

# UTAH STATE BULLETIN

OFFICIAL NOTICES OF UTAH STATE GOVERNMENT  
Filed August 16, 2001, 12:00 a.m. through August 31, 2001, 11:59 p.m.

Number 2001-18  
September 15, 2001

Kenneth A. Hansen, Director  
Nancy L. Lancaster, Editor

The *Utah State Bulletin (Bulletin)* is the official noticing publication of the executive branch of Utah State Government. The Department of Administrative Services, Division of Administrative Rules produces the *Bulletin* under authority of Section 63-46a-10, *Utah Code Annotated* 1953.

Inquiries concerning administrative rules or other contents of the *Bulletin* may be addressed to the responsible agency or to: Division of Administrative Rules, PO Box 141007, Salt Lake City, Utah 84114-1007, telephone (801) 538-3218, FAX (801) 538-1773. To view rules information, and on-line versions of the division's publications, visit: <http://www.rules.state.ut.us/>

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

The *Bulletin* is printed and distributed semi-monthly by Legislative Printing. The annual subscription rate (24 issues) is \$174. Inquiries concerning subscription, billing, or changes of address should be addressed to:

LEGISLATIVE PRINTING  
PO BOX 140107  
SALT LAKE CITY, UT 84114-0107  
(801) 538-1103  
FAX (801) 538-1728

ISSN 0882-4738

Division of Administrative Rules, Salt Lake City 84114

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Printed in the United States of America

**Library of congress Cataloging in Publication Data**

Utah state bulletin.

Semimonthly.

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

I. Utah. Office of Administrative Rules.

KFU440.A73S7

348.792'025--DDC

85-643197

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# SPECIAL NOTICES

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## 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 August 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 August, 2001.

(State Seal)

**Michael O. Leavitt**  
Governor

Attest:

**Olene S. Walker**  
Lieutenant Governor

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## PROCLAMATION

**WHEREAS**, since the close of the 2001 General Session of the 54th Legislature of the State of Utah, certain matters have arisen which require immediate legislative attention; and

**WHEREAS**, Article VII, Section 6 of the Constitution of the State of Utah provides that the Governor may, by proclamation, convene the Legislature in Extraordinary Session;

SPECIAL NOTICES

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**NOW, THEREFORE, I, MICHAEL O. LEAVITT**, Governor of the State of Utah, by virtue of the authority vested in me by the Constitution and the Laws of the State of Utah, do by this Proclamation call the Senate only of the 54th Legislature of the State of Utah into a Fourth Extraordinary Session at the State Capitol in Salt Lake City, Utah, on the 12th day of September, 2001, at 12:00 noon, for the following purpose:

For the Senate to advise and consent to appointments made by the Governor to positions within state government of the State of Utah since the close of the 2001 General Session of the 54th Legislature of the State of Utah.

**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 28th day of August, 2001.

(STATE SEAL)

**MICHAEL O. LEAVITT**  
Governor

**OLENE S. WALKER**  
Lieutenant Governor

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**DEPARTMENT OF COMMUNITY AND ECONOMIC DEVELOPMENT  
COMMUNITY DEVELOPMENT, LIBRARY**

**PUBLIC NOTICE OF AVAILABLE UTAH STATE PUBLICATIONS**

The Utah State Library Division has made available Utah State Publications List No. 01-18, dated August 31, 2001 (<http://www.state.lib.ut.us/01-18.html>). For a copy of the complete list, contact the Utah State Library Division at: 1950 West 250 North, Suite A, Salt Lake City, UT 84116-7901; phone: (801) 715-6777; or the Division of Administrative Rules, PO Box 141007, Salt Lake City, UT 84114-1007; phone: (801) 538-3218; FAX: (801) 538-1773; or view it on the World Wide Web at the address above.

**End of the Special Notices Section**



## NOTICES OF PROPOSED RULES

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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 August 16, 2001, 12:00 a.m., and August 31, 2001, 11:59 p.m., are included in this, the September 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 October 15, 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 January 13, 2002, 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.

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**The Proposed Rules Begin on the Following Page.**

**Commerce, Occupational and  
Professional Licensing  
R156-46a  
Hearing Instrument Specialist  
Licensing Act Rules**

**NOTICE OF PROPOSED RULE**

(Amendment)

DAR FILE NO.: 24008

FILED: 08/27/2001, 10:03

RECEIVED BY: NL

**RULE ANALYSIS**

**PURPOSE OF THE RULE OR REASON FOR THE CHANGE:** The Division needed to provide clarification in the rule regarding continuing education required for hearing instrument specialists as required in Section 58-46a-304.

**SUMMARY OF THE RULE OR CHANGE:** Section R156-46a-102 - Definitions: Deleted the definition of qualified professional continuing education. Added a new Section R156-46a-304 which clarifies the continuing education requirement for renewal of licensure as a hearing instrument specialist. Section R156-46a-304 defines a Continuing Education Unit (CEU) as ten contact hours of participation in a continuing education course. This CEU standard meets the standards established by the National Board for Certification in Hearing Instrument Science for continuing education. The new section provides that a hearing instrument specialist must complete a minimum of two CEUs or 20 hours every two years in order to renew their license. Of those 20 hours, at least four hours of training must be in the areas of state laws and rules and ethical practice. The new section also clarifies the areas of acceptable training and the conditions that approved training must meet.

**STATE STATUTORY OR CONSTITUTIONAL AUTHORIZATION FOR THIS RULE:** Section 58-46a-101 and 58-46a-304 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, less than \$50, to reprint the rules once these proposed changes 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:** This proposed rule does not impose the continuing education requirement. This proposed rule only provides a clarification as to the number of hours required and what type of continuing education is approved. The requirement for a hearing instrument specialist to complete continuing education hours as a condition for renewal of licensure is in Section 58-46a-304 of the statute. Licensed hearing instrument specialists have been required to complete continuing education hours prior to this rule filing under Subsection R156-46a-102(1) and Section 58-46a-304. Therefore, the costs identified herein are not new costs, but

existing or ongoing costs to licensed hearing instrument specialists to obtain their continuing education hours. The Division estimates it will cost a licensed hearing instrument specialist approximately \$400 every two years to obtain the required 20 hours of continuing education. The estimated amount may be less or more depending on the type of continuing education classes attended and where those classes are taught. The Division currently has 56 active licensed hearing instrument specialists for an aggregate cost of \$22,400 every two years.

**COMPLIANCE COSTS FOR AFFECTED PERSONS:** Licensed hearing instrument specialists have been required to complete continuing education hours prior to this rule filing under Subsection R156-46a-102(1) and Section 58-46a-304. Therefore, the costs identified herein are not new costs, but existing or ongoing costs to licensed hearing instrument specialists to obtain their continuing education hours. The Division estimates it will cost a licensed hearing instrument specialist approximately \$400 every two years to obtain the required 20 hours of continuing education. The estimated amount may be less or more depending on the type of continuing education classes attended and where those classes are taught.

**COMMENTS BY THE DEPARTMENT HEAD ON THE FISCAL IMPACT THE RULE MAY HAVE ON BUSINESSES:** The filing in this matter is made for the purpose of deleting Subsection R156-46a-102(1) and to create Section R156-46a-304 that will define and clarify the continuing education requirement established in Section 58-46a-304 for the renewal of a hearing instrument specialist license. Since the proposed rule change does not significantly alter the continuing education requirement but only clarifies what constitutes acceptable continuing education, it is estimated that the costs to persons affected by the adoption of this will be minimal. Ted Boyer, Executive Director

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 10/15/2001; OR ATTENDING A PUBLIC HEARING SCHEDULED FOR 10/10/2001, 9:00 a.m., 160 East 300 South, Conference Room 428 (4th Floor), Salt Lake City, Utah.

THIS RULE MAY BECOME EFFECTIVE ON: 10/16/2001

AUTHORIZED BY: J. Craig Jackson, Director

Commerce, Occupational and Professional Licensing  
**R156-60d**  
Substance Abuse Counselor Act Rules

**R156. Commerce, Occupational and Professional Licensing.**  
**R156-46a. Hearing Instrument Specialist Licensing Act Rules.**  
**R156-46a-102. Definitions.**

In addition to the definitions in Title 58, Chapters 1 and 46a, as used in Title 58, Chapters 1 and 46a or these rules:

(1) [~~"Qualified professional continuing education," means continuing education that meets the standards of the National Board for Certification in Hearing Instrument Sciences.~~

~~—(2)—~~]"Unprofessional conduct," as defined in Title 58 Chapters 1 and 46a, is further defined, in accordance with Subsection 58-1-203(5), in Section R156-46a-502.

**R156-46a-304. Continuing Education.**

In accordance with Subsection 58-46a-304, the continuing education requirement for renewal of licensure as a hearing instrument specialist is defined and clarified as follows:

(1) One continuing education unit (CEU) means ten contact hours of participation in a continuing education course.

(2) Continuing education courses shall be offered in the following areas:

- (a) acoustics;
- (b) nature of the ear (normal ear, hearing process, disorders of hearing);
- (c) hearing measurement;
- (d) hearing aid technology;
- (e) selection of hearing aids;
- (f) marketing and customer relations;
- (g) client counseling;
- (h) ethical practice;
- (i) state laws and regulations regarding the dispensing of hearing aids; and
- (j) other areas deemed appropriate by the Division in collaboration with the Board.

(3) Only continuing education units from the American Speech-Language-Hearing Association (ASHA) or the National Hearing Aid Society (NHAS) shall be applied towards meeting the minimum requirements set forth in Subsection R156-46a-304(4).

(4) As verification of CEUs earned, the Division will accept copies of transcripts or certificates of completion from continuing education courses approved by ASHA or NHAS.

(5) A minimum of two CEUs shall be obtained by a hearing instrument specialist in order to have the license renewed every two years. The two CEUs shall contain four hours of training in the areas of state laws and rules and ethical practice.

**KEY: licensing, hearing aids**

**[~~July 5,~~]2001**

**Notice of Continuation August 26, 1999**

**58-1-106(1)**

**58-1-202(1)**

**58-46a-101**

**58-46a-304**

**NOTICE OF PROPOSED RULE**

(Amendment)

DAR FILE NO.: 24002

FILED: 08/23/2001, 10:49

RECEIVED BY: NL

**RULE ANALYSIS**

PURPOSE OF THE RULE OR REASON FOR THE CHANGE: The Division needed to make proposed changes to clarify the scope of practice and to correct the date of accreditation to correspond to when the education is received.

SUMMARY OF THE RULE OR CHANGE: In Section R156-60d-102 - Definitions: The following definitions are added: Initial Assessment, Screening, and Substance Abuse Treatment Evaluation. In Section R156-60d-302a - Education Requirements: The 1996-97 edition of the Accredited Institutions of Postsecondary Education was deleted and an addition was made that the accreditation of the school must be held by the school at the time the education is received. Section R156-60d-601 regarding scope of practice of a licensed substance abuse counselor and the mental health supervisor of a licensed substance abuse counselor was added to clarify what licensed substance abuse counselors can and cannot do in their practice. Adding this section makes it much easier for practitioners to understand the scope of practice and is easier for a person to locate.

STATE STATUTORY OR CONSTITUTIONAL AUTHORIZATION FOR THIS RULE: Section 58-60-501 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, less than \$50, to reprint the rule once the proposed changes 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 does not anticipate any costs or savings associated with this rule filing to licensed practitioners or other persons since these proposed rules are only clarifications of the statute.

COMPLIANCE COSTS FOR AFFECTED PERSONS: The Division does not anticipate any costs or savings associated with this rule filing to licensed practitioners or other persons since these proposed rules are only clarifications of the statute.

COMMENTS BY THE DEPARTMENT HEAD ON THE FISCAL IMPACT THE RULE MAY HAVE ON BUSINESSES: The proposed changes in the rule are aimed at: clarifying the activities that are considered to be both permissible and nonpermissible when

defining the scope of an Licensed Substance Abuse Counselor (LSAC's) practice; and correcting the rule to provide that an education entity must hold the required standard of accreditation at the time that it provides formal classroom instruction in this educational realm. These proposed changes do not change anything but merely clarify Rule R156-60d, making it easier to read and understand. The drafter suggests that since the rule is easier to read, there will be no cost impact and possibly some very minor savings as far as compliance costs are concerned for affected persons. As far as the aggregate impact on other persons is concerned, the drafter likewise concludes that there will be no cost impact or possibly some very minor savings. Ted Boyer, Executive Director

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:

Dan S. Jones at the above address, by phone at (801) 530-6720, by FAX at (801) 530-6511, or by Internet E-mail at brdopl.dsJones@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 10/15/2001; OR ATTENDING A PUBLIC HEARING SCHEDULED FOR 10/11/2001, 9:00 a.m., 160 East 300 South, Room 4B (4th Floor), Salt Lake City UT 84111.

THIS RULE MAY BECOME EFFECTIVE ON: 10/16/2001

AUTHORIZED BY: J. Craig Jackson, Director

**R156. Commerce, Occupational and Professional Licensing.**  
**R156-60d. Substance Abuse Counselor Act Rules.**  
**R156-60d-102. Definitions.**

In addition to the definitions in Title 58, Chapters 1 and 60, as used in Title 58, Chapters 1 and 60 or these rules:

(1) "Formal classroom education" as used in Subsection R156-60d-302a(4), includes workshops, seminars, institutes, and college/university work.

(2) "ICRC/AODA, Inc." means the International Certification and Reciprocity Consortium/Alcohol and Other Drug Abuse, Inc.

(3) "Initial Assessment" means the procedure of gathering psycho-social information, which may include the application of the Addiction Severity Index, in order to recommend a level of treatment and to assist the mental health therapist supervisor in the information collection process and may include a referral to an appropriate treatment program provided the treatment program mandates that a Substance Abuse Treatment Evaluation must be completed prior to implementation of a treatment plan.

(3)4) "NAADAC" means the National Association of Alcohol and Drug Abuse Counselors.

(4)5) "Qualified continuing education" means continuing education that meets the standards set forth in Section R156-60d-304.

(6) "Screening", as used in Subsection 58-60-502(6)(a), means a brief interview conducted in person or by telephone to determine if there is a potential substance abuse problem. If a potential problem is identified, the screening may include a referral for an Initial Assessment or a Substance Abuse Treatment Evaluation. The screening may also include a preliminary ASAM level recommendation in order to expedite the subsequent assessment and evaluation process. Screening instruments such as the SASSI, DATAR, CAGE, etc. may be included in the screening process.

(7) "Substance Abuse Treatment Evaluation" means the process used to interpret information gathered from an initial assessment, other instruments as needed, and a face to face interview by a licensed mental health therapist in order to determine if an individual meets the DSM-IV criteria for substance abuse or dependence and is in need of treatment. If the need for treatment is determined, the Substance Abuse Treatment Evaluation process includes the determination of a DSM-IV diagnosis and the determination of an individualized treatment plan.

(5)8) "Unprofessional conduct," as defined in Title 58 Chapters 1 and 60, is further defined, in accordance with Subsection 58-1-203(5), in Section R156-60d-502.

**R156-60d-302a. Qualifications for Licensure - Education Requirements.**

In accordance with Sections 58-60-505 and 58-60-506, the standards for the education requirements are established as follows:

(1) The institution of higher education set forth in Subsections 58-60-505(1)(d)(i) and 58-60-506(1)(d)(i) shall be accredited by a regional institutional accrediting body identified in the "Accredited Institutions of Postsecondary Education", ~~1996-97 edition~~, published for the Commission of Recognition of Postsecondary Accreditation of the American Council on Education at the time the applicant obtained the education.

(2) The substance abuse counselor program set forth in Subsections 58-60-505(1)(d)(i)(A) and 58-60-506(1)(d)(i)(A) shall include:

- (a) a major in alcohol and other drug abuse counseling; and
- (b) a minimum of 300 clock hours of supervised field work practicum.

(3) Any baccalaureate or graduate degree in a behavior science field will satisfy the educational requirement set forth in Subsections 58-60-505(1)(d)(i)(B) and 58-60-506(1)(d)(i)(B).

(4) The 300 hours of addiction counseling specific training set forth in Subsection 58-60-506(1)(d)(ii)(B) is defined as formal classroom education emphasizing alcohol and other drug addictions related to the practice of substance abuse counseling consisting of:

- (a) a minimum of 18 hours in professional ethics and responsibilities; and
- (b) a minimum of ten clock hours of training in each of the areas of practice as defined in Subsection 58-60-502(6)(a).

**R156-60d-601. Scope of Practice.**

The scope of practice of a licensed substance abuse counselor as used in Subsection 58-60-502(6)(a) and the duties of the mental

health supervisor of a licensed substance abuse counselor as used in Section 58-60-508 are further defined and clarified as follows:

(1) A licensed substance abuse counselor may perform a Screening as defined in R156-60d-102(6), may perform an Initial Assessment as defined in R156-60d-102(3), and may assist in the evaluation process by meeting with the client to gather parts of the psycho-social information as directed by the supervising licensed mental health therapist. However, the licensed mental health therapist supervisor must see the individual face to face to conduct the Substance Abuse Treatment Evaluation as defined in R156-60d-102(7).

(2) A licensed substance abuse counselor may also participate as part of the multi-disciplinary team in the development of the treatment plan, but may not independently diagnose and prescribe treatment, which is the responsibility of the licensed mental health therapist supervisor.

KEY: licensing, substance abuse counselors\*

[January 15, 1998]2001

Notice of Continuation June 11, 2001

58-60-501

58-1-106(1)

58-1-202(1)



Commerce, Occupational and Professional Licensing  
**R156-63**  
Security Personnel Licensing Act Rules

**NOTICE OF PROPOSED RULE**

(Amendment)

DAR FILE NO.: 24019

FILED: 08/30/2001, 10:07

RECEIVED BY: NL

**RULE ANALYSIS**

PURPOSE OF THE RULE OR REASON FOR THE CHANGE: During the 2001 legislative session, S.B. 204 amended Title 58, Chapter 63, and deleted the licensure requirement for alarm response runners. As a result of that legislation, the Division needs to amend the rules to also delete alarm runners.

(DAR Note: S.B. 204 is found at 2001 Utah Laws 271 and was effective April 30, 2001.)

SUMMARY OF THE RULE OR CHANGE: In the following sections, the term "alarm response runner" has been deleted: Sections R156-063-102, R156-63-302a, R156-63-305, R156-63-307 and R156-63-502. In Section R156-63-605 - Operating Standards-Uniforms, the requirement that uniforms worn by armed and unarmed private security officers shall be easily distinguished from the uniform of any public law enforcement agency was deleted. This requirement has created a problem for the security companies over the years since public law enforcement has so many different uniforms. Security is left with little or no options concerning the design of a uniform. Since Section R156-63-608 sets standards

against a security company implying an association with public law enforcement, the Security Personnel Licensing Board recommended that this requirement with respect to uniforms be deleted.

STATE STATUTORY OR CONSTITUTIONAL AUTHORIZATION FOR THIS RULE: Section 58-63-101 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, less than \$50, to reprint the rules once the proposed amendments are made effective. Any costs incurred will be absorbed in the Division's current budget.

❖LOCAL GOVERNMENTS: Proposed rules do not apply to local governments

❖OTHER PERSONS: Persons who previously had to apply for licensure as an alarm response runner will see a savings of at least \$60 per person since the statute changes to Title 58, Chapter 63, no longer require licensure as an alarm response runner. These persons will save the \$40 application fee and a \$20 renewal fee, which was due every two years. If a security company paid the licensing fees for an alarm response runner, then the security company will realize the savings rather than the applicant/licensee. No aggregate figure is available since at the time of the statute change, the Division only had one licensed alarm response runner. This is due to the fact that licensed armed and unarmed private security officers can also act as an alarm response runner. The Division anticipates that the proposed amendment with respect to uniforms will reduce the cost to a security company of trying to maintain a uniform that is professional.

COMPLIANCE COSTS FOR AFFECTED PERSONS: No compliance costs are involved, only savings are anticipated as identified in Aggregate anticipated cost or savings to: State Budget, Local government and Other persons.

COMMENTS BY THE DEPARTMENT HEAD ON THE FISCAL IMPACT

THE RULE MAY HAVE ON BUSINESSES: The purpose of this proposed rule change is two fold. First, consistent with action taken by the 2001 Legislature deleting the term "alarm response runner" from the statute, the implementing rule is also being amended to delete such term. Second, Subsection R156-63-605(2), requiring that uniforms worn by unarmed and armed private security officers must be easily distinguishable from the uniform of a public law enforcement agency, is also being deleted because it creates very difficult problems for private security companies when there is such a wide array of designs of uniforms for public law enforcement agencies. The rule change is intended to reduce the cost to a security company in maintaining professional appearing uniforms. Ted Boyer, Executive Director

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 10/15/2001; OR ATTENDING A PUBLIC HEARING SCHEDULED FOR 09/20/2001, 9:00 a.m., 160 East 300 South, Conference Room 4B (4th Floor), Salt Lake City, Utah.

THIS RULE MAY BECOME EFFECTIVE ON: 10/16/2001

AUTHORIZED BY: J. Craig Jackson, Director

**R156. Commerce, Occupational and Professional Licensing.**

**R156-63. Security Personnel Licensing Act Rules.**

**R156-63-102. Definitions.**

In addition to the definitions in Title 58, Chapters 1 and 63, as used in Title 58, Chapters 1 and 63 or these rules:

(1) "Approved basic education and training programs" as used in these rules means basic education and training that meets the standards set forth in Sections R156-63-602, R156-63-603 and R156-63-604 and that is approved by the division.

(2) "Contract security company" includes:

(a) a peace officer who engages in providing security or guard services when acting in a capacity other than as an employee of the law enforcement agency by whom he is employed, or for other than the regular salary, whether at regular pay or overtime pay, from the law enforcement agency by whom he is employed; but does not include:

(b) a company which hires as employees, individuals to provide security or guard services for the purpose of protecting tangible personal property, real property, or the life and well being of personnel employed by, or animals owned by or under the responsibility of the that company, as long as the security or guard services provided by the company do not benefit any person other than the employing company.

(3) "Employee" means an individual providing services in the security guard industry for compensation when the amount of compensation is based directly upon the security guard services provided and upon which the employer is required under law to withhold federal and state taxes, and for whom the employer is required under law to provide worker's compensation insurance coverage and pay unemployment insurance.

(4) "Immediate supervision" means the supervisor is available for immediate voice communication and can be available for in-person consultation within a reasonable period of time with an on-the-job trainee.

(5) "Officer" as used in Subsections 58-63-201(1)(a) and R156-63-302a(1)(b) means a manager, director, or administrator of a contract security company.

(6) "Practical experience" means experience as an unarmed or armed private security officer obtained under the immediate

supervision of a supervisor who has been assigned to train and develop the unarmed or armed private security officer.

(7) "Qualified continuing education" as used in these rules means continuing education that meets the standards set forth in Subsection R156-63-304.

(8) "Qualifying agent" means an individual who is an officer, director, partner, proprietor or manager of a contract security company who exercises material authority in the conduct of the contract security company's business by making substantive technical and administrative decisions relating to the work performed for which a license is required under this chapter.

(9) "Supervised on-the-job training" means training of an armed or unarmed private security officer [~~or alarm response runner;~~] under the immediate supervision of a licensed private security officer who has been assigned to train and develop the on-the-job trainee.

(10) "Unprofessional conduct," as defined in Title 58, Chapters 1 and 63, is further defined, in accordance with Subsection 58-1-203(5), in Section R156-63-502.

**R156-63-302a. Qualifications for Licensure - Application Requirements.**

(1) An application for licensure as a contract security company shall be accompanied by:

(a) a certification of criminal record history for the applicant's qualifying agent issued by the Bureau of Criminal Identification, Utah Department of Public Safety, in accordance with the provisions of Subsection 53-10-108(1)(f)(ii);

(b) two fingerprint cards for the applicant's qualifying agent, and all of the applicant's officers, directors, shareholders owning more than 5% of the stock, partners, proprietors, and responsible management personnel;

(c) a fee established in accordance with Section 63-38-3.2 equal to the cost of conducting a check of records of the Federal Bureau of Investigation, and Bureau of Criminal Identification, Utah Department of Public Safety, for each of the applicant's qualifying agent, officers, directors, shareholders owning more than 5% of the stock, partners, proprietors, and responsible management personnel; and

(d) a copy of the driver license or Utah identification card issued to the applicant's qualifying agent, officers, directors, shareholders owning more than 5% of the stock, partners, proprietors, and responsible management personnel.

(2) An application for licensure as an armed private security officer [~~or alarm response runner~~] shall be accompanied by:

(a) a certification of criminal record history for the applicant issued by the Bureau of Criminal Identification, Utah Department of Public Safety, in accordance with the provisions of Subsection 53-10-108(1)(f)(ii);

(b) two fingerprint cards for the applicant;

(c) a fee established in accordance with Section 63-38-3.2 equal to the cost of conducting a check of records of:

(i) the Federal Bureau of Investigation for the applicant; and

(ii) the Bureau of Criminal Identification of the Utah Department of Public Safety; and

(d) a copy of the driver license or Utah identification card issued to the applicant.

(3) An application for licensure as an unarmed private security officer [~~or alarm response runner~~] shall be accompanied by:

(a) a certification of criminal record history for the applicant issued by the Bureau of Criminal Identification, Utah Department of Public Safety, in accordance with the provisions of Subsection 53-10-108(1)(f)(ii);

(b) two fingerprint cards for the applicant;

(c) a fee established in accordance with Section 63-38-3.2 equal to the cost of conducting a check of records of:

(i) the Federal Bureau of Investigation for the applicant; and

(ii) the Bureau of Criminal Identification of the Utah Department of Public Safety; and

(d) a copy of the driver license or Utah identification card issued to the applicant.

