

UTAH STATE BULLETIN

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

The *Utah State Bulletin (Bulletin)* is an official noticing publication of the executive branch of Utah state government. The Office 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 <https://rules.utah.gov/>. 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: Office of Administrative Rules, PO Box 141007, Salt Lake City, Utah 84114-1007, telephone 801-538-3003. Additional rulemaking information and electronic versions of all administrative rule publications are available at <https://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 <https://rules.utah.gov/> for additional information.

Office of Administrative Rules, Salt Lake City 84114

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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 Office of Administrative Rules for publication and distribution.

Calling the Sixty-Third Legislature Into the First Extraordinary Session, Utah Proclamation No. 2019-1E

PROCLAMATION

WHEREAS, since the close of the 2019 General Session of the 63rd Legislature of the State of Utah, certain matters have arisen which require immediate legislative attention; and

WHEREAS, Article VII, Section 6 of the Constitution of the State of Utah provides that the Governor may, by proclamation, convene the Senate into Extraordinary Session; and

NOW, THEREFORE, I, Gary R. Herbert, Governor of the State of Utah, by virtue of the authority vested in me by the Constitution and Laws of the State of Utah, do by this Proclamation call the Senate only of the 63rd Legislature of the State of Utah into the First Extraordinary Session at the Utah State Capitol in Salt Lake City, Utah, on the 15th day of May 2019, at 4:00 p.m., for the following purpose:

For the Senate to consent to appointments made by the Governor to positions within state government of the State of Utah since the close of the 2019 General Session of the Legislature of the State of Utah.

IN TESTIMONY WHEREOF, I have hereunto set my hand and caused to be affixed the Great Seal of the State of Utah. Done at the Utah State Capitol in Salt Lake City, Utah, this 13th day of May 2019.

(State Seal)

Gary R. Herbert
Governor

ATTEST:

Spencer J. Cox
Lieutenant Governor

2019/01/E

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 May 02, 2019, 12:00 a.m., and May 15, 2019, 11:59 p.m. are included in this, the June 01, 2019, 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 Office 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 Office 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 July 1, 2019. 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 September 29, 2019, the agency may notify the Office 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 Office 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

**Administrative Services, Child Welfare
Parental Defense (Office of)
R19-1
Parental Defense Counsel Training**

NOTICE OF PROPOSED RULE

(Repeal)
DAR FILE NO.: 43705
FILED: 05/07/2019

RULE ANALYSIS

PURPOSE OF THE RULE OR REASON FOR THE CHANGE: In the 2019 General Session, S.B. 251 changed the administration of the Child Welfare Parental Defense Program from the Department of Administrative Services to the Commission on Criminal and Juvenile Justice. Therefore, the Department of Administrative Services is repealing this rule.

SUMMARY OF THE RULE OR CHANGE: The Department of Administrative Services is repealing this rule in its entirety because the administration of this rule was moved to the Commission on Criminal and Juvenile Justice by S.B. 251 (2019).

STATUTORY OR CONSTITUTIONAL AUTHORIZATION FOR THIS RULE: Section 52-4-207 and Section 63A-1-105 and Section 63A-1-105.5 and Section 63A-11-107 and Section 63A-11-2

ANTICIPATED COST OR SAVINGS TO:

- ◆ THE STATE BUDGET: There is no fiscal impact to the state budget. The administration of this rule is just moving to the Commission on Criminal and Juvenile Justice.
- ◆ LOCAL GOVERNMENTS: There is no fiscal impact to local governments. The administration of this rule is just moving to the Commission on Criminal and Juvenile Justice.
- ◆ SMALL BUSINESSES: There is no fiscal impact to small businesses. The administration of this rule is just moving to the Commission on Criminal and Juvenile Justice.
- ◆ PERSONS OTHER THAN SMALL BUSINESSES, BUSINESSES, OR LOCAL GOVERNMENTAL ENTITIES: There is no fiscal impact to other persons. The administration of this rule is just moving to the Commission on Criminal and Juvenile Justice.

COMPLIANCE COSTS FOR AFFECTED PERSONS: There are no compliance costs for affected persons. The administration of this rule is just moving to the Commission on Criminal and Juvenile Justice.

COMMENTS BY THE DEPARTMENT HEAD ON THE FISCAL IMPACT THE RULE MAY HAVE ON BUSINESSES: I have reviewed the reasons the Department of Administrative

Services is filing a repeal of this rule and believe this repeal is reasonable and warranted.

THE FULL TEXT OF THIS RULE MAY BE INSPECTED, DURING REGULAR BUSINESS HOURS, AT:
ADMINISTRATIVE SERVICES
CHILD WELFARE PARENTAL DEFENSE (OFFICE OF)
ROOM 3120 STATE OFFICE BLDG
450 N STATE ST
SALT LAKE CITY, UT 84114
or at the Office of Administrative Rules.

DIRECT QUESTIONS REGARDING THIS RULE TO:
◆ John Reidhead by phone at 801-538-3095, by FAX at 801-538-3244, or by Internet E-mail at jreidhead@utah.gov

INTERESTED PERSONS MAY PRESENT THEIR VIEWS ON THIS RULE BY SUBMITTING WRITTEN COMMENTS NO LATER THAN AT 5:00 PM ON 07/01/2019

THIS RULE MAY BECOME EFFECTIVE ON: 07/08/2019

AUTHORIZED BY: John Reidhead, Director

Appendix 1: Regulatory Impact Summary Table*

Fiscal Costs	FY 2020	FY 2021	FY 2022
State Government	\$0	\$0	\$0
Local Government	\$0	\$0	\$0
Small Businesses	\$0	\$0	\$0
Non-Small Businesses	\$0	\$0	\$0
Other Person	\$0	\$0	\$0
Total Fiscal Costs:	\$0	\$0	\$0
Fiscal Benefits			
State Government	\$0	\$0	\$0
Local Government	\$0	\$0	\$0
Small Businesses	\$0	\$0	\$0
Non-Small Businesses	\$0	\$0	\$0

Other Persons	\$0	\$0	\$0
Total Fiscal Benefits:	\$0	\$0	\$0
Net Fiscal Benefits:	\$0	\$0	\$0

*This table only includes fiscal impacts that could be measured. If there are inestimable fiscal impacts, they will not be included in this table. Inestimable impacts for State Government, Local Government, Small Businesses and Other Persons are described in the narrative. Inestimable impacts for Non-Small Businesses are described in Appendix 2.

Appendix 2: Regulatory Impact to Non-Small Businesses
 This rule change will have no effect on non-small businesses.

The head of the Department of Administrative Services, Tani Downing, has reviewed and approved this fiscal analysis.

~~**[R19- Administrative Services, Child Welfare Parental Defense (Office of).**~~

~~**R19-1. Parental Defense Counsel Training.**~~

~~**R19-1-1. Authority.**~~

~~(1) This rule is made under authority of Subsection 63A-11-202(3).~~

~~**R19-1-2. Purpose.**~~

~~(1) In accordance with Section 63A-11-202, these training standards are provided for parental defenders acting pursuant to a county contract or a contract with this office.~~

~~**R19-1-3. Definitions.**~~

~~As per Section 63A-11-102, the following terms are used for the purpose of this rule.~~

~~(1) "Child welfare case" means a proceeding under Title 78A, Chapter 6, Juvenile Courts, Parts 3 or 5.~~

~~(2) "Office" means the Office of Child Welfare Parental Defense.~~

~~(3) "Parental Defender" means a defense attorney who has contracted with the office or local county to provide parental defense services pursuant to Section 63A-11-102 et seq.~~

~~**R19-1-4. Core Training.**~~

~~(1) Parental defenders shall complete the core training course provided by the Office of Child Welfare Parental Defense prior to receiving an appointment by a juvenile court judge unless the Office determines that the defender has equivalent training and experience. The core training shall consist of at least eight hours of training which may include, but is not limited to the following topics:~~

~~(a) Relevant state law, federal law, case law and rules in family preservation and child welfare;~~

~~(b) The "Practice Model" of the Division of Children and Family Services;~~

~~(c) Attorney roles and responsibilities, including ethical considerations~~

~~(d) Dynamics of abuse and neglect; and~~

~~(e) Preserving and protecting parents' rights in juvenile court.~~

~~**R19-1-5. Continuing Training.**~~

~~(1) Each calendar year thereafter, a contracted parental defender shall complete at least eight hours of continuing legal education courses. The continuing legal education can consist of, but is not limited to, the core training topics listed in Section 4 above or any of these additional topics:~~

~~(a) Trial and appellate advocacy;~~

~~(b) Substance abuse, domestic violence and mental health issues;~~

~~(c) Grief and attachment;~~

~~(d) Custody and parent time;~~

~~(e) Resources and services;~~

~~(f) Child development and communications;~~

~~(g) Medical issues in child welfare; and~~

~~(h) District-specific child welfare issues requiring resolution as identified by the district's judges or other actors in the child welfare system.~~

~~**R19-1-6. Child Welfare Parental Defense Oversight Committee.**~~

~~(1) This section establishes the Child Welfare Parental Defense Oversight Committee to advise the Office of Child Welfare Parental Defense, under the authority of Section 63A-1-105.5.~~

~~(2) The committee shall be composed of seven members as follows:~~

~~(a) the executive director of the Department of Administrative Services or the director's designee;~~

~~(b) a member from of the Legislature appointed jointly by the Speaker of the House and the President of the Senate;~~

~~(c) the Juvenile Court administrator or the administrator's designee;~~

~~(d) the executive director of the Commission on Criminal and Juvenile Justice or the director's designee; and~~

~~(e) three public members appointed by the executive director of the Department of Administrative Services.~~

~~(3)(a) the executive director of the Department of Administrative Services shall appoint each public member to a four-year term.~~

~~(b) When a vacancy occurs in the membership for any reason, the replacement shall be appointed for the unexpired term.~~

~~(4) A member may not receive compensation or benefits for the member's service, but may receive per diem and travel expenses in accordance with:~~

~~(a) Section 63A-3-106;~~

~~(b) Section 63A-3-107; and~~

~~(c) rules made by the Division of Finance pursuant to Sections 63A-3-106 and 63A-3-107.~~

~~(4) Four members of the committee are a quorum.~~

~~(5) The executive director of the Department of Administrative Services or the director's designee is chair of the committee.~~

~~**R19-1-7. Electronic Meetings.**~~

~~(1) Section 52-4-207 requires any public body that convenes or conducts an electronic meeting to establish written procedures for such meetings. This rule establishes procedures for~~

~~conducting meetings of the Child Welfare Parental Defense Oversight Committee.~~

~~(2) These procedures established under the authority of Sections 52-4-207 and 63A-1-105.5.~~

~~(3) The following provisions govern any meeting at which one or more Committee members appear telephonically or electronically pursuant to Section 52-4-207.~~

~~(a) If one or more members of the Committee may participate electronically or telephonically, public notice of the meeting shall so indicate. In addition, the notice shall specify the anchor location where the members of the Committee not participating electronically or telephonically will be meeting and where interested persons and the public may attend, monitor, and participate in the open portions of the meeting.~~

~~(b) Notice of the meeting and the agenda shall be posted at the anchor location. Written or electronic notice shall also be provided to at least one newspaper of general circulation within the state and to a local media correspondent. These notices shall be provided at least 24 hours before the meeting.~~

~~(c) Notice of the possibility of an electronic meeting shall be given to the Committee members at least 24 hours before the meeting. In addition, the notice shall describe how a Committee Member may participate in the meeting electronically or telephonically.~~

~~(d) When notice is given of the possibility of a Committee member appearing electronically or telephonically, any Committee member may do so and shall be counted as present for the purposes of a quorum and may fully participate and vote on any matter coming before the Committee. At the commencement of the meeting, or at such a time as any Committee member initially appears electronically or telephonically, the chair shall identify for the record all those who are appearing telephonically or electronically. Votes by members of the Committee who are not at the physical location of the meeting shall be confirmed by the Chair.~~

~~(e) The anchor location, unless otherwise designated in the notice, shall be at the offices of the Department of Administrative Services, 3132 State Office Building, Salt Lake City, Utah 84114. The anchor location is the physical location from which the electronic meeting originates or from where the participants are connected. In addition, the anchor location shall have space and facilities so that interested persons and the public may attend, monitor, and participate in the open portions of the meeting.~~

~~KEY: child welfare, parental defense, electronic meetings~~

~~Date of Enactment or Last Substantive Amendment: January 12, 2012~~

~~Notice of Continuation: May 21, 2014~~

~~Authorizing, and Implemented or Interpreted Law: 52-4-207; 63A-1-105; 63A-1-105.5; 63A-11-2; 63A-11-107]~~

Education, Administration
R277-528
 Use of Public Education Job
 Enhancement Program (PEJEP) Funds

NOTICE OF PROPOSED RULE

(Amendment)

DAR FILE NO.: 43701

FILED: 05/03/2019

RULE ANALYSIS

PURPOSE OF THE RULE OR REASON FOR THE CHANGE: Rule R277-528 was reviewed by the Utah State Board of Education (Board) and is being amended with technical and formatting changes.

SUMMARY OF THE RULE OR CHANGE: This rule has been amended with technical and formatting changes. There are no substantive changes made because the program has not been funded since FY 2011 and is scheduled to sunset on 07/01/2020.

STATUTORY OR CONSTITUTIONAL AUTHORIZATION FOR THIS RULE: Article X Section 3 and Subsection 53E-3-401(4) and Subsection 53F-2-514(3)(c)(ii) and Subsection 53F-2-514(5)(b)

ANTICIPATED COST OR SAVINGS TO:

◆ **THE STATE BUDGET:** These rule changes are not expected to have a fiscal impact on state government revenues or expenditures. This rule governs the Public Education Job Enhancement Program as outlined in Section 53F-2-514. There are no substantive changes being made because the program has not been funded since FY 2011 and is scheduled to sunset on 07/01/2020. Thus, there is no fiscal impact to the state from the changes in this rule.

◆ **LOCAL GOVERNMENTS:** These rule changes are not expected to have a fiscal impact on local governments' revenues or expenditures. This rule governs the Public Education Job Enhancement Program as outlined in Section 53F-2-514. There are no substantive changes being made because the program has not been funded since FY 2011 and is scheduled to sunset on 07/01/2020. Thus, there is no fiscal impact to local governments from the changes in this rule.

◆ **SMALL BUSINESSES:** These rule changes are not expected to have a fiscal impact on small business revenues or expenditures. This rule governs the Public Education Job Enhancement Program as outlined in Section 53F-2-514. There are no substantive changes being made because the program has not been funded since FY 2011 and is scheduled to sunset on 07/01/2020. Thus, there is no fiscal impact to small businesses from the changes in this rule.

◆ **PERSONS OTHER THAN SMALL BUSINESSES, BUSINESSES, OR LOCAL GOVERNMENTAL ENTITIES:** These rule changes are not expected to have a fiscal impact on persons other than small businesses', businesses', or local government entities' revenues or expenditures. This rule governs the Public Education Job Enhancement Program as outlined in Section 53F-2-514. There are no substantive changes being made because the program has not been funded since FY 2011 and is scheduled to sunset on 07/01/2020. Thus, there is no fiscal impact to other individuals from the changes in this rule.

COMPLIANCE COSTS FOR AFFECTED PERSONS: There are no compliance costs for affected persons.

COMMENTS BY THE DEPARTMENT HEAD ON THE FISCAL IMPACT THE RULE MAY HAVE ON BUSINESSES: There are 1,241 entities with a NAICS code 611110 (Elementary and Secondary Schools) operating in Utah according to a "Firm Find Data" search through Utah's Department of Workforce Services. Most of the entities in the list are schools including public schools, charter schools, and private schools. Of the 1,241 entities, there are 15 private businesses, all of which are small businesses (there are no non-small businesses with a NAICS code 611110). Thus, these rule changes are not expected to have any fiscal impact on non-small businesses' revenue or expenditures because there are no applicable non-small businesses and it does not require any expenditures of or generate revenues for non-small businesses. The Program Analyst at the Utah State Board of Education, Jill Curry, has reviewed and approved this fiscal analysis.

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 Office of Administrative Rules.

DIRECT QUESTIONS REGARDING THIS RULE TO:
 ♦ Angela Stallings by phone at 801-538-7550, 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 07/01/2019

THIS RULE MAY BECOME EFFECTIVE ON: 07/08/2019

AUTHORIZED BY: Angela Stallings, Deputy Superintendent of Policy

Appendix 1: Regulatory Impact Summary Table*

Fiscal Costs	FY 2020	FY 2021	FY 2022
State Government	\$0	\$0	\$0
Local Government	\$0	\$0	\$0
Small Businesses	\$0	\$0	\$0
Non-Small Businesses	\$0	\$0	\$0
Other Person	\$0	\$0	\$0
Total Fiscal Costs:	\$0	\$0	\$0

Fiscal Benefits			
State Government	\$0	\$0	\$0
Local Government	\$0	\$0	\$0
Small Businesses	\$0	\$0	\$0
Non-Small Businesses	\$0	\$0	\$0
Other Persons	\$0	\$0	\$0
Total Fiscal Benefits:	\$0	\$0	\$0
Net Fiscal Benefits:	\$0	\$0	\$0

*This table only includes fiscal impacts that could be measured. If there are inestimable fiscal impacts, they will not be included in this table. Inestimable impacts for State Government, Local Government, Small Businesses and Other Persons are described in the narrative. Inestimable impacts for Non-Small Businesses are described in Appendix 2.

Appendix 2: Regulatory Impact to Non-Small Businesses

There are 1,241 entities with a NAICS code 611110 (Elementary and Secondary Schools) operating in Utah according to a "Firm Find Data" search through Utah's Department of Workforce Services. Most of the entities in the list are schools including public schools, charter schools, and private schools. Of the 1,241 entities, there are 15 private businesses, all of which are small businesses (there are no non-small businesses with a NAICS code 611110). Thus, these rule changes are not expected to have any fiscal impact on non-small businesses' revenue or expenditures because there are no applicable non-small businesses and it does not require any expenditures of or generate revenues for non-small businesses.

The Program Analyst at the Utah State Board of Education, Jill Curry, has reviewed and approved this fiscal analysis.

R277. Education, Administration.

R277-528. Use of Public Education Job Enhancement Program (PEJEP) Funds.

[R277-528-1. Authority and Purpose:

A. The rule is authorized by Article X, Section 3 of the Utah Constitution, which places general control and supervision of the public schools under the Board; Subsection 53F-2-514(3)(e)(ii), which requires the Board to make a rule that provides for repayment of a portion of the initial payment by the teacher if the teacher fails to complete the Program with exceptions; Subsection 53F-2-514(5)(b), which directs the Board to develop criteria for PEJEP awards; and Subsection 53E-3-401(4) which allows the Board to adopt rules in accordance with its responsibilities.

B. The purpose of this rule is to provide standards and procedures for ongoing participation in PEJEP.

R277-528-2. Definitions:

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

~~_____ B. "Council for Accreditation of Educator Preparation (CAEP)" is a nationally recognized organization which provides accreditation of professional teacher education programs in institutions offering baccalaureate and graduate degrees for the preparation of K-12 teachers.~~

~~_____ C. "National Council for Accreditation of Teacher Education (NCATE)" is a nationally recognized organization which accredits the education units providing baccalaureate and graduate degree programs for the preparation of teachers and other professional personnel for elementary and secondary schools.~~

~~_____ D. "PEJEP awards" means awards granted to eligible PEJEP participants that satisfy the purposes of the original PEJEP funding and USOE documentation requirements.~~

~~_____ E. "Public Education Job Enhancement Program (PEJEP)" means a program authorized under Subsection 53F-2-514(2).~~

~~_____ F. "Teacher Education Accreditation Council (TEAC)" is a nationally recognized organization which provides accreditation of professional teacher education programs in institutions offering baccalaureate and graduate degrees for the preparation of K-12 teachers.~~

~~_____ G. "USOE" means the Utah State Office of Education.~~

R277-528-3. PEJEP Participants.

~~_____ A. PEJEP participants shall commit to required courses for advanced degrees and endorsements consistent with Subsection 53F-2-514(2).~~

~~_____ B. Qualified Utah institutions of higher education shall be reimbursed for the tuition for eligible PEJEP participants.~~

~~_____ C. PEJEP participants shall receive textbook reimbursements directly.~~

~~_____ D. PEJEP participants shall provide documentation annually, by October 1, to the USOE, demonstrating full-time employment as educators during the previous school year.~~

~~_____ E. If a PEJEP participant changes employers, leaves public education, or moves from the state, he shall notify the USOE immediately. The USOE may require repayment or partial repayment, consistent with Subsection 53F-2-514(3)(c)(ii).~~

~~_____ F. PEJEP participants shall notify the USOE of the participants' satisfaction of their teaching commitment at the conclusion of their Program.~~

R277-528-4. University Program Eligibility.

~~_____ A. A Utah higher education institution (university) program that provides licensure and endorsements in areas outlined in Subsection 53F-2-514(2) shall be eligible to receive tuition reimbursement for eligible PEJEP participants.~~

~~_____ B. University endorsement or education programs that desire to enroll PEJEP participants shall meet the following minimum requirements:~~

~~_____ (1) provide documentation to the USOE of university program accreditation by NCATE/TEAC/CAEP;~~

~~_____ (2) provide to the USOE an overview of the university endorsement program including:~~

~~_____ (a) program requirements and eligibility standards for participants;~~

~~_____ (b) a screening process for prospective participants;~~

~~_____ (c) course syllabi; and~~

~~_____ (d) a yearly evaluation of the program.~~

~~_____ C. The USOE may determine the eligibility of university programs on an annual basis.~~

~~_____ D. The USOE shall reimburse tuition directly to university programs for PEJEP participants.~~

R277-528-5. Evaluation.

~~_____ A. The USOE shall maintain records of PEJEP award participants.~~

~~_____ B. The USOE shall prepare an annual report for the Board that demonstrates use of PEJEP funding consistent with the intent of original PEJEP legislation.]~~

R277-528-1. Authority and Purpose.

~~_____ (1) This rule is authorized by:~~

~~_____ (a) Article X, Section 3 of the Utah Constitution, which places general control and supervision of public education in the Board;~~

~~_____ (b) Subsection 53E-3-401(4) which allows the Board to make rules to execute the Board's duties and responsibilities under the Utah Constitution and state;~~

~~_____ (c) Subsection 53F-2-514(3)(c)(ii) which requires the Board to make a rule that provides for repayment of a portion of the initial payment by the teacher if the teacher fails to complete the university program with exceptions; and~~

~~_____ (d) Subsection 53F-2-514(5)(b) which directs the Board to develop criteria for PEJEP awards.~~

~~_____ (2) The purpose of this rule is to provide standards and procedures for ongoing participation in PEJEP.~~

R277-528-2. Definitions.

~~_____ (1) "Council for Accreditation of Educator Preparation" or "CAEP" is a nationally recognized organization that accredits professional teacher education programs in institutions offering baccalaureate and graduate degrees for K-12 teachers.~~

~~_____ (2) "PEJEP award" means an award granted to an eligible PEJEP participant pursuant to Section 53F-2-514 and R277-528.~~

~~_____ (3) "PEJEP Participant" means a qualified teacher with an approved application pursuant to Section 53F-2-514 and R277-528;~~

~~_____ (4) "Public Education Job Enhancement Program (PEJEP)" means the program authorized under Subsection 53F-2-514(2).~~

R277-528-3. PEJEP Participants.

