UTAH STATE BULLETIN

OFFICIAL NOTICES OF UTAH STATE GOVERNMENT
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Kenneth A. Hansen, Director
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SPECIAL NOTICES

EXECUTIVE ORDER

WHEREAS, the Utah Energy Policy encourages an ethic of conservation and energy efficiency;

WHEREAS, Utah continues to have a stable supply of electricity, but electricity purchases from the spot market are at prices substantially higher than Utah-produced electricity;

WHEREAS, higher prices are ultimately passed on to consumers through higher electricity rates, reducing consumer spending and business profits; and

WHEREAS, the State (including state government, higher education, and public education) purchases approximately $50 million worth of electricity a year;

THEREFORE, I, Michael O. Leavitt, governor of the state of Utah, order that:

1. It is the duty and responsibility of all state government agencies and every state employee to conserve electricity in the workplace and participate in the *PowerFoward* conservation campaign;

2. The Utah Office of Energy and Resource Planning shall prepare an information campaign and work with state agencies to ensure state employees are aware of and are taking full advantage of practical, no-cost and low-cost opportunities to conserve electricity in the workplace. Examples of energy conservation strategies could include:

A. Turning off all task lights, overhead lights, office equipment and personal computers at the close of business.
B. Turning off non-essential workplace lighting, redundant electric appliances and office equipment.
C. Turning off office lights and computers when not in use during business hours.

3. The Division of Facilities Construction and Management, in cooperation with the Utah Office of Energy and Resource Planning, shall develop an energy conservation operation and maintenance plan that provides facility managers and building engineers with practical information on no-cost and low-cost measures to reduce electricity use in state facilities. Examples of practical conservation measures for consideration could include:

A. Raising temperatures in the workplace to between 76-78 degrees in the summer.
B. Replacing incandescent light fixtures with compact fluorescent fixtures.
C. Reducing lighting levels in work areas where sunlight is adequate.
D. Turning down the temperature of all electric hot water heaters to 120 degrees Fahrenheit.
E. Verifying that building temperature set back controls are in use and designated equipment turned off when necessary.
F. Ensuring all air conditioning and air handling systems are maintained and operating efficiently.
G. Coordinating janitorial staffs to work during hours of building operation, or, if working evenings, to turn off all the lights except in the local area in which they are cleaning.

4. The Division of Facilities Construction and Management, in cooperation with the Office of Energy and Resource Planning, shall develop new energy performance design standards for new state facilities and forward recommendations to the Building Board.

IN WITNESS WHEREOF, I have here unto set my hand and cause to be affixed the Great Seal of the State of Utah. Done at the State Capitol in Salt Lake City, Utah, this 21st day of June, 2001.

(STATE SEAL)

MICHAEL O. LEAVITT
Governor

Attest:
OLENE WALKER
Lieutenant Governor

EXECUTIVE ORDER

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

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

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

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

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

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

Do Hereby Order That: It is found, determined and declared that a "State of Emergency" exists statewide due to the threat to public safety, property, natural resources and the environment for thirty days, effective as of June 30, 2001, requiring aid, assistance and relief available pursuant to the provisions of state statutes, and the State Emergency Operations Plan, which is hereby activated.

In Testimony, Whereof, I have hereunto set my hand and caused to be affixed the Great Seal of the State of Utah, this 30th day of June, 2001.

(State Seal)

Michael O. Leavitt
Governor

Attest:

Olene S. Walker
Lieutenant Governor

SUPPLEMENTAL PROCLAMATION

PURSUANT to Item 3 of the Proclamation issued June 7, 2001, calling the Legislature into special session on June 20, 2001, and in addition to the supplemental proclamation issued June 13, 2001, I add the following items to the agenda for the special session:

1. To consider changing the effective date of HB 88, PRIVATE RECORDS UNDER GOVERNMENT RECORDS ACCESS AND MANAGEMENT ACT, from the 2001 General Session.

2. To consider changes to the Utah Revised Nonprofit Corporation Act dealing with action by written ballots, issues involving quorum, voting requirements, transition to the Utah Revised Nonprofit Corporation Act, and technical corrections.

3. To consider changes to the Uniform Probate Code dealing with the duties of an attorney-in-fact or agent if the principal becomes incapacitated or disabled.

4. To consider amending the Individual Income Tax Act to provide that the amount of a federal tax credit or advance refund amount allowed as a result of the federal Economic Growth and Tax Relief Reconciliation Act of 2001 is not subject to state individual income taxation.

5. To consider changes to the requirements for registering and taxing motor vehicles that are provided by motor vehicle manufacturers for short-term use during certain events in this state.

6. To consider changing SB 48, PASSENGER LIMITATIONS FOR YOUNG DRIVERS from the 2001 General Session, clarifying its application only to driver licenses issued on or after July 1, 2001.

IN TESTIMONY WHEREOF, I have here unto set my hand and cause to be affixed the Great Seal of the State of Utah. Done at the State Capitol in Salt Lake City, Utah, this 20th day of June, 2001.

(STATE SEAL)

MICHAEL O. LEAVITT
Governor

Attest:
OLENE WALKER
Lieutenant Governor

End of the Spcial Notices Section

NOTICES OF
PROPOSED RULES

A state agency may file a PROPOSED RULE when it determines the need for a new rule, a substantive change to an existing rule, or a repeal of an existing rule. Filings received between June 16, 2001, 12:00 a.m., and July 2, 2001, 11:59 p.m., are included in this, the July 15, 2001, issue of the *Utah State Bulletin*.

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

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

The law requires that an agency accept public comment on PROPOSED RULES published in this issue of the *Utah State Bulletin* until at least August 14, 2001. The agency may accept comment beyond this date and will list the last day the agency will accept comment in the RULE ANALYSIS. The agency may also hold public hearings. Additionally, citizens or organizations may request the agency to hold a hearing on a specific PROPOSED RULE. Section 63-46a-5 (1987) requires that a hearing request be received "in writing not more than 15 days after the publication date of the PROPOSED RULE."

From the end of the public comment period through November 12, 2001, the agency may notify the Division of Administrative Rules that it wants to make the PROPOSED RULE effective. The agency sets the effective date. The date may be no fewer than 31 days nor more than 120 days after the publication date of this issue of the *Utah State Bulletin*. Alternatively, the agency may file a CHANGE IN PROPOSED RULE in response to comments received. If the Division of Administrative Rules does not receive a NOTICE OF EFFECTIVE DATE or a CHANGE IN PROPOSED RULE, the PROPOSED RULE filing lapses and the agency must start the process over.

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

PROPOSED RULES are governed by *Utah Code* Section 63-46a-4 (2001); and *Utah Administrative Code* Rule R15-2, and Sections R15-4-3, R15-4-4, R15-4-5, R15-4-9, and R15-4-10.

The Proposed Rules Begin on the Following Page.

Administrative Services, Facilities Construction and Management
R23-1
Procurement of Construction

NOTICE OF PROPOSED RULE
(Amendment)
DAR FILE NO.: 23870
FILED: 07/02/2001, 17:25
RECEIVED BY: NL

RULE ANALYSIS

PURPOSE OF THE RULE OR REASON FOR THE CHANGE: The purpose of this rule is to provide requirements and procedures for the procurement of construction by the Division of Facilities Construction and Management (DFCM).

SUMMARY OF THE RULE OR CHANGE: The proposed amendment: provides for when the competitive sealed proposals and the competitive sealed bidding methods shall be used; provides for the confidentiality of certain information obtained in the procurement process; modifies the required method for providing public notice of procurement opportunities; eliminates the option of a bidder providing a cashier's or certified check as bid security; allows a defective bid bond to be replaced within 24 hours under certain specified conditions; eliminates the biennial pre-qualification of bidders; provides for a method to resolve tie bids; and makes numerous technical clarifications.

STATE STATUTORY OR CONSTITUTIONAL AUTHORIZATION FOR THIS RULE: Subsection 63-56-14(2); and Title 63A, Chapter 5

ANTICIPATED COST OR SAVINGS TO:

❖THE STATE BUDGET: The amendment includes several provisions that will generate savings to the state. The amount of these savings cannot be estimated as they will depend on decisions made in the future and the circumstances of specific projects.

The increased use of the competitive sealed proposals method of procurement will result in projects being completed in a more timely way with fewer change orders as past performance becomes a critical consideration in the selection of contractors, thereby encouraging contractors to perform well on current contracts to help them obtain future work. This method also allows contractors to "value engineer" the design and specifications of the architect/engineer thereby generating additional savings to the state. The additional staff effort to administer this procurement method is more than offset by the savings that accrue from hiring performing contractors that complete the project on time. The timely completion of projects will also result in savings to the occupants of the buildings.

The amendment to the public notice requirements may reduce the amount spent on newspaper advertising. DFCM currently spends about $11,000 annually on newspaper advertising. The actual amount of the reduction will depend on the degree to which newspaper advertising is deemed to be beneficial and continued on a non-required basis.

The amendment that allows for the replacement of a defective bid bond will prevent the disqualification of bids that were otherwise valid. At times, this has resulted in DFCM being required to reject a bid and accept one that was higher.

The elimination of the biennial pre-qualification of bidders will result in a limited savings in staff time.

❖LOCAL GOVERNMENTS: Because this rule does not apply to local governments, they will experience no costs or savings.

❖OTHER PERSONS: It is not possible to estimate the aggregate, net impact that the proposed amendments will have on contractors pursuing work with DFCM. Some of the amendments could either increase or decrease the cost of pursuing and performing construction work for DFCM depending on the nature of the firm and the manner in which they do business.

The increased use of the competitive sealed proposals method of procurement will result in projects being completed in a more timely way with fewer change orders as past performance becomes a critical consideration in the selection of contractors, thereby encouraging contractors to perform well on current contracts to help them obtain future work. This method will result in "performing contractors" obtaining a larger portion of DFCM's construction work than would occur under the low bid method. The competitive sealed proposal method does require more effort on the part of contractors pursuing DFCM work while resulting in the contractors being better informed of what is expected and thereby, able to prepare a better proposal for doing the work. It also creates an environment that is more conducive to avoiding conflicts and extended construction times, both of which create savings for most contractors.

The amendment to the public notice requirements may reduce the amount spent on newspaper advertising and thereby reduce the revenues of statewide newspapers. DFCM currently spends about $11,000 annually on newspaper advertising. The actual amount of the reduction will depend on the degree to which newspaper advertising is deemed to be beneficial and continued on a non-required basis.

The amendment that allows for the replacement of a defective bid bond will prevent the disqualification of bids that were otherwise valid. This has been a source of frustration and wasted effort on the part of bidders who had spent time and money on pursuing work only to be disqualified by a clerical error by their surety.

The elimination of the biennial pre-qualification of bidders will result in a limited savings for contractors as they will no longer have to go through this process every two years.

COMPLIANCE COSTS FOR AFFECTED PERSONS: It is not possible to estimate the aggregate, net impact that the proposed amendments will have on contractors pursuing work with DFCM. Some of the amendments could either increase or decrease the cost of pursuing and performing construction work for DFCM depending on the nature of the firm and the manner in which they do business.

The increased use of the competitive sealed proposals method of procurement will result in projects being completed in a more timely way with fewer change orders as past

performance becomes a critical consideration in the selection of contractors, thereby encouraging contractors to perform well on current contracts to help them obtain future work. This method will result in "performing contractors" obtaining a larger portion of DFCM's construction work than would occur under the low bid method. The competitive sealed proposal method does require more effort on the part of contractors pursuing DFCM work while resulting in the contractors being better informed of what is expected and thereby, able to prepare a better proposal for doing the work. It also creates an environment that is more conducive to avoiding conflicts and extended construction times, both of which create savings for most contractors.

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The elimination of the biennial pre-qualification of bidders will result in a limited savings for contractors as they will no longer have to go through this process every two years.

COMMENTS BY THE DEPARTMENT HEAD ON THE FISCAL IMPACT THE RULE MAY HAVE ON BUSINESSES: The proposed rule amendment formalizes facilities procurement and construction process to support the state's performance based planning and procurement system. Performance-based construction should enable DFCM to continue with the full implementation of a rigorous cost-saving and efficiency program while maintaining a high level of construction quality. It has been endorsed by the State Building Board and members of the state legislature. The rule also helps to ensure that DFCM includes qualitative selection criteria in the bidding process.

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

Administrative Services
Facilities Construction and Management
4110 State Office Building
Salt Lake City, UT 84114, or
at the Division of Administrative Rules.

DIRECT QUESTIONS REGARDING THIS RULE TO:
Kenneth Nye at the above address, by phone at (801) 538-3284, by FAX at (801) 538-3267, or by Internet E-mail at knye@dfcm.state.ut.us.

INTERESTED PERSONS MAY PRESENT THEIR VIEWS ON THIS RULE BY SUBMITTING WRITTEN COMMENTS TO THE ADDRESS ABOVE NO LATER THAN 5:00 P.M. ON 08/14/2001.

THIS RULE MAY BECOME EFFECTIVE ON: 08/15/2001

AUTHORIZED BY: Richard E. Byfield, Director

R23. Administrative Services, Facilities Construction and Management.
R23-1. Procurement of Construction.
R23-1-1. Purpose and Authority.

(1) [~~As provided in~~]In accordance with Subsection 63-56-14(2), this rule establishes procedures for the procurement of construction by the Division.

(2) [~~The Board's authority to adopt rules for the activities of the Division is set forth in Subsection 63A-5-103(1)(e).~~

~~(3)~~]The statutory provisions governing the procurement of construction by the Division are contained in Title 63, Chapter 56[~~;~~] and Title 63A, Chapter 5[~~; and Title 4, Chapter 1~~].

R23-1-2. Definitions.

(1) Except as otherwise stated in this rule, [~~T~~]terms used in this rule are defined in Section 63-56-5.

(2) In addition:

(a) "Acceptable Bid Security" means [~~one of the following:~~

~~(i) A~~]a bid bond meeting the requirements of Subsection R23-1-40(4)[~~;~~

~~(ii) A cashier's or certified check~~].

(b) "Board" means the State Building Board established pursuant to Section 63A-5-101.

(c) "Cost Data" means factual information concerning the cost of labor, material, overhead, and other cost elements which are expected to be incurred or which have been actually incurred by the contractor in performing the contract.

(d) "Director" means the Director of the Division, including, unless otherwise stated, his duly authorized designee.

(e) "Division" means the Division of Facilities Construction and Management established [~~under Title 63A, Chapter 5, Part 2~~]pursuant to Section 63A-5-201.

(f) "Established Market Price" means a current price, established in the usual and ordinary course of trade between buyers and sellers, which can be substantiated from sources independent of the manufacturer or supplier.

(g) "Price Data" means factual information concerning prices for supplies, services, or construction substantially identical to those being procured. Prices in this definition refer to offered or proposed selling prices[~~. The definition refers to~~] and includes data relevant to both prime and subcontract prices.

(h) "Procuring Agencies" means, individually or collectively, the state, the Division, the owner and the using agency.

(i) "Products" means and includes materials, systems and equipment.

(j) "Proprietary Specification" means a specification which uses a brand name to describe the standard of quality, performance, and other characteristics needed to meet the procuring agencies' requirements or which is written in such a manner that restricts the procurement to one brand.

(k) "Public Notice" means the notice that is publicized pursuant to this rule to notify contractors of Invitations For Bids and Requests For Proposals.

[~~(k)~~](l) "Specification" means any description of the physical, functional or performance characteristics[~~, or of the nature~~] of a supply or construction item. It may include[~~, as appropriate,~~] requirements for inspecting, testing, or preparing a supply or construction item for delivery or use.

[~~(l)~~](m) "State" means the State of Utah.

[~~(m)~~](n) "Subcontractor" means any person who has a contract with any person other than the procuring agency to perform any portion of the work on a project.

[~~(n)~~](o) "Using Agency" means any state agency or any political subdivision of the state which utilizes any services or construction procured under these rules.

[~~(o)~~](p) "Work" means the furnishing of labor or materials, or both.

R23-1-5. Competitive Sealed Bidding.

(1) [~~General.~~]Use. Competitive sealed bidding, which includes multi-step sealed bidding, [~~is generally the preferred method~~]may be used for the procurement of construction [~~when the single prime contractor method is used~~]if:

(a) the contract is expected to cost $250,000 or less;

(b) the contract is expected to cost more than $250,000 but less than $1,000,000 and the Director determines in writing that competitive sealed bidding is the most appropriate method for procuring the contract due to one or more of the following circumstances:

(i) the contract is predominantly for products or materials and it is not necessary to evaluate the features of the products or materials in the selection process; or

(ii) the contract is for work for which there is not a significant benefit derived from evaluating the past performance, project management plans or other qualification factors of the contractor; or

(c) the Director determines in writing that other unique and compelling factors exist causing it to be in the best interests of the procuring agencies to use the competitive sealed bidding method.

(2) Public Notice[~~ to Contractors~~] of Invitations For Bids.

(a) Public notice[~~ to contractors~~] of Invitations For Bids shall be publicized [~~in a newspaper having general circulation in the state~~]electronically on the Internet; and may be publicized in any or all of the following as determined appropriate:

(i) In a newspaper having general circulation in the area in which the project is located;

(ii) In appropriate trade publications;

(iii) [~~By electronic means~~]In a newspaper having general circulation in the state;

(iv) By any other method determined appropriate.

(b) A copy of the public notice shall be available for public inspection at the principal office of the Division in Salt Lake City, Utah.

(3) Content of the Public Notice[~~ to Contractors for Invitation For Bids~~]. The public notice [~~to Contractors for~~]of Invitation For Bids[~~ (herein referred to as the "Notice")~~] shall include the following:

(a) The closing time and date for the submission of bids;

(b) The [~~address of the office~~]location to which bids are to be delivered;

(c) [~~The address where~~]Directions for obtaining the bidding documents[~~ may be obtained~~];

(d) A brief description of the project;

(e) Notice of any mandatory pre-bid meetings.

(4) Bidding Time. Bidding time is the period of time between the date of the first publication of the public notice and the final date and time set for the receipt of bids by the Division. Bidding time shall be set to provide bidders with reasonable time to prepare their bids[~~;~~] and shall be not less than ten calendar days, unless a shorter time is deemed necessary for a particular project as determined in writing by the Director.

(5) Proposal Form. The bidding documents for an Invitation For Bids shall include a proposal form having a space in which the bid prices shall be inserted and which the bidder shall sign and submit along with all other required documents and materials.

(6) Addenda to the Bidding Documents.

(a) Addenda shall be [~~sent by the person responsible for the issuance of bidding documents~~]distributed or otherwise made available to all entities known [~~persons who~~]to have obtained the bidding documents.

(b) Addenda shall be distributed or otherwise made available within a reasonable time to allow all prospective bidders to consider them in preparing bids. If the time set for the final receipt of bids will not permit appropriate consideration, the bidding time shall be extended to allow proper consideration of the addenda.[~~ The person responsible for the issuance of bidding documents shall confirm in writing, any addenda communicated to bidders by telephone.~~]

(7) Pre-Opening Modification or Withdrawal of Bids.

(a) Bids may be modified or withdrawn by the bidder by written notice delivered to the [~~place~~]location designated in the public notice where bids are to be delivered prior to the time set for the opening of bids.

(b) Bid security, if any, shall be returned to the bidder when withdrawal of the bid is permitted.

(c) All documents relating to the modification or withdrawal of bids shall be made a part of the appropriate project file.

(8) Late Bids, Late Withdrawals, and Late Modifications. Any bid, withdrawal of bid, or modification of bid received after the time and date set for the submission of bids at the [~~place~~]location designated in the notice shall be deemed to be late and shall not be considered, unless it is the only bid received in which case it may be considered.

(9) Receipt, Opening, and Recording of Bids.

(a) Upon receipt, all bids and modifications shall be stored in a secure place until the time for bid opening.

(b) Bids and modifications shall be opened publicly, in the presence of one or more witnesses, at the time and place designated in the notice. The names of the bidders, the bid price, and other information[~~ as is~~] deemed appropriate by the Director shall be read aloud or otherwise made available to the public. After the bid opening, the bids shall be tabulated or a bid abstract made.[~~ The names and addresses of at least one of the witnesses shall also be recorded in the official minutes of the bid opening meeting.~~] The opened bids shall be available for public inspection.

(10) Mistakes in Bids.

(a) If [~~the~~]a mistake is attributable to an error in judgment, the bid may not be corrected. Bid correction or withdrawal by reason of an inadvertent, nonjudgmental mistake is permissible but only at the discretion of the Director and only to the extent it is not contrary to the interest of the procuring agencies or the fair treatment of other bidders.

(b) When it appears from a review of the bid that a mistake may have been made, the Director may request the bidder to confirm the bid in writing. Situations in which confirmation may be requested include obvious, apparent errors on the face of the bid or a bid [~~unreasonably~~]substantially lower than the other bids submitted.

(c) This subsection sets forth procedures to be applied in three situations described below in which mistakes in bids are discovered after opening but before award.[~~After the bid opening, no changes in bid prices or other provisions of bids prejudicial to the interest of the procuring agencies or fair competition shall be permitted.~~]

(i) Minor formalities are matters which, in the discretion of the [~~Division~~]Director, are of form rather than substance evident from the bid document, or insignificant mistakes that can be waived or corrected without prejudice to other bidders and with respect to which, in the Director's discretion, the effect on price, quantity, quality, delivery, or contractual conditions is not or will not be significant. The Director, in his sole discretion, may waive minor formalities or allow the bidder to correct them depending on which is in the best interest of the procuring agencies. Examples include the failure of a bidder to:

(A) Sign the bid, but only if the unsigned bid is accompanied by other material indicating the bidder's intent to be bound;

(B) Acknowledge receipt of any addenda to the Invitation For Bids, but only if it is clear from the bid that the bidder received the addenda and intended to be bound by its terms; the addenda involved had a negligible effect on price, quantity, quality, or delivery; or the bidder acknowledged receipt of the addenda at the bid opening.

(ii) If the Director determines that the mistake and the intended bid are clearly evident on the face of the bid document, the bid shall be corrected to the intended bid and may not be withdrawn. Examples of mistakes that may be clearly evident on the face of the bid document are typographical errors, errors in extending unit prices, transposition errors, and arithmetical errors.

(iii) A bidder may be permitted to withdraw a low bid if the Director determines a mistake is clearly evident on the face of the bid document but the intended amount of the bid is not similarly evident, or the bidder submits to the Division proof[~~of evidentiary value~~] which, in the Director's[~~sole~~] judgment, [~~clearly and convincingly~~]demonstrates that a mistake was made.

[~~(iv)~~](d) No bidder shall be allowed to correct a mistake or withdraw a bid because of a mistake discovered after award of the contract; provided, that mistakes of the types described in this Subsection [~~R23-1-5~~](10)[~~hereof~~] may be corrected or the award of the contract canceled if the Director determines that correction or cancellation will not prejudice the interests of the procuring agencies or fair competition.

[~~(v)~~](e) The Director shall approve or deny[~~, by written determination,~~] in writing all requests to correct or withdraw a bid.[~~This approval or denial may be indicated on the bidder's written request for correction or withdrawal.~~]

(11) Bid Evaluation and Award. Except as provided in the following sentence, the contract is to be awarded to the lowest responsible and responsive bidder whose bid meets the requirements and criteria set forth in the bidding documents and no bid shall be evaluated for any requirements or criteria that are not disclosed in the bidding documents. A reciprocal preference shall be granted to a resident contractor [~~as provided in~~]if the provisions of Section 63-56-20.6 are met.

(12) Cancellation of Invitations For Bids; Rejection Of Bids in Whole or In Part.

(a) Although issuance of an Invitation For Bids does not compel award of a contract, the Division may cancel an Invitation For Bids or reject bids received in whole or in part only when the Director determines that[~~there are cogent and compelling reasons to believe~~] it is in the best interests of the procuring agencies to do so.

(b) The reasons for cancellation or rejection shall be made a part of the project file and available for public inspection.

(c) Any determination of nonresponsibility of a bidder or offeror shall be made by the Director in writing and shall be based upon the criteria that the Director shall establish as relevant to this determination with respect to the particular project. An unreasonable failure of the bidder or offeror to promptly supply information regarding responsibility may be grounds for a determination of nonresponsibility. Any bidder or offeror determined to be nonresponsible shall be provided with a copy of the written determination within a reasonable time. Information furnished by a bidder or offeror pursuant to any inquiry concerning responsibility shall be classified as a protected record pursuant to Section 63-2-304 and shall not be disclosed to the public by the Division without the prior written consent of the bidder or offeror.

(13) Tie Bids.

(a) Definition. Tie bids are low responsive bids from responsible bidders that are identical in price.

(b) Award. Award shall be determined through a coin toss or the drawing of lots as determined by the Director. The coin toss or drawing of lots shall be open to the public, including the bidders who submitted the tie bids.

(c) Record. Documentation of the tie bids and the procedure used to resolve the award of the contract shall be placed in the contract file.

(14) Subcontractor Lists. For purposes of this [~~section R23-1-5(13)~~]Subsection (14), the definitions of Section 63A-5-208 shall be applicable. Within 24 hours after the bid opening time, not including Saturdays, Sundays and state holidays, the apparent lowest three bidders, as well as other bidders that desire to be considered, shall submit to the Division a list of their first-tier subcontractors that are in excess of the dollar amounts stated in [~~Section~~]Subsection 63-A-5-208(3)(a).

(a) The subcontractor list shall include the following:

(i) the type of work the subcontractor is to perform;

(ii) the subcontractor's name;

(iii) the subcontractor's bid amount;

(iv) the license number of the subcontractor issued by the Utah Division of Occupational and Professional Licensing, if such license is required under Utah law; and

(v) the impact that the selection of any alternate included in the solicitation would have on the information required by this [~~section R23-1-5(13)~~]Subsection (14).

(b) The contract documents for a specific project may require that additional information be provided regarding any contractor, subcontractor, or supplier.

(c) [~~In addition to the requirements of Section 63A-5-208(4), any bidder that intends to perform any of the work himself in lieu of a subcontractor that would otherwise be required to be on the~~

~~subcontractor list, must clearly list himself on the subcontractor list form.~~

~~(d) A bidder may also list himself as a subcontractor, when the bidder was unable to obtain a qualified or reasonable bid under the provisions of Section 63A-5-208(4). The bidder shall provide documentation with the subcontractor list describing the bidder's efforts to obtain a bid of a qualified subcontractor at a reasonable cost and why the bidder was unable to obtain a qualified subcontractor. The Director shall supervise the bidder's efforts to obtain a qualified subcontractor bid. The amount of the awarded contract may not be adjusted to reflect the actual amount of the subcontractor's bid.~~]If pursuant to Subsection 63A-5-208(4), a bidder intends to perform the work of a subcontractor or obtain, at a later date, a bid from a qualified subcontractor, the bidder shall:

(i) comply with the requirements of Section 63A-5-208 and

(ii) clearly list himself on the subcontractor list form.

[~~(e)~~](d) Errors on the subcontractor list will not disqualify the bidder if the bidder can demonstrate that the error is a result of his reasonable reliance on information that was provided by the subcontractor and was used to meet the requirements of this section, and, provided that this does not result in an adjustment to the bidder's contract amount.

[~~(f)~~](e) Pursuant to Sections 63A-5-208 and 63-2-304, information contained in the subcontractor list submitted to the Division shall be classified public except for the amount of subcontractor bids which shall be classified as protected until a contract has been awarded to the bidder at which time the subcontractor bid amounts shall be classified as public. During the time that the subcontractor bids are classified protected, they may only be made available to procurement and other officials involved with the review and approval of bids.

[~~(14)~~](15) Change of Listed Subcontractors. [~~Twenty-four~~]Subsequent to twenty-four hours after the bid opening, the contractor may change his listed subcontractors only after receiving written permission from the Director based on complying with all of the following:

(a) The contractor has established in writing that the change is in the best interest of the State and that the contractor establishes an appropriate reason for the change, which may include, but is not limited to, the following reasons:

(i) the original subcontractor has failed to perform, or is not qualified or capable of performing,

(ii) the subcontractor has requested in writing to be released;

(b) The circumstances related to the request for the change do not indicate any bad faith in the original listing of the subcontractors;

(c) Any requirement set forth by the Director to ensure that the process used to select a new subcontractor does not give rise to bid shopping;

(d) Any increase in the cost of the subject subcontractor work shall be borne by the contractor; and

(e) Any decrease in the cost of the subject subcontractor work shall result in a deductive change order being issued for the contract for such decreased amount.

R23-1-10. Multi-Step Sealed Bidding.

(1) Description. Multi-step sealed bidding is a two-phase process. [~~consisting of a technical~~]In the first phase[~~composed of one or more steps in which~~] bidders submit unpriced technical offers to be evaluated[~~, and a~~]. In the second phase, [~~in which those~~]bids submitted by bidders whose technical offers are determined to be acceptable during the first phase [~~have their price bids~~]are considered. It is designed to obtain the benefits of competitive sealed bidding by award of a contract to the lowest responsive, responsible bidder, and at the same time obtain the benefits of the competitive sealed proposals procedure through the solicitation of technical offers and the conduct of discussions to arrive at technical offers and terms acceptable to the Division and suitable for competitive pricing.

(2) Use. The multi-step sealed bidding method may be used when the Director deems it to the advantage of the state. Multi-step sealed bidding may[~~thus~~] be used when it is considered desirable:

(a) to invite and evaluate technical offers or statements of qualifications to determine their acceptability to fulfill the purchase description requirements;

(b) to conduct discussions for the purposes of facilitating understanding of the technical offer and purchase description requirements and, where appropriate, obtain supplemental information, permit amendments of technical offers, or amend the purchase description;

(c) to accomplish (a) [~~and~~]or (b)[~~of Subsection R23-1-10(2)~~] prior to soliciting[~~priced~~] bids; and

(d) to award the contract to the lowest responsive and responsible bidder in accordance with the competitive sealed bidding procedures.

(3) Pre-Bid Conferences In Multi-Step Sealed Bidding. The Division may hold one or more pre-bid conferences prior to the submission of unpriced technical offers or at any time during the evaluation of the unpriced technical offers.

(4) Procedure for Phase One of Multi-Step Sealed Bidding.

(a) Public Notice. Multi-step sealed bidding shall be initiated by the issuance of a Public Notice[~~to Contractors for Invitation for Bids~~] in the form required by [~~Subsection~~]Subsections R23-1-5(2) and (3).

(b) Invitation for Bids. The multi-step Invitation for Bids shall state:

(i) that unpriced technical offers are requested;

(ii) [~~whether price~~]when bids are to be submitted [~~at the same time as unpriced technical offers;~~](if they are to be submitted at the same time as the unpriced technical offers, the [~~price~~]bids shall be submitted in a separate sealed envelope);

(iii) that it is a multi-step sealed bid procurement, and [~~priced~~]bids will be considered only in the second phase and only from those bidders whose unpriced technical offers are found acceptable in the first phase;

(iv) the criteria to be used in the evaluation of the unpriced technical offers;

(v) that the [~~procuring agency~~]Division, to the extent the Director finds necessary, may conduct oral or written discussions of the unpriced technical offers;

(vi) that the item being procured shall be furnished in accordance with the bidders technical offer as found to be finally acceptable and shall meet the requirements of the Invitation for Bids; and

(vii) that bidders may designate those portions of the unpriced technical offers which contain trade secrets or other proprietary data which are to remain confidential. If the [~~Offeror~~]bidder selected for award has requested in writing the non-disclosure of trade secrets

and other proprietary data so identified, the Director shall examine the request[~~in the proposal~~] to determine its validity prior to award of the contract. If the parties do not agree as to the disclosure of data in the contract, the Director shall inform the [~~offeror~~]bidder in writing what portion of the [~~proposal~~]offer will be disclosed and that, unless the [~~offeror~~]bidder withdraws the [~~proposal~~]offer, it will be disclosed.

(c) Amendments to the Invitation for Bids. After receipt of unpriced technical offers, amendments to the Invitation for Bids shall be distributed only to bidders who submitted unpriced technical offers and they shall be allowed to submit new unpriced technical offers or to amend those submitted. If, in the opinion of the Director, a contemplated amendment will significantly change the nature of the procurement, the Invitation for Bids shall be canceled in accordance with Subsection R23-1-5(12) and a new Invitation for Bids may be issued.

(d) Receipt and Handling of Unpriced Technical Offers.[~~Proposals shall be opened publicly, identifying only the names of the offerors. Proposals and modifications shall be held in a secure place until the established due date.~~] After the date and time established for the receipt of [~~proposals~~]unpriced technical offers, a register of [~~proposals~~]bidders shall be open to public inspection[~~and shall include for all proposals the name of each offeror, the number of addenda received, if any, and a description sufficient to identify the item offered~~]. Prior to award, [~~proposals and modifications~~]unpriced technical offers shall be shown only to [~~procuring agency personnel having a legitimate interest in them~~]those involved with the evaluation of the offers. [~~Proposals~~]The unpriced technical offer of the successful [~~offeror~~]bidder shall be open to public inspection for a period of 90 days after award of the contract. [~~Proposals of offerors~~]Unpriced technical offers of bidders who are not awarded contracts shall not be open to public inspection.

(e) Evaluation of Unpriced Technical Offers. The unpriced technical offers submitted by bidders shall be evaluated solely in accordance with the criteria set forth in the Invitation for Bids. The unpriced technical offers shall be categorized as[~~:~~

~~(i)~~] acceptable[~~;~~

~~(ii) potentially acceptable, that is, reasonably susceptible of being made acceptable; or~~

~~(iii)~~] or unacceptable. The Director[~~officer~~] shall record in writing the basis for finding an offer unacceptable and make it part of the procurement file.

(f) Discussion of Unpriced Technical Offers. Discussion of [~~its~~]technical [~~offer~~]offers may be conducted with [~~any bidder who submits~~]bidders who submit an acceptable[~~or potentially acceptable~~] technical offer. During the course of discussions, any information derived from one unpriced technical offer shall not be disclosed to any other bidder. Once discussions are begun, any bidder who has not been notified that its offer has been found unacceptable may submit supplemental information modifying or otherwise amending its technical offer[~~at any time~~] until the closing date established by the Director. Submission may be made at the request of the Director or upon the bidder's own initiative.

(g) Notice of Unacceptable Unpriced Technical Offer. When the Director determines a bidder's unpriced technical offer to be unacceptable, he shall notify the bidder in writing. Such bidders shall not be afforded an additional opportunity to supplement technical offers.

(5) Mistakes During Multi-Step Sealed Bidding. Mistakes may be corrected or bids may be withdrawn during phase one:

(a) before unpriced technical offers are considered;

(b) after any discussions have commenced under Subsection R23-1-10(4)(f); or

(c) when responding to any amendment of the Invitation for Bids. Otherwise mistakes may be corrected or withdrawal permitted in accordance with Subsection R23-1-5(10).

(6) Carrying Out Phase Two.

(a) Initiation. Upon the completion of phase one, the Director shall either:

(i) open[~~price~~] bids submitted in phase one (if[~~price~~] bids were required to be submitted) from bidders whose unpriced technical offers were found to be acceptable; provided, however, that the offers have remained unchanged, and the Invitation for Bids has not been amended subsequent to the submittal of bids; or

(ii) invite each acceptable bidder to submit a[~~price~~] bid.

(b) Conduct. Phase two is to be conducted as any other competitive sealed bid procurement except:

(i) as specifically set forth in Section R23-1-10; and

(ii) no public notice [~~need be~~]is given of this invitation to submit.

R23-1-15. Competitive Sealed Proposals.

(1) [~~Considerations for~~]Use. [~~Competitive sealed proposals may be a more appropriate method for a particular procurement or type of procurement than competitive sealed bidding, after consideration of factors such as:~~

~~(a) whether there may be a need for price and service negotiation;~~

~~(b) whether there may be a need for negotiation during performance of the contract;~~

~~(c) whether the relative skills or expertise of the offerors will have to be evaluated;~~

~~(d) whether cost is secondary to the characteristics of the product or service sought; and~~

~~(e) whether the conditions of the service, product or delivery conditions are unable to be sufficiently described in the invitation for Bids.~~]Except as specifically provided for elsewhere in this rule, the Division shall procure construction through the use of competitive sealed proposals. After consideration of the following factors, the Board and Director determine that the use of competitive sealed proposals is generally more advantageous to the state than competitive sealed bidding for the procurement of construction by the Division.

(a) The Division's experience with competitive sealed bidding and competitive sealed proposals indicates that construction contracts procured under the competitive sealed proposal method tend to have a lower level of change orders while being more likely to be completed on time;

(b) There is a need to consider other factors such as the skills, experience, and past performance of contractors in addition to the initial cost reflected in the bid amount; and

(c) It is in the best interests of the state to select the proposal which provides the best value to the procuring agencies after giving due consideration to qualifications, past performance, management plans, cost, and other factors applicable to the project.

(d) Notwithstanding the above, the procurement of the types of contracts described in Subsection R23-1-5(1) may not warrant

the additional effort required for the competitive sealed proposal method.

(2) [~~Determinations.~~

~~(a) Except as provided in Section 63-56-21, before a contract may be entered into by competitive sealed proposals, the Director shall determine in writing that competitive sealed proposals is more advantageous than competitive sealed bidding.~~

~~(b) Determinations of the Director may be by category of service or construction items following which procurements of the specified categories of services or construction may then be made by competitive sealed proposals without making a determination that competitive sealed bidding is either not practicable or not advantageous. The Director may modify or revoke a determination and may review previous determinations for current applicability from time to time.~~]Design-Build. In order to meet the requirements of Section 63-56-43.1, competitive sealed proposals shall be used to procure design-build contracts.

(3) Public Notice.

(a) Public notice of the Request for Proposals shall be [~~given~~]publicized in the same manner provided for giving public notice of an Invitation for Bids, as provided in Subsection R23-1-5(2).

(b) The public notice shall include:

(i) a brief description of the project;

(ii) directions on how to obtain the Request for Proposal documents;

(iii) notice of any mandatory pre-proposal meetings; and

(iv) the closing date and time by which the first submittal of information is required;

(4) Proposal Preparation Time. Proposal preparation time is the period of time between the date of first publication of the public notice and the date and time set for the receipt of proposals by the Division. In each case, the proposal preparation time shall be set to provide offerors a reasonable time to prepare their proposals[~~;~~]. The time between the first publication of the public notice and the earlier of the first required submittal of information or any mandatory pre-proposal meeting shall be not less than [~~fifteen~~]ten calendar days, unless a shorter time is deemed necessary for a particular procurement as determined, in writing, by the Director.

(5) Form of Proposal. The Request for Proposals may state the manner in which proposals are to be submitted, including any forms for that purpose.

(6) Addenda to Requests for Proposals. Addenda to the requests for proposals may be made in the same manner provided for addenda to the bidding documents in connection with Invitations for Bids set forth in Subsection R23-1-5(6)[~~. Addenda~~] except that addenda may[~~, also~~] be issued to qualified [~~proposers after the deadline for proposals and prior to~~]offerors until the deadline for best and final offers.

(7) Modification or Withdrawal of Proposals.

(a) Proposals may be modified[~~, or withdrawn~~] prior to the due dates established [~~due date in accordance with Subsection R23-1-5(7)~~]in the Request for Proposals.[~~ For the purposes of this subsection and Subsection R23-1-15(8), the established due date is either the date and time announced for receipt of proposals or receipt of modifications to proposals, if any; or if discussions have begun, it is the date and time by which best and final offers must be submitted, provided that only offerors who submitted proposals by the time announced for receipt of proposals may submit best and final offers.~~]

(b) Proposals may be withdrawn until the notice of selection is issued.

(8) Late Proposals,[~~, Late Withdrawals,~~] and Late Modifications. Except for modifications allowed pursuant to negotiation, any proposal,[~~, withdrawal,~~] or modification received at the [~~place~~]location designated for receipt of proposals after the due dates established [~~due date as defined in Subsection R23-1-15(7)~~]in the Request for Proposals shall be deemed to be late and shall not be considered unless there are no other offerors.

(9) Receipt and Registration of Proposals.

(a) [~~Proposals shall be opened publicly, identifying only the names of the offerors. Proposals and modifications shall be held in a secure place until the established due date.~~]After the date established for the first receipt of proposals or other required information, a register of [~~proposals~~]offerors shall be prepared and open to public inspection[~~ and shall include for all proposals the name of each offeror, the number of addenda received, if any, and a description sufficient to identify the supply, service, or construction item offered~~]. Prior to award, proposals and modifications shall be shown only to procurement and other officials involved with the review and selection of proposals.

(b) [~~Proposals~~]Except as provided in this rule, proposals of the successful offeror shall be open to public inspection after award of the contract. Proposals of offerors who are not awarded contracts shall not be open to public inspection.

(c) The Request for Proposals may provide that certain information required to be submitted by the offeror shall be considered confidential and classified as protected if such information meets the provisions of Section 63-2-304 of the Government Records Access and Management Act.

(d) If the offeror selected for award has requested in writing the non-disclosure of trade secrets and other proprietary data so identified, the Director shall examine the request[~~ in the proposal~~] to determine its validity prior to award of the contract. If the parties do not agree as to the disclosure of data in the contract, the Director shall inform the offeror in writing what portion of the proposal will be disclosed and that, unless the offeror withdraws the proposal, it will be disclosed.

(10) Confidentiality of Reference Information. The Board finds that it is necessary to maintain the confidentiality of individual responses from persons who are contacted as references in order to avoid competitive injury and to encourage those persons to respond in an open and honest manner without fear of retribution. Accordingly, responses to requests for references are classified as protected records under the provisions of Subsections 63-2-304(2) and (6) and shall be disclosed only in summary form to procurement and other officials involved with the review and selection of proposals. This Subsection (10) applies only to responses from references submitted by the offeror.

(11) Evaluation of Proposals.

(a) [~~Evaluation Factors in the Request for Proposals.~~]The evaluation of proposals shall be conducted by an evaluation committee appointed by the Director that may include representatives of the Division, the Board, other procuring agencies, and contractors, architects, engineers, and others of the general public. Each member of the selection committee shall certify as to his lack of conflicts of interest.

(b) The Request for Proposals shall state all of the evaluation factors and [~~their~~]the relative importance [~~including~~]of price and other evaluation factors.

[~~(b)~~](c) [~~Evaluation.~~]The evaluation shall be based on the evaluation factors set forth in the request for proposals. Numerical rating systems may be used but are not required. Factors not specified in the request for proposals shall not be considered.

[~~(c)~~](d) [~~Classifying Proposals.~~]Proposals [~~shall~~]may be initially classified as[~~:~~

~~(i) Acceptable;~~

~~(ii) Potentially acceptable, that is, reasonably susceptible of being made acceptable; or~~

~~(iii) Unacceptable~~] potentially acceptable or unacceptable. Offerors whose proposals are unacceptable shall be so notified by the Director in writing and they may not continue to participate in the selection process.

(e) This classification of proposals may occur at any time during the selection process once sufficient information is received to consider the potential acceptability of the offeror.

(f) The request for proposals may provide for a limited number of offerors who may be classified as potentially acceptable. In this case, the offerors considered to be most acceptable, up to the number of offerors allowed, shall be considered acceptable.

[~~(11)~~](12) Proposal Discussions with Individual Offerors.

(a) [~~"Offerors" Defined. For the purposes of this Subsection R23-1-15(11), the term "offerors" includes only those persons submitting proposals that are acceptable or potentially acceptable, the number of which may be limited to no less than the two best proposals. The term shall not include persons who submitted unacceptable proposals.~~]Unless only one proposal is received, proposal discussions with individual offerors, if held, shall be conducted with no less than the offerors submitting the two best proposals.

(b) [~~Purposes of Discussions.~~]Discussions are held to:

(i) Promote understanding of the procuring agency's requirements and the offerors' proposals; and

(ii) Facilitate arriving at a contract that will be most advantageous to the procuring agencies taking into consideration price and the other evaluation factors set forth in the request for proposals.

(c) [~~Conduct of Discussions.~~]Offerors shall be accorded fair and equal treatment with respect to any opportunity for discussions and revisions of proposals. In conducting discussions, there shall be no disclosure of any information derived from proposals submitted by competing offerors. Any oral clarification or change of a proposal shall be reduced to writing by the offeror.

[~~(12)~~](13) Best and Final Offers. [~~The~~]If utilized, the Director shall establish a common time and date to submit best and final offers. Best and final offers shall be submitted only once unless the Director makes a written determination before each subsequent round of best and final offers demonstrating that another round is in the best interest of the procuring agencies and additional discussions will be conducted or the procuring agencies' requirements may be changed. Otherwise, no discussion of, or changes in, the best and final offers shall be allowed prior to award. Offerors shall also be informed that if they do not submit a notice of withdrawal or another best and final offer, their immediate previous offer will be construed as their best and final offer.

[~~(13)~~](14) Mistakes in Proposals.

(a) Mistakes discovered before the established due date. An offeror may correct mistakes discovered before the time and date established in the Request for Proposals for receipt of [~~proposals~~]that information by withdrawing or correcting the proposal as provided in Subsection R23-1-15(7).

(b) Confirmation of proposal. When it appears from a review of the proposal before award that a mistake has been made, the offeror [~~should~~]may be asked to confirm the proposal. Situations in which confirmation may be requested include obvious, apparent errors on the face of the proposal or a proposal amount that is substantially lower than the other proposals submitted. If the offeror alleges mistake, the proposal may be corrected or withdrawn as provided for in this section.[~~during any discussions that are held or if the conditions set forth in Subsection R23-1-15(13)(c)(iv) are met.~~

~~(c) Mistakes discovered after receipt but before award. This subsection sets forth procedures to be applied in four situations in which mistakes in proposals are discovered after receipt of proposals but before award.~~

~~(i) During discussions, prior to best and final offers. Once discussions are commenced with any offeror or after best and final offers are requested, any offeror may freely correct any mistake by modifying or withdrawing the proposal until the time and date set for receipt of best and final offers.~~]

[~~(ii)~~](c) Minor formalities. Minor formalities, unless otherwise corrected by an offeror as provided in this section, shall be treated as they are under Subsection R23-1-5(10)(c).

[~~(iii) Corrections of mistakes. If discussions are not held or if the best and final offers upon which award will be made have been received, mistakes may be corrected and the correct offer considered only if:~~

~~(A) the mistakes and the correct offer are clearly evident on the face of the proposal in which event the proposal may not be withdrawn;~~

~~(B) the mistake is not clearly evident on the face of the proposal, but the offeror submits proof of evidentiary value which clearly and convincingly demonstrates both the existence of a mistake and the correct offer and correction would not be contrary to the fair and equal treatment of other offerors.~~

~~(iv) Withdrawals of proposals. If discussions are not held, or if the best and final offers upon which award will be made have been received, the offeror may be permitted to withdraw the proposal if:~~

~~(A) the mistake is clearly evident on the face of the proposal and the intended amount of the offer is not evident; or~~

~~(B) the offeror submits proof of evidentiary value which clearly and convincingly demonstrates that a mistake was made but does not demonstrate the correct offer or, if the correct offer is also demonstrated, to allow correction on the basis of the proof provided would be contrary to the fair and equal treatment of other offerors.~~

~~(d)~~](c) Mistakes discovered after award. Offeror shall be bound to all terms, conditions and statements in offeror's proposal after award of the contract.

[~~(14)~~](15) Award.

(a) Award Documentation. A written determination shall be made showing the basis on which the award was found to be most advantageous to the state based on the factors set forth in the Request for Proposals.

(b) One proposal received. If only one proposal is received in response to a Request for Proposals, the Director may, as he deems appropriate,[~~, either~~] make an award or[~~, if time permits,~~] resolicit for the purpose of obtaining additional competitive sealed proposals.

[~~(15)~~](16) Publicizing Awards. After a contract is entered into, notice of award shall be available in the principal office of the Division in Salt Lake City, Utah.

R23-1-17. Bids Over Budget.

(1) In the event all bids for a construction project exceed available funds as certified by the appropriate fiscal officer, and the low responsive and responsible bid does not exceed those funds by more than 5%, the Director may, where time or economic considerations preclude resolicitation of work of a reduced scope, negotiate an adjustment of the bid price, including changes in the bid requirements, with the low responsive and responsible bidder in order to bring the bid within the amount of available funds.

(2) As an alternative to the procedure authorized in Subsection [~~R23-1-17~~](1), when all bids for a construction project exceed available funds as certified by the Director, and the Director finds that due to time or economic considerations the re-solicitation of a reduced scope of work would not be in the interest of the state, the Director may negotiate an adjustment in the bid price using one of the following methods:

(a) reducing the scope of work in specific subcontract areas and supervising the re-bid of those subcontracts by the low responsive and responsible bidder;

(b) negotiating with the low responsive and responsible bidder for a reduction in scope and cost with the value of those reductions validated in accordance with Section R23-1-50; or

(c) revising the contract documents and soliciting new bids only from bidders who submitted a responsive bid on the original solicitation. This re-solicitation may have a shorter bid response time than otherwise required.

(3) The use of one of the alternative procedures provided for in this subsection (2) must provide for the fair and equitable treatment of bidders.

(4) The Director's written determination, including a brief explanation of the basis for the decision shall be included in the contact file.

(5) This section[~~, R23-1-17,~~] does not restrict in any way, the right of the Director to use any emergency or sole source procurement provisions, or any other applicable provisions of State law or rule which may be used to award the construction project.

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R23-1-25. Sole Source Procurement.

(1) Conditions for Use of Sole Source Procurement.

The procedures concerning sole source procurement [~~set forth herein are permissible only~~]in this Section may be used if, in the discretion of the Director, a requirement is reasonably available only from a single source.[~~— A requirement for a particular proprietary item may not be satisfied by sole source procurement if, in the judgment of the Director, there is more than one potential bidder or offeror for that item.~~] Examples of circumstances which could also necessitate sole source procurement are:

(a) where the compatibility of product design, equipment, accessories, or replacement parts is the paramount consideration;

(b) where a sole supplier's item is needed for trial use or testing;

(c) procurement of public utility services;

(d) when it is a condition of a donation that will fund the full cost of the supply, material, equipment, service, or construction item.

(2) Written Determination. The determination as to whether a procurement shall be made as a sole source shall be made by the Director[~~. This determination shall be~~] in writing and may [~~specify the application of the determination and its duration~~]cover more than one procurement. In cases of reasonable doubt, competition shall be solicited.[~~— Any request by a using agency that a procurement be restricted to one potential source shall be accompanied by an explanation as to why no other source will be suitable or acceptable to meet the need.~~]

(3) Negotiation in Sole Source Procurement. The Director shall [~~conduct all negotiations~~]negotiate with the sole source [~~under this subpart, including, as appropriate,~~]vendor for considerations of price, delivery, and other terms.

R23-1-30. Emergency Procurements.

(1) Application. This section shall apply to every procurement of construction made under emergency conditions that will not permit other source selection methods to be used.

(2) Definition of Emergency Conditions. An emergency condition is a situation which creates a threat to public health, welfare, or safety such as may arise by reason of floods, epidemics, riots, natural disasters, wars, destruction of property, building or equipment failures, or any emergency proclaimed by governmental authorities.

(3) Scope of Emergency Procurements. Emergency procurements shall be limited to only those construction items necessary to meet the emergency.

(4) Authority to Make Emergency Procurements.

(a) The Division makes emergency procurements of construction when, in the Director's determination, an emergency condition exists or will exist and the need cannot be met through [~~normal~~]other procurement methods.

(b) [~~Competitive sealed bidding is~~]The procurement process shall be considered unsuccessful when all bids or proposals received pursuant to an Invitation For Bids or Request For Proposals are nonresponsive, unreasonable, noncompetitive, or [~~the low bid exceeds~~]exceed available funds as certified by the appropriate fiscal officer, and time or other circumstances will not permit the delay required to resolicit competitive sealed bids or proposals. If emergency conditions exist after or are brought about by an unsuccessful [~~attempt to use competitive sealed bidding~~]procurement process, an emergency procurement may be made.

(5) Source Selection Methods. The source selection method used for emergency procurement shall be selected by the Director with a view to assuring that the required services of construction items are procured in time to meet the emergency. Given this constraint, as much competition as the Director determines to be practicable shall be obtained.

(6) Specifications. The Director may use any [~~available~~]appropriate specifications without [~~regard~~]being subject to the requirements of Section R23-1-55.

(7) Required Construction Contract Clauses. The Director may [~~determine to~~]modify or not use the construction contract clauses otherwise required by Section R23-1-60.

(8) Written Determination. The Director shall make a written determination stating the basis for each emergency procurement and for the selection of the particular source. This determination shall be included in the project file.

R23-1-35. Qualifications of Contractors.