(4) An applicant for licensure as an armed private security officer, unarmed private security officer, ~~[alarm response runner]~~ or as a qualifying agent for a contract security company by a person currently licensed under Title 58, Chapter 63, shall submit an application for change in license classification and shall be required to only document compliance with those requirements for licensure which have not been previously met in obtaining the currently held license.

**R156-63-305. Demonstration of Clear Criminal History for Licensees as Renewal Requirement.**

(1) In accordance with Subsections 58-1-203(7) and 58-1-308(3)(b), there is created a demonstration of a clear criminal history as a condition of renewal or reinstatement of licenses issued under Title 58, Chapter 63 in the classifications of armed private security officer, unarmed private security officer, ~~[alarm response runner]~~ and for the qualifying agent for a contract security company.

(2) Each application for renewal or reinstatement of the license of a contract security company shall be conditioned upon the licensee having obtained within 120 days prior to submission of the application for renewal or reinstatement, a clear criminal history certification from the Bureau of Criminal Identification, Utah Department of Public Safety, for the licensee's qualifying agent.

(3) Each application for renewal or reinstatement of the license of an armed private security officer, or unarmed private security officer ~~[- or alarm response runner]~~ shall be conditioned upon the licensee having obtained within 120 days prior to submission of the application for renewal or reinstatement, a clear criminal history certification from the Bureau of Criminal Identification, Utah Department of Public Safety.

**R156-63-307. Exemptions from Licensure.**

In accordance with Subsection 58-1-307(1)(c), an applicant who has applied for licensure as an unarmed or armed private security officer ~~[or alarm response runner]~~ is exempt from licensure and may engage in practice as an unarmed or armed private security officer ~~[or alarm response runner]~~ in a supervised on-the-job training capacity, for a period of time not to exceed the earlier of 30 days or action by the division upon the application.

**R156-63-502. Unprofessional Conduct.**

"Unprofessional conduct" includes the following:

(1) making any statement that would reasonably cause another person to believe that a private security officer functions as a law enforcement officer or other official of this state or any of its political subdivisions or any agency of the federal government;

(2) employment of an unarmed or armed private security office ~~[or alarm response runner]~~ by a contract security company, as an on-the-job trainee pursuant to Section R156-63-307, who has been convicted of a felony or a misdemeanor crime of moral turpitude;

(3) employment of an unarmed or armed private security officer ~~[or alarm response runner]~~ by a contract security company who fails to meet the requirements of Section R156-63-307; and

(4) a judgment on, or a judicial or prosecutorial agreement concerning a felony, or a misdemeanor involving moral turpitude, entered against an individual by a federal, state or local court, regardless of whether the court has made a finding of guilt, accepted a plea of guilty or nolo contendere by an individual, or an individual has entered into participation in a first offender, deferred adjudication or other program or arrangement where judgment of conviction is withheld.

**R156-63-605. Operating Standards - Uniforms.**

(1) All unarmed and armed private security officers while on duty shall wear the uniform of their contract security company employer unless assigned to work undercover.[

~~—(2) Uniforms worn by armed or unarmed private security officers shall be easily distinguished from the uniform of any public law enforcement agency.]~~

**KEY: licensing, security guards**

~~[June 15, 2000]~~2001

58-1-106(1)

Notice of Continuation September 28, 2000

58-1-202(1)

58-63-101



**Health, Children's Health Insurance Program**

**R382-20**

**Provider Assessment**

**NOTICE OF PROPOSED RULE**

(Repeal)

DAR FILE No.: 24030

FILED: 08/31/2001, 10:32

RECEIVED BY: NL

**RULE ANALYSIS**

PURPOSE OF THE RULE OR REASON FOR THE CHANGE: The statute authorizing this rule no longer exists, therefore the rule will be repealed in its entirety.

SUMMARY OF THE RULE OR CHANGE: The rule will be repealed in its entirety.

STATE STATUTORY OR CONSTITUTIONAL AUTHORIZATION FOR THIS RULE: Section 26-1-5

ANTICIPATED COST OR SAVINGS TO:

❖ THE STATE BUDGET: There will be no administrative expense to the state because of the repeal.

❖LOCAL GOVERNMENTS: There are no costs involved regarding local government.

❖OTHER PERSONS: Since the rule will be repealed, other persons are not affected.

COMPLIANCE COSTS FOR AFFECTED PERSONS: There will be no compliance costs for persons because of the repeal.

COMMENTS BY THE DEPARTMENT HEAD ON THE FISCAL IMPACT THE RULE MAY HAVE ON BUSINESSES: This repeal reflects a positive impact on business brought about by the Legislature finding on-going funding for the Children's Health Program from sources other than an assessment on hospitals. This allowed for the repeal of the assessment and thus this rule implementing the assessment is also repealed. Rod L. Betit

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

Health  
Children's Health Insurance Program  
Cannon Health Building  
288 North 1460 West  
PO Box 141000  
Salt Lake City, UT 84114-1000, or  
at the Division of Administrative Rules.

DIRECT QUESTIONS REGARDING THIS RULE TO:

Doug Springmeyer at the above address, by phone at (801) 538-6971, by FAX at (801) 538-6306, or by Internet E-mail at dspringm@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 10/15/2001.

THIS RULE MAY BECOME EFFECTIVE ON: 10/16/2001

AUTHORIZED BY: Rod L. Betit, Executive Director

### **R382. Health, Children's Health Insurance Program.**

#### **[~~R382-20. Provider Assessment.~~**

##### **~~R382-20-1. Authority and Purpose.~~**

~~— This rule is authorized by Section 26-40-102. It implements the assessment imposed by Section 26-40-111 on hospitals, hospital-based ambulatory surgical centers, and freestanding ambulatory surgical centers.~~

##### **~~R382-20-2. Definitions.~~**

~~— The definitions in Title 26, Chapter 40 apply to this rule, in addition:~~

~~— (1) "Gross inpatient revenue" for any hospital during a particular quarter means gross revenue derived by the hospital from inpatient services rendered during the quarter.~~

~~— (2) "Gross revenue" for any hospital during a particular quarter means standard, nondiscounted charges for all services rendered to patients by the hospital during the quarter.~~

~~— (3) "Inpatient services" means all services rendered by a hospital to an inpatient.~~

~~— (4) "Outpatient" means any patient of a hospital other than an inpatient.~~

~~— (5) "Outpatient services" means all services rendered by a hospital other than inpatient services.~~

~~— (6) "Patient encounter" as applied to any freestanding ambulatory surgical facility or hospital-based ambulatory surgical facility means one or more outpatient surgery procedures performed on one outpatient during the course of one outpatient visit for which a charge is incurred. The patient encounter as defined in this act includes ancillary services incident to the surgical procedures performed during the surgical visit.~~

##### **~~R382-20-3. Assessment.~~**

~~— Beginning on July 1, 1998, a uniform, broad based, quarterly assessment is imposed on each hospital, hospital-based ambulatory surgical facility, and freestanding ambulatory surgical facility as follows:~~

~~— (1) for hospitals, .00373354519 times gross inpatient revenue; and~~

~~— (2) for freestanding ambulatory surgical facilities and hospital-based ambulatory surgical facilities, \$0.90 for each patient encounter.~~

##### **~~R382-20-4. Reporting and Auditing Requirements.~~**

~~— (1) Each hospital, hospital-based ambulatory surgical facility, and ambulatory surgical facility shall, on or before the end of the month next succeeding each quarter, file with the department a return for the quarter, and shall remit with the return the assessment required by this act to be paid for the quarter covered by the return.~~

~~— (2) Each return for hospitals shall contain the following:~~

~~— (a) gross inpatient revenue; and~~

~~— (b) gross revenue.~~

~~— (3) Each return for freestanding and hospital-based ambulatory surgical centers shall report total patient encounters.~~

~~— (4) Each provider shall supply the data required in the return from its internal operating sources. A representative of each reporting provider shall sign a disclosure statement indicating that the data are accurate to the best of the representative's knowledge. The report shall include a place to make adjustments in the assessment based on corrected data from a prior period to be paid with or deducted from the current quarter reporting and payment.~~

~~— (5) A provider subject to the assessment imposed by Section 26-40-111 shall maintain complete and accurate records. The provider may have its records independently audited to verify the calculation of the assessment and to verify that all applicable penalties and interest have been paid. Auditors from the department assigned by the director to enforce and administer the provisions of Section 26-40-111 and this rule may inspect each provider's independent audit report to verify compliance with Section 26-40-111 and this rule. If the provider has not conducted an independent audit, the department may conduct an audit of the provider's records to verify compliance with Section 26-40-111 and this rule. Any state review of a provider's independent audit reports shall be done on a confidential basis without any intent or effect of creating a breach or a waiver of any applicable auditor/client privilege.~~

~~— (6) Separate providers owned or controlled by a holding company or similar entity may combine reports and payments of assessments provided that the required data are clearly set forth for each separate reporting provider.~~



**R382-20-5. Penalties and interest.**

~~(1) The penalty for failure to file a return or pay the assessment due within the time prescribed by this rule is the greater of \$50, or 5% of the assessment due on the return.~~

~~(2) For failure to pay within 30 days of a notice of deficiency of assessment required to be paid, the penalty is the greater of \$50 or 10% of the assessment due.~~

~~(3) The penalty for underpayment of the assessment is as follows:~~

~~(a) If any underpayment of assessment is due to negligence, the penalty is 25% of the underpayment.~~

~~(b) If the underpayment of the assessment is due to intentional disregard of law or rule, the penalty is 50% of the underpayment.~~

~~(4) For intent to evade the assessment, the penalty is 100% of the underpayment.~~

~~(5) The rate of interest applicable to an underpayment of an assessment under this rule or an unpaid penalty under this rule is 12% annually.~~

~~(6) The department may reduce or waive the imposition of a penalty for good cause.~~

**KEY: children's health benefits\***

**July 14, 1998**

**26-1-5**

**26-40]**



**Health, Health Care Financing,  
Coverage and Reimbursement Policy  
R414-3A-800  
Co-payment Policy**

**NOTICE OF PROPOSED RULE**

(Amendment)

DAR FILE NO.: 24031

FILED: 08/31/2001, 10:32

RECEIVED BY: NL

**RULE ANALYSIS**

PURPOSE OF THE RULE OR REASON FOR THE CHANGE: The addition of a \$2 per visit co-payment requirement for outpatient hospital services will help control utilization and make savings for Medicaid. The HMOs, particularly, indicate they are better able to manage utilization if a sufficient co-payment is attached to the service.

SUMMARY OF THE RULE OR CHANGE: Addition of co-payment provisions to the existing rule. A \$2 co-payment for each visit for outpatient hospital services shall be deducted from the payment to the provider. After co-payments equaling \$100 annually, the co-payment requirements are removed. The co-payments are applicable for each individual Medicaid recipient.

STATE STATUTORY OR CONSTITUTIONAL AUTHORIZATION FOR THIS RULE: Section 26-1-5

ANTICIPATED COST OR SAVINGS TO:

❖THE STATE BUDGET: Approximately \$130,200 might be saved through the \$2 co-payment on outpatient hospital services.

❖LOCAL GOVERNMENTS: This rule does not apply to local government, so there is no fiscal impact.

❖OTHER PERSONS: Although the provider should collect the co-payment fee from the recipient to offset the \$2 deducted from the payment to the provider, some recipients may categorically state that they do not have funds to pay this fee. COMPLIANCE COSTS FOR AFFECTED PERSONS: There should not be any compliance costs for affected persons other than that stated in Aggregate Anticipated Cost or Savings to: State Budget, Local government or Other persons.

COMMENTS BY THE DEPARTMENT HEAD ON THE FISCAL IMPACT THE RULE MAY HAVE ON BUSINESSES: It is hoped that a nominal \$2 co-payment, with a \$100 annual cap, will control unnecessary utilization and generate budget savings for Medicaid consistent with current appropriations for that program. It is possible that although many of the most needy groups are exempt from the co-payment by federal mandate, that some providers will be unable to collect the co-payment from the Medicaid recipient. This would in effect be a reduction in compensation to the provider. Medicaid will monitor this issue carefully during public comments, as well as thereafter if the rule is implemented, to assure that the impact on providers is minimized. Rod L. Betit

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

Health  
Health Care Financing,  
Coverage and Reimbursement Policy  
Cannon Health Building  
288 North 1460 West  
PO Box 143102  
Salt Lake City, UT 84114-3102, or  
at the Division of Administrative Rules.

DIRECT QUESTIONS REGARDING THIS RULE TO:

Blake Anderson at the above address, by phone at (801) 538-9925, by FAX at (801) 538-6099, or by Internet E-mail at banderso@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 10/15/2001.

THIS RULE MAY BECOME EFFECTIVE ON: 10/16/2001

AUTHORIZED BY: Rod L. Betit, Executive Director

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

**R414-3A. Outpatient Hospital Services.**

**R414-3A-800. Co-payment Policy.**

This rule establishes Medicaid co-payment policy for outpatient hospital services for Medicaid clients who are not in any of the federal categories exempted from co-payment requirements.

The rule is authorized by 42 CFR 447.15 and 447.50, Oct. 1, 2000 ed., which are adopted and incorporated by reference.

(1) The Department shall impose a co-payment in the amount of \$2 for each outpatient visit when a non-exempt Medicaid client, as designated on his Medicaid card, receives that outpatient service. The Department shall limit the out-of-pocket expense of the Medicaid client to \$100 annually. (Co-payments for pharmacy services will continue to be limited to \$5.00 per month.)

(2) The Department shall deduct \$2 from the reimbursement paid to the provider for each outpatient visit, up to the \$100 annually for each client.

(3) The provider should collect the co-payment amount from the Medicaid client for each outpatient visit, limited to one per day.

(4) Medicaid clients in the following categories are exempt from co-payment requirements:

(a) children;

(b) pregnant women;

(c) institutionalized individuals;

(d) individuals whose total gross income, before exclusions or deductions, is below the Temporary Assistance to Needy Families (TANF) standard payment allowance. These individuals must indicate their income status to their eligibility case worker on a monthly basis to maintain their exemption from the co-payment requirements.

(5) Outpatient services for family planning purposes are exempt from the co-payment requirements.

**KEY: medicaid**

~~1992~~2001

Notice of Continuation December 2, 1997

26-1-5

26-1-15

26-18-2.3

26-18-3(2)

26-18-5(3)

26-18-5(4)

26-18-6



Health, Health Care Financing,  
Coverage and Reimbursement Policy

**R414-10**

Physician Services

**NOTICE OF PROPOSED RULE**

(Amendment)

DAR FILE NO.: 24032

FILED: 08/31/2001, 10:32

RECEIVED BY: NL

**RULE ANALYSIS**

PURPOSE OF THE RULE OR REASON FOR THE CHANGE: The addition of a \$2 per visit co-payment requirement for physician services will help control utilization and make savings for Medicaid. The HMOs, particularly, indicate they are better able to manage utilization if a sufficient co-payment is attached to the service.

SUMMARY OF THE RULE OR CHANGE: Addition of co-payment provisions to the existing rule. A \$2 co-payment for each visit for physician services shall be deducted from the payment to the provider. After co-payments equaling \$100 annually, the co-payment requirements are removed. The co-payments are applicable for each individual Medicaid recipient.

STATE STATUTORY OR CONSTITUTIONAL AUTHORIZATION FOR THIS RULE: Section 26-1-5

ANTICIPATED COST OR SAVINGS TO:

❖THE STATE BUDGET: Approximately \$625,300 might be saved through the \$2 co-payment on physician services.

❖LOCAL GOVERNMENTS: This rule does not apply to local government, so there is no fiscal impact.

❖OTHER PERSONS: Although the provider should collect the co-payment fee from the recipient to offset the \$2 deducted from the payment to the provider, some recipients may categorically state that they do not have funds to pay this fee.

COMPLIANCE COSTS FOR AFFECTED PERSONS: There should not be any compliance costs for affected persons other than that stated in Aggregate Anticipated Cost or Savings to: State budget, Local government or Other persons.

COMMENTS BY THE DEPARTMENT HEAD ON THE FISCAL IMPACT

THE RULE MAY HAVE ON BUSINESSES: It is hoped that a nominal \$2 co-payment, with a \$100 annual cap, will control unnecessary utilization and generate budget savings for Medicaid consistent with current appropriations for that program. It is possible that although many of the most needy groups are exempt from the co-payment by federal mandate, that some providers will be unable to collect the co-payment from the Medicaid recipient. This would in effect be a reduction in compensation to the provider. Medicaid will monitor this issue carefully during public comments, as well as thereafter if the rule is implemented, to assure that the impact on providers is minimized. Rod L. Betit

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

Health  
Health Care Financing,  
Coverage and Reimbursement Policy  
Cannon Health Building  
288 North 1460 West  
PO Box 143102  
Salt Lake City, UT 84114-3102, or  
at the Division of Administrative Rules.

DIRECT QUESTIONS REGARDING THIS RULE TO:

Blake Anderson at the above address, by phone at (801) 538-9925, by FAX at (801) 538-6099, or by Internet E-mail at banderso@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 10/15/2001.

THIS RULE MAY BECOME EFFECTIVE ON: 10/16/2001

AUTHORIZED BY: Rod L. Betit, Executive Director

**R414. Health, Health Care Financing, Coverage and Reimbursement Policy.**  
**R414-10. Physician Services.**

.....

**R414-10-5. Service Coverage.**

(1) Physician services involve direct patient care and securing and supervising appropriate diagnostic ancillary tests or services in order to diagnose the existence, nature, or extent of illness, injury, or disability. In addition, physician services involve establishing a course of medically necessary treatment designed to prevent or minimize the adverse effects of human disease, pain, illness, injury, infirmity, deformity, or other impairments to a client's physical or mental health.

(2) Physician services may be provided only within the parameters of accepted medical practice and are subject to limitations and exclusions established by the Department on the basis of medical necessity, appropriateness, and utilization control considerations.

(3) Program limitations and noncovered services are established by specific program policy maintained in the Physician Provider Manual and updated by notification through Medicaid Information Bulletins. Following is a general list of medical and health care services excluded from coverage:

- (a) Services rendered during a period the recipient was ineligible for Medicaid;
- (b) Services medically unnecessary or unreasonable;
- (c) Services which fail to meet existing standards of professional practice, or which are currently professionally unacceptable;
- (d) Services requiring prior authorization, but for which such authorization was not received;
- (e) Services, elective in nature, based on patient request or individual preference rather than medical necessity;
- (f) Services fraudulently claimed;
- (g) Services which represent abuse or overuse;
- (h) Services rejected or disallowed by Medicare when the rejection was based upon any of the reasons listed above.
- (i) Services for which third party payors are primarily responsible, e.g., Medicare, private health insurance, liability insurance. Medicaid may make a partial payment up to the Medicaid maximum if the limit has not been reached by a third party.
- (j) If a procedure or service is not covered for any of the above reasons or because of specific policy exclusion, all related services and supplies, including institutional costs, are excluded for the standard post operative recovery period.

(4) Experimental or medically unproven physician services or procedures are excluded from coverage. Criteria established and approved by the Department staff and physician consultants are used to identify noncovered services and procedures. Policy statements developed by the Department of Health and Human Services, Health Care Financing Administration, Coverage Issues Bureau, are also used to determine Department policy for noncovered services.

(5) Certain services are excluded from coverage because medical necessity, appropriate utilization, and cost effectiveness of the services cannot be assured. A variety of lifestyle factors contribute to the "syndromes" associated with such services, and there is no specific therapy or treatment identified except for those that border on behavior modification, experimental, or unproven practices. Services include:

- (a) Sleep apnea or sleep studies, or both;
- (b) [~~Pain management and~~] pain clinics; and
- (c) Eating disorders clinics.

.....

(17) Transplant Services;

Except for kidney and cornea transplants, Medicaid limits organ transplant services to those procedures for which selection criteria have been approved and documented in R414-10A.

(18) Modifiers:

Modifiers may be used only, as defined in the CPT Manual, to show that a service or procedure has been altered to some degree but not changed in definition or code. The following limitations apply:

- (a) The professional component, modifier 26, may be used only with laboratory and radiology service codes and only when direct analysis, interpretation, and written report of findings are provided by a physician on a laboratory or radiology procedure.
- (b) Unusual services are identified by use of modifier 22, along with the appropriate CPT code. A prepayment review of unusual services shall be completed by Medicaid professional staff or physician consultants. A report of the service and any important supporting documentation must be submitted with the claim for review.
- (c) Anesthesia by surgeon is identified by use of modifier 47. The operating surgeon may not use modifier 47 in addition to the basic procedure code. Anesthesia provided by the surgeon is part of the basic procedure being provided.
- (d) Mandated services as defined by CPT and identified by modifier 32 are noncovered services.
- (e) Reference laboratory services identified by modifier 90 are noncovered services.

(19) Medications:

(a) Drugs and biologicals are limited to those approved by the Food and Drug Administration (FDA), or those approved by the Drug Utilization Review Board (DUR) for off-label use, which is use for a condition different from that initially intended for the drug or biological. Medicaid coverage of drugs and biologicals is based on individual need and orders written by a physician when the drug is given in accordance with accepted standards of medical practice and within the protocol of accepted use for the drug.

(i) Generic drugs shall be used whenever a generic product approved by the FDA is available. If the physician determines that a brand name drug is medically necessary, the physician may override the generic requirement by writing on the prescription in his own hand writing "name brand medically necessary". Preprinted messages, abbreviations, or notations by a second party, do not meet the override requirement. The pharmacist shall fill the prescription with the generic equivalent product if the override procedure is not followed.

(ii) Injectable medications approved in HCPCS are identified in the "J" code list published by the Health Care Financing Administration or the Department, or both. The list is reviewed and revised yearly and maintained in the Physician Provider Manual by notification and update through Medicaid Provider Bulletins.

(iii) The "J" code covers only the cost of an approved product.

(iv) Office visits only for administration of medication are excluded from coverage. However, an injection code which covers the cost of the syringe, needle and administration of the medication may be used with the "J" code when medication administration is the only reason for an office call.

(v) When an office service is provided for other purposes, in addition to medication administration, only the office visit and a "J" code may be used to bill for the service provided.

(vi) The office visit code and injection code may never be used together. Only one of the codes may be used to define the service provided.

(vii) Vitamin B-12 is limited to use only in treating conditions where physiological mechanisms produce pernicious anemia. Use of Vitamin B-12 in treating any unrelated condition is excluded from coverage.

(b) Vitamins may be provided only for:

(i) Pregnant women: Prenatal vitamins with 1 mg folic acid.

(ii) Children through age five: Children's vitamins with fluoride.

(iii) Children through age one: multiple vitamin (A, C, and D) without fluoride.

(iv) Children through age 15: Fluoride supplement.

(c) Human growth stimulating hormones are limited to CHEC eligible children under the age of 15 who meet the established internal criteria for coverage that has been published and is available in the Provider Manual.

(d) Methylphenidates, amphetamines, and other central nervous system stimulants require prior authorization and may be provided only for treatment of Attention Deficit Disorder (ADD).

(e) Medications for appetite suppression are not a covered service.

(f) Non-prescription, over-the-counter items are limited, and notification of changes consistent with this rule is made by Provider Bulletin and Provider Manual updates.

(g) Nutrients may be provided only as established in R414-24A.

#### **R414-10-6. Co-payment Policy.**

This rule establishes co-payment policy for physician services for Medicaid clients who are not in any of the federal categories exempted from co-payment requirements. The rule is authorized by 42 CFR 447.15 and 447.50, Oct. 1, 2000 ed., which are adopted and incorporated by reference.

(1) The Department shall impose a co-payment in the amount of \$2 for each physician visit when a non-exempt Medicaid client, as designated on his Medicaid card, receives that physician service. The Department shall limit the out-of-pocket expense of the Medicaid client to \$100 annually. (Co-payments for pharmacy services will continue to be limited to \$5.00 per month.)

(2) The Department shall deduct \$2 from the reimbursement paid to the provider for each physician visit, limited to one per day.

(3) The provider should collect the co-payment amount from the Medicaid client for each physician visit, limited to one per day.

(4) Medicaid clients in the following categories are exempt from co-payment requirements:

(a) children;

(b) pregnant women;

(c) institutionalized individuals;

(d) individuals whose total gross income, before exclusions or deductions, is below the Temporary Assistance to Needy Families (TANF) standard payment allowance. These individuals must indicate their income status to their eligibility case worker on a monthly basis to maintain their exemption from the co-payment requirements.

(5) Physician services for family planning purposes are exempt from the co-payment requirements.

**KEY: medicaid**

**[July 8, 1998]2001**

**Notice of Continuation March 18, 1997**

**26-1-5**

**26-18-3**



## Health, Health Care Financing, Coverage and Reimbursement Policy **R414-11** Podiatry Services

### NOTICE OF PROPOSED RULE

(Amendment)

DAR FILE No.: 24033

FILED: 08/31/2001, 10:32

RECEIVED BY: NL

### RULE ANALYSIS

PURPOSE OF THE RULE OR REASON FOR THE CHANGE: The addition of a \$2 per visit co-payment requirement for podiatry services will help control utilization and make savings for Medicaid. The HMOs, particularly, indicate they are better able to manage utilization if a sufficient co-payment is attached to the service.

SUMMARY OF THE RULE OR CHANGE: Addition of co-payment provisions to the existing rule. A \$2 co-payment for each visit for podiatry services shall be deducted from the payment to the provider. After co-payments equaling \$100 annually, the co-payment requirements are removed. The co-payments are applicable for each individual Medicaid recipient.

