anticipated.

COMPLIANCE COSTS FOR AFFECTED PERSONS: The proposed change enables local governments receiving an authorization through ARRA to benefit from a cost savings of up to 50% of the principal loan amount. There are no additional compliance costs associated with the change.

COMMENTS BY THE DEPARTMENT HEAD ON THE FISCAL IMPACT THE RULE MAY HAVE ON BUSINESSES: The proposed change applies to publicly-owned treatment works receiving an authorization through ARRA. No fiscal impacts to businesses are anticipated. William Sinclair, Acting Executive Director

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

ENVIRONMENTAL QUALITY  
WATER QUALITY  
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:

Dave Wham at the above address, by phone at 801-538-6052, by FAX at 801-538-6016, or by Internet E-mail at dwham@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 05/15/2009.

THIS RULE MAY BECOME EFFECTIVE ON: 05/22/2009

AUTHORIZED BY: Walter Baker, Director



**R317. Environmental Quality, Water Quality.****R317-101. Utah Wastewater Project Assistance Program.****R317-101-2. Definitions and Eligibility.**

A. Board means Utah Water Quality Board.

B. Political Subdivision means any county, city, town, improvement district, metropolitan water district, water conservancy district, special service district, drainage district, irrigation district, separate legal or administrative entity created under the Interlocal Cooperation Act or any other entity constituting a political subdivision under the laws of Utah.

C. Wastewater Project means a sewer, storm or sanitary sewage system, sewage treatment facility, lagoon, sewage collection facility and system and related pipelines and all similar systems, works and facilities necessary or desirable to collect, hold, cleanse or purify any sewage or other polluted waters of this State; and a study, pollution prevention activity, or pollution education activity that will protect waters of this state.

D. Project Costs include the cost of acquiring and constructing any project including, without limitation: the cost of acquisition and construction of any facility or any modification, improvement, or extension of such facility; any cost incident to the acquisition of any necessary property, easement or right of way; engineering or architectural fees, legal fees, fiscal agent's and financial advisors' fees; any cost incurred for any preliminary planning to determine the economic and engineering feasibility of a proposed project; costs of economic investigations and studies, surveys, preparation of designs, plans, working drawings, specifications and the inspection and supervision of the construction of any facility; interest accruing on loans made under this program during acquisition and construction of the project; and any other cost incurred by the political subdivision, the Board or the Department of Environmental Quality, in connection with the issuance of obligation of the political subdivision to evidence any loan made to it under the law.

E. Wastewater Project Obligation means, as appropriate, any bond, note or other obligation of a political subdivision issued to finance all or part of the cost of acquiring, constructing, expanding, upgrading or improving a wastewater project.

F. Credit Enhancement Agreement means any agreement entered into between the Board, on behalf of the State, and a political subdivision, for the purpose of providing methods and assistance to political subdivisions to improve the security for and marketability of wastewater project obligations.

G. Interest Buy-Down Agreement means any agreement entered into between the Board, on behalf of the State, and a political subdivision, for the purpose of reducing the cost of financing incurred by a political subdivision on bonds issued by the subdivision for project costs.

H. Financial Assistance means a project loan, credit enhancement agreement, interest buy-down agreement or hardship grant.

I. Hardship Grant means a grant of monies to a political subdivision, individual, corporation, association, state or federal agency or other private entity that meets the wastewater project loan considerations or NPS eligibility criteria whose project is determined by the Board to not be economically feasible unless grant assistance is provided. A hardship grant may be authorized in the following forms:

1. A Planning Advance which will be required to be repaid at a later date, unless deemed otherwise by the Board, to help meet project costs incident to planning to determine the economic, engineering and financial feasibility of a proposed project.

2. A Design Advance which will be required to be repaid at a later date, to help meet project costs incident to design including, but

not limited to, surveys, preparation of plans, working drawings, specifications, investigations and studies.

3. A Project Grant which will not be required to be repaid.

J. Nonpoint Source Project means a facility, system, practice, study, activity or mechanism that abates, prevents or reduces the pollution of water of this state by a nonpoint source.

K. Principal Forgiveness means a loan wherein a portion of the loan amount is "forgiven" upon closing the loan.

**KEY: wastewater, water quality, loans, sewage treatment**

**Date of Enactment or Last Substantive Amendment: [~~October 22, 2007~~2009]**

**Notice of Continuation: April 2, 2008**

**Authorizing, and Implemented or Interpreted Law: 19-5**



## Human Services, Aging and Adult Services

### R510-400

## Home and Community-Based Alternatives Services Policy and Procedures

### NOTICE OF PROPOSED RULE

(Repeal and Reenact)

DAR FILE NO.: 32471

FILED: 03/30/2009, 14:51

### RULE ANALYSIS

PURPOSE OF THE RULE OR REASON FOR THE CHANGE: The rule has been extensively reorganized, the numbering of the various sections has been changed, a definitions section has been added, outdated information has been removed (i.e., references to other services that are no longer in existence, practices that are no longer in place, etc.), and some criteria have been updated. In addition to the general clean up, the rule has been updated to incorporate best practices and to bring the rule into compliance with changes to policy that have been updated over the past several years.

SUMMARY OF THE RULE OR CHANGE: The rule change is comprehensive in addressing changes in eligibility requirements, services available to clients, case management practices, and policies of the program. It also removes sections that are redundant or are no longer valid. The change process updates, corrects, and clarifies the previous version of the rule.

STATE STATUTORY OR CONSTITUTIONAL AUTHORIZATION FOR THIS RULE: Section 62A-3-104, and Title IIIB of the Older Americans Act

ANTICIPATED COST OR SAVINGS TO:

❖ THE STATE BUDGET: There is no additional cost to the state because the rule change does not impact the cost to the program. A cap on services received by individual clients is

not changed from the previous version of the rule. As a result, there is no change in the cost of the program.

❖ LOCAL GOVERNMENTS: There is no additional cost to local governments because the Alternatives program is a state-funded program and the local governments are not required to pay the costs of the services. As mentioned above, the changes involved in the rule do not change the overall cost of the program.

❖ SMALL BUSINESSES AND PERSONS OTHER THAN BUSINESSES: There is no additional cost to small business because small businesses are not used to facilitate the program. The program is administered by the local Area Agencies on Aging.

COMPLIANCE COSTS FOR AFFECTED PERSONS: There is no additional cost to individuals. Currently, individuals participating in the program pay a copayment based on their income. This is not altered by the rule change and will not be changed from the level currently being paid under the existing rule.

COMMENTS BY THE DEPARTMENT HEAD ON THE FISCAL IMPACT THE RULE MAY HAVE ON BUSINESSES: The proposed changes to the rule will not change the way providers are currently operating under this program and will have no fiscal impact on businesses. 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 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 05/15/2009.

THIS RULE MAY BECOME EFFECTIVE ON: 05/22/2009

AUTHORIZED BY: Nels R. Holmgren, Director

### **R510. Human Services, Aging and Adult Services.**

#### **~~[R510-400. Home and Community Based Alternatives Services Policy and Procedures.~~**

#### **~~R510-400-1. Authority and Purpose.~~**

##### ~~—(1) Authority.~~

~~Home and Community Based Alternatives Services are provided by Section 62A-3-104 and the Older Americans Act, Title III B and Title III D. The Utah State Department of Human Services is the umbrella agency with oversight responsibility for the Division of Aging and Adult Services. Home and Community Based Alternatives~~

~~Services are funded from several sources and administered by the Division of Aging and Adult Services.~~

##### ~~—(2) Purpose.~~

~~—(a) Home and Community Based Alternatives Services provide a comprehensive array of quality client centered services. The services are delivered in a variety of community settings designed to provide a choice of service delivery options to the client who can continue to live in his own home, if his needs for social and medical services can be met. Home and Community Based Alternatives Services contribute to improving the quality of life and help to preserve the independence and dignity of the recipient.~~

~~—(b) The objective of the Older Americans Act Title III B and III D Services is to provide services to the frail older client, including the older client who is a victim of Alzheimer's disease and related disorders with neurological and organic brain dysfunction, and to his family.~~

#### **R510-400-2. Definitions.**

~~—(1) Adult means an individual who is 18 years of age or older.~~

~~—(2) Aging and Aged means an individual who is 60 years of age or older.~~

~~—(3) Agency means the designated Area Agency on Aging or other subcontracting agency which may be selected by the Division, if the designated Area Agency on Aging declines to be a contractor or has been determined to be out of compliance with the contract.~~

~~—(4) Assessment means a complete review of an individual's current functional strengths and deficits, living environment, social resources and care giving needs.~~

~~—(5) Caregiver means an individual who has the primary responsibility of providing care and/or supervision to an adult, three or more times a week.~~

~~—(6) Care Plan means a written plan which contains a description of the needs of the client, the services necessary to meet those needs, and the goals to be achieved.~~

~~—(7) Case Management means assessment, reassessment, determination of eligibility, development of a care plan, ongoing documentation, arranging client specific services, case recording, client monitoring and follow up.~~

~~—(8) DAAS Approved Assessment Instrument means a document that meets minimum assessment criteria, as determined by DAAS, for documenting the needs of individuals.~~

~~—(9) Department means the Utah State Department of Human Services.~~

~~—(10) Director means the Director of the Agency.~~

~~—(11) Division means the Utah State Division of Aging and Adult Services.~~

~~—(12) Emergency means that a disabled adult is at risk of death or immediate and serious harm to self or others, as provided by Section 62A-3-301(6)(12).~~

~~—(13) Equipment, Rent or Purchase means rental or purchase of equipment deemed necessary for the client's care.~~

~~—(14) Home means an individual's place of residence.~~

~~—(15) Home Health Aide means basic assistance and health maintenance by an Aide to individuals in a home setting under the supervision of appropriate health care professionals.~~

~~—(16) Homemaker means services which provide assistance in maintaining the client's home environment and home management.~~

~~—(17) Housekeeping Services means assistance with vacuuming, laundry, dish washing, dusting, cleaning bathroom, changing bed linen (unoccupied bed), cleaning stove and refrigerator, ironing, and garbage disposal which relate to the client's well being.~~



—(18) Home and Community Based Alternatives Services means a comprehensive array of services that are provided to an individual, which enable him to increase self sufficiency and to maintain his functional independence.

—(19) Protective Services means services provided by the Division, including the services of guardian and conservator provided in accordance with Title 75, Utah Uniform Probate Code, to assist persons in need of protection to prevent or discontinue abuse, neglect, or exploitation until that condition no longer requires intervention. The services shall be consistent, if at all possible, with the accustomed lifestyle of the disabled adult, as provided by Section 62A-3-301(12).

—(20) Personal Care means assistance with activities of daily living in a home setting, to an individual who is unable to care for himself or when the caretaker is temporarily absent or requires respite.

—(21) Respite means a rest or relief for the primary Caregiver from care giving burdens and responsibilities, to maintain the Caregiver as the primary person delivering care giving activities.

—(22) Risk Score means a score that reflects the amount of risk an individual has of premature institutionalization. Risk is determined using a DAAS approved assessment instrument that reflects a moderate to high degree of functional, environmental, social resource and care giving needs by an individual.

—(23) Screening Assessment means an instrument that initially determines if an individual has a degree of functional limitation that may potentially deem him eligible for Home and Community Based Alternatives Services.

—(24) Voluntary Contributions means a voluntary donation of money that a client or the family pays and may be in addition to an assessed fee for service.

#### **R510-400-3. Funding Source.**

—(1) Home and Community Based Alternatives Services are funded by a variety of Federal, State and local community dollars, program fees, voluntary and public contributions.

—(2) The Older Americans Act Title III B and III D Services are funded by Federal dollars allocated by Congress, State matching funds, local matching funds and voluntary contributions.

#### **R510-400-4. Eligibility.**

—(1) Services may be provided as funds permit to eligible adults as determined by DAAS Policy and Procedures for Home and Community Based Alternatives Services.

—(2) Older Americans Act Title III B and III D Services may be provided to eligible Aging and Aged Adults, as specified under Section 321, 341 and 342 of the Older Americans Act, 1965 as amended.

#### **R510-400-5. Authorized Services.**

—The Agency may provide or provide for an array of home and community Based alternatives services, determined by assessment to be essential to maintain the individual's independence in order for him to remain at home. These services may include case management, homemaker, personal care, home health assistance, skilled health care, respite, equipment rental or purchase, emergency response systems or other services as needed.

#### **R510-400-6. Fees and Voluntary Contributions.**

—(1) Fees shall be assessed for all clients receiving Home and Community Based Alternatives Services. Fees are based on the client's and spouse's adjusted income as determined by the DAAS Eligibility Declaration Form and calculated against the Department's Fee Schedule.

—(2) Older Americans Act Title III B and III D Services participants shall not be assessed fees for receiving Older Americans Act Title III B and Title III D funded services, as specified under Section 321, 341 and 342 of the Older Americans Act, 1965 as amended.

#### **R510-400-7. Service Provider Requirements.**

—Home and Community Based Alternatives Services shall be provided through a public agency or a private licensed Service Provider Agency with at least one year experience in providing home support or home health services.

#### **R510-400-8. Client Vouchers.**

—The agency shall develop policy and procedures for the provision of a voucher system of payment that may be available to the client who is able to manage the provision of services specified in his care plan. Such policy and procedures shall be developed in accordance to guidelines found in the Division's Home and Community Based Alternatives Services Procedure Manual.

#### **R510-400-9. Client Assessment.**

—The initiation of a DAAS approved Screening Assessment to establish a risk score shall be ten working days or less from the initial referral. Enough information shall be gathered with the client, family or referral source to determine potential eligibility and whether he shall be referred for an Assessment or referred to another agency or community resource.

#### **R510-400-10. Care Planning.**

—The client's Care Plan shall be developed based upon his current situation and needs as identified by the DAAS approved assessment instrument.

#### **R510-400-11. Payment to Relatives.**

—The Agency shall develop policy and procedures for the provision of direct payments to a relative of the eligible client for care giving services that comply with the Health Care Assistant Registration Act as found in Section 58-62-101 and DAAS Policy and Procedures for Home and Community Based Alternatives Services as found in Utah Administrative Code R 510-400.

#### **R510-400-12. Case Management.**

—Case Management shall be provided to all recipients of Home and Community Based Alternatives Services.

#### **R510-400-13. Record Keeping.**

—The recipient of Home and Community Based Alternatives Services shall have an individual case file that includes client eligibility, assessment of the client's needs, care plan, quarterly reviews, progress notes, and when applicable, legal documents addressing guardianship, advanced directives or powers of attorney.

#### **R510-400-14. Client Rights and Responsibilities.**

—The Agency shall have the responsibility to develop a method to inform all eligible clients of their rights and responsibilities. This shall be evidenced by a signed Client's Rights and Responsibilities Form in the case file.

#### **R510-400-15. Grievance Procedures.**

—The Agency shall have the responsibility to develop procedures for Client Grievance and Fair Hearing.

**R510-400-16. Waiting Lists.**

~~— The Agency shall maintain an active waiting list when funding dictates that services cannot be provided for all who have been identified as needing services.~~

**R510-400-17. Termination of Service.**

~~— The Agency shall allow for the interruption, transfer and termination of services for the client receiving Home and Community-Based Alternatives Services or Older Americans Act Title III B and III D Services, whose needs, Agency Provider, circumstances or condition warrants.~~

**R510-400-18. Purchase and Rental of Equipment.**

~~(1) Equipment may be purchased or rented if it is deemed necessary for the client's care, providing no other funding source is available.~~

~~(2) Purchased equipment is the property of the Agency. The Agency will develop policy and procedures that address the disposition, inventory and repair of equipment.~~

**R510-400-19. Contract Compliance.**

~~— The Division is responsible for monitoring Home and Community Based Alternatives Services and Older Americans Act Title III B and III D Services. Each Agency shall be monitored annually.~~

**R510-400-20. Emergency Interim Service.**

~~— Home and Community Based Alternatives Services may be provided to the client when circumstances warrant the emergency provision of service.]~~

**R510-400. Home and Community Based Alternatives Program.****R510-400-1. Purpose.**

~~(1) The Home and Community Based Alternatives program provides a comprehensive array of quality, client centered services. The services are delivered in a variety of community settings designed to provide a choice of service delivery options to the eligible client who can continue to live in their own home, if their needs for social and medical services can be met. Home and Community Based Alternatives services contribute to improving the quality of life and help to preserve the independence and dignity of the recipient. This rule is intended to clarify the obligations and options available to administrators of the program and to ensure compliance with state and federal regulations.~~

~~(2) The objective of the Older Americans Act Title IIIB Services is to provide services to frail older clients, including the older client who is a victim of Alzheimer disease and related disorders with neurological and organic brain dysfunction, and to their family.~~

**R510-400-2. Authority.**

~~(1) The Division of Aging and Adult Services is given rulemaking authority by Section 62A-3-104. The Home and Community Based Alternatives program is provided by the Older Americans Act Title IIIB. The Utah State Department of Human Services is the umbrella agency with oversight responsibility provided by the Division of Aging and Adult Services (DAAS). The Home and Community Based Alternatives program is funded from several sources and administered by the Division of Aging and Adult Services.~~

**R510-400-3. Definitions.**

(1) Adult means an individual who is 18 years of age or older.

(2) Aging and Aged means an individual who is 60 years of age or older.

(3) Agency means the designated Area Agency on Aging or other sub-contracting agency which may be selected by the Division, if the designated Area Agency on Aging declines to be a contractor or has been determined to be out of compliance with the contract.

(4) Assessment means a complete review of an individual's current strengths and deficits, living environment, social resources and care giving needs.

(5) Assessment Instrument means a document that meets minimum assessment criteria, as approved by DAAS, for documenting the needs of individuals.

(6) Caregiver means an individual who has the primary responsibility of providing care and/or supervision to an adult, three or more times a week.

(7) Care Plan means a written plan which contains a description of the needs of the client, the services necessary to meet those needs, the provider of those services, the funding source, and the goals to be achieved.

(8) Case Management means assessment, reassessment, determination of eligibility, development of a care plan, on-going documentation, arranging client specific services, case recording, client monitoring and follow-up.

(9) Chore Services consists of heavy household chores such as washing floors, windows and walls, tacking down loose rugs and tiles, and moving heavy furniture.

(10) Department means the Utah State Department of Human Services.

(11) Director means the Director of the Agency.

(12) Division means the Utah State Division of Aging and Adult Services.

(13) Emergency means that a vulnerable adult is at risk of death or immediate and serious harm to self or others. Section 62A-3-301(6) through (12).

(14) Equipment, Rent or Purchase means rental or purchase of equipment deemed necessary for the client's care.

(15) Home means an individual's place of residence.

(16) Home Health Aid means basic assistance and health maintenance by an Aide to individuals in a home setting under the direction of appropriate health professionals.

(17) Homemaker Services mean services which provide assistance in maintaining the client's home environment and home management. This includes, but is not limited to, assistance with vacuuming, laundry, dish washing, dusting, cleaning bathroom, changing bed linen (unoccupied bed), cleaning stove and refrigerator, ironing, and garbage disposal; which relate to the client's well being.

(18) Home and Community Based Alternatives Services means a comprehensive array of services that are provided to an individual which enable him to increase self-sufficiency and to maintain their functional independence.

(19) Protective Services means services provided by the Division, including the services of guardian and conservator provided in accordance with Title 75, Utah Uniform Probate Code, to assist persons in need of protection to prevent or discontinue abuse, neglect, or exploitation until that condition no longer requires intervention. The services shall be consistent, if at all possible, with the accustomed lifestyle of the vulnerable adult as provided by Section 62A-3-301(12).

(20) Personal Attendant Services are defined as personal and non-medical supportive services specific to the needs of a medically stable adult experiencing chronic physical or cognitive functional impairments who is capable of directing their own care or who has a surrogate available to direct the care.

(21) Personal Care means assistance with activities of daily living in a home setting to an individual who is unable to perform activities of daily living independently or when the care giver is temporarily absent or requires respite.

(22) Respite means a rest or relief for the primary Caregiver from care giving tasks and responsibilities, to maintain the Caregiver as the primary person delivering care-giving activities.

(23) Risk Score means a score that reflects the amount of risk an individual has of premature institutionalization. Risk score is determined using a DAAS approved assessment instrument that reflects a moderate to high risk of functional, environmental, social resource and care giving needs of an individual.

(24) Screening Tool means an instrument that initially determines the client's level of functioning to determine the need for long-term Home and Community Based Services.

(25) Vulnerable Adult means an elder adult, or an adult who has a mental or physical impairment which substantially affects that person's ability to:

- (a) Provide personal protection;
- (b) Provide necessities such as food, shelter, clothing, or mental or other health care;
- (c) Obtain services necessary for health, safety, or welfare;
- (d) Carry out the activities of daily living;
- (e) Manage the adult's own resources; or
- (f) Comprehend the nature and consequences of remaining in a situation of abuse, neglect, or exploitation. Section 62A-3-301(26).

#### **R510-400-4. Funding Sources.**

(1) The Home and Community Based Alternatives program is funded by a variety of Federal, State and local community dollars, program fees, voluntary and public contributions.

(2) The Older Americans Act Title IIIB Services Programs are funded by Federal dollars allocated by Congress, State matching funds, local matching funds and voluntary contributions.

(3) PROCEDURES-Funding Limitations:

(a) Within each Agency at least 75% of the program funding shall be used to serve clients aged 60 or older.

(b) The Division shall establish the program expenditure limit per client, prior to July 1 of each year.

(c) At the discretion of the Director or designee, waivers of the expenditure limit can be approved using the Expenditure Limit Waiver Process outlined below.

(4) PROCEDURES-Expenditure Limit Waiver Process:

(a) Waivers of the allowed expenditure limit may be granted on an individual basis.

(b) Requests for a waiver must be in writing and approved by the Agency Director or their designee.

(c) Waiver requests, documentation, and accompanying approval or denial must be maintained in the Client's file.

(d) The waiver must be re-approved with each Eligibility Declaration determination.

#### **R510-400-5. Eligibility.**

(1) Services may be provided as funds permit to eligible adults as determined by DAAS Policy and Procedures for Home and Community Based Alternatives services.

(2) Older Americans Act Title IIIB Services may be provided to eligible Aging and Aged Adults.

(3) PROCEDURES-Home and Community Based Alternatives Program Eligibility:

(a) The DAAS Eligibility Declaration form shall be used to determine financial eligibility.

(b) Eligibility is determined by the Agency using the following criteria:

(i) Age: Clients must meet the definition of an Adult.

(ii) Income and Assets:

(A) Income and asset guidelines shall be established by the Division prior to July 1 of each year and shall remain in effect until suspended.

(B) The Client's and their spouse's income and assets will be considered in determining eligibility using the DAAS Eligibility Declaration form.

(iii) Frailty level:

(A) The Client's Assessment Risk Score must be at a moderate to high level as measured by a DAAS approved assessment instrument.

(iv) Payer of last resort:

(A) Payer of last resort is the term used to denote that the Alternatives program is liable for payment for care and services only after all other liable third parties have met their legal obligation to pay.

(4) PROCEDURES-Older American Act Titles IIIB Services Program eligibility:

(a) Clients are determined eligible based on age and need. Income and Assets will not be used as a basis for providing services under Older Americans Act Service Programs.

(b) Eligibility is determined by the Agency using the following criteria:

(i) Age: Clients must be 60 years of age or older.

(ii) Need Criterion: The Client must have an Assessment Risk Score at a moderate to high level as measured by a DAAS approved assessment instrument.

#### **R510-400-6. Authorized Services.**

(1) The Agency may provide or arrange for an array of Home and Community Based Alternatives services, determined by assessment to be essential to maintain the individual's independence in order for him to remain in the home.

(2) PROCEDURES-Authorized Services:

(a) The Home and Community Based Alternatives services program may also provide an additional array of services based upon client need and which program funding permits that allows clients to remain in their own home. These services include case management and other services such as homemaker, personal care, home health, skilled health care, respite, equipment rental or purchase, emergency response systems or other services as needed. Case Managers, in providing case management and other services as appropriate, are encouraged to use innovation to efficiently and effectively meet client needs.

(b) Older Americans Act Title IIIB Program Services shall be provided as specified in the Older Americans Act 1965 as amended (Sections 306(a)(2)).

#### **R510-400-7. Fees and Voluntary Contributions.**

(1) Fees shall be assessed for all clients receiving Home and Community Based Alternatives services. Fees are based on the client's and spouse's adjusted income as determined by the DAAS

Eligibility Declaration form and calculated against the Department's Fee Schedule.

(2) Older Americans Act Title IIIB Program participants shall not be assessed fees for receiving Older Americans Act Title IIIB funded services. Clients receiving Title IIIB services shall be given the opportunity to make a confidential donation to the program.

(3) PROCEDURES-Fees:

(a) The Agency shall establish procedures for fee collection. Every reasonable effort shall be made to collect the required fee. Services may be terminated for refusal to pay the required service program fee.

(b) Clients whose income and/or assets are above the maximum eligibility guideline, may purchase Home and Community Based Alternative services at cost.

(c) Waivers for full or partial fees may be granted on an individual basis using the following process:

(i) Case Managers will document the circumstances which necessitate a waiver of the fees.

(ii) The request must be made in writing.

(iii) The Agency Director or their designee must approve the waiver.

(iv) The documentation must be maintained in the Client's files at all times.

(v) All fee waivers must be re-approved with each new request by the Case Manager or on an annual basis.

(A) Clients shall be informed as to the cost of the services they receive under the Home and Community Based Alternatives program and Older American Act Title IIIB Program.

(4) PROCEDURES-Voluntary Contributions:

(a) Each client and family shall be given the opportunity to voluntarily contribute toward the cost of the service program.

**R510-400-8. Service Provider Requirements.**

(1) Home and Community Based Alternatives Services shall be provided through a public agency, a private licensed Service Provider Agency with at least one year experience in providing home support or home health services, or by an individual providing personal attendant services with demonstrated skills and abilities in providing the required services. The one-year experience requirement may be waived by the AAA Director or designee provided there is adequate documented justification.

(2) PROCEDURES-Service Provider Requirements:

(a) The service provider may be a public or private social service or health care agency.

(b) The agency must have one year of experience in providing in-home services.

(c) The service provider must be appropriately licensed.

(d) The service provider must maintain liability insurance and bonding of all employees.

(e) It is the responsibility of the service provider to:

(i) provide all employees with written instructions based upon the client's Care Plan;

(ii) instruct employees as needed in performing the required tasks

(iii) provide supervision of employees

(iv) inform employees regarding personal liability.

(3) PROCEDURES-Case Load Requirements:

(a) A Case Manager shall be assigned for each Client. Average case load size across all programs the case manager may work shall not exceed fifty (50) clients per available Full Time Equivalent and should be proportionate to the Agency's Case

Managers time, case mix, and situation. Exceptions may be made only upon written request to the Division. The Division will review the request and if appropriate, approve a temporary waiver.

(b) Case Manager Qualifications:

(i) Case Management shall be performed by a person with a Bachelor Degree in a social science, health science, or other related field. Exceptions to this requirement may be made for individuals who have year for year experience in these fields, or substitutions on a year for year basis as follows:

(A) additional related education for the experience.

(B) additional full time paid related employment for the education.

(ii) State licensure as a Social Service Worker is recommended as a minimal qualification.

(4) Personal Attendant Services:

(a) Where appropriate, agencies and clients can make use of a Personal Attendant to provide services to clients. Personal Attendant Services are defined as: Personal care and non-medical supportive services, specific to the needs of a medically stable elderly person experiencing chronic physical or cognitive functional impairments, who is capable of directing their own care or who has a surrogate available to direct the care.

(5) Eligibility:

(a) To be eligible for the Personal Attendant Service the individual must be an active consumer on the Home and Community Based Alternatives Program.

(b) The client and their designated Personal Attendant must:

(i) Understand that Personal Attendant services is a service delivery model designed to benefit the designated client.

(ii) Be able to provide management of the employee (personal attendant) to include recruitment, scheduling, discipline and termination, if needed, of individuals eighteen (18) or more years of age.

(iii) Be willing and capable of training and directing the employee.

(iv) Follow-up with the employee regarding First Aid training/certification and provide documentation of such to the Case Manager.

(v) Personal attendant service is available to those clients for whom eligibility has been established and who have an established care plan. Preferably, the client has been receiving services from the Home and Community Based Alternatives program.

(vi) Receive, sign and copy all employee time sheets and submit them to the designated organization by the established deadline. The consumer or the personal representative will be responsible for the verification and accuracy of hours billed by the employee, not to exceed the agreed upon and approved hours on the care plan.

(vii) Complete, maintain and file with the payroll agent all necessary tax information required by the U.S. Internal Revenue Service.

(viii) Demonstrate the skills necessary to supervise direct service employees.

(ix) Provide training to their employee(s) in the areas of confidentiality and services to be provided related to the individual's plan of care. If additional training is needed, the consumer or personal representative will request this from their Case Manager.

(x) Actively participate with the Case Manager in the monitoring and revision of the consumer Care Plan.

(xi) Provide a back-up service plan to the Case Manager that states clearly the manner in which services will be provided as a

back-up when the employee is not able to provide services. Back-up services may be provided by individuals who are not employees and who will not be eligible for payment for services provided.

(xii) Develop and maintain in the home of the consumer a notebook that includes a copy of:

(A) The current Care Plan;

(B) The Employee Agreement;

(C) The Consumer/Personal representative Letter of Agreement;

(D) All payroll agent's forms and time sheets;

(E) The Back-up Plan; and

(F) The Training Plan, as needed.

(xiii) Provide periodic feedback to the Case Manager regarding the quality of service being provided by the employee and how effectively the service meets the needs identified in the Care Plan. The consumer or personal representative will report immediately to the Case Manager any abuse or exploitation of the consumer by the employee.

(xiv) Notify the Case Manager when consumer needs change in order to adjust the Care Plan as appropriate.

(xv) Obtain prior authorization for services from the Case Manager.

(xvi) Follow applicable sections of the Home and Community Based Alternatives Program policies and procedures as provided by the Case Manager.

(xvii) Furnish requested copies of all documents related to employment or services that are collected by the consumer and/or the personal representative to the Case Manager and/or payroll agent.

(xviii) Report issues of non-compliance, consumer or personal representative and employee(s) conflict, and/or other significant occurrences to the Case Manager.

#### **R510-400-9. Client Assessment.**

(1) The initiation of a DAAS approved Screening Assessment to establish a risk score shall be ten working days or less from the initial referral. Enough information shall be gathered with the client, family or referral source to determine potential eligibility and whether they shall be referred for an Assessment or referred to another agency or community resource.

(2) PROCEDURES-Assessment:

The DAAS approved Assessment shall be completed by the Case Manager to confirm and identify the need for services(s).

(a) Nursing Assessment: An additional assessment or file review by a Registered Nurse may be completed to identify the appropriate level of intervention necessary.

(b) Reassessment: Annually, the Case Manager will complete the areas indicated in the DAAS approved Assessment Instrument for reassessment of the client's service need(s) during the same calendar month as the original assessment whenever possible.

(c) PROCEDURES-Family and Other Support System Involvement:

(i) The client's family and/or personal support systems shall be encouraged to participate in the Assessment unless the client and case manager determine that they not be included or it is the client's request that they not be included.

#### **R510-400-10. Care Planning.**

(1) The client Care Plan shall be developed based upon their current situation and needs as identified in the DAAS approved Assessment.

(2) PROCEDURES-Care Planning:

(a) A standardized Care Plan form designated by the Division shall be used.

(b) The Care Plan will be developed with the client's input.

(c) The Care Plan shall include goals, objectives, methods, services to be provided, discharge or termination goals, time frames, amount and frequency of services being authorized, together with the payment source.

(d) The Care Plan will be signed and dated by the Client or their legal representative, the Case Manager and when applicable, the Registered Nurse.

(e) The Care Plan shall be updated annually at the time of the reassessment or more frequently when changes occur with the service need(s).

(f) All support systems, both formal and informal shall be included as part of the Care Plan.

(g) A copy of the Care Plan shall be given to the client with the original maintained in the client's case file.

(h) Service(s) shall be authorized in the care Plan at the minimum level and for the least amount of service hours that will adequately meet the client's needs.

(i) Home and Community Based Alternatives services shall supplement, but not replace or duplicate, support systems that are in place in sufficient quantity to meet client's needs.

(j) Case Managers should be aware of available agency and community services and should be responsible for coordination of services provided to the client.

(3) PROCEDURES-Service Authorization:

(a) An Agency Service Authorization Form or the Care Plan must be sent to the Serviced Provider requesting specific services for the client.

#### **R510-400-11. Case Management.**

(1) Case Management shall be provided to all recipients of Home and Community Based Alternatives services.

(2) PROCEDURES-Case Management:

(a) Case Management shall include an assessment, annual reassessment, three quarterly review and monthly contacts. Other visits or contacts shall be made and documented in accordance with the client's need or as directed in the Care Plan.

(b) A monthly or more frequent contact shall be made with the client, service provider, and/or the client's family.

(c) Assessment and quarterly review, reduction and/or termination of service should be done face to face when possible, with the exception of when the client moves out of the area, enters a nursing facility or dies. Telephone and electronic contacts can be used to communicate adjustments to care plans or service orders, or changes of status.

(d) The Case Manager will record all client contacts and significant changes with a progress note.

(e) The Case Manger is expected to maximize the client's informal support systems.

(f) The Case Manager shall make quarterly reviews during the third month following the Assessment and every third month thereafter. Quarterly Reviews shall be conducted in the client's home and will document the following:

(i) A review of the services being delivered.

(ii) Changes in the client's condition.

(A) Progress toward Care Plan objectives and goals.

(B) Appropriateness of services.

(3) The client's satisfaction and concerns with the service provision.

(4) Status of rental/purchased equipment.

**R510-400-12. Record Keeping.**

(1) The recipient of Home and Community Based Alternatives program shall have an individual case file that include client eligibility, assessment of the client's needs, care plan, quarterly reviews, progress notes, and when applicable legal documents addressing guardianship, advanced directives or powers of attorney.

(2) PROCEDURES-Confidentiality of Records:

(a) All information and records generated within the Home and Community Based Alternatives Program and Older American Act Title IIIB Programs shall be retained and released in accordance with the Government Records Management Act (GRAMA), pursuant to Section 63G-2-101, et seq.

(b) Information that pertains to Home and Community Based Alternatives program and Older Americans Act Title IIIB Programs shall be classified as "private."

(c) Information that is medical, psychiatric, or psychological in content shall be classified as "controlled."

(d) Clients' case files and service authorizations must be secured in a locked file at the Agency or designated Service Provider.

(e) Home and Community Based Alternatives program and Older Americans Act Title IIIB Programs case records, files, authorizations, and supporting program documentation, shall be kept for five years following termination of services or until all audits initiated within the five years have been completed, whichever is later. After the end of the specified retention period, the documents shall be destroyed according to GRAMA document destruction requirements.

(3) PROCEDURES-Sharing of Records:

(a) The Case Manager shall provide a copy of the completed Care Plan to the client. The completed Assessment may be provided to the Service Provider.

**R510-400-13. Client Rights and Responsibilities.**

(1) The Agency shall have the responsibility to develop a method to inform all eligible clients of their rights and responsibilities. This shall be evidenced by a signed Clients Rights and Responsibilities Form in the case file.

(2) PROCEDURES-Client Rights:

Client rights shall include:

(a) To be fully informed of their rights and responsibilities governing personal conduct while participating in the programs. This shall be evidenced by a signed and dated Clients Rights and Responsibilities form in the client's file.

(b) To be fully informed of services and related fees for which the Client may be responsible and to be informed of all changes in fees.

(c) To be afforded self-determination through participation in the development of the Care Plan. This includes the right to refuse service(s), referrals to health care institutions or other agencies, and to refuse to participate in research studies.

(d) To be assured confidential treatment and maintenance of records. Clients have the right to approve or refuse the release of their records. However, all information and records generated in these Programs shall be shared pursuant to GRAMA, Section 63G-2-101, et seq.

(e) To be treated with consideration, respect, dignity and individuality, including privacy in care for personal needs.

(f) To be assured that personnel who provide services, are either licensed, certified or registered with the appropriate governmental entity and that they have demonstrated the ability to correctly implement the services for which they are responsible.

(g) To receive proper identification from the individual providing services.

(3) PROCEDURES-Client Responsibilities:

Client Responsibilities shall include:

(a) The Client has the responsibility to report to the Case Manager, any changes in their circumstance that may impact eligibility or need for services.

(b) The Client is responsible for keeping appointments and when unable to do so for any reason, to notify the Case Manager or Service Provider.

(c) The Client is responsible for their actions and their consequences. If she refuses service or does not follow the instructions in the Care Plan, future service may be withheld until she agrees to correct any identified problem(s).

**R510-400-14. Grievance Procedures.**

(1) The Agency shall have the responsibility to develop procedures for Client Grievance and Fair Hearing.

(2) PROCEDURES-Client Grievance:

Agency Grievance and Fair Hearing Procedures shall address the following process:

(a) An eligible client or clients who has made application for Program Services, whose service has been denied, reduced, or terminated shall be given the opportunity to grieve through a fair hearing when he believes that their interests in laws, regulations, standards or criteria related to the program were violated. Grievance and Fair Hearing procedures shall follow the Agency's contractual agreement with the Division.

(b) The Agency shall assist the client in following the correct procedures to grieve any adverse decision and request a fair hearing.

(c) Any client shall be given the opportunity to appeal to the State level, when she believes that laws, regulations, standards or criteria related to the programs were violated and have not been resolved the Agency process.

**R510-400-15. Applicant Lists.**

(1) The Agency shall maintain an active applicant list when funding dictates that services cannot be provided for all who have been identified as needing services.

(2) PROCEDURES-Applicant Lists:

(a) The applicant list will be comprised of those persons who have been screened using the DAAS approved Demographic Intake and Risk Screening form and have at least a moderate risk score at the time of screening.

(b) Prioritization of the applicant list shall be ranked by a high to moderate risk score, and the clients with the highest risk are provided services first as funding becomes available.

(c) The applicant list will be re-prioritized with each new potential client added.

(d) For applicants who do not meet applicant list criteria, information will be provided on other community resources that may be available.

**R510-400-16. Termination of Services.**

(1) The Agency shall allow for the interruption, transfer and for termination for the client receiving Home and Community-based Alternatives Services or Older Americans Act Title IIIB Services as changes in client needs, Agency Provider, circumstances or conditions occur.

**(2) PROCEDURE-Temporary Interruption of Service:**

(a) Program Services may be interrupted for temporary periods (e.g. Hospitalization, out-of-state visiting, etc.): Such discontinuance of service shall not exceed 90 consecutive days. After this period, the case will either be closed and reopened as a new case with no priority other than Risk Score, or will be reviewed by the agency to determine a resumption of services.

**(3) PROCEDURE-Transfer of Services:**

(a) When a client transfers from one agency to another, the client's original case file will be sent to the new agency. The transferring agency shall retain a copy of the client's file for Division auditing purposes.

(b) When accepting a client transferring from another agency, the receiving agency may request funding from the transferring agency to cover the client's expenses through the end of the current fiscal year. Any additional services the receiving agency proposes to provide a client being transferred would be the responsibility of the receiving agency, not the transferring agency.

(c) At the end of the fiscal year, the receiving agency will review the transferred client's care plan to determine the clients needs for the upcoming year at which time the agency may choose to maintain, increase, or decrease services as the its situation and funding dictate.

**(4) PROCEDURE-Termination of Service:**

(a) When a client terminates service, the Case Manager will document in the case file the circumstances that precipitated the termination.

(b) Services may be terminated due to the following circumstances:

(i) When health and safety needs can no longer be met.

(ii) Death of the client.

(iii) Program funding does not allow services to continue.

(iv) The client permanently leaves the state.

(v) The client's financial situation improves beyond eligibility criteria, in which case agencies are encouraged to investigate options for transferring the client to other appropriate programs when discontinuing services. However, in this transfer, the client should not be given special preferences that would place them ahead of other potential clients in an applicant list situation.

(vi) Client chooses to leave the program.

(vii) Client refuses to comply with the care plan or does not pay monthly fees.

**R510-400-17. Purchase and Rental of Equipment.**

(1) Equipment may be purchased or rented if it is deemed necessary for the client's care, providing no other funding source is available.

(2) Purchased equipment is the property of the Agency. The Agency will develop policy and procedures that address the disposition, inventory and repair of equipment.

**(3) PROCEDURE-Purchase or Rental of Equipment:**

(a) The Case Manager shall have the client and/or the client's representative sign an agreement if the equipment is to be returned to the Agency when it is no longer needed.

(b) The agency's policy will address the disposition, inventory and repair of equipment.

(c) Equipment shall be reviewed quarterly as part of the quarterly review to assess the need for continued use and condition of equipment.

**R510-400-18. Contract Compliance.**

(1) The Division is responsible for monitoring Home and Community Based Alternatives Services and Older Americans Act Title IIIB Programs. Each Agency shall be monitored annually.

**(2) PROCEDURE-Scheduling:**

(a) The Agency shall be notified at least 10 working days prior to an annual monitoring review. The Division will notify the Agency of the procedures, scheduling, monitoring standards and any other relevant information concerning the monitoring visit.

**(3) PROCEDURE- Division Monitoring Procedures:**

(a) In preparation for the monitoring visit, the Division shall review any corrective action reports, correspondence identifying technical assistance needs, and other pertinent information.

(b) The Division will conduct an entrance interview with the Agency Director or designee.

(c) The Division will monitor service program activities, case records, service expenditures, caseloads and contractual provisions.

(d) The Division will review randomly selected case records and interview the clients and Agency Case Managers as necessary to complete the monitoring process.

(e) A minimum of 10% or ten case records (whichever is the largest of the case load) will be reviewed. At times more records, up to 100% of program records, may be reviewed if the Division finds significant program inconsistencies, errors in documentation, inadequate provision of service, or any other aspect that the Division deems necessary.

(f) An exit interview will be conducted with the Agency Director or designee. The purpose of this interview is to present findings of the monitoring visit. The findings shall include:

(i) Overall evaluation of the performance of the Home and Community Based Alternatives Services Program.

(ii) Contractual, Policy and Procedure deficiencies.

(iii) Situations where additional review of case files of other documentation is necessary.

(iv) Areas where a plan of correction will be needed.

(v) Identify and recognize positive or innovative aspects of the Agency's service program.

(vi) Client comments.

(g) The Division may request a Department fiscal/contract audit of the Agency. This audit may be requested when the Division documents problems concerning:

(i) Budget balance

(ii) Agency Service Provider sub-contract monitoring.

(iii) Case Management supervision.

(iv) Provider/Client complaints.

(v) Timely payment for service.

(vi) Intake and referral.

(vii) Access problems.

(viii) Eligibility problems.

**(h) PROCEDURE-Division Monitoring Report:**

(a) The Division shall provide the Agency with a written report of its formal findings within 10 working days of the monitoring visit.

(b) The report will include contractual, policy and procedural compliance status and areas of special concern.

(c) The Division will require a corrective action plan that addresses noncompliance issues as needed.

(4) PROCEDURE-Responding to Reports:

(a) The Agency may appeal issues of disagreement to the Division within 10 working days from receipt of the report. If the Division, upon appeal, concludes that a corrective action must take place, the Agency will implement the action.

(b) A correction action plan will be implemented in accordance with an agreed upon time schedule, but will not exceed 90 days from the time the Division approves the plan.

(c) The Division will provide technical assistance to the Agency, as requested, to complete the correction action plan. The Agency will notify the Division upon implementation of the corrective action plan. The Division may make additionally monitoring visits to the Agency to review records and assure that the corrective action plan requirements were met.

(d) The Division may enact the termination clause of the DHS contract if a corrective action plan is not implemented by the Agency.

#### **R510-400-19. Emergency Interim Service.**

(1) Home and Community Based Alternatives Services may be provided to clients when circumstances warrant the emergency provision of service.

(2) PROCEDURES-Emergency Interim Service:

(a) The existing emergency will be identified and documented.

(b) Services may begin immediately and will continue until assessment determines appropriate service needs and levels for the client.

(c) The DAAS approved Assessment will be completed within 5 working days from the initiation of the Emergency Interim Service.

(3) PROCEDURES-Adult Protective Services clients:

(a) Emergency Interim Services may be provided to Adult Protective Services clients when abuse, neglect or exploitation has been substantiated and Home and Community Based Alternatives Services would help eliminate the abuse, neglect or exploitation.

(b) Emergency Interim Services may be provided for up to sixty (60) days under Protective Eligibility. Client financial eligibility, waiting list and fee criterion may be waived or disregarded with substantiated Adult Protective Service Cases.

(c) When as Adult Protective Services Worker determines that the Emergency Interim Services are needed, she will contact the Agency.

(d) As soon as possible, the client shall be assessed for eligibility according to the Home and Community Based Alternatives Services program standards. If during the 60 days the client is determined to no longer meet the Protective Eligibility, the APS Worker shall make referrals in collaboration with the Agency Case Manager to other appropriate agencies for services.

(e) The Agency will ascertain whether it is able to meet the emergency needs relating to the client's disability and/or protective need.

(f) Emergency Interim Services are considered an intermediate step while the Adult Protective Services Worker, works with the client to resolve their current crisis and/or problem. The client's case will remain with the Adult Protective Service Worker during the Emergency Interim Service period. Services will be coordinated between the APS Worker and Agency Case Manager.

(4) PROCEDURES-Protective Eligibility:

(a) The client's situation is an emergency and requires immediate intervention.

(b) The client is capable of consenting to and accepts services.

(c) The client is unable to consent and the Department has a court order authorizing the service referral.

**KEY: elderly, home care services, long-term care alternatives**

**Date of Enactment or Last Substantive Amendment: [~~December 17, 1996~~2009**

**Notice of Continuation: August 21, 2007**

**Authorizing, and Implemented or Interpreted Law: 62A-3-101 through 62A-3-312**



## Human Services, Child and Family Services **R512-2**

### Title IV-B Child Welfare/Family Preservation and Support Services and Title IV-E Foster Care, Adoption, and Independent Living

#### NOTICE OF PROPOSED RULE

(Amendment)

DAR FILE NO.: 32455

FILED: 03/19/2009, 11:30

#### RULE ANALYSIS

PURPOSE OF THE RULE OR REASON FOR THE CHANGE: This rule is being changed to add the purpose and authority citation and to update citations to federal code sections.

SUMMARY OF THE RULE OR CHANGE: The proposed changes to this rule add the purpose statement and authority citation under a new Section R512-2-1. All following sections are renumbered. This rule change also makes corrections to citations to Titles IV-B and IV-E of the Social Security Act.

STATE STATUTORY OR CONSTITUTIONAL AUTHORIZATION FOR THIS RULE: Sections 62A-4a-102 and 62A-4a-105, and Title IV-B and Title IV-E of the Social Security Act

THIS RULE OR CHANGE INCORPORATES BY REFERENCE THE FOLLOWING MATERIAL: 42 USC 620, 621, 622, 623, 624, 625, 626, 629, 629a, 629b, 629c, 629d, 629e as updated through January 3, 2005; 45 CFR Parts 1355 and 1357 as updated through October 1, 2007; 42 USC 670, 671, 672, 673, 674, 675, 676, 677, and 679, as updated through January 3, 2005; and 45 CFR Part 1356, as updated through October 1, 2007

ANTICIPATED COST OR SAVINGS TO:

❖ THE STATE BUDGET: There will be no increase in costs or savings to the state budget because these are technical changes. They do not change current policies or practice.