(1) [~~Pre-Bidding Requirements. The following documents must be on file with the Division before the bidding documents for a project may be issued to prospective bidders.~~

~~(a) If the type of work involved with the project requires a contractor's license, a photocopy of the bidder's current Utah contractor's license showing date issued, expiration date, bid limit amount or similar restriction, and the class of work for which licensed;~~

~~(b) A statement from the bidder's surety stating that it will bond the bidder for an amount at least equal to the estimated cost of the contract as determined by the Director. This requirement can be met by having the surety file an annual statement with the Division showing the bonding limit it has established for the bidder.~~

~~(2) A form of surety statement and, when applicable, a form for prequalification, are available at the principal office of the Division in Salt Lake City, Utah.~~

~~(3) ~~]Project Specific Requirements. The Division may include [~~additional~~]qualification requirements in the bidding documents as appropriate for that specific project.

R23-1-40. Acceptable Bid Security; Performance and Payment Bonds.

(1) Application. This section shall govern bonding and bid security requirements for the award of construction contracts by the Division in excess of $50,000; although the Division may require acceptable bid security and performance and payment bonds [~~may be required on any construction contract regardless of size~~]on smaller contracts. Bidding Documents shall state whether acceptable bid security, performance bonds or payment bonds are required.

(2) Acceptable Bid Security.

(a) Invitations for Bids [~~on construction contracts~~]and Requests For Proposals shall require the submission of acceptable bid security in an amount equal to at least five percent of the bid, at the time the bid is submitted. If a contractor fails to accompany its bid with acceptable bid security, the bid shall be deemed nonresponsive, unless this failure is found to be nonsubstantial as hereinafter provided.

(b) If acceptable bid security is not furnished, the bid shall be rejected as nonresponsive, unless the failure to comply is determined by the Director to be nonsubstantial. Failure to submit an acceptable bid security [~~in connection with an Invitation For Bids shall~~]may be deemed nonsubstantial [~~where~~]if:

(i)(A) the bid security is submitted on a form other than the Division's required bid bond form and the bid security meets all other requirements including being issued by a surety meeting the requirements of Subsection (5); and

(B) the contractor provides acceptable bid security by the close of business of the next succeeding business day after the Division notified the contractor of the defective bid security; or

(ii) only one bid is received[~~, and there is not sufficient time to rebid the contract~~].

(3) Payment and Performance Bonds. Payment and performance bonds in the amount of 100% of the contract price are required for all contracts in excess of $50,000[~~, in the amount of 100% of the contract price~~]. These bonds shall cover the procuring agencies and be delivered by the contractor to the Division at the same time the contract is executed. If a contractor fails to deliver the required bonds, the contractor's bid shall be found nonresponsive and its bid security shall be forfeited.

(4) Forms of Bonds. Bid Bonds, Payment Bonds and Performance Bonds must be from sureties meeting the requirements of Subsection [~~R23-1-40~~](5) and must be on the exact bond forms most recently adopted by the Board and on file with the Division.

(5) Surety firm requirements. All surety firms must be authorized to do business in the State of Utah and be listed in the U.S. Department of the Treasury Circular 570, Companies Holding Certificates of Authority as Acceptable Securities on Federal Bonds and as Acceptable Reinsuring Companies for an amount not less than the amount of the bond to be issued. A cosurety may be utilized to satisfy this requirement.

(6) Waiver. The Director may waive the bonding requirement if the Director finds, in writing, that bonds cannot be reasonably obtained for the work involved.

R23-1-45. Methods of Construction Contract Management.

(1) Application. This section contains provisions applicable to the selection of the appropriate type of construction contract management.

(2) Flexibility. [~~It is intended that the~~]The Director shall have sufficient flexibility in formulating the construction contract management method for a particular project to fulfill the needs of the procuring agencies. In each instance consideration commensurate with the project's size and importance should be given to all the appropriate and effective means of obtaining both the design and construction of the project. The methods for achieving the purposes set forth in this rule are not to be construed as an exclusive list.

(3) Selecting the Method of Construction Contracting. In selecting the construction contracting method, the Director [~~should~~]shall consider the results achieved on similar projects in the past,[~~ and~~] the methods used[~~. Consideration should be given to all~~], and other appropriate and effective methods[~~ and their comparative advantages and disadvantages~~] and how they might be adapted or combined to fulfill the needs of the procuring agencies. The use of the single prime contractor method in conjunction with the sequential design and construction approach is an appropriate contracting method for the majority of construction contracts entered into by the Division. The Director shall include a statement in the project file setting forth the basis for using any other construction contracting method.

(4) Criteria for Selecting Construction Contracting Methods. Before choosing the construction contracting method to use,[~~ a careful assessment must be made by~~] the Director shall consider the factors outlined in Subsection 63-56-36(1)(c).[~~of requirements the~~

~~project must satisfy and those other characteristics that would be desirable. Some of the factors to consider are:~~

~~(a) when the project must be ready to be occupied;~~

~~(b) the type of project, for example, housing, offices, labs, heavy or specialized construction;~~

~~(c) the extent to which the requirements of the procuring agencies and the ways in which they are to be met are known;~~

~~(d) the location of the project;~~

~~(e) the size, scope, complexity, and economics of the project;~~

~~(f) the amount and type of financing available for the project, including whether the budget is fixed or what the source of funding is, for example, general or special appropriation, federal assistance moneys, general obligation bonds or revenue bonds;~~

~~(g) the availability, qualification, and experience of State personnel to be assigned to the project and how much time the State personnel can devote to the project;~~

~~(h) the availability, experience and qualifications of outside consultants and contractors to complete the project under the various methods being considered.~~]

(5) General Descriptions.

(a) [~~Use~~]Application of Descriptions. The following descriptions are provided for the more common contracting methods. The methods described are not all mutually exclusive and may be combined on a project. These descriptions are not intended to be fixed [~~in respect to~~]for all construction projects of the State. In each project, these descriptions may be adapted to fit the circumstances of that project.[~~However, the Director should endeavor to ensure that these terms are described adequately in the appropriate contracts, are not used in a misleading manner, and are understood by all relevant parties.~~]

(b) Single Prime Contractor. The single prime contractor method is typified by one business, acting as a general contractor, contracting with the state to[~~timely~~] complete an entire construction project in accordance with drawings and specifications provided by the state within a defined time period. Generally the drawings and specifications are prepared by an architectural or engineering firm under contract with the state. Further, while the general contractor may take responsibility for successful completion of the project, much of the work may be performed by specialty contractors with whom the prime contractor has entered into subcontracts.

(c) Multiple Prime Contractors. Under the multiple prime contractor method, the Division[~~or the Division's agent~~] contracts directly with a number of specialty contractors to complete portions of the project in accordance with the Division's drawings and specifications. The Division[~~or its agent~~] may have primary responsibility for successful completion of the entire project, or the contracts may provide that one of the multiple prime contractors has this responsibility.

(d) Design-Build. In a design-build project, a business contracts directly with the Division to meet[~~the Division's~~] requirements[~~as~~] described in a set of performance specifications. [~~Design responsibility and construction responsibility both rest with the~~]The design-build contractor is responsible for both design and construction. This method can include instances where the design-build contractor supplies the site as part of the package.

(e) Construction Manager.[~~A Construction Manager, including a Construction Manager/General Contractor, shall be selected using one of the source selection methods provided for in Sections 63-56-20 through 63-56-35.8 of the Utah Procurement Code.~~] A construction manager is a person experienced in construction that has the ability to evaluate and to implement drawings and specifications as they affect time, cost, and quality of construction and the ability to coordinate the construction of the project, including the administration of change orders. The Division may contract with the construction manager early in a project to assist in the development of a cost effective design. The construction manager may become the single prime contractor, or may guarantee that the project will be completed on time and will not exceed a specified maximum price. This method is frequently used on fast track projects with the construction manager obtaining subcontractors through the issuance of multiple bid packages as the design is developed. A Construction Manager, including a Construction Manager/General Contractor, shall be selected using one of the source selection methods provided for in Sections 63-56-20 through 63-56-35.8. The procurement of a construction manager may be based, among other criteria, on proposals for a management fee which is either a lump sum or a percentage of construction costs with a guaranteed maximum cost. If the design is sufficiently developed prior to the selection of a construction manager, the procurement may be based on proposals for a lump sum or guaranteed maximum cost for the construction of the project. The contract with the construction manager may provide for a sharing of any savings which are achieved below the guaranteed maximum cost. When entering into any subcontract that was not specifically included in the Construction Manager/General Contractor's cost proposal submitted in [~~accordance with law~~]the original procurement of the Construction Manager/General Contractor's services, the Construction Manager/General Contractor shall procure that subcontractor by using one of the source selection methods provided for in Sections 63-56-20 through 63-56-35.8[~~of the Utah Procurement Code~~] in the same manner as if the subcontract work was procured directly by the [~~State~~]Division.

(f) Sequential Design and Construction. Sequential design and construction denotes a method in which design of substantially the entire structure is completed prior to beginning the construction process.

(g) Phased Design and Construction. Phased design and construction denotes a method in which construction is begun when appropriate portions have been designed but before design of the entire structure has been completed. This method is also known as fast track construction.

R23-1-50. Cost or Pricing Data and Analysis; Audits.

(1) Applicability. Cost or pricing data shall be required when negotiating contracts and adjustments to contracts if:

(a) adequate price competition is not obtained as provided in Subsection [~~R23-1-50~~](2); and

(b) the amounts set forth in Subsection [~~R23-1-50~~](3) are exceeded.

(2) Adequate Price Competition. Adequate price competition is achieved for portions of contracts or entire contracts when one of the following is met:

(a) When a contract is awarded based on competitive sealed bidding;

(b) When a contractor is selected from competitive sealed proposals and cost was one of the selection criteria;

(c) For that portion of a contract that is for a lump sum amount or a fixed percentage of other costs when the contractor was selected from competitive sealed proposals and the cost of the lump sum or percentage amount was one of the selection criteria;

(d) For that portion of a contract for which adequate price competition was not otherwise obtained when competitive bids were obtained and documented by either the Division or the contractor;

(e) When costs are based upon established catalogue[~~prices~~] or market prices;

(f) When costs are set by law or rule;

(g) When the Director makes a written determination that other circumstances have resulted in adequate price competition.

(3) Amounts. This section does not apply to:

(a) Contracts or portions of contracts costing less than $100,000, and

(b) Change orders and other price adjustments of less than $25,000.

(4) Other Applications. The Director may apply the requirements of this section to any contract or price adjustment when he determines that it would be in the best interest of the state.

(5) Submission of Cost or Pricing Data and Certification. When cost or pricing data is required, the data [~~are to~~]shall be submitted prior to beginning price negotiation [~~and the~~]. The offeror or contractor shall keep the data current throughout the negotiations[~~. The offeror or contractor shall~~] certify as soon as practicable after agreement is reached on price that the cost or pricing data submitted are accurate, complete, and current as of a mutually determined date.

(6) Refusal to Submit. If the offeror refuses to submit the required data, the Director shall determine in writing whether to disqualify the noncomplying offeror, to defer award pending further investigation, or to enter into the contract. If a contractor refuses to submit the required data to support a price adjustment, the Director shall determine in writing whether to further investigate the price adjustment, to not allow any price adjustment, or to set the amount of the price adjustment.

(7) Defective Cost or Pricing Data. If certified cost or pricing data are subsequently found to have been inaccurate, incomplete, or noncurrent as of the date stated in the certificate, the Division shall be entitled to an adjustment of the contract price to exclude any significant sum, including profit or fee, to the extent the contract sum was increased because of the defective data. It is assumed that overstated cost or pricing data increased the contract price in the amount of the defect plus related overhead and profit or fee; therefore, unless there is a clear indication that the defective data were not used or relied upon, the price should be reduced by this amount. In establishing that the defective data caused an increase in the contract price, the Director [~~is not expected~~]shall not be required to reconstruct the negotiation by speculating as to what would have been the mental attitudes of the negotiating parties if the correct data had been submitted at the time of agreement on price.

(8) Audit. The Director may, at his discretion, and at reasonable times and places, audit or cause to be audited the books and records of a contractor, prospective contractor, subcontractor, or prospective subcontractor which are related to the cost or pricing data submitted.

(9) Retention of Books and Records. Any contractor who receives a contract or price adjustment for which cost or pricing data is required shall maintain all books and records that relate to the cost or pricing data for three years from the date of final payment under the contract. This requirement shall also extend to any subcontractors of the contractor.

R23-1-55. Specifications.

(1) General Provisions.

(a) Purpose. The purpose of a specification is to serve as a basis for obtaining a supply or construction item adequate and suitable for the procuring agencies' needs and the requirements of the project, in a cost-effective manner, taking into account, the costs of ownership and operation as well as initial acquisition costs. Specifications shall permit maximum practicable competition consistent with this purpose. Specifications shall be drafted with the objective of clearly describing the procuring agencies' requirements.

(b) Preference for Commercially Available Products. Recognized, commercially-available products shall be procured wherever practicable. In developing specifications, accepted commercial standards shall be used and unique products shall be avoided, to the extent practicable.

(c) Nonrestrictiveness Requirements. All specifications shall be written in such a manner as to describe the requirements to be met, without having the effect of exclusively requiring a proprietary supply, or construction item, or procurement from a sole source, unless no other manner of description will suffice. In that event, a written determination shall be made that it is not practicable to use a less restrictive specification.

(2) Director's Responsibilities.

(a) The Director is responsible for the preparation of all specifications.

(b) The Division may enter into contracts with others to prepare construction specifications when there will not be a substantial conflict of interest. The Director shall retain the authority to approve all specifications.

(c) Whenever specifications are prepared by persons other than Division personnel, the contract for the preparation of specifications shall require the specification writer to adhere to the requirements of this section.

(3) Types of Specifications. The Director may use any method of specifying construction items which he [~~determines is~~]considers to be in the best interest of the state including the following:

(a) By a performance specification stating the results to be achieved with the contractor choosing the means.

(b) By a prescriptive specification describing a means for achieving desired, but normally unstated, ends. Prescriptive specifications include the following:

(i) Descriptive specifications, providing a detailed written description of the required properties of a product and the workmanship required to fabricate, erect and install without using trade names; or

(ii) Proprietary specifications, identifying the desired product by using manufacturers, brand names, model or type designation or important characteristics. This is further divided into two classes:

(A) [~~Base Bid~~]Sole Source, where a rigid standard is specified and there are no allowed substitutions due to the nature of the

conditions to be met. This may only be used when very restrictive standards are [~~to be met~~]necessary and there [~~are only definite proprietary products~~]is only one proprietary product known that will meet the rigid standards needed[~~; and~~]. A sole source proprietary specification must be approved by the Director.

(B) Or Equal, which allows substitutions if properly approved[~~; or~~].

(c) By a reference standard specification where documents or publications are [~~included in the specification~~]incorporated by reference as though included in their entirety[~~;~~].

(d) By a nonrestrictive specification which may describe elements of prescriptive or performance specifications, or both, in order to describe the end result, thereby giving the contractor latitude in methods, materials, delivery, conditions, cost or other characteristics or considerations to be satisfied.

(4) Procedures for the Development of Specifications.

(a) Specifications may designate alternate supplies or construction items where two or more design, functional, or proprietary performance criteria will satisfactorily meet the procuring agencies' requirements.

(b) The specification shall contain a nontechnical section to include any solicitation or contract term or condition such as a requirement for the time and place of bid opening, time of delivery, payment, liquidated damages, and similar contract matters.

(c) Use of Proprietary Specifications.

(i) The Director shall seek to designate three brands as a standard reference and shall state that substantially equivalent products to those designated will be considered for award, with particular conditions of approval being described in the specification.

(ii) Unless the Director determines that the essential characteristics of the brand names included in the proprietary specifications are commonly known in the industry or trade, proprietary specifications shall include a description of the particular design, functional, or performance characteristics which are required.

(iii) Where a proprietary specification is used in a solicitation, the solicitation shall contain explanatory language that the use of a brand name is for the purpose of describing the standard of quality, performance, and characteristics desired and is not intended to limit or restrict competition.

(iv) The Division shall solicit sources to achieve whatever degree of competition is practicable. If only one source can supply the requirement, the procurement shall be made in accordance with Section R23-1-25.

R23-1-60. Construction Contract Clauses.

(1) Required Contract Clauses. Pursuant to Section 63-56-40, the document entitled "Required Construction Contract Clauses", dated January 13, 1995 and on file with the Division, is hereby incorporated by reference. Except as provided in Subsections R23-1-30(7) and [~~R23-1-60(1)~~]R23-1-60(2), the Division shall include these clauses in all construction contracts for more than $50,000.

(2) Revisions to Contract Clauses. The clauses required by this section may be modified for use in any particular contract when, pursuant to Subsection 63-56-40(5), the Director makes a written determination describing the circumstances justifying the variation or variations. Notice of any material variations from the contract clauses required by this section shall be included in any invitation for bids or request for proposals.

KEY: contracts, public buildings, procurement*
[~~August 9, 1999~~]2001 **63A-5-103 et seq.**
Notice of Continuation July 1, 1997 **63-56-14(2)**
63-56-20(7)

Environmental Quality, Water Quality
R317-6
Ground Water Quality Protection

NOTICE OF PROPOSED RULE
(Amendment)
DAR FILE NO.: 23869
FILED: 07/02/2001, 17:15
RECEIVED BY: NL

RULE ANALYSIS

PURPOSE OF THE RULE OR REASON FOR THE CHANGE: These proposed changes encompass editorial changes for clarity, new ground water quality standards, administrative procedure modifications, and updating references to new codes and guidance documents. Most of the changes are the results of activities that have occurred in the ground water protection arena since the last major modification of the rules of this type in 1994.

SUMMARY OF THE RULE OR CHANGE: The proposed amendment updates the ground water standards listed in Table 1 to include new parameters that have had new primary or secondary maximum contaminant levels (MCLs) enacted under the Safe Drinking Water Act since the last ground water protection rule revision. The proposed amendment would change the permit by rule section of the rules for agricultural facilities in Subsection R317-6-6(6.2)(A)(17). The new language would eliminate the permit by rule provisions for the volume criteria for the 4,000,000-gallon lagoons and go to a strict animal unit numbers only criteria. References to guidance documents and Code of Federal Regulation (CFR) dates are being updated to the most current versions. The probable out of compliance criteria has been modified so that when a protection level is exceeded, the permittee only has to go to monthly monitoring when the results exceed both the protection level and the two standard deviation criteria.

STATE STATUTORY OR CONSTITUTIONAL AUTHORIZATION FOR THIS RULE: Section 19-5-104

ANTICIPATED COST OR SAVINGS TO:
❖THE STATE BUDGET: None--The proposed changes will be addressed using existing staff and resources.
❖LOCAL GOVERNMENTS: None--The proposed changes do not expand the regulated community above that which is already covered under the existing rule.

❖OTHER PERSONS: None--The proposed rules apply to the same group as the existing rules, so there are no new compliance costs.

COMPLIANCE COSTS FOR AFFECTED PERSONS: No significant increases in compliance cost are anticipated as a result of the proposed amendments. The proposed rules apply to the same group as the existing rules, so there are no new compliance costs. The majority of the changes either update references or clarify existing application of the rule.

COMMENTS BY THE DEPARTMENT HEAD ON THE FISCAL IMPACT THE RULE MAY HAVE ON BUSINESSES: The proposed changes do not expand the regulated community above that which is already covered under the existing rule.

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

Environmental Quality
Water Quality
Cannon Health Building
288 North 1460 West
PO Box 144870
Salt Lake City, UT 84114-4870, or
at the Division of Administrative Rules.

DIRECT QUESTIONS REGARDING THIS RULE TO:

Larry Mize at the above address, by phone at (801) 538-6146, by FAX at (801) 538-6016, or by Internet E-mail at lmize@deq.state.ut.us.

INTERESTED PERSONS MAY PRESENT THEIR VIEWS ON THIS RULE BY SUBMITTING WRITTEN COMMENTS TO THE ADDRESS ABOVE NO LATER THAN 5:00 P.M. ON 08/14/2001.

THIS RULE MAY BECOME EFFECTIVE ON: 08/23/2001

AUTHORIZED BY: Dianne R. Nielson, Director

R317. Environmental Quality, Water Quality.
R317-6. Ground Water Quality Protection.
R317-6-1. Definitions.

1.1 "Aquifer" means a geologic formation, group of geologic formations or part of a geologic formation that contains sufficiently saturated permeable material to yield usable quantities of water to wells and springs.

1.2 "Background Concentration" means the arithmetic mean for the concentration of a pollutant in ground water upgradient or lateral hydraulically equivalent point from a facility, practice or activity or at a compliance monitoring point and which has not been affected by that facility, practice or activity.

1.3 "Best Available Technology" means the application of design, equipment, work practice, operation standard or combination thereof at a facility to effect the maximum reduction of a pollutant achievable by available processes and methods taking into account energy, public health, environmental and economic impacts and other costs.

1.4 "Best Available Technology Standard" means a performance standard or pollutant concentration achievable through the application of best available technology.

1.5 "Board" means the Utah Water Quality Board.

1.6 "Class TDS Limit" means the upper boundary of the TDS range for an applicable class as specified in Section R317-6-3.

1.7 "Community Drinking Water System" means a public drinking water system which serves at least fifteen service connections used by year-round residents or regularly serves at least twenty-five year-round residents.

1.8 "Comparable Quality (Source)" means a potential alternative source or sources of water supply which has the same general quality as the ground water source.

1.9 "Comparable Quantity (Source)" means a potential alternative source of water supply capable of reliably supplying water in quantities sufficient to meet the year-round needs of the users served by the ground water source.

1.10 "Compliance Monitoring Point" means a well, seep, spring, or other sampling point used to determine compliance with applicable permit limits.

1.11 "Contaminant" means any physical, chemical, biological or radiological substance or matter in water.

1.12 "Conventional Treatment" means normal and usual treatment of water for distribution in public drinking water supply systems including flocculation, sedimentation, filtration, disinfection and storage.

1.13 "Discharge" means the release of a pollutant directly or indirectly into subsurface waters of the state.

1.14 "Existing Facility" means a facility or activity that was in operation or under construction after August 14, 1989 and before February 10, 1990.

1.15 "Economically Infeasible" means, in the context of a public drinking water source, the cost to the typical water user for replacement water would exceed the community's ability to pay.

1.16 "Executive Secretary" means the Executive Secretary of the Utah Water Quality Board.

1.17 "Facility" means any building, structure, processing, handling, or storage facility, equipment or activity; or contiguous group of buildings, structures, or processing, handling or storage facilities, equipment, or activities or combination thereof.

1.18 "Gradient" means the change in total water pressure head per unit of distance.

1.19 "Ground Water" means subsurface water in the zone of saturation including perched ground water.

1.20 "Ground Water Quality Standards" means numerical contaminant concentration levels adopted by the Board in or under R317-6-2 for the protection of the subsurface waters of the State.

1.21 "Infiltration" means the movement of water from the land surface into the pores of rock, soil or sediment.

1.22 "Institutional Constraints" means legal or other restrictions that preclude replacement water delivery and which cannot be alleviated through administrative procedures or market transactions.

1.23 "Lateral Hydraulically Equivalent Point" means a point located hydraulically equal to a facility and in the same ground water with similar geochemistry such that the ground water at that point has not been affected by the facility.

1.24 "Limit of Detection" means the concentration of a chemical below which it can not be detected using currently accepted sampling and analytical techniques for drinking water as determined by the U.S. Environmental Protection Agency.

1.25 "New Facility" means a facility for which construction or modification is initiated after February 9, 1990.

1.26 "Permit Limit" means a ground water pollutant concentration limitation specified in a Ground Water Discharge Permit and may include protection levels, class TDS limits, ground water quality standards, alternate concentration limits, permit-specific ground water quality standards, or limits stipulated in the application and use of best available technology. For facilities permitted by rule under R317-6-6.2, a permit limit is a ground water pollutant concentration limitation specified in R317-6-6.2.B.

1.27 "Person" means any individual, corporation, partnership, association, company or body politic, including any agency or instrumentality of the federal, state, or local government.

1.28 "Point of Discharge" means the area within outermost location at which effluent or leachate has been stored, applied, disposed of, or discharged; for a diked facility, the outermost edge of the dikes.

1.29 "Pollutant" means dredged spoil, solid waste, incinerator residue, sewage, sewage sludge, garbage, munitions, trash, chemical wastes, biological materials, radioactive materials, heat, wrecked or discarded equipment, rock, sand, cellar dirt and industrial, municipal and agricultural waste discharged into waters of the state.

1.30 "Pollution" means such contamination, or other alteration of the physical, chemical, or biological properties of any waters of the State, or such discharge of any liquid, gaseous, or solid substance into any waters of the state as will create a nuisance or render such waters harmful or detrimental or injurious to public health, safety, or welfare, or to domestic, commercial, industrial, agricultural, recreational, or other legitimate beneficial uses, or to livestock, wild animals, birds, fish or other aquatic life.

1.31 "Protection Level" means the ground water pollutant concentration levels specified in R317-6-4.

1.32 "Substantial Treatment" means treatment of water utilizing specialized treatment methods including ion exchange, reverse osmosis, electrodialysis and other methods needed to upgrade water quality to meet standards for public water systems.

1.33 "Technology Performance Monitoring" means the evaluation of a permitted facility to determine compliance with best available technology standards.

1.34 "Total Dissolved Solids (TDS)" means the quantity of dissolved material in a sample of water which is determined by weighing the solid residue obtained by evaporating a measured volume of a filtered sample to dryness; or for many waters that contain more than 1000 mg/l, the sum of the chemical constituents.

1.35 "Radius of Influence" means the radial distance from the center of a well bore to the point where there is no lowering of the water table or potentiometric surface because of pumping of the well; the edge of the cone of depression.

1.36 "Upgradient" means a point located hydraulically above a facility such that the ground water at that point has not been impacted by discharges from the facility.

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

1.38 "Waste" see "Pollutant."

1.39 "Water Table" means the top of the saturated zone of a body of unconfined ground water at which the pressure is equal to that of the atmosphere.

1.40 "Water Table Aquifer" means an aquifer extending downward from the water table to the first confining bed.

1.41 "Waters of the State" means all streams, lakes, ponds, marshes, water courses, waterways, wells, springs, irrigation systems, drainage systems, and all other bodies or accumulations of water, surface and underground, natural or artificial, public or private, which are contained within, flow through, or border upon this state or any portion thereof; except bodies of water confined to and retained within the limits of private property, and which do not develop into or constitute a nuisance or a public health hazard, or a menace to fish and wildlife, shall not be considered to be "waters of the state" under this definition.

1.42 "Zone of Influence" means the area contained by the outer edge of the drawdown cone of a water well.

R317-6-2. Ground Water Quality Standards.

2.1 The following Ground Water Quality Standards as listed in Table I are adopted for protection of ground water quality.

TABLE 1
GROUND WATER QUALITY STANDARDS

Parameter	Milligrams per liter (mg/l) unless noted otherwise and based on analysis of filtered sample except for Mercury and organic compounds
PHYSICAL CHARACTERISTICS	
Color (units)	15.0
Corrosivity (characteristic)	noncorrosive
Odor (threshold number)	3.0
pH (units)	6.5-8.5
INORGANIC CHEMICALS	
Asbestos (fibers/l greater than 10 um length)	7.0+06
Cyanide (free)	0.2
Fluoride	4.0
Nitrate (as N)	10.0
Nitrite (as N)	1.0
Total Nitrate/Nitrite (as N)	10.0
Sulfate	250
METALS	
Arsenic	0.05
Antimony	0.006
Barium	2.0
Beryllium	0.004
Cadmium	0.005
Chromium	0.1
Copper	1.3
Lead	0.015
Mercury	0.002
Selenium	0.05
Silver	0.1
Thallium	0.002
Zinc	5.0
ORGANIC CHEMICALS	
Pesticides and PCBs	
Alachlor	0.002
Aldicarb	0.00[~~3~~]7
Aldicarb sulfone	0.00[~~2~~]7
Aldicarb sulfoxide	0.00[~~4~~]7
Atrazine	0.003
Carbofuran	0.04
Chlordane	0.002

Dalapon (sodium salt)	0.2
Dibromochloropropane(DBCP)	0.0002
[2, 4-D]Dinoseb	0.[07]007
Diquat	0.02
Dichlorophenoxyacetic acid (2, 4-) (2,4D)	0.07
Endothall	0.1
Endrin	0.002
Ethylene Dibromide (EDB)	0.00005
Heptachlor	0.0004
Heptachlor epoxide	0.0002
Glyphosate	0.7
Lindane	0.0002
Methoxychlor	0.04
Oxamyl (Vydate)	0.2
Polychlorinated Biphenyls	0.0005
Pentachlorophenol	0.001
Picloram	0.5
Toxaphene	0.003
Simazine	0.004
2, 4, 5-TP (Silvex)	0.05
1,2-Dibromo-3-chloropropane (DBCP)	0.0002

VOLATILE ORGANIC CHEMICALS

Benzene	0.005
Benzo(a)pyrene (PAH)	0.0002
Carbon tetrachloride	0.005
[1, 2 - Dichloroethane]Dichloromethane	0.005
[1, 1 -]Di(2-ethylhexyl)adipate	0.4Di
(2-ethylhexyl)phthalate	0.006
Dioxin(2,3,7,8-TCDD)	0.00000003
Dichloroethane (1,2-)	0.005
Dichloroethylene (1,1-)	0.007
[1, 1, 1-Trichloroethane]Dichloropropane (1,2-)	0.[200]005
para - Dichlorobenzene	0.075
o-Dichlorobenzene	0.6
cis-1,2 dichloroethylene	0.07
trans-1,2 dichloroethylene	0.1
[1,2 Dichloropropane	0.005]
Ethylbenzene	0.7
Hexachlorobenzene	0.001
Hexachlorocyclopentadiene	0.05
Monochlorobenzene	0.1
Styrene	0.1
Tetrachloroethylene	0.005
Toluene	1
Trichlorobenzene (1,2,4-)	0.07
Trichloroethane (1,1,1-)	0.200
Trichloroethane (1,1,2-)	0.005
Trichloroethylene	0.005
Vinyl chloride	0.002
Xylenes (Total)	10

OTHER ORGANIC CHEMICALS

[Trihalomethanes]Bromodichloromethane (THM)	0.08
Bromoform (THM-Tribromomethane)	0.08
Chloroform (THM-Trichloromethane)	0.08
Dibromochloromomethane (THM)	0.08
Total Trihalomethanes (TTHM)	0.08
Bromate	0.[1]01
Chloramine	4.0
Chlorine	4.0
Chlorine Dioxide	0.8
Chlorite	1.0
Dichloroacetic acid	0.06
Monochloroacetic acid	0.06
Epichlorohydrin	Zero
Acrylamide	Zero

RADIONUCLIDES

The following are the maximum contaminant levels for Radium-226 and Radium-228, and gross alpha particle radioactivity, beta particle radioactivity,[and] photon radioactivity and uranium concentration:

Combined Radium-226 and Radium-228	5pCi/l
Gross alpha particle activity, including Radium-226 but excluding Radon and Uranium	15pCi/l
Uranium	0.030 mg/l

Beta particle and photon radioactivity

The average annual concentration from man-made radionuclides of beta particle and photon radioactivity from man-made radionuclides shall not produce an annual dose equivalent to the total body or any internal organ greater than four millirem/year.

Except for the radionuclides listed below, the concentration of man-made radionuclides causing four millirem total body or organ dose equivalents shall be calculated on the basis of a two liter per day drinking water intake using the 168 hour data listed in "Maximum Permissible Body Burden and Maximum Permissible Concentration Exposure", NBS Handbook 69 as amended August 1962, U.S. Department of Commerce. If two or more radionuclides are present, the sum of their annual dose equivalent to the total body or to any organ shall not exceed four millirem/year.

Average annual concentrations assumed to produce a total body or organ dose of four millirem/year:

Radionuclide	Critical Organ	pCi per liter
Tritium	Total Body	20,000
Strontium-90	Bone Marrow	8

2.2 A permit specific ground water quality standard for any pollutant not specified in Table 1 may be established by the Executive Secretary at a level that will protect public health and the environment. This permit limit may be based on U.S. Environmental Protection Agency maximum contaminant level goals, health advisories, risk based contaminant levels, standards established by other regulatory agencies and other relevant information.

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R317-6-4. Ground Water Class Protection Levels.

4.1 GENERAL

A. Protection levels are ground water pollutant concentration limits, set by ground water class, for the operation of facilities that discharge or would probably discharge to ground water.

B. For the physical characteristics (color, corrosivity, odor, and pH) and radionuclides listed in Table 1, the values listed are the protection levels for all ground water classes.

4.2 CLASS IA PROTECTION LEVELS

A. Class IA ground water will be protected to the maximum extent feasible from degradation due to facilities that discharge or would probably discharge to ground water.

B. The following protection levels will apply:

1. Total dissolved solids concentration may not exceed the lesser of 1.1 times the background [value]concentration or[ ]500 mg/l.

2. When a contaminant is not present in a detectable amount as a background concentration, the concentration of the pollutant may not exceed the greater of 0.1 times the ground water quality standard value, or the limit of detection.

3. When a contaminant is present in a detectable amount as a background concentration, the concentration of the pollutant may not exceed the greater of 1.1 times the background concentration or

0.1 times the ground water quality standard; however, in no case will the concentration of a pollutant be allowed to exceed the ground water quality standard.

4.3 CLASS IB PROTECTION LEVELS

A. Class IB ground water will be protected as an irreplaceable source of drinking water.

B. The following protection levels will apply:

1. The_t[~~T~~]otal dissolved solids concentration may not exceed the lesser of 1.1 times the background [~~value~~]concentration or 2000 mg/l.

2. When a contaminant is not present in a detectable amount as a background concentration, the concentration of the pollutant may not exceed the greater of 0.1 times the ground water quality standard, or the limit of detection.

3. When a contaminant is present in a detectable amount as a background concentration, the concentration of the pollutant may not exceed the greater of 1.1 times the background concentration or 0.1 times the ground water quality standard; however, in no case will the concentration of a pollutant be allowed to exceed the ground water quality standard.

4.4 CLASS IC PROTECTION LEVELS

Class IC ground water will be protected as a source of water for potentially affected wildlife habitat. Limits on increases of total dissolved solids and organic and inorganic chemical compounds will be determined in order to meet applicable surface water standards.

4.5 CLASS II PROTECTION LEVELS

A. Class II ground water will be protected for use as drinking water or other similar beneficial use with conventional treatment prior to use.

B. The following protection levels will apply:

1. The_t[~~T~~]otal dissolved solids concentration may not exceed 1.25 times the background [~~value~~]concentration.

2. When a contaminant is not present in a detectable amount as a background concentration, the concentration of the pollutant may not exceed the greater of 0.25 times the ground water quality standard, or the limit of detection.

3. When a contaminant is present in a detectable amount as a background concentration, the concentration of the pollutant may not exceed the greater of 1.25 times the background concentration or 0.25 times the ground water quality standard; however, in no case will the concentration of a pollutant be allowed to exceed the ground water quality standard.

4.6 CLASS III PROTECTION LEVELS

A. Class III ground water will be protected as a potential source of drinking water, after substantial treatment, and as a source of water for industry and agriculture.

B. The following protection levels will apply:

1. The_t[~~T~~]otal dissolved solids concentration may not exceed 1.25 times the background concentration level.

2. When a contaminant is not present in a detectable amount as a background concentration, the concentration of the pollutant may not exceed the greater of 0.5 times the ground water quality standard, or the limit of detection.

3. When a contaminant is present in a detectable amount as a background concentration, the concentration of the pollutant may not exceed the greater of 1.5 times the background concentration or 0.5 times the ground water quality standard; however, in no case will the concentration of a pollutant be allowed to exceed the ground water quality standard. If the background concentration exceeds the ground water quality standard no increase will be allowed.

4.7 CLASS IV PROTECTION LEVELS

Protection levels for Class IV ground water will be established to protect human health and the environment.

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R317-6-6. Implementation.

6.1 DUTY TO APPLY FOR A GROUND WATER DISCHARGE PERMIT

A. No person may construct, install, or operate any new facility or modify an existing or new facility, not permitted by rule under R317-6-6.2, which discharges or would probably result in a discharge of pollutants that may move directly or indirectly into ground water, including, but not limited to land application of wastes; waste storage pits; waste storage piles; landfills and dumps; large feedlots; mining, milling and metallurgical operations, including heap leach facilities; and pits, ponds, and lagoons whether lined or not, without a ground water discharge permit from the Executive Secretary. A ground water discharge permit application should be submitted at least 180 days before the permit is needed.

B. All persons who constructed, modified, installed, or operated any existing facility, not permitted by rule under R317-6-6.2, which discharges or would probably result in a discharge of pollutants that may move directly or indirectly into ground water, including, but not limited to: land application of wastes; waste storage pits; waste storage piles; landfills and dumps; large feedlots; mining, milling and metallurgical operations, including heap leach facilities; and pits, ponds, and lagoons whether lined or not, must have submitted a notification of the nature and location of the discharge to the Executive Secretary before February 10, 1990 and must submit an application for a ground water discharge permit within one year after receipt of written notice from the Executive Secretary that a ground water discharge permit is required.

6.2 GROUND WATER DISCHARGE PERMIT BY RULE

A. Except as provided in R317-6-6.2.C, the following facilities are considered to be permitted by rule and are not required to obtain a discharge permit under R317-6-6.1 or comply with R317-6-6.3 through R317-6-6.7, R317-6-6.9 through R317-6-6.11, R317-6-6.13, R317-6-6.16, R317-6-6.17 and R317-6-6.18:

1. facilities with effluent or leachate which has been demonstrated to the satisfaction of the Executive Secretary to conform and will not deviate from the applicable class TDS limits, ground water quality standards, protection levels or other permit limits and which does not contain any contaminant that may present a threat to human health, the environment or its potential beneficial uses of the ground water. The Executive Secretary may require samples to be analyzed for the presence of contaminants before the effluent or leachate discharges directly or indirectly into ground water. If the discharge is by seepage through natural or altered natural materials, the Executive Secretary may require samples of the solution be analyzed for the presence of pollutants before or after seepage;

2. water used for watering of lawns, gardens, or shrubs or for irrigation for the revegetation of a disturbed land area except for the direct land application of wastewater;

3. application of agricultural chemicals including fertilizers, herbicides and pesticides including but not limited to, insecticides fungicides, rodenticides and fumigants when used in accordance with current scientifically based manufacturer's recommendations for the crop, soil, and climate and in accordance with state and federal statutes, regulations, permits, and orders adopted to avoid ground water pollution;

4. water used for irrigated agriculture except for the direct land application of wastewater from municipal, industrial or mining facilities;

5. flood control systems including detention basins, catch basins and wetland treatment facilities used for collecting or conveying storm water runoff;

6. natural ground water seeping or flowing into conventional mine workings which re-enters the ground by natural gravity flow prior to pumping or transporting out of the mine and without being used in any mining or metallurgical process;

7. leachate which results entirely from the direct natural infiltration of precipitation through undisturbed materials;

8. wells and facilities regulated under the underground injection control (UIC) program;

9. land application of livestock wastes, within expected crop nitrogen uptake;

10. individual subsurface wastewater disposal systems approved by local health departments or large subsurface wastewater disposal systems approved by the Board;

11. produced water pits, and other oil field waste treatment, storage, and disposal facilities regulated by the Division of Oil, Gas, and Mining in accordance with Section 40-6-5(3)(d) and R649-9, Disposal of Produced Water;

12. reserve pits regulated by the Division of Oil, Gas and Mining in accordance with Section 40-6-5(3)(a) and R649-3-7, Drilling and Operating Practices;

13. storage tanks installed or operated under regulations adopted by the Utah Solid and Hazardous Waste Control Board;

14. coal mining operations or facilities regulated under the Coal Mining and Reclamation Act by the Utah Division of Oil, Gas, and Mining (DOGM). The submission of an application for ground water discharge permit under R317-6-6.2.C may be required only if the Executive Secretary, after consideration of recommendations, if any, by DOGM, determines that the discharge violates applicable ground water quality standards, applicable Class TDS limits, or is interfering with a reasonable foreseeable beneficial use of the ground water. DOGM is not required to establish any administrative or regulatory requirements which are in addition to the rules of DOGM for coal mining operations or facilities to implement these ground water regulations;

15. hazardous waste or solid waste management units managed or undergoing corrective action under R315-1 through R315-14;

16. solid waste landfills permitted under the requirements of R315-303;

17. animal feeding operations, as defined in UAC R317-8-3.5(2) that use liquid waste handling systems, which are not located within Zone 1 (100[~~)~~] feet) for wells in a confined aquifer or Zone 2 (250 day time of travel) for wells and springs in unconfined aquifers, in accordance with the Public Drinking Water [~~Rule~~]Regulations UAC R309-113, and which meet either of the following criteria:

a) operations constructed prior to the effective date of this rule which [~~incorporate low volume~~]incorporated liquid waste handling systems [~~of~~]and which are either less than 4 million gallons capacity or serve fewer than 1000 animal units, or

b. operations with fewer than the following numbers of [~~animals~~]confined animals:

i. 1,[~~000~~]500 slaughter and feeder cattle,

ii. [~~700~~]1,050 mature dairy cattle, whether milked or dry cows,

iii. [~~2~~]3,[~~500~~]750 swine each weighing over 25 kilograms (approximately 55 pounds),[~~ for facilities without animal waste collection and treatment systems approved by the Executive Secretary;~~]

iv. [~~1,000,000 pounds steady state live animal weight of swine for facilities with animal waste collection and treatment systems for which a construction permit has been issued by the Executive Secretary;~~

~~v. 500~~]18,750 swine each weighing 25 kilograms or less (approximately 55 pounds),

v. 750 horses,

vi. 1[~~0~~]5,000 sheep or lambs,

vii. [~~55,000~~]82,500 turkeys,

viii. 1[~~0~~]50,000 laying hens or broilers[~~, if the facility has~~]that use continuous [~~over flow~~]overflow watering but dry handle wastes,

ix. [~~30~~]45,000 hens or broilers,[~~ if the facility has a liquid manure handling system;~~]

x. [~~5,000~~]7,500 ducks, or

xi. 1,[~~000~~]500 animal units[~~;~~]

18. animal feeding operations, as defined in UAC R317-8-3.5(2), which do not utilize liquid waste handling systems;

19. mining, processing or milling facilities handling less than 10 tons per day of metallic and/or nonmetallic ore and waste rock, not to exceed 2500 tons/year in aggregate unless the processing or milling uses chemical leaching;

20. pipelines and above-ground storage tanks;

21. drilling operations for metallic minerals, nonmetallic minerals, water, hydrocarbons, or geothermal energy sources when done in conformance with applicable regulations of the Utah Division of Oil, Gas, and Mining or the Utah Division of Water Rights;

22. land application of municipal sewage sludge for beneficial use, at or below the agronomic rate and in compliance with the requirements of 40 CFR 503, July 1, [~~1993~~]2000 edition;

23. land application of municipal sewage sludge for mine-reclamation at a rate higher than the agronomic rate and in compliance with 40 CFR 503, July 1, [~~1993~~]2000 edition;

24. municipal wastewater treatment lagoons receiving no wastewater from a significant industrial discharger as defined in R317-8-8.2(12); and

25. facilities and modifications thereto which the Executive Secretary determines after a review of the application will have a de minimis actual or potential effect on ground water quality.

B. No facility permitted by rule under R317-6-6.2.A may cause ground water to exceed ground water quality standards or the applicable class TDS limits in R317-6-3.1 to R317-6-3.7. If the background concentration for affected ground water exceeds the ground water quality standard, the facility may not cause an

increase over background. This section, R317-6-6.2B. does not apply to facilities undergoing corrective action under R317-6-6.15A.3.

C. The submission of an application for a ground water discharge permit may be required by the Executive Secretary for any discharge permitted by rule under R317-6-6.2 if it is determined that the discharge may be causing or is likely to cause increases above the ground water quality standards or applicable class TDS limits under R317-6-3 or otherwise is interfering or may interfere with probable future beneficial use of the ground water.

6.3 APPLICATION REQUIREMENTS FOR A GROUND WATER DISCHARGE PERMIT

Unless otherwise determined by the Executive Secretary, the application for a permit to discharge wastes or pollutants to ground water shall include the following complete information:

A. The name and address of the applicant and the name and address of the owner of the facility if different than the applicant. A corporate application must be signed by an officer of the corporation. The name and address of the contact, if different than above, and telephone numbers for all listed names shall be included.

B. The legal location of the facility by county, quarter-quarter section, township, and range.

C. The name of the facility and the type of facility, including the expected facility life.

D. A plat map showing all water wells, including the status and use of each well, topography, springs, water bodies, drainages, and man-made structures within a one-mile radius of the discharge. The plat map must also show the location and depth of existing or proposed wells to be used for monitoring ground water quality.

E. Geologic, hydrologic, and agricultural description of the geographic area within a one-mile radius of the point of discharge, including soil types, aquifers, ground water flow direction, ground water quality, aquifer material, and well logs.

F. The type, source, and chemical, physical, radiological, and toxic characteristics of the effluent or leachate to be discharged; the average and maximum daily amount of effluent or leachate discharged (gpd), the discharge rate (gpm), and the expected concentrations of any pollutant (mg/l) in each discharge or combination of discharges. If more than one discharge point is used, information for each point must be given separately.

G. Information which shows that the discharge can be controlled and will not migrate into or adversely affect the quality of any other waters of the state, including the applicable surface water quality standards, that the discharge is compatible with the receiving ground water, and that the discharge will comply with the applicable class TDS limits, ground water quality standards, class protection levels or an alternate concentration limit proposed by the facility.

H. For areas where the ground water has not been classified by the Board, information on the quality of the receiving ground water sufficient to determine the applicable protection levels.

I. [~~The~~]A proposed Sampling and Analysis monitoring plan[~~:~~] which conforms to EPA Guidance for Quality Assurance Project Plans, EPA QA/G-5 (EPA/600/R-98/018,February 1998) and includes a description, where appropriate, of the following:

1. ground water monitoring to determine ground water flow direction and gradient, background quality at the site, and the quality of ground water at the compliance monitoring point;

2. installation, use and maintenance of monitoring devices;

3. description of the compliance monitoring area defined by the compliance monitoring points including the dimensions and hydrologic and geologic data used to determine the dimensions;

4. monitoring of the vadose zone;

5. measures to prevent ground water contamination after the cessation of operation, including post-operational monitoring;

6. monitoring well construction and ground water sampling which conform [~~to A Guide to the Selection of Materials for~~]where applicable to the Handbook of Suggested Practices for Design and Installation of Ground-Water Monitoring [~~Well Construction and~~]Wells (EPA/600/4-89/034, March 1991), ASTM Standards on Ground Water and Vadose Investigations (1996), Practical Guide for Ground Water Sampling (EPA/600/2-85/104, [~~f~~]September 198[~~3~~]5) and RCRA Ground Water Monitoring Technical Enforcement Guidance Manual (1986), unless otherwise specified by the Executive Secretary;

7. description and justification of parameters to be monitored[~~.~~];

8. quality assurance and control provisions for monitoring data.

J. The plans and specifications relating to construction, modification, and operation of discharge systems.

K. The description of the ground water most likely to be affected by the discharge, including water quality information of the receiving ground water prior to discharge, a description of the aquifer in which the ground water occurs, the depth to the ground water, the saturated thickness, flow direction, porosity, hydraulic conductivity, and flow systems characteristics.

L. The compliance sampling plan which in addition to the information specified in above item I includes, where appropriate, provisions for sampling of effluent and for flow monitoring in order to determine the volume and chemistry of the discharge onto or below the surface of the ground and a plan for sampling compliance monitoring points and appropriate nearby water wells. Sampling and analytical methods proposed in the application must conform with the most appropriate methods specified in the following references unless otherwise [~~specified~~]approved by the Executive Secretary:

1. Standard Methods for the Examination of Water and Wastewater, [~~eighteenth~~]Twentieth edition, 199[~~2~~]8; Library of Congress catalogue number: ISBN:[~~0-87553- 207-1~~]0-87553-235-7.

2. E.P.A. Methods, Methods for Chemical Analysis of Water and Wastes, 1983; Stock Number EPA-600/4-79-020.

3. Techniques of Water Resource Investigations of the U.S. Geological Survey, ([~~1982~~]1998); Book [~~5, Chapter A3~~]9.

4. Monitoring requirements in 40 CFR parts 141 and 142, [~~1991~~]2000 ed., Primary Drinking Water Regulations and 40 CFR parts 264 and 270, [~~1991~~]2000 ed.

5. National Handbook of Recommended Methods for Water-Data Acquisition, GSA-GS edition; Book 85 AD-2777, U.S. Government Printing Office Stock Number 024-001-03489-1.[

~~6. Manual of Analytical Methods for the Analysis of Pesticide Residues in Humans and Environmental Samples, 1980; Stock Number EPA-600/8-80-038, U.S. Environmental Protection Agency.~~]

M. A description of the flooding potential of the discharge site, including the 100-year flood plain, and any applicable flood protection measures.

N. Contingency plan for regaining and maintaining compliance with the permit limits and for reestablishing best available technology as defined in the permit.

O. Methods and procedures for inspections of the facility operations and for detecting failure of the system.

P. For any existing facility, a corrective action plan or identification of other response measures to be taken to remedy any violation of applicable ground water quality standards, class TDS limits or permit limit established under R317-6-6.4E. which has resulted from discharges occurring prior to issuance of a ground water discharge permit.

Q. Other information required by the Executive Secretary.

R. A closure and post closure management plan.

6.4 ISSUANCE OF DISCHARGE PERMIT

A. The Executive Secretary may issue a ground water discharge permit for a new facility if the Executive Secretary determines, after reviewing the information provided under R317-6-6.3, that:

1. the applicant demonstrates that the applicable class TDS limits, ground water quality standards, protection levels, and permit limits established under R317-6-6.4E will be met;

2. the monitoring plan, sampling and reporting requirements are adequate to determine compliance with applicable requirements;

3. the applicant is using best available technology to minimize the discharge of any pollutant; and

4. there is no impairment of present and future beneficial uses of the ground water.

B. The Board may approve an alternate concentration limit for a new facility if:

1. The applicant submits a petition for an alternate concentration limit showing the extent to which the discharge will exceed the applicable class TDS limits, ground water standards or applicable protection levels and demonstrates that:

a. the facility is to be located in an area of Class III ground water;

b. the discharge plan incorporates the use of best available technology;

c. the alternate concentration limit is justified based on substantial overriding social and economic benefits; and,

d. the discharge would pose no threat to human health and the environment.

2. One or more public hearings have been held by the Board in nearby communities to solicit comment.

C. The Executive Secretary may issue a ground water discharge permit for an existing facility provided:

1. the applicant demonstrates that the applicable class TDS limits, ground water quality standards and protection levels will be met;

2. the monitoring plan, sampling and reporting requirements are adequate to determine compliance with applicable requirements;

3. the applicant utilizes treatment and discharge minimization technology commensurate with plant process design capability and similar or equivalent to that utilized by facilities that produce similar products or services with similar production process technology; and,

4. there is no current or anticipated impairment of present and future beneficial uses of the ground water.

D. The Board may approve an alternate concentration limit for a pollutant in ground water at an existing facility or facility permitted by rule under R317-6-6.2 if the applicant for a ground water discharge permit shows the extent the discharge exceeds the applicable class TDS limits, ground water quality standards and applicable protection levels that correspond to the otherwise applicable ground water quality standards and demonstrates that:

1. steps are being taken to correct the source of contamination, including a program and timetable for completion;

2. the pollution poses no threat to human health and the environment; and

3. the alternate concentration limit is justified based on overriding social and economic benefits.

E. An alternate concentration limit, once adopted by the Board under R317-6-6.4B or R317-6-6.4D, shall be the pertinent permit limit.

F. A facility permitted under this provision shall meet applicable class TDS limits, ground water quality standards, protection levels and permit limits.

G. The Board may modify a permit for a new facility to reflect standards adopted as part of corrective action.

6.5 NOTICE OF INTENT TO ISSUE A GROUND WATER DISCHARGE PERMIT

The Executive Secretary shall publish a notice of intent to approve in a newspaper in the affected area and shall allow 30 days in which interested persons may comment to the Board. Final action will be taken by the Executive Secretary following the 30-day comment period.

6.6 PERMIT TERM

A. The ground water discharge permit term will run for 5 years from the date of issuance. Permits may be renewed for 5-year periods or extended for a period to be determined by the Executive Secretary but not to exceed 5 years.

B. In the event that new ground water quality standards are adopted by the Board, permits may be reopened to extend the terms of the permit or to include pollutants covered by new standards. The holder of a permit may apply for a variance under the conditions outlined in R317-6-6.4.D.