STATE STATUTORY OR CONSTITUTIONAL AUTHORIZATION FOR THIS RULE: Section 26-1-5

ANTICIPATED COST OR SAVINGS TO:

❖ THE STATE BUDGET: Approximately \$11,000 might be saved through the \$2 co-payment on podiatry services.

❖ LOCAL GOVERNMENTS: This rule does not apply to local government, so there is no fiscal impact.

❖ OTHER PERSONS: Although the provider should collect the co-payment fee from the recipient to offset the \$2 deducted

from the payment to the provider, some recipients may categorically state that they do not have funds to pay this fee. COMPLIANCE COSTS FOR AFFECTED PERSONS: There should not be any compliance costs for affected persons other than that stated in Aggregate Anticipated Cost or Savings to: State Budget, Local government and Other persons.

COMMENTS BY THE DEPARTMENT HEAD ON THE FISCAL IMPACT THE RULE MAY HAVE ON BUSINESSES: It is hoped that a nominal \$2 co-payment, with a \$100 annual cap, will control unnecessary utilization and generate budget savings for Medicaid consistent with current appropriations for that program. It is possible that although many of the most needy groups are exempt from the co-payment by federal mandate, that some providers will be unable to collect the co-payment from the Medicaid recipient. This would in effect be a reduction in compensation to the provider. Medicaid will monitor this issue carefully during public comments, as well as thereafter if the rule is implemented, to assure that the impact on providers is minimized. Rod L. Betit

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

Health  
Health Care Financing,  
Coverage and Reimbursement Policy  
Cannon Health Building  
288 North 1460 West  
PO Box 143102  
Salt Lake City, UT 84114-3102, or  
at the Division of Administrative Rules.

DIRECT QUESTIONS REGARDING THIS RULE TO:  
Blake Anderson at the above address, by phone at (801) 538-9925, by FAX at (801) 538-6099, or by Internet E-mail at banderso@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 10/15/2001.

THIS RULE MAY BECOME EFFECTIVE ON: 10/16/2001

AUTHORIZED BY: Rod L. Betit, Executive Director

**R414. Health, Health Care Financing, Coverage and Reimbursement Policy.**  
**R414-11. Podiatry Services.**

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**R414-11-10. Co-payment Policy.**

This rule establishes co-payment policy for podiatrist services for Medicaid clients who are not in any of the federal categories exempted from co-payment requirements. The rule is authorized by 42 CFR 440.60, Oct. 1, 2000 ed., which is adopted and incorporated by reference.

(1) The Department shall impose a co-payment in the amount of \$2 for each podiatrist visit when a non-exempt Medicaid client,

as designated on his Medicaid card, receives that podiatrist service. The Department shall limit the out-of-pocket expense of the Medicaid client to \$100 annually. (Co-payments for pharmacy services will continue to be limited to \$5.00 per month.)

(2) The Department shall deduct \$2 from the reimbursement paid to the provider for each podiatrist visit, limited to one per day.

(3) The provider should collect the co-payment amount from the Medicaid client for each podiatrist visit, limited to one per day.

(4) Medicaid clients in the following categories are exempt from co-payment requirements:

(a) children;

(b) pregnant women;

(c) institutionalized individuals;

(d) individuals whose total gross income, before exclusions or deductions, is below the Temporary Assistance to Needy Families (TANF) standard payment allowance. These individuals must indicate their income status to their eligibility case worker on a monthly basis to maintain their exemption from the co-pay requirements.

(5) Podiatrist services for family planning purposes are exempt from the co-payment requirements.

**KEY: medicaid**

**[1989]2001**

**Notice of Continuation December 20, 1999**

**26-1-5**

**26-18-3**



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

**R414-306**

**Program Benefits**

**NOTICE OF PROPOSED RULE**

(Amendment)

DAR FILE No.: 24012

FILED: 08/28/2001, 11:07

RECEIVED BY: NL

**RULE ANALYSIS**

PURPOSE OF THE RULE OR REASON FOR THE CHANGE: The change is to comply with a Utah Department of Health (UDOH) policy change to stay within budget restraints.

SUMMARY OF THE RULE OR CHANGE: Eligibility for Medicaid currently allows coverage to begin on the first day of a month that is three months prior to the date of application. The change is to restrict the coverage to the date of the prior month that coincides with the date of the month of application, and in no case to go back to the first day of the prior month.

STATE STATUTORY OR CONSTITUTIONAL AUTHORIZATION FOR THIS RULE: Sections 26-1-5, 26-18-10

ANTICIPATED COST OR SAVINGS TO:

❖THE STATE BUDGET: Savings should reflect what was included in the budget document, which was \$933,660 in general funds and \$2,216,340 in federal funds.

❖LOCAL GOVERNMENTS: This rule does not apply to local government, so there would be no fiscal impact.

❖OTHER PERSONS: Either the applicant will have to pay for the services provided, or the provider will have additional uncompensated care costs.

COMPLIANCE COSTS FOR AFFECTED PERSONS: There would be no fiscal impact on affected persons other than that described in Aggregate anticipated cost or savings to: State budget, Local government and Other persons.

COMMENTS BY THE DEPARTMENT HEAD ON THE FISCAL IMPACT THE RULE MAY HAVE ON BUSINESSES: This reduction in Medicaid coverage is necessary to stay within current appropriations. In the event that revenue projections improve, this change could be reevaluated. Rod L. Betit.

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

Health  
Health Care Financing,  
Coverage and Reimbursement Policy  
Cannon Health Building  
288 North 1460 West  
PO Box 143102  
Salt Lake City, UT 84114-3102, or  
at the Division of Administrative Rules.

DIRECT QUESTIONS REGARDING THIS RULE TO:

Gayle Six at the above address, by phone at (801) 538-6895, by FAX at (801) 538-6952, or by Internet E-mail at gsix@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 10/15/2001.

THIS RULE MAY BECOME EFFECTIVE ON: 10/16/2001

AUTHORIZED BY: Rod L. Betit, Executive Director

**R414. Health, Health Care Financing, Coverage and Reimbursement Policy.**  
**R414-306. Program Benefits.**

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**R414-306-4. Effective Date of Eligibility.**

(1) The Department adopts 42 CFR 435.914, [1999]2000 ed., which is incorporated by reference.

(2) Eligibility for Medicaid shall begin no earlier than the date that is three months before the date of application for benefits. Coverage shall not be effective on the first day of a month if that date is more than three months before the application date.

~~—(2) Eligibility shall begin no earlier than the third month before the month of application.~~

~~—(3) Eligibility shall begin on the first day of the month if the individual was eligible any time during that month.~~

~~—(4) UMAP eligibility shall begin on the first day of the month prior to the month of application, provided eligibility exists.]~~

[(5)3] There is no provision for retroactive QMB assistance.

[(6)4] Institutional Medicaid shall begin on the date that the Department of Health receives verification of nursing home admission from the nursing home, but no earlier than the date that is three months before the date of application for nursing home services. Coverage shall not be effective on the first day of a month if that date is more than three months before the application date. [Coverage does not begin earlier than the third month prior to the month of application.]

[(7)5] Eligibility under a Home and Community Based Services waiver shall begin on the first day of the month in which the client meets the level-of-care criteria and home and community based services begin, but no earlier than the date that is three months before the date of application for waiver Medicaid services. Coverage for waiver Medicaid shall not be effective on the first day of a month if that date is more than three months before the application date. [Coverage does not begin earlier than the third month prior to the month of application.]

[(8)6] Eligibility for benefits as a Qualifying Individual can begin no more than ~~[three months prior to the month]~~the date that is three months before the date of application, and in no case before January 1, 1998. An individual selected to receive QI benefits in a month of the year is entitled to receive such assistance for the remainder of the calendar year if the individual continues to be a qualifying individual. Receipt of benefits as a qualifying individual in one calendar year does not entitle the individual to continued assistance in any succeeding year.

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**KEY: program benefits**

~~[April 4,]2001~~

26-18

**Notice of Continuation February 6, 1998**



Health, Health Care Financing,  
Coverage and Reimbursement Policy  
**R414-401**  
Nursing Care Facility Assessment

**NOTICE OF PROPOSED RULE**

(Repeal)

DAR FILE NO.: 24034

FILED: 08/31/2001, 10:32

RECEIVED BY: NL

**RULE ANALYSIS**

PURPOSE OF THE RULE OR REASON FOR THE CHANGE: The statute authorizing this rule no longer exists, therefore the rule will be repealed in its entirety.

SUMMARY OF THE RULE OR CHANGE: The rule will be repealed in its entirety.

STATE STATUTORY OR CONSTITUTIONAL AUTHORIZATION FOR THIS RULE: Section 26-1-5

ANTICIPATED COST OR SAVINGS TO:

❖THE STATE BUDGET: There will be no administrative expense to the state because of the repeal.

❖LOCAL GOVERNMENTS: There are no costs involved regarding local government.

❖OTHER PERSONS: Since the rule will be repealed, other persons are not affected.

COMPLIANCE COSTS FOR AFFECTED PERSONS: There will be no compliance costs for persons because of the repeal.

COMMENTS BY THE DEPARTMENT HEAD ON THE FISCAL IMPACT THE RULE MAY HAVE ON BUSINESSES: This repeal reflects a positive impact on business brought about by the Legislature finding on-going funding for the Children's Health Program from sources other than an assessment on hospitals. This allowed for the repeal of the assessment and thus this rule implementing the assessment is also repealed. Rod L. Betit

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

Health  
Health Care Financing,  
Coverage and Reimbursement Policy  
Cannon Health Building  
288 North 1460 West  
PO Box 141000  
Salt Lake City, UT 84114-1000, or  
at the Division of Administrative Rules.

DIRECT QUESTIONS REGARDING THIS RULE TO:  
Doug Springmeyer at the above address, by phone at (801) 538-6971, by FAX at (801) 538-6306, or by Internet E-mail at dspringm@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 10/15/2001.

THIS RULE MAY BECOME EFFECTIVE ON: 10/16/2001

AUTHORIZED BY: Rod L. Betit, Executive Director

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

**[R414-401. Nursing Care Facility Assessment:**

**R414-401-1. Introduction and Authority:**

— (1) This rule implements the assessment imposed on certain nursing care facilities:

— (2) The rule is authorized by Section 26-1-5 and Chapter 26-35:

**R414-401-2. Definitions:**

— The definitions in Section 26-35-103 apply to this rule.

**R414-401-3. Assessment:**

— (1) The assessment is not imposed on the Utah State Development Center or the Utah State Hospital:

— (2) For any other similar facility, the Department may, at its sole discretion, extend the time for payment of the assessment until the legislature has had an opportunity to exempt that facility from the assessment:

**R414-401-4. Reporting and Auditing Requirements:**

— (1) Each nursing care facility shall, on or before the end of the month next succeeding each month, file with the Department a return for the month, and shall remit with the return the assessment required to be paid for the month covered by the return:

— (2) Each return shall be on the Department-approved form; and shall disclose the total number of patient days in the facility during the period covered by the return:

— (3) Each nursing care facility shall supply the data required in the return and shall sign a disclosure statement indicating that the information is accurate to the best of the representative's knowledge:

— (4) Each nursing care facility subject to this assessment shall maintain complete and accurate records. Auditors from the Department assigned by the Director to enforce and administer the provisions of this assessment may inspect each nursing care facility's records to verify compliance:

— (5) Separate nursing care facilities owned or controlled by a holding company or similar entity may combine reports and payments of assessments provided that the required data are clearly set forth for each separate reporting nursing care facility:

**R414-401-5. Penalties and Interest:**

— (1) The penalty for failure to file a return or pay the assessment due within the time prescribed by this rule is the greater of \$50 or 5% of the assessment due on the return:

— (2) For failure to pay within 30 days of a notice of deficiency of the assessment required to be paid, the penalty is the greater of \$50 or 10% of the assessment due:

— (3) The penalty for underpayment of the assessment is as follows:

— (a) If any underpayment of the assessment is due to negligence, the penalty is 25% of the underpayment:

— (b) If the underpayment of the assessment is due to intentional disregard of law or rule, the penalty is 50% of the underpayment:

— (4) For intent to evade the assessment, the penalty is 100% of the underpayment:

— (5) The rate of interest applicable to an underpayment of an assessment under this rule or an unpaid penalty under this rule is 12% annually:

— (6) The Department may reduce or waive the imposition of a penalty for good cause:

**KEY: medicaid**

**November 1, 2000** 26-1-5  
26-35]



Human Services, Administration,  
Administrative Services, Licensing

**R501-12**

Child Foster Care

**NOTICE OF PROPOSED RULE**

(Amendment)

DAR FILE NO.: 24035

FILED: 08/31/2001, 12:56

RECEIVED BY: NL

**RULE ANALYSIS**

PURPOSE OF THE RULE OR REASON FOR THE CHANGE: To clarify Subsection R501-12-8(E) - firearm safety. A questionnaire was mailed to all foster care providers for input on firearm safety. After receiving the responses from foster care providers, discussion with the Licensing Board, and presentation to Legislative Administrative Rules Committee, firearm safety was re-written to clarify precautions for foster care providers.

SUMMARY OF THE RULE OR CHANGE: Firearm safety was re-written to clarify what is securely locked, ways to render a firearm inoperable, and storing ammunition and firearms separately.

STATE STATUTORY OR CONSTITUTIONAL AUTHORIZATION FOR THIS RULE: Sections 62A-2-101 through 62A-2-121

ANTICIPATED COST OR SAVINGS TO:

❖THE STATE BUDGET: There is no anticipated cost to the State, or local government. Firearm safety was clarified. Any cost to install trigger locks or purchase vaults would be borne by the foster parent.

❖LOCAL GOVERNMENTS: There is no cost or savings to local government as these rules do not apply to local government.

❖OTHER PERSONS: There should be no cost to other persons. If a foster care provider stores their firearms in a display case, they only need to store the ammunition separately and remove the bolts from the firearms. There may be a cost if foster parents choose to purchase vaults to store guns or trigger locks, if bolts are not removable. But we believe that they way that the rule is written that foster parents have a no cost option, that is to take the bolt out of guns which are stored in a display case.

COMPLIANCE COSTS FOR AFFECTED PERSONS: There should be no change in compliance costs for affected persons. If a foster care provider has firearms in the home, they could render them inoperable by removing the bolts and storing the ammunition separately. However, the changes to the section on firearm safety give foster care providers several options so the purchase of a vault is not necessary. If foster care providers choose to keep their display cases for firearms, then the guns could be rendered inoperable by removing the bolts and storing the ammunition separately.

COMMENTS BY THE DEPARTMENT HEAD ON THE FISCAL IMPACT THE RULE MAY HAVE ON BUSINESSES: There would be no impact on businesses. This rule does not affect businesses.

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

Human Services  
Administration, Administrative Services,  
Licensing  
Room 303  
120 North 200 West  
Salt Lake City, UT 84114, or  
at the Division of Administrative Rules.

DIRECT QUESTIONS REGARDING THIS RULE TO:

April DeMill at the above address, by phone at (801) 538-4155, by FAX at (801) 538-4553, or by Internet E-mail at ademill@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 10/15/2001.

THIS RULE MAY BECOME EFFECTIVE ON: 10/16/2001

AUTHORIZED BY: Reta Oram, Director

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

**R501-12. Child Foster Care.**

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**R501-12-8. Safety.**

A. Foster families shall conduct and document fire drills at least quarterly.

B. Foster parents shall provide training to children regarding response to fire warnings and other instructions for life safety.

C. The foster home shall have a telephone. Telephone numbers for emergency assistance shall be posted next to the telephone.

D. The foster home shall have an adequately supplied first aid kit.

E. Foster parents ~~[maintaining]~~who have firearms or ~~ammunition~~~~[in the home]~~ shall assure that ~~[the firearms]~~they are inaccessible to children at all times. Firearms and ammunition ~~that are stored together shall be kept securely locked in security vaults or locked cases, not in glass fronted display cases.~~~~[shall be securely locked.]~~ Firearms that are stored in display cases shall be rendered inoperable with trigger locks, bolts removed or other disabling methods.~~[kept in the home or on the premises will be rendered inoperable when possible.]~~ Ammunition for those firearms shall be kept securely locked in a separate location.

F. No firearms shall be allowed in foster homes that contract with DYC.



G. Foster parents who have alcoholic beverages in their home shall assure that the beverages are kept inaccessible to children at all times.

H. There shall be locked storage for hazardous chemicals and materials.

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**KEY: licensing, human services, foster care**  
**[August 9, 2001 62A-2-101 et seq.]**



**Human Services, Child and Family Services**  
**R512-43**  
**Adoption Assistance**

**NOTICE OF PROPOSED RULE**  
(Amendment)  
DAR FILE NO.: 24039  
FILED: 08/31/2001, 17:45  
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 Federal requirements and in addition, this rule implements changes made in the Utah statute during the 2001 legislative session.

(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.

(DAR Note: A corresponding 120-day (Emergency) rule was published in the July 15, 2001, issue of the *Bulletin* (2001-14, page 65) under DAR No. 23866 and was effective as of June 29, 2001.)

STATE STATUTORY OR CONSTITUTIONAL AUTHORIZATION FOR THIS RULE: Sections 62A-4a-801 through 62A-4a-807  
FEDERAL REQUIREMENT FOR THIS RULE: 42 USC 673

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 analysis, there is no cost to local government. The rule does not affect local governments.

❖OTHER PERSONS: Parents who disagree with the amount of adoption assistance granted or denied may incur the cost 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 cost 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: After careful analysis of any possible impact on businesses, the department has concluded that there will not be any impact.

THE FULL TEXT OF THIS RULE MAY BE INSPECTED, DURING REGULAR BUSINESS HOURS, AT:  
Human Services  
Child and Family Services  
Room 225, Human Services 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@email.state.ut.us](mailto:hsadmin1.sbradfor@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 10/15/2001.

THIS RULE MAY BECOME EFFECTIVE ON: 10/16/2001

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 with 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.

(3) Child in public foster care for the purpose of adoption assistance means a judicially removed 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 Human Services, 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 adoptive family to establish and maintain a permanent adoptive placement for a qualifying child who meets the definition of a child with 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) Adoption assistance is intended to provide permanency for a child in public foster care or receiving SSI by providing financial and medical assistance on the child's behalf to the family who adopts the child.

(3) [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 supplemental 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 with a special need.

(i) A child under age five in public foster care meets the special need definition of "a child with a physical, emotional or mental disability" when the child is at risk to develop such a condition due to specific factors identified in the child's or birth parents' health and social histories.

(3) A child must be a U.S. citizen or qualified alien to receive adoption assistance.~~(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.]~~

(4) An application for adoption assistance is submitted to the regional adoption subsidy committee on a form provided by the Division.

(5) Application for adoption assistance, approval, and completion of the adoption assistance agreement, including signatures of an adoptive parent and a representative from the Division, are to be completed prior to finalization of the adoption.~~[Adoption assistance shall be agreed upon and approved by the regional adoption committee prior to finalization of the adoption.]~~

(6) Adoptive parents may request adoption assistance after an adoption is finalized by requesting a fair hearing through the Office of Administrative Hearings. Adoption assistance may only be granted after finalization when the conditions stated in R512-43-11-2(a) are met.

(7)(6) Adoption assistance usually begins after finalization of an adoption. However, adoption assistance may be initiated at the time of placement if the child is legally free for adoption, the adoptive home is approved~~[has met all of the requirements for an approved adoptive home],~~ adoption proceedings are initiated, an adoption assistance agreement is fully executed prior to placement, and foster care maintenance payments are not being provided for the child.

(8) An adoption assistance agreement shall be approved and have all required signatures before any payments may be made to an adoptive family or before state medical assistance may be initiated.

— (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.]

(9)[(8)] A qualified child shall continue to be eligible to receive adoption assistance[Adoption assistance may continue] until a child reaches age 18 unless causes for termination apply as stated in R512-43-11. 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.

(a) An extension of adoption assistance beyond age 18 is warranted if the child meets the criteria for services in the Department of Human Services, Division of Services for People with Disabilities.

(10) The Division is responsible for notifying a prospective adoptive family of the availability of adoption assistance when the family adopts a qualified child in public foster care.

**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[which are not reimbursed from another source. These expenses must be] directly related to the legal adoption of a child with a special need[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 reasonable and necessary adoption fees, court costs, adoption-related attorney fees, adoption home study, health and psychological examinations of adoptive parents, 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) Adoptive parents are responsible to provide necessary receipts for reimbursement.

(5) Only costs that are incurred in accordance with State and Federal law and that have not been reimbursed from other sources or funds may be included.

(6)[(c)] Non-recurring adoption expenses are reimbursable[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.

(i) 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) The amount of monthly subsidy to be paid for a child 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. A combination of the parents' resources and subsidy should cover the ordinary and special needs expenses of the child projected over an extended period of time.

(b) For a child in public foster care, the requested amount of monthly subsidy is negotiated between the adoptive parent and caseworker.

(c) The amount of the monthly subsidy may not exceed the payment that would be made if the child was placed in a foster family home at the point in time when the agreement is being initiated or revised.

(d) The amount of 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 caseworker may initiate a change in the amount of subsidy at any time when needs or resources change.

(e) Approval for the amount of the monthly subsidy is subject to the approval of the regional adoption subsidy committee. If the requested amount is not granted, the adoptive parent has a right to appeal as stated in R512-43-11.]

— (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.

— (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.]

(f)[(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 committee may approve amounts above those described for each level when determined appropriate.

(g)[(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.

(h)(~~+~~) 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)(~~4~~) 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)(~~1~~) 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)(~~1~~) was or would have been AFDC eligible at the time of removal if application had been made,

(B)(~~2~~) the child lived with a specified relative within the six months prior to the voluntary placement,

(C)(~~3~~) 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.[(~~4~~)—a judicial determination was made within 180 days of removal that continued placement was in the best interest of the child:

—(~~1~~) ~~The child was voluntarily placed for foster care with a private non-profit agency and:~~

—(~~2~~) ~~was or would have been AFDC eligible at the time of removal if application had been made;~~

—(~~3~~) ~~the child lived with a specified relative within the six months prior to the voluntary placement, and~~

—(~~4~~) ~~a judicial determination was made within 180 days of removal that continued placement was in the best interest of the child.~~

—(~~5~~) ~~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)(~~1~~) 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.~~]

(5)(~~1~~) Use of the monthly subsidy.

The monthly subsidy may be used according to the parents' discretion. Some examples of the ~~uses~~[~~use~~] of the monthly subsidy payment are medical, dental, or mental health services[~~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.

(i) The child's eligibility for SSI benefits is established no later than the time adoption proceedings are initiated.

(c) The child meets state medical assistance citizenship requirements.

(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 \$3,000 will be considered and are 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) Any obligation made or expense incurred by a family prior to approval shall not be reimbursed with supplemental adoption assistance funds unless approval is granted by the regional director.

(8) 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. If the total amount of multiple requests in a year exceeds \$3,000, the request shall be submitted to the appropriate regional advisory council established under Subsection 62A-4a-805(2)

(9) Supplemental adoption assistance is subject to the availability of state funds appropriated for adoption assistance.

[(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.

**R512-43-5. Application and Approval of Adoption Assistance.**

— (1) An application for adoption assistance shall be submitted to the regional adoption 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.

— (3) If adoption assistance is approved, the adoption committee shall determine the amount, type, and duration of adoption assistance.

— (4) An adoption assistance agreement shall be established in order to implement adoption assistance.]

**R512-43-8. Regional Adoption Subsidy Committee.**

(1) Each region shall establish at least one regional adoption subsidy committee.

(2) The regional adoption subsidy committee shall be comprised of at least three members, and a minimum of three members must be present for making decisions regarding adoption assistance. Decisions shall be made by consensus.

(3) Members of the committee may include the following:

(a) Chairperson;

(b) Clinical consultant or casework supervisor;

(c) Regional budget officer or fiscal representative;

(d) Allied agency representative from agencies such as a community mental health center, private adoption agency, or other agencies within the department;

(e) Regional administrator or other staff with relevant responsibilities;

(f) Adoptive or foster parent.

(4) Responsibilities of the regional adoption assistance committee include:

(a) Verification that a child qualifies for adoption assistance,

(b) Approval for reimbursement of allowable, reasonable non-recurring costs,

(c) Approval of level of need and amount of monthly subsidy for initial requests, changes, and renewals,

(d) Approval of supplemental adoption assistance up to \$3,000,

(e) Extension of adoption assistance up to age 21 for a qualifying child,

(f) Renewal of adoption assistance, and

(g) Documentation of committee decisions.

**R512-43-9.[R512-43-6.] Renewal and Review of Adoption Assistance.**

The adoption assistance agreement for a monthly subsidy or state medical assistance shall be renewed at least once every three years[annually] and reviewed periodically by regional staff. An agreement for supplemental adoption assistance exceeding \$3,000 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)~~(1) An adoption[Adoption] assistance agreement for a monthly subsidy or state medical 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 subsidy 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.

(j) The adoptive parents fail to respond to a renewal request.

(2) Termination of state medical assistance is subject to the policies of the Division of Health Care Financing.

(3) Supplemental adoption assistance shall terminate when an adoption assistance agreement for a monthly subsidy or state medical assistance is terminated, the terms of the agreement are concluded, the authorizing committee determines that the services funded with supplemental funds are no longer effective or appropriate based upon an independent review by a qualified provider, or if lack of availability of state funding prevents continuation. Written notice as described in R512-43-10(4) shall be provided at least 30 days before funding is discontinued due to lack of availability of state funding appropriated for adoption assistance or due to determination that services are no longer effective or appropriate.