❖ LOCAL GOVERNMENTS: None--There will be no increase in costs or savings to local government because it was determined that this rule does not apply to local government.

❖ SMALL BUSINESSES AND PERSONS OTHER THAN BUSINESSES: None--There will be no increase in costs or savings to small businesses because it was determined that this rule does not apply to small businesses.

COMPLIANCE COSTS FOR AFFECTED PERSONS: None--It was determined that there are no compliance costs for affected persons associated with implementing the changes to this rule.

COMMENTS BY THE DEPARTMENT HEAD ON THE FISCAL IMPACT THE RULE MAY HAVE ON BUSINESSES: There will be no cost or savings on businesses because it was determined that this rule does not apply to businesses. Lisa-Michele Church, Executive Director

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

HUMAN SERVICES  
CHILD AND FAMILY SERVICES  
Room 225  
120 N 200 W  
SALT LAKE CITY UT 84103-1500, or  
at the Division of Administrative Rules.

DIRECT QUESTIONS REGARDING THIS RULE TO:  
Carol Miller at the above address, by phone at 801-557-1772, by FAX at 801-538-3993, or by Internet E-mail at CAROLMILLER@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 05/15/2009.

THIS RULE MAY BECOME EFFECTIVE ON: 05/22/2009

AUTHORIZED BY: Duane Betournay, Director

**R512. Human Services, Child and Family Services.**  
**R512-2. Title IV-B Child Welfare/Family Preservation and Support Services and Title IV-[X]E Foster Care, Adoption, and Independent Living.**

**R512-2-1. Purpose and Authority.**

(1) The purpose of this rule is to adopt federal requirements applicable to Titles IV-B and IV-E of the Social Security Act.

(2) This rule is authorized by Section 62A-4a-102.

**R512-2-2. Child Welfare/Family Preservation and Support Services.**

(1) The Division of Child and Family Services (Child and Family Services) adopts the following federal requirements applicable to Title IV-B, Subparts 1 and 2 for child welfare and family preservation and support services:

(a)[A-] 42 USC 620, 621, 622, 623, 624, 625, 626, 629, 629a, 629b, 629c, 629d, 629e as updated through January 3, 2005[as

~~amended through January 1, 1997 (accessed through the Internet at <http://www.ssa.gov/lawsregs.htm>)], incorporated by reference; and~~

~~(b)[B-] 45 CFR Parts 1355 and 1357 as updated through October 1, 2007 [October 1, 1996 (accessed through the Internet at <http://www.access.gpo.gov>)], incorporated by reference.~~

**R512-2-3[2]. Title IV-E Foster Care, Adoption, and Independent Living.**

(1) ~~[The Division of] Child and Family Services adopts the following federal requirements applicable to Title IV-E Foster Care, Adoption, and Independent Living:~~

~~(a)[A-] 42 USC 670, 671, 672, 673, 674, 675, 676, 677, and 679, as updated through January 3, 2005 [as amended in 1996 (accessed through the Internet at <http://www.ssa.gov/lawsregs.htm>)], incorporated by reference; and~~

~~(b)[B-] 45 CFR Part 1356, as updated through October 1, 2007 [October 1, 1996 (accessed through the Internet at <http://www.access.gpo.gov>)], incorporated by reference.~~

**KEY: child welfare, foster care, adoption, eligibility[\*]**

**Date of Enactment or Last Substantive Amendment: [February 1, 1998]2009**

**Notice of Continuation: August 7, 2007**

**Authorizing, and Implemented or Interpreted Law: 62A-4a-102, 62A-4a-105**



**Human Services, Child and Family  
Services  
R512-32**

**Children with Reportable  
Communicable Diseases**

**NOTICE OF PROPOSED RULE**

(Amendment)

DAR FILE NO.: 32456

FILED: 03/19/2009, 11:34

**RULE ANALYSIS**

PURPOSE OF THE RULE OR REASON FOR THE CHANGE: This rule is being changed to add the purpose statement and authority citation, to update steps to be taken when it is discovered that a child has a communicable disease, and to make other nonsubstantive changes for consistency purposes.

SUMMARY OF THE RULE OR CHANGE: The proposed changes to this rule add the purpose statement and authority citation under a new Section R512-32-1. All following sections are renumbered. The amendment also makes general wording changes for consistency purposes, and updates procedures to be taken when it is discovered that a child in the state's custody has a communicable disease.

STATE STATUTORY OR CONSTITUTIONAL AUTHORIZATION FOR THIS RULE: Sections 62A-4a-102, 62A-4a-105, 26-6-3, 26-6-18, and 26-6-27

## ANTICIPATED COST OR SAVINGS TO:

❖ THE STATE BUDGET: None. There will be no increase in costs or savings to the state budget because the procedural changes contained in the rules do not require any increased staff time from the prior procedures or add any additional costs to the agency.

❖ LOCAL GOVERNMENTS: None--There will be no increase in costs or savings to local government because it was determined that this rule does not apply to local government.

❖ SMALL BUSINESSES AND PERSONS OTHER THAN BUSINESSES: None--There will be no increase in costs or savings to small businesses because it was determined that this rule does not apply to small businesses.

COMPLIANCE COSTS FOR AFFECTED PERSONS: None--It was determined that there are no compliance costs for affected persons associated with implementing the changes to this rule.

COMMENTS BY THE DEPARTMENT HEAD ON THE FISCAL IMPACT THE RULE MAY HAVE ON BUSINESSES: There will be no cost or savings on businesses because it was determined that this rule does not apply to businesses. Lisa-Michele Church, Executive Director

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

HUMAN SERVICES  
CHILD AND FAMILY SERVICES  
Room 225  
120 N 200 W  
SALT LAKE CITY UT 84103-1500, or  
at the Division of Administrative Rules.

## DIRECT QUESTIONS REGARDING THIS RULE TO:

Carol Miller at the above address, by phone at 801-557-1772, by FAX at 801-538-3993, or by Internet E-mail at CAROLMILLER@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 05/15/2009.

THIS RULE MAY BECOME EFFECTIVE ON: 05/22/2009

AUTHORIZED BY: Duane Betournay, Director

**R512. Human Services, Child and Family Services.****R512-32. Children with Reportable Communicable Diseases.****R512-32-1. Purpose and Authority.**

(1) The purpose of this rule is to establish standards for confidentiality and testing of children with reportable communicable diseases.

(2) This rule is authorized by Section 62A-4a-102.

**R512-32-2[4]. Definitions.**

(1) "Communicable Disease" means any infectious condition reportable to the Utah Department of Health, pursuant to Section 26-6-3. These diseases are listed in the Code of Communicable Disease

Rules (R386-702-2 and R386-702-3). In addition, for the purposes of this rule, human immunodeficiency virus (HIV) seropositivity will be considered a communicable disease. Non-reportable minor illnesses such as strep, flu, and colds are excluded from this definition.

(2) "Primary care medical[P]provider" means a person authorized and licensed to supply the daily needs of children in the custody of the Division of Child and Family Services (Child and Family Services). (Other divisions of the Department, for example, the Division of Juvenile Justice Services, shall function under separate communicable disease rules for those youth within their custody and jurisdiction.)

(3) "UDHS" means the Utah Department of Human Services.

(4) [~~"DCFS"~~]"Child and Family Services" means the Division of Child and Family Services.

(5) "UDOH" means the Utah Department of Health, Bureau of Epidemiology or Bureau of Communicable Disease Control[~~HIV/AIDS Prevention and Control~~].

(6) "HIV Screening" means a laboratory test (Elisa Test) to detect evidence of infection with the HIV; the causative agent of acquired immunodeficiency syndrome (AIDS).

(7) "HIV Seropositivity" means the presence in an individual, as detected by confirmatory laboratory testing (Western Blot Test), of an antibody or antigen to the HIV.

(8) "High Risk Behaviors" means behaviors which may include injectable drug use, sharing intravenous needles and syringes, multiple sex partners, unprotected sex that increase the risks of contracting Hepatitis B, AIDS, HIV disease, and sexually transmitted diseases such as[=] gonorrhea, syphilis, chancroid, granuloma inguinale, chlamydial infections, pelvic inflammatory disease, and lymphogranuloma venereum.

(9) "Children at Risk" means an infant or child born to parent(s) engaging in or who have a history of engaging in high risk behaviors, or a child or youth who has been sexually abused by a person who engages in or has a history of engaging in high risk behaviors.

(10) "Contact" means an individual who has been exposed to a communicable disease through a known mode of transmission.

(11) "Controlled" means a classification of information (medical, psychiatric, or psychological) under the Government Records Access and Management Act (GRAMA), Section 63G-2-304.

**R512-32-3[2]. Confidentiality.**

(1) In accordance with Section 26-6-27, records containing personal identifiers and information regarding communicable disease are confidential. Such information shall not be disclosed to any person (including UDHS personnel) who does not have a valid and objective need to know. Such persons who may have a valid and objective need to know may include: ~~the Division of~~ Child and Family Services administrators, program ~~specialists~~ administrators, supervisor, and caseworker, the foster parent or provider, UDOH, the Guardian ad Litem, the Juvenile Court Judge, and persons providing psychological or medical treatment.

(2) Due to the GRAMA[~~Act~~] and state confidentiality laws, any documentation in the case record regarding HIV status or any other communicable disease information must be filed under the "Medical/[Assessment]" section of the case record.

**R512-32-4[3]. Identification and Testing of Children with Communicable Disease.**

(1) Testing at Agency's Request.

(a) Many medical or laboratory tests to detect communicable disease, including HIV screening, are not routinely performed as part of physical or medical examinations of children in the custody of

[DCFS]Child and Family Services. When [DCFS]Child and Family Services has custody and guardianship of a child who may have a communicable disease, the State has the authority to obtain a medical evaluation to determine the child's communicable disease status.

(b) If a foster parent or provider has a reasonable belief that a foster child or the foster child's parent may have a communicable disease, the foster parent or provider shall promptly discuss it with the caseworker.

(c) If the caseworker has a reasonable belief that the child may have a communicable disease, the caseworker is required to contact UDOH promptly for consultation.

(d) A "reasonable belief" includes the following: information received that may indicate the child or the child's parent may be at risk from engaging in or having a history of engaging in high risk behaviors as defined in R512-32-1(8)(~~4~~), a child who may be at risk as defined in R512-32-1(9)(~~4~~), or medical information received by the caseworker, foster parent, or provider.

(e) Communicable disease testing requires written, informed consent. If [DCFS]Child and Family Services has custody and guardianship of a child, ~~(the State (DCFS))~~[DCFS]Child and Family Services has the authority to provide written, informed consent for communicable disease testing. If a child under the custody and guardianship of [DCFS]Child and Family Services refuses to be tested, the caseworker is required to contact UDOH, the local health department, and the Attorney General's office immediately upon hearing of the refusal.

(f) When a parent of a child in the custody of [DCFS]Child and Family Services is known or reports to be involved in high risk behaviors, the caseworker shall contact UDOH for consultation.

(g) All contacts with UDOH shall be documented in the child's case record and filed under the ~~["medical assessment"]~~"Medical/Assessment" section of that record.

(2) Testing at Minor's Request.

(a) A minor may seek HIV testing without parental or UDHS consent. When the minor requests the test, the right to disclose test results belongs to the minor (Section 26-6-18). If the minor chooses to disclose the test results to UDHS, UDHS cannot disclose the test results to any other person, including the Guardian Ad Litem. Upon disclosure to UDHS of a positive test result, the caseworker shall contact UDOH for consultation and follow up.

(b) When a record of HIV testing is subpoenaed, the caseworker shall immediately contact the Attorney General's office or the ~~[DCFS program specialist]~~[DCFS]Child and Family Services program administrator or deputy director~~[DCFS assistant director]~~.

**R512-32-5[4]. Preparation for Placement in Foster or Out-of-Home Care.**

(1) Prior to placing a child with a communicable disease, or upon discovering that a child has a communicable disease, the ~~[DCFS] caseworker, in collaboration with the Fostering Healthy Children RN,~~ will~~[-shall]~~ contact the Local Health Department (LHD) in their area~~[UDOH]~~ for consultation to define the precautions necessary to mitigate any health risks to others. After consultation with the LHD~~[UDOH]~~ and prior to placing the child, the ~~[DCFS] caseworker~~ shall hold a professional staffing, including the child's primary care medical provider (as defined in R512-32-1, Definitions), to identify the best placement to meet the child's needs. Once a placement is identified, a Child and Family Team Meeting will be held to address the child's health issues and make sure the caregiver is willing to

participate in maintaining the safety of all involved. Additional education and training will be provided as necessary.~~[staff the case with their supervisor, assistant director, the provider (as defined in R512-32-1, Definitions), as well as the DCFS program specialist or DCFS assistant director to assess the health risk to the child, to the provider, and to any other persons in the home. After the consultation with the team, UDOH, the caseworker, and the provider shall define the precautions necessary to mitigate the health risk.]~~

**R512-32-6[5]. Considerations Regarding Placement of a Child With a Communicable Disease.**

(1) A provider's decision to accept placement of a child with a communicable disease shall be made with sufficient knowledge of the specific risks involved, as well as any special accommodations or care requirements. Prior to making this decision, the caseworker shall refer the provider to UDOH for consultation on the nature of the disease, modes of transmission, appropriate infection control measures, special care requirements, and universal precautions.

(2) If, after consultation, the provider accepts the placement, a Communicable Disease Information Acknowledgement form shall be signed by the provider and placed in his or her file, as well as the child's case record under the ~~[Medical Section]~~"Medical/Assessment" section of that record.

(3) If a minor is discovered to have a communicable disease after placement, the consultation and documentation described in R512-32-5(1)(~~A~~) and R512-32-5(2)(~~B~~) shall be accomplished without delay.

**R512-32-7[6]. Pick-Up Orders.**

(1) Pick-up orders filed with the Juvenile Court may state that the youth is engaging, or has a history of engaging, in ~~[h]High [r]Risk~~ ~~[b]Behaviors~~. The order or supplementary forms cannot include information that the child has or may have a communicable disease.

**R512-32-8[7]. Returning a Minor to the Parent's Custody.**

(1) If a minor in [DCFS]Child and Family Services custody tests positive for the HIV disease and the minor is being returned home, UDOH shall be responsible for informing natural parents of the child's positive test. Both caseworker and UDOH shall coordinate the placement of the child back home. The caseworker shall assist the parents in planning for the child's care and medical follow up needs.

(2) If a minor in [DCFS]Child and Family Services custody tests positive for a communicable disease other than HIV disease and the minor is being returned home, the caseworker is responsible for informing the natural parents of the child's positive test and if needed, referring them to UDOH for consultation and appropriate medical resources.

**R512-32-9[8]. When a Minor in Custody Has Been Exposed to a Person Who Has Tested Positive.**

(1) When a minor in the custody of [DCFS]Child and Family Services is identified by ~~(the Health Department)~~UDOH as having been exposed to a person who has tested positive, UDOH shall contact the ~~[DCFS foster care specialist]~~[DCFS]Child and Family Services program administrator or [assistant]deputy director who shall then contact the appropriate caseworker. The caseworker shall contact UDOH to arrange for the minor to be tested and counseled. The caseworker and provider will follow up on recommended medical treatment and other necessary services.

**KEY: child welfare, foster care**

**Date of Enactment or Last Substantive Amendment:** ~~[1993]~~2009

**Notice of Continuation:** September 19, 2007

**Authorizing, and Implemented or Interpreted Law:** 62A-4a-102; 62A-4a-105, 63G-2-304, 26-6-3, 26-6-18, 26-6-27



Human Services, Child and Family  
Services  
**R512-40**  
Adoptive Home Studies, Recruitment,  
Approval

**NOTICE OF PROPOSED RULE**  
(Amendment)

DAR FILE NO.: 32457  
FILED: 03/19/2009, 11:37

**RULE ANALYSIS**

**PURPOSE OF THE RULE OR REASON FOR THE CHANGE:** This rule is being changed to add the purpose statement and authority citation, to update requirements for approval of placement of a child in a prospective adoptive home, and to make other non-substantive changes for consistency purposes.

**SUMMARY OF THE RULE OR CHANGE:** The proposed changes to this rule add the purpose statement and authority citation under a new Section R512-40-1. All following sections are renumbered. The amendment also makes general wording changes for consistency purposes, more clearly describes what supervision must be available for children in a prospective adoptive home when the potential adoptive parents cannot be in the home, and defines requirements for criminal background checks for all adults living in the prospective adoptive home to comply with federal and state laws.

**STATE STATUTORY OR CONSTITUTIONAL AUTHORIZATION FOR THIS RULE:** Sections 62A-4a-102, 62A-4a-106, and 78A-6-308, and Pub. L. 109-248

**ANTICIPATED COST OR SAVINGS TO:**

❖ **THE STATE BUDGET:** None--There will be no increase in costs or savings to the state budget because this does not increase the workload for existing employees and because the funding and infrastructure is already in place to perform the background screening requirements.

❖ **LOCAL GOVERNMENTS:** None--There will be no increase in costs or savings to local government because it was determined that this rule does not apply to local government.

❖ **SMALL BUSINESSES AND PERSONS OTHER THAN BUSINESSES:** None--There will be no increase in costs or savings to small businesses because it was determined that this rule does not apply to small businesses.

**COMPLIANCE COSTS FOR AFFECTED PERSONS:** Prospective adoptive parents will incur a small cost to have their fingerprints scanned for submission to the FBI, when required.

**COMMENTS BY THE DEPARTMENT HEAD ON THE FISCAL IMPACT THE RULE MAY HAVE ON BUSINESSES:** There will be no cost or savings on businesses because it was determined that this rule does not apply to businesses. Lisa-Michele Church, Executive Director

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

HUMAN SERVICES  
CHILD AND FAMILY SERVICES  
Room 225  
120 N 200 W  
SALT LAKE CITY UT 84103-1500, or  
at the Division of Administrative Rules.

**DIRECT QUESTIONS REGARDING THIS RULE TO:**

Carol Miller at the above address, by phone at 801-557-1772, by FAX at 801-538-3993, or by Internet E-mail at CAROLMILLER@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 05/15/2009.

THIS RULE MAY BECOME EFFECTIVE ON: 05/22/2009

AUTHORIZED BY: Duane Betournay, Director

**R512. Human Services, Child and Family Services.**  
**R512-40. Adoptive Home Studies, Recruitment, Approval.**  
**R512-40-1. Purpose and Authority.**

(1) The purpose of this rule is to establish standards for conducting adoptive home studies, recruitment of adoptive homes, and approval of adoptive homes.

(2) This rule is authorized by Section 62A-4a-102.

**R512-40-2. Guidelines for Persons Applying for Adoptive Placement of a Child With Special Needs~~[-Child]~~.**

(1) Adoptive homes will be approved following the provisions of R501-7~~[-4-3]~~. In addition, the following factors will be considered:

(a)~~[A-]~~ Adoptive applicants shall apply in the region where they reside.

(b)~~[B-]~~ Both couples and single individuals may be approved as prospective adoptive parents based upon their ability to provide for children with special needs~~[-children]~~.

(c)~~[C-]~~ Applicants shall show commitment and stability in existing family relationships which would provide a base for an adoptive child.

(d)~~[D-]~~ The evaluation of the home~~[family]~~ shall include their strengths and weaknesses~~[-of the family]~~. Recommendations shall be made as to the age and type of child who can best fit into the home to ensure the healthy development of the child.

(e)[E-] ~~[During the supervision period of school-age child placements, the parent must be at home when the child returns home from school or approved arrangement for supervision must be made.]~~ Potential adoptive parents must arrange supervision for the child at times when they are not able to be in the home with the child. Supervision is to be in accordance to the child's age and developmental ability.

(f) A prospective adoptive parent may not be approved for the adoptive placement of a child in state custody unless the prospective adoptive parent and any adults living in the home have completed criminal background checks required by Section 78A-6-308 and P.L. 109-248.

(g)[F-] The following factors are critical in the success of adoptive placements and should be factors in approving adoptive applicants:

- \_\_\_ (i) [e] Commitment to adoption,
- \_\_\_ (ii) [a] Ability to sustain long-term relationship,
- \_\_\_ (iii) [p] Proper motivation and realistic expectations,
- \_\_\_ (iv) [e] Emotional openness and flexibility,
- \_\_\_ (v) [e] Empathy,
- \_\_\_ (vi) [s] Strong social support system and knowledge of resources, and
- \_\_\_ (vii) [s] Stable marital relationship.

(h)[G-] The following factors may significantly contribute to adoption disruption and should be considered in approving adoptive applicants:

- \_\_\_ (i) [h] History of emotional or psychological problem or substance abuse,
- \_\_\_ (ii) [i] Impulse control disorders,
- \_\_\_ (iii) [d] Disruptive crisis filled lifestyles,
- \_\_\_ (iv) [e] Criminal activity,
- \_\_\_ (v) [s] Serious problems in child rearing,
- \_\_\_ (vi) [u] Unrealistic expectations of self and child, and
- \_\_\_ (vii) [m] Marital difficulties and incompatibilities which seriously compromise the ability to meet the needs of the child.

#### **R512-40-3[4]. Follow-Up Services.**

(1)[A-] A record of the approved home study shall be maintained in the Division of Child and Family Services (Child and Family Services) Management Information System.~~[Utah Social Services Delivery System (USSDS).]~~

(2)[B-] Any significant changes in the family's situation shall be documented by revisions or additions on an annual basis in the adoptive study, including revised medical reports, if needed.

(3)[C-] At the end of a family's third year[;] as an approved prospective adoptive home, ~~[the agency]~~ Child and Family Services shall notify the family that their home study will be closed unless the family reapplies for a new home study to be completed.

#### **R512-40-4[5]. Application by Staff of ~~[the Division of]~~ Child and Family Services ~~[(DCFS)].~~**

(1) Staff members of ~~[DCFS]~~ Child and Family Services may apply to adopt and may adopt children in State custody in the following manner:

- (a)[1-] The person applies in the region of residence.
- (b)[2-] The home study will be completed by staff of another region on a cooperative basis upon the request of the regional director.
- (c)[3-] Approval of placement of a child in a staff member's home will be by the region having custody of the child. If the prospective adoptive parent is from the same region as the child, the placing committee will consist of the child's caseworker, outside child welfare

specialists, and the State Adoption ~~[Specialist]~~ Program Administrator. Supervision will be by the placing region, unless the child and prospective parent are from the same region, in which case, another region will provide supervision.

#### **KEY: adoption**

**Date of Enactment or Last Substantive Amendment:** ~~[1992]~~ **2009**  
**Notice of Continuation:** August 7, 2007

**Authorizing, and Implemented or Interpreted Law:** 62A-4a-102; 62A-4a-106; 78A-6-308; P.L. 109-248



## Human Services, Child and Family Services **R512-302**

### Out of Home Services, Responsibilities Pertaining to an Out of Home Caregiver

#### NOTICE OF PROPOSED RULE

(Amendment)  
 DAR FILE NO.: 32464  
 FILED: 03/25/2009, 11:10

#### RULE ANALYSIS

**PURPOSE OF THE RULE OR REASON FOR THE CHANGE:** This rule is being changed to add the authority citation, to list the placement priorities for a child in Out-of-Home care, and to make other nonsubstantive changes for consistency purposes.

**SUMMARY OF THE RULE OR CHANGE:** The proposed changes to this rule add the authority citation, make general wording changes for consistency purposes, outline the requirements for placing a child in the least restrictive placement that meets the child's needs, by order of priority, and clarify that background screening requirements must be met before a child may be placed with an out-of-home provider.

**STATE STATUTORY OR CONSTITUTIONAL AUTHORIZATION FOR THIS RULE:** Sections 62A-4a-102, 62A-4a-105, and 78A-6-308, and Pub. L. 109-248

#### ANTICIPATED COST OR SAVINGS TO:

- ❖ **THE STATE BUDGET:** None--There will be no increase in costs or savings to the state budget because these proposed changes clarify practice, but do not increase workload that would require additional staff or other costs.
- ❖ **LOCAL GOVERNMENTS:** None--There will be no increase in costs or savings to local government because it was determined that this rule does not apply to local government.
- ❖ **SMALL BUSINESSES AND PERSONS OTHER THAN BUSINESSES:** None--There will be no increase in costs or savings to small businesses because it was determined that this rule does not apply to small businesses.

**COMPLIANCE COSTS FOR AFFECTED PERSONS:** None--It was determined that there are no compliance costs for affected

persons associated with implementing the changes to this rule.

COMMENTS BY THE DEPARTMENT HEAD ON THE FISCAL IMPACT THE RULE MAY HAVE ON BUSINESSES: There will be no cost or savings on businesses. The requirement for background screening must already be met by businesses that contract with Child and Family Services for Out-of-Home Services. The rule just clarifies that this requirement must be met prior to placement of a child. Lisa-Michele Church, Executive Director

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

HUMAN SERVICES  
CHILD AND FAMILY SERVICES  
Room 225  
120 N 200 W  
SALT LAKE CITY UT 84103-1500, or  
at the Division of Administrative Rules.

DIRECT QUESTIONS REGARDING THIS RULE TO:

Carol Miller at the above address, by phone at 801-557-1772, by FAX at 801-538-3993, or by Internet E-mail at CAROLMILLER@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 05/15/2009.

THIS RULE MAY BECOME EFFECTIVE ON: 05/22/2009

AUTHORIZED BY: Duane Betournay, Director

## **R512. Human Services, Child and Family Services.**

### **R512-302. ~~Out-of-Home~~Out-of-Home Services, Responsibilities Pertaining to an ~~Out-of-Home~~Out-of-Home Caregiver.**

#### **R512-302-1. Purpose and Authority.**

(1)~~[A-]~~ The purposes of this rule are to clarify:

(a)~~[1-]~~ Qualification, selection, payment criteria, and roles and responsibilities of a caregiver while a child is receiving ~~out-of-home~~Out-of-Home ~~[s]~~Services, and

(b)~~[2-]~~ Roles and responsibilities of ~~the Division~~Child and Family Services to a caregiver for a child receiving ~~out-of-home~~Out-of-Home ~~[s]~~Services in accordance with Rule R512-300.

(2)~~[B-]~~ This rule is authorized by Section 62A-4a-102. Sections 62A-4a-105 and 62A-4a-106 authorize ~~the Division~~Child and Family Services to provide ~~out-of-home~~Out-of-Home ~~[s]~~Services and 42 USC Section [4]672 authorizes federal foster care. 42 USC Section [4]672 (2006)~~(2000)~~, and 45 CFR Parts 1355 and 1356 (2008)~~(0)~~ are incorporated by reference.

#### **R512-302-2. Definitions.**

In addition to definitions in ~~Section~~R512-300-2, the following terms are defined for the purposes of this rule:

(1)~~[A-]~~ Caregiver means a licensed resource family, also known as a licensed foster family, and may also include a licensed kin provider or a foster family certified by a contract provider that is licensed as a child placing agency. Caregiver does not include a group home or

residential facility that provides ~~out-of-home~~Out-of-Home ~~[s]~~Services under contract with ~~the Division~~Child and Family Services.

(2)~~[B-]~~ Cohabiting means residing with another person and being involved in a sexual relationship.

(3)~~[C-]~~ Involved in a sexual relationship means any sexual activity and conduct between persons.

(4)~~[D-]~~ ~~Out-of-Home~~Out-of-Home Services means those services described in Rule R512-300.

(5)~~[E-]~~ Residing means living in the same household on an uninterrupted or an intermittent basis.

### **R512-302-3. Qualifying as a Caregiver for a Child Receiving ~~Out-of-Home~~Out-of-Home Services.**

(1)~~[A-]~~ An individual or couple shall be licensed by the Office of Licensing as provided in Rule R501-12 to qualify as a caregiver for a child receiving ~~out-of-home~~Out-of-Home ~~[s]~~Services. After initial licensure, the caregiver shall take all steps necessary for timely licensure renewal to ensure that the license does not lapse.

(2) A caregiver qualifying for an initial license and any adults living in the home shall complete criminal background checks required by Section 78A-6-308 and P.L. 109-248 before a child in state custody may be placed in that home.

(3)~~[B-]~~ ~~The Division~~Child and Family Services or the contract provider shall provide pre-service training required in ~~Section~~Rule R501-12-5 after the provider has held an initial consultation with the individual or couple to clearly delineate duties of caregivers.

(4)~~[C-]~~ The curriculum for pre-service and in-service training shall be developed by the contract provider and approved by ~~the Division~~Child and Family Services according to ~~the Division's~~Child and Family Services' contract with the provider.

(5)~~[D-]~~ ~~The Division~~Child and Family Services or the contract provider shall verify in writing a caregiver's completion of training required for licensure as provided in ~~Section~~Rule R501-12-5.

(6)~~[E-]~~ ~~The Division~~Child and Family Services or the contract provider shall also verify in writing a caregiver's completion of supplemental training required for serving children with more difficult needs.

(7)~~[F-]~~ Once a license~~[d]~~ is issued, the caregiver's name and identifying information may be shared with the court, assistant attorney general, guardian ad litem, foster parent training contract provider, resource family cluster group, foster parent associations, the Department of Health, the Foster Care Citizen Review Board, and the child's primary health care providers.

### **R512-302-4. Selection of a Caregiver for a Child Receiving ~~Out-of-Home~~Out-of-Home Services.**

(1) A caregiver shall have the experience, personal characteristics, temperament, and training necessary to work with a child and the child's family to be approved and selected to provide ~~out-of-home~~Out-of-Home ~~[s]~~Services.

(2) An ~~[o]~~Out-of-~~[h]~~Home caregiver shall be selected according to the caregiver's skills and abilities to meet a child's individual needs and, when appropriate, an ability to support both parents in reunification efforts and to consider serving as a permanent home for the child if reunification is not achieved. When dictated by a child's level of care needs, ~~the Division~~Child and Family Services may require one parent to be available in the home at all times.

(3) An ~~[o]~~Out-of-~~[h]~~Home caregiver shall be selected according to the caregiver's compatibility with the child~~[minor]~~, as determined by ~~the agency~~Child and Family Services exercising its professional judgment. The best interest of the child shall be ~~the agency's~~Child

and Family Services' primary consideration when making a placement decision.

(a) ~~The agency~~ Child and Family Services may consider the ~~out-of-home~~ Home caregiver's possession or use of a firearm or other weapon, espoused religious beliefs, or choice to school the ~~child~~ minor outside the public education system in accordance with Section 63G-4-104.

(b) ~~The agency~~ Child and Family Services may consider the child's sex, age, behavior, and the composition of the foster family.

(4) A child in ~~agency~~ state custody shall be placed with an ~~out of home~~ Out-of-Home caregiver who is fully licensed as provided in Rule R501-12. A child may be placed in a home with a probationary license ~~that is conditionally licensed~~ only if the ~~out of home~~ Out-of-Home caregiver is a child-specific ~~kinship~~ placement.

(5) An ~~out of home~~ Out-of-Home caregiver shall be given necessary information to make an informed decision about accepting responsibility to care for a child. The worker shall obtain all available necessary information about the child's permanency plan, family visitation plans, and needs such as medical, educational, mental health, social, behavioral, and emotional needs, for consideration by the caregiver.

(6) If the court has not given custody to a non-custodial parent or kin provider, to provide safety and maintain family ties, the child shall be placed in the least restrictive placement that meets the child's special needs and is in the child's best interests, according to the following priorities:

\_\_\_\_\_ (a) A relative of the child.

\_\_\_\_\_ (b) A friend designated by the custodial parent or guardian of the child, if the friend is a licensed foster parent.

\_\_\_\_\_ (c) A former foster placement, shelter facility, or other foster placement designated by Child and Family Services.

~~\_\_\_\_\_ (a) With siblings.~~

~~\_\_\_\_\_ (b) In the home of licensed kin.~~

~~\_\_\_\_\_ (c) With a licensed caregiver, group, or residential provider within reasonable proximity to the child's family and community, if the goal is reunification.~~

~~\_\_\_\_\_ (d) With a licensed caregiver, group, or residential provider not in reasonable proximity to the child's family and community.~~

(7) If a child is reentering custody of the ~~Division~~ state, the child's former ~~out of home~~ Out-of-Home caregiver shall be given preference as provided in Section 62A-4a-206.1.

(8) A child's placement shall not be denied or delayed on the basis of race, color, or national origin of the ~~out of home~~ Out-of-Home caregiver or the child involved.

(9) Selection of an ~~out of home~~ Out-of-Home caregiver for an Indian child shall be made in compliance with the Indian Child Welfare Act, 25 USC Section 1915 (2007), which is incorporated by reference.

#### **R512-302-5. ~~Division~~ Child and Family Services' Roles and Responsibilities to a Caregiver for a Child Receiving ~~Out of Home~~ Out-of-Home Services.**

(1)~~[A-]~~ ~~The Division~~ Child and Family Services shall actively seek the involvement of the caregiver in the child and family team process, including participation in the child and family team, completing an assessment, and developing the child and family plan as described in ~~Section~~ Rule R512-300-4.

(2)~~[B-]~~ The child and family plan shall include steps for monitoring the placement and a plan for worker visitation and supports to the ~~out of home~~ Out-of-Home caregiver for a child placed in Utah or out of state.

(3)~~[C-]~~ In accordance with Section 62A-4a-205, additional weight and attention shall be given to the input of the child's caregiver in plan development.

(4)~~[D-]~~ The caregiver shall be provided a copy of the completed child and family plan.

(5)~~[E-]~~ The caregiver has a right to reasonable notice and may participate in court and administrative reviews for the child in accordance with 42 USC Section 475(5) and Sections 78~~[a]~~A-6-310 and 78A-6-317.

(6)~~[F-]~~ ~~The Division~~ Child and Family Services shall provide support to the caregiver to ensure that the child's needs are met, and to prevent unnecessary placement disruption.

(7)~~[G-]~~ Options for temporary relief may include paid respite, non-paid respite, childcare, and babysitting.

(8)~~[H-]~~ The worker shall provide the caregiver with a portable, permanent record that provides available educational, social, and medical history information for the child and that preserves vital information about the child's life events and activities while receiving ~~out of home~~ Out-of-Home ~~s~~ Services.

#### **R512-302-6. Roles and Responsibilities of a Caregiver of a Child Receiving ~~Out of Home~~ Out-of-Home Services.**

(1)~~[A-]~~ An ~~out of home~~ Out-of-Home caregiver shall be responsible to provide daily care, supervision, protection, and experiences that enhance the child's development as provided in a written agreement entered into with ~~the Division~~ Child and Family Services and the child and family plan.

(2)~~[B-]~~ The caregiver shall be responsible to:

~~(a)~~~~[+]~~ Participate in the child and family team process.

~~(b)~~~~[2-]~~ Provide input into the assessment and child and family plan development process.

~~(c)~~~~[3-]~~ Complete goals and objectives of the plan relevant to the caregiver.

~~(d)~~~~[4-]~~ Promptly communicate with the worker the child's progress and concerns and progress in completing the plan or regarding problems in meeting specified goals or objectives in advance of proposed completion time frames.

~~(e)~~ Support and assist with parental visitation.

(3)~~[C-]~~ The caregiver shall document individualized services provided for the child, when required, such as skills development or transportation.

(4)~~[D-]~~ The caregiver shall maintain and update the child's portable, permanent record to preserve vital information about the child's life events, activities, health, social, and educational history while receiving ~~out of home~~ Out-of-Home ~~s~~ Services. The caregiver shall share relevant health and educational information during visits with appropriate health care and educational providers to ensure continuity of care for the child.

#### **R512-302-7. Payment Criteria for a Caregiver of a Child Receiving ~~Out of Home~~ Out-of-Home Services.**

(1)~~[A-]~~ An ~~out of home~~ Out-of-Home caregiver shall receive payments according to the rate established for the child's need level, not upon the highest level of service the caregiver has been trained to provide.

(2)~~[B-]~~ The daily rate for the monthly foster care maintenance payment provides for the child's board and room, care and supervision, basic clothing and personal incidentals, and may also include a supplemental daily payment based upon a child's medical need or to assist with care of a youth's child while residing with the youth in an

~~[out of home]~~Out-of-Home placement. Foster care maintenance may also include periodic one-time payments for special needs such as an initial clothing allowance, additional needs for a baby, additional clothing, gifts, lessons or equipment, recreation, non-tuition school expenses, and other needs recommended by the child and family team and approved by ~~[the Division]~~Child and Family Services.

~~(3)[C-]~~ A caregiver may also be reimbursed for transporting a foster child for visitation with a parent or siblings, to participate in case activities such as child and family team meetings and reviews, and for transporting the child to activities beyond those normally required for a family. The caregiver must document all mileage on a form provided by ~~[the Division]~~Child and Family Services.

~~(4)[D-]~~ The caregiver shall submit required documentation to receive payments for care or reimbursement for costs.

#### **R512-302-8. Child Abuse Reporting and Investigation of a Caregiver Providing ~~[Out of Home]~~Out-of-Home Services.**

~~(1)[A-]~~ Investigation of any report or allegation of abuse or neglect of a child that allegedly occurs while the child is living with an ~~[out of home]~~Out-of-Home caregiver shall be investigated by a contract agency or law enforcement as provided in Section 62A-4a-202.5.

#### **R512-302-9. Removal of a Child from a Caregiver Providing ~~[Out of Home]~~Services.**

~~(1)[A-]~~ Removal of a child from a caregiver shall occur as provided in Section 62A-4a-206 and Rule R512-31.

#### **R512-302-10. Cohabitation Not Permitted for Foster Parents.**

~~(1)[A-]~~ A foster parent or foster parents must complete a declaration of compliance with Section 78B-6-137 that they are not cohabiting with another person in a sexual relationship. ~~[Beginning May 1, 2000, the division]~~Child and Family Services gives priority for foster care placements to families in which both a man and a woman are legally married or valid proof that a court or administrative order has established a valid common law marriage, Section 30-1-4.5. An individual who is not cohabiting may also be a foster parent if the Region Director determines it is in the best interest of the child. Legally married couples and individuals who are not cohabiting and are blood relatives of the child in ~~[the divisions]~~state custody may be foster parents pursuant to Section 78A-6-307.

#### **KEY: child welfare**

**Date of Enactment or Last Substantive Amendment:** ~~[September 9, 2004]~~2009

**Notice of Continuation:** August 20, 2008

**Authorizing, and Implemented or Interpreted Law:** 62A-4a-102; 62A-4a-105; 78A-6-308; P.L. 109-248

◆ ————— ◆

Human Services, Juvenile Justice  
Services  
**R547-1**  
Residential and Nonresidential,  
Nonsecure Community Program  
Standards

### **NOTICE OF PROPOSED RULE**

(Amendment)

DAR FILE No.: 32453

FILED: 03/18/2009, 16:45

#### **RULE ANALYSIS**

**PURPOSE OF THE RULE OR REASON FOR THE CHANGE:** The purpose of this amendment is to add an Authority Statement to the rule; and in response to H.B. 63 from the 2008 General Session, the agency is required to change the code citations to match the recodification of Title 63. Also, the rule needed to be revised and brought into accordance with current standards and practices. (DAR NOTE: H.B. 63 (2008) is found at Chapter 382, Laws of Utah 2008, and was effective 05/05/2008.)

**SUMMARY OF THE RULE OR CHANGE:** The Authority Statement has been added as a new Section R547-1. All of the following sections were renumbered. Additionally, the appropriate citations are changed to match the recodification. Revisions and changes were made to bring the rule into compliance.

**STATE STATUTORY OR CONSTITUTIONAL AUTHORIZATION FOR THIS RULE:** Section 62A-7-106.5

#### **ANTICIPATED COST OR SAVINGS TO:**

- ❖ THE STATE BUDGET: None because changes are clarifying only.
- ❖ LOCAL GOVERNMENTS: None because changes are clarifying only.
- ❖ SMALL BUSINESSES AND PERSONS OTHER THAN BUSINESSES: None because changes are clarifying only.

**COMPLIANCE COSTS FOR AFFECTED PERSONS:** None because changes are clarifying only.

**COMMENTS BY THE DEPARTMENT HEAD ON THE FISCAL IMPACT THE RULE MAY HAVE ON BUSINESSES:** None because changes are clarifying only. Lisa-Michele Church, Executive Director

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

HUMAN SERVICES  
JUVENILE JUSTICE SERVICES  
Room 419  
120 N 200 W  
SALT LAKE CITY UT 84103-1500, or  
at the Division of Administrative Rules.

#### **DIRECT QUESTIONS REGARDING THIS RULE TO:**

Judy Hammer at the above address, by phone at 801-538-4098, by FAX at 801-538-4334, or by Internet E-mail at judyhammer@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 05/15/2009.**

**THIS RULE MAY BECOME EFFECTIVE ON: 05/22/2009**



AUTHORIZED BY: Dan Maldonado, Director

**R547. Human Services, Juvenile Justice Services.**

**R547-1. Residential and Nonresidential, Nonsecure Community Program Standards.**

**R547-1-1. Authority.**

Section 62A-1-111 authorizes the Department of Human Services to adopt administrative rules.

**R547-1-2. Waiver Statement.**

~~[01-](1)~~ A residential or nonresidential alternative program shall comply with all (relevant) requirements unless a waiver for specific requirement(s) has been granted by the designated certifying officer of Juvenile Justice Services with specific approval of the Director of the Division. The certifying officer shall specify the particular requirement(s) to be waived, the duration of the waiver, and the terms under which the waiver is granted.

~~[02-](2)~~ The Division will submit to the Board of Juvenile Justice Services at least annually a listing with expiration dates of programs receiving waivers.

~~[A-](a)~~ Waiver of specific requirements shall be granted only when the specific program or facility has documented that the intent of the specific requirement(s) to be waived will be satisfactorily achieved in a manner other than that prescribed by the requirement(s).

~~[B-](b)~~ The waiver shall contain provisions for a regular review of the waiver.

~~[C-](c)~~ When a program fails to comply with the waiver specifications, the waiver shall be subject to immediate cancellation.

**R547-1-3. Administration of Contracted Programs.**

~~[04-](1)~~ Administration A residential or nonresidential alternative program contracting with the Division of Juvenile Justice Services, shall not accept a youth in custody without the formal approval of the Division.

~~[02-](2)~~ A residential or nonresidential alternative program shall allow Juvenile Justice Services to inspect all aspects of the program's functioning which impact on youth and to interview any staff member of the program or any youth in care of the program.

~~[03-](3)~~ The residential or nonresidential alternative program shall make any information which the facility is required to have under these requirements and any information reasonably related to assessment of compliance with these requirements available to the Division of Juvenile Justice Services.

~~[04-]~~ A residential or nonresidential alternative program shall assemble and make available upon request to Juvenile Justice Services the following information and documents:

~~A. Governing structure, including the charter, articles of incorporation;](4)~~ A privately-operated residential or nonresidential alternative program shall have documents which fully identify its ownership. A corporation, partnership, individual ownership, or association shall identify its officers and shall have, where applicable, the charter, partnership agreement, constitution; articles of association; and/or by-laws of the corporation, partnership, individual ownership, or association.

~~[B. By laws or other legal basis for its existence;~~

~~[C-](a)~~ Organizational structure of facility or program staff;

~~[D-](b)~~ Job description of facility or program staff;

~~[E-](c)~~ Names and positions of persons authorized to sign agreements, contracts and submit official documentation to Juvenile Justice Services;

~~[E-](d)~~ Board structure and composition, with names and addresses and terms of memberships;

~~[G-](e)~~ Existing purchase of service agreements;

~~[H-](f)~~ Insurance coverage, required by contract;

~~[F-](g)~~ Appropriate licensure to provide contracted services to include: Letters of compliance with existing sanitation, health and fire codes and reports of inspection and action taken;

~~[F-](h)~~ Procedure for notifying interested parties of changes in the facility's policy and programs;

~~[K-](i)~~ A master list of all social services providers which the facility uses; and

~~[E-](j)~~ Financial and program audits and reviews.

~~[05-](5)~~ A residential or nonresidential alternative program accepting any youth who resides in another state shall comply with the terms of the Interstate Compact on Juveniles, Section 55-12-100, and the Interstate Compact on the Placement of Children, Section 62A-4a-701.

~~[06-](6)~~ A residential or nonresidential alternative program shall have a representative present at all judicial, educational or administrative hearings which address the status of a youth in care of the program, if ~~notified~~ requested by the division or the court.

~~[07-](7)~~ A residential or nonresidential alternative program shall ensure that all entries in records are legible. All entries shall be signed, or initialed, by the person making the entry. All entries shall be accompanied by the date on which the entry was made.

~~[08-](8)~~ A residential or nonresidential alternative program shall have a governing body which is responsible for and has authority over the policies and activities of the program.

~~[09-](9)~~ The governing ~~board~~ body shall have a set of by-laws or a constitution which describes its duties, responsibilities and authority. As a minimum, the agency by-laws include for the governing authority:

~~[A-](a)~~ Memberships (types, qualifications, community representation, rights, duties) ~~[with one member not being an employee or officer but from the outside community;]~~ as required by all applicable laws, statutes and rules;

~~[B-](b)~~ Size of the governing body;

~~[C-](c)~~ Method of selection;

~~[D-](d)~~ Terms of office;

~~[E-](e)~~ Duties and responsibilities of officers;

~~[F-](f)~~ Times authority will meet;

~~[G-](g)~~ Committees;

~~[H-](h)~~ Quorums;

~~[I-](i)~~ Parliamentary procedures;

~~[J-](j)~~ Recording of minutes;

~~[K-](k)~~ Method of amending the by-laws;

~~[L-](l)~~ Conflict of interest provisions; and

~~[M-](m)~~ Specification of the relationship of the chief executive to the governing body.

~~[10-](10)~~ The governing authority of the agency shall hold meetings as prescribed in the by-laws.

~~[11-](11)~~ The governing body of the program shall be responsible for ensuring the program's continual compliance and conformity with the provisions of the program's charter.

~~[12-](12)~~ The governing body of a residential or nonresidential alternative program shall be responsible for ensuring the program's continual compliance and conformity with the terms of all leases, contracts or other legal agreements to which the program is a party.

~~[13-]~~(13) The governing body of a residential or nonresidential alternative program shall be responsible for ensuring the program's continual compliance and conformity with all relevant laws and/or regulations, whether federal, state, local or municipal, governing the operations of the program.

~~[14-]~~ The governing body of the program will abide by and show evidence of meeting the Civil Rights Act of 1964, Title 504, and Americans with Disabilities Act of 1990, 42 U. S. C. 12101.

~~—15-]~~(14) The governing body of a residential or nonresidential alternative program shall designate a person to act as chief administrative officer of the program to whom all staff shall be responsible and shall delegate sufficient authority to such person as to implement policy and procedure and to manage the affairs of the program effectively.

~~[16-]~~(15) The governing body of the residential or nonresidential alternative program shall regularly evaluate the performance of the chief administrative officer to ensure that this officer's conduct of the program's business conforms with the program's charter, all relevant laws and regulations, and policies defined by the governing body.

~~[17-]~~(16) The governing body of the residential or nonresidential alternative program shall ensure that the program is housed, maintained, staffed, and equipped in such a manner as to implement the program effectively.

