

UTAH STATE BULLETIN

OFFICIAL NOTICES OF UTAH STATE GOVERNMENT
Filed September 16, 2015, 12:00 a.m. through October 01, 2015, 11:59 p.m.

Number 2015-20
October 15, 2015

Nancy L. Lancaster, Editor
Patricia Smith-Mansfield, Director
Kimberly K. Hood, Executive Director

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

The Portable Document Format (PDF) version of the *Bulletin* is the official version. The PDF version of this issue is available at <http://www.rules.utah.gov/publicat/bulletin.htm>. Any discrepancy between the PDF version and other versions will be resolved in favor of the PDF version.

Inquiries concerning the substance or applicability of an administrative rule that appears in the *Bulletin* should be addressed to the contact person for the rule. Questions about the *Bulletin* or the rulemaking process may be addressed to: Division of Administrative Rules, PO Box 141007, Salt Lake City, Utah 84114-1007, telephone 801-538-3764. Additional rulemaking information and electronic versions of all administrative rule publications are available at <http://www.rules.utah.gov/>.

The information in this *Bulletin* is summarized in the *Utah State Digest (Digest)* of the same volume and issue number. The *Digest* is available by e-mail subscription or online. 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.

Utah state bulletin.

Semimonthly.

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

I. Utah. Division of Administrative Rules.

KFU440.A73S7

348.792'025--DDC

85-643197

TABLE OF CONTENTS

SPECIAL NOTICES	1
Environmental Quality	
Air Quality	
Infrastructure State Implementation Plan (SIP) for Particulate Matter 2.5.....	1
Health	
Health Care Financing, Coverage and Reimbursement Policy	
Notice for December 2015 Primary Care Network (PCN) Waiver Extension Request	
and Notice of Public Hearing.....	9
Notice for November 2015 Medicaid Rate Changes.....	9
EXECUTIVE DOCUMENTS	11
Governor	
Administration	
Wildland Fire Management, Utah Exec. Order No. 2015-9.....	11
NOTICES OF PROPOSED RULES	13
Agriculture and Food	
Animal Industry	
No. 39775 (Amendment): R58-11 Slaughter of Livestock and Poultry.....	14
No. 39774 (Amendment): R58-12 Record Keeping and Carcass Identification at	
Meat Exempt (Custom Cut) Establishments.....	19
Marketing and Development	
No. 39762 (Repeal): R65-3 Utah Turkey Marketing Order.....	20
No. 39763 (Repeal): R65-4 Utah Egg Marketing Order.....	23
Plant Industry	
No. 39773 (Amendment): R68-1 Utah Bee Inspection Act Governing Inspection of Bees.....	25
Regulatory Services	
No. 39779 (Amendment): R70-330 Raw Milk for Retail.....	26
Commerce	
Occupational and Professional Licensing	
No. 39780 (Amendment): R156-17b Pharmacy Practice Act Rule.....	30
No. 39761 (Amendment): R156-42a Occupational Therapy Practice Act Rule.....	35
No. 39772 (New Rule): R156-61a Behavior Analyst Licensing Act Rule.....	37
Real Estate	
No. 39776 (Amendment): R162-2f Real Estate Licensing and Practices Rules.....	40
No. 39777 (Amendment): R162-57a-5 Project Registration.....	46
Education	
Administration	
No. 39785 (Repeal and Reenact): R277-100 Rulemaking Policy.....	49
No. 39784 (Amendment): R277-417 Prohibiting LEAs and Third Party Providers from	
Offering Incentives or Reimbursements for Enrollment or Participation.....	54
No. 39791 (Repeal and Reenact): R277-444 Distribution of Funds to Arts and Science	
Organizations.....	56
No. 39788 (New Rule): R277-533 District Educator Evaluation Systems.....	62
No. 39787 (New Rule): R277-606 Dropout Recovery Program.....	66
No. 39786 (Amendment): R277-616 Education for Homeless and Emancipated Students.....	68
No. 39789 (New Rule): R277-920 Implementation of the School Turnaround and Leadership	
Development Act.....	70
Rehabilitation	
No. 39790 (Amendment): R280-203 Certification Requirements for Interpreters/	
Transliterators for the Hearing Impaired.....	73
Health	
Disease Control and Prevention, Health Promotion	
No. 39797 (New Rule): R384-415 Electronic-Cigarette Substance Standards.....	76
Health Care Financing, Coverage and Reimbursement Policy	
No. 39800 (Amendment): R414-1-5 Incorporations by Reference.....	80

TABLE OF CONTENTS

No. 39793 (Amendment): R414-61-2 Incorporation by Reference.....	84
Center for Health Data, Health Care Statistics	
No. 39766 (Amendment): R428-1 Health Data Plan and Incorporated Documents.....	86
No. 39767 (Amendment): R428-2 Health Data Authority Standards for Health Data.....	87
No. 39768 (Amendment): R428-12 Health Data Authority Survey of Enrollees in Health Plans.....	91
Center for Health Data, Vital Records and Statistics	
No. 39798 (New Rule): R436-18 Adoption Program Procedures, Form Content, and Donations.....	92
Human Services	
Child and Family Services	
No. 39764 (Amendment): R512-2 Title IV-B Child Welfare/Family Preservation and Support Services and Title IV-E Foster Care, Adoption, and Independent Living.....	94
Juvenile Justice Services	
No. 39759 (New Rule): R547-11 Guidelines for the Transfer to the Department of Corrections of a Youthful Prisoner Provisionally Housed in a Juvenile Justice Services Secure Care Facility.....	95
Insurance	
Title and Escrow Commission	
No. 39801 (Repeal): R592-2 Title Insurance Administrative Hearings and Penalty Imposition.....	97
Natural Resources	
Water Resources	
No. 39799 (Repeal and Reenact): R653-2 Financial Assistance from the Board of Water Resources.....	99
Pardons (Board Of)	
Administration	
No. 39796 (New Rule): R671-104 Language Access.....	106
No. 39756 (Amendment): R671-403 Restitution.....	107
No. 39795 (Amendment): R671-405 Parole Termination.....	110
Public Safety	
Emergency Management	
No. 39783 (Amendment): R704-1 Search and Rescue Financial Assistance Program.....	112
NOTICES OF CHANGES IN PROPOSED RULES.....	115
Commerce	
Occupational and Professional Licensing	
No. 39461: R156-55a Utah Construction Trades Licensing Act Rule.....	116
Environmental Quality	
Water Quality	
No. 39397: R317-2 Standards of Quality for Waters of the State.....	117
NOTICES 120-DAY (EMERGENCY) RULES.....	121
Governor	
Criminal and Juvenile Justice (State Commission on)	
No. 39802: R356-1 Procedures for the Calculation and Distribution of Funds to Reimburse County Correctional Facilities Housing State Probationary Inmates or State Parole Inmates.....	121
Health	
Health Care Financing, Coverage and Reimbursement Policy	
No. 39781: R414-1-5 Incorporations by Reference.....	123
No. 39782: R414-61-2 Incorporation by Reference.....	125
Pardons (Board Of)	
Administration	
No. 39794: R671-405 Parole Termination.....	126
FIVE-YEAR NOTICES OF REVIEW AND STATEMENTS OF CONTINUATION.....	129
Education	
Administration	
No. 39770: R277-100 Rulemaking Policy.....	129

No. 39771: R277-616 Education for Homeless and Emancipated Students.....	129
Health	
Disease Control and Prevention, Epidemiology	
No. 39765: R386-703 Injury Reporting Rule.....	130
Human Services	
Administration, Administrative Services, Licensing	
No. 39778: R501-14 Background Screening.....	130
Public Safety	
Criminal Investigations and Technical Services, Criminal Identification	
No. 39758: R722-350 Certificate of Eligibility.....	131
NOTICES OF RULE EFFECTIVE DATES.....	133
RULES INDEX	
BY AGENCY (CODE NUMBER)	
AND	
BY KEYWORD (SUBJECT).....	135

SPECIAL NOTICES

Environmental Quality Air Quality

Infrastructure State Implementation Plan (SIP) for Particulate Matter 2.5

Section 110(a)(2)(A): Emission Limits and Other Control Measures

Requirement Summary

"Each such plan shall. . . include enforceable emission limitations and other control measures, means, or techniques (including economic incentives such as fees, marketable permits, and auctions of emissions rights), as well as schedules and timetables for compliance, as may be necessary or appropriate to meet the applicable requirements of this chapter." 42 U.S.C. 7410 (a)(2) (A).

Utah's Infrastructure

SIP Section 1 (*Legal Authority*) identifies the statutory provisions that allow adoption of standards and limitations for attainment and maintenance of national standards. This section of the SIP was codified at R307-110-2, and EPA approved it most recently on June 25, 2003, at 68 FR 37744.

SIP Sections IX Part A identifies control measures for sources of particulate matter. This section of the SIP was developed to meet the NAAQS requirements for particulate matter (both PM_{10} and $PM_{2.5}$). Section IX Part A includes control measures for area and point sources for fine particulate matter. See *Section IX Part A.21- 23*. In 2013 this section was expanded to address the 2006 24-hour NAAQS for $PM_{2.5}$. The most recent update to this section was submitted to the EPA on December 22, 2014. EPA has not yet acted upon the recent updates to Section IX Part A.

SIP Section II (*Review of New and Modified Air Pollution Sources*) provides that new or modified sources of air pollution must submit plans to the Utah Division of Air Quality and receive approval orders before operating. SIP Section II was codified at R307-110-3, and EPA approved the SIP most recently on June 25, 2003, at 68 FR 37744. The Utah Air Quality Rule R307-401 establishes a minor source permitting program in the state for new and modified sources, and was most recently approved by EPA on May 5, 1995, at FR 60 FR 22277.

SIP Section VIII (*Prevention of Significant Deterioration*) was established as required by the Clean Air Act and applies to all air pollutants regulated under the CAA. SIP Section VIII was codified at R307-110-9 and R307-405, and EPA approved it most recently on July 15, 2011, at 76 FR 41712. On April 14, 2011, Utah submitted revisions to R307-405 to incorporate the federal Tailoring Rule provisions that were promulgated on June 3, 2010. EPA has not yet acted upon this submittal.

Section 110(a)(2)(B): Ambient Air Quality Monitoring or Data System

Requirement Summary

"Each such plan shall. . . provide for establishment and operation of appropriate devices, methods, systems, and procedures necessary to (i) monitor, compile, and analyze data on ambient air quality, and (ii) upon request, make such data available to the Administrator." 42 U.S.C. 7410 (a)(2)(B).

Utah's Infrastructure

SIP Section IV (*Ambient Air Monitoring Program*) outlines Utah's air quality surveillance network that meets the provisions of 40 CFR Part 58. This section of the SIP was codified at R307-110-5, and EPA approved it most recently on June 25, 2003, at 68 FR 37744. Utah prepares an Annual Network Review as required by 40 CFR 58.10. The plan is made available for public comment and is submitted to EPA by July 1st of each year. DAQ submits data to EPA's Air Quality System (AQS) as required by 40 CFR Part 58.

In 2012 EPA revised the NAAQS for the primary annual $PM_{2.5}$ standard. The standard was set at 12.0 microg/m³. At this time there are no designated non-attainment sites for the 2012 annual standard. While the state is in compliance with the 2012 annual standard of 12.0 microg/m³, three areas are designated as non-attainment for the 24-hour standard of 35 microg/m³. DAQ currently operates 24-hour Federal Reference Method (FRM) $PM_{2.5}$ samplers throughout the state to demonstrate compliance with NAAQS, evaluate population exposure, support SIP development and model performance evaluation as well as

monitor PM levels in source and receptor areas. The state also operates Federal Equivalent Method (FEM) PM_{2.5} samplers at 8 sites throughout the state. Eventually FEM continuous monitors will replace the existing FRM monitors in the network.

DAQ's 2015 Annual Monitoring Network Plan demonstrates that the state is in compliance with federal requirements for monitoring PM_{2.5}. It also includes a description of how DAQ has complied with monitoring requirements, and an explanation of proposed changes to the network. Any changes in monitoring requirements for a new or revised NAAQS will be met by the state and demonstrated in the annual or five year network plan. This plan, which doubles as the five year network plan required by 40 C.F.R. 58.10(d), was submitted to EPA on July 1, 2015.

Monitoring data is available to EPA upon request.

Section 110(a)(2)(C): Programs for Enforcement, PSD, and NSR

Requirement Summary

"Each such plan shall. . . include a program to provide for the enforcement of the measures described in subparagraph (A), and regulation of the modification and construction of any stationary source within the areas covered by the plan as necessary to assure that national ambient air quality standards are achieved, including a permit program as required in parts C and D of this subchapter."

Utah's Infrastructure

SIP Section I (*Legal Authority*) identifies the statutory provisions that allow DAQ to prevent construction, modification or operation of any stationary source at any location where emissions from such source will prevent the attainment or maintenance of a national standard or interfere with prevention of significant deterioration requirements (See I.A.1.d). SIP Section I was codified at R307-110-2, and EPA most recently approved the SIP on June 25, 2003, at 68 FR 37744.

SIP Section II (*Review of New and Modified Air Pollution Sources*) provides that new or modified sources of air pollution must submit plans to the Utah Division of Air Quality and receive approval orders before operating. SIP Section II was codified at R307-110-3, and EPA approved the SIP most recently on June 25, 2003, at 68 FR 37744. The Utah Air Quality Rule R307-401 establishes a minor source permitting program in the state for new and modified sources. R307-401 was most recently approved by EPA on May 5, 1995, at FR 60 FR 22277. Utah's permitting rules require sources to install best available control technology (BACT) for all pollutants, including PM_{2.5}. See R307-401-8.

SIP Section VIII (*Prevention of Significant Deterioration*) was established as required by the Clean Air Act and applies to all air pollutants regulated under the CAA. SIP Section VIII was codified at R307-110-9 and R307-405, and EPA approved it most recently on July 15, 2011, at 76 FR 41712. On April 14, 2011, Utah submitted revisions to R307-405 to incorporate the federal Tailoring Rule provisions that were promulgated on June 3, 2010. EPA has not yet acted upon this submittal.

Section 110(a)(2)(D)(i): Interstate Transport Provisions

Requirement Summary

"Each such plan shall ... contain adequate provisions: prohibiting, consistent with the provisions of this subchapter, any source or other type of emissions activity within the state from emitting any air pollutant in amounts which will contribute significantly to nonattainment in, or interfere with maintenance by, any other state with respect to any such national primary or secondary ambient air quality standard, or interfere with measures required to be included in the applicable implementation plan for any other state under part C of this subchapter to prevent significant deterioration of air quality to protect visibility."

Utah's Infrastructure

SIP Section XXIII.B (Interstate Transport) demonstrates that sources and emissions activities resulting in PM_{2.5} emissions within the state of Utah do not contribute significantly to nonattainment in, or interfere with maintenance by, any other state with respect to any national primary or secondary ambient air quality standards. SIP Section XXIII was codified at R307-110-37, and EPA approved it most recently on March 28, 2008, at 73 FR 16543.

SIP Section XXIII.C demonstrates that Utah's SIP Section VIII (PSD) ensures that Utah does not interfere with PSD implementation in other states. SIP Section VIII (PSD) and Utah Air Quality Rule R307-405 hold new major sources and major source modifications subject to the Prevention of Significant Deterioration program outlined at 40 CFR 51.166. SIP Section VIII

was codified at R307-110-9, and EPA approved it most recently on July 15, 2011, at 76 FR 41712. On April 14, 2011, Utah submitted revisions to R307-405 to incorporate the federal Tailoring Rule provisions that were promulgated on June 3, 2010. EPA has not yet acted upon this submittal.

SIP Section XXIII.D and XX (Regional Haze) demonstrate that Utah prohibits emissions within the state from interfering with the programs of other states to protect visibility. SIP Section XX determined that sources in Utah do not interfere with visibility plans developed by other states. Utah consulted with other states in the Western Regional Air Partnership and reductions in emissions from Utah were included in the regional visibility modeling. Authority for this section is located in Section 19-2-104, UCA. SIP Section XX was codified at R307-110-28. Amendments to SIP Section XX were submitted to EPA June 11, 2015. EPA has not yet acted upon this submittal.

The 2012 PM_{2.5} non-attainment areas nearest Utah are in California and Idaho. One of the non-attainment areas in Idaho is the Logan, UT non-attainment area. The majority of this area is in the state of Utah itself. The Utah State SIP Section IX demonstrates that attainment can be achieved by December 31, 2015. Because Utah's SIP also ensures prevention of significant deterioration in the Logan, UT non-attainment area, Utah will not contribute to non-attainment of that area, which is partially in Idaho.

Regarding the West Silver Valley, ID non-attainment area, Utah does not significantly contribute to its non-attainment status. This is because PM_{2.5} issues in that area are mostly due to wood combustion and low wind speeds during the wintertime. Utah's PM_{2.5} is caused by ammonium nitrate, not wood smoke. The distance of nearly five hundred miles between the Utah border and the West Silver Valley, ID non-attainment area is also indicative of the fact that Utah does not significantly contribute to non-attainment in Idaho. PM_{2.5} does not travel very far from the state of Utah. This is due to several factors. One of the main reasons is because Utah's PM_{2.5} problems occur during the winter time inversion. These are periods of low winds and stagnant air. When wind does come in to transport the PM_{2.5} it disperses the pollutants before they would be able to travel to northern Idaho.

In our January 31, 2013, infrastructure certification for the 2008 ozone NAAQS, we cited EPA Administrator Gina McCarthy's November 19, 2012, memo which outlined EPA's intention to abide by the EME Homer City decision (EME Homer City Generation, L.P. v. E.P.A., 696 F.3d 7 (D.C. Cir. 2012)). This decision required EPA to quantify state transport obligations before deeming SIPs deficient. We noted that EPA had not quantified Utah's obligation, and that our infrastructure SIP was therefore adequate. However, on April 29, 2014, the U.S. Supreme Court reversed and remanded the D.C. Circuit's EME Homer City ruling and upheld EPA's approach in CSAPR (EPA v. EME Homer City Generation, L.P., 134 S. Ct. 1584, 1610 (2014)). As a result of the Supreme Court reversal and remand, each state is again required to address the interstate transport requirements of 110(a)(2)(D)(i) regardless of whether EPA has quantified the state's obligation. Given the change in legal interpretation of interstate transport since January 2013, we are updating the 110(a)(2)(D)(i) section of our 2008 ozone NAAQS infrastructure certification to reflect the current requirements.

Utah does not significantly contribute to ozone non-attainment areas in Denver and Southern California. Regarding Denver, the EPA has recently modeled that Utah will contribute 1.59 ppb of ozone to the Denver, Boulder, Greeley-Ft. Collins-Loveland, Colorado non-attainment area (Denver area).

Not only does Utah not believe its contributions to Colorado's ozone levels are significant, but Utah also has state rules in place that will reduce its overall contribution even further. For example, the following rules will help reduce Ozone emissions and transport in the future: 1) R307-343 regulates VOC emissions from wood furniture manufacturing operations. Stricter limits went into effect January 1, 2015; 2) R307-344 limits volatile organic compound (VOC) emissions from roll, knife, and rotogravure coaters and drying ovens of paper, film, and foil coating operations; 3) R307-345 limits volatile organic compound VOC emissions from fabric and vinyl coating operations; 4) R307-346 limits VOC emissions from metal furniture coatings; 5) R307-347 limits VOC emissions from large appliance surface coatings; 6) R307-348 reduces VOC emissions from magnet wire coating operations; 7) R307-349 limits VOC emissions from flat wood panel coatings operations; 8) R307-350 limits VOC emissions from miscellaneous metal parts and products coatings operations; 9) R307-351 limits VOC emissions from graphic art operations; 10) R307-352 limits VOC emissions from container, closure, and coil coatings operations; 11) R307-353 limits VOC emissions from plastic parts coatings operations; 12) R307-354 limits VOC emissions from automotive refinishing operations; 13) R307-355 limits VOC emissions from aerospace manufacture and rework facilities; 14) R307-356 limits VOC emissions from appliance pilot lights; 15) R307-361 limits VOC emissions from architectural coatings. These area source rules either reduce or have been amended to expand their application to reduce VOC emissions in Utah since 2014. Because VOC is a precursor to ozone, these rules will help reduce ozone emissions coming from Utah and will reduce ozone transport in the process.

Another rule that will reduce ozone emissions by reducing a precursor is Utah's new water heater rule found at R307-230. This rule prohibits the sale of water heaters that do not comply with low NO_x emission rates. The rule will begin to be implemented

on November 1, 2017. NOx is also a precursor to ozone, and it will help reduce Utah's contribution to both Colorado and California.

In regard to Southern California, Utah does not believe it significantly contributes to non attainment and maintenance areas for ozone. This is because of the aforementioned area source rules reducing VOC emissions and NOx emissions. It is also because of the general west to east wind direction in the state of Utah. Because of this wind, it is unlikely that ozone coming from Utah is having a significant impact on California.

Section 110(a)(2)(D)(ii): Interstate and International Transport Provisions

Requirement Summary

"Each such plan shall. . . contain adequate provisions insuring compliance with the applicable requirements of sections 126 and 115 (relating to interstate and international pollution abatement)."

Utah's Infrastructure

EPA has not identified any PM_{2.5} sources in Utah that endanger public health or the welfare of a foreign country. Therefore, Utah is not subject to Section 115 of the Clean Air Act.

SIP Section VIII (*Prevention of Significant Deterioration*) was established as required by the Clean Air Act and applies to all air pollutants regulated under the CAA. In accordance with 40 CFR 51.166(q)(2)(iv), SIP Section VIII requires the Director to notify neighboring states of potential impacts from new major sources or major modifications of PM_{2.5}. SIP Section VIII was codified at R307-110-9 and R307-405, and EPA approved it most recently on July 15, 2011, at 76 FR 41712. On April 14, 2011, Utah submitted revisions to R307-405 to incorporate the federal Tailoring Rule provisions that were promulgated on June 3, 2010. EPA has not yet acted upon these revisions. The PSD SIP and R307-405 contain adequate provisions to be in compliance with Section 126 of the Clean Air Act.

No sources or sources within the state [or tribal area] are the subject of an active finding under section 126 of the CAA with respect to PM_{2.5}. Regarding section 115, there are no final findings against Utah [or a tribal area] with respect to PM_{2.5}.

SIP Section XX (Regional Haze) determined that sources in Utah do not interfere with visibility plans developed by other states. Utah consulted with other states in the Western Regional Air Partnership and reductions in emissions from Utah were included in the regional visibility modeling. Authority for this section is located in Section 19-2-104, UCA. SIP Section XX was codified at R307-110-28. SIP Section XX was amended and submitted to EPA June 11, 2015. EPA has not yet acted upon this submittal.

Section 110(a)(2)(E)(i): Adequate Personnel, Funding, and Authority

Requirement Summary

"Each such plan shall. . . provide: (i) necessary assurances that the state (or, except where the Administrator deems inappropriate, the general purpose local government or governments, or a regional agency designated by the state or general purpose local governments for such purpose) will have adequate personnel, funding, and authority under state (and, as appropriate, local) law to carry out such implementation plan (and is not prohibited by any provision of federal or state law from carrying out such implementation plan or portion thereof)"

Utah's Infrastructure

SIP Section V (*Resources*) commits to implement program activities in relation to resources provided by the annual State or EPA Agreement and Section 105 grant applications. SIP Section V (*Resources*) was codified at R307-110-6, and EPA approved it most recently on June 25, 2003, at 68 FR 37744.

Utah Air Quality Rule R307-414, *Permits: Fees for Approval Orders*, requires the owner and operator of each new major source or major modification to pay a fee sufficient to cover the reasonable costs of reviewing and acting upon the notice of intent and implementing and enforcing requirements placed on such source by any approval order issued.

Section 110(a)(2)(E)(ii): Adequate Personnel, Funding, and Authority**Requirement Summary**

"Each such plan shall . . . provide . . . (ii) requirements that the state comply with the requirements respecting state boards under section 128."

Utah's Infrastructure

SIP Section I (*Legal Authority*) identifies the statutory provisions that implement the provisions of Section 128 of the Clean Air Act respecting State Boards (See I.A.1.g). SIP Section I was codified at R307-110-2, and EPA approved it most recently on June 25, 2003, at 68 FR 37744. Authority for SIP Section I is located at Section 19-2-104, UCA.

The Utah Air Quality Board does not approve permits or enforcement orders, therefore Section 128(a)(1) does not apply to the state of Utah. Utah has recently proposed R307-104, Conflict of Interest. This rule will satisfy the requirements of Section 128(a)(2) of the Clean Air Act.

Section 110(a)(2)(E)(iii): Adequate Personnel, Funding, and Authority**Requirement Summary**

"Each such plan shall . . . provide . . . (iii) necessary assurances that, where the state has relied on a local or regional government, agency, or instrumentality for the implementation of any plan provision, the state has responsibility for ensuring adequate implementation of such plan provision."

Utah's Infrastructure

SIP Section VI (*Intergovernmental Cooperation*) lists federal, state, and local agencies involved in protecting air quality in Utah. SIP Section VI was codified at R307-110-7, and EPA approved it most recently on June 25, 2003, at 68 FR 37744. Utah's Division of Air Quality retains responsibility for ensuring adequate implementation of the SIP.

Section 110(a)(2)(F): Stationary Source Monitoring and Reporting**Requirement Summary**

"Each such plan shall . . . require, as may be prescribed by the Administrator:

- (i) the installation, maintenance, and replacement of equipment, and the implementation of other necessary steps, by owners or operators of stationary sources to monitor emissions from such sources,*
- (ii) periodic reports on the nature and amounts of emissions and emissions-related data from such source*
- (iii) correlation of such reports by the state agency with any emission limitations or standards established pursuant to this chapter, which reports shall be available at reasonable times for public inspection."*

Utah's Infrastructure

SIP Section III (*Source Surveillance*) describes Utah's programs to monitor sources, including emission inventories, plant inspections, and emission testing. SIP Section III is codified at R307-110-4, and EPA approved it most recently on June 25, 2003, at 68 FR 37744.

R307-150 requires sources to submit periodic emission inventories for criteria pollutants and their precursors and hazardous pollutants. R307-150 was most recently approved by EPA on July 17, 1997, 62 FR 38215. Utah has submitted numerous changes to the inventory rule since that date to incorporate new federal requirements, such as the Consolidated Emission Reporting Rule (CERR), and EPA has not yet acted on any of these submittals.

R307-165 requires sources to conduct periodic tests to assure compliance with the emissions limitations established in approval orders or the SIP. R307-165 was most recently approved by EPA on February 14, 2006, at 71 FR 7679.

R307-170 requires certain large sources to install and maintain continuous emission monitors to assure compliance with emission limitations established in approval orders and the SIP. R307-170 was most recently approved by EPA on September 2, 2008, 73 FR 51222.

SIP Section II (*Review of New and Modified Air Pollution Sources*) provides that new or modified sources of air pollution must submit plans to the Utah Division of Air Quality and receive approval orders before operating. SIP Section II was codified at

R307-110-3, and EPA approved it most recently on June 25, 2003, at 68 FR 37744. The Utah Air Quality Rule R307-401 establishes a minor source permitting program in the state for new and modified sources. R307-401 was most recently approved by EPA on May 5, 1995, at FR 60 FR 22277.

SIP Section VIII (*Prevention of Significant Deterioration*) was established as required by the Clean Air Act and applies to all air pollutants regulated under the CAA. SIP Section VIII was codified at R307-110-9 and R307-405, and EPA approved it most recently on July 15, 2011, at 76 FR 41712. On April 14, 2011, Utah submitted revisions to R307-405 to incorporate the federal Tailoring Rule provisions that were promulgated on June 3, 2010. EPA has not yet acted upon this submittal.

Section 110(a)(2)(G): Emergency Episodes

Requirement Summary

"Each such plan shall provide for authority comparable to that in section 303 of this title and adequate contingency plans to implement such authority."

Utah's Infrastructure

SIP Section I (*Legal Authority*) identifies the statutory provisions to abate pollutant emissions on an emergency basis to prevent substantial endangerment to the health of persons (See I.A.1.g). The legal authority to implement SIP Section I is contained in the Utah Air Conservation Act Section 19-2-112. SIP Section I was codified at R307-110-2, and EPA approved it most recently on June 25, 2003, at 68 FR 37744.

U.C.A. Subsection 19-2-116(3)(a) also provides the director the power to "initiate an action for appropriate injunctive relief... when it appears necessary for the protection of health and welfare." U.C.A. Subsection 19-2-112(2)(a) provides authority to the "executive director, with the concurrence of the governor" to order people "causing or contributing to... air pollution to reduce or discontinue immediately the emission of air pollutants" if the "executive director finds that a generalized condition of air pollution exists and that it creates an emergency requiring immediate action to protect human health or safety."

In regard to imminent and substantial endangerment to the environment, Utah's Emergency Management Act allows the Governor to issue rules and regulations having the "full force and effect of law" during disasters. The Governor may also suspend rules and regulations of state agencies that would prevent the ability to adequately deal with such disasters. See U.C.A. 53-2a-209

SIP Section VII (*Prevention of Air Pollution Emergency Episodes*) provides the basis for taking action to prevent air pollutant concentrations from reaching levels which could endanger the public health or to abate such concentrations should they occur. The legal authority to implement SIP Section VII is contained in the Utah Air Conservation Act Section 19-2-112. SIP Section VII was codified at R307-110-8, and EPA approved it most recently on June 25, 2003, at 68 FR 37744.

Section 110(a)(2)(H): Future SIP revisions

Requirement Summary

"Each such plan shall . . . provide for revision of such plan--

- (i) from time to time as may be necessary to take account of revisions of such national primary or secondary ambient air quality standard or the availability of improved or more expeditious methods of attaining such standard, and*
- (ii) except as provided in paragraph (3)(C), whenever the Administrator finds on the basis of information available to the Administrator that the plan is substantially inadequate to attain the national ambient air quality standard which it implements or to otherwise comply with any additional requirements established under this chapter (CAA)."*

Utah's Infrastructure

SIP Section I (*Legal Authority*) identifies the statutory provisions that allow the Utah Division of Air Quality to revise its plans to take account of revisions of national ambient air quality standard and to adopt expeditious methods of attaining and maintaining such standard (See I.A.1.a). The legal authority to implement SIP Section I is contained in the Utah Air Conservation Act Section 19-2-112. SIP Section I was codified at R307-110-2, and EPA approved it most recently on June 25, 2003, at 68 FR 37744.

Section 110(a)(2)(J): Consultation with Government Officials**Requirement Summary**

“meet the applicable requirements of section 121 (relating to consultation)”

Utah’s Infrastructure

SIP Section I (*Legal Authority*) adopts requirements for transportation consultation (Section 174, Clean Air Act) (See I.A.2). SIP Section I was codified at R307-110-2, and EPA approved it most recently on June 25, 2003, at 68 FR 37744.

SIP Section VI (*Intergovernmental Cooperation*) provides a listing of federal, state, and local agencies involved in protecting air quality in Utah. SIP Section VI was codified at R307-110-7, and EPA approved it most recently on June 25, 2003, at 68 FR 37744.

SIP Section XII (*Transportation Conformity Consultation*) establishes the consultation procedures on transportation conformity issues when preparing state plans. SIP Section XII was codified at R307-110-20, and EPA approved it most recently on September 2, 2008, at 73 FR 51222.

Section 110(a)(2)(J): Public Notification**Requirement Summary**

“meet the applicable requirements of section 127 of this title (relating to public notification)”

Utah’s Infrastructure

SIP Section XVI (*Public Notification*) includes provisions to notify the public when NAAQS have been exceeded as per Section 127 of the CAA. SIP Section XVI was codified at R307-110-24, and EPA last approved it on June 25, 2003, at 68 FR 37744.

Section 110(a)(2)(J): PSD and Visibility Protection**Requirement Summary**

“meet the applicable requirements of ... part C (relating to prevention of significant deterioration of air quality and visibility protection)”

Utah’s Infrastructure

SIP Section VIII (*PSD*) describes the program to prevent significant deterioration of areas of the state where the air is clean. SIP Section VIII was codified at R307-110-9 and R307-405, and EPA approved SIP Section VIII and R307-405 most recently on July 15, 2011, at 76 FR 41712. Utah has also submitted further revisions to R307-405 to incorporate the federal Tailoring Rule provisions that were promulgated on June 3, 2010, and EPA has not yet acted on these revisions.

SIP Section XVII (*Visibility Protection*) describes the program to protect visibility, especially within the boundaries of the five national parks located in Utah. Authority for this section is located in Sections 19-2-101 and 104, UCA. SIP Section XVII was codified at R307-110-25, and EPA approved it most recently on June 25, 2003, at 68 FR 37744.

SIP Section XX (*Regional Haze*) addresses the requirements in Part C of the CAA relating to regional haze. The SIP was based on the recommendations of the Grand Canyon Visibility Transport Commission established by Section 169B(f) of the CAA. Authority for this section is located in Section 19-2-104, UCA. SIP Section XX was codified at R307-110-28. EPA signed a notice to approve the majority of Utah’s Regional Haze plan in December 2012, but has not yet published this final action in the FR. In the same action, EPA disapproved the Best Available Retrofit Technology (BART) determinations for NO_x and PM for four subject to BART Electric Generating Units (EGUs). UDAQ is currently preparing a new 5-Factor BART analysis for these four EGUs to address the deficiencies identified in EPA disapproval.

Section 110(a)(2)(K): Air Quality Modeling or Data**Requirement Summary**

“Each such plan shall. . . provide for-- (i) the performance of such air quality modeling as the Administrator may prescribe for the purpose of predicting the effect on ambient air quality of any emissions of any air pollutant for which the Administrator has established a national ambient air quality standard, and

(ii) *the submission, upon request, of data related to such air quality modeling to the Administrator.”*

Utah's Infrastructure

Utah Air Quality Rule R307-405-13 incorporates the air quality model provisions of 40 CFR 52.21(l), which includes the air quality model requirements of appendix W of 40 CFR part 51. R307-110-9 codifies SIP Section VIII (PSD). EPA approved SIP Section VIII and R307-405 most recently on July 15, 2011, at 76 FR 41712. On April 14, 2011, Utah submitted revisions to R307-405 to incorporate the federal Tailoring Rule provisions that were promulgated on June 3, 2010. EPA has not yet acted upon this submittal. The Air Quality Board has the authority to propose and finalize rules that require air quality modeling for the purpose of predicting the effect on ambient air quality relating to NAAQS. This authority is found in U.C.A. 19-2-104(1)(a)-(b).

SIP Section II (*Review of New and Modified Air Pollution Sources*) provides that new or modified sources of air pollution must submit plans to the Division of Air Quality and receive an Approval Order before operating. SIP Section II was codified at R307-110-3, and EPA approved it most recently on June 25, 2003, at 68 FR 37744.

R307-410 establishes the procedures and requirements for evaluating the emissions impact of new or modified sources that require an approval order under R307-401. EPA approved R307-410 most recently on July 8, 1994, at 59 FR 35036.

Section 110(a)(2)(L): Permitting Fees

Requirement Summary

“Each such plan shall require the owner or operator of each major stationary source to pay to the permitting authority, as a condition of any permit required under this chapter, a fee sufficient to cover--

(i) the reasonable costs of reviewing and acting upon any application for such a permit, and

(ii) if the owner or operator receives a permit for such source, the reasonable costs of implementing and enforcing the terms and conditions of any such permit (not including any court costs or other costs associated with any enforcement action), until such fee requirement is superseded with respect to such sources by the Administrator's approval of a fee program under subchapter (title) V of this chapter.”

Utah's Infrastructure

SIP Section I (*Legal Authority*) identifies the statutory authority to charge a fee to major sources to cover permit and enforcement expenses (See I.A.1.h). SIP Section I was codified at R307-10-2, and EPA approved it most recently on June 25, 2003, at 68 FR 37744.

Utah Air Quality Rule R307-414, *Permits: Fees for Approval Orders*, requires the owner and operator of each new major source or major modification to pay a fee sufficient to cover the reasonable costs of reviewing and acting upon the notice of intent and implementing and enforcing requirements placed on such source by any approval order issued. EPA approved R307-414 most recently on February 14, 2006, at 71 FR 7679.

Utah's Title V Operating Permits Program (R307-415) was approved by EPA on June 8, 1995, at 60 FR 30192.

Section 110(a)(2)(M): Consultation or Participation by Affected Local Entities

Requirement Summary

“Each such plan shall . . . provide for consultation and participation by local political subdivisions affected by the plan.”

Utah's Infrastructure

SIP Section VI (*Intergovernmental Cooperation*) lists federal, state, and local agencies involved in protecting air quality in Utah. SIP Section VI was codified at R307-110-7, and EPA approved it most recently on June 25, 2003, at 68 FR 37744.

SIP Section XII (*Transportation Conformity Consultation*) establishes the consultation procedures on transportation conformity issues when preparing state plans. SIP Section XII was codified at R307-110-2, and EPA approved it most recently on September 2, 2008, at 73 FR 51222.

Health
Health Care Financing, Coverage and Reimbursement Policy

Notice for December 2015 Primary Care Network (PCN) Waiver Extension Request and Notice of Public Hearing

The Utah Department of Health, Division of Medicaid and Health Financing will hold a public hearing to discuss a request to extend the 1115 Primary Care Network Medicaid Waiver through December 31, 2016. This will allow the Division to continue operating the Primary Care Network (PCN), Non-Traditional Medicaid, and Utah's Premium Partnership Program through December 31, 2016. The proposed extension is subject to Centers for Medicare and Medicaid Services (CMS) approval.

The public hearing will be held Thursday, October 22, 2015, from 3:30 p.m. to 5:30 p.m., in Room 129 of the Cannon Health Building, 288 North 1460 West, Salt Lake City, Utah. You may also participate by phone at 1-877-820-7831 CODE 196690#.

Individuals needing special accommodations to participate in this meeting should contact Jennifer Meyer Smart at 801-538-6338 or jmeyersmart@utah.gov by October 19, 2015.

Health
Health Care Financing, Coverage and Reimbursement Policy

Notice for November 2015 Medicaid Rate Changes

Effective November 1, 2015, Utah Medicaid will adjust its rates consistent with approved methodologies. Rate adjustments include new codes priced consistent with approved Medicaid methodologies as well as potential adjustments to existing codes. All rate changes are posted to the web and can be viewed at: <http://health.utah.gov/medicaid/stplan/bcrp.htm>

End of the Special Notices Section

EXECUTIVE DOCUMENTS

Under authority granted by the Utah Constitution and various federal and state statutes, the Governor periodically issues **EXECUTIVE DOCUMENTS**, which can be categorized as either Executive Orders, Proclamations, and Declarations. Executive Orders set policy for the executive branch; create boards and commissions; provide for the transfer of authority; or otherwise interpret, implement, or give administrative effect to a provision of the Constitution, state law or executive policy. Proclamations call special or extraordinary legislative sessions; designate classes of cities; publish states-of-emergency; promulgate other official formal public announcements or functions; or publicly avow or cause certain matters of state government to be made generally known. Declarations designate special days, weeks or other time periods; call attention to or recognize people, groups, organizations, functions, or similar actions having a public purpose; or invoke specific legislative purposes (such as the declaration of an agricultural disaster).

The Governor's Office staff files **EXECUTIVE DOCUMENTS** that have legal effect with the Division of Administrative Rules for publication and distribution.

Wildland Fire Management, Utah Exec. Order No. 2015-9

EXECUTIVE ORDER

Wildland Fire Management

WHEREAS, the danger from wildland fires still remains high throughout the State of Utah;

WHEREAS, below-normal precipitation in central and southern Utah continues the allowed for the drying of wildland vegetation;

WHEREAS, some of the potential fire dangers areas are extremely remote, inaccessible and in the even to a wildfire occurring the situation has the potential to deteriorate if left unattended;

WHEREAS, the potential for large fire occurrence still remains high regionally as the wildland vegetation has cured in the wake of the recent hot and dry weather;

WHEREAS, immediate action is required to suppress the fire conditions and mitigate potential post-burn destruction. This destruction can lead to mudslides and flash floods causing dangerous conditions for life safety, property, natural resources and the environment;

WHEREAS, The National Weather Service continues predicting a persistent hot dry pattern of weather for the remainder of the summer and early fall season;

WHEREAS, the National Wildfire Planning Level has remains elevated to a Planning Level 4, and the Regional Wildfire Planning Level remains elevated to Planning Level 3, indicating the potential for firefighting resource scarcity; and

WHEREAS, the current conditions do create the potential for a disaster emergency within the intent of the Disaster Response and Recovery Act of 1981,

NOW THEREFORE, I, Gary R. Herbert, Governor of the State of Utah by virtue of the power vested in me by the constitution and the laws of the State of Utah, do hereby order that:

It is found, determined and declared that a "state of Emergency" exists statewide due to the threat to public safety, property, critical infrastructure, natural resources and the environment for thirty days, effective as of September 29, 2015 requiring aid, assistance and relief available pursuant to the provisions of state statutes, and the State Emergency Operations Plan, which is hereby activated.

IN TESTIMONY, WHEREOF, I have hereunto set my hand and caused to be affixed the Great Seal of the State of Utah this 29th day of September 2015.

(State Seal)

Gary R. Herbert
Governor

ATTEST:

Lieutenant Governor
Spencer J. Cox

2015/009/EO

End of the Executive Documents Section

NOTICES OF PROPOSED RULES

A state agency may file a **PROPOSED RULE** when it determines the need for a substantive change to an existing rule. With a **NOTICE OF PROPOSED RULE**, an agency may create a new rule, amend an existing rule, repeal an existing rule, or repeal an existing rule and reenact a new rule. Filings received between September 16, 2015, 12:00 a.m., and October 01, 2015, 11:59 p.m. are included in this, the October 15, 2015, 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 (*example*). Deletions made to existing rules are struck out with brackets surrounding them (*[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 usually printed. If a **PROPOSED RULE** is too long to print, the Division of Administrative Rules may 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 November 16, 2015. The agency may accept comment beyond this date and will indicate 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 hold a hearing on a specific **PROPOSED RULE**. Section 63G-3-302 requires that a hearing request be received by the agency proposing the rule "in writing not more than 15 days after the publication date of the proposed rule."

From the end of the public comment period through February 12, 2016, 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 OF A CHANGE IN PROPOSED RULE**, the **PROPOSED RULE** lapses.

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, Rule R15-2, and Sections R15-4-3, R15-4-4, R15-4-5a, R15-4-9, and R15-4-10.

The Proposed Rules Begin on the Following Page

Agriculture and Food, Animal Industry
R58-11
Slaughter of Livestock and Poultry

NOTICE OF PROPOSED RULE

(Amendment)

DAR FILE NO.: 39775

FILED: 09/29/2015

RULE ANALYSIS

PURPOSE OF THE RULE OR REASON FOR THE CHANGE: The rule governs the slaughter of poultry and livestock. It sets up the rules the meat establishments must follow to provide a safe product for consumption. The changes to the rule clarify the personal use exemptions for poultry. The changes also add requirements for poultry producers who slaughter their own birds in shared facilities.

SUMMARY OF THE RULE OR CHANGE: The rule changes define to whom and how a poultry producer may sell his product. Further the rule adds procedures that must be followed by those growers/producers who slaughter their own birds in shared facilities. It outlines the licensure and sanitation requirements necessary for these mix facilities.

STATUTORY OR CONSTITUTIONAL AUTHORIZATION FOR THIS RULE: 21 U.S.C. 451 et seq. and 21 U.S.C. 601 et seq. and 7 U.S.C. 1901 et seq. and Section 4-32-8 and Subsection 4-2-2(i)

MATERIALS INCORPORATED BY REFERENCES:

- ◆ Adds 9 CFR 500, published by Government Printing Office, 01/01/2012
- ◆ Adds 9 CFR 416.12(a), published by Government Printing Office, 01/01/0012
- ◆ Adds 9 CFR 416.15, published by Government Printing Office, 01/01/2012
- ◆ Adds 9 CFR 418, published by Government Printing Office, 01/01/2012
- ◆ Removes 9 CFR 318.13, published by Government Printing Office, 01/01/2012

ANTICIPATED COST OR SAVINGS TO:

- ◆ **THE STATE BUDGET:** There will be no effect on the state budget. The department already has the necessary people in place to take care of the necessary enforcement.
- ◆ **LOCAL GOVERNMENTS:** There are no requirements made on local government in the changes to the rule.
- ◆ **SMALL BUSINESSES:** The changes to allow growers and producers to use the same facility will lead to a cost savings for the growers and producers. It will reduce the cost of having to have their own facility by allowing cost sharing of the operation costs.

◆ **PERSONS OTHER THAN SMALL BUSINESSES, BUSINESSES, OR LOCAL GOVERNMENTAL ENTITIES:** The individual producer will be able to slaughter and sell their own birds. This will result in a savings for the individual growers who are not part of a larger business or corporation.

COMPLIANCE COSTS FOR AFFECTED PERSONS: There will be no additional compliance costs for the individual because in order to slaughter their birds they would have to pay these costs, however, by being able to share a facility there will be an increase in savings by sharing the operation costs with other producers.

COMMENTS BY THE DEPARTMENT HEAD ON THE FISCAL IMPACT THE RULE MAY HAVE ON BUSINESSES: This change will allow for small producers and growers to have a greater opportunity to grow their business. It will have a positive fiscal impact on the growers and producers.

THE FULL TEXT OF THIS RULE MAY BE INSPECTED, DURING REGULAR BUSINESS HOURS, AT:
 AGRICULTURE AND FOOD
 ANIMAL INDUSTRY
 350 N REDWOOD RD
 SALT LAKE CITY, UT 84116-3034
 or at the Division of Administrative Rules.

DIRECT QUESTIONS REGARDING THIS RULE TO:

- ◆ Cody James by phone at 801-538-7166, by FAX at 801-538-7169, or by Internet E-mail at codyjames@utah.gov
- ◆ Kathleen Mathews by phone at 801-538-7103, by FAX at 801-538-7126, or by Internet E-mail at kmathews@utah.gov
- ◆ Scott Ericson by phone at 801-538-7102, by FAX at 801-538-7126, or by Internet E-mail at sericson@utah.gov

INTERESTED PERSONS MAY PRESENT THEIR VIEWS ON THIS RULE BY SUBMITTING WRITTEN COMMENTS NO LATER THAN AT 5:00 PM ON 11/16/2015

THIS RULE MAY BECOME EFFECTIVE ON: 11/23/2015

AUTHORIZED BY: LuAnn Adams, Commissioner

R58. Agriculture and Food, Animal Industry.

R58-11. Slaughter of Livestock and Poultry.

R58-11-1. Authority.

Promulgated under authority of Section 4-32-8.

R58-11-2. Definitions.

- (1) "Adulterated" means as defined in Section 4-32-3(1).
- (2) "Bill of Sale for Hides" means a hide release or some other formal means of transferring the title of hides.
- (3) "Business" means an individual or organization receiving remuneration for services.

(4) "Commissioner" means the Commissioner of Agriculture or his representative.

(5) "Custom Slaughter-Release Permit" means a permit that will serve as a brand inspection certificate and will allow animal owners to have their animals farm custom slaughtered.

(6) "Department" means the Utah Department of Agriculture and Food.

(7) "Detain or Embargo" means the holding of a food or food product for legal verification of adulteration, misbranding or proof of ownership.

(8) "Emergency Slaughter" means for the purpose of this chapter that Emergency Slaughter is no longer allowed for non-ambulatory injured cattle. Non-ambulatory disabled cattle that cannot rise from a recumbent position or cannot walk, including, but not limited to, those with broken appendages, severed tendons or ligaments, nerve paralysis, fractured vertebral column or metabolic conditions, are not allowed to be slaughtered for food.

(9) "Farm Custom Slaughtering" means the slaughtering, skinning and preparing of livestock and poultry by humane means for the purpose of human consumption which is done at a place other than a licensed slaughtering house by a person who is not the owner of the animal.

(10) "Food" means a product intended for human consumption.

(11) "Immediate Family" means persons living together in a single dwelling unit and/or their sons and daughters.

(12) "License" means a license issued by the Utah Department of Agriculture and Food to allow farm custom slaughtering.

(13) "Licensee" means a person who possesses a valid farm custom slaughtering license.

(14) "Misbranded" means as defined in Section 4-32-3(27).

(15) "Owner" means a person holding legal title to the animal.

R58-11-3. Registration and License Issuance.

(1) Farm Custom Slaughtering License.

(a) Any person or person desiring to do farm custom slaughtering shall apply to the Department. Such application for a license will be made on a department form for a Farm Custom Slaughter License. The form shall show the name, address and telephone number of the owner, the name, address and telephone number of the operator if it is different than the owner, a brief description of the vehicle and the license number. Licenses will be valid for the calendar year (January 1 to December 31). Each licensee will be required to re-apply for a license every calendar year. Change of ownership or change of vehicle license will require a new application to be filed with the Department.

(b) Registration will not be recognized as complete until the applicant has demonstrated his ability to slaughter and has completed and signed the registration form.

(c) A fee must be paid prior to license issuance.

R58-11-4. Equipment and Sanitation Requirements.

(1) Unit of vehicle and equipment used for farm custom slaughtering:

(a) The unit or vehicle used for farm custom slaughtering shall be so constructed as to permit maintenance in a clean, sanitary manner.

(b) A tripod or rail capable of lifting a carcass to a height which enables the carcass to clear the ground for bleeding and evisceration must be incorporated into the unit or vehicle. Hooks, gambles, or racks used to hoist and eviscerate animals shall be of easily cleanable metal construction.

(c) Knives, scabbards, saws, etc. shall be of rust resistant metal or other impervious easily cleanable material.

(i) A clean dust proof container shall be used to transport and store all instruments and utensils used in slaughtering animals.

(d) A water tank shall be an integral part of the unit or vehicle. It shall be of approved construction with a minimum capacity of 40 gallons. Water systems must be maintained in a sanitary manner and only potable water shall be used.

(e) A tank (for sanitizing) large enough to allow complete emersion of tools used for slaughtering must be filled during slaughter operations with potable water and maintained at a temperature of at least 180 degrees Fahrenheit. In lieu of 180 degrees Fahrenheit water, chemical sterilization may be used with an approved chemical agent after equipment has been thoroughly cleaned. Chloramine, hypochloride, and quaternary ammonium compounds or other approved chemical compounds may be used for this purpose and a concentration must be maintained at sufficient levels to disinfect utensils. Hot water, cleaning agents, and disinfectant shall be available at all times if chemicals are used in lieu of 180 degrees Fahrenheit water.

(f) Cleaning agents and paper towels shall be available so hands and equipment may be cleaned as needed.

(g) Aprons, frocks and other outer clothing worn by persons who handle meat must be clean and of material that is easily cleanable.

(h) All inedible products and offal will be denatured with either an approved denaturing agent or by use of pounce material as a natural denaturing agent.

(i) When a licensee transports uninspected meat to an establishment for processing, he shall:

(i) do so in a manner whereby product will not be adulterated or misbranded, and/or mislabeled; and

(ii) transport the meat in such a way that it is properly protected; and

(iii) deliver carcasses in such a way that they shall be placed under refrigeration within one hour of time of slaughter (40 degrees F).

(j) Sanitation.

(i) Unit or Vehicle.

(A) The unit or vehicle must be thoroughly cleaned after each daily use.

(B) All food-contact and non-food contact surfaces of utensils and equipment must be cleaned and sanitized as necessary to prevent the creation of insanitary conditions and the adulteration of carcasses and parts.

(C) Carcasses must be protected from adulteration during processing, handling, storage, loading, unloading and during transportation to processing establishments.

(ii) Equipment.

(A) All knives, scabbards, saws and all other food contact surfaces shall be cleaned and sanitized prior to slaughter and as needed to prevent adulteration.

(B) Equipment must be cleaned and sanitized after each slaughter and immediately before each slaughter.

(iii) Inedibles.

(A) Inedibles shall be placed in designated containers and be properly denatured, and the inedible containers must be clearly marked (Inedible Not For Human Consumption in letters not less than 4 inches in height).

(B) Containers for inedibles shall be kept clean and properly separated from edible carcasses to prevent adulteration.

(iv) Personal Cleanliness.

(A) Adequate care shall be taken to prevent contamination of the carcasses from fecal material, ingesta, milk, perspiration, hair, cosmetics, medications and similar substances.

(B) Outer clothing worn by permittee shall, while handling exposed carcasses, be clean.

(C) No licensee with a communicable disease or who is a disease carrier or is infected with boils, infected wounds, sores or an acute respiratory infection shall participate in livestock slaughtering.

(D) Hand wash facilities shall be used as needed to maintain good personal hygiene.

R58-11-5. Slaughtering Procedures of Livestock.

(1) Slaughter Area

(a) Slaughtering shall not take place under adverse conditions (such as blowing dirt, dust or in mud).

(b) If a slaughter area is used for repeated kills, the area should be maintained to prevent blood from collecting, running off on to adjacent property, or contaminating water sources.

(c) Hides, viscera, blood, pounce material, and all tissues must be removed and disposed at a rendering facility, landfill, composting or by burial as allowed by law.

(2) Humane Slaughter - Animals shall be rendered insensible to pain by a single blow, or gun shot or electrical shock or other means that is instantaneous and effective before being shackled, hoisted, thrown, cast or cut.

(3) Hoisting and Bleeding - Animals shall be hoisted and bled as soon after stunning as possible to utilize post-stunning heart action and to obtain complete bleeding. Carcasses shall be moved away from the bleeding area for skinning and butchering.

(4) Skinning - Carcass and head skin must be handled without neck tissue contamination. This may be done by leaving the ears on the hide and tying the head skin. Feet must be removed before carcass is otherwise cut. Except for skinning and starting skinning procedures, skin should be cut from inside outward to prevent carcass contamination with cut hair. Hair side of hide should be carefully rolled or reflected away from carcass during skinning. When carcass is moved from skinning bed, caution should be taken to prevent exposed parts from coming in contact with adulterating surfaces.

(5) Evisceration - Before evisceration, rectum shall be tied to include bladder neck and to prevent urine and fecal leakage. Care should also be taken while opening abdominal cavities to prevent carcass and/or viscera contamination.

(6) Carcass washing - Hair, dirt and other accidental contamination should be trimmed prior to washing. Washing should proceed from the carcass top downward to move away any possible contaminants from clean areas.

R58-11-6. Identification and Records.

(1) Livestock Identification - Pursuant to requirements of Section 4-24-13, it shall be unlawful for any license holder to slaughter livestock which do not have a Brand Inspection Certificate or Farm Custom Slaughter Tag filled out at time of slaughter.

(a) Animal owners must have a Brand Inspection Certificate for livestock intended to be farm custom slaughtered, issued by a Department Brand Inspector prior to slaughter, paying the legal brand inspection fee and beef promotion fee. This will be accomplished by the animal owner contacting a Department Brand Inspector and obtaining a Brand Inspection Certificate (Custom Slaughter-Release Permit).

(b) Animal owners must also obtain farm custom slaughter identification tags from a Department Brand Inspector for a fee of \$1 each. These tags will be required on beef, pork, and sheep.

(2) Records.

(a) The Custom Slaughter-Release Permit or Farm Custom Slaughter Tag will record the following information:

(i) An affidavit with a statement that shall read "I hereby certify ownership of this animal to be slaughtered by (name). I fully understand that having my animal farm custom slaughtered means my animal will not receive meat inspection and is for my use, the use of my immediate family, non-paying guests, or full-time employees. The carcass will be stamped "NOT FOR SALE" and will not be sold." This statement must be signed by the owner or designee.

(ii) In addition to this affidavit, the following information will be recorded:

(A) date;

(B) owner's name, address and telephone number;

(C) animal description including brands and marks;

(D) Farm Custom Slaughter tag number.

(b) The Farm Custom Slaughter tag must record the following information:

(i) date;

(ii) owner's name, address and telephone number;

(iii) location of slaughter;

(iv) name of licensee;

(v) licensee permit number; and

(vi) carcass destination.

(c) Prior to slaughter the licensee shall:

(i) Prepare the Farm Custom Slaughter tag with complete and accurate information;

(A) One tag shall stay in the license holder's file for at least one year.

(B) One tag plus a copy of the Farm Custom Slaughter-Release Permit shall be sent into the Department by the 10th of each month for the preceding month's slaughter by the licensee.

(C) After slaughter, all carcasses must be stamped "NOT FOR SALE" on each quarter with letters at least 3/8" in height; further, a Farm Custom Slaughter "NOT FOR SALE" tag must be affixed to each quarter of beef and each half of pork and sheep.

(D) Hide Purchase - Licensee receiving hides for slaughtering services must obtain a copy of the Custom Slaughter-Release Permit to record transfer of ownership as required by Section 4-24-18.

R58-11-7. Poultry Slaughter.

(1) Personal Use Exemption.

(a) A person who raises poultry may slaughter and or process the poultry if:

(i) slaughtering or processing poultry is not prohibited by local ordinance;

(ii) the poultry product derived from the slaughtered poultry is consumed exclusively by the person or the person's immediate family, regular employees of the person, or nonpaying guests;

(iii) the slaughtering and processing of the poultry is performed only by the owner or an employee;

(iv) the poultry is healthy when slaughtered;

(v) the exempt poultry is not sold or donated for use as human food; and

(vi) the immediate containers bear the statement, "NOT FOR SALE".

(2) Farm Custom Slaughter/Processing

(a) A person may slaughter and or process poultry belonging to another person if:

(i) the person holds a valid farm custom slaughter license issued by the department;

(ii) slaughtering or processing poultry is not prohibited by local ordinance;

(iii) the licensee does not engage in the business of buying or selling poultry products capable for use as human food;

(iv) the poultry is healthy when slaughtered;

(v) the slaughtering and or processing is conducted in accordance with sanitary standards, practices, and procedures that produce poultry products that are sound, clean, and fit for human food;

(vi) the unit or vehicle used for farm custom slaughtering shall be so constructed as to permit maintenance in a clean and sanitary manner;

(A) the immediate containers bear the following information:

(B) the owner's name and address;

(C) the licensee's name and address, and;

(D) the statement, "NOT FOR SALE".

(3) Producer/Grower 1,000 Bird Limit Exemption

(a) A poultry grower may slaughter no more than 1,000 birds of his or her own raising in a calendar year for distribution as human food if;

(i) the person holds a valid poultry exemption license issued by the department;

(ii) slaughtering or processing poultry is not prohibited by local ordinance;

(iii) the poultry grower does not engage in buying or selling poultry products other than those produced from poultry raised on his or her own farm (includes rented or leased property);

(iv) the slaughtering and or processing is conducted in a approved establishment and in accordance with sanitation performance standards, and procedures that produce poultry products that are sound, clean, and fit for human food;

(v) the producer keeps slaughter records and records covering the sales of poultry products to customers for the current calendar year.~~and;~~

(vi) is for distribution directly to household consumers, retail establishments, restaurants, hotels, and boarding houses for use in their dining rooms or in the preparation of meals sold directly to consumers within the jurisdiction where it is prepared; and

~~(vii)~~(vii) the immediate containers bear the following information:

(A) name of product;

(B) ingredients statement (if applicable);

(C) net weights statement;

(D) name and address of processor;

(E) Safe food handling statement;

(F) date of package and/or Lot number, and;

(G) the statement "Exempt R58-11-7(C)".

(4) Producer/Grower 20,000 Bird Limit Exemption

(a) A poultry grower may slaughter no more than 20,000 birds of his or her own raising in a calendar year for distribution as human food if;

(i) the person holds a valid poultry exemption license issued by the department;

(ii) slaughtering or processing poultry is not prohibited by local ordinance;

(iii) the poultry grower does not engage in buying or selling poultry products other than those produced from poultry raised on his or her own farm (includes rented or leased property);

(iv) the slaughtering and or processing is conducted in a fixed establishment and in accordance with sanitary standards, practices, and procedures that produce poultry products that are sound, clean, and fit for human food;

(v) the producer keeps slaughter records and records covering the sales of poultry products to customers for the current calendar year.~~and;~~

(vi) is for distribution to household consumers, retail establishments, restaurants, hotels, and boarding houses for use in their dining rooms or in the preparation of meals sold directly to consumers within the jurisdiction where it is prepared; and

~~(vii)~~(vii) the immediate containers bear the following information:

(A) name of product;

(B) ingredients statement (if applicable);

(C) net weights statement;

(D) name and address of processor;

(E) Safe food handling statement;

(F) date of package and/or Lot number, and;

(G) the statement "Exempt R58-11-7(~~D~~)(4)".

(5) Producer/Grower or Other Person Exemption

(a) The term "Producer/Grower or Other Person" in this section means a single entity, which may be:

(i) A poultry grower who slaughters and processes poultry that he or she raised for sale directly to household consumers, restaurants, hotels, and boarding houses to be used in those homes and dining rooms for the preparation of meals served or sold directly to customers.

(ii) A person who purchases live poultry from a grower and then slaughters these poultry and processes such poultry for sale directly to household consumers, restaurants, hotels, and boarding houses to be served in those homes or dining rooms for the preparation of meals sold directly to customers.

(b) A business may slaughter and process poultry under this exemption if;

(i) the person holds a valid poultry exemption license issued by the department;

(ii) slaughtering or processing poultry is not prohibited by local ordinance;

(iii) the producer/grower or other person slaughters for processing and sale directly to household consumers, restaurants, hotels, and boarding houses for use in dining rooms or in the preparation of meals sold directly to customers;

(iv) the producer/grower or other person slaughters no more than 20,000 birds in a calendar year that the producer/grower or other person raised or purchased;

(v) the producer/grower or other person does not engage in the business of buying or selling poultry or poultry products prepared under an other exemptions in the same calendar year he or she claims the Producer/Grower or Other Person Exemption;

(vi) the processing is limited to preparation of poultry products from poultry slaughtered by the Producer/Grower or Other Person for distribution directly to: 1) household consumers, 2) restaurants, 3) hotels, and 4) boarding houses for use in their dining rooms or in the preparation of meals sold directly to consumers within the jurisdiction where it is prepared;

(vii) the slaughtering and or processing is conducted in a fixed establishment and in accordance with sanitary standards, practices, and procedures that produce poultry products that are sound, clean, and fit for human food;

(viii) the producer keeps slaughter records and records covering the sales of poultry products to customers for the current calendar year, and;

(ix) the immediate containers bear the following information:

- (A) name of product;
- (B) ingredients statement (if applicable);
- (C) net weights statement;
- (D) name and address of processor;
- (E) safe food handling statement;
- (F) date of package and/or Lot number, and;
- (G) the statement "Exempt R58-11-7(~~F~~)(5)".

(c) A business preparing poultry product under the Producer/Grower or Other Person Exemption may not slaughter or process poultry owned by another person.

(d) A business preparing poultry products under the Producer/Grower or Other Person Exemption may not sell poultry products to a retail store or other producer/grower.

(6) Small Enterprise Exemption

(a) A business that qualifies for the Small Enterprise Exemption may be:

(i) A producer/grower who raises, slaughters, and dresses poultry for use as human food whose processing of dressed exempt poultry is limited to cutting up;

(A) A business that purchases live poultry that it slaughters and whose processing of the slaughtered poultry is limited to the cutting up; or

(B) A business that purchases dressed poultry, which it distributes as carcasses and whose processing is limited to the cutting up of inspected or exempted poultry products, for distribution for use as human food.

(ii) A business may slaughter, dress, and cut up poultry for distribution as human food if;

(A) the person holds a valid poultry exemption license issued by the department;

(B) slaughtering or processing poultry is not prohibited by local ordinance;

(C) the processing of federal or state inspected or exempt poultry product is limited to the cutting up of carcasses or the business slaughters and dresses or cuts up no more than 20,000 birds in a calendar year;

(D) the slaughtering and or processing is conducted in a fixed establishment and in accordance with sanitary standards, practices, and procedures that produce poultry products that are sound, clean, and fit for human food;

(E) the facility used to slaughter or process poultry is not used to slaughter or process another person's poultry;

(F) the immediate containers bear the following information:

- (I) name of product;
- (II) ingredients statement (if applicable);
- (III) net weights statement;
- (IV) name and address of processor;
- (V) safe food handling statement;
- (VI) date of package and/or Lot number, and;
- (VII) the statement "Exempt R58-11-7(~~F~~)(6)"

(iii) A business may not cut up and distribute poultry products produced under the Small Enterprise Exemption to a business operating under the following exemptions:

- (A) Producer/Grower or PGOP Exemption,
- (B) Retail Dealer, or
- (C) Retail Store.

R58-11-8. Producer/Growers Sharing a Fixed Facility.

(1) Each producer/grower must comply with all the laws and regulations governing such establishments as set forth in Utah Meat and Poultry and Poultry Products Inspection and Licensing Act, this rule, the United State Department of Agriculture (USDA) Poultry Exemptions and federal regulations that apply.

(2) The poultry producer/ grower shall hold a valid Custom Exempt Meat Establishment License (2202) issued by the department

(a) the individual who hold the 2202 license shall be present when slaughter and rocesing operation are being performed.

(3) The department shall be notified five business days prior to slaughtering and processing. The individual shall provide the department with the following information pertaining to the slaughtering and processing of birds:

- (a) the date;
- (b) the time; and
- (c) the location.

(4) The producer/grower shall:

(a) conduct a pre-operational inspection on all food-contact surfaces;

(b) document the findings of the pre-operational inspection and corrective actions as described in 9 CFR 416.12(a) and 416.15 prior to the commencement of operations;

(c) maintain records for at least one year and have them available for inspection upon request by department officials;

(d) fully label product in accordance with this rule before leaving the facility;

(e) maintain the product temperature at 40°f or less during transport;

(f) keep a written recall plan as described in 9 CFR 418 and have it available upon request by department officials;

(5) Producer/growers shall not process on the same day as any other producer/grower.

R58-11-[8]9. Enforcement Procedures.

- (1) Livestock and Poultry Slaughtering License:

(a) It shall be unlawful for any person to slaughter or assist in slaughtering livestock and poultry as a business outside of a licensed slaughterhouse unless he holds a valid Farm Custom Slaughtering License issued to him by the Department.

(b) Only persons who comply with the Utah Meat and Poultry Products Inspection and Licensing Act and Rules pursuant thereto, and the Utah Livestock Brand and Anti-Theft Act shall be entitled to receive and retain a license.

(c) License may be renewed annually and shall expire on the 31st of December of each year.

(2) Suspension of license - license may be suspended whenever:

(a) The Department has reason to believe that an eminent public health hazard exists;

(b) Insanitary conditions are such that carcasses would be rendered adulterated and or contaminated.

(c) The license holder has interfered with the Department in the performance of its duties;

(d) The licensee violates the Utah Meat and Poultry Products Inspection and Licensing Act or the Utah Livestock Brand and Anti-Theft Act or rules pursuant to these acts.

(3) The department may, in accordance with the 9CFR Part 500 suspend or terminate any exemption with respect to any person whenever the department finds that such action will aid in effectuating the purposes of the Act. Failure to comply with the conditions of the exemption including but not limited to failure to process poultry and poultry products under clean and sanitary conditions may result in termination of an exemption, in addition to other Penalties consistent with 9 CFR 318.13

~~(3)~~(4) Warning letter - In instances where a violation may have occurred a warning letter may be sent to the licensee which specifies the violations and affords the holder a reasonable opportunity to correct them.

~~(4)~~(5) Hearings - Whenever a licensee has been given notice by the Department that suspected violations may have occurred or when a license is suspended he may have an opportunity for a hearing to state his views before the Department.

~~(5)~~(6) Reinstatement of Suspended Permit - Any person whose license has been suspended may make application for the purpose of reinstatement of the license. The Department may then re-evaluate the applicant and conditions; if the applicant has demonstrated to the Department that he will comply with the rules, the license may be reinstated.

~~(6)~~(7) Detainment or Embargo - Any meat found in a food establishment which does not have the proper identification or any uninspected meat slaughtered by a licensee which does not meet the requirements of these rules may be detained or embargoed.

~~(7)~~(8) Condemnation - Meat which is determined to be unfit for human consumption may be denatured or destroyed.

KEY: food inspections, slaughter, livestock, poultry
Date of Enactment or Last Substantive Amendment: ~~May 15, 2012~~2015
Notice of Continuation: January 13, 2015
Authorizing, and Implemented or Interpreted Law: 4-32-8

Agriculture and Food, Animal Industry **R58-12** Record Keeping and Carcass Identification at Meat Exempt (Custom Cut) Establishments

NOTICE OF PROPOSED RULE (Amendment)

DAR FILE NO.: 39774
 FILED: 09/29/2015

RULE ANALYSIS

PURPOSE OF THE RULE OR REASON FOR THE CHANGE: The purpose of the rule is to ensure that proper records are being kept by meat processing establishments to ensure the safety of the meat for the consumer. The changes in the rule are to clarify who is subject to the rule and the proper method for record keeping.

SUMMARY OF THE RULE OR CHANGE: The changes made to the rule clarify that any meat establishment engaged in slaughter by owners must follow the record keeping and identification methods as proscribed by the rule. Further the rule clarifies the proper manner to identify the carcass.

STATUTORY OR CONSTITUTIONAL AUTHORIZATION FOR THIS RULE: Subsection 4-2-2(i) and Title 32, Chapter 7

ANTICIPATED COST OR SAVINGS TO:

- ◆ **THE STATE BUDGET:** Nothing in the proposed rule would require the department to incur any additional costs, nor is there a cost savings. The department already engages in the inspection of such facilities and the rule only clarifies the requirements.
- ◆ **LOCAL GOVERNMENTS:** There is no local government component to this rule. The enforcement and compliance with this rule have no effect on local entities.
- ◆ **SMALL BUSINESSES:** The rule merely clarifies the proper method for identifying carcasses and keeping records, this is not a new requirement on businesses. Businesses engaged in this practice will not be facing new requirements.
- ◆ **PERSONS OTHER THAN SMALL BUSINESSES, BUSINESSES, OR LOCAL GOVERNMENTAL ENTITIES:** The changes to this rule only clarify the existing rule; the changes will not require additional cost or savings to any entity.

COMPLIANCE COSTS FOR AFFECTED PERSONS: There is no new compliance costs associated with this rule; the rule merely clarifies proper record keeping and identification procedures.

COMMENTS BY THE DEPARTMENT HEAD ON THE FISCAL IMPACT THE RULE MAY HAVE ON BUSINESSES: The changes to this rule will clarify the record keeping and carcass identification processes for meat establishments. The requirements are already in places and the changes will add no additional cost to the business engaged in the practices.

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

AGRICULTURE AND FOOD
ANIMAL INDUSTRY
350 N REDWOOD RD
SALT LAKE CITY, UT 84116-3034
or at the Division of Administrative Rules.

DIRECT QUESTIONS REGARDING THIS RULE TO:

♦ Cody James by phone at 801-538-7166, by FAX at 801-538-7169, or by Internet E-mail at codyjames@utah.gov
♦ Kathleen Mathews by phone at 801-538-7103, by FAX at 801-538-7126, or by Internet E-mail at kmathews@utah.gov
♦ Scott Ericson by phone at 801-538-7102, by FAX at 801-538-7126, or by Internet E-mail at sericson@utah.gov

INTERESTED PERSONS MAY PRESENT THEIR VIEWS ON THIS RULE BY SUBMITTING WRITTEN COMMENTS NO LATER THAN AT 5:00 PM ON 11/16/2015

THIS RULE MAY BECOME EFFECTIVE ON: 11/23/2015

AUTHORIZED BY: LuAnn Adams, Commissioner

R58. Agriculture and Food, Animal Industry.

R58-12. Record Keeping and Carcass Identification at Meat Exempt (Custom Cut) Establishments.

R58-12-1. Authority.

Promulgated Under Authority of Section 4-32-7.

R58-12-2. Records.

Accurate records of each animal slaughtered by its owner which enters a custom exempt meat [~~exempt (custom cut)~~] establishment or any official meat establishment must be kept on approved [~~Department cards~~] "NOT FOR SALE" ticket. These records shall include:

- A. The date,
- B. The owner's name, address and telephone number,
- C. Name and address of [~~exempt~~]meat establishment,
- D. [~~Kind~~]Species of animal.

R58-12-3. Carcass Slaughtered at Home.

Upon receiving an animal which was slaughtered by its owner into [~~an exempt~~]a meat establishment, the proprietor, manager or employee of the exempt establishment shall:

A. See that the appropriate Department [~~cards~~] "NOT FOR SALE" ticket and tags are filled out:

1. One [~~card~~] "NOT FOR SALE" ticket shall be sent into the Department. (These [~~cards~~] "NOT FOR SALE" tickets must be sent in

by the 10th of the month for owner slaughtered animals received during the preceding month.)

2. One [~~card~~] "NOT FOR SALE" ticket shall remain in the [~~exempt~~]meat establishment file for at least one year.

B. "Not for Sale" tags must be affixed to each quarter of the animal. Two of these tags shall be affixed to the achilles tendon of each of the rear quarters and the two others tags shall be affixed under the flexor tendons of the forearm of each of the forequarters.

C. A legible "Not for Sale" stamp with letters at least 3/8" in height shall be applied directly on each quarter of the carcass.

R58-12-4. Uninspected Carcass.

If an uninspected carcass is found in [~~an exempt~~]meat establishment that has not been properly identified as required above, or as outlined for Farm Custom Slaughtered carcasses, the Commissioner of Agriculture and Food or [~~his~~]their representative shall embargo and hold the carcass until proof of ownership has been determined.

KEY: food inspections

Date of Enactment or Last Substantive Amendment: [~~1987~~]2015

Notice of Continuation: August 12, 2015

Authorizing, and Implemented or Interpreted Law: 4-32-7

Agriculture and Food, Marketing and
Development

R65-3

Utah Turkey Marketing Order

NOTICE OF PROPOSED RULE

(Repeal)

DAR FILE NO.: 39762

FILED: 09/23/2015

RULE ANALYSIS

PURPOSE OF THE RULE OR REASON FOR THE CHANGE: The rule establishes a marketing order for turkeys. The industry has grown to the point that they are providing for their own marketing. As such, it is no longer necessary to continue the Turkey Marketing Order.

SUMMARY OF THE RULE OR CHANGE: The proposed change is a complete repeal of the rule. There will no longer be a marketing order for turkeys when the rule takes effect. This will disband the Turkey Marketing Board.

STATUTORY OR CONSTITUTIONAL AUTHORIZATION FOR THIS RULE: Subsection 4-2-2(1)(e)

ANTICIPATED COST OR SAVINGS TO:

♦ **THE STATE BUDGET:** The repeal of this rule will disband the Turkey Marketing Board. As a result, the state will save on travel and per diem costs for the five-member board.

- ◆ LOCAL GOVERNMENTS: Local governments had no role in the administration or enforcement of this rule. Local governments will not be affected by the repeal of this rule.
- ◆ SMALL BUSINESSES: Turkey producers will no longer be obligated to pay the \$0.08 per 100 lbs required by the Marketing Order.
- ◆ PERSONS OTHER THAN SMALL BUSINESSES, BUSINESSES, OR LOCAL GOVERNMENTAL ENTITIES: Turkey producers will no longer be obligated to pay the \$0.08 per 100 lbs required by the rule in order to facilitate the marketing of their product.

COMPLIANCE COSTS FOR AFFECTED PERSONS: This is a repeal of the rule. There will be no costs to the producers as they will no longer be bound by the Marketing Order. The repeal of this rule will actually lead to a savings for the small businesses, businesses, and the state.

COMMENTS BY THE DEPARTMENT HEAD ON THE FISCAL IMPACT THE RULE MAY HAVE ON BUSINESSES: The repeal of this rule does away with the Turkey Marketing Order. This would eliminate the fees that are collected by the Marketing Board. These fees will be kept by the producers and will be the producer to fund their own marketing campaigns.

THE FULL TEXT OF THIS RULE MAY BE INSPECTED, DURING REGULAR BUSINESS HOURS, AT:
 AGRICULTURE AND FOOD
 MARKETING AND DEVELOPMENT
 350 N REDWOOD RD
 SALT LAKE CITY, UT 84116-3034
 or at the Division of Administrative Rules.

DIRECT QUESTIONS REGARDING THIS RULE TO:
 ◆ Kathleen Mathews by phone at 801-538-7103, by FAX at 801-538-7126, or by Internet E-mail at kmathews@utah.gov
 ◆ Scott Ericson by phone at 801-538-7102, by FAX at 801-538-7126, or by Internet E-mail at sericson@utah.gov

INTERESTED PERSONS MAY PRESENT THEIR VIEWS ON THIS RULE BY SUBMITTING WRITTEN COMMENTS NO LATER THAN AT 5:00 PM ON 11/16/2015

THIS RULE MAY BECOME EFFECTIVE ON: 11/23/2015

AUTHORIZED BY: LuAnn Adams, Commissioner

R65. Agriculture and Food, Marketing and Development.

[R65-3. Utah Turkey Marketing Order.

R65-3-1. Authority.

- _____ A. Promulgated under authority of Section 4-2-2(1)(e).
- _____ B. The Commissioner of Agriculture and Food finds, after a study of information available and by request of the industry that it is in the public interest to establish a marketing order to improve conditions in the turkey producing industry. The Commissioner finds

~~that the issuance of this marketing order is approved and favored by at least 50 percent of the producers and handlers voting on the referendum representing not less than two-thirds of the turkey production for the State of Utah during the calendar year. It is therefore ordered by the Commissioner, acting by the authority vested in him, that an Order be established to assure an effective and coordinated program to maintain and expand the Utah turkey industry's market position, and that the producers shall be subject to the terms and provisions of the Order.~~

R65-3-2. Definition of Terms.

- _____ A. "Commissioner" means the Commissioner of Agriculture and Food of the State of Utah.
- _____ B. "Person" means an individual, partnership, corporation, association, legal representative, or any organized group of individuals.
- _____ C. "Turkeys" means turkey eggs, turkey poults, breeder hens, and turkeys.
- _____ D. "Producer" means any person in this state in the business of producing or causing to be produced turkeys for market, provided producers shall not include producers who sell turkeys direct to the consumer which they themselves have produced.
- _____ E. "Handler" means any person engaged in the operation of selling, marketing, or distributing turkeys which are produced in Utah; but no rule under this Act shall apply to the sale of such turkeys to the ultimate consumer.

R65-3-3. Board.

- _____ A. A Board of Control is hereby established consisting of five members, two of whom shall be handlers, to carry out the provisions of this marketing order.
- _____ B. The original members of the Board of Control shall be selected by the Commissioner from names submitted by the industry.
- _____ C. Successors to original members shall be appointed by the Commissioner from names submitted by the industry. One grower member and one handler member shall be appointed in February of 1981 for a period of three years. Two grower members and one handler member shall be appointed in February of 1981 for a term of four years.
- _____ D. Members of the Board shall only succeed themselves once and not serve on the Board for more than eight consecutive years.
- _____ E. The officers of the Board shall be selected from the five Board members at their first meeting after reorganization. The officers shall consist of a Chairman and a Vice Chairman, to be elected yearly by the members of the Board. In the event of a vacancy or unexpired office, it shall be filled through a board election as soon as practical and shall be for the remainder of the unexpired term.
- _____ F. The Board shall exercise the following functions, powers and duties:
 - _____ 1. to receive and expend funds collected for the benefit of Utah turkey production;
 - _____ 2. to cooperate with any local, state or national organization engaged in activities similar to those of the Turkey Marketing Board;
 - _____ 3. to conduct advertising programs to increase the consumption of Utah produced turkeys where and when possible, and
 - _____ 4. to conduct research projects to improve the profit potential of the Utah turkey industry.
 - _____ 5. Financial reports will be made available annually for the Board and members of the industry.

~~G. No member of such Board shall receive a salary, but each shall be entitled to actual expenses incurred while engaged in performing the duties herein authorized in accordance with Sections 63A-3-106 and 63A-3-107.~~

~~H. All decisions of the Board of Control shall be by a majority vote of those present.~~

~~I. No member of the Board, nor any employee of the Board, shall be deemed responsible individually in any way whatsoever to any producer, distributor, handler, processor, or any other person, for errors of judgment, mistakes, or other acts, either of commission or omission of principal, agent, person, or employee, except for his own individual acts of dishonesty or crime. No such person or employee shall be held responsible individually for any act or omission of any other member of the Board. The liability of the members of such Board shall be several and not joint, and no member shall be liable for the default of any other member.~~

~~J. Attendance of three members at a duly called meeting shall constitute a quorum for the transaction of official business.~~

R65-3-4. Provision of this Order.

~~A. This order provides for:~~

~~1. Uniform grading and inspection of turkeys sold or offered for sale by producers or handlers and for the establishment of grading turkeys in accordance with such grading standards so established. Such grading standards shall not be established below any minimum standards now prescribed by law for this state.~~

~~2. Advertising and sales promotion to create new or larger markets for turkeys grown in Utah, provided that any such plan shall be directed towards increasing the sale of such commodity without reference to a particular brand or trade name. Provided further, that no advertising or sales promotion program shall be authorized which shall make use of false or unwarranted claims in behalf of the product covered by this Order, or disparage the quality, value, sale or use of any other agricultural commodity.~~

~~3. The labeling, marking, or branding of turkeys provided that such labeling, marking or branding, does not conflict with any rules of the Commissioner or laws of the State of Utah.~~

~~4. Conducting research projects and experiments for the purpose of improving the quality, size, and health and general condition of the turkey industry and for the purpose of protecting the health of the people of the State.~~

~~5. The Board of Control to cooperate with any other state or federal agency whose activities may be deemed beneficial to the purposes of this Order.~~

~~B. Expenses - Assessments - Collection and Disbursement.~~

~~1. Each handler subject to this Order shall pay to the Board of Control such handler's pro rata share (as approved by the Commissioner) of such expenses as the Commissioner may find will necessarily be incurred by the Board for the maintenance and functioning of said Board. The pro rata share of the expenses payable by a cooperative association of producers shall be computed on the basis of the quantity of the product covered by the Order which is distributed, sold, or shipped by such cooperative association of producers. The Board may maintain in its own name, or in the name of its members, a suit against any handler, subject to this Order, for the collection of such handler's pro rata share of expenses.~~

~~a. Such handler's assessment shall be approved by the Commissioner and the industry.~~

~~b. This assessment shall be set at \$.08 per hundred weight of processed bird.~~

~~2. The Board is authorized to incur such expenses as are necessary to carry out its functions subject to the approval of the Commissioner. The Board shall receive and disperse all funds pursuant to R65-3-5. Any funds remaining at the end of any year over and above the necessary expenses of said Board of Control may be divided among all persons from whom such funds were collected, or, at the discretion of the Board, such amounts may be applied to the necessary expenses of the Board for the continuation of its program during the next succeeding year, and in such case the Board shall credit all persons from whom such funds were collected with their proper proportions thereof.~~

~~3. The assessment of each producer shall be deducted from the producer's gross receipt by the dealer or producer-handler. All proceeds from the deducted portion shall be paid at least quarterly to the Board upon request of the Board.~~

~~4. The Board shall retain records of the receipt of the assessment which will be available for public inspection upon request.~~

~~5. The Board of Control is required to reimburse the Commissioner for any funds as are expended by the Commissioner in performing his duties, as provided in this Order. Such reimbursement to include only funds actually expended in connection with this Order.~~

R65-3-5. Division of Funds.

~~Assessments made and monies collected under the provisions of this Order shall be divided into assessments and funds for~~

~~A. administrative purposes;~~

~~B. advertising and promotional purposes, and~~

~~C. research purposes. Such assessments and funds shall be used solely for the purposes for which they are collected; provided, that funds remaining at the end of any year may be used in the succeeding year.~~

R65-3-6. Refund.

~~Any producer who wishes a refund of their assessments may receive such by notifying the Board in writing of their request at the end of each calendar year.~~

R65-3-7. Complaints of Violations.

~~Complaints of violation shall be handled by the responsible legal agencies and shall be enforced in the civil courts of the State.~~

R65-3-8. Termination of Order.

~~The Commissioner may terminate this Marketing Order at such time as he may determine there is no longer an industry need for such order. This order shall be reviewed or amended at least every 5 years by the industry, Subsection 4-2-2(3)(a). A referendum vote may be called at the request of the producers through a petition of 40 percent of the producers.~~

KEY: promotions

Date of Enactment or Last Substantive Amendment: 1987

Notice of Continuation: September 8, 2014

Authorizing, and Implemented or Interpreted Law: 4-2-2(1)(e)

**Agriculture and Food, Marketing and
Development
R65-4
Utah Egg Marketing Order**

NOTICE OF PROPOSED RULE

(Repeal)
DAR FILE NO.: 39763
FILED: 09/23/2015

RULE ANALYSIS

PURPOSE OF THE RULE OR REASON FOR THE CHANGE: The rule establishes a Marketing Order for Eggs. The industry has grown to the point that they are providing for their own marketing. As such, it is no longer necessary to continue the Egg Marketing Order.

SUMMARY OF THE RULE OR CHANGE: The proposed change is a complete repeal of the rule. There will no longer be a Marketing Order for eggs when the rule takes effect. This will disband the Egg Marketing Board.

STATUTORY OR CONSTITUTIONAL AUTHORIZATION FOR THIS RULE: Subsection 4-2-2(1)(e)

ANTICIPATED COST OR SAVINGS TO:

- ◆ **THE STATE BUDGET:** The repeal of this rule will disband the Egg Marketing Board. As a result, the state will save on travel and per diem costs for the five-member board.
- ◆ **LOCAL GOVERNMENTS:** Local governments had no role in the administration or enforcement of this rule. Local governments will not be affected by the repeal of this rule.
- ◆ **SMALL BUSINESSES:** Egg producers will no longer be obligated to pay the \$0.30 per case required by the Marketing Order.
- ◆ **PERSONS OTHER THAN SMALL BUSINESSES, BUSINESSES, OR LOCAL GOVERNMENTAL ENTITIES:** Egg producers will no longer be obligated to pay the \$0.30 per case required by the rule in order to facilitate the marketing of their product.

COMPLIANCE COSTS FOR AFFECTED PERSONS: This is a repeal of the rule. There will be no costs to the producers as they will no longer be bound by the marketing order. The repeal of this rule will actually lead to a savings for the small businesses, businesses, and the state.

COMMENTS BY THE DEPARTMENT HEAD ON THE FISCAL IMPACT THE RULE MAY HAVE ON BUSINESSES: The repeal of this rule does away with the Egg Marketing Order. This would eliminate the fees that are collected by the Marketing Board. These fees will be kept by the producers and will be up to the producer to fund their own marketing campaigns.

THE FULL TEXT OF THIS RULE MAY BE INSPECTED, DURING REGULAR BUSINESS HOURS, AT:
AGRICULTURE AND FOOD
MARKETING AND DEVELOPMENT
350 N REDWOOD RD
SALT LAKE CITY, UT 84116-3034
or at the Division of Administrative Rules.

DIRECT QUESTIONS REGARDING THIS RULE TO:

- ◆ Kathleen Mathews by phone at 801-538-7103, by FAX at 801-538-7126, or by Internet E-mail at kmathews@utah.gov
- ◆ Scott Ericson by phone at 801-538-7102, by FAX at 801-538-7126, or by Internet E-mail at sericson@utah.gov
- ◆ Wayne Bradshaw by phone at 801-538-7108, or by Internet E-mail at waynebradshaw@utah.gov

INTERESTED PERSONS MAY PRESENT THEIR VIEWS ON THIS RULE BY SUBMITTING WRITTEN COMMENTS NO LATER THAN AT 5:00 PM ON 11/16/2015

THIS RULE MAY BECOME EFFECTIVE ON: 11/23/2015

AUTHORIZED BY: LuAnn Adams, Commissioner

R65. Agriculture and Food, Marketing and Development.

~~**[R65-4. Utah Egg Marketing Order.**~~

~~**R65-4-1. Authority.**~~

~~_____ A. Promulgated under authority of Section 4-2-2(1)(e), which authorizes issuing marketing orders to promote orderly market conditions for agricultural products.~~

~~_____ B. The Commissioner of Agriculture and Food finds, after a study of information available and by request of the industry that it is in the public interest to establish a marketing order to improve conditions in the egg producing industry. The Commissioner finds that the issuance of this marketing order is approved and favored by at least 50 percent of the producers and handlers voting on the referendum representing not less than two-thirds of the egg production for the State of Utah during the calendar year. The production and marketing of egg products by numerous individual egg producers has prevented coordinated efforts in research and promotion necessary to maintain and expand markets. This process is vital to the well-being of the Utah egg industry which provides one of the basic, natural foods in the diet. It is therefore ordered by the Commissioner, acting by the authority vested in him, that an Order be established to assure an effective and coordinated program to maintain and expand the Utah egg industry's market position, and that the producers shall be subject to the terms and provisions of the Order.~~

~~**R65-4-2. Definition of Terms.**~~

~~_____ A. "Commissioner" means the Commissioner of the Utah Department of Agriculture and Food.~~

~~_____ B. "Person" means any individual, group of individuals, partnership, corporation, association, cooperative, legal representative, or any other entity.~~

~~_____ C. "Commercial Eggs" or "Eggs" means eggs from domesticated chickens which are sold for human consumption either in the shell egg form or for further processing into egg products.~~

_____ D. "Producer" means a person owning at least 3,000 laying hens engaged in the business of producing or causing to be produced eggs for the commercial market, provided such producers shall not include producers who sell all the commodity to the consumer.

_____ E. "Registered" producers means producers who have indicated that they want to be included in the marketing order voting process by registering to vote in the referendum. Registration forms may be mailed out with the ballots.

_____ F. "Known" producers means producers of a specific commodity who have been identified by the commodity group, themselves, or a third party as being eligible to register to vote in a referendum affecting that specific commodity.

_____ G. "Case" means a standard shipping package containing 30 dozen eggs.

_____ H. "Spent Hen" means hens which have been in production of commercial eggs and have been removed from such production.

_____ I. "Handler" means an individual or an organization engaged in the merchandising of eggs or egg products.

R65-4-3. Board.

_____ A. The Utah Egg Board is hereby established consisting of five members of the egg industry, plus ex-officio non-voting members from BYU and USU, and Utah Department of Agriculture and Food.

_____ B. The original members of the Board shall be selected by the Commissioner from a list submitted by the industry.

_____ C. Successors to original members shall be appointed by the Commissioner from names submitted by the industry. Two members shall be appointed for a period of three years. Three members shall be appointed for a period of four years. After the first three years, each appointed member shall serve for a period of four years. This rotation shall be in effect for the term of the marketing order. In the event of a vacancy the Commissioner shall appoint a new member from names submitted by the Board.

_____ D. Members of the Board shall only succeed themselves once and not serve on the Board for more than eight consecutive years.

_____ E. The officers of the Board shall be selected from the five Board members at their first meeting after reorganization. The officers shall consist of a Chairman and a Vice Chairman, to be elected yearly by the members of the Board. In the event of a vacancy or unfilled office, it shall be filled through an election as soon as practical and shall be for the remainder of the unexpired term.

_____ F. The Board shall exercise the following functions, powers and duties:

_____ 1. to receive and expend funds collected for the benefit of the Utah egg producers;

_____ 2. to cooperate with any local, state or national organization engaged in activities similar to those of the egg marketing Board;

_____ 3. to conduct a public educational program to increase the consumption of Utah produced eggs where and when possible.

_____ G. Attendance of three members at a duly called meeting shall constitute a quorum for the transaction of official business. The Board shall meet at least quarterly.

_____ H. Each member of the Board is entitled to per diem and expenses in accordance with Sections 63A-3-106 and 63A-3-107.

_____ I. Financial report will be made available annually for the Board and members of the industry by the Utah Department of Agriculture and Food.

R65-4-4. Provisions of the Order.

_____ A. This order provides for:

_____ 1. Uniform grading and inspection of eggs sold or offered for sale by producers or handlers and for the establishment of grading standards of quality, conditions, and size. Such grading standards shall not be established below any minimum standards now prescribed by law for the State.

_____ 2. Advertising and sales promotion to create new or larger markets for eggs produced in Utah, provided that any such plan shall be directed towards increasing the sale of such commodity without reference to particular brand or trade name.

_____ 3. The labeling, marketing, or branding of egg or egg products in conformity with the regulations of the Commissioner or the laws of the State of Utah already in existence and written in the Utah Code.

_____ 4. Research projects and experiments for the purpose of improving the quality, size, vitality, and general condition of the egg industry and for the purpose of protecting the health of the people of Utah.

_____ 5. The Board may cooperate with any other state or federal agency whose activities may be deemed beneficial to the purpose of this Order.

_____ B. Expenses - Assessments - Collection and Disbursement:

_____ 1. Each producer subject to this Order shall pay to the Board his or her pro rata share of such expenses as the Commissioner may find necessary to be incurred by the Board for the functioning of said Marketing Order. Each producer shall pay up to 30 cents per case to the Board annually. The discretionary assessment shall be set by majority vote of the board, and approved by the Commissioner. This assessment levied in the specified amount shall constitute a personal debt of every person so assessed and shall be due and payable when payment is called for thereby. The pro rata share of the expenses payable by a cooperative association of producers shall be computed on the basis of the quantity of the product covered by the Order which is distributed, sold, or shipped in commerce by such cooperative association of producers.

_____ 2. The assessment of each producer shall be deducted from the producer's gross receipt by the dealer or producer-handler. All proceeds from the deducted portion shall be paid at least quarterly to the Commission upon request of the Board.

_____ 3. The Board shall retain records of the receipt of the assessment. The records shall be audited annually by an auditor approved by the Commissioner. Copies of the audit shall be available to any contributor upon request.

_____ 4. The Board of Control is required to reimburse the Commissioner for any funds as are expended by the Commissioner in performing his duties, as provided in this Order. Such reimbursement to include only funds actually expended in connection with this Order.

_____ 5. The Board is authorized to incur such expenses as are necessary to carry out its functions subject to the approval of the Commissioner. The Board shall receive and disburse all funds received by it pursuant to Section R65-4-5. Any funds remaining at the end of any year over and above the necessary expenses of said Board of Control may be divided among all persons from whom such funds were collected. At the discretion of the Board, such amounts may be applied to the necessary expenses of the Board for the continuation of its program during the next succeeding year.

~~6. Any producer who wishes a refund of their paid assessment may request such by notifying the Board in writing within sixty days of payment of the assessment.~~

~~R65-4-5. Division of Funds.~~

~~Assessments made and monies collected under provisions of this order shall be divided into assessments and funds for:~~

- ~~A. administrative purposes;~~
- ~~B. educational purposes, advertising and promotional purposes, and~~
- ~~C. research purposes. Such assessments and funds shall be used solely for the purposes for which they are collected; provided, that funds remaining at the end of any year may be used in the succeeding year and provided, that no funds be used for political or lobbying activities.~~

~~R65-4-6. Board - Member's Liability.~~

~~No member of the Board, nor any employee of the Board, shall be deemed responsible individually in any way whatsoever to any producer, distributor, handler, processor, or any other person, for errors of judgment, mistakes, or other acts, either of commission or omission of principal, agent, person, or employee, except for his own individual acts of dishonesty or crime. No such person or employee shall be held responsible individually for any act or omission of any other member of the Board. The liability of the members of such Board shall be several and not joint, and no member shall be liable for the default of any other member.~~

~~R65-4-7. Complaints for Violations - Procedure.~~

~~Complaints for violations shall be handled by the responsible legal agencies and shall be enforced in the civil courts of the state.~~

~~R65-4-8. Termination of Order.~~

~~The Commissioner may terminate the Marketing Order at such time as he may determine there is no longer an industry need for such order. A referendum vote may be called at the request of the producers through a petition of 40 percent of the producers.~~

~~R65-4-9. Quarterly Meeting.~~

~~The Board shall meet at least quarterly.~~

KEY: promotions

Date of Enactment or Last Substantive Amendment: 1987

Notice of Continuation: September 8, 2014

Authorizing, and Implemented or Interpreted Law: 4-2-2(1)(e)

Agriculture and Food, Plant Industry
R68-1
 Utah Bee Inspection Act Governing
 Inspection of Bees

NOTICE OF PROPOSED RULE

(Amendment)

DAR FILE NO.: 39773

FILED: 09/29/2015

RULE ANALYSIS

PURPOSE OF THE RULE OR REASON FOR THE CHANGE: The rule governs the registration and inspection of beehives in the state. Changes in the rule clarify fees, registration numbers, and proper procedure for inspections of the hives.

SUMMARY OF THE RULE OR CHANGE: The rule changes makes it possible for the department to waive the registration fee for youth non-profit groups engaged in beekeeping for education purposes. Further, it clarifies how to properly display the registration numbers on the hive. Also added is a provision that inspectors attempt to contact the beekeepers prior to an inspection.

STATUTORY OR CONSTITUTIONAL AUTHORIZATION FOR THIS RULE: Section 4-11-3 and Subsection 4-2-2(i)

ANTICIPATED COST OR SAVINGS TO:

- ◆ **THE STATE BUDGET:** Due to the changes in registration, the department will lose some registration fees. However, the fee is minimal. The cost will be a reduction in fees of \$10 for a registration fee from these groups. The other changes to the rule add no additional requirements on the department and therefore have no cost or savings to the state budget.
- ◆ **LOCAL GOVERNMENTS:** The requirement that Bee Inspectors attempt to contact the Beekeeper prior to inspection will not add costs to the County Bee Inspectors budgets, as most were already engaged in such a practice.
- ◆ **SMALL BUSINESSES:** The changes to the rule that have effect on small businesses were already required, the changes only added specificity. There are no new costs associated with the changes.
- ◆ **PERSONS OTHER THAN SMALL BUSINESSES, BUSINESSES, OR LOCAL GOVERNMENTAL ENTITIES:** Youth Non-profit groups will see a savings of \$10 from the waiver of the registration fee for those engaged in educational activities.

COMPLIANCE COSTS FOR AFFECTED PERSONS: The changes to the rule do not add additional requirements to any of those affected by the rule. There are no additional costs to any affected group or persons.

COMMENTS BY THE DEPARTMENT HEAD ON THE FISCAL IMPACT THE RULE MAY HAVE ON BUSINESSES: There are no costs associated with the rule changes to the businesses or persons affected by this rule. In contrast there will be a savings to certain non-profit youth groups. This savings, while not great, could help to purchase more hives and engage more youth in learning and caring for bees.

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

AGRICULTURE AND FOOD
PLANT INDUSTRY
350 N REDWOOD RD
SALT LAKE CITY, UT 84116-3034
or at the Division of Administrative Rules.

DIRECT QUESTIONS REGARDING THIS RULE TO:

- ◆ Clark Burgess by phone at 801-538-7188, by FAX at 801-538-7189, or by Internet E-mail at cburgess@utah.gov
- ◆ Kathleen Mathews by phone at 801-538-7103, by FAX at 801-538-7126, or by Internet E-mail at kmathews@utah.gov
- ◆ Robert Hougaard by phone at 801-538-7187, by FAX at 801-538-7189, or by Internet E-mail at rhougaard@utah.gov
- ◆ Scott Ericson by phone at 801-538-7102, by FAX at 801-538-7126, or by Internet E-mail at sericson@utah.gov

INTERESTED PERSONS MAY PRESENT THEIR VIEWS ON
THIS RULE BY SUBMITTING WRITTEN COMMENTS NO
LATER THAN AT 5:00 PM ON 11/16/2015

THIS RULE MAY BECOME EFFECTIVE ON: 11/23/2015

AUTHORIZED BY: LuAnn Adams, Commissioner

R68. Agriculture and Food, Plant Industry.

R68-1. Utah Bee Inspection Act Governing Inspection of Bees.

R68-1-1. Authority.

Promulgated under the authority of Section 4-11-3.

R68-1-2. Registration.

1) Every owner or person coming into possession of one or more colonies of bees within the State of Utah shall register with the Department of Agriculture and Food in accordance with the provisions in Section 4-11-4.

2) The Utah Department of Agriculture and Food may waive the registration fee for youth non-profit groups using hives for educational purposes.

R68-1-3. Apiary Identification.

1) Each apiary location [~~whether permanent or temporary~~] shall be identified by a sign showing the owner's registration number issued by the Utah Department of Agriculture and Food, unless the apiary is located on property owned by the beekeeper.

2) The registration number shall be at least one inch in height, easily readable and displayed in a conspicuous location in the apiary; or similar identification conspicuously displayed on one or more hive bodies within the apiary. Any apiary not so identified shall be considered abandoned and shall be subject to seizure and destruction as provided for in Section 4-11-14.

R68-1-4. Assistance in Locating Apiaries.

1) All beekeepers shall personally assist the department or county bee inspectors in locating their apiaries, or provide accurate and detailed information as to location of all bee hives under their control or possession.

2) Bee inspectors shall make a good faith effort to contact the beekeeper prior to an inspection.

R68-1-5. Salvage Operations.

1) All salvage operations with respect to wax, hives and appliances from diseased colonies shall be performed in a tightly screened enclosure [~~to prevent the entrance of bees according to~~] using the following procedure:

[~~A~~]a) [~~Frames~~]frames and comb [~~from the diseased hives shall be~~]held for at least 30 minutes in boiling water (212 degrees F) before any wax is removed[-];

[~~B~~]b) [~~After~~]after removal from the boiling water the frames [~~must be~~]are destroyed or boiled for a minimum of 20 minutes in a solution of lye water containing no less than 10 pounds of lye (Sodium Hydroxide) for each 100 gal. of water[-]; and

[~~C~~]c) [~~Hive~~]hive bodies, supers, covers and bottom boards [~~must be~~]are thoroughly scorched or boiled for a minimum of 20 minutes in the lye water solution.

KEY: beekeeping

Date of Enactment or Last Substantive Amendment: [~~1987~~]2015

Notice of Continuation: August 24, 2015

Authorizing, and Implemented or Interpreted Law: 4-11-3

Agriculture and Food, Regulatory Services

R70-330

Raw Milk for Retail

NOTICE OF PROPOSED RULE

(Amendment)

DAR FILE NO.: 39779

FILED: 09/29/2015

RULE ANALYSIS

PURPOSE OF THE RULE OR REASON FOR THE CHANGE: The rule governs the sale of raw milk in the state. The changes are for clarification and to comply with changes made to the Utah Dairy Act, H.B. 104 (2015 General Session).