(4) Adoption assistance shall not be terminated for an adoptive parent's failure to respond to a renewal request for the agreement 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.

#### **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;

~~(d)~~(e) Adoption assistance was not requested prior to finalization of the adoption and one of the criteria in R512-43-11(2)(a) [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 is [criteria 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(2)(a) [R512-43-8-2a] applies. The state may provide corroborating facts to the family or the fair hearing officer.

#### **R512-43-13. Interstate Adoption Assistance.**

(1) The Division is responsible to determine if a child in Utah public foster care qualifies for adoption assistance when the child is placed in an adoptive home in another State. If the child qualifies, the Division provides adoption assistance regardless of the State of residence of the adoptive family and child.

(2) If a child with a previous IV-E adoption assistance agreement enters public foster care because the adoption was dissolved or ended due to the result of the death of the parents, the State in which the child is taken into custody in public foster care is responsible to provide adoption assistance in a subsequent adoption.

(3) If a child with a previous IV-E adoption assistance agreement does not enter public foster care when the adoption dissolved or ended due to the death of the parents, the new adoptive parent is responsible to apply for adoption assistance in the new adoptive parent's State of residence.

(4) A parent desiring to adopt an out of State child who is not in public foster care but is receiving SSI applies for adoption assistance in the parent's State of residence.

**KEY: adoption, child welfare, foster care**

**October 16, 2001 [July 1, 1997]**

**62A-4a-106**

**Notice of Continuation April 30, 1997 [-----62A-4a-108]**

**62A-4a-801 through 807**



Labor Commission, Industrial  
Accidents  
**R612-1-3**  
Official Forms

**NOTICE OF PROPOSED RULE**

(Amendment)

DAR FILE No.: 24016

FILED: 08/30/2001, 08:27

RECEIVED BY: NL

**RULE ANALYSIS**

PURPOSE OF THE RULE OR REASON FOR THE CHANGE: The proposed amendment updates the descriptions of the Labor Commission's workers' compensation forms, combines other forms, and removes forms that are no longer necessary.

SUMMARY OF THE RULE OR CHANGE: The proposed amendment updates the descriptions of Workers' Compensation Form 143—Statement of Insurance Carrier or self-insured with Respect to Discontinuance of Benefits. The proposed amendment combines the forms used to claim either workers' compensation or occupational disease benefits. As a result of the combination of forms described above, the amendment deletes the separate forms that in the past were only used for occupational disease cases.

STATE STATUTORY OR CONSTITUTIONAL AUTHORIZATION FOR THIS RULE: Sections 34A-2-101, 34A-3-101, 34A-1-104, 63-46b-1

## ANTICIPATED COST OR SAVINGS TO:

❖THE STATE BUDGET: There are no additional costs to the State. Small savings will result from the elimination or combination of some forms.

❖LOCAL GOVERNMENTS: The proposed amendment does not impact local government activities or responsibilities in workers' compensation cases. Consequently, the amendment will not result in any costs or savings to local government.

❖OTHER PERSONS: Applicants and their representatives may experience some small savings from the combination of forms necessary to claim workers' compensation/occupational disease benefits. Any other persons are not expected to experience any costs or savings from the amendment.

COMPLIANCE COSTS FOR AFFECTED PERSONS: There are no anticipated compliance costs for affected persons. The Commission supplies the forms in questions; there will now be fewer forms.

COMMENTS BY THE DEPARTMENT HEAD ON THE FISCAL IMPACT THE RULE MAY HAVE ON BUSINESSES: Simplification of forms used in the workers' compensation system should reduce costs for all participants in the system, including businesses.

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

Labor Commission

Industrial Accidents  
Third Floor, Heber M. Wells Building  
160 East 300 South  
PO Box 146610  
Salt Lake City, UT 84114-6610, or  
at the Division of Administrative Rules.

## DIRECT QUESTIONS REGARDING THIS RULE TO:

Joyce Sewell at the above address, by phone at (801) 530-6988, by FAX at (801) 530-6804, or by Internet E-mail at icmain.jsewell@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 10/15/2001.

THIS RULE MAY BECOME EFFECTIVE ON: 10/16/2001

AUTHORIZED BY: R Lee Ellertson, Commissioner

**R612. Labor Commission, Industrial Accidents.****R612-1. Workers' Compensation Rules - Procedures.****R612-1-3. Official Forms.**

A. "Employer's First Report of Injury - Form 122" - This form is used for reporting accidents, injuries, or occupational diseases as per Section 34A-2-407. This form must be filed within seven days of the occurrence of the alleged industrial accident or the employer's first knowledge or notification of the same. This form also serves as OSHA Form 101.

B. "Physician's Initial Report of Work Injury or Occupational Disease - Form 123" - This form is used by physicians and chiropractors to report their initial treatment of an injured employee.

C. "Restorative Services Authorization - Form 221" - This form is to be used by any medical provider billing under the restorative services section of the Commission's adopted Resource-Based Relative Value Scale and the Medical Fee Guidelines. The medical provider shall file this form with the insurance carrier or self-insured employer and the division within ten days of the initial evaluation. After the initial filing, an updated Restorative Services Authorization form must be filed for approval or denial at least every six visits until a fixed state of recovery has been reached.

D. "Statement of Insurance Carrier or Self-Insurer with Respect to Payment of Benefits - Form 141" - This form is used for reporting the initial benefits paid to an injured employee. This form must be filed with or mailed to the division on the same date the first payment of compensation is mailed to the employee. A copy of this form must accompany the first payment.

E. "Employee Notification of Denial of Claim - Form 089" - This form is used by insurance carriers or self-insured employers to notify the claimant that his or her claim, in whole or part, is denied and the reason(s) why the claim is being denied. An insurance carrier or self-insured employer shall complete its investigation within 45 days of receipt of the claim and shall commence the payment of benefits or notify the claimant and the division in writing that the claim, in whole or part, is denied.

F. "Insurance Carriers/ Self-Insurer's Notice of Further Investigation of a Workers' Compensation Claim - Form 441" - This form is used by insurance carriers or self-insured employers to

notify the claimant and the commission that further investigation is needed and the reasons for further investigation. This form or letter containing similar information is to be filed within 21 days of notification of claim that further investigation is needed.

G. "Statement of Insurance Carrier or Self-Insurer with Respect to ~~[Discontinuance]~~Suspension of Benefits - Form 142" - This form is to be used by insurance carriers or self-insured employers to notify an employee of the ~~[discontinuance]~~suspension of weekly compensation benefits. The form must be mailed to the employee and filed with the division five days before the date compensation ~~[stops for any reason]~~is suspended. The insurance carrier or self-insured employer must specify the reason for the suspension of benefits.

H. "Application for Hearing - Form 001" - Used by an applicant for instituting an industrial claim against an insurance carrier, self-insured employer, or uninsured employer. This form, obtainable from the division, must be filed and signed by the injured employee or his/her agent. All blanks must be completed to the best knowledge, belief, or information of the injured employee.

~~[I. "Claim for Protection of Rights - Form 002" - Used by an injured employee for the sole purpose of protecting his/her rights even though a dispute does not exist. Copies are forwarded to all parties concerned. NOTE: THIS FORM DOES NOT NEED TO BE FILED WHEN ANY OTHER APPLICATION HAS BEEN FILED.~~

~~—~~J]. "Claim for Dependents' Benefits and/or Burial Benefits - Form 025" - This form is used by the dependent(s) of a deceased employee to seek benefits as a result of a fatal accident or occupational disease occurring in the course of employment.

1. This form must be filed before a hearing or an award is made, and pleadings will not be accepted in lieu thereof. If pleadings are submitted, the attorney so filing will be supplied the form for filing before any proceedings are initiated.

2. The filing of this form by the surviving spouse on behalf of the surviving spouse and the surviving spouse's dependent minor children is sufficient for all dependents.

3. Unless otherwise directed by an Administrative Law Judge, the following information shall be supplied before an Order or an Award is made:

(a) A certified copy of the marriage license and birth certificates of dependent minor children. If such evidence is not readily available, the Administrative Law Judge will determine the adequacy of substitute evidence.

(b) Adoption papers or other decrees of courts of record establishing legal responsibility for support of dependent children.

(c) If either the deceased employee or surviving spouse has been involved in divorce proceedings, copies of decrees and orders of the court should be supplied.

~~[K. "Occupational Disease Claim of Employee - Form 026" - This form is used by an employee claiming benefits under the Utah Occupational Disease Act.~~

~~—~~L. "Occupational Disease Claim of Dependent - Form 027" - This form is used by the dependent(s) of a deceased employee who died as a result of an occupational disease. ~~All provisions of Section G above apply equally to this form.~~

~~—~~M]. "Insurance Company's and Self-Insurer's Final Report of Injury and Statement of Total Losses - Form 130" - This form is used by insurance carriers and self-insurers to report the total losses occurring in a claim for any benefits. This form must be filed with

the division as soon as final settlement is made but in no event more than 30 days from such settlement. This form shall be filed for all losses including medical only, compensation, survivor benefits, or any combination of all so as to provide complete loss information for each claim.

~~[N]~~K. "Dependents' Benefit Order - Form 151" - This form is used by the division in all accidental death cases where no issue of liability for the death or establishment of dependency is raised and only one household of dependents is involved. The carrier indicates acceptance of liability by completing the top half of the form and filing it with the division.

~~[O]~~L. "Medical Information Authorization - Form 046" - This form is used to release the applicant's medical records to the Commission or the chairman of a medical panel appointed by an Administrative Law Judge.

~~[P]~~M. "Application to Change Doctors - Form 102" - This form must be used by the employee pursuant to the provisions of Rule R612-2-9 as contained herein.

~~[Q]~~N. "Employee's Notification of Intent to Leave Locality or State, and to Change Doctor or Hospital - Form 044" - As per Section 34A-2-604, this form is used by the employee and must be accompanied by the "Attending Physician's Statement - Form 043" before Commission approval can be granted. Otherwise, compensation may not be allowed.

~~[R]~~O. "Attending Physician's Statement - Form 043" - This form must be completed by employee and his last attending physician in the state to establish the medical condition of the employee. It must be accompanied by Form 044.

~~[S]~~P. "Compensation Agreement - Form 219" - This form is used by the parties to a workers' compensation claim to enter into an agreement as to a permanent partial impairment award, and must be submitted to the Division of Adjudication for approval.

~~[T]~~Q. "Application for Lump Sum or Advance Payment - Form 134" - This form is used by an employee to apply for a lump sum or advance payment for a permanent partial impairment award.

~~[U]~~R. "Release to Return to Work - Form 110" - This form may be used to meet the requirements of Rule R612-2-3(D), as contained herein.

~~[V]~~S. "Request for Copies From Claimant's File - Form 205" - This form is used to request copies from a claimant's file in the Commission with the appropriate authorized release.

~~[W]~~T. Reemployment Program Forms

1. "Initial Assessment Report - Form 206" - This form is completed either by the self-insured employer, the workers' compensation insurance provider, or by a rehabilitation agency contracted by the employer/carrier. The report contains claimant demographics and insurance coverage details, and addresses the issue of need for vocational assistance.

2. "Request for Decision of Administrative Review - Form 207" - This form is completed when the employee wishes to contest the information/decision made by the carrier or rehabilitation agency.

3. "U.S.O.R. Rehabilitation Progress Report - Form 208A" - This form shall be requested from the Utah State Office of Rehabilitation at each stage of the reemployment process (eligibility determination, reemployment plan development/implementation and case closure) or at any interruption of the process. An Individualized Written Rehabilitation Program (USOR 5 IWRP) shall also be requested when a plan is developed. All other private



rehabilitation providers shall submit a Form 206 for any plan progress, postponement, or interruption in the plan.

4. "Reemployment Plan - Form 209" - This form is used for either an original or amended work plan. The form contains the details and estimated costs in returning the injured worker to the work force.

5. "Reemployment Plan Closure Report - Form 210" - This form is submitted to the division upon completion of the reemployment plan. The closure report shall detail costs by category either by dollar amounts or time expended (only in the categories of evaluation and counseling). The report shall also contain all the details on the return to work.

6. "Application for Certification as a Reemployment Provider - Form 212" - This form is completed by rehabilitation providers who wish to be certified by the division. It contains provider demographics, Utah staff credentials, services/fees, and references.

7. "Administrative Review Determination - Form 213" - This form is used by the division to summarize the outcome of the administrative review.

[X]U. "Medical Records - Copies - Form 302" - This form is used by a claimant to request a free copy of his/her medical records from a medical provider. This form must be signed by a staff member of the division.

[Y]V. The division may approve change of any of the above forms upon public notice. Carriers may print these forms or approved versions.

**KEY: workers' compensation, time, administrative procedure, filing deadlines**

~~[March 20, ]~~2001 **34A-2-101 et seq.**  
**Notice of Continuation November 24, 1997 34A-3-101 et seq.**  
**34A-1-104 et seq.**  
**63-46b-1 et seq.**



Labor Commission, Industrial  
Accidents  
**R612-6-1**

Notification of Workers' Compensation  
Insurance Coverage

**NOTICE OF PROPOSED RULE**  
(Amendment)  
DAR FILE No.: 24018  
FILED: 08/30/2001, 08:38  
RECEIVED BY: NL

**RULE ANALYSIS**

PURPOSE OF THE RULE OR REASON FOR THE CHANGE: To allow the Labor Commission, rather than the International Association of Industrial Accidents Boards and Commissions (IAIABC), to authorize agents of workers' compensation insurance carriers to file policy information electronically.

SUMMARY OF THE RULE OR CHANGE: The existing rule permits workers' compensation insurance carriers to use agents for the purpose of filing policy information with the Labor Commission, provided that such agents have been certified for that purpose by the IAIABC. The proposed amendment transfers the authority to approve such filing agents from IAIABC to the Commission.

STATE STATUTORY OR CONSTITUTIONAL AUTHORIZATION FOR THIS RULE: Section 34A-2-205

ANTICIPATED COST OR SAVINGS TO:

❖THE STATE BUDGET: Because the proposed amendment merely changes the authority to approve agents for electronic filing, the Commission does not anticipate that the proposed amendment will increase the costs of the state's workers' compensation insurance coverage, or impose any measurable administration costs on the Labor Commission. Consequently, the Commission projects no fiscal impact to the state budget.

❖LOCAL GOVERNMENTS: Because the proposed amendment merely changes the authority to approve agents for electronic filing, the Commission does not anticipate that the proposed amendment will increase the costs of local government workers' compensation insurance coverage. Consequently, the Commission projects no fiscal impact to local government.

❖OTHER PERSONS: Because the proposed amendment merely changes the authority to approve agents for electronic filing, the Commission does not anticipate that the proposed amendment will increase the costs of workers' compensation insurance coverage. Consequently, the Commission projects no fiscal impact to other persons.

COMPLIANCE COSTS FOR AFFECTED PERSONS: This rule will not impose any additional costs to affected persons. The process for obtaining Commission approval for filing agents is not expected to require any effort or expense beyond what is already required under the existing rule.

COMMENTS BY THE DEPARTMENT HEAD ON THE FISCAL IMPACT THE RULE MAY HAVE ON BUSINESSES: As noted above, this amendment will not require additional effort or expense from businesses. To the contrary, by localizing the approval process with the Commission, rather than the IAIABC, businesses may expect more efficient and prompt responses to their requests for approval of filing agents.

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

Labor Commission  
Industrial Accidents  
Third Floor, Heber M. Wells Building  
160 East 300 South  
PO Box 146610  
Salt Lake City, UT 84114-6610, or  
at the Division of Administrative Rules.

DIRECT QUESTIONS REGARDING THIS RULE TO:  
Joyce Sewell at the above address, by phone at (801) 530-6988, by FAX at (801) 530-6804, or by Internet E-mail at icmain.jsewell@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 10/15/2001.

THIS RULE MAY BECOME EFFECTIVE ON: 10/16/2001

AUTHORIZED BY: R Lee Ellertson, Commissioner

**R612. Labor Commission, Industrial Accidents.  
R612-6. Notification of Workers' Compensation Insurance Coverage.  
R612-6-1. Notification of Workers' Compensation Insurance Coverage.**

Any insurance carrier subject to the policy reporting requirements of Section 34A-2-205 may satisfy such reporting requirements by either of the following methods:

1. The insurance carrier may directly file the required information electronically with the Industrial Accidents Division in accordance with the International Association of Industrial Accidents Boards and Commissions (IAIABC) standards and format.
2. Alternatively, the insurance carrier may use an agent to file the required information electronically with the Industrial Accidents Division in accordance with IAIABC standards and format, provided that the agent has been authorized by the Labor Commission [certified by IAIABC] as meeting its electronic filing standards.

**KEY: workers' compensation**  
**[November 6,]2000**

**34A-2-205**



**Labor Commission, Occupational  
Safety and Health  
R614-1-4  
Incorporation of Federal Standards**

**NOTICE OF PROPOSED RULE**  
(Amendment)  
DAR FILE NO.: 24017  
FILED: 08/30/2001, 08:30  
RECEIVED BY: NL

**RULE ANALYSIS**

PURPOSE OF THE RULE OR REASON FOR THE CHANGE: To adopt federal Occupational Safety and Health Administration (OSHA) standards, published in 29 CFR 1910, pertaining to bloodborne pathogens, in conformity with requirements of the Needlestick Safety and Prevention Act.

SUMMARY OF THE RULE OR CHANGE: This amendment to the bloodborne pathogens standard modifies the definition of engineering controls to include as examples safer medical devices, such as sharps with engineered sharps injury protections and needless systems and clarifies that safer

medical devices are considered to be engineering controls under the standard. The amendment adds the requirement that Exposure Control Plans indicate how employers will implement new developments in control technology. The amendment requires input from employees directly involved in patient care regarding the identification, evaluation and selection of engineering and work practice controls and requires certain employers to maintain a log of injuries from contaminated sharps.

STATE STATUTORY OR CONSTITUTIONAL AUTHORIZATION FOR THIS RULE: Section 34A-6-202  
FEDERAL REQUIREMENT FOR THIS RULE: 29 CFR 1910

THIS RULE OR CHANGE INCORPORATES BY REFERENCE THE FOLLOWING MATERIAL: FR Vol. 66, No. 12, Thursday, January 18, 2001, pages 5318 up to and including 5325

- ANTICIPATED COST OR SAVINGS TO:
- ❖THE STATE BUDGET: The Commission does not anticipate any savings to the state budget. With respect to costs, the Commission anticipates average incremental costs of \$67 per affected establishment, associated with maintaining a sharps injury log and soliciting and documenting employee information. In the aggregate, such costs to the state should total less than \$1,500.
  - ❖LOCAL GOVERNMENTS: The Commission does not anticipate any savings to local government budgets. With respect to costs, the Commission anticipates average incremental costs of \$67 per affected establishment, associated with maintaining a sharps injury log and soliciting and documenting employee information. The Commission is unable to estimate an aggregate cost to local governments.
  - ❖OTHER PERSONS: The Commission does not anticipate any savings to other persons. With respect to costs, the Commission anticipates average incremental costs of \$67 per affected establishment, associated with maintaining a sharps injury log and soliciting and documenting employee information. OSHA has estimated aggregate incremental costs of \$34 million dollars throughout the United States. Based on that estimate, the Commission estimates aggregate costs of approximately \$200,000 per year to other persons within Utah.
  - COMPLIANCE COSTS FOR AFFECTED PERSONS: All compliance costs for affected persons arise from the new/amended record keeping requirements established by OSHA and incorporated by this amendment. Such costs are estimated at \$67 per affected establishment.

COMMENTS BY THE DEPARTMENT HEAD ON THE FISCAL IMPACT THE RULE MAY HAVE ON BUSINESSES: This rule will have minimal fiscal impact on businesses. Cost of compliance is estimated at \$67 per affected business; this minimal cost is likely to be offset completely or in part by savings realized from fewer injuries and diseases arising from needlestick accidents.

THE FULL TEXT OF THIS RULE MAY BE INSPECTED, DURING REGULAR BUSINESS HOURS, AT:  
Labor Commission  
Occupational Safety and Health

Third Floor, Heber M Wells Building  
160 East 300 South  
PO Box 146650  
Salt Lake City, UT 84114-6650, or  
at the Division of Administrative Rules.

DIRECT QUESTIONS REGARDING THIS RULE TO:  
William W. Adams, Jr. at the above address, by phone at  
(801) 530-6897, by FAX at (801) 530-7606, or by Internet E-  
mail at icmain.wadams@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 10/15/2001.

THIS RULE MAY BECOME EFFECTIVE ON: 10/16/2001

AUTHORIZED BY: R. Lee Ellertson, Commissioner

**R614. Labor Commission, Occupational Safety and Health.**

**R614-1. General Provisions.**

**R614-1-4. Incorporation of Federal Standards.**

A. General Industry Standards.

1. Sections 29 CFR 1910.21 to 1910.999 and 1910.1000  
through the end of part 1910 of the July 1, 2000, edition are  
incorporated by reference.

2. FR Vol. 65, No. 208, Thursday, October 26, 2000, Pages  
64281 to and including 64295, "Consultation Agreements: Changes  
to Consultation Procedures; Final Rule" is incorporated by  
reference.

3. FR Vol. 66, No. 12, Thursday, January 18, 2001, Pages  
5318 to and including 5325, "Occupational Exposure to  
Bloodborne Pathogens; Needlesticks and Sharps Injuries; Final  
Rule" is incorporated by reference.

B. Construction Standards.

1. Section 29 CFR 1926.20 through the end of part 1926, of  
the July 1, 2000, edition is incorporated by reference.

**KEY: safety**  
**[February 1,]2001**

**34A-6**



**Labor Commission, Safety**

**R616-2-3**

**Safety Codes and Rules for Boilers and  
Pressure Vessels**

**NOTICE OF PROPOSED RULE**

(Amendment)

DAR FILE NO.: 24015

FILED: 08/30/2001, 08:21

RECEIVED BY: NL

**RULE ANALYSIS**

PURPOSE OF THE RULE OR REASON FOR THE CHANGE: The  
purpose of the rule change is to adopt the yearly Addenda for  
National Board Inspection Code and Air Position Indicator  
(API) Code Books.

SUMMARY OF THE RULE OR CHANGE: The proposed rule  
amendments incorporate by reference the 2000 addendum  
to the (1998) National Board Inspection Code: Addendum 2  
of the API 510 Eight Edition (1997) Maintenance Inspection,  
Rating, Repair and Alteration Code.

STATE STATUTORY OR CONSTITUTIONAL AUTHORIZATION FOR THIS  
RULE: Section 34A-7-101

THIS RULE OR CHANGE INCORPORATES BY REFERENCE THE  
FOLLOWING MATERIAL: National Board Inspection Code  
(1998), 2000 Addendum; Pressure Vessel Inspection Code:  
API 510 (1997), Addendum 2, Eighth Edition, Maintenance  
Inspection, Rating, Repair and Alteration

ANTICIPATED COST OR SAVINGS TO:

❖THE STATE BUDGET: There will be no cost or savings to the  
state budget. The Safety Division has previously purchased  
the Codes, which include the cost of annual addenda. The  
substantive provisions of the addenda do not require any  
additional expense for administration or enforcement.

As to the impact of the addenda on the state's cost to own or  
operate boilers, such impact should be minimal.

❖LOCAL GOVERNMENTS: As to the impact of the addenda on  
local government, such impact should be minimal.

❖OTHER PERSONS: As to the impact of the addenda on other  
persons, such impact should be minimal.

COMPLIANCE COSTS FOR AFFECTED PERSONS: These addenda  
will not increase compliance costs for affected persons, i.e.,  
manufactures or owner/operators of boilers and pressure  
vessels. The additional compliance requirements imposed  
by the addenda are already followed by most affected  
persons as part of their existing practices.

COMMENTS BY THE DEPARTMENT HEAD ON THE FISCAL IMPACT  
THE RULE MAY HAVE ON BUSINESSES: The primary purpose of  
the addenda is to refine and clarify existing standards. Any  
changes imposed by the addenda have, for the most part,  
already been incorporated in the practices of the boiler and  
pressure vessel industry. Consequently, the commission  
does not expect the addenda to impose any fiscal burden on  
business.

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

Labor Commission  
Safety  
Third Floor, Heber M. Wells Building  
160 East 300 South  
PO Box 146620  
Salt Lake City, UT 84114-6620, or  
at the Division of Administrative Rules.

## DIRECT QUESTIONS REGARDING THIS RULE TO:

Larry Patrick at the above address, by phone at (801) 530-6872, by FAX at (801) 530-6930, or by Internet E-mail at icmain.lpatrick@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 10/15/2001.

THIS RULE MAY BECOME EFFECTIVE ON: 10/16/2001

AUTHORIZED BY: R Lee Ellertson, Commissioner

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

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

## A. ASME Boiler and Pressure Vessel Code (1998).

1. Section I Rules for Construction of Power Boilers and the 2000 Addenda, published July 1, 2000.

2. Section IV Rules for Construction of Heating Boilers and the 2000 Addenda, published July 1, 2000.

3. Section VIII Rules for Construction of Pressure Vessels and the 2000 Addenda, published July 1, 2000.

B. Power Piping ASME B31.1 (1998) and the ASME B31.1b-2000 Addenda, issued September 15, 2000.

C. Controls and Safety Devices for Automatically Fired Boilers ASME CSD-1-1998 and the ASME CSD-1a-1999 addenda, issued March 10, 2000.

D. National Board Inspection Code ANSI/NB-23 (1998);[~~and~~] the 1999 NBIC Addendum, published December 31, 1999, and the 2000 Addendum, published January 8, 2001.