~~[18-]~~(17) The governing body of the residential or nonresidential alternative program shall, in consultation with the chief administrative officer, formulate and periodically review and update written policies and procedures concerning:

~~[A-]~~(a) The program policies, goals and current services;

~~[B-]~~(b) Personnel practices and job descriptions;

~~[C-]~~(c) Organizational chart which reflects the structure of authority, responsibility and accountability;

~~[D-]~~(d) Fiscal management; and

~~[E-]~~(e) This written administrative manual must be available to all staff as well as the general public and residents, if requested, unless protected trade secrets would be revealed.

~~[19-]~~(18) The governing body of the residential or nonresidential alternative program shall ensure that the program has written policies and procedures to carry out ongoing internal evaluation of the services it offers and compiles a written report of such evaluation annually.

~~[20-]~~(19) The governing body of the program shall have access to and use an organized system of information collection, retrieval and review. The agency shall participate in the establishment of information needs and establish guidelines regarding the security of all information about participants.

~~[21-]~~(20) The governing body, in concert with the program administrator, shall use the findings of evaluation studies in decision-making and policy development.

~~[22-]~~(21) The program director or designee of the residential or nonresidential alternative program shall consult with Juvenile Justice Services prior to making any substantial alteration in the program provided by the facility and shall meet with representatives of Juvenile Justice Services whenever required to do so.

~~[23-]~~(22) The program director or designee cooperates with Juvenile Justice Services in evaluation of its operations in terms of written goals and objectives, program effectiveness, cost benefit analysis and statistical analysis of program data.

~~[24-]~~(23) ~~[No employee or member of the immediate family of an employee of Juvenile Justice Services shall be a member of the governing body of the program.]~~ The governing body shall disclose all existing or potential and contemplated conflicts of interest and must be approved by the DHS/DJJS Director or designee.

~~[25-]~~(24) The residential or nonresidential alternative program shall have written minutes of all meetings of the governing body of the program.

(25) The program shall have a written policy which ensures that it conforms to governmental statutes and regulations relating to campaigning, lobbying, and political practices.

(26) A residential or nonresidential alternative program shall identify, document and publicize its tax status with the Internal Revenue Service.

(27) A residential or nonresidential alternative program shall have by-laws, approved by the governing authority, which are filed with the appropriate local, state, and/or federal body.

(28) The Chief Executive Officer of a residential or nonresidential alternative program or a person designated by that officer and authorized to act, as necessary, in place of that officer shall be readily assessable to the staff of the program and/or the authorized representatives of Juvenile Justice Services.

(29) A residential or nonresidential alternative program shall have a written statement specifying its philosophy, purposes, and program orientation and describing both short and long-term goals. The statement should identify the types of services provided and the characteristics of the youth to be served by the program. The statement of purpose shall be available to the public.

(30) A residential or nonresidential alternative program shall have a written program plan which describes the services provided by the facility. The statement shall include a description of the facility's plan for the provision of services as well as the assessment and evaluation procedures used in treatment planning and delivery. The plan shall make clear which services are provided directly by the facility and which will be provided in cooperation with community resources. If the facility administers several programs at different geographical sites, appropriate resources shall be identified for each site. The program description shall be available to the public on request with protected trade secrets deleted.

(31) A residential and nonresidential alternative program shall obtain the written informed consent of a youth, Juvenile Justice Services Case Manager, and the youth's parent(s) or guardian prior to involving the youth in any activity related to fund raising and/or publicity for the program.

(32) A residential and nonresidential alternative program shall have written policies and procedures regarding the photographing and audio or audio-visual recording of youth in care.

(33) The written consent of a youth and the youth's parent(s) or guardian shall be obtained before the youth is photographed or recorded for program publicity purposes.

(34) All photographs and recordings shall be used in a manner which respects the dignity and confidentiality of the youth.

#### **R547-1-4. Administration of Publicly Operated Programs.**

~~[26-]~~(1) A publicly operated residential or nonresidential alternative program shall have an advisory board which includes representatives of the community in which the program is located and representatives of the parents of the type of youth served.

~~[27-]~~(2) The members of the Advisory Board of a publicly operated residential or nonresidential alternative program shall be appointed for specific terms of office by the director of the agency operating the program.

~~[28-]~~(3) The Advisory Board of the publicly-operated residential or nonresidential facility shall advise and assist the Administrative Officer.

~~[(A)](a)~~ The Advisory Board shall have a set of by-laws which describe its duties, responsibilities and authority.

~~[(B)](b)~~ The Advisory Board shall keep itself informed as to the operational policies and practices of the regional facility. The Advisory Board has the right and responsibility to consider all aspects of that facility's operations, and to make recommendations to the Administrative Officer. The Advisory Board shall make at least:

~~[(4)](i)~~ Semi-annual visits to the residential or nonresidential alternative program.

~~[(2)](ii)~~ The Advisory Board shall at least annually provide the Administrative Officer with a report on the program. This report shall make recommendations for improving services provided by the program. The report shall be available to the public.

~~[(29)](iii)~~ The Advisory Board of the publicly operated residential or nonresidential alternative program shall inform the Director in writing of any event or circumstance which the majority of the Advisory Board believes warrants correction.

~~[(30)](iv)~~ In the event of serious unresolved disagreement between the Administrative Officer and the Advisory Board, the Advisory Board shall report to the Board of Juvenile Justice Services outlining the nature of the disagreement.

~~[(34)](v)~~ A publicly residential or nonresidential alternative program shall have documents which identify the statutory basis for the existence of the program and the nature of the authorization of the program under existing laws.

~~—A—~~ A publicly-operated residential or nonresidential alternative program shall have documents which identify the statutory basis of its existence and the administrative framework of government within which it operates.

~~—B—~~ A privately operated residential or nonresidential alternative program shall have documents which fully identify its ownership. A corporation, partnership, individual ownership, or association shall identify its officers and shall have, where applicable, the charter, partnership agreement, constitution, articles of association, and/or by-laws of the corporation, partnership, individual ownership, or association.

~~—32.~~ The privately operated residential or nonresidential alternative program shall identify, document and publicize its tax status with the Internal Revenue Service.

~~—33.~~ The privately operated residential or nonresidential alternative program shall have by laws, approved by the governing authority, which are filed with the appropriate local, state, and/or federal body.

~~—34.~~ The Chief Executive Officer of a residential or nonresidential alternative program or a person designated by that officer and authorized to act, as necessary, in place of that officer shall be readily assessable to the staff of the program and/or the authorized representatives of Juvenile Justice Services.

~~—35.~~ A residential or nonresidential alternative program shall have a written statement specifying its philosophy, purposes, and program orientation and describing both short and long term aims. The statement should identify the types of services provided and the characteristics of the youth to be served by the program. The statement of purpose shall be available to the public.

~~—36.~~ A residential or nonresidential alternative program shall have a written program plan which describes the services provided by the facility. The statement shall include a description of the facility's plan for the provision of services as well as the assessment and evaluation procedures used in treatment planning and delivery. The plan shall make clear which services are provided directly by the facility and which will be provided in cooperation with community resources. If the facility administers several programs at different geographical sites,

~~appropriate resources shall be identified for each site. The program description shall be available to the public on request with protected trade secrets deleted.~~

#### **R547-1-~~3~~5. Fiscal Management.**

~~[(01)](1)~~ The residential or nonresidential alternative program shall demonstrate that it is financially sound and manages its financial affairs prudently. All funds disbursed by the facility shall be expended in accordance with the program objectives as specified by the governing body and contractual agreements.

~~[(02)](2)~~ The residential or nonresidential alternative program shall have a system of accountability which shall state funds allocated for each program function, funds spent for each, and specific cost of each service provided.

~~[(03)](3)~~ The residential or nonresidential alternative program shall prepare a ~~[n-annual]~~ written budget of anticipated revenues and expenditures which is approved by the appropriate governing authority and included as part of the written contract.

~~[(04)](4)~~ The program director shall participate in budget reviews conducted by the governing board or parent governmental agency.

~~[(05)](5)~~ The program director shall present a budget request which is adequate to support the programs of the agency.

~~[(06)](6)~~ The agency shall have written policies which govern revisions in the budget.

~~[(07)](7)~~ A residential or nonresidential alternative program shall demonstrate fiscal accountability through regular recording of all income, expenditures and the submission of an annual independent audit.

~~[(08)](8)~~ The residential or nonresidential alternative program shall prepare and distribute to its governing authority and appropriate agencies and individuals the following documents, at a minimum: income and expenditure statements, funding source financial reports, and independent audit reports.

~~[(09)](9)~~ The residential or nonresidential alternative program shall have written fiscal policies and procedures adopted by the governing authority which include, at a minimum: internal controls, petty cash, bonding, signature control on checks, resident funds, and employee expense reimbursement.

~~[(10)](10)~~ The residential or nonresidential alternative program shall have a written policy for inventory control of all property and assets.

~~[(11)](11)~~ The residential or nonresidential alternative program shall have a written policy for purchasing and requisitioning supplies and equipment.

~~[(12)](12)~~ The residential or nonresidential alternative program shall use a method which documents and authorizes wage payment to employees and consultants. Amount paid is authorized by administrative officer; salary for administrative officer is set and approved by Board of Directors and reviewed annually.

~~[(13)](13)~~ A residential or nonresidential alternative program shall not permit public funds to be paid or committed to be paid to any corporation, firm, association, business or State agency or representative in which any members of the governing body of the program, the executive personnel of the program, or the members of the immediate families of members of the governing body or executive personnel have any direct or indirect financial interest, or in which one of these persons serve as an officer or employee, unless the services or goods involved are provided at a competitive cost and under terms favorable to the program. The program shall have a written disclosure of any financial transaction with the program in which a member of the Board or his/her immediate family is involved.

~~[14-](a)~~ The program shall have a written policy to guard against conflicts of interest which adversely affect the program; this policy shall specifically state that no person connected with the program will use his or her official position to secure privileges or advantages for himself or herself.

~~[15. The program shall have a written policy which ensures that it conforms to governmental statutes and regulations relating to campaigning, lobbying, and political practices.~~

~~—16-](14)~~ A residential or nonresidential alternative program shall ensure that all purchase of service agreements involving professional services to youth in care are in writing and available to Juvenile Justice Services. The program shall abide by all State and Federal regulations and laws related to the governing of contracting bodies. Purchase of service agreements shall contain all terms and conditions required to define the clients to be served, the services to be provided, program budget, the procedures for payment, the payment plan, and terms of agreement.

~~[17-](15)~~ A residential or nonresidential alternative program shall have copies of all leases into which the program has entered. These leases shall include the location of all property involved, the monthly or annual rent, the ownership of the property, the usable square footage and the terms of the lease.

~~[18-](a)~~ If a member of the governing body of a residential or nonresidential alternative program, any staff member of the program or any member of the immediate family of either staff member or member of the governing body of the program, has any financial interest in any property rented by the program, the program shall have a report detailing the nature and extent of the financial interest and identifying the party or parties having the interest. A conflict of interest must be approved by DHS/DJJS Director or designee.

~~[19-](16)~~ A residential facility or nonresidential alternative program which accepts payment of public funds, directly or indirectly, shall maintain adequate bonding. All persons delegated the authority to sign checks or manage funds shall be bonded at the program's expense.

~~[20-](17)~~ A residential or nonresidential alternative program shall carry adequate insurance covering fire and liability as protection for youth in care and other insurance coverage as required by Juvenile Justice Services, and other federal, state and local statutes and regulations for contracts. In addition, the program shall have insurance which covers liability to third parties or youth in care arising through the use of any vehicle, whether owned or not owned by the program, used by any of the program's staff or agents on the program's business.

~~[21-](18)~~ Provision should be made for indemnifying, bonding and insuring board members, trustees, officers, and employees of the residential or nonresidential alternative program against liability incurred while acting properly in behalf of the agency.

~~[22-](19)~~ The insurance ~~[program]coverage~~ of the program should be examined annually to assure adequate coverage.[

~~—23. A residential and nonresidential alternative program shall obtain the written informed consent of a youth, Juvenile Justice Services Case Manager, and the youth's parent(s) or guardian prior to involving the youth in any activity related to fund raising and/or publicity for the program.~~

~~—24. A residential and nonresidential alternative program shall have written policies and procedures regarding the photographing and audio or audio-visual recording of youth in care.~~

~~—25. The written consent of a youth and the youth's parent(s) or guardian shall be obtained before the youth is photographed or recorded for program publicity purposes.~~

~~—26. All photographs and recordings shall be used in a manner which respects the dignity and confidentiality of the youth.]~~

#### **R547-1-[4]6. Personnel/Volunteers.**

~~[01-](1)~~ A residential or nonresidential alternative program shall employ a sufficient number of qualified staff and delegate sufficient authority to such staff to carry out the responsibilities it undertakes and to adequately perform the following functions:

~~[A-](a)~~ Administrative functions;

~~[B-](b)~~ Fiscal functions;

~~[C-](c)~~ Clerical functions;

~~[D-](d)~~ Housekeeping, maintenance and food services functions (if residential);

~~[E-](e)~~ Direct youth service functions;

~~[F-](f)~~ Supervisory functions;

~~[G-](g)~~ Record keeping and reporting functions;

~~[H-](h)~~ Social service functions; and

~~[I-](i)~~ Ancillary service functions.

~~[02-](2)~~ A residential or nonresidential alternative program shall ensure that all staff members are properly certified and/or licensed as legally required.

~~[03-](3)~~ Each residential or nonresidential alternative program as applicable will have or contract for a director of clinical services who shall be properly certified or licensed and who shall be responsible for approval of all treatment or service plans.

~~[04-](4)~~ A residential or nonresidential alternative program employing any person who does not possess usual qualifications for the position in which he/she is employed shall have a written statement justifying reasons for employing this person.

~~[05-](5)~~ A residential or nonresidential alternative program shall have a description of all staff assignments. This description shall provide complete information on roles, functions, lines of authority, lines of responsibility and lines of communication. This description shall be provided to all staff members as part of the orientation procedure and, on request, to Juvenile Justice Services.

~~[06-](6)~~ A residential or nonresidential alternative program shall have a written description of personnel policies and procedures. This description shall be provided to all staff members.

~~[07-](7)~~ The agency personnel policies include, at a minimum:

~~[A-](a)~~ Organization chart;

~~[B-](b)~~ Employment practices and procedures, including in-service training and staff development;

~~[C-](c)~~ A DHS code of conduct for all staff that defines acceptable and nonacceptable conduct both on and off duty;

~~[D-](d)~~ Job qualifications and job descriptions;

~~[E-](e)~~ Grievance and appeal procedures;

~~[F-](f)~~ Employee evaluation;

~~[G-](g)~~ Promotion;

~~[H-](h)~~ Personnel records;

~~[I-](i)~~ Benefits;

~~[J-](j)~~ Holidays;

~~[K-](k)~~ Leave;

~~[L-](l)~~ Hours of work;

~~[M-](m)~~ Salaries (or the base for determining salaries);

~~[N-](n)~~ Disciplinary procedures;

~~[O-](o)~~ Termination; and

~~[P-](p)~~ Resignation.

~~[08-](8)~~ The residential or nonresidential alternative program shall have a written policy which outlines experience and education substitutes if the agency permits such substitutions.

~~[09-](9)~~ A residential or nonresidential alternative program shall actively recruit, and, when possible, employ, qualified personnel broadly representative of the racial and ethnic groups it services.

~~[40-](10)~~ The residential or nonresidential alternative program shall have a policy which does not deliberately exclude employment of ex-offenders but requires a criminal background check be conducted, by the division, prior to hiring.

~~[41-](11)~~ A residential or nonresidential alternative program shall not hire, or continue to employ, any person whose health, educational achievement, emotional or psychological make-up impairs his/her ability to properly protect the health and safety of the youth or is such that it would endanger the physical or psychological well being of the youth.

~~[42-](12)~~ The residential or nonresidential alternative program shall require written personal and prior work references or written telephone notes on such references prior to hiring and criminal background checks conducted by the Division consistent with its policy.

~~[43-](13)~~ All residential or nonresidential alternative program participants employed outside the program either full or part-time shall comply with all legal and regulatory requirements.

~~[44-](14)~~ A residential or nonresidential alternative program shall have a written grievance procedure for employees which has been approved by Juvenile Justice Services.

~~[45-](15)~~ A residential or nonresidential alternative program shall ensure that youth care staff have regularly scheduled hours of work. Work schedules shall be provided at least a week in advance.

~~[46-](16)~~ A residential or nonresidential alternative program shall establish a written procedure, in accordance with applicable laws, regarding the discipline, suspension, lay-off or dismissal of its employees.

~~[47-](17)~~ The residential or nonresidential alternative program does not discriminate or exclude from employment women working in boys' programs or men working in girls' programs.

~~[48-](18)~~ The residential or nonresidential alternative program shall have a personnel file for each employee which shall contain:

~~[A-](a)~~ The application for employment and/or resume;

~~[B-](b)~~ Reference letters from former employer(s) and personal references or phone notes on such references;

~~[C-](c)~~ Any required medical examinations;

~~[D-](d)~~ Applicable professional credentials/certification;

~~[E-](e)~~ Periodic performance evaluations;

~~[F-](f)~~ Personnel actions, other appropriate material, incident reports and notes, commendations relating to the individual's employment with the facility;

~~[G-](g)~~ Wage and salary information; and

~~[H-](h)~~ Employee's starting and termination dates.

~~[49-](19)~~ The staff member shall have access to his/her file and shall be allowed to add any written statement he/she wishes to make to the file at any time.

~~[20-](20)~~ A written procedure shall exist whereby the employee can challenge information in his or her personnel file and have it corrected or removed if it proves to be inaccurate.

~~[21-](21)~~ Written policy and procedure shall ensure the confidentiality of the personnel record by restricting its availability only to the employee who is the subject of the record, Juvenile Justice Services and other agency employees who have a need for the record in the performance of their duties.

~~[22-](22)~~ Records shall be kept locked to insure confidentiality. A residential or nonresidential alternative program shall not release a personnel file without the employee's written permission except under court order or to an authorized representative of Juvenile Justice Services.

~~[23-](23)~~ A residential or nonresidential alternative program shall maintain the personnel file of an employee who has been terminated for a period of five years.

~~[24-](24)~~ A residential or nonresidential alternative program shall have a comprehensive written staff plan for the orientation, on-going training, development, supervision and evaluation of all staff members.

~~[25-](25)~~ A residential or nonresidential alternative program shall ensure that each direct ~~[service]care~~ staff member receives at least ~~[40]25~~ hours of training within the first month of employment, and an additional 25 hours of training within the first 12 months of employment, and 30 hours of training activities during each subsequent full year of employment. Activities related to supervision of the staff member's routine tasks shall not be considered training activities for the purposes of this requirement.

~~[26-](26)~~ A residential or nonresidential alternative program shall document that direct ~~[service]care~~ staff members receive appropriate training ~~[in the following areas]as specified in the DHS/DJJS contract.[-~~

~~— A. The facility's emergency and safety procedures on semi-annual basis;~~

~~— B. The principles and practices of child care;~~

~~— C. The facility's administrative procedures and overall program goals;~~

~~— D. Acceptable behavior management techniques;~~

~~— E. Crisis management;~~

~~— F. First aid and CPR training; and~~

~~— G. Passive physical restraint.~~

~~27. A residential or nonresidential alternative program shall have an introductory training and orientation to emergency and safety procedures, material in agency policy and procedures manual, and the responsibility of the staff member's job. This orientation should be prior to staff member assuming job responsibilities.]~~

~~[28-](27)~~ Inexperienced direct ~~[service]care~~ staff shall be accompanied by experienced workers on initial tours of duty until such time as these staff are able to safeguard the health and safety of youth in care effectively.

~~[29-](28)~~ A residential or nonresidential alternative program shall ensure that a minimum of one evaluation/planning conference per year for each staff is held, documented and signed by the staff person and his/her immediate supervisor. There must be an opportunity for the employee to express agreement or disagreement with the evaluation in writing. The staff person shall be given a copy of the evaluation.

~~[30-](29)~~ Within the probationary period after employment, each new direct ~~[service]care~~ or administrative employee shall have his/her first evaluation/planning conference with his/her supervisor for the purpose of evaluating performance and developing an individual training plan.

~~[31-](30)~~ The supervisor and the employee shall review strengths and weaknesses, set time-limited performance goals, devise training objectives to help meet the goal and establish a strategy that will allow achievement of these goals and objectives.

~~[32-](31)~~ The program staff shall maintain membership and participate in professional associations and activities on the local and national levels, where appropriate.

~~[33-](32)~~ A residential or nonresidential alternative program shall employ a staff of direct service workers sufficiently large and sufficiently qualified to implement the individual service plan of each youth in care with a minimum staffing ratio ~~[of 1 to 12 or]as agreed upon]required~~ by contract.

~~[34-](33)~~ A residential or nonresidential alternative program shall have ~~[adequate]the required staff [coverage]to youth ratio~~ at all times as

appropriate considering the time of day and the size and nature of the program.

~~[35-]~~~~(34)~~ The staff pattern of the facility shall concentrate staff when most participants are available to use facility resources and meet staff gender contract requirements.

~~[36-]~~~~(35)~~ There shall be at least one staff person who is readily available and responsive to resident needs on group home premises twenty-four hours a day in residential programs.

~~[37-]~~~~(36)~~ A residential or nonresidential alternative program shall establish procedures to assure adequate communications among staff to provide continuity of services to youth. This system of communication shall include:

~~[A-]~~~~(a)~~ A regular review of individual and aggregate problems of residents or clients including actions taken to resolve these procedures;

~~[B-]~~~~(b)~~ Sharing of daily information noting unusual circumstances and other information requiring continued action by staff;

~~[C-]~~~~(c)~~ Written reports maintained of all accidents, personal injuries and pertinent incidents related to implementation of youth's individual service plans, including notification to parents and ~~Youth Correction worker~~ Juvenile Justice case manager.

~~[38-]~~~~(37)~~ Any employee of a residential or nonresidential alternative program working directly with youth in care shall have access to information from the youth's case records that is necessary for effective performance of the employee's assigned tasks.

~~[39-]~~~~(38)~~ A residential or nonresidential alternative program shall establish procedures which facilitate participation and feedback by staff members in policy-making planning and program development.

~~[40-]~~~~(39)~~ A residential or nonresidential alternative program shall obtain ~~a-~~professional services required for the implementation of the individual service plan of a youth that is not available from employees of the program.

~~[41-]~~~~(40)~~ The program shall ensure that a professional providing a direct service to a youth in care communicates with program staff as appropriate to the nature of the service.

~~[42-]~~~~(41)~~ A residential or nonresidential alternative program shall have documentary evidence that all professionals providing services to the program, whether working directly with youth in care or providing consultation to employees of the program, are appropriately qualified, certified and/or licensed as appropriate to the nature of the service.

~~[43-]~~~~(42)~~ A residential or nonresidential alternative program which utilizes volunteers on a regular basis, or utilizes volunteers to work directly with a particular youth or group of youth for an extended period of time, shall have a written plan for using such volunteers. This plan shall be given to all such volunteers. The plan shall indicate that all such volunteers shall:

~~[A-]~~~~(a)~~ Be directly supervised by a paid staff member;

~~[B-]~~~~(b)~~ Be oriented and trained in the philosophy of the program, and the needs of youth in care, and methods of meeting those needs; (There should be documentation of completion of orientation.)

~~[C-]~~~~(c)~~ Be subject to character ~~and-~~reference and criminal background investigation checks similar to those performed for employment applicants;

~~[D-]~~~~(d)~~ Be aware of any staff who have input into the service plans for youth they are working with directly and be briefed on any special needs or problems of these youth.

~~[44-]~~~~(43)~~ Volunteers shall be recruited from all cultural and socio-economic segments of the community.

~~[45-]~~~~(44)~~ The ~~community-~~residential or nonresidential alternative program shall designate a staff member who serves as supervisor of volunteer services for residents.

~~[46-]~~~~(45)~~ The residential or nonresidential alternative program shall have a written policy specifying that volunteers perform professional services only when certified or licensed to do so.

~~[47-]~~~~(46)~~ Written policy and procedure shall provide that the program director curtails, postpones or discontinues the services of a volunteer or volunteer organization when there are substantial reasons for doing so.

~~[48-]~~~~(47)~~ The residential or nonresidential alternative program administration shall provide against liability or tort claims in the form of insurance, signed waivers or other legal provisions, valid in the jurisdiction in which the program is located.

~~[49-]~~~~(48)~~ A residential or nonresidential alternative program which accepts students for field placement shall have a written policy on student placements. Copies shall be provided to each student and his/her school. The policy shall include:

~~[A-]~~~~(a)~~ Statement of the purpose of a student's involvement with the program and the student's role and responsibility; and

~~[B-]~~~~(b)~~ A description of required qualifications for students, orientation and training procedures and supervision provided while the student is placed at the program.

~~[50-]~~~~(49)~~ A residential or nonresidential alternative program shall ensure that students meet all of the criteria established by the program for student placement service.

~~[51-]~~~~(50)~~ A residential or nonresidential alternative program shall ensure that students are supervised directly by an appropriate paid staff member who will act as a liaison between the program and the school making placements unless other appropriate arrangements are made.

~~[52-]~~~~(51)~~ Where paraprofessionals are employed, the program shall have written policies and procedures for their recruitment and established career lines for their advancement in the organization. There are written guidelines for staff regarding the supervision of paraprofessional personnel.

#### **R547-1-~~[5]~~7. Admission Policies and Procedures.**

~~[01-]~~~~(1)~~ A residential or nonresidential alternative program shall have a written description of admissions policies and criteria which shall include the following information:

~~[A-]~~~~(a)~~ Policies and procedures related to intake;

~~[B-]~~~~(b)~~ The age and sex of youth in care;

~~[C-]~~~~(c)~~ The needs, problems, situations or patterns best addressed by the program;

~~[D-]~~~~(d)~~ Any other criteria for admission;

~~[E-]~~~~(e)~~ Criteria for discharge; and

~~[F-]~~~~(f)~~ Any preplacement requirements of the youth, the parent(s) or guardian and/or the placing agency.

~~[02-]~~~~(2)~~ The written description of admissions policies and criteria shall be provided to all placing agencies and shall be available to the parent(s) of any youth referred for placement.

~~[03-]~~~~(3)~~ A residential or nonresidential alternative program shall not refuse admission to any youth on the grounds of race, religion or ethnic origin.

~~[04-]~~~~(4)~~ A residential or nonresidential alternative program shall not admit more youth into care than the number specified in their ~~certification~~ license.

~~[05-]~~~~(5)~~ A residential or nonresidential alternative program shall not accept any youth for placement whose needs cannot be adequately met by the program.

(A) A residential facility shall not admit a youth on emergency placement if the presence of the youth to be admitted will be damaging to the on-going functioning of the group and/or the youth already in care.

~~[06-](6)~~ When refusing admission to a youth, a program shall provide a written statement of the reason for refusal of admission to the referring agency.

~~[07-](7)~~ A residential or nonresidential alternative program shall ensure that the youth, his or her parent(s) or guardian, the placing agency and others, as appropriate, are provided reasonable opportunity to participate in the admission process and decisions and that due consideration is given to their concerns and feelings regarding the placement. Where such involvement of the youth's parent(s) or guardian is not possible, or not desirable, the reasons for their exclusion shall be recorded in the admission study.

~~[08-](8)~~ A residential or nonresidential alternative program shall make its admission process as short in duration as possible.

~~[09-](9)~~ The program shall, when applicable, have policies and procedures governing self-admission. Such policies and procedures shall include procedures for notification of parent(s) or guardian.

~~[10-](10)~~ A residential or nonresidential alternative program with a sole source contract ~~[program]~~ shall not consider ~~[a]any other~~ youth for care under that sole source contract. ~~[except that the youth is referred by the Juvenile Justice Services screening team, Youth Parole Authority or the juvenile court judges.]~~

~~[11-](11)~~ A residential or nonresidential alternative program shall accept a youth into care only when a current comprehensive intake evaluation including social, health and family history, and if appropriate, psychological and developmental assessment has been completed, unless the admission is an emergency. This evaluation shall contain evidence that a determination has been made that the child cannot be maintained in a less restrictive (structured or highly supervised) environment within the community.

~~[12-](12)~~ A residential or nonresidential alternative program shall, consistent with the youth's maturity and ability to understand, make clear its expectations and requirements for behavior, and provide the youth referred for placement with an explanation of the program's criteria for successful participation in and completion of the program. Youth shall sign a Statement of Understanding.

~~[13-](13)~~ A residential or nonresidential alternative program shall ensure that a written placement agreement is completed. A copy of the placement agreement signed by all parties involved in its formulation shall be kept in the youth's case record and a copy shall be provided to each of the signing parties. The signing parties shall include: the placing agency, the residential or nonresidential program, the youth and the parent(s) or guardian.

~~[14-](14)~~ The placement agreement shall include by reference or attachment at least the following:

~~[A-](a)~~ The youth's and the parent(s) or guardian's expectations regarding family contact and involvement; the nature and goals of care; the religious orientations and practices of the youth; and anticipated discharge date and plan;

~~[B-](b)~~ A delineation of the respective roles and responsibilities of all agencies and persons involved with the youth and his/her family;

~~[C-](c)~~ Authorization to care for the youth;

~~[D-](d)~~ Authorization to obtain medical care for the youth;

~~[E-](e)~~ Resident rights to include at a minimum ~~[Arrangements regarding] family [visits]contacts, [vacation]religious services, mail, [gifts,]and telephone calls;~~

~~[F-](f)~~ Arrangements as to the nature of agreed upon reports and meetings involving the parent(s) or guardian and referral agency; and

~~[G-](g)~~ Provision for notification of parent(s) or guardian and/or the placing agency in the event of unauthorized absences, medical or dental problems and any significant events regarding the youth.

~~[15- A residential facility shall not admit a youth on emergency placement if the presence of the youth to be admitted will be damaging to the on-going functioning of the group and/or the youth already in care.~~

~~[16-](15)~~ Each youth in the care of a residential or nonresidential alternative program shall be assigned a staff person who carries out the function of an ~~[prime worker]~~advocate staff in the program.

~~[17-](16)~~ A residential or nonresidential alternative program shall ensure that each youth, upon placement, shall be asked if she/he has any physical complaints. If yes, appropriate treatment shall be provided, the results including any treatment provided shall be documented and kept in the youth's record.

~~[18-](17)~~ A residential program shall assign a staff member, preferably the youth's ~~[prime worker]~~advocate staff, to orient the youth and his/her parent(s) or guardian, if they are available, to ~~[life at]~~regulations, rules and expectations within the facility.

### **R547-1-~~[6]8. Service Planning and Child Management.~~**

~~[01-](1)~~ A residential or nonresidential alternative program shall have a written description of the methods of child management to be used at a program wide level. This description shall include:

~~[A-](a)~~ Definition of appropriate and inappropriate behaviors;

~~[B-](b)~~ Acceptable staff responses to inappropriate behaviors; and

~~[C-](c)~~ The description shall be provided to all program staff.

~~[02-](2)~~ There shall be a clear written list of rules and regulations governing conduct for youth in care of a residential program. These rules and regulations shall be posted in the facility and made available to each staff member, each youth in care, his/her parent(s) or guardian and placing agencies, as appropriate. Each participant should read, sign and date these rules.

~~[03-](3)~~ Where a language or literacy problem exists which can lead to participant misunderstanding of agency rules and regulations, assistance shall be provided to the participant either by staff or by another qualified individual under the supervision of a staff member.

~~[04-](4)~~ In co-educational programs, male and female participants shall have equal access to all agency programs and activities.

(5) Within 30 days of admitting a youth in care, a residential or nonresidential alternative program shall conduct a comprehensive assessment of the youth and, on the basis of this assessment, shall develop a written, time-limited, goal-oriented individual treatment plan for the youth.

(6) The assessment shall be conducted by a treatment team. cThis team shall include persons responsible for implementing the service plan on a daily basis. At least one member of the team shall have an advanced degree in psychology, psychiatry, child care work, social work or related field and experience in providing direct services to youth and be certified and licensed in that area or supervised by a licensed worker.

(7) The treatment team shall assess the needs and strengths of the child in the following areas:

(a) Health care;

(b) Education;

(c) Personal/social development;

(d) Family relationships;

(e) Vocational training;

(f) Recreation; and

(g) Life skills development; and

(h) Risk level and criminogenic needs.

(8) All means used in this assessment shall be appropriate considering the youth's age, cultural background and dominant language or mode of communication.

(9) A residential or nonresidential alternative program shall provide an opportunity for the following persons to participate in the planning process:

- (a) The youth, unless contraindicated;
- (b) His/her parent(s) or guardian, unless contraindicated;
- (c) Representative(s) of the placing agency;
- (d) School personnel;
- (e) Other persons significant in the youth's life; and
- (f) When any of the above persons do not participate in the planning, the program shall have a written statement documenting its efforts to involve the person(s). When the involvement of parent(s) or guardian or youth is contraindicated, the reasons for the contradiction shall be documented.

[05. A residential or nonresidential alternative program shall have a written overall and treatment plan. Any significant change in this plan shall be submitted to Juvenile Justice Services and/or other involved agencies for review prior to implementation. The written plan shall include the following:

- A. The name, position and qualifications of the person who has overall responsibility for the treatment program;
- B. Staff responsibility for planning and implementation of the treatment procedures and techniques;
- C. Staff competencies and qualifications;
- D. The anticipated range and/or types of behavior or conditions for which such procedures and techniques are to be used;
- E. The range of procedures and techniques to be used;
- F. Restrictions on the use of stimuli that present significant risk of psychological or physical damage;
- G. Assessment procedures for ensuring the appropriateness of the treatment for each youth;
- H. Policies and procedures on involving and obtaining consent from the youth and parent(s) or guardian;
- I. Requirements, where appropriate, for medical examination of a youth prior to implementation of the treatment on a regular basis;
- J. Provisions for on-going monitoring and recording;
- K. Provisions for regular and thorough review and analysis of the treatment data, the individualized treatment strategies and the overall treatment orientation;
- L. Provisions for making appropriate adjustments in the treatment strategies and orientation; and
- M. Policies and procedures encouraging termination of the treatment procedures at the earliest opportunity in the event of achievement of goals, or when the procedures are proving to be ineffective or detrimental for a particular youth.

— 06. Participant progress shall be reviewed at least every two weeks, either through staff meetings or by individual staff; the outcome of each review is documented.

— 07. If a participant remains in a program for six months, a written report shall be submitted by his/her counselor to the program director and the committing authority stating the justification for keeping the juvenile in the program.

— 08. Agreed upon progress reports shall be made available to the parent or legal guardian of each participant and to the referring agency.

— 09. A residential or nonresidential facility shall have a statement describing the manner in which youth are arranged into groups within the facility and demonstrating that this manner of arranging youth into groups effectively addresses the needs of youth in care.](10) A residential or nonresidential alternative program shall have a written treatment plan. Any significant change in this plan shall be submitted to Juvenile Justice Services, the youth, parents or guardian, and/or other

involved agencies for review prior to implementation. The written plan shall include the following:

- (a) The name, position and qualifications of the person who has overall responsibility for the treatment program;
- (b) Staff responsibility for planning and implementation of the treatment methods;
- (c) Staff competencies and qualifications;
- (d) The measurable goals to address behaviors or conditions for which methods are to be used;
- (e) Restrictions on the use of coercive techniques to evoke an emotional response;
- (f) Assessment procedures for ensuring the appropriateness of the treatment for each youth;
- (g) Policies and procedures on involving and obtaining consent from the youth and parent(s) or guardian;
- (h) Requirements, where appropriate, for medical examination of a youth prior to implementation of the treatment on a regular basis;
- (i) Provisions for on-going monitoring and documentation;
- (j) Provisions for regular and thorough review and analysis of the treatment data, the individualized treatment goals;
- (k) Provisions for making appropriate adjustments in the treatment goals;
- (l) Policies and procedures encouraging termination of the treatment goals at the earliest opportunity in the event of achievement of goals, or when the procedures are proving to be ineffective or detrimental for a particular youth; and
- (m) Goals and preliminary plans for discharge and after care.

[10. Within 30 days of admitting a youth in care, a residential or nonresidential alternative program shall conduct a comprehensive assessment of the youth and, on the basis of this assessment, shall develop a written, time-limited, goal-oriented individual treatment plan for the youth.

— 11. The assessment shall be conducted by a planning team. This team shall include persons responsible for implementing the service plan on a daily basis. At least one member of the team shall have an advanced degree in psychology, psychiatry, child care work, social work or related field and experience in providing direct services to youth and be certified and licensed in that area or supervised by a certified worker.

— 12. The planning team shall assess the needs and strengths of the child in the following areas:

- A. Health care;
- B. Education;
- C. Personal/social development;
- D. Family relationships;
- E. Vocational training;
- F. Recreation; and
- G. Life skills development.

— 13. All methods and procedures used in this assessment shall be appropriate considering the youth's age, cultural background and dominant language or mode of communication.

— 14. A residential or nonresidential alternative program shall provide an opportunity for the following persons to participate in the planning process:

- A. The youth, unless contraindicated;
- B. His/her parent(s) or guardian, unless contraindicated;
- C. Representative(s) of the placing agency;
- D. School personnel;
- E. Other persons significant in the youth's life; and



— F. When any of the above persons do not participate in the planning, the program shall have a written statement documenting its efforts to involve the person(s). When the involvement of parent(s) or guardian or youth is contraindicated, the reasons for the contradiction shall be documented.

— 15. Unless it is not feasible to do so, a residential or nonresidential program shall ensure that the treatment plan and any subsequent revisions are explained to the youth in care and his/her parent(s) or guardian in language understandable to these persons.

— 16. A residential or nonresidential alternative program shall ensure that the treatment plan for each child includes the following components:

— A. The findings of the assessment;

— B. A statement of goals to be achieved or worked towards with and for the youth and his/her family;

— C. Strategies for fostering positive family relationships for the youth with his/her family or guardian or for developing a permanent home for the youth;

— D. Specification of the daily activities, including education and recreation, to be pursued by the program staff and the youth in order to attempt to achieve the stated goals;

— E. Specification of any specialized services that will be provided directly or arranged for, and measures for ensuring their proper integration with the youth's on-going program activities;

— F. Specification of time limited targets in relation to overall goals and specific objectives and the methods to be used for evaluating the youth's progress;

— G. Goals and preliminary plans for discharge and aftercare; and

— H. Identification of all persons responsible for implementing or coordinating implementation of the plan;

— 17. (11) The completed treatment plan shall be signed by the ~~chief administrator~~ certified or licensed worker of the program ~~or a person designated by the administrator~~; a representative of the child placing agency; the youth, if indicated, and the youth's parent(s) or guardian unless clearly not feasible.

— 18. (12) A residential or nonresidential alternative program shall review each treatment plan at least every six months or as specified in the DHS/DJJS contract and shall evaluate the degree to which the goals have been achieved. The treatment plan shall be revised as appropriate to the needs of the youth.

— (13) Participant progress shall be reviewed at least monthly, either through staff meetings or by individual staff; the outcome of each review is documented.

— (14) If a participant remains in a residential or nonresidential alternative program for six months, a written report shall be submitted by his/her case manager to the assistant program director and the committing authority stating the justification for keeping the juvenile in the program.

— (15) Agreed upon progress reports shall be made available to the parent or legal guardian of each participant and to the referring agency.

— (16) A residential or nonresidential facility shall have a statement describing the manner in which youth are arranged into groups within the facility and demonstrating that this manner of arranging youth into groups effectively addresses the needs of youth in care.

— 19. (17) A residential or nonresidential alternative program shall have written, comprehensive policies and procedures regarding discipline and control, which shall be explained to all youth, families, and staff and placing agencies. These policies shall include positive responses to appropriate behavior.

— 20. (18) A residential or nonresidential alternative program ~~facility~~ shall prohibit all cruel and unusual punishments including the following:

— A. (a) Punishments including any type of physical hitting or any type of physical punishment inflicted in any manner upon the body;

— B. (b) Physical exercises such as running laps or any performing of push-ups, when used solely as a means of punishment, except in accordance with a youth's ~~service~~ treatment plan when such activities are approved by a physician and carefully supervised by the facility administration;

— C. (c) Requiring or forcing the youth to take an uncomfortable position, such as squatting or bending, or requiring or forcing the youth to repeat physical movements when used solely as a means of punishment;

— D. (d) Group punishments for misbehaviors of individuals except in accordance with the program's written policy;

— E. (e) Punishment which subjects the youth to verbal abuse, ridicule or humiliation;

— F. (f) Excessive denial of on-going program services or denial of any essential program service solely for disciplinary purposes;

— G. (g) Withholding of any ~~meal~~ food included in the daily dietary requirements;

— H. (h) Denial of visiting or communication privileges with family solely as a means of punishment;

— I. (i) Denial of sufficient sleep;

— J. (j) Requiring the youth to remain silent; ~~for long periods of time~~;

— K. (k) Denial of shelter, clothing or bedding;

— L. (l) ~~Extensive w~~ Withholding of emotional response or stimulation;

— M. (m) Chemical, mechanical or excessive physical restraint;

— N. (n) Exclusion of the youth from entry to the residence; and

— O. (o) Assignment of unduly physically strenuous or harsh work.

— 21. (19) Youth in care of a residential or nonresidential alternative program shall not punish other residents except as part of an organized therapeutic self-government program that is conducted in accordance with written policy and is supervised directly by staff.

— 22. (20) A residential or nonresidential alternative program shall ensure that all direct service staff members are trained in crisis behavior management and the appropriate use of ~~passive~~ verbal and physical restraint intervention methods.

— 23. (21) A residential or nonresidential alternative program shall not use any form of restraint other than ~~passive physical restraint without prior approval of Juvenile Justice Services~~ those included in the approved crisis intervention and behavior management program identified by the resident and nonresident program.

— 24. (22) All cases of physical force or restraint shall be reported in writing, dated and signed by the staff person reporting the incident; the report shall be placed in the participant's case record and reviewed by supervisory and higher authority per DHS/DJJS Policy and Procedure incident report writing.

— 25. (23) A residential or nonresidential alternative program shall only use time-out (placement in locked or secure room) procedures when these procedures are in accordance with written policies of the facility. These policies shall include procedures for recording each incident involving the use of time-out. The facility policies shall outline other less restrictive responses to be used prior to using time-out.

~~[26-]~~(24) Each use of time-out procedures shall be directly supervised by ~~[supervisory]~~ direct care staff.

~~[27-]~~(25) The program's chief administrative officer, or designee, ~~[approved in writing-]~~ shall approve in writing any use of time-out procedures exceeding 30 minutes in duration.

~~[28-]~~(26) Written policy and procedure shall ensure that prior to room restriction or privileged suspension the youth has the reasons for the restriction explained to him/her, and has an opportunity to explain the behavior leading to the restriction.

~~[29-]~~(27) During room restriction staff contact shall be made with the youth at least every ~~[fifteen]~~ten minutes to ensure the well-being of the youth; the youth assists in the determination of the end of the restriction period.

~~[30-]~~ ~~Written policy and procedure shall ensure that prior to privilege suspension the youth has the reasons for restriction explained to him/her, and has an opportunity to explain the behavior leading to the suspension.~~

~~—~~~~[31-]~~(28) Written policy and procedure shall ensure that prior to facility restriction for up to 48 hours the youth has the reasons for the restriction explained to him/her, and has an opportunity to explain the behavior leading to the restriction. Facility restriction may include lack of participation in any activities outside the facility except school, church, health and exercise needs.

~~[32-]~~(29) All instances of room restriction, privilege suspension and facility restriction shall be logged, dated and signed by staff implementing the discipline procedure; the log is reviewed by supervisory staff at least daily.

~~[33-]~~(30) In compliance with applicable laws, the program shall maintain and make public written policies and procedures for conducting searches of residents and all areas of the facility as standard operating procedure to control contraband and locate missing or stolen property.

~~[34-]~~(31) A written plan shall allow staff in residential or nonresidential alternative programs to monitor movement into and out of the facility, under circumstances specified in the plan.

~~[35-]~~(32) The program shall maintain a system of accounting for the whereabouts of its participants at all times.

~~[36-]~~(33) The program shall have written procedures for the detection and reporting of absconders to agency having jurisdiction, Juvenile Justice Services, and parents.

~~[37-]~~(34) The residential program shall use work assignments within the facility only insofar as they provide a constructive experience for youth and not as unpaid substitution for adult staff.

~~[38-]~~(35) Work assignments shall be in accordance with the age and ability of the youth and shall be scheduled so as not to conflict with other scheduled activities.

~~[39-]~~(36) A facility shall comply with all child labor laws and regulations in making work assignments.

~~[40-]~~(37) The residential or nonresidential alternative program shall ensure that any youth who is legally not attending school is either gainfully employed or enrolled in a training program geared to the acquisition of suitable employment or necessary life skills.

~~[41-]~~(38) A residential or nonresidential alternative program shall have a written plan for ensuring that a range of indoor and outdoor recreational and leisure opportunities are provided for youth in care. Such opportunities shall be based on both the individual interests and needs of the youth and the composition of the living group. Approved activities shall comply with DHS/DJJS Policies and Procedures.

~~[42-]~~(39) A residential or nonresidential alternative program shall ensure appropriate staff involvement in recreational and leisure activities.

~~[43-]~~(40) A residential or nonresidential alternative program shall utilize the recreational resources of the community whenever appropriate. The residential or nonresidential alternative program shall arrange the transportation and supervision required for maximum usage of community resources.

~~[44-]~~(41) A residential or nonresidential alternative program which has recreation staff shall ensure that such staff are appraised of and, when appropriate, involved in the development and review of service plans.

#### **R547-1-[7]9. Records.**

(1) A residential or nonresidential alternative program shall maintain a written record for each youth which shall include administrative, treatment and educational data from the time of admission until the time the youth leaves the facility. A youth's case record shall include at least the following, if available.

~~[A-]~~(a) Initial intake information form which shall include the following:

- (1) (i) The name, sex, race, religion, birth date of the child;
- (2) (ii) The name, address, telephone number and marital status of the parent(s) or guardian of the child;
- (3) (iii) Date of admission and source of referral;
- (4) (iv) When the child was not living with his/her parent(s) prior to admission the name, address, telephone number and relationship to the child of the person with whom the child was living;
- (5) (v) Date of discharge, reason for discharge, and the name, telephone number and address of the person or agency to whom the child was discharged;
- (6) (vi) The child's court status, if applicable;
- (7) (vii) All documents related to the referral of the child to the facility;
- (8) (viii) Documentation of the current custody and guardianship and legal authority to accept child;
- (9) (ix) A copy of the child's birth certificate or a written statement of the child's birth date including the source of this information;
- (10) (x) Consent forms signed by the parent(s) or guardian prior to placement allowing the facility to authorize all necessary medical care, routine tests, immunizations and emergency medical or surgical treatment;
- (11) (xi) Program rules and disciplinary procedures signed by participant;
- (12) (xii) Cumulative health records;
- (13) (xiii) Education records and reports;
- (14) (xiv) Employment records;
- (15) (xv) Treatment or clinical records and reports;
- (16) (xvi) Evaluation and progress reports;
- (17) (xvii) Records of special or critical incidents; including notification of parent and Juvenile Justice Services worker in case of medical emergency or AWOL of child; and
- (18) (xviii) Individual service plans and related materials which include referrals to other agencies, process recordings, financial disbursements such as allowance, clothing, holidays.

#### **R547-1-[8]10. Communications.**

~~(01-)~~(1) A residential or nonresidential alternative program shall have a written description of its overall approach to family involvement.

~~(02-)~~(2) A residential or nonresidential alternative program shall make every possible effort to facilitate positive communication between a youth in care and his/her parents or legal guardians.