~~_____ (1) If an application is filed on behalf of a qualified teacher pursuant to Subsection 53F-2-514(3)(a) and approved by the Superintendent, the PEJEP participant shall:~~

~~_____ (a) commit to required courses for advanced degrees and endorsements consistent with Subsection 53F-2-514(2);~~

~~_____ (b) provide documentation annually, by October 1, to the Superintendent, demonstrating full-time employment as an educator during the previous school year;~~

~~_____ (c) notify the Superintendent of the participant's satisfaction of the participant's four year teaching commitment as described by Subsection 53F-2-514(3); and~~

~~_____ (d) provide required documentation to receive textbook reimbursements which will be reimbursed directly to the PEJEP participant by the Superintendent.~~

~~_____ (2) If a PEJEP participant changes employers, leaves public education, or moves from the state, the Superintendent may require repayment or partial repayment, consistent with Subsection 53F-2-514(3).~~

R277-528-4. University Program Eligibility.

(1) A university program that provides licensure and endorsements in the areas outlined in Subsection 53F-2-514(2) and meets the criteria of this section shall be eligible to receive tuition reimbursement for a PEJEP participant.

(2) To be an eligible university program, the university shall:

(a) be a Utah institution of higher education;

(b) provide documentation to the Superintendent of the university's program accreditation by CAEP; and

(c) provide to the Superintendent an overview of the university's endorsement program including:

(i) program requirements and eligibility standards for participants;

(ii) a screening process for prospective participants;

(iii) course syllabi; and

(iv) a yearly evaluation of the program.

(3) The Superintendent may determine the eligibility of a university's program on an annual basis.

(4) The Superintendent shall reimburse tuition directly to an eligible university's program for a PEJEP participant.

R277-528-5. Evaluation.

(1) The Superintendent shall maintain records of PEJEP award participants.

(2) The Superintendent shall prepare an annual report for the Board that demonstrates use of PEJEP funding consistent with Section 53F-2-514 and.

KEY: educators, awards

Date of Enactment or Last Substantive Amendment: [March 10, 2014]2019

Notice of Continuation: February 8, 2019

Authorizing, and Implemented or Interpreted Law: Art X Sec 3; 53F-2-514; 53E-3-401(4)

Education, Administration

R277-709

Education Programs Serving Youth in Custody

NOTICE OF PROPOSED RULE

(Amendment)

DAR FILE NO.: 43702

FILED: 05/03/2019

RULE ANALYSIS

PURPOSE OF THE RULE OR REASON FOR THE CHANGE: This rule is being amended to be consistent with other Utah State Board of Education (Board) rules. These amendments will allow for more appropriate budgeting by local education agencies (LEAs) for long-term needs and personnel obligations.

SUMMARY OF THE RULE OR CHANGE: The language within this rule has been amended to be consistent with other related youth in custody education rules. The title of service agencies working with students have been added to this rule in Section R277-709-3: Division of Juvenile Justice Services; Division of Child Family Services; and Department of Workforce Services. Section R277-709-7, Utah State Hospital, has been deleted.

STATUTORY OR CONSTITUTIONAL AUTHORIZATION FOR THIS RULE: Article X Section 3 and Subsection 53E-3-401(4) and Subsection 53E-3-503(2)(b)

ANTICIPATED COST OR SAVINGS TO:

♦ THE STATE BUDGET: These rule changes are not expected to have a fiscal impact on state government revenues or expenditures. These rule changes strike the requirement that no more than \$50,000 in state youth in custody funds or educational contract funds not expended in the current fiscal year may be carried over and spent in the following fiscal year. These amendments will allow for more appropriate budgeting by LEAs for long-term needs and personnel obligations. For example, under the unchanged rule, an LEA with a multiple million-dollar allocation has been asked to budget within \$50,000. This constraint is extremely restrictive and falls outside of normal budgeting expectations. However, education programs serving youth in custody are funded through state appropriations and this rule does not change program funding and thus, has no fiscal impact to the state.

♦ LOCAL GOVERNMENTS: These rule changes may have a fiscal impact on local governments' revenues or expenditures. These rule changes strike the requirement that no more than \$50,000 in state youth in custody funds or educational contract funds not expended in the current fiscal year may be carried over and spent in the following fiscal year. These amendments will allow for more appropriate budgeting by LEAs for long-term needs and personnel obligations. For example, under the unchanged rule, an LEA with a multiple million-dollar allocation has been asked to budget within \$50,000. This constraint is extremely restrictive and falls outside of normal budgeting expectations. Moving forward, LEAs who receive a program allocation over \$500,000 will be able to carry over more than \$50,000; they will be able to carry over 10 percent of their allocation. Previously, all LEAs had been limited to the lesser of 10 percent or \$50,000. These rule changes do not change the initial program allocation for LEAs. It could mean that fewer recaptured funds are available to be reallocated, but the specific fiscal impact cannot be estimated since it is unclear which LEAs may alter the amount carried over into the following fiscal year.

♦ SMALL BUSINESSES: These rule changes are not expected to have any fiscal impact on small businesses' revenues or expenditures. The education programs serving youth in custody are state funded and do not involve small businesses.

◆ PERSONS OTHER THAN SMALL BUSINESSES, BUSINESSES, OR LOCAL GOVERNMENTAL ENTITIES: These rule changes are not expected to have any fiscal impact on persons other than small businesses', businesses', or local government entities' revenues or expenditures. The education programs serving youth in custody are state funded and do not involve other individuals.

COMPLIANCE COSTS FOR AFFECTED PERSONS: There are no compliance costs for affected persons.

COMMENTS BY THE DEPARTMENT HEAD ON THE FISCAL IMPACT THE RULE MAY HAVE ON BUSINESSES: There are 1,241 entities with a NAICS code 611110 (Elementary and Secondary Schools) operating in Utah according to a "Firm Find Data" search through Utah's Department of Workforce Services. Most of the entities in the list are schools including public schools, charter schools, and private schools. Of the 1,241 entities, there are 15 private businesses, all of which are small businesses (there are no non-small businesses with a NAICS code 611110). These rule changes have no fiscal impact on local education agencies and will not have a fiscal impact on non-small or small businesses. The Program Analyst at the Utah State Board of Education, Jill Curry, has reviewed and approved this fiscal analysis.

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 Office of Administrative Rules.

DIRECT QUESTIONS REGARDING THIS RULE TO:
 ◆ Angela Stallings by phone at 801-538-7550, 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 07/01/2019

THIS RULE MAY BECOME EFFECTIVE ON: 07/08/2019

AUTHORIZED BY: Angela Stallings, Deputy Superintendent of Policy

Appendix 1: Regulatory Impact Summary Table*

Fiscal Costs	FY 2020	FY 2021	FY 2022
State Government	\$0	\$0	\$0
Local Government	\$0	\$0	\$0
Small Businesses	\$0	\$0	\$0

Non-Small Businesses	\$0	\$0	\$0
Other Person	\$0	\$0	\$0
Total Fiscal Costs:	\$0	\$0	\$0
Fiscal Benefits			
State Government	\$0	\$0	\$0
Local Government	\$0	\$0	\$0
Small Businesses	\$0	\$0	\$0
Non-Small Businesses	\$0	\$0	\$0
Other Persons	\$0	\$0	\$0
Total Fiscal Benefits:	\$0	\$0	\$0
Net Fiscal Benefits:			
	\$0	\$0	\$0

*This table only includes fiscal impacts that could be measured. If there are inestimable fiscal impacts, they will not be included in this table. Inestimable impacts for State Government, Local Government, Small Businesses and Other Persons are described in the narrative. Inestimable impacts for Non-Small Businesses are described in Appendix 2.

Appendix 2: Regulatory Impact to Non-Small Businesses

There are 1,241 entities with a NAICS code 611110 (Elementary and Secondary Schools) operating in Utah according to a "Firm Find Data" search through Utah's Department of Workforce Services. Most of the entities in the list are schools including public schools, charter schools, and private schools. Of the 1,241 entities, there are 15 private businesses, all of which are small businesses (there are no non-small businesses with a NAICS code 611110). Thus, these rule changes are not expected to have any fiscal impact on non-small businesses' revenue or expenditures because there are no applicable non-small businesses and it does not require any expenditures of or generate revenues for non-small businesses.

The Program Analyst at the Utah State Board of Education, Jill Curry, has reviewed and approved this fiscal analysis.

R277. Education, Administration.

R277-709. Education Programs Serving Youth in Custody.

R277-709-1. 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) Subsection 53E-3-401(4), which allows the Board to make rules to execute the Board's duties and responsibilities under the Utah Constitution and state law; and
 - (c) Subsection 53E-3-503(2)(b) which requires the Board to adopt rules for the distribution of funds for the education of youth in custody.

(2) The purpose of this rule is to specify operation standards, procedures, and distribution of funds for youth in custody programs.

R277-709-2. Definitions.

(1) "Accreditation" means the formal process for evaluation and approval from a regional accrediting body.

(2) "Custody" means the status of being legally subject to the control of another person or a public agency.

(3)(a) "Youth in custody" means a person for whom the Board is responsible to provide educational services under Subsections 53E-3-503(2)(a) and 62A-15-609(1).

(b) "Youth in custody" does not include a person taken into custody for the primary purpose of obtaining access to education programs provided for youth in custody.

R277-709-3. Student Evaluation, Education Plans, and LEA Programs.

(1) Each student meeting the eligibility definition of youth in custody shall have a written [SEOP/]plan for college and career readiness defining the student's academic achievement, which shall specify known in-school and extra-school factors which may affect the student's school performance.

(2) A student, school staff and parent/guardian shall annually review the student's [SEOP/]plan for college and career readiness maintained in the student's file.

(3) A program receiving a youth in custody student is responsible for obtaining the student's evaluation records, and, in cases where the records are not current, for conducting the evaluation, which may include a special education eligibility evaluation, as quickly as possible so that unnecessary delay in developing a student's education program is avoided.

(4) The LEA in which a youth in custody program is located has the responsibility to conduct IDEA child find activities within the program, consistent with Section R277-750-2 and Utah State Board of Education Special Education Rule IIA.

(5)(a) A youth in custody program shall prepare an appropriate [SEOP/]plan for college and career readiness and, as needed, an Individualized Education Program for each eligible youth in custody based upon the results of the student evaluation.

(b) A youth in custody program shall review and update the plans required under Subsection (5)(a) at least once each year or immediately following transfer of a student from one custody program to another, whichever is sooner.

(c) A youth in custody program shall develop the plans required under Subsection (5)(a) in cooperation with appropriate representatives of other service agencies working with a student, such as JJS, DCFS, DWS, etc.

(d) The plans required under Subsection (5)(a) shall specify the responsibilities of each of the agencies towards the student and shall be signed by each agency's representative.

(6)(a) All provisions of the IDEA and state special education rules apply to youth in custody programs.

(b) The USBE Special Education Department shall include youth in custody programs in annual general supervision monitoring.

(7)(a) An LEA shall provide an education program for the student which conforms as closely as possible to the student's education plan.

(b) An LEA shall provide educational services in the least restrictive environment appropriate for the student's behavior and educational performance.

(8) An LEA shall consider youth in custody who do not require educational services or supervision beyond students not in custody to be part of the district's regular enrollment and provided education services.

(9) An LEA shall only assign or allow youth in custody to remain in restrictive or mainstream programs if ~~not assign or allow youth in custody to remain in restrictive or non-mainstream programs simply because of~~:

(a) their custodial status;

(b) past behavior that does not put others at risk; or

(c) the inappropriate behavior of other students.

(10)(a) Education programs to which youth in custody are assigned shall meet the standards which are adopted by the Board for that type program.

(b) The Superintendent shall monitor compliance in ~~periodic~~ annual review visits.

(11) An LEA shall accept credit earned in youth in custody programs that are accredited at face value in Utah's public schools consistent with Section R277-410-9, Transfer or Acceptance of Credit.

(12) A youth in custody program shall ~~sufficiently~~ coordinate educational services with non-custody programs to enable youth in custody to continue their education ~~with minimal disruption~~ following discharge from custody.

(13)(a) A youth in custody program shall admit~~t~~ youth in custody to classes within five school days following arrival at a new residential placement.

(b) If a youth in custody program cannot complete an evaluation and [SEOP/]plan for college and career readiness or IEP development within five school days, the program shall enroll the student temporarily based upon the best information available.

(c) A temporary schedule may be modified to meet the student's needs after the evaluation and planning process is complete.

(14)(a) Following a student's release from custody or transfer to a new program, the sending program shall bring all available school records up to date and forward them to the receiving program consistent with Section 53G-6-604.

(b) An LEA shall maintain all grades, attendance records and special education SCRAM records in the LEA's SIS system in compliance with Rule R277-484, Data Standards.

R277-709-4. Program Fiscal and Accountability Procedures.

(1) The Superintendent shall allocate state funds appropriated for youth in custody, including the Utah State Hospital, in accordance with Section 53E-3-503 and Section 62A-15-609.

(2) Funds appropriated for youth in custody programs shall be subject to Board accounting, auditing, and budgeting rules and policies.

(3) The Superintendent shall, through an annually submitted and approved state application and plan, contract with LEAs to provide educational services for youth in custody.

(a) A contract required by Subsection (3) shall include the respective responsibilities of the Board, LEAs, and other local service providers for education.

(b) An LEA may subcontract with local non-district educational service providers for the provision of educational services.

(4) The Superintendent may only contract through an RFP process with an appropriate entity if the Superintendent determines that the LEA where the facility is located is unable or unwilling to provide adequate education services.

(5) Youth in custody students receiving education services by or through an LEA are students of that LEA.

(6) Notwithstanding the procedures for determining an alternative district of residency in Rule R277-621, an LEA may not create an alternative district of residency for a student who has been placed in custody primarily in an attempt to receive services in a state funded youth in custody program.

(7) The Superintendent shall allocate state funds appropriated for youth in custody on the basis of an annually submitted and approved application made by the LEA where a youth in custody program resides.

(8) The Superintendent shall base the share of funds distributed to an LEA upon criteria, which include:

- (a) the number of youth in custody served by the LEA;
- (b) the type of program required for the youth;
- (c) the setting for providing services; and
- (d) the length of the program.

(9) A youth in custody program shall expend funds approved for youth in custody projects solely for the purposes described in the respective funding application.

(10) The Superintendent may retain no more than five percent of the total youth in custody annual legislative appropriation for administration, oversight, monitoring, and evaluation of youth in custody programs and their compliance with law and this rule.

(11) Up to three percent of the five percent of administrative funds allowed under Subsection (9) may be withheld by the Superintendent and directed to students attending youth in custody programs for short periods of time or to new or beginning youth in custody programs or initiatives benefitting youth in custody students.

(12) The Superintendent may withhold federal or state funds for noncompliance with state policy and procedures and associated reporting timelines in accordance with Rule R277-114.

(13) The Superintendent shall develop uniform forms, deadlines, reporting and accounting procedures and guidelines to govern the youth in custody school-based programs and Utah State Hospital funded programs.

R277-709-5. Youth in Custody Programs and Students with Disabilities.

(1) The youth in custody program is separate from and not conducted under the state's education program for students with disabilities.

(2) Custodial status alone does not qualify a youth in custody student as a student with a disability under laws regulating education for students with disabilities.

(3) Youth in custody students may be eligible for special education funding and services based upon special education rules and regulations.

(4) Youth in custody students qualifying for special education services shall receive educational instruction as defined in Rule R277-750, Education Programs for Students with Disabilities.

(5) Special education procedural safeguards shall apply to all IDEA eligible youth in custody students regardless of instructional location.

(6) The Superintendent shall monitor special education programs provided through youth in custody programs on an annual basis in accordance with special education rules and policies.

R277-709-6. Youth in Custody Program Staffing and Monitoring.

(1) Education staff assigned to youth in custody shall be qualified and appropriate for their assignments in accordance with Board licensing rules.

(2) Youth in custody programs shall maintain accreditation as part of the LEA where the programs are located consistent with Rule R277-410, Accreditation of Schools.

(3) The Superintendent shall evaluate youth in custody programs through regular site monitoring visits and monthly desk monitoring.

(4) Monitored programs shall prepare and submit to the Superintendent a written corrective action plan for each monitoring finding, as requested by the Superintendent.

(5) A youth in custody program's failure to resolve monitoring findings as soon as possible, and, in no case, later than one calendar year from date of notice, may result in the termination of state funding as provided in Rule R277-114.

(6) The Superintendent may review LEA or State Hospital records and practices for compliance with the law and this rule.

[R277-709-7. Utah State Hospital.

~~(1) Funding for the education programs at the Utah State Hospital shall be contingent upon a legislative appropriation.~~

~~(2)(a) State education contract funds appropriated for State Hospital youth in custody are allocated to the LEA on a reimbursement basis.~~

~~(b) The State Hospital shall annually submit requests for reimbursement.~~

~~(3) Funding shall be distributed to the LEA on a reimbursement basis subject to required documentation that supports expenditures.~~

~~(4) Funds may be withheld or terminated for noncompliance with state and federal policies and procedures and associated reporting requirements and timelines as defined by the Superintendent and in accordance with Rule R277-114.~~

~~(5) The Utah State Hospital shall serve all students qualifying for special education services in accordance with the special education standards adopted in the Special Education Rules and Rule R277-750.~~

R277-709-[8]7. Youth in Custody/LEA Fiscal Procedures.

(1) Ten percent ~~[or \$50,000, whichever is less,]~~ of state youth in custody funds or educational contract funds not expended in the current fiscal year may be carried over by eligible LEAs and spent in the next fiscal year with written approval of the Superintendent.

(2) An LEA shall submit a request to carry over funds for approval by August 1.

(3) If approved, an LEA shall detail carry over amounts in a revised budget submitted to the Superintendent no later than October 1 in the year requested.

(4) The Superintendent ~~[may]~~ shall consider excess funds in determining the LEA's allocation for the next fiscal year.

(5)(a) The Superintendent shall annually recapture fund balances in excess of ten percent ~~[or \$50,000]~~ no later than February 1.

(b) The Superintendent shall reallocate funds recaptured in accordance with Subsection (5)(a) to the youth in custody programs based on the criteria and procedures provided by this rule.

R277-709-~~19~~8. Program, Curriculum, Outcomes and Student Mastery.

(1) Youth in custody programs shall offer courses consistent with the Utah Core standards under Rule R277-700.

(2) A youth in custody program may modify or adjust Utah core standards and teaching strategies to meet the individual needs of youth in custody students.

(3) Youth in custody programs shall stress course content mastery rather than completion of predetermined seat time in a classroom.

(4) The Superintendent shall make available written course descriptions for GED Test preparation for youth in custody students who consider pursuing GED Tests as an alternative to traditional Carnegie diploma courses.

R277-709-~~10~~9. Confidentiality.

(1) An LEA shall issue transcripts and diplomas prepared for youth in custody in the name of an existing LEA, which also serves non-custodial youth and shall not bear references to custodial status.

(2) School records which refer to custodial status, juvenile court records, and related matters shall be kept separate from permanent school records, but are nonetheless student records if retained by the LEA.

(3)(a) Members of the interagency team which design and oversee student education plans shall have access, through team member representatives of the participating agencies, to relevant records of the various agencies.

(b) The records and information obtained from the records remain the property of the supplying agency and shall not be transferred or shared with other persons or agencies without the permission of the supplying agency, the student's legal guardian, or the eligible student, as defined under 20 U.S.C. 1232g(d).

(4) Youth in custody programs shall comply with all state and federal privacy requirements for student records.

R277-709-1~~1~~0. Coordinating Council.

(1)(a) The Department of Human Services and the Board shall appoint a coordinating council in accordance with Subsection 53E-3-503(6)(a) to plan, coordinate, and recommend budget, policy, and program guidelines for the education and treatment of persons in the custody of the Division of Juvenile Justice Services and the Division of Child and Family Services.

(b) The coordinating council shall operate under guidelines developed and approved by the Department of Human Services and the Board.

(2) Coordinating council membership shall include a representative of the following:

- (a) the Department of Human Services;
- (b) the Division of Substance Abuse and Mental Health;
- (c) the Division of Juvenile Justice Services;
- (d) the Division of Child and Family Services;
- (e) the Board;
- (f) the Administrative Office of the Courts;
- (g) school district superintendents; and

(h) a Native American tribe.

R277-709-1~~2~~1. Advisory Councils.

(1)(a) Each LEA serving youth in custody shall establish a local interagency advisory council which shall be responsible for advising member agencies concerning coordination of youth in custody programs.

(b) Members of council required under Subsection (1)(a) shall include, if applicable to the LEA, the following:

- (i) a representative of the Division of Child and Family Services;
- (ii) a representative of the Division of Juvenile Justice Services;
- (iii) directors of agencies located in an LEA such as detention centers, secure lockup facilities, observation and assessment units, and the Utah State Hospital;
- (iv) a representative of community-based alternative programs for custodial juveniles; and
- (v) a representative of the LEA.

(2) A local interagency advisory council required under Subsection (1)(a) shall:

- (a) adopt by-laws for its operation; and
- (b) meet at least quarterly.

KEY: students, education, juvenile courts

Date of Enactment or Last Substantive Amendment: ~~April 9, 2018~~2019

Notice of Continuation: February 26, 2018

Authorizing, and Implemented or Interpreted Law: Art X Sec 3; ~~53A-1-403(1)~~53E-3-401(4); ~~53A-1-401~~53E-3-503(2)(b)

Education, Administration
R277-714
Dissemination of Information About
Juvenile Offenders

NOTICE OF PROPOSED RULE
(Repeal)

DAR FILE NO.: 43703
FILED: 05/03/2019

RULE ANALYSIS

PURPOSE OF THE RULE OR REASON FOR THE CHANGE: The Utah State Board of Education (Board) has determined that the provisions in this rule are necessary, but that the provisions should be included in another already existing rule governing student data privacy and the sharing of student information, Rule R277-487 Public School Data Confidentiality and Disclosure.

SUMMARY OF THE RULE OR CHANGE: The Board is recommending repealing this rule because the language is included in Rule R277-487. Therefore, this rule is repealed in its entirety.

STATUTORY OR CONSTITUTIONAL AUTHORIZATION FOR THIS RULE: Article X Section 3 and Section 53G-8-404 and Subsection 53E-3-401(4)

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

ANTICIPATED COST OR SAVINGS TO:

◆ THE STATE BUDGET: This rule repeal is not expected to have a fiscal impact on state government revenues or expenditures. However, the provisions in this rule will be included in another already existing rule governing student data privacy and the sharing of student information, Rule R277-487. Thus, there is no fiscal impact to the state from this repeal.

◆ LOCAL GOVERNMENTS: This rule repeal is not expected to have a fiscal impact on local governments' revenues or expenditures. However, the provisions in this rule will be included in another already existing rule governing student data privacy and the sharing of student information, Rule R277-487. Thus, there is no fiscal impact to local governments from this repeal.

◆ SMALL BUSINESSES: This rule repeal is not expected to have any fiscal impact on small businesses' revenues or expenditures. However, the provisions in this rule will be included in another already existing rule governing student data privacy and the sharing of student information, Rule R277-487. Thus, there is no fiscal impact to small businesses from this repeal.