6.7 GROUND WATER DISCHARGE PERMIT RENEWAL

The permittee for a facility with a ground water discharge permit must apply for a renewal or extension for a ground water discharge permit at least 180 days prior to the expiration of the existing permit. If a permit expires before an application for renewal or extension is acted upon by the Executive Secretary, the permit will continue in effect until it is renewed, extended or denied.

6.8 TERMINATION OF A GROUND WATER DISCHARGE PERMIT BY THE EXECUTIVE SECRETARY

A ground water discharge permit may be terminated or a renewal denied by the Executive Secretary if one of the following applies:

A. noncompliance by the permittee with any condition of the permit where the permittee has failed to take appropriate action in a timely manner to remedy the permit violation;

B. the permittee's failure in the application or during the permit approval process to disclose fully all significant relevant facts at any time;

C. a determination that the permitted facility endangers human health or the environment and can only be regulated to acceptable levels by plan modification or termination; or

D.the permittee requests termination of the permit.

6.9 PERMIT COMPLIANCE MONITORING

A. Ground Water Monitoring

The Executive Secretary may include in a ground water discharge permit requirements for ground water monitoring, and may specify compliance monitoring points where the applicable class TDS limits, ground water quality standards, protection levels or other permit limits are to be met.

The Executive Secretary will determine the location of the compliance monitoring point based upon the hydrology, type of pollutants, and other factors that may affect the ground water quality. The distance to the compliance monitoring points must be as close as practicable to the point of discharge. The compliance monitoring point shall not be beyond the property boundaries of the permitted facility without written agreement of the affected property owners and approval by the Executive Secretary.[:]

B. Performance Monitoring

The Executive Secretary may include in a ground water discharge permit requirements for monitoring performance of best available technology standards.

6.10 BACKGROUND WATER QUALITY DETERMINATION

A. Background water quality contaminant concentrations shall be determined and specified in the ground water discharge permit. The determination of background concentration shall take into account any degradation.

B. Background water quality contaminant concentrations may be determined from existing information or from data collected by the permit applicant. Existing information shall be used, if the permit applicant demonstrates that the quality of the information and its means of collection are adequate to determine background water quality. If existing information is not adequate to determine background water quality, the permit applicant shall submit a plan to determine background water quality to the Executive Secretary for approval prior to data collection. One or more up-gradient, lateral hydraulically equivalent point, or other monitoring wells as approved by the Executive Secretary may be required for each potential discharge site.

C. After a permit has been issued, permittee shall continue to monitor background water quality contaminant concentrations in order to determine natural fluctuations in concentrations. Applicable up-gradient, and on-site ground water monitoring data shall be included in the ground water quality permit monitoring report.

6.11 NOTICE OF COMMENCEMENT AND DISCONTINUANCE OF GROUND WATER DISCHARGE OPERATIONS

A. The permittee shall notify the Division of Water Quality immediately upon commencement of the ground water discharge and submit a written notice within 30 days of the commencement of the discharge.

B. The permittee shall notify the Division of Water Quality of the date and reason for discontinuance of ground water discharge within 30 days.

6.12 SUBMISSION OF DATA

A. Laboratory Analyses

All laboratory analysis of samples collected to determine compliance with these regulations shall be performed in accordance with standard procedures by the Utah Division of Laboratory Services or by a laboratory certified by the Utah Department of Health.

B. Field Analyses

All field analyses to determine compliance with these regulations shall be conducted in accordance with standard procedures specified in R317-6-6.3.L.

C. Periodic Submission of Monitoring Reports

Results obtained pursuant to any monitoring requirements in the discharge permit and the methods used to obtain these results shall be periodically reported to the Executive Secretary according to the schedule specified in the ground water discharge permit.

6.13 REPORTING OF MECHANICAL PROBLEMS OR DISCHARGE SYSTEM FAILURES

The permittee shall notify the Executive Secretary within 24 hours of the discovery of any mechanical or discharge system failures that could affect the chemical characteristics or volume of the discharge. A written statement confirming the oral report shall be submitted to the Executive Secretary within five days of the failure.

6.14 CORRECTION OF ADVERSE EFFECTS REQUIRED

A. If monitoring or testing indicates that the permit conditions may be or are being violated by ground water discharge operations or the facility is otherwise in an out-of-compliance status, the permittee shall promptly make corrections to the system to correct all violations of the discharge permit.

B. The permittee, operator, or owner may be required to take corrective action as described in R317-6-6.15 if a pollutant concentration has exceeded a permit limit.

6.15 CORRECTIVE ACTION

It is the intent of the Board that the provisions of these regulations should be considered when making decisions under any state or federal superfund action; however, the protection levels are not intended to be considered as applicable, relevant or appropriate clean-up standards under such other regulatory programs.

A. Application of R317-6-6.15

1. Generally - R317-6-6.15 shall apply to any person who discharges pollutants into ground water in violation of Section 19-5-107, or who places or causes to be placed any wastes in a location where there is probable cause to believe they will cause pollution of ground water in violation of Section 19-5-107.

2. Corrective Action shall include, except as otherwise provided in R317-6-6.15, preparation of a Contamination Investigation and preparation and implementation of a Corrective Action Plan.

3. The procedural provisions of R-317-6-6.15 shall not apply to any facility where a corrective or remedial action for ground water contamination, that the Executive Secretary determines meets the substantive standards of this rule, has been initiated under any other state or federal program. Corrective or remedial action undertaken under the programs specified in Table 2 are considered to meet the substantive standards of this rule unless otherwise determined by the Executive Secretary.

TABLE 2

PROGRAM

Leaking Underground Storage Tank, Sections 19-6-401, et seq.

Federal Comprehensive Environmental Response, Compensation and Liability Act, 42 U.S.C. Sections 9601, et seq.

Hazardous Waste Mitigation Act, Sections 19-6-301 et seq.

Utah Solid and Hazardous Waste Act, Sections 19-6-101 et seq.

B. Notification and Interim Action

1. Notification - A person who spills or discharges any oil or other substance which may cause pollution of ground waters in violation of Section 19-5-107 shall notify the Executive Secretary within 24 hours of the spill or discharge. A written notification shall be submitted to the Executive Secretary within five days after the spill or discharge.

2. Interim Actions - A person is encouraged to take immediate, interim action without following the steps outlined in R317-6-6.15 if such action is required to control a source of pollutants. Interim action is also encouraged if required to protect public safety, public health and welfare and the environment, or to prevent further contamination that would result in costlier clean-up. Such interim actions should include source abatement and control, neutralization, or other actions as appropriate. A person that has taken these actions shall remain subject to R317-6-6.15 after the interim actions are completed unless he demonstrates that:

a. no pollutants have been discharged into ground water in violation of 19-5-107; and

b. no wastes remain in a location where there is probable cause to believe they will cause pollution of ground water in violation of 19-5-107.

C. Contamination Investigation and Corrective Action Plan - General

1. The Executive Secretary may require a person that is subject to R317-6-6.15 to submit for the Executive Secretary's approval a Contamination Investigation and Corrective Action Plan, and may require implementation of an approved Corrective Action Plan. A person subject to this rule who has been notified that the Executive Secretary is exercising his or her authority under R317-6-6.15 to require submission of a Contamination Investigation and Corrective Action Plan, shall, within 30 days of that notification, submit to the Executive Secretary a proposed schedule for those submissions, which may include different deadlines for different elements of the Investigation and Plan. The Executive Secretary may accept, reject, or modify the proposed schedule.

2. The Contamination Investigation or the Corrective Action Plan may, in order to meet the requirements of this Part, incorporate by reference information already provided to the Executive Secretary in the Contingency Plan or other document.

3. The requirements for a Contamination Investigation and a Corrective Action Plan specified in R317-6-6.15.D are comprehensive. The requirements are intended to be applied with flexibility, and persons subject to this rule are encouraged to contact the Executive Secretary's staff to assure its efficient application on a site-specific basis.

4. The Executive Secretary may waive any or all Contamination Investigation and Corrective Action Plan requirements where the person subject to this rule demonstrates that the information that would otherwise be required is not necessary to the Executive Secretary's evaluation of the Contamination Investigation or Corrective Action Plan. Requests for waiver shall be submitted to the Executive Secretary as part of the Contamination Investigation or Corrective Action Plan, or may be submitted in advance of those reports.

D. Contamination Investigation and Corrective Action Plan - Requirements

1. Contamination Investigation - The contamination investigation shall include a characterization of pollution, a characterization of the facility, a data report, and, if the Corrective Action Plan proposes standards under R317-6-6.15.F.2. or Alternate Corrective Action Concentration Limits higher than the ground water quality standards, an endangerment assessment.

a. The characterization of pollution shall include a description of:

(1) The amount, form, concentration, toxicity, environmental fate and transport, and other significant characteristics of substances present, for both ground water contaminants and any contributing surficial contaminants;

(2) The areal and vertical extent of the contaminant concentration, distribution and chemical make-up; and

(3) The extent to which contaminant substances have migrated and are expected to migrate.

b. The characterization of the facility shall include descriptions of:

(1) Contaminant substance mixtures present and media of occurrence;

(2) Hydrogeologic conditions underlying and, upgradient and downgradient of the facility;

(3) Surface waters in the area;

(4) Climatologic and meteorologic conditions in the area of the facility; and

(5) Type, location and description of possible sources of the pollution at the facility;

(6) Groundwater withdrawals, pumpage rates, and usage within a 2-mile radius.

c. The report of data used and data gaps shall include:

(1) Data packages including quality assurance and quality control reports;

(2) A description of the data used in the report; and

(3) A description of any data gaps encountered, how those gaps affect the analysis and any plans to fill those gaps.

d. The endangerment assessment shall include descriptions of any risk evaluation necessary to support a proposal for a standard under R317-6-6.15.F.2 or for an Alternate Corrective Action Concentration Limit.

e. The Contamination Investigation shall include such other information as the Executive Secretary requires.

2. Proposed Corrective Action Plan

The proposed Corrective Action Plan shall include an explanation of the construction and operation of the proposed Corrective Action, addressing the factors to be considered by the Executive Secretary as specified in R317-6-6.15.E. and shall include such other information as the Executive Secretary requires. It shall also include a proposed schedule for completion.

E. Approval of the Corrective Action Plan

After public notice in a newspaper in the affected area and a 30-day period for opportunity for public review and comment, the Executive Secretary shall issue an order approving, disapproving, or modifying the proposed Corrective Action Plan. The Executive Secretary shall consider the following factors and criteria in making that decision:

1. Completeness and Accuracy of Corrective Action Plan.

The Executive Secretary shall consider the completeness and accuracy of the Corrective Action Plan and of the information upon which it relies.

2. Action Protective of Public Health and the Environment

a. The Corrective Action shall be protective of the public health and the environment.

b. Impacts as a result of any off-site activities shall be considered under this criterion (e.g., the transport and disposition of contaminated materials at an off-site facility).

3. Action Meets Concentration Limits

The Corrective Action shall meet Corrective Action Concentration Limits specified in R317-6-6.15.F, except as provided in R317-6-6.15.G.

4. Action Produces a Permanent Effect

a. The Corrective Action shall produce a permanent effect.

b. If the Corrective Action Plan provides that any potential sources of pollutants are to be controlled in place, any cap or other method of source control shall be designed so that the discharge from the source following corrective action achieves ground water quality standards or, if approved by the Board, alternate corrective action concentration limits (ACACLs). For purposes of this paragraph, sources of pollutants are controlled "in place" even though they are moved within the facility boundaries provided that they are not moved to areas with unaffected ground water.

5. Action May Use Other Additional Measures

The Executive Secretary may consider whether additional measures should be included in the Plan to better assure that the criteria and factors specified in R317-6-6.15.E are met. Such measures may include:

a. Requiring long-term ground water or other monitoring;

b. Providing environmental hazard notices or other security measures;

c. Capping of sources of ground water contamination to avoid infiltration of precipitation;

d. Requiring long-term operation and maintenance of all portions of the Corrective Action; and

e. Periodic review to determine whether the Corrective Action is protective of public health and the environment.

F. Corrective Action Concentration Limits

1. Contaminants with specified levels

Corrective Actions shall achieve ground water quality standards or, where applicable, alternate corrective action concentration limits (ACACLs).

2. Contaminants without specified levels

For contaminants for which no ground water quality standard has been established, the proposed Corrective Action Plan shall include proposed Corrective Action Concentration Limits. These levels shall be approved, disapproved or modified by the Executive Secretary after considering U.S. Environmental Protection Agency maximum contaminant level goals, health advisories, risk-based contaminant levels or standards established by other regulatory agencies and other relevant information.

G. Alternate Corrective Action Concentration Limits

An Alternate Corrective Action Concentration Limit that is higher or lower than the Corrective Action Concentration Limits specified in R317-6-6.15.F may be required as provided in the following:

1. Higher Alternate Corrective Action Concentration Limits

A person submitting a proposed Corrective Action Plan may request approval by the Board of an Alternate Corrective Action Concentration Limit higher than the Corrective Action Concentration Limit specified in R317-6-6.15.F. The proposed limit shall be protective of human health, and the environment, and shall utilize best available technology. The Corrective Action Plan shall include the following information in support of this request:

a. The potential for release and migration of any contaminant substances or treatment residuals that might remain after Corrective Action in concentrations higher than Corrective Action Concentration Limits;

b. An evaluation of residual risks, in terms of amounts and concentrations of contaminant substances remaining following implementation of the Corrective Action options evaluated, including consideration of the persistence, toxicity, mobility, and propensity to bioaccumulate such contaminants substances and their constituents; and

c. Any other information necessary to determine whether the conditions of R317-6-6.15.G have been met.

2. Lower Alternate Corrective Action Concentration Limits

The Board may require use of an Alternate Corrective Action Concentration Limit that is lower than the Corrective Action Concentration Limit specified in R317-6-6.15.F if necessary to protect human health or the environment. Any person requesting that the Board consider requiring a lower Alternate Corrective Action Concentration Limit shall provide supporting information as described in R317-6-6.15.G.3.

3. Protective of human health and the environment

The Alternate Corrective Action Concentration Limit must be protective of human health and the environment. In making this determination, the Board may consider:

a. Information presented in the Contamination Investigation;

b. Other relevant cleanup or health standards, criteria, or guidance;

c. Relevant and reasonably available scientific information;

d. Any additional information relevant to the protectiveness of a Corrective Action; and

e. The impact of additional proposed measures, such as those described in R317-6-6.15.E.5.

4. Good cause

An Alternate Corrective Action Concentration Limit shall not be granted without good cause.

a. The Board may consider the factors specified in R317-6-6.15.E in determining whether there is good cause.

b. The Board may also consider whether the proposed remedy is cost-effective in determining whether there is good cause. Costs that may be considered include but are not limited to:

(1) Capital costs;

(2) Operation and maintenance costs;

(3) Costs of periodic reviews, where required;

(4) Net present value of capital and operation and maintenance costs;

(5) Potential future remedial action costs; and

(6) Loss of resource value.

5. Conservative

An Alternate Corrective Action Concentration Limit that is higher than the Corrective Action Concentration Limits specified in

R317-6-6.15.F must be conservative. The Board may consider the concentration level that can be achieved using best available technology if attainment of the Corrective Action Concentration Limit is not technologically achievable.

6. Relation to background and existing conditions

a. The Board may consider the relationship between the Corrective Action Concentration Limits and background concentration limits in considering whether an Alternate Corrective Action Concentration Limit is appropriate.

b. No Alternate Corrective Action Concentration Limit higher than existing ground water contamination levels or ground water contamination levels projected to result from existing conditions will be granted.

6.16 OUT-OF-COMPLIANCE STATUS

A. Accelerated Monitoring for Probable Out-of-Compliance Status

If the [~~concentration~~]value of a single analysis of a pollutant concentration in any compliance monitoring sample exceeds an applicable permit limit, the facility shall:

1. Notify the Executive Secretary in writing within 30 days of receipt of data;

2. [~~Initiate~~]Immediately initiate monthly sampling if the value exceeds both the background concentration of the pollutant by two standard deviations and an applicable permit limit, unless the Executive Secretary determines that other periodic sampling is appropriate, for a period of two months or until the compliance status of the facility can be determined.

B. Violation of Permit Limits

Out-of-compliance status exists when:

1. The value for two consecutive samples from a compliance monitoring point exceeds:

a. one or more permit limits; and

b. the [~~mean ground water pollutant~~]background concentration for that pollutant by two standard deviations (the standard deviation and mean being calculated using values for the ground water pollutant at that compliance monitoring point); or

2. the concentration value of any pollutant in two or more consecutive samples is statistically significantly higher than the applicable permit limit. The statistical significance shall be determined using the statistical methods described in Statistical Methods for Evaluating Ground Water Monitoring Data from Hazardous Waste Facilities, Vol. 53, No. 196 of the Federal Register, Oct. 11, 1988 and supplemental guidance in Guidance For Data Quality Assessment (EPA/600/R-96/084 January 1998).

C. Failure to Maintain Best Available Technology Required by Permit

1. Permittee to Provide Information

In the event that the permittee fails to maintain best available technology or otherwise fails to meet best available technology standards as required by the permit, the permittee shall submit to the Executive Secretary a notification and description of the failure according to R317-6-6.13. Notification shall be given orally within 24 hours of the permittee's discovery of the failure of best available technology, and shall be followed up by written notification, including the information necessary to make a determination under R317-6-6.16.C.2, within five days of the permittee's discovery of the failure of best available technology.

2. Executive Secretary

The Executive Secretary shall use the information provided under R317-6-6.16.C.1 and any additional information provided by the permittee to determine whether to initiate a compliance action against the permittee for violation of permit conditions. The Executive Secretary shall not initiate a compliance action if the Executive Secretary determines that the permittee has met the standards for an affirmative defense, as specified in R317-6-6.16.C.3.

3. Affirmative Defense

In the event a compliance action is initiated against the permittee for violation of permit conditions relating to best available technology, the permittee may affirmatively defend against that action by demonstrating the following:

a. The permittee submitted notification according to R317-6-6.13;

b. The failure was not intentional or caused by the permittee's negligence, either in action or in failure to act;

c. The permittee has taken adequate measures to meet permit conditions in a timely manner or has submitted to the Executive Secretary, for the Executive Secretary's approval, an adequate plan and schedule for meeting permit conditions; and

d. The provisions of 19-5-107 have not been violated.

6.17 PROCEDURE WHEN A FACILITY IS OUT-OF-COMPLIANCE

A. If a facility is out of compliance the following is required:

1. The permittee shall notify the Executive Secretary of the out of compliance status within 24 hours after detection of that status, followed by a written notice within 5 days of the detection.

2. The permittee shall initiate monthly sampling, unless the Executive Secretary determines that other periodic sampling is appropriate, until the facility is brought into compliance.

3. The permittee shall prepare and submit within 30 days to the Executive Secretary a plan and time schedule for assessment of the source, extent and potential dispersion of the contamination, and an evaluation of potential remedial action to restore and maintain ground water quality and insure that permit limits will not be exceeded at the compliance monitoring point and best available technology will be reestablished.

4. The Executive Secretary may require immediate implementation of the contingency plan submitted with the original ground water discharge permit in order to regain and maintain compliance with the permit limit standards at the compliance monitoring point or to reestablish best available technology as defined in the permit.

5. Where it is infeasible to re-establish BAT as defined in the permit, the permittee may propose an alternative BAT for approval by the Executive Secretary.

6.18 GROUND WATER DISCHARGE PERMIT TRANSFER

A. The permittee shall give written notice to the Executive Secretary of any transfer of the ground water discharge permit, within 30 days of the transfer.

B. The notice shall include a written agreement between the existing and new permittee establishing a specific date for transfer of permit responsibility, coverage and liability.

6.19 ENFORCEMENT

These rules are subject to enforcement under Section 19-5-115 of the Utah Water Quality Act.

6.20 HEARING AND APPEALS

A. Any person may request a hearing before the Board who:

1. is denied a permit by rule by the Executive Secretary under R317-6-6.2;

2. objects to a discharge limit established by the Executive Secretary;

3. objects to conditions or limitations proposed or established by the Executive Secretary in the ground water discharge permit; or

4. objects to monitoring, sampling, information, or other requests or requirements made by the Executive Secretary;

5. objects to denial by the Executive Secretary of a proposed Corrective Action Plan under R317-6-6.15; or

6. objects to conditions proposed or established by the Executive Secretary in a Corrective Action Plan under R317-6-6.15.

B. Any person who is denied a permit or whose permit is proposed to be terminated or revoked by the Executive Secretary may appeal that decision to the Executive Director of the Department of Environmental Quality pursuant to Section 19-5-112(2).

C. Hearings under R317-6 will be conducted using the Utah Administrative Procedures Act, Title 63, Chapter 46b.

KEY: water quality, ground water
[~~March 20, 1995~~]2001 19-5
Notice of Continuation December 12, 1997

Health, Community and Family Health Services, Children with Special Health Care Needs

R398-2

Newborn Hearing Screening

NOTICE OF PROPOSED RULE
(Amendment)
DAR FILE NO.: 23860
FILED: 06/26/2001, 14:26
RECEIVED BY: NL

RULE ANALYSIS

PURPOSE OF THE RULE OR REASON FOR THE CHANGE: To require reporting diagnostic test results, in addition to reporting screening results, to the State, and to make Utah screening age consistent with national recommendations.

SUMMARY OF THE RULE OR CHANGE: In Subsection R398-2-4(6) the change requires that a parent must have an infant's hearing screened, according to Department protocols, by the time the infant is one month of age if the designated screening person from the institution where the baby in born is not present at the birth. In Subsection R398-2-6(3) added that an audiological diagnostic assessment can be done and the results also need to go to the Department.

STATE STATUTORY OR CONSTITUTIONAL AUTHORIZATION FOR THIS RULE: Section 26-10-6

ANTICIPATED COST OR SAVINGS TO:

❖THE STATE BUDGET: Effects on the state budget are minimal and will be covered with existing appropriations.

❖LOCAL GOVERNMENTS: This rule does not affect local governments, therefore, they should not experience any costs.

❖OTHER PERSONS: Postage for one additional report mailing per diagnostic evaluation by audiologists. This is about 350 reports annually for the entire state. Assuming $2 postage and handling for each report, the aggregate state costs are estimated to be $700.

COMPLIANCE COSTS FOR AFFECTED PERSONS: Persons who conduct hearing screening or audiological diagnostic assessments will be required to mail one additional copy of their report to the Department. There are 27 agencies that conduct this testing. The average cost to each is approximately $26.

COMMENTS BY THE DEPARTMENT HEAD ON THE FISCAL IMPACT THE RULE MAY HAVE ON BUSINESSES: Early intervention and habilitation of hearing impaired infants is expected to result in significant special education cost savings as well as improved educational, vocational, and social development in these children. The small predicted cost of $26 for the 27 agencies involved in this specialized testing is appropriate to obtain this benefit. Rod L. Betit

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

Health
Community and Family Health Services,
Children with Special Health Care Needs
44 North Medical Dr.
PO Box 144620
Salt Lake City, UT 84114-4620, or
at the Division of Administrative Rules.

DIRECT QUESTIONS REGARDING THIS RULE TO:
Thomas M. Mahoney, Ph.D. at the above address, by phone at (801) 584-8215 or (801) 584-8222, by FAX at (801) 584-8492, or by Internet E-mail at tmahoney@doh.state.ut.us.

INTERESTED PERSONS MAY PRESENT THEIR VIEWS ON THIS RULE BY SUBMITTING WRITTEN COMMENTS TO THE ADDRESS ABOVE NO LATER THAN 5:00 P.M. ON 08/14/2001.

THIS RULE MAY BECOME EFFECTIVE ON: 08/15/2001

AUTHORIZED BY: Rod L. Betit, Executive Director

R398. Health, Community and Family Health Services, Children with Special Health Care Needs.
R398-2. Newborn Hearing Screening.
R398-2-4. Responsibility for Screening.

(1) Each institution shall designate a person to be responsible for the newborn hearing screening program in that institution.

(2) An audiologist who is licensed by the State of Utah shall oversee each newborn hearing screening program. This audiologist may be full or part time, on or off site, an employee of the institution, or under contract or other arrangement that allows him/her to oversee the newborn hearing screening program. This audiologist shall advise the institution about all aspects of the newborn hearing screening program, including screening, tracking, follow-up, and referral for diagnosis.

(3) Beginning July 1, 1998, if the newborn is born in an institution with 100 or more births annually, and beginning July 1, 1999, if the newborn is born in an institution with less than 100 births annually, the institution must provide hearing screening services as required by this rule prior to discharge, unless the infant is transferred to another institution before screening is completed.

(4) Beginning July 1, 1998, if the newborn is transferred to another institution before screening is completed, the receiving institution must provide hearing screening services as required by this rule prior to discharge.

(5) Beginning July 1, 1999, if the newborn is born outside of an institution, the person in attendance at the birth must arrange for the infant's hearing screening as required by this rule.

(6) Beginning July 1, 1999, if there is no person in attendance at the birth, a parent must have the infant's hearing screened, according to Department protocols, by the time the infant is [~~three~~]one month[~~s~~] of age.

(7) Newborn hearing screening shall be performed by a person who is appropriately trained and supervised, according to rules as may be established by the Newborn Hearing Screening Committee.

R398-2-6. Reporting to Utah Department of Health.

(1) All institutions or persons in attendance at births shall submit information to the Department about the newborn hearing screening procedures being used, the results of the screening, and other information necessary to ensure timely referral where necessary. This information shall be provided to the Department at least monthly. This information shall include:

(a) for each live birth, identifying information for the baby and the hearing screening status, e.g., passed, referred, refused, missed, transferred;

(b) for babies who did not pass the newborn hearing screening or who were not screened, the mother's name, address, telephone number if known, and primary care provider;

(c) any information the institution or practitioner has about the results of follow-up screening or diagnostic procedures, including whether the infant has been "lost to follow-up."

(2) All institutions or persons in attendance at births shall submit information to the Department a summary of the procedures used by the institution or screening program to do newborn hearing screening, including the name of the program director, equipment, screening protocols, referral criteria, and parent education materials. This information shall be provided to the Utah Department of Health bi-annually and within 30 days of any changes to the existing procedures.

(3) Persons who conduct any procedure necessary to complete an infant's hearing screening or audiological diagnostic assessment as a result of a referral from an institution or primary care provider, shall report the results of these procedures to the institution where the infant was born and to the Department.

(4) The Utah Department of Health shall have access to infant's medical records to obtain information necessary to ensure the provision of timely and appropriate follow-up diagnostic and intervention services.

KEY: newborn screening
[~~September 11, 1998~~]2001 **26-10-6**

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Health, Epidemiology and Laboratory Services, Laboratory Improvement

R444-14

Rule for the Certification of Environmental Laboratories

NOTICE OF PROPOSED RULE
(Amendment)
DAR FILE NO.: 23865
FILED: 06/28/2001, 13:56
RECEIVED BY: NL

RULE ANALYSIS

PURPOSE OF THE RULE OR REASON FOR THE CHANGE: This amendment will incorporate the major technical parts of the National Environmental Laboratory Conference standards into the state rule. With the incorporation, all incompatibilities between the state rule and national standards are eliminated and the state program remains eligible to be a National Environmental Laboratory Accreditation Program (NELAP) accrediting authority.

SUMMARY OF THE RULE OR CHANGE: This amendment incorporates the latest National Environmental Laboratory Conference standards 2001 by reference. With this amendment the major technical parts of the national standard become part of the State rule and eliminate the incompatibilities found in the existing rule.

STATE STATUTORY OR CONSTITUTIONAL AUTHORIZATION FOR THIS RULE: Subsection 26-1-30(2)(m)

THIS RULE OR CHANGE INCORPORATES BY REFERENCE THE FOLLOWING MATERIAL: 40 CFR 136, 141, 142, and 261 (July 1992-2001); and National Environmental Laboratory Conference standards 2001

ANTICIPATED COST OR SAVINGS TO:
❖THE STATE BUDGET: There will be no impact on the state budget. This amendment does not change the process for certification.
❖LOCAL GOVERNMENTS: There will be no change in costs. This amendment does not change the process for certification.
❖OTHER PERSONS: There will be no change in costs. This amendment does not change the process for certification.

COMPLIANCE COSTS FOR AFFECTED PERSONS: The compliance cost will not change with the incorporation of the national standards.

COMMENTS BY THE DEPARTMENT HEAD ON THE FISCAL IMPACT THE RULE MAY HAVE ON BUSINESSES: With the incorporation of these updated national standards, the laboratory operated by the Utah Department of Health will be able to certify other labs in the state. This will allow other states to accept the work of these labs without expensive site visits. No cost to regulated businesses is anticipated as a result of this rule change. Rod L. Betit

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

Health
Epidemiology and Laboratory Services,
Laboratory Improvement
Room 1087, CSHCN Building
46 North Medical Drive
Salt Lake City, UT 84113-1105, or
at the Division of Administrative Rules.

DIRECT QUESTIONS REGARDING THIS RULE TO:
David Mendenhall at the above address, by phone at (801) 584-8470, by FAX at (801) 584-8501, or by Internet E-mail at dmendenh@doh.state.ut.us.

INTERESTED PERSONS MAY PRESENT THEIR VIEWS ON THIS RULE BY SUBMITTING WRITTEN COMMENTS TO THE ADDRESS ABOVE NO LATER THAN 5:00 P.M. ON 08/14/2001; OR ATTENDING A PUBLIC HEARING SCHEDULED FOR 07/30/2001, 2:00 p.m., 44 Medical Drive (CSHCN Building), Salt Lake City UT.

THIS RULE MAY BECOME EFFECTIVE ON: 08/15/2001

AUTHORIZED BY: Rod L. Betit, Executive Director

R444. Health, Epidemiology and Laboratory Services, Laboratory Improvement.
R444-14. Rule for the Certification of Environmental Laboratories.

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R444-14-2. Definitions.

(1) [~~"Accuracy" means the degree of agreement between an observed value and an accepted reference value.~~

~~(2)~~]"Analyte" means the substance or thing for which a sample is analyzed to determine its presence or quantity.

(2[~~3~~]) "Approved" means the determination by the department that a certified laboratory may analyze for an analyte or interdependent analyte group under this rule.[

~~(4) "Assessment" means the process of inspecting, testing and documenting findings for purposes of certification or to determine compliance with this rule.~~

~~(5) "Batch" means a group of analytical samples of the same matrix processed together, including extraction, digestion, concentration and the application of the analytic method, using the same process, personnel, and lot(s) of reagents.~~

~~(6) "Certification officer" means a representative of the department who conducts assessments. This representative may be a third party contractor who conducts assessments and acts under the authority of the department.~~]

(3[~~7~~]) "Clean Water Act" means U.S. Public Law 92-500, as amended, governing water pollution control programs.[

~~(8) "Contamination" means the effect caused by the introduction of the target analyte from an outside source into the test system.~~

~~(9) "Deny" means to totally or partially refuse to certify a laboratory.~~]

(4[~~10~~]) "Department" means the Utah Department of Health.[

~~(11) "Equipment blank" means sample that is known not to contain the target analyte and that is used to check the cleanliness of sampling devices, collected in a sample container from a clean sample-collection device and returned to the laboratory as a sample.~~

~~(12) "Field blank" means a sample that is known not to contain the target analyte and that is used to check for analytical artifacts or contamination introduced by sampling and analytical procedures, carried to the sampling site, exposed to sampling conditions and returned to the laboratory and treated as an environmental sample.~~

~~(13) "Holding time" means the maximum time that a sample may be held prior to preparation or analysis.~~]

(5[~~14~~]) "Interdependent analyte group" means a group of analytes, as determined by the department, for which the ability to correctly identify and quantify a single analyte in the group indicates the ability to correctly identify and quantify other analytes in the group.[

~~(15) "Initial demonstration of analytical capability" means the procedure described in the method 40 CFR Part 136, Appendix A, used to determine a laboratory's accuracy and precision in applying an analytical method.~~

~~(16) "Instrument blank" means a sample that is known not to contain the target analyte, processed through the instrumental steps of the measurement process used to determine the absence of instrument contamination for the determinative method.~~

~~(17) "Interference" means the effect on the final result caused by the sample matrix.~~

~~(18) "Key personnel" means the technical director, and laboratory quality assurance officer, all of whom meet the qualification requirements of this rule.~~

~~(19) "Matrix" means a surrounding substance within which something originates, develops, or is contained, such as: drinking water, saline/estuarine water, aqueous substance other than drinking water or saline/estuarine water, non-aqueous liquid, biological tissue, solids, soils, chemical waste, and air.~~

~~(20) "Matrix spike" means a sample prepared to determine the effect of the matrix on a method's recovery efficiency by adding a known amount of the target analyte to a specified amount of matrix sample for which an independent estimate of the target analyte concentration is available.~~

~~(21) "Method detection limit" means the minimum concentration of a substance that can be measured and reported with 99% confidence that the analyte concentration is greater than, zero as determined from analysis of a sample containing the analyte in a given~~

~~matrix as described in 40 CFR Part 136, Appendix B, 1 July 1995 edition.~~

~~(22) "Precision" means the degree to which a set of observations or measurements of the same property, usually obtained under similar conditions, conform to themselves. Precision is usually expressed as standard deviation, variance or range, in either absolute or relative terms.~~

~~(23) "Preservation" means the temperature control or the addition of a substance to maintain the chemical or biological integrity of the target analyte.~~

~~(24) "Proficiency testing audit" means the event, including the receiving, analyzing, and reporting of results from a set of samples that a proficiency testing provider sends to a laboratory, for the laboratory to comply with the proficiency testing requirements of this rule.~~

~~(25) "Proficiency testing program" means a program that meets the National Environmental Laboratory Accreditation Conference(NELAC) proficiency testing standards and that is provided by a National Environmental Laboratory Accreditation Program(NELAP)-authorized proficiency testing provider or a program that is provided by the EPA as part of its WS and WP audits.~~]

([~~2~~]6[-]) "Revoke" means to withdraw a certified laboratory's certification or the approval for a certified laboratory to perform one or more specified methods.

([~~2~~]7) "Resource Conservation and Recovery Act" means U.S. Public Law 94-580, as amended, governing solid and hazardous waste programs.

([~~2~~]8) "Safe Drinking Water Act" means U.S. Public Law 93-523 94-580, as amended, governing drinking water programs.[

~~(29) "Selectivity" means the capability of a method or instrument to respond to the target analyte in the presence of other substances or things.~~

~~(30) "Sensitivity" means the capability of a method or instrument to discriminate between measurement responses representing different levels of a target analyte.~~

~~(31) "Standard operating procedures (SOPs)" means a written document which details the steps of an operation, analysis or action whose techniques and procedures are thoroughly prescribed and is accepted as the procedure for performing certain routine or repetitive tasks.~~

~~(32) "Surrogate" means a substance which is unlikely to be found in the environment and which has properties that mimic the target analyte and that is added to a sample to check for quality control.~~

~~(33) "Suspend" means to temporarily remove a laboratory's certification or the approval for a certified laboratory to perform one or more specified methods for a defined period not to exceed six months.~~

~~(34) "Target analyte" means the analyte that a test is designed to detect or quantify.~~

~~(35) "Technical employee" means a designated individual who performs the analytical method and associated techniques.~~

~~(36) "Trip blank" means a sample known not to contain the target analyte that is carried to the sampling site and transported to the laboratory for analysis without having been exposed to sampling procedures.~~]

R444-14-3. Laboratory Certification.

(1) A laboratory is the organization and facilities established for testing samples.

(2) A laboratory that conducts tests that are required by Department of Environmental Quality rules to be conducted by a certified laboratory must be certified under this rule.

(3) To become certified, to renew certification, or to become recertified under this rule, a laboratory must adhere to the requirements found in Chapter 4, "Accreditation Process", of the National Environmental Laboratory Accreditation Conference Standards approved May 2001, which are incorporated by reference.[~~:~~

~~(a) submit a completed application to the Division of Epidemiology and Laboratory Services, Bureau of Laboratory Improvement, on forms provided by the department; the application shall include:~~

~~(i) the legal name of the laboratory;~~

~~(ii) the name of the laboratory owner;~~

~~(iii) the laboratory mailing address;~~

~~(iv) the full address of location of the laboratory;~~

~~(v) the laboratory hours of operation;~~

~~(vi) a description of qualifications of key personnel and technical employees;~~

~~(vii) the name and day-time phone number of the laboratory director;~~

~~(viii) the name and day-time phone number of the quality assurance officer;~~

~~(ix) the name and day-time phone number of the laboratory contact person;~~

~~(x) an indication of class of laboratory for which the laboratory is applying for certification under this rule; and~~

~~(xi) the laboratory's quality assurance plan and documentation of the laboratory's implementation and adherence to the quality assurance plan.~~

~~(b) be enrolled in a proficiency testing program;~~

~~(c) apply for approval to analyze at least one analyte or interdependent analyte group by a method the department may approve under this rule; and~~

~~(d) pay all fees prior to the department's processing of the application.~~

~~(e) submit a statement of assurance of compliance signed and dated by the laboratory owner, director, and quality assurance officer, which shall include:~~

~~(i) an acknowledgment that the applicant understands that, once certified, the laboratory must continually comply with this rule and shall be subject to the penalties provided in this rule for failure to maintain compliance;~~

~~(ii) an acknowledgment that the department may make unannounced assessments and that a refusal to allow entry by the department's representatives is grounds for denial or revocation of certification;~~

~~(iii) a statement that the applicant laboratory will perform all proficiency testing audits according to the accepted method and in accordance with department requirements; and~~

~~(iv) a statement that there is no misrepresentation in the information provided in the application.~~

~~(4) Upon satisfaction of the requirements of subsection (4):~~

~~(a) the department shall conduct an on-site assessment at a date and time agreed to by the laboratory director to determine whether the~~

laboratory complies with the minimum requirements of this rule and that the laboratory can produce valid results;

(b) the department shall provide the laboratory director a written report of the department's findings from the on-site assessment; and

(c) if the department determines that the laboratory does not meet the requirements for certification, the laboratory shall develop and submit a plan of correction acceptable to the department.

(5) The department shall issue a final decision and letter upon a satisfactory on-site assessment or within 30 days of acceptance of the plan or portions of a plan of correction. The letter shall state whether the laboratory is certified or not certified. It shall also state the approval status of the analyte or interdependent analyte group for which the laboratory applied for approval. The department may certify a laboratory for up to one year.

(6) A certification expires at the expiration date listed on the certificate, unless otherwise revoked. To avoid a lapse in certification, a laboratory must submit a completed application for renewal and the required fees for certification at least three months prior to the expiration of the certificate.]

[**R444-14-4. Method Approval.**

(1) An applicant laboratory must request approval to analyze for an analyte or interdependent analyte group as part of its application for certification or renewal of certification. Approval to analyze for an analyte or interdependent analyte group upon application for certification or renewal of certification may be granted only after an on-site assessment. The applicant laboratory shall submit:

(a) documentation that it has the necessary equipment and trained technical employees to perform the tests;

(b) documentation that the laboratory has passed two proficiency testing audits for the analyte in question in a proficiency testing program;

(c) its standard operating procedure for the method used to analyze for the analyte in question;

(d) documentation of its initial demonstration of analytical capability; and

(e) documentation establishing the laboratory's method detection limit for the analyte.

(2) At a time other than at application for certification or renewal of certification, a certified laboratory may request approval to analyze for an additional analyte or interdependent analyte group by submitting a written request together with the documentation required in subsection (1).

(3) If the department is satisfied from its assessment that the applicant laboratory can produce valid results, it shall grant approval for the analyte or interdependent analyte group by a specific method.

(4) The department shall not grant approval to a laboratory that does not certify under this rule.

R444-14-5. Change in Name or Ownership.

(1) A certified laboratory that changes its name, business organizational status, or ownership must report the change in writing to the department within 30 days of the change.

(2) A certified laboratory that assumes a new business organizational status or ownership must maintain all the records required under this rule that the certified laboratory was required to maintain prior to the change in status or ownership.

R444-14-6. Access and Sample Testing.

(1) Applicants and certified laboratories shall allow department representatives access to the laboratory facility and records during laboratory operating hours to determine initial or continued compliance with this rule.

(2) The department may submit samples to applicant and certified laboratories in a manner that the applicant or certified laboratory is unaware of the expected values of the analytes in the samples.

R444-14-7. Quality Assurance.

(1) A certified laboratory must develop and implement a quality assurance program that is an integrated system of activities involving planning, quality control, quality assessment, reporting and quality improvement to ensure that its services meet its standards of quality with its stated level of confidence.

(2) The quality assurance program must meet the type and volume of testing activities the certified laboratory undertakes. The quality assurance program must include a quality assurance plan and the documentation of the quality assurance activities.

(3) As part of its quality assurance program, each certified laboratory must develop and adhere to a quality assurance plan. The quality assurance plan must be a written document and may incorporate other documents by reference. All technical employees must have easy access to the quality assurance plan. The certified laboratory must include and address the following essential items in the quality assurance plan:

(a) General quality control procedures;

(b) Frequency of proficiency testing;

(c) Proficiency testing audit handling;

(d) Reporting of proficiency testing results;

(e) Evaluation of staff competency;

(f) Staff training;

(g) Equipment operation and calibration;

(h) Analytical methods and SOPs;

(i) Physical facility factors that may affect quality;

(j) Sample acceptance policies and sample receipt policies;

(k) Sample tracking;

(l) Record keeping, quality assurance review of data, and reporting of results;

(m) Corrective action policy and procedures;

(n) Definitions of terms;

(o) Frequency and procedure of quality reviews and the content of reports to the director; and

(p) Frequency, procedure, and documentation of preventive maintenance.

(4) As part of the quality assurance program, the certified laboratory must document and retain records demonstrating compliance with its quality assurance program.

R444-14-8. Personnel Requirements and Responsibilities.

(1) A certified laboratory must:

(a) have a laboratory director who meets the qualification requirements of this section;

(b) have a laboratory quality assurance officer who meets the qualification requirements of this section, who may also serve as the laboratory director;

(c) specify and document the responsibility, authority, and interrelation of all personnel who manage, perform or verify work affecting the quality of testing;

(d) have sufficient technical employees with the educational background and training necessary to perform all tests which the certified laboratory is approved to perform;

(e) adequately supervise its technical employees to assure quality test results;

(f) have a job a description for all key personnel and technical employees;

(g) maintain documentation of the qualifications of all key personnel;

(h) maintain a record of training for all key personnel and technical employees; and

(i) document and clearly describe the lines of responsibility of all key personnel and technical employees.

(2) The technical director is responsible for the administrative oversight and overall operation of the certified laboratory and must:

(a) define minimum qualifications, experience, and skills necessary for all technical employees;

(b) ensure and document through an annual competency check that each technical employee demonstrates initial and ongoing proficiency for the tests performed by the technical employee; and

(c) supervise the quality assurance officer and ensure the production and quality of all results reported by the certified laboratory.

(3) An individual may be the technical director of one certified laboratory.

(4) A technical director of a laboratory must have a bachelor's degree in the biological, chemical, or physical sciences, plus two years work experience in a certified laboratory or in a laboratory that the prospective technical director demonstrates to the department as one that substantially meets equivalent quality standards for a certified laboratory.

(5) The technical director is responsible for the day-to-day operation of the certified laboratory and:

(a) must supervise all technical employees of the certified laboratory;

(b) must assure that all samples are accepted in accordance with the requirement of this rule; and

(c) is responsible for the production and quality of all data reported by the certified laboratory.

(6) A quality assurance officer must:

(a) have documented training or experience in quality assurance procedures and be knowledgeable in the quality assurance requirements of this rule;

(b) have a knowledge of the approved methods the certified laboratory uses in order to allow him to verify that the certified laboratory is following the approved methods;

(c) not analyze samples as part of the regular analyses performed by the certified laboratory;

(d) have direct access to the highest level of management at which decisions are taken on laboratory policy and resources, and to the technical director;

(e) serve as the focal point for quality assurance and oversee and review quality control data;

(f) objectively evaluate data and objectively perform assessments;

(g) oversee all aspects of sample handling, testing, report collation and distribution with the purpose of the production of high quality results; and

(h) conduct or oversee and be responsible for an annual review of the entire technical operation of the certified laboratory.

(7) One individual may be the quality assurance officer of up to three certified laboratories.

R444-14-9. Physical Facilities.

(1) A certified laboratory must occupy physical facilities that have suitable space, energy sources, lighting, heating and ventilation to allow for proper performance of the testing.

(2) A certified laboratory must maintain the physical facilities to permit the production of quality results. The certified laboratory must assure that contamination is unlikely, and must control variables that might adversely affect test results, such as: temperature; humidity; electrical power; vibration; electromagnetic fields; dust; direct sunlight; ventilation; and lighting.

(3) A certified laboratory must make available to technical employees an unencumbered work area to ensure that adequate working conditions are available for the tests.

(4) A certified laboratory must:

(a) control access to the laboratory;

(b) separate incompatible tests, analyses, procedures, materials, and the like; and

(c) have separate sample receipt, sample storage, chemical storage, waste storage, and data handling and storage areas.

R444-14-10. Equipment and Reference Materials.

(1) A certified laboratory must have on-site all equipment and apparatus, reagents, reference materials, and glassware necessary for the tests it performs. All equipment used to analyze samples must be in good working order.

(2) A certified laboratory must have SOPs on the use, operation, and maintenance of all equipment necessary for the analyses it performs.

(3) A certified laboratory must document and retain a record of the maintenance of its equipment. The documentation must include:

(a) name of item;

(b) manufacturer name;

(c) model and serial number;

(d) manufacturer's instructions;

(e) date received;

(f) date placed in service;

(g) current physical location;

(h) date and description of each maintenance activity; and

(i) date and description of each repair.

(4) In preparing or verifying all standard curves, a certified laboratory must use reference materials of documented high purity and traceability. The certified laboratory must document and retain a record of the origin, purity, traceability of all reference materials. The record must include the date the reference material was received, the date the reference material was opened, and the expiration date of the reference material.

(5) A certified laboratory must use water that is free from constituents that could potentially interfere with the sample preparation or testing. The certified laboratory must monitor and document and retain a record of the quality of the laboratory water used in testing.

~~(6) For water used in microbiological methods, a certified laboratory must analyze and document its laboratory water annually for bactericidal properties. For water used in microbiological testing, a certified laboratory must also analyze its laboratory water monthly and document the results for pH, chlorine residual, standard plate count, and conductivity, and the certified laboratory must also analyze the water annually and document the results for trace metals.~~

~~(7) A certified laboratory must use no less than analytical grade reagents. The certified laboratory must document and retain a record of the origin and purity of all reagents. The record must include the date of receipt of the reagent, the date the reagent was opened, and the expiration date of the reagent.~~]

R444-14-4~~[11]~~. Analytical Methods.

(1) [~~A certified laboratory must have and maintain an in-house methods manual and SOPs. The methods manual and any associated reference works must be readily available to all technical employees.~~

~~(a) For each approved analyte or interdependent analyte group, the method used by the certified laboratory must be described in the methods manual. The method description or separate SOP must address the following:~~

~~(i) analyte name;~~

~~(ii) applicable matrix or matrices;~~

~~(iii) method detection limit;~~

~~(iv) scope and application;~~

~~(v) summary of the method;~~

~~(vi) any change to the approved method.~~

~~(vii) definitions;~~

~~(viii) interferences;~~

~~(ix) safety;~~

~~(x) equipment and supplies;~~

~~(xi) reagents and calibration standards;~~

~~(xii) sample collection, preservation, shipment and storage;~~

~~(xiii) quality control;~~

~~(xiv) calibration, validation and standardization procedures;~~

~~(xv) data analysis and calculations;~~

~~(xvi) method performance;~~

~~(xvii) pollution prevention;~~

~~(xviii) data review and acceptance criteria for QC measures;~~

~~(xix) waste management;~~

~~(xx) method identifier and references; and~~

~~(xxi) any tables, diagrams, flowcharts and validation data.~~

~~(2)~~]The department may only approve a certified laboratory to analyze an analyte or interdependent analyte group by specific method. The department may[~~only~~] approve a certified laboratory for an analyte or interdependent analyte group using methods described in the July 1, 1992 through 2001[~~, 1993, 1994, 1995, 1996, 1997, 1998 and 1999~~] editions of 40 CFR Parts 141, 142, and 143 (Safe Drinking Water Act); 40 CFR Parts 136 and 503.8 (Clean Water Act); 40 CFR Parts 260 and 261 (Resource Conservation and Recovery Act).

(2[~~3~~]) In analyzing a sample for compliance with the Safe Drinking Water Act, the Clean Water Act, or the Resource Conservation and Recovery Act, a certified laboratory must follow the method that it reports on its final report to have used.

(3[~~4~~]) The department may approve a single method for analysis of an interdependent analyte group.

[**~~R444-14-12. Sample Management and Documentation.~~**

~~(1) A certified laboratory must develop, document and implement a sample acceptance policy that clearly outlines the certified laboratory's sample acceptance requirements. The certified laboratory must make the sample acceptance policy readily available to all employees who accept samples and available to personnel who collect samples in the field. The sample acceptance policy must include that:~~

~~(a) the person submitting the sample must provide full documentation with the sample, which must include:~~

~~(i) sample identification;~~

~~(ii) the location, date, and time of collection;~~

~~(iii) collector's name; preservative added;~~

~~(iv) matrix; and~~

~~(v) any special remarks concerning the sample;~~

~~(b) each sample or group of samples must include trip blanks, field blanks, equipment blanks, duplicates or other field-submitted quality control measures as required by the method;~~

~~(c) each sample must be labeled with unique, durable, and indelible identification;~~

~~(d) each sample must show evidence of proper preservation and use of sample containers allowed by the test method; and~~

~~(e) each sample must be of adequate volume for the requested testing.~~

~~(2) A certified laboratory must develop, document and implement procedures that clearly outline the process to receive samples.~~

~~(3) A certified laboratory must check samples upon receipt for thermal and prior to analysis for chemical preservation as required by the method.~~

~~(a) The certified laboratory must document the results of preservation checks.~~

~~(b) For each sample that does not meet the preservation requirements of the test method, the certified laboratory must flag it upon receipt and continually throughout all phases of the analysis.~~

~~(4) A certified laboratory must properly store samples in containers and at temperatures specified by the method. The certified laboratory must document storage temperatures.~~

~~(5) A certified laboratory must develop and implement procedures to ensure and document that all samples and subsamples are analyzed within holding times.~~

~~(6) A certified laboratory must develop and implement a chronological log to document the receipt of each sample. The certified laboratory must record the following in the log:~~

~~(a) date of receipt at the laboratory;~~

~~(b) date the sample was collected;~~

~~(c) unique laboratory identification code required in R444-14-12(7)(a);~~

~~(d) field identification code if supplied by the submitter;~~

~~(e) requested analysis, including method number, if applicable; and~~

~~(f) comments documenting sample rejection.~~

~~(7) A certified laboratory must uniquely identify all samples and all subsamples.~~

~~(a) The certified laboratory must assign and document a unique identification code to each sample container received in the laboratory and attach a durable label with the unique identification code to the sample container.~~

~~(b) The certified laboratory must establish and document a link from subsamples back to the original sample.~~

~~(c) The certified laboratory shall treat all samples from public water supplies as routine compliance samples, except those samples for which the request clearly indicates that the samples are submitted as repeat or noncompliance samples.~~

~~(8) Each certified laboratory must have a record keeping system that allows historical reconstruction of all laboratory activities that produce analytical data.~~

~~(a) The certified laboratory must document, either in hard copy or machine readable format, all original raw data for each sample and subsample for the testing performed on each sample and subsample.~~

~~(b) The certified laboratory must associate the raw data from the test with a laboratory sample identification number, the date of analysis, instrument used, method used, actual calculations, and the technical employee's initials or signature.~~

~~(c) The certified laboratory must document which procedures, methods, laboratory forms, policies, equipment, personnel were used to produce the result for each test.~~

~~(9) A certified laboratory must retain all correspondence and notes from conversations concerning the final disposition of samples that the certified laboratory has rejected and must document any decision to proceed with the analysis of compromised samples which were improperly sampled, or were received with insufficient documentation, were improperly preserved, were received in the wrong containers, or were received beyond the holding time.~~

~~(10) The certified laboratory must produce a final report of its analysis.~~

~~(a) The final report must document the method used to produce each result. If the certified laboratory deviated from the test method used in producing the result, the method description on the final report must indicate that the method was modified. The certified laboratory must describe on the final report any abnormal condition of the sample, deviation from holding time, or preservation requirements that in the judgement of the certified laboratory might affect the result. The certified laboratory must produce the final report in such a way that the information required by this subsection is unambiguous, is inseparable from the final result, and that clearly defines the nature and substance of the variation.~~

~~(b) The certified laboratory must make a final report in a single identifiable document. It shall accurately, clearly, unambiguously, and objectively give the results in a manner that is understandable to the client. The basic information in the final report must include the following:~~

~~(i) report title with the name, address and phone number of the certified laboratory;~~

~~(ii) the name of client or project, and the client identification number;~~

~~(iii) description and laboratory identification code of the sample;~~

~~(iv) the dates of sample collection, sample receipt, sample preparation, and sample analysis;~~

~~(v) the time of either sample preparation or analysis or both if the required holding time for either activity is 48 hours or less;~~

~~(vi) a method identifier for each method, including methods for preparation steps, used to produce the test result;~~

~~(vii) the MDL or minimum reporting limit for the test result;~~

~~(viii) the test result;~~

~~(ix) a description of any quality control failures and deviations from the accepted method or methods;~~

~~(x) the signature and title of the individuals who accept responsibility for the content of the report;~~

~~(xi) date of issue; and~~

~~(xii) a clear identification of any result generated by a laboratory other than the laboratory producing the report, with the name and address of the subcontracted laboratory.~~

~~(c) The certified laboratory must support by supplementary documentation any correction, addition or deletion from an original final report after it has been issued. Any correction, addition or deletion must clearly identify its purpose, and must meet all reporting requirements of this rule.~~

~~(d) If authorized by the public water system, the certified laboratory must also report the results of routine compliance drinking water samples from the public water system to the Department of Environmental Quality, Division of Drinking Water. Reports to the Department of Environmental Quality, Division of Drinking Water may be filed electronically or by other means acceptable to Department of Environmental Quality, Division of Drinking Water.~~

~~(11) If a certified laboratory offers that it can document chain of custody in its testing to meet legal and evidentiary standards, the certified laboratory must establish procedures to establish and document chain of custody sufficient to meet legal and evidentiary standards.~~

~~(12) A certified laboratory must retain for five years all documentation required by this rule.~~

~~(a) If the certified laboratory retains in a machine readable format any documentation required by this rule, the certified laboratory must maintain it in a protected form that either prohibits or clearly indicates any deletion or alteration to the documentation.~~

~~(b) All documentation required by this rule must be available to the department.~~]

R444-14-5~~[13]~~. Proficiency Testing.