~~[03-]~~(3) A residential program shall provide conditions of reasonable privacy for visits and telephone contacts between youth in care and their families.

~~[04-]~~(4) Flexible visiting hours shall be provided for families who are unable to visit at the regular times.

~~[05-]~~(5) Residential or nonresidential alternative programs~~[facilities]~~ shall strive to:

~~[A-]~~(a) Maintain and develop youth-family relationships;

~~[B-]~~(b) Enable parents and siblings to recognize and involve the youth as a continuing member of the family; and

~~[C-]~~(c) Ensure that parents exercise their legal rights and responsibilities in a manner compatible with the youth's best interests.

~~[06-]~~(6) Written policy provides, whenever possible and appropriate, that while a youth is in a residential facility, staff members shall counsel parents or guardians in preparation for the youth's return to their home or other placement; provision is made for trial visits prior to such decisions.

~~[07-]~~(7) The residential or nonresidential alternative program shall have written policies and procedures which provide increasing opportunities and privileges for resident~~youth~~ involvement with family and in community activities prior to final release.

~~[08-]~~(8) Residential or nonresidential alternative programs~~[facilities]~~ shall give consideration to the special needs of youth without families and youth for whom regular family contact is impossible.

~~[09-]~~(9) A residential or nonresidential alternative program shall have written policies and procedures with respect to:

~~[A-]~~(a) The relationship between the program and community;

~~[B-]~~(b) Involvement of youth in community activities;

~~[C-]~~(c) Participation of the program in community planning to achieve coordinated programs and services for families and youth; and

~~[D-]~~(d) Strategies for the optimum use of community resources.

~~[10-]~~(10) In its use of community resources, the residential or nonresidential alternative program shall maintain a periodic inventory and evaluation of functioning community agencies.

~~[11-]~~(11) Staff shall use community resources, either through referrals for service or by contractual agreement, to provide residents with the services to become appropriately self-sufficient.

~~[12-]~~(12) The residential or nonresidential alternative program shall collaborate, whenever possible, with criminal justice and human services agencies in programs of information gathering, exchange and standardization.

~~[13-]~~(13) A residential program shall have a written plan of basic daily routines which shall be available to all personnel. This plan shall be revised as necessary.

~~[14-]~~(14) Youth shall participate in planning daily routines.

~~[15-]~~(15) Daily routines shall not be allowed to conflict with the implementation of a youth's service plan.

~~[16-]~~(16) The residential or nonresidential alternative program shall have a written policy regarding visiting and other forms of youth's communication with family, friends and significant others.

~~[17-]~~(17) Visiting and communication policy shall be developed with the goals of encouraging healthy family interaction, maximizing the youth's growth and development and protecting youth, staff and residential programs from unreasonable intrusions.

~~[18-]~~(18) Visiting and communication policy shall be provided to youth, staff members, parent(s) or guardian and placing agencies.

~~[19-]~~(19) The residential program shall provide opportunities for a youth in care to visit with parent(s) or guardian and siblings.

~~[20-]~~(20) The residential program shall schedule or supervise visits in accordance with the youth's service plan.

~~[21-]~~(21) A residential program shall have written procedures for overnight visits outside the facility including: procedures for recording the youth's location, the duration of the visit, the name and address of the person responsible for the youth while absent from the facility and the time of youth's return.

~~[22-]~~(22) A residential or nonresidential alternative program, shall have procedures established in cooperation with Juvenile Justice Services for determining and reporting the absence without leave of youth in care. These procedures must include notification of the youth's parent(s) or guardian, the placing agency and the appropriate law enforcement official.

~~[23-]~~(23) A residential or nonresidential alternative program shall permit a youth in care to receive and send mail. Program staff shall not open or read youth's mail; however, mail may be inspected for contraband in the presence of the receiving youth. Written program policies and practices concerning youth's mail shall conform with applicable federal laws and DHS/DJJS Policies and Procedures.

~~[A-]~~(a) If requested, the residential or nonresidential alternative program shall provide postage for the mailing of a minimum of two letters per week for each resident.

~~[24-]~~(24) A residential program shall be equipped with a sufficient number of telephones for the youth's use and shall have procedures, including documentation of all calls, for youth's use of these telephones.

~~[25-]~~(25) When the right of a youth in care to communicate in any manner with a person outside the program must be curtailed, the program shall:

~~[A-]~~(a) Inform the youth of the conditions of and reasons for restriction or termination of his right to communicate with the specific individual(s);

~~[B-]~~(b) Inform the individuals over whom the restriction or termination of personal contact with the youth has been placed of the conditions of and reasons for that action; and

~~[C-]~~(c) Place a written report summarizing the conditions of and reasons for restricting or termination of the youth's contact with the specified individual(s) into the youth's case record and forward a copy of this report to the Division of Juvenile Justice Services and review this decision at least weekly.

~~[26-]~~(26) A residential or nonresidential alternative program shall not bar a youth's attorney, clergyman or an authorized representative of the responsible placing agency from visiting, corresponding with or telephoning the youth.

#### **R547-1-[9]11. Education.**

~~[01-]~~(1) A residential or nonresidential alternative program contracting to serve State or local agency youth shall abide by all standards developed by the State Board of Education for education of youth in custody.

~~[02-]~~(2) A new residential or nonresidential alternative program or facility will coordinate with the local school district on the number of youth to be educated and continue to coordinate on all new students.

~~[03-]~~(3) A residential or nonresidential alternative program shall ensure that every youth in its care attends an appropriate educational program in accordance with state law.

~~[04-]~~(4) A residential or nonresidential alternative program shall have a written description of its educational program which shall be provided to the youth and his/her parent(s) or guardian prior to the youth's admission.

~~[05-]~~(5) A residential or nonresidential alternative program shall not place a youth in care in an on-ground educational program unless such program is appropriate to the youth's needs.

[06-](6) A residential or nonresidential alternative program shall ensure routine communication between the direct ~~[service]~~care team involved with a youth in care and any educational program in which the youth is placed.

[07-](7) A residential or nonresidential alternative program shall provide appropriate space and supervision for quiet study after school hours. The program shall ensure that the youth has access to necessary reference materials.

[08-](8) A residential or nonresidential alternative program shall ensure that educational, vocational preparation services and/or life skills training are available to a youth. Such training and services shall be appropriate to the age and abilities of the youth.

[09-](9) Every attempt shall be made to ~~[i]~~ensure the continuity of educational programming for the youth.

[10-](10) Prior to the youth's admission to the residential or nonresidential alternative program, the program shall attempt to secure the youth's previous educational records and shall create an appropriate educational program for the youth.

[11-](11) The residential or nonresidential alternative program shall send the school of residence periodic reports of the youth's educational progress if it is likely that the youth will return to this school.

[12-](12) Prior to discharge, the residential or nonresidential alternative program shall attempt to work with the youth's new school to ensure a smooth transition to the new educational environment.

#### **R547-1-1[0]2. Discharge and Aftercare.**

[01-](1) At least three months or, as soon as possible, prior to planned discharge of a youth the ~~[planning group]~~treatment team (program ~~[worker]~~advocate and case ~~[worker]~~manager) shall formulate an aftercare plan specifying the supports and resources to be provided to the youth. Aftercare plans are to be kept in the youth's case record.

[02-](2) Prior to discharge the ~~[planning group]~~treatment team shall ensure that the youth is aware of and understands his/her aftercare plan.

[03-](3) When a youth is being placed in another residential or nonresidential alternative program following discharge, representatives of the ~~[planning group]~~treatment team shall, whenever possible, meet with representatives of that program prior to the youth's discharge to share information concerning the youth.

[04-](4) A residential program shall have a written policy concerning emergency discharge and/or all other discharges not in accordance with a youth's ~~[service]~~treatment plan. This policy shall ensure that emergency discharges take place only when the health and safety of a youth or other youth might be endangered by the youth's further placement at the program.

[05-](5) The residential program shall give at least 72 hours notice of discharge to the responsible agency, the parent(s) or guardian and the appropriate educational authorities.

[06-](6) Written policy and procedure shall require that all transfers from one community residential or nonresidential alternative program to another allow for objections on the part of the youth involved; where such transfers are to a more restrictive environment, due process safeguards are provided.

[07-](7) When a youth in care is discharged, a residential or nonresidential program shall compile a complete written discharge summary within ~~[a month]~~15 days of the date of discharge, such summary to be included in the youth's case record and a copy sent to the referring agency. This summary shall include:

[A-](a) The name, address, telephone number and relationship of the person to whom the youth is discharged;

[B-](b) When the discharge date was in accordance with the youth's service plan;

[C-](c) A summary of services provided during care;

[D-](d) A summary of growth and accomplishments during care;

[E-](e) The assessed needs which remain to be met and alternate service possibilities which might meet those needs; and

[F-](f) A statement of an aftercare plan and identification of who is responsible for follow-up services and aftercare.

[08-](8) When the discharge date was not in accordance with the youth's ~~[service]~~treatment plan, the following items shall be added to the summary:

[A-](a) The circumstances leading to the unplanned discharge; and

[B-](b) The actions taken by the program and the reason for these actions.

#### **R547-1-1[1]3. Confidentiality/Research.**

[01-](1) A residential or nonresidential alternative program shall have written procedures for the maintenance and security of records specifying who shall supervise, who shall have custody of records, and to whom records may be released. Records shall be the property of Juvenile Justice Services and the program shall secure records against loss, tampering or unauthorized use.

~~[02- Programs contracting with Juvenile Justice Services that use traveling files shall return them to the regional office within 30 days of the youth's release. Program shall not make duplicate copies of client records except by agreement with Juvenile Justice Services.~~

—03-](2) A residential or nonresidential alternative program shall maintain the confidentiality of all youths' case records. Employees of the program shall not disclose or knowingly permit the disclosures of any information concerning the youth or his/her family, directly or indirectly, to any unauthorized person. All case records shall be marked "confidential" and kept in locked files, which are also marked "confidential".

[04-](3) Without the voluntary, written consent of the parent(s) or guardian, a residential or nonresidential alternative program shall not release any information concerning a youth in care except to the youth, his/her parent(s) or guardian, their respective legal counsel, the court or an authorized public official in the performance of his/her mandated duties. Any releases of information will conform with the Utah Government Records Access and Management Act, Title 63G, Chapter 2.

[05-](4) A residential or nonresidential alternative program shall, upon request, ~~make available information in the case record of the youth, his parent(s) or guardian and their respective legal counsel if the information being released does not contain material which violates the right of privacy of another individual and/or material that should be withheld from release according to other laws, Title 63, Chapter 2, or by order of the court. If, in the professional judgment of administration of the program, it is felt that information contained in the record would be damaging to the youth, that information shall be withheld except under court order. Facilities which have on grounds educational programs should comply with federal and state laws governing educational records.]~~ for information, refer the request to the case manager.

[06- The program shall provide that a "Release of Information Consent Form" will be signed by the participant and parent or guardian immediately before a release of information about the participant is completed, and that a copy of the consent form is maintained in the participant's record.

—07- The "Release of Information Consent Form" shall include:

~~— A. Name of person, agency or organization requesting information;~~

~~— B. Name of person, agency or organization releasing information;~~

~~— C. The specific information to be disclosed;~~

~~— D. The purpose or need for the information;~~

~~— E. Date consent form is signed;~~

~~— F. Signature of the participant; and~~

~~— G. Signature of individual witnessing participant signature.~~

~~08.](5) A residential or nonresidential alternative program may not use material from case records for teaching or research purposes, development of the governing body's understanding, knowledge of the program's services or similar educational purposes[~~— provided that names are deleted and other identifying information is disguised or deleted~~]without prior written approval from the DHS Institutional Review Board.~~

~~[09. A report shall be prepared at the termination of program participation, which reviews the person's performance in the program.~~

~~— 10. A residential or nonresidential alternative program shall have written policies regarding the participation of youth in research projects. The policies shall conform to the National Institute of Mental Health Standards on Protection of Human Subjects.~~

~~— 11.](6) Written [P]policy and procedure shall prohibit participation in medical or pharmaceutical testing for experimental or research purposes.[~~

~~— 12. Written policy and procedure shall govern voluntary participation in nonmedical and nonpharmaceutical research programs.]~~

#### **R547-1-1[2]4. Program Rules.**

~~[01.](1) A residential or nonresidential program shall have a written description of its religious orientation, particular religious practices that are observed and any religious restrictions on admission. This description shall be provided to the youth, the parent(s) or guardian and the placing agency.~~

~~[02.](2) During the admission process the religious orientation and policy of the residential or nonresidential alternative program shall be discussed with the youth and his/her parent(s) or guardian. At this time, the program shall determine the wishes of the parent(s) or guardian and the youth regarding the youth's religious training.~~

~~[03.](3) Every youth shall have the opportunity to participate in religious activities and services in accordance with his/her own faith or that of the youth's parent(s) or guardian. The [facility]residential or nonresidential alternative program shall, when feasible, arrange transportation to services and activities in the community.~~

~~[04.](4) Youth may be encouraged to participate in religious activities but they shall not be coerced to do so.~~

~~[05.](5) The youth's family and Juvenile Justice [Services]case manager shall be consulted on any change in religious affiliation made by the youth while he/she is in care.~~

~~[06.](6) A residential or nonresidential [facility's]alternative program shall reflect consideration for and sensitivity to the racial, cultural, ethnic and/or religious backgrounds of youth in care.~~

~~[07.](7) The residential or nonresidential alternative program shall involve a youth in cultural and/or ethnic activities, appropriate to his/her cultural and/or ethnic background.~~

~~[08.](8) A residential program shall have set routines for waking youth and putting them to bed.~~

~~[09.](9) A residential program shall ensure that each youth has ready access to a [responsible]trained direct care staff member throughout the night.~~

~~[10.](10) When the needs of a youth so dictate, there shall be an awake staff member near his/her sleeping area.~~

~~[11.](11) A residential program shall ensure that the possessions and sleeping area of a youth are not disrupted or damaged during the youth's temporary absence from the facility.~~

~~[12.](12) A residential program shall ensure that no youth occupies a bedroom with a member of the opposite sex.~~

~~[13.](13) Juveniles and adults shall not share sleeping rooms.~~

~~[14.](14) A residential program shall ensure that each youth in care has adequate clean, well fitting, attractive and seasonable clothing as required for health, comfort and physical well-being and as appropriate to age, sex and individual needs.~~

~~[15.](15) A youth's clothing shall be identifiably his/her own and not shared in common unless provided by the program.~~

~~[16.](16) A youth's clothing shall be kept clean and in good repair. The child shall be involved in the care and maintenance of his/her clothing. As appropriate, laundering, ironing and sewing facilities shall be accessible to the youth.~~

~~[17.](17) A residential program shall ensure that discharge plans make provisions for clothing needs at the time of discharge. All personal clothing shall go with a youth when he/she is discharged.~~

~~[18.](18) A residential program shall allow a youth in care to bring his/her personal belongings to the program and to acquire belongings of his/her own in accordance with the youth's [service]treatment plan. However, the program shall, as necessary, limit or supervise the use of these items while the youth is in care. Where extraordinary limitations are imposed, the youth shall be informed by staff of the reasons, and the decisions and reasons shall be recorded in the youth's case record. Provisions shall be made for the storage for youth's property. A monthly inventory sheet shall be maintained and updated.~~

~~[19.](19) A residential program shall establish procedures to ensure that youth receive training in good habits of personal care, hygiene and grooming appropriate to their age, sex, race and culture.~~

~~[20.](20) The residential program shall [f]ensure personal supervision by staff for proper grooming and physical cleanliness of the youth.~~

~~[21.](21) The residential program shall ensure that youth are provided with all necessary toiletry items.~~

~~[22. The program shall allow a youth freedom in selecting a style of wearing his/her hair that reflects the youth's personal taste.~~

~~— 23.](22) A residential program shall permit and encourage a youth in care to [possess]have his/her own money either by giving an allowance and/or by providing opportunities for paid work within the facility.~~

~~[24.](23) Money earned, received as a gift or received as allowance by a youth in care shall be deemed to be that youth's personal property and documented in the youth's file.~~

~~[25.](24) Limitations may be placed on the amount of money a youth in care may possess or have unencumbered access to when such limitations are considered to be in the youth's best interests and are duly recorded in the youth's [service plan]file.~~

~~[26. A youth in care shall not normally be asked to assume expenses for his/her care and treatment. In accordance with his/her individual service plan, an older youth, employed or employable may be asked to pay some of his/her room and board and related expenses.~~

~~— 27.](25) A residential program shall assist youth in care to assume responsibility for damage done by developing a restitution plan that may utilize earnings [or allowance] and is duly recorded in the youth's individual [service plan]file. The program shall assist the youth to pay court ordered restitution or fines by developing a payment schedule from earnings, if employed, or by referring the youth to a Division sponsored restitution project.~~

~~[28-](26)~~ Written policy and procedure shall provide for establishment of personal fund accounts for ~~[residents]youth. [and allow for maximum control by residents; any interest on personal funds over \$500 should accrue to residents.]~~

~~[29-](27)~~ The residential program shall maintain a separate accounting system for youth's money.

~~[30-](28)~~ A residential or nonresidential alternative program shall have a written grievance and appeal policy and procedure for youth. This procedure shall be written in a clear and simple manner and shall allow youth to make complaints without fear of retaliation.

~~[31-](29)~~ The grievance procedure shall be explained to the youth by a staff member on admission and documented in the youth's individual file. ~~[The staff member shall enter a note into the youth's file confirming that this explanation has taken place.]~~

### **R547-1-1[3]5. Physical Environment.**

~~[01-](1)~~ Any individual or organization seeking certification of a residential or nonresidential alternative facility shall provide the following documentation to Juvenile Justice Services at the time of application:

~~[A-](a)~~ Evidence that the proposed site location of the facility will be appropriate to youth to be served in terms of individual needs, program goals and access to service facilities[?]; ~~[(ACA-6071)]~~

~~[B-](b)~~ Evidence that the proposed facility will meet zoning laws of the municipality in which the site is located and Department of Human Services regulations, including planning with local neighborhood counsels;

~~[C-](c)~~ A copy of the site plan and a sketch of the floor plan of the proposed facility; and

~~[D-](d)~~ A description of the way in which the facility will be physically harmonious with the neighborhood in which it is located considering such issues as scale, appearance, density and population.

~~[02-](2)~~ Every building or part of a building used as residential facility or nonresidential alternative program shall be constructed, used, furnished, maintained and equipped in compliance with all standards, regulations and requirements established by federal, state, local and municipal regulatory bodies.

~~[03-](3)~~ The governing authority shall designate who is permitted to live in the facility with concurrent authorization from the Division of Juvenile Justice Services.

~~[04-](4)~~ A residential or nonresidential facility shall ensure that all structures on the grounds of the facility are maintained in good repair and are free from any dangers to health or safety.

~~[05-](5)~~ A residential or nonresidential facility shall maintain the grounds of the facility in an acceptable manner and shall ensure the grounds are free from any hazard to health or safety;

~~[A-](a)~~ Garbage and rubbish which is stored outside shall be stored securely in noncombustible, covered containers and shall be removed on a regular basis not less than once a week;

~~[B-](b)~~ Trash collection receptacles and incinerators shall be located as to avoid being a nuisance to neighbors;

~~[C-](c)~~ Fences shall be in good repair;

~~[D-](d)~~ Areas determined to be unsafe, including steep grades, cliffs, open pits, swimming pools, high voltage boosters, or high speed roads, shall be fenced off or have natural barriers to protect youth; and

~~[E-](e)~~ Recreational equipment shall be so located, installed and maintained as to ensure the safety of youth.

~~[06-](6)~~ A residential or nonresidential facility shall have access to outdoor recreational space and suitable recreational equipment.

~~[07-](7)~~ Shrubbery and lawns shall be properly tended and trimmed for safety and appearance.

~~[08-](8)~~ Ground shall adequately drain either naturally or through installed drainage systems.

~~[09-](9)~~ At a minimum each facility shall have nine square yards of available grounds space per child in care unless there is ready and safe access to other recreational areas.

~~[10-](10)~~ Signs which might tend to identify children in care in a negative manner shall not be used.

~~[11-](11)~~ A residential or nonresidential facility shall be structurally designed to accommodate the physical needs of each youth in care.

~~[12-](12)~~ Each residential facility shall contain space for the free and informal use of youth in care. This space shall be constructed and equipped in a manner ~~[consonant]~~ consistent with the programmatic goals of the facility.

~~[13-](13)~~ Space to accommodate group meetings of the residents shall be provided in the facility.

~~[14-](14)~~ A visiting area shall be provided in the facility.

~~[15-](15)~~ The residential facility shall provide an appropriate variety of interior recreation spaces.

~~[16-](16)~~ A residential facility shall provide a dining area which permit youth and staff to eat together.

~~[17-](17)~~ The residential facility shall provide a dining area which is clean, well lighted, ventilated and attractively furnished.

~~[18-](18)~~ A residential facility shall ensure that each bedroom space in the facility has a floor area, exclusive of closets, of at least ~~[74]60~~ square feet for ~~[the initial]each~~ occupant ~~in a multiple occupant bedroom and [an additional 50 square feet for each other occupant of this space]~~80 square feet in a single occupant bedroom.

~~[19-](19)~~ A residential facility shall not use any room with a ceiling height of less than seven feet six inches as a youth's bedroom.

~~[20-](20)~~ A residential facility shall not permit more than four youth to occupy a designated bedroom space. Beds must be placed at least three feet apart on all sides.

~~[21-](21)~~ A residential facility shall not use any room which does not have a source of natural light and is properly ventilated as a bedroom space.

~~[22-](22)~~ Each youth in care of a residential facility shall have his/her own bed. This bed shall be a standard twin size and shall have a clean, comfortable, nontoxic, fire-retardant mattress equipped with mattress cover, sheets, pillow, pillow case and blankets:

~~[A-](a)~~ Sheets and pillow cases shall be changed at least weekly but shall be changed more frequently if necessary.

~~[23-](23)~~ A residential program shall provide each youth in care with their own solidly constructed bed. Cot or other portable beds will not be used.

~~[24-](24)~~ A residential facility shall ensure that the uppermost mattress of any bunk bed in use shall be far enough from the ceiling to allow the occupant to sit up in bed.

~~[25-](25)~~ A residential facility shall provide each youth with his/her own dresser or other adequate storage space for private use, and a designated space for hanging clothing in proximity to the bedroom occupied by the youth.

~~[26-](26)~~ The decoration of sleeping areas in a residential facility shall allow some scope for the personal tastes and expressions of the youth.

~~[27-](27)~~ A residential facility shall have a minimum of one wash basin, one bath or shower with an adequate supply of hot and cold potable water for every six youth in care.

~~[A-](a)~~ Bathrooms shall be so placed as to allow access without disturbing other youth during sleeping hours;

~~[B-](b)~~ Bathrooms shall not open directly into any room in which food, drink or utensils are handled or stored;

~~[C-](c)~~ Each bathroom shall be properly equipped with toilet paper, towels, soap and other items required for personal hygiene unless youth are individually given such items and bath towels and wash cloths shall be changed weekly; and

~~[D-](d)~~ Tubs and showers shall have slip-proof surfaces.

~~[28-](28)~~ The residential facility shall provide toilets and baths or showers which allow for individual privacy unless youth in care require assistance.

~~[29-](29)~~ A bathroom in a residential facility shall contain mirrors secured to the walls at convenient heights and other furnishings necessary to meet the youths basic hygienic needs.

~~[30-](30)~~ Toilets, wash basins, and other plumbing or sanitary facilities in a residential facility shall, at all times, be maintained in good operating condition, and shall be kept free of any materials that might clog or otherwise impair their operation.

~~[31-](31)~~ Kitchens used for meal preparation in a residential facility shall be provided with the necessary equipment for the preparation, storage, serving and clean up of all meals for all of the youth and staff regularly served by such kitchens. All equipment shall be maintained in working order.

~~[32-](32)~~ Kitchen facilities and equipment shall conform to all health, sanitation and safety codes.

~~[33-] Programs that provide food service shall encourage youth to participate in the preparation, serving and clean up of meals and ensure that all food handlers comply with applicable State or local health laws and regulations.~~

~~34. When the program provides food service, all food service personnel shall have clean hands and fingernails, wear hairnets or caps and clean, washable garments, are in good health and free from communicable disease and open infected wounds, and practice hygienic food handling techniques.~~

~~35. When the program provides food service, all foods shall be properly stored at the completion of each meal.~~

~~36. A residential facility shall not use disposable dinnerware at meals on a regular basis unless the facility documents that such dinnerware is necessary to protect the health or safety of youth in care.~~

~~37. A facility shall ensure that all dishes, cups and glasses used by youth in care are free from chips, cracks or other defects.~~

~~38-](33)~~ Kitchen areas in a facility shall be so constructed to allow staff to limit youth's access to kitchen when necessary.

~~[39-](34)~~ A residential facility utilizing live-in staff shall provide adequate separate living space for these staff.

~~[40-](35)~~ A facility shall provide a space which is distinct from youth's living areas to serve as an administrative office for records, secretarial work and bookkeeping.

~~[41-](36)~~ A residential or nonresidential facility shall have a designated space to allow private discussions and counseling sessions between individual youth and staff.

~~[42-](37)~~ A facility shall have comfortable customary furniture as appropriate for all living areas. Furniture for the use of youth shall be appropriately designed to suit the size and capabilities of these youth.

~~[43-](38)~~ There shall be evidence of routine maintenance and cleaning programs in all areas of the residential or nonresidential facilities.

~~[44-](39)~~ A residential or nonresidential [facility]alternative program shall replace or repair broken, run-down or defective furnishings and equipment promptly.

~~[A-](a)~~ Outside doors, windows and other features of the structure necessary for security and climate control shall be repaired within 24 hours of being found to be in a state of disrepair.

~~[45-](40)~~ Any designated bedroom space in a facility, where the bedroom is not equipped with a mechanical ventilation system, shall be provided with windows which have an openable area at least 5% as large as the total floor area of the bedroom space.

~~[46-](41)~~ A residential or nonresidential [facility]alternative program shall provide insect screening for all openable windows unless the facility is centrally air conditioned. This screening shall be readily removable in emergencies and shall be in good repair.

~~[47-](42)~~ A residential [facility]program shall ensure that all closets, bedrooms and bathrooms which have doors are provided with doors that can be readily opened from both sides.

~~[48-](43)~~ A residential or nonresidential [facility]alternative program shall ensure that there are sufficient and appropriate storage facilities.

~~[49-](44)~~ A residential or nonresidential [facility]alternative program shall have securely locked storage spaces for all potentially harmful/hazardous materials. Keys to such storage spaces shall be available only to authorized staff members.

~~[A-](a)~~ Poisonous, toxic, and flammable materials shall be stored in locked storage space that is not used for other purposes;

~~[B-](b)~~ The facility shall have only those poisonous or toxic materials required to maintain the facility; and

~~[C-](c)~~ [Drugs]Medications, personnel files and case records shall be kept in locked storage spaces and access to [drugs]medications, personnel files and case records are to be carefully limited to authorized persons.

~~[50-](45)~~ A residential or nonresidential [facility]alternative program shall ensure that all electrical equipment, wiring, switches, sockets and outlets are maintained in good order and safe conditions.

~~[51-](46)~~ Any room, corridor or stairway within the residential or nonresidential [facility]alternative program shall be sufficiently illuminated.

~~[52-](47)~~ Corridors within the residential [facility]program's sleeping areas shall be illuminated at night.

~~[53-](48)~~ A residential or nonresidential [facility]alternative program shall provide adequate lighting of exterior areas to ensure the safety of youth and staff during the night.

~~[54-](49)~~ A residential or nonresidential [facility]alternative program shall take all reasonable precautions to ensure that heating elements, including hot water pipes, are insulated and installed in a manner that ensures the safety of youth.

~~[55-](50)~~ A residential or nonresidential [facility]alternative program shall maintain the spaces used by youth at temperatures in accordance with federal, state and local laws.

~~[56-](51)~~ Hot water accessible to youth in a facility shall be regulated to a temperature not in excess of 110 degrees F.

~~[57-](52)~~ A residential facility using water from any source other than public water supply shall ensure that such water is annually tested by the local public health authority. The most recent test report shall be kept on file.

~~[58-](53)~~ A residential or nonresidential facility shall not utilize any excessive rough surface or finish where this surface or finish may present a safety hazard to youth.

~~[59-](54)~~ A facility shall not have walls or ceiling surfaces with materials containing asbestos.

~~[60-]~~(55) A facility shall not use lead paint for any purpose within the facility or on the exterior or grounds of the facility nor shall the facility purchase any equipment, furnishings or decorations surfaced with lead paint.

~~[61-]~~(56) A facility shall use durable materials and wall surfaces.

~~[62-]~~(57) A facility shall, where appropriate, use carpeting to create a comfortable environment. Carpeting in use should be nontoxic and fire-retardant.

#### **R547-1-1[4]6. General Safety.**

~~[01-]~~(1) The residential or nonresidential alternative program shall have written procedures and a system that helps provide for staff and participant safety and privacy needs, and assists in protecting and preserving personal property.

~~[03-]~~(2) Each residential ~~[facility]~~ and nonresidential alternative program shall have 24-hour telephone service. Emergency telephone numbers, including fire, police, physician, poison control, health agency and ambulance shall be conspicuously posted adjacent to the telephone.

~~[04-]~~(3) A residential or nonresidential program shall notify Juvenile Justice Services immediately of a fire or other disaster which might endanger or require the removal of youth for reasons of health and safety.

~~[05-]~~(4) All containers of poisonous, toxic and flammable materials kept in a facility shall be prominently and distinctly marked or labeled for easy identification as to contents and shall be used only in such manner and under such conditions as will not contaminate food or constitute hazards to the youth in care of staff.

~~[06-]~~(5) Porches, elevated walkways and elevated play areas within a facility shall have barriers to prevent falls.

~~[07-]~~(6) Every required exit, exit access and exit discharge in a facility shall be continuously maintained free of all obstructions or impediments to immediate use in the case of fire or other emergency.

~~[08-]~~ ~~The use of candles shall not be allowed in sleeping areas of a residential facility.~~

~~[09-]~~(7) Power driven equipment used by the facility shall be kept in safe and good repair. Such equipment shall be used by youth only under the direct supervision of a staff member and according to the state law.

~~[10-]~~(8) A facility shall have procedures to ensure the facility is protected from infestation by pests, rodents or other vermin.

~~[11-]~~(9) Youth in care of a residential or nonresidential alternative program shall swim only in areas considered by responsible staff as being safe. A certified individual shall be on duty when the youth are swimming. A certified individual is one who has a current water safety instructor certificate or senior lifesaving certificate from the Red Cross or its equivalent.

~~[12-]~~(10) All on-grounds pools shall be enclosed with safety fences and shall be regularly tested to ensure that the pool is free of contamination.

~~[13-]~~(11) On-ground pools shall comply with Department of Public Health requirements concerning swimming pools.

~~[14-]~~(12) A residential or nonresidential facility shall have written policy and procedure specify the facility's fire prevention regulations and practices to ensure the safety of staff, participants and visitors. These include, but are not limited to: provision for an adequate fire protection service; a system of fire inspection and testing of equipment by a local fire official at least ~~[quarterly]~~ annually; smoke detectors; fire extinguishers, alarm systems and fire exits.

~~[15-]~~(13) The facility shall comply with the regulations of the state or local fire safety authority, whichever has primary jurisdiction over the agency.

~~[16-]~~(14) A residential or nonresidential facility shall have written procedures for staff and youth to follow ~~[in case of emergency or disaster]~~ as written in the program's Emergency Management and Continuity Plan. These procedures shall include provisions ~~[for the evacuation of buildings and assignment of staff during emergencies]~~ as outlined in the current DHS/DJJS contract or the DHS/DJJS Emergency Response and Evacuation Procedures. Staff shall be trained at least annually on this plan.

~~[17-]~~ ~~A residential or nonresidential facility shall train staff and youth to report fires and other emergencies appropriately. Youth and staff shall be trained in fire prevention.~~

~~[18-]~~(15) A residential or nonresidential ~~[facility]~~ alternative program shall conduct emergency drills which shall include actual evacuation of youth to safe areas at least quarterly. The ~~[facility]~~ program shall ensure that all personnel on all shifts are trained to perform assigned tasks during emergencies and ensure that all personnel on all shifts are familiar with the use of the fire-fighting equipment in the facility:

~~[A-]~~(a) A record of such emergency drills shall be maintained;

~~[B-]~~(b) All persons in the building shall participate in emergency drills;

~~[C-]~~(c) Emergency drills shall be held at unexpected times and under varying conditions to simulate the possible conditions in case of fire or other disasters;

~~[D-]~~(d) ~~[The facility]~~ A residential or nonresidential alternative program shall make special provisions for evacuation of any physically handicapped youth in the facility; and

~~[E-]~~(e) The ~~[facility]~~ residential or nonresidential alternative program shall take special care to help emotionally disturbed or perceptually handicapped youth understand the nature of such drills.

~~[19-]~~(16) A residential or nonresidential ~~[facility]~~ alternative program shall maintain an active safety program including investigation of all incidents and recommendations for prevention.

~~[20-]~~(17) A residential ~~[facility]~~ or nonresidential alternative program shall ensure that each youth is provided with the transportation necessary for implementing the youth's ~~[service]~~ treatment plan.

~~[21-]~~(18) A residential facility or nonresidential alternative program shall have means of transporting youth in case of emergency.

~~[22-]~~(19) Any vehicle used in transporting youth in care of the residential or nonresidential alternative program shall be properly licensed and inspected in accordance with state law.

~~[23-]~~(20) Any staff member of a residential or nonresidential alternative program or other person acting on behalf of the program operating a vehicle for the purpose of transporting youth shall be properly licensed to operate that class of vehicle according to state law.

~~[24-]~~(21) A residential or nonresidential alternative program shall not allow the number of persons in any vehicle used to transport youth to exceed the number of available seats in the vehicle. Seat belts will be available for each seat and use is mandatory.

~~[25-]~~(22) All vehicles used for the transportation of youth shall be maintained in a safe condition, be in conformity with all applicable motor vehicle laws, and be equipped in a fashion appropriate for the season.

~~[26-]~~(23) A residential or nonresidential alternative program shall ensure that there is adequate supervision in any vehicle used by the facility to transport youth in care.



~~[27-]~~(24) Identification of vehicles used to transport youth in care of a residential or nonresidential alternative program shall not be of such nature as to embarrass or in any way produce notoriety for the youth.

~~[28-]~~(25) A residential or nonresidential alternative program shall ensure that any vehicle used to transport youth has at least the minimum amount of liability insurance required by State law or DHS/DJJS contract.

~~[29-]~~(26) A residential or nonresidential alternative program shall ascertain the nature of any need or problem of a youth which might cause difficulties during transportation, such as seizures, a tendency towards motion sickness or a disability. The program shall communicate such information to the operator of any vehicle transporting youth in care.

~~[30-]~~(27) Youth in the care of a residential or nonresidential alternative program shall not engage in any potentially dangerous activity, ~~[without adequate supervision and training by qualified adults.]~~

#### **R547-1-1[5]7. Food Service.**

~~[01-]~~(1) A residential or nonresidential alternative program shall ensure that a youth is, on a daily basis, provided with food of such quality and of such quantity as to meet the recommended daily dietary allowances adjusted for age, gender and activity of the Food Nutrition Board of the National Research Council.

~~[02-]~~(2) A person designated by the ~~[Chief Administrative Officer]~~ DJJS Program Director or Assistant Program Director of a program shall be responsible for the total food service of the facility.

~~[03-]~~(3) A person responsible for food service shall:

~~[A-]~~(a) Maintain a current list of youth with special nutritional needs;

~~[B-]~~(b) Have an effective method of recording and transmitting diet orders and changes;

~~[C-]~~(c) Record in the youth's medical records information relating to special nutritional needs; and

~~[D-]~~(d) Provide nutrition counseling to staff and youth.

~~[04-]~~(4) When the residential or nonresidential alternative program provides food service, food service staff shall develop advanced planned menus and substantially follow the schedule.

~~[05-]~~(5) A residential program shall ensure that a child in care is provided at least three meals or their equivalent available daily at regular times with not more than 14 hours between evening meal and breakfast. Between meal snacks of nourishing quality shall be offered.

~~[06-]~~(6) The residential or nonresidential alternative program shall ensure that the food provided to a youth in care by the program is in accord with his/her religious beliefs.

~~[07-]~~(7) No youth in care at a residential or nonresidential alternative program shall be denied a meal for any reason except according to a doctor's order.

~~[08-]~~(8) A residential or nonresidential alternative program shall ensure that, at all meals served at the facility, staff members eat substantially the same food served to youth in care, unless special dietary requirements dictate differences in diet. Staff members shall be present to eat at youths' tables for the major meal of the day.

(9) A residential or nonresidential alternative Programs that provide food service shall encourage youth to participate in the preparation, serving and clean up of meals and ensure that all food handlers comply with applicable State or local health laws and regulations.

(10) When the residential or nonresidential alternative program provides food service, all food service personnel shall have clean hands

and fingernails, wear hairnets or caps and clean, washable garments, are in good health and free from communicable disease and open infected wounds, and practice hygienic food handling techniques.

(11) When the residential or nonresidential alternative program provides food service, all foods shall be properly stored at the completion of each meal.

(12) A residential program shall not use disposable dinnerware at meals on a regular basis unless the facility documents that such dinnerware is necessary to protect the health or safety of youth in care.

(13) A residential program shall ensure that all dishes, cups and glasses used by youth in care are free from chips, cracks or other defects.

#### **R547-1-1[6]8. Medical Care.**

~~[04-]~~(1) A residential program shall ensure the availability of a comprehensive or preventive, routine and emergency medical and dental care plan for all youth in care. The program shall have a written plan for providing such care. The plan shall include:

~~[A-]~~(a) A periodic health screening of each youth;

~~[B-]~~(b) Establishment of an on-going immunization program;

~~[C-]~~(c) Approaches that ensure that any medical treatment administered will be explained to the youth in language suitable to his/her age and understanding;

~~[D-]~~(d) An on-going relationship with a licensed physician and dentist to advise the program concerning medical and dental care as required by the youth;

~~[E-]~~(e) Availability of a physician on a 24 hours a day, seven days a week basis; and

~~[F-]~~(f) The program shall show evidence of access to the resources outlined in the plan.

~~[02-]~~(2) A residential program which provides services for emotionally disturbed youth in an open setting shall have well established psychiatric resources available on both an on-going and emergency basis.

~~[03-]~~(3) A residential or nonresidential program will establish policies and procedures for serving youth ~~["Acquired Immune Deficiency Syndrome" AIDS victims and others]~~ with communicable diseases that are consistent with those standards by the Department of Human Services and follow public health guidelines.

~~[04-]~~(4) A residential program shall arrange for a general medical examination by a physician for each youth in care within 30 days of admission unless the youth has received such an examination within six months before admission and the results of this examination are available to the facility.

~~[05-]~~(5) The medical examination shall include:

~~[A-]~~(a) An examination of the youth for physical injury and disease;

~~[B-]~~(b) Vision and hearing tests; and

~~[C-]~~(c) A current assessment of the youth's general health.

~~[06-]~~(6) Whenever indicated, the youth shall be referred to an appropriate medical specialist for either further assessment or treatment.

~~[07-]~~(7) A residential program shall arrange an annual physical examination of all youth.

~~[08-]~~(8) A residential or nonresidential program shall ensure that youth receive timely, competent medical care when they are ill and that they continue to receive necessary follow-up medical care.

~~[09-]~~(9) A residential program shall make every effort to maintain the youth in his/her normal environment during illness.

~~[10-]~~(10) A residential program shall ensure that each youth has had a dental examination by a dentist within 60 days of the youth's

admission unless the youth has been examined within 6 months prior to admission and the program has the results of that examination.

[11-](11) Each youth shall have dental examination as recommended by a dentist but shall not be less frequent than every 12 months.

[12-](12) ~~The facility~~ A residential program shall ensure that the youth receives any necessary dental work.

[13-](13) A residential program shall make every effort to ensure that a youth in care who needs glasses, a hearing aid, a prosthetic device or a corrective device is provided with the necessary equipment or device.

[14-](14) A residential program shall ensure that the youth has received all immunizations and booster shots which are required by the Department of Health within 30 days of his/her admission.

[15-](15) A residential program shall not require a youth in care to receive any medical treatment when the parent(s) or guardian of the youth or the youth objects to such treatment on the grounds that it conflicts with the tenets and practices of a recognized church or religious denomination of which the parent(s), guardian or youth is an adherent. In potentially life threatening situations, the problem shall be referred to appropriate medical and legal authorities.

[16-](16) A residential program shall maintain complete health records of a youth including: A complete record of all immunizations provided, a record of any medication, records of vision, physical or dental examinations and a complete record of any treatment provided for specific illnesses or medical emergencies.

[17-](17) Upon discharge, the program shall provide a copy or summary of the youth's health record to the person or agency responsible for the future planning and care of the youth.

[18-](18) A residential program shall make every effort to compile a complete past medical history on every youth. This history shall, whenever possible, include:

- [A-](a) Allergies to medication;
- [B-](b) Immunization history;
- [C-](c) History of serious illness, serious injury or major surgery;
- [D-](d) Developmental history;
- [E-](e) Current use of prescribed medication; and
- [F-](f) Medication history.

[19-](19) The program health care plan shall specify that only licensed physicians, APRN and dentists prescribe treatment for participants' medical and dental needs. Medical treatment by medical personnel other than a physician shall be performed pursuant to written standing or direct orders issued by the physician.

[20-](20) A residential or nonresidential alternative program shall have written policies and procedures governing the use and administration of medication to youth. These policies and procedures shall be disseminated to all staff responsible for administering medication.

[21-](21) The written policies shall specify the conditions under which medications can be administered; who can administer medication; procedures for documenting the administration of medication and medication errors and drug reactions; and procedures for notification of the attending physician in cases of medication errors and/or drug reactions.

[22-](22) A residential or nonresidential alternative program shall inform a youth and his/her parents(s) or guardian of the potential side effects of prescribed medications.

[23-](23) A residential or nonresidential alternative program shall ensure that a youth is personally examined by the prescribing physician/APRN prior to receiving any medication. In cases of medical

emergency, telephone orders for the administration of medication may only be placed by a licensed physician/APRN.

[24-](24) State licensure and certification requirements shall apply to health care personnel working in the residential or nonresidential alternative program the same as those in the community.

[25-](25) A residential or nonresidential alternative program shall maintain a cumulative record of all medication dispensed to youth including:

- [A-](a) The name of the youth;
- [B-](b) The type and usage of medication;
- [C-](c) The reason for prescribing the medication;
- [D-](d) The time and date medication is dispensed;
- [E-](e) The name of the dispensing person; and
- [F-](f) The name of the prescribing physician.

[26-](26) When a youth first comes into care, a residential or nonresidential alternative program shall ascertain all medication the youth is currently taking. At this time the facility shall carefully review all medication the youth is using and make plans, in consultation with a licensed physician/APRN, to either continue the medication or to reconsider the medication needs of the youth considering the changed living circumstances.

[27-](27) A residential or nonresidential alternative program shall have a written medication schedule for each youth to whom medication is prescribed. A youth's medication schedule shall contain the following information:

- [A-](a) Name of youth;
- [B-](b) Name of prescribing physician/APRN;
- [C-](c) Telephone number at which prescribing physician/APRN may be reached in case of medical emergency;
- [D-](d) Date on which medication was prescribed;
- [E-](e) Generic and commercial name of medication prescribed;
- [F-](f) Dosage level;
- [G-](g) Time(s) of day when medication is to be administered;
- [H-](h) Possible adverse side effects of prescribed medication;

and

- [I-](i) Date on which prescription will be reviewed.

[28-](28) A residential or nonresidential alternative program shall provide a copy of a youth's medication schedule to all staff members responsible for administering the medication to the youth and such schedule shall subsequently be placed in the youth's case record.

[29-](29) ~~When a urine surveillance program is in effect, †~~The agency shall have a written policy for the collection of urine samples and interpretation of results.

[30-](30) A residential or nonresidential alternative program shall not engage in the therapeutic use of psychotropic medications unless approval of such use by that program has been granted by Division of Juvenile Justice Services.

[31-](31) A residential program which uses psychotropic medications prescribed by an independent physician/APRN shall have a written policy governing the use of psychotropic ~~drugs~~ medications at the facility. This policy shall include the following:

- [A-](a) Identification of doctors/APRN permitted to prescribe psychotropic ~~drugs~~ medications and their qualifications;
- [B-](b) Identification of persons permitted to administer psychotropic drugs and their qualifications;
- [C-](c) Criteria for the use of psychotropic medications;
- [D-](d) A description of the program's medication counseling program;
- [E-](e) Procedures for obtaining informed consent from the youth and the parent(s) or guardian where consent is required;

[F-](f) Procedures for monitoring and reviewing use of psychotropic medication;

[G-](g) Procedures for staff training related to the monitoring of psychotropic medication;

[H-](h) Procedures for reporting the suspected presence of undesirable side effects; and

[I-](i) Record keeping procedures.

[32-](32) Psychotropic medication policy shall be disseminated to all direct [service]care staff.

[33-](33) [The]A residential program which uses psychotropic medications shall maintain a routine medication counseling program designed to inform youth to whom medications are being administered and their parent(s) or guardian of the projected benefits and potential side effects of such medication.

[34-](34) Unless there is a court order to the contrary, a [facility]residential program shall ensure that the parent(s) or guardian of a youth for whom medication is prescribed give prior, informed, written consent to the use of that medication at a particular dosage.

[35-](35) When a youth is 14 years of age or older, the [facility]residential program shall also obtain prior, informed, written consent from the youth except when the youth lacks the capacity for informed consent.

[36-](36) Either the youth and his/her parent(s) or guardian shall have the right to revoke medication consent at any time. When consent is revoked, administration of the medication shall cease immediately. The residential program shall inform the prescribing physician/APRN and may, if indicated, seek a court order to continue medication.

[37-](37) When medication consent is revoked by a youth, the residential program shall notify the parent(s) or guardian.

[38-](38) [The]A residential program shall immediately file a statement describing the circumstances under which medication consent has been revoked. This statement shall be provided to the youth, the parent(s) or guardian, and the responsible agency.

[39-](39) A residential program which uses psychotropic medications shall ensure that a youth is personally examined by the prescribing physician prior to commencing administration of a psychotropic drug.

[40-](40) The prescribing physician/APRN shall provide a written initial report detailing the reasons for prescribing the particular medication, expected results of the medication and alerting facility staff to potential side effects.

[41-](41) Either the prescribing physician/APRN or another physician/APRN shall provide a written report on each youth receiving psychotropic medication at least every 30 days based on actual observation of the youth and review of the daily monitoring reports. This 30 day report shall detail the reasons medication is being continued, discontinued, increased in dosage, decreased in dosage or changed.

[42-](42) A residential program which uses psychotropic medications shall ensure that usages of medication are in accordance with the goals and objectives of the youth's [service]treatment plan.

[43-](43) Psychotropic medications shall not be administered as a means of punishing or disciplining a youth.

[44-](44) Psychotropic medications shall not be used unless less restrictive alternatives have either been tried and failed or are diagnostically eliminated.

[45-](45) Licensed nurses or physicians/APRNs shall supervise the administration of all psychotropic medications.