◆ PERSONS OTHER THAN SMALL BUSINESSES, BUSINESSES, OR LOCAL GOVERNMENTAL ENTITIES: This rule repeal is not expected to have any fiscal impact on persons other than small businesses', businesses', or local government entities' revenues or expenditures. However, the provisions in this rule will be included in another already existing rule governing student data privacy and the sharing of student information, Rule R277-487. Thus, there is no fiscal impact to other individuals from this repeal.

COMPLIANCE COSTS FOR AFFECTED PERSONS: There are no compliance costs for affected persons.

COMMENTS BY THE DEPARTMENT HEAD ON THE FISCAL IMPACT THE RULE MAY HAVE ON BUSINESSES: There are 1,241 entities with a NAICS code 611110 (Elementary and Secondary Schools) operating in Utah according to a "Firm Find Data" search through Utah's Department of Workforce Services. Most of the entities in the list are schools including public schools, charter schools, and private schools. Of the 1,241 entities, there are 15 private businesses, all of which are small businesses (there are no non-small businesses with a NAICS code 611110). This rule repeal has no fiscal impact on local education agencies and will not have a fiscal impact on non-small or small businesses. The Program Analyst at the Utah State Board of Education, Jill Curry, has reviewed and approved this fiscal analysis.

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

DIRECT QUESTIONS REGARDING THIS RULE TO:

◆ Angela Stallings by phone at 801-538-7550, 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 07/01/2019

THIS RULE MAY BECOME EFFECTIVE ON: 07/08/2019

AUTHORIZED BY: Angela Stallings, Deputy Superintendent of Policy

Appendix 1: Regulatory Impact Summary Table*

Fiscal Costs	FY 2020	FY 2021	FY 2022
State Government	\$0	\$0	\$0
Local Government	\$0	\$0	\$0
Small Businesses	\$0	\$0	\$0
Non-Small Businesses	\$0	\$0	\$0
Other Person	\$0	\$0	\$0
Total Fiscal Costs:	\$0	\$0	\$0
Fiscal Benefits			
State Government	\$0	\$0	\$0
Local Government	\$0	\$0	\$0
Small Businesses	\$0	\$0	\$0
Non-Small Businesses	\$0	\$0	\$0
Other Persons	\$0	\$0	\$0
Total Fiscal Benefits:	\$0	\$0	\$0
Net Fiscal Benefits:	\$0	\$0	\$0

*This table only includes fiscal impacts that could be measured. If there are inestimable fiscal impacts, they will not be included in this table. Inestimable impacts for State Government, Local

Government, Small Businesses and Other Persons are described in the narrative. Inestimable impacts for Non-Small Businesses are described in Appendix 2.

Appendix 2: Regulatory Impact to Non-Small Businesses

There are 1,241 entities with a NAICS code 611110 (Elementary and Secondary Schools) operating in Utah according to a "Firm Find Data" search through Utah's Department of Workforce Services. Most of the entities in the list are schools including public schools, charter schools, and private schools. Of the 1,241 entities, there are 15 private businesses, all of which are small businesses (there are no non-small businesses with a NAICS code 611110). Thus, this rule repeal is not expected to have any fiscal impact on non-small businesses' revenue or expenditures because there are no applicable non-small businesses and it does not require any expenditures or generate revenues for non-small businesses.

The Program Analyst at the Utah State Board of Education, Jill Curry, has reviewed and approved this fiscal analysis.

R277. Education, Administration.

~~**[R277-714. — Dissemination of Information About Juvenile Offenders.**~~

~~**R277-714-1. Definitions.**~~

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

~~B. "FERPA" means the Family Educational Rights and Privacy Act of 1974, 20 U.S.C. 1232g, a federal law designed to protect the privacy of students' education records. The law is hereby incorporated by reference.~~

~~C. "GRAMA" means the Government Records Access and Management Act, Title 63G, Chapter 2, a Utah law designed to govern access to and control of government records.~~

~~D. "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.~~

~~E. "Superintendent" means the State Superintendent of Public Instruction.~~

~~**R277-714-2. Authority and Purpose.**~~

~~A. This rule is authorized by Utah Constitution Article X, Section 3 which vests general control and supervision over public schools in the Board, Subsection 53E-3-401(4), which allows the Board to adopt rules in accordance with its responsibilities, and Section 53G-8-404, which directs the Board to adopt rules governing the dissemination of information about juvenile offenders in the public schools.~~

~~B. The purpose of this rule is to provide procedures for LEAs to follow in notifying school personnel of offenders in their schools and for protecting the confidentiality of the information.~~

~~**R277-714-3. Dissemination of Information.**~~

~~A. The dissemination of any information about students among agencies and LEAs shall be consistent with FERPA and GRAMA, including applicable time periods and protection of confidential information.~~

~~B. Each LEA shall establish by written policy which staff members have authority to receive confidential information about students, depending upon the offense and the circumstances. This policy shall be approved by the LEA and available to parents and students upon request.~~

~~C. A dispute regarding the dissemination of information shall be decided in favor of a student's rights to privacy, except in the event of apparent imminent danger to persons or property.~~

~~**KEY: public education, dissemination of information, juvenile offenders**~~

~~**Date of Enactment or Last Substantive Amendment: March 12, 2012**~~

~~**Notice of Continuation: June 10, 2014**~~

~~**Authorizing, and Implemented or Interpreted Law: Art X Sec 3; 53E-3-401(4); 53G-8-404]**~~

**Governor, Economic Development
R357-24**

Utah Works Program Rule

NOTICE OF PROPOSED RULE

(New Rule)

DAR FILE NO.: 43720

FILED: 05/15/2019

RULE ANALYSIS

PURPOSE OF THE RULE OR REASON FOR THE CHANGE: S.B. 172, passed by the Legislature during the 2019 General Session, created the Utah Works Program (Program). The new statutory language permits the Governor's Office of Economic Development (Office) to promulgate rules to administer the Program. The purpose of this rule filing is to clarify the standards for participation in the Program.

SUMMARY OF THE RULE OR CHANGE: Section R357-24-102 details the purpose and goals of the Program. Section R357-24-103 creates definitions that will be used to administer the Program. Section R357-24-104 references the authority granted in the statutory language that permits rulewriting. Section R357-24-105 outlines the eligibility criteria for participation in the Program. Section R357-24-106 outlines the proposal and submission process. Section R357-24-107 establishes the method for selecting Program awardees. Section R357-24-108 establishes that an awardee must enter a contract with the Office that outlines the award and grant amount. Section R357-24-109 outlines the guidelines for modification of a contract. Section R357-24-110 establishes the funding distribution standards. Section R357-24-111 establishes the reporting and cooperation requirements for participation in the Program.

STATUTORY OR CONSTITUTIONAL AUTHORIZATION FOR THIS RULE: Section 63N-12-505

ANTICIPATED COST OR SAVINGS TO:

◆ THE STATE BUDGET: There is no aggregate anticipated cost or savings to the state budget. This rule is merely creating the requirements for the Program that was created by the passing of S.B. 172 (2019).

◆ LOCAL GOVERNMENTS: There is no aggregate anticipated cost or savings to local governments because local governments are not required to comply with or enforce this rule.

♦ **SMALL BUSINESSES:** There is no aggregate anticipated cost or savings to small businesses because this proposed rule does not create new obligations for small businesses, nor does it increase the costs associated with any existing obligation. Participation in the Program is optional.

♦ **PERSONS OTHER THAN SMALL BUSINESSES, BUSINESSES, OR LOCAL GOVERNMENTAL ENTITIES:** There is no aggregate anticipated cost or savings to persons other than small businesses, businesses, or local government entities because this proposed rule does not create new obligations for persons other than small businesses, businesses, or local government entities, nor does it increase the costs associated with any existing obligation.

COMPLIANCE COSTS FOR AFFECTED PERSONS: There are no compliance costs for affected persons because participation in the Program is optional.

COMMENTS BY THE DEPARTMENT HEAD ON THE FISCAL IMPACT THE RULE MAY HAVE ON BUSINESSES: This new rule implements S.B. 172 (2019) which created the Program. The purpose of this rule filing is to clarify the standards for participation in the Program. This rule will have no impact on businesses.

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

GOVERNOR
 ECONOMIC DEVELOPMENT
 60 E SOUTH TEMPLE 3RD FLR
 SALT LAKE CITY, UT 84111
 or at the Office of Administrative Rules.

DIRECT QUESTIONS REGARDING THIS RULE TO:

♦ Dane Ishihara by phone at 801-538-8865, 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 07/01/2019

THIS RULE MAY BECOME EFFECTIVE ON: 07/08/2019

AUTHORIZED BY: Val Hale, Executive Director

Appendix 1: Regulatory Impact Summary Table*

Fiscal Costs	FY 2020	FY 2021	FY 2022
State Government	\$0	\$0	\$0
Local Government	\$0	\$0	\$0
Small Businesses	\$0	\$0	\$0
Non-Small Businesses	\$0	\$0	\$0

Other Person	\$0	\$0	\$0
Total Fiscal Costs:	\$0	\$0	\$0
Fiscal Benefits			
State Government	\$0	\$0	\$0
Local Government	\$0	\$0	\$0
Small Businesses	\$0	\$0	\$0
Non-Small Businesses	\$0	\$0	\$0
Other Persons	\$0	\$0	\$0
Total Fiscal Benefits:	\$0	\$0	\$0
Net Fiscal Benefits:	\$0	\$0	\$0

*This table only includes fiscal impacts that could be measured. If there are inestimable fiscal impacts, they will not be included in this table. Inestimable impacts for State Government, Local Government, Small Businesses and Other Persons are described in the narrative. Inestimable impacts for Non-Small Businesses are described in Appendix 2.

Appendix 2: Regulatory Impact to Non-Small Businesses

There is no regulatory impact creating financial cost to small businesses or non-small businesses or other persons. This proposed rule filing is to clarify the standards for participation in the Utah Works Program (Program). There are no general regulations being promulgated by this rule because the Program is voluntary and does not require non-participants to do anything. There is no impact to businesses or persons general because this rule only applies to those who chose to participate in this Program in order to receive a grant.

The head of the Governor's Office of Economic Development, Val Hale, has reviewed and approved this fiscal analysis.

R357. Governor, Economic Development.

R357-24. Utah Works Program.

R357-24-101. Title.

This rule is known as the "Utah Works Program Rule."

R357-24-102. Purpose and Goals.

(1) The Talent Ready Utah Center's Utah Works Program promotes partnerships between companies and post-secondary institutions to fill high demand positions and/or provide skills training. This program teams industry, post-secondary institutions, and state agencies to address specific workforce gaps identified by companies.

(2) The goal of UWP is to accelerate hiring and skills training that will lead to economic growth.

R357-24-103. Definitions.

The following terms are defined as follows:

(1) "Applicant" means a collaboration between one or more companies and one or more post-secondary institutions for a particular hiring program.

(2) "Awardee(s)" means an applicant that has been awarded a UWP grant.

(3) "Collaboration" means the strategic coordination between a company and post-secondary institution to address a skilled labor gap.

(4) "Company" means a corporation, limited liability company, partnership, association, or other business entity and may include a federal military installation when such entity otherwise meets UWP eligibility requirements and does not include an individual, sole proprietorship, or educational institution.

(5) "Company representative" means a representative from a company that is designated to support the efforts of the collaboration.

(6) "High demand position" means a position in which there are hard to fill jobs with a lack of skilled labor employees or a large number of skilled labor positions needed in a short amount of time.

(7) "Pre-hire program" means an applicant's plan to vet potential hires prior to the skills training. The pre-hire program will typically consist of a training lasting from two days to two weeks.

(8) "Post-secondary institution" means an entity under the Utah System of Higher Education or the Utah System of Technical Colleges.

(9) "Skilled labor" means jobs that require skills training and a level of skill.

(10) "Skilled labor gap" means the disparity between a company's existing or future skill need.

(11) "Skills training program" means a training plan developed and agreed upon between the post-secondary institution and a company.

(12) "TRU" means the Talent Ready Utah Center.

(13) "UWP" means the Utah Works Program.

(14) "UWP grant" means the competitive grants awarded and administered under this Rule.

R357-24-104. Authority.

This rule is adopted by the office under the authority of subsection 63N-12-505(3).

R357-24-105. Eligibility Criteria.

(1) Proposal must be jointly developed by a company and a post-secondary institution.

(2) Applicants must submit proposals as outlined in section 106 below, and otherwise specified in TRU.

(3) A company representative must certify that:

(a) the company has a skilled labor gap;

(b) the proposed post-secondary institution partnership will meet that gap need;

(c) the company has significant one time or ongoing hiring demands; and

(d) the company commits to provide a cost-share contribution as outlined in subsection (5) below.

(4) The company must have a substantial presence in Utah.

(a) A substantial presence, for purposes of UWP requires the following:

(i) the company must be properly registered with the Utah Division of Corporations as an active, for-profit business entity, in good standing; and

(ii) the company must be properly licensed in the appropriate city or county.

(b) Additionally, TRU shall, according to its judgment and discretion, determine whether a company has a substantial presence for purposes of a UWP grant by weighing the following factors:

(i) total workforce and percentage of company's workforce in Utah;

(ii) amount of business taxes paid to the State of Utah;

(iii) relative size of the company;

(iv) whether the company's principal place of business is Utah;

(v) likelihood that the company will maintain a significant presence in the state of Utah;

(vi) a commitment of capital expenditure and/or new job creation in the state; and

(vii) the degree to which the company's activities and operations positively impact Utah's economy.

(5) The company must fulfill the following cost-sharing requirements:

(a) provide a company representative to support the collaboration;

(b) provide an "in-kind" contribution, approved by TRU, which may include:

(i) company representative's time spent on the collaboration;

(ii) materials and equipment;

(iii) work/research space;

(iv) travel and other company expenses budgeted for the collaboration; or

(v) other contributions approved by TRU.

(c) make available for audit all reported cost-share activities.

(6) The skills training must be met with a minimum of two weeks of training.

(7) Applicants may coordinate with the Department of Workforce Services when building pre-hire program objectives.

R357-24-106. Proposal and Submission Process.

(1) TRU will accept proposals for UWP grants on an ongoing basis subject to available funds.

(2) Applicants shall submit proposals in a form and manner specified by TRU.

(3) The proposal must include the following:

(a) a description of the applicant's eligibility as outlined in section 105 above;

(b) a detailed description of pre-hire program, if applicable, and skills training program;

(c) description of skilled labor positions;

(d) projected number of individuals who will start the program, finish the program and be successfully hired;

(e) potential economic impact on the Utah economy;

(f) an executed collaboration agreement between the company and post-secondary institution; and

(g) outlined budget for total program cost, including:
(i) a description of any funds already secured for activities related to the program;
(ii) breakdown of costs to complete the scope of work;
(iii) an itemized budget detailing planned use of grant funds, including how the funding will be allocated, tracked, and reported;
(iv) awardee must use grant funds for expenses specific to the program and may include:
(A) instructors;
(B) marketing;
(C) equipment;
(D) tuition reimbursements;
(E) curriculum and program development;
(F) program management; and
(G) US security clearances as outlined in subsection 108(4)(b).
(4) All completed proposals will be reviewed and awardees selected via the criteria and method outlined in this Rule.

R357-24-107. Method for Selecting Awardees.

(1) TRU will evaluate grant proposals and recommend grant amounts.
(2) TRU will, according to its discretion and judgment, review the applicant's proposal by considering the following factors:
(a) statewide or regional importance of the industry to Utah's economy;
(b) relative size of the sector, its stability, and growth potential;
(c) characteristics of the state's workforce including education and training;
(d) the current availability of other sources of funding;
(e) the potential for the industry to develop new jobs and business opportunities in the state;
(f) likelihood that skilled labor in this sector will result in the creation of a company in Utah or growth of existing Utah company;
(g) number of positions to be trained and filled;
(h) impact on the local economy; and
(i) any other factor TRU deems relevant, considering the mission of UWP and the purpose of the UWP grant.
(3) The criteria will be designed to assess each proposal and may include:
(a) completeness of proposal;
(b) thorough pre-hire program and skills training program;
(c) reasonableness of proposal;
(d) reasonableness of the proposed timeline;
(e) reasonableness of the proposed budget (e.g., size and allocation of budget is appropriate for the work proposed and matching funds available);
(f) availability of UWP grant funds;
(g) potential for economic impact, as measured by:
(i) skilled labor gap mitigation;
(ii) meeting target head count;
(iii) potential revenue due to expansion of current business or development of new businesses;
(iv) projected time to fill job needs;
(v) market need or industry impact;

(h) any other factor of the applicant's ability to produce measurable and timely benefits to the state; and
(i) any factor relating to eligibility requirements outlined in section 105.
(4) UWP grants must be used to mitigate gaps and meet company hiring demands. The program proposals referenced in section 106 must identify specific pre-hire program and skills training.
(5) In the event of a favorable recommendation by TRU the proposal will be reviewed by the talent ready Utah board using the same criteria.
(6) An applicant will become an awardee only upon approval by TRU and the talent ready Utah board.

R357-24-108. Grant Amount, Award, and Required Contract.

(1) TRU will have the discretion to limit the maximum amount of funding that may be awarded for each UWP grant based on available funds, scope of the collaboration, and quality of proposal.
(2) TRU reserves the right to award funding for any proposal in full or in part, to request additional information, or to reject any or all proposals based on the eligibility and evaluation criteria set forth in these Rules, Utah law, and according to the judgment and discretion of TRU. TRU also reserves the right to certify any agreements between post-secondary institution and company on IP terms and confidentiality.
(3) Upon award of a UWP grant, and prior to disbursement of any funds, awardee must enter into a contract with GOED governing the use of UWP grant funding.
(4) Unless addressed in the terms and conditions of the contract between awardee and GOED the following provisions shall apply:
(a) UWP grant funding may not be used to provide a primary benefit to any state other than Utah;
(b) Subject to TRU approval, TRU may, via supplemental contract, allocate grant funds directly to an awardee company to pay for the cost of US security clearances for UWP grant program hires where a US security clearance is required as a condition of the position; and
(c) for all other eligibility requirements, awardees must maintain eligibility status for UWP program until the collaboration is complete, scope of work requirements have been met, final disbursement of funding has been made, and first year reporting has been completed.
(5) Any misrepresentation to TRU, violations of subsection (4) above, or this Rule may result in forfeiture of UWP grant funding and require repayment of all or a portion of the funding received as part of UWP grant and/or disqualification from continued funding.
(6) TRU reserves the right to audit the use of any UWP grant funding.

R357-24-109. Contract Modifications.

(1) Awardee may request a modification to the terms of a UWP contract.
(2) TRU may deny a modification request for any reason.
(3) TRU shall have discretion to agree to reasonable, nonsubstantive changes.
(a) Non-substantive changes may include the following:

- (i) changes to timelines within the scope of work;
 - (ii) corrections to clerical errors in the proposal materials;
- and
- (iii) technical changes to conditions that do not alter the budget, company's eligibility status, or violate any state or federal law.
- (4) Substantive changes must be approved by TRU in consultation with the talent ready Utah board.
- (5) All approved changes shall be made in writing and through an amendment modifying the terms of the grant contract.
- (6) Awardees refusal or failure to sign contract within 90 days of receipt of contract constitutes a rejection of the UWP grant and a waiver of any rights and benefits.

R357-24-110. Funding Distribution.

- (1) TRU shall reimburse the awardee for no more than the total amount specified in the contract.
- (2) Payment will only be made for those costs authorized and approved by TRU after providing sufficient documentation in accordance with the terms and conditions provided in the contract.
- (3) After execution of the contract between GOED and awardee:
 - (a) awardee may receive up to fifty percent of the total grant amount, subject to TRU approval;
 - (b) remaining funds to be disbursed on a reimbursement basis, as outlined in scope of work and after company provides sufficient evidence of initial expenditures.
- (4) Failure to successfully complete the scope of work requirements may result in a recapture of all or part of the grant funding and will be grounds to terminate the contract and any future funding.

R357-24-111. Reporting and Cooperation Requirements.

- (1) The awardee shall report to TRU and provide documentation evidencing the following metrics for inclusion in the annual report described in section 63N-1-301:
 - (a) the number of participants in the program;
 - (b) the number of participants who have completed training offered by the program;
 - (c) the number of participants who have been hired by a business participating in the program; and
 - (d) any additional data needed as required and outlined in the terms of the contract.
- (2) Awardee shall submit to any audit, by TRU or a third-party, to verify reported data.

KEY: economic development, Talent Ready Utah, Utah Works Program
Date of Enactment or Last Substantive Amendment: 2019
Authorizing, and Implemented or Interpreted Law: 63N-12-505

Heritage and Arts, History
R455-13
 Capital Funds Request Prioritization

NOTICE OF PROPOSED RULE

(Repeal)

DAR FILE NO.: 43717

FILED: 05/14/2019

RULE ANALYSIS

PURPOSE OF THE RULE OR REASON FOR THE CHANGE: The purpose of this rule is to establish the procedure regarding annual capital grant request prioritization by the Board of State History, in the Division of State History, within the Department of Heritage and Arts. This prioritization was required by former Subsection 9-8-204(4), concerning pass-through funding, which was repealed in the 2017 General Session of the Utah State Legislature. Thus, this rule is no longer needed and should be repealed.

SUMMARY OF THE RULE OR CHANGE: It has been determined that this rule is not necessary and should be repealed. Therefore, this rule is repealed in its entirety.

STATUTORY OR CONSTITUTIONAL AUTHORIZATION FOR THIS RULE: Section 63G-3-305 and Section 9-8-203 and Section 9-8-205

ANTICIPATED COST OR SAVINGS TO:

- ◆ **THE STATE BUDGET:** This rule repeal is not expected to have any fiscal impact on state government revenues or expenditures because it defines a process that has not been used in several years, is no longer necessary and, therefore, recommended for repeal.
- ◆ **LOCAL GOVERNMENTS:** This rule repeal is not expected to have any material impact on local governments' revenues or expenditures because it defines a process that has not been used in several years, is no longer necessary and, therefore, recommended for repeal.
- ◆ **SMALL BUSINESSES:** This rule repeal is not expected to have any material fiscal impact on small businesses' revenues or expenditures because it defines a process that has not been used in several years, is no longer necessary and, therefore, recommended for repeal.
- ◆ **PERSONS OTHER THAN SMALL BUSINESSES, BUSINESSES, OR LOCAL GOVERNMENTAL ENTITIES:** This rule repeal is not expected to have any material fiscal impact on persons other than small businesses', businesses', or local government entities' revenues or expenditures because it defines a process that has not been used in several years, is no longer necessary and, therefore, recommended for repeal.

COMPLIANCE COSTS FOR AFFECTED PERSONS: There are no compliance costs for affected persons.

COMMENTS BY THE DEPARTMENT HEAD ON THE FISCAL IMPACT THE RULE MAY HAVE ON BUSINESSES: This rule repeal has no fiscal impact on state agencies and will not have a fiscal impact on small or non-small businesses.

THE FULL TEXT OF THIS RULE MAY BE INSPECTED, DURING REGULAR BUSINESS HOURS, AT:
 HERITAGE AND ARTS HISTORY
 300 RIO GRANDE ST
 SALT LAKE CITY, UT 84101-1182
 or at the Office of Administrative Rules.