E. Standard for the Prevention of Furnace Explosions/Implosions in Single Burner Boilers, NFPA 8501 (1997).

F. Standard for the Prevention of Furnace Explosions/Implosions in Multiple Burner Boilers, NFPA 8502 (1995).

G. Recommended Administrative Boiler and Pressure Vessel Safety Rules and Regulations NB-132 Rev. 4.

H. Pressure Vessel Inspection Code: Maintenance Inspection, Rating, Repair and Alteration API 510 (1997);[~~and~~] the 1998 Addenda, published December 1998, and Addendum 2, published December 2000.

**KEY: boilers\*, certification, safety**

[~~January 3,~~]2001

34A-7-101 et seq.

Notice of Continuation February 5, 1997

## Natural Resources; Oil, Gas and Mining; Oil and Gas

### R649-3-31

## Designated Oil Shale Areas

### NOTICE OF PROPOSED RULE

(Amendment)

DAR FILE NO.: 24029

FILED: 08/30/2001, 14:56

RECEIVED BY: NL

### RULE ANALYSIS

PURPOSE OF THE RULE OR REASON FOR THE CHANGE: The purpose of this proposed rule amendment is to inform prospective oil and gas well drillers and operators that there are specific rules that apply in certain areas where oil shale and oil and gas resources exist simultaneously.

SUMMARY OF THE RULE OR CHANGE: This rule informs prospective oil and gas operators in oil shale areas that special drilling, plugging, and other performance standards for operating wells in certain oil shale areas have been set by order of the board in several previous causes. Further, the rule tells that additional standards may be adopted in the future and that the existing standards may be modified in the future.

STATE STATUTORY OR CONSTITUTIONAL AUTHORIZATION FOR THIS RULE: Section 40-6-1

#### ANTICIPATED COST OR SAVINGS TO:

❖THE STATE BUDGET: There will not be a significant cost or savings impact to the State budget because of the enactment of this rule. Some minor staff time in distributing the rule to interested companies may be expended but as other rules are distributed already, this will not be a noticeable cost or savings increase.

❖LOCAL GOVERNMENTS: There will be little or no impact on local government due to the small number of wells involved.

❖OTHER PERSONS: Once notified of the existence of the special performance measures in oil shale areas, there will be no difference in compliance costs to well operators or drillers before and after drilling.

COMPLIANCE COSTS FOR AFFECTED PERSONS: There will be no increase in compliance costs.

COMMENTS BY THE DEPARTMENT HEAD ON THE FISCAL IMPACT THE RULE MAY HAVE ON BUSINESSES: This rule would help some operators and drillers to be better informed about special well drilling and operating rules where oil shale resources exist with conventional oil and gas resources, but should not increase compliance costs.

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

Natural Resources

Oil, Gas and Mining; Oil and Gas

Suite 1210, Natural Resources Building  
1594 West North Temple  
PO Box 145801  
Salt Lake City, UT 84114-5801, or  
at the Division of Administrative Rules.

**DIRECT QUESTIONS REGARDING THIS RULE TO:**

Ronald W. Daniels at the above address, by phone at (801) 538-5316, by FAX at (801) 359-3940, or by Internet E-mail at [rongm.rdanuels@state.ut.us](mailto:rongm.rdanuels@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 10/15/2001; OR ATTENDING A PUBLIC HEARING SCHEDULED FOR 09/26/2001, 11:00 a.m., Suite 1050, 1594 West North Temple, Salt Lake City, UT.

THIS RULE MAY BECOME EFFECTIVE ON: 10/16/2001

AUTHORIZED BY: Ronald W. Daniels, Coordinator of Minerals Research

**R649. Natural Resources; Oil, Gas and Mining; Oil and Gas.  
R649-3. Drilling and Operating Practices.  
R649-3-31. Designated Oil Shale Areas.**

1. Designated oil shale areas are subject to the general drilling, plugging and other performance standards described in this section, except where the board has adopted, by order, specific standards for individual oil shale areas. As of June 8, 2001, the board has adopted specific standards for individual oil shale areas by board orders in Cause Nos. 190-5(b), 190-3, and 190-13. The board may adopt specific standards in other areas, or modify the above orders, in the future.

2[+]. Lands may be designated as an oil shale area by the board, either upon its own motion, or upon the petition of an interested person following notice and hearing.

3[2]. As used in this rule, oil shale section means the sequence of strata containing oil shale beds, including any interbedded strata not containing oil shale, consisting of the Parachute Creek Member of the Green River Formation of Tertiary Age, defined as the stratigraphic equivalent of the interval between 1,428 feet and 2,755 feet below the Kelly Bushing on the induction-electrical log of the Ute Trail No. 10 well drilled by Dekalb Agricultural Association, Inc. and located in the NE 1/4 of Section 34, Township 9 South, Range 21 East, S.L.M., Uintah County, Utah.

The Mahogany Zone is defined as the stratigraphic equivalent of the interval between 2,230 feet and 2,360 feet below the Kelly Bushing on the induction-electrical log of the Ute Trail No. 10 well drilled by Dekalb Agricultural Association, Inc., and located in the NE 1/4 of Section 34, Township 9 South, Range 21 East, S.L.M., Uintah County, Utah.

4[3]. For purposes of identifying the oil shale intervals, an appropriate electrical log shall be run through the oil shale section. One field copy of the log through the oil shale section shall be made available to the division pursuant to R649-3-23 or upon written request by the division.

5[4]. On all wells which are intentionally deviated from the vertical within the oil shale section, pursuant to the provisions of R649-3-10 and R649-3-11, a directional survey shall be run from a point at least 20 feet below the oil shale section to the surface and shall thereafter be filed with the division within 20 days after reaching total depth.

6[5]. Any oil shale lessee or operator whose oil shale mine workings reach a distance of 2,640 feet from a producing well or any oil and gas lessee or operator whose producing well is approached by oil shale mine workings within a distance of 2,640 feet shall request agency action with the board. The board may promulgate an order after notice and hearing with respect to the running of a directional survey through the oil shale section, the cost and potential resource loss liability and responsibility as to the oil and gas operator and the oil shale lessee or operator and any other issues regarding multiple mineral development.

7[6]. The directional survey shall be the confidential property of the parties paying for the survey and shall be kept confidential until released by said parties or the division.

8[7]. In addition to the requirements pertaining to the cementing of casing contained in the R649-3-8, any casing set into or through the oil shale section shall be cemented over the entire oil shale section.

9[8]. If a well is dry, junked or abandoned, a cement plug shall be placed across that portion of the oil shale section extending 200 feet above and 200 feet below the longitudinal center of the Mahogany Zone. The cement plug shall not be required inside a casing cemented in accordance with R649-3-31-7. When the casing is cemented, cement plugs 200 feet in length shall be centered across the top and across the base of the Parachute Creek Member of the Green River Formation.

10[9]. In the event the casing is not cemented in accordance with R649-3-31-7, the division shall approve the method and procedure to prevent the migration of oil, gas, and other substances through the wellbore from one formation to another.

11[+0]. The division shall approve the adequacy and location of the cement plugs after examining the appropriate logs and drilling and testing records for the well, to ensure that the oil shale section is adequately protected.

12[+1]. Upon written request of the owner or operator under R649-8-6, the division shall keep all well logs confidential. The division may inspect the drilling operations at all times, including any mining operations that may affect drilling or producing well bores.

13[+2]. Before commencing drilling operations for oil or gas on any land within a designated oil shale area, the operator shall furnish a copy of the APD, together with a plat or map as directed under R649-3-4, to all oil shale owners or their lessees whose interests are within a radius of 2,640 feet of the proposed well. A notice of intention to plug and abandon any well in the oil shale area, as required under R649-3-24-1, shall be furnished to the owners or their lessees prior to commencement of plugging operations.

14[+3]. The operator shall use generally accepted techniques for vertical or directional drilling as defined under R649-3-10 and R649-3-11 to maintain the well bore within an intact core of a mine pillar. Within 20 days of reaching the total depth or before completion of the well, whichever is the earlier, a directional survey shall be run as prescribed by this rule.

**KEY: oil and gas law**

~~[June 2, 1998]~~2001

40-6-1 et seq.

Notice of Continuation April 30, 1997

◆ ————— ◆

## Natural Resources, Wildlife Resources

# R657-9

## Taking Waterfowl, Wilson's Snipe and Coot

### NOTICE OF PROPOSED RULE

(Amendment)

DAR FILE NO.: 24023

FILED: 08/30/2001, 11:05

RECEIVED BY: NL

### RULE ANALYSIS

**PURPOSE OF THE RULE OR REASON FOR THE CHANGE:** This rule is being amended pursuant to Regional Advisory Council and Wildlife Board meetings conducted annually for taking public input and reviewing the division's waterfowl program.

**SUMMARY OF THE RULE OR CHANGE:** Provisions of this rule are being amended to add definitions for "permanent waterfowl blind" and "waterfowl blind," and to add specific provisions on constructing waterfowl blinds on Waterfowl Management Areas. Provisions of this rule are being amended to clarify and make consistent application and drawing procedures for swan permits. This amendment also eliminates the Wildlife Habitat Authorization, pursuant to Senate Bill 248, 2000 Legislative Session. Other changes are made for consistency and clarity.

**(DAR Note:** S.B. 248 can be found at 2000 Utah Laws 195 and was effective January 1, 2001.)

**STATE STATUTORY OR CONSTITUTIONAL AUTHORIZATION FOR THIS RULE:** Sections 23-14-18 and 23-14-19

**THIS RULE OR CHANGE INCORPORATES BY REFERENCE THE FOLLOWING MATERIAL:** 50 CFR 20, 50 CFR 32.64 and 50 CFR 27.21, 2000

**ANTICIPATED COST OR SAVINGS TO:**

◆**THE STATE BUDGET:** This amendment clarifies existing requirements and complies with federal regulations. Therefore, the amendments do not create a cost or savings impact to the state budget.

◆**LOCAL GOVERNMENTS:** None--This filing does not create any direct cost or savings impact to local governments because they are not directly affected by the amendment. Nor are local governments indirectly impacted because the amendment does not create a situation requiring services from local governments.

◆**OTHER PERSONS:** The amendments are for clarification and complying with federal regulations, therefore, the amendments do not impose any additional requirements on

other persons, nor generate a cost or savings impact to other persons.

**COMPLIANCE COSTS FOR AFFECTED PERSONS:** None--The amendments clarify existing requirements and comply with federal regulations. Therefore, there are not any additional compliance costs associated with this amendment.

**COMMENTS BY THE DEPARTMENT HEAD ON THE FISCAL IMPACT THE RULE MAY HAVE ON BUSINESSES:** The amendments to this rule do not create an impact on businesses.

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

Natural Resources  
Wildlife Resources  
Suite 2110  
1594 West North Temple  
PO Box 146301  
Salt Lake City, UT 84114-6301, or  
at the Division of Administrative Rules.

**DIRECT QUESTIONS REGARDING THIS RULE TO:**

Debbie Sundell at the above address, by phone at (801) 538-4707, by FAX at (801) 538-4709, or by Internet E-mail at [nrdwr.dsundell@email.state.ut.us](mailto:nrdwr.dsundell@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 10/15/2001.**

**THIS RULE MAY BECOME EFFECTIVE ON:** 10/16/2001

**AUTHORIZED BY:** John Kimball, Director

### **R657. Natural Resources, Wildlife Resources.**

#### **R657-9. Taking Waterfowl, Wilson's Snipe and Coot.**

##### **R657-9-1. Purpose and Authority.**

(1) Under authority of Sections 23-14-18 and 23-14-19, and in accordance with 50 CFR 20, 50 CFR 32.64 and 50 CFR 27.21, [~~1999~~]2000 edition, which is incorporated by reference, the Wildlife Board has established this rule for taking waterfowl, Wilson's snipe, and coot.

(2) Specific dates, areas, limits, requirements and other administrative details which may change annually are published in the proclamation of the Wildlife Board for taking waterfowl, Wilson's snipe and coot.

##### **R657-9-2. Definitions.**

(1) Terms used in this rule are defined in Section 23-13-2.

(2) In addition:

(a) "Aggregate daily bag limit" means the maximum number of migratory game birds permitted to be taken by one person in any one day during the open season when such person hunts in more than one specified geographic area and/or for more than one species for which a combined daily bag limit is prescribed.

(b) "Aggregate possession limit" means the maximum number of migratory game birds of a single species or combination of species taken in the United States permitted to be possessed by any one person when taking and possession occurs in more than one

specified geographic area for which a possession limit is prescribed. The aggregate possession limit is equal to, but shall not exceed, the largest possession limit prescribed for any one of the species or specified geographic areas in which taking and possession occurs.

(c) "Bait" means shelled, shucked or unshucked corn, wheat or other grain, salt or other feed that lures, attracts or entices birds.

(d) "Baited area" means any area on which shelled, shucked or unshucked corn, wheat or other grain, salt or other feed has been placed, exposed, deposited, distributed or scattered, if that shelled, shucked or unshucked corn, wheat or other grain, salt or other feed could serve as a lure or attraction for migratory game birds to, on, or over areas where hunters are attempting to take migratory game birds. Any such area will remain a baited area for ten days following the complete removal of all such shelled, shucked or unshucked corn, wheat or other grain, salt or other feed.

(e) "Baiting" means the direct or indirect placing, depositing, exposing, distributing or scattering of shelled, shucked or unshucked corn, wheat or other grain, salt or other feed that could serve as a lure or attraction for migratory game birds to, on, or over any areas where hunters are attempting to take migratory game birds.

(f) "CFR" means the Code of Federal Regulations.

(g) "Closed season" means, for purposes of this rule, the days on which migratory game birds shall not be taken.

(h) "Daily bag limit" means the maximum number of migratory game birds of a single species or combination (aggregate) of species permitted to be taken by one person in any one day during the open season in any one specified geographic area for which a daily bag limit is prescribed.

(i) "Live decoys" means tame or captive ducks, geese or other live birds.

(j) "Migratory game birds" means those migratory birds included in the terms of conventions between the United States and any foreign country for the protection of migratory birds, for which open seasons are prescribed in this part and belong to the following families:

- (i) Anatidae (ducks, geese, including brant, and swans);
- (ii) Columbidae (doves and pigeons);
- (iii) Gruidae (cranes);
- (iv) Rallidae (rails, coots, and gallinules); and
- (v) Scolopocidae (woodcock and snipe).

(k) "Nontoxic shot" means soft iron, steel, copper-plated steel, nickel-plated steel, zinc-plated steel, bismuth-tin, tungsten-iron, tungsten-polymer, tungsten-matrix, tin and any other shot types approved by the U.S. Fish and Wildlife Service. Lead, nickel-plated lead, copper-plated lead, copper and lead/copper alloy shot have not been approved.

(l) "Off-highway vehicle" means any motor vehicle designed for or capable of travel over unimproved terrain.

(m) "Open season" means, for purposes of this rule, the days on which migratory game birds may lawfully be taken. Each period prescribed as an open season shall be construed to include the first and last days thereof.

(n) "Permanent waterfowl blind" means any waterfowl blind that is left unattended overnight and that is not a portable structure capable of immediate relocation.

(o) "Personal abode" means one's principal or ordinary home or dwelling place, as distinguished from one's temporary or transient place of abode or dwelling, such as a hunting club, or any

cabin, tent or trailer house used as a hunting club or any hotel, motel or rooming house used during a hunting, pleasure or business trip.

~~(p)~~(p) "Possession limit" means the maximum number of migratory game birds of a single species or a combination of species permitted to be possessed by any one person when lawfully taken in the United States in any one specified geographic area for which a possession limit is prescribed.

~~(q)~~(q) "Sinkbox" means any type of low floating device, having a depression, affording the hunter a means of concealment beneath the surface of the water.

~~(r)~~(r) "Transport" means to ship, export, import or receive or deliver for shipment.

~~(s)~~(s) "Waterfowl" means ducks, mergansers, geese, brant and swans.

(t) "Waterfowl blind" means any manufactured place of concealment, including boats, rafts, tents, excavated pits, or similar structures, which have been designed to partially or completely conceal a person while hunting waterfowl.

(u)~~(t)~~ "Youth" means a person 12 to 15 years of age.

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**R657-9-4. Permit Applications for Swan.**

(1) Applications for swan permits are available from license agents and division offices. Residents and nonresidents may apply.

(2)(a) Applications must be mailed by the date prescribed in the proclamation of the Wildlife Board for taking waterfowl, Wilson's snipe and coot.

(b) If an error is found on the application, the applicant may be contacted for correction.

(c) The division reserves the right to correct applications.

(3)(a) Late applications received by the date published in the proclamation of the Wildlife Board for taking waterfowl, Wilson's snipe and coot will not be considered in the drawing, but will be processed for the purpose of entering data into the division's draw database to provide:

- (i) future pre-printed applications;
- (ii) notification by mail of late application and other draw opportunities; and
- (iii) re-evaluation of division or third-party errors.

(b) The handling fee will be used to process the late application. Any license ~~[or Wildlife Habitat Authorization]~~ fees submitted with the application shall be refunded.

(c) Late applications received after the date published in the proclamation of the Wildlife Board for taking waterfowl, Wilson's snipe and coot will not be processed and will be returned.

(4) A person may obtain only one swan permit each year

(5) A person may not apply more than once annually.

(6) Group applications are not accepted.

(7) A~~[- Wildlife Habitat Authorization and]~~ small game or combination license may be purchased before applying, or the ~~[Wildlife Habitat Authorization and]~~ small game or combination license will be issued to the applicant upon successfully drawing a permit.~~[- The Wildlife Habitat Authorization number or the fee must be submitted with the application.]~~

(8) Each application must include:

- (a) a \$5 nonrefundable handling fee; and

~~— (b) the Wildlife Habitat Authorization fee, if it has not yet been purchased; and~~  
~~[(c)](b) the small game or combination license fee, if it has not yet been purchased.~~  
~~— (9)(a) Personal checks, cashier's checks, money orders and credit cards are accepted:~~  
~~— (b) Personal checks drawn on an out-of-state account are not accepted.~~  
~~— (c) All payments must be made payable to the Utah Division of Wildlife Resources.~~  
~~— (10) Credit cards must be valid at least 30 days after the drawing results are posted:~~  
~~— (11) Handling fees are charged to the credit card when the application is processed:~~  
~~— (12)(a) An application is voidable if the check is returned unpaid from the bank or the credit card is invalid or refused:~~  
~~— (b) The division charges a returned check collection fee for any checks returned unpaid from the bank:~~  
~~— (13)(a) A license or permit shall be legally deemed invalid if payment is not received for that license or permit, or a check is returned unpaid from the bank or the credit card is invalid or refused and a person has received the license or permit:~~  
~~— (b) Hunting with a license or permit where payment has not been received for that license or permit constitutes a violation of hunting without a valid license or permit.]~~

**R657-9-5. Drawing.**

(1)(a) Drawing results are posted at the Lee Kay Center for Hunter Education, Cache Valley Hunter Education Center, division offices and on the division Internet address on the date published in the proclamation of the Wildlife Board for taking waterfowl, Wilson's snipe, and coot.  
 (b) Any remaining permits are available by mail-in request or over the counter at the Salt Lake division office beginning on the date specified in the proclamation of the Wildlife Board for taking waterfowl, Wilson's snipe and coot.  
 (2)(a) The Division shall issue no more than the number of swan permits authorized by the U.S. Fish and Wildlife Service each year.  
 (b) The Division may withhold up to 1% of the authorized number of swan permits each year to correct division errors, which may occur during the drawing process.  
 (c) Division errors may be corrected using the withheld swan permits in accordance with the Division Error Policy.  
 (d) Withheld swan permits shall be used to correct Division errors reported to or discovered by the Division on or before the fifth day preceding the opening day of the swan hunt.  
 (e) Withheld swan permits remaining after correcting any division errors shall be issued prior to the opening day of the swan hunt to the next person on the alternate drawing list.  
 (3) Licenses and permits are mailed to successful applicants.  
 [(3)](4)(a) An applicant may withdraw their application for the swan permit drawing by requesting such in writing by the date published in the proclamation of the Wildlife Board for taking waterfowl, Wilson's snipe, and coot.  
 [(4)](b) The applicant must send their notarized signature with a statement requesting that their application be withdrawn to the Salt Lake Division office.

~~[(5) An applicant may not amend a withdrawn application, nor reapply after the application has been withdrawn:]~~  
~~(c) An applicant may reapply in the swan drawing provided:~~  
~~[(6)](d) the original application is withdrawn:~~  
~~(e) the new application is submitted with the request to withdraw the original application:~~  
~~(f) both the new application and request to withdraw the original application are received by the initial application deadline: and~~  
~~(g) both the new application and request to withdraw the original application are submitted to the Salt Lake Division office.~~  
~~(h) Handling fees will not be refunded.~~  
~~(5)(a) An applicant may amend their application for the swan permit drawing by requesting such in writing by the initial application deadline.~~  
~~(b) The applicant must send their notarized signature with a statement requesting that their application be amended to the Salt Lake Division office.~~  
~~(c) The applicant must identify in their statement the requested amendment to their application.~~

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**R657-9-7. Return [~~Questionnaire with~~]of Swan Harvest and Hunt Information.**

(1) ~~[Within ten days of the conclusion of the prescribed hunting season, the]~~Swan permit holders who do not hunt or are ~~unsuccessful in taking a swan must complete the swan~~ questionnaire included with the permit ~~[must be filled out with the required information and mailed to the division.]~~and return it to the division within ten days of the conclusion of the prescribed swan hunting season.  
 [(2) This questionnaire must be returned regardless of success:](2) Within three days of harvest, swan permit holders successful in taking a swan must personally present the swan or its head for measurement to the Division or the Bear River Migratory Bird Refuge and further provide all harvest information requested by the Division or Refuge.  
 [(3) The division requires hunters to submit swan parts or other biological data:](3) Hunters who fail to comply with the requirements of Subsections (1) or (2) shall be ineligible to:  
 [(4) Failure to return information, swan parts or biological data may affect eligibility to apply for permits next year:](a) obtain a swan permit the following season; and  
 (b) obtain a swan permit after the first season of ineligibility until the swan orientation course is retaken.

**R657-9-8. Purchase of License and Wildlife Habitat Authorization by Mail.**

(1) A person may purchase a [~~Wildlife Habitat Authorization and~~]license by mail by sending the following information to the Salt Lake division office: full name, complete mailing address, phone number, date of birth, weight, height, sex, color of hair and eyes, Social Security number, driver license number (if available), proof of hunter education certification, and fees.  
 (2)(a) Personal checks, money orders and cashier's checks are accepted.



(b) Personal checks drawn on an out-of-state account are not accepted.

(c) Checks must be made payable to the Utah Division of Wildlife Resources.

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**R657-9-32. Closed Areas.**

(1) A person may not trespass on state waterfowl management areas except during prescribed seasons, or for other activities as posted without prior permission from the division.

(2) A person may not participate in activities that are posted as prohibited.

(3) A person may not trespass, take, hunt, shoot at, or rally any waterfowl, snipe, or coot in the following specified areas:

(a) Brown's Park - That part adjacent to headquarters.

(b) Clear Lake - Spring Lake.

(c) Desert Lake - That part known as "Desert Lake."

(d) Farmington Bay - Headquarters area, within 600 feet of dikes and roads accessible by motorized vehicles and the waterfowl rest area in the northwest quarter of unit one as posted.

(e) Ogden Bay - Headquarters area.

(f) Public Shooting Grounds - That part as posted lying above and adjacent to the Hull Lake Diversion Dike known as "Duck Lake."

(g) Salt Creek - That part as posted known as "Rest Lake."

(h) Bear River Migratory Bird Refuge - For information contact the refuge manager, U.S. Fish and Wildlife Service, at (435) 723-5887. The entire refuge is closed to the hunting of snipe.

(i) Fish Springs and Ouray National Wildlife Refuges - Waterfowl hunters must register at Fish Springs refuge headquarters prior to hunting. Both refuges are closed to the hunting of swans, and Fish Springs is closed to the hunting of geese.

(j) State Parks

Hunting of any wildlife is prohibited within the boundaries of all state park areas except those designated open by appropriate signing as provided in Rule R651-614-4.

(k) Great Salt Lake Marina and adjacent areas as posted.

(l) Millard County

Gunnison Bend Reservoir and ~~that part of~~ the inflow ~~area as marked and posted~~ upstream to the Southerland Bridge.

(m) Salt Lake International Airport - Hunting and shooting prohibited as posted.

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**R657-9-34. Falconry.**

(1) Falconers must obtain ~~[an annual Wildlife Habitat Authorization, a]~~ a valid small game or combination license, a federal migratory bird stamp and a falconry ~~[license]~~ certificate of registration to hunt waterfowl.

(2) Areas open and bag and possession limits for falconry are specified in the proclamation of the Wildlife Board for taking waterfowl, Wilson's snipe and coot.

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**R657-9-36. Waterfowl Blinds on Waterfowl Management Areas.**

(1) Waterfowl blinds on Division waterfowl management areas may be constructed or used as provided in Subsection (a) through Subsection (e).

(a) Waterfowl blinds may not be left unattended overnight, except for blinds constructed entirely of non-woody, vegetative materials that naturally occur where the blind is located.

(b) Trees and shrubs on waterfowl management areas that are live or dead standing may not be cut or damaged except as expressly authorized in writing by the Division.

(c) Excavating soil or rock on waterfowl management areas above or below water surface is strictly prohibited, except as expressly authorized in writing by the Division.

(d) Rock and soil material may not be transported to waterfowl management areas for purposes of constructing a blind.