SUMMARY OF THE RULE OR CHANGE: The rule previously prohibited cow-sharing, the law has since been changed to allow for such practices and the rule is being changed to reflect those changes. In addition, there are some formatting changes that were made to make the rule easier to read and understand. Some terms were more clearly defined and processes were clarified.

STATUTORY OR CONSTITUTIONAL AUTHORIZATION FOR THIS RULE: Section 4-3-2 and Subsection 4-2-2(i) and Title 4, Chapter 5

ANTICIPATED COST OR SAVINGS TO:

- ◆ **THE STATE BUDGET:** There are no cost or savings associated with the rule changes. Cow-sharing was previously not allowed by state law, and the department has no regulatory authority over the practice. The other changes made to the rule do not add additional requirements they only add clarity to what has previously been expected.
- ◆ **LOCAL GOVERNMENTS:** There are no requirements made on local government in the changes to the rule.
- ◆ **SMALL BUSINESSES:** The changes add no new requirements on those businesses affected by the rule. There will be neither a cost nor a savings to those affected by the rule.
- ◆ **PERSONS OTHER THAN SMALL BUSINESSES, BUSINESSES, OR LOCAL GOVERNMENTAL ENTITIES:** The changes to the rule are to align the rule with state code and to clarify already existing practices. There are no requirements added or taken away in the proposed changes.

COMPLIANCE COSTS FOR AFFECTED PERSONS: The change to this rule does not require additional measures from those affected. It does clarify processes and definitions. It will have no fiscal impact on businesses nor individuals.

COMMENTS BY THE DEPARTMENT HEAD ON THE FISCAL IMPACT THE RULE MAY HAVE ON BUSINESSES: The changes to this rule do not require additional measures from those affected. It does clarify processes and definitions. The changes will have no fiscal impact on businesses nor individuals.

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

AGRICULTURE AND FOOD
REGULATORY SERVICES
350 N REDWOOD RD
SALT LAKE CITY, UT 84116-3034
or at the Division of Administrative Rules.

DIRECT QUESTIONS REGARDING THIS RULE TO:

- ◆ Kathleen Mathews by phone at 801-538-7103, by FAX at 801-538-7126, or by Internet E-mail at kmathews@utah.gov
- ◆ Scott Ericson by phone at 801-538-7102, by FAX at 801-538-7126, or by Internet E-mail at sericson@utah.gov
- ◆ Travis Waller by phone at 801-538-7150, by FAX at 801-538-7124, or by Internet E-mail at twaller@utah.gov

INTERESTED PERSONS MAY PRESENT THEIR VIEWS ON THIS RULE BY SUBMITTING WRITTEN COMMENTS NO LATER THAN AT 5:00 PM ON 11/16/2015

THIS RULE MAY BECOME EFFECTIVE ON: 11/23/2015

AUTHORIZED BY: LuAnn Adams, Commissioner

R70. Agriculture and Food, Regulatory Services.**R70-330. Raw Milk for Retail.****R70-330-1. Authority.**

[A:]1] Promulgated under the authority of Section 4-3-2.

[B:]2] [~~Scope:~~] This rule establishes the requirements for the manufacture, production, distribution, holding, delivery, storage, offering for sale and sale of raw milk for retail.

[~~C. History: The Utah Department of Agriculture and Food, with the concurrence of the U.S. Food and Drug Administration (FDA) strongly advises against the consumption of raw milk. There are numerous documented outbreaks of milkborne disease involving Salmonella and Campylobacter infections directly linked to the consumption of un-pasteurized milk. Cases of raw milk associated campylobacteriosis have been reported in the states of Arizona, California, Colorado, Georgia, Kansas, Maine, Montana, New Mexico, Oregon, Pennsylvania, and Utah. An outbreak of salmonellosis, involving 50 cases was confirmed in Ohio in 2002. Recent cases of Escherichia coli (E. coli) 0157:H7, Listeria monocytogenes, and Yersinia enterocolitica infections have also been attributed to raw milk consumption.~~]

R70-330-2. Definitions.

[A:]1] "Raw milk" means milk [~~as defined by law~~] that has not been pasteurized, or heat treated. The word milk shall be interpreted to include the normal lacteal secretion, practically free of colostrum, obtained by the complete milking of one or more healthy hoofed mammals.

[B:]2] "Properly staffed" means a person or persons on premise available to sell milk, exchange money, and lock and secure the retail store.

[C:]3] "Department" means the Utah Department of Agriculture and Food.

R70-330-3. Permits.

A permit shall be required to manufacture, distribute, sell, deliver, hold, store or offer for sale raw milk. Such permit shall be suspended when these rules or applicable sections of the Utah Dairy Act, Utah Code Annotated (UCA), Vol. 1, Title 4, Chapter 3, are violated. [~~Cow-share programs, as defined in the Utah Dairy Act, shall not be allowed, either in conjunction with a permitted raw for pasteurization dairy, a permitted raw milk for retail dairy, or in lieu of a permit to sell raw milk for retail.~~]

R70-330-4. Building and Premises Requirements.

1) The building and premises requirements at the time of the issuance of a new permit shall be the same as the current Grade A building guidelines.

2) In addition [~~to these guidelines~~], there shall be separate rooms provided for:

[~~(1)~~]a) packaging and sealing of raw milk[;];

[~~(2)~~]b) the washing of returned multi-use containers; [~~when applicable;~~] and

[~~(3)~~]c) a sales room for the sale of raw milk in a properly protected area that is not located in any of the milk handling rooms[;]

i) [F]these rooms shall meet or exceed the construction standards of a Grade A milkhous[e]. [~~If the Raw for Retail dairy also~~

raises chickens, or other poultry, for meat and/or eggs, their housing and movement shall be restricted to areas that do not include the milkhouse, milk barn and their immediate surroundings, the corrals and alleys where there is normally cows or goats, and other locations where there is normal cow or goat traffic. They shall also be restricted from areas normally considered traffic areas of the raw milk customers.]

3) Animals which are not used for the production of milk shall be restricted from the:

- a) milkhouse;
- b) milk barn;
- c) areas immediately surrounding the milkhouse and milk barns;
- d) areas where cow or goat normal traffic; and
- e) areas where milk customers are located.

R70-330-5. Sanitation and Operating Requirements.

~~[A.]1~~ Sanitation and operating requirements of all raw milk facilities shall be the same as that required on a Grade A dairy farm producing milk for pasteurization. Milk packaging areas and container washing areas at the raw milk facilities shall meet the requirements for Grade A pasteurized milk processing plants.

2) Milk not handled in a manner required by this rule shall be deemed adulterated and shall not be sold.

~~[B.]3~~ All milk shall be cooled to 50 degrees F. or less within one hour of the commencement of milking and to 41 degrees F. or less within two hours after the completion of milking.

~~[C.]a~~ The blend temperature after the first milking and subsequent milkings shall not exceed 50 degrees. ~~[Milk not handled in the manner required in this subsection and subsection "B" above shall be deemed adulterated and shall not be sold.]~~

~~[+.]4~~ All raw for retail farm bulk milk tanks put into use on or after August 7, 2007 shall be equipped with an approved temperature-recording device, in addition to the indicating thermometer. Daily temperature logs shall be maintained for bulk milk tanks in use prior to August 7, 2007.

~~[2.]5~~ The recording ~~[device]~~ thermometer shall be:

- a) in compliance with the current technical specification in the Pasteurized Milk Ordinance;
- b) operated continuously;
- c) ~~[and be]~~ maintained in a properly functioning manner; ~~[- Circular recording charts shall not overlap.]~~
- d) installed near the milk storage tank; and
- e) accessible to the department

~~[3. The recording device shall be verified as accurate every six (6) months and documented in a manner acceptable to the department.~~

~~[4.]5~~ Recording thermometer charts shall ~~[be]~~:

- a) properly identify the producer, date, and signature of the person removing the chart; and
- b) be maintained on the premises for a minimum of six (6) months and available to the department
- i) circular recording charts shall not overlap.

~~[5. The recording thermometer shall be installed near the milk storage tank and accessible to the department.~~

~~6. The recording thermometer shall comply with the current technical specifications in the Pasteurized Milk Ordinance for tank recording thermometers.~~

~~7. The recording thermometer charts shall properly identify the producer, date, and signature of the person removing the chart.~~

~~[D.]6~~ The temperature of the milk at the time of bottling shall not exceed 41 degrees F.

~~[E.]7~~ The sale and delivery of raw milk shall be made on the premise where the milk is produced and packaged, or at a self-owned, properly staffed, retail store.

a) Sanitation and construction requirements of the facilities used as self-owned, retail stores shall be the same as those contained in the Wholesome Food Act, Title 4, Chapter 5.

b) Transportation shall be done by the producer with no intervening storage, change of ownership, or loss of physical control.

i) The temperature of the milk shall be maintained at 41 degrees F or below. Each display case shall have a properly calibrated thermometer, and a daily temperature log shall be maintained and made accessible to the Department.

~~[F.]8~~ Raw milk brick cheese, when held at no less than 35 degrees F. for 60 days or longer, may be sold at retail stores or for wholesale distribution, at locations other than the premise where the milk was produced.

~~[G.]9~~ Except as provided ~~[in part (F)]~~ above, all products made from raw milk ~~[including, but not limited to, cottage cheese, buttermilk, sour cream, yogurt, heavy whipping cream, half and half, butter, and ice cream]~~ shall not be allowed for sale in Utah.

~~[H.]10~~ Milk that has been heat treated, shall not be labeled as "Raw Milk" for retail sale.

~~[+.]11~~ Inspections of the self-owned retail store shall be performed no less than four times per year to insure compliance with the sanitation, construction, and cooling requirements as set forth in the Wholesome Food Act, Title 4, Chapter 5.

R70-330-6. Bacteriological Standards.

~~[A.]1~~ The bacterial standards for ~~[unpackaged]~~ raw milk ~~[- packaged raw milk sold on premise and packaged raw milk sold at a self-owned retail store]~~ shall be a bacterial count of no more than 20,000 per ml. and a coliform count of no more than 10 per ml.

~~[B.]2~~ The department shall suspend a permit issued under Section 4-3-8 if two out of four consecutive samples or two samples in a 30-day period violate the sample limits established in ~~[R70-330-6(A)]~~ this rule.

R70-330-7. ~~[Testing]~~ Raw Milk for Retail Testing.

~~[A. Raw Milk for Retail Testing.~~

~~[+.]1~~ Unpackaged Raw Milk

~~[a.]a~~ The Department shall:

i) collect a representative sample of milk from each Raw for Retail farm bulk tank once each month ~~[- All samples shall be delivered];~~

ii) deliver all samples to the State Dairy Testing Laboratory ~~[-];~~ and

iii) administer ~~[-T]~~ tests ~~[shall include]~~ including those prescribed for Raw Milk for Pasteurization as found in the Pasteurized Milk Ordinance ~~[-, and in addition shall include added water, and/or other adulterants].~~

b.]b The Somatic Cell Count (SCC) in unpackaged raw milk for retail shall not exceed 400,000 cells per milliliter (ml) for cows, and not to exceed 1,500,000 cells per ml for goats.

~~_____~~ c) When ~~ever~~ three out of five samples fail to meet this standard in a 5-month period, the Department shall suspend the raw for retail permit. The suspension shall remain effective until a sample result meets the standard. A temporary permit shall be issued at that time. The permit shall be fully reinstated when three of five samples meet the standard in a five-month period.

~~[2.]2)~~ Packaged Raw Milk sold on Premise

~~[a.]a)~~ ~~[It shall be the responsibility of the Department to]~~ ~~The department shall:~~

~~i)~~ collect a representative sample of packaged raw milk once each month~~[-];~~~~[-All samples shall be delivered]~~

~~ii)~~ ~~deliver samples~~ to the State Dairy Testing Laboratory~~[-Tests shall include]; and~~

~~iii)~~ administer tests including those prescribed for Grade "A" Pasteurized milk as found in the Pasteurized Milk Ordinance.

~~[3.]3)~~ Packaged Raw Milk sold at Self-Owned Retail Stores

~~[a.]a)~~ ~~[It shall be the responsibility of the]~~ ~~The producer shall:~~~~[to]~~

~~i)~~ have a sampler certified by the Department ~~[to]~~ collect a sample from each batch of milk;

~~ii)~~ ~~and~~ submit ~~[it]~~ ~~the sample~~ to the State Dairy Laboratory or a certified independent laboratory to be tested for Antibiotic Drug Residue, Standard Plate Count (SPC) and Coliform Count~~[-AH]; and~~

~~iii)~~ ~~withhold all~~ milk from the sampled batch ~~[shall be withheld]~~ from sale until the results of the tests are known.

~~b)~~ When ~~ever~~ a sample result exceeds the standard in any of the prescribed categories~~[-];~~ ~~the producer shall:~~

~~(+.)i)~~ ~~[the producer shall]~~ not allow the milk to enter into commerce;

~~ii)~~ recall all milk from the failed batch already in commerce; and

~~iii)~~ ~~[shall]~~ dispose of the milk in a manner agreeable to the Department.~~[-The producer may sell raw milk from batches that were produced earlier and whose testing results met the standards.~~

~~b.~~ The producer shall recall all milk from the failed batch that is already in commerce.]

~~[e.]c)~~ The producer shall keep~~[A database shall be kept and made]~~ and make available ~~[for review by]~~ ~~to~~ both the ~~[Utah Department of Agriculture and Food]~~ department and the Utah Department of Health a database of all customers, which shall include;

~~i)~~ names,

~~ii)~~ addresses,~~[-and]~~

~~iii)~~ telephone numbers of customers,

~~iv)~~ dates of purchases, and

~~v)~~ amounts of milk purchased.

~~[d.]d)~~ If another agency's epidemiological investigation finds probable cause to implicate a raw for retail dairy in a milkborne illness outbreak, the Raw for Retail Permit may be suspended by the Department until such time as milk samples are pathogen free when analyzed by the Department or other Department approved testing laboratories, and until an inspection can be performed at the facility by a Compliance Officer from the Department.

~~[-----B. Animal Health Tests-~~

~~]~~

R70-330-8. Animal Health.

~~[-----1. General herd health examination-~~

~~[a.]1)~~ ~~[Whenever the USDA/APHIS has determined Utah is "Certified Free" of a zoonotic disease relative to an animal species which is milked for human or animal consumption, no testing for that~~

~~disease in that species shall be required.]~~ No testing for disease shall be required when the USDA/APHIS has determined Utah is "Certified Free" of a zoonotic disease relative to an animal species which is milked for human or animal consumption.

~~[b.]2)~~ Testing shall be required~~[Whenever]~~ when USDA/APHIS has determined that Utah is not "Certified Free" of a zoonotic disease.~~[-relative to an animal species which is milked for human or animal consumption, testing shall be conducted, as follows:]~~

~~a)~~ Tests shall be conducted in the following manner:

~~(+.)i)~~ ~~[-Prior]~~ each animal shall be examined by a veterinarian prior to inclusion in a raw milk supply,

~~ii)~~ ~~[and each six months thereafter, all animals shall be examined by a veterinarian.]~~ examination by veterinarians shall be conducted every six months;

~~iii)~~ ~~[Each]~~ each animal in the herd must be positively identified as an individual~~[-This]~~

~~iv)~~ the examination shall include an examination of the milk by a method recommended by the Pasteurized Milk Ordinance, and

~~vi)~~ the test shall include a statement of the udder health of each animal, and a general systemic health evaluation.

~~(+.)b)~~ ~~[Tuberculosis testing.]~~ Tuberculosis tests shall be conducted in the following manner:

~~i)~~ ~~[Prior to inclusion in a raw milk supply,]~~ each animal shall have been tested for tuberculosis within 60 days prior to the beginning of milk production;

~~ii)~~ ~~and~~ each animal shall be retested for tuberculosis once each year ~~[thereafter]; and~~

~~iii)~~ ~~[-All positively]~~ all positive reacting animals shall be sent to slaughter in accordance with R58-10 and R58-11.

~~(+.)c)~~ ~~[Brucellosis testing.]~~ Each bovine animal from which raw milk for retail is produced shall be positively identified as a properly vaccinated animal or shall be negative to the official blood test for brucellosis within 30 days prior to the beginning of each lactation.

~~i)~~ All positively reacting animals shall be sent to slaughter in accordance with R58-10 and R58-11.

~~ii)~~ Goats and sheep shall be tested once each year for brucellosis with the official blood test and all positively reacting animals shall be sent to slaughter in accordance with R58-10 and R58-11.

~~(+.)3)~~ ~~[Bulk tank milk testing.]~~ All ~~[bovine raw milk for retail shall be]~~ bulk tank shall be tested at least four times yearly with the brucella milk ring test.

~~a)~~ If such brucella ring test is positive for brucellosis, ~~[then]~~ each animal in the herd shall be tested with the official blood test and any reactors found shall be immediately sent to slaughter in accordance with R58-10 and R58-11.

~~(+.)4)~~ This section shall not apply whenever the Utah State Veterinarian has determined that an animal species in Utah which is milked for human or animal consumption is not at risk for a specific zoonotic disease.

~~[-----C. Personnel Health-~~

~~]~~

R70-330-9. Personnel Health.

~~1)~~ Each employee of the dairy ~~[working]~~ involved in the milk handling operation shall obtain a valid medical examination health card signed by a physician and approved by the department once each year and shall hold a valid food handler's permit.

2) No person shall work in a milk handling operation if infected from any contagious illness or if they have on their hands or arms any exposed infected cut or lesion.

3) ~~[If there is any question in this regard, the]~~The department may ask for an additional certification from a physician that ~~[this]~~a person is free from disease which may be transmitted by milk.

R70-330-~~[8]~~10. Packaging and Labeling.

~~[A. Label Requirements.~~

1) The label shall meet the requirements outline in the Utah Dairy Act.

2) ~~[The consumer containers]~~In addition:

a) Containers for raw milk for retail shall be furnished by the permittee and shall be labeled with the following ~~[information]:~~

~~[1.]i)~~ ~~marked as "Raw Milk"~~~~[The common or usual name of the product]~~ without grade designation~~[. The common name for raw milk is "Raw Milk".];~~

~~ii)~~ ~~[If]~~if it is other than cow's milk, the word "milk" shall be preceded with the name of the animal, i.e., "Raw Goat Milk"~~[-];~~

~~[2.]iii)~~ ~~[The]~~the name, address, and zip code of the place of production and packaging~~[-];~~

~~[3.]iv)~~ ~~[Proper indication of the]~~volume of the product~~[either on the container itself or on the label].;~~

~~[4. Nutritional labeling information when applicable.~~

~~[5.]v)~~ The phrase: "Raw milk, no matter how carefully produced, may be unsafe"~~[-]~~, shall appear on the label in a conspicuous place. ~~The~~the height of the smallest letter shall be no less than one eighth inch~~[-]; and~~

~~[6.]vi)~~ The phrase: "Keep Refrigerated"~~[-]~~, shall also appear on the label with the height of the smallest letter no less than one eighth inch~~[-]; and~~

~~[7. The shelf life labeling of bottled raw milk shall include a pull date, expiration date, or best if used by date, and shall be displayed and clearly visible on raw milk. Raw milk shall not be sold after the pull date, expiration date, or best if used by date has expired, and the date shall not be more than nine days after packaging.~~

~~[8.]vii)~~ ~~[Other provisions of labeling laws in effect in Utah relative to dairy/food products also apply. On the primary panel-]~~the words "raw" and "milk" shall be the same size lettering.

~~[B.]3)~~ Products not labeled as required shall be deemed misbranded.

R70-330-9. Limitations on Raw Milk Distribution.

~~[A.]1)~~ Raw milk distribution to the public for human consumption is limited to the following circumstances:

~~[1.]a)~~ A ~~[raw milk-]~~producer may sell raw milk ~~[to the public-]~~on the producer's farm ~~[if]~~after the producer obtains a raw for retail permit from the department, and

~~[2.]b)~~ A ~~[raw milk-]~~producer may sell raw milk ~~[to the public-]~~at the producer's self-owned off-premise retail store ~~[if]~~after the producer obtains a raw for retail permit from the department.

~~[3. A raw milk producer may distribute raw milk to members of the producer's immediate family on the producer's farm.~~

~~[B.]2)~~ Other methods or circumstances whereby raw milk is distributed to the public for human consumption, including the giving away of samples, are prohibited.

KEY: dairy inspections, raw milk

Date of Enactment or Last Substantive Amendment: ~~[November 13, 2013]~~2015

Notice of Continuation: March 16, 2011

Authorizing, and Implemented or Interpreted Law: 4-3-2

Commerce, Occupational and Professional Licensing **R156-17b** Pharmacy Practice Act Rule

NOTICE OF PROPOSED RULE

(Amendment)

DAR FILE NO.: 39780

FILED: 09/29/2015

RULE ANALYSIS

PURPOSE OF THE RULE OR REASON FOR THE CHANGE: During the 2015 Legislative Session, S.B. 158 passed and amended Title 58, Chapter 17b, the Pharmacy Practice Act. The statutory amendment granted the division rulemaking authority in order to establish guidelines for medical practitioners to dispense drugs to patients in a hospital emergency department. The division and State Board of Pharmacy have reviewed this rule and have determined the purpose of this rule filing is to remove a rule section that will become obsolete because of the proposed amendments in this rule filing and to codify the guidelines under which medical practitioners may dispense drugs to patients in a hospital emergency department and amend the rule governing when a temporary pharmacist license may be issued. This filing also updates the edition of the United States Pharmacopeia-National Formulary (USP-NF) books which are incorporated by reference in the rule.

SUMMARY OF THE RULE OR CHANGE: Subsection R156-17b-102(57) is amended to update to the 2015 edition date of the USP-NF books which are incorporated by reference. In Section R156-17b-304, the amendments make the requirements for a temporary pharmacist license less restrictive by removing the requirement that an applicant be enrolled in the second year of a pharmacy graduate residency. It also adds that a temporary pharmacist license may be issued to an applicant in a fellowship program. Section R156-17b-610.5, is a new section that establishes the guidelines under which medical practitioners may dispense drugs to patients in a hospital emergency department. Section R156-17b-614e is being deleted because it will become obsolete after the implementation of the guidelines in new Section R156-17b-610.5.

STATUTORY OR CONSTITUTIONAL AUTHORIZATION FOR THIS RULE: Section 58-17b-101 and Section 58-37-1 and Subsection 58-1-106(1)(a) and Subsection 58-1-202(1)(a) and Subsection 58-17b-601(1)

MATERIALS INCORPORATED BY REFERENCES:

- ◆ Updates United States Pharmacopeia-National Formulary (USP 38-NF33) through Supplement 2, published by United States Pharmacopeia, 2015

ANTICIPATED COST OR SAVINGS TO:

- ◆ **THE STATE BUDGET:** The division will incur minimal costs of approximately \$75 to print and distribute the rule once the proposed amendments are made effective. Any costs incurred will be absorbed in the division's current budget.
- ◆ **LOCAL GOVERNMENTS:** The proposed amendments apply only to licensees provided in Title 58, Chapter 17b. As a result, the proposed amendments do not apply to local governments.
- ◆ **SMALL BUSINESSES:** The proposed amendments apply only to licensees provided in Title 58, Chapter 17b. No fiscal impact to small businesses is anticipated with respect to the proposed amendments involving hospital emergency department dispensing guidelines. The new proposed language adds clarification to practices that already exist in the industry. However, small businesses who operate as a pharmacy would be required to maintain the updated 2015 edition of the USP-NF reference books. An annual subscription renewal for the USP-NF books is approximately \$900. There are approximately 2640 licensed pharmacies, which may or may not qualify as a small business, which would have an aggregate cost of \$2,376,000 for all to maintain an annual subscription renewal.
- ◆ **PERSONS OTHER THAN SMALL BUSINESSES, BUSINESSES, OR LOCAL GOVERNMENTAL ENTITIES:** The proposed amendments apply only to licensees provided in Title 58, Chapter 17b. No fiscal impact to other persons is anticipated with respect to the proposed amendments involving hospital emergency department dispensing guidelines. However, other persons who operate a pharmacy would be required to maintain the updated 2015 edition of the USP-NF reference books. An annual subscription renewal for the USP-NF books is approximately \$900.

COMPLIANCE COSTS FOR AFFECTED PERSONS: The proposed amendments apply only to licensees provided in Title 58, Chapter 17b. No fiscal impact to affected persons is anticipated with respect to the proposed amendments involving hospital emergency department dispensing guidelines. However, affected persons who operate a pharmacy would be required to maintain the updated 2015 edition of the USP-NF reference books. An annual subscription renewal for the USP-NF books is approximately \$900.

COMMENTS BY THE DEPARTMENT HEAD ON THE FISCAL IMPACT THE RULE MAY HAVE ON BUSINESSES: As stated in the rule analysis, this filing clarifies existing provisions, as required by Legislative action (S.B. 158 2015). No fiscal impact to businesses is anticipated.

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

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

DIRECT QUESTIONS REGARDING THIS RULE TO:

- ◆ Dane Ishihara by phone at 801-530-7632, by FAX at 801-530-6511, or by Internet E-mail at dishihara@utah.gov

INTERESTED PERSONS MAY PRESENT THEIR VIEWS ON THIS RULE BY SUBMITTING WRITTEN COMMENTS NO LATER THAN AT 5:00 PM ON 11/16/2015

INTERESTED PERSONS MAY ATTEND A PUBLIC HEARING REGARDING THIS RULE:

- ◆ 10/27/2015 08:30 AM, Heber Wells Bldg, 160 E 300 S, Conference Room 474 (fourth floor), Salt Lake City, UT

THIS RULE MAY BECOME EFFECTIVE ON: 12/01/2015

AUTHORIZED BY: Mark Steinagel, Director

**R156. Commerce, Occupational and Professional Licensing.
 R156-17b. Pharmacy Practice Act Rule.
 R156-17b-102. Definitions.**

In addition to the definitions in Title 58, Chapters 1 and 17b, as used in Title 58, Chapters 1 and 17b or this rule:

- (1) "Accredited by ASHP" means a program that:
 - (a) was accredited by the ASHP on the day the applicant for licensure completed the program; or
 - (b) was in ASHP candidate status on the day the applicant for licensure completed the program.
- (2) "ACPE" means the American Council on Pharmaceutical Education or Accreditation Council for Pharmacy Education.
- (3) "Analytical laboratory":
 - (a) means a facility in possession of prescription drugs for the purpose of analysis; and
 - (b) does not include a laboratory possessing prescription drugs used as standards and controls in performing drug monitoring or drug screening analysis if the prescription drugs are pre-diluted in a human or animal body fluid, human or animal body fluid components, organic solvents, or inorganic buffers at a concentration not exceeding one milligram per milliliter when labeled or otherwise designated as being for in-vitro diagnostic use.
- (4) "ASHP" means the American Society of Health System Pharmacists.
- (5) "Authorized distributor of record" means a pharmaceutical wholesaler with whom a manufacturer has established an ongoing relationship to distribute the manufacturer's

prescription drugs. An ongoing relationship is deemed to exist between such pharmaceutical wholesaler and a manufacturer, as defined in Section 1504 of the Internal Revenue Code, when the pharmaceutical wholesaler has a written agreement currently in effect with the manufacturer evidencing such ongoing relationship, and the pharmaceutical wholesaler is listed on the manufacturer's current list of authorized distributors of record.

(6) "Authorized personnel" means any person who is a part of the pharmacy staff who participates in the operational processes of the pharmacy and contributes to the natural flow of pharmaceutical care.

(7) "Centralized Prescription Filling" means the filling by a pharmacy of a request from another pharmacy to fill or refill a prescription drug order.

(8) "Centralized Prescription Processing" means the processing by a pharmacy of a request from another pharmacy to fill or refill a prescription drug order or to perform processing functions such as dispensing, drug utilization review (DUR), claims adjudication, refill authorizations, and therapeutic interventions.

(9) "Chain pharmacy warehouse" means a physical location for prescription drugs that acts as a central warehouse and performs intracompany sales or transfers of the prescription drugs to a group of chain pharmacies that have the same common ownership and control.

(10) "Co-licensed partner or product" means an instance where two or more parties have the right to engage in the manufacturing and/or marketing of a prescription drug, consistent with FDA's implementation of the Prescription Drug Marketing Act.

(11) "Cooperative pharmacy warehouse" means a physical location for drugs that acts as a central warehouse and is owned, operated or affiliated with a group purchasing organization (GPO) or pharmacy buying cooperative and distributes those drugs exclusively to its members.

(12) "Counterfeit prescription drug" has the meaning given that term in 21 USC 321(g)(2), including any amendments thereto.

(13) "Counterfeiting" means engaging in activities that create a counterfeit prescription drug.

(14) "Dispense", as defined in Subsection 58-17b-102(22), does not include transferring medications for a patient from a legally dispensed prescription for that particular patient into a daily or weekly drug container to facilitate the patient taking the correct medication.

(15) "Device" means an instrument, apparatus, implement, machine, contrivance, implant, or other similar or related article, including any component part or accessory, which is required under Federal law to bear the label, "Caution: Federal or State law requires dispensing by or on the order of a physician."

(16) "DMP" means a dispensing medical practitioner licensed under Section 58-17b, Part 8.

(17) "DMP designee" means an individual, acting under the direction of a DMP, who:

(a)(i) holds an active health care professional license under one of the following chapters:

- (A) Chapter 67, Utah Medical Practice Act;
- (B) Chapter 68, Utah Osteopathic Medical Practice Act;
- (C) Chapter 70a, Physician Assistant Act;
- (D) Chapter 31b, Nurse Practice Act;
- (E) Chapter 16a, Utah Optometry Practice Act;

(F) Chapter 44a, Nurse Midwife Practice Act; or

(G) Chapter 17b, Pharmacy Practice Act; or

(ii) is a medical assistant as defined in Subsection 58-67-102 (9);

(b) meets requirements established in Subsection 58-17b-803 (4)(c); and

(c) can document successful completion of a formal or on-the-job dispensing training program that meets standards established in Section R156-17b-622.

(18) "DMPIC" means a dispensing medical practitioner licensed under Section 58-17b, Part 8 who is designated by a dispensing medical practitioner clinic pharmacy to be responsible for activities of the pharmacy.

(19) "Drop shipment" means the sale of a prescription drug to a pharmaceutical wholesaler by the manufacturer of the drug; by the manufacturer's co-licensed product partner, third party logistics provider, or exclusive distributor; or by an authorized distributor of record that purchased the product directly from the manufacturer or from one of these entities; whereby:

(a) the pharmaceutical wholesale distributor takes title to but not physical possession of such prescription drug;

(b) the pharmaceutical wholesale distributor invoices the pharmacy, pharmacy warehouse, or other person authorized by law to dispense to administer such drug; and

(c) the pharmacy, pharmacy warehouse, or other person authorized by law to dispense or administer such drug receives delivery of the prescription drug directly from the manufacturer; from the co-licensed product partner, third party logistics provider, or exclusive distributor; or from an authorized distributor of record that purchases the product directly from the manufacturer or from one of these entities.

(20) "Drug therapy management" means the review of a drug therapy regimen of a patient by one or more pharmacists for the purpose of evaluating and rendering advice to one or more practitioners regarding adjustment of the regimen.

(21) "Drugs", as used in this rule, means drugs or devices.

(22) "Durable medical equipment" or "DME" means equipment that:

(a) can withstand repeated use;

(b) is primarily and customarily used to serve a medical purpose;

(c) generally is not useful to a person in the absence of an illness or injury;

(d) is suitable for use in a health care facility or in the home; and

(e) may include devices and medical supplies.

(23) "Entities under common administrative control" means an entity holds the power, actual as well as legal to influence the management, direction, or functioning of a business or organization.

(24) "Entities under common ownership" means entity assets are held indivisibly rather than in the names of individual members.

(25) "ExCPT", as used in this rule, means the Exam for the Certification of Pharmacy Technicians.

(26) "FDA" means the United States Food and Drug Administration and any successor agency.

(27) "High-risk, medium-risk, and low-risk drugs" refers to the risk to a patient's health from compounding sterile preparations, as referred to in USP-NF Chapter 797, for details of determining risk level.

(28) "Hospice facility pharmacy" means a pharmacy that supplies drugs to patients in a licensed healthcare facility for terminal patients.

(29) "Hospital clinic pharmacy" means a pharmacy that is located in an outpatient treatment area where a pharmacist or pharmacy intern is compounding, admixing, or dispensing prescription drugs, and where:

(a) prescription drugs or devices are under the control of the pharmacist, or the facility for administration to patients of that facility;

(b) prescription drugs or devices are dispensed by the pharmacist or pharmacy intern; or

(c) prescription drugs are administered in accordance with the order of a practitioner by an employee or agent of the facility.

(30) "Legend drug" or "prescription drug" means any drug or device that has been determined to be unsafe for self-medication or any drug or device that bears or is required to bear the legend:

(a) "Caution: federal law prohibits dispensing without prescription";

(b) "Caution: federal law restricts this drug to use by or on the order of a licensed veterinarian"; or

(c) "Rx only".

(31) "Maintenance medications" means medications the patient takes on an ongoing basis.

(32) "Manufacturer's exclusive distributor" means an entity that contracts with a manufacturer to provide or coordinate warehousing, distribution, or other services on behalf of a manufacturer and who takes title to that manufacturer's prescription drug, but who does not have general responsibility to direct the drug's sale or disposition. Such manufacturer's exclusive distributor shall be licensed as a pharmaceutical wholesaler under this chapter and be an "authorized distributor of record" to be considered part of the "normal distribution channel".

(33) "Medical supplies" means items for medical use that are suitable for use in a health care facility or in the home and that are disposable or semi-disposable and are non-reusable.

(34) "MPJE" means the Multistate Jurisprudence Examination.

(35) "NABP" means the National Association of Boards of Pharmacy.

(36) "NAPLEX" means North American Pharmacy Licensing Examination.

(37) "Normal distribution channel" means a chain of custody for a prescription drug that goes directly, by drop shipment as defined in Subsection (19), or via intracompany transfer from a manufacturer; or from the manufacturer's co-licensed partner, third-party logistics provider, or the exclusive distributor to:

(a) a pharmacy or other designated persons authorized under this chapter to dispense or administer prescription drugs to a patient;

(b) a chain pharmacy warehouse that performs intracompany sales or transfers of such drugs to a group of pharmacies under common ownership and control;

(c) a cooperative pharmacy warehouse to a pharmacy that is a member of the pharmacy buying cooperative or GPO to a patient;

(d) an authorized distributor of record, and then to either a pharmacy or other designated persons authorized under this chapter to dispense or administer such drug for use by a patient;

(e) an authorized distributor of record, and then to a chain pharmacy warehouse that performs intracompany sales or transfers of such drugs to a group of pharmacies under common ownership and control; or

(f) an authorized distributor of record to another authorized distributor of record to a licensed pharmaceutical facility or a licensed healthcare practitioner authorized under this chapter to dispense or administer such drug for use by a patient.

(38) "Other health care facilities" means any entity as defined in Utah Code Subsection 26-21-2(13)(a) or Utah Administrative Code R432-1-3(55).

(39) "Parenteral" means a method of drug delivery injected into body tissues but not via the gastrointestinal tract.

(40) "Patient's agent" means a:

(a) relative, friend or other authorized designee of the patient involved in the patient's care; or

(b) if requested by the patient or the individual under Subsection (40)(a), one of the following facilities:

(i) an office of a licensed prescribing practitioner in Utah;

(ii) a long-term care facility where the patient resides; or

(iii) a hospital, office, clinic or other medical facility that provides health care services.

(41) "Pedigree" means a document or electronic file containing information that records each distribution of any given prescription drug.

(42) "PIC", as used in this rule, means the pharmacist-in-charge.

(43) "Prepackaged" or "Prepackaging" means the act of transferring a drug, manually or by use of an automated pharmacy system, from a manufacturer's or distributor's original container to another container in advance of receiving a prescription drug order or for a patient's immediate need for dispensing by a pharmacy or practitioner authorized to dispense in the establishment where the prepackaging occurred.

(44) "Prescription files" means all hard-copy and electronic prescriptions that includes pharmacist notes or technician notes, clarifications or information written or attached that is pertinent to the prescription.

(45) "PTCB" means the Pharmacy Technician Certification Board.

(46) "Qualified continuing education", as used in this rule, means continuing education that meets the standards set forth in Section R156-17b-309.

(47) "Refill" means to fill again.

(48) "Repackage" means repackaging or otherwise changing the container, wrapper, or labeling to further the distribution of a prescription drug, excluding that completed by the pharmacist or DMP responsible for dispensing the product to a patient.

(49) "Research facility" means a facility where research takes place that has policies and procedures describing such research.

(50) "Reverse distributor" means a person or company that retrieves unusable or outdated drugs from a pharmacy for the purpose of removing those drugs from stock and destroying them.

(51) "Sterile products preparation facility" means any facility, or portion of the facility, that compounds sterile products using aseptic technique.

(52) "Supervisor" means a licensed pharmacist or DMP in good standing with the Division.

(53) "Third party logistics provider" means anyone who contracts with a prescription drug manufacturer to provide or coordinate warehousing, distribution, or other similar services on behalf of a manufacturer, but does not take title to the prescription drug or have any authoritative control over the prescription drug's sale. Such third party logistics provider shall be licensed as a pharmaceutical wholesaler under this chapter and be an "authorized distributor of record" to be considered part of the "normal distribution channel".

(54) "Unauthorized personnel" means any person who is not participating in the operational processes of the pharmacy who in some way would interrupt the natural flow of pharmaceutical care.

(55) "Unit dose" means the ordered amount of a drug in a dosage form prepared for a one-time administration to an individual and indicates the name, strength, lot number and beyond use date for the drug.

(56) "Unprofessional conduct", as defined in Title 58, Chapters 1 and 17b, is further defined, in accordance with Subsection 58-1-203(1)(e), in Section R156-17b-502.

(57) "USP-NF" means the United States Pharmacopeia-National Formulary ([~~USP 37-NF 32~~]~~USP 38-NF 33~~), [~~2014~~]2015 edition, which is official from May 1, [~~2014~~]2015 through Supplement 2, dated December 1, [~~2014~~]2015, which is hereby adopted and incorporated by reference.

(58) "Wholesaler" means a wholesale distributor who supplies or distributes drugs or medical devices that are restricted by federal law to sales based on the order of a physician to a person other than the consumer or patient.

(59) "Wholesale distribution" means the distribution of drugs to persons other than consumers or patients, but does not include:

- (a) intracompany sales or transfers;
- (b) the sale, purchase, distribution, trade, or other transfer of a prescription drug for emergency medical reasons, as defined under 21 CFR 203.3(m), including any amendments thereto;
- (c) the sale, purchase, or trade of a drug pursuant to a prescription;
- (d) the distribution of drug samples;
- (e) the return or transfer of prescription drugs to the original manufacturer, original wholesale distributor, reverse distributor, or a third party returns processor;
- (f) the sale, purchase, distribution, trade, or transfer of a prescription drug from one authorized distributor of record to one additional authorized distributor of record during a time period for which there is documentation from the manufacturer that the manufacturer is able to supply a prescription drug and the supplying authorized distributor of record states in writing that the prescription drug being supplied had until that time been exclusively in the normal distribution channel;

(g) the sale, purchase or exchange of blood or blood components for transfusions;

(h) the sale, transfer, merger or consolidation of all or part of the business of a pharmacy;

(i) delivery of a prescription drug by a common carrier; or

(j) other transactions excluded from the definition of "wholesale distribution" under 21 CFR 203.3 (cc), including any amendments thereto.

R156-17b-304. Temporary Licensure.

(1) In accordance with Subsection 58-1-303(1), the Division may issue a temporary pharmacist license to a person who meets all qualifications for licensure as a pharmacist except for the passing of the required examination, if the applicant:

(a) is a graduate of an ACPE accredited pharmacy school within two months immediately preceding application for licensure or enrolled in [~~the second year of~~] a pharmacy graduate residency or fellowship program;

(b) submit a complete application for licensure as a pharmacist except the passing of the NAPLEX and MJPE examinations;

(c) submits evidence of having secured employment conditioned upon issuance of the temporary license, and the employment is under the direct, on-site supervision of a pharmacist with an active, non-temporary license that may or may not include a controlled substance license; and

(d) has registered to take the required licensure examinations.

(2) A temporary pharmacist license issued under Subsection (1) expires the earlier of:

(a) six months from the date of issuance;

(b) the date upon which the Division receives notice from the examination agency that the individual has failed either examination twice; or

(c) the date upon which the Division issues the individual full licensure.

(3) An individual who has failed either examination twice shall meet with the Board to request an additional authorization to test. The Division, in collaboration with the Board, may require additional training as a condition for approval of an authorization to retest.

(4) A pharmacist temporary license issued in accordance with this section cannot be renewed or extended.

R156-17b-610.5. Dispensing in Emergency Department - Patient's Immediate Need.

In accordance with Section 58-17b-610.5, the guidelines for medical practitioners to dispense drugs to a patient in a hospital emergency department are established in this section.

(1) To meet a patient's immediate needs, the prescribing practitioner may provide up to a three-day emergency supply which is properly labeled according to Subsection R156-17b-610.5(3).

(2) Notwithstanding Subsection R156-17b-610.5(1), the following may be provided:

(a) a seven day supply of sexually-transmitted infections (STI) prophylaxis;

(b) a Naloxone kit.

(3) Labeling of an emergency supply shall at a minimum include:

(a) prescribing practitioner's name, facility name and telephone number;

(b) patient's name;

(c) name of medication and strength;

(d) date given;

(e) instructions for use; and

(f) beyond use date.

(4) Records of controlled substances dispensed by the prescribing practitioner shall be provided to the appropriate pharmacy so that the applicable prescription data can be reported to the Utah Controlled Substance Database.

~~**[R156-17b-614c. Class B - Dispensing Drugs from an Emergency Department and Upon Discharge from a Rural Hospital Pharmacy.**~~

~~The "Guidelines for Hospital Pharmacies and Emergency Department Treatment" document, adopted May 21, 2012, by the Division in collaboration with the Utah State Board of Pharmacy, as posted on the Division website, is the guideline or standard to be utilized by rural hospital emergency departments dispensing a short course of necessary medications to patients when a pharmacy is not open to fill their prescriptions.~~

]KEY: pharmacists, licensing, pharmacies

Date of Enactment or Last Substantive Amendment: [February 24, 2015

Notice of Continuation: January 5, 2015

Authorizing, and Implemented or Interpreted Law: 58-17b-101; 58-17b-601(1); 58-37-1; 58-1-106(1)(a); 58-1-202(1)(a)

**Commerce, Occupational and
Professional Licensing
R156-42a
Occupational Therapy Practice Act
Rule**

NOTICE OF PROPOSED RULE

(Amendment)

DAR FILE NO.: 39761

FILED: 09/21/2015

RULE ANALYSIS

PURPOSE OF THE RULE OR REASON FOR THE CHANGE: As a result of statutory amendments to Title 58, Chapter 42a, which were passed in H.B. 194 and S.B. 131 during the 2015 General Session, the division and Occupational Therapy Licensing Board are proposing amendments to the rule. The purpose of this filing is to: 1) add and clarify definitions for specific therapies included in the 2015 statute amendments; 2) eliminate definitions that are no longer necessary; 3) identify the only approved accrediting body for occupational therapy education; 4) identify the only approved examination for licensure; 5)

identify continuing education requirements for renewal or reinstatement of licensure; 6) update unprofessional conduct to include prohibition of therapies explicit in statute; 7) describe requirements for implementation of wound care therapy in order to ensure safe wound care practice and protection of the public; and 8) articulate the expectation that licensed professionals are expected to be competent in the therapies performed.

SUMMARY OF THE RULE OR CHANGE: In Section R156-42a-102, definitions for "qualified continuing education," "manual therapy" and "wound care" were added based on specific inclusions to Title 58, Chapter 42a, as enacted by S.B. 131 during the 2015 General Session. Definitions for "general supervision" and "consult with the attending physician" were deleted. Specific language requiring general supervision and consultation with an attending physician were eliminated from Title 58, Chapter 42a. The definition for physical agent modalities was updated to be consistent with current national standards. Section R156-42a-302b is a new section added to clearly identify that the only approved accrediting body for educational programs is the American Occupational Therapy Association's Accreditation Council for Occupational Therapy Education. Section R156-42a-302d is a new section added to clearly identify that the only approved certification examination for licensure is the National Board for Certification in Occupational Therapy. Section R156-42a-304 is a new section added to identify the requirements for continuing education. Continuing education requirements for renewal or reinstatement of licensure were added to Title 58, Chapter 42a, during the 2015 General Session. In Section R156-42a-502, the definition of unprofessional conduct was: 1) updated to include management of wound care and use of manual therapy consistent with the 2015 legislative changes; and 2) updated to incorporate by reference the American Occupational Therapy Association Code of Ethics which was revised in 2015. Subsection R156-42a-601(2) adds a practice standard that requires occupational therapists to complete additional training to engage in wound care. Subsection R156-42a-601(3) adds a practice standard to require those licensed under Title 58, Chapter 42a, to demonstrate and document competency in the therapies they perform.

STATUTORY OR CONSTITUTIONAL AUTHORIZATION FOR THIS RULE: Section 58-42a-101 and Subsection 58-1-106(1)(a) and Subsection 58-1-202(1)(a)

MATERIALS INCORPORATED BY REFERENCES:

- ◆ Updates Occupational Therapy Code of Ethics, published by American Occupational Therapy Association, 2015

ANTICIPATED COST OR SAVINGS TO:

- ◆ **THE STATE BUDGET:** The division does not anticipate any additional costs or savings to the state budget beyond those detailed in the fiscal notes for S.B. 131 and H.B. 194 (2015).
- ◆ **LOCAL GOVERNMENTS:** The proposed amendments apply only to licensed occupational therapists and

occupational therapist assistants and applicants for licensure in those classifications. As a result, the proposed amendments do not apply to local governments.

♦ **SMALL BUSINESSES:** The division anticipates there are potential costs for small businesses employing licensees, if the business decides to offer continuing education as a benefit to employees. There are potential opportunities for small businesses to increase revenue if they offer qualified continuing education with a fee for service to licensees. Due to such a wide range of circumstances, the division is not able to determine any exact amount of costs or potential revenue.

♦ **PERSONS OTHER THAN SMALL BUSINESSES, BUSINESSES, OR LOCAL GOVERNMENTAL ENTITIES:** The division anticipates there are potential opportunities for other persons to generate revenue if they offer qualified continuing education with a fee for service to licensees. Due to such a wide range of circumstances, the division is not able to determine any exact amount of potential revenue.

COMPLIANCE COSTS FOR AFFECTED PERSONS: The proposed amendments apply only to licensed occupational therapists and occupational therapist assistants and applicants for licensure in those classifications. Licensees who seek renewal or reinstatement of licensure under Title 58, Chapter 42a, will be required to complete continuing education hours. Licensees will be responsible for any costs associated with obtaining and documenting completion of the required continuing education. The proposed amendments with respect to continuing education are broad and inclusive allowing the licensee flexibility in obtaining the continuing education, and many continuing education options may be available at low or no cost (e.g., online or through an employer) to the individual. Costs to the affected persons are difficult to estimate with any accuracy, but it is anticipated that most could meet the continuing education requirement for less than \$100 per renewal cycle. Also, no costs are involved with regards to the update Code of Ethics as this document can be found on the American Occupational Therapy Association website at no cost.

COMMENTS BY THE DEPARTMENT HEAD ON THE FISCAL IMPACT THE RULE MAY HAVE ON BUSINESSES: As stated in the rule analysis, this filing responds to legislative action (S.B. 131 and H.B. 194, 2015), which introduced new terms into the regulatory scheme, thereby requiring definition. In addition, this filing clarifies standards for pre-licensing education, continuing education, and professional conduct. No fiscal impact to businesses is anticipated except in circumstances where a business chooses to offer educational programs to licensees or to pay education costs for employees. Any such impact cannot be estimated.

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

COMMERCE
OCCUPATIONAL AND PROFESSIONAL
LICENSING
HEBER M WELLS BLDG

160 E 300 S
SALT LAKE CITY, UT 84111-2316
or at the Division of Administrative Rules.

DIRECT QUESTIONS REGARDING THIS RULE TO:

♦ Suzette Farmer by phone at 801-530-6789, by FAX at 801-530-6511, or by Internet E-mail at sfarmer@utah.gov

INTERESTED PERSONS MAY PRESENT THEIR VIEWS ON THIS RULE BY SUBMITTING WRITTEN COMMENTS NO LATER THAN AT 5:00 PM ON 11/16/2015

INTERESTED PERSONS MAY ATTEND A PUBLIC HEARING REGARDING THIS RULE:

♦ 11/10/2015 08:30 AM, Heber Wells Bldg, 160 E 300 S, Conference Room 402, Salt Lake City, UT

THIS RULE MAY BECOME EFFECTIVE ON: 11/23/2015

AUTHORIZED BY: Mark Steinagel, Director

R156. Commerce, Occupational and Professional Licensing.

R156-42a. Occupational Therapy Practice Act Rule.

R156-42a-102. Definitions.

In addition to the definitions in Title 58, Chapters 1 and 42a, as used in Title 58, Chapters 1 and 42a, or this rule:

~~_____ (1) "General supervision", as used in Section 58-42a-304 and Subsection R156-42a-302b(2), means the supervising occupational therapist is:~~

~~_____ (a) present in the area where the person supervised is performing services; and~~

~~_____ (b) immediately available to assist the person being supervised in the services being performed.~~

~~_____ (2) "Consult with the attending physician", as used in Subsection 58-42a-501(6), means that the occupational therapist will consult with the attending physician when an acute change of patient condition affects the occupational therapy services being performed.~~

_____ (1) "Manual therapy", as used in Subsection 58-42a-102(6)(b)(vii)(L), means the use of skilled hand movements to manipulate tissues of the body for a therapeutic purpose.

([3]2) "Physical agent modalities", as used in Subsection 58-42a-102(9)(g)(6)(b)(vii)(L), means specialized treatment procedures [that produce a response in soft tissue through the use of light, water, temperature, sound or electricity such as hot packs, ice, paraffin, and electrical or sound currents] including: superficial thermal agents, deep thermal agents, electrotherapeutic agents, and mechanical devices.

_____ (3) "Qualified continuing professional education", as used in Subsection 58-42a-303.5(1), means continuing education that meets the standards set forth in Subsection R156-42a-304.

(4) "Unprofessional conduct" as defined in Title 58, Chapters 1 and 42a, is further defined, in accordance with Subsection 58-1-203(1)(e), in Section R156-42a-502.

_____ (5) "Wound care", as used in Subsection 58-42a-102(6)(b)(vii)(L), means:

(a) prevention of interruptions in skin and tissue integrity; and

(b) care and management of interruptions in skin and tissue integrity.

R156-42a-302b. Qualifications for Licensure - Education Requirements.

The education requirements for licensure, in accordance with Section 58-42a-302, are established as follows:

(1) An applicant for licensure as an occupational therapist shall graduate from an occupational therapy program accredited by the American Occupational Therapy Association's Accreditation Council for Occupational Therapy Education.

(2) An applicant for licensure as an occupational therapy assistant shall graduate from an occupational therapy assistant program accredited by the American Occupational Therapy Association's Accreditation Council for Occupational Therapy Education.

R156-42a-302d. Qualifications for Licensure - Examination Requirements.

The examination requirements for licensure, in accordance with Section 58-42a-302, are established as follows:

(1) An applicant for licensure as an occupational therapist shall pass the examination for certification from the National Board for Certification in Occupational Therapy as an occupational therapist registered.

(2) An applicant for licensure as an occupational therapy assistant shall hold current certification from the National Board for Certification in Occupational Therapy as a certified occupational therapy assistant.

R156-42a-304. Continuing Education.

(1) Continuing education required by Subsection 58-42a-302.5(1) shall consist of 24 hours of qualified continuing professional education in each preceding two-year period of licensure or prior to reinstatement of licensure. Each hour of continuing professional education may include a 10-minute break.

(2) If a renewal period is shortened or extended to effect a change of renewal cycle, the continuing professional education hours required for that renewal period shall be increased or decreased accordingly as a pro rata amount of the requirements of a two-year period.

(3) The required number of contact hours of continuing professional education for an individual who first becomes licensed during the two-year renewal cycle shall be decreased by a pro-rata amount.

(4) The standards for qualified continuing professional education include:

(a) an identifiable clear statement of purposed and defined objective for the educational program directly related to the practice of occupational therapy;

(b) relevance to the licensee's professional practice;

(c) presentation in a competent, well organized, and sequential manner consistent with the stated purpose and objective of the continuing education;

(d) preparation and presentation by individuals who are qualified by education, training, and experience;

(e) completion of a minimum of two hours related to legal and ethical principles of practice; and

(f) verification from the continuing education provider to licensee of the completed continuing education.

(5) Records of qualified continuing education completion shall be maintained by the licensee and reported to the Division when requested.

R156-42a-502. Unprofessional Conduct.

"Unprofessional conduct" includes:

(1) delegating supervision, or occupational therapy services, care or responsibilities not authorized under Title 58, Chapter 42a or this rule;

(2) engaging in or attempting to engage in the use of physical agent modalities, wound care, or manual therapy when not competent to do so by education, training, or experience;

(3) failing to provide general supervision as set forth in Title 58, Chapter 42a and this rule;

(4) failing to cosign COTA discharge documentation within 30 days pursuant to R156-42a-601; and

(5) violating any provision of the American Occupational Therapy Association Code of Ethics, last amended [~~April 2005~~2015], which is hereby adopted and incorporated by reference.

R156-42a-601. Practice Standards.

(1) A certified occupational therapist assistant (COTA), after consultation with the supervising occupational therapist (OT), may discharge an individual from on-going service only if there is no evaluation component associated with the discharge from service. The supervising OT shall co-sign the appropriate documentation within 30 days.

(2) An occupational therapist shall complete formal specialized wound care training or certification, including didactic and clinical components, if engaging in the care and management of interruptions in skin and tissue integrity.

(3) Occupational therapy treatment shall be performed by an occupational therapist or certified occupational therapist assistant who is able to demonstrate and document evidence of theoretical background, technical skill, and competence in the therapies performed.

KEY: licensing, occupational therapy

Date of Enactment or Last Substantive Amendment: [~~April 21, 2014~~2015]

Notice of Continuation: January 21, 2014

Authorizing, and Implemented or Interpreted Law: 58-1-106(1)(a); 58-1-202(1)(a); 58-42a-101

Commerce, Occupational and
Professional Licensing
R156-61a
Behavior Analyst Licensing Act Rule

NOTICE OF PROPOSED RULE

(New Rule)

DAR FILE NO.: 39772

FILED: 09/28/2015

RULE ANALYSIS

PURPOSE OF THE RULE OR REASON FOR THE CHANGE: During the 2015 General Legislative Session, S.B. 246 passed and amended Title 58, Chapter 61, the Psychologist Licensing Act, to establish a license for applied behavior analyst and an assistant behavior analyst and a registration for a behavior specialist and an assistant behavior specialist. The division and the Psychologist Licensing Board have reviewed this new rule and the purpose of this rule filing is to create this rule in order to add further clarification to the new requirements by defining terms, establishing qualifications for licensure, and establishing unprofessional conduct standards.

SUMMARY OF THE RULE OR CHANGE: Section R156-61a-701 is a new section which creates a new rule title. Section R156-61a-702 is a new section which defines profession-related terms. Section R156-61a-704 is a new section which establishes renewal procedures. Section R156-61a-705 is a new section which establishes the examination requirements to become licensed as an applied behavior analyst and an assistant behavior analyst. Section R156-61a-705a is a new section which clarifies equivalent degree requirements for licensure as a licensed behavior analyst. Section R156-61a-710 is a new section which adds unprofessional conduct standards.

STATUTORY OR CONSTITUTIONAL AUTHORIZATION FOR THIS RULE: Section 58-61-101 and Subsection 58-1-106(1)(a) and Subsection 58-1-202(1)(a)

MATERIALS INCORPORATED BY REFERENCES:

- ◆ Adds Professional and Ethical Compliance Code for Behavior Analysts, published by Behavior Analyst Certification Board, January 1, 2016

ANTICIPATED COST OR SAVINGS TO:

- ◆ **THE STATE BUDGET:** The division will incur minimal costs of approximately \$75 to print and distribute the rule once the proposed amendments are made effective. Any costs incurred will be absorbed in the division's current budget. Other than printing and distribution costs, this rule filing will not have any impact beyond the impact considered from the statutory changes made through S.B. 246 (2015) on the state budget.
- ◆ **LOCAL GOVERNMENTS:** S.B. 246 (2015) requires governmental agencies providing autism services to use licensed or registered providers. In order to qualify for licensure or registration, providers will be required to meet the requirements specified by this new licensing act and this rule filing. This rule filing will not have any impact beyond the impact considered from the statutory changes made through S.B. 246 (2015) on local governments.
- ◆ **SMALL BUSINESSES:** S.B. 246 (2015) requires small businesses providing autism services to use licensed or registered providers. In order to qualify for licensure or registration, providers will be required to meet the requirements specified by this new licensing act and this rule filing. This rule filing will not have any impact beyond the

impact considered from the statutory changes made through S.B. 246 (2015) on small businesses.

- ◆ **PERSONS OTHER THAN SMALL BUSINESSES, BUSINESSES, OR LOCAL GOVERNMENTAL ENTITIES:** This rule filing will not have any impact beyond the impact considered from the statutory changes made through S.B. 246 (2015) on other persons.

COMPLIANCE COSTS FOR AFFECTED PERSONS: The proposed amendments apply only to applicants for licensure as an applied behavior analyst or assistant behavior analyst and applicants for registration as a behavior specialist or assistant behavior specialist. This rule filing will not have any impact beyond the impact considered from the statutory changes made through S.B. 246 (2015) on affected persons.

COMMENTS BY THE DEPARTMENT HEAD ON THE FISCAL IMPACT THE RULE MAY HAVE ON BUSINESSES: As stated in the rule analysis, this filing responds to legislative action (S.B. 246, 2015), which required a licensing process for behavior analysts and behavior specialists who provide autism services. No fiscal impact to businesses is anticipated beyond that considered by the legislature in determining to require licensure.

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

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

DIRECT QUESTIONS REGARDING THIS RULE TO:

- ◆ Dane Ishihara by phone at 801-530-7632, by FAX at 801-530-6511, or by Internet E-mail at dishihara@utah.gov

INTERESTED PERSONS MAY PRESENT THEIR VIEWS ON THIS RULE BY SUBMITTING WRITTEN COMMENTS NO LATER THAN AT 5:00 PM ON 11/16/2015

INTERESTED PERSONS MAY ATTEND A PUBLIC HEARING REGARDING THIS RULE:

- ◆ 10/20/2015 08:30 AM, Heber Wells Bldg, 160 E 300 S, Conference Room 474, Salt Lake City, UT

THIS RULE MAY BECOME EFFECTIVE ON: 11/23/2015

AUTHORIZED BY: Mark Steinagel, Director

R156. Commerce, Occupational and Professional Licensing.

R156-61a. Behavior Analyst Licensing Act Rule.

R156-61a-701. Title.

This rule is known as the "Behavior Analyst Licensing Act Rule."

R156-61a-702. Definitions.

In addition to the definitions in Title 58, Chapters 1 and 61, as used in this rule:

- (1) "BACB" means Behavior Analyst Certification Board.
- (2) "BCaBA" means Board Certified Assistant Behavior Analyst.
- (3) "BCBA" means Board Certified Behavior Analyst.
- (4)(a) "Experiential behavior analyst training" means:
 - (i) practical training experience providing behavior analysis services, including completing assessments, developing programs, implementing programs, training on programs, and ongoing monitoring of programs under supervision of a licensed behavior analyst; and
 - (ii) participating in at least one supervisory session every two weeks for no less than 5% of the total hours spent completing supervised hours.
- (b) "Experiential behavior analyst training does not mean:
 - (i) attending meetings with little or no behavior-analytic content;
 - (ii) providing interventions that are not based in behavior analysis;
 - (iii) performing non-behavioral administrative activities;
 - (iv) completed non-behavioral assessments (e.g., diagnostic assessments, intellectual assessments); or
 - (v) completing paperwork, documentation, billing or any other activities that are not directly related to behavior analysis.
- (5) "LaBA" means Licensed Assistant Behavior Analyst.
- (6) "LBA" means Licensed Behavior Analyst.
- (7) "Qualified supervisor" means a:
 - (a) LBA or psychologist who is licensed in good standing with the Division and has completed the supervision and experience training module administered by the BACB, who is supervising a LaBA or supervisee working towards obtaining the required experience to become licensed; or
 - (b) RBS, LBA or psychologist who is in good standing with the Division who is supervising a RaBS.
- (8) "RaBS" means Registered Assistant Behavior Specialist.
- (9) "RBS" means Registered Behavior Specialist.
- (10) "Supervision contract" means a written contract between the qualified supervisor or a LaBA, RaBS, or a supervisee working towards obtaining the required experience to become licensed that includes at a minimum the following:
 - (a) the responsibilities of the supervisor and supervisee;
 - (b) a description of the appropriate activities and instructional objectives;
 - (c) the objective and measurable circumstances under which the supervisor will sign the supervision form;
 - (d) the consequences should the parties not adhere to their responsibilities, including proper termination of the contract; and
 - (e) an attestation that both parties will adhere to the Professional and Ethical Compliance Code for Behavior Analysts issued by the BACB.
- (11) "Supervision form" means a form to document ongoing supervision that includes at a minimum the following:
 - (a) the date of each supervisory meeting;
 - (b) the duration of each supervisory meeting;

- (c) the format of meeting (i.e. individual or small group);
- (d) an evaluation of supervisee performance; and
- (e) signature and date lines for supervisor and supervisee indicating when the form was completed and signed.

R156-61a-704. Renewal Cycle - Procedures.

- (1) In accordance with Subsection 58-1-308(1), the renewal date for the two-year renewal cycle applicable to licensees under Title 58, Chapter 61 is established by rule in Section R156-1-308a.
- (2) Renewal procedures shall be in accordance with Section R156-1-308c.

R156-61a-705. Qualifications for Licensure - Examination Requirements.

- (1) In accordance with Subsection 58-61-705(1)(f), an applicant for licensure as a LBA shall pass the BCBA Examination developed by the BACB.
- (2) In accordance with Subsection 58-61-705(2)(f), an applicant for licensure as a LaBA shall pass the Board Certified Assistant Behavior Analyst Examination developed by the BACB.
- (3) The passing score for each exam is 76%.

R156-61a-705a. Qualifications for Licensure as a LBA - Equivalent Master or Doctorate Degree.

- (1) In accordance with Subsection 58-61-705(1)(d), an equivalent master or doctorate degree is a master or doctorate degree from an accredited university that:
 - (a) is in one of the following educational fields:
 - (i) education;
 - (ii) human services;
 - (iii) engineering;
 - (iv) medicine; or
 - (v) a field related to behavior analysis; and
 - (2) includes coursework in behavior analysis as approved and verified by the BACB.

R156-61a-710. Unprofessional Conduct.

- "Unprofessional conduct" includes:
- (1) failing to meet the requirements of Subsection R156-61a-702(7) while acting as a qualified supervisor;
 - (2) accepting supervision from an individual who does not meet the requirements of Subsection R156-61a-702(7);
 - (3) acting as a qualified supervisor of a LaBA, RaBS, or supervisee working towards obtaining the required experience to become licensed without first entering into a supervision contract as defined in Subsection R156-61a-702(10);
 - (4) accepting supervision from a qualified supervisor without first entering into a supervision contract as defined in Subsection R156-61a-702(10);
 - (5) acting as a qualified supervisor and failing to maintain supervision forms as defined in Subsection R156-61a-702(11); and
 - (6) failing to abide by the provisions of the Professional and Ethical Compliance Code for Behavior Analysts, issued by the BACB, effective January 1, 2016, which is adopted and incorporated by reference.

KEY: licensing, behavior analyst, behavior specialist
Date of Enactment or Last Substantive Amendment: 2015

Authorizing, and Implemented or Interpreted Law: 58-1-106(1)(a); 58-1-202(1)(a); 58-61-101

**Commerce, Real Estate
R162-2f
Real Estate Licensing and Practices
Rules**

NOTICE OF PROPOSED RULE

(Amendment)

DAR FILE NO.: 39776

FILED: 09/29/2015

RULE ANALYSIS

PURPOSE OF THE RULE OR REASON FOR THE CHANGE: The purpose of the proposed rule amendment is to update and clarify broker experience rules, allow the division to determine whether an administrative proceeding will be conducted as a formal or informal proceeding, and clarify and correct other provisions of the rule.

SUMMARY OF THE RULE OR CHANGE: In Section R162-2f-202b, broker experience rules are updated and clarified. A new provision is added requiring that one-half of broker experience points derive from transactions located in the state of Utah. In Section R162-2f-401a, the rule is clarified that licensees may fill out those legal forms as provided for in state law. A separate rule is provided for the authorization of signatures in property management transactions. References citations are corrected. In Subsection R162-2f-401(i), references and citations are corrected. In Section R612-2f-407, the division may designate an administrative proceeding as either a formal or an informal proceeding. The amendment provides for an administrative hearing before the commission to appeal a division order denying or restricting a license. The division may determine that an application presents unusual circumstances and should be heard by the commission. The amendment clarifies that an adjudicative proceeding will be conducted pursuant to the Administrative Procedures Act and Commerce Department rules. In Section R162-2f-501, broker experience tables are updated and clarified.

STATUTORY OR CONSTITUTIONAL AUTHORIZATION FOR THIS RULE: Section 61-2f-103 and Section 61-2f-203 and Section 61-2f-306

ANTICIPATED COST OR SAVINGS TO:

◆ **THE STATE BUDGET:** The division has the staff and budget in place to administer this proposed amendment. It is not expected that the proposed amendment will affect those resources or result in any additional cost or savings to the state budget.

◆ **LOCAL GOVERNMENTS:** Local governments are not required to comply with or enforce the real estate licensing and practices rules. No fiscal impact to local government is expected from the proposed amendment.

◆ **SMALL BUSINESSES:** The proposed amendment does not create new obligations for small business nor does it increase the cost associated with any existing obligation. No fiscal impact to small business is expected from the proposed amendment.

◆ **PERSONS OTHER THAN SMALL BUSINESSES, BUSINESSES, OR LOCAL GOVERNMENTAL ENTITIES:** It is likely that some broker applicants will need more transactions in order to qualify for licensure as a principal broker. It is also likely that some persons will be impacted by the designation of an adjudicative proceeding as a formal proceeding.

COMPLIANCE COSTS FOR AFFECTED PERSONS: The proposed rule amendment creates new obligations for some persons subject to the administrative rules. It is likely that some broker applicants will need more transactions in order to qualify for licensure as a principal broker. It is also likely that some persons will be impacted by the designation of an adjudicative proceeding as a formal proceeding. The fiscal impact to affected persons from the proposed amendment will vary and cannot be anticipated.

COMMENTS BY THE DEPARTMENT HEAD ON THE FISCAL IMPACT THE RULE MAY HAVE ON BUSINESSES: As stated in the rule analysis, this filing updates and clarifies broker experience rules, allows the Division of Real Estate to determine whether an administrative proceeding will be conducted formally or informally, and clarifies and corrects other rule provisions.

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

COMMERCE
REAL ESTATE
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:

◆ Justin Barney by phone at 801-530-6603, or by Internet E-mail at justinbarney@utah.gov

INTERESTED PERSONS MAY PRESENT THEIR VIEWS ON THIS RULE BY SUBMITTING WRITTEN COMMENTS NO LATER THAN AT 5:00 PM ON 12/01/2015

THIS RULE MAY BECOME EFFECTIVE ON: 12/08/2015

AUTHORIZED BY: Jonathan Stewart, Director

R162. Commerce, Real Estate.**R162-2f. Real Estate Licensing and Practices Rules.****R162-2f-202b. Principal Broker Licensing Fees and Procedures.**

(1) To obtain a Utah license to practice as a principal broker, an individual shall:

(a) evidence honesty, integrity, truthfulness, and reputation pursuant to Subsection R162-2f-201(1);

(b) evidence competency to transact the business of real estate pursuant to Subsection R162-2f-201(2);

(c)(i) successfully complete 120 hours of approved prelicensing education, including:

(A) 45 hours of broker principles;

(B) 45 hours of broker practices; and

(C) 30 hours of Utah law and testing; or

(ii) apply to the division for waiver of all or part of the education requirement by virtue of:

(A) completing equivalent education as part of a college undergraduate or postgraduate degree program, regardless of the date of the degree; or

(B) completing other equivalent real estate education within the 12-month period prior to the date of application;

(d)(i) apply with a testing service designated by the division to sit for the licensing examination; and

(ii) pay a nonrefundable examination fee to the testing center;

(e) pursuant to this Subsection (3)(a), take and pass both the state and national components of the licensing examination;

(f)(i) unless Subsection (2)(a) applies, evidence the individual's having, within the five-year period preceding the date of application, ~~either: [a minimum of three years experience related to real estate, including the following:~~

~~(A) at least two years full-time licensed, active experience selling, listing, or managing the property types identified in Appendix 1; and~~

~~(B) up to one year full-time professional experience related to real estate, as outlined in Appendix 3]~~

(A) three years full-time, licensed, active real estate experience; or

(B) two years full-time, licensed, active, real estate experience and one year full-time professional real estate experience from the optional experience table in Appendix 3; and

(ii) evidence having accumulated, within the five-year period preceding the date of application, a total of at least 60 documented experience points complying with R162-2f-401a, as follows:

(A) 45 to 60 points pursuant to the experience points tables found in Appendices 1 and 2, of which a maximum of 25 points may have been accumulated from the "All other property management" subsections of Appendix 2; and

(B) 0 to 15 points pursuant to the experience point table found in Appendix 3; and

(iii) a minimum of one-half of the experience points from Tables 1 and 2 must derive from transactions of properties located in the state of Utah;

(iii) if an individual submits evidence of experience points for transactions involving a team or group, experience points are limited to those transactions for which the individual is named in any written agency agreements and purchase and/or lease contracts and the applicable experience points will be divided proportionally among the

licensees identified in the agency agreements and and/or lease contracts;

(g) pursuant to this Subsection (3)(b), submit to the division an application for licensure including:

(i) documentation indicating successful completion of the approved broker prelicensing education;

(ii) a report of the examination showing a passing score for each component of the examination; and

(iii) the applicant's business, home, and e-mail addresses;

(h) provide from any state where licensed as a real estate agent or broker:

(i) a written record of the applicant's license history; and

(ii) complete documentation of any disciplinary action taken against the applicant's license;

(i) if applying for an active license, affiliate with a registered company;

(j) pay the nonrefundable fees required for licensure, including the nonrefundable fee required under Section 61-2f-505 for the Real Estate Education, Research, and Recovery Fund; and

(k) establish real estate and property management trust accounts, as applicable pursuant to Section R162-2f-403, that:

(i) contain the term "real estate trust account" or "property management trust account", as applicable, in the account name; and

(ii) are separate from any operating account(s) of the registered entity for which the individual will serve as a broker; and

(l) identify the location(s) where brokerage records will be kept.

(2)(a) If an individual applies under this Subsection R162-2f-202b within two years of allowing a principal broker license to expire, the experience required under Subsection (1)(f) shall be accumulated within the seven-year period preceding the date of application.

(b) Pursuant to Section R162-2f-407, an individual whose application is denied by the division for failure to meet experience requirements under this Subsection (1)(f) may bring the application before the commission.

(3) Deadlines.

(a) If an individual passes one test component but fails the other, the individual shall retake and pass the failed component:

(i) within six months of the date on which the individual achieves a passing score on the passed component; and

(ii) within 12 months of the date on which the individual completes the prelicensing education.

(b) An application for licensure shall be submitted:

(i) within 90 days of the date on which the individual achieves passing scores on both examination components; and

(ii) within 12 months of the date on which the individual completes the prelicensing education.

(c) If any deadline in this Section R162-2f-202b falls on a day when the division is closed for business, the deadline shall be extended to the next business day.

(4) Restriction. A principal broker license may not be granted to an applicant whose sales agent license is on suspension or probation at the time of application.

(5) Dual broker licenses.

(a)(i) A person who holds or obtains a dual broker license under this Subsection may function as the principal broker of a property management company that is a separate entity from the person's real estate brokerage.

(ii) A dual broker may not conduct real estate sales activities from the separate property management company.

(iii) A principal broker may conduct property management activities from the person's real estate brokerage:

(A) without holding a dual broker license; and

(B) in accordance with Subsections R162-2f-401j and R162-2f-403a-403c;

(b) A dual broker who wishes to consolidate real estate and property management operations into a single brokerage may:

(i) at the broker's request, convert the dual broker license to a principal broker license; and

(ii)(A) convert the property management company to a branch office of the real estate brokerage, including the assignment of a branch broker and using the same name as the real estate brokerage; or

(B) close the separate property management company.

(c) As of May 8, 2013:

(i) the Division shall:

(A) cease issuing property management principal broker (PMPB) licenses;

(B) cease issuing property management company (MN) registrations except as to a second company registered under a dual broker license;

(C) convert any property management principal broker (PMPB) license to a real estate principal broker (PB) license; and

(D) as to any property management company (MN) registration that is not a second company under a dual broker license, convert the registration to a real estate brokerage (CN) registration; and

(ii) it shall be permissible to conduct real estate sales activities under any company registration that is converted pursuant to this Subsection (5)(c)(i)(C).

R162-2f-401a. Affirmative Duties Required of All Licensed Individuals.

An individual licensee shall:

(1) uphold the following fiduciary duties in the course of representing a principal:

(a) loyalty, which obligates the agent to place the best interests of the principal above all other interests, including the agent's own;

(b) obedience, which obligates the agent to obey all lawful instructions from the principal;

(c) full disclosure, which obligates the agent to inform the principal of any material fact the agent learns about:

(i) the other party; or

(ii) the transaction;

(d) confidentiality, which prohibits the agent from disclosing, without permission, any information given to the agent by the principal that would likely weaken the principal's bargaining position if it were known, but excepting any known material fact concerning:

(i) a defect in the property; or

(ii) the client's ability to perform on the contract;

(e) reasonable care and diligence;

(f) holding safe and accounting for all money or property entrusted to the agent; and

(g) any additional duties created by the agency agreement;

(2) for the purpose of defining the scope of the individual's agency, execute a written agency agreement between the individual and the individual's principal, including:

(a) seller(s) the individual represents;

(b) buyer(s) the individual represents;

(c) buyer(s) and seller(s) the individual represents as a limited agent in the same transaction pursuant to this Subsection (4);

(d) the owner of a property for which the individual will provide property management services; and

(e) a tenant whom the individual represents;

(3) in order to represent both principals in a transaction as a limited agent, obtain informed consent by:

(a) clearly explaining in writing to both parties:

(i) that each is entitled to be represented by a separate agent;

(ii) the type(s) of information that will be held confidential;

(iii) the type(s) of information that will be disclosed; and

(iv) the circumstances under which the withholding of information would constitute a material misrepresentation regarding the property or regarding the abilities of the parties to fulfill their obligations;

(b) obtaining a written acknowledgment from each party affirming that the party waives the right to:

(i) undivided loyalty;

(ii) absolute confidentiality; and

(iii) full disclosure from the licensee; and

(c) obtaining a written acknowledgment from each party affirming that the party understands that the licensee will act in a neutral capacity to advance the interests of each party;

(4) when acting under a limited agency agreement:

(a) act as a neutral third party; and

(b) uphold the following fiduciary duties to both parties:

(i) obedience, which obligates the limited agent to obey all lawful instructions from the parties, consistent with the agent's duty of neutrality;

(ii) reasonable care and diligence;

(iii) holding safe all money or property entrusted to the limited agent; and

(iv) any additional duties created by the agency agreement;

(5) prior to executing a binding agreement, disclose in writing to clients, agents for other parties, and unrepresented parties:

(a) the licensee's position as a principal in any transaction where the licensee operates either directly or indirectly to buy, sell, lease, or rent real property;

(b) the fact that the licensee holds a license with the division, whether the license status is active or inactive, in any circumstance where the licensee is a principal in an agreement to buy, sell, lease, or rent real property;

(c) the licensee's agency relationship(s);

(d)(i) the existence or possible existence of a due-on-sale clause in an underlying encumbrance on real property; and

(ii) the potential consequences of selling or purchasing a property without obtaining the authorization of the holder of an underlying encumbrance;

(6) in order to offer any property for sale or lease, make reasonable efforts to verify the accuracy and content of the information and data to be used in the marketing of the property;

(7) in order to offer a residential property for sale, disclose the source on which the licensee relies for any square footage data that will be used in the marketing of the property;

(a) in the written agreement, executed with the seller, through which the licensee acquires the right to offer the property for sale; and

(b) in a written disclosure provided to the buyer, at the licensee's direction, at or before the deadline for the seller's disclosure per the contract for sale;

(8) upon initial contact with another agent in a transaction, disclose the agency relationship between the licensee and the client;

(9) when executing a binding agreement in a sales transaction, confirm the prior agency disclosure:

(a) in the currently approved Real Estate Purchase Contract; or

(b) in a separate provision with substantially similar language incorporated in or attached to the binding agreement;

(10) when executing a lease or rental agreement, confirm the prior agency disclosure by:

(a) incorporating it into the agreement; or

(b) attaching it as a separate document;

(11) when offering an inducement to a buyer who will not pay a real estate commission in a transaction:

(a) obtain authorization from the licensee's principal broker to offer the inducement;

(b) comply with all underwriting guidelines that apply to the loan for which the borrower has applied; and

(c) provide notice of the inducement, using any method or form, to:

(i) the principal broker of the seller's agent, if the seller paying a commission is represented; or

(ii) the seller, if the seller paying a commission is not represented;

(12) if the licensee desires to act as a sub-agent for the purpose of showing property owned by a seller who is under contract with another brokerage, prior to showing the seller's property:

(a) notify the listing brokerage that sub-agency is requested; and

(b) enter into a written agreement with the listing brokerage with which the seller has contracted:

(i) consenting to the sub-agency; and

(ii) defining the scope of the agency;

(c) obtain from the listing brokerage all available information about the property; and

(d) uphold the same fiduciary duties outlined in this Subsection (1);

(13) provide copies of a lease or purchase agreement, properly signed by all parties, to the party for whom the licensee acts as an agent;

(14)(a) in identifying the seller's brokerage in paragraph 5 of the approved Real Estate Purchase Contract, use:

(i) the principal broker's individual name; or

(ii) the principal broker's brokerage name; and

(b) personally fulfill the licensee's agency relationship with the client, notwithstanding the information used to complete paragraph 5;

(15) timely inform the licensee's principal broker or branch broker of real estate transactions in which:

(a) the licensee is involved as agent or principal;

(b) the licensee has received funds on behalf of the principal broker; or

(c) an offer has been written;

(16)(a) disclose in writing to all parties to a transaction any compensation in addition to any real estate commission that will be received in connection with a real estate transaction; and

(b) ensure that any such compensation is paid to the licensee's principal broker;

(17)(a) in negotiating and closing a transaction, a licensee may fill out those legal forms as provided for in Section 61-2f-306: [-involving a property for which a certificate of occupancy has been issued, use:

~~(i)(A) the standard forms approved by the commission and identified in Section R162-2f-401f;~~

~~(B) standard supplementary clauses approved by the commission; and~~

~~(C) as necessary, other standard forms including settlement statements, warranty deeds, and quit claim deeds;~~

~~(ii) forms prepared by an attorney for a party to the transaction, if:~~

~~(A) a party to the transaction requests the use of the attorney-drafted forms; and~~

~~(B) the licensee first verifies that the forms have in fact been drafted by the party's attorney; or~~

~~(iii) if no state-approved form exists to serve a specific need, any form prepared by an attorney, regardless of whether the attorney is employed for the purpose by:~~

~~(A) the principal; or~~

~~(B) an entity in the business of selling blank legal forms; and~~

~~(b) in presenting an offer on a property for which a certificate of occupancy has not been issued, use any form prepared by an attorney, regardless of whether the attorney is employed for the purpose by:~~

~~(i) the principal; or~~

~~(ii) an entity in the business of selling blank forms.]~~

(18) use an approved addendum form to make a counteroffer or any other modification to a contract;

(19) in order to sign or initial a document on behalf of a principal in a sales transaction:

(a) obtain prior written authorization in the form of a power of attorney duly executed by the principal;

(b) retain in the file for the transaction a copy of said power of attorney;

(c) attach said power of attorney to any document signed or initialed by the individual on behalf of the principal;

(d) sign as follows: "(Principal's Name) by (Licensee's Name), Attorney-in-Fact;" and

(e) initial as follows: "(Principal's Initials) by (Licensee's Name), Attorney-in-Fact for (Principal's Name);"

(20) in order to sign or initial a document on behalf of a principal in a property management transaction:

(a) obtain prior written authorization executed by the principal which specifically identifies the actions that are authorized to be taken on behalf of the principal;

(b) retain in the file for the transaction a copy of the written authorization;

(c) sign as follows: "by (Licensee's Name), on behalf of Owner;" and

(d) initial as follows: "by (Licensee's initials), on behalf of Owner;"

~~(21)~~~~(20)~~ if employing an unlicensed individual to provide assistance in connection with real estate transactions, adhere to the provisions of Section R162-2f-401g;

~~(22)~~~~(21)~~ strictly adhere to advertising restrictions as outlined in Section R162-2f-401h;

~~(23)~~~~(22)~~ as to a guaranteed sales agreement, provide full disclosure regarding the guarantee by executing a written contract that contains:

(a) the conditions and other terms under which the property is guaranteed to be sold or purchased;

(b) the charges or other costs for the service or plan;

(c) the price for which the property will be sold or purchased; and

(d) the approximate net proceeds the seller may reasonably expect to receive;

~~(24)~~~~(23)~~ immediately deliver money received in a real estate transaction to the principal broker for deposit; and

~~(25)~~~~(24)~~ as contemplated by Subsection ~~[61-2f-401(18)]~~~~61-2f-401(19)~~, when notified by the division that information or documents are required for investigation purposes, respond with the required information or documents in full and within ten business days.

R162-2f-401i. Standards for Real Estate Auctions.

A principal broker who contracts or in any manner affiliates with an auctioneer or auction company to sell at auction real property in this state shall:

(1) ensure that all aspects of the auction comply with the requirements of this section and all other laws otherwise applicable to real estate licensees in real estate transactions;

(2) ensure that advertising and promotional materials associated with an auction name the principal broker;

(3) attend and supervise the auction;

(4) ensure that any purchase agreement used at the auction:

~~(a) meets the requirements of Subsection R162-2f-401a(18);~~

~~(b) is completed by an individual holding an active Utah real estate license and is filled out in compliance with Section 61-2f-306;~~

(5) ensure that any money deposited at the auction is placed in trust pursuant to Subsection R162-2f-401c(1)(i); and

(6) ensure that adequate arrangements are made for the closing of any real estate transaction arising out of the auction.

R162-2f-407. Administrative Proceedings.

(1) ~~[Formal adjudicative proceedings.]~~An adjudicative proceeding conducted subsequent to the issuance of a cease and desist order shall be conducted as a formal adjudicative proceeding.

(2) ~~[Informal]~~Other adjudicative proceedings.

(a) ~~[An]~~All adjudicative proceedings as to any matter not specifically designated as requiring a formal adjudicative proceeding shall be ~~[conducted as an informal adjudicative proceeding]~~designated as either formal or informal in the division's notice of agency action or notice of proceeding, as applicable.

(b) A hearing shall be held in an informal adjudicative proceeding only if required or permitted by the Utah Real Estate Licensing and Practices Act or by these rules.

(3) Hearings required. A hearing before the commission shall be held in a proceeding:

(a) commenced by the division for disciplinary action pursuant to Section 61-2f-401 and Subsection 63G-4-201(2);~~and]~~

(b) to adjudicate an appeal from an automatic revocation under Subsection 61-2f-204(1)(e), if the appellant requests a hearing;

~~(c) appealing a division order denying or restricting a license; and~~

~~(d) when an application presents unusual circumstances, such that the division determines that the application should be heard by the commission.~~

(4) Procedures for hearings in informal adjudicative proceedings.

(a) The division director shall be the presiding officer for any informal adjudicative proceeding unless the matter has been delegated to a member of the commission or an administrative law judge.

(b) All informal adjudicative proceedings shall adhere to procedures as outlined in:

(i) Utah Administrative Procedures Act Title 63G, Chapter 4;

(ii) Utah Administrative Code Rule R151-4 et seq.; and

(iii) the rules promulgated by the division.

(c) Except as provided in this Subsection (5)(b), a party is not required to file a written answer to a notice of agency action from the division in an informal adjudicative proceeding.

(d) In any proceeding under this Subsection 407, the commission and the division may at their discretion delegate a hearing to an administrative law judge or request that an administrative law judge assist the commission and the division in conducting the hearing. Any delegation of a hearing to an administrative law judge shall be in writing.

(e) Upon the scheduling of a hearing by the division and at least 30 days prior to the hearing, the division shall, by first class postage-prepaid delivery, mail written notice of the date, time, and place scheduled for the hearing:

(i) to the respondent at the address last provided to the division pursuant to Section 61-2f-207; and

(ii) if the respondent is an actively licensed sales agent or associate broker, to the principal broker with whom the respondent is affiliated.

(f) Formal discovery is prohibited.

(g) The division may issue subpoenas or other orders to compel production of necessary and relevant evidence:

(i) on its own behalf; or

(ii) on behalf of a party where the party:

(A) makes a written request;

(B) assumes responsibility for effecting service of the subpoena; and

(C) bears the costs of the service, any witness fee, and any mileage to be paid to a witness.

(h) Upon ordering a licensee to appear for a hearing, the division shall provide to the licensee the information that the division will introduce at the hearing.

(i) The division shall adhere to Title 63G, Chapter 2, Government Records Access and Management Act in addressing a request for information obtained by the division through an investigation.

(j) The division may decline to provide a party with information that it has previously provided to that party.

(k) Intervention is prohibited.

(l) Hearings shall be open to all parties unless the presiding officer closes the hearing pursuant to:

(i) Title 63G, Chapter 4, the Utah Administrative Procedures Act; or

(ii) Title 52, Chapter 4, the Open and Public Meetings Act.

(m) Upon filing a proper entry of appearance with the division pursuant to Utah Administrative Code Section R151-4-110(1) (a), an attorney may represent a party.

(5) Additional procedures for informal disciplinary proceedings.

(a) The division shall commence a disciplinary proceeding by filing and serving on the respondent:

(i) a notice of agency action;

(ii) a petition setting forth the allegations made by the division;

(iii) a witness list, if applicable; and

(iv) an exhibit list, if applicable.

(b) Answer.

(i) At the time the petition is filed, the presiding officer, upon a determination of good cause, may require the respondent to file an answer to the petition by so ordering in the notice of agency action.

(ii) The respondent may file an answer, even if not ordered to do so in the notice of agency action.

(iii) Any answer shall be filed with the division within thirty days after the mailing date of the notice of agency action and petition.

(c) Witness and exhibit lists.

(i) Where applicable, the division shall provide its witness and exhibit lists to the respondent at the time it mails its notice of hearing.

(ii) The respondent shall provide its witness and exhibit lists to the division no later than thirty days after the mailing date of the division's notice of agency action and petition.

(iii) Any witness list shall contain:

(A) the name, address, and telephone number of each witness; and

(B) a summary of the testimony expected from the witness.

(iv) Any exhibit list:

(A) shall contain an identification of each document or other exhibit that the party intends to use at the hearing; and

(B) shall be accompanied by copies of the exhibits.

(d) Pre-hearing motions.

(i) Any pre-hearing motion permitted under the Administrative Procedures Act or the rules promulgated by the Department of Commerce shall be made in accordance with those rules.

(ii) The division director shall receive and rule upon any pre-hearing motions.

(6) Formal adjudicative proceedings shall be conducted pursuant to the Administrative Procedures Act and the rules promulgated by the Department of Commerce.

R162-2f-501. Appendices.

When calculating experience points from Tables 1 and 2, experience points are limited to points for those activities which require a real estate license and comply with R162-2f-401a. A minimum of one-half of the points in Tables 1 and 2 must derive from transactions of properties located in the state of Utah.

TABLE 1
APPENDIX 1 - REAL ESTATE SALES TRANSACTIONS
EXPERIENCE TABLE

RESIDENTIAL - points can be accumulated from either the selling or the listing side of a real estate closing:

(a) One unit dwelling	2.5 points
(b) Two- to four-unit dwellings	5 points
(c) Apartments, 5 units or over	10 points
(d) Improved lot	2 points
(e) Vacant land/subdivision	10 points

COMMERCIAL

(f) Hotel or motel	10 points
(g) Industrial or warehouse	10 points
(h) Office building	10 points
(i) Retail building	10 points
[(j) Leasing of commercial space]	5 points

TABLE 2
APPENDIX 2 - LEASING TRANSACTIONS AND PROPERTY MANAGEMENT
EXPERIENCE TABLE

RESIDENTIAL

(a) Each master agreement of 5 units or more	5 points
(b) Each unit leased	1.25 points
[(a)]*(c) All other property management	
[Each unit managed]	0.25 pt/month

COMMERCIAL - hotel/motel, industrial/warehouse, office, or retail building

(a) Each master agreement of 5 units or more	5 points
(b) Each unit leased	1.25 points
[(b)]*(c) All other property management	
[Each contract OR each separate property address or location for which licensee has direct responsibility]	1 pt/month

*When calculating experience points from Table 2, the total combined monthly experience credit claimed for "All other property management" combined, both residential and commercial, may not exceed 25 points in any application to practice as a real estate broker.

TABLE 3
APPENDIX 3 - OPTIONAL EXPERIENCE TABLE

Real Estate Attorney	1 pt/month
CPA-Certified Public Accountant	1 pt/month
Mortgage Loan Officer	1 pt/month
Licensed Escrow Officer	1 pt/month
Licensed Title Agent	1 pt/month
Designated Appraiser	1 pt/month
Licensed General Contractor	1 pt/month
Bank Officer in Real Estate Loans	1 pt/month
Certified Real Estate Prelicensing Instructor	.5 pt/month

KEY: real estate business, operational requirements, trust account records, notification requirements

Date of Enactment or Last Substantive Amendment: [June 22,] 2015

Notice of Continuation: August 12, 2015

Authorizing, and Implemented or Interpreted Law: 61-2f-103(1); 61-2f-105; 61-2f-203(1)(e); 61-2f-206(3); 61-2f-206(4)(a); 61-2f-306; 61-2f-307

Commerce, Real Estate
R162-57a-5
Project Registration

NOTICE OF PROPOSED RULE
 (Amendment)
 DAR FILE NO.: 39777
 FILED: 09/29/2015

RULE ANALYSIS

PURPOSE OF THE RULE OR REASON FOR THE CHANGE: The purpose of the proposed rule amendment is to clarify that the division will provide a timeshare developer a property report cover sheet and receipt consistent with the requirements of state law.

SUMMARY OF THE RULE OR CHANGE: The proposed rule amendment clarifies that the division will provide a timeshare developer a property report cover sheet and receipt if 30 business days after application for registration the division has not previously denied the application or notified the applicant of a defect in the application.

STATUTORY OR CONSTITUTIONAL AUTHORIZATION FOR THIS RULE: Section 57-19-3 and Section 57-19-6

ANTICIPATED COST OR SAVINGS TO:

◆ **THE STATE BUDGET:** The division has the staff and budget in place to administer this proposed amendment. It is not anticipated that the proposed amendment will affect those resources or result in any additional cost or savings to the state budget.

◆ **LOCAL GOVERNMENTS:** Local governments are not required to comply with or enforce the timeshare and camp resort rules. No fiscal impact to local government is expected from the proposed rule amendment.

◆ **SMALL BUSINESSES:** The proposed amendment does not create new obligations to small business nor does it increase the cost associated with any existing obligation. No fiscal impact to small business is expected from the proposed rule amendment.

◆ **PERSONS OTHER THAN SMALL BUSINESSES, BUSINESSES, OR LOCAL GOVERNMENTAL ENTITIES:** The proposed amendment does not create new obligations to affected persons other than small business, businesses, or local government entities nor does it increase the cost associated with any existing obligation. No fiscal impact from the proposed amendment is expected to affected persons other than small business, businesses, or local government entities.

COMPLIANCE COSTS FOR AFFECTED PERSONS: The only compliance cost is to the division. The division has the staff and budget in place to administer this proposed amendment. It is not anticipated that the proposed amendment will affect those resources or result in any additional cost to the state budget.

COMMENTS BY THE DEPARTMENT HEAD ON THE FISCAL IMPACT THE RULE MAY HAVE ON BUSINESSES: As stated in the rule analysis, this filing clarifies that the Division of Real Estate will provide a timeshare developer a property report cover sheet and receipt consistent with state law. No fiscal impact to business is anticipated.

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

COMMERCE
 REAL ESTATE
 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:

◆ Justin Barney by phone at 801-530-6603, or by Internet E-mail at justinbarney@utah.gov

INTERESTED PERSONS MAY PRESENT THEIR VIEWS ON THIS RULE BY SUBMITTING WRITTEN COMMENTS NO LATER THAN AT 5:00 PM ON 12/01/2015

THIS RULE MAY BECOME EFFECTIVE ON: 12/08/2015

AUTHORIZED BY: Jonathan Stewart, Director

R162. Commerce, Real Estate.

R162-57a. Timeshare and Camp Resort Rules.

R162-57a-5. Project Registration.

(1) Registration required.

(a) A person may not engage in the advertisement, offering, or sale of interests unless:

(i) the project is properly registered with the division pursuant to Section 57-19 et seq. and these rules; and

(ii) each individual who will engage in offering or selling interests is registered as salesperson pursuant to Section 57-19 et seq. and these rules.

(b)(i) A project is not considered registered until the developer seeking registration obtains from the division:

(A) a complete property report, approved by the division; and

(B) an order of registration.

(ii) In accordance with Section 57-19-6, the division shall provide the developer a property report cover sheet and receipt if 30 business days after the date of application, the division has not:

(A) denied the application; or

(B) notified the applicant of a defect in the registration application.

(iii)(††) A salesperson is not considered registered until the individual receives a registration from the division.

(c) Absent the issuance of a property report or registration, acceptance by the division of a registration fee does not authorize a person to engage in the advertisement, offering, or sale of interests.

(2) Registration procedure. A developer shall submit all information required under Subsection (3) to the division:

(a) through the ATR; or

(b) if the developer obtains advance permission from the division, directly to the division.

(3) Required Information. A developer shall submit to the division:

(a) property report pursuant to Section 57-19-11 and Subsection R162-57a-11;

(b) as to each officer, partner, director, and owner of the developer:

(i) as applicable, documentation of any disciplinary or adverse licensing action taken against a professional license held by the individual in any jurisdiction;

(ii)(A) a statement of the type and extent of any financial interest the individual has in the project; and

(B) an explanation of any options the individual may exercise to acquire additional financial interest in the project;

(iii) as applicable, court records from any criminal proceeding taken against the individual in any jurisdiction, regardless of whether the proceeding was resolved by:

(A) conviction;

(B) plea in abeyance;

(C) diversion agreement;

(D) sentence of confinement; or

(E) dismissal; and

(iv) as applicable, documentation of any bankruptcy filing by:

(A) the individual; or

(B) an entity in which the individual has held:

(I) an ownership interest; or

(II) a position as a manager, officer, or director;

(c) evidence that the developer is registered in good standing with the Utah Division of Corporations;

(d) corporate resolution naming a resident agent to act on behalf of the developer;

(e) copy of the current articles of incorporation or other instrument creating the developer entity;

(f) copy of the current bylaws of the developer entity;

(g)(i) states or jurisdictions in which the developer has filed an application for registration or similar document;

(ii) copy of the property report or other disclosure document required to be given to purchasers by any jurisdiction in which the project is registered or the developer is otherwise authorized to advertise, offer, or sell interests;

(iii) full documentation of any adverse order, judgment, or decree entered in connection with the project by any regulatory authority in any jurisdiction;

(h) name of any salesperson who will offer or sell interests in the project;

(i) name of the individual who will be responsible for directly supervising the salesperson(s) offering or selling interests in the project;

(j) legal description of the property upon which the project is located;

(k) statement, generated or updated within the 30-day period preceding the date of application, of the condition of the title to the property upon which the project is located, including encumbrances;

(l)(i) copy of any instrument by which the developer acquired interest in the project; or

(ii) if the developer does not hold fee title to the property, evidence that the developer is legally entitled to use the property, as follows:

(A) if the property is situated within Utah:

(I) a title opinion from a title insurer licensed in Utah; or

(II) an opinion letter from an independent, third party attorney actively licensed in Utah;

(B) if the property is situated outside of Utah:

(I) a title opinion from a title insurer licensed where the property is situated; or

(II) an opinion letter from an independent, third party attorney who is actively licensed to practice in the jurisdiction where the property is situated; and

(C) if the property is located in a jurisdiction such as a foreign country where property title opinions are issued by parties other than title companies and attorneys, other evidence of title as specified and approved by the director;

(m) copy of any instrument creating a lien, easement, restriction, or other encumbrance affecting the project, including any recording data, but redacted as to the consideration paid upon acquisition of the project;

(n) statement of the zoning and other governmental regulations affecting the use of the project;

(o) existing and proposed taxes or special assessments that affect the project;

(p)(i) copies of the instruments that will be delivered to a purchaser to evidence the purchaser's interest in the project; and

(ii) copies of the contracts and other agreements that a purchaser will be required to agree to or sign;

(q) topographic map and accompanying statement describing the general topography and physical characteristics of the project, including:

(i) terrain;

(ii) soil conditions;

(iii) flood control; and

(iv) climate;

(r) copy of any:

(i) recorded declaration of condominium;

(ii) recorded covenants, conditions, and restrictions (CCRs);

and

(iii) instrument governing the project and incorporating all covenants of the grantor or lessor;

(s) copy of any plan to create an association for project owners;

(t) narrative description of the promotional plan for the disposition of the project;

(u) statement disclosing any inducement that will be offered in connection with the advertisement, offering, or sale of interests in the project;

(v) map showing:

(i) the location of the interests and other improvements on the property;

(ii) the relation of the project to existing streets, roads, and other off-site improvements; and

(iii) the relation of the project to factors that might negatively impact the quiet enjoyment of an interest;

(w)(i) statement of improvements and amenities to be installed that have not been completed;

(ii) schedule for completion;

(iii) evidence that the developer has obtained all necessary permits; and

(iv) if the city or county in which the property is located does not require means of assurance that all improvements and amenities referred to in the application will be completed, copies of:

(A) escrow or trust agreements;

(B) performance bonds; or

(C) other documentation to evidence that adequate financing is available and arrangements have been made for the installation of all streets, sewers, electricity, gas, water, telephone, drainage, and other improvements;

(x)(i) provisions for maintenance to both existing and planned improvements and amenities; and

(ii) estimated cost of such maintenance to purchasers;

(y) description of any corrective work that must be performed on or relating to the project before particular interests are suitable for use;

(z) completed application as required by the division; and

(aa) a nonrefundable registration fee.

(4) The director may waive production of an item required pursuant to Subsection (3) if the developer shows that the item is not necessary to fulfill the purposes of Section 56-19 et seq.

(5) Consolidation.

(a) An application for consolidation shall be prepared and submitted in the same format as an application for initial registration.

(b) Where there is no change in the information submitted by the developer for the initial registration, the documents required by Subsection (3) may be incorporated by reference to documents on file with the division.

(c) An incomplete application for consolidation shall be treated as provided in Subsection (6).

(d) New inventory added to a project through consolidation is subject to inspection by the division.

(6) Notice of defect.

(a) If an application is incomplete, or otherwise fails to comply with Section 57-19 et seq. or these rules, the director shall send a notice of defect to the developer or the developer's legal representative specifying:

(i) what additional information is required to cure the defect; and

(ii) the deadline by which the division must receive the additional information.

(b) After receipt of a notice of defect, the developer may not offer units to the public:

(i) until the defect is cured and a registration obtained; or

(ii) without obtaining a temporary permit pursuant to Section 57-19-6(3) and Subsection (8).

(c)(i) If the additional information is not received by the division by the deadline specified in the notice of defect, the director may deny the registration.

(ii) An order of denial may be appealed pursuant to Section 57-19-17.

(7) Standards for approval.

(a) The director may not approve an application for registration of a project unless:

(i) the documents submitted pursuant to Subsection (3) meet the requirements of Section 57-19 et seq. and these rules; and

(ii) the developer demonstrates the ability to convey or cause to be conveyed the interests offered for disposition.

(b) The division may not issue a project registration to a developer that has an officer, partner, director, or owner who has:

(i) been prosecuted for a felony that resulted in a:

(A) conviction within the five-year period preceding the date of application;

(B) plea agreement within the five-year period preceding the date of application; or

(C) jail or prison release date falling within the five-year period preceding the date of application; or

(ii) been prosecuted for a misdemeanor involving fraud, misrepresentation, theft, or dishonesty that resulted in a:

(A) conviction within the three-year period preceding the date of application; or

(B) jail or prison release date falling within the three-year period preceding the date of application.

(c) If the director determines that a registration application and supporting documentation meet the criteria for registration, the division shall issue:

(i) an order of registration designating the form of the property report that the developer is required to provide to a prospective purchaser pursuant to Section 57-19-11;

(ii) a property report cover sheet, which the developer shall attach to the property report as its first page; and

(iii) a receipt for property report, which the developer shall attach to the property report as its last page.

(8) Temporary permit.

(a) To apply for a temporary permit, a person shall:

(i) make application by submitting a written request to the director;

(ii) comply with Section 57-19-6(3); and

(iii) pay all fees required for registration.

(b) A temporary permit issued by the director is valid for a period of 30 days from the date of issue.

(c) A temporary permit may not be renewed.

(9) Notification of changes.