DIRECT QUESTIONS REGARDING THIS RULE TO:
 ♦ Alycia Aldrich by phone at 801-245-7226, by FAX at 801-533-3503, or by Internet E-mail at aaldrich@utah.gov
 ♦ Nelson Knight by phone at 801-245-7244, or by Internet E-mail at nwknight@utah.gov

INTERESTED PERSONS MAY PRESENT THEIR VIEWS ON THIS RULE BY SUBMITTING WRITTEN COMMENTS NO LATER THAN AT 5:00 PM ON 07/01/2019

THIS RULE MAY BECOME EFFECTIVE ON: 07/08/2019

AUTHORIZED BY: Jill Love, Executive Director

Net Fiscal Benefits:	\$0	\$0	\$0

*This table only includes fiscal impacts that could be measured. If there are inestimable fiscal impacts, they will not be included in this table. Inestimable impacts for State Government, Local Government, Small Businesses and Other Persons are described in the narrative. Inestimable impacts for Non-Small Businesses are described in Appendix 2.

Appendix 2: Regulatory Impact to Non-Small Businesses

This proposed rule repeal is not expected to have any fiscal impacts on non-small businesses' revenues or expenditures for state government, local governments, small businesses, non-small businesses or other persons, because the rule creates a process that has not been used since approximately 2010. In 2008, the Legislature requested (and codified in former Subsection 9-8-204(4)) that State History and other agencies within the Department of Heritage and Arts create a process to review and prioritize capital facilities requests. Typically, the Legislature's Appropriations Committees reviewed these requests during the legislative session. State History created this rule in response to that request. With the new process, individuals, non-profit organizations, and local governments incurred some costs preparing applications. State History also incurred costs associated with the application reviews. However, it quickly became apparent that the prioritized lists produced did not have an effect on the legislative appropriations process and what projects were funded. After approximately two years, this application and prioritization process ended, largely to eliminate the time and costs incurred without significant results. The Legislature repealed Subsection 9-8-204(4) in the 2017 general session. Repealing this rule is essentially a housekeeping measure to eliminate an unused process.

The Director of the Division of State History, Don Hartley, and the Board of State History have reviewed and approved this fiscal analysis and agree that the rule should be repealed.

The Executive Director of the Department of Heritage and Arts, Jill Love, has also reviewed and approved this fiscal analysis.

Appendix 1: Regulatory Impact Summary Table*

Fiscal Costs	FY 2020	FY 2021	FY 2022
State Government	\$0	\$0	\$0
Local Government	\$0	\$0	\$0
Small Businesses	\$0	\$0	\$0
Non-Small Businesses	\$0	\$0	\$0
Other Person	\$0	\$0	\$0
Total Fiscal Costs:	\$0	\$0	\$0
Fiscal Benefits			
State Government	\$0	\$0	\$0
Local Government	\$0	\$0	\$0
Small Businesses	\$0	\$0	\$0
Non-Small Businesses	\$0	\$0	\$0
Other Persons	\$0	\$0	\$0
Total Fiscal Benefits:	\$0	\$0	\$0

R455. Heritage and Arts, History.

[R455-13. Capital Funds Request Prioritization.

R455-13-1. Purpose.

~~The purpose of this rule is to establish the procedure regarding annual capital grant request prioritization by the Board of State History, in the Division of State History, within the Department of Heritage and Arts.~~

R455-13-2. Authority.

~~The division may make, amend, or repeal rules for the conduct of its business in governing the division in accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act.~~

R455-13-3. Application Submission and Review.

~~The Board of State History shall accept applications for capital facilities grant prioritization through June 1 of each year.~~

~~All applications must be submitted electronically via the Department of Heritage and Arts (DHA) and its division web portals. Before July 1, Division staff will be allowed to re-direct applications if it is determined the applicant would be better served if another DHA board reviewed the request. Applicants will be notified within five working days by the division if the division redirects the application to another division. Incomplete applications will not be considered by~~

~~the board. By definition, capital facilities grants shall include new construction, preservation, restoration, and renovation.~~

~~Prioritization will be based on the following criteria:~~

- ~~(1) Goals of application~~
- ~~(2) Public benefit of project~~
- ~~(3) Strategic value of partnerships~~

~~The Board shall submit its final prioritized list to DHA Administration at least three working days prior to September 30 of each year. Each board shall prepare a list of the requested capital facilities grants in a prioritized order and include a written explanation of the total grant amount requested and the basis for prioritization of requested grants on the list.~~

~~DHA Administration will submit the Board's prioritized lists to the DHA assigned budget analyst in the Governor's Office of Planning and Budget and the DHA assigned analyst in the Legislative Fiscal Analyst's Office by September 30 of each year. The Governor's Office of Planning and Budget will forward the prioritized lists to the Governor. The Legislative Fiscal Analyst's Office will forward the prioritized lists to the appropriate members of the Legislature's Appropriations Subcommittee and leadership.~~

~~**KEY:** grant applications, grants, capital facilities, grant prioritizations~~

~~**Date of Enactment or Last Substantive Amendment:** November 18, 2009~~

~~**Notice of Continuation:** October 28, 2014~~

~~**Authorizing, and Implemented or Interpreted Law:** 9-8-203; 9-8-205]~~

**Labor Commission; Boiler, Elevator and Coal Mine Safety
R616-2-3
Safety Codes and Rules for Boilers and Pressure Vessels**

NOTICE OF PROPOSED RULE

(Amendment)

DAR FILE NO.: 43711

FILED: 05/09/2019

RULE ANALYSIS

PURPOSE OF THE RULE OR REASON FOR THE CHANGE: This amendment is to correct a typographical error in this section; to change 4000,000 btu/hr to 400,000 btu/hr.; and to clarify how the Division of Boiler, Elevator and Coal Mine Safety (Division) will apply this code. The 400,000 btu/hr restriction used to be part of the book's title but is no longer included.

SUMMARY OF THE RULE OR CHANGE: This amendment changes 4000,000 btu/hr to 400,000 btu/hr. (EDITOR'S NOTE: A corresponding 120-day (emergency) filing to Section R616-2-3, that is effective as of 05/09/2019, is under Filing No. 43710 in this issue, June 1, 2019, of the Bulletin.)

STATUTORY OR CONSTITUTIONAL AUTHORIZATION FOR THIS RULE: Section 34A-7-101 et seq.

ANTICIPATED COST OR SAVINGS TO:

- ◆ THE STATE BUDGET: There will be no cost or savings to the state budget because of this change because the Division already enforces the standard at 400,000 btu/hr.
- ◆ LOCAL GOVERNMENTS: There will be no cost or savings to local governments because of this change, because the Division already enforces the standard at 400,000 btu/hr.
- ◆ SMALL BUSINESSES: There will be no cost or savings to small businesses because of this change because the Division already enforces the standard at 400,000 btu/hr.
- ◆ PERSONS OTHER THAN SMALL BUSINESSES, BUSINESSES, OR LOCAL GOVERNMENTAL ENTITIES: There will be no cost or savings to other persons because of this change because the Division already enforces the standard at 400,000 btu/hr.

COMPLIANCE COSTS FOR AFFECTED PERSONS: There will be no cost or savings to affected persons because of this rule because the Division already enforces the standard at 400,000 btu/hr.

COMMENTS BY THE DEPARTMENT HEAD ON THE FISCAL IMPACT THE RULE MAY HAVE ON BUSINESSES: There will be no cost or savings because of this change because the Division already enforces the standard at 400,000 btu/hr.

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

LABOR COMMISSION
BOILER, ELEVATOR AND COAL MINE SAFETY
HEBER M WELLS BLDG
160 E 300 S
SALT LAKE CITY, UT 84111-2316
or at the Office of Administrative Rules.

DIRECT QUESTIONS REGARDING THIS RULE TO:

◆ Pete Hackford by phone at 801-530-7505, by FAX at 801-530-6871, or by Internet E-mail at phackford@utah.gov

INTERESTED PERSONS MAY PRESENT THEIR VIEWS ON THIS RULE BY SUBMITTING WRITTEN COMMENTS NO LATER THAN AT 5:00 PM ON 07/01/2019

THIS RULE MAY BECOME EFFECTIVE ON: 07/08/2019

AUTHORIZED BY: Jaceson Maughan, Commissioner

Appendix 1: Regulatory Impact Summary Table*

Fiscal Costs	FY 2020	FY 2021	FY 2022
State Government	\$0	\$0	\$0
Local Government	\$0	\$0	\$0

Small Businesses	\$0	\$0	\$0
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Non-Small Businesses	\$0	\$0	\$0
Other Persons	\$0	\$0	\$0
Total Fiscal Benefits:	\$0	\$0	\$0
Net Fiscal Benefits:	\$0	\$0	\$0

*This table only includes fiscal impacts that could be measured. If there are inestimable fiscal impacts, they will not be included in this table. Inestimable impacts for State Government, Local Government, Small Businesses and Other Persons are described above. Inestimable impacts for Non-Small Businesses are described below.

Appendix 2: Regulatory Impact to Non-Small Businesses

There is no cost associated with this adoption as the ASME Code associated with this addition is already applied to units over 400,000 btus/hr input. The additional wording being placed in the Administrative Code was part of the ASME Code Title previously but was removed from said title.

R616. Labor Commission, Boiler, Elevator and Coal Mine Safety.
R616-2. Boiler and Pressure Vessel Rules.
R616-2-3. Safety Codes and Rules for Boilers and Pressure Vessels.

The following safety codes and rules shall apply to all boilers and pressure vessels in Utah, except those exempted pursuant to Section 34A-7-101, and are incorporated herein by this reference in this rule.

- A. ASME Boiler and Pressure Vessel Code -- 2017.
 - 1. Section I Rules for Construction of Power Boilers.
 - 2. Section IV Rules for Construction of Heating Boilers.
- 3. Section VIII Rules for Construction of Pressure Vessels.
 - B. Power Piping ASME B31.1 -- 2016.
 - C. Controls and Safety Devices for Automatically Fired Boilers (Applicable to boilers with fuel input ratings greater than or equal to [4000,000]400,000 btu/hr) ASME CSD-1-2015. Except:
 - 1. Part CG-130(c).

- D. National Board Inspection Code ANSI/NB-23 - 2017 Part 3.
- E. NFPA 85 Boiler and Combustion Systems Hazard Code 2015.
- F. Recommended Administrative Boiler and Pressure Vessel Safety Rules and Regulations NB-132 Rev. 4.
- G. Pressure Vessel Inspection Code: Maintenance Inspection, Rating, Repair and Alteration API 510 Tenth Edition, 2014. Except:
 - 1. Section-8, and
 - 2. Appendix-A.

KEY: boilers, certification, safety
Date of Enactment or Last Substantive Amendment: 2019
Notice of Continuation: August 23, 2016
Authorizing, and Implemented or Interpreted Law: 34A-7-101 et seq.

Transportation, Motor Carrier
R909-3
Standards for Utah School Buses

NOTICE OF PROPOSED RULE
 (Amendment)
 DAR FILE NO.: 43704
 FILED: 05/07/2019

RULE ANALYSIS

PURPOSE OF THE RULE OR REASON FOR THE CHANGE: These proposed rule changes are necessary to update and ensure that terms and phrases used in Rule R909-3 do not conflict with similar terms and phrases included in Title 53e, Chapter 3, which was amended by H.B. 27 from the 2019 General Session.

SUMMARY OF THE RULE OR CHANGE: H.B. 27 (2019) changes several definitions included in Title 53e, Chapter 3, which are used in the Department of Transportation's Standards for Utah School Buses and Operations. These proposed amendments reflect those changes. These proposed changes make several grammatical, and nonsubstantive changes.

STATUTORY OR CONSTITUTIONAL AUTHORIZATION FOR THIS RULE: Section 41-6a-1304 and Section 41-6a-1309 and Title 53e Chapter 3

MATERIALS INCORPORATED BY REFERENCE:
 ♦ Updates Standards for Utah School Buses and Operation, published by Utah Board of Education, 12/08/2018

ANTICIPATED COST OR SAVINGS TO:
 ♦ **THE STATE BUDGET:** These proposed amendments will not cause a fiscal impact to the the state's budget. These

proposed amendments ensure that terms and phrases used in this rule do not conflict with similar terms and phrases included in Title 53e, Chapter 3, which was amended by H.B. 27 (2019) which are non-fiscal changes.

♦ LOCAL GOVERNMENTS: These proposed amendments will not cause a fiscal impact to local governments. These proposed amendments ensure that terms and phrases used in this rule do not conflict with similar terms and phrases included in Title 53e, Chapter 3, which was amended by H.B. 27 (2019) which are non-fiscal changes.

♦ SMALL BUSINESSES: These proposed amendments will not cause a fiscal impact to small businesses. These proposed amendments ensure that terms and phrases used in this rule do not conflict with similar terms and phrases included in Title 53e, Chapter 3, which was amended by H.B. 27 (2019) which are non-fiscal changes.

♦ PERSONS OTHER THAN SMALL BUSINESSES, BUSINESSES, OR LOCAL GOVERNMENTAL ENTITIES: These proposed amendments will not cause a fiscal impact to persons other than small businesses, businesses, or local government entities. These proposed amendment ensure that terms and phrases used in this rule do not conflict with similar terms and phrases included in Title 53e, Chapter 3, which was amended by H.B. 27 (2019) which are changes to definitions, not fiscal changes.

COMPLIANCE COSTS FOR AFFECTED PERSONS: These proposed amendments will not cause a fiscal impact to affected persons. These proposed amendments ensure that terms and phrases used in this rule do not conflict with similar terms and phrases included in Title 53e, Chapter 3, which was amended by H.B. 27 (2019) which are changes to definitions, not fiscal changes.

COMMENTS BY THE DEPARTMENT HEAD ON THE FISCAL IMPACT THE RULE MAY HAVE ON BUSINESSES: These proposed amendments will not cause a fiscal impact to businesses.

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

TRANSPORTATION
MOTOR CARRIER
CALVIN L RAMPTON COMPLEX
4501 S 2700 W
SALT LAKE CITY, UT 84119-5998
or at the Office of Administrative Rules.

DIRECT QUESTIONS REGARDING THIS RULE TO:

- ♦ Christine Newman by phone at 801-965-4026, by FAX at 801-965-4338, or by Internet E-mail at cwnewman@utah.gov
- ♦ James Palmer by phone at 801-965-4000, by FAX at 801-965-4338, or by Internet E-mail at jimpalmer@utah.gov
- ♦ Josh Dangel by phone at 269-217-7091, or by Internet E-mail at jdangel@utah.gov
- ♦ Linda Hull by phone at 801-965-4253, or by Internet E-mail at lhull@utah.gov

INTERESTED PERSONS MAY PRESENT THEIR VIEWS ON THIS RULE BY SUBMITTING WRITTEN COMMENTS NO LATER THAN AT 5:00 PM ON 07/01/2019

THIS RULE MAY BECOME EFFECTIVE ON: 07/08/2019

AUTHORIZED BY: Carlos Braceras, Executive Director

Appendix 1: Regulatory Impact Summary Table*

Fiscal Costs	FY 2020	FY 2021	FY 2022
State Government	\$0	\$0	\$0
Local Government	\$0	\$0	\$0
Small Businesses	\$0	\$0	\$0
Non-Small Businesses	\$0	\$0	\$0
Other Person	\$0	\$0	\$0
Total Fiscal Costs:	\$0	\$0	\$0
Fiscal Benefits			
State Government	\$0	\$0	\$0
Local Government	\$0	\$0	\$0
Small Businesses	\$0	\$0	\$0
Non-Small Businesses	\$0	\$0	\$0
Other Persons	\$0	\$0	\$0
Total Fiscal Benefits:	\$0	\$0	\$0
Net Fiscal Benefits:	\$0	\$0	\$0

*This table only includes fiscal impacts that could be measured. If there are inestimable fiscal impacts, they will not be included in this table. Inestimable impacts for State Government, Local Government, Small Businesses and Other Persons are described in the narrative. Inestimable impacts for Non-Small Businesses are described in Appendix 2.

Appendix 2: Regulatory Impact to Non-Small Businesses

These proposed rule changes will not have a fiscal impact on the budgets of businesses, small or non-small. Nor will these proposed rule changes have a fiscal impact on state or local governments.

These proposed rule changes are necessary to ensure that terms and phrases used in Rule R909-3 do not conflict with similar terms and phrases included in Utah Code Title 53e, Chapter 3, which is amended by H.B. 27 passed during the 2019 General Session.

This analysis was reviewed and approved by the executive director of the Department of Transportation, Carlos Braceras.

R909. Transportation, Motor Carrier.

R909-3. Standards for Utah School Buses.

R909-3-1. Authority and Purpose.

This rule is enacted under authority of Utah Code Sections 41-6a-1304 and 41-6a-1309 for the purpose of governing the design and operation of school buses and governing the placement of advertisements on school buses.

R909-3-2. Adoption of Standards for Utah School Buses and Operations Standards [2010]2019 Edition.

(1) In [C]cooperation with the Utah State [Office]Board of Education and the Department of Public Safety, [F]the Standards for Utah School Buses and Operations [and Appendix]as contained in the [2010]2019 Published Edition, is incorporated by reference.[-except for Part, "Finance, School District".]

[a]-]The Standards for Utah School Buses and Operations [is]are published by the Utah State [Office]Board of Education and can be found at [<http://www.schools.utah.gov/finance/DOCS/Transportation/2010-BusStandards.aspx>].<https://schools.utah.gov/File/2f934a74-4cbf-4473-ba60-8912a07ac640>

[-----] (b) The 2010 Standards Appendix is published by the Utah State Office of Education and can be found at <http://www.schools.utah.gov/finance/DOCS/Transportation/2010-StandardsAppendix.aspx>.]

(2) These requirements apply to the design and operation of all school buses in this state when:

(a) owned and operated by any [school district]Local Education Agency (LEA) as defined in Utah Code Section 53E-3-401;

(b) privately owned and operated under contract with a [school district]LEA; or

(c) privately owned for use by a private school.

R909-3-3. Advertisement on School Buses.

(1) In addition to the restrictions listed in Utah Code Section 41-6a-1309, advertisements placed on a bus may not:

(a) cover, obscure or interfere with the operation of any required lighting, reflective tape, emergency exits, or any other safety equipment;

(b) be placed within six inches of any required markings, lighting, or other required safety equipment;

(c) resemble a traffic control device; or

(d) be illuminated or [be-]constructed of reflective material.

KEY: school buses, safety

Date of Enactment or Last Substantive Amendment: [August 25, 2011]2019

Notice of Continuation: December 27, 2018

Authorizing, and Implemented or Interpreted Law: 41-6a-1304

End of the Notices of 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 Office 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.

Health, Health Care Financing, Coverage and Reimbursement Policy **R414-303** Coverage Groups

NOTICE OF 120-DAY (EMERGENCY) RULE

DAR FILE NO.: 43706
FILED: 05/07/2019

RULE ANALYSIS

PURPOSE OF THE RULE OR REASON FOR THE CHANGE: The purpose of these changes are to implement provisions of Medicaid expansion set forth in S.B. 96 passed during the 2019 General Session.

SUMMARY OF THE RULE OR CHANGE: This rule allows the Department of Health (Department) to make presumptive determinations for the new Adult Expansion Group. It also reduces the income limit for the Parent/Caretaker Relative (PCR) group and makes other clarifications.

STATUTORY OR CONSTITUTIONAL AUTHORIZATION FOR THIS RULE: Section 26-1-5 and Section 26-18-3 and Section 26-18-415

EMERGENCY RULE REASON AND JUSTIFICATION:

REGULAR RULEMAKING PROCEDURES WOULD cause an imminent budget reduction because of budget restraints or federal requirements; and place the agency in violation of federal or state law.

JUSTIFICATION: With recent federal approval of the Primary Care Network 1115 Demonstration Waiver, the Department needs to implement provisions for Medicaid expansion, which began 04/01/2019. These provisions include coverage for the new Adult Expansion Group and a decrease in the PCR income limit.

MATERIALS INCORPORATED BY REFERENCE:

- ◆ Removes 42 CFR 435.1101, 435.1103, and 435.1110, published by Government Printing Office, 10/01/2013

ANTICIPATED COST OR SAVINGS TO:

◆ **THE STATE BUDGET:** There is an expected annual cost of \$435,800,000 in which up to 90,000 individuals may become eligible for adult Medicaid coverage. This fiscal analysis also applies to the companion filings for Section R414-311-6 and Rule R414-312. (EDITOR'S NOTE: The 120-day (emergency) filing for Section R414-311-6 is under Filing No. 43707 and the 120-day (emergency) filing for Rule R414-312 is under Filing No. 43708 in this issue, June 1, 2019, of the Bulletin.)

◆ LOCAL GOVERNMENTS: There is no impact on local governments because they neither fund nor provide services under the Medicaid program. This fiscal analysis also applies to the companion filings for Section R414-311-6 and Rule R414-312.

◆ SMALL BUSINESSES: Small businesses may see a share of revenue up to \$435,800,000 with the expansion of adult Medicaid coverage, in which up to 90,000 individuals may become eligible. This fiscal analysis also applies to the companion filings for Section R414-311-6 and Rule R414-312.

◆ PERSONS OTHER THAN SMALL BUSINESSES, BUSINESSES, OR LOCAL GOVERNMENTAL ENTITIES: Medicaid providers may see a share of revenue up to \$435,800,000 with the expansion of adult Medicaid coverage, and up to 90,000 individuals will see a share of out-of-pocket savings based on that amount. This fiscal analysis also applies to the companion filings for Section R414-311-6 and Rule R414-312.

COMPLIANCE COSTS FOR AFFECTED PERSONS: There are no compliance costs because this rule can only result in increased revenue and out-of-pocket savings. This fiscal analysis also applies to the companion filings for Section R414-311-6 and Rule R414-312.

COMMENTS BY THE DEPARTMENT HEAD ON THE FISCAL IMPACT THE RULE MAY HAVE ON BUSINESSES: Businesses will see a share of revenue through Medicaid expansion to a larger group of adults.

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 Office 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: 05/07/2019

AUTHORIZED BY: Joseph Miner, MD, Executive Director

R414. Health, Health Care Financing, Coverage and Reimbursement Policy.

R414-303. Coverage Groups.

R414-303-4. Medicaid for Parents and Caretaker Relatives, Pregnant Women, Children, Adults, and Individuals Infected with Tuberculosis Using MAGI Methodology.

(1) The Department provides Medicaid coverage to individuals who are eligible as described in 42 CFR 435.110, 435.116,

435.118, and 435.139, and 42 U.S.C. 1396a(a)(10)(A)(ii)(XII). The Department uses the MAGI methodology defined in Section R414-304-5 to determine household composition and countable income for these individuals.

(2) To qualify for coverage, a parent or other caretaker relative must have a dependent child living with the parent or other caretaker relative.

(3) The Department provides Medicaid coverage to parents and other caretaker relatives as required in 42 CFR 435.110, whose countable income is equal to or below the applicable income standard for the individual's family size. For a family that exceeds 16 persons, the Department adds \$62 to the income standard for each family member. The income standards are as follows:~~[55% of the Federal Poverty Level (FPL):]~~

TABLE

Family Size	Income Standard
1	\$438
2	\$544
3	\$678
4	\$797
5	\$912
6	\$1,012
7	\$1,072
8	\$1,132
9	\$1,196
10	\$1,257
11	\$1,320
12	\$1,382
13	\$1,443
14	\$1,505
15	\$1,569
16	\$1,630

(4) The Department provides Medicaid coverage to children who are zero through five years of age as required in 42 CFR 435.118, whose countable income is equal to or below 139% of the FPL.