For a certified laboratory to become approved and to maintain approval for an analyte or an interdependent analyte group by a specific method, the certified laboratory must, at its own expense, meet the proficiency testing requirements of this rule. A certified laboratory must adhere to the requirements found in Chapter 2, "Proficiency Testing", of the National Environmental Laboratory Accreditation Conference Standards approved May 2001, which are incorporated by reference.[

~~(1) The certified laboratory must enroll and participate in a proficiency testing program for each analyte or interdependent analyte group. For each analyte or interdependent analyte group for which proficiency testing is not available, the certified laboratory must establish, maintain, and document the accuracy and reliability of its procedures through a system of internal quality management.~~

~~(a) The certified laboratory must participate in more than one proficiency testing program if necessary to be evaluated to obtain or maintain approval to analyze an analyte or interdependent analyte group.~~

~~(b) The certified laboratory must, prior to obtaining approval, notify the department of the authorized proficiency testing program or programs in which it has enrolled for each analyte or interdependent analyte group.~~

~~(2) The certified laboratory must follow the proficiency testing provider's instructions for preparing the proficiency testing sample and must analyze the proficiency testing sample as if it were a client sample.~~

~~(a) The certified laboratory must notify the department before the certified laboratory changes enrollment in an authorized proficiency testing program.~~

~~(b) The certified laboratory must direct the proficiency testing provider to send, either in hard copy or electronically, a copy of each evaluation of the certified laboratory's proficiency testing audit results to the department. The certified laboratory must allow the proficiency testing provider to release all information necessary for the department to assess the certified laboratory's compliance with this rule.~~

~~(c) The following are strictly prohibited:~~

~~(i) performing multiple analyses (replicates, duplicates) which are not normally performed in the course of analysis of routine samples;~~

~~(ii) averaging the results of multiple analyses for reporting when not specifically required by the method; or~~

~~(iii) permitting anyone other than bona fide laboratory employees who perform the analyses on a day-to-day basis for the certified laboratory to participate in the generation of data or reporting of results.~~

~~(3) In each calendar year, the certified laboratory must complete at least two separate proficiency testing audits for each analyte or interdependent analyte group.~~

~~(4) The certified laboratory may not:~~

~~(a) discuss the results of a proficiency testing audit with any other laboratory until after the deadline for receipt of results by the proficiency testing provider;~~

~~(b) if the certified laboratory has multiple testing sites or separate locations, discuss the results of a proficiency testing audit across sites or locations until after the deadline for receipt of results by the proficiency testing provider;~~

~~(c) send proficiency testing samples or portions of samples to another laboratory to be tested; or~~

~~(d) knowingly receive a proficiency testing sample from another laboratory for analysis and fail to notify the department of the receipt of the other laboratory's sample within five business days of discovery.~~

~~(5) The certified laboratory must maintain a copy of all proficiency testing records, including analytical worksheets. The proficiency testing records must include a copy of the authorized proficiency testing provider report forms used by the laboratory to record proficiency testing results.~~

~~(a) The director of the certified laboratory must sign and retain an attestation statement stating that the certified laboratory followed the proficiency testing provider's instructions for preparing the proficiency testing sample and analyzed the proficiency testing sample as if it were a client sample.~~

~~(b) The certified laboratory must analyze and report the results of the proficiency testing test by the deadline set by the proficiency testing provider.~~

~~(6) Upon receipt of the evaluation of the results from the proficiency testing provider, the department shall assign a grade for each analyte where:~~

~~(a) "Acceptable" equals 100;~~

~~(b) "Not acceptable" equals zero; and~~

~~(c) "Nonparticipation" equals zero.~~

~~(7) The certified laboratory must receive a grade of 100 for any single analyte to pass a proficiency testing audit for that analyte. The certified laboratory must receive an average grade of 80 for any interdependent analyte group to pass a proficiency testing audit for the interdependent analyte group.~~

~~(a) If the proficiency testing evaluation is to obtain or maintain approval for an interdependent analyte group by a single method, the grade for the interdependent analyte group is the average of the grades for the individual analytes in the evaluation of the results from the proficiency testing provider.~~

~~(b) If the proficiency testing evaluation is of multiple concentrations of a single analyte, the department shall average the grades for individual concentrations and assign the average as the grade for the analyte.~~

~~(8) If the certified laboratory fails a proficiency testing audit, it must submit a corrective action plan to the department.~~]

R444-14-6[~~14~~]. Quality System.

(1) A certified laboratory must adhere to the requirements found in Chapter 5, Quality Systems, of the National Environmental Laboratory Accreditation Conference Standards approved May 2001[~~July 1999~~], which are incorporated by reference.

[~~**R444-14-15. Corrective Action Procedure.**~~

~~(1) A certified laboratory must develop written SOPs that govern its response to quality control results that are outside acceptance ranges that the certified laboratory has established to meet the requirements of the method or this rule. The SOPs must address the following:~~

~~(a) identification of anticipated problems and the anticipated or recommended corrective action to correct or eliminate the problem and future occurrences of the problem; and~~

~~(b) requirements for written records that document both anticipated and unanticipated problems, the corrective measures taken, and the final outcome of the corrective action.~~

~~(2) A certified laboratory must have written policy and procedures for the resolution of complaints it receives about the laboratory's activities. The certified laboratory must document and maintain records of complaints and of the actions taken by the laboratory in response to each complaint.~~

~~(3) A certified laboratory must document a response to each deficiency noted on the department written report of the department's findings from an on-site assessment.~~

~~(4) A certified laboratory must have written policy and procedures to identify the cause and resolve the cause for a failed proficiency testing audit. The certified laboratory must document and maintain records of its actions taken to resolve the cause for the failure.~~

~~**R444-14-16. Denial, Suspension and Revocation.**~~

~~(1) The department may suspend the certificate of a certified laboratory for an approved analyte or interdependent analyte group if the certified laboratory fails two of three of its most recent proficiency testing audits required by section R444-14-13. The department may remove the suspension of a certified laboratory for an analyte or an interdependent analyte group if the certified laboratory passes the next two proficiency testing audits required by section R444-14-13.~~

~~(2) The department shall revoke approval for a an analyte or an interdependent analyte group if the approval for the analyte or the interdependent analyte group is under department suspension and if the certified laboratory fails a proficiency testing audit required by section R444-14-13.~~

~~(3) If a certified laboratory fails to submit a corrective action plan to the department within thirty days of the department's sending~~

~~a notice of failure of a proficiency testing audit required by section R444-14-13, the department shall revoke the approval for the analyte or interdependent analyte group.~~

~~(4) If the department has revoked a certified laboratory's approval for an analyte or interdependent analyte group because of failure of a proficiency testing audit in three of the last four proficiency testing audits required under section R444-14-13, the certified laboratory may seek approval, but not prior to 6 months from the revocation of approval. The certified laboratory may seek this approval by:~~

~~(a) requesting approval in writing for the analyte or interdependent analyte group; and~~

~~(b) passing two proficiency testing audits under section R444-14-13.~~

~~(5) The department may revoke approval for an analyte or interdependent analyte group if a certified laboratory does not adhere to the approved method or to the quality system requirements of this rule.~~

~~(6) The department may deny certification if the applicant laboratory:~~

~~(a) fails to meet the personnel qualifications for key personnel, including the education, training and experience requirements as required by the department;~~

~~(b) refuses the certification officer entry to the laboratory for any on-site assessment;~~

~~(c) refuses the certification officer access to the laboratory records for any assessment; or~~

~~(d) fails to correct deficiencies identified in a prior on-site assessment.~~

~~(7) If the department denies certification because the applicant laboratory submitted an unacceptable corrective action plan, the applicant laboratory may submit only one additional corrective action plan to remedy the deficiencies. If the department determines that the corrective action plan is insufficient to correct the deficiencies, the applicant laboratory must wait six months before again applying for certification.~~

~~(8) The department may suspend a certified laboratory if the certified laboratory fails to notify the department within 30 calendar days of changes in key personnel or laboratory location.~~

~~(9) The department may revoke a certified laboratory's certification for a minimum of one year if it:~~

~~(a) submits a proficiency testing sample to another laboratory for analysis;~~

~~(b) submits proficiency testing sample results generated by another laboratory as its own;~~

~~(c) receives a proficiency testing sample from another applicant or certified laboratory for analysis and fails to notify the department of the receipt of other certified laboratory's sample within five business days of discovery;~~

~~(d) falsifies data on any report or is involved in any other deceptive practice;~~

~~(e) misrepresents any material fact pertinent to receiving certification; or~~

~~(f) fails to correct deficiencies from an on-site assessment by the date agreed to in the corrective action plan.~~

~~(10) The department may revoke a certified laboratory's certification if it:~~

~~(a) refuses the certification officer entry to the certified laboratory for an on-site assessment;~~

~~(b) permits persons other than its employees to perform or report results of analyses governed by this rule;~~

~~(c) does not meet the personnel requirements and responsibilities under R444-14-8; or~~

~~(11) The department shall revoke a certified laboratory's certification if it fails to pay its annual certification or approval fee within 90 calendar days of invoice. The department may revoke a certified laboratory's certification if it fails to pay any approval fee within 90 calendar days of invoice. A laboratory whose certification has been revoked for failure to pay certification or approval fees may not reapply for certification until it pays past due fees.~~

~~(12) The Department may suspend the laboratory's certification if the department finds the public interest, safety, or welfare requires emergency action.~~]

R444-14-[~~1~~]7. Recognition of NELAP Accreditation.

The department may certify a laboratory that is NELAP-accredited. A laboratory seeking certification because of its NELAP accreditation must provide evidence of its accreditation and apply for certification on that basis. A laboratory certified on the basis of NELAP accreditation must obtain approval from the department for each analyte or interdependent analyte group and meet the approval requirements of this rule.

R444-14-[~~1~~]8. Penalties.

A laboratory violates this rule and is subject to the penalties provided in Title 26, Chapter 23, including administrative and civil penalties of up to $5,000.00 for each offense, criminal sanctions of a class B misdemeanor on the first offense and a class A misdemeanor on the second offense, and criminal penalties of up to $5,000.00 for each offense if it:

(1) without being certified under this rule, holds itself out as one capable of testing samples for compliance with Federal Safe Drinking Water Act, Federal Clean Water Act, Federal Resource Conservation and Recovery Act; or

(2) without being approved to analyze for the analyte or interdependent analyte group, analyzes samples for the analyte or interdependent analyte group for compliance with rules established by the Utah Department of Environmental Quality that require that the analysis be conducted by a certified laboratory.

KEY: laboratories
[~~March 1, 2000~~]2001 **26-1-30(2)(m)**
Notice of Continuation June 12, 1997

◆ ◆

Human Services, Administration
R495-876
Provider Code of Conduct

NOTICE OF PROPOSED RULE
(Amendment)
DAR FILE NO.: 23868
FILED: 07/02/2001, 13:40
RECEIVED BY: NL

RULE ANALYSIS

PURPOSE OF THE RULE OR REASON FOR THE CHANGE: The purpose of the rule is to protect Department of Human Services (DHS) clients from abuse, neglect, maltreatment, and exploitation, and to clarify the expectation of conduct for DHS providers and their employees and volunteers who interact in any way with DHS clients, DHS staff and the public.

SUMMARY OF THE RULE OR CHANGE: The rule was substantially reorganized and reworded to clarify and bring up to date. It had been five years since it was written and legal counsel for the Department felt that there were some situations that had led to abuse of our clients and with some clarifying language this could be avoided in the future.

STATE STATUTORY OR CONSTITUTIONAL AUTHORIZATION FOR THIS RULE: Section 62A-1-110

ANTICIPATED COST OR SAVINGS TO:

❖THE STATE BUDGET: There will be a very minimal cost to the state to reprint the changed rule, and redistribute the rule and policy. Since the rules are mostly disseminated through the Internet, it is impossible to estimate this cost.

❖LOCAL GOVERNMENTS: No anticipated costs or savings to local government as enforcement and compliance of this rule does not apply to local governments.

❖OTHER PERSONS: There may be minimal costs to the Providers to require that their employees read the new policy and comply with the new provisions, such as their signature on the Statement of Understanding and Compliance. There is no way to estimate this cost.

COMPLIANCE COSTS FOR AFFECTED PERSONS: There will be no additional compliance costs for affected persons to comply with the new provisions. Many of the added items are illegal, as well as prohibited in this new change.

COMMENTS BY THE DEPARTMENT HEAD ON THE FISCAL IMPACT THE RULE MAY HAVE ON BUSINESSES: The actions contained in this rule are prohibited by current law or policy, as well as considered abuse. They are not activities that business (Providers) should be currently engaging in. They are activities that businesses (Providers) should currently be avoiding, as well as training their staff to not engage in. This rule has been in effect for five years and poses no additional fiscal impact to businesses.

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

Human Services
Administration
319
120 North 200 West
Salt Lake City, UT 84103, or
at the Division of Administrative Rules.

DIRECT QUESTIONS REGARDING THIS RULE TO:
Dawn Hibl at the above address, by phone at (801) 538-9877, by FAX at (801) 538-4016, or by Internet E-mail at dhibl@hs.state.ut.us.

INTERESTED PERSONS MAY PRESENT THEIR VIEWS ON THIS RULE BY SUBMITTING WRITTEN COMMENTS TO THE ADDRESS ABOVE NO LATER THAN 5:00 P.M. ON 08/14/2001.

THIS RULE MAY BECOME EFFECTIVE ON: 08/15/2001

AUTHORIZED BY: Robin Arnold-Williams, Executive Director

R495. Human Services, Administration.
R495-876. Provider Code of Conduct.
R495-876-1. Statement of Purpose.

~~[The Provider Code of Conduct is written in addition to all Department of Human Services policies, rules and regulations governing delivery of services to clients. The purpose of the code is to protect vulnerable clients from abuse, neglect, maltreatment and exploitation. The Code of Conduct clarifies the expectation of conduct for providers of contracted, licensed and certified programs and their employees, which includes administrative staff, non direct care staff, direct care staff, support services staff and any others when interacting with clients. Written agency policy required by this code must be approved by the licensing or certifying authority. Nothing in this Code shall be interpreted to mean that clients should not be held accountable for misbehavior or inappropriate behavior on their part, or that providers are restricted from instituting suitable consequences for such behavior.~~]The Department of Human Services ("DHS") adopts this Code of Conduct to:

(a) Protect its clients from abuse, neglect, maltreatment and exploitation; and

(b) Clarify the expectation of conduct for DHS Providers and their employees and volunteers who interact in any way with DHS clients, DHS staff and the public.

The Provider shall distribute a copy of this Code of Conduct to each employee and volunteer, regardless of whether the employees or volunteers provide direct care to clients, indirect care, administrative services or support services. The Provider shall require each employee and volunteer to read the Code of Conduct and sign a copy of the attached "Certification of Understanding" before having any contact with DHS clients. The Provider shall file a copy of the signed Certificate of Understanding in each employee and volunteer's personnel file. The Provider shall also maintain a written policy that adequately addresses the appropriate treatment of clients and that prohibits the abuse, neglect, maltreatment or exploitation of clients. This policy shall also require the Provider's employees and volunteers to deal with DHS staff and the public with courtesy and professionalism.

This Code of Conduct supplements various statutes, policies and rules that govern the delivery of services to DHS clients. The Providers and the DHS Divisions or Offices may not adopt or enforce policies that are less-stringent than this Code of Conduct unless those policies have first been approved in writing by the Office of Licensing and the Executive Director of the Utah Department of Human Services. Nothing in this Code of Conduct shall be interpreted to mean that clients are not accountable for their own misbehavior or inappropriate behavior, or that Providers are restricted from imposing appropriate sanctions for such behavior.

R495-876-2. Abuse, [~~Sexual Abuse and Sexual Exploitation,~~]Neglect, Exploitation, and Maltreatment Prohibited.

[~~A. No contracted, licensed or certified agency, individual, employee shall abuse, sexually abuse or sexually exploit, neglect, exploit or maltreat; (as defined below) any client.~~

~~1. No person shall cause physical injury to any client. All injury to clients (explained or unexplained) shall be documented in writing and immediately reported to supervisory personnel.~~

~~2. No person by acting, failing to act, encouragement to engage in, or failure to deter from will cause any client to be subject to abuse, sexual abuse or sexual exploitation, neglect, exploitation, or maltreatment.~~

~~3. No person shall engage any client as an observer or participant in sexual acts.~~

~~4. A person may not make clearly improper of a client or their resources for profit or advantage.~~

~~B. Failure to comply with this Code of Conduct may result in corrective action, probation, suspension, and/or termination of contract, license or certification, in accordance with administrative procedures act and Department of Human Services regulations.~~]Providers shall not abuse, neglect, exploit or maltreat clients in any way, whether through acts or omissions or by encouraging others to act or by failing to deter others from acting.

R495-876-3. General Definitions[~~ of Client~~].

[~~Any person under the age of 18 years, and any person 18 years of age or older who is impaired because of mental illness, mental deficiency, physical illness or disability, use of drugs, intoxication, or other cause, to the extent that he is unable to care for his own personal safety, health or medical care; and is a participant in, or a recipient of a program or service contracted with, or licensed or certified by the Department of Human Services.~~]"Client" means anyone who receives services from DHS or from a Provider pursuant to an agreement with DHS or funding from DHS.

"DHS" means the Utah Department of Human Services or any of its divisions, offices or agencies.

"Domestic-violence-related child abuse" means any domestic violence or a violent physical or verbal interaction between cohabitants in the physical presence of a child or having knowledge that a child is present and may see or hear an act of domestic violence.

"Emotional maltreatment" means conduct that subjects the client to psychologically destructive behavior, and includes conduct such as making demeaning comments, threatening harm, terrorizing the client or engaging in a systematic process of alienating the client.

"Provider" means any individual or business entity that contracts with DHS or with a DHS contractor to provide services to DHS clients. The term "Provider" also includes licensed or certified individuals who provide services to DHS clients under the supervision or direction of a Provider. Where this Code of Conduct states (as in Sections III-VII) that the "Provider" shall comply with certain requirements and not engage in various forms of abuse, neglect, exploitation or maltreatment, the term "Provider" also refers to the Provider's employees, volunteers and subcontractors, and others who act on the Provider's behalf or under the Provider's control or supervision.

"Restraint" means the use of physical force or a mechanical device to restrict an individual's freedom of movement or an individual's normal access to his or her body. "Restraint" also includes the use of a drug that is not standard treatment for the individual and that is used to control the individual's behavior or to restrict the individual's freedom of movement.

"Seclusion" means the involuntary confinement of the individual in a room or an area where the individual is physically prevented from leaving.

"Written agency policy" means written policy established by the Provider. If a written agency policy contains provisions that are more lenient than the provisions of this Code of Conduct, those provisions must be approved in writing by the DHS Executive Director and the Office of Licensing.

R495-876-4. Definitions of Prohibited Abuse,[~~ Sexual Abuse and Sexual Exploitation,~~] Neglect, Exploitation, and Maltreatment.

A. "Abuse"[~~ of clients may~~] include**s**, but is not limited to:

1. Harm or threatened harm,[~~ meaning damage or threatened damage~~] to the physical or emotional health and welfare of a client[~~ such as failure~~].

2. Unlawful confinement.

3. Deprivation of life-sustaining treatment.

4. Physical injury[~~ including, but not limited to, any~~], such as contusion of the skin, laceration, malnutrition, burn, fracture of any bone, subdural hematoma, injury to any internal organ, any injury causing bleeding, or any physical condition which imperils a client's health or welfare.

5. Any type of [~~physical~~]unlawful hitting or corporal punishment[~~ inflicted in any manner upon the body~~].

6. Domestic-violence-related child abuse.

7[~~B~~]. Any Sexual abuse and sexual exploitation[~~ will~~] includ[~~e~~,]ing but not be limited to:

a[~~1~~]. Engaging in sexual intercourse with any client.

b[~~2~~]. Touching the anus or any part of the genitals or otherwise taking indecent liberties with a client, or causing an individual to take indecent liberties with a client, with the intent to arouse or gratify the sexual desire of any person.

c[~~3~~]. Employing, using, persuading, inducing, enticing, or coercing a client to pose in the nude.

d. Engaging a client as an observer or participation in sexual acts.

e[~~4~~]. Employing, using, persuading, inducing, enticing or coercing a client to engage in any sexual or simulated sexual conduct for the purpose of photographing, filming, recording, or displaying in any way the sexual or simulated sexual conduct. This includes displaying, distributing, possessing for the purpose of distribution, or selling material depicting nudity, or engaging in sexual or simulated sexual conduct with a client.

f[~~5~~]. Committing or attempting to commit acts of sodomy or molestation with a client.[

~~6. This definition is not to include therapeutic processes used in the treatment of sexual deviancy or dysfunction which have been outlined in the clients treatment plan and is in accordance with written agency policy.~~]

B[~~C~~]. "Neglect"[~~ may~~] include**s** but is not limited to:

1. Denial of sufficient nutrition.

2. Denial of sufficient sleep.

3. Denial of sufficient clothing, or bedding.

4. Failure to provide adequate client supervision; including[~~ impairment of employee resulting in inadequate supervision. Impairment of an employee may include but is not limited to use of alcohol and drugs, illness, sleeping~~]situations where the Provider's

employee or volunteer is a sleep or ill on the job, or is impaired due to the use of alcohol or drugs.

5. Failure to [~~arrange for medical care and/or medical treatment as prescribed or instructed by a physician when not contraindicated by agency after consultation with agency physician~~]provide care and treatment as prescribed by the client's services, program or treatment plan, including the failure to arrange for medical or dental care or treatment as prescribed or as instructed by the client's physician or dentist, unless the client or the Provider obtains a second opinion from another physician or dentist, indicating that the originally-prescribed medical or dental care or treatment is unnecessary.

6. Denial of sufficient shelter, [~~except in accordance with the written agency policy~~]where shelter is part of the services the Provider is responsible for providing to the client.

7. Educational neglect (i.e. willful failure or refusal to make a good faith effort to ensure that a child in the Provider's care or custody receives an appropriate education).

C[~~D~~]. "Exploitation" will includes[;] but is not limited to:

1. [~~Utilizing the labor of a client without giving just or equivalent return except as part of a written agency policy which is in accordance with reasonable therapeutic interventions and goals~~]Using a client's property without the client's consent or using a client's property in a way that is contrary to the client's best interests, such as expending a client's funds for the benefit of another.

2. [~~Using property belonging to clients~~]Making unjust or improper use of clients or their resources.

3. Accept[~~ance~~]ing [~~of~~]a gifts [~~as a condition of receipt of program services~~]in exchange for preferential treatment of a client or in exchange for services that the Provider is already obliged to provide to the client.

4. Using the labor of a client for personal gain.

5. Using the labor of a client without paying the client a fair wage or without providing the client with just or equivalent non-monetary compensation, except where such use is consistent with standard therapeutic practices and is authorized by DHS policy or the Provider's contract with DHS.

a. Examples:

(i) It is not "exploitation" for a foster parent to assign an extra chore to a foster child who has broken a household rule, because the extra chore is reasonable discipline and teaches the child to obey the household rules.

(ii) It is not "exploitation" to require clients to help serve a meal at a senior center where they receive free meals and are encouraged to socialize with other clients. The meal is a non-monetary compensation, and the interaction with other clients may serve the clients' therapeutic needs.

(iii) It is usually "exploitation" to require a client to provide extensive janitorial or household services without pay, unless the services are actually an integral part of the therapeutic program, such as in "clubhouse" type programs that have been approved by DHS.

D[~~E~~]. "Maltreatment"[~~ will~~] includes[;] but is not limited to:

1. Physical exercises, such as running laps or performing pushups, except [~~in accordance~~]where such exercises are consistent with an individual's service plan and written agency policy and with the individual's health and abilities.

2. [~~Chemical, mechanical or physical restraints except when authorized by individual's service plan and administered by appropriate personnel or when threat of injury to the client or other person exists~~]Any form of Restraint or Seclusion used by the Provider for reasons of convenience or to coerce, discipline or retaliate against a client. The Provider may use a Restraint or Seclusion only in emergency situations where such use is necessary to ensure the safety of the client or others and where less restrictive interventions would be ineffective, and only if the use is authorized by the client's service plan and administered by trained authorized personnel. Any use of Restraint or Seclusion must end immediately once the emergency safety situation is resolved. The Provider shall comply with all applicable laws about Restraints or Seclusions, including DHS Rule R495-880, all federal and state statutes, rules or policies.

3. Assignment of unduly physically strenuous or harsh work.

4. Requiring or forcing the individual to take an uncomfortable position, such as squatting or bending, or requiring or forcing the individual to repeat physical movements[~~ when used solely~~] as a means of punishment.

5. Group punishments for misbehaviors of individuals[~~ except in accordance with the written agency policy~~].

6. [~~Verbal abuse by agency personnel: engaging in language whose intent or result is demeaning to the client except in accordance with written agency policy which is in accordance with reasonable therapeutic interventions and goals~~]Emotional maltreatment, bullying, teasing, provoking or otherwise verbally or physically intimidating or agitating a client.

7. Denial of any essential program service solely for disciplinary purposes[~~ except in accordance with written agency policy~~].

8. Denial of visiting or communication privileges with family or significant others solely for disciplinary purposes[~~ except in accordance with written agency policy~~].

9. Requiring the individual to remain silent for long periods of time[~~ solely~~] for the purpose of punishment.

10. Extensive withholding of emotional response or stimulation.

11. [~~Exclusion of a~~]Denying a current client from [~~entry to~~]from entering the client's residence, [~~except in accordance with the written agency policy~~]where such denial is for disciplinary or retaliatory purposes or for any purpose unrelated to the safety of clients or others.

R495-876-5. [~~Reporting Requirements~~]Provider's compliance with conduct requirements imposed by law, contract or other policies.

[~~Any contracted, licensed or certified agency, individual, or employee is responsible to document and report abuse, sexual abuse and sexual exploitation, neglect, maltreatment and exploitation as outlined in this Code and cooperate fully in any resulting investigation.~~

~~1. Any person will immediately report abuse, sexual abuse and sexual exploitation, neglect, maltreatment or exploitation by contacting the local Regional Office within 24 hours. During weekends and on holidays such reports will be made to the Regional Office On-call worker.~~

~~2. All reports and documentation made regarding situations of abuse, sexual abuse and sexual exploitation, neglect, and exploitation will be made available upon request, or with court order when required by federal regulations, to appropriate Department of Human Services personnel and law enforcement.~~

~~3. All injury to clients (explained or unexplained) shall be documented in writing and immediately reported to supervisory personnel.~~

~~4. A poster, provided by the Department of Human Services, notifying contractor employees of their responsibilities to report~~

~~violations and giving appropriate phone numbers, is required to be prominently displayed in all contractor facilities.~~]In addition to complying with this Code of Conduct, the Provider shall comply with all applicable laws (such as statutes, rules and court decisions) and all policies adopted by the DHS Office of Licensing, by the DHS Divisions or Offices whose clients the Provider serves, and by other state and federal agencies that regulate or oversee the Provider's programs. Where the Office of Licensing or another DHS entity has adopted a policy that is more specific or restrictive than this Code of Conduct, that policy shall control. If a statute, rule or policy defines abuse, neglect, exploitation or maltreatment as including conduct that is not expressly included in this Code of Conduct, such conduct shall also constitute a violation of this Code of Conduct. See, e.g., Title 62A, Chapter 3 of the Utah Code (definition of adult abuse) and Title 78, Chapter 3a and Title 76, Chapter 5 of the Utah Code (definitions of child abuse).

R495-876-5. The provider's interactions with DHS personnel and the public.

In carrying out all DHS-related business, the Provider shall conduct itself with professionalism and shall treat DHS personnel, the members of the Provider's staff and members of the public courteously and fairly. The Provider shall not engage in criminal conduct or in any fraud or other financial misconduct.

R495-876-6. Sanctions for non-compliance.

If a Provider or its employee or volunteer fail to comply with this Code of Conduct, DHS may impose appropriate sanctions (such as corrective action, probation, suspension, disbarment from State contracts, and termination of the Provider's license or certification) and may avail itself of all legal and equitable remedies (such as money damages and termination of the Provider's contract). In imposing such sanctions and remedies, DHS shall comply with the Utah Administrative Procedures Act and applicable DHS rules. In appropriate circumstances, DHS shall also report the Provider's misconduct to law enforcement and to the Provider's clients and their families or legal representatives (e.g., a legal guardian). In all cases, DHS shall also report the Provider's misconduct to the licensing authorities, including the DHS Office of Licensing.

R495-876-7. Providers' duty to help DHS protect clients.

A. Duty to Protect Clients' Health and Safety. If the Provider becomes aware that a client has been subjected to any abuse, neglect, exploitation or maltreatment, the Provider's first duty is to protect the client's health and safety.

B. Duty to Report Problems and Cooperate with Investigations. Providers shall document and report any abuse, neglect, exploitation or maltreatment and exploitation as outlined in this Code of Conduct, and they shall cooperate fully in any investigation conducted by DHS, law enforcement or other regulatory or monitoring agencies.

1. Except as provided in Section (B)(1)(a) and (B)(3) below, Providers shall immediately report abuse, neglect, exploitation or maltreatment by contacting the local Regional Office of the appropriate DHS Division or Office. During weekends and on holidays, Providers shall make such reports to the on-call worker of that Regional Office.

a. Providers shall report any abuse or neglect of disabled or elder adults to the Adult Protective Services intake office of the Division of Aging and Adult Services.

b. The Provider shall make all reports and documentation about abuse, neglect, exploitation, and maltreatment available to appropriate DHS personnel and law enforcement upon request.

2. Providers shall document any client injury (explained or unexplained) that occurs on the Providers' premises or while the client is under the Provider's care and supervision, and the Provider shall report any such injury to supervisory personnel immediately. Providers shall cooperate fully in any investigation conducted by DHS, law enforcement or other regulatory or monitoring agencies. If the client's injury is extremely minimal, the Provider has 12 hours to report the injury. The term "extremely minimal" refers to injuries that obviously do not require medical attention (beyond washing a minor wound and applying a band-aid, for example) and which cannot reasonably be expected to benefit from advice or consultation from the supervisory personnel or medical practitioners.

a. Example: If a foster child falls off a swing and skins her knee slightly, the foster parent shall document the injury and report to the foster care worker within 12 hours.

b. Example: If a foster child falls off a swing and sprains or twists her ankle, the foster parent shall document the injury and report it immediately to supervisory personnel because the supervisor may want the child's ankle X-rayed or examined by a physician.

C. Duty to Report Fatalities and Cooperate in Investigations and Fatality Reviews.

DHS client dies while receiving services from the Provider, the Provider shall notify the supervising DHS Division or Office immediately and shall cooperate with any investigation into the client's death. In addition, some Providers are subject to the Department of Human Services' Fatality Review Policy. (See the "Eligibility" section of DHS Policy No. 05-02 for a description of the entities subject to the fatal-review requirements. A copy of the policy is available at the DHS web site at: http://www.dhs.state.ut.us/policy.htm) If the Provider is subject to the Fatality Review Policy, it shall comply with that policy (including all reporting requirements) and the Provider shall cooperate fully with any fatality reviews and investigations concerning a client death.

D. Duty to Display DHS Poster. The Provider shall prominently display in each facility a DHS poster that notifies employees of their responsibilities to report violations of this Provider Code of Conduct, and that gives phone numbers for the Regional Office or Intake Office of the relevant DHS Division(s). Notwithstanding the foregoing, if the Provider provides its services in a private home and if the Provider has fewer than three employees or volunteers, the Provider shall maintain this information in a readily-accessible place but it need not actually display the DHS poster. DHS shall annually provide the Provider with a copy of the current DHS poster or it shall make the poster available on the DHS web site: http://www.dhs.state.ut.us.

KEY: social services, provider conduct*
[~~1990~~]2001 **62A-1-110**
Notice of Continuation September 25, 1996

Human Services, Administration
R495-880
Adoption Assistance

NOTICE OF PROPOSED RULE
(New)
DAR FILE NO.: 23863
FILED: 06/28/2001, 09:19
RECEIVED BY: NL

RULE ANALYSIS

PURPOSE OF THE RULE OR REASON FOR THE CHANGE: The purpose of this rule is to comply with Section 62A-4a-905 which authorizes and requires the department to establish rules for establishing these committees.

SUMMARY OF THE RULE OR CHANGE: The rule states where the committees are to be established, membership of the committees, and the committees are to follow Child and Family Service Board policy when reviewing requests for adoption assistance.

STATE STATUTORY OR CONSTITUTIONAL AUTHORIZATION FOR THIS RULE: Section 62A-4a-905

ANTICIPATED COST OR SAVINGS TO:
❖THE STATE BUDGET: There will be no additional cost to the state for this rule, as any costs associated with the meeting of these committees will be absorbed in current budgets.
❖LOCAL GOVERNMENTS: No anticipated costs or savings to local government because this rule does not apply to local governments.
❖OTHER PERSONS: No anticipated costs to other persons as this applies only to review of adoption assistance grants within the Division of Child and Family Services.
COMPLIANCE COSTS FOR AFFECTED PERSONS: There will be no compliance costs for affected persons because there is no cost to apply for adoption assistance.

COMMENTS BY THE DEPARTMENT HEAD ON THE FISCAL IMPACT THE RULE MAY HAVE ON BUSINESSES: This will not have an impact on business.

THE FULL TEXT OF THIS RULE MAY BE INSPECTED, DURING REGULAR BUSINESS HOURS, AT:
Human Services
Administration
319
120 North 200 West
Salt Lake City, UT 84103, or
at the Division of Administrative Rules.

DIRECT QUESTIONS REGARDING THIS RULE TO:
Dawn Hibl at the above address, by phone at (801) 538-9877, by FAX at (801) 538-4016, or by Internet E-mail at dhibl@hs.state.ut.us.

INTERESTED PERSONS MAY PRESENT THEIR VIEWS ON THIS RULE BY SUBMITTING WRITTEN COMMENTS TO THE ADDRESS ABOVE NO LATER THAN 5:00 P.M. ON 08/14/2001.

THIS RULE MAY BECOME EFFECTIVE ON: 08/15/2001

AUTHORIZED BY: Robin Arnold-Williams, Executive Director,

R495. Human Services, Administration.
R495-880. Adoption Assistance.
R495-880-1. Regional Adoption Assistance Advisory Committee.
(1) There is established, within each region of the Division of Child and Family Services an adoption assistance advisory committee to review and make recommendations to the division on individual requests for supplemental adoption assistance. For purposes of this rule, supplemental adoption assistance means the same as is defined in Utah Code Annotated Section 62A-4a-902. Each advisory committee shall be comprised of the following members:
(a) an expert in adoption policy and practice, as determined by the division;
(b) an adoptive parent;
(c) a division representative;
(d) a foster parent; and
(e) an adoption caseworker.
(2) The advisory committees established pursuant to Subsection (1) of this rule shall review individual requests for supplemental adoption assistance that meet a threshold amount established by policy by the Board of Child and Family Services in R512-43.

KEY: adoption, child welfare
2001 **62A-4a-905**

Transportation, Motor Carrier
R909-75
Safety Regulations for Motor Carriers Transporting Hazardous Materials and/or Hazardous Wastes

NOTICE OF PROPOSED RULE
(Amendment)
DAR FILE NO.: 23857
FILED: 06/21/2001, 14:58
RECEIVED BY: NL

RULE ANALYSIS

PURPOSE OF THE RULE OR REASON FOR THE CHANGE: To include the most recent amendments to the International Maritime Dangerous Goods code, the United Nationals Recommendations on the Transport of Dangerous Good and the Recommendations Manual of Tests and Criteria.

SUMMARY OF THE RULE OR CHANGE: 49 CFR 171.7 updated source materials; 171.12, 172.102 special provisions 23, 39, 43, 44, 57, 125, 129, 132, and 133, 172.401(c)(1) and (2), 172.502(b), 173.21(f), 173.24(d)(2), 173.24(e)(3)(i)(C), 173.128(e), 173.166(b)(2) and 173.185(c)(3) to reference 171.7; 172.400a (a)(7) is revised to clarify that the exception from labeling in 173.427(a)(6)(vi) also applies to surface contaminated objects; 173.128(d) correcting a references; and 173.132(a)(1)(iii)(B) is revised for consistency with the table in 173.133(a)(2)(i) and typographical errors in the formula.
(**DAR Note:** The changes outlined in the summary above are changes to the Code of Federal Regulations (CFR) at 49 CFR 107-181 as published by Regulations Management Corporation which is incorporated by reference. The change to the rule is limited to the addition of the dates of the incorporated material.)

STATE STATUTORY OR CONSTITUTIONAL AUTHORIZATION FOR THIS RULE: Section 72-9-103

THIS RULE OR CHANGE INCORPORATES BY REFERENCE THE FOLLOWING MATERIAL: Title 49 CFR 107-181 as published by Regulations Management Corporation (February 1, 2001, March 1, 2001, April 1, 2001, and May 1, 2001)

ANTICIPATED COST OR SAVINGS TO:
❖THE STATE BUDGET: None--These will not affect how an investigator or inspector reviews the paperwork or monitors the companies for compliance.
❖LOCAL GOVERNMENTS: None--These will not affect how an investigator or inspector reviews the paperwork or monitors the companies for compliance.
❖OTHER PERSONS: The company will benefit by being excepted from labeling on contaminated objects in some instances, this will save them approximately $.35 per label.
COMPLIANCE COSTS FOR AFFECTED PERSONS: The company will benefit by being excepted from labeling on contaminated objects in some instances, this will save them approximately $.35 per label.

COMMENTS BY THE DEPARTMENT HEAD ON THE FISCAL IMPACT THE RULE MAY HAVE ON BUSINESSES: These changes are editorial in nature and will save motor carriers hauling certain contaminated objects a minimal amount.

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

Transportation
Motor Carrier
Calvin Rampton
4501 South 2700 West
PO Box 148240
Salt Lake City, UT 84114-8240, or
at the Division of Administrative Rules.

DIRECT QUESTIONS REGARDING THIS RULE TO:
Tamy L. Scott at the above address, by phone at (801) 965-4752, by FAX at (801) 965-4847, or by Internet E-mail at tscott@dot.state.ut.us.

INTERESTED PERSONS MAY PRESENT THEIR VIEWS ON THIS RULE BY SUBMITTING WRITTEN COMMENTS TO THE ADDRESS ABOVE NO LATER THAN 5:00 P.M. ON 08/14/2001.

THIS RULE MAY BECOME EFFECTIVE ON: 08/15/2001

AUTHORIZED BY: Tamy L. Scott, Transportation Safety Investigator

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R909. Transportation, Motor Carrier.
R909-75. Safety Regulations for Motor Carriers Transporting Hazardous Materials and/or Hazardous Wastes.
R909-75-1. Adoption of Federal Regulations.

Safety Regulations for Motor Carriers Transporting Hazardous Materials and/or Hazardous Wastes, 49 CFR, Sub-Chapter C, of the October 1, 2000, edition as printed in the Regulations Management Corporation Service, are incorporated by reference. In addition, amendments to the same edition, which appear November 1, 2000, December 1, 2000,[~~and~~] January 1, 2001, February 1, 2001, March 1, 2001, April 1, 2001, and May 1, 2001, are incorporated by reference within this rule. This applies to all private, common, and contract carriers by highway in commerce.

KEY: hazardous materials transportation, hazardous substances, hazardous waste, safety regulation
[~~March 20,~~] 2001 **72-9-103**
Notice of Continuation April 22, 1997 **72-9-104**

◆ ◆

End of the Notices of Proposed Rules Section

NOTICES OF
CHANGES IN PROPOSED RULES

After an agency has published a PROPOSED RULE in the *Utah State Bulletin*, it may receive public comment that requires the PROPOSED RULE to be altered before it goes into effect. A CHANGE IN PROPOSED RULE allows an agency to respond to comments it receives.

As with a PROPOSED RULE, a CHANGE IN PROPOSED RULE is preceded by a RULE ANALYSIS. This analysis provides summary information about the CHANGE IN PROPOSED RULE including the name of a contact person, anticipated cost impact of the rule, and legal cross-references.

Following the RULE ANALYSIS, the text of the CHANGE IN PROPOSED RULE is usually printed. The text shows only those changes made since the PROPOSED RULE was published in an earlier edition of the *Utah State Bulletin*. Additions made to the rule appear underlined (e.g., example). Deletions made to the rule appear struck out with brackets surrounding them (e.g., [~~example~~]). A row of dots in the text (• • • • • •) indicates that unaffected text was removed to conserve space. If a CHANGE IN PROPOSED RULE is too long to print, the Division of Administrative Rules will include only the RULE ANALYSIS. A copy of rules that are too long to print is available from the agency or from the Division of Administrative Rules.

While a CHANGE IN PROPOSED RULE does not have a formal comment period, there is a 30-day waiting period during which interested parties may submit comments. The 30-day waiting period for CHANGES IN PROPOSED RULES published in this issue of the *Utah State Bulletin* ends August 14, 2001. At its option, the agency may hold public hearings.

From the end of the waiting period through November 12, 2001, the agency may notify the Division of Administrative Rules that it wants to make the CHANGE IN PROPOSED RULE effective. When an agency submits a NOTICE OF EFFECTIVE DATE for a CHANGE IN PROPOSED RULE, the PROPOSED RULE as amended by the CHANGE IN PROPOSED RULE becomes the effective rule. The agency sets the effective date. The date may be no fewer than 30 days nor more than 120 days after the publication date of this issue of the *Utah State Bulletin*. Alternatively, the agency may file another CHANGE IN PROPOSED RULE in response to additional comments received. If the Division of Administrative Rules does not receive a NOTICE OF EFFECTIVE DATE or another CHANGE IN PROPOSED RULE, the CHANGE IN PROPOSED RULE filing, along with its associated PROPOSED RULE, lapses and the agency must start the process over.

CHANGES IN PROPOSED RULES are governed by *Utah Code* Section 63-46a-6 (2001); and *Utah Administrative Code* Rule R15-2, and Sections R15-4-3, R15-4-5, R15-4-7, and R15-4-9.

The Changes in Proposed Rules Begin on the Following Page.

Commerce, Occupational and Professional Licensing

R156-24a

Physical Therapist Practice Act Rules

NOTICE OF CHANGE IN PROPOSED RULE

DAR FILE NO.: 23678
FILED: 06/21/2001, 15:46
RECEIVED BY: NL

RULE ANALYSIS

PURPOSE OF THE RULE OR REASON FOR THE CHANGE: Following a public hearing and additional comments received by the Division and Board, additional changes are being proposed.

SUMMARY OF THE RULE OR CHANGE: In Subsection R156-24a-102, a definition is added for "an accredited school of physical therapy" to provide additional clarity to the educational requirements identified in Subsection R156-24a-302a(2). The Federation of State Licensing Boards of Physical Therapy (FSBPT) course work evaluation tool workbook was updated to the September 2000 edition, rather than the March 1999 edition. Section R156-24a-302b was amended with respect to examination requirements. The proposed amendments would change the current format of the Utah Physical Therapy Law and Rule examination to an open book, take home examination which is to be included as part of the application. It was agreed that the purpose of the law and rule examination is education only. It was the opinion that the current form of the examination was too complex for the intended purpose to inform the applicant on professional conduct issues. Furthermore, an out of state applicant experienced significant time and expense to travel to Utah to take this examination in order to become licensed. The new open book, take home format for the law and rule exam will fulfill the intended purpose of "education" while significantly reducing the time and cost to become licensed.
(**DAR Note:** This change in proposed rule has been filed to make additional changes to an amendment that was published in the May 15, 2001, issue of the *Utah State Bulletin*, on page 9. You must view the change in proposed rule and the proposed amendment together to understand all of the changes that will be enforceable should the agency make this rule effective.)

STATE STATUTORY OR CONSTITUTIONAL AUTHORIZATION FOR THIS RULE: Section 58-24a-101 and Subsection 58-1-106(1)

THIS RULE OR CHANGE INCORPORATES BY REFERENCE THE FOLLOWING MATERIAL: Updates the publication entitled "A Course Work Evaluation Tool For Persons Who Received Their Physical Therapy Education Outside the United States" to the September 2000 edition; and deletes the March 1999 edition of the same publication

ANTICIPATED COST OR SAVINGS TO:
❖THE STATE BUDGET: The Division will incur minimal costs, approximately $50, to reprint the rule once these proposed amendments are made effective. Any costs incurred will be absorbed in the Division's current budget.
❖LOCAL GOVERNMENTS: Proposed rule does not apply to local governments.
❖OTHER PERSONS: The Division receives approximately 60 physical therapy applications for licensure each year. Each applicant will save $80 by not being required to take the formal law and rule examination ($55 exam fee plus $25 study guide), for an aggregate savings of at least $4,800. In addition, of those 60 applicants, approximately 20 apply from out of state and would save the travel expenses of coming to Utah just for the purpose of taking the law/rule examination. For those out of state applicants, there is a current process to have the law/rule examination proctored out of state. However, it does delay the licensure application approval process time by an average of four weeks. For those applicants who would have otherwise had the law/rule exam proctored out of state, each would be able to become licensed in a shorter period of time.

COMPLIANCE COSTS FOR AFFECTED PERSONS: The Division receives approximately 60 physical therapy applications for licensure each year. Each applicant will save $80 by not being required to take the formal law and rule examination ($55 exam fee plus $25 study guide). In addition, of those 60 applicants, approximately 20 apply from out of state and would save the travel expenses of coming to Utah just for the purpose of taking the law/rule examination. For those out of state applicants, there is a current process to have the law/rule examination proctored out of state. However, it does delay the licensure application approval process time by an average of four weeks. For those applicants who would have otherwise had the law/rule exam proctored out of state, each would be able to become licensed in a shorter period of time.

COMMENTS BY THE DEPARTMENT HEAD ON THE FISCAL IMPACT THE RULE MAY HAVE ON BUSINESSES: The primary cost impact under the proposed changes will result from an amendment that would change the current format of the Utah Physical Therapy Law and Rule Exam. Under the amendment, the examination would become an open book examination for the applicant. Since certain applicants for licensure come from out of state, a significant time and savings will be realized by not having to travel to Utah to take the examination, or from not being required to have the examination proctored out of state. In addition, affected persons will not have to pay for the formal law and rule examination. There are approximately 60 physical therapy applicants for licensure each year. Each applicant will save $80 by not being required to take the formal law and rule examination ($55 for the exam and $25 for the study guide). Finally, out of state applicants (which constitutes about one-third of the approximately 60 applicants every year) will be saved the travel expenses of coming to Utah to take the exam since it now can be taken at home under an open book format. Ted Boyer, Jr.

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

Commerce
Occupational and Professional Licensing
Fourth Floor, Heber M. Wells Building
160 East 300 South

PO Box 146741
Salt Lake City, UT 84114-6741, or
at the Division of Administrative Rules.

DIRECT QUESTIONS REGARDING THIS RULE TO:
David Fairhurst at the above address, by phone at (801) 530-6621, by FAX at (801) 530-6511, or by Internet E-mail at brdopl.dfairhur@email.state.ut.us.

INTERESTED PERSONS MAY PRESENT THEIR VIEWS ON THIS RULE BY SUBMITTING WRITTEN COMMENTS TO THE ADDRESS ABOVE NO LATER THAN 5:00 P.M. ON 08/14/2001.

THIS RULE MAY BECOME EFFECTIVE ON: 08/15/2001

AUTHORIZED BY: J. Craig Jackson, Director

R156. Commerce, Occupational and Professional Licensing.
R156-24a. Physical Therapist Practice Act Rules.
R156-24a-102. Definitions.

In addition to the definitions in Title 58, Chapters 1 and 24a, as used in Title 58, Chapters 1 and 24a or these rules:

(1) "An accredited school of physical therapy", as used in Subsection 58-24a-109(2)(b), means a college or university:

(a) accredited by CAPTE; or

(b) a foreign education program which is equivalent to a CAPTE accredited program as determined by FSBPT's Foreign Credentialing Commission on Physical Therapy.

(2) "Approved course work evaluation tool", as used in Subsection R156-24a-302a(3), means the FSBPT's [~~March 1999~~]September 2000 revised publication entitled "A Course Work Evaluation Tool For Persons Who Received Their Physical Therapy Education Outside the United States", which is hereby adopted and incorporated by reference.

([~~2~~]3) "CAPTE" means Commission on Accreditation in Physical Therapy Education.

([~~3~~]4) "FSBPT" means the Federation of State Licensing Boards of Physical Therapy.

([~~4~~]5) "Joint mobilization", as used in Subsection 58-24a-104(2)(b), means passive and active movements of the joints of a patient, including the spine, to increase the mobility of joint systems; but, does not include specific vertebral adjustment and manipulation of the articulation of the spine by those methods or techniques which are generally recognized as the classic practice of chiropractic.

([~~5~~]6) "Unprofessional conduct" as defined in Title 58, Chapters 1 and 24a, is further defined, in accordance with Subsection 58-1-203(5), in Section R156-24a-502.

R156-24a-302b. Qualifications for Licensure - Examination Requirements.

(1) In accordance with Subsection 58-24a-109(2)(c), [~~the examination which shall be required for~~]each applicant for licensure as a physical therapist, including endorsement applicants, [~~as a physical therapist shall consist of the following:~~

~~(a)~~]shall pass the FSBPT's National Physical Therapy Examination with a passing score as established by the FSBPT.[~~; and~~]

([~~b~~]2) In accordance with Section 58-1-309, each applicant for licensure as a physical therapist, including endorsement applicants, shall pass all questions on the open book, take home Utah Physical Therapy Law and Rule Examination[~~the Utah Physical Therapy Law Examination with a passing score of at least 75%~~].

([~~2~~]3) An applicant must have completed the education requirements set forth in Subsection R156-24a-302a(1) or (3), or be enrolled in the final semester of a CAPTE accredited program, in order to be eligible to sit for the examination required for Utah licensure as set forth in Subsection R156-24a-302b(1)(a).

KEY: licensing, physical therapy
2001 **58-24a-101**
Notice of Continuation May 12, 1997 **58-1-106(1)**
58-1-202(1)

Commerce, Occupational and Professional Licensing

R156-47b

Massage Therapy Practice Act Rules

NOTICE OF CHANGE IN PROPOSED RULE
DAR FILE NO.: 23539
FILED: 06/21/2001, 15:46
RECEIVED BY: NL

RULE ANALYSIS

PURPOSE OF THE RULE OR REASON FOR THE CHANGE: Following a public hearing and written comments received by the Division, some additional changes need to be made to this rule. Also due to statute changes made in Title 58, Chapter 28, Veterinary Practice Act, allowing animal massage, a new section governing that practice needed to be added (see S.B. 132).
(**DAR Note:** S.B. 132 is found at 2001 Utah Laws 124 and was effective April 30, 2001.)