(a) A developer whose project is registered under Section 57-19 et seq. shall report to the division within 10 business days any change in:

(i) the developer's contact information;

(ii) the disclosures required under Section 57-19-11;

(iii) the information provided under this Subsection (3), including changes in salespersons employed or contracted to advertise, offer, or sell interests in the project;

(iv)(A) the bankruptcy of an entity controlled or owned by the developer that engages in the advertisement, offering, or sale of interests; and

(B) if the developer is an individual, the filing of a personal bankruptcy;

(v) the suspension, revocation, surrender, cancellation, or denial or a professional license or professional registration issued to the developer, whether the license or registration is issued by this state or another jurisdiction;

(vi) the entry of a cease and desist order, a temporary or permanent injunction, or a regulatory action:

(A) against the developer by a court or a government agency; and

- (B) based on:
 - (I) conduct or a practice involving the advertisement, offering, or sale of interests; or
 - (II) conduct involving fraud, misrepresentation, or deceit; and
 - (vii) a finding of fraud, misrepresentation, or deceit entered against the developer in a judicial or administrative proceeding instituted by a purchaser and arising out of or relating to:
 - (A) the advertising or sale of an interest;
 - (B) disclosures required under Section 57-19-11; or
 - (C) rescission rights.
 - (b) If a deadline for notification falls on a day when the division is closed for business, the deadline shall be extended to the next business day.
- (10) Amendment and supplement to initial registration.
 - (a) To submit an amendment to a registration, a developer shall:
 - (i) complete an amendment filing through the ATR; or
 - (ii) obtain prior permission from the division to submit the information by mail.
 - (b) To submit a supplement to a registration, a developer shall:
 - (i) complete a courtesy filing through the ATR; or
 - (ii) obtain prior permission from the division to submit the information by mail.
 - (c) Pursuant to Section 57-19-8(4), the certification of a class in a class-action lawsuit against a developer on the basis of the developer's advertising, selling, or managing a project or interest requires the filing of an amendment.

KEY: timeshare, camp resort, registration, professional conduct
Date of Enactment or Last Substantive Amendment: [~~April 2, 2013~~]**2015**
Notice of Continuation: April 21, 2015
Authorizing, and Implemented or Interpreted Law: 57-19-3; 57-19-5 through 57-19-26

Education, Administration
R277-100
Rulemaking Policy

NOTICE OF PROPOSED RULE
 (Repeal and Reenact)
 DAR FILE NO.: 39785
 FILED: 09/30/2015

RULE ANALYSIS

PURPOSE OF THE RULE OR REASON FOR THE CHANGE: Rule R277-100 is repealed and reenacted to remove and change language that is outdated, already within statute, and conforms with the Utah Administrative Rulemaking Act. Technical changes are also provided throughout the rule.

SUMMARY OF THE RULE OR CHANGE: The technical changes, renumbering, and converting language from

passive to active voice necessitated a repeal and reenact. The new version of Rule R277-100 removed language that is outdated, already in statute, repetitive of provisions in Title R15, and does not conform to the Utah Administrative Rulemaking Act. Sections R277-100-3 and R277-100-7 in the old version of the rule are completely eliminated.

STATUTORY OR CONSTITUTIONAL AUTHORIZATION FOR THIS RULE: Article X, Section 3 and Subsection 53A-1-401(3) and Title 63G, Chapter 3

ANTICIPATED COST OR SAVINGS TO:

- ◆ **THE STATE BUDGET:** There is likely no cost or savings to the state budget. This rule reflects updated Utah State Board of Education (board) procedures for rulemaking at the agency level. The State Superintendent of Public Instruction or designee (superintendent), under the direction of the board, will continue to process rules consistent with this rule.
- ◆ **LOCAL GOVERNMENTS:** Under this rule, the superintendent will provide local education agency representatives copies of proposed rules and solicit information and comments which will likely not result in a cost or savings to local government.
- ◆ **SMALL BUSINESSES:** There is likely no cost or savings to small businesses. This rule reflects updated board procedures for rulemaking and does not affect businesses.
- ◆ **PERSONS OTHER THAN SMALL BUSINESSES, BUSINESSES, OR LOCAL GOVERNMENTAL ENTITIES:** The superintendent will provide professional associations, other affected parties, and persons who, in the judgment of the superintendent, should receive notice, which will likely not result in a cost or savings to persons other than small businesses, businesses, or local government entities.

COMPLIANCE COSTS FOR AFFECTED PERSONS: There are likely no compliance costs for affected persons. The rule provides procedures for rulemaking to assist the board and superintendent in the rulemaking process.

COMMENTS BY THE DEPARTMENT HEAD ON THE FISCAL IMPACT THE RULE MAY HAVE ON BUSINESSES: To the best of my knowledge, there should be no fiscal impact on businesses resulting from this rule.

THE FULL TEXT OF THIS RULE MAY BE INSPECTED, DURING REGULAR BUSINESS HOURS, AT:
 EDUCATION
 ADMINISTRATION
 250 E 500 S
 SALT LAKE CITY, UT 84111-3272
 or at the Division of Administrative Rules.

DIRECT QUESTIONS REGARDING THIS RULE TO:
 ◆ Angela Stallings by phone at 801-538-7656, by FAX at 801-538-7768, or by Internet E-mail at angie.stallings@schools.utah.gov

INTERESTED PERSONS MAY PRESENT THEIR VIEWS ON THIS RULE BY SUBMITTING WRITTEN COMMENTS NO LATER THAN AT 5:00 PM ON 11/16/2015

THIS RULE MAY BECOME EFFECTIVE ON: 11/23/2015

AUTHORIZED BY: Angela Stallings, Associate Superintendent, Policy and Communication

R277. Education, Administration.

[R277-100. Rulemaking Policy.

R277-100-1. Definitions.

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

~~_____~~ B. "Bulletin" means the Utah State Bulletin.

~~_____~~ C. "DAR" means the State Division of Administrative Rules.

~~_____~~ D. "Effective date" means the date on which a proposed rule becomes enforceable.

~~_____~~ E. "Hearing" means an administrative rulemaking hearing.

~~_____~~ F. "LEA" means a local education agency, including local school boards/public school districts, charter schools, and, for purposes of this rule, the Utah Schools for the Deaf and the Blind.

~~_____~~ G. "Leadership Committee" means the Executive Committee of the Board as defined in Board Bylaws.

~~_____~~ H. "Publication date" means the date of the Bulletin in which the rule or summary of the rule is printed.

~~_____~~ I. "Rule"

~~_____~~ (1) means a statement made by the Board that applies to a general class of persons, rather than specific persons and:

~~_____~~ (a) implements or interprets a statutory policy;

~~_____~~ (b) prescribes the policy of the Board in policy consistent with Section 53A-1-401(3); or

~~_____~~ (c) prescribes the administration of the Board's functions or describes its organization, procedures, and operations.

~~_____~~ (2) does not include declaratory orders under Section 63G-4-503.

~~_____~~ J. "Standing committee" means a committee consisting of Board members appointed by the Board Leadership Committee.

~~_____~~ K. "Superintendent" means the State Superintendent of Public Instruction or the Superintendent's designee.

~~_____~~ L. "USOE" means the Utah State Office of Education.

~~_____~~ M. "USOR" means the Utah State Office of Rehabilitation.

R277-100-2. Authority and Purpose.

~~_____~~ A. This rule is authorized by Utah Constitution Article X, Section 3 which vests the general control and supervision of public education in the Board, by Section 63G-3-101 et seq., the Utah Administrative Rulemaking Act, which specifies procedures for state agencies to follow in making rules, and by Section 53A-1-401(3) which authorizes the Board to adopt rules in accordance with its responsibilities.

~~_____~~ B. The purpose of this rule is to conform the rulemaking procedures of the Board and divisions supervised by the Board to those required under the Utah Administrative Rulemaking Act.

R277-100-3. Initiation, Amendment, or Repeal of a Rule.

~~_____~~ A. The Board may make, amend, or repeal rules.

~~_____~~ (1) Rulemaking is required by the Board when:

~~_____~~ (a) explicitly or implicitly required by statutory or federal mandate; and either

~~_____~~ (b) Board action affects a class of persons; or

~~_____~~ (c) Board action affects the operations of another agency, except as provided in Section R277-100-3A(2)(c).

~~_____~~ (2) Rulemaking is not required by the Board when:

~~_____~~ (a) a procedure or standard is already described in statute;

~~_____~~ (b) Board action affects an individual person, not a class of persons;

~~_____~~ (c) Board action concerns only the internal management of the Board, USOR, or USOE;

~~_____~~ (d) the Board or Agency action is a grammatical or other insignificant revision that does not affect policy or the application of Board decisions; or

~~_____~~ (e) the Board or Agency action meets the standards of Section 63G-3-201(4).

~~_____~~ B. Public Petition

~~_____~~ (1) Any person may petition the Board to make, amend, or repeal a rule. The petition shall contain the name and address of the person submitting the rule, a written copy of the proposal, a statement concerning the Board's legal authority to act, and the reasons for the proposal. The petition is submitted to the Superintendent.

~~_____~~ (2) The Superintendent reviews petitions prior to consideration by the Board. Within 30 days after receiving a petition, the Superintendent does one of the following:

~~_____~~ (a) Notifies the petitioner that the petition has been denied and gives reasons for the denial; or

~~_____~~ (b) Notifies the petitioner that the petition has been accepted, and specifies a date on which rulemaking procedures will be initiated. Changes in the petitioner's proposal suggested by the Superintendent are included in the notice.

~~_____~~ (3) A petitioner may appeal a decision by the Superintendent by sending a signed request for consideration of the appeal, including a copy of the original proposal and copies of correspondence with the Superintendent, if any, to the Chair of the Board. The Chair presents the appeal to the Board. If the Board votes to review the proposal, it is scheduled for a future meeting of the Board. The decision of the Board is final.

R277-100-4. Procedures for Making, Amending, or Repealing a Rule.

~~_____~~ A. Regular Rules

~~_____~~ (1) Prior to submitting a proposed rule to the Board, the Superintendent shall ensure that reasonable efforts have been made to solicit information from LEA officials, professional associations, and other affected parties concerning the need for, and content of, the proposed rule.

~~_____~~ (2) Upon receiving notice of a proposed rule, the Leadership Committee of the Board assigns the proposed rule to a standing committee or to the entire Board.

~~_____~~ (3) If a Board standing committee reads a proposed rule initially, the rule shall be read a second time before the entire Board and the second reading shall include discussion of the standing committee report; and

~~(4) After the entire Board reads a proposed rule, the Board may choose to:~~

~~(a) consider the rule again at a future meeting with revisions incorporating Board suggestions, by directing the Superintendent to change the proposed rule;~~

~~(b) receive notice of the proposed rule in its final form on the next Board agenda, by directing the Superintendent to put the rule with its effective date on the consent calendar for the Board's next meeting;~~

~~(c) allow the rule to become effective 30 days after publication in the State Bulletin if the proposed rule is not rewritten to incorporate public comments or suggestions, by directing the Superintendent to send DAR notice of an effective date for the proposed rule. The date shall be no fewer than 30 days nor more than 90 days after the publication date of the proposed rule; or~~

~~(d) direct the Superintendent to take no further action on the rule.~~

~~(5) Following the Board's approval of a proposed rule, the Board directs the Superintendent to prepare a rule analysis form and file the form and a copy of the proposed rule with DAR.~~

~~The Superintendent shall also send a copy of the proposed rule or make the rule available electronically to:~~

~~(a) persons who have filed a timely request with the Superintendent;~~

~~(b) school district superintendents and charter school directors;~~

~~(c) persons who must be given notice by statutory or federal mandate; and~~

~~(d) other persons who, in the judgment of the Superintendent, should receive notice.~~

~~(6) The Board allows at least 30 days after publication in the Bulletin for public comment on the proposed rule.~~

~~(a) The Superintendent maintains a file containing a copy of the proposed rule and the rule analysis form, and makes the file available to the public during the regular business hours of the USOE upon request. Written comments, notes on verbal comments, information received electronically, and hearing records, if any, are kept in the file.~~

~~(b) Hearings may be held by the Board as described in Section R277-100-6.~~

~~(c) The Board may follow Sections R277-100-4B or R277-100-4C to amend a rule after reviewing public comment.~~

~~(d) During the 30-day comment period, the Board may direct the Superintendent to take no further action on a rule. The proposed rule automatically expires 90 days after its publication date.~~

~~B. Nonsubstantive Changes in a Rule~~

~~(1) Nonsubstantive changes may be made in a rule under this section both before and after the effective date of the rule.~~

~~(2) A change is nonsubstantive if, in the opinion of the Superintendent, it does not affect Board policy, application of the rule, or results of Board action under the rule.~~

~~(3) To enact a nonsubstantive change, the Superintendent prepares a copy of the new version of the rule and files it with the DAR. The new version is effective upon filing.~~

~~C. Substantive Changes in a Proposed Rule~~

~~The Board may make a change in a previously published proposed rule prior to its effective date. The Board directs the Superintendent to:~~

~~(1) prepare a new rule analysis form describing the change, and file it and a copy of the revised proposal with DAR; and~~

~~(2) notify DAR of the effective date of the revised rule. The rule will automatically become effective 30 days after its new publication date if no other date is specified.~~

~~D. Emergency Rules~~

~~(1) An emergency rule may be adopted under this section if the Superintendent finds that delay resulting from following normal procedures will:~~

~~(a) result in imminent peril to the public health, safety or welfare;~~

~~(b) cause an imminent budget reduction because of budget restraints or federal requirements; or~~

~~(c) place the Board in violation of federal or state law.~~

~~(2) The Superintendent notifies the Board Chair of the need to enact an emergency rule.~~

~~(3) If the Board Chair concurs in the recommendation, the Superintendent:~~

~~(a) prepares and files a copy of the proposed emergency rule and the rule analysis form with DAR, stating specific reasons for the adoption of the rule;~~

~~(b) notifies DAR of the effective date and the lapsing date for the proposed emergency rule. If no effective date is specified, the proposed emergency rule becomes effective on the filing date. If no lapsing date is specified, the proposed emergency rule lapses 120 days after the filing date. No emergency rule may remain in effect for more than 120 days; and~~

~~(c) mails a copy of the rule analysis form to the members of the Board and to persons specified in Section R277-100-4A(5).~~

R277-100-5. Formal Adoption by the Board of Procedures, Handbooks, and Manuals, and Reference to those Documents in Rules.

~~A. Under Board direction, divisions under the supervision of the Board, periodically develop or amend various policy manuals or policy handbooks which may not necessarily qualify to be rules or are not suitable for the normal rulemaking procedures. These shall be presented to the Board for purposes of formal adoption or amendment.~~

~~B. LEAs shall have electronic access to such documents which are to be considered for adoption by the Board.~~

~~C. LEAs shall comply with the provisions of such documents, after the formal adoption or amendment by the Board of a USOE policy manual or policy handbook.~~

~~D. Following formal review by the Board, the Board's designation of a handbook, manual, or similar document as a policy manual or policy handbook is conclusive for purposes of this rule.~~

R277-100-6. Hearings.

~~A. When to hold hearings~~

~~(1) The Board may hold hearings during a regular or special meeting.~~

~~(2) The Board shall hold hearings if:~~

~~(a) required by state or federal law; or~~

~~(b) an affected agency, ten persons, or an organization having not fewer than ten members submits a written request for a hearing to the Superintendent not more than 15 days after the~~

publication date of the proposed rule, amendment, or rule repeal. The hearing shall be held within 30 days of receipt of the request.

~~B. Hearing Procedures~~

~~(1) Notice of hearing regarding proposed rules published in the Bulletin is provided by:~~

~~(a) publication of the hearing date, time, place, and subject matter in the Bulletin;~~

~~(b) posting of the notice of information contained on the rule analysis form in a place frequented by the public consistent with Title 52, Chapter 4, Open and Public Meetings Act;~~

~~(c) sending persons who receive rule analysis forms under Section R277-100-4A(5) written notice of any changes made in the notice information contained on the rule analysis form;~~

~~(d) giving further notice required by law or regulation;~~

~~and~~

~~(e) sending notice to those requesting the hearing, if the hearing is requested under Section R277-100-6A(2)(b).~~

~~(2) Notice of hearings held prior to proposing the rule is given by:~~

~~(a) posting the hearing date, time, place, and subject in a place frequented by the public consistent with Title 52, Chapter 4, Open and Public Meetings Act; and~~

~~(b) providing the notice information to persons specified in Section R277-100-4A(1).~~

~~C. The Board may hold the hearing itself, or appoint any person who can fairly conduct the hearing, other than the Superintendent, to be the hearing officer. The hearing officer shall know rulemaking procedures, but may not be directly responsible for administering the rule.~~

~~D. Conducting the Hearing~~

~~(1) Upon opening the hearing, the hearing officer explains the purpose of the hearing and invites orderly, germane comment. The hearing officer may set time limits for speakers and otherwise control prudent use of time.~~

~~(2) The hearing officer rules on questions of relevance and redundancy. Oaths, cross-examination, and rules of evidence are not required. The hearing is conducted as an open, informal, orderly, and informative meeting.~~

~~(3) A person familiar with the rule at issue may be asked to be present at the hearing to respond to inquiries and to provide information.~~

~~(4) The hearing officer may invite written comment to be submitted at the hearing or within a reasonable time thereafter. Written comments shall include the name, address, and, if applicable, the organization represented by the person making the comments. Written comment or electronically received comment shall be appended to the hearing minutes.~~

~~E. The Record~~

~~(1) The hearing officer or a person appointed to take minutes records the name, address, and organization represented by each person speaking at the hearing, and a brief summary of the remarks.~~

~~(2) In the alternative, a hearing may be recorded by audio or video.~~

~~(3) Hearing minutes, a hearing recording (if available), a copy of the proposed rule, written comments, the findings and recommendations of the hearing officer, the decision of the Board, and other pertinent documents constitute the record of the hearing.~~

~~The record is maintained in a file available to the public at the USOE during regular business hours by appointment.~~

~~F. Findings and Recommendations~~

~~(1) The hearing officer makes written findings and recommendations, including any facts pertinent to the hearing, recommendations for Board action, and reasons for the recommendations.~~

~~(2) The hearing officer transmits the findings, recommendations, and the complete record of the hearing to the Board as soon as possible following the close of the hearing.~~

~~(3) When the Board conducts the hearing, the Chair prepares written findings, the decision, and reasons for the decision.~~

~~G. The Decision~~

~~(1) The Board issues a written decision as soon as possible after the close of the hearing and before the rule becomes effective. The decision states whether the proposed rule will be adopted, changed, or withdrawn; any alternative action such as whether a rule will be proposed on the subject matter of the hearing; and reasons for the decision. The written decision is included in the hearing record.~~

~~(2) If the hearing is held under Section R277-100-6A(2), the Board mails a copy of or sends electronically the decision to the person who requested the hearing.~~

~~H. A decision of the Board may be appealed to a district court.~~

R277-100-7. Board Review of Rules.

~~A. Five Year Review~~

~~(1) The Board reviews each rule within five years of its effective date and at five year intervals thereafter.~~

~~(2) The Superintendent shall coordinate with DAR to ensure that all Administrative rules are adequately reviewed by the Board prior to the five year review deadline.~~

~~(3) All other paperwork shall be completed by the Superintendent to repeal or reenact the rules.~~

~~B. Declaratory Judgments on the Applicability of a Rule~~

~~(1) An interested person may petition the Board for a ruling on the applicability of a particular Board provision, rule, or order in a stated case by filing a petition for a declaratory judgment with the Superintendent.~~

~~(2) The petition shall contain the petitioner's name, address, and phone number; the Board provision, rule, or order; and a statement of the facts of the case. The petition shall be filed within six months of the application of the rule to the interested party or to a person represented by the interested party.~~

~~(3) Within 15 days of the filing of the petition, the Superintendent makes a recommendation to the Board regarding the applicability of the provision, rule, or order to the case.~~

~~(4) Prior to issuing a decision, the Board may:~~

~~(a) conduct a hearing on the matter under Section R277-100-6. The hearing shall begin no sooner than 15 days and no later than 45 days after receiving the petition; or~~

~~(b) appoint a staff member to conduct an investigation of the case. The investigator makes a recommendation to the Board as soon as possible after the close of the investigation.~~

~~(5) The Board notifies the petitioner by certified mail of its decision to conduct a hearing or investigation. Notice includes the time, date, and place of the hearing and the name of the hearing~~

officer; or, in the case of an investigation, the name of the staff member responsible for conducting the investigation.

(6) The Board issues a ruling regarding the applicability of the provision, rule, or order within 60 days of the filing of the petition, or if a hearing is held, as soon as possible after the close of a hearing. The Board's ruling includes reasons for the decision and is sent by certified mail to the petitioner.

(7) The Superintendent maintains a complete copy of the Board's current rules for public inspection at the Superintendent's Office during regular business hours.]

R277-100. Rulemaking Policy.

R277-100-1. Authority and Purpose.

(1) This rule is authorized by:

(a) Utah Constitution Article X, Section 3, which vests general control and supervision of public education in the Board;

(b) Title 63G, Chapter 3, the Utah Administrative Rulemaking Act, which specifies procedures for a state agency to follow in making rules; and

(c) Subsection 53A-1-401(3), which authorizes the Board to adopt rules in accordance with its responsibilities.

(2) The purpose of this rule is to conform the rulemaking procedures of the Board and divisions supervised by the Board to those required under the Utah Administrative Rulemaking Act.

R277-100-2. Definitions.

(1) Terms used in this rule are defined in Section 63G-3-102 and Rule R15.

(2) As used in this rule:

(a) "Hearing" means an administrative rulemaking hearing.

(b) "LEA" or "local education agency" for purposes of this rule includes the Utah Schools for the Deaf and the Blind.

R277-100-3. Petition for Rulemaking -- Appeal.

(1) A person may petition the Board to make, amend, or repeal a rule as provided by Subsection 63G-3-601(3) and Rule R15-2.

(2)(a) The Superintendent shall review a petition prior to consideration by the Board.

(b) The Superintendent shall notify a petitioner of any changes suggested by the Superintendent to the petition.

(3)(a) A petitioner may appeal a decision made by the Superintendent under Subsections 63G-3-601(5) through (7) by sending a signed request for consideration of the appeal, including a copy of the original petition and copies of correspondence with the Superintendent, if any, to the Board Chair.

(b) The Chair shall present the appeal to the Board.

(c) If the Board votes to review the petition, the Board shall schedule the petition for a future meeting of the Board.

(d) The decision of the Board is final.

R277-100-4. Procedures for Making, Amending, or Repealing a Rule.

(1) Prior to submitting a proposed rule to the Board, the Superintendent shall make a reasonable effort to solicit information from LEA officials, professional associations, and other affected parties concerning the need for, and content of, the proposed rule.

(2) In addition to the persons described in Subsection 63G-3-301(10), the Superintendent shall also send a copy of the proposed rule or make the rule available electronically to:

(a) school district superintendents and charter school directors; and

(b) another person who, in the judgment of the Superintendent, should receive notice.

(3)(a) The Superintendent shall:

(i) maintain a file containing a copy of the proposed rule and the rule analysis form; and

(ii) make the file available to the public during the regular business hours of the USOE upon request.

(b) The Superintendent shall keep the following in the file:

(i) a written comment;

(ii) a note on a verbal comment;

(iii) information received electronically; and

(iv) a hearing record, if any.

R277-100-5. Formal Adoption by the Board of Procedures, Handbooks, and Manuals.

(1) Under Board direction, a division under the supervision of the Board may periodically develop or amend a policy manual or policy handbook that does not meet the definition of a rule.

(2) The Superintendent shall provide an LEA electronic access to the policy manual or handbook considered for adoption by the Board.

R277-100-6. Hearings.

(1)(a) For a hearing that is mandatory under Subsection 63G-3-302(2), the Board shall follow the procedures and requirements of:

(i) Section 63G-3-302;

(ii) Rule R15-1; and

(iii) Subsections (6) and (7).

(b) For a hearing that is voluntary, the Board shall follow the procedures and requirements of:

(i) Section 63G-3-302;

(ii) Rule 15-1, except as provided by this section; and

(iii) this section.

(2) Notwithstanding Subsection R15-1-5(2):

(a) the Board may hold the hearing itself or appoint any person who can fairly conduct the hearing, other than the Superintendent, as a hearing officer; and

(b) the hearing officer shall know rulemaking procedures, but may not be directly responsible for administering the rule.

(3) The hearing officer shall rule on a question of relevance and redundancy.

(4) Notwithstanding Subsection R15-1-5(4)(b), a person familiar with the rule at issue may be asked to be present at the hearing to respond to inquiries and to provide information.

(5) A written comment shall include the name, address, and, if applicable, the organization represented by the person making the comment.

(6)(a) The hearing officer shall make written findings and recommendations, including any facts pertinent to the hearing, recommendations for Board action, and reasons for the recommendations.

(b) The hearing officer shall transmit the findings, recommendations, and the complete record of the hearing to the Board as soon as possible following the close of the hearing.

(c) If the Board conducts the hearing, the Chair shall prepare written findings, the decision, and reasons for the decision.

(7)(a)(i) The Board shall issue a written decision as soon as possible after the close of the hearing and before the rule becomes effective.

(ii) The decision shall state:

(A) whether the proposed rule will be adopted, changed, or withdrawn;

(B) any alternative action, such as whether a rule will be proposed on the subject matter of the hearing; and

(C) reasons for the decision.

(iii) The written decision is included in the hearing record.

(b) If the hearing is held under Subsection (1)(a), the Board shall mail a copy of or send electronically the decision to the person who requested the hearing.

KEY: administrative procedures, rules and procedures

Date of Enactment or Last Substantive Amendment: [January 10, 2012]2015

Notice of Continuation: September 28, 2015

Authorizing, and Implemented or Interpreted Law: Art X Sec 3; 63G-3-101 et seq.; 53A-1-401(3)

Education, Administration R277-417

Prohibiting LEAs and Third Party Providers from Offering Incentives or Reimbursements for Enrollment or Participation

NOTICE OF PROPOSED RULE

(Amendment)

DAR FILE NO.: 39784

FILED: 09/30/2015

RULE ANALYSIS

PURPOSE OF THE RULE OR REASON FOR THE CHANGE: Rule R277-417 was adopted by the Board effective 07/08/2015. Since that time, staff received additional public comment and identified additional recommended changes. Technical and conforming changes are also provided.

SUMMARY OF THE RULE OR CHANGE: The amendments to Rule R277-417 clarify that LEAs and third party providers may use public funds for costs related to curriculum, instruction, private lessons, technology, and other educational services as long as the local education agency (LEA) selects and has oversight of the curriculum, instruction, private

lessons, technology, and other educational services. The amendments also include technical and conforming changes throughout the rule.

STATUTORY OR CONSTITUTIONAL AUTHORIZATION FOR THIS RULE: Article X, Section 3 and Subsection 53A-1-401(3)

ANTICIPATED COST OR SAVINGS TO:

♦ THE STATE BUDGET: There is likely no cost or savings to the state budget. The amendments to this rule apply to LEA and third party provider use of public funds for identified educational material and services.

♦ LOCAL GOVERNMENTS: There is likely no cost or savings to local government. The amendments provide a list of educational materials and services in which public funds may be used by LEAs and third party providers.

♦ SMALL BUSINESSES: There is likely no cost or savings to small businesses. The amendments to the rule allow LEAs and third party providers to use public funds to provide certain educational material and services to students, as long as the LEA selects and has oversight of the educational material and services.

♦ PERSONS OTHER THAN SMALL BUSINESSES, BUSINESSES, OR LOCAL GOVERNMENTAL ENTITIES: There is likely no cost or savings to persons other than small businesses, businesses, or local government entities. The amendments to this rule allow LEAs and third party providers to purchase educational material and services to use when serving public education students.

COMPLIANCE COSTS FOR AFFECTED PERSONS: There may be compliance costs to LEAs to repay public funds to the superintendent if an LEA or the LEA's third party provider fails to comply with the provisions of this rule. Costs are very speculative and impossible to determine at this time.

COMMENTS BY THE DEPARTMENT HEAD ON THE FISCAL IMPACT THE RULE MAY HAVE ON BUSINESSES: To the best of my knowledge, the amendments to this rule will not have a fiscal impact on businesses.

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

EDUCATION

ADMINISTRATION

250 E 500 S

SALT LAKE CITY, UT 84111-3272

or at the Division of Administrative Rules.

DIRECT QUESTIONS REGARDING THIS RULE TO:

♦ Angela Stallings by phone at 801-538-7656, by FAX at 801-538-7768, or by Internet E-mail at angie.stallings@schools.utah.gov

INTERESTED PERSONS MAY PRESENT THEIR VIEWS ON THIS RULE BY SUBMITTING WRITTEN COMMENTS NO LATER THAN AT 5:00 PM ON 11/16/2015

THIS RULE MAY BECOME EFFECTIVE ON: 11/23/2015

AUTHORIZED BY: Angela Stallings, Associate Superintendent, Policy and Communication

R277. Education, Administration.

R277-417. Prohibiting LEAs and Third Party Providers from Offering Incentives or Reimbursements for Enrollment or Participation.

R277-417-[2]1. Authority and Purpose.

~~[A-](1)~~ This rule is authorized ~~[under]~~by:
 (a) Utah Constitution Article X, Section 3, which vests general control and supervision over public education in the Board; and

(b) ~~[by-]~~Subsection 53A-1-401(3), which allows the Board to adopt rules in accordance with its responsibilities.

~~[B-](2)~~ The purpose of this rule is to provide standards and procedures for prohibiting LEAs and third party providers from offering incentives for student enrollment.

R277-417-[1]2. Definitions.

~~[A-]~~ "Board" means the Utah State Board of Education.

~~[B-](1)~~ "Incentive" means one of the following given to a student or to the student's parent or guardian by an LEA or by a third party provider as a condition of the student's enrollment in an LEA or specific program for any length of time, during any school year:

- (1)a) money greater than \$10; or
- (2)b) an item of value greater than \$10.

~~[C-]~~ "Individualized Education Program (IEP)" means a written statement for a student with a disability that is developed, reviewed, and revised in accordance with the Utah Special Education Rules and Part B of the Individuals with Disabilities Education Act (IDEA).

~~[D-]~~ "LEA" or "local education agency" means a school district or charter school.

(2) "Program" means a program within a school that is designed to accomplish a predetermined curricular objective or set of objectives.

~~[E](1)a)~~ "Reimbursement" means the payment of money or provision of other item of value greater than \$10 offered as payment or compensation to a student or to a parent or guardian for:

- (1)a) a student's enrollment in an LEA; or
- (1)b) a student's participation in an LEA's program.
- (2)b) "Reimbursement" does not include a reimbursement paid by an LEA to a student, parent or guardian, for an expenditure incurred by the student, parent or guardian on behalf of the LEA if:

- (1)a) the expenditure is for an item that will be the property of the LEA; and
- (1)b) the expenditure was authorized by the LEA.

~~[F-](4)~~ "Section 504 accommodation plan" required by Section 504 of the Rehabilitation Act of 1973, means a plan designed to accommodate an individual who has been determined, as a result of an evaluation, to have a physical or mental impairment that substantially limits one or more major life activities.

~~[G-](5)~~ "Third party provider" means a third party who provides educational services on behalf of an LEA.

R277-417-3. LEA and Third Party Provider Use of Public Funds for Incentives and Reimbursements.

~~[A-](1)~~ Except as provided in ~~[R277-417-3B]~~Subsection (3), an LEA or a third party provider may not use public funds, as defined under Subsection 51-7-3(26), to provide the following to a student, parent or guardian, individual, or group of individuals:

- (1)a) an incentive for a student's:
 - (1)a)i) enrollment in an LEA; or
 - (1)b)ii) participation in an LEA's program; or
- (2)b) a referral bonus for a student's:
 - (1)a)i) enrollment in an LEA; or
 - (1)b)ii) participation in an LEA's program.

~~[B-]~~ An LEA or third party provider may use public funds to provide an incentive to a student or the student's parent or guardian if the incentive is:

- (1) provided to all students enrolled in the LEA; and
- (2) part of a school uniform used by the LEA.

~~[C-](2)~~ Except as provided in ~~[R277-417-3D]~~Subsection (3), an LEA or third party provider may not use public funds to provide a reimbursement to a student or the student's parent or guardian for:

- (1)a) curriculum selected by a parent;
- (2)b) instruction not provided by the LEA;
- (3)c) private lessons or classes not managed or facilitated by the LEA;
- (4)d) technology devices selected by a parent; or
- (5)e) other educational expense selected by a parent.

(3) An LEA may use public funds to provide:

(a) uniforms, technology devices, curriculum, materials and supplies, or instructional services to a student if the uniforms, technology devices, curriculum, materials and supplies, or instructional services are:

- (i) available to all students enrolled in the LEA or program within the LEA; or
- (ii) authorized by the student's college and career readiness plan, IEP, or 504 accommodation plan; or
- (b) internet access for instructional purposes to a student:
 - (i) in kindergarten through grade 6; or
 - (ii) in grade 7 through grade 12 if:

(A) the internet access is provided in accordance with the fee waiver policy requirements of Section R277-407-6; or

(B) failure to provide the internet access will cause economic hardship on the student or parent.

~~[D-]~~ An LEA or third party provider may use public funds to provide a reimbursement to a student or the student's parent or guardian if:

- (1) the reimbursement is required to be paid or provided pursuant to an IEP or Section 504 accommodation plan that is approved by the LEA;
- (2) for a student in Kindergarten through grade 6, the reimbursement is provided to a student's parent or guardian for internet accessibility; or
- (3) for a student in grade 7 through grade 12:
 - (a) the reimbursement is provided to a student or student's parent or guardian for internet access in accordance with the fee waiver policy requirements of R277-407-6; and

~~(b) failure to provide the reimbursement described in R277-417-3D(3)(a) will cause economic hardship.~~

~~[E.](4) An LEA or third party provider shall ensure that [an item]equipment purchased[; rented;] or leased by the LEA or third party provider remains the property of the LEA and is subject to the LEA's asset policies if:~~

~~([1]a) the LEA or third party provider purchases [an item]equipment; and~~

~~([2]b) provides the [item]equipment to a student or to the student's parent or guardian.~~

~~[F.](5) An LEA shall establish monitoring procedures to ensure that a third party provider who provides educational services to a student on behalf of the LEA complies with the provisions of [R277-417]this rule.~~

~~[G.](6) The Board or the Superintendent may require an LEA to repay public funds to the Superintendent if:~~

~~([1]a) an LEA or an LEA's third party provider fails to comply with the provisions of this [R277-417]rule; and~~

~~([2]b) the repayment is made in accordance with the procedures established in Rule R277-114.~~

KEY: student, enrollment, incentives

Date of Enactment or Last Substantive Amendment: [July 8,] 2015

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

Education, Administration
R277-444
Distribution of Funds to Arts and
Science Organizations

NOTICE OF PROPOSED RULE

(Repeal and Reenact)

DAR FILE NO.: 39791

FILED: 09/30/2015

RULE ANALYSIS

PURPOSE OF THE RULE OR REASON FOR THE CHANGE: Rule R277-444 is repealed and reenacted to provide new language for clarification of the RFP process for new organizations and the reapplication process for existing organizations. The reenacted rule also provides numerous technical and conforming changes and corrections. Because the technical and conforming changes were so significant, USOE decided to repeal and reenact the rule.

SUMMARY OF THE RULE OR CHANGE: The changes to Rule R277-444 provide additional details to inform USOE staff about policies and procedures related to the RFP process, reapplication, reporting, and budget, and provide numerous technical changes.

STATUTORY OR CONSTITUTIONAL AUTHORIZATION FOR THIS RULE: Art. X, Sec. 3 and Section 53A-1-402 and Subsection 53A-1-401(3)

ANTICIPATED COST OR SAVINGS TO:

◆ **THE STATE BUDGET:** There is likely no cost or savings to the state budget. The reenacted rule provides greater detail to clarify the procedures related to the RFP process and distribution of money appropriated to the board for the program. Numerous technical and conforming changes are also provided.

◆ **LOCAL GOVERNMENTS:** There is likely no cost or savings to local government. The reenacted rule provides greater detail to clarify the procedures related to the RFP process. Numerous technical and conforming changes are also provided.

◆ **SMALL BUSINESSES:** There is likely no cost or savings to small businesses. The reenacted rule provides greater detail to clarify the procedures related to the RFP process. Numerous technical and conforming changes are also provided.

◆ **PERSONS OTHER THAN SMALL BUSINESSES, BUSINESSES, OR LOCAL GOVERNMENTAL ENTITIES:** There is likely no cost or savings to persons other than small businesses, businesses, or local government entities. The reenacted rule provides greater detail to clarify the procedures related to the RFP process. Numerous technical and conforming changes are also provided.

COMPLIANCE COSTS FOR AFFECTED PERSONS: There is likely no compliance cost for affected persons. The reenacted rule provides greater detail to clarify the procedures related to the RFP process. Numerous technical and conforming changes are also provided.

COMMENTS BY THE DEPARTMENT HEAD ON THE FISCAL IMPACT THE RULE MAY HAVE ON BUSINESSES: To the best of my knowledge, the amendments to this rule will not have a fiscal impact on businesses.

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

EDUCATION

ADMINISTRATION

250 E 500 S

SALT LAKE CITY, UT 84111-3272

or at the Division of Administrative Rules.

DIRECT QUESTIONS REGARDING THIS RULE TO:

◆ Angela Stallings by phone at 801-538-7656, by FAX at 801-538-7768, or by Internet E-mail at angie.stallings@schools.utah.gov

INTERESTED PERSONS MAY PRESENT THEIR VIEWS ON THIS RULE BY SUBMITTING WRITTEN COMMENTS NO LATER THAN AT 5:00 PM ON 11/16/2015

THIS RULE MAY BECOME EFFECTIVE ON: 11/23/2015

AUTHORIZED BY: Angela Stallings, Associate Superintendent, Policy and Communication

R277. Education, Administration.

[R277-444. ~~Distribution of Funds to Arts and Science Organizations.~~

R277-444-1. ~~Definitions.~~

~~A. "Arts organization (organization)" means a non-profit professional artistic organization that provides artistic (dance, music, drama, art) services, performances or instruction to the Utah community.~~

~~B. "Arts and science subsidy program" means groups that have participated in the RFP program and have been determined by the Board to be providing valuable services in the schools. They do not qualify as professional outreach programs.~~

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

~~D. "Cost effectiveness" means maximization of the educational potential of the resources available through the professional organization, not using POPS funding for costs that would be expended necessarily for the maintenance and operation of the organization.~~

~~E. "Educational soundness" means that learning activities or programs:~~

~~(1) are designed for the community and grade level being served, including suggested preparatory activities and Core-relevant follow-up activities;~~

~~(2) feature literal interaction of students and teachers with professional artists and scientists;~~

~~(3) focus on those specific Life Skills and Arts or Science Core Curricula concepts and skills; and~~

~~(4) show continuous improvement of services guided by analysis of evaluative tools.~~

~~F. "Hands-on activities" means activities that include active involvement of students with presenters, ideally with materials provided by the organization.~~

~~G. "Non-profit organization" means an organization no part of the income of which, is distributable to its members, directors or officers; a corporation organized for other than profit-making purposes.~~

~~H. "Professional excellence" means the organization:~~

~~(1) has been juried or reviewed, based on criteria for artistic or scientific excellence, by a panel of recognized and qualified critics in the appropriate discipline;~~

~~(2) has received recognitions of excellence through an award, a prize, a grant, a commission, an invitation to participate in a recognized series of presentations in a well-known venue; and~~

~~(3) includes a recognized and qualified professional in the appropriate field who has created an artistic or scientific project or composition specifically for the organization to present; or~~

~~(4) any combination of criteria.~~

~~I. "Professional outreach programs (POPS) in the schools" means those established arts and science organizations which received line item funding directly from the Utah State Legislature prior to 2004. These organizations have demonstrated the capacity to mobilize programmatic resources and focus them~~

~~systematically in improving teaching and learning in schools statewide.~~

~~G. "Request for proposal (RFP)" means a competitive application process used to identify programs that best meet requirements established by the Board.~~

~~H. "RFP program" means arts and science organizations that receive one-time funding through application to the USOE.~~

~~I. "School visits" means performances, lecture demonstrations/presentations, in-depth instructional workshops, residencies, side-by-side mentoring, and exhibit tours by professional arts and science groups in the community.~~

~~J. "Science organization (organization)" means a non-profit professional science organization that provides science-related services, performances or instruction to the Utah community.~~

~~K. "State Core Curriculum" means those standards of learning that are essential for all Utah students, as well as the ideas, concepts, and skills that provide a foundation on which subsequent learning may be built, as established by the Board.~~

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

R277-444-2. ~~Authority and Purpose.~~

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

~~B. The purpose of the arts and science program is to provide opportunities for students to develop and use the knowledge, skills, and appreciation defined in the arts and science Core curricula through in-depth school instructional services, performances or presentations in school and theatres, or arts or science museum tours.~~

~~C. This rule also provides criteria for the distribution of funds appropriated by the Utah Legislature for this program.~~

R277-444-3. ~~Criteria for Eligibility, Applications, and Funding for POPS Organizations.~~

~~A. Established professional outreach program in the schools (POPS) organizations shall be eligible for funding under the POPS program applications and funding criteria and not eligible to apply for the RFP or arts and science subsidy programs.~~

~~B. Documentation of an organization's non-profit status, shall be provided in the annual evaluation report described in R277-444-6.~~

~~C. Every four years, beginning in July 1998, all POPS organizations shall reapply to the USOE to reestablish their continuation and amount of funding. Re-application materials shall be provided by the USOE.~~

~~D. When there are changes in the program funding from the Utah State Legislature, allocations shall be at the discretion of the Board.~~

~~E. Funds shall be distributed annually beginning in August.~~

R277-444-4. ~~Criteria for Eligibility, Applications, and Funding for RFP Organizations.~~

~~A. Non-profit professional arts and science organizations that have existed for at least three years prior to application with a~~

track record of proven fiscal responsibility, of demonstrated excellence in their discipline, and with the ability to share their discipline creatively and effectively in educational settings shall be eligible to apply for RFP funding.

~~B. Documentation of an organization's non-profit status, professional excellence or educational soundness may be required by the USOE prior to receipt of application from these organizations.~~

~~C. RFP organizations that can demonstrate successful participation in the RFP Program for three years, have an education staff, and the capacity to reach out statewide may apply to the Board to become a POPS organization.~~

~~D. Organizations funded through an RFP process shall submit annual applications to the USOE. Applications shall be provided by the USOE.~~

~~E. The designated USOE specialist(s) shall make final funding recommendations following a review of applications by designated community representatives to the Board by August 31 of the school year in which the money is available.~~

~~F. Application for eligible organizations to become a POPS organization is possible every year through the following process:~~

~~(1) Organizations submit a letter of intent and a master plan for servicing the schools to the designated USOE specialist(s) by the first day of October to determine eligibility and accordingly respond with an invitation to meet and complete the application and evaluation process required of all established POPS and arts and science subsidy organizations in their re-application procedure every four years.~~

~~(2) The completed application, original letter of intent, and recommendations based on the evaluation are submitted to the Board through the designated USOE specialist(s) by June 1.~~

~~(3) The Board or designee meets with the designated USOE specialist(s) to determine whether or not to approve the applicant as a candidate to become a POPS organization.~~

~~(4) The Board shall request new money for a new POPS organization from the Utah State Legislature if the application is approved, prior to providing funds to the newly approved organization.~~

~~(5) The same procedure would be followed for organizations desiring to apply to be arts and science subsidy organizations, and to re-apply to establish their funding level and standing as an arts and science subsidy group.~~

~~(6) Arts and science organizations meeting the arts and science subsidy criteria may apply for the arts and science subsidy program, but may not apply for RFP funding.~~

~~G. When there are changes in the program funding from the Utah State Legislature, allocations shall be at the discretion of the Board.~~

~~H. Funds shall be distributed annually beginning in August.~~

~~R277-444-5. Process for Continued Funding of Arts and Science Subsidy Program Organizations.~~

~~A. Scientists, artists, or entities hired or sponsored for services in the schools, directly or indirectly through coordinating organizations, shall be subject to the same review and approval for funding process.~~

~~B. Every four years, beginning in 2010, all arts and science subsidy program organizations shall reapply to the USOE to reestablish the continuation and amount of funding. Re-application materials shall be provided by the USOE.~~

~~C. When there are changes in the program funding from the Utah State Legislature, annual allocations shall be at the discretion of the Board.~~

~~D. Funds shall be distributed annually beginning in August.~~

~~R277-444-6. Criteria for Evaluation and Accountability of Funding.~~

~~A. Arts and science organizations qualifying for POPS or RFP funding may not charge schools for services funded under those programs.~~

~~B. Organizations may be visited by USOE staff prior to funding or at school presentations during the funding cycle to evaluate the effectiveness and preparation of the organization.~~

~~C. Organizations that receive arts and science funding shall submit annual evaluation reports to the USOE by July 1.~~

~~D. The year-end report shall include:~~

~~(1) a budget expenditure report and income source report using a form provided by the USOE, including a report and accounting of fees charged, if any, to recipient schools, districts, or organizations; and~~

~~(2) record of the dates and places of all services rendered; the number of instruction and performance hours per district, school, and classroom service, as applicable, with the number of students and teachers served, including:~~

~~(a) documentation that all school districts and schools have been offered opportunities for participation with all organizations over a three year period consistent with the arts and science organizations' plans and to the extent possible; and~~

~~(b) documentation of collaboration with the USOE and school communities in planning visit preparation/follow up and content that focuses on the state Core curriculum; and~~

~~(c) arts or science and their contribution(s) to students' development of life skills; and~~

~~(3) a brief description of services provided by the organizations through the fine arts and science POPS, RFP, or arts and science subsidy programs, and if requested, copies of any and all materials developed; and~~

~~(4) a summary of organization's evaluation of:~~

~~(a) cost-effectiveness;~~

~~(b) procedural efficiency;~~

~~(c) collaborative practices;~~

~~(d) educational soundness;~~

~~(e) professional excellence; and~~

~~(f) the resultant goals, plans, or both, for continued evaluation and improvement.~~

~~E. The USOE may require additional evaluation or audit procedures from organizations to demonstrate use of funds consistent with the law and this rule.~~

~~F. Funding and levels of funding to POPS, RFP, and arts and science subsidy programs are continued at the discretion of the Board based on review of information collected in year-end reports.~~

R277-444-7. Variations or Waivers.

~~_____ A. No deviations from the approved and funded arts or science proposals shall be permitted without prior approval from the designated USOE specialist(s) or designee.~~

~~_____ B. The USOE may require requests for variations to be submitted in writing.~~

~~_____ C. The nature and justification for any deviation or variation from the approved proposal shall be reported in the year-end report.~~

~~_____ D. Any variation shall be consistent with law and the purposes of this rule.]~~

R277-444. Distribution of Money to Arts and Science Organizations.**R277-444-1. Authority and Purpose.**

~~_____ (1) This rule is authorized by:~~

~~_____ (a) Utah Constitution Article X, Section 3, which vests general control and supervision of the public school system with the Board;~~

~~_____ (b) Subsection 53A-1-401(3), which allows the Board to adopt rules in accordance with its responsibilities; and~~

~~_____ (c) Section 53A-1-402, which directs the Board to establish rules and standards for the public schools, including curriculum and instruction requirements.~~

~~_____ (2) The purpose of this rule is to provide for the distribution of money appropriated by the state to an arts or science organization that:~~

~~_____ (a) provides an educational service to a student or teacher; and~~

~~_____ (b) facilitates a student developing and using the knowledge, skills, and appreciation defined in an arts or science core standard.~~

R277-444-2. Definitions.

~~_____ (1) "Arts organization" means a professional artistic organization that provides an educational service related to dance, music, drama, art, visual art, or media art in the state.~~

~~_____ (2) "City" has the same meaning as that term is defined in Section 10-1-104.~~

~~_____ (3) "Community" means the group of persons that have an interest or involvement in the education of a person in kindergarten through grade 12, including:~~

~~_____ (a) a student, parent, teacher, and administrator; and~~

~~_____ (b) an association or council that represents a person described in Subsection (2)(a).~~

~~_____ (4) "Core standard" means a standard:~~

~~_____ (a) established by the Board in Rule R277-700 as required by Section 53A-1-402; and~~

~~_____ (b) that defines the knowledge and skills a student should have in kindergarten through grade 12 to enable a student to be prepared for college or workforce training.~~

~~_____ (5) "Cost effectiveness" means:~~

~~_____ (a) maximization of the educational potential of the resources available through the organization; and~~

~~_____ (b) not using money received through a program for the necessary maintenance and operational costs of the organization.~~

~~_____ (6) "Educational service" means an in-depth instructional workshop, demonstration, presentation, performance, residency, tour, exhibit, teacher professional development, side-by-side mentoring, or hands-on activity that:~~

~~_____ (a) relates to an arts or science core standard; and~~

~~_____ (b) takes place in a public school, charter school, professional venue, or a facility.~~

~~_____ (7) "Educational soundness" means an educational service that:~~

~~_____ (a) is designed for the community and grade level being served, including a suggested preparatory activity and a follow-up activity that are relevant to a core standard;~~

~~_____ (b) features literal interaction of a student or teacher with an artist or scientist;~~

~~_____ (c) focuses on a specific core standard; and~~

~~_____ (d) shows continuous improvement guided by analysis of an evaluative tool.~~

~~_____ (8) "Fiscal agent" means a city that:~~

~~_____ (a) is designated by an organization as described in Subsection R277-444-4(5); and~~

~~_____ (b) acts on behalf of an organization to perform financial or compliance duties.~~

~~_____ (9) "Hands-on activity" means an activity that includes active involvement of a student with an artist or scientist, ideally with material provided by the organization.~~

~~_____ (10) "Informal Science Education Enhancement program" or "iSEE program" means a program described in Section R277-444-7 for which a science organization may apply to receive money appropriated by the state.~~

~~_____ (11) "Organization" means:~~

~~_____ (a) a nonprofit corporation organized under:~~

~~_____ (i) Title 16, Chapter 6a, Utah Revised Nonprofit Corporation Act; or~~

~~_____ (ii) Section 501(c)(3), Internal Revenue Code; and~~

~~_____ (b)(i) an arts organization; or~~

~~_____ (ii) a science organization.~~

~~_____ (12) "Procedural efficiency" means the organization delivers the educational service at the lowest cost possible.~~

~~_____ (13) "Professional excellence" means the organization:~~

~~_____ (a) has been juried or reviewed, based on criteria for artistic or scientific excellence, by a panel of recognized and qualified critics in the appropriate discipline;~~

~~_____ (b) has received a recognition of excellence through an award, a prize, a grant, a commission, or an invitation to participate in a recognized series of presentations in a well-known venue;~~

~~_____ (c) includes a recognized and qualified professional in the appropriate discipline who has created an artistic or scientific project or composition specifically for the organization to present; or~~

~~_____ (d) any combination of criteria described in Subsections (13)(a) through (c).~~

~~_____ (14) "Professional outreach programs in the schools program" or "POPS program" means a program described in Section R277-444-7 for which an arts organization may apply to receive money appropriated by the state.~~

~~_____ (15)(a) "Program" means the system through which the Board grants money appropriated by the state to an organization to enable the organization to provide its expertise and resources through an educational service in the teaching of a core standard.~~

~~_____ (b) "Program" includes:~~

~~_____ (i) the Provisional program;~~

~~_____ (ii) the POPS program;~~

~~_____ (iii) the iSEE program;~~

- _____ (iv) the Science Enhancement program;
 - _____ (v) the Integrated Student and New Facility Learning program; and
 - _____ (vi) the Subsidy program.
- _____ (16) "Science organization" means a professional science organization that provides a science-related educational service in the state.

R277-444-3. Program Application.

_____ (1) If the state appropriates money for a program, an organization may apply to receive money from a program:

- _____ (a) on an application form provided by the Superintendent; and
- _____ (b) by May 30 of the fiscal year immediately prior to the fiscal year in which the organization is to receive the money.

_____ (2) The application shall include:

- _____ (a) documentation that the organization is:
 - _____ (i) a non-profit corporation that has existed at least three consecutive years prior to the date of the application;
 - _____ (ii) an arts organization or a science organization that has attained professional excellence in the discipline; and
 - _____ (iii) fiscally responsible;
- _____ (b) a description of the matching funds required by Subsection R277-444-4(3); and
- _____ (c) an educational service plan, which describes:
 - _____ (i) the educational service that the organization will use the program money to provide; and
 - _____ (ii) a plan to creatively and effectively provide the educational service.

_____ (3)(a) The Superintendent shall evaluate an application with community representatives and make a recommendation on the application to the Board at the Board's August meeting.

_____ (b) The Board shall approve or deny an application based on:

- _____ (i) whether the organization meets the requirements of this rule; and
- _____ (ii) how well the organization's educational service plan meets the purpose of this rule.

R277-444-4. Grant General Provisions and Disbursement.

_____ (1)(a) The Superintendent shall make a recommendation to the Board at the Board's August meeting on the grant amount for an organization based on:

- _____ (i) the annual appropriation for a program;
- _____ (ii) the grant amount an organization received in a previous fiscal year, if any;
- _____ (iii) an organization's year-end report, if any; and
- _____ (iv) how well the organization's educational service plan meets the purpose of this rule relative to the other organizations participating in the program.

_____ (b) If the state reduces the amount of money appropriated for a program from the previous fiscal year, the Board may use its discretion to allocate the money among the organizations participating in the program.

_____ (2)(a) The Superintendent shall notify an organization of the grant amount by August 30.

_____ (b)(i) The Superintendent shall disburse the money to an organization after an organization submits a request for reimbursement on a form provided on the USOE website.

_____ (ii) An organization shall submit a reimbursement form on or before July 10 for an expense incurred by an organization through the implementation of an educational service plan.

_____ (3) An organization that receives money from a program shall have equal matching money from another source to support its delivery of an educational service.

_____ (4)(a) Except as provided by Subsection (4)(b), an organization may not charge the school, teacher, or student a fee for the educational service for which the organization receives program money.

_____ (b) An organization that receives money from the Subsidy program may charge a fee for an educational service.

_____ (5)(a) An organization may designate a city as the organization's fiscal agent if:

_____ (i) the city's governing body oversees and monitors the organization and fiscal agent's compliance with program requirements;

_____ (ii) the city complies with board rules;

_____ (iii) the city and the organization use program money for required purposes described in this rule; and

_____ (iv) the city and the organization have an agreement or contract in place regarding the designation of the city as the organization's fiscal agent.

_____ (b) A city fiscal agent may not use program money:

_____ (i) for the city's general administrative purposes; or

_____ (ii) to fund administrative costs to act as the organization's fiscal agent.

_____ (6) A scientist, artist, or entity hired or sponsored by an organization to provide an educational service shall comply with the procedures and requirements of this rule.

R277-444-5. Year-end Report - Evaluation -- Accountability -- Variations.

_____ (1)(a) An organization that receives money from a program shall submit a year-end report to the Superintendent by July 10.

_____ (b) The year-end report shall include:

_____ (i) documentation of the organization's non-profit status;

_____ (ii) a budget expenditure report and income source report using a form provided by the Superintendent, including a report and accounting of matching funds and a fee charged, if any, for an educational service;

_____ (iii) a record of the dates and places of all educational services rendered, the number of hours of educational service per LEA, school, and classroom, as applicable, with the number of students and teachers served, including:

_____ (A) documentation of the schools that have been offered an opportunity to receive an educational service over a three year period, to the extent possible and consistent with the organization's plan;

_____ (B) documentation of collaboration with the Superintendent and the community in planning the educational service, including the content, a preparatory activity, and a follow-up activity that are relevant to a core standard;

_____ (C) a brief description of the educational service provided through the program, and if requested, copies of any material developed; and

(D) a description of how the educational service contributed to a student developing and using the knowledge, skills, and appreciation defined in an arts or science core standard;

(iv) a summary of the organization's evaluation of:

(A) cost-effectiveness;

(B) procedural efficiency;

(C) collaborative practices;

(D) educational soundness; and

(E) professional excellence; and

(v) a description of the resultant goal or plan for continued evaluation and improvement.

(2) The Superintendent may visit an organization to evaluate the effectiveness and preparation of the organization:

(a) before the Board approves an application;

(b) before disbursing money; and

(c) during an educational service.

(3)(a) In addition to the year-end report required by Subsection (1), the Superintendent may require an evaluation or an audit procedure from an organization demonstrating use of money consistent with state law and this rule.

(b) If the Board finds that an organization did not use money received from a program consistent with state law and this rule, the Board may:

(i) reduce or eliminate the grant to the organization in the current fiscal year;

(ii) deny an organization's participation in a program in a future fiscal year; or

(iii) impose any other consequence the Board deems necessary to ensure the proper use of public funds.

(4)(a) An organization may not deviate from the approved educational service plan for which the organization receives money unless:

(i) the organization submits a written request for variation to the Superintendent;

(ii) the organization receives approval from the Superintendent for the variation; and

(iii) the variation is consistent with state law and this rule.

(b) An organization shall describe the nature and justification for a variation approved under Subsection (4)(a) in a year-end report.

(5) The Superintendent shall ensure that participating LEAs receive educational services in a balanced and comprehensive manner over a three year period.

R277-444-6. Provisional Program Requirements.

(1) Through the Provisional program, the Board may grant an organization money to enable the organization to:

(a) further develop an educational service that is sound;

(b) increase the number of students or teachers who receive an educational service; or

(c) expand the geographical location in which the educational service is delivered.

(2) The Board may grant money from the Provisional program to an organization for one year.

(3) An organization may apply for a grant each year for up to five years if the organization demonstrates an increase in the educational service between the year-end report and the proposed educational service plan described in the application.

R277-444-7. POPS and iSEE Program Requirements.

(1)(a) Through the POPS program, the Board may grant money to an arts organization to provide an educational service state-wide.

(b) Through the iSEE program, the Board may grant money to a science organization to provide an educational service state-wide.

(c) A grant from the POPS program or iSEE program is on-going, subject to the review required by Subsection (4).

(2)(a) An arts organization may apply for the POPS program and a science organization may apply for the iSEE program if the organization:

(i) has successfully participated in the Provisional program for three consecutive years in which the state appropriates money to the Provisional program;

(ii) has educational staff and the capacity to deliver an educational service state-wide; and

(iii) demonstrates during participation in the Provisional program:

(A) the quality and improvement of an educational service; and

(B) fiscal responsibility.

(b) An organization shall submit a letter of intent to transition from the Provisional program to the POPS program or the iSEE program to the Superintendent by October 1 of the calendar year immediately before the calendar year in which the organization submits the application for the POPS program or the iSEE program.

(3) An organization that receives money from the POPS program or iSEE program may not receive money from the Provisional program or the Subsidy program in the same fiscal year.

(4)(a) At least once every four years, the Superintendent shall review and evaluate all organizations' participation in the POPS program and the iSEE program, which may include:

(i) evaluation of an educational service plan, year-end report, reimbursement form, or audit; and

(ii) attendance at an educational service or a site visit.

(b) The Superintendent shall:

(i) report to the Board the results of the review and evaluation; and

(ii) make a recommendation to the Board regarding an organization's continued participation in the program based on how well the organization fulfills the purpose of this rule.

R277-444-8. Science Enhancement Program Requirements.

(1)(a) Through the Science Enhancement program, the Board may grant money to a science organization to provide a teacher with resources materials or professional development related to a science core standard.

(b) A grant from the Science Enhancement program is on-going, subject to the review required by Subsection (4).

(2) A science organization that participates in the iSEE program may apply for the Science Enhancement program.

(3) The Board may approve an application to participate in the Science Enhancement program if the science organization demonstrates a likely increase in:

(a) the number of teachers or students the organization serves; or

(b) the quality or quantity of the resource materials or professional development the organization delivers.

(4)(a) At least once every four years, the Superintendent shall review and evaluate all organizations' participation in the Science Enhancement program, which may include evaluation of the resource materials, professional development plan, year-end report, reimbursement form, or audit.

(b) The Superintendent shall:

(i) report to the Board the results of the review and evaluation; and

(ii) make a recommendation to the Board regarding an organization's continued participation in the Science Enhancement program based on how well the organization fulfills the purpose of this rule.

R277-444-9. Integrated Student and New Facility Learning Program Requirements.

(1) Through the Integrated Student and New Facility Learning program, the Board may grant money to a science organization to enable the science organization to provide an educational service integrated with the science organization's new or significantly re-designed capital facility.

(2) An science organization that participates in the iSEE program may apply for the Integrated Student and New Facility Learning program.

(3) The Board shall determine the length of the grant and how often the Superintendent shall review and evaluate an organization's continued participation in the program.

(4) The science organization may use the money to:

(a) develop an educational service integrated with the capital facility; and

(b) cover its costs associated with increasing the number of students who visit the capital facility.

(5) The Superintendent may not disburse money until the science organization completes the capital facility.

R277-444-10. Subsidy Program Requirements.

(1)(a) Through the Subsidy program, the Board may grant money to an organization that provides a valuable education service but does not qualify for participation in another program.

(b) A grant from the Subsidy program is on-going, subject to the review required by Subsection (5).

(2)(a) An organization may apply to receive money through the Subsidy program if the organization has successfully participated in the Provisional program for three consecutive years in which the state appropriated money to the Provisional program.

(b) An organization shall submit a letter of intent to transition from the Provisional program to the Subsidy program to the Superintendent by October 1 of the calendar year immediately before the calendar year in which the organization submits the application for the Subsidy program.

(3) The Board may approve an application to participate in the Subsidy program if the Board finds the organization:

(a) has successfully provided a valuable educational service during its participation in the Provisional program; and

(b) does not meet the requirements to participate in the POPS program or iSEE program because the organization:

(i) delivers an educational service regionally instead of state-wide; or

(ii) charges a fee for an educational service.

(4) An organization that receives money from the Subsidy program may not receive money from the another program in the same fiscal year.

(5)(a) At least once every four years, the Superintendent shall review and evaluate all organizations' participation in the Subsidy program, which may include:

(i) evaluation of an educational service plan, year-end report, reimbursement form, or audit; and

(ii) attendance at an educational service or a site visit.

(b) The Superintendent shall:

(i) report to the Board the results of the review and evaluation; and

(ii) make a recommendation to the Board regarding an organization's continued participation in the Subsidy program based on how well the organization fulfills the purpose of this rule.

KEY: arts, science, core standards[~~curricula~~]

Date of Enactment or Last Substantive Amendment: [~~July 18, 2005~~]2015

Notice of Continuation: August 13, 2015

Authorizing, and Implemented or Interpreted Law: Art X, Sec 3; 53A-1-401(3); 53A-1-402

Education, Administration
R277-533
District Educator Evaluation Systems

NOTICE OF PROPOSED RULE

(New Rule)

DAR FILE NO.: 39788

FILED: 09/30/2015

RULE ANALYSIS

PURPOSE OF THE RULE OR REASON FOR THE CHANGE: School districts are required to begin full implementation of the Educator Effectiveness program in the 2015-2016 school year. This new rule provides school districts with the information needed to achieve full implementation as scheduled.

SUMMARY OF THE RULE OR CHANGE: This new rule delineates the required activities and functions of the multiple components as outlined in Rule R277-531; outlines the approved process for scoring each component and for computing the Annual Educator Effectiveness Summative Rating; and specifies the process by which the ratings will be reported for each educator and how additional data will be gathered as needed by the State Board of Education and the Utah State Office of Education for program review, alignment, and evaluation.

STATUTORY OR CONSTITUTIONAL AUTHORIZATION FOR THIS RULE: Art. X, Sec. 3 and Subsection 53A-1-401(3) and Title 53A, Chapter 8a, Part 4

ANTICIPATED COST OR SAVINGS TO:

◆ **THE STATE BUDGET:** This new rule provides school districts with the information necessary to achieve full implementation of the Educator Effectiveness Program in the 2015-2016 school year as scheduled which likely will not result in a cost or savings to the state.

◆ **LOCAL GOVERNMENTS:** There may be some costs for school districts to comply with this rule and Title 53A, Chapter 8a, Public Education Human Resource Management Act. The costs stem from the school districts needing to comply with Title 53A, Chapter 8a, and not independently because of this Rule R277-533.

◆ **SMALL BUSINESSES:** It is unlikely that small businesses will be affected by this rule.

◆ **PERSONS OTHER THAN SMALL BUSINESSES, BUSINESSES, OR LOCAL GOVERNMENTAL ENTITIES:** It is unlikely that persons other than small businesses, business, or local government entities will be affected by this rule.

COMPLIANCE COSTS FOR AFFECTED PERSONS: School districts are likely to incur costs to modify data systems to accommodate the collecting, analyzing and reporting of evaluation criteria. The alignment of district employee compensation systems with employee evaluation systems are also likely to increase school district costs. The costs stem from the school districts needing to comply with Title 53A, Chapter 8a, Public Education Human Resource Management Act and not independently because of this Rule R277-533.

COMMENTS BY THE DEPARTMENT HEAD ON THE FISCAL IMPACT THE RULE MAY HAVE ON BUSINESSES: Businesses are unlikely to incur any costs as a result of this rule.

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

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

DIRECT QUESTIONS REGARDING THIS RULE TO:

◆ Angela Stallings by phone at 801-538-7656, by FAX at 801-538-7768, or by Internet E-mail at angie.stallings@schools.utah.gov

INTERESTED PERSONS MAY PRESENT THEIR VIEWS ON THIS RULE BY SUBMITTING WRITTEN COMMENTS NO LATER THAN AT 5:00 PM ON 11/16/2015

THIS RULE MAY BECOME EFFECTIVE ON: 11/23/2015

AUTHORIZED BY: Angela Stallings, Associate Superintendent, Policy and Communication

R277. Education, Administration.

R277-533. District Educator Evaluation Systems.

R277-533-1. Authority and Purpose.

- (1) This rule is authorized by:
 - (a) Utah Constitution Article X, Section 3, which vests general control and supervision of public education in the Board;
 - (b) Title 53A, Chapter 8a, Part 4, Educator Evaluations, which requires the Board to make rules to establish a framework for the evaluation of educators and set policies and procedures related to educator evaluations; and
 - (c) Subsection 53A-1-401(3), which permits the Board to adopt rules in accordance with its responsibilities.
- (2) The purpose of this rule is to:
 - (a) specify the requirements for district Educator Evaluation Systems Policies;
 - (b) describe the required components of district Educator Evaluation Systems; and
 - (c) establish requirements for how the Annual Summative Educator Evaluation Rating shall be computed and reported.

R277-533-2. Definitions.

- (1) "Attribute" means the process of linking the results of student growth and learning to a specific educator or group of educators using the same SLO or SGP.
- (2) "Evaluator" means a person who is responsible for an educator's overall evaluation, including:
 - (a) professional performance;
 - (b) student growth;
 - (c) stakeholder input; and
 - (d) other indicators of professional improvement.
- (3) "PEER Committee" means the Public Educator Evaluation Requirements Committee established by the Superintendent.
- (4) "Rater" means a person who conducts an observation of an educator related to an educator's evaluation.
- (5) "School district" includes the Utah Schools for the Deaf and the Blind.
- (6) "Student learning objective" or "SLO" means a content and grade or course specific measurable learning objective that can be used to document student learning over a defined period of time.
- (7) "Student growth percentile" or "SGP" means an analytic approach or statistical method for transforming student assessment results into an accountability metric.
- (8) "System" means a school district's educator evaluation system.
- (9) "Tested subject" means a subject with an end of course examination in SAGE.

R277-533-3. School District Educator Evaluation Systems.

- (1) A local school board shall adopt a district educator evaluation system in consultation with a joint committee established by the local school board as described in Section 53A-8a-403.
- (2) A district educator evaluation system shall:
 - (a) include the components required in Section 53A-8a-405;
 - (b) include the following four differentiated levels of performance:

_____ (i) highly effective;
 _____ (ii) effective;
 _____ (iii) emerging/minimally effective; and
 _____ (iv) not effective;
 _____ (c) use multiple lines of evidence in evaluation,
 including:
 _____ (i) professional performance, as described in Section
 R277-533-4;
 _____ (ii) student growth, as described in Section R277-533-5;
 _____ (iii) stakeholder input, as described in Section R277-533-
 5; and
 _____ (iv) other indicators of professional improvement as
 required by the school district;
 _____ (d) require regular conferences between an educator and
 an evaluator;
 _____ (e) provide a process for an educator to contribute
 additional information to inform the educator's evaluation at several
 intervals throughout the process;
 _____ (f) measure an educator's professional performance when
 the educator is working in a professional capacity with students,
 parents, colleagues, or community members;
 _____ (g) provide a process for an educator to:
 _____ (i) analyze stakeholder input, including input from
 parents, students, or teachers;
 _____ (ii) analyze data related to performance; and
 _____ (iii) develop appropriate responses to the information;
 _____ (h) provide a procedure to include an educator's response
 to stakeholder data in the rating calculation;
 _____ (i) include a process for an evaluator to give an educator
 specific, measurable, actionable, and written direction regarding an
 educator's needed improvement and recommended course of
 action;
 _____ (j) provide a process for an educator to request a review
 of the implementation of the educator's evaluation, as described in:
 _____ (i) Subsection 53A-8a-406(3); and
 _____ (ii) Section R277-533-8;
 _____ (k) include multiple observations as described in Section
 R277-533-4; and
 _____ (l) provide a description of the methods for gathering,
 using, and protecting educator data.
 _____ (3) To form the school district's system, a local school
 board may adopt:
 _____ (a) the Utah Model Educator Evaluator System
 established by the Board;
 _____ (b) an adapted system; or
 _____ (c) a school district-developed system evaluated by the
 PEER Committee, consistent with Rules R277-530, R277-531, and
 this rule.
 _____ (4) The PEER Committee, as described in Rule R277-
 531, shall review and evaluate a school district's educator
 effectiveness system including:
 _____ (a) professional performance;
 _____ (b) rater-reliability;
 _____ (c) student growth; and
 _____ (d) stakeholder input.
 _____ (5) The PEER Committee shall review and evaluate a
 school district's system.
 _____ (6) An educator is responsible for:

_____ (a) improving the educator's performance, using
 resources offered by the school district; and
 _____ (b) demonstrating acceptable levels of improvement in
 any designated area of deficiency.

R277-533-4. Evaluators and Standards for Education Observations.

_____ (1) A school district's system shall include observations.
 _____ (2) The school district shall use observation tools that:
 _____ (a) are aligned with the Utah Effective Teaching
 Standards and the Educational Leadership Standards described in
 Rule R277-530 at the indicator level; and
 _____ (b) include multiple observations at appropriate intervals.
 _____ (3) A school district's evaluation system shall:
 _____ (a) include an orientation for all educators conducted by
 the principal or designee as required in Section 53A-8a-404;
 _____ (b) include multiple observation items;
 _____ (c) a final rating for each observation item described in
 Subsection (3)(b); and
 _____ (d) include an opportunity for an educator to contribute
 additional information to inform their rating at several intervals
 throughout the process.
 _____ (4) To ensure a valid evaluation system, a school district
 shall provide professional development opportunities to all raters
 and evaluators of licensed educators to:
 _____ (a) improve a rater or evaluator's abilities; and
 _____ (b) give the rater or evaluator an opportunity to
 demonstrate the rater's abilities to rate an educator in accordance
 with:
 _____ (i) the Utah Effective Teaching Standards described in
 Rule R277-530; and
 _____ (ii) the Utah Educational Leadership Standards described
 in Rule R277-530.
 _____ (5) A school district shall establish a school district rater
 reliability plan.
 _____ (6) A school district rater reliability plan shall:
 _____ (a) require school district to compare a rater's decisions to
 standardized ratings established by a committee of expert raters;
 _____ (b) require a school district to measure a rater's skills and
 reassess the rater's skills at appropriate intervals to maintain system
 quality;
 _____ (c) designate qualified raters as certified;
 _____ (d) assure that an educator is rated by a certified rater;
 _____ (e) require a school district to offer a rater opportunities
 to improve the rater's skills through instruction and practice; and
 _____ (f) maintain high standards of rater accuracy.

R277-533-5. Student Growth Calculations and Stakeholder Input.

_____ (1) A Utah educator's contribution to a student's growth
 and learning shall be delineated into one of the following sets of
 measures:
 _____ (a) SGPs;
 _____ (b) SLOs; or
 _____ (c) a combination of SGPs and SLOs.
 _____ (2) A school district may attribute an SLO to an educator
 as part of an educator's evaluation in accordance with the school
 district's system policies.

(3) If a school district attributes an SLO to an educator, the school district shall:

(a) ensure that the SLO includes:

(i) three required components:

(A) learning goals;

(B) assessments; and

(C) targets; and

(ii) learning goals for an educator linked to the appropriate specific content knowledge and skills from the Utah Core Standards;

(b) provide professional development to an educator for the educator to gain the knowledge and skills necessary to sustain wide-scale implementation of an SLO process;

(c) establish a local review process to assist the school district in developing comparability and consistency of SLOs at each grade level or span; and

(d) design a structure and process for providing professional development to the school district's educators and administrators.

(4) A school district may attribute an SGP to:

(a) an educator as part of the educator's evaluation if the educator teaches a tested subject;

(b) an educator as part of shared attributions; or

(c) an administrator.

(5)(a) A school district's system shall include a component for stakeholder input for educators, principals, and administrators, which includes annual input from students and parents.

(b) In addition to the stakeholder input described in Subsection (5)(a), stakeholder input for principals and other administrators shall include input from teachers and support professionals.

(c) A school district may attribute stakeholder input to an educator, principal, or other administrator if the data gathered for the stakeholder input is gathered using:

(i) appropriate methods of gathering data as described in the school district's system plan; and

(ii) quality practices.

(6) A school district's system shall:

(a) allow an educator to have an opportunity to respond to stakeholder input; and

(b) consider an educator's response described in Subsection (6)(a) as part of the educator's final rating.

R277-533-6. Computing the Annual Summative Rating.

(1) A school district shall base an educator's component ratings on:

(a) actual observations of the educator's performance; and

(b) educator, evaluator, or other stakeholder data gathered, calculated, or observed that is aligned with standards and rubrics.

(2) A school district shall combine an educator's component ratings using the following formula:

(a) 70% for professional performance;

(b) 20% for student growth; and

(c) 10% for stakeholder input.

(3) A school district shall report summative scores annually for all educators using the following approved terminology for reporting:

(d) highly effective 3;

(c) effective 2;

(b) minimal/emerging effective 1; and

(a) not effective 0.

R277-533-7. Minimal or Emerging Effective Category.

If an evaluator rates an educator's performance within the minimal or emerging effective category, the rater shall:

(1) designate an educator as emerging effective if:

(a) the educator:

(i) holds a Level 1 educator license; or

(ii) is being served by the school district's Entry Years Enhancement (EYE) program described in Rule R277-522; or

(b) the educator:

(i) received a new or different teaching or leadership assignment within the last school year; or

(ii) is developing in that area; or

(2) designate an educator as minimally effective if the educator:

(a) holds a Level 2 educator license; and

(b) is teaching or leading in a familiar assignment.

R277-533-8. Evaluation Reviews.

(1) An educator who is not satisfied with a summative evaluation may request a review in writing of the summative evaluation within 15 calendar days after receiving the written summative evaluation.

(2) A school district shall conduct a review of an educator's summative evaluation:

(a) as described in this section; and

(b) the requirements of Section 53A-8a-406.

(3) A review described in Subsection (2) shall be conducted:

(a) by a certified rater:

(i) with experience evaluating educators; and

(ii) not employed by the school district; and

(b) in accordance with the Utah Effective Teacher and Educational Leadership Standards described in Rule R277-531.

(4) A certified rater described in Subsection (3) shall:

(a) review:

(i) the school district's educator evaluation policies and procedures;

(ii) the evaluation process conducted for the educator; and

(iii) the evaluation data from the professional performance, student growth, and stakeholder input components; and

(b) report the certified rater's findings, in writing, to the school district's superintendent for action.

(5) The school district shall determine if the initial educator evaluation was issued in accordance with:

(a) the school district's educator evaluation policies;

(b) the requirements of the performance standards;

(c) Title 53A, Chapter 8a, Public Education Human Resource Management Act;

(d) Rule R277-531; and

(e) this rule.

R277-533-9. Educator Evaluation Data.

(1) A school district shall report to the Board annually on or before June 30 the information necessary for the Board to make the report required by Section 53A-8a-410.

(2) A school district shall maintain confidential records of the educator effectiveness component data of individual educators in accordance with:

(a) Rule R277-487; and

(b) state law.

(3) A school district's system may be monitored by the Board.

KEY: educators, evaluations

Date of Enactment of Last Substantive Amendment: 2015

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

Education, Administration
R277-606
Dropout Recovery Program

NOTICE OF PROPOSED RULE

(New Rule)

DAR FILE NO.: 39787

FILED: 09/30/2015

RULE ANALYSIS

PURPOSE OF THE RULE OR REASON FOR THE CHANGE: This new rule is in response to S.B. 116, 2015 General Session that requires the Utah State Board of Education to make rules providing procedures for LEAs to develop a dropout recovery program.

SUMMARY OF THE RULE OR CHANGE: The new rule provides procedures and requirements for local education agencies (LEAs) to develop a dropout recovery program and procedures for calculating membership for eligible students participating in a dropout recovery program.

STATUTORY OR CONSTITUTIONAL AUTHORIZATION FOR THIS RULE: Article X, Section 3 and Section 53A-17a-172 and Subsection 53A-1-401(3)

ANTICIPATED COST OR SAVINGS TO:

◆ **THE STATE BUDGET:** There is likely no cost or savings to the state budget. Implementation of this rule and the Dropout Recovery Program will affect LEAs.

◆ **LOCAL GOVERNMENTS:** An LEA that contracts with a provider to implement dropout recovery services may experience additional costs. The cost will vary by LEA depending on the number of drop out students recovered, the amount of funding these students would begin to generate through the Weighted Pupil Unit, and the cost of the provider contract.

◆ **SMALL BUSINESSES:** Businesses offering drop-out recovery services may find increased demand for services resulting in increased earnings.

◆ **PERSONS OTHER THAN SMALL BUSINESSES, BUSINESSES, OR LOCAL GOVERNMENTAL ENTITIES:** There is likely no cost or savings to persons other than small businesses, businesses, or local government entities. Individuals previously served by adult education may, however, find new opportunities to complete high school graduation requirements.

COMPLIANCE COSTS FOR AFFECTED PERSONS: There are likely no compliance costs for affected persons. LEAs will provide services for dropout recovery consistent with the law and this rule.

COMMENTS BY THE DEPARTMENT HEAD ON THE FISCAL IMPACT THE RULE MAY HAVE ON BUSINESSES: There may be a fiscal impact on businesses as implementation of this new rule may generate increased demand for services and increased earnings.

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

EDUCATION

ADMINISTRATION

250 E 500 S

SALT LAKE CITY, UT 84111-3272

or at the Division of Administrative Rules.

DIRECT QUESTIONS REGARDING THIS RULE TO:

◆ Angela Stallings by phone at 801-538-7656, by FAX at 801-538-7768, or by Internet E-mail at angie.stallings@schools.utah.gov

INTERESTED PERSONS MAY PRESENT THEIR VIEWS ON THIS RULE BY SUBMITTING WRITTEN COMMENTS NO LATER THAN AT 5:00 PM ON 11/16/2015

THIS RULE MAY BECOME EFFECTIVE ON: 11/23/2015

AUTHORIZED BY: Angela Stallings, Associate Superintendent, Policy and Communication

R277. Education, Administration.**R277-606. Dropout Recovery Program.****R277-606-1. Authority and Purpose.**

(1) This rule is authorized by:

(a) Section 53A-17a-172, which requires the Board to develop rules to set policies related to a dropout recovery program;

(b) Utah Constitution Article X, Section 3, which vests general control and supervision of public education in the Board; and

(c) Subsection 53A-1-401(3) which permits the Board to adopt rules in accordance with its responsibilities.

(2) The purpose of this rule is to:

_____ (a) develop policies related to an LEA's dropout recovery program;

_____ (b) establish procedures for calculating average daily membership for students who participate in a dropout recovery program; and

_____ (c) set reporting requirements for LEAs with a dropout recovery program.

R277-606-2. Definitions.

For purposes of this rule:

_____ (1) "Adequate monthly progress" has the same meaning as that term is defined in Section 53A-17a-172.

_____ (2) "Attainment goal" has the same meaning as that term is defined in Section 53A-17a-172.

_____ (3) "Average daily membership" means the same as that term is defined in Section 53A-17a-103.

_____ (4) "Cohort" means the same as that term is defined in Section 53A-17a-172.

_____ (5) "College and career readiness work" means the same as that term is defined in Section 53A-17a-172.

_____ (6) "Eligible student" means a student:

_____ (a) who has withdrawn from a secondary school prior to earning a diploma with no legitimate reason for departure or absence from school;

_____ (b) who was dropped from average daily membership because the student was not able to be counted by an LEA in membership because the student was not meeting an applicable continuing enrollment measurement chosen by the LEA as described in Subsection R277-419-5A(2); and

_____ (c)(i) whose cohort has not yet graduated; or

_____ (ii) whose cohort graduated in the previous school year.

_____ (7) "LEA" does not include:

_____ (a) an alternative school as defined in Section 53A-1-1102; or

_____ (b) a statewide virtual school.

_____ (8)(a) "Statewide course or program" means a statewide course or program that:

_____ (i) a student is able to enroll in; and

_____ (ii) an LEA is able to count the student for enrollment as described in R277-419.

_____ (b) "Statewide course or program" includes the Statewide Online Education Program described in Title 53A, Chapter 15, Part 12, Statewide Online Education Program Act.

_____ (9) "Third party provider" means a third party who provides educational services on behalf of an LEA.

R277-606-3. LEA Dropout Recovery Programs.

_____ (1) Beginning with the 2015-16 school year, an LEA that serves students in grades 9, 10, 11, or 12 shall provide a dropout recovery program for an eligible student with the dropout recovery services described in Subsection 53A-17a-172(2).

_____ (2) An LEA that meets the description of an LEA required to contract with a third party provider as described in Subsection 53A-17a-172(4) shall contract with a third party provider to provide the dropout recovery services described in Subsection (1).

_____ (3) An eligible student may:

_____ (a) re-enroll in an LEA or statewide course or program;
or

_____ (b) participate in an LEA's dropout recovery program.

_____ (4) An LEA may count an eligible student in average daily membership in accordance with R277-419 if the eligible student:

_____ (a) re-enrolls in the LEA or statewide course or program;

_____ (b) meets all eligibility requirements in R277-419; and

_____ (c) re-enrolls in the LEA at such a level the LEA can count the eligible student in regular membership.

_____ (5) An LEA that enrolls an eligible student in a dropout recovery program shall:

_____ (a) develop a written policy that describes:

_____ (i) how the LEA or the LEA's third party provider will measure and report adequate monthly progress as required in Section R277-606-4; and

_____ (ii) how membership days in the dropout recovery program will be determined for the eligible student's progress in accordance with the LEA's established school schedule and enrollment policies; and

_____ (b) indicate that the student is enrolling in the LEA's dropout recovery program in accordance with current UTREx specifications.

_____ (6)(a) If an eligible student chooses to enroll in a dropout recovery program, the LEA, in consultation with the eligible student, shall prepare, in accordance with the LEA's written policy described in Subsection (5), a learning plan for the eligible student that includes:

_____ (i) an attainment goal for the eligible student; and

_____ (ii) how the LEA will measure the eligible student's adequate monthly progress toward the attainment goal in accordance with the LEA's written policy described in Subsection (5).

_____ (b) If an LEA is required to contract with a third party provider to provide dropout recovery services, the third party provider shall:

_____ (i) work with the LEA to prepare a learning plan for an eligible student described in Subsection (5)(a);

_____ (ii) regularly report an eligible student's progress in accordance with the LEA's written policy described in Subsection (5); and

_____ (iii) maintain documentation:

_____ (A) required to validate that an eligible student is meeting adequate monthly progress; and

_____ (B) required by the LEA for the LEA to meet the requirements of Subsection R277-606-4(4).

_____ (7)(a) Subject to Subsection (8), if an eligible student participates in a dropout recovery program as described in Subsection (3)(b):

_____ (i) an LEA may receive an amount equal to the product of the following for each eligible student who participates in the LEA's dropout recovery program:

_____ (A)(I) the value of one k-12 WPU for that school year; divided by

_____ (II) 180 days; and

_____ (B) subject to the LEA's written policy, the number of days that eligible student made adequate monthly progress; and

_____ (ii) may not count the student as described in Subsection (4).

_____ (b) If an eligible student participates in a dropout recovery program as described in Subsection (3)(b), the

Superintendent may not distribute to the LEA an amount that is more than the value of the kindergarten through grade 12 weighted pupil unit, excluding add-on weighted pupil units, for the eligible student each school year.

(8) An LEA may receive an amount as described in Subsection (7) for an eligible student for a month if:

(a) the LEA or third party provider has a personalized learning plan in place for the eligible student on or before the first school day of the first month that the eligible student participates in the dropout recovery program; or

(b) beginning with month two, the eligible student meets the definition of adequate monthly progress for the month, pursuant to the LEA's written policies.

(9)(a) If an eligible student is a student with a disability and an LEA provides dropout recovery services without using a third party provider, the LEA shall:

(i) prepare an IEP or Section 504 plan for the eligible student; and

(ii) provide the dropout recovery services in accordance with the student's IEP or Section 504 plan.

(b) If an eligible student is a student with a disability and an LEA contracts with a third party provider to provide dropout recovery services to the eligible student:

(i) the LEA shall prepare an IEP or Section 504 plan for the eligible student; and

(ii) the third party provider shall provide the dropout recovery services to the eligible student in accordance with the eligible student's IEP or Section 504 plan.

R277-606-4. Reporting Requirements and Audits.

(1)(a) Beginning with the 2015-16 school year, on or before August 1, 2016 and on or before August 1 each year thereafter, an LEA shall submit a report to the Superintendent on the LEA's dropout recovery services.

(b) The report described in Subsection (1)(a) shall include:

(i) the information described in Section 53A-17a-172; and

(ii) if applicable, the name of a third party provider the LEA is contracting with to provide dropout recovery services.

(2) A third party provider working with an LEA on the LEA's dropout recovery program shall report any information requested by the LEA including any information required for the LEA to submit a report described in Subsection (1).

(3) The Superintendent shall:

(a) review LEA reports described in Subsection (1); and

(b) ensure that an LEA described in Subsection R277-606-3(2) contracts with a third party provider as required in R277-606-3.

(4)(a) An LEA shall maintain documentation to comply with the requirements of Section 53A-17a-172 and this rule.

(b) The Board or the Superintendent may request an audit of an LEA's dropout recovery program.

KEY: dropout recovery; pupil accounting

Date of Enactment of Last Substantive Amendment: 2015

Authorizing, Implemented, or Interpreted Law: Art X, Sec 3; 53A-1-401(3); 53A-17a-172

Education, Administration
R277-616
Education for Homeless and
Emancipated Students

NOTICE OF PROPOSED RULE
(Amendment)

DAR FILE NO.: 39786
FILED: 09/30/2015

RULE ANALYSIS

PURPOSE OF THE RULE OR REASON FOR THE CHANGE: Rule R277-616 is amended to provide technical and conforming changes.

SUMMARY OF THE RULE OR CHANGE: Technical and conforming changes are made throughout the rule.

STATUTORY OR CONSTITUTIONAL AUTHORIZATION FOR THIS RULE: Article X, Section 3 and Subsection 53A-1-401(3) and Subsection 53A-2-201(5)

ANTICIPATED COST OR SAVINGS TO:

♦ **THE STATE BUDGET:** The amendments to the rule provide technical and conforming changes which will likely not result in a cost or savings to the state budget.

♦ **LOCAL GOVERNMENTS:** The amendments to the rule provide technical and conforming changes which will likely not result in a cost or savings to local government.

♦ **SMALL BUSINESSES:** The amendments to the rule provide technical and conforming changes which will likely not result in a cost or savings to small businesses.

♦ **PERSONS OTHER THAN SMALL BUSINESSES, BUSINESSES, OR LOCAL GOVERNMENTAL ENTITIES:** The amendments to the rule provide technical and conforming changes which will likely not result in a cost or savings to persons other than small businesses, businesses, or local government entities.

COMPLIANCE COSTS FOR AFFECTED PERSONS: There are likely no compliance costs for affected persons. The amendments to the rule provide technical and conforming changes and do not provide compliance language.

COMMENTS BY THE DEPARTMENT HEAD ON THE FISCAL IMPACT THE RULE MAY HAVE ON BUSINESSES: To the best of my knowledge, there should be no fiscal impact on businesses resulting from the amendments to this rule.

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

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

DIRECT QUESTIONS REGARDING THIS RULE TO:
 ♦ Angela Stallings by phone at 801-538-7656, by FAX at 801-538-7768, or by Internet E-mail at angie.stallings@schools.utah.gov

INTERESTED PERSONS MAY PRESENT THEIR VIEWS ON THIS RULE BY SUBMITTING WRITTEN COMMENTS NO LATER THAN AT 5:00 PM ON 11/16/2015

THIS RULE MAY BECOME EFFECTIVE ON: 11/23/2015

AUTHORIZED BY: Angela Stallings, Associate Superintendent, Policy and Communication

R277. Education, Administration.
R277-616. Education for Homeless and Emancipated Students.
R277-616-[2]1. Authority and Purpose.

- ~~[A-](1)~~ This rule is authorized ~~under~~ by:
 - ~~(a) Utah Constitution Article X, Section 3, [of the Utah State Constitution,] which vests general control and supervision of public education in the Board;~~
 - ~~(b) Subsection 53A-1-401(3), which allows the Board to adopt rules in accordance with its responsibilities[;];~~
 - ~~(c) Section 53A-11-101.5, which requires that minors between the ages of 6 and 18 attend school during the school year[;];~~
 - ~~(d) Subsection 53A-2-201(5), which makes each school district or charter school responsible for providing educational services for all children of school age who reside in the school district or attend the school[;]; and~~
 - ~~(e) the McKinney-Vento Homeless Assistance Act of 1987, Title VII, Subtitle B, as amended, 42 U.S.C. 11431 through 11435.~~
- ~~[B-](2)~~ The purpose of this rule is to ensure that homeless children~~[/]~~ or youth have the opportunity to attend school with as little disruption as reasonably possible.

R277-616-[4]2. Definitions.

- ~~[A-]~~ ~~"Board" means the Utah State Board of Education.~~
- ~~[B-](1)~~ "Domicile" means the place which a person considers to be the permanent home, even though temporarily residing elsewhere.
- ~~[C-](2)~~ "Emancipated minor" means:
 - ~~([1]a)~~ a child under the age of 18 who has become emancipated through marriage or by order of a court consistent with Section 78A-6-801 et seq.; or
 - ~~([2]b)~~ a child recommended for school enrollment as an emancipated or independent or homeless child~~[/]~~ or youth by an authorized representative of the Utah State Department of Social Services.
- ~~[D-](3)~~ "Enrolled" for purposes of this rule means a student has the opportunity to attend classes and participate fully in school and extracurricular activities based on academic and citizenship requirements of all students.
- ~~[E-](4)~~ "Homeless child~~[/]~~" or "homeless youth" means a child who:
 - ~~([1]a)~~ lacks a fixed, regular, and adequate nighttime residence;

- ~~([2]b)~~ has primary nighttime residence in a homeless shelter, welfare hotel, motel, congregate shelter, domestic violence shelter, car, abandoned building, bus or train station, trailer park, or camping ground;
- ~~([3]e)~~ sleeps in a public or private place not ordinarily used as a regular sleeping accommodation for human beings;
- ~~([4]d)~~ is, due to loss of housing or economic hardship, or a similar reason, living with relatives or friends usually on a temporary or emergency basis due to lack of housing; or
- ~~([5]e)~~ is a runaway, a child or youth denied housing by his family, or school-age unwed mother living in a home for unwed mothers, who has no other housing available.
- ~~[F-]~~ ~~"Parent" means a parent or guardian having legal custody of a minor child.~~
- ~~[G-](5)~~ "School district of residence for a homeless child~~[/]~~ or youth" means the school district in which the student or the student's legal guardian or both currently resides or the charter school that the student is attending for the period that the student or student's family satisfies the homeless criteria.
- ~~[H-]~~ ~~"USOE" means the Utah State Office of Education.~~

R277-616-3. Criteria for Determining Where a Homeless or Emancipated Student Shall Attend School.

- ~~[A-](1)~~ Under the McKinney-Vento Homeless Assistance Act of 1987, Title VII, Subtitle B, as amended, 42 U.S.C. 11431 through 11435, homeless ~~[students]~~ children are entitled to immediate enrollment and full participation even if they are unable to produce records which may include medical records, birth certificates, school records, or proof or residency normally required for enrollment.
- ~~[B-](2)~~ A homeless ~~[student]~~ child or homeless youth shall:
 - ~~([1]a)~~ be immediately enrolled even if the ~~[student]~~ homeless youth does not have documentation required under Sections 53A-11-201, 301, 302, 302.5 and Section 53A-2-201 through 213;
 - ~~([2]b)~~ be allowed to continue to attend his school of origin, to the extent feasible, unless it is against the parent~~[/]~~ guardian's wishes;
 - ~~(c)~~ be permitted to remain in the student's school of origin for the duration of the homelessness and until the end of any academic year in which the student moves into permanent housing; or
 - ~~([3]d)~~ transfer to the school district of residence or charter school if space is available as defined under Subsection R277-616-11.
- ~~[B-](2)~~ ~~A [D]determination of a residence or domicile for~~ a homeless youth or emancipated minor may include consideration of the following criteria:
 - ~~([1]a)~~ the place, however temporary, where the child actually sleeps;
 - ~~([2]b)~~ the place where an emancipated minor or an unaccompanied ~~[child/]~~ youth or accompanied ~~[child's/]~~ youth's family keeps ~~[its]~~ the family's belongings;
 - ~~([3]c)~~ the place which an emancipated minor or an unaccompanied ~~[child/]~~ youth or accompanied ~~[child's/]~~ youth's parent considers to be home; or
 - ~~([4]d)~~ such recommendations concerning a child's domicile as made by the State Department of Human Services.

~~[C-]~~(3) Determination of a residence or domicile for a homeless youth or emancipated minor may not be based upon:

- ~~(1)~~a) rent or lease receipts for an apartment or home;
- ~~(2)~~b) the existence or absence of a permanent address; or
- ~~(3)~~c) a required length of residence in a given location.

~~[D-]~~(4) If there is a dispute as to the residence or the status of an emancipated minor or an unaccompanied ~~[child/]~~youth, the issue may be referred to the ~~[USOE]~~Superintendent for resolution.

~~[E-]~~(5) The purpose of federal homeless education legislation is to ensure that a child's education is not needlessly disrupted because of homelessness.

~~(6)~~ If a child's residence or eligibility is in question, the child shall be admitted to school until the issue is resolved.

R277-616-4. Transfer of Guardianship.

~~[A-]~~(1) If guardianship of a minor child is awarded to a resident of a school district by action of a court or through appointment by a school district under Section 53A-2-202, the child becomes a resident of the school district in which the guardian resides.

~~[B-]~~(2) If a child's residence has been established by transfer of legal guardianship, no tuition may be charged by the new school district of residence.

KEY: compulsory education, students' rights

Date of Enactment or Last Substantive Amendment: ~~[August 8, 2011]~~2015

Notice of Continuation: September 28, 2015

Authorizing, and Implemented or Interpreted Law: Art X Sec 3; 53A-1-401(3); 53A-2-201(5); 53A-2-202

Education, Administration **R277-920** Implementation of the School Turnaround and Leadership Development Act

NOTICE OF PROPOSED RULE

(New Rule)

DAR FILE NO.: 39789

FILED: 09/30/2015

RULE ANALYSIS

PURPOSE OF THE RULE OR REASON FOR THE CHANGE: This new rule is in response to S.B. 235 from the 2015 General Session. The purpose of this rule is to implement and administer the School Turnaround and Leadership Development Act.

SUMMARY OF THE RULE OR CHANGE: Rule R277-920 defines low performing schools; provides procedures for submission and approval of a school turnaround plan; establishes an appeals process for denial of a school

turnaround plan; establishes a timeline for the State Board of Education to establish consequences for a low performing school that fails to raise the school's grade; and provides procedures for the School Leadership Development Program.

STATUTORY OR CONSTITUTIONAL AUTHORIZATION FOR THIS RULE: Art. X, Sec. 3 and Subsection 53A-1-401(3) and Title 53A, Chapter 1, Part 12

ANTICIPATED COST OR SAVINGS TO:

◆ **THE STATE BUDGET:** The Utah State Office of Education will need to hire a full-time specialist or coordinator at approximately \$125,000/year for salary and benefits, and another \$25,000 for travel, indirect costs, training, and supplies. The legislative appropriation provides ongoing funding for this position and expenses so there is likely no cost or savings to the state budget.

◆ **LOCAL GOVERNMENTS:** There is likely to be increased resources available to low performing schools for school turnaround assistance. Low performing schools that fail to improve the school's letter grade may be subject to consequences that could result in a loss of funding. The cost of the consequences is speculative.

◆ **SMALL BUSINESSES:** A small business may see an increased demand for turnaround services resulting in increased revenue if the business is involved in school turnaround assistance. The increase in revenue is speculative.

◆ **PERSONS OTHER THAN SMALL BUSINESSES, BUSINESSES, OR LOCAL GOVERNMENTAL ENTITIES:** There may be costs to persons other than small businesses, businesses, or local government entities if a low performing school fails to improve which could include changes in employment. Costs are speculative. There may be school recognition and rewards given to schools and educators for improvement and participation in the school turnaround program. Rewards are speculative but range from \$1,000 to \$5,000 per educator if the educator's low performing school improves the school's grade.

COMPLIANCE COSTS FOR AFFECTED PERSONS: To comply with this rule, low performing schools will need to show improvement or may face consequences which may include changes in employment. Compliance costs are speculative.

COMMENTS BY THE DEPARTMENT HEAD ON THE FISCAL IMPACT THE RULE MAY HAVE ON BUSINESSES: Businesses may see an increase in revenue resulting from a demand for services from business involved in school turnaround assistance.

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

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

DIRECT QUESTIONS REGARDING THIS RULE TO:

♦ Angela Stallings by phone at 801-538-7656, by FAX at 801-538-7768, or by Internet E-mail at angie.stallings@schools.utah.gov

INTERESTED PERSONS MAY PRESENT THEIR VIEWS ON THIS RULE BY SUBMITTING WRITTEN COMMENTS NO LATER THAN AT 5:00 PM ON 11/16/2015

THIS RULE MAY BECOME EFFECTIVE ON: 11/23/2015

AUTHORIZED BY: Angela Stallings, Associate Superintendent, Policy and Communication

R277. Education, Administration.**R277-920. Implementation of the School Turnaround and Leadership Development Act.****R277-920-1. Authority and Purpose.**

- (1) This rule is authorized by:
- (a) Utah Constitution Article X, Section 3, which vests general control and supervision over public education in the Board;
 - (b) Subsection 53A-1-401(3), which allows the Board to adopt rules in accordance with its responsibilities; and
 - (c) Title 53A, Chapter 1, Part 12, School Turnaround and Leadership Development Act, which requires the Board to make rules to establish:
 - (i) outcome-based measures to designate a low performing school;
 - (ii) an appeal process for the denial of a school turnaround plan;
 - (iii) consequences for a low performing school; and
 - (iv) eligibility criteria, application procedures, selection criteria, and procedures for awarding incentive pay for the School Leadership Development Program.
- (2) The purpose of this rule is to implement and administer the School Turnaround and Leadership Development Act.

R277-920-2. Definitions.

- (1) "Appeal committee" means the committee established by Section R277-920-5.
- (2) "Committee" means a school turnaround committee established in accordance with Subsection 53A-1-1204(1) or 53A-1-1205(4).
- (3) "Eligible school" means the same as that term is defined in Section 53A-1-1208.
- (4) "Low performing school" means a school:
- (a) in the lowest performing:
 - (i) 3% of the high schools statewide according to the percentage of possible points earned under the school grading system; and
 - (ii) 3% of the elementary, middle, and junior high schools statewide according to the percentage of possible points earned under the school grading system; and
 - (b) identified by another measure identified by the Board.
- (5) "Plan" means a school turnaround plan described in Subsection 53A-1-1204(3).

(6) "School improvement grant" means a Title I grant under the Elementary and Secondary Education Act, 20 U.S.C. Sec. 6303(g).

(7) "School leader" means the same as that term is defined in Section 53A-1-1209.

(8) "School turnaround program" means the school turnaround program described in:

- (a) Sections 53A-1-1203 through 53A-1-1207; and
- (b) Sections R277-920-3 through R277-920-7.

R277-920-3. Superintendent's Designation of Low Performing Schools and Waiver Authority.

(1) The Superintendent may issue a waiver and exclude a low performing school from participating in the school turnaround program if the low performing school:

- (a) has been designated a priority school by the Superintendent;
- (b) received school improvement grant money for the school year immediately following the school year for which the school is being graded; and
- (c) is already working with a turnaround expert through the school improvement grant.

(2) If the Superintendent excludes a low performing school from the school turnaround program as described in Subsection (1), the Superintendent shall designate additional schools, outside of the lowest performing 3% of schools statewide according to the percentage of possible points earned under the school grading system, until the school turnaround program includes at least 3% of the total public schools statewide.

(3) When selecting an additional school described in Subsection (2), the Superintendent shall include the next lowest performing schools according to the percentage of possible points earned under the school grading system.

R277-920-4. School Turnaround Plan Submission and Approval Process.

(1) In addition to the requirements described in Subsection 53A-1-1204(3), a plan shall include at least the following:

- (a) a requirement that the school leaders of the low performing school participate in the School Leadership Development Program described in Section 53A-1-1209 and Section R277-920-8;
- (b) a thorough analysis of the root cause of the low performing school's low performance;
- (c) a specific and detailed plan to address the root cause of the low performing school's low performance;
- (d) if the low performing school is a district school, a request from the local school board or district superintendent for:
 - (i) additional resources;
 - (ii) personnel; or
 - (iii) exemptions from district policy that may be contributing to the low performance of the district school; and
- (e) a plan for management of school personnel, including:
 - (i) recruitment of an educator or school leader; and
 - (ii) professional development for an educator or school leader.

(2)(a) A local school board or charter school governing board may approve or deny a plan in whole or in part, if the part of the plan the board denies is severable from the part of the plan the board approves.

(b) A local school board or charter school governing board shall give a reason for a denial of each part of a plan.