(5) The Department provides Medicaid coverage to children who are six through 18 years of age as required in 42 CFR 435.118, whose countable income is equal to or below 133% of the FPL.

(6) The Department provides Medicaid coverage to pregnant women as required in 42 CFR 435.116.

(a) The Department elects the income limit of 139% of the FPL to determine a pregnant woman's eligibility for Medicaid.

(b) An individual, as defined in Subsection R414-302-3(2), may only receive coverage through the end of the month in which the individual turns 19 years old.

(7) The Department provides Medicaid coverage to an infant until the infant turns one-year old when born to a woman eligible for Utah Medicaid on the date of the delivery of the infant, in compliance with Sec. 113(b)(1), Children's Health Insurance Program Reauthorization Act of 2009, Pub. L. No. 111 3. The infant does not have to remain in the birth mother's home and the birth mother does not have to continue to be eligible for Medicaid. The infant must continue to be a Utah resident to receive coverage.

(8) The Department provides Medicaid coverage to an individual who is infected with tuberculosis and who does not qualify for a mandatory Medicaid coverage group. The individual's income cannot exceed the amount of earned income an individual, or if married, a couple, can have to qualify for Supplemental Security Income.

R414-303-11. Presumptive Eligibility for Medicaid.

(1) ~~[The Department adopts and incorporates by reference, ¶]The definitions found [at]in 42 CFR 435.1101, and the provisions for presumptive eligibility found [at]in 42 CFR 435.1103[;] and 42 CFR 435.1110[; October 1, 2013 ed., in relation to determinations of presumptive eligibility], apply to Section R414-303-11.~~

(2) The following definitions also apply to this section:

(a) "covered provider" means a provider whom the Department determines is qualified to make a determination of presumptive eligibility for a pregnant woman and who meets the criteria defined in Section 1920(b)(2) of the Social Security Act. Covered provider also means a hospital that elects to be a qualified entity under a memorandum of agreement with the Department;

(b) "presumptive eligibility" means a period of eligibility for medical services based on self-declaration that the individual meets the eligibility criteria.

(3) The Department provides coverage to a pregnant woman during a period of presumptive eligibility if a covered provider determines, based on preliminary information, that the woman states she:

(a) is pregnant;

(b) meets citizenship or alien status criteria as defined in Section R414-302-3;

(c) has household income that does not exceed 139% of the federal poverty guideline applicable to her declared household size; and

(d) is not already covered by Medicaid or CHIP.

(4) A pregnant woman may only receive medical assistance during one presumptive eligibility period for any single term of pregnancy.

(5) A child born to a woman who is only presumptively eligible at the time of the infant's birth is not eligible for the one year of continued coverage defined in Section 1902(e)(4) of the Social Security Act. If the mother applies for Utah Medicaid after the birth and is determined eligible back to the date of the infant's birth, the infant is then eligible for the one year of continued coverage under Section 1902(e)(4) of the Social Security Act. If the mother is not eligible, the eligibility agency shall determine whether the infant is eligible under other Medicaid programs.

(6) A child determined presumptively eligible who is under 19 years of age may receive presumptive eligibility only through the end of the month after the presumptive determination date or until the end of the month in which the child turns 19, whichever occurs first.

(7) An individual determined presumptively eligible for former foster care children coverage may receive presumptive eligibility only through the end of the month after the presumptive determination date or until the end of the month in which the individual turns 26 years old, whichever occurs first.

(8) An individual determined presumptively eligible for adult coverage may receive presumptive eligibility through whichever of the following occurs first:

(a) Through the end of the month following the month of the presumptive determination;

(b) Through the end of the month in which the individual turns 65 years old; or

(c) Until the eligibility agency makes a determination for ongoing medical assistance.

(~~[8]~~2) The Department shall limit the coverage groups for which a hospital may make a presumptive eligibility decision to the

~~groups described in 42 CFR 435.110, 435.116, 435.118, 435.150, and Rule R414-312, [defined in Section 1920 (pregnant women, former foster care children, parents or caretaker relatives), Section 1920A (children under 19 years of age) and 1920 B (breast and cervical cancer patients but only Centers for Disease Control provider hospitals can do presumptive eligibility for this group) of the Social Security Act, January 1, 2013.]~~

(~~[9]~~1) A hospital must enter into a memorandum of agreement with the Department to be a qualified entity and receive training on policy and procedures.

(~~[10]~~1) The hospital shall cooperate with the Department for audit and quality control reviews on presumptive eligibility determinations the hospital makes. The Department may terminate the agreement with the hospital if the hospital does not meet standards and quality requirements set by the Department.

(~~[11]~~2) The covered provider may not count as income the following:

(a) Veteran's Administration (VA) payments;

(b) Child support payments; or

(c) Educational grants, loans, scholarships, fellowships, or gifts that a client uses to pay for education.

(~~[12]~~3) An individual found presumptively eligible for one of the following coverage groups may only receive one presumptive eligibility period in a calendar year:

(a) Parents or caretaker relatives;

(b) Children under 19 years of age;

(c) Former foster care children;~~[and]~~

(d) Individuals with breast or cervical cancer~~[-]; and~~

(e) Adult expansion.

KEY: MAGI-based, coverage groups, former foster care youth, presumptive eligibility

Date of Enactment or Last Substantive Amendment: May 7, 2019

Notice of Continuation: January 8, 2018

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

**Health, Health Care Financing,
Coverage and Reimbursement Policy
R414-311-6
Household Composition and Income
Provisions**

NOTICE OF 120-DAY (EMERGENCY) RULE

DAR FILE NO.: 43707

FILED: 05/07/2019

RULE ANALYSIS

PURPOSE OF THE RULE OR REASON FOR THE CHANGE: The purpose of this rule is to update, in accordance with S.B. 96 passed during the 2019 General Session, standards of income for Targeted Adult Medicaid (TAM).

SUMMARY OF THE RULE OR CHANGE: This amendment increases the federal poverty level (FPL) percentage to 5%, thus removing the income disregard for TAM members who are part the new Adult Expansion Group.

STATUTORY OR CONSTITUTIONAL AUTHORIZATION FOR THIS RULE: Section 26-1-5 and Section 26-18-3 and Section 26-18-415

EMERGENCY RULE REASON AND JUSTIFICATION: REGULAR RULEMAKING PROCEDURES WOULD cause an imminent budget reduction because of budget restraints or federal requirements; and place the agency in violation of federal or state law.

JUSTIFICATION: With recent federal approval of the Primary Care Network 1115 Demonstration Waiver, the Department of Health (Department) needs to implement provisions for Medicaid expansion, which began 04/01/2019. This provision implements the new income limit for TAM.

ANTICIPATED COST OR SAVINGS TO:

♦ **THE STATE BUDGET:** There is an expected annual cost of \$435,800,000 in which up to 90,000 individuals may become eligible for adult Medicaid coverage. This fiscal analysis also applies to the companion filings for Rules R414-303 and R414-312. (EDITOR'S NOTE: The 120-day (emergency) filing for Rule R414-303 is under Filing No. 43706 and the 120-day (emergency) filing for Rule R414-312 is under Filing No. 43708 in this issue, June 1, 2019, of the Bulletin.)

♦ **LOCAL GOVERNMENTS:** There is no impact on local governments because they neither fund nor provide services under the Medicaid program. This fiscal analysis also applies to the companion filings for Rules R414-303 and R414-312.

♦ **SMALL BUSINESSES:** Small businesses may see a share of revenue up to \$435,800,000 with the expansion of adult Medicaid coverage, in which up to 90,000 individuals may become eligible. This fiscal analysis also applies to the companion filings for Rules R414-303 and R414-312.

♦ **PERSONS OTHER THAN SMALL BUSINESSES, BUSINESSES, OR LOCAL GOVERNMENTAL ENTITIES:** Medicaid providers may see a share of revenue up to \$435,800,000 with the expansion of adult Medicaid coverage, and up to 90,000 individuals will see a share of out-of-pocket savings based on that amount. This fiscal analysis also applies to the companion filings for Rules R414-303 and R414-312.

COMPLIANCE COSTS FOR AFFECTED PERSONS: There are no compliance costs because this rule can only result in increased revenue and out-of-pocket savings. This fiscal analysis also applies to the companion filings for Rules R414-303 and R414-312.

COMMENTS BY THE DEPARTMENT HEAD ON THE FISCAL IMPACT THE RULE MAY HAVE ON BUSINESSES: Businesses will see a share of revenue through Medicaid expansion to a larger group of adults.

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 Office 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: 05/07/2019

AUTHORIZED BY: Joseph Miner, MD, Executive Director

R414. Health, Health Care Financing, Coverage and Reimbursement Policy.

R414-311. Targeted Adult Medicaid.

R414-311-6. Household Composition and Income Provisions.

(1) The eligibility agency shall use the provisions of Section R414-304-5 to determine household composition and countable income.

(2) Section R414-304-12 applies to the budgeting of income through the Modified Adjusted Gross Income (MAGI) methodology.

(3) For an individual to be eligible to enroll in Targeted Adult Medicaid, the individual must have [~~zero~~]countable income at or below 5% of the federal poverty level (FPL).

KEY: Medicaid, Targeted Adult Medicaid, eligibility

Date of Enactment or Last Substantive Amendment: May 7, 2019

Authorizing, and Implemented or Interpreted Law: 26-18

Health, Health Care Financing, Coverage and Reimbursement Policy **R414-312** Adult Expansion Medicaid

NOTICE OF 120-DAY (EMERGENCY) RULE

DAR FILE NO.: 43708

FILED: 05/07/2019

RULE ANALYSIS

PURPOSE OF THE RULE OR REASON FOR THE CHANGE: The purpose of this new rule is to implement provisions of Medicaid expansion set forth in S.B. 96 passed during the 2019 General Session.

SUMMARY OF THE RULE OR CHANGE: This rule expands coverage to adults who are 19 through 64 years of age and meet basic Medicaid eligibility criteria.

STATUTORY OR CONSTITUTIONAL AUTHORIZATION FOR THIS RULE: Section 26-1-5 and Section 26-18-3 and Section 26-18-415

EMERGENCY RULE REASON AND JUSTIFICATION:

REGULAR RULEMAKING PROCEDURES WOULD cause an imminent budget reduction because of budget restraints or federal requirements; and place the agency in violation of federal or state law.

JUSTIFICATION: With recent federal approval of the Primary Care Network 1115 Demonstration Waiver, the Department of Health (Department) needs to implement provisions for Medicaid expansion, which began 04/01/2019. These provisions include coverage and eligibility for the Adult Expansion Medicaid Program.

ANTICIPATED COST OR SAVINGS TO:

♦ **THE STATE BUDGET:** There is an expected annual cost of \$435,800,000 in which up to 90,000 individuals may become eligible for adult Medicaid coverage. This fiscal analysis also applies to the companion filings for Rule R414-303 and Section R414-311-6. (EDITOR'S NOTE: The 120-day (emergency) filing for Rule R414-303 is under Filing No. 43706 and the 120-day (emergency) filing for Section R414-311-6 is under Filing No. 43707 in this issue, June 1, 2019, of the Bulletin.)

♦ **LOCAL GOVERNMENTS:** There is no impact on local governments because they neither fund nor provide services under the Medicaid program. This fiscal analysis also applies to the companion filings for Rule R414-303 and Section R414-311-6.

♦ **SMALL BUSINESSES:** Small businesses may see a share of revenue up to \$435,800,000 with the expansion of adult Medicaid coverage, in which up to 90,000 individuals may become eligible. This fiscal analysis also applies to the companion filings for Rule R414-303 and Section R414-311-6.

♦ **PERSONS OTHER THAN SMALL BUSINESSES, BUSINESSES, OR LOCAL GOVERNMENTAL ENTITIES:** Medicaid providers may see a share of revenue up to \$435,800,000 with the expansion of adult Medicaid coverage, and up to 90,000 individuals will see a share of out-of-pocket savings based on that amount. This fiscal analysis also applies to the companion filings for Rule R414-303 and Section R414-311-6.

COMPLIANCE COSTS FOR AFFECTED PERSONS: There are no compliance costs because this rule can only result in increased revenue and out-of-pocket savings. This fiscal analysis also applies to the companion filings for Rule R414-303 and Section R414-311-6.

COMMENTS BY THE DEPARTMENT HEAD ON THE FISCAL IMPACT THE RULE MAY HAVE ON BUSINESSES: Businesses will see a share of revenue through Medicaid expansion to a larger group of adults.

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 Office 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: 05/07/2019

AUTHORIZED BY: Joseph Miner, MD, Executive Director

R414. Health, Health Care Financing, Coverage and Reimbursement Policy.

R414-312. Adult Expansion Medicaid.

R414-312-1. Introduction and Authority.

(1) This rule is authorized by Sections 26-1-5 and 26-18-3 and allowed under Subsection 1115(f) of the Social Security Act.

(2) This rule establishes eligibility requirements for enrollment under the Primary Care Network 1115 Demonstration Waiver for Adults, also known as the Adult Expansion Medicaid program.

R414-312-2. Definitions.

The definitions in Rules R414-1 and R414-301 apply to this rule.

R414-312-3. General Provisions.

The provisions in Rule R414-301 apply to all applicants and enrollees.

R414-312-4. General Eligibility Requirements.

Unless otherwise stated, the provisions in Rule R414-302 and Section R414-306-4 apply to all applicants and enrollees.

(1) The following individuals are not eligible for Adult Expansion Medicaid:

(a) Individuals eligible for any Medicaid program without a spenddown; or

(b) Individuals eligible for or receiving Medicare.

(2) An individual must be at least 19 years old and not yet 65 years old to enroll in Adult Expansion Medicaid.

(a) The month in which an individual turns 19 years old is the first month in which the individual may enroll in Adult Expansion Medicaid.

(b) An individual may only enroll in Adult Expansion Medicaid through the month in which the individual turns 65 years old.

(3) The eligibility agency may only enroll applicants during an open enrollment period. The Department may limit the number it enrolls and may stop enrollment at any time.

(4) The eligibility agency shall waive the open enrollment requirement if the enrollee completes a review within three months of case closure as outlined in Section R414-308-6.

(5) A resource test is not required.

R414-312-5. Application, Eligibility Reviews, and Improper Medical Assistance.

The provisions of Rule R414-308 apply to all applicants and enrollees.

R414-312-6. Household Composition and Income Provisions.

(1) The eligibility agency shall use the provisions of Section R414-304-5 to determine household composition and countable income.

(2) Section R414-304-12 applies to the budgeting of income through the Modified Adjusted Gross Income (MAGI) methodology.

(3) For an individual to be eligible to enroll in Adult Expansion Medicaid, the individual must have countable income at or below 95% of the federal poverty level (FPL).

KEY: Medicaid, adult expansion, eligibility

Date of Enactment or Last Substantive Amendment: May 7, 2019

Authorizing, and Implemented or Interpreted Law: 26-18

Human Services, Administration
R495-885
Employee Background Screenings

NOTICE OF 120-DAY (EMERGENCY) RULE

DAR FILE NO.: 43719

FILED: 05/14/2019

RULE ANALYSIS

PURPOSE OF THE RULE OR REASON FOR THE CHANGE: Utah made changes to Section 62A-2-120 (the statute governing background screenings) via S.B. 128 in the 2019 General Session. These statutory changes align with Federal Legislation from the Families First Prevention Services Act currently in effect regarding background screenings for employees in youth residential settings. This filing aligns this rule with federal and state statutes.

SUMMARY OF THE RULE OR CHANGE: These amendments, in accordance with the Subsection R501-14-3(4), add the requirement for state employees applying to work in a youth residential program to obtain out of state child abuse and neglect registry records from each state they have resided in during the past five years. Further rule changes are associated with this requirement.

STATUTORY OR CONSTITUTIONAL AUTHORIZATION FOR THIS RULE: Section 62A-2-120

EMERGENCY RULE REASON AND JUSTIFICATION: REGULAR RULEMAKING PROCEDURES WOULD place the agency in violation of federal or state law.

JUSTIFICATION: The Families First Prevention Services Act went into effect in February 2019 and requires all states to be compliant with the background screening requirements set within. Because Utah's compliance hinged on a statutory change, this rule couldn't be implemented until the statute changes went into effect today, 05/14/2019. The proposed amendment for this rule is already out for public comment, but the Department of Human Services (DHS) promised to be in compliance at the earliest possible date, which would be 05/14/2019 with this emergency filing. (EDITOR'S NOTE: The corresponding proposed amendment to Rule R495-885 is under Filing No. 43690 published in the May 15, 2019, Utah State Bulletin.)

ANTICIPATED COST OR SAVINGS TO:

♦ **THE STATE BUDGET:** The state of Utah will not incur any costs with this change due to the fact that the employee applicants who have resided out of state in the past five years will be responsible for incurring the cost of obtaining their own registry checks from other states.

♦ **LOCAL GOVERNMENTS:** This rule only governs DHS employees. There is no anticipated cost or savings to local governments.

♦ **SMALL BUSINESSES:** This rule only governs DHS employees. There is no anticipated cost or savings to small businesses.

♦ **PERSONS OTHER THAN SMALL BUSINESSES, BUSINESSES, OR LOCAL GOVERNMENTAL ENTITIES:** It is impossible to estimate how many employees applying to work in youth residential settings have lived out-of-state within the past five years. The employees will be held responsible for any fees associated with the cost (if any). The cost is inestimable as a result of not knowing how many individuals will apply and from which states (if any) they have resided in the past five years.

COMPLIANCE COSTS FOR AFFECTED PERSONS: Compliance costs will depend on each state and the amount of states lived in over the past five years. The cost is inestimable as a result of not knowing how many individuals will apply and from which states (if any) they have resided in the past five years. The cost is estimated to be negligible as many states don't charge fees or haven't implemented fees to accommodate this federal legislation requirement.

COMMENTS BY THE DEPARTMENT HEAD ON THE FISCAL IMPACT THE RULE MAY HAVE ON BUSINESSES: After conducting a thorough analysis, it was determined that this filing will not result in a fiscal impact to businesses.

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

HUMAN SERVICES

ADMINISTRATION

DHS ADMINISTRATIVE OFFICE

MULTI STATE OFFICE BUILDING

195 N 1950 W

SALT LAKE CITY, UT 84116

or at the Office of Administrative Rules.

DIRECT QUESTIONS REGARDING THIS RULE TO:

- ◆ Janice Weinman by phone at 385-321-5586, by FAX at 801-538-4553, or by Internet E-mail at jweinman@utah.gov
- ◆ Jonah Shaw by phone at 801-538-4219, by FAX at 801-538-3942, or by Internet E-mail at jshaw@utah.gov

EFFECTIVE: 05/14/2019

AUTHORIZED BY: Ann Williamson, Executive Director

R495. Human Services, Administration.**R495-885. Employee Background Screenings.****R495-885-1. Authority and Purpose.**

(1) This Rule is authorized by Sections 62A-1-118 and 62A-2-120.

(2) This Rule clarifies the standards for Department of Human Services' employee and volunteer background screening.

(3) This Rule is created to hold DHS employees and volunteers to high standards of conduct, protect children and vulnerable adults, and promote public trust.

(4) This rule does not apply to Department of Human Services Employees and Volunteers whose clearances are performed and maintained by the Department of Health for the Utah State Hospital and the Utah State Developmental Center.

R495-885-2. Definitions.

(1) "BCI" means the Bureau of Criminal Identification, and is the designated state agency of the Division of Criminal Investigation and Technical Services Division, within the Department of Public Safety, responsible to maintain criminal records in the State of Utah.

(2) "Child" is defined in Section 62A-2-101.

(3) "Department" or "DHS" means the Department of Human Services.

(4) "Direct Access" is defined in Section 62A-2-101.

(5) "Director" means the Director of each DHS Office or Division, and includes the Director's designee.

(6) "Directly Supervised" is defined in 62A-2-101.

(7) "Employee" means a prospective employee who has received a job offer from DHS or a current employee of DHS, and includes paid interns.

(8) "Executive Director" means the Executive Director of DHS or the Deputy Director designated by the Executive Director.

(9) "FBI Rap Back" is defined in Section 53-10-108.

(10) "Fingerprints" means an individual's fingerprints as copied electronically through a live-scan fingerprinting device or on two ten-print fingerprint cards.

(11) "Volunteer" means an individual who donates services without pay or other compensation, except expenses actually and reasonably incurred and pre-approved by the supervising agency, and includes unpaid interns.

(12) "Vulnerable Adult" is defined in Section 62A-2-101.

(13) "Youth Residential Program" also known as "congregate care program" means a 24-hour living environment serving 4 or more youth.

R495-885-3. Employees and Volunteers with Direct Access.

(1) The Department finds that a criminal history or identification as a perpetrator of abuse or neglect is directly relevant to an individual's employment or volunteer activities within DHS.

(2) All Department employees and volunteers who may have direct access and who are not directly supervised at all times must have an annual background screening clearance in accordance with Sections 62A-1-118 and 62A-2-120, which shall include retention of fingerprints by BCI for FBI Rap Back.

(3) Department employees and volunteers who may have direct access and are not directly supervised at all times shall:

(a) submit a background screening application to their respective Division or Office on a form created by the Department; and

(b) submit fingerprints to the Department via a DHS-operated live-scan machine or

two ten-print fingerprint cards produced by a law enforcement agency, an agency approved by the BCI, or another entity pre-approved by the Department; or

(c) not be required to submit fingerprints to DHS if they have submitted fingerprints for retention to:

(i) BCI for an Office or Division clearance, and the Office or Division ensures that the minimum standards set forth in Section 62A-2-120 are enforced; or

(ii) to the Department of Health for employees and volunteers of the Utah State Developmental Center per code; or

(iii) to the Office of Licensing as an individual associated with a license as long as the fingerprints are retained by BCI for FBI Rap Back.

(d) in accordance with R501-14-3(4) submit out of state child abuse and neglect registry records for each state resided in during the 5 years immediately preceding the date of the screening application if applying to work in a youth residential program.

(i) instructions for obtaining out of state child abuse and neglect registry records from each state may be found on the OL website: <https://hslic.utah.gov/Out-of-state-registries>

(ii) DHS employees and contracted employees currently working in a youth residential program at the time this rule goes into effect are responsible for submitting child abuse and neglect registry records for all states resided in during the 5 years immediately preceding the effective date of this rule. They may continue working under their DHS background screening clearance unless the out of state child abuse and neglect registry records contain information that constitutes denial under R501-14 or 62A-2-120.

(4) The DHS Office of Licensing shall access information to perform the background checks described in Sections 62A-1-118 and 62A-2-120:

(a) the DHS Office of Licensing will not duplicate fingerprint-based criminal background checks on Department employees or volunteers who have a current fingerprint-based criminal background clearance pursuant to R495-885-3(3);

(b) the fingerprints submitted by DHS employees who are required to obtain a background screening pursuant to Section 62A-2-120 as an individual associated with a licensee shall be utilized to perform the screening required by this R495-885.

(5) Screening results shall be reviewed in accordance with both the standards outlined by Section 62A-2-120 and this R495-885.

(6) Except as described in R495-885-5, Department employees and volunteers who would automatically be denied a background screening approval as described in Section 62A-2-120(5)(a) are not eligible for work with the Department.