(e) Waterfowl blinds may not be constructed or used in any area or manner, which obstructs vehicular or pedestrian travel on dikes.

(2) The restrictions set forth in Subsection (1)(a) through Subsection (1)(c) do not apply to the following waterfowl management areas:

(a) Farmington Bay Waterfowl Management Area - West and North of Unit 1, Turpin Unit and Crystal Unit.

(b) Howard's Slough Waterfowl Management Areas - West and South of the exterior dike separating the waterfowl management area's fresh water impoundments from the Great Salt Lake.

(c) Ogden Bay Waterfowl Management Area - West of Unit 1, Unit 2, and Unit 3.

(d) Harold Crane Waterfowl Management Area - one half mile North and West of the exterior dike separating the waterfowl management area's fresh water impoundments from Willard Spur.

(3) Waterfowl blinds constructed or maintained on waterfowl management areas in violation of this section may be removed or destroyed by the Division without notice.

(4) Any unoccupied, permanent waterfowl blind located on state land open to public access for hunting may be used by any person without priority to the person that constructed the blind. It being the intent of this rule to make such blinds available to any person on a first-come, first-serve basis.

(5) Waterfowl blinds or decoys cannot be left unattended overnight on state land open to public access for hunting in an effort to reserve the particular location where the blinds or decoys are placed.

**KEY: wildlife, birds, migratory birds, waterfowl\***

**~~[October 17, 2000]~~2001** 23-14-18

**Notice of Continuation August 30, 2001** 23-14-19

**50 CFR part 20**



# Natural Resources, Wildlife Resources **R657-10** Taking Cougar

**NOTICE OF PROPOSED RULE**  
(Amendment)  
DAR FILE NO.: 24024  
FILED: 08/30/2001, 11:05  
RECEIVED BY: NL

### RULE ANALYSIS

PURPOSE OF THE RULE OR REASON FOR THE CHANGE: This rule is being amended pursuant to Regional Advisory Council and Wildlife Board meetings conducted annually for taking public input and reviewing the division's cougar program.

SUMMARY OF THE RULE OR CHANGE: Provisions of this rule are being amended to clarify and make consistent application and drawing procedures for limited entry cougar permits. This amendment also eliminates the Wildlife Habitat Authorization, pursuant to Senate Bill 248, 2000 Legislative Session. Provisions are being added to prohibit the use of electronic locating equipment to locate cougars wearing electronic radio devices. Provisions are being added to clarify that a person may contact a conservation officer for permanent tagging after regular business hours by contacting the local police dispatch office. Provisions are being clarified that a person may not take or pursue a female cougar with kittens or kittens with spots. Other changes are made for consistency and clarity.

**(DAR Note:** S.B. 248 can be found at 2000 Utah Laws 195 and was effective January 1, 2001.)

STATE STATUTORY OR CONSTITUTIONAL AUTHORIZATION FOR THIS RULE: Sections 23-14-18 and 23-14-19

#### ANTICIPATED COST OR SAVINGS TO:

❖THE STATE BUDGET: This amendment clarifies existing requirements and prohibits the use of electronic locating equipment to take or pursue cougar. Therefore, these amendments do not create a cost or savings impact to the division's budget or the state budget.

❖LOCAL GOVERNMENTS: None--This filing does not create any direct cost or savings impact to local governments because they are not directly affected by the amendment. Nor are local governments indirectly impacted because the amendment does not create a situation requiring services from local governments.

❖OTHER PERSONS: The amendments are for clarification and prohibiting the use of electronic locating equipment to take or pursue cougar. The amendments do not impose any additional requirements on other persons, nor generate a cost or savings impact to other persons.

COMPLIANCE COSTS FOR AFFECTED PERSONS: None--The amendments clarify existing requirements and prohibit the use of electronic locating equipment to take or pursue cougar. Therefore, there are not any additional compliance costs associated with this amendment.

COMMENTS BY THE DEPARTMENT HEAD ON THE FISCAL IMPACT THE RULE MAY HAVE ON BUSINESSES: The amendments to this rule do not create an impact on businesses.

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

Natural Resources  
Wildlife Resources  
Suite 2110  
1594 West North Temple  
PO Box 146301  
Salt Lake City, UT 84114-6301, or  
at the Division of Administrative Rules.

DIRECT QUESTIONS REGARDING THIS RULE TO:  
Debbie Sundell at the above address, by phone at (801) 538-4707, by FAX at (801) 538-4709, or by Internet E-mail at [nrdwr.dsundell@email.state.ut.us](mailto:nrdwr.dsundell@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 10/15/2001.

THIS RULE MAY BECOME EFFECTIVE ON: 10/16/2001

AUTHORIZED BY: John Kimball, Director

### **R657. Natural Resources, Wildlife Resources. R657-10. Taking Cougar.**

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#### **R657-10-2. Definitions.**

- (1) Terms used in this rule are defined in Section 23-13-2.
- (2) In addition:
  - (a) "Canned hunt" means that a cougar is treed, cornered, held at bay or its ability to escape is otherwise restricted for the purpose of allowing a person who was not a member of the initial hunting party to arrive and take the cougar.
  - (b) "Cougar" means [Felis]Puma concolor, commonly known as mountain lion, lion, puma, panther or catamount.
  - (c) "Cougar pursuit permit" means a permit that authorizes a person to pursue cougar during designated seasons.
  - (d) "Evidence of sex" means the sex organs of a cougar, including a penis, scrotum or vulva.
  - (e) "Green pelt" means the untanned hide or skin of any cougar.
  - (f) "Kitten" means a cougar less than one year of age.
  - (g) "Pursue" means to chase, tree, corner or hold a cougar at bay.
  - (h) "Waiting period" means a specified period of time that a person who has obtained a cougar permit must wait before applying for any other cougar permit.

#### **R657-10-3. Permits for Taking Cougar.**

(1)(a) To harvest a cougar, a person must first obtain a valid limited entry cougar permit or a harvest objective cougar permit for the specified management units as provided in the proclamation of the Wildlife Board for taking cougar.

(b) ~~Any person 14 years of age or older must purchase an annual Wildlife Habitat Authorization before purchasing a limited entry cougar permit or a harvest objective cougar permit.~~

~~(c) Any person who obtains a limited entry cougar permit or a harvest objective cougar permit may pursue cougar on the unit for which the permit is valid.~~

(2) To pursue cougar, a person must first obtain ~~an annual Wildlife Habitat Authorization and a~~ a valid cougar pursuit permit from a division office. A cougar pursuit permit does not allow a person to kill a cougar.

(3) A person may not apply for or obtain more than one cougar permit for the same season, except:

(a) as provided in Subsection R657-10-26(3); or

(b) if the person is unsuccessful in the limited entry drawing, the person may purchase a harvest objective permit.

(4) Any cougar permit purchased after the season opens is not valid until seven days after the date of purchase.

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**R657-10-5. Purchase of ~~[Wildlife Habitat Authorization or Permit by Mail] and Duplicates~~.**

(1) A person may obtain a wildlife habitat authorization, cougar pursuit permit or cougar harvest objective permit by mail by sending the following information to the Salt Lake division office: full name, complete mailing address, phone number, date of birth, weight, height, sex, color of hair and eyes, driver's license number (if available), proof of hunter education certification, and fee.

(2)(a) Personal checks, cashier's checks, or money orders are accepted.

(b) Personal checks drawn on an out-of-state account are not accepted.

(c) Checks must be made payable to the Utah Division of Wildlife Resources.

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**R657-10-8. Traps and Trapping Devices.**

(1) Cougar may not be taken with a trap, snare or any other trapping device, except as authorized by the Division of Wildlife.

(2) Cougar accidentally caught in any trapping device must be released unharmed, and must not be pursued or taken.

(3)(a) Written permission must be obtained from a division representative to remove the carcass of a cougar from any trapping device.

(b) The carcass shall remain the property of the state of Utah and must be surrendered to the division.

.....

**R657-10-10. Prohibited Methods.**

(1) Cougar may be taken or pursued only during open seasons and using methods prescribed in this rule and the proclamation of the Wildlife Board for taking cougar. Otherwise, under the Wildlife Resources Code, it is unlawful for any person to possess, capture, kill, injure, drug, rope, trap, snare or in any way harm or transport cougar.

(2) After a cougar has been pursued, chased, treed, cornered or held at bay, a person may not, in any manner, restrict or hinder the animal's ability to escape.

(3) A person may not engage in a canned hunt.

(4) A person may not take any wildlife from an airplane or any other airborne vehicle or device or any motorized terrestrial or aquatic vehicle, including snowmobiles and other recreational vehicles.

(5) Electronic locating equipment may not be used to locate cougars wearing electronic radio devices.

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**R657-10-16. Permanent Tag.**

(1)(a) Each cougar must be taken by the permit holder to a conservation officer or division office within 48 hours after the date of kill to have a permanent possession tag affixed to the pelt or unskinned carcass and for the removal of a tooth.

(b) After regular business hours, on weekends, or on holidays, a conservation officer may be reached by contacting the local police dispatch office.

(2) A person may not possess a green pelt after the 48-hour check-in period, or ship a green pelt out of Utah, or present a green pelt to a taxidermist if the green pelt does not have a permanent possession tag attached.

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**R657-10-24. Taking Cougar.**

(1)(a) A person may take only one cougar during the season and from the area specified on the permit.

(b) Limited entry permits may be obtained by following the application procedures provided in this rule and the proclamation of the Wildlife Board for taking cougar.

(c) Harvest objective permits may be purchased over-the-counter at division offices.

(2) A person may not:

(a) take or pursue a female cougar with kittens or kittens with spots; or

(b) repeatedly pursue, chase, tree, corner, or hold at bay, the same cougar during the same day after the cougar has been released.

(3) Any cougar may be taken during the prescribed seasons, except a kitten with spots, or any cougar accompanied by [young] kittens, or any cougar accompanied by an adult.

[(4)](4) A person may not take a cougar wearing a radio collar from any areas that are published in the proclamation of the Wildlife Board for taking cougar.

(5) The division may authorize hunters who have obtained a limited entry cougar permit to take cougar in a specified area of the state in the interest of protecting wildlife from depredation.

[(5)](6) Season dates, closed areas, harvest objective permit areas and limited entry permit areas are published in the proclamation of the Wildlife Board for taking cougar.

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**R657-10-26. Cougar Pursuit.**

(1) Cougar may be pursued only by persons who have obtained an annual cougar pursuit permit. The cougar pursuit permit does not allow a person to kill a cougar.

(2) A person may not:

(a) take or pursue a female cougar with kittens or kittens with spots;

(b) repeatedly pursue, chase, tree, corner or hold at bay, the same cougar during the same day; or

(c) possess a firearm or any device that could be used to kill a cougar while pursuing cougar.

(3) If eligible, a person who has obtained a cougar pursuit permit may also obtain a limited entry cougar permit or harvest objective cougar permit.

(4) Cougar may be pursued only on limited entry units or harvest objective units during the dates provided in the proclamation of the Wildlife Board for taking cougar.

(5) A cougar pursuit permit is valid on a calendar year basis.

**R657-10-27. General Application Information.**

~~(1) A person must obtain or apply for an annual Wildlife Habitat Authorization before the division may issue a cougar permit.~~

~~(2) A person may not apply for or obtain more than one cougar permit for the same year, except as provided in Section R657-10-4.~~

~~(3)(2) A person must be 12 years of age or older by the posting date of the drawing to apply for a limited entry cougar permit.~~

~~(4)(3) Limited entry cougar permits are valid only for the management unit and for the specified season designated on the permit.~~

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**R657-10-29. Application Procedure.**

(1) Applications are available from license agents and division offices.

(2)(a) Group applications are not accepted. A person may not apply more than once annually.

(b) Applicants may select up to three management unit choices when applying for limited entry cougar permits. Management unit choices must be listed in order of preference.

~~(3)(a) [A Wildlife Habitat Authorization may be purchased before applying, or the Wildlife Habitat Authorization will be issued to the applicant upon successfully drawing a permit. The Wildlife Habitat Authorization number or fee must be submitted with the application.~~

~~(4)(a) Applications must be mailed by the date published in the proclamation of the Wildlife Board for taking and pursuing cougar.~~

(b) If an error is found on the application, the applicant may be contacted for correction.

(c) The division reserves the right to correct applications.

~~(5)(a) Late applications~~(4)(a) Late applications received by the date published in the proclamation of the Wildlife Board for taking and pursuing cougar will not be considered in the drawing, but will be processed for the purpose of entering data into the Division's draw database to provide:

(i) future pre-printed applications;

(ii) notification by mail of late application and other draw opportunities; and

(iii) re-evaluation of Division or third-party errors.

(b) The \$5 handling fee will be used to process the late application. Any ~~license or Wildlife Habitat Authorization~~ permit fees submitted with the application will be refunded.

(c) Late applications received after the date published in the proclamation of the Wildlife Board for taking and pursuing cougar will not be processed and will be returned.

~~(5)(6)~~ Any person who applies for a hunt that occurs on private land is responsible for obtaining written permission from the landowner to access the property. To avoid disappointment and wasting the permit and fee if access is not obtained, hunters should get written permission before applying. The division does not guarantee access and does not have the names of landowners where hunts occur.

~~(7)(6)~~ Only a resident may apply for or obtain a resident permit and only a nonresident may apply for or obtain a nonresident permit, except as provided in Section R657-10-31.

~~(8)(7)~~ To apply for a resident permit, a person must establish residency at the time of purchase.

~~(9)(8)~~ The posting date of the drawing shall be considered the purchase date of a permit.

**R657-10-30. Fees.**

(1) Each application must include:

(a) the permit fee ~~which includes the nonrefundable handling fee; and~~; and

~~(b) the Wildlife Habitat Authorization fee, if it has not yet been purchased;~~(b) the nonrefundable handling fee.

~~(2)(a) Personal checks, cashier's checks, money orders and credit cards are accepted.~~

~~(b) Personal checks drawn on an out-of-state account are not accepted.~~

~~(c) Third-party checks will not be accepted.~~

~~(d) All payments must be made payable to the Utah Division of Wildlife Resources.~~

~~(3)(a) Credit cards must be valid at least 30 days after the drawing results are posted.~~

~~(b) Handling fees are charged to the credit card when the application is processed. Permit fees are charged after the drawing, if successful.~~

~~(4)(a) An application is voidable if the check is returned unpaid from the bank or the credit card is invalid or refused.~~

~~(b) The division charges a returned check collection fee for any checks returned unpaid from the bank.~~

~~(5)(a) A permit shall be legally deemed invalid if payment is not received for that permit, or a check is returned unpaid from the bank or a credit card is invalid or refused, and a person has received the permit.~~

~~(b) Hunting with a permit where payment has not been received for that permit constitutes a violation of hunting without a valid permit.~~

~~(6)~~(2) Permits are mailed to successful applicants.

~~(7)(a)~~(3)(a) Unsuccessful applicants, who applied in the drawing and who applied with a check or money order, will receive a refund in December.

- (b) Unsuccessful applicants, who applied with a credit card, will not be charged for a permit.
- (c) The handling fees are nonrefundable.

**R657-10-31. Drawing and Remaining Permits.**

(1) If permits remain after all choices have been evaluated separately for residents and nonresidents, a second evaluation shall be done allowing cross-over usage of remaining resident and nonresident permit quotas.

(2) Drawing results will be posted on the date published in the proclamation of the Wildlife Board for taking cougar at division offices, Lee Kay Center for Hunter Education, Cache Valley Hunter Education Center and on the division Internet address.

~~(2)(a) Beginning on the date published in the proclamation of the Wildlife Board for taking cougar, any resident limited entry permits remaining after the drawing are available to residents and any nonresident limited entry permits remaining after the drawing are available to nonresidents from the Salt Lake division office by mail-in application. These permits are sold on a first-come, first-served basis.~~

~~(b)(3) Beginning on the date published in the proclamation of the Wildlife Board for taking cougar, residents or nonresidents may purchase any of the remaining permits by mail-in application from the Salt Lake division office.~~

~~(3)(4) Any limited entry cougar permit purchased after the season opens is not valid until seven days after the date of purchase.~~

~~(4)(5) Waiting periods do not apply to the purchase of remaining limited entry permits after the drawing. However, waiting periods are incurred as a result of purchasing remaining permits after the drawing. Therefore, if a remaining permit is purchased in the current year, waiting periods will be in effect when applying for limited entry permits in the drawing in following years.~~

~~(5)(a)(6)(a) An applicant may withdraw their application for the limited entry cougar permit drawing by requesting such in writing by the date published in the proclamation of the Wildlife Board for taking cougar.~~

(b) The applicant must send their notarized signature with a statement requesting that their application be withdrawn to the Salt Lake ~~division~~ Division office.

(c) An applicant may ~~not amend a withdrawn application, nor reapply after the application has been withdrawn.~~ reapply in the limited entry cougar drawing provided:

~~(d) the original application is withdrawn;~~

(e) the new application is submitted with the request to withdraw the original application;

(f) both the new application and request to withdraw the original application are received by the initial application deadline; and

(g) both the new application and request to withdraw the original application are submitted to the Salt Lake Division office.

(h) Handling fees will not be refunded.

(7)(a) An applicant may amend their application for the limited entry cougar permit drawing by requesting such in writing by the initial application deadline.

(b) The applicant must send their notarized signature with a statement requesting that their application be amended to the Salt Lake Division office.

(c) The applicant must identify in their statement the requested amendment to their application.

.....

**R657-10-33. Harvest Objective General Information.**

~~(1) A person must obtain an annual Wildlife Habitat Authorization before the division may issue a cougar permit.~~

~~(2)~~ Harvest objective permits are valid only for the management units designated on the permit and for the specified seasons published in the proclamation of the Wildlife Board for taking cougar.

~~(2)~~ Residents may select up to two harvest objective management units and nonresidents may select up to three harvest objective management units, wherein the permit will be valid.

~~(3)~~ Harvest objective permits are not valid in a specified management unit after the harvest objective has been met for that specified management unit.

.....

**KEY: wildlife, cougar\*, game laws**

~~[October 17, 2000]~~2001

23-14-18

Notice of Continuation August 30, 2001

23-14-19



Natural Resources, Wildlife Resources  
**R657-26**  
 Adjudicative Proceedings for a License,  
 Permit, Tag, or Certificate of  
 Registration

**NOTICE OF PROPOSED RULE**

(Amendment)

DAR FILE No.: 24025

FILED: 08/30/2001, 11:05

RECEIVED BY: NL

**RULE ANALYSIS**

PURPOSE OF THE RULE OR REASON FOR THE CHANGE: To provide the procedures and standards for: the suspension of the privilege of applying for, purchasing and exercising the benefits conferred by a license or permit; and the suspension of a certificate of registration.

SUMMARY OF THE RULE OR CHANGE: Provisions of this rule are being amended to comply with legislative changes to Section 23-19-9 (House Bill 318, 2001 Legislative Session). This amendment also adds provisions, which determine the type of license, permit or certificate of registration privilege that shall be imposed. In addition, the amendment provides provisions that allow the suspension of all hunting privileges under specific circumstances. This amendment also provides that the presiding officer shall publish notice of a decision and order after a good faith effort has been made to deliver the decision and order to the respondent. Other changes are made for consistency and clarity.

**(DAR Note:** H.B. 318 can be found at 2001 Utah Laws 224 and was effective April 30, 2001.)

STATE STATUTORY OR CONSTITUTIONAL AUTHORIZATION FOR THIS RULE: Subsection 23-19-9(15)

ANTICIPATED COST OR SAVINGS TO:

❖ **THE STATE BUDGET:** The Division of Wildlife Resources (DWR) determines that this rule will not create any cost or savings impact to the state budget or the DWR's budget. This amendment complies with legislative changes to Section 23-19-9 (House Bill 318, 2001 Legislative Session), adds provisions, which determine the type of license, permit or certificate of registration privilege that shall be imposed, and provides provisions that allow the suspension of all hunting privileges under specific circumstances.

❖ **LOCAL GOVERNMENTS:** None--This filing does not create any direct cost or savings impact to local governments because they are not directly affected by the rule. Nor are local governments indirectly impacted because the rule does not create a situation requiring services from local governments.

❖ **OTHER PERSONS:** No impact. These amendments do not impose any requirements on persons.

**COMPLIANCE COSTS FOR AFFECTED PERSONS:** This amendment complies with legislative changes to Section 23-19-9 (House Bill 318, 2001 Legislative Session), adds provisions, which determine the type of license, permit or certificate of registration privilege that shall be imposed, and provides provisions that allow the suspension of all hunting privileges under specific circumstances. Therefore, this rule does not impose any cost requirements or burdens on persons.

**COMMENTS BY THE DEPARTMENT HEAD ON THE FISCAL IMPACT THE RULE MAY HAVE ON BUSINESSES:** The amendments to this rule do not create an impact on businesses.

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

Natural Resources  
Wildlife Resources  
Suite 2110  
1594 West North Temple  
PO Box 146301  
Salt Lake City, UT 84114-6301, or  
at the Division of Administrative Rules.

DIRECT QUESTIONS REGARDING THIS RULE TO:

Debbie Sundell at the above address, by phone at (801) 538-4707, by FAX at (801) 538-4709, or by Internet E-mail at [nrdwr.dsundell@email.state.ut.us](mailto:nrdwr.dsundell@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 10/15/2001.

THIS RULE MAY BECOME EFFECTIVE ON: 10/16/2001

AUTHORIZED BY: John Kimball, Director

## **R657. Natural Resources, Wildlife Resources.**

### **R657-26. Adjudicative Proceedings for a License, Permit, [Tag, or Certificate of Registration.**

#### **R657-26-1. Purpose and Authority.**

Under authority of Subsection 23-19-~~9(12)~~9(15), this rule provides the procedures and standards for:

- (1) the ~~[revocation of a license, permit, tag, or certificate of registration]~~suspension of the privilege of applying for, purchasing and exercising the benefits conferred by a license or permit; and
- (2) the suspension of a certificate of registration.

#### **R657-26-2. Definitions.**

- (1) Terms used in this rule are defined in Section 23-13-2.
- (2) In addition:
  - (a) ~~["Flagrantly" means an act in violation of Title 23, Wildlife Resources Code committed in a manner that, in the opinion of the presiding officer, is conspicuously bad or offensive.]~~"Intentionally" as defined in Section 76-2-103.
  - ~~[(b) "Knowingly" means, with respect to the nature or the result of a person's conduct, that the person was aware, or should have been aware, that the conduct was reasonably certain to cause the result.]~~(b) "Knowingly" as defined in Section 76-2-103.
  - (c) "Party" means the division, Wildlife Board, or respondent.
  - (d) "Presiding officer" means the hearing officer appointed by the division director to conduct revocation or suspension proceedings.
  - (e) ~~"Recklessly" as defined in Section 76-2-103.~~
  - (f) "Respondent" means a person against whom a ~~[revocation]~~suspension proceeding is initiated.

#### **R657-26-3. Commencement of ~~[Revocation]~~Suspension Proceedings.**

- (1)(a) Each adjudicative proceeding shall be commenced by the presiding officer by filing a notice of agency action.
- (2) The notice of agency action shall be filed and served according to the requirements provided in Section 63-46b-3(2).
- (3) All ~~[revocation and]~~suspension proceedings conducted by the presiding officer are designated as informal adjudications. The presiding officer may convert the hearing to a formal hearing anytime before a final order is issued if:
  - (a) conversion of the proceeding is in the public interest; and
  - (b) conversion of the proceeding does not unfairly prejudice the rights of any party.

#### **R657-26-4. Procedures for ~~[Revocation and]~~Suspension Proceedings.**

- (1)(a) An answer or other pleading responsive to the allegations in the notice of agency action does not need to be filed by the respondent.
  - (b) If an answer to the notice of agency action is filed, the answer shall include:
    - (i) the name of the respondent;
    - (ii) the case number or other reference number;
    - (iii) the facts surrounding the allegations;
    - (iv) a response to the allegations that the violation was committed knowingly ~~[and flagrantly]~~, intentionally or recklessly; and
    - (v) the date the answer was mailed.

(2) The respondent may access any relevant information contained in the division's files and all materials and information gathered in ~~[any]~~the investigation of the respondent, to the extent permitted by law.

(3) Discovery and intervention is prohibited.

**R657-26-5. Hearings.**

(1)(a) The presiding officer shall provide the respondent with an opportunity for a hearing.

(b) A hearing shall be held if the respondent requests a hearing within 20 days after the date the notice of agency action is issued.

(2) The respondent, or a person designated by the respondent to appear on the respondent's behalf, may testify at the hearing and present any relevant information or evidence.

(3) Hearings shall be open to ~~[all parties to the proceeding]~~the public.

(4) After reviewing all ~~[of]~~the information provided by the parties, the presiding officer shall ~~[revoke]~~suspend the respondent's license, permit~~[, tag,]~~ or certificate of registration [if:

~~— (a) the presiding officer determines that the respondent flagrantly and knowingly:~~

- ~~— (i) violated or countenanced the violation of any:~~
- ~~— (A) provision of Title 23, Wildlife Resources Code; or~~
- ~~— (B) rule, proclamation, or order of the Wildlife Board; or~~
- ~~— (ii) while engaged in any activity regulated under Title 23, Wildlife Resources Code:~~

- ~~— (A) kills or injures domestic livestock; or~~
- ~~— (B) violates Section 76-10-508; or~~
- ~~— (b) upon receiving notification from another state's wildlife agency that a person has:~~

- ~~— (i) failed to comply with the terms of a wildlife citation;~~
- ~~— (ii) been convicted of a violation that would warrant an action taken under Subsection (a); or~~

~~— (c) the person violated Section 23-20-14.~~

~~(5) After reviewing all of the information provided by the parties, the presiding officer may revoke or suspend the certificate of registration of a person who fails to comply with the terms of a certificate of registration.~~

~~(6)(a) The presiding officer may not revoke a person's license, permit, tag,]privileges in accordance with Section 23-19-9.~~

(5)(a) The type of license, permit or certificate of registration privilege suspension imposed shall be within the following categories:

- (i) all fishing licenses and permits;
- (ii) all furbearer and bobcat licenses and permits;
- (iii) all big game licenses and permits;
- (iv) all small game licenses and permits;
- (v) all permits to take and pursue cougar and bear;
- (vi) all falconry permits and falconry certificates of registration;
- (vii) certificates of registration of a type specified; or
- (viii) all hunting licenses, permits and certificates of registration;
- (ix) all licenses, permits and certificates of registration issued by the division.