[46-](46) A residential program which uses psychotropic medications shall ensure that each youth who receives medication is the subject of a daily monitoring report completed by a facility staff

member trained in the recognition of side effects of the medication prescribed. This report shall be submitted to the prescribing physician/APRN.

[47-](47) A residential program which uses psychotropic medications shall maintain the following information in the case record of each youth receiving the medication:

[A-](a) Medication history;

[B-](b) Documentation of all less restrictive alternatives either used or diagnostically eliminated prior to use of medication since entry into the program;

[C-](c) Description of any significant changes in the youth's appearance or behavior that may be related to the use of medication;

[D-](d) Any medication errors;

[E-](e) Monitoring reports; and

[F-](f) Medication review reports.

[48-](48) A residential program which uses psychotropic medications shall obtain an independent analysis of the facility's medication program at least annually.

[49-](49) A residential or nonresidential alternative program shall have written procedures for staff members to follow in case of medical emergency. These procedures shall both define the circumstances that constitute a medical emergency, and include instructions to staff regarding their conduct once the existence of a medical emergency is suspected or has been established.

[50-](50) A residential or nonresidential alternative program shall ensure that at all times, at least one staff member on duty is qualified to administer first aid.

[51-](51) [The]A residential or nonresidential alternative program shall maintain a list of first aid equipment and supplies to ensure sufficient availability of equipment and supplies at all times.

[52-](52) A first aid kit shall be available in a nonresidential facility and in each living unit of a residential facility, with type, size and contents to be determined according to the American Red Cross' current guidelines.

[53-](53) A residential or nonresidential alternative program shall immediately notify the youth's parent(s) or guardian and Juvenile Justice Services of any serious illness, incident involving serious bodily injury or any severe psychiatric episode involving a youth.

[54-](54) In the event of the death of a youth, a program shall immediately notify the youth's parent(s) or guardian, the placing agency and Juvenile Justice Services. The agency shall cooperate in arrangement made for examination, autopsy or burial.

[55-](55) In the event of sudden death, a residential program shall notify the medical examiner or other appropriate authority, or law enforcement official, the placement agency, parent and Juvenile Justice Services.

#### **R547-1-1[7]9. Child Abuse and Neglect.**

[01-](1) A residential or nonresidential alternative program shall require each staff member of the program or facility to read and sign a statement clearly defining child abuse and neglect and outlining the staff member's responsibility to report all incidents of child abuse or neglect according to state law, and the Department and Division Code of Conduct, and to report all incidents to the [chief administrator]Program Director, [of the program and to]the Division of Juvenile Justice Services, [Regional Administrator]Program Director and Office of [Quality Assurance]Internal Investigations.

[02-](2) A residential or nonresidential alternative program shall have written policy and procedures for handling any suspected incident of child abuse including:

~~[A-](a)~~ A procedure for ensuring that the staff member involved does not work directly with the youth involved or any other youth in the Juvenile Justice Services licensed and/or contracted, or Juvenile Justice Services operated program or facility until the investigation is completed or formal charges filed and adjudicated;

~~[B-](b)~~ A procedure for disciplining any staff member found involved in an incident of child abuse or Code of Conduct Violation including termination of employment if found guilty of felony child abuse (misdemeanor guilty findings require Juvenile Justice Services Director approval for continued employment)~~[-];~~

~~[C-](c)~~ ~~[57-A and B]~~R547-1-19(2)(a) and (b) apply to staff members accused of abuse of children other than in a Juvenile Justice Services licensed and/or contracted program or facility and/or outside their scope of employment.

~~[D-](d)~~ Failure to implement and comply with ~~[Standard 16.57]~~R547-1-19(2), A, B, and C may result in immediate suspension or revocation of the program license as required by the Utah Code, ~~[62A-7-119]~~62A-7-106.5 and 62A-2-113.

**KEY:** diversion programs, juvenile corrections, licensing, prohibited items and devices

**Date of Enactment or Last Substantive Amendment:** ~~[April 30, 2002]~~2009

**Notice of Continuation:** May 30, 2007

**Authorizing, and Implemented or Interpreted Law:** 62A-7-~~[119]~~106.5

◆ ————— ◆

## Insurance, Administration R590-146-20 Standards for Marketing

### NOTICE OF PROPOSED RULE (Amendment)

DAR FILE No.: 32491  
FILED: 04/01/2009, 15:25

#### RULE ANALYSIS

PURPOSE OF THE RULE OR REASON FOR THE CHANGE: Subsection R590-146-20(D) is being added to comply with the Genetic Nondiscrimination Act (GINA) of 2008. States are required to comply with GINA no later than 07/01/2009. H.B. 52 passed during this year's Legislative session (2009) which revised Section 31A-22-620 to allow for compliance with GINA. (DAR NOTE: H.B. 52 (2009) is found at Chapter 349, Laws of Utah 2009, and will be effective 05/12/2009.)

SUMMARY OF THE RULE OR CHANGE: Subsection R590-146-20(D) has been added to the section requiring compliance with the GINA of 2008.

STATE STATUTORY OR CONSTITUTIONAL AUTHORIZATION FOR THIS RULE: Section 31A-22-620

THIS RULE OR CHANGE INCORPORATES BY REFERENCE THE FOLLOWING MATERIAL: This rule incorporates by reference the Genetic Nondiscrimination Act of 2008, enacted May 21, 2008, 29 CFR Part 1635

#### ANTICIPATED COST OR SAVINGS TO:

❖ THE STATE BUDGET: Neither the state nor the Insurance Department will be impacted financially by the change in this rule. The state is currently required to comply with the Utah Genetic Testing Privacy Act which provides similar requirements pursuant to Section 31A-22-1602, Genetic testing restrictions.

❖ LOCAL GOVERNMENTS: The changes to this rule will have no fiscal impact on local governments since it deals with Medicare Supplement insurance standards regulated by the department and required to be followed by their licensed health insurers.

❖ SMALL BUSINESSES AND PERSONS OTHER THAN BUSINESSES: The changes to this rule will have no fiscal impact on small businesses since the change applies to health insurers who are large employers.

COMPLIANCE COSTS FOR AFFECTED PERSONS: There will be no compliance costs for health insurers since this law is already essentially in place under Section 31A-22-1602.

COMMENTS BY THE DEPARTMENT HEAD ON THE FISCAL IMPACT THE RULE MAY HAVE ON BUSINESSES: Utah businesses will incur no fiscal impact as a result of the changes to this rule since the state already has a similar law. D. Kent Michie, Commissioner

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](mailto:jwhitby@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 05/15/2009.

THIS RULE MAY BECOME EFFECTIVE ON: 05/22/2009

AUTHORIZED BY: Jilene Whitby, Information Specialist

#### **R590. Insurance, Administration.**

#### **R590-146. Medicare Supplement Insurance Standards.**

#### **R590-146-20. Standards for Marketing.**

A. An issuer, directly or through its producers, shall:

(1) establish marketing procedures to assure that any comparison of policies by its producers will be fair and accurate;

(2) establish marketing procedures to assure excessive insurance is not sold or issued.

(3) display prominently by type, stamp or other appropriate means, on the first page of the policy the following:

"Notice to buyer: This policy may not cover all of your medical expenses"

(4) inquire and otherwise make every reasonable effort to identify whether a prospective applicant or enrollee for Medicare supplement insurance already has accident and sickness insurance and the types and amounts of any such insurance; and

(5) establish auditable procedures for verifying compliance with this Subsection A.

B. In addition to the practices prohibited in Section 31A-23-302, the following acts and practices are prohibited:

(1) Twisting. Knowingly making any misleading representation or incomplete or fraudulent comparison of any insurance policies or insurers for the purpose of inducing, or tending to induce, any person to lapse, forfeit, surrender, terminate, retain, pledge, assign, borrow on, or convert an insurance policy or to take out a policy of insurance with another insurer.

(2) High pressure tactics. Employing any method of marketing having the effect of or tending to induce the purchase of insurance through force, fright, threat, whether explicit or implied, or undue pressure to purchase or recommend the purchase of insurance.

(3) Cold lead advertising. Making use directly or indirectly of any method of marketing which fails to disclose in a conspicuous manner that a purpose of the method of marketing is solicitation of insurance and that contact will be made by an insurance producer or insurance company.

C. The terms "Medicare Supplement," "Medigap," "Medicare Wrap-Around" and words of similar import shall not be used unless the policy is issued in compliance with this rule.

D. An issuer shall comply with the Genetic Nondiscrimination Act of 2008, enacted May 21, 2008, 29 CFR Part 1635. This document is incorporated by reference and available for inspection at the Insurance Department and the Department of Administrative Rules.

**KEY: insurance**

**Date of Enactment or Last Substantive Amendment:** [~~August 25, 2005~~2009]

**Notice of Continuation:** April 16, 2007

**Authorizing, and Implemented or Interpreted Law:** 31A-22-620



## Labor Commission, Adjudication R602-7-4 Hearings

### NOTICE OF PROPOSED RULE

(Amendment)

DAR FILE NO.: 32482

FILED: 03/31/2009, 17:29

### RULE ANALYSIS

**PURPOSE OF THE RULE OR REASON FOR THE CHANGE:** The purpose of this rule change is to remove language that describes the petitioner's burden of proof in an inaccurate and potentially confusing manner.

**SUMMARY OF THE RULE OR CHANGE:** This change amends the description of the petitioner's burden of proof in employment

discrimination cases by removing the word "substantial" from the phrase "preponderance of evidence".

**STATE STATUTORY OR CONSTITUTIONAL AUTHORIZATION FOR THIS RULE:** Sections 34A-5-107 and 63G-4-102 et seq.

**ANTICIPATED COST OR SAVINGS TO:**

❖ **THE STATE BUDGET:** This rule change only removes inaccurate and confusing language from the rule. It does not change existing law. Consequently, there should be no cost or savings to the state budget.

❖ **LOCAL GOVERNMENTS:** This rule change only removes inaccurate and confusing language from the rule. It does not change existing law. Consequently, there should be no cost or savings to local government.

❖ **SMALL BUSINESSES AND PERSONS OTHER THAN BUSINESSES:** This rule change only removes inaccurate and confusing language from the rule. It does not change existing law. Consequently, there should be no cost or savings to small businesses or persons other than businesses.

**COMPLIANCE COSTS FOR AFFECTED PERSONS:** Correction of the inaccurate language in the existing rule will not result in any compliance costs for affected persons.

**COMMENTS BY THE DEPARTMENT HEAD ON THE FISCAL IMPACT THE RULE MAY HAVE ON BUSINESSES:** This amendment merely corrects the existing rule's terminology in describing burdens of proof in employment discrimination hearings at the Labor Commission. There should be no fiscal impact on businesses. Sherrie Hayashi, Commissioner

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

LABOR COMMISSION  
ADJUDICATION  
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:**

Richard M. Lajeunesse at the above address, by phone at 801-536-7928, by FAX at 801-530-6333, or by Internet E-mail at rlajeunesse@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 05/15/2009.**

**THIS RULE MAY BECOME EFFECTIVE ON: 05/22/2009**

**AUTHORIZED BY:** Sherrie Hayashi, Commissioner

**R602. Labor Commission, Adjudication.  
R602-7. Adjudication of Discrimination Claims.  
R602-7-4. Hearings.**

1. Evidentiary hearings shall be conducted formally in accordance with Utah Code Section 63G-4-206. The petitioner shall

have the burden of proving the claim of discrimination by a preponderance of ~~substantial~~ evidence. After the close of the proceedings, the administrative law judge will issue an order pursuant to Utah Code Section 63G-4-208.

2. In those cases where the Utah Antidiscrimination and Labor Division in its Determination and Order made a reasonable cause finding, the Utah Antidiscrimination and Labor Division shall be given an opportunity at the evidentiary hearing to briefly outline the basis of its Determination. The presentation by the Utah Antidiscrimination and Labor Division shall not be considered evidence by the administrative law judge in issuing an order.

**KEY: discrimination, administrative procedures, hearings, settlements**

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

**Authorizing, Implemented or Interpreted Law: 34A-5-107; 63G-4-102 et seq.**

◆ ————— ◆

## Labor Commission, Adjudication R602-8-4 Hearings

### NOTICE OF PROPOSED RULE

(Amendment)

DAR FILE NO.: 32483

FILED: 03/31/2009, 17:37

### RULE ANALYSIS

**PURPOSE OF THE RULE OR REASON FOR THE CHANGE:** The purpose of this rule change is to remove language that describes the petitioner's burden of proof in an inaccurate and potentially confusing manner.

**SUMMARY OF THE RULE OR CHANGE:** This change amends the description of the petitioner's burden of proof in occupational safety and health cases by removing the word "substantial" from the phrase "preponderance of evidence".

**STATE STATUTORY OR CONSTITUTIONAL AUTHORIZATION FOR THIS RULE:** Sections 34A-6-105, 34A-6-303, 34A-6-304, and 63G-4-102 et seq.

**ANTICIPATED COST OR SAVINGS TO:**

❖ **THE STATE BUDGET:** This rule change only removes inaccurate and confusing language from the rule. It does not change existing law. Consequently, there should be no cost or savings to the state budget.

❖ **LOCAL GOVERNMENTS:** This rule change only removes inaccurate and confusing language from the rule. It does not change existing law. Consequently, there should be no cost or savings to local government.

❖ **SMALL BUSINESSES AND PERSONS OTHER THAN BUSINESSES:** This rule change only removes inaccurate and confusing language from the rule. It does not change existing law. Consequently, there should be no cost or savings to small businesses or persons other than businesses.

**COMPLIANCE COSTS FOR AFFECTED PERSONS:** Correction of the inaccurate language in the existing rule will not result in any compliance costs for affected persons.

**COMMENTS BY THE DEPARTMENT HEAD ON THE FISCAL IMPACT THE RULE MAY HAVE ON BUSINESSES:** This amendment merely corrects the existing rule's terminology in describing burdens of proof in occupational safety and health hearings at the Labor Commission. There should be no fiscal impact on businesses. Sherie Hayashi, Commissioner

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

LABOR COMMISSION  
ADJUDICATION  
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:

Richard M. Lajeunesse at the above address, by phone at 801-536-7928, by FAX at 801-530-6333, or by Internet E-mail at rlajeunesse@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 05/15/2009.

THIS RULE MAY BECOME EFFECTIVE ON: 05/22/2009

AUTHORIZED BY: Sherrie Hayashi, Commissioner

—————

### **R602. Labor Commission, Adjudication.**

**R602-8. Adjudication of Utah Occupational Safety and Health Citation Claims.**

**R602-8-4. Hearings.**

Evidentiary hearing shall be conducted formally in accordance with Utah Code Section 63G-4-206. Petitioner shall have the burden of proving the factual and legal sufficiency of the citation and penalty by a preponderance of ~~substantial~~ evidence. After the close of the proceedings, the administrative law judge will issue an order pursuant to Utah Code Section 63G-4-208.

**KEY: occupational safety and health, administrative procedures, hearings, settlements**

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

**Authorizing, and Implemented or Interpreted Law: 34A-6-105, 34A-6-303; 34A-6-304; 63G-4-102 et seq.**

◆ ————— ◆

## Natural Resources, Parks and Recreation R651-611-4 Special Fees

**NOTICE OF PROPOSED RULE**

(Amendment)

DAR FILE NO.: 32470

FILED: 03/26/2009, 08:36

**RULE ANALYSIS**

PURPOSE OF THE RULE OR REASON FOR THE CHANGE: In the last amendment, there was inconsistency with a green fee increase regarding the 20-punch pass and Senior Fee that are directly related to the General Public greens fee and should be increased in equal proportion. An amount of \$20 was recommended and passed by the board for the 20-Punch Pass that is currently \$220, and will become \$240 with this increase. Also, it has been our policy to cover the full cost of operating and maintaining our courses. Costs are continuing to increase, e.g., fertilizer, sand, irrigation supplies, and in order to keep pace, it is believed that a small increase is in order and make the changes small enough that the impact to the recreating golfer will not be significant: an increase of \$1 for 9 holes and a \$2 increase for 18 holes of play.

SUMMARY OF THE RULE OR CHANGE: The changes: increase 9-hole play by \$1 from \$13.50 to \$14.50, and increase for 18 holes of play by \$2. Parks is comparable to other like golf courses. The 20-Punch Pass is being increased to be consistent with other like fees that have been increased in the recent past, i.e., Senior Fee and General Public greens fee.

STATE STATUTORY OR CONSTITUTIONAL AUTHORIZATION FOR THIS RULE: Section 63-11-17

## ANTICIPATED COST OR SAVINGS TO:

❖ THE STATE BUDGET: The total anticipated increase with these changes would be approximately \$30,000 in revenue for the state.

❖ LOCAL GOVERNMENTS: In determining whether or not a rule change has an impact on local government, the division looks at the following variables: impact on sales or T&O taxes, impact on local resources (law enforcement, water, sewer, etc.), potential for delivery of services (temporary or permanent), and impact on local entity property (temporary or permanent). Using these criteria, the state can determine that local government is not involved in this change or increase and therefore, there are no anticipated costs or savings to local government.

❖ SMALL BUSINESSES AND PERSONS OTHER THAN BUSINESSES: The state considers variables such as competition to small businesses, impact on visitation to area and businesses, potential services provided by local business, and any extemporaneous costs affecting local businesses. With these items researched, it is determined that there are no anticipated costs or savings to small businesses and persons other than businesses.

COMPLIANCE COSTS FOR AFFECTED PERSONS: Those who purchase a 20-Punch Pass will pay \$20 more per year and those who play 9 holes (general public) will pay \$1 more than they did before. No way to estimate that amount at this time.

COMMENTS BY THE DEPARTMENT HEAD ON THE FISCAL IMPACT THE RULE MAY HAVE ON BUSINESSES: There should be minimal

impact on businesses because of this rule change. Michael R. Styler, Executive Director

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

NATURAL RESOURCES  
PARKS AND RECREATION  
Room 116  
1594 W NORTH TEMPLE  
SALT LAKE CITY UT 84116-3154, or  
at the Division of Administrative Rules.

DIRECT QUESTIONS REGARDING THIS RULE TO:

Dee Guess at the above address, by phone at 801-538-7320, by FAX at 801-537-3144, or by Internet E-mail at deeguess@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 05/15/2009.

THIS RULE MAY BECOME EFFECTIVE ON: 05/22/2009

AUTHORIZED BY: Mark Forbes, Deputy Director (Legislation)

**R651. Natural Resources, Parks and Recreation.****R651-611. Fee Schedule.****R651-611-4. Special Fees.**

## A. Golf Course Fees

## 1. Palisade rental and green fees.

a. Nine holes general public - weekends and holidays - \$13.00

b. Nine holes weekdays (except holidays) - \$11.00

c. Nine holes Jr/Sr weekdays (except holidays) - \$8.00

d. 20 round card pass - \$180.00

e. 20 round card pass (Jr only) - \$125.00

f. Promotional pass - single person (any day) - \$500.00

g. Promotional pass - single person (weekdays only) - \$350.00

h. Promotional pass - couples (any day) - \$700.00

i. Promotional pass - family (any day) - \$900.00

j. Promotional pass - annual youth pass - \$150.00

k. Companion fee - walking, non -player - \$4.00

l. Motorized cart (18 holes) - \$10.00

m. Motorized cart (9 holes) - \$5.00

n. Pull carts (9 holes) - \$2.00

o. Club rental (9 holes) - \$5.00

p. School teams - No fee for practice rounds with coach and team roster. Tournaments are \$3.00 per player.

q. Driving range - small bucket - \$2.50

r. Driving range - large bucket - \$3.50

2. Wasatch Mountain and Soldier Hollow rental and green fees.

a. Nine holes general public - [~~\$13.50~~]\$14.50b. Nine holes general public (weekends and holidays) - [~~\$13.50~~]\$14.50c. Nine holes Jr[~~Sr~~] weekdays (except holidays) - \$11.00d. Nine holes Sr weekdays (except holidays) - \$12.00[~~e.~~]e. 20 round card pass - [~~\$220.00~~]\$240.00 - no holidays or weekends[~~e.~~]f. Annual Promotional Pass (except holidays) - \$1,000.00

- [f-]g. Business Class Membership Pass - \$1,000.00
- [g-]h. Companion fee - walking, non-player - \$4.00
- [h-]i. Motorized cart (9 holes - mandatory on Mt. course) - \$13.00
- [i-]j. Motorized cart (9 holes single rider) - \$6.50
- [j-]k. Pull carts (9 holes) - \$2.25
- [k-]l. Club rental (9 holes) - \$6.00
- [l-]m. School teams - No fee for practice rounds with coach and team roster (Wasatch County only).  
Tournaments are \$3.00 per player.
- [m-]n. Tournament fee (per player) - \$5.00
- [n-]o. Driving range - small bucket - \$2.50
- [o-]p. Driving range - large bucket - \$5.00
- [p-]q. Advance tee time booking surcharge - \$15.00
- [q-]r. Gift Certificate Fee (Per Player) - \$5.00
- 3. Green River rental and green fees.
  - a. Nine holes general public - \$10.00
  - b. Nine holes Jr/Sr weekdays (except holidays) - \$8.00
  - c. Eighteen holes general public - \$16.00
  - d. 20 round card pass - \$160.00
  - e. Promotional pass - single person (any day)- \$375.00
  - f. Promotional pass - personal golf cart - \$350.00
  - g. Promotional pass - single person (Jr/Sr weekdays)- \$275.00
  - h. Promotional pass - couple (any day) - \$600.00
  - i. Promotional pass - family (any day) - \$750.00
  - j. Promotional pass - annual youth pass - \$150.00
  - k. Companion fee - walking, non-player - \$4.00
  - l. Motorized cart (9 holes) - \$10.00
  - m. Motorized cart (9 holes single rider) - \$5.00
  - n. Pull carts (9 holes) - \$2.25
  - o. Club rental (9 holes) - \$5.00
  - p. School teams - No fee for practice rounds with coach and team roster. Tournaments are \$3.00 per player.
- 4. Golf course hours are daylight to dark
- 5. No private, motorized golf carts are allowed, except where authorized by existing contractual agreement.
- 6. Jr golfers are 17 years and under. Sr golfers are 62 and older.
- B. Boat Mooring and Dry Storage
  - 1. Mooring Fees:
    - a. Day Use - \$5.00
    - b. Overnight Boat Parking - \$7.00 (until 8:00 a.m.)
    - c. Overnight Boat Camping - \$15.00 (until 2:00 p.m.)
    - d. Monthly - \$4.00/ft.
    - e. Monthly with Utilities - (Bear Lake and Jordanelle - Hailstone) \$7.00/ft.
    - f. Monthly with Utilities - (Other Parks) \$5.00/ft.
    - g. Monthly Off Season - \$3.00/ft
    - h. Monthly (Off Season with utilities) - \$4.00/ft
  - 2. Dry Storage Fees:
    - a. Overnight (until 2:00 p.m.) - \$5.00
    - b. Monthly During Season - \$75.00
    - c. Monthly Off Season - \$50.00
    - d. Monthly (unsecured) - \$25.00
  - C. Application Fees - Non - refundable PLUS Negotiated Costs.
    - 1. Grazing Permit - \$20.00
    - 2. Easement - \$250.00
    - 3. Construction/Maintenance - \$50.00
    - 4. Special Use Permit - \$50.00
    - 5. Waiting List - \$10.00
  - D. Assessment and Assignment Fees.
    - 1. Duplicate Document - \$10.00

- 2. Contract Assignment - \$20.00
- 3. Returned checks - \$30.00
- 4. Staff time - \$50.00/hour
- 5. Equipment Maintenance and Repair:
  - Snow Cat - \$100.00/hour
  - Boat - \$50.00/per hour
  - ATV/Snowmobile - \$50.00/hour
  - Other Heavy Equipment - \$100.00/hour
  - Vehicle - \$50.00/hour
- 6. Researcher - \$5.00/hour
- 7. Photo copy - \$ .30/each - Black and White  
- \$1.00/each - Color
- 8. Fee collection - \$10.00
- E. Lodging Fees.
  - 1. Cabins:
    - (a) Basic: No indoor plumbing or kitchenette  
\$60 per night - weekend  
\$40 per night - Sunday through Thursday
    - (b) Deluxe: Indoor plumbing and kitchenette  
\$80 per night - weekend  
\$60 per night - Sunday through Thursday
  - 2. Yurt - (circular, domed portable tent)  
\$60 per night
- F. Facility Rental Fees.  
Jordanelle Visitor Center - Up to \$2,500 per day.

**KEY: parks, fees**

**Date of Enactment or Last Substantive Amendment:** [~~August 21, 2008~~ **May 22, 2009**]

**Notice of Continuation:** February 13, 2006

**Authorizing, and Implemented or Interpreted Law:** 63-11-17(8)



## Natural Resources; Forestry, Fire and State Lands **R652-5-200** Payments

### NOTICE OF PROPOSED RULE

(Amendment)

DAR FILE NO.: 32487

FILED: 04/01/2009, 08:27

### RULE ANALYSIS

**PURPOSE OF THE RULE OR REASON FOR THE CHANGE:** The existing rule conflicts with the governor's executive order which initiates a four-day work week. The existing rule also conflicts with the legislative approval for a fee change for returned checks.

**SUMMARY OF THE RULE OR CHANGE:** The rule amendment clarifies that payment is considered timely when the due date falls on a regular non-workday or a legal holiday and the payment is received on the next business day. The proposed rule amendment also changes wording so that a returned check charge is consistent with the approved fee schedule.



STATE STATUTORY OR CONSTITUTIONAL AUTHORIZATION FOR THIS RULE: Subsection 65A-1-4(2)

ANTICIPATED COST OR SAVINGS TO:

❖ THE STATE BUDGET: This rule amendment has no anticipated impact to the state budget. The Division has not received any payments on any Friday that affected a obligee's timeliness to date. There have also been no returned checks charges for three years. If there is an impact to the state budget, it will be minimal.

❖ LOCAL GOVERNMENTS: There should be no impact to local government. Those entities that make payments to the Division, still will do so in the same fashion as prior to the rule amendment.

❖ SMALL BUSINESSES AND PERSONS OTHER THAN BUSINESSES: There should be no impact to small businesses. Those entities that make payments to the Division, still will do so in the same fashion as prior to the rule amendment.

COMPLIANCE COSTS FOR AFFECTED PERSONS: The compliance costs for affected persons will remain unchanged. The payments made to the Division will remain the same, the returned check charge will still be linked to Division policy as approved by the legislature.

COMMENTS BY THE DEPARTMENT HEAD ON THE FISCAL IMPACT THE RULE MAY HAVE ON BUSINESSES: The rule change merely affects the definition of timeliness and does not affect small businesses and the way they make payments to the Division. Michael R. Styler, Executive Director

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

NATURAL RESOURCES  
FORESTRY, FIRE AND STATE LANDS  
1594 W NORTH TEMPLE  
SUITE 3520  
SALT LAKE CITY UT 84116-3154, or  
at the Division of Administrative Rules.

DIRECT QUESTIONS REGARDING THIS RULE TO:

Jennifer Wiglama at the above address, by phone at 801-538-5495, by FAX at 801-533-4111, or by Internet E-mail at jenniferwiglama@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 05/15/2009.

THIS RULE MAY BECOME EFFECTIVE ON: 05/22/2009

AUTHORIZED BY: Richard J. Buehler, Director

**R652. Natural Resources; Forestry, Fire and State Lands.**  
**R652-5. Payments, Royalties, Audits, and Reinstatements.**  
**R652-5-200. Payments.**

Payments include rentals, royalties or any other financial obligation owed under the terms of a lease, permit or any other agreement.

1. As a matter of convenience, the division allows parties other than the obligee to remit payments to the state on the obligee's behalf; however, this practice in no way relieves the obligee of any statutory or contractual obligations concerning the proper and timely payments or the proper and timely filing of reports. For practical reasons, the division often makes direct requests for reports and other records from parties other than the obligees. Payors should be aware that their actions subject leases to cancellation or subject delinquent royalties to interest charges. It is, therefore, in the best interest of all parties to cooperate in responsibly discharging their obligations to each other and to the state.

2. The obligee bears final responsibility for payments. In order to meet payment obligations of a lease, permit, or other financial contract with the division, payments must be received as defined in subsection 4 of this rule by the appropriate due dates and must be accompanied by the appropriate report.

3. When a change of payor(s) on a property is to occur, the most recent payor of record shall notify the division by letter prior to the change. This shall not be construed, however, to relieve the obligee of the ultimate responsibility.

4. Payments will be considered received if it is either delivered to the division, or if the postmark stamped on the envelope or other appropriate wrapper containing it, is dated on or before the due date. If the post office cancellation mark is illegible, erroneous, or omitted, the payment will be considered timely if the sender can establish by competent evidence that the payment was deposited in the United States mail on or before the date for filing or paying. If the due date or cancellation date falls upon a ~~[Saturday, Sunday]~~ regular non-workday or legal holiday, the payment shall be considered timely if received as defined herein by the next business day.

5. Payments will be enforced even though a division order is incomplete or because of other irregularities.

6. A return check fee, in accordance with the Division fee schedule will be charged on all checks returned by the bank. ~~[Fifteen dollars will be charged on all checks returned by the bank.]~~

7. Any financial obligation not received by its contractual due date will initiate a written cancellation notice by certified mail, return receipt requested. The cancellation date for any lease/permit or other contractual agreement unless otherwise specified in this rule, is defined as 30 days after the postmark date stamped on Post Office Form 3800, Receipt for Certified Mail. In the event payment is not received by the division on or before the cancellation date, the lease, permit or other contractual agreement will be subject to cancellation, forfeiture or termination without further notice.

A default in the payment of any installment of principal or interest due under the terms of any land purchase agreement not received by the division more than 30 days after the due date shall initiate a certified billing, return receipt requested. If all sums then due and payable are not received within 90 days after the mailing of the certified notice on Post Office Form 3800, the division may elect any of the remedies as outlined in R652-80-600(5). If the cancellation date falls on a weekend or holiday, payment will be accepted the next business day until 5 p.m.

8. A late penalty of 6% or \$10, whichever is greater, shall be charged after failure to pay any financial obligation, excluding royalties as provided in R652-5-300(2), within the time limit under which such payment is due.

9. Rental payments received after the due date which do not include a late fee will be returned to the lessee by certified mail, return receipt requested. A check will only be accepted for the full amount due.

**KEY: administrative procedures**  
**Date of Enactment or Last Substantive Amendment: [1994]2009**  
**Notice of Continuation: April 2, 2007**  
**Authorizing, and Implemented or Interpreted Law: 65A-1-4(2)**

◆ ————— ◆

Natural Resources; Forestry, Fire and  
 State Lands  
**R652-20-1600**  
 Posting Dates/Simultaneous Filing

**NOTICE OF PROPOSED RULE**  
 (Amendment)  
 DAR FILE No.: 32485  
 FILED: 04/01/2009, 08:24

**RULE ANALYSIS**

**PURPOSE OF THE RULE OR REASON FOR THE CHANGE:** This rule also clarifies the number of days for notice of simultaneous filings for mineral lands being auctioned.

**SUMMARY OF THE RULE OR CHANGE:** The rule change modifies the term "working days" to "business days" to avoid confusion for those businesses that are not on the state's four-ten initiative for workdays.

**STATE STATUTORY OR CONSTITUTIONAL AUTHORIZATION FOR THIS RULE:** Section 65A-6-2 and Subsection 65A-6-4(3)

**ANTICIPATED COST OR SAVINGS TO:**

- ❖ **THE STATE BUDGET:** The rule amendment has no impact to state budget. The time period for submitting a bid on mineral lease lands remains the same.
- ❖ **LOCAL GOVERNMENTS:** Local governments do no bid on mineral lease lands and therefore has no impact to local government.
- ❖ **SMALL BUSINESSES AND PERSONS OTHER THAN BUSINESSES:** Since the time frame for filing on mineral lease lands remains unchanged, the rule change should have no impact on small businesses.

**COMPLIANCE COSTS FOR AFFECTED PERSONS:** Since the time frame for filing on mineral lease lands remain unchanged, the rule change should have no impact on affected persons.

**COMMENTS BY THE DEPARTMENT HEAD ON THE FISCAL IMPACT THE RULE MAY HAVE ON BUSINESSES:** Since this rule clarifies the time period of bidding on mineral leases because of changes in the state's work week it has no affect on businesses. They will continue to have the same amount of time to bid on mineral leases. Michael R. Styler, Executive Director

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

NATURAL RESOURCES  
 FORESTRY, FIRE AND STATE LANDS  
 1594 W NORTH TEMPLE  
 SUITE 3520

SALT LAKE CITY UT 84116-3154, or  
 at the Division of Administrative Rules.

DIRECT QUESTIONS REGARDING THIS RULE TO:  
 Jennifer Wiglama at the above address, by phone at 801-538-5495, by FAX at 801-533-4111, or by Internet E-mail at jenniferwiglama@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 05/15/2009.

THIS RULE MAY BECOME EFFECTIVE ON: 05/22/2009

AUTHORIZED BY: Richard J. Buehler, Director

**R652. Natural Resources; Forestry, Fire and State Lands.**  
**R652-20. Mineral Resources.**  
**R652-20-1600. Posting Dates/Simultaneous Filing.**

Notices of the offering of lands for simultaneous filing will run for 15 ~~working~~ business days and are posted at times to insure that all bid openings are on the last Monday of that month, or on the first business day following the last Monday of that month, if the last Monday falls on a legal state holiday.

**KEY: royalties, salt, primary term, administrative procedures**  
**Date of Enactment or Last Substantive Amendment: [March 26, 2007]2009**  
**Notice of Continuation: April 2, 2007**  
**Authorizing, and Implemented or Interpreted Law: 65A-6-2; 65A-6-4(3)**

◆ ————— ◆

Natural Resources; Forestry, Fire and  
 State Lands  
**R652-70**  
 Sovereign Lands

**NOTICE OF PROPOSED RULE**  
 (Amendment)  
 DAR FILE No.: 32486  
 FILED: 04/01/2009, 08:25

**RULE ANALYSIS**

**PURPOSE OF THE RULE OR REASON FOR THE CHANGE:** The reason for the change of this rule is to accommodate the changes in S.B. 138 from the 2007 General Session which repeals the authority in state land's statutes to specify by administrative rule conduct that may constitute a misdemeanor or a felony. (DAR NOTE: S.B. 138 (2007) is found at Chapter 322, Laws of Utah 2009, and was effective 04/30/2007.)

**SUMMARY OF THE RULE OR CHANGE:** The rule removes references to any misdemeanors on state lands and also realigns references to renumbered code.

STATE STATUTORY OR CONSTITUTIONAL AUTHORIZATION FOR THIS RULE: Article XX of the Utah Constitution, and Section 65A-10-1

ANTICIPATED COST OR SAVINGS TO:

- ❖ THE STATE BUDGET: This rule merely changes language and references in code but does not fiscally impact the budget.
- ❖ LOCAL GOVERNMENTS: This rule does not impact local governments, so no budget impacts are anticipated.
- ❖ SMALL BUSINESSES AND PERSONS OTHER THAN BUSINESSES: This rule does not impact small businesses, so no budget impacts are anticipated.

COMPLIANCE COSTS FOR AFFECTED PERSONS: There is no compliance cost for affected persons since there are no changes in compliance or regulations in the rule.

COMMENTS BY THE DEPARTMENT HEAD ON THE FISCAL IMPACT THE RULE MAY HAVE ON BUSINESSES: There is no compliance or regulatory costs to businesses as a result of this rule amendment, therefore, there is no budgetary impact to businesses. Michael R. Styler, Executive Director

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

NATURAL RESOURCES  
FORESTRY, FIRE AND STATE LANDS  
1594 W NORTH TEMPLE  
SUITE 3520  
SALT LAKE CITY UT 84116-3154, or  
at the Division of Administrative Rules.

DIRECT QUESTIONS REGARDING THIS RULE TO:

Jennifer Wiglama at the above address, by phone at 801-538-5495, by FAX at 801-533-4111, or by Internet E-mail at jenniferwiglama@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 05/15/2009.

THIS RULE MAY BECOME EFFECTIVE ON: 05/22/2009

AUTHORIZED BY: Richard J. Buehler, Director

**R652. Natural Resources; Forestry, Fire and State Lands.**

**R652-70. Sovereign Lands.**

**R652-70-1900. Camping and Motor Vehicles.**

1. The division may restrict camping on the beds of navigable lakes and rivers. Except as provided elsewhere in this rule, motor vehicles are prohibited from driving or parking on these lands at all times, except that those areas supervised by the Division of Parks and Recreation or other enforcement entity, and posted as open to vehicle use, will be open to vehicle use.

2. ~~Persons found in violation of~~ In accordance with Subsections 65A-3-1(1)(b) 65A-3-1(1)(g-h) are subject to the criminal penalties set forth in [and] 76-3-204[, and 76-3-301 as determined by the court.] ~~those found in violation of this rule will be charged with a class B~~

~~misdemeanor, with sentence, fine, or both to be determined by the local magistrate.]~~

**R652-70-2200. Violations.**

The following acts or omissions shall subject a person to a civil penalty as provided in Section[s] ~~[65A-3-1(2)]65A-3-1(3)[and 76-3-204]:~~

1. A violation of the provisions of Section ~~[65A-3-1(4)]65A-3-1(1-2);~~
2. A violation of any special order of the director applicable to the bed of a navigable water; or
3. Refusal to cease and desist from any violation in regards to the bed of a navigable water after having been notified to do so, in writing, by the director by personal service or certified mail, within the time provided in the notice, or within 30 days of service of the notice if no time is provided.

**R652-70-2300. Management of Bear Lake Sovereign Lands.**

(1) Lands lying below the ordinary high water mark of Bear Lake as of the date of statehood are owned by the state of Utah and shall be administered by the division as sovereign lands.

(2) Upon application for a specific use of state lands near the boundary of Bear Lake, or in the event of a dispute as to the ownership of the sovereign character of the lands near the boundary of Bear Lake, the division may evaluate all relevant historical evidence of the lake elevation, the water erosion along the shoreline, the topography of the land, and other relevant information to determine the relationship of the land in question to the ordinary high water mark.

(3) In the absence of evidence establishing the ordinary high water mark as of the date of statehood, the division shall administer all the lands within the bed of Bear Lake and lying below the level of 5,923.68 feet above mean sea level, Utah Power and Light datum, as being sovereign lands.

(4) The division, after notice to affected state agencies and any person with an ownership in the land, may enter into agreements to establish boundaries with owners of land adjoining the bed of Bear Lake; provided that the agreements shall not set a boundary for sovereign lands below the level of 5,923.68 feet above mean sea level.

(5) From October 1 through April 30, motor vehicle use and camping or picnicking will be allowed on the exposed lake bed with the following restrictions:

(a) Motor vehicles will not be allowed on lands administered by the Division of Parks and Recreation.

(b) The established speed limit is 20 miles per hour.

(c) Except as necessary to launch or retrieve watercraft, motor vehicles are not allowed within 100 feet of the water's edge. Travel parallel to the water's edge is allowed, outside of the 100 foot zone.

(d) Camping and use of motorized vehicles are prohibited between the hours of 10 p.m. and 6 a.m.

(e) No campfires or fireworks are allowed.

(6) From May 1 through September 30, motor vehicle use and camping or picnicking will be allowed on the exposed lake bed with the following restrictions:

(a) Areas posted by the division are off limits to motorized vehicles.

(b) The established speed limit is 15 miles per hour.

(c) Except as necessary to launch or retrieve watercraft, motor vehicles are not allowed within 100 feet of the waters edge.

(d) Unless posted otherwise, or to access a camping or picnicking spot, no motor vehicles may travel parallel to the waters edge.

(e) Camping and use of motorized vehicles are prohibited between the hours of 10 p.m. and 7 a.m.

(f) No campfires or fireworks are allowed.

(7) ~~Persons found in violation of [In accordance with Subsections 65A-3-1(1)(b)] 65A-3-1(1) and 65A-3-1(2) are subject to the criminal penalties set forth in 76-3-204 and 76-3-301[-] as determined by the court as well as civil damages set forth in 65A-3-1(3). [those found in violation of this rule will be charged with a class B misdemeanor, with sentence, fine, or both to be determined by the local magistrate.]~~

**KEY: sovereign lands, permits, administrative procedures**  
**Date of Enactment or Last Substantive Amendment: [May 20, 2005]2009**  
**Notice of Continuation: April 2, 2007**  
**Authorizing, and Implemented or Interpreted Law: 65A-10-1**



## Natural Resources; Forestry, Fire and State Lands

### R652-90

### Sovereign Land Management Planning

#### NOTICE OF PROPOSED RULE

(Amendment)  
 DAR FILE NO.: 32489  
 FILED: 04/01/2009, 15:08

#### RULE ANALYSIS

**PURPOSE OF THE RULE OR REASON FOR THE CHANGE:** The purpose of the rule is to reflect changes in the Governor's Office of Planning and Budget (GOPB) in the Resource Development Coordinating Committee (RDCC) procedures when receiving proposals for review.

**SUMMARY OF THE RULE OR CHANGE:** This rule change makes some technical changes which reflects the current procedures now in process in GOPB and makes some grammatical changes to ease readability.

**STATE STATUTORY OR CONSTITUTIONAL AUTHORIZATION FOR THIS RULE:** Sections 65A-2-2 and 65A-2-4

**ANTICIPATED COST OR SAVINGS TO:**

❖ **THE STATE BUDGET:** Because this rule merely clarifies what the Division has been implementing according to its interpretation of the rule, there is no impact to the state budget.

❖ **LOCAL GOVERNMENTS:** Because planning on sovereign lands is a state function, no budget costs to local governments other than staff time participating in the planning process.

❖ **SMALL BUSINESSES AND PERSONS OTHER THAN BUSINESSES:** Because planning on sovereign lands is a state function, there will be little or no budget to costs to small businesses other than optional participation in the planning process.

**COMPLIANCE COSTS FOR AFFECTED PERSONS:** This rule deals with planning on sovereign lands, which is a state function. Participation by businesses, private individuals, or other

persons in the planning process is optional. As a result, there is no compliance cost associated with the rules.

**COMMENTS BY THE DEPARTMENT HEAD ON THE FISCAL IMPACT THE RULE MAY HAVE ON BUSINESSES:** There are no fiscal impacts to businesses because this modifies only the planning process and requires no regulatory or compliance mandates to businesses. Michael R. Styler, Executive Director

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

NATURAL RESOURCES  
 FORESTRY, FIRE AND STATE LANDS  
 1594 W NORTH TEMPLE  
 SUITE 3520  
 SALT LAKE CITY UT 84116-3154, or  
 at the Division of Administrative Rules.

**DIRECT QUESTIONS REGARDING THIS RULE TO:**

Jennifer Wiglama at the above address, by phone at 801-538-5495, by FAX at 801-533-4111, or by Internet E-mail at jenniferwiglama@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 05/15/2009.

THIS RULE MAY BECOME EFFECTIVE ON: 05/22/2009

AUTHORIZED BY: Richard J. Buehler, Director

#### **R652. Natural Resources; Forestry, Fire and State Lands.**

##### **R652-90. Sovereign Land Management Planning.**

##### **R652-90-200. Scope.**

This rule sets forth the planning procedures for natural and cultural resources on sovereign land as required by law. These procedures establish comprehensive land-management policies using multiple-use, sustained-yield principles in order to make the interest of the beneficiary paramount. Management plans shall guide the implementation of stated management objectives, and provide direction for land-use decisions and activities on sovereign lands. One or more of the following plans, as defined in R652-1-200, shall be implemented pursuant to 65A-2-2:

- (1) Comprehensive management plans;
- (2) ~~[Site-specific plans]~~Resource plans;
- (3) ~~[Resource plans]~~Site-specific plans.

##### **R652-90-300. Initiation of Planning Process.**

1. A comprehensive planning process is initiated by the designation of a planning unit as planning priorities are established by the division.

2. Resource Management planning is initiated by the division's identification and determination that there is a need for such a plan.

3. ~~[When no]~~In the absence of a comprehensive management plan or a resource management plan exists for sovereign land, site-specific planning shall be initiated either by:

- (a) an application for a sovereign land use, or
- (b) the identification by the division of an opportunity for commercial gain in a specific area.

**R652-90-500. Notification and Public Comment.**

1. Once a planning unit is designated for a comprehensive management plan, notice shall be sent to the Governor's Office of Planning and Budget for inclusion in the RDCC agenda packet and, if appropriate, the weekly status report.

2. The division shall conduct at least one public meeting in the vicinity of a planning unit that has been designated for a comprehensive management plan.

(a) The meeting shall provide an opportunity for public comment regarding the issues to be addressed in the plan.

(b) The public meeting(s) shall be held at least two weeks after notice in a local newspaper.

(c) Notice of public meeting(s) shall be sent directly to lessees of record, local government officials and the Office of Planning and Budget for inclusion in the RDCC agenda packet and weekly status report. A mailing list shall be maintained by the division.

(d) Additional public meetings may be held.

3. Notice that a site-specific or resource planning effort is under way shall be given to:

(a) affected parties as required by rule for exchange, or lease;

(b) the Governor's Office of Planning and Budget for inclusion in the RDCC ~~[agenda packet and the weekly status report]~~ Project Management System for public and agency notification and comment.

**R652-90-600. Public Review.**

1. Comprehensive management plans shall be published in draft form and sent to persons on the mailing list established under R652-90-400, the Governor's Office of Planning and Budget, and other persons upon request.

(a) A public comment period of at least 45 days shall commence upon receipt of the draft in the Governor's Office of Planning and Budget.

(b) All public comment shall be acknowledged pursuant to 65A-2-4(2).

(c) The division's response to the public comment shall be summarized in the final comprehensive management plan.

(d) Comments received after the public comment period shall be acknowledged but need not be summarized in the final plan.

2. Resource plans shall be published and made available upon request.

(a) Persons wishing to comment on these plans may do so at any time.

(b) The division shall acknowledge all written comments.

3. Upon completion of a site-specific planning process, the Record of Decision or other document summarizing final division action and relevant facts shall be provided to any persons requesting notice from the division.

**KEY: management, public meetings, environmental assessment, land use**

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

**Notice of Continuation:** April 2, 2007

**Authorizing, and Implemented or Interpreted Law:** 65A-2-4



Public Safety, Fire Marshal  
**R710-9**  
 Rules Pursuant to the Utah Fire  
 Prevention Law

**NOTICE OF PROPOSED RULE**

(Amendment)

DAR FILE NO.: 32466

FILED: 03/25/2009, 14:50

**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 motion to amend Rule R710-9. The Board proposes to update two incorporated references and amend the elevator access key box requirements.

**SUMMARY OF THE RULE OR CHANGE:** The Fire Prevention Board proposes to make the following rule changes: 1) in Subsection R710-9-1(1.5.5), the Board proposes to adopt the 2008 edition of the National Electric Code that has also been previously adopted by the Uniform Building Codes Commission; 2) in Subsection R710-9-1(1.6), the Board proposes to update National Fire Protection Association, NFPA 96, Standard for Ventilation Control and Fire Protection of Commercial Cooking Operations, from the 2004 edition to the 2008 edition as previously done in Subsection R710-7-1(1.1); and 3) in Subsection R710-9-6(6.5.1), the Board proposes to require that all elevator access key box locks in the State of Utah be the numbered 6049 statewide adopted key.