(7) Except as described in R495-885-5, Department employees and volunteers who have any offense or finding described in Section 62A-2-120(6)(a) are not eligible for work with the Department.

R495-885-4. Employees and Volunteers with No Direct Access.

(1) The Department finds that a criminal history is directly relevant to an individual's employment activities within DHS.

(2) The Department is not authorized to perform the checks described in Sections 62A-1-118 and 62A-2-120 for employees with no direct access.

(3) Each Division and Office will identify which of their positions includes no potential for direct access that is not directly supervised.

(4) Each employee who does not potentially have direct access shall submit an "Authorization and Waiver for Criminal History Check" form to a Department of Human Resources Management, DHS Field Office authorizing DHRM to perform name-based background checks.

(5) Except as described in R495-885-5, Department employees who would automatically be denied a background screening approval based upon the offenses described in Section 62A-2-120(5)(a) are not eligible for work with the Department.

(6) Except as described in R495-885-5, Department employees who have any offense described in Section 62A-2-120(6)(a) are not eligible for work with the Department.

(7) Volunteers who do not have a background screening clearance pursuant to R495-885-3 will be directly supervised.

R495-885-5. Background Screening Review.

(1) The Office of Licensing or the Department of Human Resources Management, DHS Field Office shall notify the Director of the employment eligibility status of each prospective employee, employee, and volunteer.

(2) The Director shall review the background screening results of each prospective employee, employee, and volunteer when there are any offenses present as outlined in 62A-2-120.

(3) Review process for prospective or probationary employees and volunteers:

(a) Following a review of the background screening results for a prospective or probationary employee or volunteer, the Director may deny or terminate the employment of the prospective or probationary employee or refuse acceptance of the volunteer; or

(b) the Director may request further review of the background screening results by the Comprehensive Review Committee established under 62A-2-120. Review of background screening results for prospective or probationary employees or volunteers by the Comprehensive Review Committee is strictly related to the employment or volunteer eligibility of that person with DHS and is not related to the licensure of that individual by DHS, nor does it entitle any party to any of the rights granted to an applicant for licensure as defined in 62A-2-120.

(i) the Director shall notify the prospective or probationary employee that further review by the Comprehensive Review Committee has been requested.

(ii) the review for prospective employees and volunteers by the Comprehensive Review Committee shall follow the criteria outlined in 62A-2-120 and R501-14 as it relates to the process for review, the items or methods of consideration and the process and criteria used in making determinations.

(iii) Following the review, the Comprehensive Review Committee shall make one of the following findings:

(A) A determination to deny the background screening which will result in the Director denying or terminating the employment of the prospective or probationary employee or refuse the acceptance of the volunteer; or

(B) A determination of employment eligibility or to permit acceptance of the volunteer.

(iv) the determination of the Comprehensive Review Committee to deny the background screening will result in the Director denying or terminating the employment of the prospective or probationary employee or refuse acceptance of the volunteer and is final.

(v) Upon receiving the Comprehensive Review Committee determination of employment eligibility or to accept a volunteer A Director, in their sole discretion may;

(A) approve the employment or continued employment of the prospective or probationary employee or approve the acceptance of the volunteer; or

(B) deny or terminate the employment of the prospective or probationary employee or refuse the acceptance of the volunteer.

(vi) the determinations of the Director and the DHS Employee and Volunteer Comprehensive Review Committee are final, and a prospective or probationary employee or volunteer has no right to appeal.

(4) Review process for non-probationary employees:

(a) the following background screening findings shall be submitted to the Director:

(i) automatic denial offenses outlined in 62A-2-120(5)(a);

(ii) all other circumstances outlined in 62A-2-120(6)(a); and

(iii) any MIS supported or substantiated findings;

(b) the Director may consult with the Office of Licensing and shall consult with the Executive Director to evaluate whether the non-probationary employee may present a risk of harm to a child or vulnerable adult, or does not meet DHS high standards of conduct or promote public trust; the Director, Executive Director and Office of Licensing, if consulted, shall consider the factors and information outlined in 62A-2-120(6)(b).

(c) the Executive Director may, in his/her sole discretion, approve the non-probationary employee for continued employment, including defining permissible and impermissible DHS-wide work-related activities, or consult the Department of Human Resource Management regarding termination of employment. The determination of the Executive Director is final.

R495-885-6. Division/Office Responsibilities.

(1) The Department shall notify the DHS Office of Licensing within five months of the termination of each employee for whom fingerprints have been retained under Section 62A-2-120 to enable the Office of Licensing to notify BCI and ensure the destruction of fingerprints.

(2) Each Division and Office shall ensure that an employee or volunteer who previously was screened based upon having no direct access shall, prior to having any direct access, be screened and approved in accordance with R495-885.

R495-885-7. Compliance.

~~[The Department will set an implementation schedule to be in compliance with this rule no later than October 31, 2018.]~~The Department will be required to initiate steps toward compliance with this rule immediately upon the effective date.

KEY: background, employees, human services, screenings
Date of Enactment or Last Substantive Amendment: May 14, 2019
Authorizing, and Implemented or Interpreted Law: 62A-1-118; 62A-2-120

Human Services, Administration,
 Administrative Services, Licensing
R501-14
 Human Service Program Background
 Screening

NOTICE OF 120-DAY (EMERGENCY) RULE

DAR FILE NO.: 43718
 FILED: 05/14/2019

RULE ANALYSIS

PURPOSE OF THE RULE OR REASON FOR THE CHANGE: Utah made changes to Section 62A-2-120 (the statute governing background screenings) via S.B. 128 in the 2019 General Session. These statutory changes align with federal legislation from the Families First Prevention Services Act currently in effect regarding background screenings for employees in youth residential settings. This filing aligns this rule with federal and state statutes.

SUMMARY OF THE RULE OR CHANGE: This filing adds the following definitions for clarification: Applicant, Harm, OL, and Youth Residential Program. In regards to the background screening procedure, these amendments add the requirement of an applicant applying to work in a youth residential program who has resided outside of the state of Utah in the past five years to provide a child abuse and neglect registry record for each state in which the applicant has resided in that time. Further provisions to this requirement are included throughout this filing.

STATUTORY OR CONSTITUTIONAL AUTHORIZATION FOR THIS RULE: Section 62A-2-120

EMERGENCY RULE REASON AND JUSTIFICATION: REGULAR RULEMAKING PROCEDURES WOULD place the agency in violation of federal or state law.

JUSTIFICATION: The Families First Prevention Services Act went into effect in February 2019 and requires all states to be compliant with the background screening requirements set within. Because Utah's compliance hinged on a statutory change, this rule couldn't be implemented until the statute changes went into effect today, 05/14/2019. The proposed amendment for this rule is already out for public comment, but the Office of Administration, Administrative Services, Licensing (Office) promised to be in compliance at the earliest possible date, which would be 05/14/2019 with this emergency filing. (EDITOR'S NOTE: The corresponding proposed amendment to Rule R501-14 is under Filing No. 43691 published in the May 15, 2019, Utah State Bulletin.)

ANTICIPATED COST OR SAVINGS TO:

- ◆ **THE STATE BUDGET:** These rule changes are not expected to have any fiscal impact on the state budget. These changes deal with non-state employees working in youth residential programs and those applying to work in these programs.
- ◆ **LOCAL GOVERNMENTS:** It is not anticipated that local governments will see any fiscal impact from these changes. These changes to the applicants background screening application will not impact local governments.
- ◆ **SMALL BUSINESSES:** These rule changes are not expected to have any fiscal impact on any youth residential programs, as it places the responsibility for compliance on the applicants and not the businesses. Businesses have discretion to either supervise these employees until their clearances are completed (which is currently the process for all background screening applicants in all Department of Human Services (DHS) licensed settings) or not hire individuals who will experience delays in obtaining those registry checks as part of their background screenings or employment. In an effort to assist these providers and their potential employees, the Office of Licensing has compiled a comprehensive list of contacts and processes for applicants to follow to obtain these rule-required registry checks in every state across the country. This reference guide is posted on the OL website and is referenced in rule and on the screening application forms for further convenience to providers. This rule acknowledges potential long delays in obtaining out-of-state registry checks and will allow conditional clearance under strict circumstances that protect the vulnerable population served and meet the federal and state statutory mandates while assisting the program in meeting staffing needs.
- ◆ **PERSONS OTHER THAN SMALL BUSINESSES, BUSINESSES, OR LOCAL GOVERNMENTAL ENTITIES:** It is impossible to estimate how many employees applying to work in youth residential settings have lived out-of-state within the past five years. The employees will be held responsible for any fees associated with the cost (if any). The cost is inestimable as a result of not knowing how many individuals will apply and from which states (if any) they have resided in the past five years.

COMPLIANCE COSTS FOR AFFECTED PERSONS: Compliance costs will depend on each state and the amount

of states lived in over the past five years. The cost is inestimable as a result of not knowing how many individuals will apply and from which states (if any) they have resided in the past five years. The cost is estimated to be negligible, as many states don't charge fees or haven't implemented fees to accommodate this federal legislation requirement.

COMMENTS BY THE DEPARTMENT HEAD ON THE FISCAL IMPACT THE RULE MAY HAVE ON BUSINESSES: After conducting a thorough analysis, it was determined that these proposed rule changes will not result in a fiscal impact to businesses.

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 Office of Administrative Rules.

DIRECT QUESTIONS REGARDING THIS RULE TO:

♦ Janice Weinman by phone at 385-321-5586, by FAX at 801-538-4553, or by Internet E-mail at jweinman@utah.gov
♦ Jonah Shaw by phone at 801-538-4219, by FAX at 801-538-3942, or by Internet E-mail at jshaw@utah.gov

EFFECTIVE: 05/14/2019

AUTHORIZED BY: Ann Williamson, Executive Director

R501. Human Services, Administration, Administrative Services, Licensing.

R501-14. Human Service Program Background Screening.

R501-14-1. Authority and Purpose.

- (1) This Rule is authorized by Sections 62A-2-106, 62A-2-120, 62A-2-121, and 62A-2-122.
- (2) This Rule clarifies the standards for approving, denying, or revoking an applicant's background screening.

R501-14-2. Definitions.

- (1) "Abuse" is defined in Sections 78A-6-105 and 62A-3-301, and may include "Severe Abuse", "Severe Neglect", and "Sexual Abuse", as these terms are defined in Sections 78A-6-105 and 62A-3-301.
- (2) "Adult-only Substance Use Disorder Program" is a program serving substance use disorder related clients that has declared to the Office of Licensing that they do not serve the following:
 - (a) clients under the age of 18; or
 - (b) those with any serious mental illness or cognitive impairments.
- (3) "Applicant" means a person whose identifying information is submitted to the Office under Sections 62A-2-120, 62A-3-104.3, 62A-5-103.5, 78B-6-128, and 78B-6-113. Applicant includes the legal guardian of an individual described in Section 62A-2-120-1[-] (a).

(a) "Applicant" does not mean an individual, including an adult, who is in the custody of the Division of Child and Family Services or the Division of Juvenile Justice Services.

(4) "Background Screening Agent" means the applicable licensing specialist, human services program, Area Agency on Aging (for Personal Care Attendant applicants only), and adoption service provider, an attorney representing a prospective adoptive parent as defined in Section 78B-6-103([4]25), or DHS Division or Office. The background screening agents are the point of contact with the Office for the purpose of background screening.

(5) "BCI" means the Bureau of Criminal Identification, and is the designated state agency of the Division of Criminal Investigation and Technical Services Division, within the Department of Public Safety, responsible to maintain criminal records in the State of Utah.

(6) "Child" is defined in Section 62A-2-101.

(7) "Child Placing" is defined in Section 62A-2-101.

(8) "Comprehensive Review Committee" means the committee appointed to conduct reviews in accordance with Section 62A-2-120.

(9) "DAAS Statewide Database" is the Division of Aging and Adult Services database created by Section 62A-3-311.1 to maintain reports of vulnerable adult abuse, neglect, or exploitation.

(10) "Direct Access" is defined in Section 62A-2-101.

(11) "Direct Service Worker" is defined in Section 62A-5-101.

(12) "Directly Supervised" is defined in 62A-2-101.

(13) "FBI Rap Back System" is defined in Section 53-10-108.

(14) "Fingerprints" means an individual's fingerprints as copied electronically through a fingerprint scanning device or on two ten-print fingerprint cards by a law enforcement agency, an agency approved by the BCI, or background screening agent.

(15) "Foster Home" is defined in Section 62A-2-101.

(16) "Harm" is defined in R501-1-2(14) and for the purpose of background screenings also includes causing or threatening to cause financial damage or fraud.

(1[6]7) "Human Services Program" is defined in Section 62A-2-101.

(1[7]8) "Licensee" is defined in Section 62A-2-101.

(1[8]9) "Licensing Information System" is created by Section 62A-4a-1006, as a sub-part of the Division of Child and Family Services' Management Information System created by Section 62A-4a-1003.

(1[9]20) "Neglect" may include "Severe Neglect", as these terms are defined in Sections 78A-6-105 and 62A-3-301.

(2[0]1) "Office" is defined in Section 62A-2-101([27]30) and is also referred to as "OL".

(2[+]2) "Personal Care Attendant" is defined in Section 62A-3-101.

(2[2]3) "Personal Identifying Information" is defined in Section 62A-2-120, and shall include:

(a) a current, valid state driver's license or state identification card bearing the applicant's photo, current name, and address;

(b) any current, valid government-issued identification card bearing the applicant's name and photo, including passports, military identification and foreign government identification cards; or

(c) other records specifically requested in writing by the Office.

(2[3]4) "Substance Abuse Treatment Program" is defined in Section 62A-2-101.

(2[4]5) "Substantiated" is defined in Section 62A-4a-101.

(2[5]6) "Supported" is defined in Sections 62A-3-301 and 62A-4a-101.

(2[6]7) "Vulnerable Adult" is defined in Section 62A-2-101.

(28) "Youth Residential Program" is also known as "congregate care" and means a 24-hour group living environment serving 4 or more youth. This does not include foster homes or child placing agency certified homes.

R501-14-3. Initial Background Screening Procedure.

(1) An applicant for initial background screening shall legibly complete, date and sign a background screening application and consent on a form provided by the Office.

(2) An applicant shall disclose all criminal charges, including pending charges, and all supported or substantiated findings of abuse, neglect or exploitation on the background screening application.

(3) ~~The~~An applicant may provide disclosure statements and related documents as direct attachments to the application or directly attached in a sealed envelope. If the applicant submits a sealed envelope, the background screening agent shall forward it unopened.

(4) An applicant applying to work in a youth residential program who has resided outside of the state of Utah within the 5 years immediately preceding the date of the background screening application shall provide a child abuse and neglect registry record for each State in which the applicant has resided within those 5 years.

(a) instructions for obtaining out of state child abuse and neglect registry records from each state may be found on the OL website at: <https://hslc.utah.gov/Out-of-state-registries>.

(b) out of state child abuse and neglect registry records are not required to be produced to the Office of Licensing a second time for license renewal, screening transfer or screening renewal as long as a record from every state resided in over the past 5 years has been previously submitted and reviewed by the Office of Licensing.

(i) a current employee in a youth residential setting at the time this rule goes into effect shall submit all out of state registry records for all states resided in for the 5 years immediately preceding their background screening renewal application.

(c) applicants experiencing delays in receiving requested out of state(s) registry record(s) must be supervised while record(s) are pending, unless:

(i) documentation is obtained from the state(s) providing the record giving a time frame for expected receipt of record(s). This documentation may not be authored by anyone but the sending state(s) authorized personnel and;

(ii) the Office otherwise approves the applicant's background screening with no comprehensive review committee review required.

(d) any out of state registry record that contains information that constitutes background screening denial under this rule, shall result in a denial or revocation of background screening and the employee direct access to clients and client records must be terminated immediately upon notification.

([4]5)An applicant must present valid government-issued identification.

([5]6) An applicant who presents only a foreign country identification card may be required to submit an original or official copy of a government issued criminal history report from that country.

([6]7) The background screening application, personal identifying information, including fingerprints, and applicable fee shall be submitted to the background screening agent. The background screening agent shall:

(a) inspect the applicant's government-issued identification card and determine that it does not appear to have been forged or altered;

(b) review for completeness and accuracy and sign the application; and

(c) forward the background screening application, and applicable fee to the Office background screening unit.

(d) The background screening agent may withdraw a background screening application at any point in the process.

R501-14-4. Renewal Background Screening Procedure.

(1) An applicant for background screening renewal shall legibly complete, date and sign a background screening application and consent on a form provided by the Office.

(2) An applicant shall disclose all criminal charges, including pending charges, and all supported or substantiated findings of abuse, neglect or exploitation on the background screening application. The applicant may provide disclosure statements and related documents as direct attachments to the application or directly attached in a sealed envelope. If the applicant submits a sealed envelope, the background screening agent shall forward it unopened.

(3) The background screening application and personal identifying information shall be submitted to the background screening agent.

(a) Notwithstanding R501-14-4(3), an applicant for a background screening renewal who is not currently enrolled in the FBI Rap Back System is not required to submit fingerprints for a FBI Rap Back System search and applicable FBI Rap Back System fees unless:

(i) the applicant's most current background screening has lapsed as described in part 7 of this Section;

(ii) the human services program or background screening agent with which the applicant is associated requires a FBI Rap Back System search;

(iii) the applicant wishes to provide services with an additional licensee and has not submitted fingerprints for a FBI Rap Back System search and applicable FBI Rap Back System fees; or

(iv) the renewal application is submitted on or after July 1, 2018 and the applicant is not already enrolled in the FBI Rap Back System.

(4) A background screening agent wishing to submit background screening renewal applications for multiple applicants may submit a summary log of the renewing applicants in lieu of individuals' applications.

(a) A summary log may only be used for applicants:

(i) who are enrolled in the FBI Rap Back System with the Office;

(ii) with a current approval;

(iii) whose name and address have not changed since their last background screening approval;

(iv) who have not had any of the following since their last background screening approval:

(A) criminal arrests or charges;

(B) supported or substantiated findings of abuse, neglect or exploitation; or

(C) any pending or unresolved criminal issues.

(b) Summary logs shall contain:

(i) applicant full legal name,

(ii) applicant date of birth,

(iii) the last four numbers of each applicant's social security number;

(iv) program name; and

(v) name of program representative completing summary form.

(c) A background screening agent choosing to submit a summary log of the renewing applicants in lieu of individuals' applications shall maintain current documentation signed by each applicant, in which they attest to the accuracy of the information described in R501-14-4(4)(a) and (b).

(5) An application shall be submitted each time an applicant may have direct access to a child or vulnerable adult at any human services program other than the program identified on the initial application.

(6) The background screening agent shall:

(a) inspect the applicant's government-issued identification card and make a determination as to whether or not it appears to have been forged or altered; and

(b) review for completeness and accuracy and sign the application.

(7) Renewal applications from background screening agent and applicant shall be submitted to the Office no later than one year from the date of their most recent background screening approval. A screening that has lapsed for 30 days beyond that time is void and a new initial application must be submitted.

R501-14-5. General Background Screening Procedure.

(1) An application that is illegible, incomplete, unsigned, undated, or lacks a signed consent or required identifying information, may be returned to the individual who submitted it without further action.

(a) Personal identifying information submitted pursuant to Sections 62A-2-120, 62A-3-104.3, 62A-5-103.5, 78B-6-113, and 78B-6-128 shall be used to perform a search in accordance with Sections 62A-2-120(3) and (13).

(2) Except as permitted by Section 62A-2-120(9), an applicant for an initial background screening shall submit an application no later than two weeks from becoming associated with the licensee and shall be directly supervised in regards to a child or vulnerable adult prior to receiving written confirmation of background screening approval from the Office.

(a) Except as permitted by Section 62A-2-120(9), an applicant seeking background screening renewal shall submit renewal application within one year of the previous clearance date.

(b) If the screening approval lapses beyond 30 days, the applicant shall be directly supervised in regard to direct access of a child or vulnerable adult prior to receiving written confirmation of background screening approval from the Office.

(c) An applicant whose background screening has been denied shall have no further supervised or unsupervised direct access to clients unless the Office approves a subsequent application.

(3) The applicant or background screening agent shall promptly notify the Office of any change of address while the application remains pending.

(4) A background screening agent may roll fingerprints of applicants for submission to the Office only after it has received and applied training in the proper methods of taking fingerprints.

(a) The background screening agent shall verify the identity of the applicant via government-issued identification card at the time that fingerprints are taken.

(b) In the event that 10% or more of the fingerprints submitted by a background screening agent are rejected for quality purposes, the Office may thereafter require that a program utilize law enforcement or BCI to roll prints.

(c) A minor applicant that submitted a youth application with no fingerprint cards and is not currently on the FBI Rap Back System must submit fingerprints within 30 days prior to the minor's 18th birthday.

R501-14-6. Background Screening Fees.

(1) The applicant and background screening agent are responsible for ensuring the accuracy of information submitted with fee payments.

(2) Fees shall only be made by cashiers' check, corporate check, money order, or internal DHS transfer. Personal checks and credit or debit card payments shall not be accepted.

(3) A background screening agent may choose to submit one payment for any number of applicants.

(4) Fees are not refundable or transferable for any reason.

R501-14-7. Application Processing and Results.

(1) The Office shall approve an application for background screening in accordance with Section 62A-2-120(7).

(a) The Office shall notify the applicant or the background screening agent or contractor when an applicant's background screening application is approved.

(i) Upon receiving notice from the Office, the background screening agent shall provide notice of approval to the applicant as required under Section 62A-2-120 (12)(a)(i).

(b) The approval granted by the Office shall be valid until a renewal approval is issued or the prior approval lapses.

(c) An approval granted by the Office shall not be transferable, except as provided in R501-14-10[+].

(2) The Office may conditionally approve an application for background screening in accordance with Section 62A-2-120(8).

(a) Conditional approvals are prohibited for initial applicants who are residents of child placing foster or adoption homes.

(b) A background screening agent seeking the conditional approval of an applicant shall not request conditional approval unless 10 business days have passed after the applicant's background screening application is received by the Office without receiving notification of the approval or denial of the application.

(c) A written request for conditional approval shall include the applicant's full name, the last four digits of the applicant's social security number, and the date the application was submitted to the Office.

(d) Upon receipt of a written request for conditional approval that complies with R501-14-7(2)(b), the Office shall make a conditional determination within three business days.

(e) Conditional approvals shall have expiration dates not to exceed 60 days.

(f) If the Office does not provide a standard approval before the expiration date of the conditional approval, the applicant shall be directly supervised until such an approval is granted.

(g) The Office may revoke the conditional approval prior to the expiration date.

(3) The Office shall deny an application for background screening in accordance with Section 62A-2-120.

(4) An applicant whose background screening has been denied shall have no further supervised or unsupervised direct access.

(5) The Office shall refer an application to the comprehensive review committee in accordance with Section 62A-2-120(6).

(a) Per Section 62A-2-120 (6)(a)(ii), all misdemeanor convictions except those listed in R501-14-7(5)(b), within the five years prior to submission of the application to the Office shall be reviewed by the comprehensive review committee.