(b) The presiding officer may suspend the license, permit or certificate of registration privileges most closely associated with the

activity for which the person was participating in when the violation occurred.

(c) The presiding officer may suspend the license, permit or certificate of registration privileges most closely associated with the activity that involved the unlawful taking of terrestrial wildlife for which no season has been established.

(d) If the violation involves acts that occurred while participating in an activity regulated by Title 23, which include more than one of the types of license or permit privileges as provided in Subsection (a), the presiding officer may suspend the license, permit or certificate of registration privileges for all categories that apply.

(e) The presiding officer may impose a suspension of all privileges to hunt protected wildlife or all privileges to take protected wildlife if the violations are found by the hearing officer to be conspicuously bad or offensive, and may include, but are not restricted to, the violations described in Subsection (e)(i) through Subsection (e)(viii).

(i) Any violation which could result in suspension that involves taking, in a single criminal episode, four times the legal bag limit of any protected fish species.

(ii) Any violation which could result in suspension that involves taking, in a single criminal episode, three times the legal bag limit of any small game species or waterfowl.

(iii) Any violation which could result in suspension that involves a once-in-a-lifetime species.

(iv) Any violation which could result in suspension that occurs out of season or in a closed area for the species illegally taken and involves a trophy animal.

(v) Three or more felony or class A misdemeanor violations under Section 23-20-4 in a seven-year period, regardless of suspension periods previously imposed.

(vi) Any violation which could result in suspension that involves the illegal taking, in a single criminal episode, of two or more big game animals not classified as once-in-a-lifetime.

(vii) Any violation which could result in suspension that involves the illegal taking, in a single criminal episode, of two or more cougar or bear.

(viii) Any violation subject to Section 23-19-9 that further violates an existing order of revocation or suspension recognized by the Utah Division of Wildlife Resources.

(6) The director shall appoint a qualified person as a hearing officer in accordance with Section 23-19-9(9).

(7)(a) The courts may suspend, in criminal sentencing, a person's privilege to apply for, purchase, or exercise the benefits conferred by a license, permit, or certificate of registration [if:]in accordance with Section 23-19-9(10).

~~[(i) the person was not charged with a violation in Subsection (4);~~

~~— (ii) the charges were dismissed; or~~

~~— (iii) the person was found not guilty of the violation in a court of law.~~

~~— (b) For purposes of this section, the following shall not be construed as a finding of not guilty:~~

~~— (i) a plea of guilty;~~

~~— (ii) a plea of no contest; or~~

~~— (iii) the entry of a plea in abeyance.~~

~~(7) The presiding officer shall consider any recommendation made by a sentencing court concerning revocation before issuing a~~

~~revocation order.](8) The division shall suspend and reinstate all hunting, fishing, trapping, and falconry privileges consistent with Title 23, Chapter 25, Wildlife Violator Compact.~~

**R657-26-6. Issuance of Decision and Order.**

(1) Within a reasonable time after the close of the adjudicative proceeding, the presiding officer shall issue a signed, written order that states:

- (a) the decision;
  - (b) the reasons for the decision;
  - (c) a notice of any right of administrative or judicial review available to the parties; and
  - (d) the time limits for filing an appeal or requesting a review.
- (2) The decision and order shall be based on facts appearing in division files and on the testimony and facts presented in evidence at the hearing.

(3)(a) A copy of the decision and order shall be promptly mailed to all parties.

(b) If the mailed copy is returned as undeliverable and the division has otherwise made good faith efforts to deliver the decision and order to the respondent, the presiding officer shall publish notice of the decision in at least one newspaper or state publication with general circulation throughout the state.

**R657-26-7. Default.**

(1) The presiding officer may enter an order of default against the respondent if the respondent fails to participate, either in writing or in person, in the adjudicative proceeding.

(2) Upon issuing the order of default, the presiding officer shall complete the adjudicative proceeding without participation of the party in default and shall:

- (a) include a statement of the grounds for default;
- (b) make a finding of all relevant issues required in Sections R657-26-5(4) ~~or~~ and (5); and
- (c) mail a copy of the order to all parties.

(i) If the mailed copy is returned as undeliverable and the division has otherwise made good faith efforts to deliver the decision and order to the respondent, the presiding officer shall publish notice of the decision in at least one newspaper or state publication with general circulation throughout the state.

(3)(a) A defaulted party may seek to have the presiding officer set aside the default order, and any order in the adjudicative proceeding issued subsequent to such default, by following the procedures outlined in the Utah Rules of Civil Procedure.

(b) A motion to set aside a default order and any subsequent order shall be made to the presiding officer.

(c) A defaulted party may seek Wildlife Board Review under Section R657-26-8 only on the decision of the presiding officer on the motion to set aside the default.

**R657-26-8. Wildlife Board Review - Procedure.**

(1)(a) A person may file an appeal of a presiding officer's decision with the Wildlife Board.

(b) The appeal must be in writing and the respondent shall send a copy of the appeal by mail to the chair of the Wildlife Board and each of the parties.

(2) The appeal must be filed within 30 days after the issuance of the presiding officer's decision and order.

(3) The appeal shall:

(a) be signed by the respondent or the respondent's legal counsel;

(b) state the grounds for appeal and the relief requested; and

(c) state the date upon which it was mailed.

(4)(a) Within 15 days after the mailing date of the appeal, any party may file a written response with the Wildlife Board.

(b) A copy of the response shall be sent by mail to the chair of the Wildlife Board and each of the parties.

(5) The Wildlife Board shall hold a de novo formal hearing in accordance with the provisions of Section 63-46b-6 through Section 63-46b-10. The Wildlife Board may convert the hearing to an informal hearing anytime before a final order is issued if:

(a) conversion of the proceeding is in the public interest; and

(b) conversion of the proceeding does not unfairly prejudice the rights of any party.

(6) At the conclusion of the hearing, the Wildlife Board may:

(a) ~~take no action~~ affirm the decision;

(b) vacate or remand the decision; or

(c) amend the ~~duration of revocation or~~ type of suspension ordered by the presiding officer.

(7) ~~[(a)]~~ The Wildlife Board shall not amend or alter the suspension periods imposed in accordance with Section 23-19-9(4), where the statutory elements prerequisite to imposing the suspension periods are satisfied.

(8)(a) If the Wildlife Board takes any action to vacate or remand the decision or amend the ~~duration of revocation or~~ type of suspension, the chair of the Wildlife Board shall, within a reasonable time, issue a written order on review.

(b) The order on review shall be signed by the chair of the Wildlife Board and mailed to each party.

(c) The order on review shall contain:

(i) a designation of the statute permitting review;

(ii) a statement of the issues reviewed;

(iii) findings of fact as to each of the issues reviewed;

(iv) conclusions of law as to each of the issues reviewed;

(v) whether the decision of the presiding officer is to be affirmed, reversed, modified, and whether all or any portion of the adjudicative proceeding is to be remanded;

(vi) a notice of any right of further administrative reconsideration or judicial review; and

(vii) the time limits applicable to any appeal or review. [

~~(8) Any review of a presiding officer's decision shall be strictly limited to the matter specified in the order.]~~

**R657-26-9. Reinstatement of a License, Permit, ~~Tag,~~ or Certificate of Registration.**

(1) A presiding officer may reinstate a person's license, permit, ~~tag,~~ or certificate of registration ~~revoked~~ suspended under ~~[Subsection] Section 23-19-9(1)(b)(i)]~~ Section 23-19-9(1)(b)(i)] upon receiving a written request for reinstatement.

(2) The person making the request shall include:

(a) the person's name, phone number, and mailing address;

(b) the number of the license, permit, ~~tag,~~ or certificate of registration that was suspended or revoked;

(c) the date the violation occurred;

(d) the date the request was mailed;

(e) the state in which the violation occurred;

(f) a copy of a receipt from the court where the violation was processed stating the violation is no longer outstanding; and



(g) the person's signature.

(3) Within a reasonable time of receiving the request, the presiding officer shall issue a written order stating whether the request is granted or denied and the reasons for the decision.

(4) If a presiding officer denies a person's request for reinstatement, the person may submit a request for reconsideration by following the procedures provided in Section 63-46b-13.

**KEY: wildlife, [revocation]suspension\*, violation\*  
[March 18, 1997]2001  
Notice of Continuation August 30, 2001**

23-13-2  
23-14-1  
23-14-19  
23-19-9  
23-20-14  
63-46b-13  
63-46b-5



**Tax Commission, Auditing  
R865-4D-22  
Reduction in Special Fuel Tax For  
Suppliers Subject to Navajo Nation  
Fuel Tax Pursuant to Utah Code Ann.  
Section 59-13-301**

**NOTICE OF PROPOSED RULE**  
(Amendment)  
DAR FILE NO.: 24036  
FILED: 08/31/2001, 17:06  
RECEIVED BY: NL

**RULE ANALYSIS**

PURPOSE OF THE RULE OR REASON FOR THE CHANGE: Section 59-13-301 requires the Tax Commission to establish rules governing the procedures for administering the reduction of state special fuel tax for supplies subject to the Navajo National fuel tax.

SUMMARY OF THE RULE OR CHANGE: Proposed rule provides procedures for administering the reduction of special fuel tax authorized by 2001 SB 22.

**(DAR Note:** S.B. 22 is found at 2001 Utah Laws 232 and was effective March 19, 2001.)

STATE STATUTORY OR CONSTITUTIONAL AUTHORIZATION FOR THIS RULE: Section 59-13-301

ANTICIPATED COST OR SAVINGS TO:

- ❖THE STATE BUDGET: None--Any costs should have been taken into account in 2001 SB 22.
- ❖LOCAL GOVERNMENTS: None--Any costs should have been taken into account in 2001 SB 22.
- ❖OTHER PERSONS: None--Any costs should have been taken into account in 2001 SB 22.

COMPLIANCE COSTS FOR AFFECTED PERSONS: None--Proposed rule indicates the information a distributor must provide to the Tax Commission to verify the refund the distributor is eligible for.

COMMENTS BY THE DEPARTMENT HEAD ON THE FISCAL IMPACT THE RULE MAY HAVE ON BUSINESSES: None--There are no fiscal impacts on businesses as a result of this rule.

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

Tax Commission  
Auditing  
Tax Commission Building  
210 North 1950 West  
Salt Lake City, UT 84134, or  
at the Division of Administrative Rules.

DIRECT QUESTIONS REGARDING THIS RULE TO:  
Pam Hendrickson at the above address, by phone at (801) 297-3900, by FAX at (801) 297-3919, or by Internet E-mail at phendric@tax.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 10/15/2001.

THIS RULE MAY BECOME EFFECTIVE ON: 10/16/2001

AUTHORIZED BY: Pam Hendrickson, Commissioner

**R865. Tax Commission, Auditing.  
R865-4D. Special Fuel Tax.  
R865-4D-22. Reduction in Special Fuel Tax for Suppliers  
Subject to Navajo Nation Fuel Tax Pursuant to Utah Code Ann.  
Section 59-13-301.**

A. The purpose of this rule is to provide procedures for administering the reduction of special fuel tax authorized under Section 59-13-301.

B. The reduction shall be in the form of a refund.

C. The refund shall be available only for special fuel:

1. delivered to a retailer or consumer on the Utah portion of the Navajo Nation; and

2. for which Utah special fuel tax has been paid.

D. The refund shall be available to a special fuel supplier that is licensed as a distributor with the Navajo Tax Commission.

E. The refund application may be filed on a monthly basis.

F. A completed copy of the Navajo Tax Commission Monthly Fuel Distributor Tax Return, form 900, along with schedules and manifests, must be included with the Utah State Tax Commission Application for Navajo Nation Fuel Tax Refund, form TC-126.

G. Original records supporting the refund claim must be maintained by the supplier for three years following the year of refund. These records include:

1. proof of payment of Utah special fuel tax;

2. proof of payment of Navajo Nation fuel tax; and

3. documentation that the special fuel was delivered to a retailer or consumer on the Utah portion of the Navajo Nation.

KEY: taxation, fuel, special fuel  
2001

59-13-301



Tax Commission, Auditing  
**R865-13G-15**  
Reduction in Motor Fuel Tax for  
Distributors Subject to Navajo Nation  
Fuel Tax Pursuant to Utah Code Ann.  
Section 59-13-201

**NOTICE OF PROPOSED RULE**  
(Amendment)  
DAR FILE NO.: 24037  
FILED: 08/31/2001, 17:06  
RECEIVED BY: NL

**RULE ANALYSIS**

PURPOSE OF THE RULE OR REASON FOR THE CHANGE: Section 59-13-201 requires the Tax Commission to establish rules governing the procedures for administering the reduction of state motor fuel tax for distributors subject to the Navajo Nation fuel tax.

SUMMARY OF THE RULE OR CHANGE: Proposed rule provides procedures for administering the reduction of motor fuel tax authorized by 2001 SB 22.

**(DAR Note:** S.B. 22 is found at 2001 Utah Laws 232 and was effective March 19, 2001.)

STATE STATUTORY OR CONSTITUTIONAL AUTHORIZATION FOR THIS RULE: Section 59-13-201

ANTICIPATED COST OR SAVINGS TO:

- ❖THE STATE BUDGET: None--Any costs should have been taken into account in 2001 S.B. 22.
- ❖LOCAL GOVERNMENTS: None--Any costs should have been taken into account in 2001 S.B. 22.
- ❖OTHER PERSONS: None--Any costs should have been taken into account in 2001 S.B. 22.

COMPLIANCE COSTS FOR AFFECTED PERSONS: None--Proposed rule indicates the information a distributor must provide to the Tax Commission to verify the refund the distributor is eligible for.

COMMENTS BY THE DEPARTMENT HEAD ON THE FISCAL IMPACT THE RULE MAY HAVE ON BUSINESSES: None--There are no fiscal impacts on businesses as a result of this amendment.

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

Tax Commission  
Auditing  
Tax Commission Building  
210 North 1950 West  
Salt Lake City, UT 84134, or

at the Division of Administrative Rules.

DIRECT QUESTIONS REGARDING THIS RULE TO:  
Pam Hendrickson at the above address, by phone at (801) 297-3900, by FAX at (801) 297-3919, or by Internet E-mail at phendric@tax.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 10/15/2001.

THIS RULE MAY BECOME EFFECTIVE ON: 10/16/2001

AUTHORIZED BY: Pam Hendrickson, Commissioner

**R865. Tax Commission, Auditing.**  
**R865-13G. Motor Fuel Tax.**  
**R865-13G-15. Reduction in Motor Fuel Tax for Distributors Subject to Navajo Nation Fuel Tax Pursuant to Utah Code Ann. Section 59-13-201.**

A. The purpose of this rule is to provide procedures for administering the reduction of motor fuel tax authorized under Section 59-13-201.

B. The reduction shall be in the form of a refund.

C. The refund shall be available only for motor fuel:

1. delivered to a retailer or consumer on the Utah portion of the Navajo Nation; and
2. for which Utah motor fuel tax has been paid.

D. The refund shall be available to a motor fuel distributor that is licensed as a distributor with the Navajo Tax Commission.

E. The refund application may be filed on a monthly basis.

F. A completed copy of the Navajo Tax Commission Monthly Fuel Distributor Tax Return, form 900, along with schedules and manifests, must be included with the Utah State Tax Commission Application for Navajo Nation Fuel Tax Refund, form TC-126.

G. Original records supporting the refund claim must be maintained by the distributor for three years following the year of refund. These records include:

1. proof of payment of Utah motor fuel tax;
2. proof of payment of Navajo Nation fuel tax; and
3. documentation that the motor fuel was delivered to a retailer or consumer on the Utah portion of the Navajo Nation.

KEY: taxation, motor fuel, gasoline, environment  
2001

59-13-201



Tax Commission, Property Tax  
**R884-24P-19**  
Appraiser Designation Program  
Pursuant to Utah Code Ann. Sections  
59-2-701 and 59-2-702

**NOTICE OF PROPOSED RULE**

(Amendment)  
 DAR FILE NO.: 24038  
 FILED: 08/31/2001, 17:06  
 RECEIVED BY: NL

**RULE ANALYSIS**

PURPOSE OF THE RULE OR REASON FOR THE CHANGE: Section 59-2-701 allows the Tax Commission to establish requirements for persons performing an appraisal for purposes of establishing fair market value for the assessment roll and for personal property appraisers.

SUMMARY OF THE RULE OR CHANGE: Proposed amendment removes references to state registered appraiser, a designation that is no longer available statutorily; provides that the Property Tax Division may approve alternate courses of appraisal education in place of Tax Commission provided courses; and creates the designation of ad valorem associate for appraiser trainees who have completed Tax Commission course work for certification or licensure, but have not met the requirements for certification or licensure under Title 71, Chapter 26.

STATE STATUTORY OR CONSTITUTIONAL AUTHORIZATION FOR THIS RULE: Sections 59-2-701, 59-2-702

ANTICIPATED COST OR SAVINGS TO:

❖THE STATE BUDGET: None--The proposed amendment offers more latitude to appraiser trainees in the classes that will satisfy appraisal education.

❖LOCAL GOVERNMENTS: None--The proposed amendment offers more latitude to appraiser trainees in the classes that will satisfy appraisal education.

❖OTHER PERSONS: None--The proposed amendment offers more latitude to appraiser trainees in the classes that will satisfy appraisal education.

COMPLIANCE COSTS FOR AFFECTED PERSONS: None--Appraiser applications may substitute other courses they may have taken to satisfy appraiser education requirements.

COMMENTS BY THE DEPARTMENT HEAD ON THE FISCAL IMPACT THE RULE MAY HAVE ON BUSINESSES: None--The amendment does not result in a fiscal impact to businesses.

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

Tax Commission  
 Property Tax  
 Tax Commission Building  
 210 North 1950 West  
 Salt Lake City, UT 84134, or  
 at the Division of Administrative Rules.

DIRECT QUESTIONS REGARDING THIS RULE TO:

Pam Hendrickson at the above address, by phone at (801) 297-3900, by FAX at (801) 297-3919, or by Internet E-mail at phendric@tax.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 10/15/2001.

THIS RULE MAY BECOME EFFECTIVE ON: 10/16/2001

AUTHORIZED BY: Pam Hendrickson, Commissioner

**R884. Tax Commission, Property Tax.**

**R884-24P. Property Tax.**

**R884-24P-19. Appraiser Designation Program Pursuant to Utah Code Ann. Sections 59-2-701 and 59-2-702.**

A. [~~"State Registered Appraiser,"~~] "State Licensed Appraiser," "State Certified General Appraiser," and "State Certified Residential Appraiser" are as defined in Section 61-2b-2.

B. The ad valorem training and designation program consists of several courses and [~~practicums~~]practica.

1. Certain courses must be sanctioned by either the International Association of Assessing Officers (IAAO) or the Western States Association of Tax Administrators (WSATA).

2. Most courses are one week in duration, with an examination held on the final day. The courses comprising the basic designation program are:

- a) Course A - Assessment Practice in Utah;
- b) Course B - Fundamentals of Real Property Appraisal (IAAO 101);
- c) Course C - Mass Appraisal of Land;
- d) Course D - Building Analysis and Valuation;
- e) Course E - Income Approach to Valuation (IAAO 102);
- f) Course G - Development and Use of Personal Property Schedules;
- g) Course H - Appraisal of Public Utilities and Railroads (WSATA); and
- h) Course [F] - Uniform Standards of Professional Appraisal Practice (USPAP).

3. The Tax Commission may allow equivalent appraisal education to be submitted in lieu of Course B, Course E, and Course I.

C. Candidates must attend 90 percent of the classes in each course and pass the final examination for each course with a grade of 70 percent or more to be successful.

[~~C~~]D. There are four recognized ad valorem designations: Ad Valorem Residential Appraiser, Ad Valorem General Real Property Appraiser, Ad Valorem Personal Property Auditor/Appraiser, and Ad Valorem Centrally Assessed Valuation Analyst.

1. [~~The~~]These designations are granted only to individuals working as appraisers, review appraisers, valuation auditors, or analysts/administrators providing oversight and direction to appraisers and auditors.

2. An assessor, county employee, or state employee must hold the appropriate designation [~~listed below to gain the authority~~] to value property for ad valorem taxation purposes.

[~~F~~]E. Ad Valorem Residential Appraiser[~~]~~.

[~~a~~]1. [~~Requires the successful completion of~~]To qualify for this designation, an individual must:

- a) successfully complete Courses A, B, C, D, and [~~I, and~~]J;

b) successfully complete a comprehensive residential field practicum[?]; and

c) ~~[attainment of state registered;]~~attain and maintain state licensed[?]; or state certified appraiser status.

~~[b)]~~2. Upon designation, the appraiser may value residential, vacant, and agricultural property for ad valorem taxation purposes.

~~[2.]~~F. Ad Valorem General Real Property Appraiser[?].

~~[a)]~~1. ~~[Requires the successful completion of]~~In order to qualify for this designation, an individual must:

a) successfully complete Courses A, B, C, D, E, and ~~[F; and]~~J;

b) successfully complete a comprehensive field practicum including~~[both]~~ residential and commercial properties[?]; and

c) ~~[attainment of state registered;]~~attain and maintain state licensed[?]; or state certified appraiser status.

~~[b)]~~2. Upon designation, the appraiser may value all types of locally assessed real property for ad valorem taxation purposes.

~~[3.]~~G. Ad Valorem Personal Property Auditor/Appraiser[?].

~~[a)]~~1. ~~[Requires the successful completion of]~~To qualify for this designation, an individual must successfully complete:

a) Courses A, B, G, and ~~[F;]~~J; and

b) a comprehensive auditing practicum.

~~[b)]~~2. Upon designation, the auditor/appraiser may value locally assessed personal property for ad valorem taxation purposes.

~~[4.]~~H. Ad Valorem Centrally Assessed Valuation Analyst[?].

~~[a)]~~1. ~~[Requires the successful completion of]~~In order to qualify for this designation, an individual must:

a) successfully complete Courses A, B, E, H, and ~~[F; and]~~J;

b) successfully complete a comprehensive valuation practicum[?]; and

c) ~~[attainment of state registered;]~~attain and maintain state licensed[?]; or state certified appraiser status.

~~[b)]~~2. Upon designation, the analyst may value centrally assessed property for ad valorem taxation purposes.

~~[D.]~~ Candidates must pass the final examination for each course with a grade of 70 points or more to be successful.

~~[E.]~~L. If a candidate fails to receive a passing grade on a final examination, one re-examination is allowed. If the re-examination is not successful, the individual must retake the failed course. The cost to retake the failed course will not be borne by the Tax Commission.

~~[F.]~~J. A practicum involves the appraisal or audit of selected properties. The candidate's supervisor must formally request that the Property Tax Division administer a practicum.

1. Emphasis is placed on those types of properties the candidate will most likely encounter on the job.

2. The practicum will be administered by a designated appraiser assigned from the Property Tax Division.

K. An appraiser trainee referred to in Section 59-2-701 shall be designated an ad valorem associate if the appraiser trainee:

1. has completed all Tax Commission appraiser education and practicum requirements for designation under E., F., and H.; and

2. has not completed the requirements for licensure or certification under Title 71, Chapter 2b, Real Estate Appraiser Licensing and Certification.

~~[G.]~~L. An individual holding a specified designation can qualify for other designations by meeting the additional requirements outlined above.

~~[H.]~~M. Maintaining designated status requires completion of 28 hours of Tax Commission approved classroom work every two years.

~~[F.]~~N. Upon termination of employment from any Utah assessment jurisdiction, or if the individual no longer works primarily as an appraiser, review appraiser, valuation auditor, or analyst/administrator in appraisal matters, designation is automatically revoked.

1. Ad valorem designation status may be reinstated if the individual secures employment in any Utah assessment jurisdiction within four years from the prior termination.

2. If more than four years elapse between termination and rehire, and

a) the individual has been employed in a closely allied field, then the individual may challenge the course examinations. Upon successfully challenging all required course examinations, the prior designation status will be reinstated; or

b) if the individual has not been employed in real estate valuation or a closely allied field, the individual must retake all required courses and pass the final examinations with a score of 70 percent or more.

~~[F.]~~O. All appraisal work performed by Tax Commission designated appraisers shall meet the standards set forth in section 61-2b-27.

~~[K.]~~P. If appropriate Tax Commission designations are not held by assessor's office personnel, the appraisal work must be contracted out to qualified private appraisers. An assessor's office may elect to contract out appraisal work to qualified private appraisers even if personnel with the appropriate designation are available in the office. If appraisal work is contracted out, the following requirements must be met.

1. The private sector appraisers contracting the work must hold the State Certified Residential Appraiser or State Certified General Appraiser license issued by the Division of Real Estate of the Utah Department of Commerce. Only State Certified General Appraisers may appraise nonresidential properties.