SUMMARY OF THE RULE OR CHANGE: Section R156-47b-302a regarding massage school curriculum standards and equivalent education and training: additional changes were made with respect to massage school curriculum accreditation. The Commission on Massage Training Accreditation (COMTA) accreditation requirement was deleted and added that massage school curriculums must be registered with the Utah State Board of Regents or an accrediting agency recognized by the United States Department of Education. Added Section R156-47b-601 regarding standards for animal massage training. Added that in order for a massage therapist to perform animal massage as provided for in Subsection 58-28-8(12)(c), the therapist must have completed 60 hours of training in quadruped anatomy, the theory of quadruped massage and supervised quadruped massage experience.
(**DAR Note:** This change in proposed rule has been filed to make additional changes to an amendment that was published in the March 15, 2001, issue of the *Utah State Bulletin*, on page 42. You must view the change in proposed rule and the

amendment together to understand all of the changes that will be enforceable should the agency make this rule effective.)

STATE STATUTORY OR CONSTITUTIONAL AUTHORIZATION FOR THIS RULE: Section 58-47b-101, and Subsections 58-1-106(1) and 58-1-202(1)

ANTICIPATED COST OR SAVINGS TO:
❖THE STATE BUDGET: The Division will incur minimal costs, approximately $50, to reprint this rule once these proposed amendments are made effective. Any costs incurred will be absorbed in the Division's current budget.
❖LOCAL GOVERNMENTS: Proposed rule does not apply to local governments.
❖OTHER PERSONS: Licensed massage therapists: If a licensed massage therapist wants to engage in the practice of animal massage, costs would be incurred to obtain the required 60 hours of training. However, the Division is unable to determine an approximate cost for the 60 hours of training due to limited training options at the present time. Currently, no massage school is offering training in animal massage. There may be the possibility of veterinarians offering training classes, but the Division is not aware of any at the present time. However, if a licensed massage therapist did not want to engage in animal massage, no costs would be incurred.
COMPLIANCE COSTS FOR AFFECTED PERSONS: Licensed massage therapists: If a licensed massage therapist wants to engage in the practice of animal massage, costs would be incurred to obtain the required 60 hours of training. However, the Division is unable to determine an approximate cost for the 60 hours of training due to limited training options at the present time. Currently, no massage school is offering training in animal massage. There may be the possibility of veterinarians offering training classes, but the Division is not aware of any at the present time. However, if a licensed massage therapist did not want to engage in animal massage, no costs would be incurred.

COMMENTS BY THE DEPARTMENT HEAD ON THE FISCAL IMPACT THE RULE MAY HAVE ON BUSINESSES: Compliance cost for business as a result of adoption of this rule: If a business chooses to pay for the additional training available to individual employees working within the business, the business will be required to pay the additional cost of training for the licensees employed by them to pursue this modality of animal massage under Subsection 58-28-8(12)(c). If an individual desires to obtain additional training in the modality of animal massage under Subsection 58-28-8(12)(c), he will have to incur himself the additional cost required for said training. Ted Boyer, Jr.

THE FULL TEXT OF THIS RULE MAY BE INSPECTED, DURING REGULAR BUSINESS HOURS, AT:
Commerce
Occupational and Professional Licensing
Fourth Floor, Heber M. Wells Building
160 East 300 South
PO Box 146741
Salt Lake City, UT 84114-6741, or
at the Division of Administrative Rules.

DIRECT QUESTIONS REGARDING THIS RULE TO:
Clyde Ormond at the above address, by phone at (801) 530-6254, by FAX at (801) 530-6511, or by Internet E-mail at brdopl.cormond@email.state.ut.us.

INTERESTED PERSONS MAY PRESENT THEIR VIEWS ON THIS RULE BY SUBMITTING WRITTEN COMMENTS TO THE ADDRESS ABOVE NO LATER THAN 5:00 P.M. ON 08/14/2001.

THIS RULE MAY BECOME EFFECTIVE ON: 08/15/2001

AUTHORIZED BY: J. Craig Jackson, Director

R156. Commerce, Occupational and Professional Licensing.
R156-47b. Massage Therapy Practice Act Rules.
R156-47b-302a. Qualifications for Licensure as a Massage Therapist - Massage School Curriculum Standards - Equivalent Education and Training.

(1) In accordance with Subsection 58-47b-302(2)(e)(i)(A), an applicant must graduate from a school of massage with a curriculum, which at the time of graduation, meets the following standards:

(a) [~~curriculums accredited by COMTA; or~~

~~(b) curriculums accredited by an accrediting body that has United States Department of Education approval; or~~

~~(c) curriculums registered with the Utah State Board of Regents if the curriculum has not been in effect longer than five years from the registration date.~~]curriculums must be registered with the Utah State Board of Regents or an accrediting agency recognized by the United States Department of Education.

([~~c~~]b) Curriculums shall be not less than 600 hours and including the following:

(i) anatomy, physiology and pathology;
(ii) massage theory including the five basic strokes;
(iii) ethics;
(iv) safety and sanitation;
(v) clinic or practicum; and
(vi) other related massage subjects as approved by the Division in collaboration with the Board.

(2) In accordance with Subsection 58-47b-302(2)(e)(i)(B), an applicant who completes equivalent education and training must document that the education and training was approved by NCBTMB as evidenced by current NCBTMB certification.

R156-47b-601. Standards for Animal Massage Training.

In accordance with Subsection 58-28-8(12)(c), a massage therapist practicing animal massage shall have received 60 hours of training in the following areas:

(1) quadruped anatomy;
(2) the theory of quadruped massage; and
(3) supervised quadruped massage experience.

KEY: licensing, massage*
2001 **58-1-106(1)**
58-1-202(1)
58-47b-101

◆ ◆

Environmental Quality, Water Quality
R317-550-7
Disposal of Wastes at Approved Locations

NOTICE OF CHANGE IN PROPOSED RULE
DAR FILE NO.: 23600
FILED: 07/02/2001, 17:20
RECEIVED BY: NL

RULE ANALYSIS

PURPOSE OF THE RULE OR REASON FOR THE CHANGE: To clarify the approval authority for acceptable landfills under Subsection R317-550-7(7.1)(B) in response to comments received during the public review period for the rule.

SUMMARY OF THE RULE OR CHANGE: The proposed change adds clarifying language to Subsection R317-550-7(7.1) specifying that land disposal would be allowable in accordance with the provisions of Subsection R317-8-1(1.10)(9) if approved by the Executive Secretary of the Solid and Hazardous Waste Control Board and with the concurrence of the local health department. (**DAR Note:** This change in proposed rule has been filed to make additional changes to an amendment that was published in the April 15, 2001, issue of the *Utah State Bulletin*, on page 45. You must view the change in proposed rule and the proposed amendment together to understand all of the changes that will be enforceable should the agency make this rule effective.)

STATE STATUTORY OR CONSTITUTIONAL AUTHORIZATION FOR THIS RULE: Section 19-5-104

ANTICIPATED COST OR SAVINGS TO:
❖THE STATE BUDGET: No appreciable costs or savings. This change does not result in a need for additional Full Time Equivalents (FTEs).
❖LOCAL GOVERNMENTS: The proposed change clarifies the existing interpretation of the rule. There will be no change in the manner in which the current rule is implemented. As a result, there will be no appreciable cost or savings to local government associated with this change.
❖OTHER PERSONS: The proposed change clarifies the existing interpretation of the rule. There will be no change in the manner in which the current rule is implemented. As a result, there will be no appreciable cost or savings to other persons associated with this change.
COMPLIANCE COSTS FOR AFFECTED PERSONS: The proposed change clarifies the existing interpretation of the rule. There will be no change in the manner in which the current rule is implemented. As a result, there will be no change in compliance costs associated with this change.

COMMENTS BY THE DEPARTMENT HEAD ON THE FISCAL IMPACT THE RULE MAY HAVE ON BUSINESSES: The proposed change clarifies the existing interpretation of the rule. There will be no change in the manner in which the current rule is implemented. As a result, there are no anticipated fiscal impacts to businesses.

THE FULL TEXT OF THIS RULE MAY BE INSPECTED, DURING REGULAR BUSINESS HOURS, AT:
Environmental Quality
Water Quality
Cannon Health Building
288 North 1460 West
PO Box 144870
Salt Lake City, UT 84114-4870, or
at the Division of Administrative Rules.

DIRECT QUESTIONS REGARDING THIS RULE TO:
David Wham at the above address, by phone at (801) 538-6146, by FAX at (801) 538-6052, or by Internet E-mail at dwham@deq.state.ut.us.

INTERESTED PERSONS MAY PRESENT THEIR VIEWS ON THIS RULE BY SUBMITTING WRITTEN COMMENTS TO THE ADDRESS ABOVE NO LATER THAN 5:00 P.M. ON 08/14/2001.

THIS RULE MAY BECOME EFFECTIVE ON: 08/15/2001

AUTHORIZED BY: Dianne R. Nielson, Director

R317. Environmental Quality, Water Quality.
R317-550. Rules for Waste Disposal By Liquid Scavenger Operations.
R317-550-7. Disposal of Wastes at Approved Locations.

7.1 All wastes collected shall be disposed of in accordance with the regulations of the Division and the local health department having jurisdiction. Disposal shall be accomplished by one of the following methods:

A. Into a public sewer system at the place and point in the system designated and approved by the appropriate authority.

B. Into a landfill which has been approved by the Executive Secretary[~~Division~~] of the Solid and Hazardous Waste[~~s~~] Control Board[~~-~~] for disposal of such wastes and in accordance with R315-301 through R315-320[~~-~~], and with concurrence by the local health department.

C. Land disposal, in accordance with the provisions of R317-8-1.10(9), if approved by the Executive Secretary and with the concurrence of the local health department.

7.2 No waste shall be deposited into a sewage collection system, a sewage treatment plant, or waste stabilization pond (lagoon), which will have a detrimental effect on their overall operation.

7.3 Under no circumstances shall dumping of wastes be permitted into any public or private lake, pond, stream, river, watercourse, or any other body of water, or onto any public or private land which has not been designated as an approved disposal site.

7.4 It shall be unlawful for any liquid waste scavenger to transport, treat, store, or dispose of hazardous wastes as defined by 19-6-102(7) without complying with all provisions of R315-1 through R315-301.

KEY: dumping of wastes
2001 **19-5-104**
Notice of Continuation December 12, 1997

Insurance, Administration
R590-175
(Second)
Basic Health Care Plan Rule

NOTICE OF CHANGE IN PROPOSED RULE
DAR FILE NO.: 23369
FILED: 07/02/2001, 14:45
RECEIVED BY: NL

RULE ANALYSIS

PURPOSE OF THE RULE OR REASON FOR THE CHANGE: The additional change to this rule comes as a result of comment made during the second comment period and hearing.

SUMMARY OF THE RULE OR CHANGE: The additional changes to this rule do the following. Subsection R590-175-3(E) requires insurers to use the wording in the rule rather than their own wording.
In the Table: Subsection (3): wording change clarifies that the waiting period is not to exceed 12 months; Subsections (4)(a)(ii), (4)(b)(ii), and (4)(c)(ii): in the last sentence "copayment" is replaced by "benefits;" Subsections (4)(a)(iii), (4)(b)(iii), and (4)(c)(iii): the wording "and prescriptions" is placed after "substance abuse services;" Subsections (5)(a), (b), and (c): clarify that preventive services are to be in accordance with guidelines recommended by the noted organization they are modified from time to time; Subsection (6): the new wording eliminates self-injectable drugs, except insulin, from the subsection; and Subsection (6)(b): this subsection gives carriers the right to use formularies and the new wording authorizes carriers to not apply prescription drugs to out-of-pocket maximums.
(**DAR Note:** This is the second change in proposed rule (CPR) for R590-175. The original amendment upon which the first CPR was based was published in December 15, 2000, issue of the *Utah State Bulletin*, on page 36. The first CPR upon which this second CPR is based was published in the May 1, 2001, issue of the *Utah State Bulletin*, on page 135. You must view the first CPR, the second CPR, and the proposed amendment together to understand all of the changes that will be enforceable should the agency make this rule effective.)

STATE STATUTORY OR CONSTITUTIONAL AUTHORIZATION FOR THIS RULE: Sections 31A-2-201 and 31A-22-613

ANTICIPATED COST OR SAVINGS TO:
❖THE STATE BUDGET: The new changes will not require an additional form or rate filing by the insurer, therefore, the department will receive no additional revenue nor will there be any additional expense or work required by the department.
❖LOCAL GOVERNMENTS: This rule will not affect local government. The rule is regulated by a state government agency to which all fees are paid by its licensees.
❖OTHER PERSONS: This change will not require an additional form or rate filing by the insurer. Many of the changes are for clarification purposes. The changes in Section R590-175-6 to the table make clear to insurers that they have the choice to apply or not apply the copay on prescriptions toward out-of-pocket maximums. This could be a cost savings to the insurer who is now applying the prescription copay to the out-of-pocket maximum and now decides to not have the copay apply to out-of-pocket.
COMPLIANCE COSTS FOR AFFECTED PERSONS: This change will not require an additional form or rate filing by the insurer. Many of the changes are for clarification purposes. The changes in Section R590-175-6 to the table make clear to insurers that they have the choice to apply or not apply the copay on prescriptions toward out-of-pocket maximums. This could be a cost savings to the insurer who is now applying the prescription copay to the out-of-pocket maximum and now decides to not have the copay apply to out-of-pocket.

COMMENTS BY THE DEPARTMENT HEAD ON THE FISCAL IMPACT THE RULE MAY HAVE ON BUSINESSES: This proposed change relating to the prescription copy, may have a slight impact on premium costs.

THE FULL TEXT OF THIS RULE MAY BE INSPECTED, DURING REGULAR BUSINESS HOURS, AT:
Insurance
Administration
3110 State Office Building
Salt Lake City, UT 84114, or
at the Division of Administrative Rules.

DIRECT QUESTIONS REGARDING THIS RULE TO:
Jilene Whitby at the above address, by phone at (801) 538-3803, by FAX at (801) 538-3829, or by Internet E-mail at idmain.jwhitby@state.ut.us.

INTERESTED PERSONS MAY PRESENT THEIR VIEWS ON THIS RULE BY SUBMITTING WRITTEN COMMENTS TO THE ADDRESS ABOVE NO LATER THAN 5:00 P.M. ON 08/14/2001.

THIS RULE MAY BECOME EFFECTIVE ON: 08/15/2001

AUTHORIZED BY: Jilene Whitby, Information Specialist

R590. Insurance, Administration.
R590-175. Basic Health Care Plan Rule.

. . . . . .

R590-175-3. General Requirements.

A. Each insurer who is required to offer a health care plan under the open enrollment provisions of Chapter 30 shall file with the department at least one health plan which is specified by the insurer as complying with the provisions of this rule and which must be offered for sale to anyone qualifying for open enrollment under Chapter 30.

B. The specified plan may offer additional services or provide a greater level of benefits than the Basic Health Care Plan. However, the specified plan must contain at least those benefits set forth in the Basic Health Care Plan.

C. The specified plan shall not be designed or marketed in a manner which may tend to discourage its purchase by anyone purchasing under the open enrollment provisions of Chapter 30.

D. A plan having actuarial equivalence may be considered, at the sole discretion of the commissioner.

E. Each insurer [~~may~~]must use [~~its own~~]the language in this rule to present covered services, limitations and exclusions; however, any plan offered in compliance with the open enrollment provisions of Chapter 30 must contain at least the benefits set forth in the Basic Health Care Plan as adopted by the commissioner. The specified plan is to be offered as a package, in its entirety, and is mutually exclusive of and not comparable on a line by line basis to a carrier's other plans.

F. When the specified plan is offered by a preferred provider organization, PPO, the benefit levels shown in the Basic Health Care Plan are for contracting providers; benefit levels for non-contracting providers' services may be reduced in accordance with Section 31A-22-617.

G. Each insurer is to include its usual contracting provisions in its specified plan including submission of claims, coordination of benefits, eligibility and coverage termination, grievance procedures general terms and conditions, etc.

H. The form to follow for the Basic Health Care Plan is as follows:

TABLE
BASIC HEALTH CARE PLAN

1. MAXIMUM BENEFIT. The maximum benefit per person for the entire period for which coverage is in effect shall not be less than $1,000,000.

2. ANNUAL MAXIMUM BENEFIT. The maximum annual benefit per person shall not be less than $250,000.

3. PREEXISTING CONDITION LIMITATION. Any preexisting condition limitation shall be in compliance with Utah Code 31A-30-107(5); the waiting period shall [~~be~~]not exceed 12 months with credit for prior coverage when applicable.

4. COST-SHARING. Cost-sharing shall be based on eligible expenses. The cost-sharing features of the plan shall be one of the following, at the option of the carrier:

(a)(i) Deductible. An annual deductible may not be greater than $1,000 per person and only two deductibles per family unit. However, when the person has a medical savings account, the deductible amount may be greater than $1,000.

(ii) Copayment. See paragraph 6 for [~~copayment~~]benefits applicable to prescription drugs.

(iii) Coinsurance. For all covered services other than mental illness/substance abuse services and prescriptions, the person shall pay not more than 20% coinsurance to an annual maximum of $3,000 per person, $6,000 per family unit.

(b)(i) Deductible. An annual deductible may not be greater than $1,000 per person and only two deductibles per family unit. However, when the person has a medical savings account, the deductible amount may be greater than $1,000. Preventive services under a managed care plan; e.g., HMO, PPO, are not subject to the deductible.

(ii) Copayment. A copayment is not to exceed $15 per visit for office, including preventive care, services. When a copayment is required, no coinsurance may be charged for the same service. See paragraph 6 for [~~copayment~~]benefits applicable to prescription drugs.

(iii) Coinsurance. For all covered services other than mental illness/substance abuse services and prescriptions, the person shall pay not more than 20% coinsurance to an annual maximum of $3,000 per person, $6,000 per family unit.

(c)(i) Deductible. None.

(ii) Copayment. A copayment is not to exceed $20 per visit for office, including preventive care, services. When a copayment is required, no coinsurance may be charged for the same service. See paragraph 6 for [~~copayment~~]benefits applicable to prescription drugs.

(iii) Coinsurance. For all covered services other than mental illness/substance abuse services and prescriptions, the person shall pay not more than 30% coinsurance to an annual maximum of $3,000 per person, $6,000 per family unit.

5. PREVENTIVE SERVICES. Preventive services covered under a managed care plan shall not be subject to the annual deductible. Preventive services under an indemnity or fee-for-service plan may be subject to the annual deductible. Covered preventive services shall consist of at least the following:

(a) childhood immunizations in accordance with guidelines as recommended by the Centers for Disease Control, as modified from time to time;

(b) well-baby care through age five in accordance with guidelines recommended by the American Academy of Pediatrics, as modified from time to time;

(c) for adults and adolescents, age, sex and risk appropriate preventive and screening services in accordance with guidelines recommended by the U.S. Preventive Services Task Force, as modified from time to time.

6. PRESCRIPTION DRUGS. Benefits for prescription drugs, other than self injectable drugs, except insulin, shall be subject to either:

(a) a copayment of not more than $15 for generic, $25 for brand-name formulary prescription drugs, and $35 for non-formulary prescription drugs; or

(b) at the option of the carrier, benefits may be subject to a 30% maximum coinsurance.

Carriers may use formularies and may choose to not apply out-of-pocket costs of prescription drugs to out-of-pocket maximums.

7. OUTPATIENT REHABILITATION SERVICES. Benefits for outpatient rehabilitation services (e.g., physical therapy, occupational therapy, and speech therapy) shall be limited to not less than 10 visits for each illness or injury.

8. MENTAL ILLNESS AND/OR SUBSTANCE ABUSE SERVICES. Benefits for mental illness and/or substance abuse services may be subject to a deductible. Coinsurance may not exceed 50% of eligible expenses and may not apply toward the maximum. Benefits shall be one of the following, at the option of the carrier:

(a) benefits for inpatient services shall be limited to not less than ten days annually per person; benefits for outpatient services shall be limited to not less than 20 visits annually per person;

(b) mental health and/or substance abuse services for group policies will be subject to 31A-22-625 and 31A-22-720.

9. HOME HEALTH CARE. Benefits for home health care shall be limited to not less than 30 days in any 12 month period and shall consist of services provided, in accordance with a plan of care, in the home by a licensed community home health agency or an approved hospital program for home health care when the person is physically unable to obtain necessary medical care on an outpatient basis, would otherwise be confined as an inpatient, and is under the care of a physician. A "plan of care" means a written plan that:

(a) is approved by the physician prior to commencement of treatment;

(b) is based on the assessment data or physician orders; and

(c) identifies the patient's needs, who will provide needed services, how often, treatment goals, and anticipated outcomes.

Covered services shall not include health aide services furnished when the person is not receiving professional services of a registered nurse (RN), licensed practical nurse (LPN), or licensed vocational nurse (LVN), nor shall it include housekeeping services.

10. DURABLE MEDICAL EQUIPMENT. Benefits for durable medical equipment, rental or purchase, at the option of the carrier. Prosthetics and orthotics shall be limited to not less than $5,000 per person for the entire period for which coverage is in effect.

11. COVERED SERVICES. Subject to medical necessity, provider network, and prior approval criteria established by the carrier, and subject to the limitations and exclusions and other terms and conditions of the policy, the following shall be covered services under the basic health care plan:

(a) inpatient hospital services:

(i) semi-private room accommodations;

(ii) ICU;

(iii) hospital services and supplies;

(b) ambulatory service facility services:
(i) birthing center services, when maternity care is covered;
(ii) surgical facility services;
(c) office preventive services;
(d) office medical services:
(i) diagnostic services; e.g., x-ray, lab tests;
(ii) therapeutic services; e.g., injection of medication;
(e) outpatient hospital services:
(i) emergency room services;
(ii) diagnostic services;
(iii) therapeutic services; e.g., chemotherapy, radiation therapy;
(iv) surgical facility services;
(f) inpatient medical services; e.g., physician visits;
(g) surgery;
(h) assistant-at-surgery;
(i) anesthesia, including children's general anesthesia for dental, if necessary;
(j) consultation;
(k) dental care for accidental injury to sound natural teeth;
(l) limited home health care;
(m) emergency ambulance transportation;
(n) prescription drugs;
(o) durable medical equipment, prosthetics and orthotics, as limited; and medical supplies;
(p) maternity services:
(i) for employer groups maternity benefits are provided on the same basis as benefits for sickness;
(ii) for individuals there are no maternity benefits;
(iii) benefits for complications of pregnancy are provided on the same basis as benefits for sickness. Complications of pregnancy will not be excluded solely because the pregnancy is a preexisting condition. "Complications of pregnancy" means an illness, distinct from pregnancy, affecting the mother and occurring during pregnancy and requiring separate and specific medical or surgical services for which separate and additional charges are incurred. In no event will the presence of complications of pregnancy result in benefits being provided for services normal to care and treatment of pregnancy and childbirth. Such normal services include but are not limited to hospitalization for childbirth or termination of pregnancy by any means, anesthesia services, ultrasound examinations, prenatal diagnostic laboratory services, antepartum and postpartum care, vaginal or cesarean delivery, threatened premature termination, premature termination, and routine nursery care of the newborn;
(iv) newborn and maternity inpatient time limits will conform to 31A-22-610.2. For conversion plans, maternity will be covered with the lesser of benefits originally on plan prior to conversion or the basic benefit plan. This coverage benefit is only for existing pregnancies, known or unknown at the time of conversion. Additional premium for pregnancy is not allowed;
(q) limited outpatient rehabilitation services;
(r) limited mental illness/substance abuse services;
(s) diabetes as required by 31A-22-626.
(t) inborn metabolic errors, PKU, nutritional benefits as required by 31A-22-623; and
(u) mastectomy as required by 31A-22-630 and 31A-22-719.
12. EXCLUSIONS. Benefits will not be provided for any of the following:
(a) services, supplies, or treatment provided prior to the effective date or after the termination date of coverage;
(b) charges in connection with a work-related injury or sickness for which coverage is provided under any state or federal worker's compensation, employer's liability, or occupational disease law;
(c) services, supplies, or treatment for which coverage is provided under any motor vehicle no-fault plan. When the person is required by law to have no-fault insurance in effect, this exclusion applies to charges up to the minimum coverage required by law whether or not such coverage is in effect.;
(d) services, supplies, or treatment for injury or sickness resulting from war or any act of war whether declared or undeclared;
(e) services, supplies, or treatment for injury or sickness resulting from service in the military of any country;
(f) services, supplies, or treatment for which benefits are provided under Medicare or any other government program except Medicaid;
(g) services, supplies, or treatment for which no charge is made or for which the person is not required to pay;
(h) services or supplies not incident to or necessary for the treatment of injury or sickness or which are not medically necessary, as determined by the carrier;
(i) treatment or prevention of an injury or sickness, including mental illness, by means of treatments, procedures, techniques, or therapy outside generally accepted health care practice;
(j) services, supplies, or treatment required as a result of an injury or sickness sustained while committing a felony or engaging in an illegal occupation;
(k) services to the extent benefits are provided by any governmental unit except as required by federal law for treatment of veterans in Veterans Administration or armed forces facilities for non-service related medical conditions;
(l) examinations, reports, or appearances in connection with legal proceedings; and services, supplies, or accommodations pursuant to a court order, whether or not injury or sickness is involved;
(m) investigative/experimental technology, treatment, procedure, facility, equipment, drug, device or supply, "technology," which does not, as determined by the carrier on a case by case basis, meet all of the following criteria:
(i) the technology must have final approval from appropriate governmental regulatory bodies, if applicable;
(ii) the technology must be available in significant number outside the clinical trial or research setting;
(iii) the available research regarding the technology must be substantial. For purposes of this definition, "substantial" means sufficient to allow the carrier to conclude that:
(A) the technology is both medically necessary and appropriate for the person's treatment;
(B) the technology is safe and efficacious; and
(C) more likely than not, the technology will be beneficial to the person's health;
(iv) the regional medical community as a whole must generally recognize the technology as appropriate;
(n) services in connection with any transplant of any whole organ or part thereof, live or cadaver, bone marrow, either as donor or recipient, or any artificial organ, except for the following:
(i) cornea transplants;
(ii) kidney transplants;
(iii) liver transplants for children under age 18 years;
(iv) bone marrow transplants for children under age 18 years; and
(v) evaluation, treatment and therapy involving the use of myeloablative chemotherapy with autologous hematopoietic stem cell and/or colony stimulating factor support for children under age 18 years;
(o) custodial care. "Custodial care" means:
(i) institutional care, consisting mainly of room and board, which is for the primary purpose of controlling the person's environment; and
(ii) professional or personal care, consisting mainly of non-skilled nursing services with or without medical supervision, which is for the primary purpose of managing the person's disability or maintaining the person's degree of recovery already attained without reasonable expectation of significant further recovery.
"Custodial care" does not mean outpatient palliative and supportive care provided by a hospice program to a person who is terminally ill with a life expectancy of not more than six months and is in lieu of institutional or inpatient hospital care;
(p) services, supplies, or treatment in connection with cosmetic or reconstructive procedures which alter appearance but do not restore or improve impaired physical function or which are performed for psychological or emotional purposes, except when performed while a person is covered under this policy for the following:
(i) repair of defects resulting from an accident occurring within 90 days of the effective date of this policy under creditable coverage or occurring during this policy;

(ii) replacement of diseased tissue surgically removed for illness occurring within 90 days of this policy under creditable coverage or occurring during this policy;

(iii) treatment of a birth defect in a child who has met the pre-existing conditions requirement since birth or date of placement for adoption; and

(iv) mastectomy reconstruction as required by 31A-22-630 and 31A-22-719;

(q) dental services. This exclusion will not apply if dental services are required as a result of an accidental injury which occurs while coverage is in force, dental services are received within two years following the accidental injury, and the person has been continuously covered from the date of the accidental injury through the date the dental services are provided;

(r) eyeglasses, contact lenses and/or servicing of eyeglasses and/or contact lenses. This exclusion does not apply to contact lenses in the case of keratoconus or post-cataract surgery when the contact lenses are medically necessary in the treatment of the condition;

(s) medical, non-surgical, care of weak, strained, flat, unstable or unbalanced feet routine foot care. The exclusion of routine foot care does not apply to cutting or removal of corns, calluses, or nails when provided to a person who has a systemic disease, such as diabetes with peripheral neuropathy or circulatory insufficiency, of such severity that unskilled performance of the procedure would be hazardous;

(t) orthopedic or corrective shoes, foot orthotics, or any other supportive devices for the feet;

(u) drugs and medicines which do not bear the legend "Caution - federal law prohibits dispensing without a prescription" and/or which are not dispensed by a licensed pharmacist;

(v) charges in connection with jaw realignment procedures including, but not limited to, osteotomy, upper or lower jaw augmentation or reduction procedures, and orthognathic surgery; charges in connection with treatment of temporomandibular joint (TMJ) dysfunction, including surgical procedures and injections of the TMJ, physical therapy, splints, and orthodontic appliances. This exclusion will not apply to:

(i) the initial diagnostic evaluation of TMJ dysfunction;

(ii) surgical correction of the TMJ required as a result of an accidental injury which occurs while this coverage is in force; and

(iii) physical therapy services related to and subsequent to covered TMJ surgery;

(w) treatment of obesity by means of surgical, medical or medication services and regardless of associated medical, emotional, or psychological conditions;

(x) services or supplies in connection with genetic studies;

(y) implantable contraceptives (hormonal or other);

(z) reversal of a sterilization procedure;

(aa) any treatment for or diagnosis of infertility, artificial insemination, in vitro fertilization, and any other male or female dysfunction;

(bb) vision testing, vision training;

(cc) radial keratotomy, laser and any surgical correction of errors of refraction;

(dd) educational service or counseling, including weight control clinics, stop smoking clinics, cholesterol counseling, exercise programs or other types of physical fitness training, except for those benefits required by 31A-22-626;

(ee) marriage counseling; family counseling; counseling for educational, social, occupational, religious, or other similar maladjustment; behavior modification, biofeedback, or rest cures as treatment for mental disorders; sensitivity or stress-management training; self-help training; and residential treatment;

(ff) treatment for mental disorders which are irreversible or for which there is little or no reasonable expectation for improvement, including mental retardation, personality disorders, and chronic organic brain disease. This exclusion does not apply to the initial assessment for diagnosis of the condition;

(gg) psychotherapy, counseling, or other services in connection with learning disabilities, disruptive behavior disorders, conduct disorders, psychosexual disorders, or transexualism. This exclusion does not apply to the initial assessment for diagnosis of the condition;

(hh) vitamins, special formulas, special diets, and food supplements except as provided by a hospital or skilled nursing facility during a confinement for which benefits are available, except as outlined in 31A-22-623;

(ii) any devices used to aid hearing, including cochlear implants, the fitting of such devices and any routine hearing tests;

(jj) acupuncture or acupressure;

(kk) speech therapy for psychosocial speech delays;

(ll) all shipping, handling, or postage charges except as incidentally provided, without a separate charge, in connection with covered services or supplies;

(mm) interest or finance charges except as specifically required by law;

(nn) charges for missed appointments, telephone consultations, and clerical services for completion of special reports or claim forms;

(oo) travel expenses, whether or not prescribed;

(pp) care, except urgent or emergency care, rendered outside the United States;

(qq) services provided by a member of the person's immediate family or household; and

(rr) autopsy procedures.

I. The specified plan is to be filed with the department before use.

J. Conversion coverage provided pursuant to Section 31A-22-708, may provide additional benefits in addition to the Basic Health Care Plan.

• • • • • • • • • • •

KEY: insurance
2001 **31A-22-613.5**

End of the Notices of Changes in Proposed Rules Section

NOTICES OF
120-DAY (EMERGENCY) RULES

An agency may file a 120-DAY (EMERGENCY) RULE when it finds that the 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 (*Utah Code* Subsection 63-46a-7(1) (2001)).

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. A row of dots in the text (• • • • •) indicates that unaffected text was removed to conserve space.

A 120-DAY RULE is effective at the moment the Division of Administrative Rules receives the filing, 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 120-DAY RULES are effective immediately, the law does not require a public comment period. However, when an agency files a 120-DAY RULE, it usually files a PROPOSED RULE at the same time, to make the requirements permanent. Comment may be made on the PROPOSED RULE. EMERGENCY or 120-DAY RULES are governed by *Utah Code* Section 63-46a-7 (2001); and *Utah Administrative Code* Section R15-4-8.

Commerce, Occupational and Professional Licensing (Changed to Commerce, Administration)

R156-66

(Changed to R151-33)

Utah Professional Boxing Regulation Act Rules

NOTICE OF 120-DAY (EMERGENCY) RULE
DAR FILE NO.: 23859
FILED: 06/26/2001, 11:29
RECEIVED BY: NL

RULE ANALYSIS

PURPOSE OF THE RULE OR REASON FOR THE CHANGE: The Utah Professional Athletic Commission Act (S.B. 25, 2001 General Session) has superseded the Boxing Regulation Act, which has been repealed. Once members of the Commission, provided for under the new Act, are appointed, they will need to meet, deliberate, and carefully rework the rule that existed under the repealed act so as to ensure that it is properly revised. The rule, as revised, will need to: completely mesh with and fully implement the new Act; provide for some entirely new provisions as found in the recently enacted statute; provide for the protection and welfare of athletes and others involved in the sports contests covered by the new Act; and provide the type of protection for the State of Utah as is mandated by the new Act. Until the new Commission members have had an opportunity to carefully undertake the action required, it is absolutely essential that there be an emergency rule formulated (cross-referenced to the new Act and citations included within the rule that will refer to provisions of the new Act, rather than to provision of the repealed Act). The State of Utah regulated sports activities are ongoing, and are scheduled to continue very shortly in the early part of July, 2001. Under the proposed stopgap emergency rule the Department of Commerce is submitting, the interests of those involved in the contests and the interests of the State of Utah will be sufficiently protected until the Commissioners have had a chance to make a thorough review and revise the rule.
(**DAR Note:** S.B. 25 is found at 2001 Utah Laws 91 and was effective July 1, 2001.)

SUMMARY OF THE RULE OR CHANGE: Changes have been made in the existing rule to correctly refer to statutory provisions of the new Act. In addition, since a new numbering system for the rules has been adopted, it has been necessary to make a change in the number of a rule that may be referred to in the text of an existing rule. Finally, provisions have been added to the rule that relate to new sports covered under the Act and for provisions added under the new Act intended to give the State of Utah extra liability protection.

STATE STATUTORY OR CONSTITUTIONAL AUTHORIZATION FOR THIS RULE: Sections 13-33-101 through 13-33-506

ANTICIPATED COST OR SAVINGS TO:
❖THE STATE BUDGET: The cost of printing will be nominal and will be absorbed by the current budget of the Department of Commerce.
❖LOCAL GOVERNMENTS: There will be no cost at all to local government. No provision of the bill has any financial impact on local government in any way.

❖OTHER PERSONS: Licensed promoters are required to obtain a "surety bond" to hold a contest(s) as part of a single promotion in an amount and form determined by the Commission. Depending on that amount and form, the promoter will be required to pay the expense involved in obtaining the surety bond. Otherwise, no extra cost impact on others under the new statute and rule implementing the statute is anticipated. **NOTE:** The Surety Bond requirement is a requirement of the statute and not of the rule.

COMPLIANCE COSTS FOR AFFECTED PERSONS: Licensed promoters are required to obtain a surety bond to hold a contest(s) as part of a single promotion in an amount and form determined by the Commission. Depending on that amount and form, the promoter will be required to pay the expense involved in obtaining the surety bond. Otherwise, no extra cost impact on others under the new statute and rule implementing the statute is anticipated. **NOTE:** The Surety Bond requirement is a requirement of the statute and not of the rule.

COMMENTS BY THE DEPARTMENT HEAD ON THE FISCAL IMPACT THE RULE MAY HAVE ON BUSINESSES: Particular businesses engaged in providing surety bonds will receive fees for the same; if there is a default under the surety bond, the business will have liability under the bond up to the extent of coverage. **NOTE:** The Surety Bond requirement is a requirement of the statute and not of the rule.

EMERGENCY RULE REASON AND JUSTIFICATION: REGULAR RULEMAKING PROCEDURES WOULD cause an imminent peril to the public health, safety, or welfare.

An emergency rule is needed to protect the health, safety, and welfare of participants and others involved in contests regulated by the State of Utah. A need also exists to protect the State of Utah against liability.

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

Commerce
Occupational and Professional Licensing
(Changed to Administration)
Second Floor, Heber M. Wells Building
160 East 300 South
PO Box 146701
Salt Lake City, UT 84111-146701, or
at the Division of Administrative Rules.

DIRECT QUESTIONS REGARDING THIS RULE TO:
Douglas D. Wilkinson at the above address, by phone at (801) 530-7663, by FAX at (801) 530-6001, or by Internet E-mail at dwilkins@br.state.ut.us.

INTERESTED PERSONS MAY PRESENT THEIR VIEWS ON THIS RULE BY SUBMITTING WRITTEN COMMENTS TO THE ADDRESS ABOVE.

THIS RULE IS EFFECTIVE ON: 07/01/2001

AUTHORIZED BY: Klarice A. Bachman, Deputy Director

R15[6]1. Commerce, [~~Occupational and Professional Licensing~~] Administration.
R15[6-66]1-33. Utah [~~Professional Boxing Regulation~~]Athletic Commission Act Rules.

R15[6-66]1-33-101. Title.

These rules are known as the "Utah Professional [~~Boxing Regulation~~]Athletic Commission Act Rules."

R15[6-66]1-33-102. Definitions.

In addition to the definitions in Title [~~58~~]13, Chapter[~~s 1 and 66,~~] 33, and Section 102, UCA, the following definitions are adopted for the purpose of [~~as used in Title 58, Chapters 1 and 66, or~~]these rules:

(1) "Boxing" means the sport of attack and defense using the fist, covered by an approved boxing glove.

(2) "Designated commission member" means a member of the commission designated as the supervisor for a contest and responsible for the conduct of a contest, as assisted by other commission members, division personnel and others, as necessary and requested by the designated commission member.

(3) "Drug" means a controlled substance, as defined in Title 58, Chapter 37, Utah Controlled Substances Act, or alcohol.

(4) "Mandatory count of eight" means a required count of eight that is given by the referee of a contest to a professional contestant who has been knocked down.

(5) "Nominal value" [~~as used in Subsection 58-66-102(7)~~]means a retail value of less than $500.00.

(6) "Unprofessional conduct," is as defined in Section 13-33-102 (21)(a-f) of UCA. [~~Title 58, Chapters 1 and 66,~~]It is further defined[~~;~~] in R151-33-304[~~accordance with Subsection 58-1-203(5), in Section R156-66-502~~].

R15[~~6-66-103~~]1-33-201. Authority - Purpose.

These rules are adopted by the [~~division~~]Commission under the authority of [~~Subsection 58-1-106(1) and~~]Section [~~58-66-604~~]13-33-201(2), UCA, to enable the [~~division~~]Commission to administer Title [~~58~~]13, Chapter [~~66~~]33, UCA.

[~~**R156-66-104. Organization - Relationship to Rule R156-1.**~~

~~The organization of this rule and its relationship to Rule R156-1 is as described in Section R156-1-107.~~]

R15[6-66]1-33-301. Qualifications for Licensure.

(1) In accordance with [~~Subsections 58-1-203(2) and 58-1-301(3) the qualifications for licensure shall include:~~

~~(1) A professional contestant licensed as a manager or second, shall not be licensed as a judge, referee or promoter.~~]Section 13-33-301(1) and (2), UCA, a license is required for a person to act as or to represent that the person is a promoter, manager, contestant, second, referee, or judge.

(2) A licensed manager shall not hold a license as a referee or judge.

(3) A promoter shall not be licensed as a referee, judge or professional contestant.

R15[~~6-66~~]1-33-302. Renewal Cycle - Procedure.

(1) In accordance with [~~Subsection 58-66-302(1)~~]Subsection 13-33-302(1)(a), the renewal date for the [~~one~~]two-year renewal cycle applicable to licensees under Title [~~58~~]13, Chapter [~~66~~]33 is established by rule in Section R15[~~6-1-308~~]1-33-302.

(2) Renewal procedures shall be in accordance with Section R15[~~6-1-308~~]1-33-302.

R15[~~6-66-401~~]1-33-303. Immediate License Suspension.

(1) In accordance with Subsection [~~58-66-401(2)~~]13-33-303(6), UCA, the designated commission member may issue an order immediately suspending the license of a professional contestant upon a finding that the professional contestant presents an immediate and significant danger to the professional contestant, other professional contestants, or the public.

(2) The suspension shall be at such time and for such period as the division and commission believe is necessary to protect the health, safety, and welfare of the professional contestant, other professional contestants, or the public.

(3) A professional contestant whose license is immediately suspended may, within 30 days, challenge the suspension by submitting a written request for a hearing. The division shall convene the hearing as soon as is reasonably practical but not later than 20 days from the receipt of a written request, unless the division and the party requesting the hearing agree to conduct the hearing at a later date.

(4) The hearing shall be conducted as a formal adjudicative proceeding in accordance with the provisions of the Title 63, Chapter 46b, Utah Administrative Procedures Act, and department or division rules enacted thereunder.

(5) The presiding officers for the proceeding shall be as set forth in Section 58-1-109.

(6) Within a reasonable time after the hearing, the director shall issue an order in accordance with the requirements of Section 63-46b-10. The order of the director shall be considered final agency action with respect to the immediate license suspension and shall be subject to agency review in accordance with Section R151-46b-12.

R15[~~6-66-502~~]1-33-304. Unprofessional Conduct.

"Unprofessional conduct" includes:

(1) as a promoter, failing to promptly inform the division or the commission of all matters relating to the contest;

(2) as a promoter, substituting a professional contestant in the 24 hours immediately preceding the scheduled contest without approval of the division;

(3) violating the rules for conduct of contests set forth [~~in R156-66-604 through R156-66-607;~~]in R151-33-305 through R151-33-342;

(4) testing positive for drugs or alcohol in a random body fluid screen before or after participation in any contest;

(5) testing HIV positive;

(6) failing or refusing to comply with a valid order of a representative of the division; and

(7) signing a contract between a promoter and a professional contestant that is secret and that contradicts the terms of the contract or contracts which are filed with the division.

R15[~~6-66-604a~~]1-33-305. Professional Boxing Weights and Classes.

(1) Boxing weights and classes are established as follows:

(a) Junior Flyweight: not over 108 lbs. or 48.988 kgs.
(b) Flyweight: not over 112 lbs. or 50.802 kgs.
(c) Bantamweight: not over 118 lbs. or 53.524 kgs.
(d) Jr. Featherweight: not over 122 lbs. or 55.338 kgs.
(e) Featherweight: not over 126 lbs. or 57.153 kgs.
(f) Jr. Lightweight: not over 130 lbs. or 58.967 kgs.
(g) Lightweight: not over 135 lbs. or 61.235 kgs.
(h) Jr. Welterweight: not over 140 lbs. or 63.503 kgs.
(i) Welterweight: not over 147 lbs. or 66.678 kgs.
(j) Jr. Middleweight: not over 154 lbs. or 69.853 kgs.
(k) Middleweight: not over 160 lbs. or 72.574 kgs.
(l) Supermiddleweight: not over 168 lbs. or 76.204 kgs.
(m) Lt. Heavyweight: not over 175 lbs. or 79.378 kgs.
(n) Cruiserweight: not over 190 lbs. or 86.18 kgs.
(o) Heavyweight: over 190 lbs. or 86.18 kgs.

(2) A professional contestant shall not fight another professional contestant who is outside of the professional contestant's weight classification unless prior approval is given by the division.

(3) The division shall not allow a contest in which the professional contestants are not fairly matched. In determining if professional contestants are fairly matched, the division shall consider all of the following factors with respect to the professional contestant:

(a) the win-loss record of the professional contestants;
(b) the weight differential;
(c) the caliber of opponents;
(d) each professional contestant's number of fights; and
(e) previous suspensions or disciplinary actions.

R15[~~6-66-604b~~]1-33-306. Weighing In.

(1) Not less than six nor more than 24 hours before the start of a contest, the designated commission member shall weigh in each professional contestant in the presence of other professional contestants.

(2) Professional contestants shall be licensed at the time they are weighed in.

(3) Only those professional contestants who have been previously approved for the contest shall be permitted to weigh in.

(4) A professional contestant who has contracted to box in a given weight class shall not be permitted to compete if he or she exceeds that weight class at the weigh-in, unless the contract provides for the opposing professional contestant to agree to the weight differential. If the weigh-in is held the day before the contest and if the opposing professional contestant does not agree or the contract does not provide for a weight exception, the professional contestant may have two hours to attempt to lose not more than three pounds in order to be reweighed.

R15[~~6-66-604c~~]1-33-307. Number of Rounds in a Bout.

(1) A contest bout shall consist of not less than four scheduled rounds. Three minutes of boxing shall constitute a round. There shall be a rest period of one minute between the rounds.

(2) A promoter shall contract with a sufficient number of professional contestants to provide a program consisting of at least 30, and not more than 56, scheduled rounds of boxing, unless otherwise approved by the division.

R15[~~6-66-604d~~]1-33-308. Ring Dimensions and Construction.

(1) The ring shall be square and be not less than 16 feet nor more than 24 feet on a side measured within the ropes. The ring floor

shall extend not less than 18 inches beyond the ropes. There shall be padding over the ring post if the ring posts are nearer than 18 inches to the ring ropes.

(2) The ring floor shall be padded with not less than a 5/8 of an inch base of ensolite or material with similar or superior shock absorbing and deceleration characteristics which is capable of reducing initial impact and which is approved by the division. The padding shall be placed on one inch of celotex building board or the equivalent. The padding shall extend beyond the ring ropes and over the edge of the platform and shall be covered with canvas, duck, or a similar material, but not plastic material, that is tightly stretched and laced securely in place under the apron. The corners of the ring shall be padded.

(3) Ring posts shall be not less than three, nor more than four inches, in diameter extending from the floor to a height of 58 inches above the floor of the ring. The ropes shall be connected to posts with the extension not shorter than 18 inches.

(4) The ring shall be not more than four feet high. Steps shall be provided for the use of professional contestants.

(5) The ring shall not have less than four ropes which can be tightened and which are not less than one inch in diameter. The ropes shall be evenly spaced, securely tied halfway between the ring posts, and wrapped in a soft material.

R15[~~6-66-604e~~]1-33-309. Gloves.

(1) A professional contestant's gloves shall be examined before a contest by the referee and the designated commission member. If gloves are found to be broken or unclean or if the padding is found to be misplaced or lumpy, they shall be changed before the contest begins.

(2) A promoter shall be required to have on hand an extra set of gloves which are to be used if a professional contestant's gloves are broken or damaged during the course of a contest.

(3) Gloves for a main event may be put on in the ring after the referee has inspected the bandaged hands of both professional contestants.

(4) During a contest, male professional contestants shall wear gloves weighing not less than eight ounces each. Female professional contestants' gloves may be changed at the discretion of the designated commission member. The model and style of the gloves shall be approved before the contest by the designated commission member.

(5) The laces shall be tied on the outside of the back of the wrist of the gloves and shall be secured. The tips of the laces shall be removed.

R15[~~6-66-604f~~]1-33-310. Bandage Specification.

(1) Except as agreed to by the managers of the professional contestants opposing each other in a contest, a professional contestant's bandage for each hand shall consist of soft gauze not more than 20 yards long and not more than two inches wide. The gauze shall be held in place by not more than eight feet of medical tape per hand.

(2) Bandages shall be adjusted in the dressing room under the supervision of a designated commission member.

(3) The use of water or any other substance other than medical tape on the bandages is prohibited.

R15[~~6-66-604g~~]1-33-311. Mouthpieces.

A round shall not begin until the professional contestant's protective mouthpiece is in place. If, during a round, the mouthpiece falls out of the professional contestant's mouth, the referee shall, as soon as practicable, stop the bout and escort the professional contestant to his corner. The mouthpiece shall be rinsed out and replaced in the professional contestant's mouth and the contest shall continue. If the referee determines that the mouthpiece was intentionally spat out by the professional contestant, the referee may direct the judges to deduct points from the professional contestant's score for the round.

R15[~~6-66-604h~~]1-33-312. Professional Contestant Use or Administration of any Substance.

(1) The use or administration of drugs, stimulants, or non-prescription preparations by or to a professional contestant during a contest is prohibited, except as provided in this rule.

(2) The giving of substances other than water to a professional contestant during the course of the contest is prohibited.

(3) The discretional use of petroleum jelly may be allowed around the eyes; however, the use of petroleum jelly, grease, or any other substance on the arms, legs, and body is prohibited.

(4) The discretional use of coagulants, adrenalin 1/1000, avetine, and thrombin, as approved by the division, may be allowed between rounds to stop the bleeding of minor cuts and lacerations sustained by a professional contestant. The use of monsel solution, silver nitrate, "new skin", flex collodion, or substances having an iron base is prohibited, and the use of such substances by a professional contestant is cause for immediate disqualification.

(5) The ringside physician shall monitor the use and application of any foreign substances administered to a professional contestant before or during a contest and shall confiscate any suspicious foreign substance for possible laboratory analysis, the results of which shall be forwarded to the division.

R15[~~6-66-604i~~]1-33-313. Ringside Equipment.

(1) Each promoter shall provide all of the following:

(a) a sufficient number of buckets for use by the professional contestants;

(b) stools for use by the seconds;

(c) rubber gloves for use by the referees, seconds, ringside physicians, and division representatives;

(d) containers for professional contestants to spit in;

(e) a stretcher which is to be kept under the ring near the physician;

(f) a portable resuscitator with oxygen;

(g) an ambulance with attendants on site at all times when professional contestants are boxing. Arrangements shall be made for a replacement ambulance if the first ambulance is required to transport a professional contestant for medical treatment. The location of the ambulance and the arrangements for the substitute ambulance service shall be communicated to the physician;

(h) seats at ringside for the assigned officials. The physician shall be seated near the steps into the ring;

(i) seats at ringside for the designated commission member;

(j) scales for weigh-ins, which the division shall require to be certified;

(k) a gong;

(l) a public address system;

(m) a separate dressing room for each sex, if professional contestants of both sexes are participating;

(n) a separate room for physical examinations;

(o) a separate dressing room shall be provided for officials, unless the physical arrangements of the contest site make an additional dressing room impossible;

(p) adequate security personnel; and

(q) sufficient bout sheets for ring officials and the designated commission member.

(2) A promoter shall only hold contests in premises that conform to the laws, ordinances, and regulations regulating the city, town, or village where the bouts are situated.

(3) Restrooms shall not be used as dressing rooms and for physical examinations and weigh-ins.

R15[~~6-66-604j~~]1-33-314. Boxing Officials.

(1) The officials for each contest shall consist of not less than the following:

(a) one referee;

(b) three judges;

(c) one timekeeper; and

(d) one physician licensed in good standing in Utah.

(2) A licensed referee, judge, or timekeeper shall not officiate at a contest that is not conducted under the authority or supervision of the designated commission member.

(3) A referee or judge shall not participate or accept an assignment to officiate when that assignment may tend to impair the referee's or judge's independence of judgement or action in the performance of the referee's or judge's duties.

(4) A judge shall be seated midway between the ring posts of the ring, but not on the same side as another judge, and shall have an unimpaired view of the ring.

(5) A referee shall not be assigned to officiate more than 32 scheduled rounds in one day, except when substituting for another referee who is incapacitated.

(6) A referee shall not wear jewelry that might cause injury to the professional contestants. Glasses, if worn, shall be protective athletic glasses or goggles with plastic lenses and a secure elastic band around the back of the head.

(7) Referees, seconds working in the corners, the designated commission member, and physicians may wear rubber gloves in the performance of their duties.

(8) No official shall be under the influence of alcohol or controlled substances while performing their duties.

R15[~~6-66-604k~~]1-33-315. Contact During Contests.

(1) Beginning one minute before the first round begins, only the referee, professional contestants, and the chief second may be in the ring. The referee shall clear the ring of all other individuals.

(2) Once a contest has begun, only referees, professional contestants, seconds, judges, division representatives, physicians, the announcer and the announcer's assistants shall be allowed in the ring.

(3) The referee may order that the ring and technical area be cleared at any time either before, during or after a contest of any individual not authorized to be present in those areas.