(b) The following misdemeanors will not be reviewed except as described in (xiv) as listed below:

(i) violation of local ordinances related to animal licenses, littering, dogs at large, noise, yard sales, land uses, storm water, utilities, business licenses, zoning, building, construction and park/access hours;

(ii) all misdemeanors listed in 41-6a except:

(A) part 4 accident responsibility Sections 401.3, 401.5 and 401.7;

(B) part 5 driving under the influence;

(C) part 17 miscellaneous rules Section 1716 if charged as a misdemeanor B and Section 1717;

(D) part 18 Section 1803;

(iii) all misdemeanors listed in 76-10-2, 76-10 part 1 Section 105, 76-10-21 and 76-10-27;

(iv) Failure to Appear: A misdemeanor charge under 77-7-22;

(v) Unauthorized Hunting of Protected Wildlife: A misdemeanor resulting from unauthorized hunting under 23-20-3;

(vi) Fishing Licenses: A misdemeanor resulting from a failure to have the appropriate fishing license under 23-19-1;

(vii) Boating Safety: A misdemeanor resulting from a failure to comply with the boating safety requirements outlined in 73-18-8;

(viii) Business License: A misdemeanor resulting from failure to have a business license as required under 76-8-410;

(ix) all juvenile misdemeanors except those listed in 62A-2-120(5)(a) unless there is a pattern of at least three or more similar offenses within the five years prior to the submission of the application.

(c) The Office shall refer an applicant to the comprehensive review committee upon learning of a potentially disqualifying offense or finding described in Section 62A-2-120(6)(a) not previously considered by the comprehensive review committee.

(6) The Office may provide the status of an application to the sponsoring background screening agent, but shall not share any specific criminal history information.

R501-14-8. Comprehensive Review Committee.

(1) The Director of the following Department of Human Services divisions and offices shall appoint one member and one alternate to serve on the comprehensive review committee:

(a) the Executive Director's Office;

(b) the Division of Aging and Adult Services;

(c) the Division of Child and Family Services;

(d) the Division of Juvenile Justice Services;

(e) the Division of Services for People with Disabilities;

(f) the Division of Substance Abuse and Mental Health; and

(g) the Office of Licensing.

(2) Comprehensive review committee members and alternates shall be professional staff persons who are familiar with the programs they represent.

(3) The appointed Office member shall chair the comprehensive review committee as a non-voting member.

(4) Four voting members shall constitute a quorum, not including the representatives from the Office of Licensing.

(5) The comprehensive review committee shall conduct a comprehensive review of an applicant's background screening application, criminal history records, outstanding warrants for any offenses that require a committee review, abuse, neglect or exploitation records, applicant submitted child abuse and neglect registry record(s) from other state(s) and related circumstances, in accordance with Section 62A-2-120(6).

R501-14-9. Comprehensive Review Investigation.

(1) The comprehensive review committee shall not review a background screening application without the Office first sending the applicant a written notice that:

(a) the Office is investigating the applicant's criminal history or findings of abuse, neglect or exploitation;

(b) the applicant is encouraged to submit any written statements or records that the comprehensive review committee needs to make a determination of risk of harm including but not limited to:

(i) original police reports;

(ii) investigatory and charging documents;

(iii) proof of any compliance with court orders;

(iv) any evidence of rehabilitation, counseling, psychiatric treatment received, or additional academic or vocational schooling completed;

(v) personal statements;

(vi) reference letters specific to the potential risk of harm and;

(vii) any other information that specifically addresses the criteria established in Section 62A-2-120(6)(b);

(c) the comprehensive review committee evaluates information using the criteria established by Section 62A-2-120(6)(b); and

(d) submissions must be received within 15 calendar days of the written notice unless an extension has been requested by the background screening agent or applicant and granted by the Office.

(2) The Office shall gather information described in Section 62A-2-120(6)(b) from the applicant and provide available information to the comprehensive review committee.

(3) The Office may request additional information from any available source, including the applicant, victims, witnesses, investigators, the criminal justice system, law enforcement agencies,

the courts and any others it deems necessary for the comprehensive evaluation of an application.

(4) A denied application may be re-submitted to the Office after 6 months or upon substantial change to circumstances.

R501-14-10. Comprehensive Review Determination.

(1) The comprehensive review committee shall only consider applications and information presented by the Office. The comprehensive review committee shall evaluate the applications and information provided to the committee through the Office.

(a) A background screening approval may be transferred to other human service programs when providing the same service under the same statutory screening requirements.

~~(b) the committee shall re-consider all previously cleared or denied screenings when the applicant requires a new clearance for a new type of service. [therefore the comprehensive review committee shall evaluate whether direct access should be authorized for all types of programs.]~~

(2) Each application that goes to the comprehensive review committee requires individual review by the comprehensive review committee.

(3) The comprehensive review committee shall recommend approval of the background screening of an applicant only after a simple majority of the voting members of the comprehensive review committee determines that approval will not likely create a risk of harm to a child or vulnerable adult.

(4) The comprehensive review committee shall recommend denial of the background screening of an applicant when it finds that approval will likely create a risk of harm as defined in 501-14-2(16) to a child or vulnerable adult.

(5) If the applicant fails to provide additional information requested by the Office, the comprehensive review committee may consider and weigh ~~[those omissions in the]~~ only what was submitted to them and only consider additional information that is publicly available in making their evaluation of the risk of harm to clients.

(6) The Office shall make the final determination to approve or deny the application after considering the comprehensive review committee's recommendation.

(7) An applicant whose background screening has been denied shall have no further supervised or unsupervised direct access.

R501-14-11. Background Screening Approval Transfer or Concurrent Use.

(1) An applicant is eligible to have their current background screening approval shared with or transferred to another human services program only if the applicant is currently enrolled in the FBI Rap Back System and the screening was run under the same statutory authority as the original screening.

(2) An applicant who wishes to have their current background screening shared with or transferred to another human services program shall complete a background screening application and identify the name of the original program and youth residential status in boxes indicated.

(i) transfers between youth residential programs is permitted. Transfers from a non-youth residential to a youth residential program shall require submission of out of state registry records when the applicant has resided in another state(s) within 5 years of the application.

(3) An applicant shall be directly supervised until the program receives written confirmation from the Office that the background screening is current and valid.

(4) A background screening approval that has been transferred or shared shall have the same expiration date as the original approval.

R501-14-12. Post-Approval Responsibilities.

(1) An applicant and background screening agent shall immediately notify the Office if the applicant is charged with any felony, misdemeanor, or infraction, or has a new finding in the Licensing Information System, juvenile court records, or the DAAS Statewide Database after a background screening application is approved.

(2) An applicant who has received an approved background screening shall resubmit an application and personal identifying information to the Office within ten calendar days after being charged with any felony, misdemeanor, or infraction, or being listed in the Licensing Information System, the DAAS Statewide Database, or juvenile court records.

(3) An applicant who has been charged with any felony, misdemeanor, or infraction listed in Section 62A-2-120(5)(a) or has a new finding in the Licensing Information System or the DAAS Statewide Database, after a background screening application is approved shall be directly supervised until after an application and personal identifying information have been resubmitted to the Office and a current background screening approval is received from the Office.

(4) An applicant charged with an offense for which there is no final disposition and no comprehensive review committee denial, shall inform the Office of the current status of each case every 90 days.

(a) The Office shall determine whether the pending charge could require a denial or committee review, and if so, notify the applicant to submit an official copy of judicial documentation that indicates the current status of the case at least once every 3 months or until final disposition, whichever comes first.

(b) An applicant shall submit an official copy of judicial documentation that indicates the current status of the case at least once every 3 months or until final disposition, whichever comes first.

(5) The Office may revoke the background screening approval of an applicant who:

(a) has been charged with any felony, misdemeanor, or infraction or is listed in the Licensing Information System, the DAAS Statewide Database, or juvenile court records; and fails to provide required current status information as described in (4) of this Rule or;

(b) has been convicted of any felony, misdemeanor or infraction listed in 62A-2-120(5) after a background screening approval had already been granted by the Office while charges were pending.

(6) The Office shall process identifying information received pursuant to R501-14-12(2) in accordance with R501-14.

(7) The background screening agent shall notify the Office of the termination of each employee for whom fingerprints have been retained under Section 62A-2-120. The Office shall report the termination to BCI within five months if the individual has not transferred the clearance to a transfer-eligible program within that time frame. [A background screening agent shall notify the Office when an

~~applicant is no longer associated with the program so that the Office may terminate the FBI Rap Back subscription.]~~

R501-14-13. Confidentiality.

(1) The Office may disclose criminal background screening information, including information acknowledging the existence or non-existence of a criminal history, only to the applicant in accordance with the Government Records Access and Management Act, Section 63G-2-101, et seq.

(2) Except as described in R501-14-11 and below, background screening information may not be transferred or shared between human service programs.

(a) A licensed child-placing adoption agency may provide the approval granted by the Office to the person who is the subject of the approval, another licensed child-placing agency, or the attorney for the adoptive parents, in accordance with Section 53-10-108(4).

R501-14-14. Retention of Background Screening Information.

(1) A human services program or department contractor shall retain the background screening information of all associated individuals for a minimum of ~~eight~~seven years after the termination of the individual's association with the program.

R501-14-15. Expungement.

(1) An applicant whose background screening application has been denied due to the applicant's criminal record may submit a new application with an official copy of an Order of Expungement.

R501-14-16. Administrative Hearing.

(1) A Notice of Agency Action that denies the applicant's background screening application or revokes the applicant's background screening approval shall inform the applicant of the right to appeal in accordance with Administrative Rule R497-100 and Section 63G-4-101, et seq.

R501-14-17. Exemption.

(1) Section 62A-2-120(13) provides an exemption for substance abuse programs providing services to adults only. In order to claim this exemption, an applicant, human services program, or department contractor may request this exemption on a form provided by the Office, and demonstrate that they meet exemption criteria. Final determination shall be made by the Office.

(2) The substance abuse program exemption limits the exemption with regard to program directors and members. Ownership and management of a human services program, as included in the definition of member, for purposes of this rule means a person or entity who alone or in conjunction with other persons or entities has a majority voice in the decision-making and administration of the program.

KEY: licensing, background screening, fingerprinting, human services

Date of Enactment or Last Substantive Amendment: May 14, 2019

Notice of Continuation: September 29, 2015

Authorizing, and Implemented or Interpreted Law: 62A-2-108 et seq.

**Labor Commission; Boiler, Elevator and Coal Mine Safety
R616-2-3
Safety Codes and Rules for Boilers and Pressure Vessels**

NOTICE OF 120-DAY (EMERGENCY) RULE

DAR FILE NO.: 43710

FILED: 05/09/2019

RULE ANALYSIS

PURPOSE OF THE RULE OR REASON FOR THE CHANGE: This rule change is to fix a typographical error in this rule; to change 4000,000 btu/hr to 400,000 btu/hr in Subsection R616-2-3(C).

SUMMARY OF THE RULE OR CHANGE: This rule change is to fix a typographical error in this rule; to change 4000,000 btu/hr to 400,000 btu/hr in Subsection R616-2-3(C). (EDITOR'S NOTE: A corresponding proposed amendment to Section R616-2-3 is under filing No. 43711 in this issue, June 1, 2019, of the Bulletin.)

STATUTORY OR CONSTITUTIONAL AUTHORIZATION FOR THIS RULE: Section 34A-7-101 et seq.

EMERGENCY RULE REASON AND JUSTIFICATION: REGULAR RULEMAKING PROCEDURES WOULD cause an imminent peril to the public health, safety, or welfare. **JUSTIFICATION:** If this is not corrected, it would eliminate the requirements for safety controls and devices on 5,981 operating boilers in the state of Utah.

ANTICIPATED COST OR SAVINGS TO:

- ◆ **THE STATE BUDGET:** There is no cost associated with this adoption as the ASME Code associated with this addition is already applied to units over 400,000 btus/hr input.
- ◆ **LOCAL GOVERNMENTS:** There is no cost to local governments associated with this adoption as the ASME Code associated with this addition is already applied to units over 400,000 btus/hr input.
- ◆ **SMALL BUSINESSES:** There is no cost to small businesses associated with this adoption as the ASME Code associated with this addition is already applied to units over 400,000 btus/hr input.
- ◆ **PERSONS OTHER THAN SMALL BUSINESSES, BUSINESSES, OR LOCAL GOVERNMENTAL ENTITIES:** There is no cost to other persons associated with this adoption as the ASME Code associated with this addition is already applied to units over 400,000 btus/hr input.

COMPLIANCE COSTS FOR AFFECTED PERSONS: There is no cost for affected persons associated with this adoption as the ASME Code associated with this addition is already applied to units over 400,000 btus/hr input.

COMMENTS BY THE DEPARTMENT HEAD ON THE FISCAL IMPACT THE RULE MAY HAVE ON BUSINESSES: There is no cost to businesses associated with this adoption as the ASME Code associated with this addition is already applied to units over 400,000 btus/hr input.

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

LABOR COMMISSION
BOILER, ELEVATOR AND COAL MINE SAFETY
HEBER M WELLS BLDG
160 E 300 S
SALT LAKE CITY, UT 84111-2316
or at the Office of Administrative Rules.

DIRECT QUESTIONS REGARDING THIS RULE TO:

◆ Pete Hackford by phone at 801-530-7505, by FAX at 801-530-6871, or by Internet E-mail at phackford@utah.gov

EFFECTIVE: 05/09/2019

AUTHORIZED BY: Jaceson Maughan, Commissioner

R616. Labor Commission, Boiler, Elevator and Coal Mine Safety.
R616-2. Boiler and Pressure Vessel Rules.
R616-2-3. Safety Codes and Rules for Boilers and Pressure Vessels.

The following safety codes and rules shall apply to all boilers and pressure vessels in Utah, except those exempted pursuant

to Section 34A-7-101, and are incorporated herein by this reference in this rule.

- A. ASME Boiler and Pressure Vessel Code -- 2017.
 - 1. Section I Rules for Construction of Power Boilers.
 - 2. Section IV Rules for Construction of Heating Boilers.
 - 3. Section VIII Rules for Construction of Pressure Vessels.
- B. Power Piping ASME B31.1 -- 2016.
- C. Controls and Safety Devices for Automatically Fired Boilers (Applicable to boilers with fuel input ratings greater than or equal to ~~4000,000~~400,000 btu/hr) ASME CSD-1-2015. Except:
 - 1. Part CG-130(c).
- D. National Board Inspection Code ANSI/NB-23 - 2017 Part 3.
- E. NFPA 85 Boiler and Combustion Systems Hazard Code 2015.
- F. Recommended Administrative Boiler and Pressure Vessel Safety Rules and Regulations NB-132 Rev. 4.
- G. Pressure Vessel Inspection Code: Maintenance Inspection, Rating, Repair and Alteration API 510 Tenth Edition, 2014. Except:
 - 1. Section-8, and
 - 2. Appendix-A.

KEY: boilers, certification, safety

Date of Enactment or Last Substantive Amendment: May 9, 2019

Notice of Continuation: August 23, 2016

Authorizing, and Implemented or Interpreted Law: 34A-7-101 et seq.

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 <https://rules.utah.gov/>. The rule text may also be inspected at the agency or the Office of Administrative Rules. **REVIEWS** are effective upon filing.

REVIEWS are governed by Section 63G-3-305.

Education, Administration **R277-480**

Charter School Revolving Account

FIVE-YEAR NOTICE OF REVIEW AND STATEMENT OF CONTINUATION

DAR FILE NO.: 43712
FILED: 05/13/2019

NOTICE OF REVIEW AND STATEMENT OF CONTINUATION

CONCISE EXPLANATION OF THE PARTICULAR STATUTORY PROVISIONS UNDER WHICH THE RULE IS ENACTED AND HOW THESE PROVISIONS AUTHORIZE OR REQUIRE THE RULE: This rule is authorized under Utah Constitution Article X, Section 3, which vests general control and supervision over public education in the Utah State Board of Education (Board), Subsection 53F-9-203(2)(b) which requires the Board to administer the Charter School Revolving Account, and Subsection 53E-3-401(4) which allows 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 were received during and since the last five-year review of this 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: This rule continues to be necessary because it establishes procedures for administering the Charter School Revolving Account to determine membership of the Charter

School Revolving Account Committee, and to determine loan amounts and loan repayment conditions. 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 Office of Administrative Rules.

DIRECT QUESTIONS REGARDING THIS RULE TO:

♦ Angela Stallings by phone at 801-538-7550, by FAX at 801-538-7768, or by Internet E-mail at angie.stallings@schools.utah.gov

AUTHORIZED BY: Angela Stallings, Deputy Superintendent of Policy

EFFECTIVE: 05/13/2019

Health, Family Health and Preparedness, Primary Care and Rural Health

R434-40

Utah Health Care Workforce Financial Assistance Program Rules

FIVE-YEAR NOTICE OF REVIEW AND STATEMENT OF CONTINUATION

DAR FILE NO.: 43709
FILED: 05/08/2019

**NOTICE OF REVIEW AND STATEMENT OF
CONTINUATION**

CONCISE EXPLANATION OF THE PARTICULAR STATUTORY PROVISIONS UNDER WHICH THE RULE IS ENACTED AND HOW THESE PROVISIONS AUTHORIZE OR REQUIRE THE RULE: This rule is required by Subsection 26-46-102(2). The statute requires the Department of Health to make rules governing administration of the Health Care Workforce Financial Assistance Program that address: application procedures; eligibility criteria; selection criteria; service conditions including service in an underserved area; penalties for failure to comply; criteria for modifying or waiving services conditions or penalties due to extreme hardship or other causes; and administration of contracts predating the statutes. This rule was enacted to meet those requirements.

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 since the last five-year review of this 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: This rule should be continued because it has met the requirements of its authorizing statute, funding for the program allocated by the Legislature is ongoing, and the rule has facilitated a well-administered program that meets the statutory purposes of Subsection 26-46-102(1) -- providing professional education scholarships and loan repayment assistance to health care professionals and geriatric professionals who locate or continue to practice in underserved areas.

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

HEALTH
FAMILY HEALTH AND PREPAREDNESS,
PRIMARY CARE AND RURAL HEALTH
3760 S HIGHLAND DR
SALT LAKE CITY, UT 84106
or at the Office of Administrative Rules.

DIRECT QUESTIONS REGARDING THIS RULE TO:

◆ Matt McCullough by phone at 801-273-6619, or by Internet E-mail at mmccullough@utah.gov

AUTHORIZED BY: Joseph Miner, MD, Executive Director

EFFECTIVE: 05/08/2019

Heritage and Arts, History
R455-11
Historic Preservation Tax Credit

**FIVE-YEAR NOTICE OF REVIEW AND STATEMENT
OF CONTINUATION**

DAR FILE NO.: 43716
FILED: 05/14/2019

**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: Sections 59-7-609 and 59-10-1006 allow for a historic preservation tax credit by the Utah State Tax Commission and provide for certain duties of the Utah State Tax Commission and State Historic Preservation Office. Section 9-8-205 provides that the Board of State History and the Division of History (Division) shall make rules and policies to direct the Division director in carrying out the director's duties.

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 have been received during the past five years.

REASONED JUSTIFICATION FOR THE CONTINUATION OF THE RULE, INCLUDING REASONS WHY THE AGENCY DISAGREES WITH COMMENTS IN OPPOSITION TO THE RULE, IF ANY: This rule is necessary to administer the Historic Preservation Tax Credit allowed by Sections 59-7-609 and 59-10-1006; to ensure an orderly process by the Division and the State Historic Preservation Office; to allow for appeal and judicial review of decisions; and to ensure that all rehabilitation work on historic preservation tax credit projects meets the Secretary of the Interior's "Standards for Rehabilitation." Therefore, this rule should be continued.

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

HERITAGE AND ARTS
HISTORY
300 RIO GRANDE ST
SALT LAKE CITY, UT 84101-1182
or at the Office of Administrative Rules.

DIRECT QUESTIONS REGARDING THIS RULE TO:

◆ Alycia Aldrich by phone at 801-245-7226, by FAX at 801-533-3503, or by Internet E-mail at aaldrich@utah.gov
◆ Nelson Knight by phone at 801-245-7244, or by Internet E-mail at nwknight@utah.gov

AUTHORIZED BY: Jill Love, Executive Director

EFFECTIVE: 05/14/2019

Heritage and Arts, History
R455-14
Procedures for Electronic Meetings

**FIVE-YEAR NOTICE OF REVIEW AND STATEMENT
OF CONTINUATION**

DAR FILE NO.: 43714
FILED: 05/14/2019

**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 52-4-207 only allows a public body to hold electronic meetings if that body has adopted a resolution, rule, or ordinance governing the use of electronic meetings, and states the provisions and procedures for such a resolution, rule, or ordinance. Rule R455-14 functions as that rule for the Board of State History (Board), established by Section 9-8-204.

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 have been received during the past five years.

REASONED JUSTIFICATION FOR THE CONTINUATION OF THE RULE, INCLUDING REASONS WHY THE AGENCY DISAGREES WITH COMMENTS IN OPPOSITION TO THE RULE, IF ANY: There may be times when members of the Board may need to appear by telephone or other electronic means in order to consider matters of an emergency or urgent nature. This rule includes procedures for such meetings as required by Section 52-4-207, and ensures that the public and Board members are given notice and an opportunity to attend such meetings. Therefore, this rule should be continued.

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

HERITAGE AND ARTS
HISTORY
300 RIO GRANDE ST
SALT LAKE CITY, UT 84101-1182
or at the Office of Administrative Rules.

DIRECT QUESTIONS REGARDING THIS RULE TO:
♦ Alycia Aldrich by phone at 801-245-7226, by FAX at 801-533-3503, or by Internet E-mail at aaldrich@utah.gov

♦ Nelson Knight by phone at 801-245-7244, or by Internet E-mail at nwknight@utah.gov

AUTHORIZED BY: Jill Love, Executive Director

EFFECTIVE: 05/14/2019

Heritage and Arts, History
R455-15
Procedures for Emergency Meetings

**FIVE-YEAR NOTICE OF REVIEW AND STATEMENT
OF CONTINUATION**

DAR FILE NO.: 43715
FILED: 05/14/2019

**NOTICE OF REVIEW AND STATEMENT OF
CONTINUATION**

CONCISE EXPLANATION OF THE PARTICULAR STATUTORY PROVISIONS UNDER WHICH THE RULE IS ENACTED AND HOW THESE PROVISIONS AUTHORIZE OR REQUIRE THE RULE: Subsection 52-4-202(5) allows a public body to hold emergency meetings in cases of unforeseen circumstances to consider matters of an emergency or urgent nature without meeting the public notice provisions of Section 54-4-202. The Board of State History (Board) is a public body established by Section 9-8-204. Rule R455-15 enacts procedures for such meetings by the Board in order to comply with the requirements of Subsection 52-4-202(5).

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 have been received during the past five years.

REASONED JUSTIFICATION FOR THE CONTINUATION OF THE RULE, INCLUDING REASONS WHY THE AGENCY DISAGREES WITH COMMENTS IN OPPOSITION TO THE RULE, IF ANY: There may be times when, due to the necessity of considering matters of an emergency or urgent nature, the public notice provisions of Section 52-4-202 cannot be met for meetings of the Board. Pursuant to Subsection 52-4-202(5), under such circumstances those notice requirements need not be followed but rather the "best notice practicable" shall be given. This rule includes procedures for such meetings to meet the requirements of Subsection 52-4-202(5), and ensures that the meetings are only held in the limited circumstances allowed. Therefore, this rule should be continued.