**STATE STATUTORY OR CONSTITUTIONAL AUTHORIZATION FOR THIS RULE:** Section 53-7-204

**THIS RULE OR CHANGE INCORPORATES BY REFERENCE THE FOLLOWING MATERIAL:** National Fire Protection Association, NFPA 70; National Electric Code, 2008 edition; and National Fire Protection Association, NFPA 96, Standard for Ventilation Control and Fire Protection of Commercial Cooking Operations, 2008 edition

**ANTICIPATED COST OR SAVINGS TO:**

❖ **THE STATE BUDGET:** There would be an aggregate anticipated cost to state government of approximately \$500 to update to the two proposed incorporated references.

❖ **LOCAL GOVERNMENTS:** There would be an aggregate anticipated cost to local government of approximately \$5,000 to inspect all of the updated elevator key boxes so that they have been changed to the designated 6049 numbered access key.

❖ **SMALL BUSINESSES AND PERSONS OTHER THAN BUSINESSES:** There would be an aggregate anticipated cost to small businesses of approximately \$450,000 for the approximately 3,000 non-6049 elevator access key boxes to be changed to the 6049-numbered key at approximately \$150 per box.

COMPLIANCE COSTS FOR AFFECTED PERSONS: There would be a compliance cost for affected persons of about \$150 per elevator to change any non-6049 elevator access key box locks to the 6049-numbered key locks. There would be an approximate cost of \$5,000 to local government to inspect these elevator access locks to make sure they have been changed to the 6049 elevator access key.

COMMENTS BY THE DEPARTMENT HEAD ON THE FISCAL IMPACT THE RULE MAY HAVE ON BUSINESSES: There will be an impact on any business that has an elevator that does not use a 6049 elevator access key to be changed to the 6049 access key by 12/31/2011. With the automatic response and mutual aid now used by many fire departments across the State of Utah, and the many different elevator access keys used, this will ensure that all fire departments use the same elevator access key rather than having keys on the fire trucks that cannot be used to access the elevator key box in another community when responding. 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](mailto: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 05/15/2009.

THIS RULE MAY BECOME EFFECTIVE ON: 05/22/2009

AUTHORIZED BY: Ron L. Morris, Utah State Fire Marshal

## **R710. Public Safety, Fire Marshal.**

### **R710-9. Rules Pursuant to the Utah Fire Prevention Law.**

#### **R710-9-1. Title, Authority, and Adoption of Codes.**

1.1 These rules shall be known as the "Rules Pursuant to the Utah Fire Prevention Law", and may be cited as such, and will be hereafter referred to as "these rules".

1.2 These rules are promulgated in accordance with Title 53, Chapter 7, Section 204, Utah Code Annotated 1953, as amended.

1.3 These rules are adopted by the Utah Fire Prevention Board to provide minimum rules for safeguarding life and property from the hazards of fire and explosion, for board meeting conduct, procedures to amend incorporated references, establishing amendments and additions to the adopted codes, establishing board subcommittees, enforcement of the rules of the State Fire Marshal, and deputizing Special Deputy State Fire Marshals.

1.4 There is adopted as part of these rules the following code which is incorporated by reference:

1.4.1 International Fire Code (IFC), 2006 edition, excluding appendices, as promulgated by the International Code Council, Inc., except as amended by provisions listed in R710-9-6, et seq.

1.5 There is further adopted as part of these rules the following codes which are also incorporated by reference and supercede the adopted standards listed in the International Fire Code, 2006 edition, Chapter 45, Referenced Standards, as follows:

1.5.1 National Fire Protection Association (NFPA), NFPA 10, Standard for Portable Fire Extinguishers, 2007 edition, except as amended by provisions listed in R710-9-6, et seq.

1.5.2 National Fire Protection Association (NFPA), NFPA 13, Standard for Installation of Sprinkler Systems, 2007 edition, except as amended by provisions listed in R710-9-6, et seq.

1.5.3 National Fire Protection Association (NFPA), NFPA 13D, Standard for the Installation of Sprinkler Systems in One and Two Family Dwellings and Manufactured Homes, 2007 edition, except as amended by provisions listed in R710-9-6, et seq.

1.5.4 National Fire Protection Association (NFPA), NFPA 13R, Standard for the Installation of Sprinkler Systems in Residential Occupancies up to and including Four Stories in Height, 2007 edition, except as amended by provisions listed in R710-9-6, et seq.

1.5.5 National Fire Protection Association (NFPA), NFPA 70, National Electric Code, [~~2005~~2008] edition, as adopted by the Uniform Building Standards Act, Title 58, Chapter 56, Section 4, Utah Code Annotated 1953 and the Utah Administrative Code R156-56-701. Wherever there is a section, figure or table in the International Fire Code (IFC) that references "ICC Electrical Code", that reference shall be replaced with "National Electric Code".

1.5.6 National Fire Protection Association (NFPA), NFPA 72, National Fire Alarm Code, 2007 edition, except as amended in provisions listed in R710-9-6, et seq.

1.5.7 National Fire Protection Association (NFPA), NFPA 101, Life Safety Code, 2006 edition, except as amended in provisions listed in R710-9-6, et seq. Wherever there is a section, figure or table in NFPA 101 that references "NFPA 5000 - Building Construction and Safety Code", that reference shall be replaced with the "International Building Code".

1.5.8 National Fire Protection Association (NFPA), NFPA 160, Standard for Flame Effects Before an Audience, 2006 edition, except as amended by provisions listed in R710-9-6, et seq.

1.6 National Fire Protection Association (NFPA), NFPA 96, Standard for Ventilation Control and Fire Protection of Commercial Cooking Operations, [~~2004~~2008] edition, except as amended by provisions listed in R710-9-6, et seq.

#### **R710-9-6. Amendments and Additions.**

The following amendments and additions are hereby adopted by the Board for application statewide:

##### 6.1 International Fire Code - Administration

6.1.1 IFC, Chapter 1, Section 105.6.16 is amended to add the following section: 11. The owner of an underground tank that is out of service for longer than one year, shall receive a Temporary Closure Notice from the Department of Environmental Quality and a copy shall be given to the AHJ.

6.1.2 IFC, Chapter 1, Section 109.2 is amended as follows: On line three after the words "is in violation of this code," add the following "or other pertinent laws or ordinances".

##### 6.2 International Fire Code - Definitions

6.2.1 IFC, Chapter 2, Section 202, Educational Group E, Day care is amended as follows: On line three delete the word "five" and replace it with the word "four".

6.2.2 IFC, Chapter 2, Section 202, Institutional Group I, Group I-1 is amended to add the following: On line ten add "Type 1" in front of the words "Assisted living facilities".

6.2.3 IFC, Chapter 2 Section 202, Institutional Group I, Group I-2 is amended as follows: On line four delete the word "five" and replace it with the word "three". On line eleven after the words "Detoxification facilities" delete the rest of the section, and add the following: "Ambulatory surgical centers with two or more operating rooms where care is less than 24 hours, outpatient medical care facilities for ambulatory patients (accommodating more than five such patients in each tenant space) which may render the patient incapable of unassisted self-preservation, and Type 2 assisted living facilities. Type 2 assisted living facilities with five or fewer persons shall be classified as a Group R-4. Type 2 assisted living facilities with at least six and not more than 16 residents shall be classified as a Group I-1 facility.

6.2.4 IFC, Chapter 2, Section 202, Institutional Group I, Group I-4, day care facilities, Child care facility is amended as follows: On line three delete the word "five" and replace it with the word "four". Also on line two of the Exception delete the word "five" and replace it with the word "four".

6.2.5 IFC, Chapter 2, Section 202 General Definitions, Occupancy Classification, Residential Group R-1 is amended to add the following: Exception: Boarding houses accommodating 10 persons or less shall be classified as Residential Group R-3.

6.2.6 IFC, Chapter 2, Section 202 General Definitions, Occupancy Classification, Residential Group R-2 is amended to add the following: Exception: Boarding houses accommodating 10 persons or less shall be classified as Residential Group R-3.

6.3 International Fire Code - General Precautions Against Fire

6.3.1 IFC, Chapter 3, Section 304.1.2 is amended as follows: Delete the current line six and add the following in it's place: "the Utah Administrative Code, R652-122-200, Minimum Standards for Wildland Fire Ordinance."

6.3.2 IFC, Chapter 3, Section 311.1.1 is amended as follows: On line ten delete the words "International Property Maintenance Code and the" from this section.

6.3.3 IFC, Chapter 3, Section 311.5 is amended as follows: On line two delete the word "shall" and replace it with the word "may".

6.3.4 IFC, Chapter 3, Section 315.2.1 is amended to add the following: Exception: Where storage is not directly below the sprinkler heads, storage is allowed to be placed to the ceiling on wall mounted shelves that are protected by fire sprinkler heads in occupancies meeting classification as light or ordinary hazard.

6.4 International Fire Code - Emergency Planning and Preparedness

6.4.1 IFC, Chapter 4, Section 404.2(7) is amended as follows: After the word "buildings" add "to include sororities and fraternity houses".

6.5 International Fire Code - Building Services and Systems

6.5.1 IFC, Chapter 6, Section 607.3 is deleted and rewritten as follows: Firefighter service keys shall be kept in a "Supra - Stor-a-key" elevator key box or similar box with corresponding key system that is adjacent to the elevator for immediate use by the fire department. The key box shall contain one key for each elevator, one key for lobby control, and any other keys necessary for emergency service. The elevator key box shall be accessed using a 6049 numbered key. All existing elevator key box locks that do not

use the numbered 6049 key shall be changed to the 6049 key by December 31, 2011.

6.5.2 IFC, Chapter 6, Section 609.1 is amended to add the following: On line three after the word "Code" add the words "and NFPA 96".

6.6 International Fire Code - Fire Protection Systems

6.6.1 IFC, Chapter 9, Section 901.2 is amended to add the following: The code official has the authority to request record drawings ("as built") to verify any modifications to the previously approved construction documents.

6.6.2 IFC, Chapter 9, Section 902.1 Definitions, RECORD DRAWINGS is deleted and rewritten as follows: Drawings ("as built") that document all aspects of a fire protection system as installed.

6.6.3 IFC, Chapter 9, Section 901.6 is amended to add the following:

The owner or administrator of each building shall insure the inspection and testing of water based fire protection systems as required in Rule R710-5, Automatic Fire Sprinkler System Inspecting and Testing.

6.6.4 IFC, Chapter 9, Section 903.2.1.2 is amended to add the following subsection: 4. An automatic fire sprinkler system shall be provided throughout Group A-2 occupancies where indoor pyrotechnics are used.

6.6.5 IFC, Chapter 9, Section 903.2.3(2) is deleted and rewritten as follows: Where a Group F-1 fire area is located more than three stories above the lowest level of fire department vehicle access; or

6.6.6 IFC, Chapter 9, Section 903.2.6(2) is deleted and rewritten as follows: Where a Group M fire area is located more than three stories above the lowest level of fire department vehicle access; or

6.6.7 IFC, Chapter 9, Section 903.2.7 Group R, is amended to add the following: Exception: Detached one- and two-family dwellings and multiple single-family dwellings (townhouses) constructed in accordance with the International Residential Code for one- and two-family dwellings.

6.6.8 IFC, Chapter 9, Section 903.2.7 is amended to add the following: Exception: Group R-4 fire areas not more than 4500 gross square feet and not containing more than 16 residents, provided the building is equipped throughout with an approved fire alarm system that is interconnected and receives its primary power from the building wiring and a commercial power system.

6.6.9 IFC, Chapter 9, Section 903.2.8(2) is deleted and rewritten as follows: A Group S-1 fire area is located more than three stories above the lowest level of fire department vehicle access; or

6.6.10 IFC, Chapter 9, Section 903.2.9 is deleted and rewritten as follows: Group S-2. An automatic sprinkler system shall be provided throughout buildings classified as parking garages in accordance with Section 406.2 or where located beneath other groups.

6.6.10.1 Exception 1: Parking garages of less than 5,000 square feet (464m<sup>2</sup>) accessory to Group R-3 occupancies.

6.6.10.2 Exception 2: Open parking garages not located beneath other groups if one of the following conditions are met:

6.6.10.2.1 a. Access is provided for fire fighting operations to within 150 feet (45 720mm) of all portions of the parking garage as measured from the approved fire department vehicle access, or

6.6.10.2.2 b. Class I standpipes are installed throughout the parking garage.

6.6.11 IFC, Chapter 9, Section 903.2.9.1 is deleted and rewritten as follows: Commercial parking garages. An automatic sprinkler system shall be provided throughout buildings used for storage of commercial trucks or buses.

6.6.12 IFC, Chapter 9, Section 903.3.5 is amended by adding the following at the end of the section: The potable water supply to automatic fire sprinkler systems and standpipe systems shall be protected against backflow in accordance with the International Plumbing Code as amended in the Utah Administrative Code, R156-56-707, Utah Uniform Building Standard Act Rules.

6.6.13 IFC, Chapter 9, Section 903.6 is amended to add the following subsection: 903.6.2 Group A-2 occupancies. An automatic fire sprinkler system shall be provided throughout existing Group A-2 occupancies where indoor pyrotechnics are used.

6.6.14 IFC, Chapter 9, Section 904.11 is deleted and rewritten as follows: Commercial Cooking Systems. The automatic fire extinguishing system for commercial cooking systems shall be of a type recognized for protection of commercial cooking equipment and exhaust systems. Pre-engineered automatic extinguishing systems shall be tested in accordance with UL300 and listed and labeled for the intended application. The system shall be installed in accordance with this code, its listing and the manufacturer's installation instructions. The Exception in Section 904.11 is not deleted and shall remain as currently written in the IFC.

6.6.15 IFC, Chapter 9, Sections 904.11.3 and 904.11.3.1 is deleted and rewritten as follows:

6.6.15.1 Existing automatic fire extinguishing systems used for commercial cooking that use dry chemical is prohibited and shall be removed from service.

6.6.15.2 Existing wet chemical fire extinguishing systems used for commercial cooking that are not UL300 listed and labeled are prohibited and shall be either removed or upgraded to a UL300 listed and labeled system.

6.6.16 IFC, Chapter 9, Section 904.11.4 is amended to add the following subsection: 904.11.4.2. Existing automatic fire sprinkler systems protecting commercial cooking equipment, hood, and exhaust systems that generate appreciable depth of cooking oils shall be replaced with a UL300 system that is listed and labeled for the intended application.

6.6.17 IFC, Chapter 9 Section 904.11.6.4 is amended to add the following: Automatic fire extinguishing systems located in occupancies where usage is limited and less than six consecutive months, may be serviced annually if the annual service is conducted immediately before the period of usage, and approval is received from the AHJ.

6.6.18 IFC, Chapter 9, Section 905.11 is deleted.

6.6.19 IFC, Chapter 9, Section 907.2.10.1.4 is created as follows: Carbon monoxide alarms. Carbon monoxide alarms shall be installed on each habitable level of a dwelling unit or sleeping unit in Groups R-2, R-3, R-4, and I-1 equipped with fuel burning appliances.

6.6.20 IFC, Chapter 9, Section 907.2.10.2 is amended as follows: On line two, line five, and line one of the Exception, the word "smoke" is deleted.

6.6.21 IFC, Chapter 9, Section 907.2.10.3 is amended as follows: On line two and line five, the word "smoke" is deleted. On line nine after the word "closed", add the following sentence: "Approved combination smoke and carbon monoxide detectors shall be permitted."

6.6.22 IFC Chapter 9, Section 907.2.10.4 is amended as follows: On line five after "NFPA 72" add "and NFPA 720, as applicable".

6.6.23 IFC, Chapter 9, Section 907.3 is deleted and rewritten as follows: An approved automatic fire detection system shall be installed in accordance with the provisions of this code and NFPA 72. Devices, combinations of devices, appliances and equipment shall be approved. The automatic fire detectors shall be smoke detectors, except an approved alternative type of detector shall be installed in spaces such as boiler rooms where, during normal operation, products of combustion are present in sufficient quantity to actuate a smoke detector.

6.6.24 IFC, Chapter 9, Sections 907.3.1, 907.3.1.1, 907.3.1.2, 907.3.1.3, 907.3.1.4, 907.3.1.5, 907.3.1.6, 907.3.1.7, and 907.3.1.8 are deleted.

6.6.25 IFC, Chapter 9, Section 907.3.2 is amended to add the following: On line three after the word "occupancies" add "and detached one- and two-family dwellings and multiple single-family dwellings (townhouses)".

6.6.26 IFC, Chapter 9, Section 907.3.2.3 is amended to add the following: On line one after the word "occupancies" add "and detached one- and two-family dwellings and multiple single-family dwellings (townhouses)".

6.6.27 IFC, Chapter 9, Section 907.20.5 is amended to add the following sentences: Increases in nuisance alarms shall require the fire alarm system to be tested for sensitivity. Fire alarm systems that continue after sensitivity testing with unwarranted nuisance alarms shall be replaced as directed by the AHJ.

#### 6.7 International Fire Code - Means of Egress

6.7.1 IFC, Chapter 10, Section 1008.1.8.3 is amended to add the following:

6.7.1.1 5. Doors in Group I-1 and I-2 occupancies, where the clinical needs of the patients require specialized security measures for their safety, approved access controlled egress may be installed when all the following are met:

6.7.1.1.1 5.1 The controlled egress doors shall unlock upon activation of the automatic fire sprinkler system or the automatic fire detection system.

6.7.1.1.2 5.2 The facility staff can unlock the controlled egress doors by either sensor or keypad.

6.7.1.1.3 5.3 The controlled egress doors shall unlock upon loss of power.

6.7.1.1.4 5.4 The secure area or unit with controlled egress doors shall be located at the level of exit discharge in Type V construction.

6.7.1.2 6. Doors in Group I-1 and I-2 occupancies, where the clinical needs of the patients require approved, listed delayed egress locks, they shall be installed on doors as allowed in IFC, Section 1008.1.8.6. The secure area or unit with delayed egress locks shall be located at the level of exit discharge in Type V construction.

6.7.2 IFC, Chapter 10, Section 1009.3 is amended as follows: On line five of Exception 4 delete "7.75" and replace it with "8". On line seven of Exception 4 delete "10" and replace it with "9".

6.7.3 IFC, Chapter 10, Section 1009.10, is amended to add the following exception: 6. In occupancies in Group R-3, as applicable in Section 101.2 and in occupancies in Group U, which are accessory to an occupancy in Group R-3, as applicable in Section 101.2, handrails shall be provided on at least one side of stairways consisting of four or more risers.

6.7.4 IFC, Chapter 10, Section 1012.3 is amended to add the following: Exception: Non-circular handrails serving an individual unit in a Group R-1, Group R-2 or Group R-3 occupancy with a perimeter greater than 6 1/4 inches (160mm) shall provide a graspable finger recess area on both sides of the profile. The finger recess shall begin within a distance of 3/4 inch (19mm) measured



vertically from the tallest portion of the profile and achieve a depth of at least 5/16 inch (8mm) within 7/8 inch (22mm) below the widest portion of the profile. This required depth shall continue for at least 3/8 inch (10mm) to a level that is not less than 1 3/4 inches (45mm) below the tallest portion of the profile. The minimum width of the handrail above the recess shall be 1 1/4 inches (32mm) to a maximum of 2 3/4 inches (70mm). Edges shall have a minimum radius of 0.01 inch (0.25mm).

6.7.5 IFC, Chapter 10, Section 1013.2 is amended to add the following exception: 3. For occupancies in Group R-3 and within individual dwelling units in occupancies in Group R-2, as applicable in Section 101.2, guards shall form a protective barrier not less than 36 inches (914mm).

6.7.6 IFC, Chapter 10, Section 1015.2.2 is amended to add the following sentence at the end of the section: Additional exits or exit access doorways shall be arranged a reasonable distance apart so that if one becomes blocked, the others will be available.

6.7.7 IFC, Chapter 10, Section 1028.2 is amended to add the following: On line six after the word "fire" add the words "and building".

#### 6.8 International Fire Code - Explosives and Fireworks

6.8.1 IFC, Chapter 33, Section 3301.1.3, Exception 4 is amended to add the following sentence: The use of fireworks for display and retail sales is allowed as set forth in UCA 53-7-220 and UCA 11-3-1.

6.8.2 IFC, Chapter 33, Section 3308.12 is a new section as follows: Display of Class C common state approved explosives inside of buildings protected throughout with an automatic fire sprinkler system shall not exceed 25 percent of the area of the retail sales floor or exceed 600 square feet, whichever is less.

6.8.3 IFC, Chapter 33, Section 3308.13 is a new section as follows: Display of Class C common state approved explosives inside of buildings not protected with an automatic fire sprinkler system shall not exceed 125 pounds of pyrotechnic composition. Where the actual weight of the pyrotechnic composition is not known, 25 percent of the gross weight of the consumer fireworks, including packaging, shall be permitted to be used to determine the weight of the pyrotechnic composition.

6.8.4 IFC, Chapter 33, Section 3308.14 is a new section as follows: Display of Class C common state approved explosives inside of buildings shall not exceed a height greater than six feet above the floor surface.

6.8.5 IFC, Chapter 33, Section 3308.15 is a new section as follows: Rack storage of Class C common state approved explosives inside of buildings is prohibited.

#### 6.9 International Fire Code - Flammable and Combustible Liquids

6.9.1 IFC, Chapter 34, Section 3401.4 is amended to add the following at the end of the section: The owner of an underground tank that is out of service for longer than one year, shall receive a Temporary Closure Notice from the Department of Environmental Quality and a copy shall be given to the AHJ.

6.9.2 IFC, Chapter 34, Section 3405.5.1 is deleted and rewritten as follows: Corridor installations. Where wall-mounted dispensers containing alcohol-based hand rubs are installed in corridors, they shall be in accordance with all of the following: 1. Level 2 and Level 3 aerosol containers shall not be allowed in corridors. 2. The maximum capacity of each Class I or II liquids

dispenser shall be 41 ounces and the maximum capacity of each Level I aerosol dispenser shall be 18 ounces. 3. The maximum quantity allowed in a corridor within a control group area shall be 10 gallons of Class I or II liquids or 1135 ounces of Level I aerosols or a combination of Class I or II liquids and Level I aerosols not to exceed in total the equivalent of 10 gallons. 4. Projections into a corridor shall be in accordance with Section 1003.3.3.

6.9.3 IFC, Chapter 34, Section 3406.1 is amended to add the following special operation: 8. Sites approved by the AHJ.

6.9.4 IFC, Chapter 34, Section 3406.2 is amended to add the following: On line five after the words "borrow pits" add the words "and sites approved by the AHJ".

#### 6.10 International Fire Code - Liquefied Petroleum Gas

6.10.1 IFC, Chapter 38, Section 3809.12, is amended as follows: In Table 3809.12, Doorway or opening to a building with two or more means of egress, with regard to quantities 720 or less and 721 - 2,500, the currently stated "5" is deleted and replaced with "10".

6.10.2 IFC, Chapter 38, Section 3809.14 is amended as follows: Delete 20 from line three and replace it with 10.

#### 6.11 National Fire Protection Association

6.11.1 NFPA 72, Chapter 2, Section 2.2 is amended to add the following NFPA standard: NFPA 20, Standard for the Installation of Stationary Pumps for Fire Protection, 2007 edition.

6.11.2 NFPA 72, Chapter 4, Section 4.3.2.2(2) is deleted and rewritten as follows: National Institute of Certification in Engineering Technologies (NICET) fire alarm level II certified personnel.

6.11.3 NFPA 72, Chapter 4, Section 4.3.3(2) is deleted and rewritten as follows: National Institute of Certification in Engineering Technologies (NICET) fire alarm level II certified personnel.

6.11.4 NFPA 72, Chapter 4, Section 4.4.3.7.2 is amended to add the following sentence: When approved by the AHJ, the audible notification appliances may be deactivated during the investigation mode to prevent unauthorized reentry into the building.

6.11.5 NFPA 72, Chapter 4, Section 4.4.5 is deleted and rewritten as follows: Automatic smoke detection shall be provided at the location of each fire alarm control unit(s), notification appliance circuit power extenders, and supervising station transmitting equipment to provide notification of fire at the location.

6.11.5.1 NFPA 72, Chapter 4, Section 4.4.5, Exception No. 1: When ambient conditions prohibit installation of automatic smoke detection, automatic heat detection shall be permitted.

6.11.6 NFPA 72, Chapter 6, Section 6.8.5.9 is amended to add the following section: 6.8.5.9.3 Automatic fire pumps shall be supervised in accordance with NFPA 20, Standard for the Installation of Stationary Pumps for Fire Protection, and the AHJ.

6.11.7 NFPA 72, Chapter 7, Section 7.4.1.2 is amended as follows: On line three delete "110dBA" and replace it with "120dBA".

6.11.8 NFPA 72, Chapter 8, Section 8.3.4.7 is amended as follows: On line two, after the word "notified" insert the words "without delay".

6.11.9 NFPA 72, Chapter 10, Section 10.2.2.5.1 is deleted and rewritten as follows: Service personnel shall be qualified and experienced in the inspection, testing and maintenance of fire alarm systems. Qualified personnel shall meet the certification requirements stated in Utah Administrative Code, R710-11-3, Fire Alarm System Inspecting and Testing.

**KEY:** fire prevention, law

**Date of Enactment or Last Substantive Amendment:**

~~September 23, 2008~~ May 22, 2009

**Notice of Continuation:** June 8, 2007

**Authorizing, and Implemented or Interpreted Law:** 53-7-204

◆ ————— ◆

## Transportation, Motor Carrier R909-1-1 Adoption of Federal Regulations

### NOTICE OF PROPOSED RULE

(Amendment)

DAR FILE No.: 32488

FILED: 04/01/2009, 15:02

### RULE ANALYSIS

**PURPOSE OF THE RULE OR REASON FOR THE CHANGE:** The purpose of this amendment is to clarify the rule regarding intrastate vs. interstate language.

**SUMMARY OF THE RULE OR CHANGE:** The amendment specifies that the rule applies to intrastate drivers only who are engaged in intrastate commerce.

**STATE STATUTORY OR CONSTITUTIONAL AUTHORIZATION FOR THIS RULE:** Sections 72-9-103, 72-9-104, 72-9-101, and 72-9-301

**ANTICIPATED COST OR SAVINGS TO:**

❖ **THE STATE BUDGET:** No cost or savings are anticipated with this rule change. No new requirements were created with this rule change which will impact the state budget.

❖ **LOCAL GOVERNMENTS:** No cost or savings are anticipated for local government with this rule change. No new requirements were created with this rule change that impact local governments.

❖ **SMALL BUSINESSES AND PERSONS OTHER THAN BUSINESSES:** No cost or savings are anticipated for small businesses with this rule change. No new requirements were created with this rule change that impact small businesses.

**COMPLIANCE COSTS FOR AFFECTED PERSONS:** There is no compliance cost.

**COMMENTS BY THE DEPARTMENT HEAD ON THE FISCAL IMPACT THE RULE MAY HAVE ON BUSINESSES:** I concur that there is no significant fiscal impact on businesses. John Njord, Executive Director

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

TRANSPORTATION  
MOTOR CARRIER  
CALVIN L RAMPTON COMPLEX  
4501 S 2700 W  
SALT LAKE CITY UT 84119-5998, or  
at the Division of Administrative Rules.

**DIRECT QUESTIONS REGARDING THIS RULE TO:**

Maureen Short at the above address, by phone at 801-965-4026, by FAX at 801-965-4338, or by Internet E-mail at maureenshort@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 05/15/2009.

THIS RULE MAY BECOME EFFECTIVE ON: 05/22/2009

AUTHORIZED BY: John R. Njord, Executive Director

**R909. Transportation, Motor Carrier.**

**R909-1. Safety Regulations for Motor Carriers.**

**R909-1-1. Adoption of Federal Regulations.**

(1) Safety Regulations for Motor Carriers, 49 CFR Parts 350 through 399[~~and~~], Part 40, as contained in the October 1, 200[7]8 Code of Federal Regulations, is incorporated by reference, except for Parts 391.11(b)(1) and 391.49 as it applies to intrastate drivers only. These requirements apply to all motor carrier(s) as defined in 49 CFR Part 390.5, excluding commercial motor vehicles which are designed or used to transport more than 8 and less than 15 passengers (including the driver) for compensation and UCA 72-9-102(2) engaged in intrastate commerce.

(2) Intrastate trucking operations in which the carriers operate double trailer combinations only are not required to comply with 49 CFR Part 380.203(a)(2).

(3) Exceptions to Part 391.41, Physical Qualification may be granted under the rules of Department of Public Safety, Driver's License Division, UCA 53-3-303.5 for intrastate drivers under R708-34.

(4) Drivers involved wholly in intrastate commerce shall be at least 18 years old. However, if they are transporting placarded amounts of hazardous materials or carrying 16 or more passengers, including the driver, they must be 21 years old.

**KEY:** trucks, transportation safety, implements of husbandry  
**Date of Enactment or Last Substantive Amendment:** ~~February 15, 2008~~ 2009

**Notice of Continuation:** November 29, 2006

**Authorizing, and Implemented or Interpreted Law:** 72-9-103; 72-9-104; 72-9-101; 72-9-301

◆ ————— ◆

## Transportation, Motor Carrier R909-75 Safety Regulations for Motor Carriers Transporting Hazardous Materials and/or Hazardous Wastes

**NOTICE OF PROPOSED RULE**

(Amendment)

DAR FILE No.: 32490

FILED: 04/01/2009, 15:16

**RULE ANALYSIS**

PURPOSE OF THE RULE OR REASON FOR THE CHANGE: The purpose of this amendment is to update the rule to the current CFR.

SUMMARY OF THE RULE OR CHANGE: This change updates the rule to the current CFR.

STATE STATUTORY OR CONSTITUTIONAL AUTHORIZATION FOR THIS RULE: Sections 72-9-103 and 72-9-104

ANTICIPATED COST OR SAVINGS TO:

- ❖ THE STATE BUDGET: No cost or savings are anticipated with this rule change. No new requirements were created with this rule change which will impact the state budget.
- ❖ LOCAL GOVERNMENTS: No cost or savings are anticipated for local governments with this rule change. No new requirements were created with this rule change that impact local governments.
- ❖ SMALL BUSINESSES AND PERSONS OTHER THAN BUSINESSES: No cost or savings are anticipated for small businesses with this rule change. No new requirements were created with this rule change that impact small businesses.

COMPLIANCE COSTS FOR AFFECTED PERSONS: There is no compliance cost.

COMMENTS BY THE DEPARTMENT HEAD ON THE FISCAL IMPACT THE RULE MAY HAVE ON BUSINESSES: I concur that there is no significant fiscal impact on businesses. John Njord, Executive Director

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

TRANSPORTATION  
MOTOR CARRIER

CALVIN L RAMPTON COMPLEX  
4501 S 2700 W  
SALT LAKE CITY UT 84119-5998, or  
at the Division of Administrative Rules.

DIRECT QUESTIONS REGARDING THIS RULE TO:

Maureen Short at the above address, by phone at 801-965-4026, by FAX at 801-965-4338, or by Internet E-mail at maureenshort@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 05/15/2009.

THIS RULE MAY BECOME EFFECTIVE ON: 05/22/2009

AUTHORIZED BY: John R. Njord, Executive Director

**R909. Transportation, Motor Carrier.****R909-75. Safety Regulations for Motor Carriers Transporting Hazardous Materials and/or Hazardous Wastes.****R909-75-1. Adoption of Federal Regulations.**

Safety Regulations for Motor Carriers Transporting Hazardous Materials and/or Hazardous Wastes, 49 CFR, Sub-Chapter C, Parts 100 through 180, of the [January 7, 2008 (Volume 73, Number 4)]October 1, 2008 edition of the Federal Register, are incorporated by reference. These changes apply to all private, common, and contract carriers by highway in commerce.

**KEY: hazardous materials transportation, hazardous substances, hazardous waste, safety regulations**

**Date of Enactment or Last Substantive Amendment: [~~February 8, 2007~~2009**

**Notice of Continuation: November 29, 2006**

**Authorizing, and Implemented or Interpreted Law: 72-9-103; 72-9-104**

◆ ————— ◆

**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, Community and Family Health Services, Chronic Disease **R384-100** Cancer Reporting Rule

### FIVE YEAR NOTICE OF REVIEW AND STATEMENT OF CONTINUATION

DAR FILE No.: 32465  
FILED: 03/25/2009, 13:57

### 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: This rule is enacted under authority of Section 26-5-3 (System for detecting and monitoring diseases established by department). This section authorizes the Utah Department of Health to develop and maintain a system for detecting and monitoring chronic diseases within the state and to investigate and determine the epidemiology of those conditions, which contributed to preventable and premature sickness, or both, and to death and disability.

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 written comments received from interested persons either in support or opposition of the rule.

REASONED JUSTIFICATION FOR CONTINUATION OF THE RULE, INCLUDING REASONS WHY THE AGENCY DISAGREES WITH COMMENTS IN OPPOSITION TO THE RULE, IF ANY: Cancers constitute a leading cause of morbidity and mortality in Utah and, therefore, pose an important risk to the public health. Through the routine reporting of cancer cases, trends in cancer incidence and mortality can be monitored and prevention and control measures evaluated and implemented. The Utah Cancer Registry on behalf of the Utah Department of Health manages cancer records. This Cancer Reporting Rule specifies the reporting requirements for the cases of cancer to the Utah Cancer Registry. Therefore, this rule should be continued.

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

HEALTH  
COMMUNITY AND FAMILY HEALTH SERVICES,  
CHRONIC DISEASE  
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:

Kathryn Rowley at the above address, by phone at 801-538-6233, by FAX at 801-538-9495, or by Internet E-mail at [krowley@utah.gov](mailto:krowley@utah.gov)

AUTHORIZED BY: David N. Sundwall, Executive Director

EFFECTIVE: 03/25/2009



## Health, Community and Family Health Services, Children with Special Health Care Needs **R398-10**

### Autism Spectrum Disorders and Mental Retardation Reporting

### FIVE YEAR NOTICE OF REVIEW AND STATEMENT OF CONTINUATION

DAR FILE No.: 32454  
FILED: 03/19/2009, 10:10

### 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: This rule establishes reporting requirements for autism spectrum disorder (ASD) and mental retardation and related test results in individuals. Community and Family Health Services, under Subsections 26-1-30(2)(c), (d), (e), (f), (g), Section 26-5-3, and Section 26-

5-4 is authorized to collect and analyze data on reportable health conditions to monitor prevalence of diseases to improve the health of the public. Rule R398-10 identifies Autism Spectrum Disorders and Mental Retardation (ASD/DD) as reportable conditions.

SUMMARY OF WRITTEN COMMENTS RECEIVED DURING AND SINCE THE LAST FIVE YEAR REVIEW OF THE RULE FROM INTERESTED PERSONS SUPPORTING OR OPPOSING THE RULE: There have been no written comments since the last five-year review of the rule 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 Children with Special Health Care Needs Agency continues surveillance of ASD/DD cases in Utah through the Utah Registry for Autism and Developmental Disorders. The Agency needs to continue to collect information of this condition to be able to monitor prevalence to respond to significant increases. Therefore, this rule should be continued.

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

HEALTH  
COMMUNITY AND FAMILY HEALTH SERVICES,  
CHILDREN WITH SPECIAL HEALTH CARE NEEDS  
44 N MARIO CAPECCHI DR  
SALT LAKE CITY UT 84113, or  
at the Division of Administrative Rules.

DIRECT QUESTIONS REGARDING THIS RULE TO:

Holly Williams at the above address, by phone at 801-584-8202, by FAX at 801-584-8488, or by Internet E-mail at hollywilliams@utah.gov

AUTHORIZED BY: David N. Sundwall, Executive Director

EFFECTIVE: 03/19/2009

◆ ————— ◆

**Insurance, Administration**  
**R590-226**  
**Submission of Life Insurance Filings**

**FIVE YEAR NOTICE OF REVIEW AND  
STATEMENT OF CONTINUATION**

DAR FILE NO.: 32467  
FILED: 03/26/2009, 07:17

**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: Under Subsection 31A-2-201(3), the commissioner is given the authority to write rules

to implement the provisions of Title 31A. Under Section 31A-2-201.1, the commissioner is given the authority to regulate the filing of rates, forms, and reports. Under Subsection 31A-2-202(2), the commissioner can prescribe the forms to be used in filing reports. As a result of these code references, this rule sets forth filing requirements, procedures, and forms to be used in the filing of rates and forms for various types of life insurance products.

SUMMARY OF WRITTEN COMMENTS RECEIVED DURING AND SINCE THE LAST FIVE YEAR REVIEW OF THE RULE FROM INTERESTED PERSONS SUPPORTING OR OPPOSING THE RULE: As a result of an amendment filed during the past five years, the department received two comments. They requested the removal of the filing status requirement in the rule, and requested that a requirement be included that the department provide a detailed reason for the rejection of a filing.

REASONED JUSTIFICATION FOR CONTINUATION OF THE RULE, INCLUDING REASONS WHY THE AGENCY DISAGREES WITH COMMENTS IN OPPOSITION TO THE RULE, IF ANY: It is important that this rule be continued in force to allow the department to provide uniformity among life insurance companies in the United States. It allows for uniformity in how a company filing is made and the information and documents to be included, which allows for a uniform review of these rates and forms. The comments received during the past five years were not acted upon. The department already provides detailed information about why a filing is rejected. The department still requires information about the status of a filing in the domestic state because that is the state that reviews a company's filings in depth and the action they take on a filing is indicative of problems there may or may not be with the filing.

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: 03/26/2009

◆ ————— ◆

**Insurance, Administration**  
**R590-227**  
**Submission of Annuity Filings**

**FIVE YEAR NOTICE OF REVIEW AND STATEMENT OF CONTINUATION**

DAR FILE No.: 32468  
FILED: 03/26/2009, 07:21

**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: Under Subsection 31A-2-201(3), the commissioner is given the authority to write rules to implement the provisions of Title 31A. Under Section 31A-2-201.1, the commissioner is given the authority to regulate the filing of rates, forms, and reports. Under Subsection 31A-2-202(2), the commissioner can prescribe the forms to be used in filing reports. As a result of these code references, this rule sets forth filing requirements, procedures, and forms to be used in the filing of rates and forms for various types of annuity products.

SUMMARY OF WRITTEN COMMENTS RECEIVED DURING AND SINCE THE LAST FIVE YEAR REVIEW OF THE RULE FROM INTERESTED PERSONS SUPPORTING OR OPPOSING THE RULE: As a result of an amendment filed during the past five years, the department received two comments. They requested the removal of the filing status requirement in the rule, and requested that a requirement be included that the department provide a detailed reason for the rejection of a filing.

REASONED JUSTIFICATION FOR CONTINUATION OF THE RULE, INCLUDING REASONS WHY THE AGENCY DISAGREES WITH COMMENTS IN OPPOSITION TO THE RULE, IF ANY: It is important that this rule be continued in force to allow the department to provide uniformity among life and annuity insurance companies in the United States. It allows for uniformity in how a company filing is made and the information and documents to be included, which allows for a uniform review of these rates and forms. The comments received during the past five years were not acted upon. The department already provides detailed information about why a filing is rejected. The department still requires information about the status of a filing in the domestic state because that is the state that reviews a company's filings in depth and the action they take on a filing is indicative of problems there may or may not be with the filing.

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](mailto:jwhitby@utah.gov)

AUTHORIZED BY: Jilene Whitby, Information Specialist

EFFECTIVE: 03/26/2009

**Insurance, Administration****R590-228****Submission of Credit Life and Credit Accident and Health Insurance Form and Rate Filings****FIVE YEAR NOTICE OF REVIEW AND STATEMENT OF CONTINUATION**

DAR FILE No.: 32469  
FILED: 03/26/2009, 07:24

**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: Under Subsection 31A-2-201(3), the commissioner is given the authority to write rules to implement the provisions of Title 31A. Under Section 31A-2-201.1, the commissioner is given the authority to regulate the filing of rates, forms, and reports. Under Subsection 31A-2-202(2), the commissioner can prescribe the forms to be used in filing reports. Under Section 31A-22-807, the commissioner is allowed to set loss ratio standards and tests to make sure the benefits provided are reasonable in relation to the premiums paid for the coverage. As a result of these code references, this rule sets forth filing requirements, procedures and forms to be used in the filing of rates and forms for various types of credit life and credit accident and health insurance products.

SUMMARY OF WRITTEN COMMENTS RECEIVED DURING AND SINCE THE LAST FIVE YEAR REVIEW OF THE RULE FROM INTERESTED PERSONS SUPPORTING OR OPPOSING THE RULE: In the process of making a change to this rule, the department received a comment from the Governor's Office of Planning and Budget (GOPB) noting an incorrect code citation in the rule.

REASONED JUSTIFICATION FOR CONTINUATION OF THE RULE, INCLUDING REASONS WHY THE AGENCY DISAGREES WITH COMMENTS IN OPPOSITION TO THE RULE, IF ANY: It is important that this rule be continued in force to allow the department to provide uniformity among companies selling credit life and credit accident and health products in the United States. It allows for uniformity in how a company filing is made and the information and documents to be included, which allows for a uniform review of these rates and forms. The comment received from GOPB was acted on with the filing of a nonsubstantive change to correct the code citation.

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](mailto:jwhitby@utah.gov)

AUTHORIZED BY: Jilene Whitby, Information Specialist

EFFECTIVE: 03/26/2009



**Public Safety, Peace Officer Standards  
and Training  
R728-502  
Procedure for POST Instructor  
Certification**

**FIVE YEAR NOTICE OF REVIEW AND  
STATEMENT OF CONTINUATION**

DAR FILE No.: 32472  
FILED: 03/30/2009, 17:17

**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: This rule is authorized by Section 53-6-105 which gives the director of Peace Officer

Standards and Training (POST) the authority to establish minimum requirements for the certification of training instructors.

SUMMARY OF WRITTEN COMMENTS RECEIVED DURING AND SINCE THE LAST FIVE YEAR REVIEW OF THE RULE FROM INTERESTED PERSONS SUPPORTING OR OPPOSING THE RULE: POST has not received any written comments on this rule by any person supporting or opposing this particular rule.

REASONED JUSTIFICATION FOR CONTINUATION OF THE RULE, INCLUDING REASONS WHY THE AGENCY DISAGREES WITH COMMENTS IN OPPOSITION TO THE RULE, IF ANY: This rule outlines the standards required to become a POST-certified instructor. This is important in order to maintain the minimum standards of a POST-certified instructor. POST requires officers to become POST-certified instructors to teach at POST. This rule is imperative for the requirements to become a POST-certified instructor. Therefore, this rule should be continued.

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

PUBLIC SAFETY  
PEACE OFFICER STANDARDS AND TRAINING  
410 W 9800 S  
SANDY UT 84070, or  
at the Division of Administrative Rules.