(3) A local school board or charter school governing board shall submit a plan in accordance with Subsection 53A-1-1204(5)(b) or 53A-1-1205(7)(b) to the Superintendent.

(4)(a) In accordance with Subsection 53A-1-1206(4), the Superintendent shall review and approve or deny a plan in whole or in part, if the part of the plan the Superintendent denies is severable from the part of the plan the Superintendent approves.

(b) The Superintendent shall give a reason for a denial of each part of a plan.

R277-920-5. Appeal Process for Denial of a School Turnaround Plan.

(1) A committee, local school board, or charter school governing board may appeal the denial of a plan, in whole or in part, by following the procedures and requirements of this section.

(2) An appeal authorized by this rule:

(a) is an informal adjudicative proceeding under Section 63G-4-203; and

(b) shall be resolved by the date specified in Subsection 53A-1-1206(5)(b).

(3)(a) A principal, on behalf of a committee, may request that the local school board or the charter school governing board reconsider the denial of a plan:

(i) by electronically filing the request:

(A) with the chair of the local school board or the charter school governing board; and

(B) on a form provided on the USOE website; and

(ii) within 5 calendar days of the denial.

(b) The reconsideration request may include a modification to the plan if the committee approves the modification.

(c) The local school board or the charter school governing board shall respond to the request within 10 calendar days by:

(i) refusing to reconsider its action;

(ii) approving a plan, in whole or in part; or

(iii) denying a plan modification.

(d) The principal may appeal the denial of a plan under this Subsection (3):

(i) by electronically filing an appeal with the Superintendent on a form provided on the USOE website; and

(ii) within 5 calendar days of the denial.

(e) An appeal filed under this subsection shall be resolved in accordance with Subsections (5) and (6).

(4) A district superintendent, on behalf of a local school board, or a charter school governing board chair, on behalf of a charter school governing board, may appeal the Superintendent's denial of a plan:

(a) by electronically filing an appeal with the Superintendent on a form provided on the USOE website; and

(b) within 5 calendar days of the denial.

(5)(a) At least three members of a Board committee, appointed by the Board as the appeal committee, shall review the written appeal.

(b) The appeal committee may ask the principal, district superintendent, local school board chair, or charter school governing board chair to:

(i) provide additional written information; or

(ii) appear personally and provide information.

(c) The appeal committee shall make a written recommendation within 5 business days of receipt of the appeal request to the Board to accept, modify, or reject the plan and give a reason for the recommendation.

(6) The Board may accept or reject the appeal committee's recommendation and the Board's decision is the final administrative action.

R277-920-6. Consequences for a Low Performing School.

(1) The Board may impose a consequence described in this section if a low performing school does not improve the school's grade one letter grade or better within the time described in Subsection 53A-1-1207(3).

(2) The Board may restructure a low performing district school by taking over the low performing district school, or by other means as the Board deems appropriate.

(3) The Board may restructure a low performing charter school by taking over the low performing charter school, or by:

(a) closing the low performing charter school; or

(b) other means as the Board deems appropriate.

R277-920-7. Hearing and Procedure Requirements Related to the Board's Imposition of a Consequences for Low Performing Schools.

On or before December 1, 2016, the Superintendent shall make recommendations to the Board for changes to this rule regarding hearing and procedure requirements related to the Board's imposition of a consequence as described in Section R277-920-6.

R277-920-8. School Leadership Development Program.

(1) A school leader other than a school leader from a low performing school may apply to participate in the School Leadership Development Program if the school leader:

(a) is assigned to a priority school as designated by the Superintendent; or

(b) is nominated by the school leader's district superintendent or charter school governing board to participate.

(2) A school leader who meets the requirements of Subsection (1) may apply to participate in the School Leadership Development Program by electronically submitting an application to the Superintendent on a form provided on the USOE website by the date specified on the USOE website.

(3)(a) The Superintendent shall select a school leader to participate in the School Leadership Development Program based on the following selection criteria:

(i) first priority is given to a school leader who is assigned to a low performing school;

(ii) second priority is given to a school leader who is assigned to a priority school as designated by Superintendent; and

(iii) third priority is given to a school leader who is nominated by the school leader's district superintendent or charter school governing board.

(b) Notwithstanding Subsection (3)(a), the Superintendent may give priority to a school leader who has not received prior leadership training before selecting a school leader who has received prior leadership training.

(4)(a) In consultation with the Superintendent and the local school board chair, the district superintendent of a low performing school shall select a district administrator to participate in the School Leadership Development Program to:

(i) support the school leader participating in the School Leadership Development Program; and

(ii) assist the school district's local school board to fulfill the requirements of Subsection 53A-1-1204(4).

(b) In consultation with the Superintendent and the governing board chair, the charter director of a low performing school shall select a charter administrator to participate in the School Leadership Development Program to support the school leader participating in the School Leadership Development Program.

(5)(a) In accordance with Subsection 53A-1-1209(4), the Superintendent shall award incentive pay to a school leader within 30 days after the school leader:

(i) completes the School Leadership Development Program; and

(ii) submits a written agreement to the Superintendent to work as described in Subsection 53A-1-1209(4).

(b) The Superintendent shall evenly divide the appropriation among the school leaders who meet the requirements of this Subsection (5).

(6) The Superintendent may award incentive pay to a school leader described in Subsection (5) for up to five years.

R277-920-9. School Recognition and Reward Program.

(1) The Superintendent shall distribute school recognition and reward program money to the principal of an eligible school:

(a) in accordance with Section 53A-1-1208; and

(b) within 30 days of the Board's official release of school grades for the year the eligible school is eligible for an award of money.

(2) The Superintendent shall notify the principal of an eligible school within 15 days of the Board's official release of school grades:

(a) that the eligible school is eligible for an award of money pursuant to Section 53A-1-1208; and

(b) of the amount of the award that the eligible school will receive.

(3) In accordance with Section 53A-1-1208, the principal shall distribute the money received under Subsection (1):

(a) to each educator assigned to the school for all of the years the school participated in the school turnaround program; and

(b) in a pro-rated manner to each educator assigned to the school for less time than the school participated in the school turnaround program.

KEY: schools, improvements, leaders

Date of Enactment of Last Substantive Amendment: 2015

Authorizing, and Implemented or Interpreted Law: Art X, Sec 3; 53A-1-401(3); 53A-1-12

**Education, Rehabilitation
R280-203
Certification Requirements for
Interpreters/Transliterators for the
Hearing Impaired**

**NOTICE OF PROPOSED RULE
(Amendment)**

DAR FILE NO.: 39790
FILED: 09/30/2015

RULE ANALYSIS

PURPOSE OF THE RULE OR REASON FOR THE CHANGE: Rule R280-203 is amended to change terminology and other language to make the rule consistent with the Policies and Procedures Governing Certification of Interpreters and Transliterators Manual (manual), to update the publishing date of the manual, and to change the title of the committee that reviews complaints.

SUMMARY OF THE RULE OR CHANGE: The amendments to Rule R280-203 change cued speech to cued language; change the title of the committee that reviews complaints from the commission to the Ethical Standards Subcommittee of the Advisory Board; provide for ongoing monitoring under the requirements of Title 53A, Chapter 15, Part 15, Background Checks; and provide technical and conforming changes throughout the rule. Additionally, the updated manual is incorporated by reference into this rule.

STATUTORY OR CONSTITUTIONAL AUTHORIZATION FOR THIS RULE: Section 53A-24-103 and Section 53A-26a-202 and Sections 53A-26a-303 through 53A-26a-305 and Subsection 53A-1-401(3)

MATERIALS INCORPORATED BY REFERENCES:

- ◆ Updates Policy and Procedures Governing the Certification of Interpreters and Transliterators Manual, published by Utah State Office of Rehabilitation, Division of Services to the Deaf and Hard of Hearing—Interpreter Certification Board, 06/01/1997

ANTICIPATED COST OR SAVINGS TO:

- ◆ **THE STATE BUDGET:** The amendments to this rule provide for updated definitions, changes to a committee title, ongoing monitoring, incorporating by reference an updated manual, and numerous technical and conforming changes. These amendments will likely will not result in a cost or savings to the state budget.
- ◆ **LOCAL GOVERNMENTS:** The updates and technical and conforming changes will likely not result in a cost or savings to local education agencies (LEAs).
- ◆ **SMALL BUSINESSES:** If a small business employs interpreters and transliterators, the business may pay \$13 per

person for its employees to have a criminal background check and ongoing monitoring to have access to Utah public school students. Costs are speculative.

◆ PERSONS OTHER THAN SMALL BUSINESSES, BUSINESSES, OR LOCAL GOVERNMENTAL ENTITIES: Interpreters and transliterators will have to pay a fee of approximately \$13 to comply with background check requirements of this rule and the law. The cost is difficult to determine because we do not know the number of interpreters and transliterators working in Utah public schools.

COMPLIANCE COSTS FOR AFFECTED PERSONS: There are compliance costs in the amount of \$13 per person to submit to a criminal background check and ongoing monitoring consistent with this rule and the law, for an interpreter or transliterator to work with students in Utah public schools.

COMMENTS BY THE DEPARTMENT HEAD ON THE FISCAL IMPACT THE RULE MAY HAVE ON BUSINESSES: There may be some costs to businesses that employ interpreters and transliterators if the business chooses to pay the costs of background check requirements for its employees. Costs are speculative.

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

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

DIRECT QUESTIONS REGARDING THIS RULE TO:

◆ Angela Stallings by phone at 801-538-7656, by FAX at 801-538-7768, or by Internet E-mail at angie.stallings@schools.utah.gov

INTERESTED PERSONS MAY PRESENT THEIR VIEWS ON THIS RULE BY SUBMITTING WRITTEN COMMENTS NO LATER THAN AT 5:00 PM ON 11/16/2015

THIS RULE MAY BECOME EFFECTIVE ON: 11/23/2015

AUTHORIZED BY: Angela Stallings, Associate Superintendent, Policy and Communication

R280. Education, Rehabilitation.

R280-203. Certification Requirements for Interpreters^[1] and Translitterators for the Hearing Impaired.

R280-203-[2]1. Authority and Purpose.

[A-](1) This rule is authorized by:

(a) Section 53A-24-103, which places the USOR under the policy direction of the Board[-];

(b) Sections 53A-26a-202 and 53A-26a-303 through 305, which authorize the Board to make rules to implement the Interpreter Services for the Hearing Impaired Act; and

~~(c) [The Board is authorized under]Subsection 53A-1-401(3), which authorizes the Board to adopt rules [and policies]-in accordance with its responsibilities.~~

[B-](2) The purpose of this rule is to satisfy the directives of Subsection 53A-26a-202(2), including:

([1]a) certification qualifications provided in the [M]manual;

([2]b) procedures governing an application[s] for certification;

([3]c) provisions for a fair and impartial method of examination of applicants;[-and]

([4]d) [~~procedures for determining]a definition of unprofessional conduct by interpreters^[1] and transliterators; and~~

~~(e) conditions for reinstatement and renewal of certification.~~

R280-203-[1]2. Definitions.

[A-](1) "Advisory board" means the Interpreters Certification Board;

~~(a) created to assist the Board[-created by]; and~~

~~(b) with the responsibilities [of]established by Sections 53A-26a-201 and 202.~~

[~~B. "American Sign Language (ASL), cued speech, and oral interpreting" are types of alternative communications for purposes of this rule.~~

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

[D-](2) "Certified interpreter^[1] or transliterator" means [an individual]a person who:

(a) provides an interpreter^[1] or transliterator service[s]; and

(b) is certified or qualified as required by state or federal law.

[E-](3) "Hearing impaired or deaf" means a hearing loss [which]that:

([1]a) necessitates the visual acquisition of the language; or

([2]b) adversely affects the acquisition of language and communication but [which]that does not preclude the auditory acquisition of language.

[F-](4) "Interpreter^[1] or transliterator service[s]" means a service[s] that facilitates effective communication;

~~(a) between a hearing person and a person who is hearing impaired or deaf, [such as]including:~~

~~(i) a student to teacher[-];~~

~~(ii) a student to staff; [and]or~~

~~(iii) a student to peer[-]; and~~

~~(b) through;~~

~~(i) American Sign Language (ASL) or a language system or code that is modeled after or derived from ASL, in whole or in part[-, or is in any way derived from ASL]; or~~

~~(ii) cued [speech]language.~~

[G-](5) "[LEA" means a-1]Local education agency[-]" or "LEA" [including local school boards/public]means:

~~(a) a school district[-];~~

~~(b) a charter school[-, and, for purposes of this rule,]; or~~

~~(c) the Utah Schools for the Deaf and the Blind.~~

[H-](6) [~~"Policies and Procedures Governing Certification of Interpreters and Translitterators Manual, 2009 (Manual)," hereby~~

incorporated by reference under 63G-3-201(7), means the manual that provides procedures for the certification examination process, renewal of certification, length of certification, levels of certification, examination, scoring, temporary permits, and the disciplinary process for interpreters/transliterators in the event of misconduct."Manual" means the Policy and Procedures Governing the Certification of Interpreters and Transliterators manual incorporated by reference in Section R280-203-3.

(F)(7) "USOR" means the Utah State Office of Rehabilitation.

R280-203-3. Incorporation of Policy and Procedure Manual by Reference.

(1) This rule incorporates by reference the Policy and Procedures Governing the Certification of Interpreters and Transliterators manual dated September 2015, which establishes:

(a) the procedure and requirements for certification and certification renewal and exemption;

(b) the length and level of certification;

(c) the definition of unprofessional conduct;

(d) the requirement for continued education; and

(e) the disciplinary process.

(2) A copy of the manual is located at:

(a) http://uip.herokuapp.com/pages/laws_and_policies; and

(b) the Division of Services to the Deaf and Hard of Hearing.

R280-203-3[4]. Certification Qualifications and Report to the [USOE]Superintendent.

(A)(1) A [E]candidate[s] for certification shall be at least 18 years old.

(B)(2) A [E]candidate[s] shall pass written and performance evaluations provided by the Division of Services to the Deaf and Hard of Hearing, Utah Interpreter Program.

(C)(3) A [E]candidate[s] shall meet the criteria of Section 53A-26a-302 and the manual.

(D)(4) [All individuals]A person who provides an interpreter[^f] or transliterator service[s] to an LEA shall complete a background check[[;]] and submit to ongoing monitoring, prior to working in an LEA with a student[s];

(a) through the[^{ir}] person's employer [-or an LEA that contracts for the contractor's services]whether the employer is an LEA or an agency that contracts with an LEA; and

(b) in accordance with the requirements of Title 53A, Chapter 15, Part 15, Background Checks.

(E)(5) An LEA shall identify and report to the [USOE]Superintendent [individuals]a person, including a contractor[s], who provides an interpreter[^f] or transliterator service[s] to a student[s] for the LEA, annually upon request.

(F)(6) An LEA shall identify and report to the [USOE]Superintendent a student[s] who receives an interpreter[^f] or transliterator service[s together with] and the provider of the service[s], annually upon request.

R280-203-4[5]. Examination of Applicants for Certification.

The Division of Services for the Deaf and Hard of Hearing, Utah Interpreter[^s-Certification Panel] Program staff shall

test and rate a candidate[s] applying for interpreter[^f] or transliterator certification consistent with the [M]manual.

R280-203-5[6]. Temporary Exemptions from Certification.

(A)(1) [Individuals may engage in the practice of a certified]A person may provide an interpreter[^f] or transliterator [in the public schools]service without being certified subject to the following circumstances and limitations, and as outlined in the manual:

(i) a candidate is engaged in providing an interpreters[^f] or transliterator service[s] while in a training program [in a recognized school]approved by the Board to the extent the candidate's activities are supervised by qualified staff, or designee[[;]];

(ii) the service[s-are] is a defined part of the training program[[;]]; and

(iii) if the candidate is providing a service in a public school, the training program has a record that:

(A) the candidate has had a successful fingerprint background check within one year prior to the date of the interpreting[^f] or transliterating service[s] being provided; or

(B) the candidate is subject to ongoing monitoring as described in Title 53A, Chapter 15, Part 15, Background Checks[[;]];

(2)(b)(i) a candidate is engaged in an internship, residency, apprenticeship, or an on-the-job training program approved by the Board while under the supervision of qualified persons[[;]]; and

(ii) [who have]the supervisor has a record of a successful fingerprint background check if the candidate is providing the service in a public school, consistent with [Section 53A-3-410(2)]Title 53A, Chapter 15, Part 15, Background Checks and Rule R277-516[[;]]; or

(3)(c) a candidate meets the criteria consistent with Subsections 53A-26a-305(1)(d) through [53A-26a-305](f).

(B)(2) Violation of any limitation identified in [R280-203-5]this section is grounds for rescission of exemption, denial of certification, or other discipline as determined by the Board.

R280-203-6[7]. Unprofessional Conduct.

(A)(1) The [M]manual supplements the definition of unprofessional conduct provided in 53A-26a-502.

(B)(2) The Board designates the procedure in [R280-203-6]this section as an informal adjudicative proceeding[[;]] under Section 63G-4-203.

(C)(3) A complaint alleging unprofessional conduct by a certified interpreter[^f] or transliterator may be filed consistent with the procedure in the [M]manual.

(D)(4) A member of the advisory board shall assist the Board in reviewing the recommendation of the [Commission]Ethical Standards subcommittee of the advisory board, as provided in Subsection 53A-26a-202(3) and upon request by the Board.

(E)(5) The Board shall make the final disciplinary decision consistent with the [M]manual.

R280-203-7[8]. Renewal and Reinstatement.

(A)(1) [An individual]A person holding an interpreter[^f] or transliterator certificate [is eligible to]may have that certificate renewed as provided in the [M]manual.

~~[B-](2)(a) [An individual]~~ a person whose interpreter~~[/]~~ or transliterator certificate has been suspended or revoked for unlawful or unprofessional conduct may apply for reinstatement to the Board.

~~(b)~~ The Board may:

~~(i)~~ require the applicant for reinstatement to complete the procedure for certification; or

~~(ii)~~ ~~[may,]~~ upon consultation with the advisory board, designate the areas of the application process in which the applicant ~~[shall]~~ will be reviewed.

KEY: certification, interpreters~~[/]~~, transliterators

Date of Enactment or Last Substantive Amendment: ~~[January 2,]~~ 2015

Notice of Continuation: September 9, 2014

Authorizing, and Implemented or Interpreted Law: 53A-24-103; 53A-1-401(3); 53A-26a-201; 53A-26a-202; 53A-26a-303 through 53A-26a-305

Health, Disease Control and Prevention, Health Promotion **R384-415** Electronic-Cigarette Substance Standards

NOTICE OF PROPOSED RULE

(New Rule)

DAR FILE NO.: 39797

FILED: 10/01/2015

RULE ANALYSIS

PURPOSE OF THE RULE OR REASON FOR THE CHANGE: During the 2015 General Session, the state legislature passed a new statute, Section 26-57-103 (H.B. 415) authorizing the Utah Department of Health to set standards for electronic-cigarette substances.

SUMMARY OF THE RULE OR CHANGE: The proposed rule seeks to regulate electronic-cigarette substances at the point of sale between the retailer and the consumer. The regulation takes the form of standards for: 1) labeling; 2) nicotine content; 3) packaging; and 4) product quality. As stated in Section 26-57-103, the sale of electronic-cigarette substances that fail to meet these standards will be prohibited. The purpose of enacting regulatory standards for these products is to attempt to limit the increased number of nicotine related poisonings in the state. Labeling standards seek to better communicate product information and nicotine toxicity to the consumers. Standards for nicotine content set a limit for the concentration of nicotine in an electronic-cigarette substance, and a maximum for variation from the labelled concentration. Packaging standards are intended to make child entry and tampering to the product more difficult. Product quality standards prescribe requirements for ingredients used in electronic-cigarette substances. The rule

also features recordkeeping provisions that will aid retailers in proving compliance to the aforementioned standards.

STATUTORY OR CONSTITUTIONAL AUTHORIZATION FOR THIS RULE: Section 26-57-103 and Subsection 59-14-803(5)

ANTICIPATED COST OR SAVINGS TO:

◆ **THE STATE BUDGET:** The state health department will incur costs from the implementation of this rule. The state health department will need to utilize a contract with their media partners to distribute the information of the rule to effected persons. The state health department will be responsible for funding the compliance checks of local health departments to enforce this rule. As no additional funding was provided to the department as a part of the authority to create the rule, the state health department will need to divide the funds used for tobacco retail compliance-checks with the compliance checks for this rule. As such, it will cost the state health department approximately \$172,800 of the Tobacco Prevention and Control Programs budget to cover the cost of enforcing the rule. Calculating savings to state government is difficult, but there are departments that may experience savings as a result of this rule. It is hoped that the Utah Poison Control Center will see a decrease in the number of poison control calls related to electronic-cigarette substances. Though exact figures are not available, it is estimated that the cost of receiving a poison control call is \$65 and the number of electronic-cigarette related poison control calls in 2014 was 131, and therefore cost the state \$8,515. It is unlikely that the standards in the rule will eliminate these calls to poison control centers, but a decrease would mean savings for the state. There may also be savings to the Utah Medicaid program. Poisonings among Medicaid covered individuals would increase medical bills. It has been estimated that the medical costs associated with a single poisoning is \$15,000 for in-hospital treatment and \$3,000 for an emergency room visit. Though the health department cannot determine the number of electronic-cigarette related poisoning among Medicaid patients (and thus the total savings), it is expected that that there would be some savings to Medicaid through enforcing the rule.

◆ **LOCAL GOVERNMENTS:** The state health department will be responsible for funding the compliance checks of local health departments to enforce the rule; therefore state funds become a part of the local health department's budget. As no additional funding was provided to the department as a part of the authority to create the rule, local health departments will need to divide the funds used for tobacco retail compliance checks with the compliance checks for this rule. As such, it will cost local health departments approximately \$172,800 to enforce the standards of the rule. However, local health departments may impose fines for non-compliance, which could offset some of these costs. The state health department does not expect that there will be any savings to local government budgets. It is anticipated that the rule will only interact with local government in the context of ensuring compliance. Therefore savings will only occur at the local government level if there are fines imposed by a local

government entity and that revenue exceeds the cost of enforcement. At this time, the health department cannot predict these amounts.

♦ **SMALL BUSINESSES:** The state health department anticipates that there will be costs to small businesses that sell or manufacture electronic-cigarette substances. Representatives from the electronic-cigarette industry have estimated that for rule compliance a small specialty-business would need to invest approximately \$13,000 to \$470,000 to their operations during the first year of rule enforcement. Because the number of small specialty-businesses is unknown, the health department cannot estimate cost to the industry as a whole. However, the wide range in the cost estimate perhaps reflects the large variability in product quality that exists in the industry. Much of the responsibility to comply with the rule will fall on manufacturers who sell to Utah retailers, as it is the manufacturer who has control over labeling, nicotine content, packaging, and product quality. Industry representatives estimate that the rule will cost a small manufacturer approximately \$13,000 to \$340,000 during the first year of enforcement. Because the number of small manufacturers is unknown, we cannot estimate the cost to the industry as a whole. Also, much of this cost is reported as lost sales through the restriction of nicotine content. Therefore the industry cost estimate is based on the assumption that consumers would not purchase an alternative product if their selection was restricted. The manufacturer would also face non-fiscal costs. Prescribing manufacturer labeling requirements may be perceived as an infringement of the manufacturer's freedom of speech. Also, the manufacturer may face a perceived infringement on their intellectual property if product information is requested by the enforcing agency. The small specialty-retailer will also face costs because of the rule. The small specialty-retailer may experience a loss in business because of the restrictions placed on the nicotine content. Industry representatives have estimated that the rule will cost a small specialty-retailer approximately \$22,000 to \$470,000 during the first year of enforcement. Because the number of small specialty-businesses is unknown, the health department cannot estimate the cost to the industry as a whole. Also, the industry cost estimate is based on the assumption that consumers would not purchase an alternative product if their selection of nicotine content was restricted. The small specialty-retailer may also experience enforcement costs through fines imposed on them by local health departments. The schedule of these fines would be decided upon by local health departments once the rule has been implemented, and as such the potential cost is unknown. Local health departments also have the authority to report violations and request that the state tax commission revoke the license of a non-compliant business. Revocation of a tobacco license would equate to a loss in business, but it is expected that with an adequate period to prepare for enforcement this event would be rare. The small specialty-retailer may incur some small costs to educate staff on compliance with the rule. It is not possible to predict these costs due to varying circumstances, but to reduce this burden the state and local health department will provide support. It is expected that

small general-retailers will incur little cost through the enforcement of the rule. General retailers typically sell manufacturer-sealed electronic-cigarette substances, which are exempt from the rule. General retailers may experience some cost through educating staff on the rule or through incurring local enforcement fines. However, because the number of small general-retailers who sell these products is unknown, the health department cannot estimate the total cost they will incur. The state health department anticipates little non-fiscal costs to the retailer; except for in the rare event that a local health department exercises their authority to seize goods they have determined to be a danger to public health.

♦ **PERSONS OTHER THAN SMALL BUSINESSES, BUSINESSES, OR LOCAL GOVERNMENTAL ENTITIES:** The state health department anticipates that there will be costs and savings to the public. Those who purchase electronic-cigarette substances may experience a monetary cost as retailers increase their prices to afford compliance. With the available data it is not possible to predict the potential price increase. Consumers may also perceive the restrictions of nicotine content as a nuisance or an infringement of their personal liberties, or both. Major savings to the public will come from preventing poisonings. The average medical bill associated with a poisoning is approximately \$15,000 for inpatient treatment and \$3,000 in emergency room fees. The cost of a poisoning in terms of lost productivity is approximately \$2,600 per poisoning if the victim is hospitalized. It is difficult to estimate a population level saving; however, it could be sizable when considering there were 131 electronic-cigarette related poison control calls in 2014. There may also be savings to the public over time. Long-term studies may show that electronic-cigarettes are significantly detrimental to health. Placing safety warnings on electronic-cigarette substances may dissuade use and therefore prevent illness and medical costs in the future. However, without the result of these long-term studies, the reality of this situation is unknown. There is evidence that suggests that electronic-cigarettes among youth may be connected to using traditional tobacco. If this is the case, the provisions of the rule may reduce future tobacco related medical costs. The Centers for Disease Control and Prevention has estimated that in Utah, residents as a whole experience \$542,000,000 annually because of tobacco products. General retailers may experience some cost through educating staff on the rule or through incurring local enforcement fines. However, because the number of general retailers who sell these products is unknown, we cannot estimate the total cost they will incur.

COMPLIANCE COSTS FOR AFFECTED PERSONS: The state health department has sought comment from representatives in the electronic-cigarette industry. It is estimated that an individual small-manufacturer will incur approximately \$13,000 to \$340,000 in compliance costs during the first year of rule enforcement. It is expected that the majority of these costs will come from redesigning labels, and sales lost through limiting nicotine content. Therefore this industry estimate is based on the assumption that the

consumer would not purchase an alternate product if their selection was restricted. The small-specialty retailer will also incur compliance costs. It is estimated that a single, small specialty-retailer will need to pay approximately \$22,000 to \$470,000 to comply with the rule. It is expected that the majority of these costs will come from sales lost through limiting nicotine content. Therefore this industry cost estimate is based on the assumption that the consumer would not purchase an alternate product if their selection was restricted. It is expected that general-retailers will incur little compliance cost, because the majority of the products they sell are exempt from the rule. The small portion of general retailers that will come under regulation may experience; 1) a negligible loss in sales; 2) some cost through educating staff; and 3) potential fines through local enforcement. However, because the number of general retailers who sell these products is unknown, the health department cannot estimate what individual compliance cost they will incur.

COMMENTS BY THE DEPARTMENT HEAD ON THE FISCAL IMPACT THE RULE MAY HAVE ON BUSINESSES: This rule will have a fiscal impact on business. There is a wide variation in estimated costs provided by industry representatives. The high initial cost of compliance is most likely a reflection of the absence of regulation this industry has so far experienced.

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

HEALTH
DISEASE CONTROL AND PREVENTION,
HEALTH PROMOTION
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:

◆ Stephanie Saperstein by phone at 801-538-6430, or by Internet E-mail at stephaniesaperstein@utah.gov

INTERESTED PERSONS MAY PRESENT THEIR VIEWS ON THIS RULE BY SUBMITTING WRITTEN COMMENTS NO LATER THAN AT 5:00 PM ON 11/16/2015

THIS RULE MAY BECOME EFFECTIVE ON: 11/23/2015

AUTHORIZED BY: Joseph Miner, MD, Executive Director

R384. Disease Control and Prevention, Health Promotion.

R384-415. Electronic-Cigarette Substance Standards.

R384-415-1. Authority and Purpose.

(1) This rule is authorized by Section 26-57-103 and Subsection 59-14-803(5).

(2) This rule establishes standards for labeling, nicotine content, packaging, and product quality for electronic-cigarette substances for the regulation of electronic-cigarettes.

(3) This rule does not apply to a manufacturer-sealed electronic-cigarette substance.

(4) A product in compliance with this rule is not endorsed as safe.

R384-415-2. Definitions.

As used in this rule:

(1) "Artificial coloring" means the same as the term is defined in 21 C.F.R. 101.22(a)(4) (April 1, 2015) and as the term "color additive" is defined in 21 C.F.R. 70.3(f) (April 1, 2015).

(2) "Artificial flavoring" means the same as the term is defined in 21 C.F.R. 101.22(a)(1) (April 1, 2015).

(3) "Batch number" means the same as the term "lot number, control number, or batch number" is defined in 21 C.F.R. 210.3(b)(11) (April 1, 2015).

(4) "Business" means any sole proprietorship, partnership, joint venture, corporation, association, or other entity formed for profit or non-profit purposes.

(5) "Child resistant" means the same as the term "special packaging" is defined in 16 C.F.R. 1700.1(a)(4) (January 1, 2015) and is tested in accordance with the method described in 16 C.F.R. 1700.20 (January 1, 2015).

(6) "Department" means the Utah Department of Health.

(7) "Electronic-cigarette" means the same as the term is defined in Subsections 26-38-2(1) and 59-14-802(2).

(8) "Electronic-cigarette Product" means the same as the term is defined in Subsection 59-14-802(3).

(9) "Electronic-cigarette substance" means the same as the term is defined in Subsection 59-14-802(4).

(10) "EP standards" means the standards established for medicines by the European Pharmacopeia, the European equivalent of the United States Pharmacopeia. The EP standards define requirements for the qualitative and quantitative composition of medicines, and the tests that are to be used on medicines, substances, and materials used in their production.

(11) "Generally Recognized As Safe" means an United States Food and Drug Administration designation that a substance added to food is generally recognized, by qualified experts, as having been adequately shown to be safe under the conditions of its intended use, as found in 21 C.F.R. 170.30 (April 1, 2015). Such a substance is exempted from the usual Federal Food, Drug, and Cosmetic Act, 21 U.S.C. Sec. 301 et sq. (2013).

(12) "Local health department" means the same as the term is defined in Subsection 26A-1-102(5).

(13) "Manufacture" means the same as the term is defined in Subsection 26-57-102(5).

(14) "Manufacturer" means the same as the term is defined in Subsection 26-57-102(6).

(15) "Mg/mL" means milligrams per milliliter, a ratio for measuring an ingredient, in liquid form, where accuracy is measured in milligrams per milliliter, or a percentage equivalent.

(16) "Natural flavoring" means the same as the term is defined in 21 C.F.R. 101.22(a)(3) (April 1, 2015).

(17) "Nicotine" means the same as the term is defined in the Federal Food, Drug, and Cosmetic Act, 21 U.S.C. Sec. 387(12) (2013).

(18) "Manufacturer-sealed electronic-cigarette substance" means the same as the term defined is in Subsection 26-57-102(6).

(19) "Pharmaceutical" means a compound manufactured for use as a medicinal drug.

(20) "Retailer" means any person who sells, offers for sale, or offers to exchange for any form of consideration, an electronic-cigarette substance to a consumer. This definition is without regard to the quantity of an electronic-cigarette substance sold, offered for sale, exchanged, or offered for exchange.

(21) "Retailing" means involvement in any of the activities listed in Subsection R384-415-2(20). This definition is without regard to the quantity of an electronic-cigarette substance sold, offered for sale, exchanged, or offered for exchange.

(22) "Straight color" means a color additive approved for human consumption in food and drugs as listed in 21 C.F.R. 73.1 through 21 C.F.R. 73.1991 (April 1, 2015), 21 C.F.R. 74.101 through 21 C.F.R. 74.1711 (April 1, 2015), and 21 C.F.R. 81.1 (April 1, 2015), and includes substances as are permitted by the specifications for such color.

(23) "Tamper-evident" means the packaging uses an indicator or barrier to entry that is distinctive by design, or must employ an identifying characteristic.

(24) "Transaction statement" means a statement, in paper or electronic form, which the manufacturer transferring ownership of the product certifies that the electronic-cigarette substance is in compliance with the standards in this rule.

(25) "USFDA Food Standards" means the United States Food and Drug Administration's common designation for standards of identity, standards of quality, and standards of fill of container promulgated under the Federal Food, Drug & Cosmetics Act, 21 U.S.C. Sec. 301 et seq. (2013) and as contained in 21 C.F.R. 130 through 21 C.F.R. 169 (April 1, 2015).

(26) "USP-NF standards" means the standards for drug products established by the United States Pharmacopeia and National Formulary. The USP-NF standards include standards for chemical and biological drug substances, dosage forms, compounded preparations, excipients, medical devices, and dietary supplements.

R384-415-3. General Labeling.

(1) The retailer shall ensure that a container holding an electronic-cigarette substance offered for sale to the consumer conforms to the following labeling standards:

- (a) the label is smear resistant; and
- (b) the label clearly displays:
 - (i) the nicotine content in mg/mL or percent by volume;
 - (ii) the manufacturer name;
 - (iii) the batch number;
 - (iv) the ingredients, as required in Section R384-415-4;
 - (v) a tamper-evident warning, which meets the requirements of Section R384-415-5; and
 - (vi) a safety warning, which meets the requirements of Section R384-415-6.

R384-415-4. Labeling of Ingredients.

(1) The retailer shall ensure that:

- (a) an ingredient of an electronic-cigarette substance is listed on the label of the container holding an electronic-cigarette substance, except as provided for in Subsection R384-415-4(1)(c) (i).

(b) An artificial coloring ingredient is listed on the label using the classification system that best applies. Classification systems include:

- (i) Food, Drug, and Cosmetic color designation and number;
- (ii) Drug and Cosmetic color designation and number; or
- (iii) the generic straight color name, if the artificial color is not classified under the systems found in Subsection R384-415-4(1)(b)(i) or Subsection R384-415-4(1)(b)(ii).

(c)(i) An ingredient included in the manufacturer's proprietary mixture of flavorings is exempt from being listed on the label by name.

(ii) An ingredient included in the manufacturer's proprietary mixture of flavorings is listed on the label under the generic term of artificial flavoring, natural flavoring, or both.

R384-415-5. Labeling of Tamper-Evident Warning.

(1) The retailer shall ensure that the label of an electronic-cigarette substance displays a tamper-evident warning alerting the consumer to the tamper-evident feature of the packaging

(2) The retailer shall ensure that the tamper-evident warning:

- (a) is prominently displayed to consumers;
- (b) is placed on the label so that it would be unaffected if the tamper-evidence feature is removed; and
- (c) lists the type of tamper-evident feature used with the product.

R384-415-6. Labeling of Safety Warning.

(1) The retailer shall ensure that an electronic-cigarette substance offered for sale to the consumer features a safety warning stating "nicotine is addictive and poisonous. Keep away from children and pets".

(2) The retailer shall ensure that the safety warning:

- (a) occupies at least 30 percent of the largest panel of the container and any additional immediate packaging;
- (b) is in capitalized letters;
- (c) has a font size that occupies the maximum amount of the area described in Subsection R384-415-6(2)(a);
- (d) uses the Helvetica, Arial, or Univers font; and
- (e) uses either a black font on a white background or a white font on a black background.

R384-415-7. Nicotine Content.

(1) The retailer shall comply with the following nicotine content standards regarding an electronic-cigarette substance sold to the consumer:

- (a) The nicotine content for an electronic-cigarette substance is limited to 240 mg per container, and does not exceed a 24mg/mL concentration.
- (b) The nicotine level for an electronic-cigarette substance is limited to a 10% variation in mg/mL above the content level indicated on the label.
- (c) An electronic-cigarette substance labeled 0 mg/mL or 0% by volume contains no nicotine.

R384-415-8. Packaging.

(1) The retailer shall ensure that the packaging of an electronic-cigarette substance intended for sale to a consumer:

- _____ (a) is certified as child resistant;
- _____ (b) does not leak at the time of sale; and
- _____ (c) utilizes a tamper-evident feature by means of one or more of the following:
 - _____ (i) a bubble pack;
 - _____ (ii) a heat shrink band;
 - _____ (iii) a breakable cap; or
 - _____ (iv) an inner-seal.

R384-415-9. Product Quality.

- _____ (1) The retailer shall ensure that an ingredient in an electronic-cigarette substance is compliant with either USP-NF standards, EP standards, USFDA Food Standards, or is Generally Recognized As Safe at the time of sale.
- _____ (2) The retailer shall be prohibited from selling an electronic-cigarette substance that contains:
 - _____ (a) vitamins or other additives that create the impression that an electronic-cigarette substance has a health benefit or presents reduced health risks;
 - _____ (b) pharmaceuticals;
 - _____ (c) caffeine or taurine or other additives and stimulant compounds that are associated with energy and vitality;
 - _____ (d) illegal or controlled substances as identified in Section 58-37-3; and
 - _____ (e) additives having coloring properties for emissions.

R384-415-10. Record Keeping and Testing.

- _____ (1) The retailer shall provide the electronic-cigarette substances transaction statement to the department or the local health department within five working days of a request. The retailer shall ensure that the transaction statement includes manufacturer certifications that:
 - _____ (a) the nicotine content of an electronic-cigarette substance is compliant with Section R384-415-7;
 - _____ (b) the packaging of an electronic cigarette-substance is child-resistant; and
 - _____ (c) an ingredient used in an electronic-cigarette substance meets the appropriate standard found in Section R384-415-9.
- _____ (2)(a) The retailer shall have a system in place to trace production of an electronic-cigarette substance through the labeled batch number to the ingredients used in manufacturing.
- _____ (b) The retailer shall provide documents produced from batch tracing to the enforcing agency within five working days of a request.
- _____ (c) The retailer shall ensure that documents produced through batch tracing provide evidence in support of the electronic-cigarette substances transaction statement.
- _____ (3) The retailer shall maintain the documents described in Subsections R384-415-10(1) and R384-415-10(2) for a period of two years after the retailer purchases the electronic-cigarette substance.

R384-415-11. Enforcement.

- _____ (1) The department may enforce and seek penalties for the violation of public health rules including the standards for electronic cigarettes set forth in this rule as prescribed in Sections 26-23-1 through 26-23-10.
- _____ (2) A local health department may enforce and seek penalties for the violation of the standards for electronic cigarettes

set forth in this rule. A local health department shall have authority to enforce and seek penalties for violations of public health law including this rule as is found in Sections 26-23-1 through 26-23-10, 26A-1-108, 26A-1-114(1) and 26A-1-123.

_____ (3) The department or local health department is responsible to make a determination as to if a person holding a Utah State Tax Commission license to sell electronic cigarettes has violated the standards of this rule. If the department or local health department makes such a determination it shall notify the Utah State Tax Commission to revoke the person's license as provided in Subsection 59-14-803(5).

_____ (4) Administrative or civil enforcement of this rule by the department or local health departments does not preclude criminal enforcement by a law enforcement agency and prosecution of any violation of the standards in this rule that can constitute a criminal offense under state law.

KEY: electronic cigarettes, nicotine, standards, Electronic Cigarette Regulation Act

Date of Last Substantive Amendment: 2015

Authorizing, and Implemented of Interpreted Law: 26-57-103; 59-14-803(5)

Health, Health Care Financing, Coverage and Reimbursement Policy **R414-1-5** Incorporations by Reference

NOTICE OF PROPOSED RULE

(Amendment)

DAR FILE NO.: 39800

FILED: 10/01/2015

RULE ANALYSIS

PURPOSE OF THE RULE OR REASON FOR THE CHANGE: Subsection 26-18-3(2)(a) requires the Medicaid program to implement policy through administrative rules. The department, in order to draw down federal funds, must have an approved state plan with the Centers for Medicare and Medicaid Services (CMS). The purpose of this change, therefore, is to incorporate the most current Medicaid state plan by reference and to implement by rule ongoing Medicaid policy described in the various Medicaid provider manuals.

SUMMARY OF THE RULE OR CHANGE: The department incorporates by reference the Utah Medicaid State Plan and approved State Plan Amendments (SPAs) to 10/01/2015. Specifically, the department incorporates by reference the following: SPA 15-0002-UT Inpatient Hospital Services, which removes duplicative details for Utah specific diagnosis related groups, removes prior authorization requirements that already exist, and removes provisions of the Superior System Waiver based on consultation with CMS; SPA 15-0019-UT Reimbursement for Dental Services and Dentures, which updates the effective date of rates for dental services and

dentures to 10/01/ 2015 and increases these rates through additional legislative appropriations. This amendment also removes reimbursement methodology that no longer applies to children and pregnant women; SPA 15-0020-UT ICD-10-CM Code Updates, which updates the state plan to implement International Classification of Diseases, Clinical Modification (ICD-10-CM) codes that become effective 10/01/2015; and SPA 15-0021-UT Outpatient Hospital Supplemental Payments, which updates the utilization trend the department uses for the outpatient hospital upper payment limit. This proposed rule also incorporates by reference the Medical Supplies Utah Medicaid Provider Manual, and the manual's attachment for Donor Human Milk Request Form, effective 10/01/2015; incorporates by reference the Hospital Services Utah Medicaid Provider Manual with its attachments, effective 10/01/2015; incorporates by reference the Home Health Agencies Utah Medicaid Provider Manual, and the manual's attachment for the Private Duty Nursing Acuity Grid, effective 10/01/2015; incorporates by reference the Speech-Language Pathology and Audiology Services Utah Medicaid Provider Manual, effective 10/01/2015; incorporates by reference the Hospice Care Utah Medicaid Provider Manual, and the manual's attachment for the Utah Medicaid Prior Authorization Request for Hospice Services, effective 10/01/2015; incorporates by reference the Long Term Care Services in Nursing Facilities Utah Medicaid Provider Manual, with its attachments, effective 10/01/2015; incorporates by reference the Utah Home and Community-Based Waiver Services for Individuals Age 65 or Older Utah Medicaid Provider Manual, effective 10/01/2015; incorporates by reference the Personal Care Utah Medicaid Provider Manual, and the manual's attachment for the Request for Prior Authorization: Personal Care and Capitated Programs effective 10/01/2015; incorporates by reference the Utah Home and Community-Based Waiver Services for Individuals with an Acquired Brain Injury Utah Medicaid Provider Manual, effective 10/01/2015; Utah Community Supports Waiver for Individuals with Intellectual Disabilities or Other Related Conditions Utah Medicaid Provider Manual, effective 10/01/2015; incorporates by reference the Utah Home and Community-Based Services Waiver for Individuals with Physical Disabilities Utah Medicaid Provider Manual, effective 10/01/2015; incorporates by reference the Utah Home and Community-Based Waiver Services New Choices Waiver Utah Medicaid Provider Manual, effective 10/01/2015; incorporates by reference the Utah Home and Community-Based Services Waiver for Technology Dependent, Medically Fragile Individuals Utah Medicaid Provider Manual, effective 10/01/2015; incorporates by reference the Utah Home and Community-Based Waiver Services Medicaid Autism Waiver Utah Medicaid Provider Manual, effective 10/01/2015; incorporates by reference the Office of Inspector General (OIG) Administrative Hearings Procedures Manual, effective 10/01/2015; incorporates by reference the Pharmacy Services Utah Medicaid Provider Manual with its attachments, effective 10/01/2015; incorporates by reference the Coverage and Reimbursement Code Look-up Tool, effective 10/01/2015; incorporates by

reference the CHEC Services Utah Medicaid Provider Manual with its attachments, effective 10/01/2015; incorporates by reference the Chiropractic Medicine Utah Medicaid Provider Manual, effective 10/01/2015; incorporates by reference the Dental, Oral Maxillofacial, and Orthodontia Services Utah Medicaid Provider Manual, effective 10/01/2015; incorporates by reference the General Attachments (All Providers) for the Utah Medicaid Provider Manual, effective 10/01/2015; incorporates by reference the Indian Health Utah Medicaid Provider Manual, effective 10/01/2015; incorporates by reference the Laboratory Services Utah Medicaid Provider Manual with its attachments, effective 10/01/2015; incorporates by reference the Medical Transportation Utah Medicaid Provider Manual, effective 10/01/2015; incorporates by reference the Non-Traditional Medicaid Plan Utah Medicaid Provider Manual with its attachments, effective 10/01/2015; incorporates by reference the Licensed Nurse Practitioner Utah Medicaid Provider Manual, effective 10/01/2015; incorporates by reference the Physical Therapy and Occupational Therapy Services Utah Medicaid Provider Manual, and the manual's attachment for Physical Therapy and Occupational Therapy Decision Tables, effective 10/01/2015; incorporates by reference the Physician Services, Anesthesiology and Laboratory Services Utah Medicaid Provider Manual with its attachments, effective 10/01/2015; incorporates by reference the Podiatric Services Utah Medicaid Provider Manual, effective 10/01/2015; incorporates by reference the Primary Care Network Utah Medicaid Provider Manual with its attachments, effective 10/01/2015; incorporates by reference the Psychology Services Utah Medicaid Provider Manual, effective 10/01/2015; incorporates by reference the Rehabilitative Mental Health and Substance Use Disorder Services Utah Medicaid Provider Manual, effective 10/01/2015; incorporates by reference the Rural Health Clinics and Federally Qualified Health Centers Services Utah Medicaid Provider Manual, effective 10/01/2015; incorporates by reference the School-Based Skills Development Services Utah Medicaid Provider Manual, effective 10/01/2015; incorporates by reference Section I: General Information Utah Medicaid Provider Manual, effective 10/01/2015; incorporates by reference the Targeted Case Management for Individuals with Serious Mental Illness Utah Medicaid Provider Manual, effective 10/01/2015; Targeted Case Management for Early Childhood (Ages 0-4) Utah Medicaid Provider Manual, effective 10/01/2015; Vision Care Services Utah Medicaid Provider Manual, effective 10/01/2015; Women's Services Utah Medicaid Provider Manual, effective 10/01/2015; Medically Complex Children's Waiver Utah Medicaid Provider Manual, effective 10/01/2015; and Autism Spectrum Disorder Related Services for EPSDT Eligible Individuals Utah Medicaid Provider Manual, effective 10/01/2015. (DAR NOTE: A corresponding 120-day (emergency) rule that is effective as of 10/01/2015 is under DAR No. 39781 in this issue, October 15, 2015, of the Utah State Bulletin.)

STATUTORY OR CONSTITUTIONAL AUTHORIZATION FOR THIS RULE: Section 26-1-5 and Section 26-18-3

MATERIALS INCORPORATED BY REFERENCES:

- ◆ Updates Medical Transportation Utah Medicaid Provider Manual, published by Division of Medicaid and Health Financing, 10/01/2015
- ◆ Updates Podiatric Services Utah Medicaid Provider Manual, published by Division of Medicaid and Health Financing, 10/01/2015
- ◆ Updates Coverage and Reimbursement Code Look-up Tool, published by Division of Medicaid and Health Financing, 10/01/2015
- ◆ Updates Indian Health Utah Medicaid Provider Manual, published by Division of Medicaid and Health Financing, 10/01/2015
- ◆ Updates Physical Therapy and Occupational Therapy Services Utah Medicaid Provider Manual, and the manual's attachment for Physical Therapy and Occupational Therapy Decision Tables, published by Division of Medicaid and Health Financing, 10/01/2015
- ◆ Updates Hospital Services Utah Medicaid Provider Manual with attachments, published by Division of Medicaid and Health Financing, 10/01/2015
- ◆ Updates Utah Home and Community-Based Services Waiver for Individuals with Physical Disabilities Utah Medicaid Provider Manual, published by Division of Medicaid and Health Financing, 10/01/2015
- ◆ Updates Utah Medicaid State Plan, published by Centers for Medicare and Medicaid Services, 10/01/2015
- ◆ Updates Physician Services, Anesthesiology and Laboratory Services Utah Medicaid Provider Manual with its attachments, published by Division of Medicaid and Health Financing, 10/01/2015
- ◆ Updates Licensed Nurse Practitioner Utah Medicaid Provider Manual, published by Division of Medicaid and Health Financing, 10/01/2015
- ◆ Updates Laboratory Services Utah Medicaid Provider Manual with its attachments, published by Division of Medicaid and Health Financing, 10/01/2015
- ◆ Updates Utah Home and Community-Based Services Waiver for Technology Dependent, Medically Fragile Individuals Utah Medicaid Provider Manual, published by Division of Medicaid and Health Financing, 10/01/2015
- ◆ Updates Primary Care Network Utah Medicaid Provider Manual with its attachments, published by Division of Medicaid and Health Financing, 10/01/2015
- ◆ Updates School-Based Skills Development Services Utah Medicaid Provider Manual, published by Division of Medicaid and Health Financing, 10/01/2015
- ◆ Adds Medically Complex Children's Waiver Utah Medicaid Provider Manual, published by Division of Medicaid and Health Financing, 10/01/2015
- ◆ Updates Non-Traditional Medicaid Plan Utah Medicaid Provider Manual with its attachments, published by Division of Medicaid and Health Financing, 10/01/2015
- ◆ Adds Autism Spectrum Disorder Related Services for EPSDT Eligible Individuals Utah Medicaid Provider Manual, published by Division of Medicaid and Health Financing, 10/01/2015
- ◆ Updates Dental, Oral Maxillofacial, and Orthodontia Services Utah Medicaid Provider Manual, published by Division of Medicaid and Health Financing, 10/01/2015
- ◆ Updates Speech-Language Pathology and Audiology Services Utah Medicaid Provider Manual, published by Division of Medicaid and Health Financing, 10/01/2015
- ◆ Updates Utah Home and Community-Based Waiver Services for Individuals Age 65 or Older Utah Medicaid Provider Manual, published by Division of Medicaid and Health Financing, 10/01/2015
- ◆ Updates Utah Home and Community-Based Waiver Services New Choices Waiver Utah Medicaid Provider Manual, published by Division of Medicaid and Health Financing, 10/01/2015
- ◆ Updates Vision Care Services Utah Medicaid Provider Manual, published by Division of Medicaid and Health Financing, 10/01/2015
- ◆ Updates Targeted Case Management for Early Childhood (Ages 0-4) Utah Medicaid Provider Manual, published by Division of Medicaid and Health Financing, 10/01/2015
- ◆ Updates Women's Services Utah Medicaid Provider Manual, published by Division of Medicaid and Health Financing, 10/01/2015
- ◆ Updates Medical Supplies Utah Medicaid Provider Manual, and Donor Human Milk Request Form, published by Division of Medicaid and Health Financing, 10/01/2015
- ◆ Updates Utah Home and Community-Based Waiver Services Medicaid Autism Waiver Utah Medicaid Provider Manual, published by Division of Medicaid and Health Financing, 10/01/2015
- ◆ Updates Chiropractic Medicine Utah Medicaid Provider Manual, published by Division of Medicaid and Health Financing, 10/01/2015
- ◆ Updates Psychology Services Utah Medicaid Provider Manual, published by Division of Medicaid and Health Financing, 10/01/2015
- ◆ Updates CHEC Services Utah Medicaid Provider Manual with its attachments, published by Division of Medicaid and Health Financing, 10/01/2015
- ◆ Updates Utah Home and Community-Based Waiver Services for Individuals with an Acquired Brain Injury Utah Medicaid Provider Manual, published by Division of Medicaid and Health Financing, 10/01/2015
- ◆ Updates Rehabilitative Mental Health and Substance Use Disorder Services Utah Medicaid Provider Manual, published by Division of Medicaid and Health Financing, 10/01/2015

- ◆ Updates Hospice Care Utah Medicaid Provider Manual, and Utah Medicaid Prior Authorization Request for Hospice Services, published by Division of Medicaid and Health Financing, 10/01/2015
- ◆ Updates Section I: General Information Utah Medicaid Provider Manual, published by Division of Medicaid and Health Financing, 10/01/2015
- ◆ Updates Personal Care Utah Medicaid Provider Manual, and Request for Prior Authorization: Personal Care and Capitated Programs, published by Division of Medicaid and Health Financing, 10/01/2015
- ◆ Updates Home Health Agencies Utah Medicaid Provider Manual, and the Private Duty Nursing Acuity Grid, published by Division of Medicaid and Health Financing, 10/01/2015
- ◆ Updates Long Term Care Services in Nursing Facilities Utah Medicaid Provider Manual, with attachments, published by Division of Medicaid and Health Financing, 10/01/2015
- ◆ Updates Pharmacy Services Utah Medicaid Provider Manual with its attachments, published by Division of Medicaid and Health Financing, 10/01/2015
- ◆ Updates Office of Inspector General Administrative Hearings Procedures Manual, published by Office of Inspector General of Medicaid Services, 10/01/2015
- ◆ Updates General Attachments (All Providers) for the Utah Medicaid Provider Manual, published by Division of Medicaid and Health Financing, 10/01/2015
- ◆ Updates Targeted Case Management for Individuals with Serious Mental Illness Utah Medicaid Provider Manual, published by Division of Medicaid and Health Financing, 10/01/2015
- ◆ Updates Utah Community Supports Waiver for Individuals with Intellectual Disabilities or Other Related Conditions Utah Medicaid Provider Manual, published by Division of Medicaid and Health Financing, 10/01/2015
- ◆ Updates Rural Health Clinics and Federally Qualified Health Centers Services Utah Medicaid Provider Manual, published by Division of Medicaid and Health Financing, 10/01/2015

ANTICIPATED COST OR SAVINGS TO:

- ◆ **THE STATE BUDGET:** There is no budget impact because this change only fulfills the requirement to incorporate the state plan by reference. Implementation of the state plan is within legislative budget allotments. Further, the rule's incorporation of ongoing Medicaid policy described in the provider manuals and in the Look-up Tool, and hearings procedures described in the OIG manual do not create costs or savings to the department or other state agencies.
- ◆ **LOCAL GOVERNMENTS:** There is no budget impact because this change only fulfills the requirement to incorporate the state plan by reference. Implementation of the state plan is within legislative budget allotments. Further,

the rule's incorporation of ongoing Medicaid policy described in the provider manuals and in the Look-up Tool, and hearings procedures described in the OIG manual do not create costs or savings to local governments.

◆ **SMALL BUSINESSES:** There is no budget impact because this change only fulfills the requirement to incorporate the state plan by reference. Implementation of the state plan is within legislative budget allotments. Further, the rule's incorporation of ongoing Medicaid policy described in the provider manuals and in the Look-up Tool, and hearings procedures described in the OIG manual do not create costs or savings to small businesses.

◆ **PERSONS OTHER THAN SMALL BUSINESSES, BUSINESSES, OR LOCAL GOVERNMENTAL ENTITIES:** There is no budget impact because this change only fulfills the requirement to incorporate the state plan by reference. Implementation of the state plan is within legislative budget allotments. Further, the rule's incorporation of ongoing Medicaid policy described in the provider manuals and in the Look-up Tool, and hearings procedures described in the OIG manual do not create costs or savings to Medicaid recipients and to Medicaid providers.

COMPLIANCE COSTS FOR AFFECTED PERSONS: There are no compliance costs because this change only fulfills the requirement to incorporate the state plan by reference. Implementation of the state plan is within legislative budget allotments. Further, the rule's incorporation of ongoing Medicaid policy described in the provider manuals and in the Look-up Tool, and hearings procedures described in the OIG manual do not create costs or savings to a single Medicaid recipient or to a Medicaid provider.

COMMENTS BY THE DEPARTMENT HEAD ON THE FISCAL IMPACT THE RULE MAY HAVE ON BUSINESSES: There is no additional impact on business because all changes are already in the state plan.

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

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

DIRECT QUESTIONS REGARDING THIS RULE TO:

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

INTERESTED PERSONS MAY PRESENT THEIR VIEWS ON THIS RULE BY SUBMITTING WRITTEN COMMENTS NO LATER THAN AT 5:00 PM ON 11/16/2015

THIS RULE MAY BECOME EFFECTIVE ON: 11/23/2015

AUTHORIZED BY: Joseph Miner, MD, Executive Director

R414. Health, Health Care Financing, Coverage and Reimbursement Policy.

R414-1. Utah Medicaid Program.

R414-1-5. Incorporations by Reference.

The Department incorporates the ~~July~~October 1, 2015, versions of the following by reference:

(1) Utah Medicaid State Plan, including any approved amendments, under Title XIX of the Social Security Act Medical Assistance Program;

(2) Medical Supplies Utah Medicaid Provider Manual, Section 2, Medical Supplies, as applied in Rule R414-70, and the manual's attachment for Donor Human Milk Request Form;

(3) Hospital Services Utah Medicaid Provider Manual with its attachments;

(4) Home Health Agencies Utah Medicaid Provider Manual, and the manual's attachment for the Private Duty Nursing Acuity Grid;

(5) Speech-Language Pathology and Audiology Services Utah Medicaid Provider Manual;

(6) Hospice Care Utah Medicaid Provider Manual, and the manual's attachment for the Utah Medicaid Prior Authorization Request for Hospice Services;

(7) Long Term Care Services in Nursing Facilities Utah Medicaid Provider Manual with its attachments;

(8) Personal Care Utah Medicaid Provider Manual and the manual's attachment for the Request for Prior Authorization: Personal Care and Capitated Programs;

(9) Utah Home and Community-Based Waiver Services for Individuals Age 65 or Older Utah Medicaid Provider Manual;

(10) Utah Home and Community-Based Waiver Services for Individuals with an Acquired Brain Injury Utah Medicaid Provider Manual;

(11) Utah Community Supports Waiver for Individuals with Intellectual Disabilities or Other Related Conditions Utah Medicaid Provider Manual;

(12) Utah Home and Community-Based Services Waiver for Individuals with Physical Disabilities Utah Medicaid Provider Manual;

(13) Utah Home and Community-Based Waiver Services New Choices Waiver Utah Medicaid Provider Manual;

(14) Utah Home and Community-Based Services Waiver for Technology Dependent, Medically Fragile Individuals Utah Medicaid Provider Manual;

(15) Utah Home and Community-Based Waiver Services Medicaid Autism Waiver Utah Medicaid Provider Manual;

(16) Office of Inspector General Administrative Hearings Procedures Manual;

(17) Pharmacy Services Utah Medicaid Provider Manual with its attachments;

(18) Coverage and Reimbursement Code Look-up Tool found at <http://health.utah.gov/medicaid/stplan/lookup/CoverageLookup.php>;

(19) CHEC Services Utah Medicaid Provider Manual with its attachments;

(20) Chiropractic Medicine Utah Medicaid Provider Manual;

(21) Dental, Oral Maxillofacial, and Orthodontia Services Utah Medicaid Provider Manual;

(22) General Attachments (All Providers) for the Utah Medicaid Provider Manual;

(23) Indian Health Utah Medicaid Provider Manual;

(24) Laboratory Services Utah Medicaid Provider Manual with its attachments;

(25) Medical Transportation Utah Medicaid Provider Manual;

(26) Non-Traditional Medicaid Plan Utah Medicaid Provider Manual with its attachments;

(27) Licensed Nurse Practitioner Utah Medicaid Provider Manual;

(28) Physical Therapy and Occupational Therapy Services Utah Medicaid Provider Manual, and the manual's attachment for Physical Therapy and Occupational Therapy Decision Tables;

(29) Physician Services, Anesthesiology and Laboratory Services Utah Medicaid Provider Manual with its attachments;

(30) Podiatric Services Utah Medicaid Provider Manual;

(31) Primary Care Network Utah Medicaid Provider Manual with its attachments;

(32) Psychology Services Utah Medicaid Provider Manual;

(33) Rehabilitative Mental Health and Substance Use Disorder Services Utah Medicaid Provider Manual;

(34) Rural Health Clinics and Federally Qualified Health Centers Services Utah Medicaid Provider Manual;

(35) School-Based Skills Development Services Utah Medicaid Provider Manual;

(36) Section I: General Information Utah Medicaid Provider Manual;

(37) Targeted Case Management for Individuals with Serious Mental Illness Utah Medicaid Provider Manual;

(38) Targeted Case Management for Early Childhood (Ages 0-4) Utah Medicaid Provider Manual;

(39) Vision Care Services Utah Medicaid Provider Manual; ~~and~~

(40) Women's Services Utah Medicaid Provider Manual[-];

(41) Medically Complex Children's Waiver Utah Medicaid Provider Manual; and

(42) Autism Spectrum Disorder Related Services for EPSDT Eligible Individuals Utah Medicaid Provider Manual.

KEY: Medicaid

Date of Enactment or Last Substantive Amendment: ~~September 16,~~ **2015**

Notice of Continuation: **March 2, 2012**

Authorizing, and Implemented or Interpreted Law: **26-1-5; 26-18-3; 26-34-2**

**Health, Health Care Financing,
Coverage And Reimbursement Policy
R414-61-2
Incorporation by Reference**

NOTICE OF PROPOSED RULE

(Amendment)

DAR FILE NO.: 39793

FILED: 09/30/2015

RULE ANALYSIS

PURPOSE OF THE RULE OR REASON FOR THE CHANGE: The purpose of this amendment is to incorporate by reference changes to the New Choices Waiver, Community Supports Waiver, and Aging Waiver effective 07/01/2015; and to incorporate by reference changes to the Medicaid Autism Waiver and Medically Complex Children's Waiver effective 10/01/2015.

SUMMARY OF THE RULE OR CHANGE: This amendment incorporates by reference changes to the New Choices Waiver, Community Supports Waiver, and the Aging Waiver effective 07/01/2015. These changes implement new quality assurance standards that revise all performance measures within these waivers to further safeguard waiver participants. Effective 10/01/2015, this amendment also incorporates by reference changes to the Medicaid Autism Waiver that include the intended phase-out of the program over the five-year renewal period, and incorporates by reference the Medically Complex Children's Waiver effective 10/01/2015. (DAR NOTE: A corresponding 120-day (emergency) rule that is effective as of 10/01/2015 is under DAR No. 39782 in this issue, October 15, 2015, of the Utah State Bulletin.)

STATUTORY OR CONSTITUTIONAL AUTHORIZATION FOR THIS RULE: Section 26-1-5 and Section 26-18-3 and Subsection 1915(c) of the Social Security Act

MATERIALS INCORPORATED BY REFERENCES:

- ◆ Adds Medicaid Autism Waiver, published by Centers for Medicare and Medicaid Services, 10/01/2015
- ◆ Updates Waiver for Individuals Age 65 or Older, published by Centers for Medicare and Medicaid Services, 07/01/2015
- ◆ Updates Community Supports Waiver for Individuals with Intellectual Disabilities and Other Related Conditions, published by Centers for Medicare and Medicaid Services, 07/01/2015
- ◆ Updates New Choices Waiver, published by Centers for Medicare and Medicaid Services, 07/01/2015
- ◆ Adds Medically Complex Children's Waiver, published by Centers for Medicare and Medicaid Services, 10/01/2015

ANTICIPATED COST OR SAVINGS TO:

- ◆ **THE STATE BUDGET:** There is no impact to the state budget because this amendment does not affect the amount of funds the legislature previously appropriated for waiver services during the 2015 General Session.
- ◆ **LOCAL GOVERNMENTS:** There is no impact to local governments because they neither fund nor provide waiver services to Medicaid recipients.

◆ **SMALL BUSINESSES:** There is no impact to small businesses because this amendment does not affect the amount of funds the legislature previously appropriated for waiver services during the 2015 General Session.

◆ **PERSONS OTHER THAN SMALL BUSINESSES, BUSINESSES, OR LOCAL GOVERNMENTAL ENTITIES:** There is no impact to Medicaid providers and to Medicaid recipients because this amendment does not affect the amount of funds the legislature previously appropriated for waiver services during the 2015 General Session.

COMPLIANCE COSTS FOR AFFECTED PERSONS: There are no compliance costs to a single Medicaid provider or to a Medicaid recipient because this amendment does not affect the amount of funds the legislature previously appropriated for waiver services during the 2015 General Session.

COMMENTS BY THE DEPARTMENT HEAD ON THE FISCAL IMPACT THE RULE MAY HAVE ON BUSINESSES: There is no impact to business because the changes do not affect the amount of appropriated funds for these programs.

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

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

DIRECT QUESTIONS REGARDING THIS RULE TO:

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

INTERESTED PERSONS MAY PRESENT THEIR VIEWS ON THIS RULE BY SUBMITTING WRITTEN COMMENTS NO LATER THAN AT 5:00 PM ON 11/16/2015

THIS RULE MAY BECOME EFFECTIVE ON: 11/23/2015

AUTHORIZED BY: Joseph Miner, MD, Executive Director

R414. Health, Health Care Financing, Coverage and Reimbursement Policy.**R414-61. Home and Community-Based Services Waivers.****R414-61-2. Incorporation by Reference.**

The Department incorporates by reference the following home and community-based services waivers:

- (1) Waiver for Technology Dependent/Medically Fragile Individuals, effective July 1, 2013;
- (2) Waiver for Individuals Age 65 or Older, effective July 1, 2015;
- (3) Waiver for Individuals with Acquired Brain Injuries, effective July 1, 2014;

(4) Waiver for Individuals with Physical Disabilities, effective July 1, 2011;

(5) Community Supports Waiver for Individuals with Intellectual Disabilities and Other Related Conditions, effective July 1, 2015;

(6) New Choices Waiver, effective July 1, 2015[-];

(7) Medicaid Autism Waiver, effective October 1, 2015; and

(8) Medically Complex Children's Waiver, effective October 1, 2015.

These documents are available for public inspection during business hours at the Utah Department of Health, Division of Medicaid and Health Financing, located at 288 North 1460 West, Salt Lake City, UT, 84114-3102.

KEY: Medicaid

Date of Enactment or Last Substantive Amendment: [~~September 26, 2014~~2015]

Notice of Continuation: October 30, 2014

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

Health, Center for Health Data, Health
Care Statistics
R428-1
Health Data Plan and Incorporated
Documents

NOTICE OF PROPOSED RULE

(Amendment)

DAR FILE NO.: 39766

FILED: 09/25/2015

RULE ANALYSIS

PURPOSE OF THE RULE OR REASON FOR THE CHANGE: The purpose of this amendment is to update versions of documents incorporated by reference within Rule R428-1; specifically, Utah All-Payer Claims Database (APCD) Data Submission Guide Version 2.0 should be replaced by Utah All-Payer Claims Database Submission Guide Version 2.1, effective for all APCD claims submitted 04/01/2015 to 02/29/2016; and Utah All-Payer Claims Database Submission Guide Version 2.2 should be added, effective for all APCD claims submitted as of 03/01/2016. Clarify data elements and related requirements where needed to make uniform with existing practice.

SUMMARY OF THE RULE OR CHANGE: Update material incorporated by reference to reflect technical requirements expected for compliance with APCD submissions through February 2016 and thereafter. The amendment also makes minor technical edits.

STATUTORY OR CONSTITUTIONAL AUTHORIZATION FOR THIS RULE: Title 26, Chapter 33a

MATERIALS INCORPORATED BY REFERENCES:

- ◆ Adds Utah All-Payer Claims Database Data Submittal Guide, published by Utah Department of Health, 12/15/2015
- ◆ Removes Utah All-Payer Claims Database Data Submission Guide, published by Utah Department of Health, 11/18/2013

ANTICIPATED COST OR SAVINGS TO:

◆ **THE STATE BUDGET:** This rule amendment updates version numbering of technical documents for submissions to Utah's All-Payer Claims Database. The Utah Department of Health determines enactment of the amended version will not create any cost or savings impact to the state budget or UDOH's budget, since the change will not increase workload and can be carried out with existing budget.

◆ **LOCAL GOVERNMENTS:** This filing does not create any direct cost or savings impact to local governments since they are not directly affected by the rule; nor are local governments indirectly impacted because the rule does not create a situation requiring services from local governments.

◆ **SMALL BUSINESSES:** None--Small businesses are not impacted by this rule change, with all potentially impacted having more than 50 employees. As a result, the rule will have no effect on small business budgets for costs or savings.

◆ **PERSONS OTHER THAN SMALL BUSINESSES, BUSINESSES, OR LOCAL GOVERNMENTAL ENTITIES:** Technical changes will not create any cost or savings to businesses, individuals, local governments or persons that are not small businesses.

COMPLIANCE COSTS FOR AFFECTED PERSONS: The most significant change in Version 2.2 is a clarification that submissions from dental stand-alone carriers can now be accepted. Dental stand-alone carriers (DSOs) have always been required to submit data to the APCD, however, the Office has been granting blanket exemptions since our new vendor has not had the capacity to accept these submissions. In the spring of 2015, the Office notified DSOs that the blanket exemption would be eliminated effective 01/01/2016 and began the process of moving DSOs into submission testing, with the goal of completing testing by the end of October 2015. Since this particular rule change is merely a clarification of the existing rule and policy (DSOs are already required to submit data, it does not represent additional compliance costs to the DSOs). Other substantive changes have been identified as relatively minor and necessary to ensure usefulness of the data for required reporting. The agency anticipates that some carriers will need to make programming changes to implement the additional flexibility and clarifications. The estimated cost of those programming changes should be negligible as they are part of normal data quality efforts.

COMMENTS BY THE DEPARTMENT HEAD ON THE FISCAL IMPACT THE RULE MAY HAVE ON BUSINESSES: The proposed amendment impacts business because dental

stand-alone carriers will no longer have a blanket exemption from APCD submission requirements while OCHS's vendor developed capacity to accept submissions from these types of carriers. The vendor now has capacity to accept the submissions.

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

HEALTH
CENTER FOR HEALTH DATA,
HEALTH CARE STATISTICS
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:

◆ Norman Thurston by phone at 801-538-7052, by FAX at 801-237-0787, or by Internet E-mail at nthurston@utah.gov

INTERESTED PERSONS MAY PRESENT THEIR VIEWS ON THIS RULE BY SUBMITTING WRITTEN COMMENTS NO LATER THAN AT 5:00 PM ON 11/16/2015

THIS RULE MAY BECOME EFFECTIVE ON: 11/23/2015

AUTHORIZED BY: Joseph Miner, MD, Executive Director

R428. Health, Center for Health Data, Health Care Statistics.

R428-1. Health Data Plan and Incorporated Documents.

R428-1-1. Legal Authority.

This rule is promulgated in accordance with Title 26, Chapter 33a.

R428-1-2. Purpose.

This rule adopts and incorporates documents related to the collection, analysis, and dissemination of data covered in this title.

R428-1-3. Health Data Plan Adoption.

As required by Section 26-33a-104, the Health Data Committee adopts by rule the health data plan dated October 3, 1991.

R428-1-4. Incorporation by Reference.

The following documents are adopted and incorporated by reference:

- (1) Utah Hospital Inpatient Discharge Data Submittal Manual, Data Element Descriptions and Definitions, Version VI, February 2014
- (2) Utah Ambulatory Surgery Data Submission Manual, Version IV, March 2015
- (3) HEDIS 2014, Volume 3: Specifications for Survey Measures, published by NCQA
- (4) HEDIS 2014, Volume 5: HEDIS Compliance Audit: Standards, Policies, and Procedures, published by NCQA
- (5) Utah All-Payer Claims Database Data Submission Guide Version [2-0]2.1
- (6) Utah All-Payer Claims Database Data Submission Guide Version [2-1]2.2

KEY: health, health policy, health planning

Date of Enactment or Last Substantive Amendment: [~~October 1,~~ 2015

Notice of Continuation: November 21, 2011

Authorizing, and Implemented or Interpreted Law: 26-33a-104

**Health, Center for Health Data, Health
Care Statistics**

R428-2

**Health Data Authority Standards for
Health Data**

NOTICE OF PROPOSED RULE

(Amendment)

DAR FILE NO.: 39767

FILED: 09/25/2015

RULE ANALYSIS

PURPOSE OF THE RULE OR REASON FOR THE CHANGE: The purpose of this amendment is to update language for "Data Submission Guide for Claims Data" in Rule R428-2 by clarifying the effective dates for both technical documents referred to in the Definition.

SUMMARY OF THE RULE OR CHANGE: Propose to add effective dates for documents incorporated by reference in R428-1 relating to the All-Payer Claims Database; specifically to clarify the Data Submittal Guide referenced in Subsection R428-1-4(5) is for data submissions required from 04/01/2015 to 02/29/2016 and the Data Submittal Guide referenced in Subsection R428-1-4(6) is for data submissions beginning 03/01/2016.

STATUTORY OR CONSTITUTIONAL AUTHORIZATION FOR THIS RULE: Title 26, Chapter 33a

ANTICIPATED COST OR SAVINGS TO:

◆ **THE STATE BUDGET:** This rule amendment updates the references of technical documents incorporated by rule for submissions to the All Payer Claims Database. The Utah Department of Health determines enactment of the amended version will not create any cost or savings impact to the state budget or UDOH's budget, since the change will not increase workload and can be carried out with existing budget.

◆ **LOCAL GOVERNMENTS:** This filing does not create any direct cost or savings impact to local governments since they are not directly affected by the rule; nor are local governments indirectly impacted because the rule does not create a situation requiring services from local governments.

◆ **SMALL BUSINESSES:** None--Small businesses are not impacted by this rule change, with all potentially impacted having more than 50 employees. As a result, the rule will have no effect on small business budgets for costs or savings.

◆ PERSONS OTHER THAN SMALL BUSINESSES, BUSINESSES, OR LOCAL GOVERNMENTAL ENTITIES: Technical changes will not create any cost or savings to businesses, individuals, local governments or persons that are not small businesses.

COMPLIANCE COSTS FOR AFFECTED PERSONS: There are no compliance costs for affected persons. The change clarifies one definition and updates effective dates which do not result in compliance costs.

COMMENTS BY THE DEPARTMENT HEAD ON THE FISCAL IMPACT THE RULE MAY HAVE ON BUSINESSES: There is no fiscal impact on business because the rule amendment only clarifies the effective data for the updated technical documents referred to in the rule.

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

HEALTH
CENTER FOR HEALTH DATA,
HEALTH CARE STATISTICS
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:

◆ Norman Thurston by phone at 801-538-7052, by FAX at 801-237-0787, or by Internet E-mail at nthurston@utah.gov

INTERESTED PERSONS MAY PRESENT THEIR VIEWS ON THIS RULE BY SUBMITTING WRITTEN COMMENTS NO LATER THAN AT 5:00 PM ON 11/16/2015

THIS RULE MAY BECOME EFFECTIVE ON: 11/23/2015

AUTHORIZED BY: Joseph Miner, MD, Executive Director

R428. Health, Center for Health Data, Health Care Statistics.

R428-2. Health Data Authority Standards for Health Data.

R428-2-1. Legal Authority.

This rule is promulgated under authority granted by Title 26, Chapter 33a.

R428-2-2. Purpose.

This rule establishes definitions, requirements, and general guidelines relating to the collection, control, use and release of data pursuant to Title 26, Chapter 33a.

R428-2-3. Definitions.

(1) The terms used in this rule are defined in Section 26-33a-102.

(2) In addition, the following definitions apply to all of Title R428:

(a) "Adjudicated claim" means a claim submitted to a carrier for payment where the carrier has made a determination whether the services provided fall under the carrier's benefit.

(b) "Ambulatory surgery data" means the consolidation of complete billing, medical, and personal information describing a patient, the services received, and charges billed for a surgical or diagnostic procedure treatment in an outpatient setting into a data record.

(c) "Ambulatory surgical facility" is defined in Section 26-21-2.

(d) "Carrier" means any of the following Third Party Payors as defined in 26-33a-102(16):

(i) an insurer engaged in the business of health care or dental insurance in the state of Utah, as defined in Section 31A-1-301;

(ii) a business under an administrative services organization or administrative services contract arrangement;

(iii) a third party administrator, as defined in Section 31A-1-301, licensed by the state of Utah that collects premiums or settles claims of residents of the state, for health care insurance policies or health benefit plans, as defined in Section 31A-1-301;

(iv) a governmental plan, as defined in Section 414 (d), Internal Revenue Code, that provides health care benefits;

(v) a program funded or administered by Utah for the provision of health care services, including Medicaid, the Utah Children's Health Insurance Program created under Section 26-40-103, and the medical assistance programs described in Title 26, Chapter 18 or any entity under a contract with the Utah Department of Health to serve clients under such a program;

(vi) a non-electing church plan, as described in Section 410 (d), Internal Revenue Code, that provides health care benefits;

(vii) a licensed professional employer organization as defined in Section 31a-40-102 acting as an administrator of a health care insurance plan;

(viii) a health benefit plan funded by a self-insurance arrangement;

(ix) the Public Employees' Benefit and Insurance Program created in Section 49-20-103;

(x) a pharmacy benefit manager, defined to be a person that provides pharmacy benefit management services as defined in Section 49-20-502 on behalf of any other carrier defined in subsection R428-2-3.

(e) "Claim" means a request or demand on a carrier for payment of a benefit.

(f) "Covered period" means the calendar year on which the data used for calculation of HEDIS measures is based.

(g) "Data element" means the specific information collected and recorded for the purpose of health care and health service delivery. Data elements include information to identify the individual, health care provider, data supplier, service provided, charge for service, payer source, medical diagnosis, and medical treatment.

(h) "Discharge data" means the consolidation of complete billing, medical, and personal information describing a patient, the services received, and charges billed for a single inpatient hospital stay into a discharge data record.

(i) "Electronic media" means a compact disc, digital video disc, external hard drive, or other media where data is stored in digital form.

(j) "Electronic transaction" means to submit data directly via electronic connection from a hospital or ambulatory surgery facility to the Office according to Electronic Data Interchange standards established by the American National Standards Institute's Accredited

Standards Committee, known as the Health Care Transaction Set (837) ASC X 12N.

(k) "Eligible Enrollee" means an enrollee who meets the criteria outlined in the NCQA survey specifications.

(l) "Enrollee" means any individual who has entered into a contract with a carrier for health care or on whose behalf such an arrangement has been made.

(m) "Health care claims data" means information consisting of, or derived directly from, member enrollment, medical claims, and pharmacy claims that this rule requires a carrier to report.

(n) "Health Insurance" has the same meaning as found in Section 31A-1-301.

(o) "HEDIS" means the Healthcare Effectiveness Data and Information Set, a set of standardized performance measures developed by the NCQA.

(p) "HEDIS data" means the complete set of HEDIS measures calculated by the carriers according to NCQA specifications, including a set of required measures and voluntary measures defined by the department, in consultation with the carriers.

(q) "Hospital" means a general acute hospital or specialty hospital as defined in Section 21-21-2 that is licensed under Rule R432.

(r) "Level 1 data element" means a required reportable data element.

(s) "Level 2 data element" means a data element that is reported when the information is available from the patient's hospital record.

(t) "NCQA" means the National Committee for Quality Assurance, a not-for-profit organization committed to evaluating and reporting on the quality of managed care plans.

(u) "Office" means the Office of Health Care Statistics within the Utah Department of Health.

(v) "Order" means an action of the committee that determines the legal rights, duties, privileges, immunities, or other interests of one or more specific persons, but not a class of persons.

(w) "Patient Social Security number" is the social security number of a person receiving health care.

(x) "Performance Measure" means the quantitative, numerical measure of an aspect of the carrier, or its membership in part or in its entirety, or qualitative, descriptive information on the carrier in its entirety as described in HEDIS.

(y) "Public Use Data Set" means a data extract or a subset of a database that is deemed by the Office to not include identifiable data or where the probability of identifying individuals is minimal.

(z) "Report" means a disclosure of data or information collected or produced by the committee or Office, including but not limited to a compilation, study, or analysis designed to meet the needs of specific audiences.

(aa) "Research Data Set" means a data extract or subset of a database intended for use by investigators or researchers for bona fide research purposes that may include identifiable information or where there is more than a minimal probability that the data could be used to identify individuals.

(bb) "Record linkage number" is an irreversible, unique, encrypted number that will replace patient social security number.

(cc) "Sample file" means the data file containing records of selected eligible enrollees drawn by the survey agency from the carrier's sampling frame.

(dd) "Sampling Frame" means the carrier enrollment file as described criteria outlined by the NCQA survey specifications.

(ee) "Submission year" means the year immediately following the covered period.

(ff) "Survey agency" means an independent contractor on contract with the Office of Health Care Statistics.

(gg) "Utah Health Care Performance Measurement Plan" means the plan for data collection and public reporting of health-related measures, adopted by the Utah Health Data Committee to establish a statewide health performance reporting system.

(hh) "Uniform billing form" means the uniform billing form recommended for use by the National Uniform Billing Committee.

(ii) "Submittal Manual for Inpatient Data" means the document referenced in Subsection R428-1-4(1).

(jj) "Submittal Manual for Ambulatory Surgery Data" means the document referenced in Subsection R428-1-4(2).

(kk) "NCQA Survey Specifications" means the document referenced in Subsection R428-1-4(3).

(ll) "NCQA HEDIS Specifications" means the document referenced in Subsection R428-1-4(4).

(mm) "Data Submission Guide for Claims Data" means the document referenced in Subsection R428-1-4(5) for data submissions required from ~~[May 15, 2014]~~ April 1, 2015 to ~~[March 31, 2015]~~ February 29, 2016 and the document referenced in Subsection R428-1-4(6) for data submissions beginning ~~[April 1, 2015]~~ March 1, 2016.

R428-2-4. Technical Assistance.

The Office may provide technical assistance or consultation to a data supplier upon request and resource availability. The consultation shall be to enable a data supplier to submit required data according to Title R428.

R428-2-5. Data Classification and Access.

(1) Data collected by the committee are not public, and as such are exempt from the classification and release requirements specified in Title 63g, Chapter 2, Government Records Access and Management Act.

(2) Any person having access to data collected or produced by the committee or the Office under Title 26, Chapter 33a shall not:

(a) take any action that might provide information to any unauthorized individual or agency;

(b) scan, copy, remove, or review any information to which specific authorization has not been granted;

(c) discuss information with unauthorized persons which could lead to identification of individuals;

(d) give access to any information by sharing passwords or file access codes.

(3) Any person having access to data collected or produced by the committee or the Office under Title 26, Chapter 33a shall:

(a) maintain the data in a safe manner which restricts unauthorized access;

(b) limit use of the data to the purposes for which access is authorized;

(c) report immediately any unauthorized access to the Office or its designated security officer.

(4) A failure to report known violations by others is subject to the same punishment as a personal violation.

(5) The Office shall deny a person access to the facilities, services and data as a consequence of any violation of the responsibilities specified in this section.

R428-2-6. Editing and Validation.

(1) Each data supplier shall review each required record prior to submission. The review shall consist of checks for accuracy, consistency, completeness, and conformity.

(2) The Office may subject submitted data to edit checks. The Office may require the data supplier to correct data failing an edit check as follows:

(a) The Office may, by first class U.S. mail or email, inform the submitting data supplier of any data failing an edit check.

(b) The submitting data supplier shall make necessary corrections and resubmit all corrected data to the Office within 10 business days of the date the Office notified the supplier.

R428-2-7. Error Rates.

The committee may establish and order reporting quality standards based on non-reporting or edit failure rates.

R428-2-8. Data Disclosure.

(1) The committee may disclose data received from data suppliers or data or information derived from this data as specified in Title 26, Chapter 33a.

(2) The Office may prepare reports relating to health care cost, quality, access, health promotion programs, or public health. These actions may be to meet legislative intent or upon request from individuals, government agencies, or private organizations. The Office may create reports in a variety of formats including print or electronic documents, searchable databases, web-sites, or other user-oriented methods for displaying information.

(3) Unless otherwise specified by the committee, the time period for data suppliers and health care providers to prepare a response as required in Subsections 26-33a-107(1) and 26-33a-107(3) shall be 15 business days. If a data supplier fails to respond in the specified time frame, the committee may conclude that the information is correct and suitable for release.

(4) The committee may note in a report that accurate appraisal of a certain category or entity cannot be presented because of a failure to comply with the committee's request for data, edit corrections, or data validation.

(5) The Office may release to the data supplier or its designee any data elements provided by the supplier without notification when a data supplier requests the data be so supplied.

(6) The committee may disclose data in computer readable formats.

(7) The Director of the Office may approve the disclosure of a public use data set upon receipt of a written request that includes the following:

(a) the name, address, e-mail and telephone number of the requester;

(b) a statement of the purpose for which the data will be used;

(c) agreement to other terms and conditions as deemed necessary by the Office.

(8) The committee may approve the release of a research data set to an institution, association or organization for bona fide

research of health care cost, quality, access, health promotion programs, or public health issues. The requester must provide:

(a) the name, address, e-mail and telephone number of the requester and for each person who will have access to the research data set;

(b) a statement of the purpose for which the research data set will be used;

(c) the starting and ending dates for which the research data set is requested;

(d) an explanation of why a public use data set could not be used for to accomplish the stated research purposes, including a separate justification for each element containing identified data requested;

(e) evidence of the integrity and ability to safeguard the data from any breach of confidentiality;

(f) evidence of competency to effectively use the data in the manner proposed;

(g) a satisfactory review from an Office-approved institutional review board;

(h) a guarantee that no further disclosure will occur without prior approval of the Office;

(i) a signed agreement to comply with other terms and conditions as stipulated by the committee.

R428-2-9. Penalties.

(1) The Office may apply civil penalties or subject violators to legal prosecution.

(2) Sections 26-23-6 and 26-33a-110 specify civil and criminal penalties for failure to comply with the requirements of Title R428 or Title 26, Chapter 33a.

(3) Notwithstanding Subsection R428-2-9(2), any person that violates any provision of Title R428 may be assessed an administrative civil money penalty not to exceed \$3,000 upon an administrative finding of a first violation and up to \$5,000 for a subsequent similar violation within two years. A person may also be subject to penalties imposed by a civil or criminal court, which may not exceed \$5,000 or a class B misdemeanor for the first violation and a class A misdemeanor for any subsequent similar violation within two years.

(4) Notwithstanding Subsection R428-2-9(2) and R428-2-9(3), a data supplier that violates any provision of Title R428 may be assessed an administrative civil money penalty for each day of non-compliance. Fines may be imposed as follows:

(a) Not to exceed the sum of \$10,000 per violation

(b) Each day of violation is a separate violation

(c) Deadlines established in separate sections of Title R428 are considered as separate provisions.

(5) The Office may impose a fine on any data supplier that misses a deadline to submit data required in Title R428 as follows:

(a) A fine of \$250 per violation shall be imposed until the data has been supplied as required

(b) The fines shall increase to \$500 per violation for each violation when any data supplier that is currently in violation misses another deadline

(c) After forty-five consecutive calendar days of violation, the Office may adjust the per day penalty subject to the limits in (4)(a) taking into account the following aggravating and mitigating circumstances:

- (i) Prior violation history and history of compliance
- (ii) Good faith efforts to prevent violations
- (iii) The size and financial capability of the data supplier.

R428-2-10. Exemptions and Extensions.

(1) The committee may grant exemptions or extensions from reporting requirements in Title R428 to data suppliers under certain circumstances.

(2) The committee may grant an exemption to a data supplier when the supplier demonstrates that compliance imposes an unreasonable cost.

(a) A data supplier may request an exemption from any particular requirement or set of requirements of Title R428. The data supplier must submit a request for exemption no less than 30 calendar days before the date the supplier would have to comply with the requirement.

(b) The committee may grant an exemption for a maximum of one calendar year. A data supplier wishing an additional exemption must submit an additional, separate request.

(3) The committee may grant an extension to a data supplier when the supplier demonstrates that technical or unforeseen difficulties prevent compliance.

(a) A data supplier may request an extension for any deadline required in Title R428. For each deadline for which the data supplier requests an extension, the data supplier must submit its request no less than seven calendar days before the deadline in question.

(b) The committee may grant an extension for a maximum of 30 calendar days. A data supplier wishing an additional extension must submit an additional, separate request.

(4) The supplier requesting an extension or exemption shall include:

- (a) The data supplier's name, mailing address, telephone number, and contact person;
- (b) the dates the exemption or extension is to start and end;
- (c) a description of the relief sought, including reference to specific sections or language of the requirement;
- (d) a statement of facts, reasons, or legal authority in support of the request; and
- (e) a proposed alternative to the requirement or deadline.

(5) A carrier that covers fewer than 2,500 individual Utah residents as of January 1 of a given year is exempt from all requirements of this title except that once a carrier has covered a cumulative total of 2,500 such individuals during a calendar year, they are no longer considered exempt for the remainder of that year.

R428-2-11. Contractor Liability.

(1) A data supplier may contract with another entity to submit required data elements on their behalf under Title R428. In such cases, the data supplier must notify the Office of the identity and contact information of the contractor.

(2) Regardless of the existence of a contractor, the responsibility for complying with all requirements of Title R428 remains solely with the data supplier.

KEY: health, health policy, health planning

Date of Enactment or Last Substantive Amendment: [July 30,] 2015

Notice of Continuation: November 30, 2011

Authorizing, and Implemented or Interpreted Law: 26-33a-104

**Health, Center for Health Data, Health
Care Statistics
R428-12**

**Health Data Authority Survey of
Enrollees in Health Plans**

**NOTICE OF PROPOSED RULE
(Amendment)**

DAR FILE NO.: 39768

FILED: 09/25/2015

RULE ANALYSIS

PURPOSE OF THE RULE OR REASON FOR THE CHANGE: The purpose of this amendment is to clarify submission requirements for satisfaction data and the creation of appropriate sampling frames reflecting current business practice. Also perform nonsubstantive format editing where needed.

SUMMARY OF THE RULE OR CHANGE: Update language in Rule R428-12 to clarify existing processes for data submissions and sampling frames including mandatory deadlines for carrier submissions as specified by January 1st and July 1st of each calendar year.

STATUTORY OR CONSTITUTIONAL AUTHORIZATION FOR THIS RULE: Title 26, Chapter 33a

ANTICIPATED COST OR SAVINGS TO:

♦ **THE STATE BUDGET:** This rule amendment updates language in Rule R428-12 which outlines specific processes for collecting enrollee satisfaction data from Utah carriers that are needed to promote informed consumer choice in plan selection and measure the quality of care provided to enrollees of Utah carriers. The Utah Department of Health determines enactment of the amended version will not create any cost or savings impact to the state budget or UDOH's budget, since the change will not increase workload and can be carried out with existing budget.

♦ **LOCAL GOVERNMENTS:** This filing does not create any direct cost or savings impact to local governments since they are not directly affected by the rule; nor are local governments indirectly impacted because the rule does not create a situation requiring services from local governments.

♦ **SMALL BUSINESSES:** None--Small businesses are not impacted by this rule change, with all potentially impacted having more than 50 employees. As a result, the rule will have no effect on small business budgets for costs or savings.

◆ PERSONS OTHER THAN SMALL BUSINESSES, BUSINESSES, OR LOCAL GOVERNMENTAL ENTITIES: Technical changes will not create any cost or savings to businesses, individuals, local governments or persons that are not small businesses.

COMPLIANCE COSTS FOR AFFECTED PERSONS: As stated earlier, these changes are being made to align with existing business practice; therefore, no compliance costs are expected.

COMMENTS BY THE DEPARTMENT HEAD ON THE FISCAL IMPACT THE RULE MAY HAVE ON BUSINESSES: There is no fiscal impact on business because the amendment aligns the procedures set out in the rule with existing business practices.

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

HEALTH
 CENTER FOR HEALTH DATA,
 HEALTH CARE STATISTICS
 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:

◆ Norman Thurston by phone at 801-538-7052, by FAX at 801-237-0787, or by Internet E-mail at nthurston@utah.gov

INTERESTED PERSONS MAY PRESENT THEIR VIEWS ON THIS RULE BY SUBMITTING WRITTEN COMMENTS NO LATER THAN AT 5:00 PM ON 11/16/2015

THIS RULE MAY BECOME EFFECTIVE ON: 11/23/2015

AUTHORIZED BY: Joseph Miner, MD, Executive Director

R428. Health, Center for Health Data, Health Care Statistics.
R428-12. Health Data Authority Survey of Enrollees in Health Plans.

R428-12-1. Legal Authority.
 This rule is promulgated under authority granted by Title 26, Chapter 33a and in accordance with the Utah Health Plan Performance Measurement Plan.

R428-12-2. Purpose.
 This rule establishes the process for the collection of enrollee satisfaction data from Utah carriers that are needed to promote informed consumer choice in plan selection and measure the quality of care provided to enrollees of Utah carriers.

R428-12-3. ~~[Creating the Sampling Fram]~~Submission of Satisfaction Data.

~~[(1)]~~ The sources for enrollment data are Utah carriers. Each carrier shall include in the sampling frame all eligible enrollees.

~~[(2)]~~ Each carrier shall create the sampling frame according to the criteria outlined in the NCQA Survey Specifications.

~~[(3)]~~ The sampling frame and procedures used by the reporting carrier are subject to audit by the Office of Health Care Statistics.

[(1)] Each carrier shall compile and submit enrollee satisfaction (Consumer Assessment of Healthcare Providers and Systems survey or CAHPS) data to the Office according to this rule.

[(2)] By January 1 of each year, each carrier shall submit to the Office a plan for creating and providing CAHPS data for the preceding calendar year. For each required survey, the plan must clearly indicate whether the carrier will use the Office's contracted vendor or whether the carrier will contract with a survey agency on their own.

[(3)] By July 1 of each year, each carrier shall submit to the Office CAHPS data for the preceding calendar year.

R428-12-4. Sampling Frame Submission.

[(1)] The sources for enrollment data are Utah carriers. Each carrier shall include in the sampling frame all eligible enrollees.

[(2)] Each carrier shall create the sampling frame according to the criteria outlined in the NCQA Survey Specifications.

[(3)] The sampling frame and procedures used by the reporting carrier are subject to audit by the Office of Health Care Statistics.

[(4)] The carrier shall copy the sampling frame using an electronic medium acceptable to the survey agency and then send to the survey agency.

[(5)] The carrier shall fill out the "Sample Description" sheet to be provided by the survey agency and send it with the electronic sample file. Each carrier shall submit to the survey agency the sampling frame for each of its products no later than four weeks after the receipt of the sampling memo from the survey agency.

R428-12-5. Administration of Survey.

Each year, the Utah Department of Health, in consultation with carriers, will determine the target survey population and the scope of the survey.

KEY: health maintenance organization, performance measurement, health care quality, preferred provider organization
Date of Enactment or Last Substantive Amendment: ~~August 5, 2014~~2015

Notice of Continuation: November 30, 2011
Authorizing, and Implemented or Interpreted Law: 26-33a-104; 26-33a-108

Health, Center for Health Data, Vital
 Records and Statistics
R436-18
 Adoption Program Procedures, Form
 Content, and Donations

NOTICE OF PROPOSED RULE

(New Rule)

DAR FILE NO.: 39798

FILED: 10/01/2015

RULE ANALYSIS

PURPOSE OF THE RULE OR REASON FOR THE CHANGE: The legislature passed S.B. 77 during the 2015 General Session. S.B. 77 amended Subsection 26-2-10(5) to authorize the Utah Department of Health to make rules establishing procedures and form content related to adoption records. This rule filing establishes the necessary procedures and form content.

SUMMARY OF THE RULE OR CHANGE: The amendments establish procedures and form content related to: 1) a birth parent's election to permit identifying information about the birth parent to made available; 2) the release of information by the mutual consent, voluntary adoption registry; and 3) collecting of fees and donations to help cover the cost of funding operations of and improvements to the adoption records system.

STATUTORY OR CONSTITUTIONAL AUTHORIZATION FOR THIS RULE: Title 26, Chapter 2

ANTICIPATED COST OR SAVINGS TO:

◆ **THE STATE BUDGET:** The rule only establishes general procedures and form content related to adoption records. All cost impact to the state budget for enforcing the rule is due to statutory amendments and was covered in the fiscal note completed for S.B. 77 (2015). The revenue from fees collected for submitting and accessing adoption information are anticipated to cover the cost of the increased workload and system upgrade.

◆ **LOCAL GOVERNMENTS:** The rule only applies to adoption record services provided by the Utah Office of Vital Records and Statistics. Local governments are not impacted.

◆ **SMALL BUSINESSES:** The rule only applies to adoption record services provided by the Utah Office of Vital Records and Statistics. Small businesses are not impacted.

◆ **PERSONS OTHER THAN SMALL BUSINESSES, BUSINESSES, OR LOCAL GOVERNMENTAL ENTITIES:** The rule only applies to adoption record services provided by the Utah Office of Vital Records and Statistics. Although adoption agencies may be impacted when they help adult adoptees and birth parents or siblings complete application forms, the rule will not likely have cost or saving impact on them. Businesses, individuals, local governments, and persons that are not small businesses are not expected to experience cost or saving impact.

COMPLIANCE COSTS FOR AFFECTED PERSONS: The rule only applies to adoption record services provided by the Utah Office of Vital Records and Statistics. Adult adoptees, birth mothers, and birth siblings who apply for access to adoption records will be impacted by this rule because it establishes general procedures and form content related to

adoption records. The procedures and form content set forth in this rule benefit these individuals in their effort to share information or become reunited with an adult adoptee or birth family.

COMMENTS BY THE DEPARTMENT HEAD ON THE FISCAL IMPACT THE RULE MAY HAVE ON BUSINESSES: No effect on business because it does not materially modify current operations.

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

HEALTH
 CENTER FOR HEALTH DATA,
 VITAL RECORDS AND STATISTICS
 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:

◆ Marissa Sowards by phone at 801-538-9499, or by Internet E-mail at msowards@utah.gov

INTERESTED PERSONS MAY PRESENT THEIR VIEWS ON THIS RULE BY SUBMITTING WRITTEN COMMENTS NO LATER THAN AT 5:00 PM ON 11/16/2015

THIS RULE MAY BECOME EFFECTIVE ON: 11/23/2015

AUTHORIZED BY: Joseph Miner, MD, Executive Director

R436. Health, Center for Health Data and Informatics, Vital Records and Statistics.

R436-18. Adoption Program Procedures, Form Content, and Donations.

R436-18-1. Adoption Program Procedures, Form Content, and Donations.

(1) In accordance with Section 26-2-22, a birth parent electing to permit identifying information to be shared with an adult adoptee under Section 78B-6-141 shall complete a form provided by the office. The form shall request the following information:

- (a) birth parent name;
- (b) birth parent contact information;
- (c) birth parent medical history;
- (d) adult adoptee birth name;
- (e) adult adoptee birth date;
- (f) adult adoptee birth place and hospital;
- (g) name of adoption agency that handled the adoption;
- (h) a statement indicating if the birth parent is willing to allow birth parent's identity to be shared with an adult adoptee; and
- (i) any additional information through which the birth parent or adult adoptee may be identified.

(2) In accordance with Section 26-2-22, an adult adoptee electing to obtain identifying information about a birth parent shall complete a form provided by the office. The form shall request the following information:

(a) adult adoptee name;
(b) adult adoptee contact information;
(c) adult adoptee birth name;
(d) adult adoptive name;
(e) adult adoptee current name;
(f) adult adoptee birth date;
(g) adult adoptee birth place and hospital;
(h) names of adoptive parents;
(i) name of adoption agency that handled the adoption;
(j) birth mother current name;
(k) birth mother maiden name;
(l) birth father name; and
(m) any additional information by which the birth parent or adult adoptee may be identified.

(3) When a birth parent elects to permit identifying information to be shared with an adult adoptee under Section 78B-6-141, the birth parent may choose to not be identified.

(4) When an adult adoptee obtains identifying information about adult adoptee's birth parent from the office under Section 78B-6-141, the adult adoptee may choose to not contact the birth parent.

(5) In accordance with Subsection 78B-6-141(3), to change an election or elect to make other information available for inspection by an adult adoptee, a birth parent shall submit a form provided by the office. The form shall request the following information:

(a) birth parent name;
(b) birth parent contact information;
(c) indication of whether the birth parent is requesting to change their election or electing to make additional information available for inspection by the adult adoptee; and
(d) if the birth parent is electing to make other information available for inspection by the adult adoptee, a description of the information.

(6) In accordance with Section 26-2-22, the release of information by the mutual-consent, voluntary adoption registry under Section 78B-6-144 is initiated by qualified applicants completing an Application for Inclusion in the Utah Mutual Consent Voluntary Adoption Registry. The application shall request the following information:

(a) applicant name and relationship to adult adoptee;
(b) applicant contact information;
(c) adult adoptee birth name;
(d) adult adoptee birth date;
(e) adult adoptee birth place and hospital;
(f) birth mother current name and maiden name;
(g) birth father name;
(h) birth parent medical history;
(i) name of adoption agency that handled the adoption;
(j) adult sibling name and contact information, if applicable;

(k) a statement that the applicant consents to be identified to other applicants who are matched as birth family members; and
(l) any additional information by which the birth parent, adult adoptee, or adult sibling may be identified.

(7) In accordance with Section 78B-6-144.5, donations to support adoption records access services may be made by completing a form provided by the office.

KEY: adoptions

Date of Enactment or Last Substantive Amendment: 2015
Authorizing, and Implemented or Interpreted Law: 26-2

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.: 39764
 FILED: 09/23/2015

RULE ANALYSIS

PURPOSE OF THE RULE OR REASON FOR THE CHANGE: The purpose of this rule modification is to bring the rule in line with current statute and practice.

SUMMARY OF THE RULE OR CHANGE: This rule change is intended to clarify the services offered by Child and Family Services, as well to adopt federal requirements applicable to Titles IV-B and IV-E of the Social Security Act.