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

HERITAGE AND ARTS
HISTORY

300 RIO GRANDE ST
 SALT LAKE CITY, UT 84101-1182
 or at the Office of Administrative Rules.

DIRECT QUESTIONS REGARDING THIS RULE TO:
 ♦ Alycia Aldrich by phone at 801-245-7226, by FAX at 801-533-3503, or by Internet E-mail at aaldrich@utah.gov
 ♦ Nelson Knight by phone at 801-245-7244, or by Internet E-mail at nwknight@utah.gov

AUTHORIZED BY: Jill Love, Executive Director

EFFECTIVE: 05/14/2019

**Human Services, Recovery Services
 R527-10
 Disclosure of Information to the Office
 of Recovery Services**

**FIVE-YEAR NOTICE OF REVIEW AND STATEMENT
 OF CONTINUATION**
 DAR FILE NO.: 43700
 FILED: 05/03/2019

**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: Sections 62A-11-111 and 62A-11-107 give the Office of Recovery Services/Child Support Services (ORS/CSS) the authority to adopt, amend, and enforce rules necessary to carry out its responsibilities under state law. Subsection 62A-11-104.1(2) requires ORS to specify by rule the type of health insurance and financial record information financial institutions and insurance companies are required to provide.

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: This rule must continue for ORS to be in compliance with Subsection 62A-11-104.1(2). Information from financial institutions and insurance companies helps ORS successfully collect child support and provide insurance information to families.

THE FULL TEXT OF THIS RULE MAY BE INSPECTED, DURING REGULAR BUSINESS HOURS, AT:
 HUMAN SERVICES
 RECOVERY SERVICES
 515 E 100 S
 SALT LAKE CITY, UT 84102-4211
 or at the Office of Administrative Rules.

DIRECT QUESTIONS REGARDING THIS RULE TO:
 ♦ Allyson Dopp by phone at 801-741-7521, by FAX at 801-536-8509, or by Internet E-mail at aldopp@utah.gov
 ♦ Casey Cole by phone at 801-741-7523, by FAX at 801-536-8509, or by Internet E-mail at cacole@utah.gov
 ♦ Jonah Shaw by phone at 801-538-4219, by FAX at 801-538-3942, or by Internet E-mail at jshaw@utah.gov

AUTHORIZED BY: Liesa Stockdale, Director

EFFECTIVE: 05/03/2019

**Human Services, Recovery Services
 R527-332
 Unreimbursed Assistance Calculation**

**FIVE-YEAR NOTICE OF REVIEW AND STATEMENT
 OF CONTINUATION**
 DAR FILE NO.: 43699
 FILED: 05/03/2019

**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: Sections 62A-1-111 and 62A-11-107 give the Office of Recovery Services/Child Support Services (ORS/CSS) the authority to adopt, amend, and enforce rules necessary to carry out its responsibilities under state law. Federal Regulations at 45 CFR 302.32 and 45 CFR 302.51 require ORS/CSS to refund collections in excess of the unreimbursed assistance (URA) amount to the family within two calendar days of the end of the months that assistance was received. Also, this rule defines URA and the process for making a URA calculation pursuant to 45 CFR 302.32.

SUMMARY OF WRITTEN COMMENTS RECEIVED DURING AND SINCE THE LAST FIVE YEAR REVIEW OF THE RULE FROM INTERESTED PERSONS SUPPORTING OR OPPOSING THE RULE: There have been no comments since the last five-year review of this rule.

REASONED JUSTIFICATION FOR THE CONTINUATION OF THE RULE, INCLUDING REASONS WHY THE AGENCY DISAGREES WITH COMMENTS IN OPPOSITION TO THE RULE, IF ANY: This rule should be continued because the federal regulations under which this rule was enacted are still in effect. In addition, this rule provides the necessary information for ORS to calculate URA.

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

HUMAN SERVICES
RECOVERY SERVICES
515 E 100 S
SALT LAKE CITY, UT 84102-4211
or at the Office of Administrative Rules.

DIRECT QUESTIONS REGARDING THIS RULE TO:

- ◆ Casey Cole by phone at 801-741-7523, by FAX at 801-536-8509, or by Internet E-mail at cacole@utah.gov
- ◆ Jonah Shaw by phone at 801-538-4219, by FAX at 801-538-3942, or by Internet E-mail at jshaw@utah.gov
- ◆ Scott Weight by phone at 801-741-7435, by FAX at 801-536-8509, or by Internet E-mail at sweigh2@utah.gov

AUTHORIZED BY: Liesa Stockdale, Director

EFFECTIVE: 05/03/2019

Technology Services, Administration
R895-9
Utah Geographic Information Systems
Advisory Council

FIVE-YEAR NOTICE OF REVIEW AND STATEMENT
OF CONTINUATION
DAR FILE NO.: 43697
FILED: 05/02/2019

NOTICE OF REVIEW AND STATEMENT OF
CONTINUATION

CONCISE EXPLANATION OF THE PARTICULAR STATUTORY PROVISIONS UNDER WHICH THE RULE IS ENACTED AND HOW THESE PROVISIONS AUTHORIZE OR REQUIRE THE RULE: This rule is issued by the Chief Information Officer under the authority of Section 63F-1-206 of the Technology Governance Act and Section 63G-3-201 of the Utah Rulemaking Act.

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 this 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: There is a need to maintain this rule that establishes an advisory council to coordinate statewide Geographic Information Systems data efforts for collection, creation, and access, and to mutual collaboration by state entities. Therefore, this rule should be continued.

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

TECHNOLOGY SERVICES
ADMINISTRATION
ROOM 6000 STATE OFFICE BUILDING
450 N STATE ST
SALT LAKE CITY, UT 84114
or at the Office of Administrative Rules.

DIRECT QUESTIONS REGARDING THIS RULE TO:

- ◆ Stephanie Weteling by phone at 801-538-3284, by FAX at 801-538-3622, or by Internet E-mail at stephanie@utah.gov

AUTHORIZED BY: Michael Hussey, Executive Director and CIO

EFFECTIVE: 05/02/2019

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 Office 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

Occupational and Professional Licensing
No. 43318 (AMD): R156-63a.Security Personnel Licensing
Act Contract Security Rule
Published: 11/15/2018
Effective: 05/13/2019

No. 43318 (CPR): R156-63a.Security Personnel Licensing
Act Contract Security Rule
Published: 04/01/2019
Effective: 05/13/2019

No. 43319 (AMD): R156-63b.Security Personnel Licensing
Act Armored Car Rule
Published: 11/15/2018
Effective: 05/13/2019

No. 43319 (CPR): R156-63b.Security Personnel Licensing
Act Armored Car Rule
Published: 04/01/2019
Effective: 05/13/2019

Health

Disease Control and Prevention, Epidemiology
No. 43468 (AMD): R386-900.Special Measures for the
Operation of Syringe Exchange Programs
Published: 02/01/2019
Effective: 05/15/2019

Center for Health Data, Vital Records and Statistics
No. 43462 (NEW): R436-19.Abortion Reporting
Published: 01/15/2019
Effective: 05/08/2019

Human Services

Substance Abuse and Mental Health
No. 43575 (AMD): R523-12-4.Provider Responsibilities
Published: 04/01/2019
Effective: 06/27/2019

No. 43576 (AMD): R523-13-4.Provider Responsibilities
Published: 04/01/2019
Effective: 06/27/2019

Labor Commission

Adjudication
No. 43574 (AMD): R602-2-1.Pleadings and Discovery
Published: 04/01/2019
Effective: 05/08/2019

Boiler, Elevator and Coal Mine Safety
No. 43572 (AMD): R616-2-3.Safety Codes and Rules for
Boilers and Pressure Vessels
Published: 04/01/2019
Effective: 05/08/2019

No. 43573 (AMD): R616-2-8.Inspection of Boilers and
Pressure Vessels
Published: 04/01/2019
Effective: 05/08/2019

Transportation

Program Development
No. 43584 (NEW): R926-16.Unsolicited Proposals for
Transportation Infrastructure Public-Private Partnerships
Published: 04/01/2019
Effective: 05/08/2019

**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, 2019 through May 15, 2019. 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 Office of Administrative Rules (801-538-3003).

A copy of the **RULES INDEX** is available for public inspection at the Office of Administrative Rules (5110 State Office Building, Salt Lake City, UT), or may be viewed online at the Office's web site (<https://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>Facilities Construction and Management</u>					
R23-3	Planning, Programming, Request for Capital Development Projects and Operation and Maintenance Reporting for State Owned Facilities	43524	NSC	03/01/2019	Not Printed
R23-3	Planning, Programming, Request for Capital Development Projects and Operation and Maintenance Reporting for State Owned Facilities	43569	5YR	03/06/2019	2019-7/59
R23-23	Health Reform -- Health Insurance Coverage in State Contracts -- Implementation	43642	5YR	04/11/2019	2019-9/79
R23-29	Delegation of Project Management	43525	NSC	03/01/2019	Not Printed
R23-29	Delegation of Project Management	43567	5YR	03/06/2019	2019-7/60
R23-33	Rules for the Prioritization and Scoring of Capital Improvements by the Utah State Building Board	43568	5YR	03/06/2019	2019-7/60
<u>Finance</u>					
R25-10	State Entities' Posting of Financial Information to the Utah Public Finance Website	43404	AMD	01/23/2019	2018-24/6
R25-11	Utah Transparency Advisory Board, Procedures for Electronic Meetings	43471	5YR	01/07/2019	2019-3/43
<u>Risk Management</u>					
R37-4	Adjusted Utah Governmental Immunity Act Limitations on Judgments	43235	AMD	01/18/2019	2018-21/2
AGRICULTURE AND FOOD					
<u>Animal Industry</u>					
R58-20	Domesticated Elk Hunting Parks	43469	5YR	01/07/2019	2019-3/43
<u>Conservation Commission</u>					
R64-3	Utah Environmental Stewardship Certification Program (UESCP), a.k.a Agriculture Certification of Environmental Stewardship (ACES)	43685	5YR	04/30/2019	2019-10/115
<u>Marketing and Development</u>					
R65-1	Utah Apple Marketing Order	43546	NSC	03/13/2019	Not Printed
R65-5	Utah Red Tart and Sour Cherry Marketing Order	43547	NSC	03/13/2019	Not Printed
R65-8	Management of the Junior Livestock Show Appropriation	43545	NSC	03/13/2019	Not Printed

R65-11	Utah Sheep Marketing Order	43548	NSC	03/13/2019	Not Printed
R65-12	Utah Small Grains and Oilseeds Marketing Order	43549	NSC	03/13/2019	Not Printed
R65-12	Utah Small Grains and Oilseeds Marketing Order	43641	5YR	04/11/2019	2019-9/79
<u>Plant Industry</u>					
R68-25	Industrial Hemp Research Pilot Program for Processors	43571	NSC	03/21/2019	Not Printed
R68-27	Cannabis Cultivation	43686	EMR	05/03/2019	2019-10/107
CAPITOL PRESERVATION BOARD (STATE)					
<u>Administration</u>					
R131-13	Health Reform -- Health Insurance Coverage in State Contracts -- Implementation	43662	5YR	04/17/2019	2019-10/115
COMMERCE					
<u>Consumer Protection</u>					
R152-34a	Utah Postsecondary School State Authorization Act Rule	43612	5YR	04/01/2019	2019-8/101
<u>Occupational and Professional Licensing</u>					
R156-15A	State Construction Code Administration and Adoption of Approved State Construction Code Rule	43522	AMD	04/08/2019	2019-5/8
R156-20a (Changed to R156-20b)	Environmental Health Scientist Act Rule	43466	NSC	01/11/2019	Not Printed
R156-28	Veterinary Practice Act Rule	43189	AMD	03/25/2019	2018-19/7
R156-28	Veterinary Practice Act Rule	43189	CPR	03/25/2019	2019-4/40
R156-55e	Elevator Mechanics Licensing Rule	43542	AMD	04/22/2019	2019-6/4
R156-60	Mental Health Professional Practice Act Rule	43543	5YR	02/26/2019	2019-6/41
R156-63a	Security Personnel Licensing Act Contract Security Rule	43318	AMD	05/13/2019	2018-22/89
R156-63a	Security Personnel Licensing Act Contract Security Rule	43318	CPR	05/13/2019	2019-7/48
R156-63a	Security Personnel Licensing Act Contract Security Rule	43577	NSC	05/14/2019	Not Printed
R156-63b	Security Personnel Licensing Act Armored Car Rule	43319	AMD	05/13/2019	2018-22/96
R156-63b	Security Personnel Licensing Act Armored Car Rule	43319	CPR	05/13/2019	2019-7/53
R156-63b	Security Personnel Licensing Act Armored Car Rule	43578	NSC	05/14/2019	Not Printed
R156-80a	Medical Language Interpreter Act Rule	43465	5YR	01/02/2019	2019-2/19
<u>Real Estate</u>					
R162-2f	Real Estate Licensing and Practices Rules	43407	AMD	01/23/2019	2018-24/8
CORRECTIONS					
<u>Administration</u>					
R251-105	Applicant Qualifications for Employment with Department of Corrections	43218	AMD	02/11/2019	2018-20/12
R251-111	Government Records Access and Management	43596	5YR	03/19/2019	2019-8/102
EDUCATION					
<u>Administration</u>					
R277-100	Definitions for Utah State Board of Education (Board) Rules	43479	AMD	03/13/2019	2019-3/2
R277-117	Utah State Board of Education Protected Documents	43511	REP	04/08/2019	2019-5/19
R277-122	Board of Education Procurement	43441	AMD	02/07/2019	2019-1/17
R277-308	New Educator Induction and Mentoring	43442	NEW	02/07/2019	2019-1/22
R277-400	School Facility Emergency and Safety	43507	5YR	02/08/2019	2019-5/95

RULES INDEX

R277-400	School Facility Emergency and Safety	43512	AMD	04/08/2019	2019-5/21
R277-404	Requirements for Assessments of Student Achievement	43450	AMD	02/22/2019	2019-2/6
R277-407	School Fees	43532	AMD	04/08/2019	2019-5/25
R277-419	Pupil Accounting	43475	NSC	01/15/2019	Not Printed
R277-437	Student Enrollment Options	43397	AMD	01/09/2019	2018-23/6
R277-463	Class Size Average and Pupil-Teacher Ratio Reporting	43636	5YR	04/08/2019	2019-9/80
R277-470	Charter Schools - General Provisions	43374	REP	01/09/2019	2018-23/9
R277-472	Charter School Student Enrollment and Transfers and School District Capacity Information	43637	5YR	04/08/2019	2019-9/81
R277-480	Charter School Revolving Account	43712	5YR	05/13/2019	Not Printed
R277-481	Charter School Oversight, Monitoring and Appeals	43399	REP	01/09/2019	2018-23/12
R277-482	Charter School Timelines and Approval Processes	43392	REP	01/09/2019	2018-23/15
R277-483	LEA Reporting and Accounting Requirements	43515	NEW	04/08/2019	2019-5/36
R277-486	Professional Staff Cost Program	43508	5YR	02/08/2019	2019-5/95
R277-486	Professional Staff Cost Program	43516	AMD	04/08/2019	2019-5/39
R277-487	Public School Data Confidentiality and Disclosure	43476	AMD	03/13/2019	2019-3/4
R277-493	Kindergarten Supplemental Enrichment Program	43638	5YR	04/08/2019	2019-9/81
R277-494-4	Charter or Online School Student Participation in Co-Curricular Activities	43506	NSC	02/20/2019	Not Printed
R277-495	Required Policies for Electronic Devices in Public Schools	43531	AMD	04/08/2019	2019-5/42
R277-502	Educator Licensing and Data Retention	43664	NSC	05/14/2019	Not Printed
R277-502-4	License Levels, Procedures, and Periods of Validity	43600	NSC	04/01/2019	Not Printed
R277-509	Licensure of Student Teachers and Interns	43373	AMD	01/09/2019	2018-23/19
R277-524	Paraprofessional/Paraeducator Programs, Assignments, and Qualifications	43583	5YR	03/14/2019	2019-7/61
R277-528	Use of Public Education Job Enhancement Program (PEJEP) Funds	43509	5YR	02/08/2019	2019-5/96
R277-550	Charter Schools – Definitions	43400	NEW	01/09/2019	2018-23/21
R277-551	Charter Schools - General Provisions	43393	NEW	01/09/2019	2018-23/24
R277-551	Charter Schools - General Provisions	43478	AMD	03/13/2019	2019-3/10
R277-552	Charter School Timelines and Approval Processes	43394	NEW	01/09/2019	2018-23/26
R277-553	Charter School Oversight, Monitoring and Appeals	43401	NEW	01/09/2019	2018-23/31
R277-554	State Charter School Board Grants and Mentoring Program	43395	NEW	01/09/2019	2018-23/34
R277-555	Corrective Action Against Charter School Authorizers	43396	NEW	01/09/2019	2018-23/38
R277-600	Student Transportation Standards and Procedures	43375	AMD	01/09/2019	2018-23/38
R277-601	Standards for Utah School Buses and Operations	43611	5YR	03/29/2019	2019-8/102
R277-704	Financial and Economic Literacy: Integration into Core Curriculum and Financial and Economic Literacy Student Passports	43519	AMD	04/08/2019	2019-5/46
R277-724	Criteria for Sponsors Recruiting Day Care Facilities in the Child and Adult Care Food Program	43579	5YR	03/13/2019	2019-7/61
R277-910	Underage Drinking Prevention Program	43448	NEW	02/07/2019	2019-1/24
R277-912	Law Enforcement Related Incident Reporting	43439	NEW	02/07/2019	2019-1/26
R277-922	Digital Teaching and Learning Grant Program	43398	AMD	01/09/2019	2018-23/45

ENVIRONMENTAL QUALITY

<u>Air Quality</u>					
R307-101-2	Definitions	43372	AMD	02/07/2019	2018-23/49
R307-110-10	Section IX, Control Measures for Area and Point Sources, Part A, Fine Particulate Matter	43212	AMD	03/05/2019	2018-19/31

R307-110-10	Section IX, Control Measures for Area and Point Sources, Part A, Fine Particulate Matter	43212	CPR	03/05/2019	2019-3/40
R307-110-17	Section IX, Control Measures for Area and Point Sources, Part H, Emission Limits	42976	AMD	01/03/2019	2018-13/35
R307-110-17	Section IX, Control Measures for Area and Point Sources, Part H, Emission Limits	42976	CPR	01/03/2019	2018-21/134
R307-511	Oil and Gas Industry: Associated Gas Flaring	43211	NEW	03/05/2019	2018-19/32
R307-511	Oil and Gas Industry: Associated Gas Flaring	43211	CPR	03/05/2019	2019-3/41
<u>Drinking Water</u>					
R309-100-9	Variances	43378	AMD	01/15/2019	2018-23/57
R309-105-4	General	43379	AMD	01/15/2019	2018-23/58
R309-110-4	Definitions	43380	AMD	01/15/2019	2018-23/60
R309-200	Monitoring and Water Quality: Drinking Water Standards	43381	AMD	01/15/2019	2018-23/73
R309-210-8	Disinfection Byproducts - Stage 1 Requirements	43382	AMD	01/15/2019	2018-23/80
R309-211	Monitoring and Water Quality: Distribution System -- Total Coliform Requirements	43383	AMD	01/15/2019	2018-23/85
R309-215-10	Residual Disinfectant	43384	AMD	01/15/2019	2018-23/91
R309-215-16	Groundwater Rule	43385	AMD	01/15/2019	2018-23/93
R309-220-4	General Public Notification Requirements	43386	AMD	01/15/2019	2018-23/99
R309-225-4	General Requirements	43387	AMD	01/15/2019	2018-23/101
<u>Waste Management and Radiation Control, Radiation</u>					
R313-28-31	General and Administrative Requirements	43253	AMD	01/14/2019	2018-21/52
R313-28-31	General and Administrative Requirements	43530	AMD	04/15/2019	2019-5/50
<u>Waste Management and Radiation Control, Waste Management</u>					
R315-15-14	DIYer Reimbursement	43529	AMD	04/15/2019	2019-5/54
R315-260	Hazardous Waste Management System	43526	AMD	04/15/2019	2019-5/56
R315-261	General Requirements -- Identification and Listing of Hazardous Waste	43527	AMD	04/15/2019	2019-5/67
R315-262	Hazardous Waste Generator Requirements	43528	AMD	04/15/2019	2019-5/83
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R455-14	Procedures for Electronic Meetings	43714	5YR	05/14/2019	Not Printed
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R523-5	Peer Support Specialist Training and Certification	43141	CPR	01/29/2019	2018-24/38
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R708-26	Learner Permit Rule	43591	5YR	03/15/2019	2019-7/66
R708-31	Ignition Interlock Systems	43592	5YR	03/15/2019	2019-7/66

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R884-24P-19	Appraiser Designation Program Pursuant to Utah Code Ann. Sections 59-2-701 and 59-2-702	43437	AMD	03/28/2019	2019-1/51
R884-24P-19	Appraiser Designation Program Pursuant to Utah Code Ann. Sections 59-2-701 and 59-2-702	43640	NSC	04/24/2019	Not Printed
R884-24P-27	Standards for Assessment Level and Uniformity of Performance Pursuant to Utah Code Ann. Sections 59-2-704 and 59-2-704.5	43371	AMD	01/10/2019	2018-23/119
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R926-16	Unsolicited Proposals for Transportation Infrastructure Public-Private Partnerships	43584	NEW	05/08/2019	2019-7/40
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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
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<u>acceptable use</u> Technology Services, Administration	43467	R895-7	5YR	01/03/2019	2019-3/45
<u>accounting</u> Education, Administration	43515	R277-483	NEW	04/08/2019	2019-5/36
<u>activities</u> Education, Administration	43506	R277-494-4	NSC	02/20/2019	Not Printed
<u>administrative law judges</u> Human Resource Management, Administration	43470	R477-101	5YR	01/07/2019	2019-3/44
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<u>adult expansion</u> Health, Health Care Financing, Coverage and Reimbursement Policy	43708	R414-312	EMR	05/07/2019	Not Printed
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<u>appeals</u>						
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	43401	R277-553	NEW	01/09/2019	2018-23/31	
<u>application requirements</u>						
Commerce, Consumer Protection	43612	R152-34a	5YR	04/01/2019	2019-8/101	
<u>appraisals</u>						
Tax Commission, Property Tax	43437	R884-24P-19	AMD	03/28/2019	2019-1/51	
	43640	R884-24P-19	NSC	04/24/2019	Not Printed	
	43371	R884-24P-27	AMD	01/10/2019	2018-23/119	
	43438	R884-24P-74	AMD	03/28/2019	2019-1/54	
<u>archaeological</u>						
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	43319	R156-63b	CPR	05/13/2019	2019-7/53	
	43578	R156-63b	NSC	05/14/2019	Not Printed	
<u>armored car security officers</u>						
Commerce, Occupational and Professional Licensing	43319	R156-63b	AMD	05/13/2019	2018-22/96	
	43319	R156-63b	CPR	05/13/2019	2019-7/53	
	43578	R156-63b	NSC	05/14/2019	Not Printed	
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	43356	R501-7	AMD	02/12/2019	2018-23/105	
	43234	R501-8	AMD	01/17/2019	2018-21/89	
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	43429	R590-186-5	AMD	02/07/2019	2019-1/31	
	43561	R590-280	NEW	04/23/2019	2019-6/25	
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