(4) The referee, on his own initiative, or at the request of the designated commission member, may stop a bout at any time if individuals refuse to clear the ring and technical area, dispute a decision by an official, or seek to encourage spectators to object to a decision either verbally, physically, or by engaging in disruptive conduct. If the individual involved in disruptive conduct or encouraging disruptive conduct is the manager or second of a professional contestant, the referee may order points deducted from that professional contestant's score or disqualify the professional contestant. If the conduct occurred after the decision was announced, the division may change the decision, declare no contest, or pursue disciplinary action against any licensed individual involved in the disruptive conduct.

R15[~~6-66-604l~~]1-33-316. Referees.

(1) The chief official of a contest shall be the referee. The referee shall decide all questions arising in the ring during a contest which are not specifically addressed in these rules.

(2) The referee shall, before each contest begins, determine the name and location of the physician assigned to officiate at the contest and each professional contestant's chief second.

(3) At the beginning of each contest, the referee shall summon the professional contestants and their chief seconds together for final instructions. After receiving the instructions, the professional contestants shall shake hands and retire to their respective corners. The professional contestants shall not shake hands again until the beginning of the last round.

(4) Where difficulties arise concerning language, the referee shall make sure that the professional contestant understands the final instructions through an interpreter and shall use suitable gestures and signs during the contest.

(5) Except for the professional contestants, the referee, and the physician when summoned by the referee, a person shall not enter the ring, including the apron of the ring, during the progress of a round.

(6) If a professional contestant's manager or second steps into the ring or onto the apron of the ring during a round, the fight shall be halted and the referee may eject the manager or second from the ringside working area. If the manager or second steps into the ring or onto the apron a second time during the contest, the fight may be stopped and the decision awarded to the professional contestant's opponent due to disqualification.

(7) A referee shall inspect a professional contestant's body to determine whether a foreign substance has been applied.

(8) A referee shall not touch a professional contestant except on the failure of one or both professional contestants to obey the break command.

R15[~~6-66-604m~~]1-33-317. Stalling or Faking.

(1) A referee shall warn a professional contestant if the referee believes the professional contestant is stalling or faking. If after proper warning, the referee determines the professional contestant is continuing to stall or pull his punches, the referee shall stop the bout at the end of the round.

(2) A referee may consult the judges as to whether or not the professional contestant is stalling or faking and shall abide by a majority decision of the judges.

(3) If it is determined that either or both professional contestants are stalling or faking, or if the professional contestant refuses to fight, the contest shall be terminated and announced as no contest.

(4) A professional contestant who falls down without being struck shall be immediately examined by a physician. After

conferring with the physician, the referee may disqualify the professional contestant.

R15[~~6-66-604n~~]1-33-318. Injuries and Cuts.

(1) When an injury or cut is produced by a fair blow and because of the severity of the blow the contest cannot continue, the injured professional contestant shall be declared the loser by technical knockout.

(2) If a professional contestant intentionally fouls his opponent and an injury or cut is produced, and due to the severity of the injury the professional contestant cannot continue, the professional contestant who commits the foul shall be declared the loser by disqualification.

(3) If a professional contestant receives an intentional butt or foul and the contest can continue, the referee shall penalize the professional contestant who commits the foul by deducting points based upon the severity of the offense. The referee shall notify the judges that the injury or cut has been produced by an intentional unfair blow so that if in the subsequent rounds the same injury or cut becomes so severe that the contest has to be suspended, the decision will be awarded as follows:

(a) a technical draw if the injured professional contestant is behind on points or even on a majority of scorecards; and

(b) a technical decision to the injured professional contestant if the injured professional contestant is ahead on points on a majority of the scorecards.

(4) If a professional contestant injures himself trying to foul his opponent, the referee shall not take any action in his favor, and the injury shall be considered as produced by a fair blow from his opponent.

(5) If a professional contestant is accidentally butted in a bout and can continue, the referee shall stop the action to inform the judges and acknowledge the butt. If in subsequent rounds, as a result of legal blows, the accidental butt injury worsens, the referee shall stop the bout and declare a technical decision with the winner being the professional contestant who is ahead on points on a majority of the scorecards. If a professional contestant is accidentally butted in a bout and an injury or cut is produced and due to the severity of the injury or cut the professional contestant cannot continue, the referee shall rule as follows:

(a) if the injury occurs in half or less of the scheduled rounds, call the bout a technical draw; or

(b) if the injury occurs after half the scheduled rounds, declare that the winner is the professional contestant who has a lead in points on a majority of the scorecards before the round of injury.

(6) If in the opinion of the referee, a professional contestant has suffered a dangerous cut or injury, or other physical or mental condition, the referee may stop the bout temporarily to summon the physician. If the physician recommends that the contest should not continue, then the referee shall order the contest to be terminated.

(7) A fight shall not be terminated because of a low blow. The referee may give a professional contestant not more than five minutes if the referee believes a foul has been committed. Each professional contestant shall be instructed to return to their respective corner by the referee. The professional contestants may sit on a stool and have their mouthpiece removed. After removing their professional contestant's mouthpiece, the seconds must return to their seats. The seconds may not coach, administer water, or in any other way attend to their professional contestant, except to replace the mouthpiece when the round is ready to resume.

(8) If a professional contestant is knocked down or given a standing mandatory count of eight or a combination of either occurs three times in one round, the contest shall be stopped and a technical knockout shall be awarded to the opponent. The physician shall immediately enter the ring and examine the losing professional contestant.

(9) A physician shall immediately examine and administer aid to a professional contestant who is knocked out or injured.

(10) When a professional contestant is knocked out or rendered in an incapacitated condition, the referee or second shall not handle the professional contestant, except for the removal of a mouthpiece, unless directed by the physician to do so.

(11) A professional contestant shall not refuse to be examined by a physician.

(12) A professional contestant who has been knocked out shall not leave the site of the contest until one hour has elapsed from the time of the examination or until released by the physician.

(13) A physician shall file a written report with the division on each professional contestant who has been knocked out or injured.

R15[~~6-66-604o~~]1-33-319. Knockouts.

(1) A professional contestant who is knocked down shall take a minimum mandatory count for eight.

(2) If a professional contestant is dazed by a blow and, in the referee's opinion, is unable to defend himself, the referee shall give a standing mandatory count of eight or stop the contest. If on the count of eight the professional contestant, in the referee's opinion, is unable to continue, the referee may count him out on his feet or stop the contest on the count of eight.

(3) In the event of a knockdown, the timekeeper shall immediately start the count loud enough to be heard by the referee, who, after waving the opponent to the farthest neutral corner, shall pick up the count from the timekeeper and proceed from there. The referee shall stop the count if the opponent fails to remain in the corner. The count shall be resumed when the opponent has returned to the corner.

(4) The timekeeper shall signal the count to the referee.

(5) If the professional contestant taking the count is still down when the referee calls the count of ten, the referee shall wave both arms to indicate that the professional contestant has been knocked out. The referee shall summon the physician and shall then raise the opponent's hand as the winner. The referee's count is the official count.

(6) If at the end of a round a professional contestant is down and the referee is in the process of counting, the gong indicating the end of the round shall not be sounded. The gong shall only be sounded when the referee gives the command to box indicating the continuation of the bout.

(7) In the final round, the timekeeper's gong shall terminate the fight.

(8) A technical knockout decision shall be awarded to the opponent if a professional contestant is unable or refuses to continue when the gong sounds to begin the next round. The decision shall be awarded in the round started by the gong.

(9) The referee and timekeeper shall resume their count at the point it was suspended if a professional contestant arises before the

count of ten is reached and falls down again immediately without being struck.

(10) If both professional contestants go down at the same time, counting will be continued as long as one of them is still down or until the referee or the ringside physician determines that one or both of the professional contestants needs immediate medical attention. If both professional contestants remain down until the count of ten, the bout will be stopped and the decision will be scored as a double knockout.

R15[~~6-66-604p~~]1-33-320. Professional Contestant Outside the Ring Ropes.

(1) A professional contestant who has been knocked, wrestled, pushed, or has fallen through the ropes during a contest shall not be helped back into the ring, nor shall he be hindered in any way by anyone when trying to reenter the ring.

(2) When one professional contestant has fallen through the ropes, the other professional contestant shall retire to the farthest neutral corner and stay there until ordered to continue the contest by the referee.

(3) The referee shall determine if the professional contestant has fallen through the ropes as a result of a legal blow or otherwise. In the event the referee determines the professional contestant fell through the ropes as a result of a legal blow, he shall warn the professional contestant that the professional contestant must immediately return to the ring. If the professional contestant fails to immediately return to the ring following the warning by the referee, the referee shall begin the count which shall be loud enough to be heard by the professional contestant.

(4) If the professional contestant enters the ring before the count of ten, the contest shall be resumed.

(5) If the professional contestant fails to enter the ring before the count of ten, the professional contestant shall be considered knocked out.

R15[~~6-66-604q~~]1-33-321. Scoring.

(1) Officials who score a contest shall use the 10-point must system.

(2) For the purpose of this rule, the "10-point must system" means the winner of each round received ten points as determined by clean hitting, effective aggressiveness, defense, and ring generalship. The loser of the round shall receive less than ten points. If the round is even, each professional contestant shall receive not less than ten points. No fraction of points may be given.

(3) Officials who score the contest shall mark their cards in ink or in indelible pencil at the end of each round.

(4) Officials who score the contest shall sign their scorecards.

(5) At the conclusion of each contest, the judges shall total the points for each professional contestant and indicate the winner by writing the winner's name at the designated area on the card and circling the same name where it appears on the top of the card.

(6) When a contest is scored on the individual score sheets for each round, the referee shall, at the end of each round, collect the score sheet for the round from each judge and shall give the score sheets to the designated commission member for computation.

(7) Referees and judges shall be discreet at all times and shall not discuss their decisions with anyone during a contest.

(8) A decision that is rendered at the termination of a boxing contest shall not be changed without a hearing, unless it is determined that the computation of the scorecards of the referee and judges shows a clerical or mathematical error giving the decision to the wrong professional contestant. If such an error is found, the decision may be changed by the division.

(9) The referee shall collect the score sheets from the judges and give them to the designated commission member for review. After the sheets have been reviewed, the referee shall collect them and give them to the announcer, who shall announce the decision to the spectators.

(10) After a contest, the scorecards shall be collected by the designated commission member and shall be maintained by the division.

(11) If a referee becomes incapacitated and is unable to complete the scoring of a boxing contest, a time-out shall be called and the other referee who is assigned to the contest shall assume the duties of the referee.

(12) If a judge becomes incapacitated and is unable to complete the scoring of a contest, a time-out shall be called and an alternate licensed judge shall immediately be assigned to score the contest from the point at which he assumed the duties of a judge. If the incapacity of a judge is not noticed during a round, the referee shall score that round and the substitute judge shall score all subsequent rounds.

R15[~~6-66-604r~~]1-33-322. Fouls.

(1) A referee may disqualify or penalize a professional contestant by deducting one or more points from a round for the following fouls:

(a) holding an opponent or deliberately maintaining a clinch;

(b) hitting with the head, shoulder, elbow, wrist, inside or butt of the hand, or the knee.

(c) hitting or gouging with an open glove;

(d) wrestling, spinning or roughing at the ropes;

(e) causing an opponent to fall through the ropes by means other than a legal blow;

(f) gripping at the ropes when avoiding or throwing punches;

(g) intentionally striking at a part of the body that is over the kidneys;

(h) using a rabbit punch or hitting an opponent at the base of the opponent's skull;

(i) hitting on the break or after the gong has sounded;

(j) hitting an opponent who is down or rising after being down;

(k) hitting below the belt line;

(l) holding an opponent with one hand and hitting with the other;

(m) purposely going down without being hit or to avoid a blow;

(n) using abusive language in the ring;

(o) unsportsmanlike conduct on the part of the professional contestant or a second whether before, during, or after a round;

(p) intentionally spitting out a mouthpiece; or

(q) any backhand blow.

R15[~~6-66-604s~~]1-33-323. Penalties for Fouling.

(1) A referee who penalizes a professional contestant pursuant to these rules shall notify the judges at the time of the infraction to deduct one or more points from their scorecards.

(2) A professional contestant committing a deliberate foul, in addition to the deduction of one or more points, may be subject to disciplinary action by the division.

(3) A judge shall not deduct points unless instructed to do so by the referee.

(4) The designated commission member shall file a complaint with the division against a professional contestant disqualified on a foul. The division shall withhold the purse until the complaint is resolved.

R15[~~6-66-604t~~]1-33-324. Physical Examination.

(1) Not less than eight hours before a contest, each professional contestant shall be given a medical examination by a physician who is appointed by the designated commission member. The examination shall include a detailed medical history and a physical examination of all of the following:

(a) eyes;
(b) teeth;
(c) jaw;
(d) neck;
(e) chest;
(f) ears;
(g) nose;
(h) throat;
(i) skin;
(j) scalp;
(k) head;
(l) abdomen;
(m) cardiopulmonary status;
(n) neurological, musculature, and skeletal systems;
(o) pelvis; and
(p) the presence of controlled substances in the body.

(2) If upon examination a professional contestant is determined to be unfit for competition, the professional contestant shall be prohibited from competing and the division shall be notified.

(3) The physician shall certify, in writing, those professional contestants who are in good physical condition to compete.

(4) Before a bout a female professional contestant shall provide the ringside physician with the results of a pregnancy test performed on the professional contestant within the previous 14 days. If the results of the pregnancy test are positive, the professional contestant shall be prohibited from competing and the division shall be notified.

(5) A contest shall not begin until a physician and an attended ambulance are present. The physician shall not leave until the decision in the final contest has been announced and all injured professional contestants have been attended to.

(6) The physician shall sit near the steps into the ring and the contest shall not begin until the physician is seated. The physician shall remain at that location for the entire fight.

R15[~~6-66-604u~~]1-33-325. Timekeepers.

(1) A timekeeper shall indicate the beginning and end of each round by the gong.

(2) A timekeeper shall possess a whistle and a stopwatch.

(3) Ten seconds before the beginning of each round, the timekeeper shall warn the professional contestants' seconds of the time by blowing a whistle.

(4) If a contest terminates before the scheduled limit of rounds, the timekeeper shall inform the announcer of the exact duration of the contest.

R15[~~6-66-604v~~]1-33-326. Announcer.

(1) At the beginning of a contest, the announcer shall announce that the bouts are under the auspices of the division.

(2) The announcer shall announce the names of the referee, judges, and timekeepers when the competitions are about to begin and also changes made in officials as the contest progresses.

(3) The announcer shall announce the names of all professional contestants, their weight, professional record, their city and state of residence, and country of origin if not a citizen.

R15[~~6-66-604w~~]1-33-327. Seconds.

(1) A professional contestant shall not have more than four seconds, one of whom shall be designated as the chief second. The chief second shall be responsible for the conduct in the corner during the course of a contest. During the rest period, one second shall be allowed inside the ring, two seconds shall be allowed on the apron and one second shall be allowed on the floor.

(2) A professional contestant's chief second shall not coach the professional contestant during a round, the second shall remain seated during the round.

(3) A second shall not spray or throw water on a professional contestant during a round.

(4) A professional contestant's corner shall not heckle or in any manner annoy the opponent of the professional contestant or the referee or throw any object into the ring.

(5) A second shall not enter the ring until the timekeeper has indicated the end of a round.

(6) A second shall leave the ring at the timekeeper's whistle and shall clear the ring platform of all obstructions at the sound of the gong indicating the beginning of a round. Articles shall not be placed on the ring floor until the round has ended or the contest has terminated.

(7) A referee may eject a second from a ring corner for violations of the provisions of Subsections [~~R156-66-604w(3) and (4)~~]R151-33-316(6) and R151-33-315(4) of these rules and may have the judges deduct points from a professional contestants's corner.

(8) A second may indicate to the referee that the second's professional contestant cannot continue and that the contest should be stopped. Only verbal notification or hand signals may be used; the throwing of a towel into the ring does not indicate the defeat of the second's professional contestant.

(9) A second shall not administer alcoholic beverages, narcotics, or stimulants to a professional contestant, pour excessive water on the body of a professional contestant, or place ice in the trunks or protective cup of a professional contestant during the progress of a contest.

R15[~~6-66-604x~~]1-33-328. Identification - Photo Identification Cards.

(1) Each professional contestant shall provide two pieces of identification to the designated commission member before participation in a fight. One of the pieces of identification shall be a recent photo identification card issued or accepted by the division at the time the professional contestant receives his original license.

(2) The photo identification card shall contain the following information:

(a) the professional contestant's license number;
(b) the professional contestant's name and address;
(c) the professional contestant's social security number;
(d) the personal identification number assigned to the professional contestant by a boxing registry;
(e) a photograph of the professional contestant; and

(f) the professional contestant's height and weight.

(3) The division shall honor similar photo identification cards from other jurisdictions.

(4) Unless otherwise approved by division, a professional contestant will not be allowed to compete if his photo identification card is incomplete or if the professional contestant fails to present the photo identification card to the designated commission member prior to the bout.

R15[~~6-66-604y~~]1-33-329. Dress for Professional Contestants.

(1) Professional contestants shall be required to wear the following:

(a) trunks that are belted at the professional contestant's waistline. For the purposes of this subsection, the waistline shall be defined as an imaginary horizontal line drawn through the navel to the top of the hips. Trunks shall not have any buckles or other ornaments on them that might injure a professional contestant or referee;

(b) a foul-proof protector for male professional contestants and a pelvic area protector and breast protector for female professional contestants;

(c) shoes that are made of soft material without spikes, cleats, or heels;

(d) a fitted mouthpiece; and

(e) gloves meeting the requirements specified in Section R156-66-604e.

(2) In addition to the clothing required pursuant to Subsection R156-66-604y(1), a female professional contestant shall wear a body shirt or blouse without buttons, buckles, or ornaments.

(3) A professional contestant's hair shall be cut or secured so as not to interfere with the professional contestant's vision.

(4) A professional contestant shall not wear corrective lenses into the ring.

R15[~~6-66-604z~~]1-33-330. Failure to Compete.

(1) A professional contestant's manager shall immediately notify the division if the professional contestant is unable to compete due to illness or injury in a contest for which the professional contestant has contracted to appear. A physician may be selected as approved by the division to examine the professional contestant.

R15[~~6-66-604aa~~]1-33-331. Procedure After Knockouts or Sustained Damaging Head Blows.

(1) A professional contestant who has lost by a technical knockout shall not fight again for a period of 30 calendar days or until the professional contestant has submitted to a medical examination. The division may require such physical exams as necessary.

(2) A ringside physician shall examine a professional contestant who has been knocked out in a contest or a professional contestant whose fight has been stopped by the referee because the professional contestant received hard blows to the head that made him defenseless or incapable of continuing immediately after the knockout or stoppage. The ringside physician may order post-fight neurological examinations, which may include computerized axial tomography (CAT) scans or magnetic resonance imaging (MRI) to be performed on the professional contestant immediately after the professional contestant leaves the location of the contest. Post-fight neurological examination results shall be forwarded to the division by the ringside physician as soon as possible.

(3) A report that records the amount of punishment a fighter absorbed shall be submitted to the division by the ringside physician within 24 hours of the end of the fight.

(4) A ringside physician may require any professional contestant, who has sustained a severe injury or knockout in a bout, to be thoroughly examined by a physician within 24 hours of the bout. The physician shall submit his findings to the division. Upon the physician's recommendation, the division may prohibit the professional contestant from boxing until the professional contestant is fully recovered and may extend any such suspension imposed.

(5) All medical reports that are submitted to the division relative to a physical examination or the condition of a professional contestant shall be confidential and shall be open for examination only by the division, the commission and the licensed professional contestant upon the professional contestant's request to examine the records or upon the order of a court of competent jurisdiction.

(6) A professional contestant who has been knocked out or who received excessive hard blows to the head that made him defenseless or incapable of continuing shall not be permitted to take part in competitive or noncompetitive boxing for a period of not less than 60 days. Noncompetitive boxing shall include any contact training in the gymnasium. It shall be the responsibility of the professional contestant's manager and seconds to assure that the professional contestant complies with the provisions of this rule. Violation of this rule shall result in the indefinite suspension of the professional contestant and the professional contestant's manager or second.

(7) Before resuming boxing after any period of rest prescribed in Subsection [~~R1[56-66-604aa(5)~~]1-33-331(4), a professional contestant shall, following a neurological examination, be certified by a physician as fit to take part in competitive boxing. A professional contestant who fails to secure an examination prior to resuming boxing shall be automatically suspended until the results of the examination have been received by the division and the professional contestant is certified by a physician as fit to compete.

(8) A professional contestant who has lost six consecutive fights shall be prohibited from boxing again until the division in collaboration with the commission has reviewed the results of the six fights or the professional contestant has submitted to a medical examination by a physician.

(9) A professional contestant who has had cardiac surgery shall not be issued a license unless he is certified as fit to compete by a cardiovascular surgeon.

(10) A professional contestant who has suffered a detached retina shall be automatically suspended and shall not be reinstated until the professional contestant has submitted to a medical examination by an ophthalmologist and the division has reviewed the results of the examination.

(11) A female professional contestant with breast implants shall also be denied a license.

(12) A professional contestant who is prohibited from boxing in other states or jurisdictions due to medical reasons shall be prohibited from boxing in accordance with these rules. In considering prohibiting a professional contestant from boxing, the professional contestant's entire professional record shall be considered regardless of the state or country in which the professional contestant's fights occurred.

(13) A professional contestant or the professional contestant's manager shall report any change in a professional contestant's medical condition which may affect the professional contestant's ability to

fight safely. The division may, at any time, require current medical information on any professional contestant.

R15[~~6-66-604bb~~]1-33-332. Waiting Period.

(1) The number of days which shall elapse before a professional contestant who has competed anywhere in a bout may participate in another bout shall be as follows:

TABLE

Length of Bout (In scheduled Rounds)	Required Interval (In Days)
4	3
5-9	5
10-12	7
13-15	14

R15[~~6-66-604cc~~]1-33-333. Managers.

(1) A manager shall not sign a contract for the appearance of a professional contestant if the manager does not have the professional contestant under contract.

R15[~~6-66-604dd~~]1-33-334. Promoters Responsibility in Arranging Contests - Restrictions.

(1) The promoter shall be held responsible for a contest in which one of the professional contestants is disproportionately outclassed.

(2) All officials shall be identified in the application for licensure as a contest promoter and shall be subject to division approval. Approval shall be based upon appropriate licensure if required and no evidence of a conflict of interest or previous inappropriate conduct as an official.

(3) A promoter shall file with the division an application to hold a contest not less than 30 days before the date of the proposed contest, or not less than seven days for televised contests, before the date of the proposed contest. The application shall include the date, time and place of the contest and information concerning the on-site emergency facilities, personnel, and transportation.

(4) Prior to the scheduled time of the contest, the promoter shall have available for inspection the completed physical facilities which will be used directly or indirectly for the contest. The facilities will be inspected in the presence of the promoter or his authorized representative by the designated commission member and all deficiencies cited upon inspection shall be corrected before the contest.

(5) Within one hour after completion of the contest, the promoter, in the presence of the designated commission member, shall pay to each professional contestant, referee, judge, and the attending physician all amounts due and payable under the terms and conditions of contract terms or agreements between the promoter and other parties. Such payment shall be made in cash unless otherwise stated in the contract or if such payment will exceed $9,000.

(6) A promoter shall be responsible for verifying the identity, ring record, and suspensions of each professional contestant. A promoter shall be held responsible for the accuracy of the names and records of each of the participating professional contestants in all publicity or promotional material.

(7) A professional contestant shall use his own legal name to sign a contract. However, a professional contestant who is licensed under another name may sign the contract using his licensed name if the professional contestant's legal name appears in the body of the contract as the name under which the professional contestant is legally known.

(8) All contracts shall be between a promoter and a professional contestant. There shall not be a contract between the promoter and a manager. However, a contract may be signed by a professional contestant's manager on behalf of the professional contestant. If a professional contestant does not have a licensed manager, the professional contestant shall sign the contract.

(9) The contract that is filed with the division shall embody all of the agreements between the parties.

(10) The contract between a promoter and a professional contestant shall be for the use of the professional contestant's skills in a contest and shall not require the professional contestant to sell tickets in order to be paid for his services.

(11) The promoter of the contest, at the time of the contest weigh in, shall provide evidence of health insurance pursuant to Public Law 104272, "The Professional Boxing Safety Act of 1996."

R15[~~6-66-604ee~~]1-33-335. [~~Drug Testing~~]HIV and Drug Tests.

In accordance with Subsection [~~58-66-605(2)~~]13-33-405, UCA, the following shall apply to drug testing:

(1) At the request of the division, the designated commission member or the ringside physician, a professional contestant or assigned official shall submit to a test of body fluids to determine the presence of drugs. The promoter shall be responsible for any costs of testing.

(2) A laboratory test that results in a finding of the presence of a drugs or the refusal of a professional contestant or assigned official to submit to the test shall be grounds for a suspension of the professional contestant's or assigned official's license as provided for by the division.

(3) If the test results in a finding of the presence of a drugs or if the professional contestant or assigned official is unable to provide a sample of body fluids for such a test, the division may take one or more of the following actions:

(a) immediately suspend the professional contestant's or assigned official's license in accordance with Section [~~R156-66-401~~]R151-33-303(6);

(b) stop the contest in accordance with Section [~~R156-66-604ff~~]R151-33-330(6); or

(c) initiate other appropriate licensure action in accordance with [~~Section 58-1-401~~]the provisions of Subsection 13-33-301.

(4) A professional contestant who is disciplined pursuant to the provisions of these rules and who was the winner of a contest shall be disqualified and the decision of the contest shall be changed to "no contest".

R15[~~6-66-604ff~~]1-33-336. Stopping a Contest.

In accordance with Subsection [~~58-66-401(2)~~]13-33-102(14)(b), UCA, authority for stopping a contest is defined, clarified or established as follows:

(1) The referee may stop a contest to ensure the integrity of a contest or to protect the health, safety, and welfare of a professional contestant or the public for any one or more of the following reasons:

(a) injuries or cuts of a professional contestant, in accordance with [~~Section R156-66-604n~~]R151-73-318, or other physical or mental conditions consistent with the procedures outlined in [~~R156-66-604n(6)~~]R151-33-318;

(b) one-sided nature of the contest;

(c) refusal or inability of a professional contestant to reasonably compete; and

(d) refusal or inability of a professional contestant to comply with the rules of the contest.

(2) If a referee stops a contest, the referee shall disqualify the professional contestant, where appropriate, and recommend to the designated commission member that the purse of that professional contestant be withheld pending an impoundment decision in accordance with Section [~~58-66-607~~]13-33-504, UCA.

(3) [~~Irrespective of Subsection (1), the~~]The designated commission member may stop a contest at any stage in the contest when there is a significant question with respect to the contest, the professional contestant, or any other licensee associated with the contest, and determine whether the purse should be impounded pursuant to Section [~~58-66-607.~~]13-34-504, UCA.

R15[~~6-66-604gg~~]1-33-337. Tough Man Contests.

[~~In accordance with Subsection 58-66-604(1), the rules for the conduct of a tough man contest in the state as defined, clarified or established as follows:~~

~~]~~Except as provided in Section [~~R156-66-604hh~~]R151-33-328, the provisions of [~~R156-66~~]R151-33, the Utah [~~Professional Boxing Regulation Act Rules~~]Professional Athletic Commission Act Rules, including provisions for stopping contests and impounding purses, apply to a tough man contest.

R15[~~6-66-604hh~~]1-33-338. Limitations on Tough Man Contests.

Limitation on participation in a tough man contest shall include the following:

(1) A tough man contest must begin and end within a period of 48 hours.

(2) All matches in a tough man match must be scheduled for no more than three rounds of boxing. A round must be one minute in duration.

(3) A tough man contestant shall wear 16 oz. boxing gloves, training headgear, a mouthpiece and a large abdominal groin protector during each match.

(4) A tough man contestant may participate in more than one match in a tough man contest, but a tough man contestant shall not box more than a total of 12 rounds in a tough man contest.

(5) The promoter of the tough man contest shall be required to supply at the time of the weigh in of the tough man contestants, a physical examination on each tough man contestant, conducted by a physician no more than 60 days prior to the tough man contest in a form provided by the division certifying that the tough man contestant is free from any physical or mental condition that indicates the tough man contestant should not engage in activity as a tough man contestant.

(6) The promoter of the tough man contest shall be required to supply at the time of the weight in of the tough man contestants, a HIV test pursuant to Subsections [~~R156-66-605(1), (2) and (3)~~]R151-33-339(1), (2), and (3) for each tough man contestant.

(7) Other limitations may be imposed by the Division in collaboration with the Utah Boxing Commission in advance of a tough man contest.

R15[~~6-66-605~~]1-33-339. HIV Testing.

In accordance with [~~Subsection 58-66-605(1)~~]13-33-405, UCA, provisions under which professional contestants shall produce evidence of a clear HIV test as a condition of participation in a contest are established as follows:

(1) All professional contestants and tough man contestants shall provide evidence in the form of a competent laboratory examination certificate verifying that the professional contestant is HIV negative at the time of the weigh-in.

(2) The examination certificate shall certify that the test results were completed within 60 days prior to the contest.

(3) Any professional contestant and tough man contestant whose HIV test is positive shall be prohibited from participating in a contest as a professional contestant or tough man contestant.

R15[~~6-66-606~~]1-33-340. Ultimate Fighting Prohibition.

In accordance with Subsections [~~58-66-503(2)(b) and 58-66-604(3)(b)~~]13-33-402, UCA, and 13-33-402(2)(b), the license of any licensee who publicizes, promotes, conducts, or engages in an ultimate fighting match [~~shall be revoked~~]is subject to revocation.

R15[~~6-66-607~~]1-33-341. [~~Impounding~~]Withholding of a Purse.

[~~(1) In accordance with Subsection 58-66-604(2), the division in collaboration with the commission may issue an order impounding a purse or portion thereof in a contest upon:~~

~~(a) the disqualification of a professional contestant;~~

~~(b) a decision of no contest not involving medical injury; or~~

~~(c) a finding that any significant question exists with respect to the contest, professional contestants, or any other licensee associated with the contest.~~

~~(2) The purse shall be deposited in accordance with Section 58-66-607.~~

~~(3) A licensee who participates in a contest in which a purse was withheld, may within 30 days of the withholding, challenge the withholding by submitting a written request for a hearing.~~

~~(4) Upon receiving a written request of a licensee who participated in the contest, in which the purse was withheld, the division shall convene a hearing as soon as is reasonably practical, but not later than 20 days after the request.~~

~~(5) The hearing shall be conducted as a formal adjudicative proceeding in accordance with the provisions of the Title 63, Chapter 46b, Utah Administrative Procedures Act, and department or division rules enacted thereunder.~~

~~(6) The presiding officers for the proceeding shall be as set forth in Section 58-1-109.~~

~~(7) Within a reasonable time after the hearing, the director shall issue an order in accordance with the requirements of Section 63-46b-10. The order of the director shall be considered final agency action with respect to the impounding of a purse and shall be subject to agency review in accordance with Section R151-46b-12.~~]The provisions set forth in 13-33-504, UCA, shall govern the conditions under which there shall be a withholding of the purpose, and the procedures to be followed in the event that the purse is withheld.

R151-33-342. Permit, Fee, and Bond Prerequisite to Holding Contest or Promotion.

Before a licensed promoter may hold a contest or single contest as part of a single promotion, his application must be accompanied by

a fee determined by the department under 63-38-32. Before the permit is granted, the applicant shall post a surety bond with the commission in an amount and form determined by the commission, all in accordance with the provision of 13-33-403, UCA.

R151-33-401. Martial Arts Contests and Exhibitions.

(1) All full-contact martial arts are forms of unarmed combat.

(2) The provisions pertaining to licenses, fees, dates of programs and disciplinary action in the laws and regulations of unarmed combat apply to contests or exhibitions of such martial arts.

(3) A contest or exhibition of a martial art must be conducted pursuant to the official rules for the particular art. The sponsoring organization or promoter must file a copy of the official rules with the commission before it will approve the holding of the contest or exhibition.

(4) The commission will not allow a martial arts contest or exhibition to be held if the rules submitted to it are inconsistent, in any way, with the Utah Professional Athletic Commission Act (UCA 13-33) or with the rules adopted by the commission for the administration of that act (R151-33).

R151-33-402. Wrestling Contests and Exhibitions.

(1) The provisions pertaining to licenses, fees, dates of programs and disciplinary action in the laws and regulations of unarmed combat apply to contests or exhibitions of wrestling.

(2) A contest or exhibition of wrestling must be conducted pursuant to the official rule of the particular sport. The sponsoring organization or promoter must file a copy of the official rules with the commission before it will approve the holding of the contest or exhibition.

(3) The commission will not allow a wrestling contest or exhibition to be held if the rules submitted to it are inconsistent, in any way, with the Utah Professional Athletic Commission Act (UCA 13-33) or with the rules adopted by the commission for the administration of that act (R151-33).

R151-33-403. Toughman Contests.

(1) The provisions pertaining to licenses, fees, dates of programs and disciplinary action in the laws and regulations of unarmed combat apply to Toughman contests.

(2) Toughman contests must be conducted pursuant to the official rule of the particular sport. The sponsoring organization or promoter must file a copy of the official rules with the commission before it will approve the holding of the Toughman contest.

(3) The commission will not allow a Toughman contest to be held if the rules submitted to it are inconsistent, in any way, with the Utah Professional Athletic Commission Act (UCA 13-33) or with the rules adopted by the commission for the administration of that act (R151-33).

R151-33-404. Ultimate Fighting Contests Prohibited.

(1) In accordance with Subsection 13-33-402(1) and 13-33-402(2)(b), the license of any licensee who publicizes, promotes, conducts, or engages in an ultimate fighting match shall be subject to revocation.

KEY: licensing, boxing*, contests*
July 1, 2001 [~~58-66-101~~]13-33-101 through 13-33-506[~~58-66-604 58-1-106(1) 58-1-202(1)~~]

Human Services, Child and Family Services
R512-43
Adoption Assistance

NOTICE OF 120-DAY (EMERGENCY) RULE
DAR FILE NO.: 23866
FILED: 06/29/2001, 09:38
RECEIVED BY: NL

RULE ANALYSIS

PURPOSE OF THE RULE OR REASON FOR THE CHANGE: The U.S. Department of Health and Human Services has changed its policies governing adoption assistance. This rule will make the requirements for adoption assistance for children in the custody of the Division of Child and Family Services consistent with the Federal requirements, and in addition, this rule implements changes made in Utah statute during the 2001 legislative session (S.B. 97).
(**DAR Note:** S.B. 97 is found at 2001 Utah Laws 115 and was effective April 30, 2001.)

SUMMARY OF THE RULE OR CHANGE: This rule clarifies and establishes definitions, criteria, and procedures for adoption assistance that are consistent with the U.S. Department of Health and Human Services regulations and State statutory changes.

STATE STATUTORY OR CONSTITUTIONAL AUTHORIZATION FOR THIS RULE: Sections 62A-4a-801 through 62A-4a-806
FEDERAL REQUIREMENT FOR THIS RULE: 8 U.S.C. 1641(b)

ANTICIPATED COST OR SAVINGS TO:
❖THE STATE BUDGET: There should be no impact on the State Budget because the number of individual children who qualify for adoption assistance should be within the number forecast in the current budget.
❖LOCAL GOVERNMENTS: After careful review, there will be no cost to local governments.
❖OTHER PERSONS: Parents who disagree with the amount of adoption assistance granted or denied my incur the costs of legal counsel to represent them at an administrative hearing.
COMPLIANCE COSTS FOR AFFECTED PERSONS: Parents who disagree with the amount of adoption assistance granted or denied may incur the costs of legal counsel to represent them at an administrative hearing.

COMMENTS BY THE DEPARTMENT HEAD ON THE FISCAL IMPACT THE RULE MAY HAVE ON BUSINESSES: This rule will not impact businesses because it pertains to types of adoption assistance that is not provided by private businesses.

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.

Failure to immediately implement this rule places the Division of Child and Family Services in violation of 8 U.S.C. 1641(b), requiring States to follow the Federal regulations for adoption assistance.

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

Human Services
Child and Family Services
Room 225
Human Services Administration Building
120 North 200 West
Salt Lake City, UT 84103, or
at the Division of Administrative Rules.

DIRECT QUESTIONS REGARDING THIS RULE TO:
Steven Bradford at the above address, by phone at (801) 538-8210, by FAX at (801) 538-3993, or by Internet E-mail at hsadmin1.sbradfor@.state.ut.us.

INTERESTED PERSONS MAY PRESENT THEIR VIEWS ON THIS RULE BY SUBMITTING WRITTEN COMMENTS TO THE ADDRESS ABOVE.

THIS RULE IS EFFECTIVE ON: 06/29/2001

AUTHORIZED BY: Richard Anderson, Director

R512. Human Services, Child and Family Services.
R512-43. Adoption Assistance.
R512-43-1. Definitions.

(1) Definitions of adoption assistance, child who has a special need, monthly subsidy, nonrecurring adoption expenses, state medical assistance, and supplemental adoption assistance are as stated in Section 62A-4a-802.

(2) Initiation of adoption proceedings means the earlier of (a) the date an Adoption Agreement is signed with the Division of Child and Family Services for placement of a child in the home, or (b) the date an adoption petition is filed with a court.

(3) Child in public foster care means a child whose placement that results in adoption was immediately preceded by protective, temporary, or legal custody with a State IV-E agency, or a child who was placed with a State IV-E agency through a Voluntary Placement Agreement, or the child of a minor parent in foster care.

(4) State IV-E agency means the Division of Child and Family Services or other public agency or tribal organization with whom a Title IV-E agreement is in effect for foster care maintenance payments.

(5) AFDC means the AFDC program that was in effect on July 16, 1996.

(6) Child with a previous IV-E agreement means a child who was Title IV-E eligible in a previous adoption with a fully executed adoption assistance agreement originating in any state, and the previous adoption was legally dissolved or ended due to the death of the adoptive parents.[~~(1) Adoption Assistance. Adoption Assistance is financial support to adoptive parents of a child with special needs whose needs or conditions have created barriers which would prevent successful adoption. Adoption assistance may include state medical assistance, reimbursement of non-recurring adoption expenses, a monthly subsidy, and/or supplemental adoption assistance.~~

~~(2) Child with Special Needs. For the purpose of adoption assistance, a child with special needs is a child who cannot or should not be returned to the home of the parents and who meets one of the following conditions:~~

~~(a) Five years of age or older.~~

~~(b) 0-17 years of age with a physical, emotional, or mental disability.~~

~~(c) Three years of age or older and a member of a minority, racial, or ethnic group.~~

~~(d) Member of a sibling group placed together for adoption.~~

~~(3) Specified Relative. A specified relative includes father, mother, brother, sister, stepfather, stepmother, stepbrother, stepsister, uncle, aunt, first cousin, first cousin once removed, nephew, niece, people of prior generations as designated by the prefix grand or great, parents and brothers and sisters by legal adoption, the spouse of any person in this list, or the former spouse of any person in this list.~~]

R512-43-2. Purpose and Authority.

(1) The purpose of Adoption Assistance is to assist an eligible adoptive family to establish and maintain a permanent adoptive placement for a qualifying child who meets the definition of a child who has a special need and who qualifies under state and federal law.[~~provide financial support to adoptive parents of a child with special needs whose needs or conditions have created barriers which would prevent successful adoption. The basis for granting adoption assistance shall be to assist eligible adoptive families to establish and maintain a permanent adoptive placement for the child.~~]

(2) [~~Section 62A-4a-106 authorizes the Division to provide adoption services. Section 62A-4a-108 authorize state Adoption Assistance~~]Title 62A, Chapter 4a, Part 8 authorizes state adoption assistance and Section 473, Social Security Act, authorizes federal adoption assistance. Section 473, Social Security Act, and 45 CFR 1356.40 (1995) and 45 CFR 1356.41 (1995) are incorporated by reference.

R512-43-3. General Requirements for Adoption Assistance.

(1) Qualification for adoption assistance is based upon the child meeting qualifying factors, not the adoptive family.[~~Eligibility determination for adoption assistance shall be based upon the eligibility of the child.~~]

(2) Qualifying factors for adoption assistance include:

(a) The State has determined that the child cannot or should not be returned home;

(b) The State can document that reasonable efforts were made to place the child for adoption without providing adoption assistance. An exception applies if the child has significant emotional ties with the adoptive family and it is not in the child's best interest to consider a different adoptive placement.

(c) The State determines the child meets the definition of a child who has a special need.[~~(2) The child shall meet the criteria of a child with special needs as defined in Section R512-43-1.~~

~~(3) The child shall be adopted through a licensed child placing agency. The child need not be adopted through a licensed child placing agency if either of the following applies:~~

~~(a) The child meets the eligibility requirements for Supplemental Security Income (SSI) prior to the finalization of the adoption.~~

~~(b) At the time the adoption petition is filed, the child is eligible for Aid for Families with Dependent Children (AFDC) while living with a specified relative and a specified relative adopts.~~

~~(4) Reasonable efforts shall be made to place the child without providing adoption assistance. An exception applies when the child has emotional ties with the prospective adoptive parents and it would not be in the child's best interest to seek other adoptive homes.~~]

(3)[~~(5)~~] Adoption assistance shall be agreed upon and approved by the regional adoption subsidy committee prior to finalization of the adoption.

(4)[~~(6)~~] Adoption assistance may be initiated at the time of placement if the child is legally free for adoption, the adoptive home has met all of the requirements for an approved adoptive home, an adoption assistance agreement is fully executed prior to placement, and foster care maintenance payments are not being provided for the child.

(5)[~~(7)~~] Under extenuating circumstances, adoptive parents may request adoption assistance after an adoption is finalized by requesting a fair hearing through the Office of Administrative Hearings.

(6)[~~(8)~~] Adoption assistance may continue until a child reaches age 18. Assistance may be extended until a child reaches age 21 when the regional adoption subsidy committee has determined that the child has a mental or physical disability that[~~which~~] warrants continuing assistance.

(7) A child must be a U.S. citizen or qualified alien to receive adoption assistance.

R512-43-4. Reimbursement of Non-Recurring Adoption Expenses[~~Types of Adoption Assistance and Specific Eligibility Criteria~~].

[~~Adoption Assistance may consist of one or any combination of the following four basic types of adoption assistance.~~

~~(1) State medical assistance. A child with special needs may receive state medical assistance to assist with costs of medical care not covered by private insurance. The family shall use the child's private insurance, when available, and state medical assistance before supplemental adoption assistance may be requested for medical needs.~~

~~(2) Reimbursement of non-recurring adoption expenses.~~](1) A parent who adopts a child meeting all of the qualifying factors for adoption assistance listed in R512-43-3(2) may be reimbursed for non-recurring adoption expenses on behalf of the child.

(2)[~~(a)~~] A parent[~~Parents~~] may be reimbursed up to $2,000 per child for allowable non-recurring expenses that have not been reimbursed from other sources.[~~which are not reimbursed from another source.~~] These expenses must be directly related to the legal adoption of a child with special needs. Reimbursement shall be limited to costs[~~incurred prior to finalization and shall be~~] approved by the regional adoption subsidy committee.

(3)[~~(b)~~] Expenses may include adoption fees, court costs, attorney fees, adoption home study, health and psychological examinations, supervision of the placement prior to adoption, and transportation and reasonable costs of lodging and food for the child and/or adoptive parents during the placement or adoption process.

(4)[~~(c)~~] Non-recurring adoption expenses shall be reimbursed through Title IVE Adoption Assistance[~~, a federal funding source~~]. The child does not have to be determined Title IVE eligible for the parents to receive this reimbursement. The adoptive parents are responsible to provide necessary receipts.[~~The case worker verifies that the child is a child with special needs.~~]

R512-43-5. Monthly Subsidy.

(1) A child qualifies for a monthly subsidy when the following requirements are met:

(a) The child meets all of the qualifying factors for adoption assistance listed in R512-43-3(2), and

(b) The child meets the definition of child in public foster care, qualifies for Supplemental Security Income (SSI), or meets the definition of a child with a previous IV-E agreement.

(c) The child's eligibility for SSI benefits is established no later than the time adoption proceedings are initiated.[~~(3) Monthly subsidy. Parents may receive a monthly subsidy to assist with the costs of adopting a child with special needs.~~]

(2)[~~(a)~~] Determination of Level and Amount of Subsidy.

(a)[~~(i)~~] The amount of subsidy is based on the child's present and long-term treatment and care needs and available resources, including the family's ability to meet the needs of the child.

(b)[~~(ii)~~] The monthly subsidy may increase or decrease when the child's level of need or the family's ability to meet those needs changes. The family or the case worker may initiate a change in the amount of subsidy when needs or resources change.

(c)[~~(iii)~~] The rates specified below shall be used to determine the level of need of the child and the amount of monthly subsidy appropriate for the need. The descriptions of need are not exhaustive, but serve as examples. The regional adoption subsidy committee may approve amounts above those described for each level when determined appropriate.

(d)[~~(iv)~~] The amount shall be determined by the needs of the child and based upon the relevant foster care payment that would be paid at the point in time at which the agreement amount is being initiated or revised. Title IVE funds shall be limited to the maximum foster care rate that would be paid on behalf of the child if in state custody and placed in a foster family home. Additional state funds may be granted when warranted by exceptional circumstances, not to exceed the amount the state would pay on behalf of the child if in custody.

(e)[~~(v)~~] Rates.

(i)[~~(A)~~] Level I. Up to 33% of the basic foster care rate. Child with minimal specialized needs such as child needing identified orthodontia work; infant without numerous placements and no identifiable physical, mental, or emotional disabilities.

(ii)[~~(B)~~] Level II. From 34% to 66% of the basic foster care rate. Child with moderate specialized needs such as child requiring outpatient therapy; child having special needs due to past emotional and social trauma; child expected to be mainstreamed after placement adjustments.

(iii)[~~(C)~~] Level III. From 67% to the maximum basic foster care rate. Child with multiple, moderate specialized needs such as child having a cluster of mild or moderate disabilities; child who can be mainstreamed with additional educational programs and therapy;

sibling groups; child requiring speech therapy and specialized preschool; child requiring enrichment programs to compensate for social and emotional delays.

(iv)[~~(D)~~] Level IV. From 67% to 85% of the specialized payment rate for foster care. Child with serious specialized needs such as child with prior residential placements; learning disabilities; DSM IV diagnoses such as attention deficit hyperactivity disorder, posttraumatic stress disorder, dysthymic, oppositional, attachment disorder; child with identified physical disabilities, learning problems including low IQ; child receiving specialized payment for foster care.

(v)[~~(E)~~] Level V. From 86% of the specialized payment rate to the maximum payment rate for care in a foster home. Child with severe specialized needs such as child with severe physical disability; child with prior hospitalization for psychiatric diagnosis; prior adoption disruption, or dissolution of adoptive placement.

(3)[~~(b)~~] Funding Sources and Eligibility for Monthly Subsidy.

(a) The two funding sources for the monthly subsidy are Title IVE adoption assistance and state adoption assistance funds. The child's eligibility determines which funding source is used for payment.

(b)[~~(i)~~] Title IVE Adoption Assistance shall be considered first for the monthly subsidy. To receive Title IVE Adoption Assistance, a child with special needs shall meet at least one of the following Federal requirements:

(i)[~~(A)~~] A child is determined eligible for SSI by the Social Security Administration prior to the initiation of adoption proceedings.[~~prior to finalization of the adoption.~~]

(ii)[~~(B)~~] The [~~child's birth family~~]removal home for the child in public foster care received, or would have been eligible to receive, AFDC prior to removal, and the child was removed from the home as a result of a judicial determination that remaining in the home would be contrary to the child's welfare. In addition, the child meets AFDC requirements in the month adoption proceedings are initiated.

(iii)[~~(C)~~] The child was voluntarily placed for foster care with the state and:

(A)[~~(I)~~] was or would have been AFDC eligible at the time of removal if application had been made,

(B)[~~(II)~~] the child lived with a specified relative within the six months prior to the voluntary placement,

(C)[~~(III)~~] Title IVE foster care maintenance payments were made on behalf of the child, and

(D) The child continues to meet AFDC requirements in the month adoption proceedings are initiated.[~~(IV) a judicial determination was made within 180 days of removal that continued placement was in the best interest of the child.~~

~~(D) The child was voluntarily placed for foster care with a private non-profit agency and:~~

~~(I) was or would have been AFDC eligible at the time of removal if application had been made,~~

~~(II) the child lived with a specified relative within the six months prior to the voluntary placement, and~~

~~(III) a judicial determination was made within 180 days of removal that continued placement was in the best interest of the child.~~

~~(E) At the time the adoption petition is filed, the child is or would have been eligible for AFDC while living with a specified relative, and a specified relative, other than father or mother, adopts.~~]

(iv)[~~(F)~~] The child's needs were met through foster care maintenance payments made to and for the child's minor parents as provided by Subsection 475(4)(B) of the Social Security Act.

(v) The child meets the definition of a child with a previous IV-E agreement.

(c)[~~(2)~~] State Adoption Assistance funds may be used for the monthly subsidy if the qualified child is not eligible for Title IVE adoption assistance.[~~State funds may also be used to supplement the federal monthly subsidy in exceptional circumstances. State funds are contingent upon legislative appropriation.~~]

(4)[~~(c)~~] Use of the monthly subsidy.

The monthly subsidy may be used according to the parents' discretion. Some examples of the use of the monthly subsidy payment are therapy not paid for by the state medical assistance or family insurance, special equipment for physically or mentally challenged children, respite, day care, therapeutic equipment, minor renovation of the home to meet special needs of the child, damage and repairs, speech therapy, tutoring, specialized preschool based on needs of the child, private school, exceptional basic needs such as special food, clothing, and/or shelter, visitations with biological relatives, cultural and heritage activities and information.

R512-43-6. State Medical Assistance.

(1) A child qualifies for state medical assistance as a component of adoption assistance when all of the following requirements are met:

(a) The child meets all of the qualifying factors for adoption assistance listed in R512-43-3(2), and

(b) The child meets the definition of child in public foster care, qualifies for Supplemental Security Income (SSI), or meets the definition of a child with a previous IV-E agreement, and

(c) The child meets state medical assistance citizenship requirements and

(d) The child's eligibility for SSI benefits is established no later than the time adoption proceedings are initiated.

(2) A qualified child may receive state medical assistance through an adoption assistance agreement without also receiving a monthly subsidy payment.

R512-43-7. Supplemental Adoption Assistance.

(1) A child meeting all qualifying criteria for a monthly subsidy and for whom an adoption assistance agreement for a monthly subsidy or state medical assistance is in effect may qualify for supplemental adoption assistance.

(2) Supplemental adoption assistance may only be used for extraordinary, infrequent, or uncommon documented needs not otherwise covered by a monthly subsidy, state medical assistance, or other public benefits for which a child who has a special need is eligible.

(3) Supplemental adoption assistance is not an entitlement, and will be granted only when justified by unique needs of the child and when all other resources for which a child is eligible have been exhausted.

(4) Supplemental adoption assistance requests up to $3000 will be considered and subject to the approval of the regional adoption subsidy committee.

(5) Supplemental adoption assistance requests exceeding $3,000 shall be considered by the appropriate regional advisory committee established under Subsection 62A-4a-805(2).

(6) Recommendations from the advisory committee are subject to the approval of the regional director or designee.

(7) A request for an amendment or extension of an existing supplemental adoption assistance agreement will be reviewed by the same committee that reviewed the initial request.

(8) Supplemental adoption assistance is limited by the availability of state funds based upon annual legislative appropriations.[~~(4) Supplemental adoption assistance.~~

~~Supplemental adoption assistance may be available for expenses not otherwise covered by the monthly subsidy upon prior approval from the regional adoption committee, if state funding permits. The funds may be utilized after other resources have been determined unavailable such as insurance, Supplemental Security Income, and Social Security Assistance for parent disability or death. If the purpose of the request is to obtain professional services for the child, the documentation of projected expenses and the recommendation of the professional shall be provided to the committee. Approval may be given retroactively in an emergency.~~

~~Examples of the use of supplemental adoption assistance include residential treatment, other out-of-home placements, day treatment, respite care requiring a specially- trained care giver, extensive therapy and therapeutic equipment, non-covered dental/orthodontia/medical expenses, and other extraordinary, infrequent, or uncommon documented needs.~~]

R512-43-8.[~~R512-43-5.~~] Application and Approval of Adoption Assistance.

(1) An application for adoption assistance shall be submitted to the regional adoption subsidy committee on forms provided by DCFS.[

~~(2) Families adopting through a private adoption agency shall follow the same requirements as families adopting through the Division of Child and Family Services regarding adoption assistance.~~]

(2)[~~(3)~~] If adoption assistance is approved, the adoption subsidy committee shall determine the amount, type, and duration of adoption assistance.