STATUTORY OR CONSTITUTIONAL AUTHORIZATION FOR THIS RULE: Section 62A-4a-102 and Section 62A-4a-105

MATERIALS INCORPORATED BY REFERENCES:

- ◆ Adds 42 CFR 7 Sections 621, 622, 623, 624, 626, 627, 629, 629a, 629b, 629c, 629d, 629e, 629f, 629g, 629i, 670, 671, 672, 673, 673a, 673b, 674, 675, 675a, 676, 677, 679b, published by U.S. Code Online via Government Printing Office Access, 09/29/2014
- ◆ Adds Pub. Law No. 113-183, published by Government Printing Office, 09/29/2014
- ◆ Adds 45 CFR Part 1355, published by U.S. Code Online via Government Printing Office Access, 01/06/2012
- ◆ Adds 45 CFR Part 1356, published by U.S. Code Online via Government Printing Office Access, 01/06/2012
- ◆ Adds 45 CFR Part 1357, published by U.S. Code Online via Government Printing Office Access, 01/06/2012

ANTICIPATED COST OR SAVINGS TO:

- ◆ **THE STATE BUDGET:** There will be no increase in cost or savings to the state budget because these proposed changes

do not increase workload that would require additional staff or other costs.

◆ LOCAL GOVERNMENTS: Local governments have no responsibility for services offered by Child and Family Services and are therefore not affected by this rule; thus, it will have no fiscal impact.

◆ SMALL BUSINESSES: Small businesses have no responsibility for services offered by Child and Family Services and are therefore not affected by this rule; thus, it will have no fiscal impact.

◆ PERSONS OTHER THAN SMALL BUSINESSES, BUSINESSES, OR LOCAL GOVERNMENTAL ENTITIES: There is no expected fiscal impact for "persons other than small businesses, businesses, or local government entities" because funding requests for services offered by Child and Family Services come out of already-existing budgets.

COMPLIANCE COSTS FOR AFFECTED PERSONS: Child and Family Services determined that there will be no compliance costs for affected persons because there are no specific costs involved with the changes being made to this rule.

COMMENTS BY THE DEPARTMENT HEAD ON THE FISCAL IMPACT THE RULE MAY HAVE ON BUSINESSES: This rule will have no fiscal impact on businesses.

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

HUMAN SERVICES
CHILD AND FAMILY SERVICES
195 N 1950 W
SALT LAKE CITY, UT 84116
or at the Division of Administrative Rules.

DIRECT QUESTIONS REGARDING THIS RULE TO:

◆ Carol Miller by phone at 801-557-1772, by FAX at 801-538-3993, or by Internet E-mail at carolmiller@utah.gov
◆ Julene Robbins by phone at 801-538-4521, by FAX at 801-538-3942, or by Internet E-mail at jhonesrobbins@utah.gov

INTERESTED PERSONS MAY PRESENT THEIR VIEWS ON THIS RULE BY SUBMITTING WRITTEN COMMENTS NO LATER THAN AT 5:00 PM ON 11/16/2015

THIS RULE MAY BECOME EFFECTIVE ON: 11/23/2015

AUTHORIZED BY: Brent Platt, Director

R512. 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.

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) 42 USC 620, 621, 622, 623, 624, 625, 626, 629, 629a, 629b, 629c, 629d, 629e as amended by Public Law 110-351 (October 7, 2008), incorporated by reference; and~~

~~_____ (b) 45 CFR Parts 1355 and 1357 as updated through October 1, 2009, incorporated by reference.~~

] (a) 42 USC 621, 622, 623, 624, 626, 627, 629, 629a, 629b, 629c, 629d, 629e, 629f, 629g, 629i, as amended by Public Law 113-183 (September 29, 2014), incorporated by reference; and

(b) 45 CFR Parts 1355 and 1357, as updated on January 6, 2012, incorporated by reference.

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

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

[~~_____ (a) 42 USC 670, 671, 672, 673, 674, 675, 676, 677, and 679, as amended by Public Law 110-351 (October 7, 2008), incorporated by reference; and~~

~~_____ (b) 45 CFR Part 1356, as updated through October 1, 2009, incorporated by reference.~~

] (a) 42 USC 670, 671, 672, 673, 673a, 673b, 674, 675, 675a, 676, 677, 679b, as amended by Public Law 113-183 (September 29, 2014), incorporated by reference; and

(b) 45 CFR Part 1356, as updated on January 6, 2012, incorporated by reference.

KEY: child welfare, foster care, adoption, eligibility
Date of Enactment or Last Substantive Amendment: [September 15, 2010]2015

Notice of Continuation: March 5, 2012

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

**Human Services, Juvenile Justice
Services
R547-11
Guidelines for the Transfer to the
Department of Corrections of a Youthful
Prisoner Provisionally Housed in a
Juvenile Justice Services Secure Care
Facility**

NOTICE OF PROPOSED RULE

(New Rule)

DAR FILE NO.: 39759

FILED: 09/21/2015

RULE ANALYSIS

PURPOSE OF THE RULE OR REASON FOR THE CHANGE: In response to S.B. 167 from the 2015 General Session, the agency is required to adopt procedures by rule in regards to the transfer of youthful prisoners.

SUMMARY OF THE RULE OR CHANGE: This rule establishes guidelines for the transfer of a youthful prisoner to the Department of Corrections provisionally housed in a Juvenile Justice Services secure care facility.

STATUTORY OR CONSTITUTIONAL AUTHORIZATION FOR THIS RULE: Section 62A-1-111 and Section 78A-6-705 and Title 63G, Chapter 3

ANTICIPATED COST OR SAVINGS TO:

◆ **THE STATE BUDGET:** Enactment of this bill could cost the Division of Juvenile Justice Services \$853,200 ongoing from the General Fund for additional serious youth offender placements beginning in FY2016 accompanied by an additional \$3,700 in associated costs funded with federal funds. Enactment of the bill will also cost the courts \$57,600 ongoing General Fund for the appointment of counsel in all cases involving a Class A misdemeanor or felony beginning in FY 2016. The Department of Human Services currently has sufficient capacity in its Juvenile Justice Services secure care facilities and associated staff to absorb \$853,200 of the General Fund cost in FY 2016.

◆ **LOCAL GOVERNMENTS:** None--This rule involves youths in state custody and these services are not provided by local government agencies.

◆ **SMALL BUSINESSES:** None--Corrections is a function of state government and not the private sector.

◆ **PERSONS OTHER THAN SMALL BUSINESSES, BUSINESSES, OR LOCAL GOVERNMENTAL ENTITIES:** None--The expenses for youthful prisoners are the responsibility of the state.

COMPLIANCE COSTS FOR AFFECTED PERSONS: None--Youthful prisoners do not bear the cost of their incarceration or treatment.

COMMENTS BY THE DEPARTMENT HEAD ON THE FISCAL IMPACT THE RULE MAY HAVE ON BUSINESSES: DJJS did not pursue an additional appropriation for this change because they projected their secure care population would decline and allow for the costs to be absorbed within the existing appropriation.

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

HUMAN SERVICES
JUVENILE JUSTICE SERVICES
195 N 1950 W
SALT LAKE CITY, UT 84116
or at the Division of Administrative Rules.

DIRECT QUESTIONS REGARDING THIS RULE TO:

◆ Janene Parry by phone at 801-538-4413, by FAX at 801-538-4334, or by Internet E-mail at jclarsen@utah.gov
◆ Judy Hammer by phone at 801-538-4098, by FAX at 801-538-4334, or by Internet E-mail at judyhammer@utah.gov
◆ Julene Robbins by phone at 801-538-4521, by FAX at 801-538-3942, or by Internet E-mail at jhjonesrobbins@utah.gov

INTERESTED PERSONS MAY PRESENT THEIR VIEWS ON THIS RULE BY SUBMITTING WRITTEN COMMENTS NO LATER THAN AT 5:00 PM ON 11/16/2015

THIS RULE MAY BECOME EFFECTIVE ON: 02/12/2016

AUTHORIZED BY: Susan Burke, Director

R547. Human Services, Juvenile Justice Services.**R547-11. Guidelines for the Transfer to the Department of Corrections of a Youthful Prisoner Provisionally Housed in a Juvenile Justice Services Secure Care Facility.****R547-11-1. Authority.**

Section 62A-1-111 authorizes the Department of Human Services to adopt administrative rules. Section 78A-6-705 directs the Division of Juvenile Justice Services to adopt by administrative rule procedures for the transfer of a minor.

R547-11-2. Purpose and Scope.

Pursuant to Title 63G, Chapter 3, Utah Administrative Rulemaking Act, this rule establishes guidelines for the transfer, to the physical custody of the Utah Department of Corrections, of a youthful prisoner who has previously been provisionally housed in a Division of Juvenile Justice Services ("Division") secure care facility, with transfer to occur when

(1) The prisoner reaches 18 years of age while in a Division facility;

(2) Continuing to house the youthful prisoner in a Division facility presents unreasonable risk to others; or

(3) Continuing to house the youthful prisoner in a Division facility is determined not to be in the best interest of the prisoner.

R547-11-3. Definitions.

(1) Youthful Prisoner: a person age 14 or over and under the age of 18 who has been convicted in District Court and sentenced to prison.

(2) Facility: a long-term secure care facility for juveniles operated by the Utah Division of Juvenile Justice Services.

R547-11-4. General Rules.

(1) The Division must transfer to the custody of the Department of Corrections a youthful prisoner who has reached the age of 18 while provisionally housed in a Division facility (and has not been paroled or otherwise released from incarceration). The Division must complete such transfer as soon as reasonably possible, but not later than six months after the prisoner reaches age 18.

(2) The Division may transfer to the custody of the Utah Department of Corrections a youthful prisoner who has been provisionally housed in a Division facility, if:

(a) Continuing to house the prisoner in a Division facility presents an unreasonable risk to others in the facility, as demonstrated by any of the following behaviors of the prisoner:

(i) Physically assaulting other residents or other persons in the facility;

(ii) Planning, coercing or leading physical assaults committed by other residents in the facility;

(iii) Persistently engaging in behavior that is disruptive to rehabilitative efforts within the facility;

(iv) Engaging in a pattern of behaviors which creates danger for other persons; or,

(b) Continuing to house the youthful prisoner in a Division facility is not in the best interests of the youthful prisoner, including, but not limited to, circumstances in which the youthful prisoner:

(i) has exhausted treatment resources available within the facility;

(ii) has failed to show progress in reducing criminogenic behaviors;

(iii) is found to not be amenable to treatment available within the facility; or

(iv) would be better served by the resources available if transferred to the custody of the Utah Department of Corrections.

KEY: juveniles, juvenile corrections, juvenile transportation, youthful prisoners

Date of Enactment or Last Substantive Amendment: 2015

Authorizing, and Implemented or Interpreted Law: 62A-1-111; 63G-3; 78A-6-705

**Insurance, Title and Escrow
Commission
R592-2**

**Title Insurance Administrative Hearings
and Penalty Imposition**

NOTICE OF PROPOSED RULE

(Repeal)

DAR FILE NO.: 39801

FILED: 10/01/2015

RULE ANALYSIS

PURPOSE OF THE RULE OR REASON FOR THE CHANGE: This rule dealt exclusively with the procedures the Title and Escrow Commission needed to follow in imposing a penalty. Based on a statutory change, the Title and Escrow Commission no longer has authority to impose penalties. The department consulted with the commission and the attorney general's office, and based on the statutory changes in S.B. 143 passed during the 2015 General Session, concluded that the best course of action is to repeal the rule in its entirety as it is no longer relevant.

SUMMARY OF THE RULE OR CHANGE: The rule is no longer necessary based on statutory changes in S.B. 143 (2015). This rule dealt exclusively with the procedures the Title and Escrow Commission needed to follow in imposing a penalty. Based on a statutory change, the Title and Escrow Commission no longer has authority to impose penalties. It is repealed as a result.

STATUTORY OR CONSTITUTIONAL AUTHORIZATION FOR THIS RULE: Section 31A-2-404

ANTICIPATED COST OR SAVINGS TO:

◆ THE STATE BUDGET: There will be no cost or savings to the state budget. The rule merely governs the procedures the commission must follow when imposing a penalty. The authority of the commission to impose a penalty was removed in S.B. 143 (2015).

◆ LOCAL GOVERNMENTS: There will be no cost or savings to local government. The rule merely governs the procedures the commission must follow when imposing a penalty. The authority of the commission to impose a penalty was removed in S.B. 143 (2015).

◆ SMALL BUSINESSES: There will be no cost or savings to small businesses. The rule merely governs the procedures the commission must follow when imposing a penalty. The authority of the commission to impose a penalty was removed in S.B. 143 (2015).

◆ PERSONS OTHER THAN SMALL BUSINESSES, BUSINESSES, OR LOCAL GOVERNMENTAL ENTITIES: There will be no cost or savings to any other persons. The rule merely governs the procedures the commission must follow when imposing a penalty. The authority of the commission to impose a penalty was removed in S.B. 143 (2015).

COMPLIANCE COSTS FOR AFFECTED PERSONS: There are no compliance costs for affected persons. The rule merely governs the procedures the commission must follow when imposing a penalty. The authority of the commission to impose a penalty was removed in S.B. 143 (2015). The Insurance Commissioner retains exclusive authority to impose penalties.

COMMENTS BY THE DEPARTMENT HEAD ON THE FISCAL IMPACT THE RULE MAY HAVE ON BUSINESSES: I do not anticipate any fiscal impact on state, or local government or small business. I retain exclusive authority to issue penalties in title insurance matters, which was removed from the authority granted the Title and Escrow Commission by S.B. 143 (2015).

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

INSURANCE
TITLE AND ESCROW COMMISSION
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:
 ♦ Steve Gooch by phone at 801-538-3803, by FAX at 801-538-3829, or by Internet E-mail at sgooch@utah.gov

INTERESTED PERSONS MAY PRESENT THEIR VIEWS ON THIS RULE BY SUBMITTING WRITTEN COMMENTS NO LATER THAN AT 5:00 PM ON 11/16/2015

THIS RULE MAY BECOME EFFECTIVE ON: 11/23/2015

AUTHORIZED BY: Steve Gooch, Information Specialist

R592. Insurance, Title and Escrow Commission.

~~**[R592-2. Title Insurance Administrative Hearings and Penalty Imposition:**~~

~~**R592-2-1. Authority:**~~

~~This rule is promulgated pursuant to Subsections 31A-2-404(2)(c) and (h), to provide the process for conducting or delegating a title administrative hearing and imposing a penalty for a violation of statute or rule.~~

~~**R592-2-2. Purpose and Scope:**~~

- ~~(1) The purposes of this rule are:

 - ~~(a) to establish procedures for the commission;~~
 - ~~(i) to delegate to the commissioner's administrative law judge the conduct of an administrative hearing to resolve a title insurance matter; or~~
 - ~~(ii) to conduct an administrative hearing to resolve a title insurance matter; and~~
 - ~~(b) to establish procedures for the commission,

 - ~~(i) to impose penalties; and~~
 - ~~(ii) for the commissioner to concur with the penalties imposed.~~~~~~
- ~~(2) This rule applies to all title licensees, applicants for a title insurance license, unlicensed persons doing the business of title insurance, and continuing education providers submitting title continuing education programs for approval.~~

~~**R592-2-3. Definitions:**~~

~~For purposes of this rule, the commission adopts the definitions set forth in Utah Code Annotated (U.C.A.) Title 31A and the following:~~

- ~~(1) "Commission" means the Title and Escrow Commission.~~
- ~~(2) "Commissioner" means Utah's insurance commissioner.~~
- ~~(3) "Title insurance matter" means a matter related to:

 - ~~(a) title insurance; and~~
 - ~~(b) an escrow conducted by an individual title insurance producer.~~~~

~~**R592-2-4. Title Insurance Matters Referred for Enforcement:**~~

- ~~(1) A title insurance matter referred for enforcement will be resolved by:

 - ~~(i) an informal adjudicative action pursuant to R592-2-5;~~
 - ~~(ii) a stipulation and order issued by the commissioner; or~~
 - ~~(iii) an administrative hearing conducted either by the commission or the commissioner's administrative law judge pursuant to R592-2-6.~~~~

~~**R592-2-5. Imposition of a Penalty When an Informal Adjudicative Proceeding Is Used to Resolve a Title Insurance Matter:**~~

~~(1) If the commissioner uses an informal adjudicative proceeding as set forth in 63G-4-203 and R590-160 to resolve a violation listed in Table 1 below, the commissioner shall use the penalties imposed by the commission in this Section.~~

~~(2) The commission shall impose the following penalties on title licensees for the violations listed in Table 1 below when resolved through an informal adjudicative proceeding.~~

Table 1

Violation	1st Proceeding	2nd Proceeding
Failure to complete required continuing education hours.	Individual: \$1,000; Agency: n/a	Individual: \$2,000; Agency: n/a
Failure to respond to an inquiry of the commissioner.	Individual: \$500; Agency: \$750	Individual: \$1,000; Agency: \$1,500
Failure to file a required rate, form, or report.	Individual: n/a; Agency: \$1,000	Individual: n/a; Agency: \$2,000
Late filing of a required rate, form, or report.	Individual: n/a; Agency: \$750	Individual: n/a; Agency: \$1,500
Failure to charge or collect a correct premium or a correct filed fee.	Individual: \$1,000; Agency: \$2,500	Individual: \$2,000; Agency: \$5,000
Charging or collecting a non-filed required fee.	Individual: \$1,000; Agency: \$2,500	Individual: \$2,000; Agency: \$5,000
Failure to pay assessment when due.	Individual: \$500; Agency: \$750	Individual: \$1,000; Agency: \$1,500

~~**R592-2-6. Use of an Administrative Hearing to Resolve a Title Insurance Matter:**~~

~~(1) When the commissioner sets a date for an administrative hearing to resolve a title insurance matter, the commissioner shall inform the commission of the hearing date.~~

~~(2) After being informed of a hearing date, the commission shall:~~

- ~~(a) delegate the conduct of the administrative hearing to the commissioner's administrative law judge; or~~
- ~~(b) conduct the administrative hearing.~~
- ~~(3) For an administrative hearing conducted by the commission, the commission shall:

 - ~~(a) accept the date, time and place set by the commissioner or set a different date, time, and place for the administrative hearing;~~
 - ~~(b) cause notification to be sent to the respondent(s), the commissioner's administrative law judge, and the commissioner's enforcement attorney of the date, time, and place of the administrative hearing;~~
 - ~~(c) conduct the hearing pursuant to R590-160;~~
 - ~~(d) impose penalties in accordance with Sections 31A-2-308, 31A-23a-111, 31A-23a-112, 31A-26-213, and 31A-26-214, subject to the concurrence of the commissioner; and~~
 - ~~(e) issue an Order on Hearing.~~~~
- ~~(4) The commissioner's administrative law judge shall assist the commission in its conduct of an administrative hearing.~~

R592-2-7. Imposition of Penalties:

~~The commission shall impose a penalty as follows:
 (1) for an informal adjudicative proceeding, a penalty shall be imposed in accordance with Table 1 in R592-2-5;
 (3) for an administrative hearing conducted by the commissioner's administrative law judge pursuant to R592-2-6 (2)(a), the commission shall impose the recommended penalty or a different penalty, subject to the concurrence of the commissioner; or
 (4) for an administrative hearing conducted by the commission, the commission shall impose a penalty, subject to the concurrence of the commissioner.~~

R592-2-8. Severability:

~~If any provision or clause of this rule or its application to any person or situation is held invalid, that invalidity shall not affect any other provision or application of this rule which can be given effect without the invalid provision or application, and to this end the provisions of this rule are declared to be severable.~~

R592-2-9. Enforcement Date:

~~The commissioner will begin enforcing this rule upon the rule's effective date.~~

KEY: title insurance

~~Date of Enactment or Last Substantive Amendment: May 1, 2013~~

~~Notice of Continuation: September 15, 2010~~

~~Authorizing, and Implemented or Interpreted Law: 31A-2-402]~~

Natural Resources, Water Resources

R653-2

Financial Assistance from the Board of Water Resources

NOTICE OF PROPOSED RULE

(Repeal and Reenact)
 DAR FILE NO.: 39799
 FILED: 10/01/2015

RULE ANALYSIS

PURPOSE OF THE RULE OR REASON FOR THE CHANGE: The 2015 legislature established a new funding source for the Board of Water Resources, the "Water Infrastructure Restricted Account" described in Title 73, Chapter 10g. This requires a revision to the board's funding guidelines. The board desires to use this opportunity to reorganize and fine-tune its existing guidelines as well.

SUMMARY OF THE RULE OR CHANGE: The purpose of this rule is to provide the standards and procedures for providing financial assistance to water users to achieve the highest beneficial use of water resources within the state, and for utilizing the Water Infrastructure Restricted Account.

STATUTORY OR CONSTITUTIONAL AUTHORIZATION FOR THIS RULE: Section 73-10-4 and Title 73, Chapter 10g

ANTICIPATED COST OR SAVINGS TO:

- ◆ **THE STATE BUDGET:** There is no cost associated with this rule because no action needs to be taken by the state.
- ◆ **LOCAL GOVERNMENTS:** There is no cost associated with this rule because no action needs to be taken by local governments.
- ◆ **SMALL BUSINESSES:** There is no cost associated with this rule because no action needs to be taken by any business.
- ◆ **PERSONS OTHER THAN SMALL BUSINESSES, BUSINESSES, OR LOCAL GOVERNMENTAL ENTITIES:** The cost associated with this rule is the time it takes to submit an application for assistance.

COMPLIANCE COSTS FOR AFFECTED PERSONS: There are no compliance costs associated with this rule.

COMMENTS BY THE DEPARTMENT HEAD ON THE FISCAL IMPACT THE RULE MAY HAVE ON BUSINESSES: There will be no fiscal impact on business because of this rule.

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

NATURAL RESOURCES
 WATER RESOURCES
 ROOM 310
 1594 W NORTH TEMPLE
 SALT LAKE CITY, UT 84116-3154
 or at the Division of Administrative Rules.

DIRECT QUESTIONS REGARDING THIS RULE TO:

- ◆ Barbara Allen by phone at 801-538-72352, by FAX at 801-538-7279, or by Internet E-mail at barbaraallen@utah.gov

INTERESTED PERSONS MAY PRESENT THEIR VIEWS ON THIS RULE BY SUBMITTING WRITTEN COMMENTS NO LATER THAN AT 5:00 PM ON 11/16/2015

THIS RULE MAY BECOME EFFECTIVE ON: 11/23/2015

AUTHORIZED BY: Michael Styler, Executive Director

R653. Natural Resources, Water Resources.

R653-2. Financial Assistance from the Board of Water Resources.

[R653-2-1. Purpose:

~~The purpose of this rule is to provide the standards and procedures for providing technical and financial assistance to water users to achieve the highest beneficial use of water resources within the state.~~

R653-2-2. Description of Funding Program:

~~(1)(a) The Board of Water Resources (Board) administers three revolving construction funds: the Revolving Construction Fund, the Cities Water Loan Fund, and the Conservation and Development Fund. Funding is available for projects that conserve, protect, or more efficiently use present water supplies, develop new water, or provide~~

flood control. Project facilities may be constructed in another state if project water is to be used within the state of Utah.

(b) The Board will fund projects based on the following prioritization system:

(i) Projects which involve public health problems, safety problems, or emergencies.

(ii) Municipal water projects that are required to meet an existing or impending need.

(iii) Agricultural water projects that provide a significant economic benefit for the local area.

(iv) Projects which will receive a large portion of their funding from other sources.

(v) Projects not included in items 1-4, but which have been authorized by the Board, are funded on a first come first served basis.

(2) The Board will not fund the following types of projects:

(a) Projects that are, in the opinion of the Board, routine or regularly occurring system operation and maintenance.

(b) Domestic water systems where less than 20% of the residents live in the project area year-round.

(c) Projects sponsored by developers.

(3) General guidelines of each of the Board's funding programs are:

(a) Revolving Construction Fund (RCF)

(i) In the RCF, the Board will accept applications from incorporated groups such as mutual irrigation and water companies.

(ii) The RCF advances financial assistance to the following types of projects:

(A) Irrigation projects costing less than \$500,000.

(B) Rural culinary projects costing less than \$250,000 that involve mutual irrigation and water companies.

(C) Dam Safety Studies

(iii) The staff will recommend repayment terms in the feasibility report it will prepare. Interest will not be charged.

(b) Cities Water Loan Fund (CWLF)

(i) Through the CWLF, the Board may finance the construction of municipal water facilities for political subdivisions of the state such as cities, towns, and districts.

(ii) The staff will recommend repayment terms and interest rates in the feasibility report.

(c) Conservation and Development Fund (CDF)

(i) Through the CDF, the Board may finance the construction of water projects sponsored by incorporated groups, political subdivisions of the state, the federal government, or Indian tribes.

(ii) The staff will recommend repayment terms and interest rates in the feasibility report.

R653-2-3. Application Procedure.

(1) Applicants shall submit a completed application form directly to the member of the Board residing in the river district in which the project is located. If the Board member determines the application meets general Board guidelines, the Board member will sign the application and forward it to the Division for action.

(2) Additional information not specifically requested on the application form should also be furnished when such information would be helpful in appraising the merits of the project.

(3) An application form can be obtained from the Division, a Board member, or the Division's website.

R653-2-4. Project Funding Process.

(1) After the application for assistance has been completed by the sponsor/applicant, signed by the Board member, and forwarded to the Division, a three-step process will be followed to determine those projects which will be funded by the Board.

(2) The three steps of the funding process are:

(a) Approval for Staff Investigation

(i) The Board member considers the proposed project to fall within the Board's general statutory authority.

(ii) Division staff will prepare a feasibility report covering the general scope of the proposed project but focusing on technical, financial, legal, and environmental aspects, water needs and rights, and water users' support.

(b) Authorization

(i) The feasibility report will be presented to the Board, which will consider the project for authorization on the basis of its merits and overall feasibility and the contribution the project will make to the general economy of the area and the state.

(ii) As part of its decision-making process, the Board considers it important to discuss the merits of the project with the sponsor. Therefore, representatives of the project sponsor must attend the Board meeting when the project is considered for authorization.

(iii) If the project is AUTHORIZED by the Board, a letter outlining the engineering and legal requirements for the project, and other conditions of the financial assistance will be sent to the sponsor. For example, some of the more common conditions of these projects are:

(A) Preparation of a Water Management and Conservation Plan for the sponsor's service area.

(B) Adoption of an ordinance prohibiting municipal irrigation of landscapes between the hours of 10:00 a.m. and 6:00 p.m.; the Division has prepared a Model Ordinance which is available for the sponsors of municipal projects.

(C) Adoption of a progressive water rate schedule (municipal projects). Division staff will assist sponsors in establishing such schedules to fit local conditions and circumstances.

(D) Submittal of a letter noting completion and acceptance of a Water Conveyance Facilities Management Plan as described in and within the time frame required by Utah Code 73-10-33 (2010 First Substitute House Bill 60); and

(E) Compliance with Utah Code 17-27a-211 (2010 House Bill 298) which requires a canal company or canal operator to provide stated information to the county.

(c) Committal of Funds

(i) After the sponsor has complied with the Board requirements and conditions, the project will be presented for final review. If the Board finds the project to be in order and ready for construction, and IF FUNDS ARE AVAILABLE, the Board will commit funds and direct its officers to enter into the necessary agreements to secure project financing.

(ii) The project sponsor will not normally be required to attend the Board meeting at which funds are to be committed for the project. If the project scope or cost estimate has changed substantially, the sponsor may be asked to attend the meeting to discuss the changes with the Board.

R653-2-5. Dam Safety Grants and Loans.

(1) After the application for assistance has been completed and signed by the Board member the application will be submitted to

the Division for review. The Division staff will review the application for compliance with the Dam Safety Act and requirements, if any, placed on the sponsor by the State Engineer.

(2) A report will be prepared by the Division presenting its findings and recommending the amount of the grant and repayment terms for loans.

(3) Grants will be considered when money is appropriated by the legislature and will be restricted by limitations placed on the funding by the legislature and Board.

(4) The amount of each grant will be based on conditions determined by the legislature on the money appropriated, and/or by analysis of such items as the number of acres irrigated, the number of water users, the size of the reservoir, the use of the waters, and cost of the proposed improvements.

R653-2-6. Financial Arrangements.

(1) Project Cost Sharing

(a) The Board desires to optimize available funding for the overall water development programs of the state and therefore requires sponsors to share in the cost of projects.

(b) The sponsor's financial ability to cost share will be determined in the project investigation. On the basis of the investigation, the Division will recommend to the Board the portion of the project cost to be furnished by the sponsoring organization. The sponsor will generally be expected to provide 15%–25% of the project cost.

(c) If additional funds become available to the sponsor after the project is authorized, and if project costs do not increase, the additional funds will be used to reduce the Board's financial participation.

(2) Alternate Financing

The Board will consider alternative project funding methods such as letters of credit, bond insurance, and various methods of interest buydown, instead of directly funding construction of project features.

(3) Repayment of Financial Assistance

(a) The repayment period will generally be less than 25 years.

(b) The minimum annual cost of water for municipal projects will be 1.17% of the region or project area's annual median adjusted gross income. The percentage will increase with income.

(c) When annual payments are to be made with revenues from the sale or use of project water, the Board may allow the sponsor one year's use of the project before the first payment is due.

(4) Security Arrangements

(a) Depending upon the type of organization sponsoring the project and the Board fund involved, financial assistance may be secured either by a purchase agreement or bond issue.

(i) Projects financed through the Revolving Construction Fund must be secured by a purchase agreement.

(ii) Projects financed through the Cities Water Loan Fund or the Conservation and Development Fund will be secured either by a purchase agreement or by the sale of a bond.

(b) If project financing is secured by a purchase agreement, the following conditions apply:

(i) The Board must take title to the project including water rights, easements, deeded land for project facilities, and other assets subject to security interest.

(ii) An opinion from the sponsor's attorney must be submitted stating the sponsor has complied with its articles and bylaws, state law, and the Board's contractual requirements.

(iii) Title to the project shall be returned to the sponsor upon successful completion of the purchase agreement.

(c) If project financing is secured by the sale of a bond, the following conditions apply:

(i) The procedures for bond approval will be substantially the same as required by the Utah Municipal Bond Act.

(ii) If the sponsor desires to issue a non-voted revenue bond, the sponsor will be required to:

(A) Hold a public meeting to describe the project and its need, cost, and effect on water rates.

(B) Give written notice describing the proposed project to all water users in the sponsor's service area. The notice shall include a solicitation of response to the proposed project. A copy of all written responses received by the sponsor shall be forwarded to the Division. If the area Board member determines there is substantial opposition to the project, the Board may require the sponsor to hold a bond election before funds will be made available.

R653-2-7. Project Engineering and Construction.

(1) Engineering

To expedite projects and facilitate the coordination of project development, sponsors are encouraged to select a design engineer prior to making application to the Board.

(2) Staff and Legal Costs

(a) Costs incurred by the Division for investigation, administration, engineering, and construction inspection will be paid to the Board according to the terms set by the Board.

(b) Costs incurred by the Division during project investigation will not become a charge to the sponsor if the project is found infeasible, denied by the Board, or if the sponsor withdraws the application.

(c) Legal fees incurred in the review of a sponsor's bonding documents will be billed directly to the sponsor by the legal firm doing the review for the Board.

(3) Design Standards and Approval

(a) All projects funded by the Board shall be designed according to appropriate technical standards and shall be stamped and signed by a Utah registered professional engineer responsible for the work.

(b) Prior to soliciting construction bids, plans and specifications must be approved by the Division and all other state and federal agencies which have regulatory or funding involvement in the project.

(4) Project Bidding and Construction

(a) The Board desires that all project construction be awarded to qualified contractors based on competitive bids. The Board may waive this requirement and allow a sponsor to act as its own contractor on small projects. However, in all cases the sponsor must comply with the laws governing its operation as well as the statutory requirements placed on the Board and Division.

(b) The design engineer shall coordinate the project bidding process.

(c) Construction inspection will be performed under the direction of the registered professional engineer having responsible charge of project construction.

R653-2-8. Qualifications to Guidelines.

The foregoing guideline statements are meant as a guide for the Board, staff, and sponsor to provide an orderly and effective procedure for preparing projects for construction. The Board reserves the right to consider each project on its own merits and may consider and authorize a project that does not meet all requirements of the guidelines.]

R653-2-1. Purpose.

The purpose of this rule is to provide the standards and procedures for providing technical and financial assistance to water users to achieve the highest beneficial use of water resources within the state, and for utilizing the Water Infrastructure Restricted Account described in Title 73, Chapter 10g, Utah Code Annotated.

R653-2-2. Description of Revolving Loan Programs.

(1) The Board of Water Resources (Board) administers three revolving construction funds: the Revolving Construction Fund, the Cities Water Loan Fund, and the Conservation and Development Fund. Funding is available for projects that conserve, protect, or more efficiently use present water supplies, develop new water, or provide flood control. Project facilities may be constructed in another state if project water is to be used within the state of Utah.

(a) The Board will fund projects based on the following prioritization system:

(i) Projects which involve public health problems, safety problems, or emergencies.

(ii) Municipal water projects that are required to meet an existing or impending need.

(iii) Agricultural water projects that provide a significant economic benefit for the local area.

(iv) Projects which will receive a large portion of their funding from other sources.

(v) Projects not included in items 1-4, but which have been authorized by the Board, are funded on a first-come-first-served basis.

(b) The Board will not fund the following types of projects:

(i) Projects that are, in the opinion of the Board, routine or regularly occurring system operation and maintenance.

(ii) Domestic water systems where fewer than 50% of the residents live in the project area year-round.

(iii) Projects sponsored by developers.

(iv) Projects sponsored by individuals or families.

(c) General guidelines of each of the Board's funding programs are:

(i) Revolving Construction Fund (RCF):

(A) In the RCF, the Board will accept applications from incorporated groups such as mutual irrigation and water companies.

(B) The RCF advances financial assistance to the following types of projects:

(1) Irrigation projects costing less than \$1,000,000.

(2) Rural culinary projects costing less than \$1,000,000 that involve mutual irrigation and water companies.

(3) Dam Safety Studies

(C) The staff will recommend repayment terms in the feasibility report it will prepare. Interest will not be charged.

(ii) Cities Water Loan Fund (CWLF):

(A) Through the CWLF, the Board may finance the construction of municipal water facilities for political subdivisions of the state such as cities, towns, and districts.

(B) The staff will recommend repayment terms and interest rates in the feasibility report it will prepare.

(iii) Conservation and Development Fund (C&D):

(A) Through the C&D, the Board may finance the construction of water projects sponsored by incorporated groups, political subdivisions of the state, the federal government, or Indian tribes.

(B) The staff will recommend repayment terms and interest rates in the feasibility report it will prepare.

R653-2-3. Application Procedure.

(1) Applicants shall submit a completed application form directly to the member of the Board residing in the river district in which the project is located. If the Board member determines the application meets general Board guidelines, the Board member will sign the application and forward it to the Division of Water Resources (Division) for action.

(2) Additional information not specifically requested on the application form should also be furnished when such information would be helpful in appraising the merits of the project.

(3) An application form can be obtained from the Division, a Board member, or the Division's website (www.water.utah.gov).

R653-2-4. Project Funding Process.

(1) After the application for assistance has been completed by the sponsor/applicant, signed by the Board member, and forwarded to the Division, a three-step process will be followed to determine those projects which will be funded by the Board.

(2) The three steps of the funding process are:

(a) APPROVAL for Staff Investigation:

(i) The Board member considers the proposed project to fall within the Board's general statutory authority.

(ii) Division staff will prepare a feasibility report covering the general scope of the proposed project but focusing on technical, financial, legal, and environmental aspects, water needs, and rights, and water users' support.

(b) AUTHORIZATION:

(i) The feasibility report will be presented to the Board, which will consider the project for authorization on the basis of its merits and overall feasibility and the contribution the project will make to the general economy of the area and the state.

(ii) As part of its decision-making process, the Board considers it important to discuss the merits of the project with the sponsor. Therefore, representatives of the project sponsor must attend the Board meeting when the project is considered for authorization.

(iii) If the project is authorized by the Board, a letter outlining the engineering and legal requirements for the project and other conditions of the financial assistance will be sent to the sponsor. For example, some of the more common conditions of these projects are:

(A) Obtain all easements, rights-of-way, and permits required to construct, operate, and maintain the project.

(B) Pass a company resolution to assign properties, easements, and water rights required for the project to the Board.

(C) Enter into a contract with the Board for construction of the project and subsequent purchase from the Board.

(D) Obtain approval of final plans and specifications from the Division.

(E) Prepare a Water Management and Conservation Plan.

(F) Adopt an ordinance prohibiting municipal irrigation of landscapes between the hours of 10:00 a.m. and 6:00 p.m.

(G) Adopt a progressive water rate schedule (municipal projects).

(H) Submit a letter noting completion and acceptance of a Water Conveyance Facilities Management Plan as described in and within the time frame required by Utah Code 73-10-33 (2010 First Substitute House Bill 60); and

(I) Be in compliance with Utah Code 17-27a-211 (2010 House Bill 298) which requires a canal company or canal operator to provide stated information to the county.

(c) COMMITMENT OF FUNDS:

(i) After the sponsor has complied with the Board requirements and conditions, the project will be presented for final review. If the Board finds the project to be in order and ready for construction, and IF FUNDS ARE AVAILABLE, the Board will commit funds and direct its officers to enter into the necessary agreements to secure project financing.

(ii) The project sponsor will not normally be required to attend the Board meeting at which funds are to be committed for the project. If the project scope or cost estimate has changed substantially, the sponsor may be asked to attend the meeting to discuss the changes with the Board.

R653-2-5. Dam Safety Grants and Loans.

(1) After the application for assistance has been completed and signed by the Board member, the application will be submitted to the Division for review. The Division staff will review the application for compliance with the Dam Safety Act and requirements, if any, placed on the sponsor by the State Engineer.

(2) A report will be prepared by the Division presenting its findings and recommending the amount of the grant and repayment terms for loans.

(3) Grants will be considered when money is appropriated by the Utah State Legislature (legislature) and will be restricted by limitations placed on the funding by the legislature and Board.

(4) The amount of each grant will be based on conditions determined by the legislature on the money appropriated, degree of hazard assigned to the project dam, and/or by analysis of such items as the number of acres irrigated, the number of water users, the size of the reservoir, the use of the waters, and cost of the proposed improvements.

R653-2-6. Financial Arrangements (RCF, CWLF, C&D).

(1) Project Cost Sharing:

(a) The Board desires to optimize available funding through the overall water development programs of the state and therefore requires sponsors to share in the cost of projects.

(b) The sponsor's financial ability to cost share will be determined in the project investigation. On the basis of the

investigation, the Division will recommend to the Board the portion of the project cost to be furnished by the sponsoring organization.

(c) If additional funds become available to the sponsor after the project is authorized, and if project costs do not increase, the additional funds will be used to reduce the Board's financial participation.

(2) Alternate Financing:

The Board will consider alternative project funding methods such as letters of credit, bond insurance, and various methods of interest buydown, instead of directly funding construction of project features.

(3) Repayment of Financial Assistance:

(a) The repayment period will generally be less than 25 years.

(b) The minimum annual cost of water for municipal projects will be 1.17% of the region or project area's annual median adjusted gross income. The percentage will increase with income.

(c) When annual payments are to be made with revenues from the sale or use of project water, the Board may allow the sponsor one year's use of the project before the first payment is due.

(4) Security Arrangements:

(a) Depending upon the type of organization sponsoring the project and the Board fund involved, financial assistance may be secured either by a purchase agreement or bond issue.

(i) Projects financed through the RCF must be secured by a purchase agreement.

(ii) Projects financed through the CWLF or the C&D Fund will be secured either by a purchase agreement or by the sale of a bond.

(b) If project financing is secured by a purchase agreement, the following conditions apply:

(i) The Board must take title to the project including water rights, easements, deeded land for project facilities, and other assets subject to security interest.

(ii) An opinion from the sponsor's attorney must be submitted stating the sponsor has complied with its articles and bylaws, state law, and the Board's contractual requirements.

(iii) Title to the project shall be returned to the sponsor upon successful completion of the purchase agreement.

(c) If project financing is secured by the sale of a bond, the following conditions apply:

(i) The procedures for bond approval will be substantially the same as required by the Utah Municipal Bond Act.

(ii) If the sponsor desires to issue a non-voted revenue bond, the sponsor will be required to:

(A) Hold a public meeting to describe the project and its need, cost, and effect on water rates.

(B) Give written notice describing the proposed project to all water users in the sponsor's service area. The notice shall include a solicitation of response to the proposed project. A copy of all written responses received by the sponsor shall be forwarded to the Division. If the area Board member determines there is substantial opposition to the project, the Board may require the sponsor to hold a bond election before funds will be made available.

R653-2-7. Project Engineering and Construction for projects funded through the RCF, CWLF, and C&D Funds.

(1) Engineering.

To expedite projects and facilitate the coordination of project development, sponsors are encouraged to select a design engineer prior to making application to the Board.

(2) Staff and Legal Costs:

(a) Costs incurred by the Division for investigation, administration, engineering, and construction inspection will be paid to the Board according to the terms set by the Board.

(b) Costs incurred by the Division during project investigation will not become a charge to the sponsor if the project is found infeasible, denied by the Board, or if the sponsor withdraws the application.

(c) Legal fees incurred in the review of a sponsor's bonding documents will be billed directly to the sponsor by the legal firm doing the review for the Board.

(3) Design Standards and Approval:

(a) All projects funded by the Board shall be designed according to appropriate technical standards and shall be stamped and signed by a Utah Registered Professional Engineer responsible for the work.

(b) Prior to soliciting construction bids, plans and specifications must be approved by the Division and all other state and federal agencies that have regulatory or funding involvement in the project.

(4) Project Bidding and Construction:

(a) The Board desires that all project construction be awarded to qualified contractors based on competitive bids. The Board may waive this requirement and allow a sponsor to act as its own contractor on small projects. However, in all cases the sponsor must comply with the laws governing its operation as well as the statutory requirements placed on the Board and Division.

(b) The design engineer shall coordinate the project bidding process.

(c) Construction inspection will be performed under the direction of the Registered Professional Engineer having responsible charge of project construction.

R653-2-8. Description of Water Infrastructure Restricted Account (WIRA).

(1) The Board administers the Water Infrastructure Restricted Account (WIRA) for development of the state's undeveloped share of the Colorado and Bear rivers, pursuant to existing interstate compacts governing both rivers as described in Title 73, Chapter 28, Lake Powell Pipeline Development Act and Chapter 26, Bear River Development Act.

(a) The Board will determine the need for funding investigation and construction aspects of developing the Colorado and Bear rivers.

(b) The Board will authorize expenditures from the WIRA.

(c) Any money utilized to construct water infrastructure to develop the state's share of the Colorado and Bear rivers is subject to the repayment provisions of the Lake Powell Pipeline Development Act and the Bear River Development Act.

(i) Beneficiaries of projects to develop the Colorado and Bear rivers as described in the Lake Powell Pipeline Development Act and Bear River Development Act will be required to provide at least 10% of the project cost.

(ii) Funding for the Lake Powell Pipeline and Bear River Development will be secured by a water sales agreement as

described in the Lake Powell Pipeline Development Act and the Bear River Development Act.

(2) The Board administers the WIRA for the repair, replacement, or improvement of federal water infrastructure projects developed for local sponsors in the State of Utah when federal funds are not available. Local sponsors may apply for this funding whether the project is owned or operated by the U.S. government or local sponsor.

(a) Any money utilized for the repair, replacement, or improvement of federal water infrastructure projects when federal funds are not available shall be repaid pursuant to the terms and conditions established by the Board and Division by rule, as specified under Section 73-10g-105, Utah Code Annotated.

(b) Applicants shall apply for WIRA funds for federal water infrastructure projects through the same procedure as stated in R653-2-3, Application Procedure.

(c) Federal water infrastructure projects will be funded through the same process as stated in R653-2-4, Project Funding Process.

(d) Federal water infrastructure projects or phases of such projects will be prioritized based the same criteria as stated in R653-2-2.1(a).

(e) Projects financed through WIRA for the replacement and improvement of federal water infrastructure projects will be secured by the sale of a bond by the local sponsor to the Board.

R653-2-9. Financial Arrangements (WIRA).

(1) For State projects to develop the Colorado and Bear rivers, the Board and contracting entity shall, by contractual agreement, establish when water developed by the project will be delivered, the quantity of water delivered, the cost sharing between the Board and the sponsor, and the terms for repaying the Board's share of the project cost including the purchase term, interest rate, and cost per acre-foot of water purchased.

(2) For Federal water infrastructure projects, the sponsor's financial ability to cost share will be determined in the project investigation. On the basis of the investigation the Division will recommend to the Board the portion of the project cost to be furnished by the sponsoring organization. If additional funds become available to the sponsor for the project after the Board has authorized it, and if project costs do not increase, the additional funds will be used to reduce funding from the WIRA.

(3) Alternate Financing:

The Board will consider alternative project funding methods such as letters of credit, bond insurance, and various methods of interest buydown, instead of directly funding construction of project features.

(4) Repayment of Financial Assistance:

(a) The repayment period will be determined in the project investigation.

(b) When annual payments are to be made with revenues from the sale or use of project water, the Board may allow the sponsor one year's use of the project before the first payment is due.

(5) Security Arrangements:

(a) WIRA funding will be secured by a bond issue.

(b) The procedures for bond approval will be substantially the same as required by the Utah Municipal Bond Act.

(c) If the sponsor desires to issue a non-voted revenue bond, the sponsor will be required to:

(i) Hold a public meeting to describe the project and its need, cost, and effect on water rates.

(ii) Give written notice describing the proposed project to all water users in the sponsor's service area. The notice shall include a solicitation of response to the proposed project. A copy of all written responses received by the sponsor shall be forwarded to the Division. If the area Board member determines there is substantial opposition to the project, the Board may require the sponsor to hold a bond election before funds will be made available.

(6) Priority Master List:

(a) The owners/operators of eligible federal water infrastructure projects will submit a list of anticipated repairs, replacements, or improvements of their federal water infrastructure projects, including the expected construction dates, project costs, and WIRA fund requests. These lists will be incorporated into a master list of potential projects, which will be prioritized according to R653-2-8, Subsection 2(d) and subject to the availability of funds.

(b) A master list of potential projects will be prioritized by the Division of Water Resources by July 1, 2017 and every two years thereafter, and will be maintained for all potential sponsors.

(c) Funding of projects will be prioritized by the Board.

R653-2-10. Project Engineering and Construction for projects funded through the Water Infrastructure Restricted Account (WIRA).

(1) For State projects to develop the Colorado and Bear rivers:

(a) Once a project has moved from planning stage to development stage:

(i) Costs incurred by the Division for engineering, environmental and cultural resource studies, permitting, design and construction engineering, and construction inspection will be paid to the Board according to the terms set by Title 73, Chapter 26 and Chapter 28.

(ii) Costs for Division staff time during project planning will not become a charge to the sponsor.

(b) Design Standards and Approval for State projects:

(i) State projects for the development of the Colorado and Bear rivers, shall be designed according to appropriate technical standards and shall be stamped and signed by a Utah Registered Professional Engineer responsible for the work.

(ii) Prior to soliciting construction bids, plans and specifications must be approved by the Division and all other state, neighboring state, and federal agencies which have regulatory or funding involvement in the project. Additionally, all required records of decision, permits, authorizations, and agreements must be obtained from these agencies.

(2) For Federal water infrastructure projects:

(a) Costs incurred by the Division for planning and development will be paid to the Board pursuant to the terms and conditions established by the Board and Division under Section 73-10g-105.

(b) Design Standards and Approval for Federal projects:

(i) All Federal water infrastructure projects shall be designed according to appropriate technical standards and shall be stamped and signed by a Utah Registered Professional Engineer responsible for the work.

(ii) Prior to soliciting construction bids for any phase of a project, plans and specifications for that phase must be approved by the Division and all other state and federal agencies which have regulatory or funding involvement in the project. Additionally, all required local, state, and federal licenses and permits for that phase of the project must be obtained before construction of that phase begins.

(iii) All required local, state, and federal licenses and permits for a phase of a project must be obtained before construction of that phase begins.

(3) Project Bidding and Construction:

(a) The Board will require that all project construction be awarded to qualified contractors based on competitive bids. Alternative project delivery methods may be considered instead of traditional 'design-bid-build' methods; however, these must be done in compliance with industry-approved standards and must be first approved by the Board.

(b) The design engineer or project manager shall coordinate the project bidding process.

(c) Construction inspection will be performed under the direction of the project manager who shall be a Registered Professional Engineer licensed in Utah, and any other applicable state.

(4) Staff and Legal Costs:

(a) Costs incurred by the Division for investigation and administration will be paid to the Board according to the terms set by the Board.

(b) Costs incurred by the Division during project investigation will not become a charge to the sponsor if the project is found infeasible, denied by the Board, or if the sponsor withdraws the application.

(c) Legal fees incurred in the review of a sponsor's bonding documents will be billed directly to the sponsor by the legal firm doing the review for the Board.

R653-2-11. Qualifications to Guidelines.

The foregoing guideline statements are meant as a guide for the Board, staff, and sponsor to provide an orderly and effective procedure for preparing projects for construction. The Board reserves the right to consider each project on its own merits and may consider and authorize a project that does not meet all requirements of the guidelines.

KEY: water funding

Date of Enactment or Last Substantive Amendment: [~~August 22, 2012~~2015]

Notice of Continuation: October 4, 2012

Authorizing, and Implemented or Interpreted Law: 73-10

Pardons (Board of), Administration
R671-104
 Language Access

NOTICE OF PROPOSED RULE

(New Rule)
 DAR FILE NO.: 39796
 FILED: 09/30/2015

RULE ANALYSIS

PURPOSE OF THE RULE OR REASON FOR THE CHANGE: Some individuals under the jurisdiction of the board have limited English proficiency. In order to effectively participate in parole proceedings and achieve justice, an interpreter is required. This new rule allows the board to provide interpreters and sets forth the requirements for offenders, the board and the interpreter.

SUMMARY OF THE RULE OR CHANGE: The board will provide interpreters for inmates, parolees and victims who have limited English proficiency. The individual must submit a request in a timely manner. The interpreter must meet certification requirements and comply with a standard of conduct.

STATUTORY OR CONSTITUTIONAL AUTHORIZATION FOR THIS RULE: Section 77-27-2

ANTICIPATED COST OR SAVINGS TO:

- ◆ **THE STATE BUDGET:** Providing interpreters will be a cost to the agency. The board researched the number of current inmates likely to need an interpreter and can absorb the cost. However changes in population may require more interpreters.
- ◆ **LOCAL GOVERNMENTS:** Local government does not participate in the parole process. Local governments will not be affected.
- ◆ **SMALL BUSINESSES:** Small business does not participate in the parole process other than whichever business has the contract for interpreters may see an increase in requests from the board. Small business in general will not be affected.
- ◆ **PERSONS OTHER THAN SMALL BUSINESSES, BUSINESSES, OR LOCAL GOVERNMENTAL ENTITIES:** Offenders and victims who need an interpreter will benefit greatly from the board providing a certified interpreter. This rule does not negatively impact any individual.

COMPLIANCE COSTS FOR AFFECTED PERSONS: The board bears the cost of the interpreter. There are no compliance costs to the individual.

COMMENTS BY THE DEPARTMENT HEAD ON THE FISCAL IMPACT THE RULE MAY HAVE ON BUSINESSES: Business does not participate in the parole process other than whichever business has the contract for interpreters may see an increase in requests from the board. Business in general will not be affected.

THE FULL TEXT OF THIS RULE MAY BE INSPECTED, DURING REGULAR BUSINESS HOURS, AT:
 PARDONS (BOARD OF)
 ADMINISTRATION
 ROOM 300
 448 E 6400 S
 SALT LAKE CITY, UT 84107-8530
 or at the Division of Administrative Rules.

DIRECT QUESTIONS REGARDING THIS RULE TO:

◆ Greg Johnson by phone at 801-261-6454, by FAX at 801-261-6481, or by Internet E-mail at gregjohnson@utah.gov

INTERESTED PERSONS MAY PRESENT THEIR VIEWS ON THIS RULE BY SUBMITTING WRITTEN COMMENTS NO LATER THAN AT 5:00 PM ON 11/16/2015

INTERESTED PERSONS MAY ATTEND A PUBLIC HEARING REGARDING THIS RULE:

◆ 10/26/2015 08:00 AM, Board of Pardons, 448 E Winchester, Suite 300, Murray, UT

THIS RULE MAY BECOME EFFECTIVE ON: 11/26/2015

AUTHORIZED BY: Angela Micklos, Chair

R671. Pardons (Board of), Administration.

R671-104. Language Access.

R671-104-1. Language Access.

(1) The Board shall provide interpreters at Board hearings for non-English speaking or limited English proficiency offenders or victims.

(2) The Department of Corrections shall indicate the need for an interpreter on the offender's profile in the computer system.

(3) A non-English speaking or limited English proficiency offender or victim may request an interpreter for a hearing.

(a) Requests should be made at least 30 days before the hearing.

(b) Offender requests should be submitted with the hearing information form.

(4) A hearing official may request an interpreter and continue the hearing if the hearing official has reservations about the offender's ability to communicate in English.

(5) A hearing shall be continued if an interpreter is necessary, but not available.

(6) If an offender has concerns about the effectiveness or conduct of the interpreter, the offender may appeal in writing to the Board Chair within 10 days of the Board's decision.

(7) Individuals providing interpretation services for Board hearings shall:

(a) be certified or approved as an interpreter in the subject language by the Utah State Courts, Federal Courts or equivalent certification;

(b) be in good standing with the training and ethical standards of the certifying body.

(c) render a complete and accurate interpretation or sight translation, without altering, omitting, or adding anything to what is stated or written;

(d) be impartial and unbiased and refrain from conduct that may give an appearance of bias;

(e) disclose any real or perceived conflict of interest;

(f) protect the confidentiality of all privileged and other confidential information;

(g) abstain from giving legal advice or personal opinions to individuals for whom they are interpreting;

(h) report to the hearing official any difficulties with translation, or any reservations about being able to provide effective interpretation; and

(i) comply with all security requirements of the Department of Corrections.

KEY: interpreters, languages, parole

Date of Enactment or Last Substantive Amendment: 2015

Authorized, implemented, or interpreted law: 77-27-7

Pardons (Board of), Administration **R671-403** Restitution

NOTICE OF PROPOSED RULE

(Amendment)

DAR FILE NO.: 39756

FILED: 09/16/2015

RULE ANALYSIS

PURPOSE OF THE RULE OR REASON FOR THE CHANGE: The existing rule does not clearly define the circumstances when the board may order restitution or the process for an individual to dispute an order of restitution.

SUMMARY OF THE RULE OR CHANGE: The board may order restitution for damages due to criminal conduct or a disciplinary violation. The board may base its decision on restitution ordered by a court, information in the pre-sentence investigation, or information submitted by the victim. The offender may submit evidence of credits, payments, or offsets for any restitution claimed. The offender may object to an order of restitution and request a hearing. Parole may be revoked or restarted for failure to pay restitution.

STATUTORY OR CONSTITUTIONAL AUTHORIZATION FOR THIS RULE: Art. VII, Sec. 12 and Section 64-13-30 and Section 64-13-33 and Section 77-27-10 and Section 77-27-5 and Section 77-27-6 and Section 77-30-24 and Section 77-38a-302 and Subsection 77-18-1(6)(b) and Subsection 77-27-9(4)(a) and Subsection 77-38a-203(2)(d)

ANTICIPATED COST OR SAVINGS TO:

◆ **THE STATE BUDGET:** Restitution is ordered and collected for the victim. Ordering restitution does not create a savings for any state agency. The proposed rule clarifies how

restitution is ordered but does not change the accounting practices associated with collecting restitution. Therefore, the proposed rule does not impact the costs of collecting restitution.

◆ **LOCAL GOVERNMENTS:** Local government is not involved in ordering or collecting restitution for individuals under the board's jurisdiction. There is no cost impact to local governments.

◆ **SMALL BUSINESSES:** Small business is not involved in ordering or collecting restitution for individuals under the board's jurisdiction. There is no cost impact to small business.

◆ **PERSONS OTHER THAN SMALL BUSINESSES, BUSINESSES, OR LOCAL GOVERNMENTAL ENTITIES:** Restitution orders affect the person who committed the crime and the victim but the orders do not impact other persons.

COMPLIANCE COSTS FOR AFFECTED PERSONS: The offender does not bear any costs for objecting to restitution, submitting counter evidence, or requesting a hearing.

COMMENTS BY THE DEPARTMENT HEAD ON THE FISCAL IMPACT THE RULE MAY HAVE ON BUSINESSES: Businesses are not involved in the process of ordering or collecting restitution. The proposed rule does not affect businesses.

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

PARDONS (BOARD OF)

ADMINISTRATION

ROOM 300

448 E 6400 S

SALT LAKE CITY, UT 84107-8530

or at the Division of Administrative Rules.

DIRECT QUESTIONS REGARDING THIS RULE TO:

◆ Greg Johnson by phone at 801-261-6454, by FAX at 801-261-6481, or by Internet E-mail at gregjohnson@utah.gov

INTERESTED PERSONS MAY PRESENT THEIR VIEWS ON THIS RULE BY SUBMITTING WRITTEN COMMENTS NO LATER THAN AT 5:00 PM ON 11/16/2015

INTERESTED PERSONS MAY ATTEND A PUBLIC HEARING REGARDING THIS RULE:

◆ 10/26/2015 08:00 AM, Board of Pardons, 448 E Winchester, Suite 300, Murray, UT

THIS RULE MAY BECOME EFFECTIVE ON: 11/26/2015

AUTHORIZED BY: Angela Micklos, Chair

R671. Pardons (Board of), Administration.

R671-403. Restitution.

[R671-403-1. Policy:

~~The Board shall consider restitution in all cases where restitution has been ordered by the court, when requested by the~~

Department of Corrections or other criminal justice agencies, or other appropriate cases:

R671-403-2. Procedure.

~~The Board may originate orders of restitution on any crime(s) of commitment in accordance with UCA 77-38a-302.~~

~~The Board shall affirm court-ordered restitution in accordance with UCA 77-38a-302.~~

~~The Board may consider ordering restitution in the following instances:~~

~~A. When ordered by or as part of a disciplinary proceeding as a result of inappropriate behavior;~~

~~B. When requested by the Department of Corrections or other criminal justice agency for the costs of extradition or return to custody;~~

~~C. When requested by the Department of Corrections for the costs of programs such as unpaid fees at community correction centers, therapy or other service fees; and~~

~~D. When new information is made available that was not available to the court at the time of sentencing or prior restitution hearing.~~

~~The Board may conduct a restitution hearing to determine the amount of restitution owed by an offender. The Board will make a reasonable effort to inform both the offender and the victim(s) of the hearing and will provide copies of rules and investigative reports and other documentation. The offender and the victim(s) shall have the right to be present at the hearing and present evidence in their behalf.~~

R671-403-1. General Provisions.

~~(1) If the Board determines that a court has previously ordered or determined restitution applicable to any conviction, or that restitution is owed to any victim as a result of the conduct for which an offender was convicted, or any related conduct as authorized by state law to be considered, the Board may order restitution:~~

~~(a) as a condition of parole;~~

~~(b) as a contingency to be satisfied prior to release from prison incarceration earlier than sentence expiration; or~~

~~(c) to be converted to a civil judgment, pursuant to the provisions of applicable state law.~~

~~(2) The Board may, pursuant to the provisions of state law, determine and order an offender to pay restitution at any time while the offender is under the Board's jurisdiction, when:~~

~~(a) restitution has been ordered by the sentencing court;~~

~~(b) pecuniary damages to a victim occurred as a result of the offender's criminal conduct but were not determined or ordered by the sentencing court;~~

~~(c) requested by the Department of Corrections (Department) or other criminal justice agency.~~

~~(d) pecuniary damages to any person or entity are caused by an offender's disciplinary violation, conduct, or behavior arising during incarceration;~~

~~(e) new information regarding restitution is submitted to the Board which was not available or considered at the time of sentencing or a prior restitution determination; or~~

~~(f) the Board determines a restitution order is otherwise appropriate.~~

~~(3) Restitution determinations shall be:~~

~~(a) based upon a preponderance of the evidence; and~~

~~(b) made by a majority vote of the Board.~~

~~(4) When determining restitution, the provisions of Utah Code Sections 77-38a-302(1) and 77-38a-302(5)(a)-(b) shall apply.~~

~~(5) The Board may determine and order restitution based upon:~~

~~(a) prior orders made by a sentencing court;~~

~~(b) prior orders involving the same crimes, events, or incidents made by a court in the case of a co-defendant;~~

~~(c) amounts and determinations included in pre-sentence reports; or~~

~~(d) information received regarding restitution claimed or owed that the Board determines is relevant and reliable.~~

R671-403-2. Court-Ordered Restitution.

~~(1) The Board shall affirm restitution ordered by a court in accordance with Utah Code section 77-38a-302.~~

~~(2) An offender shall resolve objections regarding restitution entered by a court with the applicable court.~~

~~(3) The Board is not an appellate authority or forum in which to litigate restitution amounts previously ordered by a court.~~

~~(4) An offender may submit evidence of payments, credits, or offsets for consideration by the Board when determining restitution.~~

~~(5) The offender bears the burden to prove the validity and amounts of all payments, credits, or offsets submitted for consideration.~~

~~(6) If restitution was not determined or ordered by the sentencing court, the Board may, within one year of the imposition of sentence, refer the case back to the court for determination of restitution.~~

R671-403-3. Restitution Included in Pre-Sentence Report.

~~(1) If any party fails to challenge the accuracy of the restitution determinations, amounts, or information contained in a presentence report at the time of sentencing, that matter shall be considered waived, pursuant to Utah Code section 78-38a-203(2)(d), and the Board may order restitution based upon the information in the presentence investigation report.~~

~~(2) An offender may submit evidence of payments, credits, or offsets for consideration by the Board when determining restitution.~~

~~(3) The offender bears the burden to prove the validity and amounts of all payments, credits, or offsets submitted for consideration.~~

R671-403-4. Initial Restitution Determination.

~~(1) If restitution is not determined and ordered by the Board pursuant to R671-403-2 or R671-403-3, the Board may make an initial determination of restitution based upon the totality of the information available, including:~~

~~(a) restitution determinations made by a court applicable to a co-defendant for the same criminal conduct or the same victim;~~

~~(b) statements made by a victim, offender, or co-defendant relating to restitution, including statements made as part of a pre-sentence report investigation;~~

~~(c) reports or calculations provided by the Department indicating the amount which should be ordered as restitution;~~

~~(d) statements made in any civil or criminal proceeding;~~

~~(e) statements made in documents provided to the Board; or~~

~~(f) statements made during Board hearings.~~

(2) When the Board determines an initial restitution amount, the Board or the Department shall:

(a) inform the offender of the initial restitution determination; and

(b) inform the offender that any objection to the initial restitution determination must be filed with the Board in accordance with this rule.

(c) If the offender agrees with, or does not object to, the initial restitution determination, that restitution amount shall be ordered by the Board.

(d) If the offender objects to the initial restitution determination, the offender shall inform the Board of the objection and request a restitution hearing.

(e) The offender's objection and request for a hearing shall be:

(i) submitted to the Board in writing within 30 days of the initial restitution determination;

(ii) accompanied by a clear, brief statement explaining the offender's objections;

(iii) refer to or be accompanied by an explanation of any evidence, documents, or the names and addresses of witnesses upon which the offender will rely to support the objection.

(f) Following receipt of an offender's objection which complies with this section, the Board may modify the initial restitution amount based upon the materials submitted by the offender, or may schedule a restitution hearing.

(g) An offender's objection and request for a restitution hearing may be denied if the Board finds that the material submitted by the offender is duplicative, erroneous, lacks relevance or reliability, or fails to state a reason why the initial restitution determination should be modified.

(h) Failure of an offender to file a timely objection or otherwise comply with the requirements of this section shall waive and forfeit an offender's ability to contest a restitution order by the Board based upon the initial restitution determination.

R671-403-5. Restitution Hearings - Informal Resolution of Objection.

(1) Following the receipt of a timely objection to an initial restitution determination, the Board may designate a hearing officer or other Board employee to informally, and without hearing, attempt to resolve the offender's concerns or objections.

(2) This informal resolution may involve correspondence or an interview or other meeting with the offender.

(3) If an offender's objections to an initial restitution determination are not resolved, the Board shall schedule a restitution hearing.

R671-403-6. Restitution Hearings - Procedure.

(1) Restitution hearings may be conducted by a Board member, hearing officer, or other designee of the Board Chair.

(2) Board staff, the Department, the Attorney General's office, the original prosecuting agency, the offender, and any victim may participate in the restitution hearing, as necessary.

(3) Board staff may assist non-lawyer hearing participants with subpoenas to procure the attendance of necessary witnesses.

(4) The rules of evidence do not apply at restitution hearings.

(5) The offender bears the burden of proving all objections or assertions, including any payments, credits, or offsets, by a preponderance of the evidence.

(6) If any amount of restitution is claimed by, or on behalf of, any victim, in addition to any amount previously determined by a court or by the Board, including the initial restitution determination, the proponent of such additional restitution carries the burden of proving such additional restitution by a preponderance of the evidence.

(7) Any party may submit documentation, records, or other written evidence for the Board to consider regarding the issue of restitution.

(8) Within 30 days after the hearing, the Board shall enter an order determining the amount of restitution owed by the offender, or continue the matter for additional information, further hearing, or further consideration as needed.

R671-403-7. Modifications to Restitution Orders.

Modifications to restitution orders may occur:

(1) upon a waiver and stipulation of the offender;

(2) upon receipt of new or subsequent court orders;

(3) when restitution claims, damages, or costs continue to accrue after sentencing;

(4) upon consideration of offender restitution payments, credits for payments made by others on the offender's behalf, offsets due to insurance or other third-party payments, or modifications based upon property being returned to a victim after the conclusion of court proceedings;

(5) when an open or on-going claim exists with the Utah Office for Victims of Crime;

(6) following an informal resolution regarding new restitution claims or offsets; or

(7) following subsequent restitution hearings.

R671-403-8. Compliance With Restitution Orders.

(1) While the offender is under Department or Board jurisdiction, the Department shall enforce the Board's restitution orders and parole conditions.

(2) As part of parole, the Board expects that parolees will make regular monthly payments based on the offender's ability to pay and in amounts sufficient to satisfy the restitution obligation during the parole period.

(3) The Board and the Department have jurisdiction over, and may continue to enforce restitution orders, in cases which may have terminated on or after July 1, 2005, if the Board has had continuing jurisdiction over the offender in any other case.

(4) The Department shall track cases for restitution payment and notify the Board in a timely manner of any action needed regarding restitution orders, payments, or lack of payment.

(5) If any restitution ordered by the Board or by a court has not been paid in full prior to a parole termination request, the Department shall inform the Board, as part of the termination request:

(a) how much of the offender's restitution obligation has been paid;

(b) how much of the restitution obligation, including post-judgment interest, remains unpaid;

(c) why the restitution obligation was not paid in full during the term of parole; and

(d) why parole should not be revoked or re-started because the restitution amounts were not paid in full during the parole period.

(6) If any restitution ordered by the Board or by a court has not been paid in full prior to a parole termination request, the Board may deny the parole termination request.

R671-403-9. Unpaid Restitution - Civil Judgments.

(1) If upon parole termination, sentence termination, termination of Board jurisdiction, or sentence expiration, an offender owes outstanding restitution, or if the Board makes an order of restitution within 60 days following the termination or expiration of the defendant's parole or sentence, the unpaid restitution shall be referred by the Board to the district court for the entry of a civil judgment and for civil collection remedies.

(2) The Board shall forward a restitution order to the sentencing court to be entered on the judgment docket. The entry shall constitute a lien and is subject to the same rules as a judgment for money in a civil judgment.

(3) If the Board has continuing jurisdiction over the offender for a separate criminal offense, the Board may defer seeking a civil judgment for restitution until termination or expiration of all of the offender's sentences. The restitution obligation for the terminating or expiring case shall be made a condition of parole for any separate or subsequent offense under continuing jurisdiction.

(4) The Board may order conversion of restitution to a civil judgment at any time, provided that the restitution amount was determined and ordered by:

(a) a Court;

(b) the Board during its jurisdiction over the offender; or

(c) the Board within 60 days following parole termination, sentence termination, sentence expiration, or other termination of Board jurisdiction.

KEY: restitution, government hearings, parole

Date of Enactment or Last Substantive Amendment: [September 27, 2007]2015

Notice of Continuation: July 27, 2012

Authorizing, and Implemented or Interpreted Law: Art. VII, Sec. 12; 64-13-30; 64-13-33; 77-18-1(6)(b); 77-27-5; 77-27-6; [77-27-5-5; 77-27-9(4)(a); 77-27-10; 77-30-24; 77-38a-203(2)(d); 77-38a-302

**Pardons (Board of), Administration
R671-405
Parole Termination**

**NOTICE OF PROPOSED RULE
(Amendment)**

**DAR FILE NO.: 39795
FILED: 09/30/2015**

RULE ANALYSIS

PURPOSE OF THE RULE OR REASON FOR THE CHANGE: Subsection 64-13-21(7) creates an earned compliance program that reduces the potential time an

individual can be supervised on parole. This rule sets forth the conditions for terminating parole and complies with the requirements of the law.

SUMMARY OF THE RULE OR CHANGE: When a parolee meets the conditions for early termination of parole supervision, the Adult Probation and Parole Department will notify the board. (DAR NOTE: A corresponding 120-day (emergency) rule that is effective as of 10/01/2015 is under DAR No. 39794 in this issue, October 15, 2015, of the Utah State Bulletin.)

STATUTORY OR CONSTITUTIONAL AUTHORIZATION FOR THIS RULE: Section 77-27-2 and Subsection 64-13-21(7)

ANTICIPATED COST OR SAVINGS TO:

♦ **THE STATE BUDGET:** This rule sets forth the requirements for receiving an early termination from parole supervision under Subsection 64-13-21(7). Although the rule changes the timing of parole termination it does not change the number of termination decisions. There are no direct costs or savings from this rule.

♦ **LOCAL GOVERNMENTS:** Local government does not participate in the parole process or submitting requests for early termination of parole. Local governments will not be affected.

♦ **SMALL BUSINESSES:** Small business does not participate in the parole process or submitting requests for early termination of parole. Small business will not be affected.

♦ **PERSONS OTHER THAN SMALL BUSINESSES, BUSINESSES, OR LOCAL GOVERNMENTAL ENTITIES:** The individual on parole will benefit from a possible early termination however the rule does not change the nature of parole supervision or limit the parolee's opportunity to complete parole successfully.

COMPLIANCE COSTS FOR AFFECTED PERSONS: There are no costs for a parolee to submit a request for an early termination.

COMMENTS BY THE DEPARTMENT HEAD ON THE FISCAL IMPACT THE RULE MAY HAVE ON BUSINESSES: Business does not participate in the parole termination process and will not be affected by an early termination of parole supervision.

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

PARDONS (BOARD OF)
ADMINISTRATION
ROOM 300
448 E 6400 S
SALT LAKE CITY, UT 84107-8530
or at the Division of Administrative Rules.

DIRECT QUESTIONS REGARDING THIS RULE TO:

♦ Greg Johnson by phone at 801-261-6454, by FAX at 801-261-6481, or by Internet E-mail at gregjohnson@utah.gov

INTERESTED PERSONS MAY PRESENT THEIR VIEWS ON THIS RULE BY SUBMITTING WRITTEN COMMENTS NO LATER THAN AT 5:00 PM ON 11/16/2015

INTERESTED PERSONS MAY ATTEND A PUBLIC HEARING REGARDING THIS RULE:

◆ 10/26/2015 08:00 AM, Board of Pardons, 448 E Winchester, Suite 300, Murray, UT

THIS RULE MAY BECOME EFFECTIVE ON: 11/26/2015

AUTHORIZED BY: Angela Micklos, Chair

R671. Pardons (Board of), Administration.

R671-405. Parole Termination.

[R671-405-1. Termination of Parole.

The Board may consider terminating an offender's parole when petitioned to do so by the Department of Corrections, other interested parties or on its own initiative. When considering termination, the Board will toll any parole time when a parolee is an absconder. The toll time will be from the date a Board warrant was issued to the date the warrant was executed.

When a termination is approved by the Board, written notification of the Board's action will be provided to the parolee through the Department of Corrections.

Depending on the crime, statutory periods of parole without violation are three, ten years, the unexpired length of the sentence, or life.

Upon receipt of written notification of the service of the statutory maximum period on parole and verification of that information, the Board of Pardons will then order the closing of the file.

[R671-405-1. General Provisions.

(1) When an offender is granted parole, the offender shall remain on parole until:

- (a) the offender's maximum parole term has been served;
- (b) the Board grants a discretionary parole termination and discharge of the offender's sentence, pursuant to Utah Admin. Rule R671-405-3;
- (c) the Board grants an earned parole termination and discharge of the offender's sentence, pursuant to Utah Code Subsections 64-13-21(7), 76-3-202(1)(a) and Utah Admin. Rule R671-405-4; or
- (d) the offender's parole is revoked, the offender is found in violation of parole, the offender agrees to re-start parole in lieu of a parole violation or revocation proceeding, or the offender is confined during the parole period.

(2) "Maximum Parole Term" for purposes of this rule is the expiration date of an offender's combined sentences, or the last day of the offender's legislative parole term, as set forth in Utah Code Section 76-3-202, whichever occurs first.

R671-405-2. Termination Request Reports.

All parole termination requests or notices submitted by the Department of Corrections (Department) shall include or be accompanied by a report which includes:

- (1) the offender's identification information, supervising agent information, and agent contact information;
- (2) any incentives granted to, or sanctions imposed on the offender by the Department during the term of parole supervision;

(3) the number of total months on parole during which the offender was compliant with all conditions of parole and the offender's case action plan;

(4) a current risk assessment, score, and risk level;

(5) the results of a current sex offender treatment exit polygraph, if the offender is on parole for a sex offense or if requested by the Board;

(6) an update on the offender's case action plan progress, compliance, and completion and a recommendation from the Department whether parole should be extended to allow successful completion of any necessary treatment program identified in the case action plan which has not yet been completed;

(7) an update regarding the offender's compliance with or completion of all special conditions of parole; and

(8) a summary which details the offender's payment of restitution obligations or orders, and if restitution has not been paid in full, an explanation of the non-payment, and the efforts the Department has made to collect restitution.

R671-405-3. Discretionary Termination of Parole.

(1) The Department may request that the Board terminate any offender's parole at any time prior to the final day of the offender's maximum parole term.

(2) The Department shall submit, with the request for early termination of parole, a termination report which contains the information set forth in Rule 405-2 of this rule.

(3) Written notification of the Board's decision regarding the request for parole termination shall be provided to the offender through the Department.

R671-405-4. Earned Early Termination of Parole.

(1) When the Department determines that an offender has earned an early termination of parole, pursuant to Utah Code Subsection 64-13-21(7), it shall notify the Board within 30 day and request that the Board terminate the parole of the offender.

(2) The Department shall submit, with the request for earned early termination of parole, a termination report which contains the information set forth in Rule 405-2 of this rule.

(3) Upon receipt and verification of the Department's earned early termination request, the Board shall terminate the offender's parole, unless the Board determines that:

- (a) the offender is currently in violation of parole;
- (b) the offender violated the terms and conditions of parole at any point during parole, and the violation was not reported to the Board;
- (c) the Board determines that the offender was awarded credit toward the earned early termination for a month in which the offender violated the terms and conditions of parole; or
- (d) the Board determines that early parole termination would interrupt the completion of a necessary treatment program, identified in the offender's case action plan.

(4) Written notification of the Board's decision regarding the request for earned early parole termination shall be provided to the offender through the Department.

(5) Written notification of the Board's decision regarding the request for earned early parole termination shall be provided to the offender through the Department.

(6) Written notification of the Board's decision regarding the request for earned early parole termination shall be provided to the offender through the Department.

KEY: sentencing, parole

Date of Enactment or Last Substantive Amendment: [February 25, 2009]2015

Notice of Continuation: January 31, 2012

Authorizing, Implemented, or Interpreted Law: Art. VII, Sec. 12; 64-13-21(7); 76-3-202; 77-27-1(18); 77-27-5; 77-27-7(4); 77-27-9; 77-27-11; 77-27-12

Public Safety, Emergency Management **R704-1** Search and Rescue Financial Assistance Program

NOTICE OF PROPOSED RULE

(Amendment)

DAR FILE NO.: 39783

FILED: 09/30/2015

RULE ANALYSIS

PURPOSE OF THE RULE OR REASON FOR THE CHANGE: The recently enacted H.B. 324 from the 2015 General Session establishes a Utah Search and Rescue Assistance Card (USARAC) Program, which will be managed under the Search and Rescue Financial Assistance Program. The amendments to the rule outline the definitions and costs associated with the USARAC program.

SUMMARY OF THE RULE OR CHANGE: The amendments update Rule R704-1 to reflect the newly enacted H.B. 324 (2015) which establishes the Utah Search and Rescue Assistance Card (USARAC) program. The USARAC will be managed, under the approval of the Search and Rescue Advisory Board, by the Utah Division of Emergency Management. The amendment within Rule R704-1 includes definitions, fee schedule, and eligible expenses associated with the USARAC. The amendments set up the process for an individual or family to purchase a Search and Rescue Assistance Card.

STATUTORY OR CONSTITUTIONAL AUTHORIZATION FOR THIS RULE: Section 53-2a-1102

ANTICIPATED COST OR SAVINGS TO:

◆ **THE STATE BUDGET:** The amendment will not cost or save the state money. The amendment to the rule does not force a fee or tax, the cost is voluntary therefore will have no effect to the State budget. This will also not require any increased overhead, IT expenses or staff to carry out the change to the rule—it will be absorbed within the existing administrative support already outlined in Rule R704-1.

◆ **LOCAL GOVERNMENTS:** This amendment will neither cost nor save the local government money. The amendment to the rule does not force a fee or tax, the cost is voluntary therefore will have no effect to the Local government budget.

◆ **SMALL BUSINESSES:** This change will neither cost nor save small businesses any money. The amendment to the rule does not force a fee or tax, the cost is voluntary therefore will have no effect to the small business budget.

◆ **PERSONS OTHER THAN SMALL BUSINESSES, BUSINESSES, OR LOCAL GOVERNMENTAL ENTITIES:** Persons will be affected by this amendment as they choose to purchase the Utah Search and Rescue Assistance Card. A person will be required to pay a fee in order to participate in the Utah Search and Rescue Assistance Card.

COMPLIANCE COSTS FOR AFFECTED PERSONS: Under Section 53-2a-1102, the approval of SAR Advisory Board is permitted to establish a fee for the Utah Search and Rescue Assistance Card. Individuals participating in this program will be required to pay a fee.

COMMENTS BY THE DEPARTMENT HEAD ON THE FISCAL IMPACT THE RULE MAY HAVE ON BUSINESSES: There is no anticipated fiscal impact on business. The rule revision establishes administration procedures and fees for the Search and Rescue Card program, which is a voluntary program for interested individuals, families, and organized groups.

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

PUBLIC SAFETY
EMERGENCY MANAGEMENT
ROOM 1110 STATE OFFICE BUILDING
450 N STATE ST
SALT LAKE CITY, UT 84114-1201
or at the Division of Administrative Rules.

DIRECT QUESTIONS REGARDING THIS RULE TO:

◆ Tara Behunin by phone at 801-538-3426, by FAX at 801-538-3770, or by Internet E-mail at tarabehunin@utah.gov

INTERESTED PERSONS MAY PRESENT THEIR VIEWS ON THIS RULE BY SUBMITTING WRITTEN COMMENTS NO LATER THAN AT 5:00 PM ON 11/16/2015

THIS RULE MAY BECOME EFFECTIVE ON: 11/23/2015

AUTHORIZED BY: Kris Hamlet, Director

R704. Public Safety, Emergency Management. R704-1. Search and Rescue Financial Assistance Program. R704-1-1. Purpose.

The purpose of this rule is to set forth the procedures for obtaining reimbursement from the program for costs and expenses related to SAR activities in accordance with Title 53, Chapter 2, Part 11 and to provide for the administration of the assistance card program.

R704-1-2. Authority.

This rule is authorized by Section 53-2a-1102(7) which requires the division, with the approval of the board, to make rules for the administration of the program and the assistance card program.

R704-1-3. Definitions.

(1) Terms used in this rule include those found in Section 53-2a-1102.

(2) In addition:

(a) "board" means the Search and Rescue Advisory Board created in Section 53-2a-1103;

(b) "division" means the Utah Department of Public Safety, Division of Emergency Management created in Section 53-2a-103;

(c) "eligible expense" means the costs and expenses related to SAR activities that the board has determined are reimbursable expenses under Subsection 53-2a-1102(1) and meet the eligibility requirements in Section R704-1-5~~[are eligible for reimbursement from the program]~~;

(d) "equipment" means items used by SAR personnel while conducting SAR activities;

(e) "family" means an individual, his or her spouse or partner, and his or her minor children;

(f) "individual" means a single person;

(g)(e) "maintenance" means materials and services that keeps equipment functional and continue its service life;

(h) "organized group" means multiple individuals who are members of a chartered or sponsored unit, club, team, or similar entity;

(i)(f) "program" means the Search and Rescue Financial Assistance Program;

(j)(g) "SAR" means search and rescue;

(k)(h) "SAR activity" means all activities related to search and rescue including SAR training, the purchase or upgrade of SAR equipment, and the deployment to a SAR incident;

(l)(i) "SAR incident" means an incident, not associated with criminal or law enforcement activity, for which a search and rescue team are deployed to search for and rescue victims;

(m)(j) "training" means instruction that teaches or enhances skills directly related to SAR; and

(n)(k) "upgrade" means materials and services that enhance the function of equipment.

R704-1-4. Application Process for Reimbursement for SAR Activities.

(1) A county seeking reimbursement for SAR costs and expenses paid by it for search and rescue activities shall submit a separate application packet for each SAR activity to the division.

(2) The application packet shall be submitted within 45 days from the date of a SAR activity in order to be considered timely.

(a) If the SAR activity occurred within 45 days prior to July 1st and the county anticipates that it will submit the application packet after July 1st, then the county shall submit a Notice to Seek Reimbursement form as soon as possible after the SAR activity.

(3) The application packet shall include:

(a) a completed Utah Search and Rescue Financial Assistance Application Form provided by the division; and

(b) documentation showing the costs and expenses paid by the county, including copies of invoices, checks, and receipts.

(i) If a county is unable to obtain a receipt or invoice within the 45 day application packet due date, then that period may be extended an additional 45 days. The county shall provide written notification in the application packet that it has been unable to obtain the receipt or invoice.

(4) The county sheriff shall sign the application with an original signature. A designee may sign the application in place of the sheriff in extenuating circumstances that shall be documented to the division.

R704-1-5. Review Process and Eligible Expenses.

(1) The board shall meet as required in Section 53-2a-1104 to review the application packets which have been received by the division and determine whether the costs and expenses sought are eligible for reimbursement from the program.

(2) When making this determination, the board shall consider whether the costs and expenses sought are:

(a) reasonable in light of the type of services or equipment provided;

(b) reasonable in light of the market value for the services or equipment provided;

(c) excludable as salary or overtime pay;

(d) necessary or appropriate for conducting the type of SAR activity for which reimbursement is sought;

(e) reasonably related to or caused by the utilization of the subject equipment in SAR activities;

(f) an unjust or improper enrichment of the owner of the subject equipment; and

(g) incidental to SAR activities;

(i) food is an eligible expense if used exclusively for SAR activities. If food is used for a specific SAR activity, it shall be considered an expense related to the activity. If food is purchased to restock supplies, it shall be considered an equipment purchase;

(ii) clothing is an eligible expense if it marks and readily identifies the wearer as SAR personnel or is an outer garment that serves a specialized function;

(iii) fuel is an eligible expense if used exclusively for SAR activities;

(iv) mileage is an eligible expense in place of fuel reimbursement if the miles driven were exclusively for a SAR activity. The county shall provide documentation that justifies the mileage reimbursement requested;

(v) membership fees to SAR-related organizations is not an eligible expense;~~and~~

(vi) equipment maintenance is not an eligible expense;~~and~~[-]

~~(vii) medical expenses and transportation by ground or air ambulance are not eligible expenses;~~

~~(viii) expenses for the rescue of pets or other domestic animals is not an eligible expense.~~

R704-1-6. Distribution Process.

(1) After the conclusion of the fiscal year, the board shall meet to consider the following information for the prior fiscal year:

(a) the total amount of money available in the program;

(b) each county's eligible expenses;

(c) the total number of SAR incidents which occurred per each county population, described in the form of a ratio;

(d) the number of victims residing outside of each county, described in the form of a percentage;

(e) the number of volunteer hours spent in each county in emergency response and SAR activities per county population, described in the form of a ratio; and

(f) which applications were received in a timely manner.

(2) The following formula shall be applied to the eligible expenses to determine a fair and equitable distribution of money from the program:

(a) if the total amount of eligible expenses is less than the amount of money available in the program, all of the eligible expenses shall be reimbursed from the program; and

(b) if the total amount of eligible expenses is more than the amount of money available in the program, the eligible expenses shall be divided into the following categories and be reimbursed in the order in which they appear:

(i) costs and expenses related to SAR incidents;

(ii) SAR-related training; and

(iii) the purchase or upgrade of SAR equipment.

(3) If there is an insufficient amount of money available in the program to cover the eligible expenses in any one of the listed categories, the amount of money remaining in the program shall be divided by the total number of counties.

(4) A county may receive a percentage of the money that is allocated to each county as determined by calculating a percentage from the following point totals:

(a) each county shall receive up to 25 points for the timely submission of application packets, with one point to be deducted for each late application;

(b) each county may receive up to 25 points, based on the number of SAR incidents occurring per county population as determined by the following ratios:

(i) 5 points if the ratio is less than 1:750;

(ii) 10 points if the ratio is equal to or greater than 1:750 but less than 1:500;

(iii) 15 points if the ratio is equal to or greater than 1:500 but less than 1:250;

(iv) 20 points if the ratio is equal to or greater than 1:250 but less than 1:100; and

(v) 25 points if the ratio is equal to or greater than 1:100;

(c) each county may receive up to 25 points based on the percentage of victims residing outside of the subject county as determined by the following percentages:

(i) 5 points if the percentage is less than 20%;

(ii) 10 points if the percentage is 20% or greater but less than 40%;

(iii) 15 points if the percentage is 40% or greater but less than 60%;

(iv) 20 points if the percentage is 60% or greater but less than 80%; and

(v) 25 points if the percentage is 80% or greater; and

(d) each county may receive up to 25 points based on the number of volunteer hours spent in each county in emergency response and SAR activities per county population as determined by the following ratios:

(i) 5 points if the ratio is greater than 1:100 but less than 1:50;

(ii) 10 points if the ratio is equal to or greater than 1:50 but less than 1:25;

(iii) 15 points if the ratio is equal to or greater than 1:25 but less than 1:10;

(iv) 20 points if the ratio is equal to or greater than 1:10 but less than 1:5; and

(v) 25 points if the ratio is equal to or greater than 1:5.

(5) The formula in this rule shall be applied to each of the categories until the amount of money left in the program makes it impractical to continue.

(6) The remaining money in the program shall be used to:

(a) cover the board's costs and expenses; and

(b) reimburse eligible expenses in the next fiscal year.

R704-1-7. Procedure to Obtain or Renew a Card and Fee Schedule.

(1) An individual, family, or organized group seeking to obtain a card shall apply through the Utah Office of Outdoor Recreation's website and pay the applicable fee.

(2) The fee schedule is:

(a) \$25 for an individual annual card or \$100 for an individual five-year card;

(b) \$35 for a family annual card or \$140 for a family five-year card; and

(c) \$50 for a group annual card for up to 25 individuals;

(d) \$70 for a group annual card for up to 50 individuals;

(e) \$100 for a group annual card for up to 75 individuals; and

(f) \$125 for a group annual card for up to 100 individuals;

(3) The division shall discount the fee by 10% to an individual who has paid fees under Section 23-19-42, 41-22-34, or 73-18-24 in the same calendar year as his or her application for an individual or family card.

(4) Cards are valid from the date of issuance and remain valid for one year for annual cards and five years for five-year cards.

(5) An individual, family, or organized group may renew a card by applying online through the Utah Office of Outdoor Recreation's website and pay the applicable fee.

(6) The board shall review the fee schedule annually and recommend fee changes to the division.

KEY: search and rescue, financial reimbursement, expenses
Date of Enactment or Last Substantive Amendment: [September 29, 2014]2015

Notice of Continuation: July 7, 2014

Authorizing, and Implemented or Interpreted Law: 53-2a-1102

End of the Notices of Proposed Rules Section

NOTICES OF CHANGES IN PROPOSED RULES

After an agency has published a **PROPOSED RULE** in the *Utah State Bulletin*, it may receive comment that requires the **PROPOSED RULE** to be altered before it goes into effect. A **CHANGE IN PROPOSED RULE** allows an agency to respond to comments it receives.

As with a **PROPOSED RULE**, a **CHANGE IN PROPOSED RULE** is preceded by a **RULE ANALYSIS**. This analysis provides summary information about the **CHANGE IN PROPOSED RULE** including the name of a contact person, anticipated cost impact of the rule, and legal cross-references.

While the law does not designate a comment period for a **CHANGE IN PROPOSED RULE**, it does provide for a 30-day waiting period. An agency may accept additional comments during this period and, at its option, may designate a comment period or may hold a public hearing. The 30-day waiting period for **CHANGES IN PROPOSED RULES** published in this issue of the *Utah State Bulletin* ends November 16, 2015.

Following the **RULE ANALYSIS**, the text of the **CHANGE IN PROPOSED RULE** is usually printed. The text shows only those changes made since the **PROPOSED RULE** was published in an earlier edition of the *Utah State Bulletin*. Additions made to the rule appear underlined (*example*). Deletions made to the rule appear struck out with brackets surrounding them (~~example~~). A row of dots in the text between paragraphs (.) indicates that unaffected text, either whole sections or subsections, was removed to conserve space. If a **CHANGE IN PROPOSED RULE** is too long to print, the Division of Administrative Rules may include only the **RULE ANALYSIS**. A copy of rules that are too long to print is available from the agency or from the Division of Administrative Rules.

From the end of the 30-day waiting period through February 12, 2016, an agency may notify the Division of Administrative Rules that it wants to make the **CHANGE IN PROPOSED RULE** effective. When an agency submits a **NOTICE OF EFFECTIVE DATE** for a **CHANGE IN PROPOSED RULE**, the **PROPOSED RULE** as amended by the **CHANGE IN PROPOSED RULE** becomes the effective rule. The agency sets the effective date. The date may be no fewer than 30 days nor more than 120 days after the publication date of the **CHANGE IN PROPOSED RULE**. If the agency designates a public comment period, the effective 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. Alternatively, the agency may file another **CHANGE IN PROPOSED RULE** in response to additional comments received. If the Division of Administrative Rules does not receive a **NOTICE OF EFFECTIVE DATE** or another **CHANGE IN PROPOSED RULE** by the end of the 120-day period after publication, the **CHANGE IN PROPOSED RULE** filing, along with its associated **PROPOSED RULE**, lapses.

CHANGES IN PROPOSED RULES are governed by Section 63G-3-303, Rule R15-2, and Sections R15-4-3, R15-4-4, R15-4-5b, R15-4-7, R15-4-9, and R15-4-10.

The Changes in Proposed Rules Begin on the Following Page

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

NOTICE OF CHANGE IN PROPOSED RULE

DAR FILE NO.: 39461

FILED: 09/29/2015

RULE ANALYSIS

PURPOSE OF THE RULE OR REASON FOR THE CHANGE: The division and Construction Services Commission filed proposed amendments in DAR No. 39461 which were published in the Utah State Bulletin and a public rule hearing was held on 07/29/2015. As a result of public comments received at the hearing, the commission has decided to delay considering changes to the insurance requirements originally proposed under Sections R156-55a-302d and R156-55a-501 and to move forward with the remaining proposed amendments in that original filing. The purpose of this change in proposed rule filing is to: 1) delete previously proposed changes to clarify the liability insurance requirement for contractors; and 2) delete previously proposed changes to add failure to comply with certain insurance requirements to unprofessional conduct for contractors.

SUMMARY OF THE RULE OR CHANGE: In Subsection R156-55a-302d(2), the change deletes the previously proposed change to clarify that a public liability insurance policy shall not exclude coverage for any type of work that a contractor performs. In Subsections R156-55a-501(2) and (3), the change deletes the previously proposed change to add failure to comply with certain insurance requirements to the definition of unprofessional conduct for contractors. (DAR NOTE: This change in proposed rule has been filed to make additional changes to a proposed amendment that was published in the July 15, 2015, issue of the Utah State Bulletin, on page 21. Underlining in the rule below indicates text that has been added since the publication of the proposed rule mentioned above; strike-out indicates text that has been deleted. You must view the change in proposed rule and the proposed amendment together to understand all of the changes that will be enforceable should the agency make this rule effective.)

STATUTORY OR CONSTITUTIONAL AUTHORIZATION FOR THIS RULE: Section 58-55-101 and Subsection 58-1-106(1)(a) and Subsection 58-1-202(1)(a) and Subsection 58-55-102(39)(a) and Subsection 58-55-308(1)(a)

ANTICIPATED COST OR SAVINGS TO:

- ◆ **THE STATE BUDGET:** No other costs or savings are anticipated beyond those previously identified in the original rule filing under DAR No. 39461.
- ◆ **LOCAL GOVERNMENTS:** No other costs or savings are anticipated beyond those previously identified in the original rule filing under DAR No. 39461.
- ◆ **SMALL BUSINESSES:** The change in insurance requirements will not result in any impact because the deletion of previously proposed changes will not result in a change from the current, existing rule.
- ◆ **PERSONS OTHER THAN SMALL BUSINESSES, BUSINESSES, OR LOCAL GOVERNMENTAL ENTITIES:** The change in insurance requirements will not result in any impact because the deletion of previously proposed changes will not result in a change from the current, existing rule.

COMPLIANCE COSTS FOR AFFECTED PERSONS: The change in insurance requirements will not result in any impact because the deletion of previously proposed changes will not result in a change from the current, existing rule.

COMMENTS BY THE DEPARTMENT HEAD ON THE FISCAL IMPACT THE RULE MAY HAVE ON BUSINESSES: As stated in the rule analysis, this filing responds to public comment regarding an earlier filing that modified insurance requirements applicable to persons who operate in the construction trades. This filing deletes language that was introduced in the prior filing. No fiscal impact to businesses is anticipated.

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

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

DIRECT QUESTIONS REGARDING THIS RULE TO:

- ◆ Dan Jones by phone at 801-530-6720, by FAX at 801-530-6511, or by Internet E-mail at dansjones@utah.gov

INTERESTED PERSONS MAY PRESENT THEIR VIEWS ON THIS RULE BY SUBMITTING WRITTEN COMMENTS NO LATER THAN AT 5:00 PM ON 11/16/2015

THIS RULE MAY BECOME EFFECTIVE ON: 11/23/2015

AUTHORIZED BY: Mark Steinagel, Director

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

.....

R156-55a-302d. Qualifications for Licensure - Proof of Insurance and Registrations.

~~[(1)]~~In accordance with the provisions of Subsection 58-55-302(2)(b), an applicant who is approved for licensure shall submit proof of public liability insurance in coverage amounts of at least \$100,000 for each incident and \$300,000 in total by means of a certificate of insurance naming the Division as a certificate holder. [

~~_____ (2) The public liability insurance coverage required under Subsection 58-55-302(2)(b), and Subsection (1) above, shall not exempt from coverage any area of construction within the scope of the work performed.]~~

.....

R156-55a-501. Unprofessional Conduct.

"Unprofessional conduct" includes:

(1) failing to notify the Division with respect to any matter for which notification is required under this rule or Title 58, Chapter 55, the Construction Trades Licensing Act, including a change in qualifier. Such failure shall be considered by the Division and the Commission as grounds for immediate suspension of the contractor's license;

(2) failing to continuously maintain insurance and registration as required by Subsection 58-55-302(2), in coverage amounts and form as implemented by this chapter~~[and Section R156-55a-302d]~~; and

(3) failing, ~~[within 30 days of a]~~upon request from the Division ~~[or an upper tier contractor,]~~to provide[:

~~_____ (a)]~~ proof of insurance coverage within 30 days[:

~~_____ (b) copy of the licensee's public insurance policy; or~~

~~_____ (c) any exclusions included in the licensee's public insurance policy].~~

KEY: contractors, occupational licensing, licensing

Date of Enactment or Last Substantive Amendment: 2015

Notice of Continuation: October 4, 2011

Authorizing, and Implemented or Interpreted Law: 58-1-106(1)(a); 58-1-202(1)(a); 58-55-101; 58-55-308(1)(a); 58-55-102(39)(a)

Environmental Quality, Water Quality
R317-2
Standards of Quality for Waters of the State

NOTICE OF CHANGE IN PROPOSED RULE

DAR FILE NO.: 39397

FILED: 09/28/2015

RULE ANALYSIS

PURPOSE OF THE RULE OR REASON FOR THE CHANGE: Subsection R317-2-7(7.1)(c) and Section R317-2-14, Table 2.14.1 were revised in response to comments received during the comment period.

SUMMARY OF THE RULE OR CHANGE: The previously proposed addition to Subsection R317-2-7(7.1)(c) regarding background pollutant levels that affect waters statewide was deleted. The statistical methodology applied to develop the site-specific total dissolved solids criteria for Blue Creek and Blue Creek Reservoir in Section R317-2-14, Table 2.14.1, Footnote 4, were revised resulting in the daily maximum being lowered from 7,200 mg/l to 4,900 mg/l and from 7,500 mg/l to 6,300 mg/l for the summer season and winter seasons, respectively. The daily maximum total dissolved solids site-specific criteria for Blue Creek Reservoir was revised from 2,200 mg/l to 2,100 mg/l. The changes in statistical methodologies affected the validity of the assessment comparison values for the 30-day average total dissolved solids criteria and the comparison values were deleted. (DAR NOTE: This change in proposed rule has been filed to make additional changes to a proposed amendment that was published in the June 1, 2015, issue of the Utah State Bulletin, on page 98. Underlining in the rule below indicates text that has been added since the publication of the proposed rule mentioned above; strike-out indicates text that has been deleted. You must view the change in proposed rule and the proposed amendment together to understand all of the changes that will be enforceable should the agency make this rule effective.)

STATUTORY OR CONSTITUTIONAL AUTHORIZATION FOR THIS RULE: FWPCA, 33 U.S.C. Sec. 1251, 1311-1317, 1329 and Section 19-5-105 and Section 19-5-110

ANTICIPATED COST OR SAVINGS TO:

◆ **THE STATE BUDGET:** The previously proposed changes to Subsection R317-2-7(7.1)(c) and Section R317-2-14, Table R317-2-14, Table 2.14.1, Footnote 4, were estimated to result in an average cost savings of \$0 to \$15,000 per year for the state. The proposed change in rule for Subsection R317-2-7(7.1)(c) was deleted and therefore, any unrealized savings could result in an increase in costs. The proposed change in rule for Section R317-2-14, Table R317-2-14.1, Footnote 4, are anticipated to be cost neutral although there is a small increase in the likelihood of false positive impairment decisions which could result in additional costs in staff resources. These costs would be associated with an estimated 40 hours of staff time or less than \$1,000 to resolve.

◆ **LOCAL GOVERNMENTS:** No cost increases or savings are anticipated for local governments because the changes to Subsection R317-2-7(7.1)(c) affect water quality assessments which do not directly affect local governments. The changes to the Blue Creek site-specific total dissolved criteria similarly

only affect water quality assessments and permitted discharges which do not include local governments.

♦ **SMALL BUSINESSES:** No cost increases or savings are anticipated for small businesses because the changes to Subsection R317-2-7(7.1)(c) affect water quality assessments which do not directly affect the costs for any small businesses. The changes to the Blue Creek site-specific total dissolved criteria similarly only affect water quality assessments and permitted discharges to Blue Creek which do not include any small businesses.

♦ **PERSONS OTHER THAN SMALL BUSINESSES, BUSINESSES, OR LOCAL GOVERNMENTAL ENTITIES:** No cost increases or savings are anticipated for other persons because the changes to Subsection R317-2-7(7.1)(c) affect water quality assessments which do not directly affect the costs for the persons defined. Based on information provided by the permitted discharger to Blue Creek, the changes to Section R317-2-14, Table R317-2-1, Footnote 4, for the Blue Creek site-specific total dissolved criteria will not result in increased costs.

COMPLIANCE COSTS FOR AFFECTED PERSONS: Cost impacts were only identified for state staff resources and these are estimated to be \$0 to \$15,000 year in unrealized savings. There are no plans to pass those costs on to affected persons as compliance costs.

COMMENTS BY THE DEPARTMENT HEAD ON THE FISCAL IMPACT THE RULE MAY HAVE ON BUSINESSES: I see no fiscal impact on businesses because of this change in the rule.

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

ENVIRONMENTAL QUALITY
WATER QUALITY
THIRD FLOOR
195 N 1950 W
SALT LAKE CITY, UT 84116
or at the Division of Administrative Rules.

DIRECT QUESTIONS REGARDING THIS RULE TO:

♦ Judy Etherington by phone at 801-536-4344, by FAX at 801-536-4301, or by Internet E-mail at jetherington@utah.gov

INTERESTED PERSONS MAY PRESENT THEIR VIEWS ON THIS RULE BY SUBMITTING WRITTEN COMMENTS NO LATER THAN AT 5:00 PM ON

THIS RULE MAY BECOME EFFECTIVE ON: 11/23/2015

AUTHORIZED BY: Walter Baker, Director

**R317. Environmental Quality, Water Quality.
R317-2. Standards of Quality for Waters of the State.**

.....

R317-2-7. Water Quality Standards.