DIRECT QUESTIONS REGARDING THIS RULE TO:

Steve Winward at the above address, by phone at 801-256-2326, by FAX at 801-256-0600, or by Internet E-mail at [swinward@utah.gov](mailto:swinward@utah.gov)

AUTHORIZED BY: Lance Davenport, Commissioner

EFFECTIVE: 03/30/2009



**End of the Five-Year Notices of Review and Statements of Continuation Section**

## NOTICES OF RULE EFFECTIVE DATES

---

These are the effective dates of PROPOSED RULES or CHANGES IN PROPOSED RULES published in earlier editions of the *Utah State Bulletin*. 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

### Agriculture and Food

#### Plant Industry

No. 32332 (AMD): R68-7. Utah Pesticide Control Act.  
Published: February 15, 2009  
Effective: March 26, 2009

### Alcoholic Beverage Control

#### Administration

No. 32333 (AMD): R81-1-28. Special Commission Meetings-Fees.  
Published: February 15, 2009  
Effective: March 24, 2009

### Capitol Preservation Board (State)

No. 32343 (AMD): R131-2. Capitol Hill Complex Facility Use.  
Published: February 15, 2009  
Effective: March 26, 2009

### Community and Culture

#### Library

No. 32296 (AMD): R223-2. Public Library Online Access for Eligibility to Receive Public Funds.  
Published: February 1, 2009  
Effective: March 26, 2009

### Health

#### Health Care Financing, Coverage and Reimbursement Policy

No. 32329 (AMD): R414-1-5. Incorporations by Reference.  
Published: February 15, 2009  
Effective: April 1, 2009

No. 32326 (AMD): R414-54-3. Services.  
Published: February 15, 2009  
Effective: April 1, 2009

No. 32327 (AMD): R414-59-4. Client Eligibility Requirements.  
Published: February 15, 2009  
Effective: April 1, 2009

### Natural Resources

#### Parks and Recreation

No. 32339 (AMD): R651-633-2. General Closures or Restrictions.  
Published: February 15, 2009  
Effective: March 26, 2009

No. 32338 (NEW): R651-636. Procedures for Application to Receive Funds From the Zion National Park Restricted Account.  
Published: February 15, 2009  
Effective: March 26, 2009

#### Wildlife Resources

No. 32337 (AMD): R657-5. Taking Big Game.  
Published: February 15, 2009  
Effective: March 24, 2009

No. 32319 (AMD): R657-33-19. Exporting Bear from Utah.  
Published: February 15, 2009  
Effective: March 24, 2009

### Tax Commission

#### Auditing

No. 32334 (AMD): R865-4D-2. 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.  
Published: February 15, 2009  
Effective: March 26, 2009

No. 32335 (AMD): R865-4D-6. Invoices pursuant to Utah Code Ann. Sections 59-13-301 and 59-13-313.  
Published: February 15, 2009  
Effective: March 26, 2009

No. 32336 (AMD): R865-4D-24. Off Highway Use of Undyed Diesel Fuel Pursuant to Utah Code Ann. Section 59-13-301.  
Published: February 15, 2009  
Effective: March 26, 2009



# 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, 2009, including notices of effective date received through April 1, 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
<b>Administrative Services</b>					
<u>Administration</u>					
R13-3	Americans with Disabilities Act Grievance Procedures	32204	AMD	02/26/2009	2009-1/3
R13-3-8	Relationship to Other Laws	32431	NSC	03/26/2009	Not Printed
<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

RULES INDEX

CODE REFERENCE	TITLE	FILE NUMBER	ACTION	EFFECTIVE DATE	BULLETIN ISSUE/PAGE
R35-2	Declining Appeal Hearings	32358	NSC	02/26/2009	Not Printed
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
<b>Agriculture and Food</b>					
<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>					
R68-2-3	Registration of Products	32031	AMD	02/25/2009	2008-21/4
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
<b>Alcoholic Beverage Control</b>					
<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
<b>Capitol Preservation Board (State)</b>					
<u>Administration</u>					
R131-2	Capitol Hill Complex Facility Use	32343	AMD	03/26/2009	2009-4/9
<b>Career Service Review Board</b>					
<u>Administration</u>					
R137-1	Grievance Procedure Rules	32429	NSC	04/07/2009	Not Printed
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
<b>Commerce</b>					
<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
R156-22-102	Definitions	32364	AMD	04/07/2009	2009-5/3
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

CODE REFERENCE	TITLE	FILE NUMBER	ACTION	EFFECTIVE DATE	BULLETIN ISSUE/PAGE
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
<u>Securities</u>					
R164-15-2	Notice Filings for Rule 506 Offerings	32039	AMD	01/12/2009	2008-21/28
<b>Community and Culture</b>					
<u>Arts and Museums, Museum Services</u>					
R210-100	Certified Local Museum Designation	32108	NEW	01/01/2009	2008-22/21
<u>History</u>					
R212-1	Adjudicative Proceedings	32243	NSC	01/22/2009	Not Printed
R212-6	State Register for Historic Resources and Archaeological Sites	32244	NSC	01/22/2009	Not Printed
<u>Library</u>					
R223-1	Adjudicative Procedures	32295	NSC	02/05/2009	Not Printed
R223-2	Public Library Online Access for Eligibility to Receive Public Funds	32296	AMD	03/26/2009	2009-3/9
<b>Corrections</b>					
<u>Administration</u>					
R251-105	Applicant Qualifications for Employment with Department of Corrections	31997	AMD	02/26/2009	2008-21/31
<b>Crime Victim Reparations</b>					
<u>Administration</u>					
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
<b>Education</b>					
<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

RULES INDEX

CODE REFERENCE	TITLE	FILE NUMBER	ACTION	EFFECTIVE DATE	BULLETIN ISSUE/PAGE
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
R277-494-3	Requirements for Payment and Participation Integral to the Schedule	32220	NSC	01/22/2009	Not Printed
R277-494-3	Requirements for Payment and Participation Integral to the Schedule	32323	NSC	02/25/2009	Not Printed
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
R277-725	Electronic High School	32509	5YR	04/07/2009	Not Printed
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
<b>Environmental Quality</b>					
<u>Air Quality</u>					
R307-121	General Requirements: Clean Fuel Vehicle Tax Credits	31928	AMD	01/01/2009	2008-19/25
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
<u>Drinking Water</u>					
R309-515-7	Ground Water - Springs	32168	AMD	02/15/2009	2008-24/3
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

CODE REFERENCE	TITLE	FILE NUMBER	ACTION	EFFECTIVE DATE	BULLETIN ISSUE/PAGE
<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
R313-32	Medical Use of Radioactive Material	32207	AMD	02/12/2009	2009-1/30
<u>Solid and Hazardous Waste</u>					
R315-1-1	Definitions	32137	AMD	01/15/2009	2008-23/17
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>					
R317-1	Definitions and General Requirements	32380	AMD	04/07/2009	2009-5/11
R317-1-9	Electronic Submissions and Electronic Signatures	32341	AMD	04/07/2009	2009-4/17
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
R317-3-1	Technical and Procedural Requirements	32342	AMD	04/07/2009	2009-4/18
R317-5-1	General	32381	AMD	04/07/2009	2009-5/16
R317-8	Utah Pollutant Discharge Elimination System	32340	AMD	04/07/2009	2009-4/21
<b>Health</b>					
<u>Administration</u>					
R380-70	Standards for Electronic Exchange of Clinical Health Information	31980	NEW	02/04/2009	2008-20/12
<u>Children's Health Insurance Program</u>					
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	2009-8/63
<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	2009-8/63
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

RULES INDEX

CODE REFERENCE	TITLE	FILE NUMBER	ACTION	EFFECTIVE DATE	BULLETIN ISSUE/PAGE
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
R414-320	Medicaid Health Insurance Flexibility and Accountability Demonstration Waiver	32187	AMD	01/22/2009	2008-24/15
<u>Health Systems Improvement, Emergency Medical Services</u>					
R426-5-4	Trauma Review Committee	32084	AMD	02/24/2009	2008-22/25
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>					
R444-14	Rule for the Certification of Environmental Laboratories	31910	AMD	01/12/2009	2008-18/42
<b>Housing Corporation (Utah)</b>					
<u>Administration</u>					
R460-7-2	Definitions	32211	NSC	01/12/2009	Not Printed
<b>Human Resource Management</b>					
<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
<b>Human Services</b>					
<u>Administration</u>					
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

CODE REFERENCE	TITLE	FILE NUMBER	ACTION	EFFECTIVE DATE	BULLETIN ISSUE/PAGE
<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>					
R512-309	Out-of-Home Services, Foster Parent Reimbursement of Motor Vehicle Insurance Coverage for Youth in Foster Care	32182	NEW	01/21/2009	2008-24/24
<u>Substance Abuse and Mental Health</u>					
R523-1-5	Fee for Service	32183	AMD	01/22/2009	2008-24/26
<u>Recovery Services</u>					
R527-5	Release of Information	32159	R&R	01/21/2009	2008-24/27
<u>Services for People with Disabilities</u>					
R539-5-8	Limitation	32308	EMR	01/15/2009	2009-3/81
<b>Insurance</b>					
<u>Administration</u>					
R590-126-4	Prohibited Policy Provisions	32272	AMD	03/12/2009	2009-3/45
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	2009-7/37
R590-226	Submission of Life Insurance Filings	32467	5YR	03/26/2009	2009-8/64
R590-227	Submission of Annuity Filings	32468	5YR	03/26/2009	2009-8/65
R590-228	Submission of Credit Life and Credit Accident and Health Insurance Form and Rate Filings	32469	5YR	03/26/2009	2009-8/65
R590-252	Use of Senior-Specific Certifications and Professional Designations	32261	NEW	02/25/2009	2009-2/32
R590-253	Utah Mini-COBRA Notification Rule	32495	EMR	04/02/2009	Not Printed
<u>Title and Escrow Commission</u>					
R592-13	Minimum Charges for Escrow Services	32167	NEW	01/22/2009	2008-24/31
<b>Labor Commission</b>					
<u>Adjudication</u>					
R602-2-2	Guidelines for Utilization of Medical Panel	32276	AMD	03/10/2009	2009-3/51
R602-7	Adjudication of Discrimination Claims	32277	NEW	03/10/2009	2009-3/52
R602-8	Adjudication of Utah Occupational Safety and Health Citation Claims	32278	NEW	03/10/2009	2009-3/57
<u>Industrial Accidents</u>					
R612-4-2	Premium Rates for the Uninsured Employers' Fund and the Employers' Reinsurance Fund	32054	AMD	01/01/2009	2008-21/66
<u>Occupational Safety and Health</u>					
R614-1-4	Incorporation of Federal Standards	32216	NSC	01/13/2009	Not Printed

RULES INDEX

CODE REFERENCE	TITLE	FILE NUMBER	ACTION	EFFECTIVE DATE	BULLETIN ISSUE/PAGE
<u>Safety</u>					
R616-2-3	Safety Codes and Rules for Boilers and Pressure Vessels	32259	AMD	02/24/2009	2009-2/34
<b>Lieutenant Governor</b>					
<u>Administration</u>					
R622-2	Use of the Great Seal of the State of Utah	32501	5YR	04/07/2009	Not Printed
<u>Elections</u>					
R623-1	Lieutenant Governor's Procedure for Regulation of Lobbyist Activities	32508	5YR	04/07/2009	Not Printed
R623-2	Uniform Ballot Counting Standards	32512	5YR	04/07/2009	Not Printed
R623-3	Utah State Plan on Election Reform	32513	5YR	04/07/2009	Not Printed
<b>Money Management Council</b>					
<u>Administration</u>					
R628-15-12	Procedures for Denial, Suspension, or Termination and Reinstatement of Status	32293	NSC	02/05/2009	Not Printed
R628-16-12	Procedures for Suspension or Termination and Reinstatement of Status	32294	NSC	02/05/2009	Not Printed
R628-19	Requirements for the Use of Investment Advisers by Public Treasurers	32367	5YR	02/10/2009	2009-5/31
<b>Natural Resources</b>					
<u>Geological Survey</u>					
R638-2	Renewable Energy Systems Tax Credits	32331	AMD	04/06/2009	2009-4/29
R638-3	Energy Efficiency Fund	32330	AMD	04/06/2009	2009-4/37
<u>Parks and Recreation</u>					
R651-411	OHV Use in State Parks	32301	5YR	01/13/2009	2009-3/87
R651-411-2	OHV Use-Restrictions	32302	NSC	02/05/2009	Not Printed
R651-633-2	General Closures or Restrictions	32339	AMD	03/26/2009	2009-4/41
R651-636	Procedures for Application to Receive Funds From the Zion National Park Restricted Account	32338	NEW	03/26/2009	2009-4/42
<u>Water Rights</u>					
R655-13	Stream Alteration	32368	5YR	02/11/2009	2009-5/31
R655-14	Administrative Procedures for Enforcement Proceedings Before the Division of Water Rights	32201	AMD	02/10/2009	2009-1/35
<u>Wildlife Resources</u>					
R657-5	Taking Big Game	32337	AMD	03/24/2009	2009-4/43
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
R657-38	Dedicated Hunter Program	32309	AMD	03/10/2009	2009-3/62
R657-42-4	Surrenders	32371	AMD	04/07/2009	2009-5/19
R657-44-3	Damage to Cultivated Crops, Fences, or Irrigation Equipment by Big Game Animals	32299	AMD	03/10/2009	2009-3/69
R657-55-4	Obtaining Authority to Distribute Wildlife Convention Permit Series	32297	AMD	03/10/2009	2009-3/71
R657-60-2	Definitions	32081	AMD	01/07/2009	2008-22/28
R657-60-2	Definitions	32298	AMD	03/10/2009	2009-3/72
R657-61	Valuation of Real Property Interests for Purposes of Acquisition or Disposal	32210	AMD	02/09/2009	2009-1/40



CODE REFERENCE	TITLE	FILE NUMBER	ACTION	EFFECTIVE DATE	BULLETIN ISSUE/PAGE
<b>Pardons (Board Of)</b>					
<u>Administration</u>					
R671-201	Original Parole Grant Hearing Schedule and Notice	32067	AMD	02/25/2009	2008-22/29
R671-312	Commutation Hearings for Death Penalty Cases	32065	AMD	02/25/2009	2008-22/30
R671-405	Parole Termination	32066	AMD	02/25/2009	2008-22/33
<b>Public Safety</b>					
<u>Administration</u>					
R698-4	Certification of the Law Enforcement Agency of a Private College or University	32404	5YR	02/25/2009	2009-6/93
<u>Homeland Security</u>					
R704-1	Search and Rescue Financial Assistance Program	32305	NSC	02/05/2009	Not Printed
<u>Driver License</u>					
R708-7-10	Use of the Functional Ability Profile	32202	AMD	02/19/2009	2009-1/41
R708-10	Classified License System	32502	5YR	04/07/2009	Not Printed
R708-22	Commercial Driver License Administrative Proceedings	32503	5YR	04/07/2009	Not Printed
R708-24	Renewal of a Commercial Driver License (CDL)	32504	5YR	04/07/2009	Not Printed
R708-26	Learner Permit Rule	32506	5YR	04/07/2009	Not Printed
R708-31	Ignition Interlock Systems	32507	5YR	04/07/2009	Not Printed
<u>Fire Marshal</u>					
R710-3	Assisted Living Facilities	32304	AMD	03/10/2009	2009-3/73
<u>Criminal Investigations and Technical Services, Criminal Identification</u>					
R722-310	Regulation of Bail Bond Recovery and Enforcement Agents	32088	AMD	01/01/2009	2008-22/34
R722-900	Review and Challenge of Criminal Record	32208	NSC	01/12/2009	Not Printed
<u>Peace Officer Standards and Training</u>					
R728-402	Application Procedures to Attend a Basic Peace Officer Training Program	32132	AMD	02/05/2009	2008-23/25
R728-502	Procedure for POST Instructor Certification	32472	5YR	03/30/2009	2009-8/66
<b>Public Service Commission</b>					
<u>Administration</u>					
R746-343-3	Eligibility Requirements	32232	AMD	03/03/2009	2009-2/35
R746-350	Application to Discontinue Telecommunications Service	32306	5YR	01/14/2009	2009-3/88
R746-365	Intercarrier Service Quality	32283	5YR	01/06/2009	2009-3/88
<b>Regents (Board Of)</b>					
<u>Salt Lake Community College</u>					
R784-1	Government Records Access and Management Act Rules	32433	5YR	03/09/2009	2009-7/38
<u>University of Utah, Museum of Natural History (Utah)</u>					
R807-1	Curation of Collections from State Lands	32284	5YR	01/06/2009	2009-3/89
<b>School and Institutional Trust Lands</b>					
<u>Administration</u>					
R850-5-200	Payments, Royalties, Audits, and Reinstatements	32402	NSC	03/14/2009	Not Printed

RULES INDEX

CODE REFERENCE	TITLE	FILE NUMBER	ACTION	EFFECTIVE DATE	BULLETIN ISSUE/PAGE
<b>Sports Authority (Utah)</b>					
<u>Pete Suazo Utah Athletic Commission</u>					
R859-1-301	Qualifications for Licensure	32188	AMD	03/01/2009	2009-1/44
<b>Tax Commission</b>					
<u>Auditing</u>					
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
R865-4D-2	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	32334	AMD	03/26/2009	2009-4/51
R865-4D-6	Invoices pursuant to Utah Code Ann. Sections 59-13-301 and 59-13-313	32335	AMD	03/26/2009	2009-4/52
R865-4D-24	Off Highway Use of Undyed Diesel Fuel Pursuant to Utah Code Ann. Section 59-13-301	32336	AMD	03/26/2009	2009-4/53
R865-7H	Environmental Assurance Fee	32392	5YR	02/19/2009	2009-6/93
R865-12L-6	Place of Transaction Pursuant to Utah Code Ann. Section 59-12-207	32034	AMD	01/01/2009	2008-21/78
R865-12L-12	Leases and Rentals Pursuant to Utah Code Ann. Section 59-12-204	32032	AMD	01/01/2009	2008-21/79
R865-12L-13	Repairmen and Servicemen Pursuant to Utah Code Ann. Section 59-12-204	32015	AMD	01/01/2009	2008-21/79
R865-19S-12	Filing of Returns Pursuant to Utah Code Ann. Sections 59-12-107 and 59-12-118	32008	AMD	01/01/2009	2008-21/80
R865-19S-27	Retail Sales Defined Pursuant to Utah Code Ann. Sections 59-12-102 and 59-12-103(1)(g)	32017	AMD	01/01/2009	2008-21/81
R865-19S-29	Wholesale Sale Defined Pursuant to Utah Code Ann. Section 59-12-102	32030	AMD	01/01/2009	2008-21/82
R865-19S-90	Telephone Service Pursuant to Utah Code Ann. Section 59-12-103	32007	AMD	01/01/2009	2008-21/83
R865-19S-92	Computer software and Other Related Transactions Pursuant to Utah Code Ann. Section 59-12-103	32016	AMD	01/01/2009	2008-21/84
R865-19S-113	Sales Tax Obligations of Jeep, Snowmobile, Aircraft, and Boat Tour Operators, River Runners, Outfitters, and Other Sellers Providing Similar Services Pursuant to Utah Code Ann. Sections 59-12-103 and 59-12-107	32012	AMD	01/01/2009	2008-21/85
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
R865-21U-3	Liability of Retailers Pursuant to Utah Code Ann. Section 59-12-107	32033	AMD	01/01/2009	2008-21/87
R865-21U-15	Automobile, Construction Equipment and Other Merchandise Purchased from Out-Of-State Vendors Pursuant to Utah Code Ann. Sections 59-12-103 and 59-12-107	32010	AMD	01/01/2009	2008-21/87
<u>Motor Vehicle</u>					
R873-22M-20	Aircraft Registration Pursuant to Utah Code Ann. Sections 72-10-102, 72-10-109 through 72-10-112	32045	AMD	01/01/2009	2008-21/88
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
<u>Motor Vehicle Enforcement</u>					
R877-23V-7	Misleading Advertising Pursuant to Utah Code Ann. Section 41-3-210	32234	AMD	03/03/2009	2009-2/36

CODE REFERENCE	TITLE	FILE NUMBER	ACTION	EFFECTIVE DATE	BULLETIN ISSUE/PAGE
<u>Property Tax</u>					
R884-24P-19	Appraiser Designation Program Pursuant to Utah Code Ann. 59-2-701 and 59-2-702	32260	AMD	03/03/2009	2009-2/39
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	32233	AMD	03/03/2009	2009-2/42
R884-24P-27	Standards for Assessment Level and Uniformity of Performance Pursuant to Utah Code Ann. Sections 59-2-704 and 59-2-704.5	32063	AMD	01/01/2009	2008-21/90
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
R884-24P-70	Real Property Appraisal Requirements for County Assessors Pursuant to Utah Code Ann. Sections 59-2-303.1 and 59-2-919.1	32052	AMD	01/01/2009	2008-21/97
<b>Technology Services</b>					
<u>Administration</u>					
R895-4	Sub-Domain Naming Conventions for Executive Branch Agencies	32498	5YR	04/06/2009	Not Printed
<b>Transportation</b>					
<u>Administration</u>					
R907-1	Appeal of Departmental Actions	32214	AMD	04/14/2009	2009-1/45
R907-3	Administrative Procedure	32217	NSC	01/12/2009	Not Printed
R907-62-7	Classification of Records	32303	NSC	02/05/2009	Not Printed
R907-62-7	Classification of Records	32161	NSC	02/05/2009	Not Printed
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
R907-66	Incorporation and Use of Federal Acquisition Regulations on Federal-Aid and State-Financed Transportation Projects	32213	NSC	01/12/2009	Not Printed
<u>Motor Carrier</u>					
R909-3	Standards for Utah School Buses (5YR EXTENSION)	32264	NSC	01/05/2009	Not Printed
R909-3	Standards for Utah School Buses	32274	5YR	01/05/2009	2009-3/89
R909-3-2	Authority	32273	NSC	02/05/2009	Not Printed
R909-19	Safety Regulations for Tow Truck Operations - Tow Truck Requirements for Equipment, Operation and Certification	32215	NSC	01/12/2009	Not Printed
<u>Operations, Construction</u>					
R916-2	Prequalification of Contractors	32307	NSC	02/05/2009	Not Printed
<u>Program Development</u>					
R926-10	Tollway Development Agreements	32179	AMD	02/19/2009	2008-24/32
R926-11	Rules for Permitting of Eligible Vehicles for a Clean Fuel Special Group License Plate On or After January 1, 2009	32076	NEW	01/05/2009	2008-22/39
<u>Preconstruction</u>					
R930-3	Highway Noise Abatement	32000	AMD	01/12/2009	2008-21/98
<b>Transportation Commission</b>					
<u>Administration</u>					
R940-3	Procedures for Transportation Infrastructure Loan Fund Assistance	31920	NEW	01/12/2009	2008-18/62

RULES INDEX

CODE REFERENCE	TITLE	FILE NUMBER	ACTION	EFFECTIVE DATE	BULLETIN ISSUE/PAGE
R940-3-2	Definitions	32082	NSC	01/12/2009	Not Printed
<b>Workforce Services</b>					
<u>Administration</u>					
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>					
R986-100	Employment Support Programs	32239	NSC	01/22/2009	Not Printed
R986-200-240	Additional Payments Available Under Certain Circumstances	32114	AMD	01/06/2009	2008-22/41
R986-200-246	Transitional Cash Assistance	32209	AMD	02/12/2009	2009-1/48
R986-500-502	General Provisions	32240	NSC	01/22/2009	Not Printed
<u>Unemployment Insurance</u>					
R994-204-402	Procedure for Issuing a Safe Haven Determination	32242	NSC	01/22/2009	Not Printed

**RULES INDEX - BY KEYWORD (SUBJECT)**

**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	

KEYWORD AGENCY	FILE NUMBER	CODE REFERENCE	ACTION	EFFECTIVE DATE	BULLETIN ISSUE/PAGE
<b><u>accelerated learning</u></b> Education, Administration	32376	R277-712	5YR	02/13/2009	2009-5/27
<b><u>accessing records</u></b> Human Services, Recovery Services	32159	R527-5	R&R	01/21/2009	2008-24/27
<b><u>accreditation</u></b> Education, Administration	32373	R277-413	5YR	02/13/2009	2009-5/26
<b><u>activities</u></b> Education, Administration	32220	R277-494-3	NSC	01/22/2009	Not Printed
	32323	R277-494-3	NSC	02/25/2009	Not Printed
<b><u>ADA</u></b> Transportation, Administration	32303	R907-62-7	NSC	02/05/2009	Not Printed
<b><u>ADA complaint procedures</u></b> Crime Victim Reparations, Administration	32394	R270-3	5YR	02/19/2009	2009-6/91
	32197	R270-3	NSC	01/12/2009	Not Printed

<u>KEYWORD</u> <u>AGENCY</u>	<u>FILE</u> <u>NUMBER</u>	<u>CODE REFERENCE</u>	<u>ACTION</u>	<u>EFFECTIVE</u> <u>DATE</u>	<u>BULLETIN</u> <u>ISSUE/PAGE</u>
<b><u>ADA*</u></b> Transportation, Administration	32161	R907-62-7	NSC	02/05/2009	Not Printed
<b><u>adjudicative procedures</u></b> Community and Culture, Library	32295	R223-1	NSC	02/05/2009	Not Printed
<b><u>adjudicative proceedings</u></b> Community and Culture, History	32243	R212-1	NSC	01/22/2009	Not Printed
<b><u>administrative penalties</u></b> Natural Resources, Water Rights	32201	R655-14	AMD	02/10/2009	2009-1/35
<b><u>administrative procedures</u></b> Community and Culture, History	32243	R212-1	NSC	01/22/2009	Not Printed
Community and Culture, Library	32295	R223-1	NSC	02/05/2009	Not Printed
Crime Victim Reparations, Administration	32196	R270-2	NSC	01/12/2009	Not Printed
	32372	R277-102	5YR	02/13/2009	2009-5/26
	32427	R477-12-3	EMR	03/02/2009	2009-6/87
Human Services, Administration, Administrative Hearings	32328	R497-100	NSC	02/25/2009	Not Printed
	32181	R497-100	AMD	01/21/2009	2008-24/21
Labor Commission, Adjudication	32276	R602-2-2	AMD	03/10/2009	2009-3/51
	32277	R602-7	NEW	03/10/2009	2009-3/52
	32278	R602-8	NEW	03/10/2009	2009-3/57
Public Safety, Driver License	32202	R708-7-10	AMD	02/19/2009	2009-1/41
School and Institutional Trust Lands, Administration	32402	R850-5-200	NSC	03/14/2009	Not Printed
	32214	R907-1	AMD	04/14/2009	2009-1/45
	32217	R907-3	NSC	01/12/2009	Not Printed
<b><u>administrative proceedings</u></b> Public Safety, Driver License	32503	R708-22	5YR	04/07/2009	Not Printed
<b><u>adoption assistance</u></b> Workforce Services, Employment Development	32240	R986-500-502	NSC	01/22/2009	Not Printed
<b><u>adult education</u></b> Education, Administration	32315	R277-733	AMD	03/10/2009	2009-3/23
<b><u>air pollution</u></b> Environmental Quality, Air Quality	31928	R307-121	AMD	01/01/2009	2008-19/25
	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
<b><u>aircraft</u></b> Tax Commission, Motor Vehicle	32045	R873-22M-20	AMD	01/01/2009	2008-21/88
	32037	R873-22M-23	AMD	01/01/2009	2008-21/89
<b><u>alcoholic beverages</u></b> Alcoholic Beverage Control, Administration	32222	R81-1	NSC	01/22/2009	Not Printed

RULES INDEX

<u>KEYWORD</u> <u>AGENCY</u>	<u>FILE</u> <u>NUMBER</u>	<u>CODE REFERENCE</u>	<u>ACTION</u>	<u>EFFECTIVE</u> <u>DATE</u>	<u>BULLETIN</u> <u>ISSUE/PAGE</u>
	32333	R81-1-28	AMD	03/24/2009	2009-4/8
<b><u>alternative fuels</u></b>					
Environmental Quality, Air Quality	31928	R307-121	AMD	01/01/2009	2008-19/25
	32275	R307-121	5YR	01/06/2009	2009-3/86
<b><u>annuity insurance filings</u></b>					
Insurance, Administration	32468	R590-227	5YR	03/26/2009	2009-8/65
<b><u>appellate procedures</u></b>					
Crime Victim Reparations, Administration	32196	R270-2	NSC	01/12/2009	Not Printed
<b><u>application</u></b>					
Health, Health Care Financing, Coverage and Reimbursement Policy	32184	R414-308	AMD	01/26/2009	2008-24/9
<b><u>appraisals</u></b>					
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
<b><u>aquaculture</u></b>					
Agriculture and Food, Animal Industry	32199	R58-17	AMD	02/19/2009	2009-1/7
<b><u>archaeological resources</u></b>					
Regents (Board Of), University of Utah, Museum of Natural History (Utah)	32284	R807-1	5YR	01/06/2009	2009-3/89
<b><u>assignments</u></b>					
Education, Administration	32144	R277-520-1	AMD	01/07/2009	2008-23/9
<b><u>assisted living facilities</u></b>					
Public Safety, Fire Marshal	32304	R710-3	AMD	03/10/2009	2009-3/73
<b><u>audiology</u></b>					
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
<b><u>autism spectrum</u></b>					
Health, Community and Family Health Services, Children with Special Health Care Needs	32158	R398-10	NSC	03/19/2009	Not Printed
	32454	R398-10	5YR	03/19/2009	2009-8/63
<b><u>background screening</u></b>					
Human Services, Administration, Administrative Services, Licensing	32193	R501-14	NSC	01/12/2009	Not Printed
<b><u>bail bond enforcement agent</u></b>					
Public Safety, Criminal Investigations and Technical Services, Criminal Identification	32088	R722-310	AMD	01/01/2009	2008-22/34
<b><u>bail bond recovery agent</u></b>					
Public Safety, Criminal Investigations and Technical Services, Criminal Identification	32088	R722-310	AMD	01/01/2009	2008-22/34

<u>KEYWORD</u> <u>AGENCY</u>	<u>FILE</u> <u>NUMBER</u>	<u>CODE REFERENCE</u>	<u>ACTION</u>	<u>EFFECTIVE</u> <u>DATE</u>	<u>BULLETIN</u> <u>ISSUE/PAGE</u>
<b><u>ballots</u></b> Lieutenant Governor, Elections	32512	R623-2	5YR	04/07/2009	Not Printed
<b><u>barrier</u></b> Transportation, Preconstruction	32000	R930-3	AMD	01/12/2009	2008-21/98
<b><u>basic application procedures</u></b> Public Safety, Peace Officer Standards and Training	32132	R728-402	AMD	02/05/2009	2008-23/25
<b><u>bear</u></b> Natural Resources, Wildlife Resources	32319	R657-33-19	AMD	03/24/2009	2009-4/50
<b><u>bed allocations</u></b> Human Services, Substance Abuse and Mental Health	32183	R523-1-5	AMD	01/22/2009	2008-24/26
<b><u>bids</u></b> Transportation, Operations, Construction	32307	R916-2	NSC	02/05/2009	Not Printed
<b><u>big game</u></b> Natural Resources, Wildlife Resources	32299	R657-44-3	AMD	03/10/2009	2009-3/69
<b><u>big game seasons</u></b> Natural Resources, Wildlife Resources	32337	R657-5	AMD	03/24/2009	2009-4/43
<b><u>boilers</u></b> Labor Commission, Safety	32259	R616-2-3	AMD	02/24/2009	2009-2/34
<b><u>bonuses</u></b> Transportation, Administration	32213	R907-66	NSC	01/12/2009	Not Printed
<b><u>boxing</u></b> Sports Authority (Utah), Pete Suazo Utah Athletic Commission	32188	R859-1-301	AMD	03/01/2009	2009-1/44
<b><u>brachytherapy</u></b> Environmental Quality, Radiation Control	32207	R313-32	AMD	02/12/2009	2009-1/30
<b><u>broad scope</u></b> Environmental Quality, Radiation Control	32206	R313-22-75	AMD	02/12/2009	2009-1/27
<b><u>building codes</u></b> Commerce, Occupational and Professional Licensing	32001	R156-56	AMD	01/01/2009	2008-21/9
<b><u>building inspections</u></b> Commerce, Occupational and Professional Licensing	32001	R156-56	AMD	01/01/2009	2008-21/9
<b><u>buses</u></b> Education, Administration	32375	R277-601	5YR	02/13/2009	2009-5/27
<b><u>C plate</u></b> Transportation, Program Development	32076	R926-11	NEW	01/05/2009	2008-22/39
<b><u>cancer</u></b> Health, Community and Family Health Services, Chronic Disease	32465	R384-100	5YR	03/25/2009	2009-8/63

RULES INDEX

KEYWORD AGENCY	FILE NUMBER	CODE REFERENCE	ACTION	EFFECTIVE DATE	BULLETIN ISSUE/PAGE
<b><u>capital punishment</u></b> Pardons (Board Of), Administration	32065	R671-312	AMD	02/25/2009	2008-22/30
<b><u>career and technical education</u></b> Education, Administration	32143	R277-518	AMD	01/07/2009	2008-23/7
	32146	R277-911	AMD	01/07/2009	2008-23/12
<b><u>cash management</u></b> Money Management Council, Administration	32293	R628-15-12	NSC	02/05/2009	Not Printed
	32294	R628-16-12	NSC	02/05/2009	Not Printed
<b><u>certification</u></b> Labor Commission, Safety	32259	R616-2-3	AMD	02/24/2009	2009-2/34
<b><u>certifications</u></b> Transportation, Motor Carrier	32215	R909-19	NSC	01/12/2009	Not Printed
<b><u>certified local inspector</u></b> Human Services, Administration, Administrative Services, Licensing	32191	R501-4-7	NSC	01/12/2009	Not Printed
<b><u>certified local museums</u></b> Community and Culture, Arts and Museums, Museum Services	32108	R210-100	NEW	01/01/2009	2008-22/21
<b><u>certified nurse midwife</u></b> Commerce, Occupational and Professional Licensing	32356	R156-44a	5YR	02/05/2009	2009-5/24
<b><u>charities</u></b> 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
<b><u>child care facilities</u></b> Health, Health Systems Improvement, Child Care Licensing	31820	R430-6	CPR	02/16/2009	2009-1/51
	31820	R430-6	R&R	02/16/2009	2008-17/54
<b><u>child welfare</u></b> Human Services, Child and Family Services	32182	R512-309	NEW	01/21/2009	2008-24/24
<b><u>children's health benefits</u></b> Health, Children's Health Insurance Program	32185	R382-10	AMD	01/22/2009	2008-24/7
<b><u>CHIP</u></b> Health, Health Care Financing, Coverage and Reimbursement Policy	32187	R414-320	AMD	01/22/2009	2008-24/15
<b><u>chiropractic services</u></b> Health, Health Care Financing, Coverage and Reimbursement Policy	32352	R414-99	5YR	02/04/2009	2009-5/30



<u>KEYWORD</u> <u>AGENCY</u>	<u>FILE</u> <u>NUMBER</u>	<u>CODE REFERENCE</u>	<u>ACTION</u>	<u>EFFECTIVE</u> <u>DATE</u>	<u>BULLETIN</u> <u>ISSUE/PAGE</u>
	32229	R414-99-2	AMD	02/24/2009	2009-2/30
<b><u>Class I area</u></b>					
Environmental Quality, Air Quality	32354	R307-405	5YR	02/05/2009	2009-5/28
	32042	R307-405-2	AMD	02/05/2009	2008-21/33
<b><u>classified license</u></b>					
Public Safety, Driver License	32502	R708-10	5YR	04/07/2009	Not Printed
<b><u>clean fuel</u></b>					
Transportation, Program Development	32076	R926-11	NEW	01/05/2009	2008-22/39
<b><u>clients rights</u></b>					
Health, Health Care Financing, Coverage and Reimbursement Policy	32252	R414-301-4	NSC	01/22/2009	Not Printed
<b><u>clinical health information exchange</u></b>					
Health, Administration	31980	R380-70	NEW	02/04/2009	2008-20/12
<b><u>co-curricular</u></b>					
Education, Administration	32220	R277-494-3	NSC	01/22/2009	Not Printed
	32323	R277-494-3	NSC	02/25/2009	Not Printed
<b><u>collections</u></b>					
Tax Commission, Auditing	32034	R865-12L-6	AMD	01/01/2009	2008-21/78
	32032	R865-12L-12	AMD	01/01/2009	2008-21/79
	32015	R865-12L-13	AMD	01/01/2009	2008-21/79
<b><u>colleges</u></b>					
Public Safety, Administration	32404	R698-4	5YR	02/25/2009	2009-6/93
<b><u>complaints</u></b>					
Education, Rehabilitation	32270	R280-201	5YR	01/05/2009	2009-3/86
Workforce Services, Administration	32237	R982-101	NSC	01/22/2009	Not Printed
<b><u>confidentiality</u></b>					
Education, Administration	32255	R277-117	NEW	02/24/2009	2009-2/15
	32400	R277-117-2	NSC	03/14/2009	Not Printed
<b><u>conflict</u></b>					
Human Services, Administration	32154	R495-888	NEW	01/21/2009	2008-24/18
<b><u>consumer</u></b>					
Commerce, Consumer Protection	32382	R152-21	5YR	02/17/2009	2009-5/24
<b><u>contractors</u></b>					
Commerce, Occupational and Professional Licensing	32001	R156-56	AMD	01/01/2009	2008-21/9
<b><u>contracts</u></b>					
Transportation, Administration	32213	R907-66	NSC	01/12/2009	Not Printed
Transportation, Operations, Construction	32307	R916-2	NSC	02/05/2009	Not Printed
<b><u>corrections</u></b>					
Corrections, Administration	31997	R251-105	AMD	02/26/2009	2008-21/31

RULES INDEX

<u>KEYWORD</u> <u>AGENCY</u>	<u>FILE</u> <u>NUMBER</u>	<u>CODE REFERENCE</u>	<u>ACTION</u>	<u>EFFECTIVE</u> <u>DATE</u>	<u>BULLETIN</u> <u>ISSUE/PAGE</u>
<b><u>cost sharing</u></b> Health, Health Care Financing, Coverage and Reimbursement Policy	32230	R414-200	AMD	02/24/2009	2009-2/31
<b><u>counselors</u></b> Education, Administration	32256	R277-462	AMD	02/24/2009	2009-2/16
<b><u>covered-at-work</u></b> Health, Health Care Financing, Coverage and Reimbursement Policy	32186	R414-310	AMD	01/22/2009	2008-24/13
<b><u>credit enhancements</u></b> Environmental Quality, Drinking Water	32028	R309-700	AMD	01/28/2009	2008-21/34
<b><u>credit insurance filings</u></b> Insurance, Administration	32469	R590-228	5YR	03/26/2009	2009-8/65
<b><u>credit services</u></b> Commerce, Consumer Protection	32382	R152-21	5YR	02/17/2009	2009-5/24
<b><u>criminal records</u></b> Public Safety, Criminal Investigations and Technical Services, Criminal Identification	32208	R722-900	NSC	01/12/2009	Not Printed
<b><u>curation</u></b> Regents (Board Of), University of Utah, Museum of Natural History (Utah)	32284	R807-1	5YR	01/06/2009	2009-3/89
<b><u>curricula</u></b> Education, Administration	32313	R277-700	AMD	03/10/2009	2009-3/17
	32314	R277-705	AMD	03/10/2009	2009-3/20
<b><u>custody</u></b> Education, Administration	32269	R277-735	5YR	01/05/2009	2009-3/85
<b><u>decommissioning</u></b> Environmental Quality, Radiation Control	32206	R313-22-75	AMD	02/12/2009	2009-1/27
<b><u>demonstration</u></b> Health, Health Care Financing, Coverage and Reimbursement Policy	32186	R414-310	AMD	01/22/2009	2008-24/13
<b><u>depredation</u></b> Natural Resources, Wildlife Resources	32299	R657-44-3	AMD	03/10/2009	2009-3/69
<b><u>developmentally disabled</u></b> Transportation, Administration	32303	R907-62-7	NSC	02/05/2009	Not Printed
	32161	R907-62-7	NSC	02/05/2009	Not Printed
<b><u>disabilities</u></b> Human Services, Services for People with Disabilities	32308	R539-5-8	EMR	01/15/2009	2009-3/81
Workforce Services, Administration	32237	R982-101	NSC	01/22/2009	Not Printed
<b><u>disabled persons</u></b> Administrative Services, Administration	32204	R13-3	AMD	02/26/2009	2009-1/3
	32431	R13-3-8	NSC	03/26/2009	Not Printed
Education, Rehabilitation	32270	R280-201	5YR	01/05/2009	2009-3/86
	32271	R280-202	5YR	01/05/2009	2009-3/86

<u>KEYWORD AGENCY</u>	<u>FILE NUMBER</u>	<u>CODE REFERENCE</u>	<u>ACTION</u>	<u>EFFECTIVE DATE</u>	<u>BULLETIN ISSUE/PAGE</u>
<b><u>discharge permits</u></b> Environmental Quality, Water Quality	32340	R317-8	AMD	04/07/2009	2009-4/21
<b><u>disciplinary actions</u></b> Education, Administration	32221	R277-609-1	NSC	01/22/2009	Not Printed
<b><u>discrimination</u></b> Labor Commission, Adjudication	32277	R602-7	NEW	03/10/2009	2009-3/52
Transportation, Administration	32303	R907-62-7	NSC	02/05/2009	Not Printed
	32161	R907-62-7	NSC	02/05/2009	Not Printed
<b><u>disruptive students</u></b> Education, Administration	32221	R277-609-1	NSC	01/22/2009	Not Printed
<b><u>diversion programs</u></b> Commerce, Occupational and Professional Licensing	32241	R156-1	AMD	02/24/2009	2009-2/2
<b><u>domain naming</u></b> Technology Services, Administration	32498	R895-4	5YR	04/06/2009	Not Printed
<b><u>drinking water</u></b> Environmental Quality, Drinking Water	32168	R309-515-7	AMD	02/15/2009	2008-24/3
	32169	R309-540-6	AMD	02/15/2009	2008-24/5
<b><u>due process</u></b> Human Services, Substance Abuse and Mental Health	32183	R523-1-5	AMD	01/22/2009	2008-24/26
<b><u>education</u></b> Commerce, Real Estate	31998	R162-103	AMD	01/01/2009	2008-21/23
<b><u>education finance</u></b> Education, Administration	32374	R277-425	5YR	02/13/2009	2009-5/26
<b><u>educational testing</u></b> Education, Administration	32310	R277-473	AMD	03/10/2009	2009-3/10
	32376	R277-712	5YR	02/13/2009	2009-5/27
<b><u>educator licensing</u></b> Education, Administration	32142	R277-502	AMD	01/07/2009	2008-23/5
	32143	R277-518	AMD	01/07/2009	2008-23/7
<b><u>educators</u></b> Education, Administration	32140	R277-110-1	AMD	01/07/2009	2008-23/2
	32312	R277-510	AMD	03/10/2009	2009-3/14
	32144	R277-520-1	AMD	01/07/2009	2008-23/9
<b><u>efficiency</u></b> Natural Resources, Geological Survey	32330	R638-3	AMD	04/06/2009	2009-4/37
<b><u>effluent standards</u></b> Environmental Quality, Water Quality	32380	R317-1	AMD	04/07/2009	2009-5/11
<b><u>elections</u></b> Lieutenant Governor, Elections	32512	R623-2	5YR	04/07/2009	Not Printed

RULES INDEX

<u>KEYWORD</u> <u>AGENCY</u>	<u>FILE</u> <u>NUMBER</u>	<u>CODE REFERENCE</u>	<u>ACTION</u>	<u>EFFECTIVE</u> <u>DATE</u>	<u>BULLETIN</u> <u>ISSUE/PAGE</u>
	32513	R623-3	5YR	04/07/2009	Not Printed
<b><u>electronic devices</u></b> Education, Administration	32141	R277-495	NEW	01/07/2009	2008-23/3
<b><u>electronic high school</u></b> Education, Administration	32509	R277-725	5YR	04/07/2009	Not Printed
<b><u>electronic submissions</u></b> Environmental Quality, Water Quality	32341	R317-1-9	AMD	04/07/2009	2009-4/17
<b><u>eligibility</u></b> Health, Health Care Financing, Coverage and Reimbursement Policy	32184	R414-308	AMD	01/26/2009	2008-24/9
<b><u>emergency medical services</u></b> Health, Health Systems Improvement, Emergency Medical Services	32084	R426-5-4	AMD	02/24/2009	2008-22/25
	32279	R426-7-5	NSC	02/05/2009	Not Printed
	31919	R426-8-4	AMD	01/13/2009	2008-18/29
	32384	R426-12-1400	NSC	03/14/2009	Not Printed
	32280	R426-13-1300	NSC	02/05/2009	Not Printed
	32281	R426-14-600	NSC	02/05/2009	Not Printed
	32282	R426-15-700	NSC	02/05/2009	Not Printed
<b><u>employees' rights</u></b> Human Resource Management, Administration	32427	R477-12-3	EMR	03/02/2009	2009-6/87
<b><u>employment</u></b> Corrections, Administration	31997	R251-105	AMD	02/26/2009	2008-21/31
	32426	R477-4-4	EMR	03/02/2009	2009-6/86
<b><u>employment support procedures</u></b> Workforce Services, Employment Development	32239	R986-100	NSC	01/22/2009	Not Printed
<b><u>employment tests</u></b> Workforce Services, Unemployment Insurance	32242	R994-204-402	NSC	01/22/2009	Not Printed
<b><u>energy</u></b> Natural Resources, Geological Survey	32331	R638-2	AMD	04/06/2009	2009-4/29
	32330	R638-3	AMD	04/06/2009	2009-4/37
<b><u>enforcement</u></b> Natural Resources, Water Rights	32201	R655-14	AMD	02/10/2009	2009-1/35
<b><u>enforcement (administrative)</u></b> Transportation, Administration	32214	R907-1	AMD	04/14/2009	2009-1/45
<b><u>engineers</u></b> Commerce, Occupational and Professional Licensing	32364	R156-22-102	AMD	04/07/2009	2009-5/3
<b><u>enrollment options</u></b> Education, Administration	32265	R277-437	5YR	01/05/2009	2009-3/83

<u>KEYWORD</u> <u>AGENCY</u>	<u>FILE</u> <u>NUMBER</u>	<u>CODE REFERENCE</u>	<u>ACTION</u>	<u>EFFECTIVE</u> <u>DATE</u>	<u>BULLETIN</u> <u>ISSUE/PAGE</u>
<b><u>environment</u></b> Tax Commission, Auditing	32392	R865-7H	5YR	02/19/2009	2009-6/93
<b><u>escrow insurance</u></b> Insurance, Title and Escrow Commission	32167	R592-13	NEW	01/22/2009	2008-24/31
<b><u>exiting provider</u></b> Public Service Commission, Administration	32306	R746-350	5YR	01/14/2009	2009-3/88
<b><u>expenses</u></b> Public Safety, Homeland Security	32305	R704-1	NSC	02/05/2009	Not Printed
<b><u>extracurricular</u></b> Education, Administration	32220	R277-494-3	NSC	01/22/2009	Not Printed
	32323	R277-494-3	NSC	02/25/2009	Not Printed
<b><u>eyeglasses</u></b> Health, Health Care Financing, Coverage and Reimbursement Policy	32226	R414-53	AMD	02/24/2009	2009-2/27
<b><u>facilities</u></b> Education, Administration	32268	R277-724	5YR	01/05/2009	2009-3/85
<b><u>facilities use</u></b> Capitol Preservation Board (State), Administration	32343	R131-2	AMD	03/26/2009	2009-4/9
<b><u>facility</u></b> Health, Health Care Financing, Coverage and Reimbursement Policy	32325	R414-9	5YR	01/26/2009	2009-4/56
<b><u>fair employment practices</u></b> Human Resource Management, Administration	32426	R477-4-4	EMR	03/02/2009	2009-6/86
<b><u>family employment program</u></b> Workforce Services, Employment Development	32114	R986-200-240	AMD	01/06/2009	2008-22/41
	32209	R986-200-246	AMD	02/12/2009	2009-1/48
<b><u>federal election reform</u></b> Lieutenant Governor, Elections	32513	R623-3	5YR	04/07/2009	Not Printed
<b><u>feed contamination</u></b> Agriculture and Food, Plant Industry	32031	R68-2-3	AMD	02/25/2009	2008-21/4
<b><u>fees</u></b> Human Services, Substance Abuse and Mental Health	32183	R523-1-5	AMD	01/22/2009	2008-24/26
<b><u>financial assistance</u></b> Environmental Quality, Drinking Water	32029	R309-705	AMD	01/28/2009	2008-21/40
<b><u>financial reimbursement</u></b> Public Safety, Homeland Security	32305	R704-1	NSC	02/05/2009	Not Printed
<b><u>fingerprinting</u></b> Human Services, Administration, Administrative Services, Licensing	32193	R501-14	NSC	01/12/2009	Not Printed

RULES INDEX

<u>KEYWORD</u> <u>AGENCY</u>	<u>FILE</u> <u>NUMBER</u>	<u>CODE REFERENCE</u>	<u>ACTION</u>	<u>EFFECTIVE</u> <u>DATE</u>	<u>BULLETIN</u> <u>ISSUE/PAGE</u>
<b><u>fish</u></b>					
Natural Resources, Wildlife Resources	32129	R657-13	AMD	01/07/2009	2008-23/23
	32081	R657-60-2	AMD	01/07/2009	2008-22/28
	32298	R657-60-2	AMD	03/10/2009	2009-3/72
<b><u>fishing</u></b>					
Natural Resources, Wildlife Resources	32129	R657-13	AMD	01/07/2009	2008-23/23
<b><u>food inspection</u></b>					
Agriculture and Food, Regulatory Services	32289	R70-630	5YR	01/08/2009	2009-3/83
<b><u>food programs</u></b>					
Education, Administration	32268	R277-724	5YR	01/05/2009	2009-3/85
<b><u>food services</u></b>					
Health, Epidemiology and Laboratory Services, Environmental Services	32370	R392-101	5YR	02/12/2009	2009-5/30
<b><u>foster care</u></b>					
Human Services, Administration, Administrative Services, Licensing	32192	R501-12-8	NSC	01/12/2009	Not Printed
Human Services, Child and Family Services	32182	R512-309	NEW	01/21/2009	2008-24/24
<b><u>fuel</u></b>					
Tax Commission, Auditing	32334	R865-4D-2	AMD	03/26/2009	2009-4/51
	32035	R865-4D-2	AMD	01/01/2009	2008-21/76
	32335	R865-4D-6	AMD	03/26/2009	2009-4/52
	32336	R865-4D-24	AMD	03/26/2009	2009-4/53
<b><u>game laws</u></b>					
Natural Resources, Wildlife Resources	32337	R657-5	AMD	03/24/2009	2009-4/43
	32300	R657-17-4	AMD	03/10/2009	2009-3/61
	32319	R657-33-19	AMD	03/24/2009	2009-4/50
<b><u>general licenses</u></b>					
Environmental Quality, Radiation Control	32050	R313-21	CPR	02/11/2009	2008-24/38
	32050	R313-21	AMD	02/11/2009	2008-21/47
<b><u>gifted children</u></b>					
Education, Administration	32376	R277-712	5YR	02/13/2009	2009-5/27
<b><u>government documents</u></b>					
Administrative Services, Records Committee	32355	R35-1-4	NSC	02/26/2009	Not Printed
	32358	R35-2	NSC	02/26/2009	Not Printed
	32359	R35-4	NSC	02/26/2009	Not Printed
	32361	R35-6	NSC	02/26/2009	Not Printed
<b><u>government purchasing</u></b>					
Administrative Services, Purchasing and General Services	31983	R33-6	NSC	01/29/2009	Not Printed
	32344	R33-6	5YR	01/29/2009	2009-4/55
	31984	R33-7	NSC	01/29/2009	Not Printed
	32345	R33-7	5YR	01/29/2009	2009-4/55