(3)[~~(4)~~] An adoption assistance agreement shall be established in order to implement adoption assistance.

R512-43-9.[~~R512-43-6.~~] Renewal and Review of Adoption Assistance.

The adoption assistance agreement shall be renewed at least once every three years[~~annually~~] and reviewed periodically by regional staff. Supplemental adoption assistance exceeding $3000 shall be reviewed according to a time frame determined on a case by case basis by the appropriate regional advisory committee established under Subsection 62A-4a-805(2).

R512-43-10.[~~R512-43-7.~~] Termination of Adoption Assistance.

(1) Adoption assistance shall not be terminated unless the Division has given the adoptive parents adequate notice of the potential termination. Adequate notice means that a letter shall be sent to the adoptive parents notifying them of the need to renew the adoption assistance agreement, specifying a date by which the adoptive parents shall respond. If the adoptive parents do not respond to the original request, the Division shall send a certified letter to the family explaining the importance of renewing the adoption assistance agreement and the potential consequences of failing to renew the agreement. If the certified letter is returned unclaimed, additional efforts shall be pursued to locate the family such as a phone call or home visit before the assistance may be terminated. If the certified letter is returned unknown, the adoption assistance may be terminated.

(2) Adoption assistance shall be terminated if any of the following occur:

(a) The terms of the adoption assistance agreement are concluded[~~.~~];

(b) The adoptive parents request termination[~~.~~];

(c) The child reaches age 18, unless approval has been given by the adoption committee to continue until age 21 due to mental or physical disability[~~.~~];

(d) The child dies[~~.~~];

(e) The adoptive parents die[~~.~~];

(f) The adoptive parents' legal responsibility for the child ceases[~~.~~];

(g) The state determines that the child is no longer receiving financial support from the adoptive parents[~~.~~];

(h) The child enters the military;

(i) The child marries.

R512-43-11.[~~R512-43-8.~~] Fair Hearings.

(1) Fair Hearing Request.

A written request for a fair hearing may be submitted to the Department of Human Services if:

(a) The adoption assistance application is denied;

(b) The adoption assistance application is not acted upon with reasonable promptness;

(c) Adoption assistance or supplemental adoption assistance is reduced, terminated, or changed[~~;~~] without the concurrence of the adoptive parents;

(d) The amount of adoption assistance or supplemental adoption assistance approved was less than the amount requested by adoptive parents;

(e)[~~(d)~~] Adoption assistance was not requested prior to finalization of the adoption and one of the criteria in R512-43-11-2a[~~R512-43-8-2a~~] applies.

(2) Post Finalization Request Fair Hearing.

(a) The fair hearing officer may approve appropriate state or federal adoption assistance for post finalization requests if one of the following criteria is[~~are~~] met:

(i) Relevant facts regarding the child, the biological family, or child's background were known but not presented to adoptive parents prior to finalization.

(ii) A denial of assistance was based upon a means test of the adoptive family.

(iii) An erroneous state determination was utilized to find a child ineligible for assistance.

(iv) The state or adoption agency failed to advise adoptive parents of the availability of assistance.

(b) The adoptive parents bear the burden of documenting that the child meets the definition of a child with a special need[~~special needs criteria~~] and that one of the criteria in R512-43-11-2a[~~R512-43-8-2a~~] applies. The state may provide corroborating facts to the family or the fair hearing officer.

KEY: adoption, child welfare, foster care
June 29, 2001 **[~~62A-4a-106~~]62A-4a-8**
Notice of Continuation April 30, 1997 **[~~62A-4a-108~~]**

Insurance, Administration
R590-210
Privacy of Consumer Information Exemption for Manufacturer Warranties and Service Contracts

NOTICE OF 120-DAY (EMERGENCY) RULE
DAR FILE NO.: 23864
FILED: 06/28/2001, 11:44
RECEIVED BY: NL

RULE ANALYSIS

PURPOSE OF THE RULE OR REASON FOR THE CHANGE: To provide an exemption to warranty and service contract providers from Rule R590-206 Privacy of Consumer Financial and Health Information Rule.

SUMMARY OF THE RULE OR CHANGE: This rule provides an exemption to warranty and service contract providers from the department's privacy rule, R590-206. Section R590-210-4 establishes the exemption for warranty and services contracts. Section R590-210-6 specifies that the rule is effective on July 1, 2001.
(**DAR Note:** Rule R590-206 was a proposed new rule that was published in the May 15, 2001, *Utah State Bulletin* under DAR No. 23720. It is effective as of July 1, 2001.)

STATE STATUTORY OR CONSTITUTIONAL AUTHORIZATION FOR THIS RULE: Sections 31A-2-201, 31A-2-202, and Subsection 31A-23-317(3)
FEDERAL REQUIREMENT FOR THIS RULE: 15 U.S.C. 6805

ANTICIPATED COST OR SAVINGS TO:
❖THE STATE BUDGET: The emergency rule will cost the department printing and mailing costs to notify the 1636 insurance industry licensee and individuals about this emergency rule.
❖LOCAL GOVERNMENTS: This rule will not affect local government.
❖OTHER PERSONS: The persons affected by the emergency rule will be consumer goods retail merchants and auto dealers who write warranty and service contracts. The rule is applicable to all licensees of the department. Persons or entities that provide warranty or service contracts on consumer goods are required to register with the department and provide certain information relating to their ability to perform under the warranty or service contract unless these contracts are exempted from the rule, the provider must be fully compliant with Rule R590-206 on July 1, 2001. Without the exemption the persons or entities providing the warranties or service contracts will experience immediate and substantial costs to be in compliance with Rule R590-206 or they would have to stop providing the product. The impact to the public would be immediate on inter-state commerce because the increased costs would be passed on to consumers or their access to these products would be limited or reduced. The application of the rule to these contracts and warranties would change the market and reduce supply. The warranty and service contract providers are not subject to Gramm-Leach-Bliley. However, because these providers are required to register with the department they are considered "licensees" of the department and without exemption would need to comply with Rule R590-206. The department's interest in regulating these providers under the rule is outweighed by the potential and actual harm to the providers and the public.
COMPLIANCE COSTS FOR AFFECTED PERSONS: The persons affected by the emergency rule will be consumer goods retail merchants and auto dealers who write warranty and service contracts. The rule is applicable to all licensees of the department. Persons or entities that provide warranty or service contracts on consumer goods are required to register with the department and provide certain information relating to their ability to perform under the warranty or service contract unless these contracts are exempted from the rule, the provider must be fully compliant with Rule R590-206 on July 1, 2001. Without the exemption the persons or entities providing the warranties or service contracts will experience immediate and substantial costs to be in compliance with Rule R590-206 or they would have to stop providing the product. The impact to the public would be immediate on inter-state commerce because the increased costs would be passed on to consumers or their access to these products would be limited or reduced. The application of the rule to these contracts and warranties would change the market and reduce supply. The warranty and service contract providers are not subject to Gramm-Leach-Bliley. However, because these providers are required to register with the department they are considered "licensees" of the department and without exemption would need to comply with Rule R590-206. The department's interest in regulating these providers under the rule is outweighed by the potential and actual harm to the providers and the public.

COMMENTS BY THE DEPARTMENT HEAD ON THE FISCAL IMPACT THE RULE MAY HAVE ON BUSINESSES: This rule exempts warranty and service contract writers from Rule R590-206. It will not have a negative impact on these writers. Rather, it benefits their segment of the market by exempting them from Rule R590-206. It will save those affected time and money and avoid unnecessary regulation.

EMERGENCY RULE REASON AND JUSTIFICATION: REGULAR RULEMAKING PROCEDURES WOULD cause an imminent peril to the public health, safety, or welfare.

The Gramm-Leach Bliley Act of 1999 was enacted by Congress and signed by the President on November 12, 1999. Provisions of this act required federal banking agencies and certain other federal agencies to issue final regulations safeguarding banking customers' records and information. The Board of Governors fo the Federal Reserve System, Federal Deposit Insurance Corporation, Office of the Comptroller of the Currency, and the Office of Thrift Supervision issued joint regulations on May 10, 2000, implementing the consumer

financial information privacy provisions of the act. The rules were effective November 13, 2000, however the federal agencies established July 1, 2001, as the deadline for full compliance with the regulations. The regulations require financial institutions under the jurisdiction of the federal agencies to establish policies, procedures, and systems that protect and prevent inappropriate disclosure of nonpublic personal information of their customers. The Gramm-Leach-Bliley Act also requires state insurance regulators to implement rules establishing privacy standards governing disclosure and use of customer information and records of financial institutions and other persons that are subject to their jurisdiction. The department has adopted Rule R590-206 that implements privacy standards that its licensees must observe. The rule is applicable to all licensees of the department. Persons or entities that provide warranty or service contracts on consumer goods are required to register with the department and provide certain information about their ability to perform under the warranty or service contract. Unless those contracts are exempted from the rule, the providers must be fully compliant with Rule R590-206 on July 1, 2001.
Without the exemption the persons or entities providing the warranties or service contracts will experience immediate and substantial costs to be in compliance with Rule R590-206. Without the exemption they will either be out of compliance or will have to stop providing the product or provide the product subject to being in violation of the rule. The impact to the public is immediate and perilous. It will impact the delivery of these products in interstate commerce and will result in increased costs to purchasers. It will impact the supply of these products in the market. The warranty and service contract providers are not subject to Gramm-Leach-Bliley. However, because they are required to register with the department they are considered to be "licensees" of the department and without exemption would be subject to Rule R590-206. The department's interest in regulating the warranty and service contract providers is outweighed by the potential and actual harm to the providers and the public. The breadth and scope of the standards imposed by Rule R590-206 are complex and pervasive which make it impossible for these contract providers to comply with the rule. This peril is great, immediate and harmful to these contract providers, persons who contract with them and to the public. Immediate issuance of a rule exempting warranty and service contract providers from Rule R590-206 is warranted.

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

Insurance
Administration
3110 State Office Building
Salt Lake City, UT 84114, or
at the Division of Administrative Rules.

DIRECT QUESTIONS REGARDING THIS RULE TO:
Jilene Whitby at the above address, by phone at (801) 538-3803, by FAX at (801) 538-3829, or by Internet E-mail at jwhitby@insurance.state.ut.us.

INTERESTED PERSONS MAY PRESENT THEIR VIEWS ON THIS RULE BY SUBMITTING WRITTEN COMMENTS TO THE ADDRESS ABOVE.

THIS RULE IS EFFECTIVE ON: 07/01/2001

AUTHORIZED BY: Jilene Whitby, Information Specialist

R590. Insurance, Administration.
R590-210. Privacy of Consumer Information Exemption for Manufacturer Warranties and Service Contracts.
R590-210-1. Authority.

This rule is promulgated pursuant to Subsections 31A-2-202(1), 31A-2-201(2) and 31A-2-201(3)(a) in which the commissioner is empowered to administer and enforce Title 31A, to perform duties imposed by Title 31A and to make administrative rules to implement the provisions of Title 31A. Furthermore, Title V, Section 505 (15 United States Code (U.S.C.) 6805)) empowers the Utah Insurance Commissioner to enforce Subtitle A of Title V of the Gramm-Leach-Bliley Act of 1999(15 U.S.C. 6801 through 6820). The commissioner is also authorized under Subsection 31A-23-317(3) to adopted rules implementing the requirements of Title V, Sections 501 to 505 of the federal act (15 U.S.C 6801 through 6807).

R590-210-2. Purpose.

The purpose of this rule is to exempt the following from the requirements of the department's rule, R590-206:

(1) manufacturer warranties;

(2) manufacturer service contracts paid for with consideration that is in addition to the consideration paid for the product; and

(3) service contracts paid for with consideration in addition to the consideration paid for the product and the service contract is for the repair or maintenance of goods, including motor vehicles.

R590-210-3. Applicability and Scope.

This rule applies only to manufacturer warranties, manufacturer service contracts paid for with consideration that is in addition to the consideration paid for the product, and service contracts paid for with consideration in addition to the consideration paid for the product and the service contract is for the repair or maintenance of goods, including motor vehicles.

R590-210-4. Enforcement.

Manufacturer warranties, manufacturer service contracts paid for with consideration that is in addition to the consideration paid for the product, and service contracts paid for with consideration in addition to the consideration paid for the product and the service contract is for the repair or maintenance of goods, including motor vehicles are hereby exempted from the requirements of the department's rule, R590-206.

R590-210-5. Effective Date.

This rule takes effect July 1, 2001.

R590-210-6. Severability.

If any provision or clause of this rule or its application to any person or situation is held invalid, such validity shall not affect any

other provision or application of this rule which can be given effect without the invalid provision or application, and to this end the provisions of this rule are declared to be severable.

KEY: insurance law privacy

July 1, 2001	**31A-2-201**
	31A-2-202
	31A-23-317
	15 U.S.C 6801-6807

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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 responsible agency is required to review the rule. This review is designed to remove obsolete rules from the *Utah Administrative Code*.

Upon reviewing a rule, an agency may: repeal the rule by filing a PROPOSED RULE; continue the rule as it is by filing a NOTICE OF REVIEW AND STATEMENT OF CONTINUATION (NOTICE); or amend the rule by filing a PROPOSED RULE and by filing a NOTICE. By filing a NOTICE, the agency indicates that the rule is still necessary.

NOTICES are not followed by the rule text. The rule text that is being continued may be found in the most recent edition of the *Utah Administrative Code*. The rule text may also be inspected at the agency or the Division of Administrative Rules. NOTICES are effective when filed. NOTICES are governed by *Utah Code* Section 63-46a-9 (1998).

Human Services, Administration
R495-876
Provider Code of Conduct

FIVE-YEAR NOTICE OF REVIEW AND STATEMENT OF CONTINUATION

DAR FILE NO.: 23867
FILED: 07/02/2001, 13:40
RECEIVED BY: NL

NOTICE OF REVIEW AND STATEMENT OF CONTINUATION

CONCISE EXPLANATION OF THE PARTICULAR STATUTORY PROVISIONS UNDER WHICH THE RULE IS ENACTED AND HOW THESE PROVISIONS AUTHORIZE OR REQUIRE THE RULE: This rule is authorized under Section 62A-1-110, Executive Director Authority, in which the Executive Director of the Department has the authority to authorize designees to perform appropriate 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: None.

REASONED JUSTIFICATION FOR CONTINUATION OF THE RULE, INCLUDING REASONS WHY THE AGENCY DISAGREES WITH COMMENTS IN OPPOSITION TO THE RULE, IF ANY: This rule has been in effect for five years and describes prohibited activities that the providers for the Department of Human Services (DHS) must not engage in. The Department is committed to protecting their clients from abuse, neglect, maltreatment, and exploitation. This rule is needed to clarify requirements and definitions, and require providers to not abuse, neglect, maltreat, or exploit DHS clients.

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

Human Services
Administration
319
120 North 200 West
Salt Lake City, UT 84103, or

at the Division of Administrative Rules.

DIRECT QUESTIONS REGARDING THIS RULE TO:
Dawn Hibl at the above address, by phone at (801) 538-9877, by FAX at (801) 538-4016, or Internet E-mail at dhibl@hs.state.ut.us.

AUTHORIZED BY: Robin Arnold-Williams, Executive Director

EFFECTIVE: 07/02/2001

End of the Five-Year Notices of Review and Statements of Continuation Section

NOTICES OF RULE EFFECTIVE DATES

These are the effective dates of PROPOSED RULES or CHANGES IN PROPOSED RULES published in earlier editions of the *Utah State Bulletin*. These effective dates are at least 31 days and not more than 120 days after the date the following rules were published.

Abbreviations
AMD = Amendment
CPR = Change in Proposed Rule
NEW = New Rule
R&R = Repeal and Reenact
REP = Repeal

Administrative Services
Finance
No. 23699 (AMD): R25-7. Travel-Related Reimbursements for State Employees.
Published: May 15, 2001
Effective: July 1, 2001

Commerce
Occupational and Professional Licensing
No. 23679 (AMD): R156-60c. Professional Counselor Licensing Act Rules.
Published: May 15, 2001
Effective: June 19, 2001

Health
Health Care Financing, Coverage and Reimbursement Policy
No. 23702 (AMD): R414-309. Utah Medical Assistance Program (UMAP).
Published: May 15, 2001
Effective: June 25, 2001

Health Care Financing, Medical Assistance Program
No. 23703 (AMD): R420-1. Utah Medical Assistance Program.
Published: May 15, 2001
Effective: June 25, 2001

Human Services
Substance Abuse
No. 23719 (AMD): R544-5. Alcohol Training and Education Seminar Rules of Administration.
Published: May 15, 2001
Effective: June 26, 2001

Insurance
Administration
No. 23720 (NEW): R590-206. Privacy of Consumer Financial and Health Information Rule.
Published: May 15, 2001
Effective: July 1, 2001

Public Service Commission
Administration
No. 23705 (AMD): R746-409. Pipeline Safety.
Published: May 15, 2001
Effective: June 28, 2001

Workforce Services
Employment Development
No. 23721 (AMD): R986-200. Family Employment Program.
Published: May 15, 2001
Effective: July 1, 2001

No. 23722 (NEW): R986-600. Workforce Investment Act.
Published: May 15, 2001
Effective: July 1, 2001

No. 23723 (REP): R986-601. Authority and Definitions for Programs Authorized under JTPA.
Published: May 15, 2001
Effective: July 1, 2001

No. 23724 (REP): R986-602. General Administrative Provisions.
Published: May 15, 2001
Effective: July 1, 2001

No. 23725 (REP): R986-603. Participant Data System Procedures.
Published: May 15, 2001
Effective: July 1, 2001

No. 23726 (AMD): R986-700. Child Care Assistance.
Published: May 15, 2001
Effective: July 1, 2001

No. 23727 (AMD): R986-900-902. Options and Waivers.
Published: May 15, 2001
Effective: July 1, 2001

End of the Notices of Rule Effective Dates Section

RULES INDEX
BY AGENCY (CODE NUMBER)
AND
BY KEYWORD (SUBJECT)

The *Rules Index* is a cumulative index that reflects all effective changes to Utah's administrative rules. The current *Index* lists changes made effective from January 2, 2001, including notices of effective date received through July 2, 2001, the effective dates of which are no later than July 15, 2001. The *Rules Index* is published in the *Utah State Bulletin* and in the annual *Index of Changes*. Nonsubstantive changes, while not published in the *Bulletin*, do become part of the *Utah Administrative Code (Code)* and are included in this *Index*, as well as 120-Day (Emergency) rules that do not become part of the *Code*. The rules are indexed by Agency (Code Number) and Keyword (Subject).

A copy of the *Rules Index* is available for public inspection at the Division of Administrative Rules (4120 State Office Building, Salt Lake City, UT), or may be viewed online at the Division's web site (http://www.rules.state.ut.us/).

RULES INDEX - BY AGENCY (CODE NUMBER)

ABBREVIATIONS

AMD = Amendment
CPR = Change in proposed rule
EMR = Emergency rule (120 day)
NEW = New rule
5YR = Five-Year Review
EXD = Expired
NSC = Nonsubstantive rule change
REP = Repeal
R&R = Repeal and reenact
* = Text too long to print in *Bulletin*, or repealed text not printed in *Bulletin*

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R21-3	Debt Collection Through Administrative Offset	23682	NSC	05/01/2001	Not Printed
Facilities Construction and Management					
R23-6	Value Engineering and Life Cycle Costing of State Owned Facilities Rules and Regulations	23697	NSC	05/01/2001	Not Printed
Finance					
R25-7	Travel-Related Reimbursements for State Employees	23699	AMD	07/01/2001	2001-10/5
R25-14	Payment of Attorneys Fees in Death Penalty Cases	23366	AMD	01/22/2001	2000-24/5
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R27-2	Fleet Operations Adjudicative Proceedings	23522	5YR	02/08/2001	2001-5/39
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Fleet Operations, Surplus Property					
R28-2	Surplus Firearms	23523	5YR	02/08/2001	2001-5/39

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R58-10	Meat and Poultry Inspection	23306	AMD	01/03/2001	2000-23/9
R58-11	Slaughter of Livestock	23585	5YR	03/30/2001	2001-8/83
R58-12	Record Keeping and Carcass Identification at Meat Exempt (Custom Cut) Establishments	23586	5YR	03/30/2001	2001-8/84
R58-13	Custom Exempt Slaughter	23587	5YR	03/30/2001	2001-8/84
R58-15	Collection of Annual Fees for the Wildlife Damage Prevention Act	23588	5YR	03/30/2001	2001-8/85
R58-16	Swine Garbage Feeding	23589	5YR	03/30/2001	2001-8/85
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R68-10	Quarantine Pertaining to the European Corn Borer	23437	5YR	01/16/2001	2001-3/96
R68-12	Quarantine Pertaining to Mint Wilt	23438	5YR	01/16/2001	2001-3/96
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R70-101	Bedding, Upholstered Furniture and Quilted Clothing	23542	AMD	05/02/2001	2001-7/6
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R70-610	Uniform Retail Wheat Standards of Identity	23430	5YR	01/16/2001	2001-3/96
R70-610	Uniform Retail Wheat Standards and Identity	23431	NSC	02/01/2001	Not Printed
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Administration					
R81-4B	Airport Lounges	23591	5YR	04/02/2001	2001-8/85
R81-4B	Airport Lounges	23603	NSC	05/01/2001	Not Printed
R81-10	On Premise Beer Retailer	23592	5YR	04/02/2001	2001-8/86
R81-10	On-Premise Beer Retailer	23604	NSC	05/01/2001	Not Printed
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Administration					
R131-4	Procurement of Construction	23578	NEW	05/16/2001	2001-8/7
COMMERCE					
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R151-46b	Department of Commerce Administrative Procedures Act Rules	23537	5YR	02/28/2001	2001-6/49
Consumer Protection					
R152-1	Utah Division of Consumer Protection: "Buyer Beware List"	23457	5YR	01/29/2001	2001-4/61
Corporations and Commercial Code					
R154-10	Utah Digital Signature Act Rules	23595	AMD	05/18/2001	2001-8/15
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R156-1-308d	Denial of Renewal of Licensure-Classification of proceedings-Conditional Renewal During Pendency of Adjudicative Proceedings, Audit or Investigation	23295	AMD	01/04/2001	2000-23/9
R156-3a	Architect Licensing Act Rules	23550	AMD	05/03/2001	2001-7/9
R156-3a	Architect Licensing Act Rules	23730	NSC	06/01/2001	Not Printed
R156-3a	Architect Licensing Act Rules	23837	5YR	06/11/2001	2001-13/85
R156-11a	Cosmetologist/Barber Licensing Act Rules	23260	AMD	see CPR	2000-22/5
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R156-16a	Optometry Practice Act Rules	23566	AMD	05/17/2001	2001-8/16
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R156-22	Professional Engineers and Professional Land Surveyors Licensing Act Rules	23517	AMD	see CPR	2001-5/4
R156-22	Professional Engineers and Professional Land Surveyors Licensing Act Rules	23517	CPR	05/17/2001	2001-8/81
R156-26a	Certified Public Accountant Licensing Act Rules	23296	AMD	01/04/2001	2000-23/11
R156-28	Veterinary Practice Act Rules	23309	AMD	see CPR	2000-23/15
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R156-50	Private Probation Provider Licensing Act Rules	23696	5YR	04/26/2001	2001-10/90
R156-54-302b	Examination Requirements - Radiology Practical Technician	23518	AMD	04/03/2001	2001-5/7
R156-54-302b	Examination Requirements - Radiology Practical Technician	23602	NSC	05/01/2001	Not Printed
R156-56	Utah Uniform Building Standard Act Rules	23577	AMD	07/01/2001	2001-8/18
R156-55b	Electricians Licensing Rules	23374	AMD	04/30/2001	2001-1/4
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R156-55d-603	Operating Standards - Alarm Installer	23524	AMD	04/03/2001	2001-5/8
R156-56-704	Statewide Amendments to the IBC	23788	NSC	06/26/2001	Not Printed
R156-60b	Marriage and Family Therapist Licensing Act Rules	23620	AMD	06/01/2001	2001-9/13
R156-60c	Professional Counselor Licensing Act Rules	23679	AMD	06/19/2001	2001-10/11
R156-60d	Substance Abuse Counselor Act Rules	23838	5YR	06/11/2001	2001-13/86
R156-61	Psychologist Licensing Act Rules	23632	AMD	06/01/2001	2001-9/16
R156-66 (Changed to R151-33)	Utah Professional Boxing Regulation Act Rules	23859	EMR	07/01/2001	2001-14/54
R156-69	Dentist and Dental Hygienist Practice Act Rules	23141	AMD	see CPR	2000-19/10
R156-69	Dentist and Dental Hygienist Practice Act Rules	23141	CPR	02/15/2001	2001-2/17
R156-73	Chiropractic Physician Practice Act Rules	23390	AMD	02/15/2001	2001-2/2
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R162-102	Application Procedures	23321	AMD	02/07/2001	2000-23/17
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R199-9	Policy Concerning Enforceability and Taxability of Bonds Purchased	23575	NSC	04/01/2001	Not Printed
R199-10	Procedures in Case of Inability to Formulate Contract for Alleviation of Impact	23576	NSC	04/01/2001	Not Printed
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R202-204	Energy Assistance: Asset Standards	23689	NSC	05/01/2001	Not Printed
R202-205	Energy Assistance: Program Benefits	23690	NSC	05/01/2001	Not Printed
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R203-1	Utah Clean Fuels Grant and Loan Program	23377	CPR	06/15/2001	2001-4/52
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R251-109	Sex Offender Treatment Providers	23568	5YR	03/27/2001	2001-8/86
R251-110	Sex Offender Notification	23571	5YR	03/27/2001	2001-8/87
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R251-301	Employment, Educational or Vocational Training for Community Center residents	23400	AMD	03/13/2001	2001-3/8
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R277-514	Board Procedures: Sanctions for Educator Misconduct	23546	NSC	04/01/2001	Not Printed
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R307-103-2	Initial Proceedings	23407	AMD	04/12/2001	2001-3/13
R307-204	Emissions Standards: Smoke Management	23139	NEW	see CPR	2000-19/14
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R315-8	Standards for Owners and Operators of Hazardous Waste Treatment, Storage, and Disposal Facilities	23414	CPR	06/15/2001	2001-9/133
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R315-315-8	Petroleum Contaminated Soils	22858	CPR (First)	see CPR (Second)	2000-17/67
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R388-804	Special Measures for the Control of Tuberculosis	23303	AMD	02/02/2001	2000-23/29
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R432-106	Specialty Hospital-Critical Access	23292	NEW	01/23/2001	2000-23/31
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R432-1	General Health Care Facility Rules	23477	NSC	04/01/2001	Not Printed
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R432-7	Specialty Hospital - Psychiatric Hospital Construction	23483	NSC	04/01/2001	Not Printed
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R432-9	Specialty Hospital - Rehabilitation Construction Rule	23485	NSC	04/01/2001	Not Printed
R432-10	Specialty Hospital - Chronic Disease Construction Rule	23486	NSC	04/01/2001	Not Printed
R432-11	Orthopedic Hospital Construction	23487	NSC	04/01/2001	Not Printed
R432-12	Small Health Care Facility (Four to Sixteen Beds) Construction Rule	23488	NSC	04/01/2001	Not Printed
R432-13	Freestanding Ambulatory Surgical Center Construction Rule	23489	NSC	04/01/2001	Not Printed
R432-14	Birthing Center Construction Rule	23490	NSC	04/01/2001	Not Printed
R432-16	Hospice Inpatient Facility Construction	23491	NSC	04/01/2001	Not Printed
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R432-103	Specialty Hospital - Rehabilitation	23497	NSC	04/01/2001	Not Printed
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R432-151	Mental Disease Facility	23501	NSC	04/01/2001	Not Printed
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R432-201	Mental Retardation Facility: Supplement "A" to the Small Health Care Facility Rule	23504	NSC	04/01/2001	Not Printed
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R432-500	Freestanding Ambulatory Surgical Center Rules	23567	NSC	04/01/2001	Not Printed
R432-550	Birthing Centers (Five or Less Birth Rooms)	23507	NSC	04/01/2001	Not Printed
R432-600	Abortion Clinic Rule	23508	NSC	04/01/2001	Not Printed
R432-650	End Stage Renal Disease Facility Rules	23562	NSC	04/01/2001	Not Printed
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R501-8	Outdoor Youth Programs	23406	NSC	02/01/2001	Not Printed
R501-14	Criminal Background Screening	23783	5YR	05/18/2001	2001-12/73
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R525-8	Forensic Mental Health Facility	23666	NEW	06/04/2001	2001-9/98
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R612-1-3	Official Forms	23462	NSC	02/15/2001	Not Printed
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R612-2-5	Regulation of Medical Practitioner Fees	23464	NSC	02/15/2001	Not Printed
R612-2-5	Regulation of Medical Practitioner Fees	23548	EMR	03/08/2001	2001-7/43
R612-2-5	Regulation of Medical Practitioner Fees	23549	AMD	05/03/2001	2001-7/21
R612-2-6	Fees in Cases Requiring Unusual Treatment	23465	NSC	02/15/2001	Not Printed
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R612-2-26	Utilization Review Standards	23472	NSC	02/15/2001	Not Printed
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R909-4	Safety Regulations for Tow Truck (Wrecker) Operations-Tow Truck Requirements, Equipment and Operations	23565	NSC	04/01/2001	Not Printed
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R930-2	Public Hearings	23616	NSC	05/01/2001	Not Printed
R930-3	Highway Noise Abatement	23617	NSC	05/01/2001	Not Printed
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RULES INDEX - BY KEYWORD (SUBJECT)

ABBREVIATIONS

AMD = Amendment
CPR = Change in proposed rule
EMR = Emergency rule (120 day)
NEW = New rule
5YR = Five-Year Review
EXD = Expired
NSC = Nonsubstantive rule change
REP = Repeal
R&R = Repeal and reenact
* = Text too long to print in *Bulletin*, or repealed text not printed in *Bulletin*

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Commerce, Occupational and Professional Licensing (Changed to Commerce, Administration)	23859	R156-66 (Changed to R151-33)	EMR	07/01/2001	2001-14/54
BRIDGES					
Transportation, Administration	23623	R907-63-1	NSC	05/01/2001	Not Printed
BUDGETING					
Health, Health Care Financing, Coverage and Reimbursement Policy	23397	R414-304	EMR	01/03/2001	2001-3/89
BUILDING CODES					
Commerce, Occupational and Professional Licensing	23577	R156-56	AMD	07/01/2001	2001-8/18
	23788	R156-56-704	NSC	06/26/2001	Not Printed
BUILDING INSPECTION					
Commerce, Occupational and Professional Licensing	23577	R156-56	AMD	07/01/2001	2001-8/18
	23788	R156-56-704	NSC	06/26/2001	Not Printed
BURGLAR ALARMS					
Commerce, Occupational and Professional Licensing	23524	R156-55d-603	AMD	04/03/2001	2001-5/8
BUS BENCHES					
Transportation, Preconstruction, Right-of-Way Acquisition	23536	R933-4	AMD	04/18/2001	2001-6/45
BUSES					
Transportation, Preconstruction, Right-of-Way Acquisition	23536	R933-4	AMD	04/18/2001	2001-6/45

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CAPITAL PUNISHMENT					
Administrative Services, Finance	23366	R25-14	AMD	01/22/2001	2000-24/5
CERTIFICATION					
Labor Commission, Safety	23310	R616-2-3	AMD	01/03/2001	2000-23/42
	23473	R616-3-3	AMD	03/20/2001	2001-4/36
Public safety, Peace Officer Standards and Training	23629	R728-409	NSC	05/01/2001	Not Printed
CHEMICAL TESTING					
Agriculture and Food, Chemical Laboratory	23404	R63-1	5YR	01/10/2001	2001-3/94
CHILD CARE					
Workforce Services, Employment Development	23726	R986-700	AMD	07/01/2001	2001-10/77
CHILD CARE FACILITIES					
Health, Health Systems Improvement, Child Care Licensing	23450	R430-6	R&R	04/17/2001	2001-4/15
	23451	R430-100	AMD	04/17/2001	2001-4/20
CHILD PLACING					
Human Services, Administration, Administrative Services, Licensing	23121	R501-7	AMD	see CPR	2000-18/65
	23121	R501-7	CPR	01/16/2001	2000-23/59
CHILD SUPPORT					
Human Services, Recovery Services	23733	R527-200	5YR	05/07/2001	2001-11/118
CHILDREN'S HEALTH BENEFITS					
Health, Children's Health Insurance Program	23458	R382-10	AMD	04/04/2001	2001-4/6
CHILD WELFARE					
Human Services, Child and Family Services	23866	R512-43	EMR	06/29/2001	2001-14/65
CHIROPRACTIC PHYSICIANS					
Commerce, Occupational and Professional Licensing	23390	R156-73	AMD	02/15/2001	2001-2/2
CHIROPRACTORS					
Commerce, Occupational and Professional Licensing	23390	R156-73	AMD	02/15/2001	2001-2/2
CLEAN					
Community and Economic Development, Community Development, Energy Services	23377	R203-1	AMD	see CPR	2001-1/6
	23377	R203-1	CPR	06/15/2001	2001-4/52
CLEARINGHOUSE					
Governor, Planning and Budget	23408	R361-1	5YR	01/11/2001	2001-3/97
CLIENT RIGHTS					
Community and Economic Development, Community Development, Community Services	23686	R202-201	NSC	05/01/2001	Not Printed

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COAL MINES					
Natural Resources; Oil, Gas and Mining; Coal	23385	R645-100-200	AMD	04/02/2001	2001-1/25
	23386	R645-301-500	AMD	04/02/2001	2001-1/26
	23387	R645-301-700	AMD	see CPR	2001-1/29
	23387	R645-301-700	CPR	05/03/2001	2001-7/26
COMMERCE					
Commerce, Corporations and Commercial Code	23595	R154-10	AMD	05/18/2001	2001-8/15
COMMERCIALIZATION OF AQUATIC LIFE					
Natural Resources, Wildlife Resources	23601	R657-14	AMD	05/17/2001	2001-8/71
COMMUNICABLE DISEASES					
Corrections, Administration	23313	R251-102	AMD	01/04/2001	2000-23/18
	23511	R251-102	5YR	02/05/2001	2001-5/40
Health, Epidemiology and Laboratory Services; HIV/AIDS, Tuberculosis Control/Refugee Health	23303	R388-804	AMD	02/02/2001	2000-23/29
Human Services, Administration	23605	R495-862	5YR	04/04/2001	2001-9/142
CONCEALED FIREARM PERMIT					
Public Safety, Law Enforcement and Technical Services, Regulatory Licensing (Changed to Public Safety, Criminal Investigations and Technical Services, Criminal Identification)	23445	R724-4 (Changed to R722-300)	NSC	02/01/2001	Not Printed
CONDEMNATION					
Transportation, Preconstruction, Right-of-Way Acquisition	23637	R933-1	NSC	05/01/2001	Not Printed
CONDUCT					
Professional Practice Advisory Commission, Administration	23427	R686-100	AMD	03/06/2001	2001-3/67
	23547	R686-100	NSC	04/01/2001	Not Printed
CONFIDENTIALITY OF INFORMATION					
Community and Economic Development, Community Development, Community Services	23686	R202-201	NSC	05/01/2001	Not Printed
CONSTRUCTION					
Transportation, Operations, Construction	23750	R916-3	5YR	05/14/2001	2001-11/119
	23609	R916-3	NSC	05/01/2001	Not Printed
CONSTRUCTION COSTS					
Administrative Services, Facilities Construction and Management	23697	R23-6	NSC	05/01/2001	Not Printed
CONSUMER PROTECTION					
Commerce, Consumer Protection	23457	R152-1	5YR	01/29/2001	2001-4/61
CONTESTS					
Commerce, Occupational and Professional Licensing (Changed to Commerce, Administration)	23859	R156-66 (Changed to R151-33)	EMR	07/01/2001	2001-14/54

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	23577	R156-56	AMD	07/01/2001	2001-8/18
	23788	R156-56-704	NSC	06/26/2001	Not Printed
CONTRACTS					
Capitol Preservation Board (State), Administration	23578	R131-4	NEW	05/16/2001	2001-8/7
Transportation, Operations, Construction	23608	R916-2	NSC	05/01/2001	Not Printed
	23750	R916-3	5YR	05/14/2001	2001-11/119
	23609	R916-3	NSC	05/01/2001	Not Printed
CONTROLLED SUBSTANCES					
Commerce, Occupational and Professional Licensing	23401	R156-37-502	NSC	02/01/2001	Not Printed
Tax Commission, Collections	23574	R867-2B	5YR	03/27/2001	2001-8/89
CORRECTIONS					
Corrections, Administration	23512	R251-301	5YR	02/05/2001	2001-5/40
	23400	R251-301	AMD	03/13/2001	2001-3/8
	23570	R251-709	5YR	03/27/2001	2001-8/87
	23540	R251-709	AMD	05/15/2001	2001-7/12
COSMETOLOGISTS					
Commerce, Occupational and Professional Licensing	23260	R156-11a	AMD	see CPR	2000-22/5
	23260	R156-11a	CPR	03/06/2001	2001-3/79
COUNSELORS					
Commerce, Occupational and Professional Licensing	23679	R156-60c	AMD	06/19/2001	2001-10/11
COVERAGE GROUPS					
Health, Health Care Financing, Coverage and Reimbursement Policy	23396	R414-303	EMR	01/03/2001	2001-3/87
	23420	R414-303	AMD	03/13/2001	2001-3/52
CRIMINAL INVESTIGATION					
Public Safety, Law Enforcement and Technical Services, Regulatory Licensing (Changed to Public Safety, Criminal Investigations and Technical Services, Criminal Identification)	23447	R724-7 (Changed to R722-320)	NSC	02/01/2001	Not Printed
CRIMINAL RECORDS					
Public Safety, Law Enforcement and Technical Services, Criminal Identification (Changed to Public Safety, Criminal Investigations and Technical Services, Criminal Identification)	23444	R722-2 (Changed to R722-900)	NSC	02/01/2001	Not Printed
DAMAGES					
Transportation, Administration	23623	R907-63-1	NSC	05/01/2001	Not Printed
DEFINITIONS					
Environmental Quality, Radiation Control	23667	R313-12	AMD	06/08/2001	2001-9/54

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Health, Health Care Financing, Coverage and reimbursement Policy	23452	R414-310	REP	04/04/2001	2001-4/13
DENTAL HYGIENIST					
Commerce, Occupational and Professional Licensing	23141	R156-69	AMD	see CPR	2000-19/10
	23141	R156-69	CPR	02/15/2001	2001-2/17
DENTISTS					
Commerce, Occupational and Professional Licensing	23141	R156-69	AMD	see CPR	2000-19/10
	23141	R156-69	CPR	02/15/2001	2001-2/17
DEPOSITORY					
Money Management Council, Administration	23624	R628-10	5YR	04/11/2001	2001-9/143
DEPREDATION					
Natural Resources, Wildlife Resources	23676	R657-44	AMD	06/04/2001	2001-9/122
DESIGN/BUILD					
Transportation, Operations, Construction	23750	R916-3	5YR	05/14/2001	2001-11/119
	23609	R916-3	NSC	05/01/2001	Not Printed
DEVELOPMENTALLY DISABLED					
Tax Commission, Administration	23403	R861-1A-36	AMD	04/11/2001	2001-3/76
DIGITAL SIGNATURE					
Commerce, Corporations and Commercial Code	23595	R154-10	AMD	05/18/2001	2001-8/15
DISCHARGE PERMITS					
Environmental Quality, Water Quality	23161	R317-8	AMD	see CPR	2000-19/40
	23161	R317-8	CPR	01/23/2001	2000-24/78
DISCIPLINARY ACTION					
Education, Administration	23546	R277-514	NSC	04/01/2001	Not Printed
DISCLOSURE REQUIREMENTS					
Tax Commission, Administration	23403	R861-1A-36	AMD	04/11/2001	2001-3/76
DISCRIMINATION					
Labor Commission. Antidiscrimination and Labor, Antidiscrimination	23515	R606-1-3	AMD	04/03/2001	2001-5/17
DIVERSION PROGRAM					
Commerce, Occupational and Professional Licensing	23295	R156-1-308d	AMD	01/04/2001	2000-23/9
DRINKING WATER					
Environmental Quality, Drinking Water	23662	R309-101	5YR	04/16/2001	2001-9/140
	23663	R309-102	5YR	04/16/2001	2001-9/140
	23664	R309-103	5YR	04/16/2001	2001-9/141
	23665	R309-104	5YR	04/16/2001	2001-9/141
	23252	R309-150	AMD	01/04/2001	2000-22/33
	23394	R309-208 (Changed to R309-535)	AMD	05/01/2001	2001-2/3
DRUG STAMPS					
Tax Commission, Collections	23574	R867-2B	5YR	03/27/2001	2001-8/89

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Workforce Services, Employment Development	23723	R986-601	REP	07/01/2001	2001-10/57
EDUCATION					
Education, Administration	23670	R277-709	AMD	06/05/2001	2001-9/19
EDUCATIONAL PLANNING					
Education, Administration	23747	R277-415	5YR	05/14/2001	2001-11/117
EFFLUENT STANDARDS					
Environmental Quality, Water Quality	23164	R317-1-3	AMD	see CPR	2000-19/25
	23164	R317-1-3	CPR	01/23/2001	2000-24/74
ELECTRIC ASSISTED BICYCLE HEADGEAR					
Public Safety, Driver License Division	23833	R708-33	5YR	06/07/2001	2001-13/87
ELECTRICIANS					
Commerce, Occupational and Professional Licensing	23374	R156-55b	AMD	04/30/2001	2001-1/4
ELECTRONIC COMMERCE					
Commerce, Corporations and Commercial Code	23595	R154-10	AMD	05/18/2001	2001-8/15
ELECTRONIC COMMUNICATION					
Commerce, Corporations and Commercial Code	23595	R154-10	AMD	05/18/2001	2001-8/15
ELEVATORS					
Labor Commission, Safety	23473	R616-3-3	AMD	03/20/2001	2001-4/36
EMERGENCY MEDICAL SERVICES					
Health, Health Systems Improvement, Emergency Medical Services	23344	R426-2	AMD	01/23/2001	2000-24/32
	23185	R426-6	AMD	01/17/2001	2000-20/27
	23186	R426-7	NEW	01/30/2001	2000-20/29
	23202	R426-8	NEW	01/30/2001	2000-21/14
EMERGENCY VEHICLES					
Public Safety, Law Enforcement and Technical Services, Regulatory Licensing (Changed to Public Safety, Criminal Investigations and Technical Services, Criminal Identification)	23446	R724-6 (Changed to R722-340)	NSC	02/01/2001	Not Printed
EMPLOYER LIABILITY					
Workforce Services, Workforce Information and Payment Services	23744	R994-302	5YR	05/11/2001	2001-11/119
EMPLOYMENT					
Labor Commission, Antidiscrimination and Labor, Antidiscrimination	23515	R606-1-3	AMD	04/03/2001	2001-5/17
Workforce Services, Employment Development	23723	R986-601	REP	07/01/2001	2001-10/57
	23724	R986-602	REP	07/01/2001	2001-10/67
	23725	R986-603	REP	07/01/2001	2001-10/75

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	23688	R202-203	NSC	05/01/2001	Not Printed
	23689	R202-204	NSC	05/01/2001	Not Printed
	23690	R202-205	NSC	05/01/2001	Not Printed
	23691	R202-206	NSC	05/01/2001	Not Printed
	23692	R202-207	NSC	05/01/2001	Not Printed
	23693	R202-208	NSC	05/01/2001	Not Printed
ENERGY INDUSTRIES					
Community and Economic Development, Community Development, Community Services	23693	R202-208	NSC	05/01/2001	Not Printed
ENFORCEMENT					
Agriculture and Food, Animal Industry	23588	R58-15	5YR	03/30/2001	2001-8/85
Environmental Quality, Radiation Control	23668	R313-14	AMD	06/08/2001	2001-9/55
ENGINEERS					
Commerce, Occupational and Professional Licensing	23517	R156-22	AMD	see CPR	2001-5/4
	23517	R156-22	CPR	05/17/2001	2001-8/81
ENVIRONMENTAL PROTECTION					
Environmental Quality, Drinking Water	23662	R309-101	5YR	04/16/2001	2001-9/140
	23664	R309-103	5YR	04/16/2001	2001-9/141
	23665	R309-104	5YR	04/16/2001	2001-9/141
	23252	R309-150	AMD	01/04/2001	2000-22/33
ETHICS					
Natural Resources, Wildlife Resources	23360	R657-38	AMD	01/16/2001	2000-24/53
EXEMPTIONS					
Environmental Quality, Radiation Control	23667	R313-12	AMD	06/08/2001	2001-9/54
	23312	R313-19	AMD	01/26/2001	2000-23/19
FACILITY					
Human Services, Mental Health, State Hospital	23666	R525-8	NEW	06/04/2001	2001-9/98
FAMILY EMPLOYMENT					
Workforce Services, Employment Development	23271	R986-200	AMD	07/01/2001	2001-10/49
FEED CONTAMINATION					
Agriculture and Food, Plant Industry	23435	R68-2	5YR	01/16/2001	2001-3/95
FEES					
Administrative Services, Finance	23366	R25-14	AMD	01/22/2001	2000-24/5
Health, Center for Health Data, Vital Records and Statistics	23681	R436-11	NSC	05/01/2001	Not Printed
Labor Commission, Industrial Accidents	23463	R612-2-3	NSC	02/15/2001	Not Printed
	23548	R612-2-5	EMR	03/08/2001	2001-7/43
	23464	R612-2-5	NSC	02/15/2001	Not Printed
	23549	R612-2-5	AMD	05/03/2001	2001-7/21

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	23465	R612-2-6	NSC	02/15/2001	Not Printed
	23466	R612-2-11	NSC	02/15/2001	Not Printed
	23467	R612-2-16	AMD	03/20/2001	2001-4/33
	23468	R612-2-17	NSC	02/15/2001	Not Printed
	23469	R612-2-22	AMD	03/20/2001	2001-4/33
	23470	R612-2-23	NSC	02/15/2001	Not Printed
	23471	R612-2-24	AMD	03/20/2001	2001-4/34
	23472	R612-2-26	NSC	02/15/2001	Not Printed
FILING DEADLINES					
Labor Commission, Industrial Accidents	23223	R612-1-10	AMD	see CPR	2000-21/18
	23223	R612-1-10	CPR	03/20/2001	2001-1/36
FINANCIAL DISCLOSURE					
Community and Economic Development, Community Development, Community Services	23689	R202-204	NSC	05/01/2001	Not Printed
Health, Health Care Financing, Coverage and Reimbursement Policy	23397	R414-304	EMR	01/03/2001	2001-3/89
FIRE					
Environmental Quality, Air Quality	23139	R307-204	NEW	see CPR	2000-19/14
	23139	R307-204	CPR	03/06/2001	2001-3/81
FIREARMS					
Administrative Services, Fleet Operations, Surplus Property	23523	R28-2	5YR	02/08/2001	2001-5/39
FIRE PREVENTION					
Public Safety, Fire Marshal	23339	R710-4	AMD	01/16/2001	2000-24/61
	23580	R710-4	AMD	05/16/2001	2001-8/77
FIRE PREVENTION LAW					
Public Safety, Fire Marshal	23340	R710-9	AMD	01/16/2001	2000-24/64
FISH					
Natural Resources, Wildlife Resources	23189	R657-13	AMD	01/02/2001	2000-21/23
FISHING					
Natural Resources, Wildlife Resources	23189	R657-13	AMD	01/02/2001	2000-21/23
FOOD INSPECTION					
Agriculture and Food, Animal Industry	23306	R58-10	AMD	01/03/2001	2000-23/9
	23585	R58-11	5YR	03/30/2001	2001-8/83
	23586	R58-12	5YR	03/30/2001	2001-8/84
	23587	R58-13	5YR	03/30/2001	2001-8/84
	23589	R58-16	5YR	03/30/2001	2001-8/85
Agriculture and Food, Regulatory Services	23428	R70-420	REP	03/06/2001	2001-3/5
	23429	R70-430	REP	03/06/2001	2001-3/6
	23430	R70-610	5YR	01/16/2001	2001-3/96
	23431	R70-610	NSC	02/01/2001	Not Printed
	23432	R70-620	5YR	01/16/2001	2001-3/97
	23433	R70-620	AMD	03/06/2001	2001-3/7

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	23727	R986-900-902	AMD	07/01/2001	2001-10/79
FORENSIC					
Human Services, Mental Health, State Hospital	23666	R525-8	NEW	06/04/2001	2001-9/98
FOSTER CARE					
Human Services, Child and Family Services	23866	R512-43	EMR	06/29/2001	2001-14/65
FRANCHISE					
Tax Commission, Auditing	23555	R865-6F-1	NSC	04/01/2001	Not Printed
	23556	R865-6F-15	NSC	04/01/2001	Not Printed
FRAUD					
Human Services, Recovery Services	23389	R527-928	AMD	02/15/2001	2001-2/7
FUEL					
Community and Economic Development, Community Development, Energy Services	23377	R203-1	AMD	see CPR	2001-1/6
	23377	R203-1	CPR	06/15/2001	2001-4/52
GAME LAWS					
Natural Resources, Wildlife Resources	23356	R657-5	AMD	01/16/2001	2000-24/40
	23528	R657-5	AMD	04/03/2001	2001-5/19
	23601	R657-14	AMD	05/17/2001	2001-8/71
	23358	R657-17	AMD	01/16/2001	2000-24/51
	23810	R657-23	5YR	05/30/2001	2001-12/74
	23393	R657-33	AMD	02/15/2001	2001-2/8
GOVERNMENT DOCUMENTS					
Community and Economic Development, Community Development, Community Services	23692	R202-207	NSC	05/01/2001	Not Printed
GOVERNMENT HEARINGS					
Commerce, Administration	23537	R151-46b	5YR	02/28/2001	2001-6/49
Commerce, Occupational and Professional Licensing	23839	R156-46b	5YR	06/11/2001	2001-13/85
Transportation, Preconstruction	23616	R930-2	NSC	05/01/2001	Not Printed
GOVERNMENT INFORMATION RESOURCES					
Transportation, Administration	23634	R907-40	NSC	05/01/2001	Not Printed
GRANTS					
Community and Economic Development, Community Development	23231	R199-8	AMD	01/23/2001	2000-21/3
	23575	R199-9	NSC	03/28/2001	Not Printed
Pioneer Sesquicentennial Celebration Coordinating Council (Utah), Administration	23742	R674-2	EXD	05/09/2001	2001-11/121
GRIEVANCE PROCEDURES					
Tax Commission, Administration	23403	R861-1A-36	AMD	04/11/2001	2001-3/76

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Natural Resources, Wildlife Resources	23677	R657-48	NEW	06/13/2001	2001-9/124
HALFWAY HOUSES					
Corrections, Administration	23512	R251-301	5YR	02/05/2001	2001-5/40
	23400	R251-301	AMD	03/13/2001	2001-3/8
HAZARDOUS MATERIALS TRANSPORTATION					
Transportation, Motor Carrier	23461	R909-75	AMD	03/20/2001	2001-4/45
HAZARDOUS SUBSTANCES					
Transportation, Motor Carrier	23461	R909-75	AMD	03/20/2001	2001-4/45
HAZARDOUS WASTE					
Environmental Quality, Solid and Hazardous Waste	23409	R315-1	AMD	04/20/2001	2001-3/14
	23410	R315-2	AMD	04/20/2001	2001-3/16
	23521	R315-2-2	AMD	06/15/2001	2001-5/15
	23411	R315-3	AMD	see CPR	2001-3/22
	23411	R315-3	CPR	06/15/2001	2001-9/130
	23412	R315-5-3	AMD	04/20/2001	2001-3/30
	23413	R315-7	AMD	see CPR	2001-3/31
	23413	R315-7	CPR	06/15/2001	2001-9/131
	23414	R315-8	AMD	see CPR	2001-3/36
	23414	R315-8	CPR	06/15/2001	2001-9/133
	23415	R315-13-1	AMD	04/20/2001	2001-3/40
	23416	R315-14-7	AMD	04/20/2001	2001-3/41
	23417	R315-16	AMD	04/20/2001	2001-3/42
	23418	R315-50	AMD	04/20/2001	2001-3/50
Transportation, Motor Carrier	23461	R909-75	AMD	03/20/2001	2001-4/45
HEALTH FACILITIES					
Health, Health Systems Improvement, Health Facility Licensure	23292	R432-106	NEW	01/23/2001	2000-23/31
Health, Health Systems Improvement, Health Facility Licensure (Changed to Health, Health Systems Improvement, Licensing)	23477	R432-1	NSC	04/01/2001	Not Printed
	23478	R432-2	NSC	04/01/2001	Not Printed
	23479	R432-3	NSC	04/01/2001	Not Printed
	23480	R432-4	NSC	04/01/2001	Not Printed
	23481	R432-5	NSC	04/01/2001	Not Printed
	23482	R432-6	NSC	04/01/2001	Not Printed
	23483	R432-7	NSC	04/01/2001	Not Printed
	23484	R432-8	NSC	04/01/2001	Not Printed
	23485	R432-9	NSC	04/01/2001	Not Printed
	23486	R432-10	NSC	04/01/2001	Not Printed
	23487	R432-11	NSC	04/01/2001	Not Printed
	23488	R432-12	NSC	04/01/2001	Not Printed
	23489	R432-13	NSC	04/01/2001	Not Printed
	23490	R432-14	NSC	04/01/2001	Not Printed