7.1 Application of Standards

a. The numeric criteria listed in R317-2-14 shall apply to each of the classes assigned to waters of the State as specified in R317-2-6. It shall be unlawful and a violation of these rules for any person to discharge or place any wastes or other substances in such manner as may interfere with designated uses protected by assigned classes or to cause any of the applicable standards to be violated, except as provided in R317-1-3.1.

b. At a minimum, assessment of the beneficial use support for waters of the state will be conducted biennially and available for a 30-day period of public comment and review. Monitoring locations and target indicators of water quality standards shall be prioritized and published yearly. For water quality assessment purposes, up to 10 percent of the representative samples may exceed the minimum or maximum criteria for dissolved oxygen, pH, E. coli, total dissolved solids, and temperature, including situations where such criteria have been adopted on a site-specific basis.

c. Site-specific standards may be adopted by rulemaking where biomonitoring data, bioassays, or other scientific analyses indicate that the statewide criterion is over or under protective of the designated uses or where natural or un-alterable conditions or other factors as defined in 40 CFR 131.10(g) prevent the attainment of the statewide criteria as prescribed in Subsections R317-2-7.2, and R317-2-7.3, and Section R317-2-14. [~~When it is determined that natural background level of a pollutant is less stringent than the otherwise applicable criterion, the water quality criterion will be equal to the natural background concentration.~~]

7.2 Narrative Standards

It shall be unlawful, and a violation of these rules, for any person to discharge or place any waste or other substance in such a way as will be or may become offensive such as unnatural deposits, floating debris, oil, scum or other nuisances such as color, odor or taste; or cause conditions which produce undesirable aquatic life or which produce objectionable tastes in edible aquatic organisms; or result in concentrations or combinations of substances which produce undesirable physiological responses in desirable resident fish, or other desirable aquatic life, or undesirable human health effects, as determined by bioassay or other tests performed in accordance with standard procedures; or determined by biological assessments in Subsection R317-2-7.3.

7.3 Biological Water Quality Assessment and Criteria

Waters of the State shall be free from human-induced stressors which will degrade the beneficial uses as prescribed by the biological assessment processes and biological criteria set forth below:

a. Quantitative biological assessments may be used to assess whether the purposes and designated uses identified in R317-2-6 are supported.

b. The results of the quantitative biological assessments may be used for purposes of water quality assessment, including, but not limited to, those assessments required by 303(d) and 305(b) of the federal Clean Water Act (33 U.S.C. 1313(d) and 1315(b)).

c. Quantitative biological assessments shall use documented methods that have been subject to technical review and produce consistent, objective and repeatable results that account for methodological uncertainty and natural environmental variability.

d. If biological assessments reveal a biologically degraded water body, specific pollutants responsible for the degradation will not be formally published (i.e., Biennial Integrated Report, TMDL) until a

thorough evaluation of potential causes, including nonchemical stressors (e.g., habitat degradation or hydrological modification or criteria described in 40 CFR 131.10 (g)(1 - 6) as defined by the Use Attainability Analysis process), has been conducted.

.....

R317-2-14. Numeric Criteria.

TABLE 2.14.1
 NUMERIC CRITERIA FOR DOMESTIC,
 RECREATION, AND AGRICULTURAL USES

Parameter	Domestic	Recreation and		Agri-
	Source	Aesthetics	Aesthetics	culture
	1C	2A	2B	4
BACTERIOLOGICAL				
(30-DAY GEOMETRIC MEAN) (NO.)/100 ML (7)				
E. coli	206	126	206	
MAXIMUM				
(NO.)/100 ML (7)				
E. coli	668	409	668	
PHYSICAL				
pH (RANGE)	6.5-9.0	6.5-9.0	6.5-9.0	6.5-9.0
Turbidity Increase (NTU)		10	10	
METALS (DISSOLVED, MAXIMUM MG/L) (2)				
Arsenic	0.01			0.1
Barium	1.0			
Beryllium	<0.004			
Cadmium	0.01			0.01
Chromium	0.05			0.10
Copper				0.2
Lead	0.015			0.1
Mercury	0.002			
Selenium	0.05			0.05
Silver	0.05			
INORGANICS (MAXIMUM MG/L)				
Bromate	0.01			
Boron				0.75
Chlorite	<1.0			
Fluoride (3)	1.4-2.4			
Nitrates as N	10			
Total Dissolved Solids (4)				1200
RADIOLOGICAL				
(MAXIMUM pCi/L)				
Gross Alpha	15			15
Gross Beta (Combined)	4 mrem/yr		Radium 226, 228	
Strontium 90	5			
Tritium	8			
Uranium	20000			
30				
ORGANICS (MAXIMUM UG/L)				
Chlorophenoxy Herbicides				
2,4-D	70			
2,4,5-TP	10	Methoxychlor		40

POLLUTION INDICATORS (5)

BOD (MG/L)	5	5	5
Nitrate as N (MG/L)	4	4	
Total Phosphorus as P (MG/L) (6)	0.05	0.05	

FOOTNOTES:

- (1) Reserved
- (2) The dissolved metals method involves filtration of the sample in the field, acidification of the sample in the field, no digestion process in the laboratory, and analysis by approved laboratory methods for the required detection levels.
- (3) Maximum concentration varies according to the daily maximum mean air temperature.

TEMP (C) MG/L

12.0	2.4
12.1-14.6	2.2
14.7-17.6	2.0
17.7-21.4	1.8
21.5-26.2	1.6
26.3-32.5	1.4

(4) SITE SPECIFIC STANDARDS FOR TOTAL DISSOLVED SOLIDS (TDS)

Blue Creek and tributaries, Box Elder County, from Bear River Bay, Great Salt Lake to Blue Creek Reservoir: March through October daily maximum ~~[7,200]~~4,900 mg/l and an average of 3,800 mg/l; November through February daily maximum ~~[7,500]~~6,300 mg/l and an average of 4,700 mg/l. Assessments will be based on TDS concentrations measured at the location of STORET 4960740. ~~[At least 10 samples are required to assess compliance with the average criterion. If the sample average for samples collected from March through October is equal to or less than 4,100 mg/l and the sample average for samples collected from November through February is equal to or less than 5,300 mg/l, the average criteria are met. Alternative scientifically defensible assessment methods may be applied for assessing the average criteria.]~~

Blue Creek Reservoir and tributaries, Box Elder County, daily maximum ~~[2,200]~~2,100 mg/l

Castle Creek from confluence with the Colorado River to Seventh Day Adventist Diversion: 1,800 mg/l;

Cottonwood Creek from the confluence with Huntington Creek to I-57: 3,500 mg/l;

Ferron Creek from the confluence with San Rafael River to Highway 10: 3,500 mg/l;

Huntington Creek and tributaries from the confluence with Cottonwood Creek to U-10: 4,800 mg/l;

Ivie Creek and its tributaries from the confluence with Muddy Creek to the confluence with Quitcupah Creek: 3,800 mg/l provided that total sulfate not exceed 2,000 mg/l to protect the livestock watering agricultural existing use;

Ivie Creek and its tributaries from the confluence with Quitcupah Creek to U10: 2,600 mg/l;

Lost Creek from the confluence with Sevier River to U.S. Forest Service Boundary: 4,600 mg/l;

Muddy Creek and tributaries from the confluence with Ivie Creek to U-10: 2,600 mg/l;

Muddy Creek from confluence with Fremont River to confluence with Ivie Creek: 5,800 mg/l;

North Creek from the confluence with Virgin River to headwaters: 2,035 mg/l;

Onion Creek from the confluence with Colorado River to road crossing above Stinking Springs: 3000 mg/l;

Brine Creek-Petersen Creek, from the confluence with the Sevier River to U-119 Crossing: 9,700 mg/l;

Price River and tributaries from confluence with Green River to confluence with Soldier Creek: 3,000 mg/l;

Price River and tributaries from the confluence with Soldier Creek to Carbon Canal Diversion: 1,700 mg/l

Quitcupah Creek from the confluence with Ivie Creek to U-10: 3,800 mg/l provided that total sulfate not exceed 2,000 mg/l to protect the livestock watering agricultural existing use;

Rock Canyon Creek from the confluence with Cottonwood Creek to headwaters: 3,500 mg/l;

San Pitch River from below Gunnison Reservoir to the Sevier River: 2,400 mg/l;

San Rafael River from the confluence with the Green River to Buckhorn Crossing: 4,100 mg/l;

San Rafael River from the Buckhorn Crossing to the confluence with Huntington Creek and Cottonwood Creek: 3,500 mg/l;

Sevier River between Gunnison Bend Reservoir and DMAD Reservoir: 1,725 mg/l;

Sevier River from Gunnison Bend Reservoir to Clear Lake: 3,370 mg/l;

South Fork Spring Creek from confluence with Pelican Pond Slough Stream to US 89
 1,450 mg/l (Apr.-Sept.)
 1,950 mg/l (Oct.-March)

Virgin River from the Utah/Arizona border to Pah Tempe Springs: 2,360 mg/l

(5) Investigations should be conducted to develop more information where these pollution indicator levels are exceeded.

(6) Total Phosphorus as P (mg/l) indicator for lakes and reservoirs shall be 0.025.

(7) Where the criteria are exceeded and there is a reasonable basis for concluding that the indicator bacteria E. coli are primarily from natural sources (wildlife), e.g., in National Wildlife Refuges and State Waterfowl Management Areas, the criteria may be considered attained provided the density attributable to non-wildlife sources is less than the criteria. Exceedences of E. coli from nonhuman nonpoint sources will generally be addressed through appropriate Federal, State, and local nonpoint source programs.

Measurement of E. coli using the "Quanti-Tray 2000" procedure is approved as a field analysis. Other EPA approved methods may also be used.

For water quality assessment purposes, up to 10% of representative samples may exceed the 668 per 100 ml criterion (for 1C and 2B waters) and 409 per 100 ml (for 2A waters). For small datasets, where exceedences of these criteria are observed, follow-up ambient monitoring should be conducted to better characterize water quality.

.....

KEY: water pollution, water quality standards
Date of Enactment or Last Substantive Amendment: 2015
Notice of Continuation: October 2, 2012
Authorizing, and Implemented or Interpreted Law: 19-5;
FWPCA 33 U.S.C. Sec. 1251, 1311-1317, 1329

End of the Notices of Changes in Proposed Rules Section

NOTICES OF 120-DAY (EMERGENCY) RULES

An agency may file a **120-DAY (EMERGENCY) RULE** when it finds that regular rulemaking procedures would:

- (a) cause an imminent peril to the public health, safety, or welfare;
- (b) cause an imminent budget reduction because of budget restraints or federal requirements; or
- (c) place the agency in violation of federal or state law (Subsection 63G-3-304(1)).

As with a **PROPOSED RULE**, a **120-DAY RULE** is preceded by a **RULE ANALYSIS**. This analysis provides summary information about the **120-DAY RULE** including the name of a contact person, justification for filing a **120-DAY RULE**, anticipated cost impact of the rule, and legal cross-references.

Following the **RULE ANALYSIS**, the text of the **120-DAY RULE** is printed. New text is underlined (example) and text to be deleted is struck out with brackets surrounding the deleted text ([example]). An emergency rule that is new is entirely underlined. Likewise, an emergency rule that repeals an existing rule shows the text completely struck out. A row of dots in the text (.) indicates that unaffected text was removed to conserve space.

A **120-DAY RULE** is effective when filed with the Division of Administrative Rules, or on a later date designated by the agency. A **120-DAY RULE** is effective for 120 days or until it is superseded by a permanent rule. Because of its temporary nature, a **120-DAY RULE** is not codified as part of the *Utah Administrative Code*.

The law does not require a public comment period for **120-DAY RULES**. However, when an agency files a **120-DAY RULE**, it may file a **PROPOSED RULE** at the same time, to make the requirements permanent.

Emergency or **120-DAY RULES** are governed by Section 63G-3-304, and Section R15-4-8.

Governor, Criminal and Juvenile Justice (State Commission on)

R356-1

Procedures for the Calculation and Distribution of Funds to Reimburse County Correctional Facilities Housing State Probationary Inmates or State Parole Inmates

NOTICE OF 120-DAY (EMERGENCY) RULE

DAR FILE NO.: 39802

FILED: 10/01/2015

RULE ANALYSIS

PURPOSE OF THE RULE OR REASON FOR THE CHANGE: The changes to the rule are to incorporate changes from the statute outlined in H.B. 348 from the 2015 General Session.

SUMMARY OF THE RULE OR CHANGE: The changes include: 1) conditions for reimbursement of felony offenders sanctioned in response to an individual's violation of terms of probation or parole; 2) changes to monthly billing invoices;

and 3) calculation of payments to counties for reimbursement for housing state probationary inmates and state parole inmates.

STATUTORY OR CONSTITUTIONAL AUTHORIZATION FOR THIS RULE: Sections 64-13e-101 through 64-13e-105

EMERGENCY RULE REASON AND JUSTIFICATION:
REGULAR RULEMAKING PROCEDURES WOULD place the agency in violation of federal or state law.

JUSTIFICATION: H.B. 348 (2015) requires aspects applying to this rule be in place by 10/01/2015.

ANTICIPATED COST OR SAVINGS TO:

♦ **THE STATE BUDGET:** There are no anticipated costs or savings because of this rule. The counties and CCJJ all realized that counties could lose jail reimbursement money as a result of H.B. 348 (2015) if the bill results in more drug offenders being charged with a misdemeanor instead of a felony. To counter this, it was agreed to amend the jail reimbursement law to require that any jail reimbursement funds remaining after all COP bed days have been compensated will go to counties as reimbursement for the one to three day jail stays by probationers and parolees.

♦ **LOCAL GOVERNMENTS:** There will be no anticipated affect on local government, see answer to "State Budget" above.

♦ **SMALL BUSINESSES:** There will be no anticipated affect on small businesses. The rule governs only a relationship between CCJJ and the counties.

♦ **PERSONS OTHER THAN SMALL BUSINESSES, BUSINESSES, OR LOCAL GOVERNMENTAL ENTITIES:** There will be no anticipated affect on persons at this time. The rule governs only a relationship between CCJJ and the counties.

COMPLIANCE COSTS FOR AFFECTED PERSONS: This rule has no compliance costs for affected persons. The rule governs only a relationship between CCJJ and the counties.

COMMENTS BY THE DEPARTMENT HEAD ON THE FISCAL IMPACT THE RULE MAY HAVE ON BUSINESSES: This rule has no affect on businesses.

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

GOVERNOR
CRIMINAL AND JUVENILE JUSTICE (STATE
COMMISSION ON)
ROOM SUITE 330 SENATE BUILDING
STATE CAPITOL COMPLEX
420 N STATE STREET
SALT LAKE CITY, UT 84114
or at the Division of Administrative Rules.

DIRECT QUESTIONS REGARDING THIS RULE TO:

♦ Clair Webster by phone at 801-538-1047, or by Internet E-mail at clairwebster@utah.gov

♦ Ronald Gordon by phone at 801-538-1432, by FAX at 801-538-1024, or by Internet E-mail at rbgordon@utah.gov

EFFECTIVE: 10/01/2015

AUTHORIZED BY: Ronald Gordon, Executive Director

R356. Governor, Criminal and Juvenile Justice (State Commission on).

R356-1. Procedures for the Calculation and Distribution of Funds to Reimburse County Correctional Facilities Housing State Probationary Inmates or State Parole Inmates.

R356-1-1. Authority and Purpose.

(1) This rule is authorized in accordance with Subsection 64-13e-104(5)(b).

(2) The purpose of this rule is to establish procedures to reimburse counties for incarcerating state probationary inmates or state parole inmates and to determine the rate at which the counties shall be reimbursed.

R356-1-2. Definitions.

In addition to terms defined in Section 64-13e-102:

(1) "Total Inmate Days" means the total number of eligible probationary and state parole inmate incarceration days.

(2) "Business Day" means Monday through Friday excluding holidays.

R356-1-3. Conditions for Reimbursement of State Probationary Inmates.

Counties shall be eligible for reimbursement for days served in county correctional facilities under the following conditions:

(1) The inmate has been convicted of a felony, and as a condition of probation, has been sentenced to a county correctional facility for a period not exceeding one year. The reimbursement period will begin with the sentencing date.

(2) Days served under Subsection 1 which are eligible for reimbursement may include:

(a) Consecutive felony probation jail sentences, pursuant to Section 76-3-401;

(b) The inmate is sentenced by the courts to a county correctional facility following a violation of felony probation (Order to Show Cause). If the inmate's probation has been terminated it must be reinstated for the county to be eligible for reimbursement;

(c) The inmate is sentenced by the courts to a county correctional facility after a court has formally entered a guilty plea that had been held in abeyance as a conviction.

R356-1-4. Conditions Not Eligible for Reimbursement of State Probationary Inmates.

Counties are not eligible for reimbursement for incarcerating inmates in the following circumstances:

(1) Time served in a county correctional facility prior to sentencing, notwithstanding an order from the court for credit for time served;

(2) Time served in a county correctional facility following an unsuccessful termination of probation;

(3) Time served in a county correctional facility under a Plea in Abeyance agreement prior to the entering of the guilty plea as a conviction in the case;

(4) Time served on a felony probation sentence outside a correctional facility on electronic monitoring;

(5) Time served in a county correctional facility on a federal Immigration and Customs Enforcement hold beyond the number of days sentenced to jail by the Courts, even if probation is still in effect;

(6) Time served in a county correctional facility under the jurisdiction of the Juvenile Court;

(7) Time served in a county correctional facility on a probationary 3-day hold.

R356-1-5. Conditions for Reimbursement of State Parole Inmates.

(1) Counties shall be eligible for reimbursement for days served in county correctional facilities by state parole inmates when the inmate is being held on a 3-day hold issued by the Board of Pardons and Parole.

(2) Counties shall be reimbursed for state parole inmates on a 3-day hold for up to 3 business days plus weekends and holidays for a maximum of 6 days of reimbursement per 3 day hold.

R356-1-6. Conditions for Reimbursement of Felony Offenders Sanctioned in Response to an Individual's Violation of Terms of Probation or Parole.

(1) Counties may be eligible for reimbursement for time spent by inmates in a county correctional facility as a sanction for a violation of the terms of probation or parole as ordered by the court or the Board of Pardons and Parole.

(2) Reimbursement shall not exceed three consecutive days and shall not exceed five days within a period of 30 days.

R356-1-7. Monthly Billing Invoices.

(1) Counties requesting reimbursement for incarcerating state probationary inmates or state parole inmates shall submit, on a monthly basis, the following information in the format specified below in an MS Excel file to CCJJ:

- (a) Inmate name (last, first, middle initial);
 - (b) Inmate date of birth (mm/dd/yyyy);
 - (c) Sentencing date (mm/dd/yyyy);
 - (d) Court case number(s) authorizing jail as a condition of probation;
 - (e) Court location identified by Originating Agency Identifier;
 - (f) Name of judge assigned to case;
 - (g) Whether the requested reimbursement is for a 72 hour hold;
 - (h) UDC offender number if the requested reimbursement is for a 72 hour hold:
 - (i) Incarceration start date (mm/dd/yyyy);
 - (j) Release date from correctional facility (mm/dd/yyyy);
 - (k) Length (number of days) of court-ordered sentence;
 - (l) Total number of state probationary inmate days of incarceration and total number of state parole inmate days of incarceration for which the county is requesting reimbursement; and
 - (m) Total number of state inmates (probation and parole) for which the county is requesting reimbursement.
 - (n) Total number of felony offenders housed pursuant to Subsection 64-13-21(2)(b); and
 - (o) Total number of days of incarceration of felony offenders housed pursuant to Subsection 64-13-21(2)(b).
- (2) Counties shall be reimbursed for all inmate incarceration days (felony probation and felony parole) beginning on the first day of incarceration after sentencing (day of sentencing shall be included), but never the last day of incarceration (day of release). Counties incarcerating inmates beyond eligible sentence days shall only be reimbursed for those days the inmate was eligible for reimbursement.
- (3) Monthly billing invoices shall be submitted to CCJJ by the 10th business day of each month unless prior approval has been authorized by the Executive Director of CCJJ or designee. Invoices shall be submitted by email to the following email address: jailreimburse@utah.gov.
- (4) CCJJ shall audit each billing invoice for accuracy using Utah State Courts X-Change program and Department of Corrections Otrack-Ftrack data systems to verify information. When necessary, CCJJ shall contact the correctional facility or sentencing court to verify accuracy of information.
- (5) Back billings or late billings are eligible for reimbursement within the same fiscal year period. The 10th business day of August shall be the final day to submit late billings for the previous fiscal year.
- (6) For each monthly billing invoice submitted, CCJJ shall return to the county a copy of the original billing invoice with any corrections that were made to the original billing.
- (7) CCJJ may request counties to submit additional information regarding inmate booking and release when necessary to complete invoice audits.

R356-1-8. Calculation of Payments to Counties for Reimbursement for Housing State Probationary Inmates and State Parole Inmates.

To ensure compliance with Subsection 64-13e-104(5)(c), CCJJ shall prepare two calculations of payment for counties. CCJJ shall determine which calculation to use based upon funds appropriated by the Legislature for payment.

(1) When funds appropriated by the Legislature are sufficient to reimburse counties at a rate of 50% of the final daily incarceration rate for the preceding fiscal year established pursuant to Section 64-13e-105, the Division of Finance shall reimburse each county that houses a state probationary inmate or state parole inmate at a rate of 50% of the state daily incarceration rate multiplied by the average inmate days of incarceration established in the Administrative Rule Section R356-1-6 for the preceding five fiscal years.

(2) When funds appropriated by the Legislature are not sufficient to reimburse counties under Subsection 64-13e-104(2), each county that houses a state probationary inmate or state parole inmate shall be reimbursed by a rate calculated on a pro rata basis, based on the total inmate days of incarceration that were approved for each county for the preceding five fiscal years. The funds appropriated by the legislature will be divided by the total of inmate days of incarceration of all counties during the previous five years to establish a pro rata rate. Each county shall be reimbursed by multiplying the pro rata rate established under this subsection by the total inmate days of incarceration for each county established in this Administrative Rule Section R356-1-6 for the preceding five fiscal years.

(3) If funds appropriated under Subsection 64-13e-104(2) remain after payments are made pursuant to Subsection 64-13e-104(8), the Division of Finance shall pay a county that houses in its jail a person convicted of a felony who is on probation or parole and who is incarcerated pursuant to Subsection 64-13-21(2)(b) on a pro rata basis not to exceed 50% of the final state daily incarceration rate.

KEY: jail reimbursements, state probationary inmates, state parole inmates

Date of Enactment or Last Substantive Amendment: October 1, 2015

Authorizing, and Implemented or Interpreted Law: 64-13e-104

Health, Health Care Financing,
Coverage and Reimbursement Policy
R414-1-5
Incorporations by Reference

NOTICE OF 120-DAY (EMERGENCY) RULE

DAR FILE NO.: 39781

FILED: 09/30/2015

RULE ANALYSIS

PURPOSE OF THE RULE OR REASON FOR THE CHANGE: The purpose of this change is to incorporate by reference and implement by rule the Medically Complex Children's Waiver Utah Medicaid Provider Manual, which

contains waiver provisions the department must implement by 10/01/2015.

SUMMARY OF THE RULE OR CHANGE: This amendment incorporates by reference and implements by rule the Medically Complex Children's Waiver Utah Medicaid Provider Manual, effective 10/01/2015. (DAR NOTE: A corresponding proposed amendment is under DAR No. 39800 in this issue, October 15, 2015, of the Utah State Bulletin.)

STATUTORY OR CONSTITUTIONAL AUTHORIZATION FOR THIS RULE: Section 26-1-5 and Section 26-18-3 and Subsection 1915(c) of the Social Security Act

EMERGENCY RULE REASON AND JUSTIFICATION:
REGULAR RULEMAKING PROCEDURES WOULD place the agency in violation of federal or state law.
JUSTIFICATION: The Department must implement by rule provisions of the Medically Complex Children's Waiver by 10/01/2015, to comply with waiver approval from the Centers for Medicare and Medicaid Services for implementation on that date.

MATERIALS INCORPORATED BY REFERENCES:
♦ Adds Medically Complex Children's Waiver Utah Medicaid Provider Manual, published by Division of Medicaid and Health Financing, 10/01/2015

ANTICIPATED COST OR SAVINGS TO:
♦ **THE STATE BUDGET:** There is no impact to the state budget because this amendment does not affect the amount of funds the legislature previously appropriated for waiver services during the 2015 General Session.
♦ **LOCAL GOVERNMENTS:** There is no impact to local governments because they neither fund nor provide waiver services to Medicaid recipients.
♦ **SMALL BUSINESSES:** There is no impact to small businesses because this amendment does not affect the amount of funds the legislature previously appropriated for waiver services during the 2015 General Session.
♦ **PERSONS OTHER THAN SMALL BUSINESSES, BUSINESSES, OR LOCAL GOVERNMENTAL ENTITIES:** There is no impact to Medicaid providers and to Medicaid recipients because this amendment does not affect the amount of funds the legislature previously appropriated for waiver services during the 2015 General Session.

COMPLIANCE COSTS FOR AFFECTED PERSONS: There are no compliance costs to a single Medicaid provider or to a Medicaid recipient because this amendment does not affect the amount of funds the legislature previously appropriated for waiver services during the 2015 General Session.

COMMENTS BY THE DEPARTMENT HEAD ON THE FISCAL IMPACT THE RULE MAY HAVE ON BUSINESSES: This amendment does not fiscally impact business because it does not decrease or add any regulation requirements governing business, and funds for the waiver were previously appropriated during the 2015 General Session.

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

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

DIRECT QUESTIONS REGARDING THIS RULE TO:
♦ Craig Devashrayee by phone at 801-538-6641, by FAX at 801-538-6099, or by Internet E-mail at cdevashrayee@utah.gov

EFFECTIVE: 10/01/2015

AUTHORIZED BY: Joseph Miner, MD, Executive Director

R414. Health, Health Care Financing, Coverage and Reimbursement Policy.

R414-1. Utah Medicaid Program.

R414-1-5. Incorporations by Reference.

(1) The Department incorporates by reference the October 1, 2015, version of the Medically Complex Children's Waiver Utah Medicaid Provider Manual.

(2) The Department incorporates the July 1, 2015, versions of the following by reference:

([1]a) Utah Medicaid State Plan, including any approved amendments, under Title XIX of the Social Security Act Medical Assistance Program;

([2]b) Medical Supplies Utah Medicaid Provider Manual, Section 2, Medical Supplies, as applied in Rule R414-70, and the manual's attachment for Donor Human Milk Request Form;

([3]c) Hospital Services Utah Medicaid Provider Manual with its attachments;

([4]d) Home Health Agencies Utah Medicaid Provider Manual, and the manual's attachment for the Private Duty Nursing Acuity Grid;

([5]e) Speech-Language Pathology and Audiology Services Utah Medicaid Provider Manual;

([6]f) Hospice Care Utah Medicaid Provider Manual, and the manual's attachment for the Utah Medicaid Prior Authorization Request for Hospice Services;

([7]g) Long Term Care Services in Nursing Facilities Utah Medicaid Provider Manual with its attachments;

([8]h) Personal Care Utah Medicaid Provider Manual and the manual's attachment for the Request for Prior Authorization: Personal Care and Capitated Programs;

([9]i) Utah Home and Community-Based Waiver Services for Individuals Age 65 or Older Utah Medicaid Provider Manual;

([10]j) Utah Home and Community-Based Waiver Services for Individuals with an Acquired Brain Injury Utah Medicaid Provider Manual;

([11]k) Utah Community Supports Waiver for Individuals with Intellectual Disabilities or Other Related Conditions Utah Medicaid Provider Manual;

([12]l) Utah Home and Community-Based Services Waiver for Individuals with Physical Disabilities Utah Medicaid Provider Manual;

([13]m) Utah Home and Community-Based Waiver Services New Choices Waiver Utah Medicaid Provider Manual;

([14]n) Utah Home and Community-Based Services Waiver for Technology Dependent, Medically Fragile Individuals Utah Medicaid Provider Manual;

([15]o) Utah Home and Community-Based Waiver Services Medicaid Autism Waiver Utah Medicaid Provider Manual;

([16]p) Office of Inspector General Administrative Hearings Procedures Manual;

([17]q) Pharmacy Services Utah Medicaid Provider Manual with its attachments;

([18]r) Coverage and Reimbursement Code Look-up Tool found at <http://health.utah.gov/medicaid/stplan/lookup/CoverageLookup.php>;

([19]s) CHEC Services Utah Medicaid Provider Manual with its attachments;

([20]t) Chiropractic Medicine Utah Medicaid Provider Manual;

([21]u) Dental, Oral Maxillofacial, and Orthodontia Services Utah Medicaid Provider Manual;

([22]v) General Attachments (All Providers) for the Utah Medicaid Provider Manual;

([23]w) Indian Health Utah Medicaid Provider Manual;

([24]x) Laboratory Services Utah Medicaid Provider Manual with its attachments;

([25]y) Medical Transportation Utah Medicaid Provider Manual;

([26]z) Non-Traditional Medicaid Plan Utah Medicaid Provider Manual with its attachments;

([27]aa) Licensed Nurse Practitioner Utah Medicaid Provider Manual;

([28]bb) Physical Therapy and Occupational Therapy Services Utah Medicaid Provider Manual, and the manual's attachment for Physical Therapy and Occupational Therapy Decision Tables;

([29]cc) Physician Services, Anesthesiology and Laboratory Services Utah Medicaid Provider Manual with its attachments;

([30]dd) Podiatric Services Utah Medicaid Provider Manual;

([31]ee) Primary Care Network Utah Medicaid Provider Manual with its attachments;

([32]ff) Psychology Services Utah Medicaid Provider Manual;

([33]gg) Rehabilitative Mental Health and Substance Use Disorder Services Utah Medicaid Provider Manual;

([34]hh) Rural Health Clinics and Federally Qualified Health Centers Services Utah Medicaid Provider Manual;

([35]ii) School-Based Skills Development Services Utah Medicaid Provider Manual;

([36]jj) Section I: General Information Utah Medicaid Provider Manual;

([37]kk) Targeted Case Management for Individuals with Serious Mental Illness Utah Medicaid Provider Manual;

([38]ll) Targeted Case Management for Early Childhood (Ages 0-4) Utah Medicaid Provider Manual;

([39]mm) Vision Care Services Utah Medicaid Provider Manual; and

([40]nn) Women's Services Utah Medicaid Provider Manual.

KEY: Medicaid

Date of Enactment or Last Substantive Amendment: October 1, 2015

Notice of Continuation: March 2, 2012

Authorizing, and Implemented or Interpreted Law: 26-1-5; 26-18-3; 26-34-2

Health, Health Care Financing, Coverage and Reimbursement Policy **R414-61-2** Incorporation by Reference

NOTICE OF 120-DAY (EMERGENCY) RULE

DAR FILE NO.: 39782

FILED: 09/30/2015

RULE ANALYSIS

PURPOSE OF THE RULE OR REASON FOR THE CHANGE: The purpose of this change is to incorporate by reference and implement by rule the Medically Complex Children's Waiver, which contains waiver provisions the department must implement by 10/01/2015.

SUMMARY OF THE RULE OR CHANGE: This amendment incorporates by reference and implements by rule the Medically Complex Children's Waiver, effective 10/01/2015. (DAR NOTE: A corresponding proposed amendment is under DAR No. 39793 in this issue, October 15, 2015, of the Utah State Bulletin.)

STATUTORY OR CONSTITUTIONAL AUTHORIZATION FOR THIS RULE: Section 26-1-5 and Section 26-18-3 and Subsection 1915(c) of the Social Security Act

EMERGENCY RULE REASON AND JUSTIFICATION: REGULAR RULEMAKING PROCEDURES WOULD place the agency in violation of federal or state law.

JUSTIFICATION: The department must implement by rule provisions of the Medically Complex Children's Waiver by 10/01/2015, to comply with waiver approval from the Centers for Medicare and Medicaid Services for implementation on that date.

MATERIALS INCORPORATED BY REFERENCES:

- ◆ Adds Medically Complex Children's Waiver, published by Centers for Medicare and Medicaid Services, 10/01/2015

ANTICIPATED COST OR SAVINGS TO:

- ◆ **THE STATE BUDGET:** There is no impact to the state budget because this amendment does not affect the amount of funds the legislature previously appropriated for waiver services during the 2015 General Session.
- ◆ **LOCAL GOVERNMENTS:** There is no impact to local governments because they neither fund nor provide waiver services to Medicaid recipients.
- ◆ **SMALL BUSINESSES:** There is no impact to small businesses because this amendment does not affect the amount of funds the legislature previously appropriated for waiver services during the 2015 General Session.
- ◆ **PERSONS OTHER THAN SMALL BUSINESSES, BUSINESSES, OR LOCAL GOVERNMENTAL ENTITIES:** There is no impact to Medicaid providers and to Medicaid recipients because this amendment does not affect the amount of funds the legislature previously appropriated for waiver services during the 2015 General Session.

COMPLIANCE COSTS FOR AFFECTED PERSONS: There are no compliance costs to a single Medicaid provider or to a Medicaid recipient because this amendment does not affect the amount of funds the Legislature previously appropriated for waiver services during the 2015 General Session.

COMMENTS BY THE DEPARTMENT HEAD ON THE FISCAL IMPACT THE RULE MAY HAVE ON BUSINESSES: This amendment does not fiscally impact business because it does not decrease or add any regulation requirements governing business, and funds for the waiver were previously appropriated during the 2015 General Session.

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

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

DIRECT QUESTIONS REGARDING THIS RULE TO:

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

EFFECTIVE: 10/01/2015

AUTHORIZED BY: Joseph Miner, MD, Executive Director

R414. Health, Health Care Financing, Coverage and Reimbursement Policy.**R414-61. Home and Community-Based Services Waivers.****R414-61-2. Incorporation by Reference.**

The Department incorporates by reference the following home and community-based services waivers:

(1) **Medically Complex Children's Waiver, effective October 1, 2015:**

((1)2) Waiver for Technology Dependent/Medically Fragile Individuals, effective July 1, 2013;

((2)3) Waiver for Individuals Age 65 or Older, effective July 1, 2015;

((3)4) Waiver for Individuals with Acquired Brain Injuries, effective July 1, 2014;

((4)5) Waiver for Individuals with Physical Disabilities, effective July 1, 2011;

((5)6) Community Supports Waiver for Individuals with Intellectual Disabilities and Other Related Conditions, effective July 1, 2015;

((6)7) New Choices Waiver, effective July 1, 2015.

These documents are available for public inspection during business hours at the Utah Department of Health, Division of Medicaid and Health Financing, located at 288 North 1460 West, Salt Lake City, UT, 84114-3102.

KEY: Medicaid

Date of Enactment or Last Substantive Amendment: October 1, 2015

Notice of Continuation: October 30, 2014

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

Pardons (Board of), Administration **R671-405** Parole Termination

NOTICE OF 120-DAY (EMERGENCY) RULE

DAR FILE NO.: 39794

FILED: 09/30/2015

RULE ANALYSIS

PURPOSE OF THE RULE OR REASON FOR THE CHANGE: Subsection 64-13-21(7) creates an earned compliance program that reduces the potential time an individual can be supervised on parole. The program goes into effect on 10/01/2015. This emergency rule sets forth the conditions for terminating parole and complies with the requirements of the law.

SUMMARY OF THE RULE OR CHANGE: When a parolee meets the conditions for early termination of parole supervision, the Adult Probation and Parole Department will notify the board. (DAR NOTE: A corresponding proposed amendment is under DAR No. 39795 in this issue, October 15, 2015, of the Utah State Bulletin.)

STATUTORY OR CONSTITUTIONAL AUTHORIZATION FOR THIS RULE: Section 77-27-2 and Subsection 64-13-21(7)

EMERGENCY RULE REASON AND JUSTIFICATION: REGULAR RULEMAKING PROCEDURES WOULD place the agency in violation of federal or state law.

JUSTIFICATION: Subsection 64-13-21(7) creates an earned compliance program that reduces the potential time an individual can be supervised on parole. The program goes into effect on 10/01/2015. This emergency rule sets forth the conditions for terminating parole and complies with the requirements of the law.

ANTICIPATED COST OR SAVINGS TO:

- ◆ **THE STATE BUDGET:** This rule sets forth the requirements for receiving an early termination from parole supervision under Subsection 64-13-21(7). Although the rule changes the timing of parole termination it does not change the number of termination decisions. There are no direct costs or savings from this rule.
- ◆ **LOCAL GOVERNMENTS:** Local government does not participate in the parole process or submitting requests for early termination of parole. Local governments will not be affected.
- ◆ **SMALL BUSINESSES:** Small business does not participate in the parole process or submitting requests for early termination of parole. Small business will not be affected.
- ◆ **PERSONS OTHER THAN SMALL BUSINESSES, BUSINESSES, OR LOCAL GOVERNMENTAL ENTITIES:** The individual on parole will benefit from a possible early termination however the rule does not change the nature of parole supervision or limit the parolee's opportunity to complete parole successfully.

COMPLIANCE COSTS FOR AFFECTED PERSONS: There are no compliance costs for the parolee.

COMMENTS BY THE DEPARTMENT HEAD ON THE FISCAL IMPACT THE RULE MAY HAVE ON BUSINESSES: This emergency rule complies with the statute to create an earned compliance program so individuals on parole can benefit from an early termination of parole supervision if they successfully complete requirements.

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

PARDONS (BOARD OF)
 ADMINISTRATION
 ROOM 300
 448 E 6400 S
 SALT LAKE CITY, UT 84107-8530
 or at the Division of Administrative Rules.

DIRECT QUESTIONS REGARDING THIS RULE TO:

◆ Greg Johnson by phone at 801-261-6454, by FAX at 801-261-6481, or by Internet E-mail at gregjohnson@utah.gov

EFFECTIVE: 10/01/2015

AUTHORIZED BY: Angela Micklos, Chair

R671. Pardons (Board of), Administration.

R671-405. Parole Termination.

[R671-405-1. Termination of Parole.

~~_____ The Board may consider terminating an offender's parole when petitioned to do so by the Department of Corrections, other interested parties or on its own initiative. When considering termination, the Board will toll any parole time when a parolee is an absconder. The toll time will be from the date a Board warrant was issued to the date the warrant was executed.~~

~~When a termination is approved by the Board, written notification of the Board's action will be provided to the parolee through the Department of Corrections.~~

~~Depending on the crime, statutory periods of parole without violation are three, ten years, the unexpired length of the sentence, or life.~~

~~Upon receipt of written notification of the service of the statutory maximum period on parole and verification of that information, the Board of Pardons will then order the closing of the file.~~

]R671-405-1. General Provisions.

~~_____ (1) When an offender is granted parole, the offender shall remain on parole until:~~

~~_____ (a) the offender's maximum parole term has been served;~~

~~_____ (b) the Board grants a discretionary parole termination and discharge of the offender's sentence, pursuant to Utah Admin. Rule R671-405-3;~~

~~_____ (c) the Board grants an earned parole termination and discharge of the offender's sentence, pursuant to Utah Code Subsections 64-13-21(7), 76-3-202(1)(a) and Utah Admin. Rule R671-405-4; or~~

~~_____ (d) the offender's parole is revoked, the offender is found in violation of parole, the offender agrees to re-start parole in lieu of a parole violation or revocation proceeding, or the offender is confined during the parole period.~~

~~_____ (2) "Maximum Parole Term" for purposes of this rule is the expiration date of an offender's combined sentences, or the last day of the offender's legislative parole term, as set forth in Utah Code Section 76-3-202, whichever occurs first.~~

R671-405-2. Termination Request Reports.

~~_____ All parole termination requests or notices submitted by the Department of Corrections (Department) shall include or be accompanied by a report which includes:~~

~~_____ (1) the offender's identification information, supervising agent information, and agent contact information;~~

~~_____ (2) any incentives granted to, or sanctions imposed on the offender by the Department during the term of parole supervision;~~

~~_____ (3) the number of total months on parole during which the offender was compliant with all conditions of parole and the offender's case action plan;~~

~~_____ (4) a current risk assessment, score, and risk level;~~

~~_____ (5) the results of a current sex offender treatment exit polygraph, if the offender is on parole for a sex offense or if requested by the Board;~~

~~_____ (6) an update on the offender's case action plan progress, compliance, and completion and a recommendation from the Department whether parole should be extended to allow successful completion of any necessary treatment program identified in the case action plan which has not yet been completed;~~

(7) an update regarding the offender's compliance with or completion of all special conditions of parole; and

(8) a summary which details the offender's payment of restitution obligations or orders, and if restitution has not been paid in full, an explanation of the non-payment, and the efforts the Department has made to collect restitution.

R671-405-3. Discretionary Termination of Parole.

(1) The Department may request that the Board terminate any offender's parole at any time prior to the final day of the offender's maximum parole term.

(2) The Department shall submit, with the request for early termination of parole, a termination report which contains the information set forth in Rule 405-2 of this rule.

(3) Written notification of the Board's decision regarding the request for parole termination shall be provided to the offender through the Department.

R671-405-4. Earned Early Termination of Parole.

(1) When the Department determines that an offender has earned an early termination of parole, pursuant to Utah Code Subsection 64-13-21(7), it shall notify the Board within 30 day and request that the Board terminate the parole of the offender.

(2) The Department shall submit, with the request for earned early termination of parole, a termination report which contains the information set forth in Rule 405-2 of this rule.

(3) Upon receipt and verification of the Department's earned early termination request, the Board shall terminate the offender's parole, unless the Board determines that:

(a) the offender is currently in violation of parole;

(b) the offender violated the terms and conditions of parole at any point during parole, and the violation was not reported to the Board;

(c) the Board determines that the offender was awarded credit toward the earned early termination for a month in which the offender violated the terms and conditions of parole; or

(d) the Board determines that early parole termination would interrupt the completion of a necessary treatment program, identified in the offender's case action plan.

(4) Written notification of the Board's decision regarding the request for earned early parole termination shall be provided to the offender through the Department.

KEY: sentencing, parole

Date of Enactment or Last Substantive Amendment: October 1, 2015

Notice of Continuation: January 31, 2012

Authorizing, Implemented, or Interpreted Law: Art. VII, Sec. 12; 64-13-21(7); 76-3-202; 77-27-1(18); 77-27-5; 77-27-7(4); 77-27-9; 77-27-11; 77-27-12

End of the Notices of 120-Day (Emergency) 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 agency is required to review the rule. This review is intended to help the agency determine, and to notify the public, that the administrative rule in force is still authorized by statute and necessary. Upon reviewing a rule, an agency may: repeal the rule by filing a **PROPOSED RULE**; continue the rule as it is by filing a **FIVE-YEAR NOTICE OF REVIEW AND STATEMENT OF CONTINUATION (REVIEW)**; or amend the rule by filing a **PROPOSED RULE** and by filing a **REVIEW**. By filing a **REVIEW**, the agency indicates that the rule is still necessary.

A **REVIEW** is not followed by the rule text. The rule text that is being continued may be found in the online edition of the *Utah Administrative Code* available at <http://www.rules.utah.gov/publicat/code.htm>. The rule text may also be inspected at the agency or the Division of Administrative Rules. **REVIEWS** are effective upon filing.

REVIEWS are governed by Section 63G-3-305.

Education, Administration **R277-100** Rulemaking Policy

FIVE-YEAR NOTICE OF REVIEW AND STATEMENT OF CONTINUATION

DAR FILE NO.: 39770
FILED: 09/28/2015

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: Utah Constitution Article X, Section 3, vests general control and supervision of public education in the board; Title 63G, Chapter 3, the Utah Administrative Rulemaking Act, specifies procedures for a state agency to follow in making rules; and Subsection 53A-1-401(3) authorizes the board to adopt rules in accordance with its responsibilities.

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 have been received.

REASONED JUSTIFICATION FOR THE CONTINUATION OF THE RULE, INCLUDING REASONS WHY THE AGENCY DISAGREES WITH COMMENTS IN OPPOSITION TO THE RULE, IF ANY: Rule R277-100 continues to be necessary because it provides rulemaking procedures for the Utah State Board of Education (board) and divisions supervised by the board to those required under the Utah Administrative Rulemaking Act. Therefore, this rule should be continued.

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

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

DIRECT QUESTIONS REGARDING THIS RULE TO:

♦ Angela Stallings by phone at 801-538-7656, by FAX at 801-538-7768, or by Internet E-mail at angie.stallings@schools.utah.gov

AUTHORIZED BY: Angela Stallings, Associate Superintendent, Policy and Communication

EFFECTIVE: 09/28/2015

Education, Administration **R277-616** Education for Homeless and Emancipated Students

FIVE-YEAR NOTICE OF REVIEW AND STATEMENT OF CONTINUATION

DAR FILE NO.: 39771
FILED: 09/28/2015

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: Utah Constitution Article X, Section 3, vests general control and supervision of public

education in the board; Subsection 53A-1-401(3) authorizes the board to adopt rules in accordance with its responsibilities; and Subsection 53A-2-201(5) requires school district to provide educational services for all children of school age who are residents of the district.

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 have been received.

REASONED JUSTIFICATION FOR THE CONTINUATION OF THE RULE, INCLUDING REASONS WHY THE AGENCY DISAGREES WITH COMMENTS IN OPPOSITION TO THE RULE, IF ANY: Rule R277-616 continues to be necessary because it provides standards and procedures for children or youth to have the opportunity to attend school with as little disruption as reasonably possible. Therefore, this rule should be continued.

THE FULL TEXT OF THIS RULE MAY BE INSPECTED, DURING REGULAR BUSINESS HOURS, AT:
 EDUCATION
 ADMINISTRATION
 250 E 500 S
 SALT LAKE CITY, UT 84111-3272
 or at the Division of Administrative Rules.

DIRECT QUESTIONS REGARDING THIS RULE TO:
 ♦ Angela Stallings by phone at 801-538-7656, by FAX at 801-538-7768, or by Internet E-mail at angie.stallings@schools.utah.gov

AUTHORIZED BY: Angela Stallings, Associate Superintendent, Policy and Communication

EFFECTIVE: 09/28/2015

**Health, Disease Control and
 Prevention, Epidemiology
 R386-703
 Injury Reporting Rule**

**FIVE-YEAR NOTICE OF REVIEW AND STATEMENT
 OF CONTINUATION
 DAR FILE NO.: 39765
 FILED: 09/23/2015**

**NOTICE OF REVIEW AND STATEMENT OF
 CONTINUATION**

CONCISE EXPLANATION OF THE PARTICULAR STATUTORY PROVISIONS UNDER WHICH THE RULE IS ENACTED AND HOW THESE PROVISIONS AUTHORIZE OR REQUIRE THE RULE: The Department of Health has

the authority (Sections 26-1-30 and 26-6-3) to require reporting for the control of diseases, health hazards, or injuries of public health concern.

SUMMARY OF WRITTEN COMMENTS RECEIVED DURING AND SINCE THE LAST FIVE YEAR REVIEW OF THE RULE FROM INTERESTED PERSONS SUPPORTING OR OPPOSING THE RULE: This rule was amended on 05/15/2015, to update the reporting of all blood lead results to make it consistent with the new national guidelines. Prior to the amendment, only blood lead results greater than or equal to 10 micrograms/dL were reportable. The Centers for Disease Control and Prevention had lowered the level of concern for children. The amendment allows the Utah Department of Health to obtain all blood lead results for children and adults. This will allow the department to have a more accurate understanding of blood lead concerns in Utah. As part of the amendment process, comments were solicited. No written comments were received in conjunction to that amendment. The only other comments related to the rule are requests to update the reporting codes from ICD-9 to ICD-10. Since those codes are not part of the rule, responses to those requests are being handled administratively.

REASONED JUSTIFICATION FOR THE CONTINUATION OF THE RULE, INCLUDING REASONS WHY THE AGENCY DISAGREES WITH COMMENTS IN OPPOSITION TO THE RULE, IF ANY: Continuation of this rule allows the department to continue to identify the causes and risks of major injuries of public health concern which helps guide public health policy and actions to reduce or eliminate those injuries.

THE FULL TEXT OF THIS RULE MAY BE INSPECTED, DURING REGULAR BUSINESS HOURS, AT:
 HEALTH
 DISEASE CONTROL AND PREVENTION,
 EPIDEMIOLOGY
 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:
 ♦ Sam LeFevre by phone at 801-538-6191, by FAX at 801-538-6564, or by Internet E-mail at slefevre@utah.gov

AUTHORIZED BY: Joseph Miner, MD, Executive Director

EFFECTIVE: 09/23/2015

**Human Services, Administration,
 Administrative Services, Licensing
 R501-14
 Background Screening**

**FIVE-YEAR NOTICE OF REVIEW AND STATEMENT
OF CONTINUATION**DAR FILE NO.: 39778
FILED: 09/29/2015**NOTICE OF REVIEW AND STATEMENT OF
CONTINUATION**

CONCISE EXPLANATION OF THE PARTICULAR STATUTORY PROVISIONS UNDER WHICH THE RULE IS ENACTED AND HOW THESE PROVISIONS AUTHORIZE OR REQUIRE THE RULE: Section 62A-2-120 provides statutory authority to the Office of Licensing within the Department of Human Services to conduct background screenings on adult individuals that are licensed to provide foster care or treatment services. Rule R501-14 is the rule required to meet the statute. H.B. 145 from the 2015 General Session made changes to the underlying statute. The Office of Licensing is currently working on updated, amended rule within the 180 allotted days to do so. This five-year review is simply to continue the former rule until the new rule based on new statute is in effect.

SUMMARY OF WRITTEN COMMENTS RECEIVED DURING AND SINCE THE LAST FIVE YEAR REVIEW OF THE RULE FROM INTERESTED PERSONS SUPPORTING OR OPPOSING THE RULE: No comments were received for Rule R501-14 as the rule has not changed.

REASONED JUSTIFICATION FOR THE CONTINUATION OF THE RULE, INCLUDING REASONS WHY THE AGENCY DISAGREES WITH COMMENTS IN OPPOSITION TO THE RULE, IF ANY: Section 62A-2-120 requires that all adults that provide services to children or vulnerable adults are required to submit and clear a background screen conducted by the Office of Licensing for the Department of Human Services. H.B. 145 from the 2015 General Session made changes to the underlying statute and the Office of Licensing is working to make updated revisions to comply with the amendments. R501-14 is needed to comply with statute, and therefore, this rule should be continued.

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

HUMAN SERVICES
ADMINISTRATION, ADMINISTRATIVE SERVICES,
LICENSING
195 N 1950 W 1ST FLR
SALT LAKE CITY, UT 84116
or at the Division of Administrative Rules.

DIRECT QUESTIONS REGARDING THIS RULE TO:

- ◆ Diane Moore by phone at 801-538-4235, by FAX at 801-538-4553, or by Internet E-mail at dmoore@utah.gov
- ◆ Jeff Harris by phone at 801-538-4236, by FAX at 801-538-4553, or by Internet E-mail at jharris@utah.gov
- ◆ Jennifer Stahle by phone at 801-538-9897, by FAX at 801-538-4553, or by Internet E-mail at jenstahle@utah.gov
- ◆ Julene Robbins by phone at 801-538-4521, by FAX at 801-538-3942, or by Internet E-mail at jhjonesrobbins@utah.gov

AUTHORIZED BY: Diane Moore, Director

EFFECTIVE: 09/29/2015

Public Safety, Criminal Investigations
and Technical Services, Criminal
Identification
R722-350
Certificate of Eligibility

**FIVE-YEAR NOTICE OF REVIEW AND STATEMENT
OF CONTINUATION**DAR FILE NO.: 39758
FILED: 09/17/2015**NOTICE OF REVIEW AND STATEMENT OF
CONTINUATION**

CONCISE EXPLANATION OF THE PARTICULAR STATUTORY PROVISIONS UNDER WHICH THE RULE IS ENACTED AND HOW THESE PROVISIONS AUTHORIZE OR REQUIRE THE RULE: The Utah Department of Public Safety Bureau of Criminal Identification has been tasked in Title 77, Chapter 40 to: 1) accept applications for certificates of eligibility; 2) determine eligibility to expunge certain offenses from criminal history records of the state of Utah and the FBI; 3) issue certificates of eligibility for eligible offenses; and 4) accept orders of expungement and remove records from the Utah Criminal History system and forward expungement request to the FBI for removal from records maintained there. This rule is established to outline a process by which the Bureau of Criminal Identification can administer, manage, and maintain the tasks above.

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 were received during and since the last five-year review of the rule from interested persons supporting or opposing the rule.

REASONED JUSTIFICATION FOR THE CONTINUATION OF THE RULE, INCLUDING REASONS WHY THE AGENCY DISAGREES WITH COMMENTS IN OPPOSITION TO THE RULE, IF ANY: The requirement to administer, manage, and maintain the certificate of eligibility process is statutorily required and the need to continue with the current rule still exists. Therefore, this rule should be continued.

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

PUBLIC SAFETY
CRIMINAL INVESTIGATIONS AND TECHNICAL
SERVICES, CRIMINAL IDENTIFICATION
3888 W 5400 S
TAYLORSVILLE, UT 84118

or at the Division of Administrative Rules.

DIRECT QUESTIONS REGARDING THIS RULE TO:
♦ Alice Moffat by phone at 801-965-4939, by FAX at 801-965-4944, or by Internet E-mail at aerickso@utah.gov

AUTHORIZED BY: Alice Moffat, Bureau Chief

EFFECTIVE: 09/17/2015

End of the Five-Year Notices of Review and Statements of Continuation Section

NOTICES OF RULE EFFECTIVE DATES

State law provides for agencies to make their administrative rules effective and enforceable after publication in the *Utah State Bulletin*. In the case of **PROPOSED RULES** or **CHANGES IN PROPOSED RULES** with a designated comment period, the law permits an agency to make a rule effective no fewer than seven calendar days after the close of the public comment period, nor more than 120 days after the publication date. In the case of **CHANGES IN PROPOSED RULES** with no designated comment period, the law permits an agency to make a rule effective on any date including or after the thirtieth day after the rule's publication date, but not more than 120 days after the publication date. If an agency fails to file a **NOTICE OF EFFECTIVE DATE** within 120 days from the publication of a **PROPOSED RULE** or a related **CHANGE IN PROPOSED RULE** the rule lapses.

Agencies have notified the Division of Administrative Rules that the rules listed below have been made effective.

NOTICES OF EFFECTIVE DATE are governed by Subsection 63G-3-301(12), Section 63G-3-303, and Sections R15-4-5a and R15-4-5b.

Abbreviations

AMD = Amendment
CPR = Change in Proposed Rule
NEW = New Rule
R&R = Repeal & Reenact
REP = Repeal

Commerce

Consumer Protection
No. 39525 (AMD): R152-22-3. Application for Charitable Organization Permit
Published: 08/15/2015
Effective: 09/21/2015

No. 39524 (NEW): R152-49. Immigration Consultants Registration Act Rules
Published: 08/15/2015
Effective: 09/21/2015

Occupational and Professional Licensing
No. 39538 (AMD): R156-60. Mental Health Professional Practice Act Rule
Published: 08/15/2015
Effective: 09/21/2015

No. 39519 (AMD): R156-60c. Clinical Mental Health Counselor Licensing Act Rule
Published: 08/15/2015
Effective: 09/28/2015

Communications Authority (Utah)

911 Committee (Utah)
No. 39406 (AMD): R173-1 (Changed to R174-1). Utah 911 Advisory Committee
Published: 06/01/2015
Effective: 09/29/2015

Environmental Quality

Air Quality
No. 39352 (AMD): R307-101-3. General Requirements. Version of Code of Federal Regulations Incorporated by Reference
Published: 06/01/2015
Effective: 09/25/2015

Water Quality

No. 39512 (AMD): R317-101. Utah Wastewater Project Assistance Program
Published: 08/01/2015
Effective: 09/24/2015

Health

Disease Control and Prevention; HIV/AIDS, Tuberculosis Control/Refugee Health
No. 39446 (AMD): R388-804. Special Measures for the Control of Tuberculosis
Published: 07/01/2015
Effective: 09/23/2015

Health Care Financing, Coverage and Reimbursement Policy
No. 39460 (AMD): R414-1-5. Incorporations by Reference
Published: 07/15/2015
Effective: 09/16/2015

No. 39452 (AMD): R414-1-12. Utilization Review
Published: 07/15/2015
Effective: 09/22/2015

No. 39543 (REP): R414-7C. Alternative Remedies for Nursing Facilities
Published: 08/15/2015
Effective: 09/29/2015

No. 39556 (AMD): R414-55. Medicaid Policy for Hospital Emergency Department Copayment Procedures
Published: 08/15/2015
Effective: 10/01/2015

NOTICES OF RULE EFFECTIVE DATES

No. 39558 (AMD): R414-307-13. Home and Community-Based Services Waiver for Medically Complex Children
Published: 08/15/2015
Effective: 10/01/2015

No. 39553 (AMD): R414-510. Intermediate Care Facility for Persons with Intellectual Disabilities Transition Program
Published: 08/15/2015
Effective: 09/29/2015

Family Health and Preparedness, Emergency Medical Services

No. 39551 (AMD): R426-1. General Definitions
Published: 08/15/2015
Effective: 09/24/2015

No. 39552 (AMD): R426-3. Licensure
Published: 08/15/2015
Effective: 09/24/2015

No. 39550 (AMD): R426-4. Operations
Published: 08/15/2015
Effective: 09/24/2015

No. 39546 (AMD): R426-5. Emergency Medical Services Training and Certification Standards
Published: 08/15/2015
Effective: 09/24/2015

Family Health and Preparedness, Licensing
No. 39514 (AMD): R432-3-10. Alternative Remedies for Nursing Facilities
Published: 08/01/2015
Effective: 09/29/2015

Human Services

Child and Family Services
No. 39542 (AMD): R512-200. Child Protective Services, Intake Services
Published: 08/15/2015
Effective: 09/22/2015

Insurance

Administration
No. 39312 (AMD): R590-220. Submission of Accident and Health Insurance Filings
Published: 05/15/2015
Effective: 09/23/2015

No. 39312 (CPR): R590-220. Submission of Accident and Health Insurance Filings
Published: 08/15/2015
Effective: 09/23/2015

No. 39555 (AMD): R590-238. Captive Insurance Companies
Published: 08/15/2015
Effective: 09/25/2015

No. 39520 (AMD): R590-269. Individual Open Enrollment Period
Published: 08/15/2015
Effective: 09/23/2015

Pardons (Board of)

Administration
No. 39545 (NEW): R671-204. Hearing Continuances
Published: 08/15/2015
Effective: 10/01/2015

Transportation

Preconstruction, Right-of-Way Acquisition
No. 39511 (AMD): R933-2. Control of Outdoor Advertising Signs
Published: 08/01/2015
Effective: 09/23/2015

Workforce Services

Employment Development
No. 39557 (AMD): R986-900-902. Options and Waivers
Published: 08/15/2015
Effective: 10/01/2015

End of the Notices of Rule Effective Dates Section

**RULES INDEX
BY AGENCY (CODE NUMBER)
AND
BY KEYWORD (SUBJECT)**

The Rules Index is a cumulative index that reflects all effective changes to Utah's administrative rules. The current Index lists changes made effective from January 2, 2015 through October 01, 2015. The Rules Index is published in the Utah State Bulletin and in the annual Utah Administrative Rules 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).

Questions regarding the index and the information it contains should be addressed to the Division of Administrative Rules (801-538-3764).

A copy of the **RULES INDEX** is available for public inspection at the Division of Administrative Rules (5110 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 (Proposed Rule)	LNR = Legislative Nonreauthorization
CPR = Change in Proposed Rule	NEW = New Rule (Proposed Rule)
EMR = 120-Day (Emergency) Rule	NSC = Nonsubstantive Rule Change
EXD = Expired Rule	R&R = Repeal and Reenact (Proposed Rule)
EXP = Expedited Rule	REP = Repeal (Proposed Rule)
EXT = Five-Year Review Extension	5YR = Five-Year Notice of Review and Statement of Continuation
GEX = Governor's Extension	

CODE REFERENCE	TITLE	FILE NUMBER	ACTION	EFFECTIVE DATE	BULLETIN ISSUE/PAGE
ADMINISTRATIVE SERVICES					
<u>Administrative Rules</u>					
R15-1	Administrative Rule Hearings	39726	5YR	09/11/2015	2015-19/113
R15-2	Public Petitioning for Rulemaking	39727	5YR	09/11/2015	2015-19/113
R15-3	Definitional Clarification of Administrative Rule	39728	5YR	09/11/2015	2015-19/114
R15-4	Administrative Rulemaking Procedures	39729	5YR	09/11/2015	2015-19/115
R15-5	Administrative Rules Adjudicative Proceedings	39730	5YR	09/11/2015	2015-19/115
<u>Facilities Construction and Management</u>					
R23-1	Procurement of Construction	39033	R&R	03/03/2015	2015-2/4
R23-1-1504	Performance Evaluation	39642	NSC	09/30/2015	Not Printed
R23-2	Procurement of Architect-Engineer Services	39061	REP	03/16/2015	2015-3/4
R23-7	State Construction Contracts and Drug and Alcohol Testing	39482	5YR	06/30/2015	2015-14/139
<u>Finance</u>					
R25-7	Travel-Related Reimbursements for State Employees	39301	AMD	06/22/2015	2015-10/6
R25-10	State Entities Posting of Financial Information to the Utah Public Finance Website	39360	AMD	07/08/2015	2015-11/4
R25-25-7	Travel-Related Reimbursements for State Employees	39160	AMD	04/21/2015	2015-6/10
<u>Purchasing and General Services</u>					
R33-1-1	Definitions	38974	AMD	01/28/2015	2014-24/4
R33-4	General Procurement Provisions, Prequalifications, Specifications, and Small Purchases	39327	AMD	06/23/2015	2015-10/11
R33-4	General Procurement Provisions, Prequalifications, Specifications, and Small Purchases	39472	AMD	08/21/2015	2015-14/6
R33-4	General Procurement Provisions, Prequalifications, Specifications, and Small Purchases	39523	NSC	08/24/2015	Not Printed
R33-6-101	Competitive Sealed Bidding; Multiple Stage Bidding; Reverse Auction	38975	AMD	01/28/2015	2014-24/5
R33-6-109	Only One Bid Received	39366	AMD	07/09/2015	2015-11/5
R33-7	Request for Proposals	38976	AMD	01/28/2015	2014-24/6
R33-7	Request for Proposals	39513	NSC	07/30/2015	Not Printed
R33-7-702	Only One Proposal Received	39365	AMD	07/09/2015	2015-11/6
R33-7-702	Only One Proposal Received	39432	AMD	08/07/2015	2015-13/6
R33-8	Exceptions to Procurement Requirements	39328	AMD	06/23/2015	2015-10/15
R33-12	Terms and Conditions, Contracts, Change Orders and Costs	38977	AMD	01/28/2015	2014-24/9
R33-16	Controversies and Protests	39470	AMD	08/21/2015	2015-14/9

R33-16-401	Protest Officer May Correct Noncompliance, Errors and Discrepancies	38978	AMD	01/28/2015	2014-24/12
R33-26	State Surplus Property	39084	NSC	01/28/2015	Not Printed
R33-26	State Surplus Property	39271	AMD	06/10/2015	2015-9/4
R33-26-202	Information Technology Equipment	39042	AMD	03/31/2015	2015-2/33
R33-26-202	Disposal of State-Owned Surplus Electronic Data Devices	39454	AMD	08/21/2015	2015-14/11
<u>Records Committee</u>					
R35-1	State Records Committee Appeal Hearing Procedures	39400	AMD	07/31/2015	2015-11/7
R35-2	Declining Appeal Hearings	39401	AMD	07/31/2015	2015-11/9
R35-4	Compliance with State Records Committee Decisions and Orders	39402	AMD	07/31/2015	2015-11/10
R35-5	Subpoenas Issued by the Records Committee	39403	AMD	07/31/2015	2015-11/11
R35-6	Expedited Hearing	39404	AMD	07/31/2015	2015-11/12
AGRICULTURE AND FOOD					
<u>Administration</u>					
R51-1	Public Petitions for Declaratory Rulings	39633	EXD	09/01/2015	2015-18/137
R51-1	Public Petitions for Declaratory Rulings	39636	EMR	09/02/2015	2015-19/109
<u>Animal Industry</u>					
R58-1	Admission, Identification, and Inspection of Livestock, Poultry and other Animals	39423	AMD	08/12/2015	2015-13/7
R58-2	Disease, Inspections, and Quarantines	39422	AMD	08/12/2015	2015-13/14
R58-7	Livestock Markets, Satellite Video Livestock Auction Market, Livestock Sales, Dealers, and Livestock Market Weighpersons	39075	5YR	01/13/2015	2015-3/67
R58-11	Slaughter of Livestock and Poultry	39073	5YR	01/13/2015	2015-3/67
R58-12	Record Keeping and Carcass Identification at Meat Exempt (Custom Cut) Establishments	39573	5YR	08/12/2015	2015-17/97
R58-13	Custom Exempt Slaughter	39614	EXD	08/25/2015	2015-18/137
R58-13	Custom Exempt Slaughter	39616	EMR	08/25/2015	2015-18/131
R58-15	Collection of Annual Fees for the Wildlife Damage Prevention Act	39602	5YR	08/13/2015	2015-17/97
R58-17	Aquaculture and Aquatic Animal Health	39074	5YR	01/13/2015	2015-3/68
R58-21	Trichomoniasis	39086	5YR	01/21/2015	2015-4/37
R58-22	Equine Infectious Anemia (EIA)	39424	AMD	08/12/2015	2015-13/15
<u>Chemistry Laboratory</u>					
R63-1	Fee Schedule	39611	5YR	08/24/2015	2015-18/133
<u>Plant Industry</u>					
R68-1	Utah Bee Inspection Act Governing Inspection of Bees	39237	5YR	03/24/2015	2015-8/33
R68-1	Utah Bee Inspection Act Governing Inspection of Bees	39612	5YR	08/24/2015	2015-18/133
R68-2	Utah Commercial Feed Act Governing Feed	39471	5YR	06/29/2015	2015-14/139
R68-6	Utah Nursery Act	39548	5YR	07/29/2015	2015-16/79
R68-10	Quarantine Pertaining to the European Corn Borer	39507	5YR	07/10/2015	2015-15/31
R68-12	Quarantine Pertaining to Mint Wilt	39408	5YR	05/21/2015	2015-12/33
R68-22	Industrial Hemp Research	39148	NEW	04/22/2015	2015-6/14
<u>Regulatory Services</u>					
R70-101	Bedding, Upholstered Furniture and Quilted Clothing	39223	5YR	03/16/2015	2015-7/57
R70-101	Bedding, Upholstered Furniture and Quilted Clothing	39407	R&R	07/22/2015	2015-12/6
R70-610	Uniform Retail Wheat Standards of Identify	39561	5YR	08/05/2015	2015-17/98
R70-620	Enrichment of Flour and Cereal Products	39560	5YR	08/05/2015	2015-17/98
R70-910	Registration of Servicepersons for Commercial Weighing and Measuring Devices	39562	5YR	08/05/2015	2015-17/99
R70-950	Uniform National Type Evaluation	39563	5YR	08/05/2015	2015-17/99

RULES INDEX

ALCOHOLIC BEVERAGE CONTROL

Administration

R81-1-3	General Policies	39156	AMD	04/28/2015	2015-6/16
R81-1-6	Violation Schedule	39158	AMD	04/28/2015	2015-6/18
R81-1-26	Criminal History Background Checks	39329	AMD	06/24/2015	2015-10/17
R81-2-1	Special Orders of Liquor by Public	39154	AMD	04/28/2015	2015-6/22
R81-2-8	Accepting Checks as Payment for Liquor	39476	AMD	08/25/2015	2015-14/13
R81-2-9	Accepting Credit Cards as Payment for Liquor	39330	AMD	06/24/2015	2015-10/20
R81-3-1	Definition	39417	AMD	07/28/2015	2015-12/12
R81-3-5	Special Orders of Liquor by Public	39155	AMD	04/28/2015	2015-6/23
R81-3-14	Type 5 Package Agencies	39418	AMD	07/28/2015	2015-12/14
R81-3-19	Credit Cards	39331	AMD	06/24/2015	2015-10/21
R81-4E	Resort Licenses	39059	5YR	01/08/2015	2015-3/69

ATTORNEY GENERAL

Administration

R105-1	Attorney General's Selection of Outside Counsel, Expert Witnesses and Other Litigation Support Services	39032	AMD	03/26/2015	2015-2/34
R105-1	Attorney General's Selection of Outside Counsel, Expert Witnesses and Other Litigation Support Services	39099	AMD	03/26/2015	2015-4/4
R105-1	Attorney General's Selection of Outside Counsel, Expert Witnesses and Other Litigation Support Services	39363	EMR	05/12/2015	2015-11/171
R105-1	Attorney General's Selection of Outside Counsel, Expert Witnesses and Other Litigation Support Services	39364	AMD	07/13/2015	2015-11/13
R105-3	White Collar Crime Registry	39445	NEW	08/10/2015	2015-13/17

AUDITOR

Administration

R123-6	Allocation of Money in the Property Tax Valuation Agency Fund	39136	AMD	04/08/2015	2015-5/8
--------	---	-------	-----	------------	----------

CAPITOL PRESERVATION BOARD (STATE)

Administration

R131-2	Capitol Hill Complex Facility Use	39025	AMD	02/24/2015	2015-2/41
R131-6	Board Designation of Space	39501	5YR	07/06/2015	2015-15/31
R131-9	Art and Exhibits	39266	EXD	04/08/2015	2015-9/87
R131-15	State Construction Contracts and Drug and Alcohol Testing	39502	5YR	07/06/2015	2015-15/32

COMMERCE

Administration

R151-4-109	Extension of Time and Continuance of Hearing	39144	AMD	04/10/2015	2015-5/9
R151-14-3	Adjudicative Proceedings	39034	AMD	02/24/2015	2015-2/49

Consumer Protection

R152-1	Utah Division of Consumer Protection: "Buyer Beware List"	39281	5YR	04/15/2015	2015-9/83
R152-1	Utah Division of Consumer Protection: "Buyer Beware List"	39273	AMD	06/08/2015	2015-9/5
R152-22-3	Application for Charitable Organization Permit	39525	AMD	09/21/2015	2015-16/7
R152-39	Child Protection Registry Rules	39282	5YR	04/15/2015	2015-9/83
R152-49	Immigration Consultants Registration Act Rules	39524	NEW	09/21/2015	2015-16/8

Occupational and Professional Licensing

R156-17b	Pharmacy Practice Act Rule	39056	5YR	01/05/2015	2015-3/69
R156-17b	Pharmacy Practice Act Rule	39018	AMD	02/24/2015	2015-2/51
R156-20a	Environmental Health Scientist Act Rule	39306	5YR	04/27/2015	2015-10/101
R156-20a	Environmental Health Scientist Act Rule	39351	AMD	07/09/2015	2015-11/20

R156-24b-302b	Qualifications for Licensure - Examination Requirements	39092	AMD	03/24/2015	2015-4/9
R156-26a-501	Unprofessional Conduct	39055	AMD	04/02/2015	2015-3/7
R156-28-304	Continuing Professional Education	39233	AMD	05/27/2015	2015-8/6
R156-31b	Nurse Practice Act Rule	39132	AMD	04/07/2015	2015-5/10
R156-31b-103	Authority - Purpose	39615	NSC	09/11/2015	Not Printed
R156-31b-202	Advisory Peer Education Committee Created -- Membership - Duties	38981	AMD	01/22/2015	2014-24/13
R156-31b-609	Standards for Out-of-State Programs Providing Clinical Experiences in Utah	38980	AMD	01/22/2015	2014-24/14
R156-37	Utah Controlled Substances Act Rule	39015	AMD	02/24/2015	2015-2/80
R156-37f-102	Definitions	39020	AMD	02/24/2015	2015-2/84
R156-44a-609	Standards for Out-of-State Programs Providing Certified Nurse Midwife Clinical Experiences in Utah	39176	AMD	05/11/2015	2015-7/2
R156-46a-502d	Form of Written Informed Consent	39428	AMD	08/17/2015	2015-13/21
R156-46a-502d	Form of Written Informed Consent	39604	NSC	09/11/2015	Not Printed
R156-47b	Massage Therapy Practice Act Rule	38915	AMD	04/21/2015	2014-22/16
R156-47b	Massage Therapy Practice Act Rule	38915	CPR	04/21/2015	2015-6/42
R156-47b-302a	Qualifications for Licensure - Equivalent Education and Training	39238	AMD	05/28/2015	2015-8/7
R156-50	Private Probation Provider Licensing Act Rule	39737	5YR	09/14/2015	2015-19/116
R156-55e	Elevator Mechanics Licensing Rule	39736	5YR	09/14/2015	2015-19/116
R156-60	Mental Health Professional Practice Act Rule	39538	AMD	09/21/2015	2015-16/9
R156-60a	Social Worker Licensing Act Rule	38979	AMD	01/22/2015	2014-24/15
R156-60c	Clinical Mental Health Counselor Licensing Act Rule	39519	AMD	09/28/2015	2015-16/11
R156-60d	Substance Use Disorder Counselor Act Rule	38964	AMD	01/22/2015	2014-24/17
R156-61	Psychologist Licensing Act Rule	38957	AMD	06/15/2015	2014-24/19
R156-61	Psychologist Licensing Act Rule	38957	CPR	06/15/2015	2015-9/80
R156-63a	Security Personnel Licensing Act Contract Security Rule	39293	AMD	06/22/2015	2015-10/22
R156-63a	Security Personnel Licensing Act Contract Security Rule	39368	AMD	07/23/2015	2015-11/22
R156-63b	Security Personnel Licensing Act Armored Car Rule	39294	AMD	06/22/2015	2015-10/24
R156-63b	Security Personnel Licensing Act Armored Car Rule	39369	AMD	07/23/2015	2015-11/25
R156-70a-302	Qualification for Licensure - Examination Requirements	39177	AMD	05/27/2015	2015-7/3
R156-71-202	Naturopathic Physician Formulary	39151	AMD	04/21/2015	2015-6/25
R156-72-102	Definitions	39343	AMD	07/09/2015	2015-11/28
R156-79	Hunting Guides and Outfitters Licensing Act Rule	39350	AMD	07/09/2015	2015-11/29
R156-83	Online Prescribing, Dispensing, and Facilitation Licensing Act Rule	39298	5YR	04/23/2015	2015-10/102
<u>Real Estate</u>					
R162-2a	Utah Housing Opportunity Restricted Account	39575	5YR	08/13/2015	2015-17/100
R162-2a	Utah Housing Opportunity Restricted Account	39576	NSC	08/28/2015	Not Printed
R162-2c	Utah Residential Mortgage Practices and Licensing Rules	39249	5YR	03/31/2015	2015-8/33
R162-2c	Utah Residential Mortgage Practices and Licensing Rules	39477	AMD	09/04/2015	2015-14/26
R162-2c-201	Licensing and Registration Procedures	38999	AMD	02/10/2015	2015-1/8
R162-2e	Appraisal Management Company Administrative Rules	39291	5YR	04/17/2015	2015-10/102
R162-2e-401	Unprofessional Conduct	38971	AMD	01/28/2015	2014-24/26
R162-2f	Real Estate Licensing and Practices Rules	39572	5YR	08/12/2015	2015-17/101
R162-2f-206	Certification of Continuing Education Course	38972	AMD	01/21/2015	2014-24/28
R162-2f-401j	Standards for Property Management	39305	AMD	06/22/2015	2015-10/25
R162-57a	Timeshare and Camp Resort Rules	39292	5YR	04/21/2015	2015-10/103
<u>Securities</u>					
R164-2	Investment Adviser - Unlawful Acts	39104	5YR	02/02/2015	2015-4/37
R164-15-2	Notice Filings for Rule 506 Offerings	38926	AMD	03/10/2015	2014-22/20
R164-32	Codification of Precedent	39300	NEW	06/22/2015	2015-10/26

RULES INDEX

COMMUNICATIONS AUTHORITY (UTAH)

911 Committee (Utah)

R173-1 (Changed to R174-1)	Utah 911 Advisory Committee	39406	AMD	09/29/2015	2015-11/30
----------------------------	-----------------------------	-------	-----	------------	------------

CORRECTIONS

Administration

R251-102	Release of Communicable Disease Information	39541	5YR	07/23/2015	2015-16/79
R251-109	Sex Offender Treatment Providers	39539	5YR	07/23/2015	2015-16/80
R251-110	Sex and Kidnap Offender Registration Program	39608	5YR	08/21/2015	2015-18/134
R251-301	Employment, Educational or Vocational Training for Community Correctional Center Offenders	39540	5YR	07/23/2015	2015-16/80
R251-303	Offenders' Use of Telephones	39060	5YR	01/08/2015	2015-3/70
R251-303	Offenders' Use of Telephones	39610	5YR	08/24/2015	2015-18/134
R251-709	Transportation of Inmates	39498	5YR	07/02/2015	2015-15/32

CRIME VICTIM REPARATIONS

Administration

R270-1-22	Sexual Assault Forensic Examinations	39463	AMD	08/21/2015	2015-14/38
-----------	--------------------------------------	-------	-----	------------	------------

EDUCATION

Administration

R277-99	Definitions for Utah State Board of Education (Board) Rules	39488	NEW	08/26/2015	2015-14/40
R277-100	Rulemaking Policy	39770	5YR	09/28/2015	Not Printed
R277-107	Educational Services Outside of Educator's Regular Employment	39462	5YR	06/25/2015	2015-14/140
R277-107	Educational Services Outside of Educator's Regular Employment	39489	AMD	08/26/2015	2015-14/41
R277-111	Sharing of Curriculum Materials by Public School Educators	39077	5YR	01/15/2015	2015-3/71
R277-111	Sharing of Curriculum Materials by Public School Educators	39078	AMD	03/10/2015	2015-3/13
R277-114	Corrective Action and Withdrawal or Reduction of Program Funds	39335	5YR	05/01/2015	2015-10/104
R277-114	Corrective Action and Withdrawal or Reduction of Program Funds	39285	R&R	06/08/2015	2015-9/10
R277-116-1	Definitions	39218	AMD	05/08/2015	2015-7/7
R277-200	Utah Professional Practices Advisory Commission (UPPAC), Definitions	39382	NEW	07/08/2015	2015-11/33
R277-201	Utah Professional Practices Advisory Commission (UPPAC), Rules of Procedure: Notification to Educators, Complaints and Final Disciplinary Actions	39383	NEW	07/08/2015	2015-11/37
R277-202	UPPAC Hearing Procedures and Reports	39384	NEW	07/08/2015	2015-11/41
R277-203	Request for Licensure Reinstatement and Reinstatement Procedures	39385	NEW	07/08/2015	2015-11/47
R277-204	Utah Professional Practices Advisory Commission Criminal Background Review	39386	NEW	07/08/2015	2015-11/50
R277-205	Alcohol Related Offenses	39387	NEW	07/08/2015	2015-11/52
R277-206	Drug Related Offenses	39388	NEW	07/08/2015	2015-11/53
R277-404	Requirements for Assessments of Student Achievement	39340	AMD	06/23/2015	2015-10/28
R277-410	Accreditation of Schools	39485	5YR	07/01/2015	2015-14/140
R277-410	Accreditation of Schools	39490	AMD	08/26/2015	2015-14/43
R277-417	Prohibiting LEAs and Third Party Providers from Offering Incentives or Reimbursements for Enrollment or Participation	39372	NEW	07/08/2015	2015-11/55
R277-418	Distance, Blended, Online, or Competency Based Learning Program	39373	NEW	07/08/2015	2015-11/57
R277-419	Pupil Accounting	39374	AMD	07/08/2015	2015-11/58

R277-419-9	Provisions for Maintaining Student Membership and Enrollment Documentation and Documentation of Student Education Services Provided by Third Party Vendors	39080	EMR	01/15/2015	2015-3/63
R277-444	Distribution of Funds to Arts and Science Organizations	39578	5YR	08/13/2015	2015-17/101
R277-459	Classroom Supplies Appropriation	39336	5YR	05/01/2015	2015-10/104
R277-459	Classroom Supplies Appropriation	39286	AMD	06/08/2015	2015-9/12
R277-468	Parent/Guardian Review of Public Education Curriculum and Review of Complaint Process	39079	NEW	03/10/2015	2015-3/14
R277-474	School Instruction and Human Sexuality	39337	5YR	05/01/2015	2015-10/105
R277-474	School Instruction and Human Sexuality	39287	AMD	06/08/2015	2015-9/13
R277-475	Patriotic, Civic and Character Education	39338	5YR	05/01/2015	2015-10/105
R277-475	Patriotic, Civic and Character Education	39288	AMD	06/08/2015	2015-9/16
R277-477	Distribution of Funds from the Interest and Dividend Account and Administration of the School LAND Trust Program	39579	5YR	08/13/2015	2015-17/102
R277-487	Public School Data Confidentiality and Disclosure	38956	AMD	01/07/2015	2014-23/6
R277-487	Public School Data Confidentiality and Disclosure	39375	AMD	07/08/2015	2015-11/67
R277-490	Beverley Taylor Sorenson Elementary Arts Learning Program	39376	AMD	07/08/2015	2015-11/72
R277-491	School Community Councils	39580	5YR	08/13/2015	2015-17/102
R277-497	School Grading System	39007	AMD	02/09/2015	2015-1/11
R277-497	School Grading System	39581	5YR	08/13/2015	2015-17/103
R277-498	Grant for Math Teaching Training	39582	5YR	08/13/2015	2015-17/103
R277-500	Educator Licensing Renewal, Timelines, and Required Fingerprint Background Checks	39486	5YR	07/01/2015	2015-14/141
R277-500	Educator Licensing Renewal, Timelines, and Required Fingerprint Background Checks	39491	AMD	08/26/2015	2015-14/46
R277-502	Educator Licensing and Data Retention	39378	AMD	07/08/2015	2015-11/75
R277-504	Early Childhood, Elementary, Secondary, Special Education (K-12), and Preschool Special Education (Birth-Age 5) Licensure	39008	AMD	02/09/2015	2015-1/13
R277-504	Early Childhood, Elementary, Secondary, Special Education (K-12), and Preschool Special Education (Birth-Age 5) Licensure	39219	AMD	05/08/2015	2015-7/8
R277-516	Education Employee Required Reports of Arrests and Required Background Check Policies for Non-licensed Employees	39492	AMD	08/26/2015	2015-14/51
R277-516-3	Licensed Public Education Employee Personal Reporting of Arrests	39289	AMD	06/08/2015	2015-9/18
R277-517-5	Board Disciplinary Actions	39290	AMD	06/08/2015	2015-9/19
R277-520	Appropriate Licensing and Assignment of Teachers	39371	5YR	05/15/2015	2015-11/185
R277-520	Appropriate Licensing and Assignment of Teachers	39379	AMD	07/08/2015	2015-11/80
R277-602	Special Needs Scholarships - Funding and Procedures	39583	5YR	08/13/2015	2015-17/104
R277-609	Standards for LEA Discipline Plans	39493	AMD	09/03/2015	2015-14/54
R277-616	Education for Homeless and Emancipated Students	39771	5YR	09/28/2015	Not Printed
R277-700	The Elementary and Secondary School Core Curriculum	39487	5YR	07/01/2015	2015-14/141
R277-700	The Elementary and Secondary School Core Curriculum	39494	AMD	08/26/2015	2015-14/59
<u>Rehabilitation</u>					
R280-200	Rehabilitation	39220	AMD	05/08/2015	2015-7/13
R280-203	Certification Requirements for Interpreters for the Hearing Impaired	38930	AMD	01/02/2015	2014-22/22

RULES INDEX

ENVIRONMENTAL QUALITY

Administration

R305-5 Health Reform - Health Insurance Coverage in DEQ State Contracts - Implementation 39135 5YR 02/09/2015 2015-5/101

Air Quality

R307-101-3 General Requirements: Version of Code of Federal Regulations Incorporated by Reference 39352 AMD 09/25/2015 2015-11/85

R307-103 Administrative Procedures 39109 5YR 02/05/2015 2015-5/101

R307-110-17 Section IX, Control Measures for Area and Point Sources, Part H, Emissions Limits 39167 AMD 06/04/2015 2015-7/14

R307-110-28 Regional Haze 39166 AMD 06/04/2015 2015-7/15

R307-120 General Requirements: Tax Exemption for Air Pollution Control Equipment 38998 AMD 03/05/2015 2015-1/17

R307-121 General Requirements: Clean Air and Efficient Vehicle Tax Credit 39353 AMD 09/03/2015 2015-11/86

R307-122 General Requirements: Heavy Duty Vehicle Tax Credit 39354 NEW 09/03/2015 2015-11/89

R307-122 General Requirements: Heavy Duty Vehicle Tax Credit 39637 NSC 09/30/2015 Not Printed

R307-165 Emission Testing 39110 5YR 02/05/2015 2015-5/102

R307-201 Emission Standards: General Emission Standards 39111 5YR 02/05/2015 2015-5/103

R307-202 Emission Standards: General Burning 39113 5YR 02/05/2015 2015-5/103

R307-203 Emission Standards: Sulfur Content of Fuels 39112 5YR 02/05/2015 2015-5/104

R307-204 Emission Standards: Smoke Management 39114 5YR 02/05/2015 2015-5/104

R307-205 Emission Standards: Fugitive Emissions and Fugitive Dust 39115 5YR 02/05/2015 2015-5/105

R307-206 Emission Standards: Abrasive Blasting 39116 5YR 02/05/2015 2015-5/105

R307-207 Residential Fireplaces and Solid Fuel Burning Devices 39117 5YR 02/05/2015 2015-5/106

R307-210 Stationary Sources 39168 AMD 06/04/2015 2015-7/17

R307-214 National Emission Standards for Hazardous Air Pollutants 39169 AMD 06/04/2015 2015-7/19

R307-302 Solid Fuel Burning Devices in Box Elder, Cache, Davis, Salt Lake, Tooele, Utah, and Weber Counties 38842 AMD 02/04/2015 2014-19/44

R307-302 Solid Fuel Burning Devices in Box Elder, Cache, Davis, Salt Lake, Tooele, Utah, and Weber Counties 38842 CPR 02/04/2015 2015-1/48

R307-302 Solid Fuel Burning Devices in Box Elder, Cache, Davis, Salt Lake, Tooele, Utah, and Weber Counties 39349 5YR 05/06/2015 2015-11/185

R307-305 Nonattainment and Maintenance areas for PM10: Emission Standards 39118 5YR 02/05/2015 2015-5/107

R307-306 PM10 Nonattainment and Maintenance Areas: Abrasive Blasting 39119 5YR 02/05/2015 2015-5/107

R307-307 Road Salting and Sanding 39120 5YR 02/05/2015 2015-5/108

R307-309 Nonattainment and Maintenance Areas for PM10 and PM2.5: Fugitive Emissions and Fugitive Dust 39121 5YR 02/05/2015 2015-5/108

R307-310 Salt Lake County: Trading of Emission Budgets for Transportation Conformity 39122 5YR 02/05/2015 2015-5/109

R307-311 Utah County: Trading of Emission Budgets for Transportation Conformity 38997 NEW 03/05/2015 2015-1/22

R307-401-19 General Approval Order 38901 AMD 02/05/2015 2014-21/16

R307-841 Residential Property and Child Occupied Facility Renovation 39123 5YR 02/05/2015 2015-5/109

R307-842 Lead-Based Paint Activities 39124 5YR 02/05/2015 2015-5/110

Drinking Water

R309-100 Administration: Drinking Water Program 39196 5YR 03/13/2015 2015-7/57

R309-105 Administration: General Responsibilities of Public Water Systems 39197 5YR 03/13/2015 2015-7/58

R309-110 Administration: Definitions 39198 5YR 03/13/2015 2015-7/59

R309-115	Administrative Procedures	39199	5YR	03/13/2015	2015-7/59
R309-200	Monitoring and Water Quality: Drinking Water Standards	39200	5YR	03/13/2015	2015-7/60
R309-205	Monitoring and Water Quality: Source Monitoring Requirements	39201	5YR	03/13/2015	2015-7/60
R309-210	Monitoring and Water Quality: Distribution System Monitoring Requirements	39202	5YR	03/13/2015	2015-7/61
R309-215	Monitoring and Water Quality: Treatment Plant Monitoring Requirements	39203	5YR	03/13/2015	2015-7/61
R309-220	Monitoring and Water Quality: Public Notification Requirements	39204	5YR	03/13/2015	2015-7/62
R309-225	Monitoring and Water Quality: Consumer Confidence Reports	39205	5YR	03/13/2015	2015-7/62
R309-300	Certification Rules for Water Supply Operators	39206	5YR	03/13/2015	2015-7/63
R309-305	Certification Rules for Backflow Technicians	39207	5YR	03/13/2015	2015-7/63
R309-400	Water System Rating Criteria	39208	5YR	03/13/2015	2015-7/64
R309-405	Compliance and Enforcement: Administrative Penalty	39209	5YR	03/13/2015	2015-7/64
R309-500	Facility Design and Operation: Plan Review, Operation and Maintenance Requirements	39184	5YR	03/13/2015	2015-7/65
R309-500	Facility Design and Operation: Plan Review, Operation and Maintenance Requirements	39076	AMD	07/15/2015	2015-3/16
R309-500	Facility Design and Operation: Plan Review, Operation and Maintenance Requirements	39076	CPR	07/15/2015	2015-11/166
R309-505	Facility Design and Operation: Minimum Treatment Requirements	39185	5YR	03/13/2015	2015-7/65
R309-510	Facility Design and Operation: Minimum Sizing Requirements	39186	5YR	03/13/2015	2015-7/66
R309-510	Facility Design and Operation: Minimum Sizing Requirements	39399	AMD	07/15/2015	2015-11/92
R309-511	Hydraulic Modeling Requirements	39187	5YR	03/13/2015	2015-7/66
R309-515	Facility Design and Operation: Source Development	39188	5YR	03/13/2015	2015-7/67
R309-520	Facility Design and Operation: Disinfection	39189	5YR	03/13/2015	2015-7/67
R309-525	Facility Design and Operation: Conventional Surface Water Treatment	39190	5YR	03/13/2015	2015-7/68
R309-530	Facility Design and Operation: Alternative Surface Water Treatment Methods	39191	5YR	03/13/2015	2015-7/68
R309-535	Facility Design and Operation: Miscellaneous Treatment Methods	39192	5YR	03/13/2015	2015-7/69
R309-540	Facility Design and Operation: Pump Stations	39193	5YR	03/13/2015	2015-7/69
R309-545	Facility Design and Operation: Drinking Water Storage Tanks	39194	5YR	03/13/2015	2015-7/70
R309-550	Facility Design and Operation: Transmission and Distribution Pipelines	39195	5YR	03/13/2015	2015-7/70
R309-550-10	Facility Design and Operation: Transmission and Distribution Pipelines	39508	AMD	09/10/2015	2015-15/4
R309-600	Source Protection: Drinking Water Source Protection for Ground Water Sources	39213	5YR	03/13/2015	2015-7/71
R309-605	Source Protection: Drinking Water Source Protection for Surface Water Sources	39214	5YR	03/13/2015	2015-7/71
R309-700	Financial Assistance: State Drinking Water State Revolving Fund (SRF) Loan Program	39210	5YR	03/13/2015	2015-7/72
R309-705	Financial Assistance: Federal Drinking Water State Revolving Fund (SRF) Loan Program	39211	5YR	03/13/2015	2015-7/72
R309-800	Capacity Development Program	39212	5YR	03/13/2015	2015-7/73
<u>Environmental Response and Remediation</u>					
R311-500	Illegal Drug Operations Site Reporting and Decontamination Act, Decontamination Specialist Certification Program	39146	5YR	02/18/2015	2015-6/45
<u>Radiation Control</u>					
R313-12-3	Definitions	39277	AMD	06/16/2015	2015-9/21
R313-15-1208	Reports of Leaking or Contaminated Sealed Sources	39082	AMD	03/17/2015	2015-3/21

RULES INDEX

R313-17-4	Special Procedures for Decisions Associated with Licenses for Uranium Mills and Disposal of Byproduct Material	38770	AMD	02/17/2015	2014-17/95
R313-17-4	Special Procedures for Decisions Associated with Licenses for Uranium Mills and Disposal of Byproduct Material	38770	CPR	02/17/2015	2014-24/40
R313-19	Requirements of General Applicability to Licensing of Radioactive Material	38907	AMD	02/17/2015	2014-21/18
R313-19-13	Exemptions	39280	AMD	08/26/2015	2015-9/27
R313-19-13	Exemptions	39280	CPR	08/26/2015	2015-14/114
R313-19-34	Terms and Conditions of Licenses	39274	AMD	06/16/2015	2015-9/32
R313-21-22	General Licenses*--Radioactive Material Other Than Source Material	39278	AMD	08/26/2015	2015-9/34
R313-21-22	General Licenses*--Radioactive Material Other Than Source Material	39278	CPR	08/26/2015	2015-14/118
R313-22	Specific Licenses	39279	AMD	08/26/2015	2015-9/40
R313-22	Specific Licenses	39279	CPR	08/26/2015	2015-14/124
R313-24-1	Purpose and Authority	39149	NSC	03/06/2015	Not Printed
R313-24-4	Clarifications or Exceptions	39275	AMD	06/16/2015	2015-9/49
R313-27	Medical Use Advisory Committee	39283	NEW	07/09/2015	2015-9/51
R313-28-31	General and Administrative Requirements	39016	AMD	03/24/2015	2015-2/85
R313-34	Requirements for Irradiators	39047	AMD	05/05/2015	2015-2/87
R313-35	Requirements for X-ray Equipment Used for Non-Medical Applications	39017	AMD	05/22/2015	2015-2/89
R313-35	Requirements for X-Ray Equipment Used for Non-Medical Applications	39017	CPR	05/22/2015	2015-8/30
R313-36-3	Clarifications or Exceptions	39276	AMD	06/16/2015	2015-9/52
R313-37	Physical Protection of Category 1 and Category 2 Quantities of Radioactive Material	38908	NEW	06/29/2015	2014-21/21
R313-37	Physical Protection of Category 1 and Category 2 Quantities of Radioactive Material	38908	CPR	06/29/2015	2015-5/98
R313-38-3	Clarifications or Exceptions	39083	AMD	03/17/2015	2015-3/22
<u>Solid and Hazardous Waste</u>					
R315-15-1	Applicability, Prohibitions, and Definitions	39302	NSC	05/11/2015	Not Printed
R315-15-3	Standards for Used Oil Collection Centers and Aggregation Points	39303	NSC	05/06/2015	Not Printed
R315-15-5	Standards for Used Oil Processors and Re-Refiners	39304	NSC	05/11/2015	Not Printed
R315-15-6	Standards for Used Oil Burners Who Burn Used Oil for Energy Recovery	39307	NSC	05/11/2015	Not Printed
R315-15-13	Registration and Permitting of Used Oil Handlers	39308	NSC	05/11/2015	Not Printed
<u>Water Quality</u>					
R317-4	Onsite Wastewater Systems	39106	5YR	02/03/2015	2015-5/111
R317-10-8	Utah Wastewater Operator Certification Council	39105	AMD	04/29/2015	2015-4/10
R317-101	Utah Wastewater Project Assistance Program	39512	AMD	09/24/2015	2015-15/5
FINANCIAL INSTITUTIONS					
<u>Administration</u>					
R331-14	Rule Governing Parties Who Engage in the Business of Issuing and Selling Money Orders, Traveler's Checks, and Other Instruments for the Purpose of Effecting Third-Party Payments	39370	REP	07/08/2015	2015-11/104
<u>Nondepository Lenders</u>					
R343-10	Title Lenders Registration with the Nationwide Database	39442	NEW	08/12/2015	2015-13/22
R343-10	Title Lenders Registration with the Nationwide Database	39503	NSC	08/17/2015	Not Printed

GOVERNOR

Criminal and Juvenile Justice (State Commission on)

R356-1	Procedures for the Calculation and Distribution of Funds to Reimburse County Correctional Facilities Housing State Probationary Inmates or State Parole Inmates	39053	EXT	01/02/2015	2015-3/75
R356-1	Procedures for the Calculation and Distribution of Funds to Reimburse County Correctional Facilities Housing State Probationary Inmates or State Parole Inmates	39344	EXD	05/05/2015	2015-11/191
R356-1	Procedures for the Calculation and Distribution of Funds to Reimburse County Correctional Facilities Housing State Probationary Inmates or State Parole Inmates	39802	EMR	10/01/2015	Not Printed
R356-101	Judicial Nominating Commissions	39466	5YR	06/26/2015	2015-14/142

Economic Development

R357-1	Rural Fast Track Program	39526	NSC	08/17/2015	Not Printed
R357-2	Targeted Business Tax Credit	39527	NSC	08/17/2015	Not Printed
R357-3	Refundable Economic Development Tax Credit	39094	R&R	04/13/2015	2015-4/12
R357-3	Refundable Economic Development Tax Credit	39528	NSC	08/17/2015	Not Printed
R357-4	Government Procurement Private Proposal Program	39529	NSC	08/17/2015	Not Printed
R357-5	Motion Picture Incentive Fund	39530	NSC	08/17/2015	Not Printed
R357-6	Technology and Life Science Economic Development and Related Tax Credits	39531	NSC	08/17/2015	Not Printed
R357-7	Utah Capital Investment Board	39532	NSC	08/17/2015	Not Printed
R357-8	Allocation of Private Activity Bond Volume Cap	39263	NEW	07/08/2015	2015-9/53
R357-9	Alternative Energy Development Tax Incentives	39533	NSC	08/17/2015	Not Printed
R357-10	Small Business Jobs Act or Utah New Market Tax Credit	39346	NEW	07/08/2015	2015-11/105
R357-11	Technology Commercialization and Innovation Program (TCIP)	38944	NEW	03/23/2015	2014-23/14
R357-11	Technology Commercialization and Innovation Program (TCIP)	39534	NSC	08/17/2015	Not Printed
R357-12	Fiscal Emergency Contingent Management of Federal Lands	38945	NEW	03/20/2015	2014-23/17
R357-14	Electronic Meetings	39510	NEW	09/10/2015	2015-15/13

Energy Development (Office of)

R362-3	Energy Efficiency Fund	38931	AMD	01/07/2015	2014-22/24
--------	------------------------	-------	-----	------------	------------

HEALTH

Administration

R380-40	Local Health Department Minimum Performance Standards	39173	5YR	03/06/2015	2015-7/74
---------	---	-------	-----	------------	-----------

Center for Health Data, Health Care Statistics

R428-1	Health Data Plan and Incorporated Documents	39416	AMD	10/01/2015	2015-12/17
R428-2	Health Data Authority Standards for Health Data	39405	AMD	07/30/2015	2015-11/112
R428-11	Health Data Authority Ambulatory Surgical Data Reporting Rule	39415	AMD	10/01/2015	2015-12/18
R428-15	Health Data Authority Health Insurance Claims Reporting	39247	NSC	04/07/2015	Not Printed

Child Care Center Licensing Committee

R381-60	Hourly Child Care Centers	39130	NEW	05/01/2015	2015-5/16
R381-70	Out of School Time Programs	39129	NEW	05/01/2015	2015-5/25
R381-100	Child Care Centers	39128	NEW	05/01/2015	2015-5/36

Children's Health Insurance Program

R382-10	Eligibility	39102	AMD	04/01/2015	2015-4/15
---------	-------------	-------	-----	------------	-----------

RULES INDEX

Disease Control and Prevention, Environmental Services

R392-600	Illegal Drug Operations Decontamination Standards	39159	EXD	02/26/2015	2015-6/49
R392-600	Illegal Drug Operations Decontamination Standards	39161	NEW	05/01/2015	2015-6/27

Disease Control and Prevention, Epidemiology

R386-703	Injury Reporting Rule	39170	AMD	05/15/2015	2015-7/24
R386-703	Injury Reporting Rule	39765	5YR	09/23/2015	Not Printed
R386-800	Immunization Coordination	39108	5YR	02/05/2015	2015-5/111

Disease Control and Prevention, Health Promotion

R384-300	Parkinson's Disease Reporting Rule	39052	NEW	03/12/2015	2015-3/24
----------	------------------------------------	-------	-----	------------	-----------

Disease Control and Prevention, Immunization

R396-100	Immunization Rule for Students	39171	NSC	03/24/2015	Not Printed
----------	--------------------------------	-------	-----	------------	-------------

Disease Control and Prevention; HIV/AIDS, Tuberculosis Control/Refugee Health

R388-804	Special Measures for the Control of Tuberculosis	39446	AMD	09/23/2015	2015-13/24
----------	--	-------	-----	------------	------------

Family Health and Preparedness, Child Care Licensing

R430-6	Background Screenings	39465	AMD	08/31/2015	2015-14/93
R430-60	Hourly Child Care Centers	39127	REP	05/01/2015	2015-5/56
R430-70	Out of School Time Child Care Programs	39126	REP	05/01/2015	2015-5/66
R430-100	Child Care Centers	39125	REP	05/01/2015	2015-5/76

Family Health and Preparedness, Children with Special Health Care Needs

R398-1	Newborn Screening	39054	AMD	06/01/2015	2015-3/26
R398-3	Children's Hearing Aid Pilot Program	39451	AMD	08/21/2015	2015-14/68
R398-30	Children's Organ Transplants	39133	NEW	04/20/2015	2015-5/49

Family Health and Preparedness, Emergency Medical Services

R426-1	General Definitions	39551	AMD	09/24/2015	2015-16/20
R426-2	Emergency Medical Services Provider Designations, Critical Incident Stress Management and Quality Assurance Reviews	39467	AMD	08/21/2015	2015-14/82
R426-3	Licensure	39552	AMD	09/24/2015	2015-16/23
R426-4	Operations	39550	AMD	09/24/2015	2015-16/29
R426-5	Emergency Medical Services Training and Certification Standards	39546	AMD	09/24/2015	2015-16/43
R426-8	Emergency Medical Services Ambulance Rates and Charges	39265	AMD	06/08/2015	2015-9/55
R426-9	Statewide Trauma System Standards	39468	AMD	08/21/2015	2015-14/87

Family Health and Preparedness, Licensing

R432-2	General Licensing Provisions	39464	AMD	08/21/2015	2015-14/97
R432-2-6	Application	38982	AMD	02/06/2015	2014-24/33
R432-3-10	Alternative Remedies for Nursing Facilities	39514	AMD	09/29/2015	2015-15/14
R432-35	Background Screening -- Health Facilities	38954	AMD	01/27/2015	2014-23/23
R432-725	Personal Care Agency Rule	39232	AMD	06/02/2015	2015-7/27

Family Health and Preparedness, Maternal and Child Health

R433-1	Very Low Birth Weight Infant Reporting	38802	NEW	02/12/2015	2014-18/20
R433-1	Very Low Birth Weight Infant Reporting	38802	CPR	02/12/2015	2015-1/50