<u>KEYWORD</u> <u>AGENCY</u>	<u>FILE</u> <u>NUMBER</u>	<u>CODE REFERENCE</u>	<u>ACTION</u>	<u>EFFECTIVE</u> <u>DATE</u>	<u>BULLETIN</u> <u>ISSUE/PAGE</u>
	31985	R33-9	NSC	01/29/2009	Not Printed
	32346	R33-9	5YR	01/29/2009	2009-4/56
<b><u>government records access</u></b>					
Crime Victim Reparations, Administration	32395	R270-4	5YR	02/19/2009	2009-6/92
<b><u>governmental documents</u></b>					
Administrative Services, Records Committee	32360	R35-5	NSC	02/26/2009	Not Printed
<b><u>GRAMA</u></b>					
Regents (Board Of), Salt Lake Community College	32433	R784-1	5YR	03/09/2009	2009-7/38
<b><u>GRAMA compliance</u></b>					
Human Services, Recovery Services	32159	R527-5	R&R	01/21/2009	2008-24/27
<b><u>grants</u></b>					
Education, Administration	32255	R277-117	NEW	02/24/2009	2009-2/15
	32400	R277-117-2	NSC	03/14/2009	Not Printed
<b><u>great seal</u></b>					
Lieutenant Governor, Administration	32501	R622-2	5YR	04/07/2009	Not Printed
<b><u>grievance procedures</u></b>					
Administrative Services, Administration	32204	R13-3	AMD	02/26/2009	2009-1/3
	32431	R13-3-8	NSC	03/26/2009	Not Printed
	32429	R137-1	NSC	04/07/2009	Not Printed
	32286	R137-1-2	EMR	01/08/2009	2009-3/77
	32288	R137-1-22	EMR	01/08/2009	2009-3/79
<b><u>grievances</u></b>					
Human Resource Management, Administration	32427	R477-12-3	EMR	03/02/2009	2009-6/87
<b><u>hardship grants</u></b>					
Environmental Quality, Drinking Water	32028	R309-700	AMD	01/28/2009	2008-21/34
<b><u>hazardous waste</u></b>					
Environmental Quality, Solid and Hazardous Waste	32137	R315-1-1	AMD	01/15/2009	2008-23/17
	32138	R315-2	AMD	01/15/2009	2008-23/19
	32231	R315-15-13	NSC	01/22/2009	Not Printed
<b><u>health care professionals</u></b>					
Public Safety, Driver License	32202	R708-7-10	AMD	02/19/2009	2009-1/41
<b><u>health care quality</u></b>					
Health, Center for Health Data, Health Care Statistics	32118	R428-12	AMD	01/08/2009	2008-23/21
<b><u>health insurance</u></b>					
Insurance, Administration	32272	R590-126-4	AMD	03/12/2009	2009-3/45
<b><u>health insurance filings</u></b>					
Insurance, Administration	32442	R590-220	5YR	03/12/2009	2009-7/37

RULES INDEX

<u>KEYWORD</u> <u>AGENCY</u>	<u>FILE</u> <u>NUMBER</u>	<u>CODE REFERENCE</u>	<u>ACTION</u>	<u>EFFECTIVE</u> <u>DATE</u>	<u>BULLETIN</u> <u>ISSUE/PAGE</u>
<b><u>health maintenance organization</u></b> Health, Center for Health Data, Health Care Statistics	32118	R428-12	AMD	01/08/2009	2008-23/21
<b><u>hearing aids</u></b> Commerce, Occupational and Professional Licensing	32398	R156-46a	5YR	02/24/2009	2009-6/91
	32235	R156-46a-302c	NSC	01/22/2009	Not Printed
<b><u>hearing instrument intern</u></b> Commerce, Occupational and Professional Licensing	32398	R156-46a	5YR	02/24/2009	2009-6/91
	32235	R156-46a-302c	NSC	01/22/2009	Not Printed
<b><u>hearing instrument specialist</u></b> Commerce, Occupational and Professional Licensing	32398	R156-46a	5YR	02/24/2009	2009-6/91
	32235	R156-46a-302c	NSC	01/22/2009	Not Printed
<b><u>hearings</u></b> Labor Commission, Adjudication	32276	R602-2-2	AMD	03/10/2009	2009-3/51
	32277	R602-7	NEW	03/10/2009	2009-3/52
	32278	R602-8	NEW	03/10/2009	2009-3/57
<b><u>Help America Vote Act</u></b> Lieutenant Governor, Elections	32512	R623-2	5YR	04/07/2009	Not Printed
<b><u>highly qualified</u></b> Education, Administration	32312	R277-510	AMD	03/10/2009	2009-3/14
<b><u>highways</u></b> Transportation, Program Development	32179	R926-10	AMD	02/19/2009	2008-24/32
Transportation, Preconstruction	32000	R930-3	AMD	01/12/2009	2008-21/98
<b><u>hiring practices</u></b> Human Resource Management, Administration	32426	R477-4-4	EMR	03/02/2009	2009-6/86
<b><u>historic sites</u></b> Community and Culture, History	32244	R212-6	NSC	01/22/2009	Not Printed
<b><u>housing finance</u></b> Housing Corporation (Utah), Administration	32211	R460-7-2	NSC	01/12/2009	Not Printed
<b><u>human services</u></b> Human Services, Administration, Administrative Services, Licensing	32190	R501-1	NSC	01/12/2009	Not Printed
	32191	R501-4-7	NSC	01/12/2009	Not Printed
	32192	R501-12-8	NSC	01/12/2009	Not Printed
<b><u>hunting</u></b> Natural Resources, Wildlife Resources	32309	R657-38	AMD	03/10/2009	2009-3/62
<b><u>hunting and fishing licenses</u></b> Natural Resources, Wildlife Resources	32300	R657-17-4	AMD	03/10/2009	2009-3/61
<b><u>hybrid vehicles</u></b> Transportation, Program Development	32076	R926-11	NEW	01/05/2009	2008-22/39



KEYWORD AGENCY	FILE NUMBER	CODE REFERENCE	ACTION	EFFECTIVE DATE	BULLETIN ISSUE/PAGE
<b><u>hydropneumatic systems</u></b> Environmental Quality, Drinking Water	32169	R309-540-6	AMD	02/15/2009	2008-24/5
<b><u>ignition interlock systems</u></b> Public Safety, Driver License	32507	R708-31	5YR	04/07/2009	Not Printed
<b><u>in-service training</u></b> Public Safety, Peace Officer Standards and Training	32472	R728-502	5YR	03/30/2009	2009-8/66
<b><u>independent contractor</u></b> Workforce Services, Unemployment Insurance	32242	R994-204-402	NSC	01/22/2009	Not Printed
<b><u>individual home booster pumps</u></b> Environmental Quality, Drinking Water	32169	R309-540-6	AMD	02/15/2009	2008-24/5
<b><u>industrial waste</u></b> Environmental Quality, Water Quality	32380	R317-1	AMD	04/07/2009	2009-5/11
<b><u>informal procedures</u></b> Community and Culture, Library	32295	R223-1	NSC	02/05/2009	Not Printed
<b><u>infrastructure assistance</u></b> Transportation Commission, Administration	31920	R940-3	NEW	01/12/2009	2008-18/62
	32082	R940-3-2	NSC	01/12/2009	Not Printed
<b><u>inmates</u></b> Education, Administration	32269	R277-735	5YR	01/05/2009	2009-3/85
	32067	R671-201	AMD	02/25/2009	2008-22/29
<b><u>inpspections</u></b> Agriculture and Food, Plant Industry	32332	R68-7	AMD	03/26/2009	2009-4/4
<b><u>inspections</u></b> Agriculture and Food, Animal Industry	32397	R58-20	5YR	02/23/2009	2009-6/90
<b><u>instructional materials</u></b> Education, Administration	32257	R277-469	AMD	02/24/2009	2009-2/20
	32369	R277-469-3	NSC	02/26/2009	Not Printed
<b><u>instructor certification</u></b> Public Safety, Peace Officer Standards and Training	32472	R728-502	5YR	03/30/2009	2009-8/66
<b><u>insurance</u></b> Insurance, Administration	32320	R590-148-22	NSC	02/25/2009	Not Printed
	32403	R590-149-7	NSC	03/14/2009	Not Printed
	32405	R590-170	5YR	02/25/2009	2009-6/92
<b><u>insurance law</u></b> Insurance, Administration	32322	R590-131-3	NSC	02/25/2009	Not Printed
<b><u>insurance licensing</u></b> Insurance, Administration	32435	R590-195	5YR	03/11/2009	2009-7/36

RULES INDEX

KEYWORD AGENCY	FILE NUMBER	CODE REFERENCE	ACTION	EFFECTIVE DATE	BULLETIN ISSUE/PAGE
<b><u>interconnection</u></b> Public Service Commission, Administration	32283	R746-365	5YR	01/06/2009	2009-3/88
<b><u>interest buy-downs</u></b> Environmental Quality, Drinking Water	32028	R309-700	AMD	01/28/2009	2008-21/34
<b><u>international guest teachers</u></b> Education, Administration	32145	R277-527	NEW	01/07/2009	2008-23/11
	32285	R277-527-3	NSC	02/05/2009	Not Printed
<b><u>Internet access</u></b> Community and Culture, Library	32296	R223-2	AMD	03/26/2009	2009-3/9
<b><u>interns</u></b> Education, Administration	32311	R277-509	AMD	03/10/2009	2009-3/12
<b><u>interstate highway systems</u></b> Transportation, Administration	31961	R907-64	AMD	01/12/2009	2008-20/25
<b><u>inventories</u></b> Environmental Quality, Air Quality	32353	R307-150	5YR	02/05/2009	2009-5/28
<b><u>investigations</u></b> Human Services, Administration	32154	R495-888	NEW	01/21/2009	2008-24/18
<b><u>investment advisers</u></b> Money Management Council, Administration	32293	R628-15-12	NSC	02/05/2009	Not Printed
	32367	R628-19	5YR	02/10/2009	2009-5/31
<b><u>laboratories</u></b> Health, Epidemiology and Laboratory Services, Laboratory Improvement	31910	R444-14	AMD	01/12/2009	2008-18/42
<b><u>land sales</u></b> Natural Resources, Wildlife Resources	32210	R657-61	AMD	02/09/2009	2009-1/40
<b><u>law enforcement officer certification</u></b> Public Safety, Administration	32404	R698-4	5YR	02/25/2009	2009-6/93
<b><u>law enforcement officers</u></b> Public Safety, Peace Officer Standards and Training	32132	R728-402	AMD	02/05/2009	2008-23/25
	32472	R728-502	5YR	03/30/2009	2009-8/66
<b><u>learner permit</u></b> Public Safety, Driver License	32506	R708-26	5YR	04/07/2009	Not Printed
<b><u>libraries</u></b> Community and Culture, Library	32296	R223-2	AMD	03/26/2009	2009-3/9
<b><u>license</u></b> Public Safety, Criminal Investigations and Technical Services, Criminal Identification	32088	R722-310	AMD	01/01/2009	2008-22/34
<b><u>license plates</u></b> Tax Commission, Motor Vehicle	32045	R873-22M-20	AMD	01/01/2009	2008-21/88
	32037	R873-22M-23	AMD	01/01/2009	2008-21/89

<u>KEYWORD AGENCY</u>	<u>FILE NUMBER</u>	<u>CODE REFERENCE</u>	<u>ACTION</u>	<u>EFFECTIVE DATE</u>	<u>BULLETIN ISSUE/PAGE</u>
<b><u>licenses</u></b>					
Education, Administration	32144	R277-520-1	AMD	01/07/2009	2008-23/9
<b><u>licensing</u></b>					
Commerce, Occupational and Professional Licensing	32241	R156-1	AMD	02/24/2009	2009-2/2
	32365	R156-31b-607	NSC	02/26/2009	Not Printed
	32236	R156-40-302d	NSC	01/22/2009	Not Printed
	32413	R156-42a	5YR	02/26/2009	2009-6/90
	32356	R156-44a	5YR	02/05/2009	2009-5/24
	32398	R156-46a	5YR	02/24/2009	2009-6/91
	32235	R156-46a-302c	NSC	01/22/2009	Not Printed
	32001	R156-56	AMD	01/01/2009	2008-21/9
	32366	R156-61	5YR	02/10/2009	2009-5/25
Human Services, Administration, Administrative Services, Licensing	32190	R501-1	NSC	01/12/2009	Not Printed
	32191	R501-4-7	NSC	01/12/2009	Not Printed
	32192	R501-12-8	NSC	01/12/2009	Not Printed
	32193	R501-14	NSC	01/12/2009	Not Printed
Public Safety, Driver License	32502	R708-10	5YR	04/07/2009	Not Printed
	32504	R708-24	5YR	04/07/2009	Not Printed
Sports Authority (Utah), Pete Suazo Utah Athletic Commission	32188	R859-1-301	AMD	03/01/2009	2009-1/44
<b><u>life insurance filings</u></b>					
Insurance, Administration	32467	R590-226	5YR	03/26/2009	2009-8/64
<b><u>loans</u></b>					
Environmental Quality, Drinking Water	32028	R309-700	AMD	01/28/2009	2008-21/34
	32029	R309-705	AMD	01/28/2009	2008-21/40
Natural Resources, Geological Survey	32330	R638-3	AMD	04/06/2009	2009-4/37
<b><u>lobbyist</u></b>					
Lieutenant Governor, Elections	32508	R623-1	5YR	04/07/2009	Not Printed
<b><u>lt. governor</u></b>					
Lieutenant Governor, Administration	32501	R622-2	5YR	04/07/2009	Not Printed
<b><u>Medicaid</u></b>					
Health, Health Care Financing, Coverage and Reimbursement Policy	32329	R414-1-5	AMD	04/01/2009	2009-4/26
	32102	R414-1-5	AMD	01/01/2009	2008-22/22
	32325	R414-9	5YR	01/26/2009	2009-4/56
	32223	R414-14-5	AMD	02/24/2009	2009-2/23
	32224	R414-21-2	AMD	02/24/2009	2009-2/25
	32225	R414-52	AMD	02/24/2009	2009-2/26
	32226	R414-53	AMD	02/24/2009	2009-2/27
	32432	R414-54	5YR	03/09/2009	2009-7/36
	32227	R414-54	AMD	02/24/2009	2009-2/28
	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

RULES INDEX

<u>KEYWORD</u> <u>AGENCY</u>	<u>FILE</u> <u>NUMBER</u>	<u>CODE REFERENCE</u>	<u>ACTION</u>	<u>EFFECTIVE</u> <u>DATE</u>	<u>BULLETIN</u> <u>ISSUE/PAGE</u>
	32352	R414-99	5YR	02/04/2009	2009-5/30
	32229	R414-99-2	AMD	02/24/2009	2009-2/30
	32230	R414-200	AMD	02/24/2009	2009-2/31
	32252	R414-301-4	NSC	01/22/2009	Not Printed
	32184	R414-308	AMD	01/26/2009	2008-24/9
	32186	R414-310	AMD	01/22/2009	2008-24/13
	32187	R414-320	AMD	01/22/2009	2008-24/15
<b><u>mental retardation</u></b>					
Health, Community and Family Health Services, Children with Special Health Care Needs	32158	R398-10	NSC	03/19/2009	Not Printed
	32454	R398-10	5YR	03/19/2009	2009-8/63
<b><u>midwifery</u></b>					
Commerce, Occupational and Professional Licensing	32356	R156-44a	5YR	02/05/2009	2009-5/24
<b><u>mini-COBRA insurance</u></b>					
Insurance, Administration	32495	R590-253	EMR	04/02/2009	Not Printed
<b><u>motor vehicles</u></b>					
Environmental Quality, Air Quality	31928	R307-121	AMD	01/01/2009	2008-19/25
	32275	R307-121	5YR	01/06/2009	2009-3/86
Tax Commission, Motor Vehicle	32045	R873-22M-20	AMD	01/01/2009	2008-21/88
	32037	R873-22M-23	AMD	01/01/2009	2008-21/89
Tax Commission, Motor Vehicle Enforcement	32234	R877-23V-7	AMD	03/03/2009	2009-2/36
<b><u>museum</u></b>					
Regents (Board Of), University of Utah, Museum of Natural History (Utah)	32284	R807-1	5YR	01/06/2009	2009-3/89
<b><u>museum services</u></b>					
Community and Culture, Arts and Museums, Museum Services	32108	R210-100	NEW	01/01/2009	2008-22/21
<b><u>museums</u></b>					
Community and Culture, Arts and Museums, Museum Services	32108	R210-100	NEW	01/01/2009	2008-22/21
<b><u>mutual funds</u></b>					
Commerce, Securities	32039	R164-15-2	AMD	01/12/2009	2008-21/28
<b><u>national register</u></b>					
Community and Culture, History	32244	R212-6	NSC	01/22/2009	Not Printed
<b><u>NCLB</u></b>					
Education, Administration	32267	R277-524	5YR	01/05/2009	2009-3/84
<b><u>non-traditional</u></b>					
Health, Health Care Financing, Coverage and Reimbursement Policy	32230	R414-200	AMD	02/24/2009	2009-2/31
<b><u>nuclear medicine</u></b>					
Environmental Quality, Radiation Control	32207	R313-32	AMD	02/12/2009	2009-1/30

<u>KEYWORD</u> <u>AGENCY</u>	<u>FILE</u> <u>NUMBER</u>	<u>CODE REFERENCE</u>	<u>ACTION</u>	<u>EFFECTIVE</u> <u>DATE</u>	<u>BULLETIN</u> <u>ISSUE/PAGE</u>
<b><u>nurses</u></b> Commerce, Occupational and Professional Licensing	32365	R156-31b-607	NSC	02/26/2009	Not Printed
<b><u>occupational licensing</u></b> Commerce, Occupational and Professional Licensing	32241	R156-1	AMD	02/24/2009	2009-2/2
<b><u>occupational safety and health</u></b> Labor Commission, Adjudication	32278	R602-8	NEW	03/10/2009	2009-3/57
<b><u>occupational therapy</u></b> Commerce, Occupational and Professional Licensing	32413	R156-42a	5YR	02/26/2009	2009-6/90
<b><u>off-highway vehicles</u></b> 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
<b><u>one-time signing bonuses</u></b> Education, Administration	32139	R277-109-1	AMD	01/07/2009	2008-23/2
<b><u>open government</u></b> Education, Administration	32254	R277-101	AMD	02/24/2009	2009-2/13
<b><u>optometry</u></b> Health, Health Care Financing, Coverage and Reimbursement Policy	32225	R414-52	AMD	02/24/2009	2009-2/26
<b><u>organ transplants</u></b> Health, Health Care Financing, Coverage and Reimbursement Policy	32324	R414-58	5YR	01/26/2009	2009-4/57
<b><u>paleontological resources</u></b> Regents (Board Of), University of Utah, Museum of Natural History (Utah)	32284	R807-1	5YR	01/06/2009	2009-3/89
<b><u>paraprofessional qualifications</u></b> Education, Administration	32267	R277-524	5YR	01/05/2009	2009-3/84
<b><u>parks</u></b> Natural Resources, Parks and Recreation	32339	R651-633-2	AMD	03/26/2009	2009-4/41
	32338	R651-636	NEW	03/26/2009	2009-4/42
<b><u>parole</u></b> Pardons (Board Of), Administration	32067	R671-201	AMD	02/25/2009	2008-22/29
	32066	R671-405	AMD	02/25/2009	2008-22/33
<b><u>PCN</u></b> Health, Health Care Financing, Coverage and Reimbursement Policy	32187	R414-320	AMD	01/22/2009	2008-24/15
<b><u>performance measurement</u></b> Health, Center for Health Data, Health Care Statistics	32118	R428-12	AMD	01/08/2009	2008-23/21
<b><u>permits</u></b> Environmental Quality, Water Quality	32380	R317-1	AMD	04/07/2009	2009-5/11
Natural Resources, Wildlife Resources	32371	R657-42-4	AMD	04/07/2009	2009-5/19

RULES INDEX

<u>KEYWORD</u> <u>AGENCY</u>	<u>FILE</u> <u>NUMBER</u>	<u>CODE REFERENCE</u>	<u>ACTION</u>	<u>EFFECTIVE</u> <u>DATE</u>	<u>BULLETIN</u> <u>ISSUE/PAGE</u>
<b><u>personal property</u></b>					
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
<b><u>pesticides</u></b>					
Agriculture and Food, Plant Industry	32332	R68-7	AMD	03/26/2009	2009-4/4
<b><u>physically handicapped</u></b>					
Public Service Commission, Administration	32232	R746-343-3	AMD	03/03/2009	2009-2/35
<b><u>physicians</u></b>					
Public Safety, Driver License	32202	R708-7-10	AMD	02/19/2009	2009-1/41
<b><u>police training</u></b>					
Public Safety, Peace Officer Standards and Training	32132	R728-402	AMD	02/05/2009	2008-23/25
<b><u>policy</u></b>					
Education, Administration	32141	R277-495	NEW	01/07/2009	2008-23/3
<b><u>preferred provider organization</u></b>					
Health, Center for Health Data, Health Care Statistics	32118	R428-12	AMD	01/08/2009	2008-23/21
<b><u>prequalification</u></b>					
Transportation, Operations, Construction	32307	R916-2	NSC	02/05/2009	Not Printed
<b><u>primary care</u></b>					
Health, Health Care Financing, Coverage and Reimbursement Policy	32186	R414-310	AMD	01/22/2009	2008-24/13
<b><u>prisons</u></b>					
Corrections, Administration	31997	R251-105	AMD	02/26/2009	2008-21/31
<b><u>professional competency</u></b>					
Education, Administration	32142	R277-502	AMD	01/07/2009	2008-23/5
<b><u>professional education</u></b>					
Education, Administration	32143	R277-518	AMD	01/07/2009	2008-23/7
<b><u>professional engineers</u></b>					
Commerce, Occupational and Professional Licensing	32364	R156-22-102	AMD	04/07/2009	2009-5/3
<b><u>professional land surveyors</u></b>					
Commerce, Occupational and Professional Licensing	32364	R156-22-102	AMD	04/07/2009	2009-5/3
<b><u>professional staff</u></b>					
Education, Administration	32266	R277-486	5YR	01/05/2009	2009-3/84
<b><u>prohibited items and devices</u></b>					
Human Services, Substance Abuse and Mental Health	32183	R523-1-5	AMD	01/22/2009	2008-24/26

KEYWORD AGENCY	FILE NUMBER	CODE REFERENCE	ACTION	EFFECTIVE DATE	BULLETIN ISSUE/PAGE
<b><u>property casualty insurance filing</u></b> Insurance, Administration	32439	R590-225	5YR	03/12/2009	2009-7/37
<b><u>property tax</u></b> 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
<b><u>property values</u></b> Natural Resources, Wildlife Resources	32210	R657-61	AMD	02/09/2009	2009-1/40
<b><u>protection</u></b> Commerce, Consumer Protection	32382	R152-21	5YR	02/17/2009	2009-5/24
<b><u>PSD</u></b> Environmental Quality, Air Quality	32354	R307-405	5YR	02/05/2009	2009-5/28
	32042	R307-405-2	AMD	02/05/2009	2008-21/33
<b><u>psychologists</u></b> Commerce, Occupational and Professional Licensing	32366	R156-61	5YR	02/10/2009	2009-5/25
<b><u>public assistance</u></b> Public Service Commission, Administration	32232	R746-343-3	AMD	03/03/2009	2009-2/35
<b><u>public assistance programs</u></b> Health, Health Care Financing, Coverage and Reimbursement Policy	32184	R414-308	AMD	01/26/2009	2008-24/9
<b><u>public buildings</u></b> Capitol Preservation Board (State), Administration	32343	R131-2	AMD	03/26/2009	2009-4/9
<b><u>public education</u></b> Education, Administration	32265	R277-437	5YR	01/05/2009	2009-3/83
	32256	R277-462	AMD	02/24/2009	2009-2/16
	32269	R277-735	5YR	01/05/2009	2009-3/85
<b><u>public funds</u></b> Money Management Council, Administration	32367	R628-19	5YR	02/10/2009	2009-5/31
<b><u>public health</u></b> Health, Epidemiology and Laboratory Services, Environmental Services	32370	R392-101	5YR	02/12/2009	2009-5/30
<b><u>public investments</u></b> Money Management Council, Administration	32293	R628-15-12	NSC	02/05/2009	Not Printed
	32294	R628-16-12	NSC	02/05/2009	Not Printed
<b><u>public library</u></b> Community and Culture, Library	32296	R223-2	AMD	03/26/2009	2009-3/9

RULES INDEX

<u>KEYWORD</u> <u>AGENCY</u>	<u>FILE</u> <u>NUMBER</u>	<u>CODE REFERENCE</u>	<u>ACTION</u>	<u>EFFECTIVE</u> <u>DATE</u>	<u>BULLETIN</u> <u>ISSUE/PAGE</u>
<b><u>public utilities</u></b> Public Service Commission, Administration	32283	R746-365	5YR	01/06/2009	2009-3/88
<b><u>public-private partnerships</u></b> Transportation, Program Development	32179	R926-10	AMD	02/19/2009	2008-24/32
<b><u>pumps</u></b> Environmental Quality, Drinking Water	32169	R309-540-6	AMD	02/15/2009	2008-24/5
<b><u>radioactive material</u></b> Environmental Quality, Radiation Control	32050	R313-21	CPR	02/11/2009	2008-24/38
<b><u>radioactive materials</u></b> Environmental Quality, Radiation Control	32050	R313-21	AMD	02/11/2009	2008-21/47
	32206	R313-22-75	AMD	02/12/2009	2009-1/27
	32207	R313-32	AMD	02/12/2009	2009-1/30
<b><u>radiopharmaceutical</u></b> Environmental Quality, Radiation Control	32207	R313-32	AMD	02/12/2009	2009-1/30
<b><u>rates</u></b> Labor Commission, Industrial Accidents	32054	R612-4-2	AMD	01/01/2009	2008-21/66
Public Service Commission, Administration	32232	R746-343-3	AMD	03/03/2009	2009-2/35
<b><u>real estate appraisals</u></b> Commerce, Real Estate	31998	R162-103	AMD	01/01/2009	2008-21/23
<b><u>real estate business</u></b> Commerce, Real Estate	32115	R162-2-2	AMD	01/08/2009	2008-22/19
	32248	R162-6	AMD	03/02/2009	2009-2/8
<b><u>record requests</u></b> Human Services, Recovery Services	32159	R527-5	R&R	01/21/2009	2008-24/27
<b><u>records</u></b> Workforce Services, Administration	32238	R982-201	NSC	01/22/2009	Not Printed
<b><u>records appeal hearings</u></b> Administrative Services, Records Committee	32355	R35-1-4	NSC	02/26/2009	Not Printed
	32358	R35-2	NSC	02/26/2009	Not Printed
	32359	R35-4	NSC	02/26/2009	Not Printed
	32360	R35-5	NSC	02/26/2009	Not Printed
	32361	R35-6	NSC	02/26/2009	Not Printed
<b><u>records fees</u></b> Human Services, Recovery Services	32159	R527-5	R&R	01/21/2009	2008-24/27
<b><u>recreation</u></b> Natural Resources, Wildlife Resources	32309	R657-38	AMD	03/10/2009	2009-3/62
<b><u>recreation therapy</u></b> Commerce, Occupational and Professional Licensing	32236	R156-40-302d	NSC	01/22/2009	Not Printed



<u>KEYWORD</u> <u>AGENCY</u>	<u>FILE</u> <u>NUMBER</u>	<u>CODE REFERENCE</u>	<u>ACTION</u>	<u>EFFECTIVE</u> <u>DATE</u>	<u>BULLETIN</u> <u>ISSUE/PAGE</u>
<b><u>recreational therapy</u></b>					
Commerce, Occupational and Professional Licensing	32236	R156-40-302d	NSC	01/22/2009	Not Printed
<b><u>rehabilitation</u></b>					
Education, Rehabilitation	32271	R280-202	5YR	01/05/2009	2009-3/86
<b><u>reimbursement</u></b>					
Health, Health Care Financing, Coverage and Reimbursement Policy	32325	R414-9	5YR	01/26/2009	2009-4/56
Transportation, Administration	32213	R907-66	NSC	01/12/2009	Not Printed
<b><u>related parties</u></b>					
Human Services, Administration	32154	R495-888	NEW	01/21/2009	2008-24/18
<b><u>religious activities</u></b>					
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
<b><u>renewable</u></b>					
Natural Resources, Geological Survey	32331	R638-2	AMD	04/06/2009	2009-4/29
<b><u>replacement provider</u></b>					
Public Service Commission, Administration	32306	R746-350	5YR	01/14/2009	2009-3/88
<b><u>reporting</u></b>					
Health, Community and Family Health Services, Children with Special Health Care Needs	32158	R398-10	NSC	03/19/2009	Not Printed
	32454	R398-10	5YR	03/19/2009	2009-8/63
Health, Health Systems Improvement, Emergency Medical Services	32084	R426-5-4	AMD	02/24/2009	2008-22/25
<b><u>reporting requirements and procedures</u></b>					
Health, Community and Family Health Services, Chronic Disease	32465	R384-100	5YR	03/25/2009	2009-8/63
<b><u>reports</u></b>					
Environmental Quality, Air Quality	32353	R307-150	5YR	02/05/2009	2009-5/28
<b><u>restaurants</u></b>					
Tax Commission, Auditing	32034	R865-12L-6	AMD	01/01/2009	2008-21/78
	32032	R865-12L-12	AMD	01/01/2009	2008-21/79
	32015	R865-12L-13	AMD	01/01/2009	2008-21/79
<b><u>retirement</u></b>					
Human Resource Management, Administration	32427	R477-12-3	EMR	03/02/2009	2009-6/87
<b><u>RFPs</u></b>					
Education, Administration	32255	R277-117	NEW	02/24/2009	2009-2/15
	32400	R277-117-2	NSC	03/14/2009	Not Printed

RULES INDEX

<u>KEYWORD</u> <u>AGENCY</u>	<u>FILE</u> <u>NUMBER</u>	<u>CODE REFERENCE</u>	<u>ACTION</u>	<u>EFFECTIVE</u> <u>DATE</u>	<u>BULLETIN</u> <u>ISSUE/PAGE</u>
<b><u>right-of-way</u></b> Transportation, Administration	31961	R907-64	AMD	01/12/2009	2008-20/25
<b><u>rules and procedures</u></b> Education, Administration	32372	R277-102	5YR	02/13/2009	2009-5/26
<b><u>safety</u></b> Labor Commission, Occupational Safety and Health	32216	R614-1-4	NSC	01/13/2009	Not Printed
Labor Commission, Safety	32259	R616-2-3	AMD	02/24/2009	2009-2/34
Transportation, Motor Carrier	32264	R909-3	NSC	01/05/2009	Not Printed
	32274	R909-3	5YR	01/05/2009	2009-3/89
	32273	R909-3-2	NSC	02/05/2009	Not Printed
<b><u>safety regulations</u></b> Transportation, Motor Carrier	32215	R909-19	NSC	01/12/2009	Not Printed
<b><u>salary adjustments</u></b> Education, Administration	32140	R277-110-1	AMD	01/07/2009	2008-23/2
<b><u>sales tax</u></b> Tax Commission, Auditing	32034	R865-12L-6	AMD	01/01/2009	2008-21/78
	32032	R865-12L-12	AMD	01/01/2009	2008-21/79
	32015	R865-12L-13	AMD	01/01/2009	2008-21/79
	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
<b><u>school</u></b> Education, Administration	32375	R277-601	5YR	02/13/2009	2009-5/27
<b><u>school boards</u></b> Education, Administration	32254	R277-101	AMD	02/24/2009	2009-2/13
<b><u>school buses</u></b> Transportation, Motor Carrier	32264	R909-3	NSC	01/05/2009	Not Printed
	32274	R909-3	5YR	01/05/2009	2009-3/89
	32273	R909-3-2	NSC	02/05/2009	Not Printed
<b><u>school transportation</u></b> Education, Administration	32375	R277-601	5YR	02/13/2009	2009-5/27
<b><u>schools</u></b> Natural Resources, Geological Survey	32330	R638-3	AMD	04/06/2009	2009-4/37
<b><u>SDWA</u></b> Environmental Quality, Drinking Water	32029	R309-705	AMD	01/28/2009	2008-21/40

<u>KEYWORD AGENCY</u>	<u>FILE NUMBER</u>	<u>CODE REFERENCE</u>	<u>ACTION</u>	<u>EFFECTIVE DATE</u>	<u>BULLETIN ISSUE/PAGE</u>
<b><u>search and rescue</u></b>					
Public Safety, Homeland Security	32305	R704-1	NSC	02/05/2009	Not Printed
<b><u>securities</u></b>					
Commerce, Securities	32039	R164-15-2	AMD	01/12/2009	2008-21/28
Money Management Council, Administration	32367	R628-19	5YR	02/10/2009	2009-5/31
<b><u>securities regulation</u></b>					
Commerce, Securities	32039	R164-15-2	AMD	01/12/2009	2008-21/28
Money Management Council, Administration	32293	R628-15-12	NSC	02/05/2009	Not Printed
	32294	R628-16-12	NSC	02/05/2009	Not Printed
<b><u>self-administered services</u></b>					
Human Services, Services for People with Disabilities	32308	R539-5-8	EMR	01/15/2009	2009-3/81
<b><u>senior-specific insurance designations</u></b>					
Insurance, Administration	32261	R590-252	NEW	02/25/2009	2009-2/32
<b><u>sentencing</u></b>					
Pardons (Board Of), Administration	32066	R671-405	AMD	02/25/2009	2008-22/33
<b><u>services</u></b>					
Public Service Commission, Administration	32306	R746-350	5YR	01/14/2009	2009-3/88
<b><u>settlements</u></b>					
Labor Commission, Adjudication	32276	R602-2-2	AMD	03/10/2009	2009-3/51
	32277	R602-7	NEW	03/10/2009	2009-3/52
	32278	R602-8	NEW	03/10/2009	2009-3/57
<b><u>sewerage</u></b>					
Environmental Quality, Water Quality	32381	R317-5-1	AMD	04/07/2009	2009-5/16
<b><u>SLCC</u></b>					
Regents (Board Of), Salt Lake Community College	32433	R784-1	5YR	03/09/2009	2009-7/38
<b><u>social services</u></b>					
Human Services, Administration, Administrative Hearings	32328	R497-100	NSC	02/25/2009	Not Printed
	32181	R497-100	AMD	01/21/2009	2008-24/21
<b><u>solar</u></b>					
Natural Resources, Geological Survey	32331	R638-2	AMD	04/06/2009	2009-4/29
<b><u>solid waste management</u></b>					
Environmental Quality, Solid and Hazardous Waste	32378	R315-320	5YR	02/17/2009	2009-5/29
<b><u>source development</u></b>					
Environmental Quality, Drinking Water	32168	R309-515-7	AMD	02/15/2009	2008-24/3
<b><u>source maintenance</u></b>					
Environmental Quality, Drinking Water	32168	R309-515-7	AMD	02/15/2009	2008-24/3
<b><u>source material</u></b>					
Environmental Quality, Radiation Control	32050	R313-21	CPR	02/11/2009	2008-24/38

RULES INDEX

KEYWORD AGENCY	FILE NUMBER	CODE REFERENCE	ACTION	EFFECTIVE DATE	BULLETIN ISSUE/PAGE
<b><u>source materials</u></b>					
Environmental Quality, Radiation Control	32050	R313-21	AMD	02/11/2009	2008-21/47
<b><u>special fuel</u></b>					
Tax Commission, Auditing	32334	R865-4D-2	AMD	03/26/2009	2009-4/51
	32035	R865-4D-2	AMD	01/01/2009	2008-21/76
	32335	R865-4D-6	AMD	03/26/2009	2009-4/52
	32336	R865-4D-24	AMD	03/26/2009	2009-4/53
<b><u>specific licenses</u></b>					
Environmental Quality, Radiation Control	32206	R313-22-75	AMD	02/12/2009	2009-1/27
<b><u>speech-language pathology services</u></b>					
Health, Health Care Financing, Coverage and Reimbursement Policy	32432	R414-54	5YR	03/09/2009	2009-7/36
	32227	R414-54	AMD	02/24/2009	2009-2/28
	32326	R414-54-3	AMD	04/01/2009	2009-4/27
<b><u>standards</u></b>					
Health, Administration	31980	R380-70	NEW	02/04/2009	2008-20/12
<b><u>state flag</u></b>					
Lieutenant Governor, Administration	32501	R622-2	5YR	04/07/2009	Not Printed
<b><u>state plan</u></b>					
Lieutenant Governor, Elections	32513	R623-3	5YR	04/07/2009	Not Printed
<b><u>state records committee</u></b>					
Administrative Services, Records Committee	32355	R35-1-4	NSC	02/26/2009	Not Printed
	32358	R35-2	NSC	02/26/2009	Not Printed
	32359	R35-4	NSC	02/26/2009	Not Printed
	32360	R35-5	NSC	02/26/2009	Not Printed
	32361	R35-6	NSC	02/26/2009	Not Printed
<b><u>state register</u></b>					
Community and Culture, History	32244	R212-6	NSC	01/22/2009	Not Printed
<b><u>stock brokers</u></b>					
Money Management Council, Administration	32294	R628-16-12	NSC	02/05/2009	Not Printed
<b><u>stream alterations</u></b>					
Natural Resources, Water Rights	32368	R655-13	5YR	02/11/2009	2009-5/31
<b><u>student participation</u></b>					
Education, Administration	32220	R277-494-3	NSC	01/22/2009	Not Printed
	32323	R277-494-3	NSC	02/25/2009	Not Printed
<b><u>student teachers</u></b>					
Education, Administration	32311	R277-509	AMD	03/10/2009	2009-3/12
<b><u>students at risk</u></b>					
Education, Administration	32219	R277-464-4	NSC	01/22/2009	Not Printed

<u>KEYWORD AGENCY</u>	<u>FILE NUMBER</u>	<u>CODE REFERENCE</u>	<u>ACTION</u>	<u>EFFECTIVE DATE</u>	<u>BULLETIN ISSUE/PAGE</u>
<b><u>supervision</u></b>					
Commerce, Occupational and Professional Licensing	32241	R156-1	AMD	02/24/2009	2009-2/2
<b><u>surveyors</u></b>					
Commerce, Occupational and Professional Licensing	32364	R156-22-102	AMD	04/07/2009	2009-5/3
<b><u>tax credits</u></b>					
Environmental Quality, Air Quality	31928	R307-121	AMD	01/01/2009	2008-19/25
	32275	R307-121	5YR	01/06/2009	2009-3/86
Natural Resources, Geological Survey	32331	R638-2	AMD	04/06/2009	2009-4/29
<b><u>tax exemptions</u></b>					
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
<b><u>taxation</u></b>					
Tax Commission, Auditing	32334	R865-4D-2	AMD	03/26/2009	2009-4/51
	32035	R865-4D-2	AMD	01/01/2009	2008-21/76
	32335	R865-4D-6	AMD	03/26/2009	2009-4/52
	32336	R865-4D-24	AMD	03/26/2009	2009-4/53
	32392	R865-7H	5YR	02/19/2009	2009-6/93
	32034	R865-12L-6	AMD	01/01/2009	2008-21/78
	32032	R865-12L-12	AMD	01/01/2009	2008-21/79
	32015	R865-12L-13	AMD	01/01/2009	2008-21/79
	32033	R865-21U-3	AMD	01/01/2009	2008-21/87
	32010	R865-21U-15	AMD	01/01/2009	2008-21/87
Tax Commission, Motor Vehicle	32045	R873-22M-20	AMD	01/01/2009	2008-21/88
	32037	R873-22M-23	AMD	01/01/2009	2008-21/89
Tax Commission, Motor Vehicle Enforcement	32234	R877-23V-7	AMD	03/03/2009	2009-2/36
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
<b><u>teacher preparation programs</u></b>					
Education, Administration	32311	R277-509	AMD	03/10/2009	2009-3/12
<b><u>telecommunications</u></b>					
Public Service Commission, Administration	32232	R746-343-3	AMD	03/03/2009	2009-2/35
	32306	R746-350	5YR	01/14/2009	2009-3/88
	32283	R746-365	5YR	01/06/2009	2009-3/88

RULES INDEX

<u>KEYWORD</u> <u>AGENCY</u>	<u>FILE</u> <u>NUMBER</u>	<u>CODE REFERENCE</u>	<u>ACTION</u>	<u>EFFECTIVE</u> <u>DATE</u>	<u>BULLETIN</u> <u>ISSUE/PAGE</u>
<b><u>title</u></b> Insurance, Title and Escrow Commission	32167	R592-13	NEW	01/22/2009	2008-24/31
<b><u>tolls</u></b> Transportation, Program Development	32179	R926-10	AMD	02/19/2009	2008-24/32
<b><u>towing</u></b> Transportation, Motor Carrier	32215	R909-19	NSC	01/12/2009	Not Printed
<b><u>traffic noise abatement</u></b> Transportation, Preconstruction	32000	R930-3	AMD	01/12/2009	2008-21/98
<b><u>transportation</u></b> Transportation, Administration	32213	R907-66	NSC	01/12/2009	Not Printed
Transportation, Program Development	32179	R926-10	AMD	02/19/2009	2008-24/32
Transportation, Preconstruction	32000	R930-3	AMD	01/12/2009	2008-21/98
<b><u>Transportation Infrastructure Loan Fund</u></b> Transportation Commission, Administration	31920	R940-3	NEW	01/12/2009	2008-18/62
<b><u>Transportation Infrastructure Loan Fund Fund</u></b> Transportation Commission, Administration	32082	R940-3-2	NSC	01/12/2009	Not Printed
<b><u>trauma</u></b> Health, Health Systems Improvement, Emergency Medical Services	32084	R426-5-4	AMD	02/24/2009	2008-22/25
<b><u>trucks</u></b> Transportation, Motor Carrier	32215	R909-19	NSC	01/12/2009	Not Printed
<b><u>unarmed combat</u></b> Sports Authority (Utah), Pete Suazo Utah Athletic Commission	32188	R859-1-301	AMD	03/01/2009	2009-1/44
<b><u>unemployment compensation</u></b> Workforce Services, Unemployment Insurance	32242	R994-204-402	NSC	01/22/2009	Not Printed
<b><u>url</u></b> Technology Services, Administration	32498	R895-4	5YR	04/06/2009	Not Printed
<b><u>used oil</u></b> Environmental Quality, Solid and Hazardous Waste	32231	R315-15-13	NSC	01/22/2009	Not Printed
<b><u>user tax</u></b> Tax Commission, Auditing	32033	R865-21U-3	AMD	01/01/2009	2008-21/87
	32010	R865-21U-15	AMD	01/01/2009	2008-21/87
<b><u>utah.gov</u></b> Technology Services, Administration	32498	R895-4	5YR	04/06/2009	Not Printed
<b><u>victim compensation</u></b> Crime Victim Reparations, Administration	32180	R270-1-14	AMD	01/21/2009	2008-24/3
	31950	R270-1-19	CPR	01/21/2009	2008-24/37
	31950	R270-1-19	AMD	01/21/2009	2008-19/13

<u>KEYWORD</u> <u>AGENCY</u>	<u>FILE</u> <u>NUMBER</u>	<u>CODE REFERENCE</u>	<u>ACTION</u>	<u>EFFECTIVE</u> <u>DATE</u>	<u>BULLETIN</u> <u>ISSUE/PAGE</u>
<b><u>victims of crime</u></b>					
Crime Victim Reparations, Administration	32180	R270-1-14	AMD	01/21/2009	2008-24/3
	31950	R270-1-19	CPR	01/21/2009	2008-24/37
	31950	R270-1-19	AMD	01/21/2009	2008-19/13
<b><u>voting</u></b>					
Lieutenant Governor, Elections	32512	R623-2	5YR	04/07/2009	Not Printed
<b><u>waste disposal</u></b>					
Environmental Quality, Solid and Hazardous Waste	32378	R315-320	5YR	02/17/2009	2009-5/29
Environmental Quality, Water Quality	32380	R317-1	AMD	04/07/2009	2009-5/11
<b><u>wastewater</u></b>					
Environmental Quality, Water Quality	32342	R317-3-1	AMD	04/07/2009	2009-4/18
<b><u>water pollution</u></b>					
Environmental Quality, Water Quality	32380	R317-1	AMD	04/07/2009	2009-5/11
	31650	R317-2	CPR	01/12/2009	2008-23/28
	31650	R317-2	AMD	01/12/2009	2008-14/30
	32342	R317-3-1	AMD	04/07/2009	2009-4/18
	32381	R317-5-1	AMD	04/07/2009	2009-5/16
	32340	R317-8	AMD	04/07/2009	2009-4/21
<b><u>water quality</u></b>					
Environmental Quality, Water Quality	32342	R317-3-1	AMD	04/07/2009	2009-4/18
<b><u>water quality standards</u></b>					
Environmental Quality, Water Quality	31650	R317-2	CPR	01/12/2009	2008-23/28
	31650	R317-2	AMD	01/12/2009	2008-14/30
<b><u>water rights</u></b>					
Natural Resources, Water Rights	32201	R655-14	AMD	02/10/2009	2009-1/35
<b><u>white-collar contests</u></b>					
Sports Authority (Utah), Pete Suazo Utah Athletic Commission	32188	R859-1-301	AMD	03/01/2009	2009-1/44
<b><u>wildlife</u></b>					
Natural Resources, Wildlife Resources	32337	R657-5	AMD	03/24/2009	2009-4/43
	32129	R657-13	AMD	01/07/2009	2008-23/23
	32300	R657-17-4	AMD	03/10/2009	2009-3/61
	32319	R657-33-19	AMD	03/24/2009	2009-4/50
	32309	R657-38	AMD	03/10/2009	2009-3/62
	32371	R657-42-4	AMD	04/07/2009	2009-5/19
	32299	R657-44-3	AMD	03/10/2009	2009-3/69
	32297	R657-55-4	AMD	03/10/2009	2009-3/71
	32081	R657-60-2	AMD	01/07/2009	2008-22/28
	32298	R657-60-2	AMD	03/10/2009	2009-3/72
	32210	R657-61	AMD	02/09/2009	2009-1/40
<b><u>wildlife conservation</u></b>					
Natural Resources, Wildlife Resources	32309	R657-38	AMD	03/10/2009	2009-3/62

RULES INDEX

---

<u>KEYWORD</u> <u>AGENCY</u>	<u>FILE</u> <u>NUMBER</u>	<u>CODE REFERENCE</u>	<u>ACTION</u>	<u>EFFECTIVE</u> <u>DATE</u>	<u>BULLETIN</u> <u>ISSUE/PAGE</u>
<b><u>wildlife law</u></b>					
Natural Resources, Wildlife Resources	32129	R657-13	AMD	01/07/2009	2008-23/23
	32081	R657-60-2	AMD	01/07/2009	2008-22/28
	32298	R657-60-2	AMD	03/10/2009	2009-3/72
<b><u>wildlife permits</u></b>					
Natural Resources, Wildlife Resources	32297	R657-55-4	AMD	03/10/2009	2009-3/71
<b><u>workers' compensation</u></b>					
Labor Commission, Adjudication	32276	R602-2-2	AMD	03/10/2009	2009-3/51
Labor Commission, Industrial Accidents	32054	R612-4-2	AMD	01/01/2009	2008-21/66