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	23494	R432-100	NSC	04/01/2001	Not Printed
	23495	R432-101	NSC	04/01/2001	Not Printed
	23496	R432-102	NSC	04/01/2001	Not Printed
	23497	R432-103	NSC	04/01/2001	Not Printed
	23498	R432-104	NSC	04/01/2001	Not Printed
	23499	R432-105	NSC	04/01/2001	Not Printed
	23561	R432-106	NSC	04/01/2001	Not Printed
	23500	R432-150	NSC	04/01/2001	Not Printed
	23501	R432-151	NSC	04/01/2001	Not Printed
	23502	R432-152	NSC	04/01/2001	Not Printed
	23503	R432-200	NSC	04/01/2001	Not Printed
	23504	R432-201	NSC	04/01/2001	Not Printed
	23505	R432-270	NSC	04/01/2001	Not Printed
	23380	R432-270	AMD	03/30/2001	2001-1/10
	23506	R432-300	NSC	04/01/2001	Not Printed
	23567	R432-500	NSC	04/01/2001	Not Printed
	23507	R432-550	NSC	04/01/2001	Not Printed
	23508	R432-600	NSC	04/01/2001	Not Printed
	23562	R432-650	NSC	04/01/2001	Not Printed
	23509	R432-700	NSC	04/01/2001	Not Printed
	23510	R432-750	NSC	04/01/2001	Not Printed
	23563	R432-950	NSC	04/01/2001	Not Printed
HEARINGS					
Community and Economic Development, Community Development, Community Services	23686	R202-201	NSC	05/01/2001	Not Printed
Environmental Quality, Air Quality	23442	R307-103-1	NSC	02/01/2001	Not Printed
	23407	R307-103-2	AMD	04/12/2001	2001-3/13
Professional Practices Advisory Commission, Administration	23427	R686-100	AMD	03/06/2001	2001-3/67
	23547	R686-100	NSC	04/01/2001	Not Printed
HIGHER EDUCATION					
Regents (Board Of), Administration	23596	R765-649	NEW	05/16/2001	2001-8/78
HIGHWAY BEAUTIFICATION					
Transportation, Preconstruction, Right-of-Way Acquisition	23637	R933-1	NSC	05/01/2001	Not Printed
HIGHWAY FINANCE					
Transportation, Program Development	23613	R926-3	NSC	05/01/2001	Not Printed
	23614	R926-5	NSC	05/01/2001	Not Printed
HIGHWAY HEARINGS					
Transportation, Preconstruction	23616	R930-2	NSC	05/01/2001	Not Printed
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Transportation, Operations, Construction	23609	R916-3	NSC	05/01/2001	Not Printed
	23750	R916-3	5YR	05/14/2001	2001-11/119
HISTORIC PRESERVATION					
Tax Commission, Auditing	23555	R865-6F-1	NSC	04/01/2001	Not Printed
	23556	R865-6F-15	NSC	04/01/2001	Not Printed
HOUSING					
Community and Economic Development, Community Development, History	23607	R212-11	NSC	05/01/2001	Not Printed
HUMAN SERVICES					
Human Services, Administration, Administrative Services, Licensing	23121	R501-7	AMD	see CPR	2000-18/65
	23121	R501-7	CPR	01/16/2001	2000-23/59
	23322	R501-8	AMD	01/16/2001	2000-23/33
	23406	R501-8	NSC	02/01/2001	Not Printed
	23783	R501-14	5YR	05/18/2001	2001-12/75
	23323	R501-17	AMD	01/16/2001	2000-23/39
HUNTER EDUCATION					
Natural Resources, Wildlife Resources	23810	R657-23	5YR	05/30/2001	2001-12/74
HUNTING					
Natural Resources, Wildlife Resources	23360	R657-38	AMD	01/16/2001	2000-24/53
HUNTING AND FISHING LICENSES					
Natural Resources, Wildlife Resources	23358	R657-17	AMD	01/16/2001	2000-24/51
IMPACTED AREA PROGRAMS					
Community and Economic Development, Community Development	23576	R199-10	NSC	04/01/2001	Not Printed
IMPORT RESTRICTIONS					
Natural Resources, Wildlife Resources	23673	R657-3	5YR	04/16/2001	2001-9/143
INCIDENTS					
Administrative Services, Fleet Operations	23345	R27-7	NEW	01/31/2001	2000-24/6
INCOME					
Community and Economic Development, Community Development, Community Services	23688	R202-203	NSC	05/01/2001	Not Printed
Health, Health Care Financing, Coverage and Reimbursement Policy	23396	R414-303	EMR	01/03/2001	2001-3/87
	23420	R414-303	AMD	03/13/2001	2001-3/52
	23397	R414-304	EMR	01/03/2001	2001-3/89
	23452	R414-310	REP	04/04/2001	2001-4/13
INCOME ELIGIBILITY					
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Community and Economic Development, Indian Affairs	23476	R230-1	5YR	02/01/2001	2001-4/61
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Health, Health Care Financing, Medical Assistance Program	23351	R420-1	AMD	01/23/2001	2000-24/28
	23701	R420-1	EMR	05/01/2001	2001-10/85
	23703	R420-1	AMD	06/25/2001	2001-10/19
INDUSTRIAL WASTE					
Environmental Quality, Water Quality	23164	R317-1-3	AMD	see CPR	2000-19/25
	23164	R317-1-3	CPR	01/23/2001	2000-24/74
INDUSTRY					
Environmental Quality, Radiation Control	23552	R313-36	AMD	05/11/2001	2001-7/13
IN-SERVICE TRAINING					
Public Safety, Peace Officer Standards and Training	23630	R728-500	NSC	05/01/2001	Not Printed
INSPECTIONS					
Agriculture and Food, Regulatory Services	23728	R70-910	5YR	05/03/2001	2001-11/116
	23729	R70-950	5YR	05/03/2001	2001-11/116
Environmental Quality, Radiation Control	23667	R313-12	AMD	06/08/2001	2001-9/54
INSTRUCTIONAL MATERIALS					
Education, Administration	23426	R277-469	AMD	03/06/2001	2001-3/9
INSURANCE					
Insurance, Administration	23582	R590-144	5YR	03/30/2001	2001-8/88
	23583	R590-144	NSC	05/01/2001	Not Printed
	23598	R590-146	AMD	05/23/2001	2001-8/65
	23713	R590-177	5YR	04/30/2001	2001-10/91
INSURANCE BENEFITS					
Insurance, Administration	23378	R590-204	NEW	02/09/2001	2001-1/23
INSURANCE CERTIFICATE OF AUTHORITY					
Insurance, Administration	23560	R590-208	NEW	06/12/2001	2001-7/20
INSURANCE LAW					
Insurance, Administration	22923	R590-200	NEW	see CPR (First)	2000-13/51
	22923	R590-200	CPR (First)	see CPR (Second)	2000-19/159
	22923	R590-200	CPR (Second)	see CPR (Third)	2000-23/60
	22923	R590-200	CPR (Third)	04/30/2001	2001-3/84
	23720	R590-206	NEW	07/01/2001	2001-10/23
INSURANCE LAW PRIVACY					
Insurance, Administration	23247	R590-205	NEW	01/11/2001	2000-22/35
	23864	R590-210	EMR	07/01/2001	2001-14/70

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Community and Economic Development, Community Development, Library	23352	R223-2	NEW	02/15/2001	2000-24/11
	23519	R223-2	NSC	02/23/2001	Not Printed
INTRASTATE DRIVER LICENSE WAIVERS					
Public Safety, Driver License	23597	R708-34	AMD	05/16/2001	2001-8/74
INVESTIGATIONS					
Public Safety, Peace Officer Standards and Training	23629	R728-409	NSC	05/01/2001	Not Printed
IRON AND MANGANESE CONTROL					
Environmental Quality, Drinking Water	23394	R309-208 (Changed to R309-535)	AMD	05/01/2001	2001-2/3
JURISDICTION					
Workforce Services, Workforce Information and Payment Services	23525	R994-406-304	AMD	04/05/2001	2001-5/28
JUVENILE COURTS					
Education, Administration	23670	R277-709	AMD	06/05/2001	2001-9/19
LABOR					
Labor Commission, Antidiscrimination and Labor, Labor	23861	R610-1-3	NSC	07/05/2001	Not Printed
LAND MANAGER					
Environmental Quality, Air Quality	23139	R307-204	NEW	see CPR	2000-19/14
	23139	R307-204	CPR	03/06/2001	2001-3/81
LANDOWNER PERMITS					
Natural Resources, Wildlife Resources	23675	R657-43	AMD	06/04/2001	2001-9/119
LAW					
Human Services, Aging and Adult Services	23453	R510-1	5YR	01/23/2001	2001-4/62
	23538	R510-1	AMD	04/17/2001	2001-6/45
	23822	R510-1	5YR	06/04/2001	2001-13/86
Public Safety, Fire Marshal	23340	R710-9	AMD	01/16/2001	2000-24/64
LAW ENFORCEMENT					
Public Safety, Law Enforcement and Technical Services, Regulatory Licensing (Changed to Public Safety, Criminal Investigations and Technical Services, Criminal Identification)	23447	R724-7 (Changed to R722-320)	NSC	02/01/2001	Not Printed
Public Safety, Peace Officer Standards and Training	23628	R728-404	NSC	05/01/2001	Not Printed
	23629	R728-409	NSC	05/01/2001	Not Printed
LAW ENFORCEMENT OFFICERS					
Public Safety, Peace Officer Standards and Training	23630	R728-500	NSC	05/01/2001	Not Printed
LIBRARIES					
Community and Economic Development, Community Development, Library	23352	R223-2	NEW	02/15/2001	2000-24/11
	23519	R223-2	NSC	02/23/2001	Not Printed

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Environmental Quality, Radiation Control	23312	R313-19	AMD	01/26/2001	2000-23/19
Public Safety, Law Enforcement and Technical Services, Regulatory Licensing (Changed to Public Safety, Criminal Investigations and Technical Services, Criminal Identification)	23448	R724-9 (Changed to R722-330)	NSC	02/01/2001	Not Printed
	23449	R724-10 (Changed to R722-310)	NSC	02/01/2001	Not Printed
LICENSING					
Commerce, Occupational and Professional Licensing	23295	R156-1-308d	AMD	01/04/2001	2000-23/9
	23550	R156-3a	AMD	05/03/2001	2001-7/9
	23730	R156-3a	NSC	06/01/2001	Not Printed
	23837	R156-3a	5YR	06/11/2001	2001-13/85
	23260	R156-11a	AMD	see CPR	2000-22/5
	23260	R156-11a	CPR	03/06/2001	2001-3/79
	23566	R156-16a	AMD	05/17/2001	2001-8/16
	23695	R156-17a	5YR	04/26/2001	2001-10/89
	23296	R156-26a	AMD	01/04/2001	2000-23/11
	23309	R156-28	AMD	see CPR	2000-23/15
	23309	R156-28	CPR	03/08/2001	2001-3/80
	23401	R156-37-502	NSC	02/01/2001	Not Printed
	23535	R156-47b	5YR	02/26/2001	2001-6/49
	23696	R156-50	5YR	04/26/2001	2001-10/90
	23518	R156-54-302b	AMD	04/03/2001	2001-5/7
	23602	R156-54-302b	NSC	05/01/2001	Not Printed
	23374	R156-55b	AMD	04/30/2001	2001-1/4
	23375	R156-55c-102	AMD	04/30/2001	2001-1/5
	23524	R156-55d-603	AMD	04/03/2001	2001-5/8
	23577	R156-56	AMD	07/01/2001	2001-8/18
	23788	R156-56-704	NSC	06/26/2001	Not Printed
	23620	R156-60b	AMD	06/01/2001	2001-9/13
	23679	R156-60c	AMD	06/19/2001	2001-10/11
	23838	R156-60d	5YR	06/11/2001	2001-13/86
	23632	R156-61	AMD	06/01/2001	2001-9/16
	23141	R156-69	AMD	see CPR	2000-10/10
	23141	R156-69	CPR	02/15/2001	2001-2/17
	23390	R156-73	AMD	02/15/2001	2001-2/2
Commerce, Occupational and Professional Licensing (Changed to Commerce, Administration)	23859	R156-66 (Changed to R151-33)	EMR	07/01/2001	2001-14/54
Commerce, Real Estate	23321	R162-102	AMD	02/07/2001	2000-23/17
Environmental Quality, Radiation Control	23552	R313-36	AMD	05/11/2001	2001-7/13
Human Services, Administration, Administrative Services, Licensing	23121	R501-7	AMD	see CPR	2000-18/65
	23121	R501-7	CPR	01/16/2001	2000-23/59

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	23406	R501-8	NSC	02/01/2001	Not Printed
	23783	R501-14	5YR	05/18/2001	2001-12/73
	23323	R501-17	AMD	01/16/2001	2000-23/39
Natural Resources, Wildlife Resources	23455	R657-27	AMD	03/26/2001	2001-4/39
LICENSING (TRADEMARK)					
Pioneer Sesquicentennial Celebration Coordinating Council (Utah), Administration	23740	R674-3	EXD	05/07/2001	2001-11/121
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Public Service Commission, Administration	23376	R746-341	AMD	03/01/2001	2001-1/30
LIMITED ACCESS HIGHWAYS					
Transportation, Preconstruction, Right-of-Way Acquisition	23619	R933-3	NSC	05/01/2001	Not Printed
LIQUEFIED PETROLEUM GAS					
Public Safety, Fire Marshal	23367	R710-6	AMD	01/16/2001	2000-24/63
LOAN PROGRAM					
Community and Economic Development, Community Development, Energy Services	23377	R203-1	AMD	see CPR	2001-1/6
	23377	R203-1	CPR	06/15/2001	2001-4/52
LOCAL GOVERNMENT					
Health, Center for Health Data, Vital Records and Statistics	23681	R436-11	NSC	05/01/2001	Not Printed
LOSS RECOVERY					
Transportation, Administration	23623	R907-63-1	NSC	05/01/2001	Not Printed
MAMMOGRAPHY					
Health, Health Systems Improvement, Health Facility Licensure (Changed to Health Systems Improvement, Licensing)	23563	R432-950	NSC	04/01/2001	Not Printed
MARRIAGE AND FAMILY THERAPIST					
Commerce, Occupational and Professional Licensing	23620	R156-60b	AMD	06/01/2001	2001-9/13
MASSAGE					
Commerce, Occupational and Professional Licensing	23535	R156-47b	5YR	02/26/2001	2001-6/49
MEDICAID					
Health, Health Care Financing, Coverage and Reimbursement Policy	23347	R414-63	NEW	01/17/2001	2000-24/23
	23551	R414-63	AMD	05/07/2001	2001-7/17
	23421	R414-304	AMD	03/13/2001	2001-3/56
	23398	R414-305	EMR	01/03/2001	2001-3/91
	23422	R414-305	AMD	03/13/2001	2001-3/60
Health, Health Care Financing, Medical Assistance Program	23351	R420-1	AMD	01/23/2001	2000-24/28
	23701	R420-1	EMR	05/01/2001	2001-10/85
	23703	R420-1	AMD	06/25/2001	2001-10/19

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	23548	R612-2-5	EMR	03/08/2001	2001-7/43
	23464	R612-2-5	NSC	02/15/2001	Not Printed
	23549	R612-2-5	AMD	05/03/2001	2001-7/21
	23465	R612-2-6	NSC	02/15/2001	Not Printed
	23466	R612-2-11	NSC	02/15/2001	Not Printed
	23467	R612-2-16	AMD	03/20/2001	2001-4/32
	23468	R612-2-17	NSC	02/15/2001	Not Printed
	23469	R612-2-22	AMD	03/20/2001	2001-4/33
	23470	R612-2-23	NSC	02/15/2001	Not Printed
	23471	R612-2-24	AMD	03/20/2001	2001-4/34
	23472	R612-2-26	NSC	02/15/2001	Not Printed
MEDICAL RECORDS					
Corrections, Administration	23313	R251-102	AMD	01/04/2001	2000-23/18
	23511	R251-102	5YR	02/05/2001	2001-5/40
MENTAL HEALTH					
Commerce, Occupational and Professional Licensing	23679	R156-60c	AMD	06/19/2001	2001-10/11
Corrections, Administration	23568	R251-109	5YR	03/27/2001	2001-8/86
Human Services, Mental Health, State Hospital	23666	R525-8	NEW	06/04/2001	2001-9/98
METHADONE PROGRAMS					
Human Services, Substance Abuse	23706	R544-2	5YR	04/30/2001	2001-10/90
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Labor Commission, Antidiscrimination and Labor, Labor	23861	R610-1-3	NSC	07/05/2001	Not Printed
MISCELLANEOUS TREATMENT					
Environmental Quality, Drinking Water	23394	R309-208 (Changed to R309-535)	AMD	05/01/2001	2001-2/3
MOTOR VEHICLE					
Transportation, Motor Carrier, Ports of Entry	23698	R912-8	5YR	04/27/2001	2001-10/91
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Community and Economic Development, Indian Affairs	23476	R230-1	5YR	02/01/2001	2001-4/61
NOISE ABATEMENT					
Transportation, Preconstruction	23617	R930-3	NSC	05/01/2001	Not Printed
NOISE CONTROL					
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Transportation, Preconstruction	23617	R930-3	NSC	05/01/2001	Not Printed
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Agriculture and Food, Plant Industry	23436	R68-6	5YR	01/16/2001	2001-3/95

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	23839	R156-46b	5YR	06/11/2001	2001-13/85
	23374	R156-55b	AMD	04/30/2001	2001-1/4
	23375	R156-55c-102	AMD	04/30/2001	2001-1/5
OFF-HIGHWAY VEHICLES					
Natural Resources, Parks and Recreation	23707	R651-401	AMD	06/15/2001	2001-10/37
	23708	R651-403	AMD	06/15/2001	2001-10/38
	23709	R651-404	AMD	06/15/2001	2001-10/39
OIL AND GAS LAW					
Natural Resources; Oil, Gas and Mining; Oil and Gas	23304	R649-4	NEW	01/03/2001	2001-23/43
OLDER AMERICANS ACT					
Human Services, Aging and Adult Services	23453	R510-1	5YR	01/23/2001	2001-4/62
	23538	R510-1	AMD	04/17/2001	2001-6/45
	23822	R510-1	5YR	06/04/2001	2001-13/86
OPTOMETRIST					
Commerce, Occupational and Professional Licensing	23566	R156-16a	AMD	05/17/2001	2001-8/16
OVERPAYMENTS					
Human Services, Recovery Services	23733	R527-200	5YR	05/07/2001	2001-11/118
Workforce Services, Workforce Information and Payment Services	23525	R994-406-304	AMD	04/05/2001	2001-5/28
PARKS					
Natural Resources, Parks and Recreation	23423	R651-601	AMD	03/06/2001	2001-3/62
	23710	R651-601	AMD	06/15/2001	2001-10/40
	23711	R651-603	AMD	06/15/2001	2001-10/41
	23424	R651-608-2	AMD	03/06/2001	2001-3/63
	23712	R651-620	AMD	06/15/2001	2001-10/42
	23654	R651-635	NEW	06/11/2001	2001-9/99
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Community and Economic Development, Community Development, Community Services	23688	R202-203	NSC	05/01/2001	Not Printed
PEACE OFFICER					
Public Safety, Peace Officer Standards and Training	23627	R728-205	NSC	05/01/2001	Not Printed
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Commerce, Occupational and Professional Licensing	23296	R156-26a	AMD	01/04/2001	2000-23/11
PENALTIES					
Environmental Quality, Radiation Control	23668	R313-14	AMD	06/08/2001	2001-9/55
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Administrative Services, Finance	23699	R25-7	AMD	07/01/2001	2001-10/5

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Natural Resources, Wildlife Resources	23364	R657-42	AMD	01/16/2001	2000-24/60
	23533	R657-42-6	AMD	04/03/2001	2001-5/27
PERSONAL PROPERTY					
Tax Commission, Property Tax	23475	R884-24P-49	AMD	04/11/2001	2001-4/42
	23395	R884-24P-62	AMD	05/14/2001	2001-2/11
	23316	R884-24P-65	AMD	02/20/2001	2000-23/54
PHARMACIES					
Commerce, Occupational and Professional Licensing	23695	R156-17a	5YR	04/26/2001	2001-10/89
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Commerce, Occupational and Professional Licensing	23695	R156-17a	5YR	04/26/2001	2001-10/89
PIPELINE					
Public Service Commission, Administration	23705	R746-409	AMD	06/28/2001	2001-10/42
PLANNING					
Governor, Planning and Budget	23408	R361-1	5YR	01/11/2001	2001-3/97
PLANT DISEASES					
Agriculture and Food, Plant Industry	23437	R68-10	5YR	01/16/2001	2001-3/96
	23438	R68-12	5YR	01/16/2001	2001-3/96
PLUMBERS					
Commerce, Occupational and Professional Licensing	23375	R156-55c-102	AMD	04/30/2001	2001-1/5
PLUMBING					
Commerce, Occupational and Professional Licensing	23375	R156-55c-102	AMD	04/30/2001	2001-1/5
POINT SYSTEM					
Public Safety, Driver License	23402	R708-3	AMD	03/06/2001	2001-3/75
	23514	R708-3	NSC	02/22/2001	Not Printed
PORTABLE ELECTRICITY GENERATOR SETS					
Environmental Quality, Air Quality	23781	R307-501	EMR	05/15/2001	2001-11/114
POSTAL SERVICE					
Transportation, Preconstruction	23615	R930-1	NSC	05/01/2001	Not Printed
POST CONVICTION					
Administrative Services, Finance	23366	R25-14	AMD	01/22/2001	2000-24/5
PRESERVATION					
Community and Economic Development, Community Development, History	23607	R212-11	NSC	05/01/2001	Not Printed

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	23232	R746-352	CPR (Second)	06/15/2001	2001-7/38
PRISONS					
Corrections, Administration	23570	R251-709	5YR	03/27/2001	2001-8/87
	23540	R251-709	AMD	05/15/2001	2001-7/12
PRIVATE INVESTIGATORS					
Public Safety, Law Enforcement and Technical Services, Regulatory Licensing (Changed to Public Safety, Criminal Investigations and Technical Services, Criminal Identification)	23448	R724-9 (Changed to R722-330)	NSC	02/01/2001	Not Printed
PRIVATE PROBATION PROVIDER					
Commerce, Occupational and Professional Licensing	23696	R156-50	5YR	04/26/2001	2001-10/90
PROBATION					
Commerce, Occupational and Professional Licensing	23696	R156-50	5YR	04/26/2001	2001-10/90
PROCEDURES					
Public Service Commission, Administration	23354	R746-240	AMD	02/15/2001	2000-24/67
	23328	R746-340	AMD	see CPR	2000-23/49
	23328	R746-340	CPR	03/26/2001	2001-4/56
PROCUREMENT					
Capitol Preservation Board (State), Administration	23578	R131-4	NEW	05/16/2001	2001-8/7
PROFESSIONAL COMPETENCY					
Education, Administration	23748	R277-513	5YR	05/14/2001	2001-11/117
	23546	R277-514	NSC	04/01/2001	Not Printed
Money Management Council, Administration	23624	R628-10	5YR	04/11/2001	2001-9/143
PROFESSIONAL COUNSELORS					
Commerce, Occupational and Professional Licensing	23679	R156-60c	AMD	06/19/2001	2001-10/11
PROFESSIONAL ENGINEERS					
Commerce, Occupational and Professional Licensing	23517	R156-22	AMD	see CPR	2001-5/4
	23517	R156-22	CPR	05/17/2001	2001-8/81
PROFESSIONAL LAND SURVEYORS					
Commerce, Occupational and Professional Licensing	23517	R156-22	AMD	see CPR	2001-5/4
	23517	R156-22	CPR	05/17/2001	2001-8/81
PROGRAM BENEFITS					
Health, Health Care Financing, Coverage and Reimbursement Policy	23459	R414-306	AMD	04/04/2001	2001-4/11

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PROMOTIONS					
Agriculture and Food, Marketing and Conservation	23543	R65-1	5YR	03/06/2001	2001-7/45
	23544	R65-3	5YR	03/06/2001	2001-7/45
	23545	R65-4	5YR	03/06/2001	2001-7/46
PROPERTY TAX					
Tax Commission, Property Tax	23475	R884-24P-49	AMD	04/11/2001	2001-4/42
	23395	R884-24P-62	AMD	05/14/2001	2001-2/11
	23316	R884-24P-65	AMD	02/20/2001	2000-23/54
PROVIDER CONDUCT					
Human Services, Administration	23867	R495-876	5YR	07/02/2001	2001-14/73
PSYCHIATRIC PERSONNEL					
Corrections, Administration	23568	R251-109	5YR	03/27/2001	2001-8/86
PSYCHOLOGISTS					
Commerce, Occupational and Professional Licensing	23632	R156-61	AMD	06/01/2001	2001-9/16
PSYCHOTHERAPY					
Corrections, Administration	23568	R251-109	5YR	03/27/2001	2001-8/86
PUBLIC ASSISTANCE					
Workforce Services, Employment Development	23474	R986-900-902	AMD	03/20/2001	2001-4/47
	23727	R986-900-902	AMD	07/01/2001	2001-10/79
PUBLIC ASSISTANCE PROGRAMS					
Human Services, Recovery Services	23389	R527-928	AMD	02/15/2001	2001-2/7
PUBLIC BUILDINGS					
Administrative Services, Facilities Construction and Management	23697	R23-6	NSC	05/01/2001	Not Printed
Capitol Preservation Board (State), Administration	23578	R131-4	NEW	05/16/2001	2001-8/7
Public Safety, Fire Marshal	23339	R710-4	AMD	01/16/2001	2000-24/61
	23580	R710-4	AMD	05/16/2001	2001-8/77
PUBLIC HEARINGS					
Transportation, Preconstruction	23616	R930-2	NSC	05/01/2001	Not Printed
PUBLIC INFORMATION					
Transportation, Administration	23634	R907-40	NSC	05/01/2001	Not Printed
PUBLIC INVESTMENTS					
Money Management Council, Administration	23624	R628-10	5YR	04/11/2001	2001-9/143
PUBLIC LIBRARY					
Community and Economic Development, Community Development, Library	23352	R223-2	NEW	02/15/2001	2000-24/11
	23519	R223-2	NSC	02/23/2001	Not Printed
PUBLIC MEETINGS					
Natural Resources, Wildlife Resources	23529	R657-39	5YR	02/15/2001	2001-5/41
	23530	R657-39	AMD	04/03/2001	2001-5/20

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PUBLIC SAFETY					
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PUBLIC UTILITIES					
Public Service Commission, Administration	23353	R746-200	AMD	02/15/2001	2000-24/66
	23232	R746-352	NEW	see CPR (First)	2000-21/26
	23232	R746-352	CPR (First)	see CPR (Second)	2001-5/32
	23232	R746-352	CPR (Second)	06/15/2001	2001-7/38
	23271	R746-360	AMD	02/15/2001	2000-22/45
QUALITY CONTROL					
Agriculture and Food, Regulatory Services	23541	R70-101	5YR	03/06/2001	2001-7/46
	23542	R70-101	AMD	05/02/2001	2001-7/6
	23653	R70-101-14	NSC	06/01/2001	Not Printed
QUARANTINES					
Agriculture and Food, Animal Industry	23557	R58-2	NSC	04/01/2001	Not Printed
RADIOACTIVE MATERIAL					
Environmental Quality, Radiation Control	23552	R313-36	AMD	05/11/2001	2001-7/13
RADIOACTIVE WASTE GENERATOR PERMIT					
Environmental Quality, Radiation Control	23669	R313-26	NEW	06/08/2001	2001-9/58
RADIOLOGY					
Commerce, Occupational and Professional Licensing	23518	R156-54-302b	AMD	04/03/2001	2001-5/7
RADIOLOGY PRACTICAL TECHNICIAN					
Commerce, Occupational and Professional Licensing	23518	R156-54-302b	AMD	04/03/2001	2001-5/7
	23602	R156-54b-302b	NSC	05/01/2001	Not Printed
RADIOLOGY TECHNOLOGIST					
Commerce, Occupational and Professional Licensing	23602	R156-54b-302b	NSC	05/01/2001	Not Printed
RAILROAD CROSSINGS					
Transportation, Preconstruction	23618	R930-5	NSC	05/01/2001	Not Printed
RAILROADS					
Transportation, Operations, Traffic and Safety	23635	R920-2	NSC	05/01/2001	Not Printed
Transportation, Preconstruction	23618	R930-5	NSC	05/01/2001	Not Printed
RANGE MANAGEMENT					
School and Institutional Trust Lands, Administration	23558	R850-50-400	AMD	05/02/2001	2001-7/22
RATES					
Labor Commission, Industrial Accidents	23520	R612-4	5YR	02/08/2001	2001-5/41
REAL ESTATE APPRAISAL					
Commerce, Real Estate	23321	R162-102	AMD	02/07/2001	2000-23/17

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RECIPROCITY					
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RECLAMATION					
Natural Resources; Oil, Gas and Mining; Coal	23385	R645-100-200	AMD	04/02/2001	2001-1/25
	23386	R645-301-500	AMD	04/02/2001	2001-1/26
	23387	R645-301-700	AMD	see CPR	2001-1/29
	23387	R645-301-700	CPR	05/03/2001	2001-7/26
RECREATION					
Natural Resources, Wildlife Resources	23360	R657-38	AMD	01/16/2001	2000-24/53
REGIONAL ADVISORY COUNCILS					
Natural Resources, Wildlife Resources	23529	R657-39	5YR	02/15/2001	2001-5/41
	23530	R657-39	AMD	04/03/2001	2001-5/20
REHABILITATION					
Community and Economic Development, Community Development, History	23607	R212-11	NSC	05/01/2001	Not Printed
Natural Resources, Wildlife Resources	23531	R657-40	5YR	02/15/2001	2001-5/42
	23532	R657-40	AMD	04/03/2001	2001-5/22
RESIDENCY REQUIREMENTS					
Community and Economic Development, Community Development, Community Services	23687	R202-201	NSC	05/01/2001	Not Printed
RESIDENTIAL MORTGAGE LOAN ORIGINATION					
Commerce, Real Estate	23526	R162-209	NEW	04/13/2001	2001-5/9
RESOURCE COORDINATION					
Governor, Planning and Budget	23408	R361-1	5YR	01/11/2001	2001-3/97
RETIREMENT					
Public Safety, Peace Officer Standards and Training	23627	R728-205	NSC	05/01/2001	Not Printed
RIGHT-OF-WAY					
Transportation, Program Development	23311	R926-6	AMD	01/03/2001	2000-23/55
Transportation, Preconstruction, Right-of-Way Acquisition	23637	R933-1	NSC	05/01/2001	Not Printed
	23536	R933-4	AMD	04/18/2001	2001-6/45
RULES					
Public Service Commission, Administration	23353	R746-200	AMD	02/15/2001	2000-24/66
RULES AND PROCEDURES					
Natural Resources, Wildlife Resources	23455	R657-27	AMD	03/26/2001	2001-4/39
Public safety, Peace Officer Standards and Training	23629	R728-409	NSC	05/01/2001	Not Printed
Public Service Commission, Administration	23376	R746-341	AMD	03/01/2001	2001-1/30
	23705	R746-409	AMD	06/28/2001	2001-10/42
SAFETY					
Labor Commission, Occupational Safety and Health	23372	R614-1-4	AMD	02/01/2001	2001-1/24
	23516	R614-1-4	NSC	02/22/2001	Not Printed

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	23473	R616-3-3	AMD	03/20/2001	2001-4/36
Public Services Commission	23705	R746-409	AMD	06/28/2001	2001-10/42
Transportation, Motor Carrier, Ports of Entry	23625	R912-16	NSC	05/01/2001	Not Printed
SAFETY REGULATION					
Transportation, Motor Carrier	23565	R909-4	NSC	04/01/2001	Not Printed
	23461	R909-75	AMD	03/20/2001	2001-4/45
SCHOOL PERSONNEL					
Education, Administration	23748	R277-513	5YR	05/14/2001	2001-11/117
SCREENING					
Health, Epidemiology and Laboratory Services; HIV/AIDS, Tuberculosis Control/Refugee Health	23303	R388-804	AMD	02/02/2001	2000-23/29
SECURITY MEASURES					
Corrections, Administration	23570	R251-709	5YR	03/27/2001	2001-8/87
	23540	R251-709	AMD	05/15/2001	2001-7/12
SEIZURE OF PROPERTY					
Tax Commission, Collections	23574	R867-2B	5YR	03/27/2001	2001-8/89
SERVER TRAINING					
Human services, Substance Abuse	23719	R544-5	AMD	06/26/2001	2001-10/21
SESQUICENTENNIAL (UTAH PIONEER)					
Pioneer Sesquicentennial Celebration Coordinating Council (Utah), Administration	23739	R674-1	EXD	05/07/2001	2001-11/121
	23742	R674-2	EXD	05/09/2001	2001-11/121
	23740	R674-3	EXD	05/07/2001	2001-11/121
SEX CRIMES					
Corrections, Administration	23571	R251-110	5YR	03/27/2001	2001-8/87
SIGNS					
Transportation, Operations, Traffic and Safety	23611	R920-7	NSC	05/01/2001	Not Printed
SMOKE					
Environmental Quality, Air Quality	23139	R307-204	NEW	see CPR	2000-19/14
	23139	R307-204	CPR	03/06/2001	2001-3/81
SNOW					
Transportation, Operations, Traffic and Safety	23610	R920-6	NSC	05/01/2001	Not Printed
SNOW REMOVAL					
Transportation, Operations, Maintenance	23379	R918-3	AMD	02/15/2001	2001-1/32
SOCIAL SERVICES					
Human Services, Administration	23605	R495-862	5YR	04/04/2001	2001-9/142
	23867	R495-876	5YR	07/02/2001	2001-14/73
SOLID WASTE MANAGEMENT					
Environmental Quality, Solid and Hazardous Waste	23638	R315-301-2	AMD	07/01/2001	2001-9/60
	23639	R315-302	AMD	07/01/2001	2001-9/64

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	23640	R315-303-3	AMD	07/01/2001	2001-9/68
	23641	R315-304-5	AMD	07/01/2001	2001-9/71
	23642	R315-305	AMD	07/01/2001	2001-9/72
	23643	R315-306	AMD	07/01/2001	2001-9/74
	23644	R315-307-1	AMD	07/01/2001	2001-9/76
	23645	R315-308-2	AMD	07/01/2001	2001-9/77
	23646	R315-309-2	AMD	07/01/2001	2001-9/80
	23647	R315-310	AMD	07/01/2001	2001-9/81
	23648	R315-312	AMD	07/01/2001	2001-9/85
	23649	R315-313	AMD	07/01/2001	2001-9/86
	23650	R315-314-3	AMD	07/01/2001	2001-9/87
	22858	R315-315-8	AMD	see CPR (First)	2000-11/18
	22858	R315-315-8	CPR (First)	see CPR (Second)	2000-17/67
	22858	R315-315-8	CPR (Second)	01/05/2001	2000-23/58
	23651	R315-316	AMD	07/01/2001	2001-9/89
	23652	R315-320	AMD	07/01/2001	2001-9/91
SOVEREIGN LANDS					
Natural Resources; Forestry, Fire and State Lands	23621	R652-70-2400	AMD	06/11/2001	2001-9/100
SPECIES OF CONCERN					
Natural Resources, Wildlife Resources	23677	R657-48	NEW	06/13/2001	2001-9/124
STABILIZATION					
Environmental Quality, Drinking Water	23394	R309-208 (Changed to R309-535)	AMD	05/01/2001	2001-2/3
STANDARDS					
Natural Resources, Wildlife Resources	23531	R657-40	5YR	02/15/2001	2001-5/42
	23532	R657-40	AMD	04/03/2001	2001-5/22
STATE EMPLOYEES					
Administrative Services, Finance	23699	R25-7	AMD	07/01/2001	2001-10/5
STATE LANDS					
Community and Economic Development, Indian Affairs	23476	R230-1	5YR	02/01/2001	2001-4/61
STATE PARKS					
Transportation, Program Development	23614	R926-5	NSC	05/01/2001	Not Printed
STRATEGIC PLANNING					
Education, Administration	23747	R277-415	5YR	05/14/2001	2001-11/117
STUDENT LOANS					
Regents (Board of), Administration	23596	R765-649	NEW	05/16/2001	2001-8/78
STUDENTS					
Education, Administration	23670	R277-709	AMD	06/05/2001	2001-9/19
SUBSTANCE ABUSE					
Human Services, Substance Abuse	23710	R544-5	AMD	06/26/2001	2001-10/21

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SUBSTANCE ABUSE COUNSELORS					
Commerce, Occupational and Professional Licensing	23838	R156-60d	5YR	06/11/2001	2001-13/86
SURVEYORS					
Commerce, Occupational and Professional Licensing	23517	R156-22	AMD	see CPR	2001-5/4
	23517	R156-22	CPR	05/17/2001	2001-8/81
SURVEYS					
Environmental Quality, Radiation Control	23552	R313-36	AMD	05/11/2001	2001-7/13
TAXATION					
Tax Commission, Administration	23403	R861-1A-36	AMD	04/11/2001	2001-3/76
Tax Commission, Auditing	23555	R865-6F-1	NSC	04/01/2001	Not Printed
	23556	R865-6F-15	NSC	04/01/2001	Not Printed
	23572	R865-21U	5YR	03/27/2001	2001-8/88
	23553	R865-21U-6	NSC	04/01/2001	Not Printed
Tax Commission, Collections	23574	R867-2B	5YR	03/27/2001	2001-8/89
Tax Commission, Property Tax	23475	R884-24P-49	AMD	04/11/2001	2001-4/42
	23395	R884-24P-62	AMD	05/14/2001	2001-2/11
	23316	R884-24P-65	AMD	02/20/2001	2000-23/54
TAX CREDIT					
Community and Economic Development, Community Development, History	23607	R212-11	NSC	05/01/2001	Not Printed
TEACHER CERTIFICATION					
Education, Administration	23748	R277-513	5YR	05/14/2001	2001-11/117
	23749	R277-517	5YR	05/14/2001	2001-11/118
Professional Practices Advisory Commission, Administration	23427	R686-100	AMD	03/06/2001	2001-3/67
	23547	R686-100	NSC	04/01/2001	Not Printed
TEACHER LICENSURE					
Education, Administration	23546	R277-514	NSC	04/01/2001	Not Printed
TECHNICAL EDUCATION					
Education, Administration	23671	R277-911	AMD	06/05/2001	2001-9/21
TELECOMMUNICATIONS					
Public Service Commission, Administration	23354	R746-240	AMD	02/15/2001	2000-24/67
	23328	R746-340	AMD	see CPR	2000-23/49
	23328	R746-340	CPR	03/27/2001	2001-4/56
	23376	R746-341	AMD	03/01/2001	2001-1/30
	23232	R746-352	NEW	see CPR (First)	2000-21/26
	23232	R746-352	CPR (First)	see CPR (Second)	2001-5/32
	23232	R746-352	CPR (Second)	06/15/2001	2001-7/38
	23271	R746-360	AMD	02/15/2001	2000-22/45

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	23376	R746-341	AMD	03/01/2001	2001-1/30
TELEPHONE UTILITY REGULATION					
Public Service Commission, Administration	23328	R746-340	AMD	see CPR	2000-23/49
	23328	R746-340	CPR	03/27/2001	2001-4/56
TERMS OF OFFICE					
Natural Resources, Wildlife Resources	23529	R657-39	5YR	02/15/2001	2001-5/41
	23530	R657-39	AMD	04/03/2001	2001-5/20
THERAPISTS					
Commerce, Occupational and Professional Licensing	23620	R156-60b	AMD	06/01/2001	2001-9/13
TICKETS					
Administrative Services, Fleet Operation	23345	R27-7	NEW	01/31/2001	2000-24/6
TIME					
Labor Commission, Antidiscrimination and Labor, Antidiscrimination	23515	R606-1-3	AMD	04/03/2001	2001-5/17
Labor Commission, Antidiscrimination and Labor, Labor	23861	R610-1-3	NSC	07/05/2001	Not Printed
Labor Commission, Industrial Accidents	23223	R612-1-10	AMD	see CPR	2000-21/18
	23223	R612-1-10	CPR	03/20/2001	2001-1/36
TIRES					
Transportation, Operations, Traffic and Safety	23610	R920-6	NSC	05/01/2001	Not Printed
TOWING					
Transportation, Motor Carrier	23565	R909-4	NSC	04/01/2001	Not Printed
TRAFFIC CONTROL					
Transportation, Operations, Traffic and Safety	23635	R920-2	NSC	05/01/2001	Not Printed
TRAFFIC SAFETY					
Transportation, Operations, Traffic and Safety	23611	R920-7	NSC	05/01/2001	Not Printed
TRAFFIC SIGNS					
Transportation, Operations, Traffic and Safety	23611	R920-7	NSC	05/01/2001	Not Printed
TRAFFIC VIOLATIONS					
Public Safety, Driver License	23402	R708-3	AMD	03/06/2001	2001-3/75
	23514	R708-3	NSC	02/22/2001	Not Printed
TRAINING					
Corrections, Administration	23512	R251-301	5YR	02/05/2001	2001-5/40
	23400	R251-301	AMD	03/13/2001	2001-3/8
TRAINING PROGRAMS					
Workforce Services, Employment Development	23723	R986-601	REP	07/01/2001	2001-10/57
	23724	R986-602	REP	07/01/2001	2001-10/67
	23725	R986-603	REP	07/01/2001	2001-10/75

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Environmental Quality, Radiation Control	23312	R313-19	AMD	01/26/2001	2000-23/19
Transportation, Motor Carrier	23460	R909-1	AMD	03/20/001	2001-4/44
Transportation, Program Development	23614	R926-5	NSC	05/01/2001	Not Printed
	23311	R926-6	AMD	01/03/2001	2000-23/55
TRANSPORTATION CORRIDOR PRESERVATION REVOLVING LOAN FUND					
Transportation, Program Development	23311	R926-6	AMD	01/03/2001	2000-23/55
TRANSPORTATION PLANNING					
Transportation, Program Development	23612	R926-2	NSC	05/01/2001	Not Printed
	23311	R926-6	AMD	01/03/2001	2000-23/55
TRANSPORTATION POLICY					
Transportation, Program Development	23613	R926-3	NSC	05/01/2001	Not Printed
TRANSPORTATION SAFETY					
Transportation, Motor Carrier	23460	R909-1	AMD	03/20/2001	2001-4/44
	23573	R909-1	NSC	04/01/2001	Not Printed
	23590	R909-1	NSC	05/01/2001	Not Printed
TRUCKING INDUSTRIES					
Tax Commission, Auditing	23555	R865-6F-1	NSC	04/01/2001	Not Printed
	23556	R865-6F-15	NSC	04/01/2001	Not Printed
TRUCKS					
Transportation, Motor Carrier	23460	R909-1	AMD	03/20/2001	2001-4/44
	23573	R909-1	NSC	04/01/2001	Not Printed
	23590	R909-1	NSC	05/01/2001	Not Printed
	23565	R909-4	NSC	04/01/2001	Not Printed
	23625	R912-16	NSC	05/01/2001	Not Printed
TUBERCULOSIS					
Health, Epidemiology and Laboratory Services; HIV/AIDS, Tuberculosis Control/Refugee Health	23303	R388-804	AMD	02/02/2001	2000-23/29
UMAP (Utah Medical Assistance Program)					
Health, Health Care Financing, Converge and Reimbursement Policy	23349	R414-309	AMD	01/17/2001	2000-24/24
	23700	R414-309	EMR	05/01/2001	2001-10/82
	23702	R414-309	AMD	06/25/2001	2001-10/15
Health, Health Care Financing, Medical Assistance Program	23351	R420-1	AMD	01/23/2001	2000-24/28
	23701	R420-1	EMR	05/01/2001	2001-10/85
	23703	R420-1	AMD	06/25/2001	2001-10/19
UNDERCOVER IDENTIFICATION					
Public Safety, Law Enforcement and Technical Services, Regulatory Licensing (Changed to Public Safety, Criminal Investigations and Technical Services, Criminal Identification)	23447	R724-7 (Changed to R722-320)	NSC	02/01/2001	Not Printed

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UNDERGROUND INJECTION CONTROL					
Environmental Quality, Water Quality	23162	R317-7	AMD	see CPR	2000-19/34
	23162	R317-7	CPR	01/23/2001	2000-24/75
UNEMPLOYED WORKERS					
Workforce Services, Employment Development	23724	R986-602	REP	07/01/2001	2001-10/67
	23725	R986-603	REP	07/01/2001	2001-10/75
UNEMPLOYMENT					
Workforce Services, Employment Development	23723	R986-601	REP	07/01/2001	2001-10/57
	23724	R986-602	REP	07/01/2001	2001-10/67
	23725	R986-603	REP	07/01/2001	2001-10/75
UNEMPLOYMENT COMPENSATION					
Workforce Services, Workforce Information and Payment Services	23744	R994-302	5YR	05/11/2001	2001-11/119
	23525	R994-406-304	AMD	04/05/2001	2001-5/28
	23745	R994-308	5YR	05/11/2001	2001-11/120
UNITS					
Environmental Quality, Radiation Control	23667	R313-12	AMD	06/08/2001	2001-9/54
UNIVERSAL SERVICE					
Public Service Commission, Administration	23271	R746-360	AMD	02/15/2001	2000-22/45
UPSCCC (Utah Pioneer Sesquicentennial Celebration Coordinating Council)					
Pioneer Sesquicentennial Celebration Coordinating Council (Utah), Administration	23739	R674-1	EXD	05/07/2001	2001-11/121
	23742	R674-2	EXD	05/09/2001	2001-11/121
	23740	R674-3	EXD	05/07/2001	2001-11/121
USER TAX					
Tax Commission, Auditing	23572	R865-21U	5YR	03/27/2001	2001-8/88
	23553	R865-21U-6	NSC	04/01/2001	Not Printed
UTILITY RULES					
Transportation, Preconstruction	23198	R930-6	AMD	01/19/2001	2000-21/43
	23443	R930-6	NSC	02/12/2001	Not Printed
UTILITY SERVICE SHUTOFF					
Public Service Commission, Administration	23353	R746-200	AMD	02/15/2001	2000-24/66
VETERINARY MEDICINE					
Commerce, Occupational and Professional Licensing	23309	R156-28	AMD	see CPR	2000-23/15
	23309	R156-28	AMD	03/08/2001	2001-3/80
VICTIM COMPENSATION					
Crime Victim Reparations, Administration	23527	R270-1	AMD	04/03/2001	2001-5/11
VICTIMS OF CRIMES					
Crime Victim Reparations, Administration	23527	R270-1	AMD	04/03/2001	2001-5/11
VIOLATIONS					
Environmental Quality, Radiation Control	23668	R313-14	AMD	06/08/2001	2001-9/55

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Labor Commission, Antidiscrimination and Labor, Labor	23861	R610-1-3	NSC	07/05/2001	Not Printed
WASTE DISPOSAL					
Environmental Quality, Solid and Hazardous Waste	23638	R315-301-2	AMD	07/01/2001	2001-9/60
	23639	R315-302	AMD	07/01/2001	2001-9/64
	23640	R315-303-3	AMD	07/01/2001	2001-9/68
	23641	R315-304-5	AMD	07/01/2001	2001-9/71
	23642	R315-305	AMD	07/01/2001	2001-9/72
	23643	R315-306	AMD	07/01/2001	2001-9/74
	23644	R315-307-1	AMD	07/01/2001	2001-9/76
	23645	R315-308-2	AMD	07/01/2001	2001-9/77
	23646	R315-309-2	AMD	07/01/2001	2001-9/80
	23647	R315-310	AMD	07/01/2001	2001-9/81
	23648	R315-312	AMD	07/01/2001	2001-9/85
	23650	R315-314-3	AMD	07/01/2001	2001-9/87
	22858	R315-315-8	AMD	see CPR (First)	2000-11/18
	22858	R315-315-8	CPR (First)	see CPR (Second)	2000-17/67
	22858	R315-315-8	CPR (Second)	01/05/2001	2000-23/58
	23651	R315-316	AMD	07/01/2001	2001-9/89
	23652	R315-320	AMD	07/01/2001	2001-9/91
Environmental Quality, Water Quality	23164	R317-1-3	AMD	see CPR	2000-19/25
	23164	R317-1-3	CPR	01/23/2001	2000-24/74
	23161	R317-8	AMD	see CPR	2000-19/40
	23161	R317-8	CPR	01/23/2001	2000-24/78
WATER POLLUTION					
Environmental Quality, Water Quality	23164	R317-1-3	AMD	see CPR	2000-19/25
	23164	R317-1-3	CPR	01/23/2001	2000-24/72
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Environmental Quality, Water Quality	23162	R317-7	AMD	see CPR	2000-19/34
	23162	R317-7	CPR	01/23/2001	2000-24/75
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Environmental Quality, Drinking Water	23663	R309-102	5YR	04/16/2001	2001-9/140
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Environmental Quality, Drinking Water	23252	R309-150	AMD	01/04/2001	2000-22/33
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Human Services, Recovery Services	23733	R527-200	5YR	05/07/2001	2001-11/118
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	23356	R657-5	AMD	01/16/2001	2000-24/40
	23528	R657-5	AMD	04/03/2001	2001-5/19
	23189	R657-13	AMD	01/02/2001	2000-21/23
	23358	R657-17	AMD	01/16/2001	2000-24/51
	23810	R657-23	5YR	05/30/2001	2001-12/74
	23455	R657-27	AMD	03/26/2001	2001-4/39
	23393	R657-33	AMD	02/15/2001	2001-2/8
	23360	R657-38	AMD	01/16/2001	2000-24/53
	23531	R657-40	5YR	02/15/2001	2001-5/42
	23532	R657-40	AMD	04/03/2001	2001-5/22
	23362	R657-41	AMD	01/16/2001	2000-24/56
	23364	R657-42	AMD	01/16/2001	2000-24/60
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	23675	R657-43	AMD	06/04/2001	2001-9/119
	23676	R657-44	AMD	06/04/2001	2001-9/122
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Natural Resources, Wildlife Resources	23189	R657-13	AMD	01/02/2001	2000-21/23
	23455	R657-27	AMD	03/26/2001	2001-4/39
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Natural Resources, Wildlife Resources	23362	R657-41	AMD	01/16/2001	2000-24/56
WORKERS' COMPENSATION					
Labor Commission, Industrial Accidents	23462	R612-1-3	NSC	02/15/2001	Not Printed
	23223	R612-1-10	AMD	see CPR	2000-21/18
	23223	R612-1-10	CPR	03/20/2001	2001-1/36
	23463	R612-2-3	NSC	02/15/2001	Not Printed
	23548	R612-2-5	EMR	03/08/2001	2001-7/43
	23464	R612-2-5	NSC	02/15/2001	Not Printed
	23549	R612-2-5	AMD	05/03/2001	2001-7/21
	23465	R612-2-6	NSC	02/15/2001	Not Printed
	23466	R612-2-11	NSC	02/15/2001	Not Printed
	23467	R612-2-16	AMD	03/20/2001	2001-4/32
	23468	R612-2-17	NSC	02/15/2001	Not Printed
	23469	R612-2-22	AMD	03/20/2001	2001-4/33
	23470	R612-2-23	NSC	02/15/2001	Not Printed
	23471	R612-2-24	AMD	03/20/2001	2001-4/34
	23472	R612-2-26	NSC	02/15/2001	Not Printed
	23520	R612-4	5YR	02/08/2001	2001-5/41
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Workforce Services, Employment Development	23722	R986-600	NEW	07/01/2001	2001-10/50
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	23406	R501-8	NSC	02/01/2001	Not Printed
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Natural Resources, Wildlife Resources	23673	R657-3	5YR	04/16/2001	2001-9/143