Family Health and Preparedness, Primary Care and Rural Health

R434-100	Physician Visa Waivers	39342	5YR	05/04/2015	2015-11/187
----------	------------------------	-------	-----	------------	-------------

Health Care Financing, Coverage and Reimbursement Policy

R414-1-5	Incorporations by Reference	39040	AMD	03/02/2015	2015-2/90
R414-1-5	Incorporations by Reference	39248	AMD	06/01/2015	2015-8/8
R414-1-5	Incorporations by Reference	39460	AMD	09/16/2015	2015-14/70
R414-1-5	Incorporations by Reference	39781	EMR	10/01/2015	Not Printed
R414-1-12	Utilization Review	39452	AMD	09/22/2015	2015-14/74
R414-1B	Prohibition of Payment for Certain Abortion Services	39341	AMD	07/01/2015	2015-10/32

R414-6	Reduction in Certain Targeted Case Management Services	39087	REP	03/24/2015	2015-4/18
R414-7C	Alternative Remedies for Nursing Facilities	39543	REP	09/29/2015	2015-16/14
R414-10B	Children's Organ Transplants	39134	REP	04/20/2015	2015-5/51
R414-11	Podiatric Services	38952	AMD	01/13/2015	2014-23/22
R414-14A	Hospice Care	39142	AMD	04/07/2015	2015-5/53
R414-19A	Coverage for Dialysis Services by a Free-Standing State Licensed Dialysis Facility	39005	AMD	02/18/2015	2015-1/24
R414-19A	Coverage for Dialysis Services by a Free-Standing State Licensed Dialysis Facility	39264	5YR	04/07/2015	2015-9/84
R414-33D	Targeted Case Management for Individuals with Serious Mental Illness	39377	5YR	05/15/2015	2015-11/186
R414-38	Personal Care Service	39131	AMD	04/07/2015	2015-5/54
R414-40	Private Duty Nursing Service	39515	5YR	07/16/2015	2015-16/81
R414-52	Optometry Services	39356	AMD	07/16/2015	2015-11/110
R414-53	Eyeglasses Services	39357	AMD	07/16/2015	2015-11/111
R414-55	Medicaid Policy for Hospital Emergency Department Copayment Procedures	39556	AMD	10/01/2015	2015-16/15
R414-59	Audiology Services	39516	5YR	07/16/2015	2015-16/81
R414-61-2	Incorporation by Reference	39782	EMR	10/01/2015	Not Printed
R414-302-8	Application for Other Possible Benefits	39483	AMD	09/01/2015	2015-14/76
R414-303-6	12-Month Transitional Medicaid	39413	AMD	08/01/2015	2015-12/15
R414-303-8	Foster Care, Former Foster Care Youth and Independent Foster Care Adolescents	39165	AMD	05/08/2015	2015-7/26
R414-304	Income and Budgeting	39484	AMD	09/01/2015	2015-14/77
R414-306-2	QMB, SLMB, and QI Benefits	39414	AMD	08/01/2015	2015-12/16
R414-307	Eligibility for Home and Community-Based Services Waivers	39310	AMD	07/01/2015	2015-10/33
R414-307-13	Home and Community-Based Services Waiver for Medically Complex Children	39558	AMD	10/01/2015	2015-16/16
R414-309	Medicare Drug Benefit Low-Income Subsidy Determination	39145	5YR	02/18/2015	2015-6/45
R414-310-7	Household Composition and Income Provisions	38984	AMD	02/01/2015	2014-24/32
R414-401-3	Assessment	39299	AMD	07/01/2015	2015-10/37
R414-506	Hospital Provider Assessments	39517	5YR	07/16/2015	2015-16/82
R414-507	Ground Ambulance Service Provider Assessments	39332	NEW	07/01/2015	2015-10/38
R414-510	Intermediate Care Facility for Persons with Intellectual Disabilities Transition Program	39553	AMD	09/29/2015	2015-16/17
HERITAGE AND ARTS					
<u>Arts and Museums</u>					
R451-3	Capital Funds Request Prioritization	39096	EXD	01/28/2015	2015-4/41
<u>Indian Affairs</u>					
R456-1	Native American Grave Protection and Repatriation	39721	EXT	09/09/2015	2015-19/127
<u>Library</u>					
R458-3	Capital Funds Request Prioritization	39097	EXD	01/28/2015	2015-4/41
HUMAN RESOURCE MANAGEMENT					
<u>Administration</u>					
R477-1	Definitions	39324	AMD	07/01/2015	2015-10/39
R477-2	Administration	39315	AMD	07/01/2015	2015-10/44
R477-3-1	Job Classification Applicability	39316	AMD	07/01/2015	2015-10/47
R477-4	Filling Positions	39317	AMD	07/01/2015	2015-10/48
R477-6	Compensation	39318	AMD	07/01/2015	2015-10/51
R477-7	Leave	39319	AMD	07/01/2015	2015-10/56
R477-8-3	Lunch, Break and Exercise Release Periods	39320	AMD	07/01/2015	2015-10/64
R477-9-4	Political Activity	39321	NSC	05/11/2015	Not Printed
R477-15	Workplace Harassment Prevention	39322	AMD	07/01/2015	2015-10/65
R477-16	Abusive Conduct Prevention	39323	NEW	07/01/2015	2015-10/67

RULES INDEX

HUMAN SERVICES

Administration

R495-808	Fatality Review Act	39326	5YR	04/30/2015	2015-10/106
R495-820	Institutional Review Board	39270	NEW	06/18/2015	2015-9/57
R495-861	Requirements for Local Discretionary Social Services Block Grant Funds	39361	AMD	07/16/2015	2015-11/116
R495-878	Americans With Disabilities Act Grievance Procedures	39325	R&R	06/22/2015	2015-10/68
R495-878	Americans With Disabilities Act Grievance Procedures	39480	AMD	08/25/2015	2015-14/101
R495-883	Children in Care Support Services	39500	5YR	07/06/2015	2015-15/33
R495-890	Department of Human Services Conflict Investigation Procedure	39469	5YR	06/29/2015	2015-14/142

Administration, Administrative Hearings

R497-100	Adjudicative Proceedings	39521	5YR	07/20/2015	2015-16/82
----------	--------------------------	-------	-----	------------	------------

Administration, Administrative Services, Licensing

R501-1	General Provisions	39334	AMD	07/01/2015	2015-10/72
R501-4	Certified Local Inspectors	39333	REP	06/29/2015	2015-10/76
R501-12	Foster Care Services	39358	EMR	05/12/2015	2015-11/178
R501-12	Foster Care Services	39638	EMR	09/04/2015	2015-19/110
R501-14	Background Screening	39778	5YR	09/29/2015	Not Printed
R501-19	Residential Treatment Programs	39258	5YR	04/01/2015	2015-8/34
R501-20	Day Treatment Programs	39259	5YR	04/01/2015	2015-8/35
R501-21	Outpatient Treatment Programs	39260	5YR	04/01/2015	2015-8/35
R501-22	Residential Support Programs	39257	5YR	04/01/2015	2015-8/36

Aging and Adult Services

R510-100	Funding Formulas	39272	AMD	06/30/2015	2015-9/62
R510-400	Home and Community Based Alternatives Program	39269	AMD	06/30/2015	2015-9/64

Child and Family Services

R512-1	Description of Division Services, Eligibility, and Service Access	39284	AMD	06/15/2015	2015-9/71
R512-11	Accommodation of Moral and Religious Beliefs and Culture	39535	5YR	07/22/2015	2015-16/83
R512-200	Child Protective Services, Intake Services	39542	AMD	09/22/2015	2015-16/54
R512-203	Child Protective Services, Significant Risk Assessments	39536	5YR	07/22/2015	2015-16/83
R512-300	Out-of-Home Services	39409	AMD	07/22/2015	2015-12/20
R512-308	Out-of-Home Services, Guardianship Services and Placements	39537	5YR	07/22/2015	2015-16/84
R512-500	Kinship Services, Placement and Background Screening	39499	AMD	09/08/2015	2015-15/16

Child Protection Ombudsman (Office of)

R515-1	Processing Complaints Regarding the Utah Division of Child and Family Services	39478	5YR	06/30/2015	2015-14/143
--------	--	-------	-----	------------	-------------

Recovery Services

R527-254	Limitations on Collection of Arrears	39262	NEW	06/09/2015	2015-9/74
----------	--------------------------------------	-------	-----	------------	-----------

Substance Abuse and Mental Health

R523-8	Evidence-Based Prevention Registry	38917	NEW	01/06/2015	2014-22/33
--------	------------------------------------	-------	-----	------------	------------

INSURANCE

Administration

R590-130	Rules Governing Advertisements of Insurance	39651	5YR	09/04/2015	2015-19/117
R590-130-7	Advertisements of Benefits Payable, Losses Covered or Premiums Payable	39029	NSC	01/15/2015	Not Printed
R590-140	Reference Filings of Rate Service Organization	39147	5YR	02/18/2015	2015-6/46
R590-142	Prospective Loss Costs Continuing Education Rule	38934	AMD	01/12/2015	2014-23/25

R590-162-3	Scope	39443	AMD	08/26/2015	2015-13/26
R590-164	Uniform Health Billing Rule	39174	5YR	03/10/2015	2015-7/74
R590-173	Credit For Reinsurance	39030	NSC	01/15/2015	Not Printed
R590-194	Coverage of Dietary Products for Inborn Errors of Amino Acid or Urea Cycle Metabolism	39038	NSC	01/15/2015	Not Printed
R590-198-5	General Calculation Requirements for Basic Reserves and Premium Deficiency Reserves	39444	AMD	08/26/2015	2015-13/27
R590-198-5	General Calculation Requirements for Basic Reserves and Premium Deficiency Reserves	39444	CPR	08/26/2015	2015-14/133
R590-199	Plan of Orderly Withdrawal Rule Relating to Health Benefit Plans	39398	5YR	05/15/2015	2015-11/187
R590-220	Submission of Accident and Health Insurance Filings	39312	AMD	09/23/2015	2015-10/79
R590-220	Submission of Accident and Health Insurance Filings	39312	CPR	09/23/2015	2015-16/68
R590-226-14	Responses	39031	NSC	01/15/2015	Not Printed
R590-231	Workers' Compensation Market of Last Resort	39313	5YR	04/29/2015	2015-10/106
R590-238	Captive Insurance Companies	39555	AMD	09/25/2015	2015-16/56
R590-244	Individual and Agency Licensing Requirements	38935	AMD	01/12/2015	2014-23/31
R590-256	Health Benefit Plan Internet Portal Solvency Rating	39175	5YR	03/10/2015	2015-7/75
R590-258	Email Address Requirement	39650	5YR	09/04/2015	2015-19/118
R590-269	Individual Open Enrollment Period	39520	AMD	09/23/2015	2015-16/61
R590-271	Data Reporting for Consumer Quality Comparison	39103	NEW	06/22/2015	2015-4/19
R590-271	Data Reporting for Consumer Quality Comparison	39103	CPR	06/22/2015	2015-10/98
<u>Title and Escrow Commission</u>					
R592-1	Title Insurance Licensing	39652	5YR	09/04/2015	2015-19/118
R592-2	Title Insurance Administrative Hearings and Penalty Imposition	39653	5YR	09/04/2015	2015-19/119
R592-6	Unfair Inducements and Marketing Practices in Obtaining Title Insurance Business	39412	AMD	08/11/2015	2015-12/23
JUDICIAL CONDUCT COMMISSION					
<u>Administration</u>					
R595-1	General Provisions	39048	5YR	01/02/2015	2015-3/71
R595-2	Administration	39049	5YR	01/02/2015	2015-3/72
R595-3	Procedure	39050	5YR	01/02/2015	2015-3/72
R595-4	Sanctions	39051	5YR	01/02/2015	2015-3/73
JUDICIAL PERFORMANCE EVALUATION COMMISSION					
<u>Administration</u>					
R597-2	Administration of the Commission	39268	5YR	04/13/2015	2015-9/85
R597-3-2	Survey	39244	AMD	05/27/2015	2015-8/13
R597-3-3	Courtroom Observation	39243	AMD	05/27/2015	2015-8/15
LABOR COMMISSION					
<u>Adjudication</u>					
R602-2-4	Attorney Fees	39380	AMD	07/08/2015	2015-11/117
<u>Antidiscrimination and Labor, Antidiscrimination</u>					
R606-6	Regulation of Practice and Procedure on Employer Reports and Records	39245	5YR	03/30/2015	2015-8/36
<u>Boiler and Elevator Safety</u>					
R616-3-3	Safety Codes for Elevators	39296	AMD	06/22/2015	2015-10/86
R616-4	Coal Mine Safety	39138	5YR	02/12/2015	2015-5/112
<u>Occupational Safety and Health</u>					
R614-1-7	Inspections, Citations, and Proposed Penalties	39381	AMD	07/08/2015	2015-11/119

RULES INDEX

LIEUTENANT GOVERNOR

Elections

R623-1-4 Registration/License Application Procedure 39457 AMD 08/24/2015 2015-14/103

MONEY MANAGEMENT COUNCIL

Administration

R628-15 Certification as an Investment Adviser 39347 EXD 05/06/2015 2015-11/191
 R628-15 Certification as an Investment Adviser 39348 EMR 05/06/2015 2015-11/180
 R628-15 Certification as an Investment Adviser 39396 NEW 07/13/2015 2015-11/126

NATURAL RESOURCES

Forestry, Fire and State Lands

R652-70 Sovereign Lands 39314 AMD 07/06/2015 2015-10/88
 R652-160 Department of Natural Resources Wilderness Rules 38942 NEW 01/27/2015 2014-23/36

Oil, Gas and Mining: Oil and Gas

R649-3 Drilling and Operating Practices 39028 AMD 02/26/2015 2015-2/95

Parks and Recreation

R651-101 Adjudicative Proceedings 39139 5YR 02/12/2015 2015-5/112
 R651-207 Registration Fee 39006 AMD 02/11/2015 2015-1/25
 R651-214 Temporary Registration 38970 AMD 01/22/2015 2014-24/34
 R651-223 Vessel Accident Reporting 39090 5YR 01/23/2015 2015-4/38
 R651-409 Minimum Amounts of Liability Insurance Coverage for an Organized Practice or Sanctioned Race 39140 5YR 02/12/2015 2015-5/113
 R651-412 Curriculum Standards for OHV Education Programs Offered by Non-Division Entities 39088 5YR 01/22/2015 2015-4/38
 R651-602 Aircraft and Powerless Flight 39497 AMD 08/28/2015 2015-14/105
 R651-634 Nonresident OHV User Permits and Fees 39089 5YR 01/22/2015 2015-4/39
 R651-635 Commercial Use of Division Managed Park Areas 39141 5YR 02/12/2015 2015-5/113

Water Rights

R655-14 Administrative Procedures for enforcement Proceedings Before the Division of Water Rights 39153 5YR 02/24/2015 2015-6/47
 R655-16 Administrative Procedures for Declaring Beneficial Use Limitations for Supplemental Water Rights 39152 5YR 02/24/2015 2015-6/47

Wildlife Resources

R657-3 Collection, Importation, Transportation, and Possession of Animals 39217 AMD 05/08/2015 2015-7/29
 R657-5 Taking Big Game 38996 AMD 02/09/2015 2015-1/26
 R657-5 Taking Big Game 39062 AMD 03/16/2015 2015-3/30
 R657-6 Taking Upland Game 39431 5YR 06/08/2015 2015-13/63
 R657-9 Taking Waterfowl, Common Snipe and Coot 39435 AMD 08/07/2015 2015-13/29
 R657-11 Taking Furbearers 39509 5YR 07/13/2015 2015-15/34
 R657-15 Closure of Gunnison, Cub and Hat Islands 39162 5YR 03/03/2015 2015-7/75
 R657-19 Taking Nongame Mammals 39215 AMD 05/08/2015 2015-7/33
 R657-21 Cooperative Wildlife Management Units for Small Game and Waterfowl 39163 5YR 03/03/2015 2015-7/76
 R657-24 Compensation for Mountain Lion, Bear, Wolf or Eagle Damage 39559 5YR 08/03/2015 2015-17/105
 R657-33 Taking Bear 39063 AMD 03/16/2015 2015-3/31
 R657-38 Dedicated Hunter Program 39064 AMD 03/16/2015 2015-3/39
 R657-41 Conservation and Sportsman Permits 39065 AMD 03/16/2015 2015-3/40
 R657-41 Conservation and Sportsman Permits 39362 AMD 07/09/2015 2015-11/129
 R657-42 Fees, Exchanges, Surrenders, Refunds and Reallocation of Wildlife Documents 39066 AMD 03/16/2015 2015-3/42
 R657-43 Landowner Permits 38995 AMD 02/09/2015 2015-1/33
 R657-55 Wildlife Convention Permits 39067 AMD 03/16/2015 2015-3/43

R657-55	Wildlife Expo Permits	39345	5YR	05/05/2015	2015-11/188
R657-57	Division Variance Rule	39068	AMD	03/16/2015	2015-3/48
R657-59	Private Fish Ponds	39069	AMD	03/16/2015	2015-3/50
R657-62	Drawing Application Procedures	39070	AMD	03/16/2015	2015-3/52
R657-65	Urban Deer Control	39434	AMD	08/07/2015	2015-13/33
R657-68	Trial Hunting Authorization	39071	AMD	03/16/2015	2015-3/54
R657-69	Turkey Depredation	38949	AMD	01/08/2015	2014-23/39
R657-70	Taking Utah Prairie Dogs	39216	NEW	05/08/2015	2015-7/36
R657-70	Taking Utah Prairie Dogs	39436	AMD	08/07/2015	2015-13/36

PARDONS (BOARD OF)

Administration

R671-201	Original Parole Grant Hearing Schedule and Notice	39093	AMD	03/24/2015	2015-4/20
R671-204	Hearing Continuances	39544	EMR	07/27/2015	2015-16/77
R671-204	Hearing Continuances	39545	NEW	10/01/2015	2015-16/63
R671-205	Credit for Time Served	39420	AMD	08/11/2015	2015-13/43
R671-205	Credit for Time Served	39547	NSC	08/17/2015	Not Printed
R671-303-1	Information Received, Maintained or Used by the Board	39107	AMD	04/07/2015	2015-5/90
R671-305-1	Board Decisions and Orders	39137	AMD	04/07/2015	2015-5/91
R671-405	Parole Termination	39794	EMR	10/01/2015	Not Printed

PROFESSIONAL PRACTICES ADVISORY COMMISSION

Administration

R686-100	Utah Professional Practices Advisory Commission (UPPAC), Rules of Procedure: Notification to Educators, Complaints and Final Disciplinary Actions	39389	REP	07/08/2015	2015-11/134
R686-100-7	Default Procedures	39221	AMD	05/08/2015	2015-7/42
R686-101	UPPAC Hearing Procedures and Reports	39390	REP	07/08/2015	2015-11/139
R686-101-14	Default	39222	AMD	05/08/2015	2015-7/43
R686-102	Request for Licensure Reinstatement and Reinstatement Procedures	39391	REP	07/08/2015	2015-11/146
R686-103	Utah Professional Practices Advisory Commission Review of Licensure Due to Background Check Offenses	39392	REP	07/08/2015	2015-11/149
R686-104	Alcohol Related Offenses	39393	REP	07/08/2015	2015-11/152
R686-105	Drug Related Offenses	39394	REP	07/08/2015	2015-11/153

PUBLIC SAFETY

Administration

R698-6	Honoring Heroes Restricted Account	39549	5YR	07/29/2015	2015-16/84
--------	------------------------------------	-------	-----	------------	------------

Criminal Investigations and Technical Services, 911 Committee (Utah)

R720-1 (Changed to R173-1)	Utah 911 Committee	39022	AMD	05/06/2015	2015-2/98
----------------------------	--------------------	-------	-----	------------	-----------

Criminal Investigations and Technical Services, Criminal Identification

R722-300	Concealed Firearm Permit and Instructor Rule	39359	5YR	05/12/2015	2015-11/188
R722-310	Regulation of Bail Bond Recovery and Enforcement Agents	39057	5YR	01/07/2015	2015-3/73
R722-330	Licensing of Private Investigators	38947	AMD	01/07/2015	2014-23/40
R722-330	Licensing of Private Investigators	39058	5YR	01/07/2015	2015-3/74
R722-330	Licensing of Private Investigators	39410	AMD	07/22/2015	2015-12/27
R722-350	Certificate of Eligibility	39758	5YR	09/17/2015	Not Printed
R722-370	Firearm Safety Program	39019	NEW	02/24/2015	2015-2/100
R722-380	Firearm Background Check Information	39091	NEW	03/24/2015	2015-4/22
R722-380	Firearm Background Check Information	39411	AMD	07/22/2015	2015-12/31

Driver License

R708-7	Functional Ability in Driving: Guidelines for Physicians	39072	AMD	03/10/2015	2015-3/55
--------	--	-------	-----	------------	-----------

RULES INDEX

R708-14	Adjudicative Proceedings For Driver License Actions Involving Alcohol and Drugs	39236	AMD	05/26/2015	2015-8/17
R708-32	Uninsured Motorist Identification Database	39179	5YR	03/10/2015	2015-7/77
R708-36	Disclosure of Personal Identifying Information in MVRs	39178	5YR	03/10/2015	2015-7/77
R708-37	Certification of Licensed Instructors of Commercial Driver Training Schools or Testing Only Schools to Administer Driving Skills Tests	39180	5YR	03/10/2015	2015-7/78
R708-40	Driving Simulators	39181	5YR	03/10/2015	2015-7/78
R708-41	Requirements for Acceptable Documentation, Storage and Maintenance	39182	5YR	03/10/2015	2015-7/79
R708-50	Vehicle Impound Fee Reimbursement	39003	NEW	02/09/2015	2015-1/38
R708-51	Mobility Vehicle Permit	39043	NEW	02/25/2015	2015-2/97

Peace Officer Standards and Training

R728-506	Canine Body Armor Restricted Account	38983	NEW	01/26/2015	2014-24/36
----------	--------------------------------------	-------	-----	------------	------------

PUBLIC SERVICE COMMISSION

Administration

R746-100-3	Pleadings	39234	AMD	05/27/2015	2015-8/19
R746-100-11	Decisions and Orders	39235	AMD	05/27/2015	2015-8/21
R746-200-7	Termination of Service	39246	AMD	05/27/2015	2015-8/22
R746-312	Electrical Interconnection	39311	5YR	04/29/2015	2015-10/107
R746-341-5	Duties of ETCs	38936	AMD	01/07/2015	2014-23/43
R746-360	Universal Public Telecommunications Service Support Fund	39367	AMD	07/08/2015	2015-11/155
R746-510	Funding for Speech and Hearing Impaired Certified Interpreter Training	39568	5YR	08/11/2015	2015-17/105

REGENTS (BOARD OF)

Administration

R765-571	Delegation of Purchasing Authority	39010	NEW	04/28/2015	2015-1/39
R765-609	Regents' Scholarship	39157	5YR	02/25/2015	2015-6/48
R765-611	Veterans Tuition Gap Program	39023	NEW	02/25/2015	2015-2/101
R765-649	Utah Higher Education Assistance Authority (UHEAA) Privacy Policy	39605	5YR	08/18/2015	2015-18/135

University of Utah, Commuter Services

R810-1	University of Utah Parking Regulations	39224	AMD	05/19/2015	2015-7/44
R810-2	Parking Meters	39225	AMD	05/19/2015	2015-7/46
R810-5	Permit Types, Eligibility and Designated Parking Areas	39226	AMD	05/19/2015	2015-7/47
R810-6	Permit Prices and Refunds	39227	AMD	05/19/2015	2015-7/48
R810-8	Vendor Regulations	39228	AMD	05/19/2015	2015-7/49
R810-9	Contractors and Their Employees	39229	AMD	05/19/2015	2015-7/50
R810-10	Enforcement System	39230	AMD	05/19/2015	2015-7/50
R810-11	Appeals System	39231	AMD	05/19/2015	2015-7/51

SCHOOL AND INSTITUTIONAL TRUST FUND BOARD OF TRUSTEES

Administration

R849-1	Appeal Rule	39143	NEW	04/15/2015	2015-5/92
--------	-------------	-------	-----	------------	-----------

SCHOOL AND INSTITUTIONAL TRUST LANDS

Administration

R850-1-200	Definitions	39430	AMD	08/11/2015	2015-13/46
R850-21	Oil, Gas and Hydrocarbon Resources	39250	5YR	04/01/2015	2015-8/37
R850-22	Bituminous-Asphaltic Sands and Oil Shale Resources	39251	5YR	04/01/2015	2015-8/37
R850-23	Sand, Gravel and Cinders Permits	39252	5YR	04/01/2015	2015-8/38
R850-24	General Provisions: Mineral and Material Resources, Mineral Leases and Material Permits	39253	5YR	04/01/2015	2015-8/38
R850-25	Mineral Leases and Materials Permits	39254	5YR	04/01/2015	2015-8/39

R850-26	Coal Leases	39255	5YR	04/01/2015	2015-8/39
R850-27	Geothermal Steam	39256	5YR	04/01/2015	2015-8/40
R850-50	Range Management	39429	AMD	08/11/2015	2015-13/48
R850-90	Land Exchanges	39295	NSC	05/11/2015	Not Printed
R850-150	Rare Plant Species	39309	NEW	06/22/2015	2015-10/92
TAX COMMISSION					
<u>Auditing</u>					
R865-4D-21	Consistent Basis for Diesel Fuel Reporting Pursuant to Utah Code Ann. Sections 59-13-301 and 59-13-307	39437	AMD	08/27/2015	2015-13/50
R865-6F-28	Enterprise Zone Corporate Franchise Tax Credits Pursuant to Utah Code Ann. Sections 63M-1-401 through 63M-1-416	39425	NSC	06/24/2015	Not Printed
R865-9I-37	Enterprise Zone Individual Income Tax Credits Pursuant to Utah Code Ann. Sections 63M-1-401 through 63M-1-414	39426	NSC	06/24/2015	Not Printed
R865-20T-10	Procedures for the Revocation, Renewal, and Reinstatement of Licenses Issued Pursuant to Utah Code Ann. Sections 59-14-202, 59-14-203.5, and 59-14-301.5	39438	AMD	08/27/2015	2015-13/51
R865-21U	Use Tax	39564	5YR	08/06/2015	2015-17/106
<u>Collections</u>					
R867-2B	Delinquent Tax Collection	39565	5YR	08/06/2015	2015-17/106
TECHNOLOGY SERVICES					
<u>Administration</u>					
R895-1	Access to Records	39724	5YR	09/11/2015	2015-19/119
R895-1	Access to Records	39725	NSC	09/30/2015	Not Printed
R895-2	Americans With Disabilities Act (ADA) Complaint Procedure	39753	5YR	09/15/2015	2015-19/120
R895-6	IT Plan Submission Rule for Agencies	39026	AMD	05/05/2015	2015-2/104
R895-14	Access to Information Technology for Users with Disabilities	39427	NEW	08/07/2015	2015-13/52
TRANSPORTATION					
<u>Motor Carrier</u>					
R909-1	Safety Regulations for Motor Carriers	39172	EMR	03/06/2015	2015-7/53
R909-1	Safety Regulations for Motor Carriers	39479	AMD	08/24/2015	2015-14/106
<u>Operations, Construction</u>					
R916-3	DESIGN-BUILD Contracts	39100	AMD	03/27/2015	2015-4/23
R916-4	Construction Manager/General Contractor Contracts	39183	EXT	03/10/2015	2015-7/81
R916-4	Construction Manager/General Contractor Contracts	39101	AMD	03/27/2015	2015-4/26
R916-4	Construction Manager/General Contractor Contracts	39506	5YR	07/09/2015	2015-15/34
R916-6	Drug and Alcohol Testing in State Construction Contracts	39458	5YR	06/22/2015	2015-14/144
R916-6	Drug and Alcohol Testing in State Construction Contracts	39455	NSC	07/13/2015	Not Printed
<u>Operations, Maintenance</u>					
R918-7	Highway Sponsorship Programs	39004	NEW	02/20/2015	2015-1/42
R918-7	Highway Sponsorship Programs	39150	AMD	04/23/2015	2015-6/36
<u>Operations, Traffic and Safety</u>					
R920-1	Utah Manual on Uniform Traffic Control Devices	39481	AMD	08/24/2015	2015-14/108
R920-2	Rural Conventional Road Definition	39495	NEW	08/24/2015	2015-14/109
R920-4	Special Road Use or Event	39095	EMR	01/29/2015	2015-4/33

RULES INDEX

R920-8	Flashing Light Usage on Highway Construction or Maintenance Vehicles	39433	NEW	08/07/2015	2015-13/54
<u>Preconstruction</u>					
R930-8	Utility Relocations Required by Highway Projects	39297	NEW	08/24/2015	2015-10/93
R930-8	Utility Relocations Required by Highway Projects	39297	CPR	08/24/2015	2015-14/135
<u>Preconstruction, Right-of-Way Acquisition</u>					
R933-2	Control of Outdoor Advertising Signs	39511	AMD	09/23/2015	2015-15/19
<u>Program Development</u>					
R926-8	Guidelines for Partnering with Local Governments	39504	5YR	07/07/2015	2015-15/35
R926-8	Guidelines for Partnering with Local Governments	39505	NSC	07/30/2015	Not Printed
R926-13	Designated Scenic Byways	39448	5YR	06/16/2015	2015-14/144
R926-14	Utah Scenic Byway Program Administration; Scenic Byways Designation, De-designation, and Segmentation Processes	39449	5YR	06/16/2015	2015-14/145
 WORKFORCE SERVICES					
<u>Administration</u>					
R982-402-8	Eligible HEAT Household	39441	AMD	08/11/2015	2015-13/56
R982-700	Employment Opportunities Website	38938	NEW	01/29/2015	2014-23/44
<u>Employment Development</u>					
R986-100	Employment Support Programs	39634	5YR	09/02/2015	2015-19/120
R986-100-113	A Client Must Inform the Department of All Material Changes	39261	AMD	07/01/2015	2015-8/27
R986-200	Family Employment Program	39439	AMD	09/01/2015	2015-13/57
R986-200	Family Employment Program	39635	5YR	09/02/2015	2015-19/121
R986-300	Refugee Resettlement Program	39643	5YR	09/03/2015	2015-19/121
R986-400	General Assistance	39644	5YR	09/03/2015	2015-19/122
R986-500	Adoption Assistance	39645	5YR	09/03/2015	2015-19/122
R986-600	Workforce Investment Act	39646	5YR	09/03/2015	2015-19/123
R986-700	Child Care Assistance	39098	AMD	05/01/2015	2015-4/28
R986-700	Child Care Assistance	39395	AMD	09/01/2015	2015-11/159
R986-700	Child Care Assistance	39496	AMD	09/01/2015	2015-14/110
R986-700	Child Care Assistance	39647	5YR	09/03/2015	2015-19/123
R986-700-719	Job Search Child Care (JS CC)	38953	AMD	02/01/2015	2014-23/45
R986-700-775	High Quality School Readiness Grant Program	38939	AMD	01/29/2015	2014-23/46
R986-800	Displaced Homemaker Program	39648	5YR	09/03/2015	2015-19/124
R986-900	Food Stamps	39649	5YR	09/03/2015	2015-19/124
R986-900-902	Options and Waivers	39557	AMD	10/01/2015	2015-16/64
<u>Housing and Community Development</u>					
R990-8	Permanent Community Impact Fund Board Review and Approval of Applications for Funding Assistance	39085	AMD	03/10/2015	2015-3/58
<u>Unemployment Insurance</u>					
R994-204	Covered Employment	39239	5YR	03/25/2015	2015-8/40
R994-205	Exempt Employment	39240	5YR	03/25/2015	2015-8/41
R994-206	Agricultural Labor	39241	5YR	03/25/2015	2015-8/41
R994-207	Unemployment	39577	5YR	08/13/2015	2015-17/107
R994-304	Special Provisions Regarding Transfers of Unemployment Experience and Assigning Rates	39242	5YR	03/25/2015	2015-8/42
R994-312-103	Confidentiality of Records	39440	AMD	08/11/2015	2015-13/59

RULES INDEX - BY KEYWORD (SUBJECT)

ABBREVIATIONS

AMD = Amendment (Proposed Rule)	LNR = Legislative Nonreauthorization
CPR = Change in Proposed Rule	NEW = New Rule (Proposed Rule)
EMR = 120-Day (Emergency) Rule	NSC = Nonsubstantive Rule Change
EXD = Expired Rule	R&R = Repeal and Reenact (Proposed Rule)
EXP = Expedited Rule	REP = Repeal (Proposed Rule)
EXT = Five-Year Review Extension	5YR = Five-Year Notice of Review and Statement of Continuation
GEX = Governor's Extension	

KEYWORD AGENCY	FILE NUMBER	CODE REFERENCE	ACTION	EFFECTIVE DATE	BULLETIN ISSUE/PAGE
<u>abortion</u> Health, Health Care Financing, Coverage and Reimbursement Policy	39341	R414-1B	AMD	07/01/2015	2015-10/32
<u>abrasive blasting</u> Environmental Quality, Air Quality	39116 39119	R307-206 R307-306	5YR 5YR	02/05/2015 02/05/2015	2015-5/105 2015-5/107
<u>abusive conduct</u> Human Resource Management, Administration	39323	R477-16	NEW	07/01/2015	2015-10/67
<u>acceptable documents</u> Public Safety, Driver License	39182	R708-41	5YR	03/10/2015	2015-7/79
<u>access</u> Environmental Quality, Drinking Water	39194	R309-545	5YR	03/13/2015	2015-7/70
<u>access to information</u> Technology Services, Administration	39724 39725	R895-1 R895-1	5YR NSC	09/11/2015 09/30/2015	2015-19/119 Not Printed
<u>accessibility guidelines</u> Technology Services, Administration	39427	R895-14	NEW	08/07/2015	2015-13/52
<u>accidents</u> Natural Resources, Parks and Recreation	39090	R651-223	5YR	01/23/2015	2015-4/38
<u>accountants</u> Commerce, Occupational and Professional Licensing	39055	R156-26a-501	AMD	04/02/2015	2015-3/7
<u>accreditation</u> Education, Administration	39485 39490	R277-410 R277-410	5YR AMD	07/01/2015 08/26/2015	2015-14/140 2015-14/43
<u>acupuncture</u> Commerce, Occupational and Professional Licensing	39343	R156-72-102	AMD	07/09/2015	2015-11/28
<u>adjudicative proceedings</u> Commerce, Administration	39144 39034	R151-4-109 R151-14-3	AMD AMD	04/10/2015 02/24/2015	2015-5/9 2015-2/49
Environmental Quality, Drinking Water	39199	R309-115	5YR	03/13/2015	2015-7/59
Environmental Quality, Environmental Response and Remediation	39146	R311-500	5YR	02/18/2015	2015-6/45
Environmental Quality, Radiation Control	38770 38770	R313-17-4 R313-17-4	AMD CPR	02/17/2015 02/17/2015	2014-17/95 2014-24/40
Public Safety, Driver License	39236	R708-14	AMD	05/26/2015	2015-8/17
School and Institutional Trust Fund Board of Trustees, Administration	39143	R849-1	NEW	04/15/2015	2015-5/92

RULES INDEX

administrative law

Administrative Services, Administrative Rules	39726	R15-1	5YR	09/11/2015	2015-19/113
	39727	R15-2	5YR	09/11/2015	2015-19/113
	39728	R15-3	5YR	09/11/2015	2015-19/114
	39729	R15-4	5YR	09/11/2015	2015-19/115
	39730	R15-5	5YR	09/11/2015	2015-19/115

administrative penalties

Natural Resources, Water Rights	39153	R655-14	5YR	02/24/2015	2015-6/47
---------------------------------	-------	---------	-----	------------	-----------

administrative procedures

Administrative Services, Administrative Rules	39730	R15-5	5YR	09/11/2015	2015-19/115
Agriculture and Food, Administration	39633	R51-1	EXD	09/01/2015	2015-18/137
	39636	R51-1	EMR	09/02/2015	2015-19/109
Agriculture and Food, Animal Industry	39602	R58-15	5YR	08/13/2015	2015-17/97
Commerce, Administration	39144	R151-4-109	AMD	04/10/2015	2015-5/9
Education, Administration	39770	R277-100	5YR	09/28/2015	Not Printed
Environmental Quality, Air Quality	39109	R307-103	5YR	02/05/2015	2015-5/101
Environmental Quality, Drinking Water	39196	R309-100	5YR	03/13/2015	2015-7/57
	39206	R309-300	5YR	03/13/2015	2015-7/63
Environmental Quality, Radiation Control	38770	R313-17-4	AMD	02/17/2015	2014-17/95
	38770	R313-17-4	CPR	02/17/2015	2014-24/40
Human Resource Management, Administration	39316	R477-3-1	AMD	07/01/2015	2015-10/47
	39322	R477-15	AMD	07/01/2015	2015-10/65
	39323	R477-16	NEW	07/01/2015	2015-10/67
Human Services, Administration, Administrative Hearings	39521	R497-100	5YR	07/20/2015	2015-16/82
Labor Commission, Adjudication	39380	R602-2-4	AMD	07/08/2015	2015-11/117
Natural Resources, Forestry, Fire and State Lands	39314	R652-70	AMD	07/06/2015	2015-10/88
Natural Resources, Parks and Recreation	39139	R651-101	5YR	02/12/2015	2015-5/112
Public Safety, Driver License	39072	R708-7	AMD	03/10/2015	2015-3/55
School and Institutional Trust Lands, Administration	39430	R850-1-200	AMD	08/11/2015	2015-13/46
	39250	R850-21	5YR	04/01/2015	2015-8/37
	39251	R850-22	5YR	04/01/2015	2015-8/37
	39254	R850-25	5YR	04/01/2015	2015-8/39
	39255	R850-26	5YR	04/01/2015	2015-8/39
	39256	R850-27	5YR	04/01/2015	2015-8/40
	39429	R850-50	AMD	08/11/2015	2015-13/48
	39295	R850-90	NSC	05/11/2015	Not Printed

administrative proceedings

Commerce, Real Estate	38971	R162-2e-401	AMD	01/28/2015	2014-24/26
Environmental Quality, Air Quality	39109	R307-103	5YR	02/05/2015	2015-5/101
Environmental Quality, Drinking Water	39199	R309-115	5YR	03/13/2015	2015-7/59
Environmental Quality, Environmental Response and Remediation	39146	R311-500	5YR	02/18/2015	2015-6/45

administrative responsibility

Human Resource Management, Administration	39315	R477-2	AMD	07/01/2015	2015-10/44
---	-------	--------	-----	------------	------------

adoption assistance

Workforce Services, Employment Development	39645	R986-500	5YR	09/03/2015	2015-19/122
--	-------	----------	-----	------------	-------------

advertising

Commerce, Consumer Protection	39282	R152-39	5YR	04/15/2015	2015-9/83
-------------------------------	-------	---------	-----	------------	-----------

air pollution

Environmental Quality, Air Quality	39352	R307-101-3	AMD	09/25/2015	2015-11/85
	39109	R307-103	5YR	02/05/2015	2015-5/101
	39167	R307-110-17	AMD	06/04/2015	2015-7/14
	39166	R307-110-28	AMD	06/04/2015	2015-7/15
	38998	R307-120	AMD	03/05/2015	2015-1/17
	39353	R307-121	AMD	09/03/2015	2015-11/86
	39354	R307-122	NEW	09/03/2015	2015-11/89
	39637	R307-122	NSC	09/30/2015	Not Printed
	39110	R307-165	5YR	02/05/2015	2015-5/102
	39111	R307-201	5YR	02/05/2015	2015-5/103

	39113	R307-202	5YR	02/05/2015	2015-5/103
	39112	R307-203	5YR	02/05/2015	2015-5/104
	39115	R307-205	5YR	02/05/2015	2015-5/105
	39116	R307-206	5YR	02/05/2015	2015-5/105
	39168	R307-210	AMD	06/04/2015	2015-7/17
	39169	R307-214	AMD	06/04/2015	2015-7/19
	38842	R307-302	AMD	02/04/2015	2014-19/44
	38842	R307-302	CPR	02/04/2015	2015-1/48
	39349	R307-302	5YR	05/06/2015	2015-11/185
	39118	R307-305	5YR	02/05/2015	2015-5/107
	39119	R307-306	5YR	02/05/2015	2015-5/107
	39120	R307-307	5YR	02/05/2015	2015-5/108
	39121	R307-309	5YR	02/05/2015	2015-5/108
	39122	R307-310	5YR	02/05/2015	2015-5/109
	38997	R307-311	NEW	03/05/2015	2015-1/22
	38901	R307-401-19	AMD	02/05/2015	2014-21/16
<u>air quality</u>					
Environmental Quality, Air Quality	39114	R307-204	5YR	02/05/2015	2015-5/104
<u>air travel</u>					
Administrative Services, Finance	39301	R25-7	AMD	06/22/2015	2015-10/6
	39160	R25-25-7	AMD	04/21/2015	2015-6/10
<u>alcohol</u>					
Education, Administration	39387	R277-205	NEW	07/08/2015	2015-11/52
<u>alcoholic beverages</u>					
Alcoholic Beverage Control, Administration	39156	R81-1-3	AMD	04/28/2015	2015-6/16
	39158	R81-1-6	AMD	04/28/2015	2015-6/18
	39329	R81-1-26	AMD	06/24/2015	2015-10/17
	39154	R81-2-1	AMD	04/28/2015	2015-6/22
	39476	R81-2-8	AMD	08/25/2015	2015-14/13
	39330	R81-2-9	AMD	06/24/2015	2015-10/20
	39417	R81-3-1	AMD	07/28/2015	2015-12/12
	39155	R81-3-5	AMD	04/28/2015	2015-6/23
	39418	R81-3-14	AMD	07/28/2015	2015-12/14
	39331	R81-3-19	AMD	06/24/2015	2015-10/21
	39059	R81-4E	5YR	01/08/2015	2015-3/69
<u>allocation</u>					
Governor, Economic Development	39263	R357-8	NEW	07/08/2015	2015-9/53
<u>alternative energy</u>					
Governor, Economic Development	39533	R357-9	NSC	08/17/2015	Not Printed
<u>alternative fuels</u>					
Environmental Quality, Air Quality	39353	R307-121	AMD	09/03/2015	2015-11/86
	39354	R307-122	NEW	09/03/2015	2015-11/89
	39637	R307-122	NSC	09/30/2015	Not Printed
<u>alternative onsite wastewater systems</u>					
Environmental Quality, Water Quality	39106	R317-4	5YR	02/03/2015	2015-5/111
<u>animal protection</u>					
Natural Resources, Wildlife Resources	39217	R657-3	AMD	05/08/2015	2015-7/29
<u>appeals</u>					
Education, Administration	39385	R277-203	NEW	07/08/2015	2015-11/47
Professional Practices Advisory Commission, Administration	39392	R686-103	REP	07/08/2015	2015-11/149
School and Institutional Trust Fund Board of Trustees, Administration	39143	R849-1	NEW	04/15/2015	2015-5/92
<u>application procedures</u>					
Commerce, Real Estate	39575	R162-2a	5YR	08/13/2015	2015-17/100
	39576	R162-2a	NSC	08/28/2015	Not Printed

RULES INDEX

<u>appraisal management company</u>					
Commerce, Real Estate	39291	R162-2e	5YR	04/17/2015	2015-10/102
	38971	R162-2e-401	AMD	01/28/2015	2014-24/26
<u>approval orders</u>					
Environmental Quality, Air Quality	38901	R307-401-19	AMD	02/05/2015	2014-21/16
<u>aquaculture</u>					
Agriculture and Food, Animal Industry	39074	R58-17	5YR	01/13/2015	2015-3/68
Natural Resources, Wildlife Resources	39069	R657-59	AMD	03/16/2015	2015-3/50
<u>architects</u>					
Administrative Services, Facilities Construction and Management	39061	R23-2	REP	03/16/2015	2015-3/4
<u>armored car company</u>					
Commerce, Occupational and Professional Licensing	39294	R156-63b	AMD	06/22/2015	2015-10/24
	39369	R156-63b	AMD	07/23/2015	2015-11/25
<u>armored car security officers</u>					
Commerce, Occupational and Professional Licensing	39294	R156-63b	AMD	06/22/2015	2015-10/24
	39369	R156-63b	AMD	07/23/2015	2015-11/25
<u>arrears</u>					
Human Services, Recovery Services	39262	R527-254	NEW	06/09/2015	2015-9/74
<u>art</u>					
Capitol Preservation Board (State), Administration	39266	R131-9	EXD	04/08/2015	2015-9/87
<u>arts</u>					
Education, Administration	39578	R277-444	5YR	08/13/2015	2015-17/101
<u>arts program</u>					
Education, Administration	39376	R277-490	AMD	07/08/2015	2015-11/72
<u>assessment</u>					
Education, Administration	39340	R277-404	AMD	06/23/2015	2015-10/28
<u>assignments</u>					
Education, Administration	39371	R277-520	5YR	05/15/2015	2015-11/185
	39379	R277-520	AMD	07/08/2015	2015-11/80
<u>attorney general</u>					
Attorney General, Administration	39032	R105-1	AMD	03/26/2015	2015-2/34
	39099	R105-1	AMD	03/26/2015	2015-4/4
	39363	R105-1	EMR	05/12/2015	2015-11/171
	39364	R105-1	AMD	07/13/2015	2015-11/13
	39445	R105-3	NEW	08/10/2015	2015-13/17
<u>audiology</u>					
Health, Health Care Financing, Coverage and Reimbursement Policy	39516	R414-59	5YR	07/16/2015	2015-16/81
<u>automobiles</u>					
Commerce, Administration	39034	R151-14-3	AMD	02/24/2015	2015-2/49
<u>backflow assembly tester</u>					
Environmental Quality, Drinking Water	39207	R309-305	5YR	03/13/2015	2015-7/63
<u>background check</u>					
Education, Administration	39386	R277-204	NEW	07/08/2015	2015-11/50
	39387	R277-205	NEW	07/08/2015	2015-11/52
<u>background checks</u>					
Education, Administration	39388	R277-206	NEW	07/08/2015	2015-11/53

<u>background review</u>						
Education, Administration	39386	R277-204	NEW	07/08/2015	2015-11/50	
<u>background screenings</u>						
Health, Family Health and Preparedness, Child Care Licensing	39465	R430-6	AMD	08/31/2015	2015-14/93	
Health, Family Health and Preparedness, Licensing	38954	R432-35	AMD	01/27/2015	2014-23/23	
Human Services, Administration, Administrative Services, Licensing	39778	R501-14	5YR	09/29/2015	Not Printed	
<u>bail bond recovery licenses</u>						
Public Safety, Criminal Investigations and Technical Services, Criminal Identification	39057	R722-310	5YR	01/07/2015	2015-3/73	
<u>beam limitation</u>						
Environmental Quality, Radiation Control	39016	R313-28-31	AMD	03/24/2015	2015-2/85	
<u>bear</u>						
Natural Resources, Wildlife Resources	39063	R657-33	AMD	03/16/2015	2015-3/31	
<u>beekeeping</u>						
Agriculture and Food, Plant Industry	39237	R68-1	5YR	03/24/2015	2015-8/33	
	39612	R68-1	5YR	08/24/2015	2015-18/133	
<u>beneficial use</u>						
Natural Resources, Water Rights	39152	R655-16	5YR	02/24/2015	2015-6/47	
<u>bicycles</u>						
Transportation, Operations, Traffic and Safety	39095	R920-4	EMR	01/29/2015	2015-4/33	
<u>big game seasons</u>						
Natural Resources, Wildlife Resources	38996	R657-5	AMD	02/09/2015	2015-1/26	
	39062	R657-5	AMD	03/16/2015	2015-3/30	
	38995	R657-43	AMD	02/09/2015	2015-1/33	
<u>birds</u>						
Natural Resources, Wildlife Resources	39431	R657-6	5YR	06/08/2015	2015-13/63	
	39435	R657-9	AMD	08/07/2015	2015-13/29	
	39162	R657-15	5YR	03/03/2015	2015-7/75	
<u>bituminous-asphaltic sands</u>						
School and Institutional Trust Lands, Administration	39251	R850-22	5YR	04/01/2015	2015-8/37	
<u>Board of Education</u>						
Education, Administration	39488	R277-99	NEW	08/26/2015	2015-14/40	
<u>boating</u>						
Natural Resources, Parks and Recreation	39006	R651-207	AMD	02/11/2015	2015-1/25	
	38970	R651-214	AMD	01/22/2015	2014-24/34	
	39090	R651-223	5YR	01/23/2015	2015-4/38	
<u>breaks</u>						
Human Resource Management, Administration	39320	R477-8-3	AMD	07/01/2015	2015-10/64	
<u>broad scope</u>						
Environmental Quality, Radiation Control	39279	R313-22	AMD	08/26/2015	2015-9/40	
	39279	R313-22	CPR	08/26/2015	2015-14/124	
<u>budgeting</u>						
Health, Health Care Financing, Coverage and Reimbursement Policy	39484	R414-304	AMD	09/01/2015	2015-14/77	
<u>bulls</u>						
Agriculture and Food, Animal Industry	39086	R58-21	5YR	01/21/2015	2015-4/37	
<u>buyer beware list</u>						
Commerce, Consumer Protection	39273	R152-1	AMD	06/08/2015	2015-9/5	

RULES INDEX

<u>byproduct materials</u>						
Environmental Quality, Radiation Control	39149	R313-24-1	NSC	03/06/2015	Not Printed	
<u>camp resort</u>						
Commerce, Real Estate	39292	R162-57a	5YR	04/21/2015	2015-10/103	
<u>Canine Body Armor Restricted Account</u>						
Public Safety, Peace Officer Standards and Training	38983	R728-506	NEW	01/26/2015	2014-24/36	
<u>capacity development</u>						
Environmental Quality, Drinking Water	39212	R309-800	5YR	03/13/2015	2015-7/73	
<u>capital facilities</u>						
Heritage and Arts, Arts and Museums	39096	R451-3	EXD	01/28/2015	2015-4/41	
Heritage and Arts, Library	39097	R458-3	EXD	01/28/2015	2015-4/41	
<u>capital investments</u>						
Governor, Economic Development	39532	R357-7	NSC	08/17/2015	Not Printed	
<u>capital punishment</u>						
Pardons (Board Of), Administration	39547	R671-205	NSC	08/17/2015	Not Printed	
<u>captive insurance</u>						
Insurance, Administration	39555	R590-238	AMD	09/25/2015	2015-16/56	
<u>case management</u>						
Health, Health Care Financing, Coverage and Reimbursement Policy	39087	R414-6	REP	03/24/2015	2015-4/18	
<u>cash management</u>						
Money Management Council, Administration	39347	R628-15	EXD	05/06/2015	2015-11/191	
	39348	R628-15	EMR	05/06/2015	2015-11/180	
	39396	R628-15	NEW	07/13/2015	2015-11/126	
<u>cattle</u>						
Agriculture and Food, Animal Industry	39086	R58-21	5YR	01/21/2015	2015-4/37	
<u>certificate of eligibility</u>						
Public Safety, Criminal Investigations and Technical Services, Criminal Identification	39758	R722-350	5YR	09/17/2015	Not Printed	
<u>certificate of registration</u>						
Natural Resources, Wildlife Resources	39434	R657-65	AMD	08/07/2015	2015-13/33	
<u>certification</u>						
Education, Rehabilitation	38930	R280-203	AMD	01/02/2015	2014-22/22	
Labor Commission, Boiler and Elevator Safety	39296	R616-3-3	AMD	06/22/2015	2015-10/86	
<u>certified foster care</u>						
Human Services, Administration, Administrative Services, Licensing	39358	R501-12	EMR	05/12/2015	2015-11/178	
	39638	R501-12	EMR	09/04/2015	2015-19/110	
<u>certified local inspector</u>						
Human Services, Administration, Administrative Services, Licensing	39333	R501-4	REP	06/29/2015	2015-10/76	
<u>certified nurse midwife</u>						
Commerce, Occupational and Professional Licensing	39176	R156-44a-609	AMD	05/11/2015	2015-7/2	
<u>change orders</u>						
Administrative Services, Purchasing and General Services	38977	R33-12	AMD	01/28/2015	2014-24/9	
<u>character education</u>						
Education, Administration	39338	R277-475	5YR	05/01/2015	2015-10/105	

	39288	R277-475	AMD	06/08/2015	2015-9/16
<u>charities</u>					
Commerce, Consumer Protection	39525	R152-22-3	AMD	09/21/2015	2015-16/7
<u>chemical testing</u>					
Agriculture and Food, Chemistry Laboratory	39611	R63-1	5YR	08/24/2015	2015-18/133
<u>child abuse</u>					
Human Services, Child and Family Services	39542	R512-200	AMD	09/22/2015	2015-16/54
	39536	R512-203	5YR	07/22/2015	2015-16/83
	39409	R512-300	AMD	07/22/2015	2015-12/20
<u>child care</u>					
Health, Child Care Center Licensing Committee	39129	R381-70	NEW	05/01/2015	2015-5/25
	39128	R381-100	NEW	05/01/2015	2015-5/36
Health, Family Health and Preparedness, Child Care Licensing	39126	R430-70	REP	05/01/2015	2015-5/66
	39125	R430-100	REP	05/01/2015	2015-5/76
Workforce Services, Employment Development	39098	R986-700	AMD	05/01/2015	2015-4/28
	39395	R986-700	AMD	09/01/2015	2015-11/159
	39496	R986-700	AMD	09/01/2015	2015-14/110
	39647	R986-700	5YR	09/03/2015	2015-19/123
	38953	R986-700-719	AMD	02/01/2015	2014-23/45
	38939	R986-700-775	AMD	01/29/2015	2014-23/46
<u>child care centers</u>					
Health, Child Care Center Licensing Committee	39129	R381-70	NEW	05/01/2015	2015-5/25
	39128	R381-100	NEW	05/01/2015	2015-5/36
Health, Family Health and Preparedness, Child Care Licensing	39126	R430-70	REP	05/01/2015	2015-5/66
	39125	R430-100	REP	05/01/2015	2015-5/76
<u>child care facilities</u>					
Health, Child Care Center Licensing Committee	39130	R381-60	NEW	05/01/2015	2015-5/16
	39129	R381-70	NEW	05/01/2015	2015-5/25
	39128	R381-100	NEW	05/01/2015	2015-5/36
Health, Family Health and Preparedness, Child Care Licensing	39465	R430-6	AMD	08/31/2015	2015-14/93
	39127	R430-60	REP	05/01/2015	2015-5/56
	39126	R430-70	REP	05/01/2015	2015-5/66
	39125	R430-100	REP	05/01/2015	2015-5/76
<u>child support</u>					
Human Services, Administration	39500	R495-883	5YR	07/06/2015	2015-15/33
Human Services, Recovery Services	39262	R527-254	NEW	06/09/2015	2015-9/74
<u>child welfare</u>					
Human Services, Child and Family Services	39284	R512-1	AMD	06/15/2015	2015-9/71
	39535	R512-11	5YR	07/22/2015	2015-16/83
	39542	R512-200	AMD	09/22/2015	2015-16/54
	39536	R512-203	5YR	07/22/2015	2015-16/83
	39409	R512-300	AMD	07/22/2015	2015-12/20
	39499	R512-500	AMD	09/08/2015	2015-15/16
<u>children's health benefits</u>					
Health, Children's Health Insurance Program	39102	R382-10	AMD	04/01/2015	2015-4/15
<u>cinders</u>					
School and Institutional Trust Lands, Administration	39252	R850-23	5YR	04/01/2015	2015-8/38
<u>citizenship</u>					
Health, Health Care Financing, Coverage and Reimbursement Policy	39483	R414-302-8	AMD	09/01/2015	2015-14/76
<u>civic education</u>					
Education, Administration	39338	R277-475	5YR	05/01/2015	2015-10/105

RULES INDEX

	39288	R277-475	AMD	06/08/2015	2015-9/16
<u>claims</u>					
Health, Center for Health Data, Health Care Statistics	39247	R428-15	NSC	04/07/2015	Not Printed
<u>clinical mental health counselor</u>					
Commerce, Occupational and Professional Licensing	39519	R156-60c	AMD	09/28/2015	2015-16/11
<u>coal</u>					
School and Institutional Trust Lands, Administration	39255	R850-26	5YR	04/01/2015	2015-8/39
<u>coal mines</u>					
Labor Commission, Boiler and Elevator Safety	39138	R616-4	5YR	02/12/2015	2015-5/112
<u>comments</u>					
Environmental Quality, Radiation Control	38770	R313-17-4	AMD	02/17/2015	2014-17/95
	38770	R313-17-4	CPR	02/17/2015	2014-24/40
<u>commercialization</u>					
Governor, Economic Development	38944	R357-11	NEW	03/23/2015	2014-23/14
	39534	R357-11	NSC	08/17/2015	Not Printed
<u>committees</u>					
Education, Administration	39079	R277-468	NEW	03/10/2015	2015-3/14
<u>communicable diseases</u>					
Corrections, Administration	39541	R251-102	5YR	07/23/2015	2015-16/79
Health, Disease Control and Prevention; HIV/AIDS, Tuberculosis Control/Refugee Health	39446	R388-804	AMD	09/23/2015	2015-13/24
<u>complaints</u>					
Education, Administration	39079	R277-468	NEW	03/10/2015	2015-3/14
Human Services, Child Protection Ombudsman (Office of)	39478	R515-1	5YR	06/30/2015	2015-14/143
<u>compliance determinations</u>					
Environmental Quality, Drinking Water	39201	R309-205	5YR	03/13/2015	2015-7/60
	39202	R309-210	5YR	03/13/2015	2015-7/61
	39203	R309-215	5YR	03/13/2015	2015-7/61
<u>compulsory education</u>					
Education, Administration	39771	R277-616	5YR	09/28/2015	Not Printed
<u>concealed firearm permit instructors</u>					
Public Safety, Criminal Investigations and Technical Services, Criminal Identification	39359	R722-300	5YR	05/12/2015	2015-11/188
<u>concealed firearm permits</u>					
Public Safety, Criminal Investigations and Technical Services, Criminal Identification	39359	R722-300	5YR	05/12/2015	2015-11/188
<u>conduct</u>					
Administrative Services, Purchasing and General Services	39470	R33-16	AMD	08/21/2015	2015-14/9
	38978	R33-16-401	AMD	01/28/2015	2014-24/12
Commerce, Real Estate	39291	R162-2e	5YR	04/17/2015	2015-10/102
	38971	R162-2e-401	AMD	01/28/2015	2014-24/26
Education, Administration	39383	R277-201	NEW	07/08/2015	2015-11/37
Professional Practices Advisory Commission, Administration	39389	R686-100	REP	07/08/2015	2015-11/134
	39221	R686-100-7	AMD	05/08/2015	2015-7/42
<u>confidential information</u>					
Public Service Commission, Administration	39234	R746-100-3	AMD	05/27/2015	2015-8/19
	39235	R746-100-11	AMD	05/27/2015	2015-8/21

<u>confidentiality</u>					
Education, Administration	38956	R277-487	AMD	01/07/2015	2014-23/6
	39375	R277-487	AMD	07/08/2015	2015-11/67
Judicial Performance Evaluation Commission, Administration	39268	R597-2	5YR	04/13/2015	2015-9/85
<u>confidentiality of information</u>					
Human Resource Management, Administration	39315	R477-2	AMD	07/01/2015	2015-10/44
Technology Services, Administration	39724	R895-1	5YR	09/11/2015	2015-19/119
	39725	R895-1	NSC	09/30/2015	Not Printed
Workforce Services, Unemployment Insurance	39440	R994-312-103	AMD	08/11/2015	2015-13/59
<u>conflict</u>					
Human Services, Administration	39469	R495-890	5YR	06/29/2015	2015-14/142
<u>conflict of interest</u>					
Human Resource Management, Administration	39321	R477-9-4	NSC	05/11/2015	Not Printed
<u>conflicts of interest</u>					
Judicial Performance Evaluation Commission, Administration	39268	R597-2	5YR	04/13/2015	2015-9/85
<u>connections</u>					
Environmental Quality, Drinking Water	39195	R309-550	5YR	03/13/2015	2015-7/70
	39508	R309-550-10	AMD	09/10/2015	2015-15/4
<u>consent</u>					
Health, Disease Control and Prevention, Epidemiology	39108	R386-800	5YR	02/05/2015	2015-5/111
<u>conservation</u>					
Natural Resources, Wildlife Resources	39162	R657-15	5YR	03/03/2015	2015-7/75
School and Institutional Trust Lands, Administration	39309	R850-150	NEW	06/22/2015	2015-10/92
<u>conservation permits</u>					
Natural Resources, Wildlife Resources	39065	R657-41	AMD	03/16/2015	2015-3/40
	39362	R657-41	AMD	07/09/2015	2015-11/129
<u>construction</u>					
Transportation, Operations, Construction	39100	R916-3	AMD	03/27/2015	2015-4/23
	39183	R916-4	EXT	03/10/2015	2015-7/81
	39101	R916-4	AMD	03/27/2015	2015-4/26
	39506	R916-4	5YR	07/09/2015	2015-15/34
Transportation, Operations, Traffic and Safety	39433	R920-8	NEW	08/07/2015	2015-13/54
<u>consumer confidence report</u>					
Environmental Quality, Drinking Water	39205	R309-225	5YR	03/13/2015	2015-7/62
<u>consumer protection</u>					
Commerce, Consumer Protection	39281	R152-1	5YR	04/15/2015	2015-9/83
	39273	R152-1	AMD	06/08/2015	2015-9/5
	39525	R152-22-3	AMD	09/21/2015	2015-16/7
	39282	R152-39	5YR	04/15/2015	2015-9/83
	39524	R152-49	NEW	09/21/2015	2015-16/8
<u>contamination</u>					
Environmental Quality, Radiation Control	39082	R313-15-1208	AMD	03/17/2015	2015-3/21
<u>continuances</u>					
Pardons (Board Of), Administration	39544	R671-204	EMR	07/27/2015	2015-16/77
	39545	R671-204	NEW	10/01/2015	2015-16/63
<u>continuing professional education</u>					
Commerce, Occupational and Professional Licensing	39055	R156-26a-501	AMD	04/02/2015	2015-3/7
<u>contract requirements</u>					
Environmental Quality, Administration	39135	R305-5	5YR	02/09/2015	2015-5/101

RULES INDEX

<u>contractors</u>						
Administrative Services, Facilities Construction and Management	39482	R23-7	5YR	06/30/2015	2015-14/139	
Capitol Preservation Board (State), Administration	39502	R131-15	5YR	07/06/2015	2015-15/32	
Transportation, Operations, Construction	39458	R916-6	5YR	06/22/2015	2015-14/144	
	39455	R916-6	NSC	07/13/2015	Not Printed	
<u>contracts</u>						
Administrative Services, Facilities Construction and Management	39033	R23-1	R&R	03/03/2015	2015-2/4	
	39642	R23-1-1504	NSC	09/30/2015	Not Printed	
	39482	R23-7	5YR	06/30/2015	2015-14/139	
Administrative Services, Purchasing and General Services	38977	R33-12	AMD	01/28/2015	2014-24/9	
Capitol Preservation Board (State), Administration	39502	R131-15	5YR	07/06/2015	2015-15/32	
Transportation, Operations, Construction	39100	R916-3	AMD	03/27/2015	2015-4/23	
	39183	R916-4	EXT	03/10/2015	2015-7/81	
	39101	R916-4	AMD	03/27/2015	2015-4/26	
	39506	R916-4	5YR	07/09/2015	2015-15/34	
	39458	R916-6	5YR	06/22/2015	2015-14/144	
	39455	R916-6	NSC	07/13/2015	Not Printed	
<u>controlled substance database</u>						
Commerce, Occupational and Professional Licensing	39020	R156-37f-102	AMD	02/24/2015	2015-2/84	
<u>controlled substances</u>						
Commerce, Occupational and Professional Licensing	39015	R156-37	AMD	02/24/2015	2015-2/80	
Tax Commission, Collections	39565	R867-2B	5YR	08/06/2015	2015-17/106	
<u>controversies</u>						
Administrative Services, Purchasing and General Services	39470	R33-16	AMD	08/21/2015	2015-14/9	
	38978	R33-16-401	AMD	01/28/2015	2014-24/12	
<u>corrections</u>						
Corrections, Administration	39541	R251-102	5YR	07/23/2015	2015-16/79	
	39539	R251-109	5YR	07/23/2015	2015-16/80	
	39540	R251-301	5YR	07/23/2015	2015-16/80	
	39060	R251-303	5YR	01/08/2015	2015-3/70	
	39610	R251-303	5YR	08/24/2015	2015-18/134	
	39498	R251-709	5YR	07/02/2015	2015-15/32	
<u>corrective action</u>						
Education, Administration	39335	R277-114	5YR	05/01/2015	2015-10/104	
	39285	R277-114	R&R	06/08/2015	2015-9/10	
<u>costs</u>						
Administrative Services, Purchasing and General Services	38977	R33-12	AMD	01/28/2015	2014-24/9	
<u>counselors</u>						
Commerce, Occupational and Professional Licensing	39519	R156-60c	AMD	09/28/2015	2015-16/11	
<u>counties</u>						
Auditor, Administration	39136	R123-6	AMD	04/08/2015	2015-5/8	
<u>coverage groups</u>						
Health, Health Care Financing, Coverage and Reimbursement Policy	39413	R414-303-6	AMD	08/01/2015	2015-12/15	
	39165	R414-303-8	AMD	05/08/2015	2015-7/26	
<u>CPB</u>						
Capitol Preservation Board (State), Administration	39266	R131-9	EXD	04/08/2015	2015-9/87	
<u>credit enhancements</u>						
Environmental Quality, Drinking Water	39210	R309-700	5YR	03/13/2015	2015-7/72	

<u>credit for time served</u>						
Pardons (Board Of), Administration	39420	R671-205	AMD	08/11/2015	2015-13/43	
<u>cross connection control</u>						
Environmental Quality, Drinking Water	39207	R309-305	5YR	03/13/2015	2015-7/63	
<u>curricula</u>						
Education, Administration	39578	R277-444	5YR	08/13/2015	2015-17/101	
	39338	R277-475	5YR	05/01/2015	2015-10/105	
	39288	R277-475	AMD	06/08/2015	2015-9/16	
	39487	R277-700	5YR	07/01/2015	2015-14/141	
<u>curriculum</u>						
Education, Administration	39079	R277-468	NEW	03/10/2015	2015-3/14	
<u>curriculum materials</u>						
Education, Administration	39077	R277-111	5YR	01/15/2015	2015-3/71	
	39078	R277-111	AMD	03/10/2015	2015-3/13	
<u>custody requirements</u>						
Commerce, Securities	39104	R164-2	5YR	02/02/2015	2015-4/37	
<u>damages</u>						
Natural Resources, Wildlife Resources	39559	R657-24	5YR	08/03/2015	2015-17/105	
<u>data</u>						
Health, Center for Health Data, Health Care Statistics	39247	R428-15	NSC	04/07/2015	Not Printed	
Insurance, Administration	39103	R590-271	NEW	06/22/2015	2015-4/19	
	39103	R590-271	CPR	06/22/2015	2015-10/98	
<u>data reporting</u>						
Insurance, Administration	39103	R590-271	NEW	06/22/2015	2015-4/19	
	39103	R590-271	CPR	06/22/2015	2015-10/98	
<u>DCFS</u>						
Human Services, Child Protection Ombudsman (Office of)	39478	R515-1	5YR	06/30/2015	2015-14/143	
<u>decommissioning</u>						
Environmental Quality, Radiation Control	39279	R313-22	AMD	08/26/2015	2015-9/40	
	39279	R313-22	CPR	08/26/2015	2015-14/124	
<u>definitions</u>						
Administrative Services, Purchasing and General Services	38974	R33-1-1	AMD	01/28/2015	2014-24/4	
Education, Administration	39488	R277-99	NEW	08/26/2015	2015-14/40	
	39382	R277-200	NEW	07/08/2015	2015-11/33	
Environmental Quality, Air Quality	39352	R307-101-3	AMD	09/25/2015	2015-11/85	
Environmental Quality, Drinking Water	39198	R309-110	5YR	03/13/2015	2015-7/59	
Human Resource Management, Administration	39324	R477-1	AMD	07/01/2015	2015-10/39	
School and Institutional Trust Lands, Administration	39430	R850-1-200	AMD	08/11/2015	2015-13/46	
<u>demonstration</u>						
Health, Health Care Financing, Coverage and Reimbursement Policy	38984	R414-310-7	AMD	02/01/2015	2014-24/32	
<u>dental</u>						
Environmental Quality, Radiation Control	39016	R313-28-31	AMD	03/24/2015	2015-2/85	
<u>depredation</u>						
Natural Resources, Wildlife Resources	38949	R657-69	AMD	01/08/2015	2014-23/39	
<u>developmentally disabled</u>						
Technology Services, Administration	39753	R895-2	5YR	09/15/2015	2015-19/120	

RULES INDEX

<u>digital media</u>						
Governor, Economic Development	39530	R357-5	NSC	08/17/2015	Not Printed	
<u>direct filtration</u>						
Environmental Quality, Drinking Water	39191	R309-530	5YR	03/13/2015	2015-7/68	
<u>disabilities act</u>						
Technology Services, Administration	39753	R895-2	5YR	09/15/2015	2015-19/120	
<u>disability</u>						
Public Safety, Driver License	39043	R708-51	NEW	02/25/2015	2015-2/97	
<u>disabled persons</u>						
Human Services, Administration	39325	R495-878	R&R	06/22/2015	2015-10/68	
	39480	R495-878	AMD	08/25/2015	2015-14/101	
<u>disciplinary actions</u>						
Education, Administration	39387	R277-205	NEW	07/08/2015	2015-11/52	
	39388	R277-206	NEW	07/08/2015	2015-11/53	
	39493	R277-609	AMD	09/03/2015	2015-14/54	
Professional Practices Advisory Commission, Administration	39393	R686-104	REP	07/08/2015	2015-11/152	
	39394	R686-105	REP	07/08/2015	2015-11/153	
<u>disclosure</u>						
Pardons (Board Of), Administration	39107	R671-303-1	AMD	04/07/2015	2015-5/90	
<u>discrimination</u>						
Labor Commission, Antidiscrimination and Labor, Antidiscrimination	39245	R606-6	5YR	03/30/2015	2015-8/36	
<u>disease control</u>						
Agriculture and Food, Animal Industry	39423	R58-1	AMD	08/12/2015	2015-13/7	
	39086	R58-21	5YR	01/21/2015	2015-4/37	
<u>disinfection monitoring</u>						
Environmental Quality, Drinking Water	39203	R309-215	5YR	03/13/2015	2015-7/61	
<u>displaced homemakers</u>						
Workforce Services, Employment Development	39648	R986-800	5YR	09/03/2015	2015-19/124	
<u>disruptive students</u>						
Education, Administration	39493	R277-609	AMD	09/03/2015	2015-14/54	
<u>distribution system monitoring</u>						
Environmental Quality, Drinking Water	39202	R309-210	5YR	03/13/2015	2015-7/61	
<u>domestic violence</u>						
Human Services, Child and Family Services	39284	R512-1	AMD	06/15/2015	2015-9/71	
	39542	R512-200	AMD	09/22/2015	2015-16/54	
	39409	R512-300	AMD	07/22/2015	2015-12/20	
<u>drain field</u>						
Environmental Quality, Water Quality	39106	R317-4	5YR	02/03/2015	2015-5/111	
<u>drinking water</u>						
Environmental Quality, Drinking Water	39196	R309-100	5YR	03/13/2015	2015-7/57	
	39197	R309-105	5YR	03/13/2015	2015-7/58	
	39198	R309-110	5YR	03/13/2015	2015-7/59	
	39199	R309-115	5YR	03/13/2015	2015-7/59	
	39200	R309-200	5YR	03/13/2015	2015-7/60	
	39201	R309-205	5YR	03/13/2015	2015-7/60	
	39202	R309-210	5YR	03/13/2015	2015-7/61	
	39203	R309-215	5YR	03/13/2015	2015-7/61	
	39204	R309-220	5YR	03/13/2015	2015-7/62	
	39205	R309-225	5YR	03/13/2015	2015-7/62	
	39206	R309-300	5YR	03/13/2015	2015-7/63	

	39207	R309-305	5YR	03/13/2015	2015-7/63
	39208	R309-400	5YR	03/13/2015	2015-7/64
	39209	R309-405	5YR	03/13/2015	2015-7/64
	39184	R309-500	5YR	03/13/2015	2015-7/65
	39076	R309-500	AMD	07/15/2015	2015-3/16
	39076	R309-500	CPR	07/15/2015	2015-11/166
	39185	R309-505	5YR	03/13/2015	2015-7/65
	39186	R309-510	5YR	03/13/2015	2015-7/66
	39399	R309-510	AMD	07/15/2015	2015-11/92
	39187	R309-511	5YR	03/13/2015	2015-7/66
	39188	R309-515	5YR	03/13/2015	2015-7/67
	39189	R309-520	5YR	03/13/2015	2015-7/67
	39190	R309-525	5YR	03/13/2015	2015-7/68
	39191	R309-530	5YR	03/13/2015	2015-7/68
	39192	R309-535	5YR	03/13/2015	2015-7/69
	39193	R309-540	5YR	03/13/2015	2015-7/69
	39194	R309-545	5YR	03/13/2015	2015-7/70
	39195	R309-550	5YR	03/13/2015	2015-7/70
	39508	R309-550-10	AMD	09/10/2015	2015-15/4
	39213	R309-600	5YR	03/13/2015	2015-7/71
	39214	R309-605	5YR	03/13/2015	2015-7/71
	39212	R309-800	5YR	03/13/2015	2015-7/73
<u>driver license</u>					
Public Safety, Driver License	39178	R708-36	5YR	03/10/2015	2015-7/77
<u>driver training</u>					
Public Safety, Driver License	39180	R708-37	5YR	03/10/2015	2015-7/78
<u>driving simulators</u>					
Public Safety, Driver License	39181	R708-40	5YR	03/10/2015	2015-7/78
<u>drug and alcohol testing</u>					
Administrative Services, Facilities Construction and Management	39482	R23-7	5YR	06/30/2015	2015-14/139
Capitol Preservation Board (State), Administration	39502	R131-15	5YR	07/06/2015	2015-15/32
Transportation, Operations, Construction	39458	R916-6	5YR	06/22/2015	2015-14/144
	39455	R916-6	NSC	07/13/2015	Not Printed
<u>drug offenses</u>					
Education, Administration	39388	R277-206	NEW	07/08/2015	2015-11/53
<u>drug stamps</u>					
Tax Commission, Collections	39565	R867-2B	5YR	08/06/2015	2015-17/106
<u>dual employment</u>					
Human Resource Management, Administration	39320	R477-8-3	AMD	07/01/2015	2015-10/64
<u>e-mail</u>					
Commerce, Consumer Protection	39282	R152-39	5YR	04/15/2015	2015-9/83
<u>economic development</u>					
Governor, Economic Development	39094	R357-3	R&R	04/13/2015	2015-4/12
	39528	R357-3	NSC	08/17/2015	Not Printed
	39530	R357-5	NSC	08/17/2015	Not Printed
	39531	R357-6	NSC	08/17/2015	Not Printed
	39532	R357-7	NSC	08/17/2015	Not Printed
	39533	R357-9	NSC	08/17/2015	Not Printed
<u>economic opportunity</u>					
Governor, Economic Development	39526	R357-1	NSC	08/17/2015	Not Printed
<u>EDTIF</u>					
Governor, Economic Development	39094	R357-3	R&R	04/13/2015	2015-4/12
<u>education finance</u>					
Education, Administration	39374	R277-419	AMD	07/08/2015	2015-11/58

RULES INDEX

	39080	R277-419-9	EMR	01/15/2015	2015-3/63
<u>educational administration</u>					
Education, Administration	39218	R277-116-1	AMD	05/08/2015	2015-7/7
<u>educator license</u>					
Education, Administration	39385	R277-203	NEW	07/08/2015	2015-11/47
	39386	R277-204	NEW	07/08/2015	2015-11/50
Professional Practices Advisory Commission, Administration	39392	R686-103	REP	07/08/2015	2015-11/149
<u>educator license renewal</u>					
Education, Administration	39486	R277-500	5YR	07/01/2015	2015-14/141
	39491	R277-500	AMD	08/26/2015	2015-14/46
<u>educator licensing</u>					
Education, Administration	39378	R277-502	AMD	07/08/2015	2015-11/75
<u>educators</u>					
Education, Administration	39382	R277-200	NEW	07/08/2015	2015-11/33
	39384	R277-202	NEW	07/08/2015	2015-11/41
	39387	R277-205	NEW	07/08/2015	2015-11/52
	39388	R277-206	NEW	07/08/2015	2015-11/53
	39582	R277-498	5YR	08/13/2015	2015-17/103
	39290	R277-517-5	AMD	06/08/2015	2015-9/19
	39371	R277-520	5YR	05/15/2015	2015-11/185
	39379	R277-520	AMD	07/08/2015	2015-11/80
Professional Practices Advisory Commission, Administration	39393	R686-104	REP	07/08/2015	2015-11/152
	39394	R686-105	REP	07/08/2015	2015-11/153
<u>effective date</u>					
Health, Health Care Financing, Coverage and Reimbursement Policy	39414	R414-306-2	AMD	08/01/2015	2015-12/16
<u>efficiency</u>					
Governor, Energy Development (Office of)	38931	R362-3	AMD	01/07/2015	2014-22/24
<u>elderly</u>					
Human Services, Aging and Adult Services	39272	R510-100	AMD	06/30/2015	2015-9/62
	39269	R510-400	AMD	06/30/2015	2015-9/64
<u>electronic meetings</u>					
Governor, Economic Development	39510	R357-14	NEW	09/10/2015	2015-15/13
<u>elevator mechanics</u>					
Commerce, Occupational and Professional Licensing	39736	R156-55e	5YR	09/14/2015	2015-19/116
<u>elevators</u>					
Labor Commission, Boiler and Elevator Safety	39296	R616-3-3	AMD	06/22/2015	2015-10/86
<u>eligibility</u>					
Health, Health Care Financing, Coverage and Reimbursement Policy	39310	R414-307	AMD	07/01/2015	2015-10/33
	39558	R414-307-13	AMD	10/01/2015	2015-16/16
	39145	R414-309	5YR	02/18/2015	2015-6/45
Human Services, Child and Family Services	39284	R512-1	AMD	06/15/2015	2015-9/71
<u>email address requirements</u>					
Insurance, Administration	39650	R590-258	5YR	09/04/2015	2015-19/118
<u>emergency medical services</u>					
Health, Family Health and Preparedness, Emergency Medical Services	39551	R426-1	AMD	09/24/2015	2015-16/20
	39467	R426-2	AMD	08/21/2015	2015-14/82
	39552	R426-3	AMD	09/24/2015	2015-16/23
	39550	R426-4	AMD	09/24/2015	2015-16/29

	39546	R426-5	AMD	09/24/2015	2015-16/43
	39265	R426-8	AMD	06/08/2015	2015-9/55
	39468	R426-9	AMD	08/21/2015	2015-14/87
<u>emergency procurement</u>					
Administrative Services, Purchasing and General Services	39328	R33-8	AMD	06/23/2015	2015-10/15
<u>emergency safety interventions</u>					
Education, Administration	39493	R277-609	AMD	09/03/2015	2015-14/54
<u>emission testing</u>					
Environmental Quality, Air Quality	39110	R307-165	5YR	02/05/2015	2015-5/102
<u>employee benefit plans</u>					
Human Resource Management, Administration	39318	R477-6	AMD	07/01/2015	2015-10/51
<u>employment</u>					
Human Resource Management, Administration	39317	R477-4	AMD	07/01/2015	2015-10/48
<u>employment support procedures</u>					
Workforce Services, Employment Development	39634	R986-100	5YR	09/02/2015	2015-19/120
	39261	R986-100-113	AMD	07/01/2015	2015-8/27
<u>employment tests</u>					
Workforce Services, Unemployment Insurance	39239	R994-204	5YR	03/25/2015	2015-8/40
	39240	R994-205	5YR	03/25/2015	2015-8/41
	39241	R994-206	5YR	03/25/2015	2015-8/41
<u>endangered species</u>					
School and Institutional Trust Lands, Administration	39309	R850-150	NEW	06/22/2015	2015-10/92
<u>endowed universities</u>					
Education, Administration	39376	R277-490	AMD	07/08/2015	2015-11/72
<u>energy</u>					
Governor, Energy Development (Office of)	38931	R362-3	AMD	01/07/2015	2014-22/24
<u>energy assistance</u>					
Workforce Services, Administration	39441	R982-402-8	AMD	08/11/2015	2015-13/56
<u>enforcement</u>					
Agriculture and Food, Animal Industry	39602	R58-15	5YR	08/13/2015	2015-17/97
Commerce, Real Estate	39249	R162-2c	5YR	03/31/2015	2015-8/33
	39477	R162-2c	AMD	09/04/2015	2015-14/26
	38999	R162-2c-201	AMD	02/10/2015	2015-1/8
Natural Resources, Water Rights	39153	R655-14	5YR	02/24/2015	2015-6/47
<u>engineers</u>					
Administrative Services, Facilities Construction and Management	39061	R23-2	REP	03/16/2015	2015-3/4
<u>enrollment</u>					
Education, Administration	39372	R277-417	NEW	07/08/2015	2015-11/55
	39373	R277-418	NEW	07/08/2015	2015-11/57
<u>enterprise zones</u>					
Tax Commission, Auditing	39426	R865-9I-37	NSC	06/24/2015	Not Printed
<u>environmental analysis</u>					
Environmental Quality, Radiation Control	39149	R313-24-1	NSC	03/06/2015	Not Printed
	39275	R313-24-4	AMD	06/16/2015	2015-9/49
<u>environmental health</u>					
Environmental Quality, Drinking Water	39213	R309-600	5YR	03/13/2015	2015-7/71
	39214	R309-605	5YR	03/13/2015	2015-7/71

RULES INDEX

<u>environmental health scientists</u>					
Commerce, Occupational and Professional Licensing	39306	R156-20a	5YR	04/27/2015	2015-10/101
	39351	R156-20a	AMD	07/09/2015	2015-11/20
<u>environmental health scientists-in-training</u>					
Commerce, Occupational and Professional Licensing	39306	R156-20a	5YR	04/27/2015	2015-10/101
	39351	R156-20a	AMD	07/09/2015	2015-11/20
<u>environmental protection</u>					
Environmental Quality, Drinking Water	39196	R309-100	5YR	03/13/2015	2015-7/57
	39206	R309-300	5YR	03/13/2015	2015-7/63
	39208	R309-400	5YR	03/13/2015	2015-7/64
	39209	R309-405	5YR	03/13/2015	2015-7/64
<u>equipment</u>					
Environmental Quality, Air Quality	38998	R307-120	AMD	03/05/2015	2015-1/17
<u>evaluation cycles</u>					
Judicial Performance Evaluation Commission, Administration	39244	R597-3-2	AMD	05/27/2015	2015-8/13
	39243	R597-3-3	AMD	05/27/2015	2015-8/15
<u>evidence-based prevention</u>					
Human Services, Substance Abuse and Mental Health	38917	R523-8	NEW	01/06/2015	2014-22/33
<u>evidence-based prevention workgroup</u>					
Human Services, Substance Abuse and Mental Health	38917	R523-8	NEW	01/06/2015	2014-22/33
<u>exceptions to procurement requirements</u>					
Administrative Services, Purchasing and General Services	39328	R33-8	AMD	06/23/2015	2015-10/15
<u>exemptions</u>					
Environmental Quality, Radiation Control	38907	R313-19	AMD	02/17/2015	2014-21/18
	39280	R313-19-13	AMD	08/26/2015	2015-9/27
	39280	R313-19-13	CPR	08/26/2015	2015-14/114
<u>expert witnesses</u>					
Attorney General, Administration	39032	R105-1	AMD	03/26/2015	2015-2/34
	39099	R105-1	AMD	03/26/2015	2015-4/4
	39363	R105-1	EMR	05/12/2015	2015-11/171
	39364	R105-1	AMD	07/13/2015	2015-11/13
<u>expungement</u>					
Public Safety, Criminal Investigations and Technical Services, Criminal Identification	39758	R722-350	5YR	09/17/2015	Not Printed
<u>eyeglasses</u>					
Health, Health Care Financing, Coverage and Reimbursement Policy	39357	R414-53	AMD	07/16/2015	2015-11/111
<u>facilities use</u>					
Capitol Preservation Board (State), Administration	39025	R131-2	AMD	02/24/2015	2015-2/41
<u>fair employment practices</u>					
Human Resource Management, Administration	39315	R477-2	AMD	07/01/2015	2015-10/44
	39317	R477-4	AMD	07/01/2015	2015-10/48
<u>family employment program</u>					
Workforce Services, Employment Development	39439	R986-200	AMD	09/01/2015	2015-13/57
	39635	R986-200	5YR	09/02/2015	2015-19/121
<u>fatality review</u>					
Human Services, Administration	39326	R495-808	5YR	04/30/2015	2015-10/106

<u>federal lands</u>						
Governor, Economic Development	38945	R357-12	NEW	03/20/2015	2014-23/17	
<u>federal shutdown</u>						
Governor, Economic Development	38945	R357-12	NEW	03/20/2015	2014-23/17	
<u>feed contamination</u>						
Agriculture and Food, Plant Industry	39471	R68-2	5YR	06/29/2015	2015-14/139	
<u>fees</u>						
Financial Institutions, Nondepository Lenders	39442	R343-10	NEW	08/12/2015	2015-13/22	
	39503	R343-10	NSC	08/17/2015	Not Printed	
<u>films</u>						
Transportation, Operations, Traffic and Safety	39095	R920-4	EMR	01/29/2015	2015-4/33	
<u>filtration</u>						
Environmental Quality, Drinking Water	39190	R309-525	5YR	03/13/2015	2015-7/68	
<u>finance</u>						
Administrative Services, Finance	39360	R25-10	AMD	07/08/2015	2015-11/4	
<u>financial aid</u>						
Regents (Board Of), Administration	39023	R765-611	NEW	02/25/2015	2015-2/101	
<u>financial assistance</u>						
Environmental Quality, Drinking Water	39211	R309-705	5YR	03/13/2015	2015-7/72	
<u>financial disclosures</u>						
Health, Health Care Financing, Coverage and Reimbursement Policy	39484	R414-304	AMD	09/01/2015	2015-14/77	
<u>financial institutions</u>						
Financial Institutions, Administration	39370	R331-14	REP	07/08/2015	2015-11/104	
<u>fingerprint background check</u>						
Education, Administration	39486	R277-500	5YR	07/01/2015	2015-14/141	
	39491	R277-500	AMD	08/26/2015	2015-14/46	
<u>fingerprinting</u>						
Environmental Quality, Radiation Control	38908	R313-37	NEW	06/29/2015	2014-21/21	
	38908	R313-37	CPR	06/29/2015	2015-5/98	
Human Services, Administration, Administrative Services, Licensing	39778	R501-14	5YR	09/29/2015	Not Printed	
<u>fire authority</u>						
Environmental Quality, Air Quality	39113	R307-202	5YR	02/05/2015	2015-5/103	
<u>firearm background check information</u>						
Public Safety, Criminal Investigations and Technical Services, Criminal Identification	39091	R722-380	NEW	03/24/2015	2015-4/22	
	39411	R722-380	AMD	07/22/2015	2015-12/31	
<u>firearm denials</u>						
Public Safety, Criminal Investigations and Technical Services, Criminal Identification	39091	R722-380	NEW	03/24/2015	2015-4/22	
	39411	R722-380	AMD	07/22/2015	2015-12/31	
<u>firearm purchases</u>						
Public Safety, Criminal Investigations and Technical Services, Criminal Identification	39091	R722-380	NEW	03/24/2015	2015-4/22	
	39411	R722-380	AMD	07/22/2015	2015-12/31	
<u>firearm releases</u>						
Public Safety, Criminal Investigations and Technical Services, Criminal Identification	39091	R722-380	NEW	03/24/2015	2015-4/22	
	39411	R722-380	AMD	07/22/2015	2015-12/31	

RULES INDEX

<u>firearm safety</u>						
Public Safety, Criminal Investigations and Technical Services, Criminal Identification	39019	R722-370	NEW	02/24/2015	2015-2/100	
<u>fireplaces</u>						
Environmental Quality, Air Quality	39117	R307-207	5YR	02/05/2015	2015-5/106	
	38842	R307-302	AMD	02/04/2015	2014-19/44	
	38842	R307-302	CPR	02/04/2015	2015-1/48	
	39349	R307-302	5YR	05/06/2015	2015-11/185	
<u>fiscal emergency</u>						
Governor, Economic Development	38945	R357-12	NEW	03/20/2015	2014-23/17	
<u>fish</u>						
Natural Resources, Wildlife Resources	39069	R657-59	AMD	03/16/2015	2015-3/50	
<u>flashing lights</u>						
Transportation, Operations, Traffic and Safety	39433	R920-8	NEW	08/07/2015	2015-13/54	
<u>flocculation</u>						
Environmental Quality, Drinking Water	39190	R309-525	5YR	03/13/2015	2015-7/68	
<u>food inspections</u>						
Agriculture and Food, Animal Industry	39073	R58-11	5YR	01/13/2015	2015-3/67	
	39573	R58-12	5YR	08/12/2015	2015-17/97	
	39614	R58-13	EXD	08/25/2015	2015-18/137	
	39616	R58-13	EMR	08/25/2015	2015-18/131	
Agriculture and Food, Regulatory Services	39561	R70-610	5YR	08/05/2015	2015-17/98	
	39560	R70-620	5YR	08/05/2015	2015-17/98	
<u>food stamps</u>						
Workforce Services, Employment Development	39649	R986-900	5YR	09/03/2015	2015-19/124	
	39557	R986-900-902	AMD	10/01/2015	2015-16/64	
<u>former foster care youth</u>						
Health, Health Care Financing, Coverage and Reimbursement Policy	39413	R414-303-6	AMD	08/01/2015	2015-12/15	
	39165	R414-303-8	AMD	05/08/2015	2015-7/26	
<u>foster care</u>						
Human Services, Administration	39500	R495-883	5YR	07/06/2015	2015-15/33	
Human Services, Administration, Administrative Services, Licensing	39358	R501-12	EMR	05/12/2015	2015-11/178	
	39638	R501-12	EMR	09/04/2015	2015-19/110	
<u>franchises</u>						
Commerce, Administration	39034	R151-14-3	AMD	02/24/2015	2015-2/49	
Tax Commission, Auditing	39425	R865-6F-28	NSC	06/24/2015	Not Printed	
<u>freedom of information</u>						
Technology Services, Administration	39724	R895-1	5YR	09/11/2015	2015-19/119	
	39725	R895-1	NSC	09/30/2015	Not Printed	
<u>fuel</u>						
Tax Commission, Auditing	39437	R865-4D-21	AMD	08/27/2015	2015-13/50	
<u>fuel composition</u>						
Environmental Quality, Air Quality	39112	R307-203	5YR	02/05/2015	2015-5/104	
<u>fuel oil</u>						
Environmental Quality, Air Quality	39112	R307-203	5YR	02/05/2015	2015-5/104	
<u>fugitive dust</u>						
Environmental Quality, Air Quality	39121	R307-309	5YR	02/05/2015	2015-5/108	

<u>fugitive emissions</u>						
Environmental Quality, Air Quality	39115	R307-205	5YR	02/05/2015	2015-5/105	
<u>funding</u>						
Environmental Quality, Drinking Water	39212	R309-800	5YR	03/13/2015	2015-7/73	
<u>funding formula</u>						
Human Services, Aging and Adult Services	39272	R510-100	AMD	06/30/2015	2015-9/62	
<u>furbearers</u>						
Natural Resources, Wildlife Resources	39509	R657-11	5YR	07/13/2015	2015-15/34	
<u>game laws</u>						
Natural Resources, Wildlife Resources	38996	R657-5	AMD	02/09/2015	2015-1/26	
	39062	R657-5	AMD	03/16/2015	2015-3/30	
	39431	R657-6	5YR	06/08/2015	2015-13/63	
	39509	R657-11	5YR	07/13/2015	2015-15/34	
	39215	R657-19	AMD	05/08/2015	2015-7/33	
	39063	R657-33	AMD	03/16/2015	2015-3/31	
	39071	R657-68	AMD	03/16/2015	2015-3/54	
	39216	R657-70	NEW	05/08/2015	2015-7/36	
	39436	R657-70	AMD	08/07/2015	2015-13/36	
<u>general assistance</u>						
Workforce Services, Employment Development	39644	R986-400	5YR	09/03/2015	2015-19/122	
<u>general license</u>						
Environmental Quality, Radiation Control	39277	R313-12-3	AMD	06/16/2015	2015-9/21	
<u>general licenses</u>						
Environmental Quality, Radiation Control	39278	R313-21-22	AMD	08/26/2015	2015-9/34	
	39278	R313-21-22	CPR	08/26/2015	2015-14/118	
<u>general procurement provisions</u>						
Administrative Services, Purchasing and General Services	38974	R33-1-1	AMD	01/28/2015	2014-24/4	
	39327	R33-4	AMD	06/23/2015	2015-10/11	
	39472	R33-4	AMD	08/21/2015	2015-14/6	
	39523	R33-4	NSC	08/24/2015	Not Printed	
	39271	R33-26	AMD	06/10/2015	2015-9/4	
	39042	R33-26-202	AMD	03/31/2015	2015-2/33	
	39454	R33-26-202	AMD	08/21/2015	2015-14/11	
<u>generating equipment</u>						
Public Service Commission, Administration	39311	R746-312	5YR	04/29/2015	2015-10/107	
<u>geothermal steam</u>						
School and Institutional Trust Lands, Administration	39256	R850-27	5YR	04/01/2015	2015-8/40	
<u>government documents</u>						
Administrative Services, Records Committee	39400	R35-1	AMD	07/31/2015	2015-11/7	
	39401	R35-2	AMD	07/31/2015	2015-11/9	
	39402	R35-4	AMD	07/31/2015	2015-11/10	
	39403	R35-5	AMD	07/31/2015	2015-11/11	
	39404	R35-6	AMD	07/31/2015	2015-11/12	
<u>government ethics</u>						
Human Resource Management, Administration	39321	R477-9-4	NSC	05/11/2015	Not Printed	
<u>government hearings</u>						
Administrative Services, Administrative Rules	39726	R15-1	5YR	09/11/2015	2015-19/113	
Commerce, Administration	39144	R151-4-109	AMD	04/10/2015	2015-5/9	
Pardons (Board Of), Administration	39547	R671-205	NSC	08/17/2015	Not Printed	
	39137	R671-305-1	AMD	04/07/2015	2015-5/91	
Public Service Commission, Administration	39234	R746-100-3	AMD	05/27/2015	2015-8/19	
	39235	R746-100-11	AMD	05/27/2015	2015-8/21	

RULES INDEX

government purchasing

Administrative Services, Purchasing and General Services	38974	R33-1-1	AMD	01/28/2015	2014-24/4
	39327	R33-4	AMD	06/23/2015	2015-10/11
	39472	R33-4	AMD	08/21/2015	2015-14/6
	39523	R33-4	NSC	08/24/2015	Not Printed
	38975	R33-6-101	AMD	01/28/2015	2014-24/5
	39366	R33-6-109	AMD	07/09/2015	2015-11/5
	38976	R33-7	AMD	01/28/2015	2014-24/6
	39513	R33-7	NSC	07/30/2015	Not Printed
	39365	R33-7-702	AMD	07/09/2015	2015-11/6
	39432	R33-7-702	AMD	08/07/2015	2015-13/6
	39328	R33-8	AMD	06/23/2015	2015-10/15
	39470	R33-16	AMD	08/21/2015	2015-14/9
	38978	R33-16-401	AMD	01/28/2015	2014-24/12
	39271	R33-26	AMD	06/10/2015	2015-9/4
	39042	R33-26-202	AMD	03/31/2015	2015-2/33
	39454	R33-26-202	AMD	08/21/2015	2015-14/11

grading system

Education, Administration	39007	R277-497	AMD	02/09/2015	2015-1/11
	39581	R277-497	5YR	08/13/2015	2015-17/103

graduation requirements

Education, Administration	39494	R277-700	AMD	08/26/2015	2015-14/59
---------------------------	-------	----------	-----	------------	------------

grant applications

Heritage and Arts, Arts and Museums	39096	R451-3	EXD	01/28/2015	2015-4/41
Heritage and Arts, Library	39097	R458-3	EXD	01/28/2015	2015-4/41

grant prioritizations

Heritage and Arts, Arts and Museums	39096	R451-3	EXD	01/28/2015	2015-4/41
Heritage and Arts, Library	39097	R458-3	EXD	01/28/2015	2015-4/41

grants

Education, Administration	39376	R277-490	AMD	07/08/2015	2015-11/72
	39582	R277-498	5YR	08/13/2015	2015-17/103
Heritage and Arts, Arts and Museums	39096	R451-3	EXD	01/28/2015	2015-4/41
Heritage and Arts, Library	39097	R458-3	EXD	01/28/2015	2015-4/41
Workforce Services, Housing and Community Development	39085	R990-8	AMD	03/10/2015	2015-3/58

gravel

School and Institutional Trust Lands, Administration	39252	R850-23	5YR	04/01/2015	2015-8/38
--	-------	---------	-----	------------	-----------

greenhouse gases

Environmental Quality, Air Quality	38901	R307-401-19	AMD	02/05/2015	2014-21/16
------------------------------------	-------	-------------	-----	------------	------------

grievance procedures

Human Services, Administration	39325	R495-878	R&R	06/22/2015	2015-10/68
	39480	R495-878	AMD	08/25/2015	2015-14/101

grievances

Human Resource Management, Administration	39316	R477-3-1	AMD	07/01/2015	2015-10/47
---	-------	----------	-----	------------	------------

guardianship

Human Services, Child and Family Services	39537	R512-308	5YR	07/22/2015	2015-16/84
---	-------	----------	-----	------------	------------

gun locks

Public Safety, Criminal Investigations and Technical Services, Criminal Identification	39019	R722-370	NEW	02/24/2015	2015-2/100
--	-------	----------	-----	------------	------------

halfway houses

Corrections, Administration	39540	R251-301	5YR	07/23/2015	2015-16/80
	39060	R251-303	5YR	01/08/2015	2015-3/70
	39610	R251-303	5YR	08/24/2015	2015-18/134

<u>hardship grants</u>						
Environmental Quality, Drinking Water	39210	R309-700	5YR	03/13/2015	2015-7/72	
<u>Hatch Act</u>						
Human Resource Management, Administration	39321	R477-9-4	NSC	05/11/2015	Not Printed	
<u>hazardous air pollutant</u>						
Environmental Quality, Air Quality	39169	R307-214	AMD	06/04/2015	2015-7/19	
<u>hazardous waste</u>						
Environmental Quality, Solid and Hazardous Waste	39302	R315-15-1	NSC	05/11/2015	Not Printed	
	39303	R315-15-3	NSC	05/06/2015	Not Printed	
	39304	R315-15-5	NSC	05/11/2015	Not Printed	
	39307	R315-15-6	NSC	05/11/2015	Not Printed	
	39308	R315-15-13	NSC	05/11/2015	Not Printed	
<u>health</u>						
Health, Center for Health Data, Health Care Statistics	39416	R428-1	AMD	10/01/2015	2015-12/17	
	39405	R428-2	AMD	07/30/2015	2015-11/112	
	39415	R428-11	AMD	10/01/2015	2015-12/18	
<u>health care facilities</u>						
Health, Family Health and Preparedness, Licensing	39464	R432-2	AMD	08/21/2015	2015-14/97	
	38982	R432-2-6	AMD	02/06/2015	2014-24/33	
	39514	R432-3-10	AMD	09/29/2015	2015-15/14	
	38954	R432-35	AMD	01/27/2015	2014-23/23	
	39232	R432-725	AMD	06/02/2015	2015-7/27	
<u>health care professionals</u>						
Public Safety, Driver License	39072	R708-7	AMD	03/10/2015	2015-3/55	
<u>health effects</u>						
Environmental Quality, Drinking Water	39204	R309-220	5YR	03/13/2015	2015-7/62	
<u>health insurance</u>						
Environmental Quality, Administration	39135	R305-5	5YR	02/09/2015	2015-5/101	
Insurance, Administration	39398	R590-199	5YR	05/15/2015	2015-11/187	
<u>health insurance filings</u>						
Insurance, Administration	39312	R590-220	AMD	09/23/2015	2015-10/79	
	39312	R590-220	CPR	09/23/2015	2015-16/68	
<u>health planning</u>						
Health, Center for Health Data, Health Care Statistics	39416	R428-1	AMD	10/01/2015	2015-12/17	
	39405	R428-2	AMD	07/30/2015	2015-11/112	
	39415	R428-11	AMD	10/01/2015	2015-12/18	
<u>health policy</u>						
Health, Center for Health Data, Health Care Statistics	39416	R428-1	AMD	10/01/2015	2015-12/17	
	39405	R428-2	AMD	07/30/2015	2015-11/112	
<u>hearing aids</u>						
Commerce, Occupational and Professional Licensing	39428	R156-46a-502d	AMD	08/17/2015	2015-13/21	
	39604	R156-46a-502d	NSC	09/11/2015	Not Printed	
Health, Family Health and Preparedness, Children with Special Health Care Needs	39451	R398-3	AMD	08/21/2015	2015-14/68	
<u>hearing impaired</u>						
Public Service Commission, Administration	39568	R746-510	5YR	08/11/2015	2015-17/105	
<u>hearing instrument intern</u>						
Commerce, Occupational and Professional Licensing	39428	R156-46a-502d	AMD	08/17/2015	2015-13/21	
	39604	R156-46a-502d	NSC	09/11/2015	Not Printed	
<u>hearing instrument specialist</u>						
Commerce, Occupational and Professional Licensing	39428	R156-46a-502d	AMD	08/17/2015	2015-13/21	
	39604	R156-46a-502d	NSC	09/11/2015	Not Printed	

RULES INDEX

hearings

Education, Administration	39383	R277-201	NEW	07/08/2015	2015-11/37
	39384	R277-202	NEW	07/08/2015	2015-11/41
Environmental Quality, Air Quality	39109	R307-103	5YR	02/05/2015	2015-5/101
Environmental Quality, Drinking Water	39199	R309-115	5YR	03/13/2015	2015-7/59
Environmental Quality, Radiation Control	38770	R313-17-4	AMD	02/17/2015	2014-17/95
	38770	R313-17-4	CPR	02/17/2015	2014-24/40
Labor Commission, Adjudication	39380	R602-2-4	AMD	07/08/2015	2015-11/117
Pardons (Board Of), Administration	39093	R671-201	AMD	03/24/2015	2015-4/20
	39544	R671-204	EMR	07/27/2015	2015-16/77
	39545	R671-204	NEW	10/01/2015	2015-16/63
Professional Practices Advisory Commission, Administration	39389	R686-100	REP	07/08/2015	2015-11/134
	39221	R686-100-7	AMD	05/08/2015	2015-7/42
	39390	R686-101	REP	07/08/2015	2015-11/139
	39222	R686-101-14	AMD	05/08/2015	2015-7/43
	39391	R686-102	REP	07/08/2015	2015-11/146
School and Institutional Trust Fund Board of Trustees, Administration	39143	R849-1	NEW	04/15/2015	2015-5/92

HEAT

Workforce Services, Administration	39441	R982-402-8	AMD	08/11/2015	2015-13/56
------------------------------------	-------	------------	-----	------------	------------

heavy duty vehicles

Environmental Quality, Air Quality	39354	R307-122	NEW	09/03/2015	2015-11/89
	39637	R307-122	NSC	09/30/2015	Not Printed

hemp

Agriculture and Food, Plant Industry	39148	R68-22	NEW	04/22/2015	2015-6/14
--------------------------------------	-------	--------	-----	------------	-----------

high quality ground water

Environmental Quality, Drinking Water	39185	R309-505	5YR	03/13/2015	2015-7/65
---------------------------------------	-------	----------	-----	------------	-----------

higher education

Regents (Board Of), Administration	39010	R765-571	NEW	04/28/2015	2015-1/39
	39157	R765-609	5YR	02/25/2015	2015-6/48
	39023	R765-611	NEW	02/25/2015	2015-2/101
	39605	R765-649	5YR	08/18/2015	2015-18/135

highways

Transportation, Operations, Construction	39100	R916-3	AMD	03/27/2015	2015-4/23
	39183	R916-4	EXT	03/10/2015	2015-7/81
	39101	R916-4	AMD	03/27/2015	2015-4/26
	39506	R916-4	5YR	07/09/2015	2015-15/34
Transportation, Operations, Traffic and Safety	39433	R920-8	NEW	08/07/2015	2015-13/54
Transportation, Program Development	39504	R926-8	5YR	07/07/2015	2015-15/35
	39505	R926-8	NSC	07/30/2015	Not Printed
	39448	R926-13	5YR	06/16/2015	2015-14/144
	39449	R926-14	5YR	06/16/2015	2015-14/145

hiring practices

Human Resource Management, Administration	39317	R477-4	AMD	07/01/2015	2015-10/48
---	-------	--------	-----	------------	------------

historic preservation

Tax Commission, Auditing	39425	R865-6F-28	NSC	06/24/2015	Not Printed
	39426	R865-9I-37	NSC	06/24/2015	Not Printed

holidays

Human Resource Management, Administration	39319	R477-7	AMD	07/01/2015	2015-10/56
---	-------	--------	-----	------------	------------

home care services

Human Services, Aging and Adult Services	39269	R510-400	AMD	06/30/2015	2015-9/64
--	-------	----------	-----	------------	-----------

Honoring Heroes Restricted Account

Public Safety, Administration	39549	R698-6	5YR	07/29/2015	2015-16/84
-------------------------------	-------	--------	-----	------------	------------

<u>hospital policy</u>						
Health, Center for Health Data, Health Care Statistics	39415	R428-11	AMD	10/01/2015	2015-12/18	
<u>hospitals</u>						
Health, Health Care Financing, Coverage and Reimbursement Policy	39341	R414-1B	AMD	07/01/2015	2015-10/32	
<u>hostile work environment</u>						
Human Resource Management, Administration	39322	R477-15	AMD	07/01/2015	2015-10/65	
	39323	R477-16	NEW	07/01/2015	2015-10/67	
<u>hourly child care centers</u>						
Health, Child Care Center Licensing Committee	39130	R381-60	NEW	05/01/2015	2015-5/16	
Health, Family Health and Preparedness, Child Care Licensing	39127	R430-60	REP	05/01/2015	2015-5/56	
<u>human services</u>						
Human Services, Administration, Administrative Services, Licensing	39334	R501-1	AMD	07/01/2015	2015-10/72	
	39333	R501-4	REP	06/29/2015	2015-10/76	
	39358	R501-12	EMR	05/12/2015	2015-11/178	
	39638	R501-12	EMR	09/04/2015	2015-19/110	
	39258	R501-19	5YR	04/01/2015	2015-8/34	
	39259	R501-20	5YR	04/01/2015	2015-8/35	
	39260	R501-21	5YR	04/01/2015	2015-8/35	
	39257	R501-22	5YR	04/01/2015	2015-8/36	
<u>hunter education</u>						
Natural Resources, Wildlife Resources	39071	R657-68	AMD	03/16/2015	2015-3/54	
<u>hunting</u>						
Natural Resources, Wildlife Resources	39064	R657-38	AMD	03/16/2015	2015-3/39	
<u>hunting guides</u>						
Commerce, Occupational and Professional Licensing	39350	R156-79	AMD	07/09/2015	2015-11/29	
<u>hydraulic modeling</u>						
Environmental Quality, Drinking Water	39187	R309-511	5YR	03/13/2015	2015-7/66	
<u>hydropneumatic systems</u>						
Environmental Quality, Drinking Water	39193	R309-540	5YR	03/13/2015	2015-7/69	
<u>identification card</u>						
Public Safety, Driver License	39182	R708-41	5YR	03/10/2015	2015-7/79	
<u>illegal drug operation</u>						
Health, Disease Control and Prevention, Environmental Services	39159	R392-600	EXD	02/26/2015	2015-6/49	
<u>illegal drug operations</u>						
Health, Disease Control and Prevention, Environmental Services	39161	R392-600	NEW	05/01/2015	2015-6/27	
<u>immigration consultant</u>						
Commerce, Consumer Protection	39524	R152-49	NEW	09/21/2015	2015-16/8	
<u>immunization data reporting</u>						
Health, Disease Control and Prevention, Epidemiology	39108	R386-800	5YR	02/05/2015	2015-5/111	
<u>immunizations</u>						
Health, Disease Control and Prevention, Immunization	39171	R396-100	NSC	03/24/2015	Not Printed	
<u>implements of husbandry</u>						
Transportation, Motor Carrier	39172	R909-1	EMR	03/06/2015	2015-7/53	
	39479	R909-1	AMD	08/24/2015	2015-14/106	

RULES INDEX

<u>import requirements</u>						
Agriculture and Food, Animal Industry	39423	R58-1	AMD	08/12/2015	2015-13/7	
<u>import restrictions</u>						
Natural Resources, Wildlife Resources	39217	R657-3	AMD	05/08/2015	2015-7/29	
<u>impound fee reimbursement</u>						
Public Safety, Driver License	39003	R708-50	NEW	02/09/2015	2015-1/38	
<u>improper attempts to influence</u>						
Judicial Performance Evaluation Commission, Administration	39268	R597-2	5YR	04/13/2015	2015-9/85	
<u>incentives</u>						
Education, Administration	39372	R277-417	NEW	07/08/2015	2015-11/55	
<u>income</u>						
Health, Health Care Financing, Coverage and Reimbursement Policy	39484	R414-304	AMD	09/01/2015	2015-14/77	
<u>income tax</u>						
Tax Commission, Auditing	39426	R865-9I-37	NSC	06/24/2015	Not Printed	
<u>independent contractor</u>						
Workforce Services, Unemployment Insurance	39239	R994-204	5YR	03/25/2015	2015-8/40	
<u>Indian affairs</u>						
Heritage and Arts, Indian Affairs	39721	R456-1	EXT	09/09/2015	2015-19/127	
<u>individual home booster pumps</u>						
Environmental Quality, Drinking Water	39193	R309-540	5YR	03/13/2015	2015-7/69	
<u>individual open enrollment period</u>						
Insurance, Administration	39520	R590-269	AMD	09/23/2015	2015-16/61	
<u>industry</u>						
Environmental Quality, Radiation Control	39017	R313-35	AMD	05/22/2015	2015-2/89	
	39017	R313-35	CPR	05/22/2015	2015-8/30	
	39276	R313-36-3	AMD	06/16/2015	2015-9/52	
<u>information technology for users with disabilities</u>						
Technology Services, Administration	39427	R895-14	NEW	08/07/2015	2015-13/52	
<u>injury</u>						
Health, Disease Control and Prevention, Epidemiology	39170	R386-703	AMD	05/15/2015	2015-7/24	
	39765	R386-703	5YR	09/23/2015	Not Printed	
<u>inmate transportation</u>						
Corrections, Administration	39498	R251-709	5YR	07/02/2015	2015-15/32	
<u>inmates</u>						
Pardons (Board Of), Administration	39093	R671-201	AMD	03/24/2015	2015-4/20	
	39107	R671-303-1	AMD	04/07/2015	2015-5/90	
<u>innovation</u>						
Governor, Economic Development	38944	R357-11	NEW	03/23/2015	2014-23/14	
	39534	R357-11	NSC	08/17/2015	Not Printed	
<u>inspections</u>						
Agriculture and Food, Animal Industry	39424	R58-22	AMD	08/12/2015	2015-13/15	
Agriculture and Food, Regulatory Services	39562	R70-910	5YR	08/05/2015	2015-17/99	
	39563	R70-950	5YR	08/05/2015	2015-17/99	
<u>Institutional Review Board</u>						
Human Services, Administration	39270	R495-820	NEW	06/18/2015	2015-9/57	

<u>insurance</u>					
Human Resource Management, Administration	39318	R477-6	AMD	07/01/2015	2015-10/51
Insurance, Administration	39147	R590-140	5YR	02/18/2015	2015-6/46
	39443	R590-162-3	AMD	08/26/2015	2015-13/26
	39030	R590-173	NSC	01/15/2015	Not Printed
	39650	R590-258	5YR	09/04/2015	2015-19/118
	39103	R590-271	NEW	06/22/2015	2015-4/19
	39103	R590-271	CPR	06/22/2015	2015-10/98
Natural Resources, Parks and Recreation	39140	R651-409	5YR	02/12/2015	2015-5/113
<u>insurance companies</u>					
Insurance, Administration	39444	R590-198-5	AMD	08/26/2015	2015-13/27
	39444	R590-198-5	CPR	08/26/2015	2015-14/133
<u>insurance continuing education</u>					
Insurance, Administration	38934	R590-142	AMD	01/12/2015	2014-23/25
<u>insurance internet portal</u>					
Insurance, Administration	39175	R590-256	5YR	03/10/2015	2015-7/75
<u>insurance law</u>					
Insurance, Administration	39651	R590-130	5YR	09/04/2015	2015-19/117
	39029	R590-130-7	NSC	01/15/2015	Not Printed
	39174	R590-164	5YR	03/10/2015	2015-7/74
	39038	R590-194	NSC	01/15/2015	Not Printed
<u>insurance licensing requirements</u>					
Insurance, Administration	38935	R590-244	AMD	01/12/2015	2014-23/31
<u>interconnection</u>					
Public Service Commission, Administration	39311	R746-312	5YR	04/29/2015	2015-10/107
<u>interest buy-downs</u>					
Environmental Quality, Drinking Water	39210	R309-700	5YR	03/13/2015	2015-7/72
<u>internal operating procedures</u>					
Judicial Performance Evaluation Commission, Administration	39268	R597-2	5YR	04/13/2015	2015-9/85
<u>internet facilitators</u>					
Commerce, Occupational and Professional Licensing	39298	R156-83	5YR	04/23/2015	2015-10/102
<u>interpreters</u>					
Education, Rehabilitation	38930	R280-203	AMD	01/02/2015	2014-22/22
Public Service Commission, Administration	39568	R746-510	5YR	08/11/2015	2015-17/105
<u>investigations</u>					
Human Services, Administration	39469	R495-890	5YR	06/29/2015	2015-14/142
Human Services, Child Protection Ombudsman (Office of)	39478	R515-1	5YR	06/30/2015	2015-14/143
<u>investment advisers</u>					
Commerce, Securities	39104	R164-2	5YR	02/02/2015	2015-4/37
Money Management Council, Administration	39347	R628-15	EXD	05/06/2015	2015-11/191
	39348	R628-15	EMR	05/06/2015	2015-11/180
	39396	R628-15	NEW	07/13/2015	2015-11/126
<u>iron and manganese control</u>					
Environmental Quality, Drinking Water	39192	R309-535	5YR	03/13/2015	2015-7/69
<u>irradiators</u>					
Environmental Quality, Radiation Control	39047	R313-34	AMD	05/05/2015	2015-2/87
<u>IT planning</u>					
Technology Services, Administration	39026	R895-6	AMD	05/05/2015	2015-2/104

RULES INDEX

<u>jail reimbursement</u>						
Governor, Criminal and Juvenile Justice (State Commission on)	39053	R356-1	EXT	01/02/2015	2015-3/75	
	39344	R356-1	EXD	05/05/2015	2015-11/191	
	39802	R356-1	EMR	10/01/2015	Not Printed	
<u>job creation</u>						
Governor, Economic Development	39526	R357-1	NSC	08/17/2015	Not Printed	
<u>job descriptions</u>						
Human Resource Management, Administration	39316	R477-3-1	AMD	07/01/2015	2015-10/47	
<u>jobs</u>						
Governor, Economic Development	39094	R357-3	R&R	04/13/2015	2015-4/12	
	39528	R357-3	NSC	08/17/2015	Not Printed	
<u>judges</u>						
Governor, Criminal and Juvenile Justice (State Commission on)	39466	R356-101	5YR	06/26/2015	2015-14/142	
Judicial Performance Evaluation Commission, Administration	39244	R597-3-2	AMD	05/27/2015	2015-8/13	
	39243	R597-3-3	AMD	05/27/2015	2015-8/15	
<u>Judicial Conduct Commission</u>						
Judicial Conduct Commission, Administration	39048	R595-1	5YR	01/02/2015	2015-3/71	
	39049	R595-2	5YR	01/02/2015	2015-3/72	
	39050	R595-3	5YR	01/02/2015	2015-3/72	
	39051	R595-4	5YR	01/02/2015	2015-3/73	
<u>judicial nominating commissions</u>						
Governor, Criminal and Juvenile Justice (State Commission on)	39466	R356-101	5YR	06/26/2015	2015-14/142	
<u>judicial performance evaluations</u>						
Judicial Performance Evaluation Commission, Administration	39244	R597-3-2	AMD	05/27/2015	2015-8/13	
	39243	R597-3-3	AMD	05/27/2015	2015-8/15	
<u>kinship</u>						
Human Services, Child and Family Services	39499	R512-500	AMD	09/08/2015	2015-15/16	
<u>land exchange</u>						
School and Institutional Trust Lands, Administration	39295	R850-90	NSC	05/11/2015	Not Printed	
<u>land managers</u>						
Environmental Quality, Air Quality	39114	R307-204	5YR	02/05/2015	2015-5/104	
<u>landowner permits</u>						
Natural Resources, Wildlife Resources	38995	R657-43	AMD	02/09/2015	2015-1/33	
<u>lead-based paint</u>						
Environmental Quality, Air Quality	39123	R307-841	5YR	02/05/2015	2015-5/109	
	39124	R307-842	5YR	02/05/2015	2015-5/110	
<u>lead-based paint abatement</u>						
Environmental Quality, Air Quality	39124	R307-842	5YR	02/05/2015	2015-5/110	
<u>lead-based paint renovation</u>						
Environmental Quality, Air Quality	39123	R307-841	5YR	02/05/2015	2015-5/109	
<u>lease operations</u>						
School and Institutional Trust Lands, Administration	39253	R850-24	5YR	04/01/2015	2015-8/38	
<u>lease provisions</u>						
School and Institutional Trust Lands, Administration	39250	R850-21	5YR	04/01/2015	2015-8/37	
	39251	R850-22	5YR	04/01/2015	2015-8/37	
	39254	R850-25	5YR	04/01/2015	2015-8/39	

	39255	R850-26	5YR	04/01/2015	2015-8/39
	39256	R850-27	5YR	04/01/2015	2015-8/40
<u>leave benefits</u>					
Human Resource Management, Administration	39319	R477-7	AMD	07/01/2015	2015-10/56
<u>liability</u>					
Natural Resources, Parks and Recreation	39140	R651-409	5YR	02/12/2015	2015-5/113
<u>license</u>					
Environmental Quality, Radiation Control	39280	R313-19-13	AMD	08/26/2015	2015-9/27
Public Safety, Criminal Investigations and Technical Services, Criminal Identification	39410	R722-330	AMD	07/22/2015	2015-12/27
<u>license certificate</u>					
Public Safety, Driver License	39182	R708-41	5YR	03/10/2015	2015-7/79
<u>license reinstatement</u>					
Education, Administration	39385	R277-203	NEW	07/08/2015	2015-11/47
<u>licenses</u>					
Education, Administration	39371	R277-520	5YR	05/15/2015	2015-11/185
	39379	R277-520	AMD	07/08/2015	2015-11/80
Environmental Quality, Radiation Control	38907	R313-19	AMD	02/17/2015	2014-21/18
	39280	R313-19-13	CPR	08/26/2015	2015-14/114
Public Safety, Criminal Investigations and Technical Services, Criminal Identification	39058	R722-330	5YR	01/07/2015	2015-3/74
<u>licensing</u>					
Commerce, Occupational and Professional Licensing	39056	R156-17b	5YR	01/05/2015	2015-3/69
	39018	R156-17b	AMD	02/24/2015	2015-2/51
	39306	R156-20a	5YR	04/27/2015	2015-10/101
	39351	R156-20a	AMD	07/09/2015	2015-11/20
	39092	R156-24b-302b	AMD	03/24/2015	2015-4/9
	39055	R156-26a-501	AMD	04/02/2015	2015-3/7
	39233	R156-28-304	AMD	05/27/2015	2015-8/6
	39132	R156-31b	AMD	04/07/2015	2015-5/10
	39615	R156-31b-103	NSC	09/11/2015	Not Printed
	38981	R156-31b-202	AMD	01/22/2015	2014-24/13
	38980	R156-31b-609	AMD	01/22/2015	2014-24/14
	39015	R156-37	AMD	02/24/2015	2015-2/80
	39020	R156-37f-102	AMD	02/24/2015	2015-2/84
	39176	R156-44a-609	AMD	05/11/2015	2015-7/2
	39428	R156-46a-502d	AMD	08/17/2015	2015-13/21
	39604	R156-46a-502d	NSC	09/11/2015	Not Printed
	38915	R156-47b	AMD	04/21/2015	2014-22/16
	38915	R156-47b	CPR	04/21/2015	2015-6/42
	39238	R156-47b-302a	AMD	05/28/2015	2015-8/7
	39737	R156-50	5YR	09/14/2015	2015-19/116
	39736	R156-55e	5YR	09/14/2015	2015-19/116
	39538	R156-60	AMD	09/21/2015	2015-16/9
	38979	R156-60a	AMD	01/22/2015	2014-24/15
	39519	R156-60c	AMD	09/28/2015	2015-16/11
	38964	R156-60d	AMD	01/22/2015	2014-24/17
	38957	R156-61	AMD	06/15/2015	2014-24/19
	38957	R156-61	CPR	06/15/2015	2015-9/80
	39293	R156-63a	AMD	06/22/2015	2015-10/22
	39368	R156-63a	AMD	07/23/2015	2015-11/22
	39294	R156-63b	AMD	06/22/2015	2015-10/24
	39369	R156-63b	AMD	07/23/2015	2015-11/25
	39177	R156-70a-302	AMD	05/27/2015	2015-7/3
	39151	R156-71-202	AMD	04/21/2015	2015-6/25
	39343	R156-72-102	AMD	07/09/2015	2015-11/28
	39350	R156-79	AMD	07/09/2015	2015-11/29
	39298	R156-83	5YR	04/23/2015	2015-10/102
Commerce, Real Estate	39249	R162-2c	5YR	03/31/2015	2015-8/33
	39477	R162-2c	AMD	09/04/2015	2015-14/26

RULES INDEX

	38999	R162-2c-201	AMD	02/10/2015	2015-1/8
Environmental Quality, Radiation Control	39276	R313-36-3	AMD	06/16/2015	2015-9/52
Human Services, Administration, Administrative Services, Licensing	39334	R501-1	AMD	07/01/2015	2015-10/72
	39333	R501-4	REP	06/29/2015	2015-10/76
	39358	R501-12	EMR	05/12/2015	2015-11/178
	39638	R501-12	EMR	09/04/2015	2015-19/110
	39778	R501-14	5YR	09/29/2015	Not Printed
	39258	R501-19	5YR	04/01/2015	2015-8/34
	39259	R501-20	5YR	04/01/2015	2015-8/35
	39260	R501-21	5YR	04/01/2015	2015-8/35
	39257	R501-22	5YR	04/01/2015	2015-8/36
<u>licensure</u>					
Professional Practices Advisory Commission, Administration	39391	R686-102	REP	07/08/2015	2015-11/146
<u>life insurance filings</u>					
Insurance, Administration	39031	R590-226-14	NSC	01/15/2015	Not Printed
<u>life sciences</u>					
Governor, Economic Development	39531	R357-6	NSC	08/17/2015	Not Printed
<u>lifeline rates</u>					
Public Service Commission, Administration	38936	R746-341-5	AMD	01/07/2015	2014-23/43
<u>limited-term license certificate</u>					
Public Safety, Driver License	39182	R708-41	5YR	03/10/2015	2015-7/79
<u>litigation support</u>					
Attorney General, Administration	39032	R105-1	AMD	03/26/2015	2015-2/34
	39099	R105-1	AMD	03/26/2015	2015-4/4
	39363	R105-1	EMR	05/12/2015	2015-11/171
	39364	R105-1	AMD	07/13/2015	2015-11/13
<u>livestock</u>					
Agriculture and Food, Animal Industry	39075	R58-7	5YR	01/13/2015	2015-3/67
	39073	R58-11	5YR	01/13/2015	2015-3/67
Natural Resources, Wildlife Resources	39559	R657-24	5YR	08/03/2015	2015-17/105
<u>loan origination</u>					
Commerce, Real Estate	39249	R162-2c	5YR	03/31/2015	2015-8/33
	39477	R162-2c	AMD	09/04/2015	2015-14/26
	38999	R162-2c-201	AMD	02/10/2015	2015-1/8
<u>loans</u>					
Environmental Quality, Drinking Water	39210	R309-700	5YR	03/13/2015	2015-7/72
	39211	R309-705	5YR	03/13/2015	2015-7/72
Environmental Quality, Water Quality	39512	R317-101	AMD	09/24/2015	2015-15/5
<u>lobbyist registration</u>					
Lieutenant Governor, Elections	39457	R623-1-4	AMD	08/24/2015	2015-14/103
<u>lobbyists</u>					
Lieutenant Governor, Elections	39457	R623-1-4	AMD	08/24/2015	2015-14/103
<u>local governments</u>					
Transportation, Program Development	39504	R926-8	5YR	07/07/2015	2015-15/35
	39505	R926-8	NSC	07/30/2015	Not Printed
<u>local health departments</u>					
Health, Administration	39173	R380-40	5YR	03/06/2015	2015-7/74
<u>long-term care alternatives</u>					
Human Services, Aging and Adult Services	39269	R510-400	AMD	06/30/2015	2015-9/64

<u>long-term care ombudsman</u>						
Human Services, Aging and Adult Services	39272	R510-100	AMD	06/30/2015	2015-9/62	
<u>low quality ground water</u>						
Environmental Quality, Drinking Water	39185	R309-505	5YR	03/13/2015	2015-7/65	
<u>MACT</u>						
Environmental Quality, Air Quality	39169	R307-214	AMD	06/04/2015	2015-7/19	
<u>MAGI-based</u>						
Health, Health Care Financing, Coverage and Reimbursement Policy	39413	R414-303-6	AMD	08/01/2015	2015-12/15	
	39165	R414-303-8	AMD	05/08/2015	2015-7/26	
<u>maintenance</u>						
Transportation, Operations, Maintenance	39004	R918-7	NEW	02/20/2015	2015-1/42	
	39150	R918-7	AMD	04/23/2015	2015-6/36	
Transportation, Operations, Traffic and Safety	39433	R920-8	NEW	08/07/2015	2015-13/54	
<u>mammography</u>						
Environmental Quality, Radiation Control	39016	R313-28-31	AMD	03/24/2015	2015-2/85	
<u>massage apprentice</u>						
Commerce, Occupational and Professional Licensing	38915	R156-47b	AMD	04/21/2015	2014-22/16	
	38915	R156-47b	CPR	04/21/2015	2015-6/42	
	39238	R156-47b-302a	AMD	05/28/2015	2015-8/7	
<u>massage therapist</u>						
Commerce, Occupational and Professional Licensing	38915	R156-47b	AMD	04/21/2015	2014-22/16	
	38915	R156-47b	CPR	04/21/2015	2015-6/42	
	39238	R156-47b-302a	AMD	05/28/2015	2015-8/7	
<u>massage therapy</u>						
Commerce, Occupational and Professional Licensing	38915	R156-47b	AMD	04/21/2015	2014-22/16	
	38915	R156-47b	CPR	04/21/2015	2015-6/42	
	39238	R156-47b-302a	AMD	05/28/2015	2015-8/7	
<u>match requirements</u>						
Human Services, Administration	39361	R495-861	AMD	07/16/2015	2015-11/116	
<u>material permits</u>						
School and Institutional Trust Lands, Administration	39253	R850-24	5YR	04/01/2015	2015-8/38	
<u>math teaching training</u>						
Education, Administration	39582	R277-498	5YR	08/13/2015	2015-17/103	
<u>measures</u>						
Agriculture and Food, Regulatory Services	39563	R70-950	5YR	08/05/2015	2015-17/99	
<u>meat inspections</u>						
Agriculture and Food, Animal Industry	39616	R58-13	EMR	08/25/2015	2015-18/131	
<u>Medicaid</u>						
Health, Health Care Financing, Coverage and Reimbursement Policy	39040	R414-1-5	AMD	03/02/2015	2015-2/90	
	39248	R414-1-5	AMD	06/01/2015	2015-8/8	
	39460	R414-1-5	AMD	09/16/2015	2015-14/70	
	39781	R414-1-5	EMR	10/01/2015	Not Printed	
	39452	R414-1-12	AMD	09/22/2015	2015-14/74	
	39341	R414-1B	AMD	07/01/2015	2015-10/32	
	39087	R414-6	REP	03/24/2015	2015-4/18	
	39543	R414-7C	REP	09/29/2015	2015-16/14	
	38952	R414-11	AMD	01/13/2015	2014-23/22	
	39142	R414-14A	AMD	04/07/2015	2015-5/53	
	39005	R414-19A	AMD	02/18/2015	2015-1/24	
	39264	R414-19A	5YR	04/07/2015	2015-9/84	
	39377	R414-33D	5YR	05/15/2015	2015-11/186	

RULES INDEX

	39131	R414-38	AMD	04/07/2015	2015-5/54
	39515	R414-40	5YR	07/16/2015	2015-16/81
	39356	R414-52	AMD	07/16/2015	2015-11/110
	39357	R414-53	AMD	07/16/2015	2015-11/111
	39556	R414-55	AMD	10/01/2015	2015-16/15
	39516	R414-59	5YR	07/16/2015	2015-16/81
	39782	R414-61-2	EMR	10/01/2015	Not Printed
	39483	R414-302-8	AMD	09/01/2015	2015-14/76
	39145	R414-309	5YR	02/18/2015	2015-6/45
	38984	R414-310-7	AMD	02/01/2015	2014-24/32
	39299	R414-401-3	AMD	07/01/2015	2015-10/37
	39517	R414-506	5YR	07/16/2015	2015-16/82
	39332	R414-507	NEW	07/01/2015	2015-10/38
	39553	R414-510	AMD	09/29/2015	2015-16/17
<u>medical records</u>					
Corrections, Administration	39541	R251-102	5YR	07/23/2015	2015-16/79
<u>medical transportation</u>					
Health, Health Care Financing, Coverage and Reimbursement Policy	39414	R414-306-2	AMD	08/01/2015	2015-12/16
<u>medical use advisory committee</u>					
Environmental Quality, Radiation Control	39283	R313-27	NEW	07/09/2015	2015-9/51
<u>medical use of radiation</u>					
Environmental Quality, Radiation Control	39283	R313-27	NEW	07/09/2015	2015-9/51
<u>membrane technology</u>					
Environmental Quality, Drinking Water	39191	R309-530	5YR	03/13/2015	2015-7/68
<u>mental health</u>					
Commerce, Occupational and Professional Licensing	39538	R156-60	AMD	09/21/2015	2015-16/9
	39519	R156-60c	AMD	09/28/2015	2015-16/11
Corrections, Administration	39539	R251-109	5YR	07/23/2015	2015-16/80
<u>meth lab contractor certification</u>					
Environmental Quality, Environmental Response and Remediation	39146	R311-500	5YR	02/18/2015	2015-6/45
<u>methamphetamine decontamination</u>					
Health, Disease Control and Prevention, Environmental Services	39159	R392-600	EXD	02/26/2015	2015-6/49
	39161	R392-600	NEW	05/01/2015	2015-6/27
<u>midwifery</u>					
Commerce, Occupational and Professional Licensing	39176	R156-44a-609	AMD	05/11/2015	2015-7/2
<u>migratory birds</u>					
Natural Resources, Wildlife Resources	39435	R657-9	AMD	08/07/2015	2015-13/29
<u>mineral classification</u>					
School and Institutional Trust Lands, Administration	39254	R850-25	5YR	04/01/2015	2015-8/39
<u>mineral leases</u>					
School and Institutional Trust Lands, Administration	39253	R850-24	5YR	04/01/2015	2015-8/38
<u>mineral resources</u>					
School and Institutional Trust Lands, Administration	39253	R850-24	5YR	04/01/2015	2015-8/38
<u>minimum sizing</u>					
Environmental Quality, Drinking Water	39186	R309-510	5YR	03/13/2015	2015-7/66
	39399	R309-510	AMD	07/15/2015	2015-11/92
<u>mining</u>					
Environmental Quality, Air Quality	39115	R307-205	5YR	02/05/2015	2015-5/105

<u>minors</u>						
Commerce, Consumer Protection	39282	R152-39	5YR	04/15/2015	2015-9/83	
<u>miscellaneous treatment</u>						
Environmental Quality, Drinking Water	39192	R309-535	5YR	03/13/2015	2015-7/69	
<u>mobility vehicle permits</u>						
Public Safety, Driver License	39043	R708-51	NEW	02/25/2015	2015-2/97	
<u>mobility vehicles</u>						
Public Safety, Driver License	39043	R708-51	NEW	02/25/2015	2015-2/97	
<u>monitoring</u>						
Environmental Quality, Radiation Control	39275	R313-24-4	AMD	06/16/2015	2015-9/49	
<u>motion picture</u>						
Governor, Economic Development	39530	R357-5	NSC	08/17/2015	Not Printed	
<u>motor vehicle record</u>						
Public Safety, Driver License	39178	R708-36	5YR	03/10/2015	2015-7/77	
<u>motor vehicles</u>						
Commerce, Administration	39034	R151-14-3	AMD	02/24/2015	2015-2/49	
Environmental Quality, Air Quality	39353	R307-121	AMD	09/03/2015	2015-11/86	
<u>multiple stage bidding</u>						
Administrative Services, Purchasing and General Services	38975	R33-6-101	AMD	01/28/2015	2014-24/5	
	39366	R33-6-109	AMD	07/09/2015	2015-11/5	
<u>municipalities</u>						
Governor, Energy Development (Office of)	38931	R362-3	AMD	01/07/2015	2014-22/24	
<u>mutual funds</u>						
Commerce, Securities	38926	R164-15-2	AMD	03/10/2015	2014-22/20	
<u>Native American remains</u>						
Heritage and Arts, Indian Affairs	39721	R456-1	EXT	09/09/2015	2015-19/127	
<u>naturopathic physician</u>						
Commerce, Occupational and Professional Licensing	39151	R156-71-202	AMD	04/21/2015	2015-6/25	
<u>naturopaths</u>						
Commerce, Occupational and Professional Licensing	39151	R156-71-202	AMD	04/21/2015	2015-6/25	
<u>NESHAP</u>						
Environmental Quality, Air Quality	39169	R307-214	AMD	06/04/2015	2015-7/19	
<u>new market tax credit</u>						
Governor, Economic Development	39346	R357-10	NEW	07/08/2015	2015-11/105	
<u>new source review</u>						
Environmental Quality, Air Quality	39168	R307-210	AMD	06/04/2015	2015-7/17	
<u>new state revenue</u>						
Governor, Economic Development	39530	R357-5	NSC	08/17/2015	Not Printed	
	39531	R357-6	NSC	08/17/2015	Not Printed	
<u>newborn screening</u>						
Health, Family Health and Preparedness, Children with Special Health Care Needs	39054	R398-1	AMD	06/01/2015	2015-3/26	
<u>noncompliance</u>						
Education, Administration	39335	R277-114	5YR	05/01/2015	2015-10/104	
	39285	R277-114	R&R	06/08/2015	2015-9/10	

RULES INDEX

<u>nonpublic schools</u>					
Education, Administration	39485	R277-410	5YR	07/01/2015	2015-14/140
	39490	R277-410	AMD	08/26/2015	2015-14/43
<u>nontraditional learning programs</u>					
Education, Administration	39373	R277-418	NEW	07/08/2015	2015-11/57
<u>notification</u>					
Corrections, Administration	39608	R251-110	5YR	08/21/2015	2015-18/134
<u>notification requirements</u>					
Commerce, Real Estate	39572	R162-2f	5YR	08/12/2015	2015-17/101
	38972	R162-2f-206	AMD	01/21/2015	2014-24/28
	39305	R162-2f-401j	AMD	06/22/2015	2015-10/25
<u>nurseries (agriculture)</u>					
Agriculture and Food, Plant Industry	39548	R68-6	5YR	07/29/2015	2015-16/79
<u>nurses</u>					
Commerce, Occupational and Professional Licensing	39132	R156-31b	AMD	04/07/2015	2015-5/10
	39615	R156-31b-103	NSC	09/11/2015	Not Printed
	38981	R156-31b-202	AMD	01/22/2015	2014-24/13
	38980	R156-31b-609	AMD	01/22/2015	2014-24/14
<u>nursing facility</u>					
Health, Health Care Financing, Coverage and Reimbursement Policy	39299	R414-401-3	AMD	07/01/2015	2015-10/37
<u>offender employment</u>					
Corrections, Administration	39540	R251-301	5YR	07/23/2015	2015-16/80
<u>OHV education standards</u>					
Natural Resources, Parks and Recreation	39088	R651-412	5YR	01/22/2015	2015-4/38
<u>oil and gas law</u>					
Natural Resources, Oil, Gas and Mining; Oil and Gas	39028	R649-3	AMD	02/26/2015	2015-2/95
<u>oil gas and hydrocarbons</u>					
School and Institutional Trust Lands, Administration	39250	R850-21	5YR	04/01/2015	2015-8/37
<u>oil shale</u>					
School and Institutional Trust Lands, Administration	39251	R850-22	5YR	04/01/2015	2015-8/37
<u>ombudsman</u>					
Human Services, Child Protection Ombudsman (Office of)	39478	R515-1	5YR	06/30/2015	2015-14/143
<u>online prescribing</u>					
Commerce, Occupational and Professional Licensing	39298	R156-83	5YR	04/23/2015	2015-10/102
<u>onsite wastewater systems</u>					
Environmental Quality, Water Quality	39106	R317-4	5YR	02/03/2015	2015-5/111
<u>open and public meetings</u>					
Governor, Economic Development	39510	R357-14	NEW	09/10/2015	2015-15/13
<u>open burning</u>					
Environmental Quality, Air Quality	39113	R307-202	5YR	02/05/2015	2015-5/103
<u>open government</u>					
Administrative Services, Administrative Rules	39727	R15-2	5YR	09/11/2015	2015-19/113
<u>opening and closing dates</u>					
Workforce Services, Administration	39441	R982-402-8	AMD	08/11/2015	2015-13/56
<u>operation and maintenance</u>					
Environmental Quality, Drinking Water	39189	R309-520	5YR	03/13/2015	2015-7/67

<u>operation and maintenance requirements</u>					
Environmental Quality, Drinking Water	39184	R309-500	5YR	03/13/2015	2015-7/65
	39076	R309-500	AMD	07/15/2015	2015-3/16
	39076	R309-500	CPR	07/15/2015	2015-11/166
<u>operational requirements</u>					
Commerce, Real Estate	39572	R162-2f	5YR	08/12/2015	2015-17/101
	38972	R162-2f-206	AMD	01/21/2015	2014-24/28
	39305	R162-2f-401j	AMD	06/22/2015	2015-10/25
<u>operations</u>					
School and Institutional Trust Lands, Administration	39250	R850-21	5YR	04/01/2015	2015-8/37
<u>operator certification</u>					
Environmental Quality, Water Quality	39105	R317-10-8	AMD	04/29/2015	2015-4/10
<u>optometry</u>					
Health, Health Care Financing, Coverage and Reimbursement Policy	39356	R414-52	AMD	07/16/2015	2015-11/110
<u>organ transplants</u>					
Health, Family Health and Preparedness, Children with Special Health Care Needs	39133	R398-30	NEW	04/20/2015	2015-5/49
Health, Health Care Financing, Coverage and Reimbursement Policy	39134	R414-10B	REP	04/20/2015	2015-5/51
<u>out of school time child care programs</u>					
Health, Child Care Center Licensing Committee	39129	R381-70	NEW	05/01/2015	2015-5/25
Health, Family Health and Preparedness, Child Care Licensing	39126	R430-70	REP	05/01/2015	2015-5/66
<u>out-of-home care</u>					
Human Services, Child and Family Services	39537	R512-308	5YR	07/22/2015	2015-16/84
<u>outfitters</u>					
Commerce, Occupational and Professional Licensing	39350	R156-79	AMD	07/09/2015	2015-11/29
<u>outpatient treatment programs</u>					
Human Services, Administration, Administrative Services, Licensing	39260	R501-21	5YR	04/01/2015	2015-8/35
<u>outside counsel</u>					
Attorney General, Administration	39032	R105-1	AMD	03/26/2015	2015-2/34
	39099	R105-1	AMD	03/26/2015	2015-4/4
	39363	R105-1	EMR	05/12/2015	2015-11/171
	39364	R105-1	AMD	07/13/2015	2015-11/13
<u>overflow and drains</u>					
Environmental Quality, Drinking Water	39194	R309-545	5YR	03/13/2015	2015-7/70
<u>overtime</u>					
Human Resource Management, Administration	39320	R477-8-3	AMD	07/01/2015	2015-10/64
<u>ozone</u>					
Environmental Quality, Air Quality	39167	R307-110-17	AMD	06/04/2015	2015-7/14
	39166	R307-110-28	AMD	06/04/2015	2015-7/15
<u>paint</u>					
Environmental Quality, Air Quality	39123	R307-841	5YR	02/05/2015	2015-5/109
	39124	R307-842	5YR	02/05/2015	2015-5/110
<u>parades</u>					
Transportation, Operations, Traffic and Safety	39095	R920-4	EMR	01/29/2015	2015-4/33
<u>parent/guardian</u>					
Education, Administration	39079	R277-468	NEW	03/10/2015	2015-3/14

RULES INDEX

<u>parking facilities</u>						
Regents (Board Of), University of Utah, Commuter Services	39224	R810-1	AMD	05/19/2015	2015-7/44	
	39225	R810-2	AMD	05/19/2015	2015-7/46	
	39226	R810-5	AMD	05/19/2015	2015-7/47	
	39227	R810-6	AMD	05/19/2015	2015-7/48	
	39228	R810-8	AMD	05/19/2015	2015-7/49	
	39229	R810-9	AMD	05/19/2015	2015-7/50	
	39230	R810-10	AMD	05/19/2015	2015-7/50	
	39231	R810-11	AMD	05/19/2015	2015-7/51	
<u>Parkinson's disease</u>						
Health, Disease Control and Prevention, Health Promotion	39052	R384-300	NEW	03/12/2015	2015-3/24	
<u>parks</u>						
Natural Resources, Parks and Recreation	39140	R651-409	5YR	02/12/2015	2015-5/113	
	39088	R651-412	5YR	01/22/2015	2015-4/38	
	39497	R651-602	AMD	08/28/2015	2015-14/105	
	39089	R651-634	5YR	01/22/2015	2015-4/39	
	39141	R651-635	5YR	02/12/2015	2015-5/113	
<u>parole</u>						
Pardons (Board Of), Administration	39093	R671-201	AMD	03/24/2015	2015-4/20	
	39544	R671-204	EMR	07/27/2015	2015-16/77	
	39545	R671-204	NEW	10/01/2015	2015-16/63	
	39420	R671-205	AMD	08/11/2015	2015-13/43	
	39547	R671-205	NSC	08/17/2015	Not Printed	
	39107	R671-303-1	AMD	04/07/2015	2015-5/90	
	39794	R671-405	EMR	10/01/2015	Not Printed	
<u>particulate</u>						
Environmental Quality, Air Quality	39120	R307-307	5YR	02/05/2015	2015-5/108	
<u>particulate matter</u>						
Environmental Quality, Air Quality	39118	R307-305	5YR	02/05/2015	2015-5/107	
<u>partnering</u>						
Transportation, Program Development	39504	R926-8	5YR	07/07/2015	2015-15/35	
	39505	R926-8	NSC	07/30/2015	Not Printed	
<u>past-due support</u>						
Human Services, Recovery Services	39262	R527-254	NEW	06/09/2015	2015-9/74	
<u>patriotic education</u>						
Education, Administration	39338	R277-475	5YR	05/01/2015	2015-10/105	
	39288	R277-475	AMD	06/08/2015	2015-9/16	
<u>payers</u>						
Health, Center for Health Data, Health Care Statistics	39247	R428-15	NSC	04/07/2015	Not Printed	
<u>pedestrians</u>						
Transportation, Operations, Traffic and Safety	39481	R920-1	AMD	08/24/2015	2015-14/108	
<u>peer review</u>						
Commerce, Occupational and Professional Licensing	39055	R156-26a-501	AMD	04/02/2015	2015-3/7	
<u>penalties</u>						
Environmental Quality, Drinking Water	39208	R309-400	5YR	03/13/2015	2015-7/64	
	39209	R309-405	5YR	03/13/2015	2015-7/64	
<u>per diem allowances</u>						
Administrative Services, Finance	39301	R25-7	AMD	06/22/2015	2015-10/6	
	39160	R25-25-7	AMD	04/21/2015	2015-6/10	

<u>performance standards</u>						
Health, Administration	39173	R380-40	5YR	03/06/2015	2015-7/74	
<u>permit provisions</u>						
School and Institutional Trust Lands, Administration	39252	R850-23	5YR	04/01/2015	2015-8/38	
<u>permit terms</u>						
School and Institutional Trust Lands, Administration	39254	R850-25	5YR	04/01/2015	2015-8/39	
<u>permits</u>						
Environmental Quality, Air Quality	38901	R307-401-19	AMD	02/05/2015	2014-21/16	
Environmental Quality, Drinking Water	39184	R309-500	5YR	03/13/2015	2015-7/65	
	39076	R309-500	AMD	07/15/2015	2015-3/16	
	39076	R309-500	CPR	07/15/2015	2015-11/166	
Natural Resources, Forestry, Fire and State Lands	39314	R652-70	AMD	07/06/2015	2015-10/88	
Natural Resources, Wildlife Resources	39066	R657-42	AMD	03/16/2015	2015-3/42	
	39068	R657-57	AMD	03/16/2015	2015-3/48	
	39070	R657-62	AMD	03/16/2015	2015-3/52	
<u>personnel files</u>						
Labor Commission, Antidiscrimination and Labor, Antidiscrimination	39245	R606-6	5YR	03/30/2015	2015-8/36	
<u>personnel management</u>						
Human Resource Management, Administration	39324	R477-1	AMD	07/01/2015	2015-10/39	
	39318	R477-6	AMD	07/01/2015	2015-10/51	
	39321	R477-9-4	NSC	05/11/2015	Not Printed	
<u>pharmacies</u>						
Commerce, Occupational and Professional Licensing	39056	R156-17b	5YR	01/05/2015	2015-3/69	
	39018	R156-17b	AMD	02/24/2015	2015-2/51	
<u>pharmacists</u>						
Commerce, Occupational and Professional Licensing	39056	R156-17b	5YR	01/05/2015	2015-3/69	
	39018	R156-17b	AMD	02/24/2015	2015-2/51	
<u>physical therapist assistants</u>						
Commerce, Occupational and Professional Licensing	39092	R156-24b-302b	AMD	03/24/2015	2015-4/9	
<u>physical therapists</u>						
Commerce, Occupational and Professional Licensing	39092	R156-24b-302b	AMD	03/24/2015	2015-4/9	
<u>physical therapy</u>						
Commerce, Occupational and Professional Licensing	39092	R156-24b-302b	AMD	03/24/2015	2015-4/9	
<u>physician assistants</u>						
Commerce, Occupational and Professional Licensing	39177	R156-70a-302	AMD	05/27/2015	2015-7/3	
<u>physicians</u>						
Health, Family Health and Preparedness, Primary Care and Rural Health	39342	R434-100	5YR	05/04/2015	2015-11/187	
Health, Health Care Financing, Coverage and Reimbursement Policy	39341	R414-1B	AMD	07/01/2015	2015-10/32	
Public Safety, Driver License	39072	R708-7	AMD	03/10/2015	2015-3/55	
<u>plan of operations</u>						
School and Institutional Trust Lands, Administration	39255	R850-26	5YR	04/01/2015	2015-8/39	
	39256	R850-27	5YR	04/01/2015	2015-8/40	
<u>plan review</u>						
Environmental Quality, Drinking Water	39184	R309-500	5YR	03/13/2015	2015-7/65	
	39076	R309-500	AMD	07/15/2015	2015-3/16	
	39076	R309-500	CPR	07/15/2015	2015-11/166	
<u>plant diseases</u>						
Agriculture and Food, Plant Industry	39507	R68-10	5YR	07/10/2015	2015-15/31	
	39408	R68-12	5YR	05/21/2015	2015-12/33	

RULES INDEX

<u>plants</u>						
School and Institutional Trust Lands, Administration	39309	R850-150	NEW	06/22/2015	2015-10/92	
<u>PM10</u>						
Environmental Quality, Air Quality	39167	R307-110-17	AMD	06/04/2015	2015-7/14	
	39166	R307-110-28	AMD	06/04/2015	2015-7/15	
	39111	R307-201	5YR	02/05/2015	2015-5/103	
	39116	R307-206	5YR	02/05/2015	2015-5/105	
	39118	R307-305	5YR	02/05/2015	2015-5/107	
	39119	R307-306	5YR	02/05/2015	2015-5/107	
	39122	R307-310	5YR	02/05/2015	2015-5/109	
	38997	R307-311	NEW	03/05/2015	2015-1/22	
<u>PM2.5</u>						
Environmental Quality, Air Quality	39167	R307-110-17	AMD	06/04/2015	2015-7/14	
	39166	R307-110-28	AMD	06/04/2015	2015-7/15	
	39118	R307-305	5YR	02/05/2015	2015-5/107	
<u>policy</u>						
Capitol Preservation Board (State), Administration	39266	R131-9	EXD	04/08/2015	2015-9/87	
<u>position classifications</u>						
Human Resource Management, Administration	39316	R477-3-1	AMD	07/01/2015	2015-10/47	
<u>poultry</u>						
Agriculture and Food, Animal Industry	39073	R58-11	5YR	01/13/2015	2015-3/67	
<u>precedent</u>						
Commerce, Securities	39300	R164-32	NEW	06/22/2015	2015-10/26	
<u>presumptive eligibility</u>						
Health, Health Care Financing, Coverage and Reimbursement Policy	39413	R414-303-6	AMD	08/01/2015	2015-12/15	
	39165	R414-303-8	AMD	05/08/2015	2015-7/26	
<u>primary care</u>						
Health, Health Care Financing, Coverage and Reimbursement Policy	38984	R414-310-7	AMD	02/01/2015	2014-24/32	
<u>primary disinfectants</u>						
Environmental Quality, Drinking Water	39189	R309-520	5YR	03/13/2015	2015-7/67	
<u>prison release</u>						
Pardons (Board Of), Administration	39420	R671-205	AMD	08/11/2015	2015-13/43	
	39547	R671-205	NSC	08/17/2015	Not Printed	
<u>prisons</u>						
Corrections, Administration	39498	R251-709	5YR	07/02/2015	2015-15/32	
<u>privacy</u>						
Public Safety, Driver License	39178	R708-36	5YR	03/10/2015	2015-7/77	
<u>private activity bonds</u>						
Governor, Economic Development	39263	R357-8	NEW	07/08/2015	2015-9/53	
<u>private investigators</u>						
Public Safety, Criminal Investigations and Technical Services, Criminal Identification	39058	R722-330	5YR	01/07/2015	2015-3/74	
	39410	R722-330	AMD	07/22/2015	2015-12/27	
<u>private investigators licenses</u>						
Public Safety, Criminal Investigations and Technical Services, Criminal Identification	38947	R722-330	AMD	01/07/2015	2014-23/40	
<u>private probation provider</u>						
Commerce, Occupational and Professional Licensing	39737	R156-50	5YR	09/14/2015	2015-19/116	

<u>Private Proposal Program</u>					
Governor, Economic Development	39529	R357-4	NSC	08/17/2015	Not Printed
<u>private security officers</u>					
Commerce, Occupational and Professional Licensing	39293	R156-63a	AMD	06/22/2015	2015-10/22
	39368	R156-63a	AMD	07/23/2015	2015-11/22
<u>probation</u>					
Commerce, Occupational and Professional Licensing	39737	R156-50	5YR	09/14/2015	2015-19/116
<u>procurement</u>					
Administrative Services, Facilities Construction and Management	39033	R23-1	R&R	03/03/2015	2015-2/4
	39642	R23-1-1504	NSC	09/30/2015	Not Printed
	39061	R23-2	REP	03/16/2015	2015-3/4
Governor, Economic Development	39529	R357-4	NSC	08/17/2015	Not Printed
Regents (Board Of), Administration	39010	R765-571	NEW	04/28/2015	2015-1/39
<u>procurement rules</u>					
Administrative Services, Purchasing and General Services	39271	R33-26	AMD	06/10/2015	2015-9/4
	39042	R33-26-202	AMD	03/31/2015	2015-2/33
	39454	R33-26-202	AMD	08/21/2015	2015-14/11
<u>professional</u>					
Education, Administration	39290	R277-517-5	AMD	06/08/2015	2015-9/19
<u>professional competency</u>					
Education, Administration	39378	R277-502	AMD	07/08/2015	2015-11/75
<u>professional conduct</u>					
Commerce, Real Estate	39292	R162-57a	5YR	04/21/2015	2015-10/103
<u>professional education</u>					
Education, Administration	39008	R277-504	AMD	02/09/2015	2015-1/13
	39219	R277-504	AMD	05/08/2015	2015-7/8
<u>professional learning</u>					
Education, Administration	39486	R277-500	5YR	07/01/2015	2015-14/141
	39491	R277-500	AMD	08/26/2015	2015-14/46
<u>professional practices</u>					
Education, Administration	39382	R277-200	NEW	07/08/2015	2015-11/33
<u>program</u>					
Capitol Preservation Board (State), Administration	39266	R131-9	EXD	04/08/2015	2015-9/87
<u>program benefits</u>					
Health, Health Care Financing, Coverage and Reimbursement Policy	39414	R414-306-2	AMD	08/01/2015	2015-12/16
<u>programs</u>					
Education, Administration	39335	R277-114	5YR	05/01/2015	2015-10/104
	39285	R277-114	R&R	06/08/2015	2015-9/10
<u>property tax</u>					
Auditor, Administration	39136	R123-6	AMD	04/08/2015	2015-5/8
<u>protests</u>					
Administrative Services, Purchasing and General Services	39470	R33-16	AMD	08/21/2015	2015-14/9
	38978	R33-16-401	AMD	01/28/2015	2014-24/12
<u>psychologists</u>					
Commerce, Occupational and Professional Licensing	38957	R156-61	AMD	06/15/2015	2014-24/19
	38957	R156-61	CPR	06/15/2015	2015-9/80

RULES INDEX

<u>public assistance</u>						
Workforce Services, Employment Development	39649	R986-900	5YR	09/03/2015	2015-19/124	
	39557	R986-900-902	AMD	10/01/2015	2015-16/64	
<u>public buildings</u>						
Administrative Services, Facilities Construction and Management	39033	R23-1	R&R	03/03/2015	2015-2/4	
Capitol Preservation Board (State), Administration	39642	R23-1-1504	NSC	09/30/2015	Not Printed	
	39025	R131-2	AMD	02/24/2015	2015-2/41	
<u>public information</u>						
Human Resource Management, Administration	39315	R477-2	AMD	07/01/2015	2015-10/44	
Technology Services, Administration	39724	R895-1	5YR	09/11/2015	2015-19/119	
	39725	R895-1	NSC	09/30/2015	Not Printed	
<u>public investments</u>						
Money Management Council, Administration	39347	R628-15	EXD	05/06/2015	2015-11/191	
	39348	R628-15	EMR	05/06/2015	2015-11/180	
	39396	R628-15	NEW	07/13/2015	2015-11/126	
<u>public notification</u>						
Environmental Quality, Drinking Water	39204	R309-220	5YR	03/13/2015	2015-7/62	
<u>public schools</u>						
Education, Administration	39485	R277-410	5YR	07/01/2015	2015-14/140	
	39490	R277-410	AMD	08/26/2015	2015-14/43	
	39376	R277-490	AMD	07/08/2015	2015-11/72	
<u>public utilities</u>						
Public Service Commission, Administration	39234	R746-100-3	AMD	05/27/2015	2015-8/19	
	39235	R746-100-11	AMD	05/27/2015	2015-8/21	
	39246	R746-200-7	AMD	05/27/2015	2015-8/22	
	39311	R746-312	5YR	04/29/2015	2015-10/107	
	39367	R746-360	AMD	07/08/2015	2015-11/155	
<u>pumps</u>						
Environmental Quality, Drinking Water	39193	R309-540	5YR	03/13/2015	2015-7/69	
<u>pupil accounting</u>						
Education, Administration	39374	R277-419	AMD	07/08/2015	2015-11/58	
<u>purchasing</u>						
Governor, Economic Development	39529	R357-4	NSC	08/17/2015	Not Printed	
<u>quality control</u>						
Agriculture and Food, Regulatory Services	39223	R70-101	5YR	03/16/2015	2015-7/57	
	39407	R70-101	R&R	07/22/2015	2015-12/6	
<u>quality standards</u>						
Environmental Quality, Drinking Water	39200	R309-200	5YR	03/13/2015	2015-7/60	
<u>quarantines</u>						
Agriculture and Food, Animal Industry	39422	R58-2	AMD	08/12/2015	2015-13/14	
<u>rabbits</u>						
Natural Resources, Wildlife Resources	39431	R657-6	5YR	06/08/2015	2015-13/63	
<u>racers</u>						
Transportation, Operations, Traffic and Safety	39095	R920-4	EMR	01/29/2015	2015-4/33	
<u>radiation</u>						
Environmental Quality, Radiation Control	39047	R313-34	AMD	05/05/2015	2015-2/87	
<u>radiation safety</u>						
Environmental Quality, Radiation Control	39047	R313-34	AMD	05/05/2015	2015-2/87	

<u>radioactive material</u>					
Environmental Quality, Radiation Control	39277	R313-12-3	AMD	06/16/2015	2015-9/21
	39274	R313-19-34	AMD	06/16/2015	2015-9/32
	39276	R313-36-3	AMD	06/16/2015	2015-9/52
	38908	R313-37	NEW	06/29/2015	2014-21/21
	38908	R313-37	CPR	06/29/2015	2015-5/98
<u>radioactive material license</u>					
Environmental Quality, Radiation Control	39274	R313-19-34	AMD	06/16/2015	2015-9/32
<u>radioactive materials</u>					
Environmental Quality, Radiation Control	39082	R313-15-1208	AMD	03/17/2015	2015-3/21
	39278	R313-21-22	AMD	08/26/2015	2015-9/34
	39278	R313-21-22	CPR	08/26/2015	2015-14/118
	39279	R313-22	AMD	08/26/2015	2015-9/40
	39279	R313-22	CPR	08/26/2015	2015-14/124
	39083	R313-38-3	AMD	03/17/2015	2015-3/22
<u>range management</u>					
School and Institutional Trust Lands, Administration	39429	R850-50	AMD	08/11/2015	2015-13/48
<u>real estate business</u>					
Commerce, Real Estate	39572	R162-2f	5YR	08/12/2015	2015-17/101
	38972	R162-2f-206	AMD	01/21/2015	2014-24/28
	39305	R162-2f-401j	AMD	06/22/2015	2015-10/25
<u>reciprocity</u>					
Environmental Quality, Radiation Control	38907	R313-19	AMD	02/17/2015	2014-21/18
	39280	R313-19-13	AMD	08/26/2015	2015-9/27
	39280	R313-19-13	CPR	08/26/2015	2015-14/114
<u>records</u>					
Education, Administration	38956	R277-487	AMD	01/07/2015	2014-23/6
	39375	R277-487	AMD	07/08/2015	2015-11/67
Pardons (Board Of), Administration	39107	R671-303-1	AMD	04/07/2015	2015-5/90
<u>records appeal hearings</u>					
Administrative Services, Records Committee	39400	R35-1	AMD	07/31/2015	2015-11/7
	39401	R35-2	AMD	07/31/2015	2015-11/9
	39402	R35-4	AMD	07/31/2015	2015-11/10
	39403	R35-5	AMD	07/31/2015	2015-11/11
	39404	R35-6	AMD	07/31/2015	2015-11/12
<u>recreation</u>					
Natural Resources, Wildlife Resources	39064	R657-38	AMD	03/16/2015	2015-3/39
<u>redeemable coupon program</u>					
Public Safety, Criminal Investigations and Technical Services, Criminal Identification	39019	R722-370	NEW	02/24/2015	2015-2/100
<u>refugee resettlement programs</u>					
Workforce Services, Employment Development	39643	R986-300	5YR	09/03/2015	2015-19/121
<u>regionalization</u>					
Environmental Quality, Drinking Water	39212	R309-800	5YR	03/13/2015	2015-7/73
<u>registration</u>					
Commerce, Consumer Protection	39525	R152-22-3	AMD	09/21/2015	2015-16/7
	39524	R152-49	NEW	09/21/2015	2015-16/8
Commerce, Real Estate	39291	R162-2e	5YR	04/17/2015	2015-10/102
	38971	R162-2e-401	AMD	01/28/2015	2014-24/26
	39292	R162-57a	5YR	04/21/2015	2015-10/103
<u>registry</u>					
Health, Disease Control and Prevention, Health Promotion	39052	R384-300	NEW	03/12/2015	2015-3/24

RULES INDEX

<u>regulated contaminants</u>						
Environmental Quality, Drinking Water	39200	R309-200	5YR	03/13/2015	2015-7/60	
<u>rehabilitation</u>						
Education, Rehabilitation	39220	R280-200	AMD	05/08/2015	2015-7/13	
<u>reinstatement</u>						
Professional Practices Advisory Commission, Administration	39391	R686-102	REP	07/08/2015	2015-11/146	
<u>renewable energy facilities</u>						
Public Service Commission, Administration	39311	R746-312	5YR	04/29/2015	2015-10/107	
<u>renewals</u>						
Environmental Quality, Water Quality	39105	R317-10-8	AMD	04/29/2015	2015-4/10	
<u>reporting</u>						
Health, Family Health and Preparedness, Emergency Medical Services	39468	R426-9	AMD	08/21/2015	2015-14/87	
<u>reporting requirements and procedures</u>						
Health, Disease Control and Prevention, Health Promotion	39052	R384-300	NEW	03/12/2015	2015-3/24	
<u>reports</u>						
Education, Administration	39384	R277-202	NEW	07/08/2015	2015-11/41	
Professional Practices Advisory Commission, Administration	39390	R686-101	REP	07/08/2015	2015-11/139	
	39222	R686-101-14	AMD	05/08/2015	2015-7/43	
<u>request for proposals</u>						
Administrative Services, Purchasing and General Services	38976	R33-7	AMD	01/28/2015	2014-24/6	
	39513	R33-7	NSC	07/30/2015	Not Printed	
	39365	R33-7-702	AMD	07/09/2015	2015-11/6	
	39432	R33-7-702	AMD	08/07/2015	2015-13/6	
<u>research</u>						
Agriculture and Food, Plant Industry	39148	R68-22	NEW	04/22/2015	2015-6/14	
Human Services, Administration	39270	R495-820	NEW	06/18/2015	2015-9/57	
<u>residency requirements</u>						
Workforce Services, Administration	39441	R982-402-8	AMD	08/11/2015	2015-13/56	
<u>residential</u>						
Environmental Quality, Air Quality	39117	R307-207	5YR	02/05/2015	2015-5/106	
<u>residential mortgage</u>						
Commerce, Real Estate	39249	R162-2c	5YR	03/31/2015	2015-8/33	
	39477	R162-2c	AMD	09/04/2015	2015-14/26	
	38999	R162-2c-201	AMD	02/10/2015	2015-1/8	
<u>resorts</u>						
Alcoholic Beverage Control, Administration	39059	R81-4E	5YR	01/08/2015	2015-3/69	
<u>rest areas</u>						
Transportation, Operations, Maintenance	39004	R918-7	NEW	02/20/2015	2015-1/42	
	39150	R918-7	AMD	04/23/2015	2015-6/36	
<u>reverse auction</u>						
Administrative Services, Purchasing and General Services	38975	R33-6-101	AMD	01/28/2015	2014-24/5	
	39366	R33-6-109	AMD	07/09/2015	2015-11/5	
<u>revocation procedures</u>						
Environmental Quality, Environmental Response and Remediation	39146	R311-500	5YR	02/18/2015	2015-6/45	

<u>right-of-way</u>					
Transportation, Preconstruction	39297	R930-8	NEW	08/24/2015	2015-10/93
	39297	R930-8	CPR	08/24/2015	2015-14/135
<u>roads</u>					
Environmental Quality, Air Quality	39120	R307-307	5YR	02/05/2015	2015-5/108
<u>rules</u>					
Education, Administration	39488	R277-99	NEW	08/26/2015	2015-14/40
Public Service Commission, Administration	39246	R746-200-7	AMD	05/27/2015	2015-8/22
<u>rules and procedures</u>					
Education, Administration	39770	R277-100	5YR	09/28/2015	Not Printed
Health, Disease Control and Prevention, Epidemiology	39170	R386-703	AMD	05/15/2015	2015-7/24
Health, Disease Control and Prevention, Immunization	39765	R386-703	5YR	09/23/2015	Not Printed
	39171	R396-100	NSC	03/24/2015	Not Printed
Human Resource Management, Administration	39324	R477-1	AMD	07/01/2015	2015-10/39
Public Service Commission, Administration	39234	R746-100-3	AMD	05/27/2015	2015-8/19
	39235	R746-100-11	AMD	05/27/2015	2015-8/21
	38936	R746-341-5	AMD	01/07/2015	2014-23/43
<u>rural business</u>					
Governor, Economic Development	39527	R357-2	NSC	08/17/2015	Not Printed
<u>rural conventional roads</u>					
Transportation, Operations, Traffic and Safety	39495	R920-2	NEW	08/24/2015	2015-14/109
<u>rural economic development</u>					
Governor, Economic Development	39526	R357-1	NSC	08/17/2015	Not Printed
<u>Rural Fast Track Program</u>					
Governor, Economic Development	39526	R357-1	NSC	08/17/2015	Not Printed
<u>safety</u>					
Environmental Quality, Radiation Control	39082	R313-15-1208	AMD	03/17/2015	2015-3/21
Labor Commission, Boiler and Elevator Safety	39296	R616-3-3	AMD	06/22/2015	2015-10/86
	39138	R616-4	5YR	02/12/2015	2015-5/112
Labor Commission, Occupational Safety and Health	39381	R614-1-7	AMD	07/08/2015	2015-11/119
<u>sand</u>					
School and Institutional Trust Lands, Administration	39252	R850-23	5YR	04/01/2015	2015-8/38
<u>sanitarian</u>					
Commerce, Occupational and Professional Licensing	39306	R156-20a	5YR	04/27/2015	2015-10/101
	39351	R156-20a	AMD	07/09/2015	2015-11/20
<u>scenic byways</u>					
Transportation, Program Development	39448	R926-13	5YR	06/16/2015	2015-14/144
	39449	R926-14	5YR	06/16/2015	2015-14/145
<u>scholarships</u>					
Education, Administration	39583	R277-602	5YR	08/13/2015	2015-17/104
Regents (Board Of), Administration	39157	R765-609	5YR	02/25/2015	2015-6/48
<u>school community councils</u>					
Education, Administration	39580	R277-491	5YR	08/13/2015	2015-17/102
<u>school employees</u>					
Education, Administration	39492	R277-516	AMD	08/26/2015	2015-14/51
	39289	R277-516-3	AMD	06/08/2015	2015-9/18
<u>school enrollment</u>					
Education, Administration	39374	R277-419	AMD	07/08/2015	2015-11/58
	39080	R277-419-9	EMR	01/15/2015	2015-3/63

RULES INDEX

<u>school personnel</u>					
Education, Administration	39462	R277-107	5YR	06/25/2015	2015-14/140
	39489	R277-107	AMD	08/26/2015	2015-14/41
<u>school reports</u>					
Education, Administration	39007	R277-497	AMD	02/09/2015	2015-1/11
	39581	R277-497	5YR	08/13/2015	2015-17/103
<u>school zones</u>					
Transportation, Operations, Traffic and Safety	39481	R920-1	AMD	08/24/2015	2015-14/108
<u>schools</u>					
Education, Administration	39337	R277-474	5YR	05/01/2015	2015-10/105
	39287	R277-474	AMD	06/08/2015	2015-9/13
	39579	R277-477	5YR	08/13/2015	2015-17/102
Governor, Energy Development (Office of)	38931	R362-3	AMD	01/07/2015	2014-22/24
<u>science</u>					
Education, Administration	39578	R277-444	5YR	08/13/2015	2015-17/101
<u>screening</u>					
Health, Disease Control and Prevention; HIV/AIDS, Tuberculosis Control/Refugee Health	39446	R388-804	AMD	09/23/2015	2015-13/24
<u>SDWA</u>					
Environmental Quality, Drinking Water	39211	R309-705	5YR	03/13/2015	2015-7/72
<u>sealed bidding</u>					
Administrative Services, Purchasing and General Services	38975	R33-6-101	AMD	01/28/2015	2014-24/5
	39366	R33-6-109	AMD	07/09/2015	2015-11/5
<u>secondary disinfectants</u>					
Environmental Quality, Drinking Water	39189	R309-520	5YR	03/13/2015	2015-7/67
<u>secondary education</u>					
Regents (Board Of), Administration	39157	R765-609	5YR	02/25/2015	2015-6/48
<u>securities</u>					
Commerce, Securities	39104	R164-2	5YR	02/02/2015	2015-4/37
	38926	R164-15-2	AMD	03/10/2015	2014-22/20
<u>securities regulation</u>					
Commerce, Securities	39104	R164-2	5YR	02/02/2015	2015-4/37
	38926	R164-15-2	AMD	03/10/2015	2014-22/20
	39300	R164-32	NEW	06/22/2015	2015-10/26
Money Management Council, Administration	39347	R628-15	EXD	05/06/2015	2015-11/191
	39348	R628-15	EMR	05/06/2015	2015-11/180
	39396	R628-15	NEW	07/13/2015	2015-11/126
<u>security</u>					
Environmental Quality, Radiation Control	38908	R313-37	NEW	06/29/2015	2014-21/21
	38908	R313-37	CPR	06/29/2015	2015-5/98
<u>security guards</u>					
Commerce, Occupational and Professional Licensing	39293	R156-63a	AMD	06/22/2015	2015-10/22
	39368	R156-63a	AMD	07/23/2015	2015-11/22
	39294	R156-63b	AMD	06/22/2015	2015-10/24
	39369	R156-63b	AMD	07/23/2015	2015-11/25
<u>security measures</u>					
Corrections, Administration	39498	R251-709	5YR	07/02/2015	2015-15/32
<u>sedimentation</u>					
Environmental Quality, Drinking Water	39190	R309-525	5YR	03/13/2015	2015-7/68

<u>seizure of property</u>						
Tax Commission, Collections	39565	R867-2B	5YR	08/06/2015	2015-17/106	
<u>self reporting</u>						
Education, Administration	39492	R277-516	AMD	08/26/2015	2015-14/51	
	39289	R277-516-3	AMD	06/08/2015	2015-9/18	
<u>sentencing</u>						
Pardons (Board Of), Administration	39794	R671-405	EMR	10/01/2015	Not Printed	
<u>septic tanks</u>						
Environmental Quality, Water Quality	39106	R317-4	5YR	02/03/2015	2015-5/111	
<u>settlements</u>						
Labor Commission, Adjudication	39380	R602-2-4	AMD	07/08/2015	2015-11/117	
<u>sewage treatment</u>						
Environmental Quality, Water Quality	39512	R317-101	AMD	09/24/2015	2015-15/5	
<u>sex crimes</u>						
Corrections, Administration	39608	R251-110	5YR	08/21/2015	2015-18/134	
<u>sex education</u>						
Education, Administration	39337	R277-474	5YR	05/01/2015	2015-10/105	
	39287	R277-474	AMD	06/08/2015	2015-9/13	
<u>sex offender treatment</u>						
Corrections, Administration	39539	R251-109	5YR	07/23/2015	2015-16/80	
<u>sharing</u>						
Education, Administration	39077	R277-111	5YR	01/15/2015	2015-3/71	
	39078	R277-111	AMD	03/10/2015	2015-3/13	
<u>signs</u>						
Transportation, Preconstruction, Right-of-Way Acquisition	39511	R933-2	AMD	09/23/2015	2015-15/19	
<u>skills tests</u>						
Public Safety, Driver License	39180	R708-37	5YR	03/10/2015	2015-7/78	
<u>slaughter</u>						
Agriculture and Food, Animal Industry	39073	R58-11	5YR	01/13/2015	2015-3/67	
<u>slow sand filtration</u>						
Environmental Quality, Drinking Water	39191	R309-530	5YR	03/13/2015	2015-7/68	
<u>small business</u>						
Governor, Economic Development	38944	R357-11	NEW	03/23/2015	2014-23/14	
	39534	R357-11	NSC	08/17/2015	Not Printed	
<u>Small Business Jobs Act</u>						
Governor, Economic Development	39346	R357-10	NEW	07/08/2015	2015-11/105	
<u>small game</u>						
Natural Resources, Wildlife Resources	39163	R657-21	5YR	03/03/2015	2015-7/76	
<u>small purchases</u>						
Administrative Services, Purchasing and General Services	39327	R33-4	AMD	06/23/2015	2015-10/11	
	39472	R33-4	AMD	08/21/2015	2015-14/6	
	39523	R33-4	NSC	08/24/2015	Not Printed	
<u>smoke</u>						
Environmental Quality, Air Quality	39114	R307-204	5YR	02/05/2015	2015-5/104	
<u>social services</u>						
Human Services, Administration	39361	R495-861	AMD	07/16/2015	2015-11/116	

RULES INDEX

Human Services, Administration, Administrative Hearings	39521	R497-100	5YR	07/20/2015	2015-16/82
Human Services, Child and Family Services	39284	R512-1	AMD	06/15/2015	2015-9/71
	39542	R512-200	AMD	09/22/2015	2015-16/54
	39409	R512-300	AMD	07/22/2015	2015-12/20
<u>social workers</u>					
Commerce, Occupational and Professional Licensing	38979	R156-60a	AMD	01/22/2015	2014-24/15
<u>solicitations</u>					
Commerce, Consumer Protection	39525	R152-22-3	AMD	09/21/2015	2015-16/7
<u>solid fuel burning</u>					
Environmental Quality, Air Quality	39117	R307-207	5YR	02/05/2015	2015-5/106
	38842	R307-302	AMD	02/04/2015	2014-19/44
	38842	R307-302	CPR	02/04/2015	2015-1/48
	39349	R307-302	5YR	05/06/2015	2015-11/185
<u>source development</u>					
Environmental Quality, Drinking Water	39188	R309-515	5YR	03/13/2015	2015-7/67
<u>source maintenance</u>					
Environmental Quality, Drinking Water	39188	R309-515	5YR	03/13/2015	2015-7/67
<u>source materials</u>					
Environmental Quality, Radiation Control	39278	R313-21-22	AMD	08/26/2015	2015-9/34
	39278	R313-21-22	CPR	08/26/2015	2015-14/118
<u>source monitoring</u>					
Environmental Quality, Drinking Water	39201	R309-205	5YR	03/13/2015	2015-7/60
<u>sovereign lands</u>					
Natural Resources, Forestry, Fire and State Lands	39314	R652-70	AMD	07/06/2015	2015-10/88
<u>space</u>					
Capitol Preservation Board (State), Administration	39501	R131-6	5YR	07/06/2015	2015-15/31
<u>special fuel</u>					
Tax Commission, Auditing	39437	R865-4D-21	AMD	08/27/2015	2015-13/50
<u>special income group</u>					
Health, Health Care Financing, Coverage and Reimbursement Policy	39310	R414-307	AMD	07/01/2015	2015-10/33
	39558	R414-307-13	AMD	10/01/2015	2015-16/16
<u>special needs students</u>					
Education, Administration	39583	R277-602	5YR	08/13/2015	2015-17/104
<u>specific licenses</u>					
Environmental Quality, Radiation Control	39279	R313-22	AMD	08/26/2015	2015-9/40
	39279	R313-22	CPR	08/26/2015	2015-14/124
<u>specifications</u>					
Administrative Services, Purchasing and General Services	39327	R33-4	AMD	06/23/2015	2015-10/11
	39472	R33-4	AMD	08/21/2015	2015-14/6
	39523	R33-4	NSC	08/24/2015	Not Printed
<u>speech impaired</u>					
Public Service Commission, Administration	39568	R746-510	5YR	08/11/2015	2015-17/105
<u>sponsorships</u>					
Transportation, Operations, Maintenance	39004	R918-7	NEW	02/20/2015	2015-1/42
	39150	R918-7	AMD	04/23/2015	2015-6/36
<u>sportsmen</u>					
Natural Resources, Wildlife Resources	39065	R657-41	AMD	03/16/2015	2015-3/40

	39362	R657-41	AMD	07/09/2015	2015-11/129
<u>stabilization</u>					
Environmental Quality, Drinking Water	39192	R309-535	5YR	03/13/2015	2015-7/69
<u>standard procurement process</u>					
Administrative Services, Purchasing and General Services	38976	R33-7	AMD	01/28/2015	2014-24/6
	39513	R33-7	NSC	07/30/2015	Not Printed
	39365	R33-7-702	AMD	07/09/2015	2015-11/6
	39432	R33-7-702	AMD	08/07/2015	2015-13/6
<u>standards</u>					
Education, Administration	39290	R277-517-5	AMD	06/08/2015	2015-9/19
	39494	R277-700	AMD	08/26/2015	2015-14/59
<u>state employees</u>					
Administrative Services, Finance	39301	R25-7	AMD	06/22/2015	2015-10/6
	39360	R25-10	AMD	07/08/2015	2015-11/4
	39160	R25-25-7	AMD	04/21/2015	2015-6/10
<u>state lands</u>					
Heritage and Arts, Indian Affairs	39721	R456-1	EXT	09/09/2015	2015-19/127
<u>state parole inmates</u>					
Governor, Criminal and Juvenile Justice (State Commission on)	39053	R356-1	EXT	01/02/2015	2015-3/75
	39344	R356-1	EXD	05/05/2015	2015-11/191
	39802	R356-1	EMR	10/01/2015	Not Printed
<u>state probationary inmates</u>					
Governor, Criminal and Juvenile Justice (State Commission on)	39053	R356-1	EXT	01/02/2015	2015-3/75
	39344	R356-1	EXD	05/05/2015	2015-11/191
	39802	R356-1	EMR	10/01/2015	Not Printed
<u>state records committee</u>					
Administrative Services, Records Committee	39400	R35-1	AMD	07/31/2015	2015-11/7
	39401	R35-2	AMD	07/31/2015	2015-11/9
	39402	R35-4	AMD	07/31/2015	2015-11/10
	39403	R35-5	AMD	07/31/2015	2015-11/11
	39404	R35-6	AMD	07/31/2015	2015-11/12
<u>state residency</u>					
Health, Health Care Financing, Coverage and Reimbursement Policy	39483	R414-302-8	AMD	09/01/2015	2015-14/76
<u>state surplus property</u>					
Administrative Services, Purchasing and General Services	39084	R33-26	NSC	01/28/2015	Not Printed
	39271	R33-26	AMD	06/10/2015	2015-9/4
	39042	R33-26-202	AMD	03/31/2015	2015-2/33
	39454	R33-26-202	AMD	08/21/2015	2015-14/11
<u>statewide registry</u>					
Human Services, Substance Abuse and Mental Health	38917	R523-8	NEW	01/06/2015	2014-22/33
<u>stationary sources</u>					
Environmental Quality, Air Quality	39168	R307-210	AMD	06/04/2015	2015-7/17
<u>statutory interpretation</u>					
Commerce, Securities	39300	R164-32	NEW	06/22/2015	2015-10/26
<u>storage</u>					
Capitol Preservation Board (State), Administration	39501	R131-6	5YR	07/06/2015	2015-15/31

RULES INDEX

<u>storage tanks</u>						
Environmental Quality, Drinking Water	39194	R309-545	5YR	03/13/2015	2015-7/70	
<u>stoves</u>						
Environmental Quality, Air Quality	38842	R307-302	AMD	02/04/2015	2014-19/44	
	38842	R307-302	CPR	02/04/2015	2015-1/48	
	39349	R307-302	5YR	05/06/2015	2015-11/185	
<u>student</u>						
Education, Administration	39372	R277-417	NEW	07/08/2015	2015-11/55	
	39373	R277-418	NEW	07/08/2015	2015-11/57	
<u>student achievement</u>						
Education, Administration	39340	R277-404	AMD	06/23/2015	2015-10/28	
<u>student loans</u>						
Regents (Board Of), Administration	39605	R765-649	5YR	08/18/2015	2015-18/135	
<u>students</u>						
Education, Administration	38956	R277-487	AMD	01/07/2015	2014-23/6	
	39375	R277-487	AMD	07/08/2015	2015-11/67	
<u>students' rights</u>						
Education, Administration	39771	R277-616	5YR	09/28/2015	Not Printed	
<u>subcontractors</u>						
Transportation, Operations, Construction	39458	R916-6	5YR	06/22/2015	2015-14/144	
	39455	R916-6	NSC	07/13/2015	Not Printed	
<u>substance use disorder counselors</u>						
Commerce, Occupational and Professional Licensing	38964	R156-60d	AMD	01/22/2015	2014-24/17	
<u>subsurface tracer studies</u>						
Environmental Quality, Radiation Control	39083	R313-38-3	AMD	03/17/2015	2015-3/22	
<u>supplemental water rights</u>						
Natural Resources, Water Rights	39152	R655-16	5YR	02/24/2015	2015-6/47	
<u>supplies</u>						
Education, Administration	39336	R277-459	5YR	05/01/2015	2015-10/104	
	39286	R277-459	AMD	06/08/2015	2015-9/12	
<u>surface water treatment</u>						
Environmental Quality, Drinking Water	39185	R309-505	5YR	03/13/2015	2015-7/65	
<u>surface water treatment plant monitoring</u>						
Environmental Quality, Drinking Water	39203	R309-215	5YR	03/13/2015	2015-7/61	
<u>surveys</u>						
Environmental Quality, Radiation Control	39047	R313-34	AMD	05/05/2015	2015-2/87	
	39017	R313-35	AMD	05/22/2015	2015-2/89	
	39017	R313-35	CPR	05/22/2015	2015-8/30	
	39276	R313-36-3	AMD	06/16/2015	2015-9/52	
	39083	R313-38-3	AMD	03/17/2015	2015-3/22	
Judicial Performance Evaluation Commission, Administration	39244	R597-3-2	AMD	05/27/2015	2015-8/13	
	39243	R597-3-3	AMD	05/27/2015	2015-8/15	
<u>tailings</u>						
Environmental Quality, Air Quality	39115	R307-205	5YR	02/05/2015	2015-5/105	
Environmental Quality, Radiation Control	39149	R313-24-1	NSC	03/06/2015	Not Printed	
	39275	R313-24-4	AMD	06/16/2015	2015-9/49	
<u>tax credit</u>						
Governor, Economic Development	39094	R357-3	R&R	04/13/2015	2015-4/12	
	39528	R357-3	NSC	08/17/2015	Not Printed	
	39346	R357-10	NEW	07/08/2015	2015-11/105	

<u>tax credits</u>					
Environmental Quality, Air Quality	39353	R307-121	AMD	09/03/2015	2015-11/86
	39354	R307-122	NEW	09/03/2015	2015-11/89
	39637	R307-122	NSC	09/30/2015	Not Printed
Governor, Economic Development	39527	R357-2	NSC	08/17/2015	Not Printed
	39533	R357-9	NSC	08/17/2015	Not Printed
<u>tax exemptions</u>					
Environmental Quality, Air Quality	38998	R307-120	AMD	03/05/2015	2015-1/17
<u>tax returns</u>					
Tax Commission, Auditing	39426	R865-9I-37	NSC	06/24/2015	Not Printed
<u>taxation</u>					
Tax Commission, Auditing	39437	R865-4D-21	AMD	08/27/2015	2015-13/50
	39425	R865-6F-28	NSC	06/24/2015	Not Printed
	39438	R865-20T-10	AMD	08/27/2015	2015-13/51
	39564	R865-21U	5YR	08/06/2015	2015-17/106
Tax Commission, Collections	39565	R867-2B	5YR	08/06/2015	2015-17/106
<u>teacher licensing</u>					
Education, Administration	39383	R277-201	NEW	07/08/2015	2015-11/37
	39008	R277-504	AMD	02/09/2015	2015-1/13
	39219	R277-504	AMD	05/08/2015	2015-7/8
Professional Practices Advisory Commission, Administration	39389	R686-100	REP	07/08/2015	2015-11/134
	39221	R686-100-7	AMD	05/08/2015	2015-7/42
<u>teachers</u>					
Education, Administration	39336	R277-459	5YR	05/01/2015	2015-10/104
	39286	R277-459	AMD	06/08/2015	2015-9/12
<u>technology</u>					
Governor, Economic Development	38944	R357-11	NEW	03/23/2015	2014-23/14
	39534	R357-11	NSC	08/17/2015	Not Printed
<u>telecommunications</u>					
Public Service Commission, Administration	38936	R746-341-5	AMD	01/07/2015	2014-23/43
	39367	R746-360	AMD	07/08/2015	2015-11/155
<u>telecommuting</u>					
Human Resource Management, Administration	39320	R477-8-3	AMD	07/01/2015	2015-10/64
<u>telephones</u>					
Public Service Commission, Administration	38936	R746-341-5	AMD	01/07/2015	2014-23/43
<u>terms and conditions</u>					
Administrative Services, Purchasing and General Services	38977	R33-12	AMD	01/28/2015	2014-24/9
<u>therapists</u>					
Commerce, Occupational and Professional Licensing	39538	R156-60	AMD	09/21/2015	2015-16/9
<u>third party liability</u>					
Health, Health Care Financing, Coverage and Reimbursement Policy	39483	R414-302-8	AMD	09/01/2015	2015-14/76
<u>timeshare</u>					
Commerce, Real Estate	39292	R162-57a	5YR	04/21/2015	2015-10/103
<u>title insurance</u>					
Insurance, Title and Escrow Commission	39652	R592-1	5YR	09/04/2015	2015-19/118
	39653	R592-2	5YR	09/04/2015	2015-19/119
	39412	R592-6	AMD	08/11/2015	2015-12/23

RULES INDEX

title lenders

Financial Institutions, Nondepository Lenders	39442	R343-10	NEW	08/12/2015	2015-13/22
	39503	R343-10	NSC	08/17/2015	Not Printed

tobacco products

Tax Commission, Auditing	39438	R865-20T-10	AMD	08/27/2015	2015-13/51
--------------------------	-------	-------------	-----	------------	------------

tourist-oriented directional signs

Transportation, Operations, Traffic and Safety	39495	R920-2	NEW	08/24/2015	2015-14/109
--	-------	--------	-----	------------	-------------

traffic control

Transportation, Operations, Traffic and Safety	39481	R920-1	AMD	08/24/2015	2015-14/108
--	-------	--------	-----	------------	-------------

traffic signs

Transportation, Operations, Traffic and Safety	39481	R920-1	AMD	08/24/2015	2015-14/108
--	-------	--------	-----	------------	-------------

training

Corrections, Administration	39540	R251-301	5YR	07/23/2015	2015-16/80
Public Service Commission, Administration	39568	R746-510	5YR	08/11/2015	2015-17/105

transmission and distribution pipelines

Environmental Quality, Drinking Water	39195	R309-550	5YR	03/13/2015	2015-7/70
	39508	R309-550-10	AMD	09/10/2015	2015-15/4

transparency

Administrative Services, Administrative Rules	39727	R15-2	5YR	09/11/2015	2015-19/113
Administrative Services, Finance	39360	R25-10	AMD	07/08/2015	2015-11/4
Health, Center for Health Data, Health Care Statistics	39247	R428-15	NSC	04/07/2015	Not Printed

transportation

Administrative Services, Finance	39301	R25-7	AMD	06/22/2015	2015-10/6
	39160	R25-25-7	AMD	04/21/2015	2015-6/10
Environmental Quality, Radiation Control	38907	R313-19	AMD	02/17/2015	2014-21/18
	39280	R313-19-13	AMD	08/26/2015	2015-9/27
	39280	R313-19-13	CPR	08/26/2015	2015-14/114
	38908	R313-37	NEW	06/29/2015	2014-21/21
	38908	R313-37	CPR	06/29/2015	2015-5/98
Transportation, Operations, Construction	39183	R916-4	EXT	03/10/2015	2015-7/81
	39101	R916-4	AMD	03/27/2015	2015-4/26
	39506	R916-4	5YR	07/09/2015	2015-15/34
Transportation, Program Development	39504	R926-8	5YR	07/07/2015	2015-15/35
	39505	R926-8	NSC	07/30/2015	Not Printed
	39448	R926-13	5YR	06/16/2015	2015-14/144
	39449	R926-14	5YR	06/16/2015	2015-14/145

transportation conformity

Environmental Quality, Air Quality	39122	R307-310	5YR	02/05/2015	2015-5/109
	38997	R307-311	NEW	03/05/2015	2015-1/22

transportation safety

Transportation, Motor Carrier	39172	R909-1	EMR	03/06/2015	2015-7/53
	39479	R909-1	AMD	08/24/2015	2015-14/106

trauma

Health, Family Health and Preparedness, Emergency Medical Services	39468	R426-9	AMD	08/21/2015	2015-14/87
--	-------	--------	-----	------------	------------

trauma center designation

Health, Family Health and Preparedness, Emergency Medical Services	39468	R426-9	AMD	08/21/2015	2015-14/87
--	-------	--------	-----	------------	------------

traveler services

Transportation, Operations, Maintenance	39004	R918-7	NEW	02/20/2015	2015-1/42
	39150	R918-7	AMD	04/23/2015	2015-6/36

treatment providers

Corrections, Administration	39539	R251-109	5YR	07/23/2015	2015-16/80
-----------------------------	-------	----------	-----	------------	------------

<u>Trichomoniasis</u>						
Agriculture and Food, Animal Industry	39086	R58-21	5YR	01/21/2015	2015-4/37	
<u>trucking industries</u>						
Tax Commission, Auditing	39425	R865-6F-28	NSC	06/24/2015	Not Printed	
<u>trucks</u>						
Transportation, Motor Carrier	39172	R909-1	EMR	03/06/2015	2015-7/53	
	39479	R909-1	AMD	08/24/2015	2015-14/106	
<u>trust account records</u>						
Commerce, Real Estate	39572	R162-2f	5YR	08/12/2015	2015-17/101	
	38972	R162-2f-206	AMD	01/21/2015	2014-24/28	
	39305	R162-2f-401j	AMD	06/22/2015	2015-10/25	
<u>trust lands funds</u>						
Education, Administration	39579	R277-477	5YR	08/13/2015	2015-17/102	
<u>tuberculosis</u>						
Health, Disease Control and Prevention; HIV/AIDS, Tuberculosis Control/Refugee Health	39446	R388-804	AMD	09/23/2015	2015-13/24	
<u>turkey</u>						
Natural Resources, Wildlife Resources	38949	R657-69	AMD	01/08/2015	2014-23/39	
<u>unassignable</u>						
Capitol Preservation Board (State), Administration	39501	R131-6	5YR	07/06/2015	2015-15/31	
<u>underserved</u>						
Health, Family Health and Preparedness, Primary Care and Rural Health	39342	R434-100	5YR	05/04/2015	2015-11/187	
<u>unemployed workers</u>						
Workforce Services, Unemployment Insurance	39577	R994-207	5YR	08/13/2015	2015-17/107	
<u>unemployment compensation</u>						
Workforce Services, Unemployment Insurance	39239	R994-204	5YR	03/25/2015	2015-8/40	
	39240	R994-205	5YR	03/25/2015	2015-8/41	
	39241	R994-206	5YR	03/25/2015	2015-8/41	
	39577	R994-207	5YR	08/13/2015	2015-17/107	
	39440	R994-312-103	AMD	08/11/2015	2015-13/59	
<u>unemployment experience rating</u>						
Workforce Services, Unemployment Insurance	39242	R994-304	5YR	03/25/2015	2015-8/42	
<u>unincorporated county</u>						
Transportation, Operations, Traffic and Safety	39495	R920-2	NEW	08/24/2015	2015-14/109	
<u>uninsured motorist database</u>						
Public Safety, Driver License	39179	R708-32	5YR	03/10/2015	2015-7/77	
<u>universal service fund</u>						
Public Service Commission, Administration	39367	R746-360	AMD	07/08/2015	2015-11/155	
<u>uranium mills</u>						
Environmental Quality, Radiation Control	39149	R313-24-1	NSC	03/06/2015	Not Printed	
	39275	R313-24-4	AMD	06/16/2015	2015-9/49	
<u>urbanized areas</u>						
Transportation, Operations, Traffic and Safety	39495	R920-2	NEW	08/24/2015	2015-14/109	
<u>use tax</u>						
Tax Commission, Auditing	39564	R865-21U	5YR	08/06/2015	2015-17/106	
<u>used oil</u>						
Environmental Quality, Solid and Hazardous Waste	39302	R315-15-1	NSC	05/11/2015	Not Printed	

RULES INDEX

	39303	R315-15-3	NSC	05/06/2015	Not Printed
	39304	R315-15-5	NSC	05/11/2015	Not Printed
	39307	R315-15-6	NSC	05/11/2015	Not Printed
	39308	R315-15-13	NSC	05/11/2015	Not Printed
<u>Utah 911 Advisory Committee</u>					
Communications Authority (Utah), 911 Committee (Utah)	39406	R173-1	AMD	09/29/2015	2015-11/30
<u>Utah 911 Committee</u>					
Public Safety, Criminal Investigations and Technical Services, 911 Committee (Utah)	39022	R720-1	AMD	05/06/2015	2015-2/98
<u>Utah Communications Authority</u>					
Communications Authority (Utah), 911 Committee (Utah)	39406	R173-1	AMD	09/29/2015	2015-11/30
<u>Utah Housing Opportunity Restricted Account</u>					
Commerce, Real Estate	39575	R162-2a	5YR	08/13/2015	2015-17/100
	39576	R162-2a	NSC	08/28/2015	Not Printed
<u>Utah procurement rules</u>					
Administrative Services, Purchasing and General Services	38974	R33-1-1	AMD	01/28/2015	2014-24/4
<u>Utah Public Financial Website</u>					
Administrative Services, Finance	39360	R25-10	AMD	07/08/2015	2015-11/4
<u>utilities</u>					
Transportation, Preconstruction	39297	R930-8	NEW	08/24/2015	2015-10/93
	39297	R930-8	CPR	08/24/2015	2015-14/135
<u>utility accommodation</u>					
Transportation, Preconstruction	39297	R930-8	NEW	08/24/2015	2015-10/93
	39297	R930-8	CPR	08/24/2015	2015-14/135
<u>utility facilities</u>					
Transportation, Preconstruction	39297	R930-8	NEW	08/24/2015	2015-10/93
	39297	R930-8	CPR	08/24/2015	2015-14/135
<u>utility service shutoff</u>					
Public Service Commission, Administration	39246	R746-200-7	AMD	05/27/2015	2015-8/22
<u>vacations</u>					
Human Resource Management, Administration	39319	R477-7	AMD	07/01/2015	2015-10/56
<u>very low birth weight infant</u>					
Health, Family Health and Preparedness, Maternal and Child Health	38802	R433-1	NEW	02/12/2015	2014-18/20
	38802	R433-1	CPR	02/12/2015	2015-1/50
<u>very low birth weight infant reporting</u>					
Health, Family Health and Preparedness, Maternal and Child Health	38802	R433-1	NEW	02/12/2015	2014-18/20
	38802	R433-1	CPR	02/12/2015	2015-1/50
<u>very low birth weight infant treatment capability</u>					
Health, Family Health and Preparedness, Maternal and Child Health	38802	R433-1	NEW	02/12/2015	2014-18/20
	38802	R433-1	CPR	02/12/2015	2015-1/50
<u>veterans benefits</u>					
Regents (Board Of), Administration	39023	R765-611	NEW	02/25/2015	2015-2/101
<u>veterinarian</u>					
Commerce, Occupational and Professional Licensing	39233	R156-28-304	AMD	05/27/2015	2015-8/6

<u>veterinarians</u>						
Environmental Quality, Radiation Control	39017	R313-35	AMD	05/22/2015	2015-2/89	
	39017	R313-35	CPR	05/22/2015	2015-8/30	
<u>veterinary medicine</u>						
Commerce, Occupational and Professional Licensing	39233	R156-28-304	AMD	05/27/2015	2015-8/6	
<u>victim compensation</u>						
Crime Victim Reparations, Administration	39463	R270-1-22	AMD	08/21/2015	2015-14/38	
<u>victims of crimes</u>						
Crime Victim Reparations, Administration	39463	R270-1-22	AMD	08/21/2015	2015-14/38	
<u>vocational education</u>						
Education, Rehabilitation	39220	R280-200	AMD	05/08/2015	2015-7/13	
<u>volume cap</u>						
Governor, Economic Development	39263	R357-8	NEW	07/08/2015	2015-9/53	
<u>wages</u>						
Human Resource Management, Administration	39318	R477-6	AMD	07/01/2015	2015-10/51	
<u>waivers</u>						
Health, Family Health and Preparedness, Primary Care and Rural Health	39342	R434-100	5YR	05/04/2015	2015-11/187	
Health, Health Care Financing, Coverage and Reimbursement Policy	39310	R414-307	AMD	07/01/2015	2015-10/33	
	39558	R414-307-13	AMD	10/01/2015	2015-16/16	
<u>waste disposal</u>						
Environmental Quality, Radiation Control	39082	R313-15-1208	AMD	03/17/2015	2015-3/21	
<u>wastewater</u>						
Environmental Quality, Water Quality	39512	R317-101	AMD	09/24/2015	2015-15/5	
<u>wastewater treatment</u>						
Environmental Quality, Water Quality	39105	R317-10-8	AMD	04/29/2015	2015-4/10	
<u>water conservation</u>						
Environmental Quality, Drinking Water	39186	R309-510	5YR	03/13/2015	2015-7/66	
	39399	R309-510	AMD	07/15/2015	2015-11/92	
<u>water hauling</u>						
Environmental Quality, Drinking Water	39195	R309-550	5YR	03/13/2015	2015-7/70	
	39508	R309-550-10	AMD	09/10/2015	2015-15/4	
<u>water pollution</u>						
Environmental Quality, Water Quality	39105	R317-10-8	AMD	04/29/2015	2015-4/10	
<u>water quality</u>						
Environmental Quality, Drinking Water	39205	R309-225	5YR	03/13/2015	2015-7/62	
Environmental Quality, Water Quality	39512	R317-101	AMD	09/24/2015	2015-15/5	
<u>water rights</u>						
Natural Resources, Water Rights	39153	R655-14	5YR	02/24/2015	2015-6/47	
	39152	R655-16	5YR	02/24/2015	2015-6/47	
<u>water system rating</u>						
Environmental Quality, Drinking Water	39208	R309-400	5YR	03/13/2015	2015-7/64	
<u>waterfowl</u>						
Natural Resources, Wildlife Resources	39435	R657-9	AMD	08/07/2015	2015-13/29	
<u>watershed management</u>						
Environmental Quality, Drinking Water	39197	R309-105	5YR	03/13/2015	2015-7/58	

RULES INDEX

<u>web accessibility</u>					
Technology Services, Administration	39427	R895-14	NEW	08/07/2015	2015-13/52
<u>website</u>					
Workforce Services, Administration	38938	R982-700	NEW	01/29/2015	2014-23/44
<u>weights</u>					
Agriculture and Food, Regulatory Services	39563	R70-950	5YR	08/05/2015	2015-17/99
<u>weights and measures</u>					
Agriculture and Food, Regulatory Services	39562	R70-910	5YR	08/05/2015	2015-17/99
<u>well logging</u>					
Environmental Quality, Radiation Control	39083	R313-38-3	AMD	03/17/2015	2015-3/22
<u>white collar crime registry</u>					
Attorney General, Administration	39445	R105-3	NEW	08/10/2015	2015-13/17
<u>wilderness</u>					
Natural Resources, Forestry, Fire and State Lands	38942	R652-160	NEW	01/27/2015	2014-23/36
<u>wildland fires</u>					
Environmental Quality, Air Quality	39114	R307-204	5YR	02/05/2015	2015-5/104
<u>wildlife</u>					
Natural Resources, Wildlife Resources	39217	R657-3	AMD	05/08/2015	2015-7/29
	38996	R657-5	AMD	02/09/2015	2015-1/26
	39062	R657-5	AMD	03/16/2015	2015-3/30
	39431	R657-6	5YR	06/08/2015	2015-13/63
	39435	R657-9	AMD	08/07/2015	2015-13/29
	39509	R657-11	5YR	07/13/2015	2015-15/34
	39162	R657-15	5YR	03/03/2015	2015-7/75
	39215	R657-19	AMD	05/08/2015	2015-7/33
	39163	R657-21	5YR	03/03/2015	2015-7/76
	39559	R657-24	5YR	08/03/2015	2015-17/105
	39063	R657-33	AMD	03/16/2015	2015-3/31
	39064	R657-38	AMD	03/16/2015	2015-3/39
	39065	R657-41	AMD	03/16/2015	2015-3/40
	39362	R657-41	AMD	07/09/2015	2015-11/129
	39066	R657-42	AMD	03/16/2015	2015-3/42
	38995	R657-43	AMD	02/09/2015	2015-1/33
	39067	R657-55	AMD	03/16/2015	2015-3/43
	39345	R657-55	5YR	05/05/2015	2015-11/188
	39068	R657-57	AMD	03/16/2015	2015-3/48
	39069	R657-59	AMD	03/16/2015	2015-3/50
	39070	R657-62	AMD	03/16/2015	2015-3/52
	39434	R657-65	AMD	08/07/2015	2015-13/33
	39071	R657-68	AMD	03/16/2015	2015-3/54
	38949	R657-69	AMD	01/08/2015	2014-23/39
	39216	R657-70	NEW	05/08/2015	2015-7/36
	39436	R657-70	AMD	08/07/2015	2015-13/36
<u>wildlife conservation</u>					
Natural Resources, Wildlife Resources	39064	R657-38	AMD	03/16/2015	2015-3/39
<u>wildlife law</u>					
Natural Resources, Wildlife Resources	39509	R657-11	5YR	07/13/2015	2015-15/34
	39163	R657-21	5YR	03/03/2015	2015-7/76
<u>wildlife management</u>					
Natural Resources, Wildlife Resources	39162	R657-15	5YR	03/03/2015	2015-7/75
<u>wildlife permits</u>					
Natural Resources, Wildlife Resources	39065	R657-41	AMD	03/16/2015	2015-3/40
	39362	R657-41	AMD	07/09/2015	2015-11/129
	39067	R657-55	AMD	03/16/2015	2015-3/43
	39345	R657-55	5YR	05/05/2015	2015-11/188

<u>workers' compensation</u>					
Labor Commission, Adjudication	39380	R602-2-4	AMD	07/08/2015	2015-11/117
<u>workers' compensation insurance</u>					
Insurance, Administration	39313	R590-231	5YR	04/29/2015	2015-10/106
<u>Workforce Investment Act</u>					
Workforce Services, Employment Development	39646	R986-600	5YR	09/03/2015	2015-19/123
<u>x-rays</u>					
Environmental Quality, Radiation Control	39016	R313-28-31	AMD	03/24/2015	2015-2/85
	39017	R313-35	AMD	05/22/2015	2015-2/89
	39017	R313-35	CPR	05/22/2015	2015-8/30
<u>youth corrections</u>					
Human Services, Administration	39500	R495-883	5YR	07/06/2015	2015-15/33
<u>zoological animals</u>					
Natural Resources, Wildlife Resources	39217	R657-3	AMD	05/08/2015	2015-7/29