2. All appraisal work shall meet the standards set forth in Section 61-2b-27.

~~[E.]~~Q. The completion and delivery of the assessment roll required under Section 59-2-311 is an administrative function of the elected assessor.

1. There are no specific ~~[registration]~~licensure, certification, or educational requirements related to this function.

2. An elected assessor may complete and deliver the assessment roll as long as the valuations and appraisals included in the assessment roll were completed by persons having the required designations.

**KEY: taxation, personal property, property tax, appraisal  
2001 59-2-704**

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## NOTICES OF CHANGES IN PROPOSED RULES

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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 October 15, 2001. At its option, the agency may hold public hearings.

From the end of the waiting period through January 13, 2002, 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.

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**The Changes in Proposed Rules Begin on the Following Page.**

Environmental Quality, Water Quality
R317-11
Certification Required to Design,
Inspect and Maintain Underground
Wastewater Disposal Systems, or
Conduct Percolation and Soil Tests for
Underground Wastewater Disposal
Systems

NOTICE OF CHANGE IN PROPOSED RULE

DAR FILE NO.: 23767
FILED: 08/28/2001, 18:22
RECEIVED BY: NL

RULE ANALYSIS

PURPOSE OF THE RULE OR REASON FOR THE CHANGE: The
original proposed rule is being amended in response to
public comments received during the notice period for the
rule.

SUMMARY OF THE RULE OR CHANGE: The proposed change
adds language to clarify the original rule. The phrase
"certified by rule" has been replaced with "qualified by rule"
throughout the rule to avoid confusion over the procedure for
certification. Section R317-11-7 has been modified to allow
persons who have received training from the Utah On-site
Wastewater Treatment Training Center since January 1,
1999, to obtain certification without repeating such training.
Section R317-11-8 has been modified to clearly specify that
applications for certification are to be sent to the Division of
Water Quality.

(DAR Note: This change in proposed rule has been filed to
make additional changes to a proposed new rule that was
published in the June 1, 2001, issue of the Utah State
Bulletin, on page 49. Underlining in the rule below indicates
text that has been added since the publication of the
proposed rule mentioned above; strike-out indicates text that
has been deleted. You must view the change in proposed
rule and the proposed new rule 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: None--The proposed changes will be
addressed using existing staff and resources.
LOCAL GOVERNMENTS: None--The proposed changes will be
addressed using existing staff and resources.
OTHER PERSONS: The proposed change allows persons who
have received training from the Utah On-site Wastewater
Treatment Training Center since January 1, 1999, to obtain
certification without repeating such training. The savings to
individuals who qualify under this change is estimated at \$50
to \$100.

COMPLIANCE COSTS FOR AFFECTED PERSONS: The proposed
change allows persons who have received training from the
Utah On-site Wastewater Treatment Training Center since
January 1, 1999, to obtain certification without repeating such
training. The savings to individuals who qualify under this
change is estimated at \$100 to \$150.

COMMENTS BY THE DEPARTMENT HEAD ON THE FISCAL IMPACT
THE RULE MAY HAVE ON BUSINESSES: The proposed changes
are minor in nature and are not anticipated to have a fiscal
impact on businesses beyond that indicated in the filing for
the original 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:

Jay Pitkin at the above address, by phone at (801) 538-6146,
by FAX at (801) 538-6052, or by Internet E-mail at
jpitkin@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 10/15/2001.

THIS RULE MAY BECOME EFFECTIVE ON: 10/15/2001

AUTHORIZED BY: Don Ostler, Director

R317. Environmental Quality, Water Quality.
R317-11. Certification Required to Design, Inspect and
Maintain Underground Wastewater Disposal Systems, or
Conduct Percolation and Soil Tests for Underground
Wastewater Disposal Systems.

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R317-11-5. Qualifications for Certification.

5.1. Soil Evaluation and Percolation Testing. In order to be
certified, a person must:

- A. Attend a training course provided by the Training Center
specifically for the purposes of certification;
B. Successfully pass an examination to be given at the
conclusion of the training course.

5.2. Design, Inspection and Maintenance of Conventional
Systems. In order to be certified, a person must:

- A. Attend a training course provided by the Training Center
specifically for the purposes of certification;
B. Successfully pass an examination to be given at the
conclusion of the training course.
C. Be certified for soil evaluation and percolation testing.

5.3. Design, Inspection and Maintenance of Alternative Systems. In order to be certified, a person must:

A. Attend training courses for both conventional and alternative systems, provided by the Training Center specifically for the purposes of certification.

B. Successfully pass an examination to be given at the conclusion of the training course.

C. Be certified for soil evaluation and percolation testing, and certified for design, inspection and maintenance of conventional systems

5.4. An environmental health scientist licensed under Title 58, Chapter 20a, Environmental Health Scientist Act, who has at least one year of experience in soils evaluation and percolation testing, and/or the design, inspection and maintenance of underground wastewater disposal systems, is qualified~~[certified]~~ by rule and is not required to obtain the training or be tested as required in this section. Evidence of experience appropriate to the class of certification must be provided to the Division or other entity as designated by the Division. After July 1, 2003, the required experience must be under the supervision of a person certified under this program.

5.5. A professional engineer licensed under Title 58, Chapter 22, Professional Engineers and Professional Land Surveyors Licensing Act, who has received education or experience related to soils evaluation and percolation testing, and/or the design, inspection and maintenance of wastewater disposal systems, is qualified~~[certified]~~ by rule and is not required to obtain the training or be tested as required in this section. Evidence of education appropriate to the class of certification must be provided to the Division or other entity as designated by the Division.

5.6. A licensed contractor, who has five or more years of experience installing underground wastewater disposal systems, including performing soils evaluations and percolation tests, and/or the design, inspection and maintenance of underground wastewater disposal systems, is qualified~~[certified]~~ by rule and is not required to obtain the training or be tested as required in this section. Evidence of experience appropriate to the class of certification must be provided to the Division or other entity as designated by the Division.

**R317-11-6. Application for Certification.**

6.1. In order to be certified by training and examination, a person must register for a training course with the Training Center. Upon successful completion of the training and testing, the person must submit an application to the Division of Water Quality on forms provided by the Division, along with payment of applicable fees.

6.2. In order to be certified when qualified by rule, a person must submit an application to the Division of Water Quality, on forms provided by he Division, along with payment of applicable fees.

**R317-11-7. Training and Examinations.**

Training will be provided by the Training Center. Examinations will be given at the conclusion of each training session. Training will be provided at least twice per year, but may be given more often depending on the need. Persons who have

received training from the USU Training Center since January 1, 1999, will not be required to repeat such training. However, they still must take and pass the examination at the times and places designated by the Training Center.

**R317-11-8. Certificates.**

8.1. For those required to be trained and tested in order to be certified, certificates will be issued by the Division upon receiving ~~[notification from the Training Center]~~application including evidence that the person has received the required training and successfully passed the examination.~~[-Notification shall include a copy of the application for certification, results of testing, and documentation of the attendance at training.]~~

8.2. For those who are qualified~~[certified]~~ by rule based on licensing, education, and/or experience, a certificate will be issued by the Division upon receipt of the application and evidence that the requirements of R317-11-5 above have been met.

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**R317-11-12. Certification Requirements and Effective Dates.**

After January 1, 2002, no person shall design, inspect, maintain, or conduct percolation or soil tests for an underground wastewater disposal system without first obtaining certification from the Board. However, if a person has submitted an application to be certified, or has registered for training at the Training Center, prior to January 1, 2002, they are considered to be temporarily certified for purposes of this rule, and subject to R317-4 and any local health department requirements, until their application is acted upon or July 1, 2002, whichever is earlier. If a person has submitted an application to be certified, or has registered for training at the Training Center, after January 1, 2002, but before July 1, 2002, they are also considered to be temporarily certified for purposes of this rule, and subject to R317-4 and any local health department requirements, but only from the date of training registration or submittal of the application for certification until their application is acted upon or July 1, 2002, whichever is earlier. In no event shall any person be considered to be certified after July 1, 2002, unless they have successfully completed training and testing, if required, and received a certification from the Board.

**KEY: waste water, occupational licensing  
2001**

**19-5-104**



Insurance, Administration  
**R590-203**  
Health Care Benefits-Grievance  
Review Process Rule

**NOTICE OF CHANGE IN PROPOSED RULE**

DAR FILE NO.: 23814  
FILED: 08/31/2001, 15:56  
RECEIVED BY: NL

**RULE ANALYSIS**

PURPOSE OF THE RULE OR REASON FOR THE CHANGE: The changes to this rule are a result of comment made during the hearing and comment period.

SUMMARY OF THE RULE OR CHANGE: Section R590-203-4 includes changes regarding the new implementation date of federal claims regulation. Section R590-203-5 was added to include minimum standards relating to independent and expedited review procedures. Section R590-203-8 was changed to clarify the relationship between the federal claims regulation and this rule.

(DAR Note: This change in proposed rule has been filed to make additional changes to a proposed new rule that was published in the June 15, 2001, issue of the *Utah State Bulletin*, on page 52. Underlining in the rule below indicates text that has been added since the publication of the proposed rule mentioned above; strike-out indicates text that has been deleted. You must view the change in proposed rule and the proposed new rule 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, 31A-2-203, 31A-22-629  
FEDERAL REQUIREMENT FOR THIS RULE: 29 CFR 2560.503-1

ANTICIPATED COST OR SAVINGS TO:

❖THE STATE BUDGET: The effects of these changes will have no additional impact over those already described in the original filing.

❖LOCAL GOVERNMENTS: This rule will not affect local government. The rule is regulated by state government agency to which all fees are paid by its licensees.

❖OTHER PERSONS: The changes in Section R590-203-5 set the minimum standards for an independent and expedited review procedure which could cost the carriers at least \$1,000 per review. An independent or expedited review of medical necessity may be requested by an insured whose claim or request for medical treatment has not been handled to their satisfaction by their insurance company. The change in compliance dates in Section R590-203-4 will only affect those carriers that do not already utilize independent or expedited reviews. An insured requesting an independent review may be required to pay a maximum fee of \$25, per review. Insurance companies may transfer the cost of the reviews to their insureds through an increase in premium rates. It should be noted that many of the 350 health insurers selling products in Utah already provide independent and expedited reviews but at this time they are not charging the insured a fee for them.

COMPLIANCE COSTS FOR AFFECTED PERSONS: The changes in Section R590-203-5 set the minimum standards for an independent and expedited review procedure which could cost the carriers at least \$1,000 per review. An independent or expedited review of medical necessity may be requested by an insured whose claim or request for medical treatment has not been handled to their satisfaction by their insurance company. The change in compliance dates in Section R590-

203-4 will only affect those carriers that do not already utilize independent or expedited reviews. An insured requesting an independent review may be required to pay a maximum fee of \$25, per review. Insurance companies may transfer the cost of the reviews to their insureds through an increase in premium rates. It should be noted that many of the 350 health insurers selling products in Utah already provide independent and expedited reviews but at this time they are not charging the insured a fee for them.

COMMENTS BY THE DEPARTMENT HEAD ON THE FISCAL IMPACT THE RULE MAY HAVE ON BUSINESSES: Employer group health insurance rates may be increased as a result of the independent and expedited review administrative costs to insurers.

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 10/15/2001.

THIS RULE MAY BECOME EFFECTIVE ON: 10/16/2001

AUTHORIZED BY: Jilene Whitby, Information Specialist

**R590. Insurance, Administration.**

**R590-203. Health Care Benefits-Grievance Review Process Rule.**

**R590-203-1. Authority.**

This rule is specifically authorized by 31A-22-~~629(4)~~ allows 629(4) and 31A-4-116 which requires the commissioner to establish minimum standards for grievance review procedures. The rule is also promulgated pursuant to Subsections 31A-2-201(1) and 31A-2-201(3)(a) in which the commissioner is empowered to administer and enforce this title and to make rules to implement the provisions of this title. The authority to examine insurer records, files, and documentation is provided by 31A-2-203.

**R590-203-2. Purpose.**

The purpose of this rule is to ensure that health insurer grievance review procedures for individual and employer health benefit plans comply with the Department of Labor, Pension and Welfare Benefits Administration Rules and Regulations for Administration and Enforcement: Claims Procedure, 29 CFR 2560.503-1, and with U.C.A. Sections 31A-4-116 and 31A-22-629.

.....



**R590-203-4. Grievance Review Procedures and Minimum Standards.**

(1) An insurer's grievance review ~~[process]~~ procedure shall be compliant with the grievance review requirements set forth in the Department of Labor, Pension and Welfare Benefits Administration Rules and Regulations for Administration and Enforcement: Claims Procedure, Claims Procedure, 29 CFR 2560.503-1, effective January 20, 2001. This document is incorporated by reference and available for inspection at the Insurance Department and the Department of Administrative Rules.

(2) The federal regulation applies to claims filed on or after January 1, 2002~~[-]~~, except claims filed under an individual or group health plan on or after the first day of the first plan year beginning on or after July 1, 2002, but no later than January 1, 2003.

(3) An insurer with an established grievance appeal board or body shall include at least one consumer representative that shall be present at every meeting.

(4) An insurer shall be in compliance with Section R590-203-5 by January 1, 2002.

**R590-203-5. Independent and Expedited Reviews.**

(1) An insurer shall provide an independent review procedure as a voluntary option for the resolution of adverse benefit determinations of medical necessity.

(2) A person or entity other than the insurer, the plan, the plan's fiduciary, the employer, or any employee or agent of any of the foregoing, shall conduct an independent review procedure.

(3) The submission to an independent review procedure is purely voluntary and left to the discretion of the claimant.

(4) Independent review organizations shall be designated by the insurer.

(5) An insurer's voluntary independent review procedure shall:

(a) wave any right to assert that a claimant has failed to exhaust administrative remedies because the claimant did not elect to submit a dispute of medical necessity to a voluntary level of appeal provided by the plan;

(b) agree that any of limitations or other defense based on timeliness is tolled during the time a voluntary appeal is pending;

(c) allow a claimant to submit a dispute of medical necessity to a voluntary level of appeal only after exhaustion of:

(i) an insurer's current internal claims review procedure until July 1, 2002; or

(ii) the appeals permitted under 29 CFR Subsection 2560.503-1(c)(2), of the Department of Labor, Pension and Welfare Benefits Administration Rules and Regulation for the Administration and Enforcement: Claims Procedure.

(d) upon request from any claimant, provide sufficient information relating to the voluntary level of appeal to enable the claimant to make an informed decision about whether to submit a dispute of medical necessity to the voluntary level of appeal. This information shall contain a statement that the decision to use a voluntary level of appeal will not effect the claimant's rights to any other benefits under the plan and information about the applicable rules, the claimants right to representation, the process for selecting the decision maker, and, if any, the circumstance that may affect the impartiality of the decision maker such as any financial or personal interests in the result or any past or present relationship with any party to the review process; and

(e) require a maximum fee of \$25 payable by the insured when an independent review is requested. The fee must be waived if the insured demonstrates they are indigent or under financial hardship.

(6) Standards for voluntary independent review:

(a) The insurer's internal grievance process must be exhausted unless the insurer and insured mutually agree to waive the internal process.

(b) Any adverse benefit determination of medical necessity may be the subject of an independent review.

(c) The claimant has 180 calendar days from the date of the final internal review decision to request an independent review.

(d) The fee is paid or waived.

(e) An insurer shall use the same minimum standards and times of notification requirement for an independent review that are used for internal levels of review, as set forth in 29 CFR Subsection 2560.503-1(h),(i) and (j).

(7) An insurer shall provide an expedited review process for cases involving urgent care claims.

(8) A request for an expedited review of an adverse benefit determination may be submitted orally or in writing and require:

(a) all necessary information, including the plan's original benefit determination be transmitted between the plan and the claimant by telephone, facsimile, or other available similarly expeditious method;

(b) an insurer to notify the claimant of the benefit review determination, as soon as possible, taking into account the medical urgency, but not later than 72 hours after receipt of the claimant's request for review of an adverse benefit determination; and

(c) an insurer to use the same minimum standard for timing and notification as set forth in 29 CFR Subsection 2560.503-1(h), 503-1(i)(2)(i), 503-1(j).

**R590-203-[5]6. File and Record Documentation.**

An insurer shall make available upon request by the commissioner, or the commissioner's duly appointed designees, all grievance reviews files and related documentation.

**R590-203-[6;]7. Compliance.**

Insurers are to be compliant with the Department of Labor, Pension and Welfare Benefits Administration Rules and Regulations for Administration and Enforcement: Claims Procedure,~~[-Claims Procedure,]~~ 29 CFR 2560.503-1, by January 1, 2002.

**R590-203-[7]8. Relationship to Federal Rules.**

If an insurer complies with the requirements of the Department of Labor, Pension and Welfare Benefits Administration Rules and Regulations for Administration and Enforcement: Claims Procedure,~~[-Claims Procedure,]~~ 29 CFR 2560.503-1, then this rule is not applicable to employer benefit plans, except for Sections R590-203-4(2),(3), and R590-203-5. However, individual health benefit plans will remain subject to this rule.

**R590-203-[8;]9. Severability.**

If a provision or clause of this rule or its application to any person or circumstance is for any reason held to be invalid, the remainder of the rule and the application of these provisions shall not be affected.

**KEY: insurance**  
**2001**

**31A-2-201**  
**31A-2-203**  
**31A-22-629**



**End of the Notices of Changes in Proposed Rules Section**

## NOTICES OF 120-DAY (EMERGENCY) RULES

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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.

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### Public Safety, Fire Marshal **R710-6** Liquefied Petroleum Gas Rules

#### NOTICE OF 120-DAY (EMERGENCY) RULE

DAR FILE No.: 23995  
FILED: 08/16/2001, 15:00  
RECEIVED BY: NL

#### RULE ANALYSIS

PURPOSE OF THE RULE OR REASON FOR THE CHANGE: The Utah Liquefied Petroleum Gas Board proposes to add a second exception to National Fire Protection Association (NFPA), Standard 58, Section 2-3.1.5 to allow that LP Gas cylinders manufactured before October 1, 1998, and used in the horizontal orientation, will be allowed to remain as manufactured, and not be required to be retrofitted with an overfilling prevention device (OPD).

SUMMARY OF THE RULE OR CHANGE: On August 10, 2001, the Utah Liquefied Petroleum Gas Board met in a regularly scheduled Board meeting and proposed the following 120-day (emergency) rule change to NFPA 58. The Board has noted in the proposed 2001 edition of NFPA 58, which the Board will adopt in the 120-day rule allowance, that horizontal LP Gas cylinders would receive an exception from the requirement to have an OPD installed when the cylinder is certified, if that cylinder was manufactured before October 1, 1998. Since the adoption of the 1998 edition of NFPA 58, and the fact that there is no OPD manufactured for horizontal

cylinders 4 lb. through 40 lb, the horizontal cylinders needing certification were required to be discarded and a new cylinder purchased. This created a safety concern to LP Gas distributors, dispensers, and citizens who felt that the horizontal cylinders should be certified and not discarded. Various ways of filling the horizontal cylinders improperly were employed that caused concern for public safety and welfare.

STATE STATUTORY OR CONSTITUTIONAL AUTHORIZATION FOR THIS RULE: Section 53-7-305

#### ANTICIPATED COST OR SAVINGS TO:

❖THE STATE BUDGET: There will be a cost to the State to reprint the rule for the 120-day period and distribute it to all involved. The aggregate cost would be estimated at approximately \$400.

❖LOCAL GOVERNMENTS: There is no anticipated cost or savings to local government because this amendment does not effect local government.

❖OTHER PERSONS: There would be a savings to the citizens that own a horizontal cylinder to now be able to refill the horizontal cylinder when it is due for certification rather than have to discard the cylinder. The savings would be from \$50 to \$300 per citizen that owns a horizontal cylinder depending on the size of the horizontal cylinder.

COMPLIANCE COSTS FOR AFFECTED PERSONS: There would be a minuscule cost for the LP Gas distributors and dispensers that fill these horizontal cylinders to place a tag on the cylinder that states the horizontal cylinder does not contain an OPD. That minuscule cost would be negated from the allowance to now be able to fill the horizontal cylinder with LP Gas which is now not allowed.

COMMENTS BY THE DEPARTMENT HEAD ON THE FISCAL IMPACT THE RULE MAY HAVE ON BUSINESSES: There is no fiscal impact on business that will result from this rule change.

EMERGENCY RULE REASON AND JUSTIFICATION: REGULAR RULEMAKING PROCEDURES WOULD cause an imminent peril to the public health, safety, or welfare.

Allowing this exception that will be a part of the 2001 edition of NFPA 58, will hopefully stop citizens from employing unsafe and improper ways of filling horizontal cylinders that cannot be fitted with an OPD. The NFPA 58 committee has realized from 1998 to 2001 that to discard a perfectly good horizontal cylinder because an OPD does not exist has caused more safety concerns and problems than has warranted the exception.

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

Public Safety  
Fire Marshal  
Suite 302  
5272 South College Drive  
Murray, UT 84123-2611, or  
at the Division of Administrative Rules.

DIRECT QUESTIONS REGARDING THIS RULE TO:  
Brent R. Halladay at the above address, by phone at (801) 284-6350, by FAX at (801) 284-6351, or by Internet E-mail at bhallada@dps.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: 09/04/2001

AUTHORIZED BY: Brent R. Halladay, Chief Deputy State Fire Marshal

**R710. Public Safety, Fire Marshal.  
R710-6. Liquefied Petroleum Gas Rules.**

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**R710-6-8. Amendments and Additions.**

The following amendments and additions are hereby adopted by the Board:

8.1 All LP Gas facilities that are located in a public place shall be inspected by a certified LP Gas serviceman every five (5) years for leaks in all buried piping as follows:

- (a) All buried piping shall be pressure tested and inspected for leaks as set forth in NFPA Standard 54, Sections 4.1.1 through 4.3.4.
- (b) If a leak is detected and repaired, the buried piping shall again be pressure tested for leaks.
- (c) The certified LP Gas serviceman shall keep a written record of the inspection and all corrections made to the buried piping located in a public place.
- (d) The inspection records shall be available to be inspected on a regular basis by the Division.

8.2 Whenever the Division is required to complete more than two inspections to receive compliance on an LP Gas System, container, apparatus, appliance, appurtenance, tank or tank trailer, or any pertinent equipment for the storage, transportation or dispensation of LP Gas, the Division shall charge to the owner for each additional inspection, the re-inspection fee as stated in R710-6-6.1(e).

8.3 All LP Gas containers of more than 5000 water gallons shall be inspected at least biannually for compliance with the adopted statute and rules. The following containers are exempt from this requirement:

- (a) Those excluded from the act in UCA, Section 53-7-303.
- (b) Containers under federal control.
- (c) Containers under the control of the U.S. Department of Transportation and used for transportation of LP Gas.
- (d) Containers located at private residences.

8.4 Those using self-serve key or card services shall be trained in safe filling practices by the licensed dealer providing the services. A letter shall be sent to the Division by the licensed dealer stating that those using the self-serve key or card service have been trained.

8.5 UFC Amendments:

- (a) UFC, Section 8201 - Scope. On line 4 after the wording "Appendix B." insert the following: "Also reference NFPA, Standard 58, as amended by the Board".
- (b) UFC, Section 8202.1 Permits and Plans. On line 2 after the word "see" replace "Section 105, Permit 1.1" with "the adopted LPG rules". The rest of UFC, Section 8202.1 is deleted.
- (c) UFC, Section 8202.2 - Records., is deleted.
- (d) UFC, Section 8203.1 - General. Starting on line 2, after the wording "installed in accordance with" insert "NFPA Standard 58, NFPA Standard 54, and".
- (e) UFC, Section 8204.1 General. On line 3 delete "and subject to the approval of the chief." and replace it with "as amended by the Board".
- (f) UFC, Section 8204.2 on line 4 after the word "areas" insert "as determined by the Board".

(g) UFC, Section 8208 - Smoking and Other Sources of Ignition. On line 1 replace "chief" with "enforcing authority".

(h) UFC, Section 8212.12 is deleted and replaced with NFPA, Standard 58, Section 5-4.1.

8.6 UFCS 82-1 Amendments:

- (a) The amendments listed in Part I, Section 82.101 are deleted.
- (b) The 1989 edition of NFPA, Standard 58 listed in Part II is deleted and replaced with the 1998 edition of NFPA, Standard 58.

8.7 NFPA, Standard 58 Amendments:

(a) NFPA, Standard 58, Section 2-2.1.3 is amended to add the following section: (c) All new, used or existing containers of 5000 water gallons or less, installed in the State of Utah or relocated within the State of Utah shall meet the requirements listed in ASME, Boiler and Pressure Vessel Code, "Rules for the Construction of Unfired Pressure Vessels". All new, used or existing containers of more than 5000 water gallons, installed in the State of Utah or relocated within the State of Utah shall meet the requirements listed in ASME, Boiler and Pressure Vessel Code, "Rules for the Construction of Unfired Pressure Vessels", Section VIII, and shall either be registered by the National Board of Boiler and Pressure Vessel Inspectors or the Manufacturer's Data Report for Pressure Vessels, Form U-1A, be provided.

(b) NFPA, Standard 58, Section 2-2.1.3 is amended to add the following section: (d) If an existing container is relocated within the State of Utah, and depending upon the container size, does not bear the required ASME construction code and/or National Board Stamping, the new owner may submit to the Division a request for "Special Classification Permit". Material specifications and calculations of the container shall be submitted to the Division by the new owner. Also, the new owner shall insure that a review of the proposed container be completed by a registered professional engineer experienced in pressure vessel container design and construction, and the new owner submit that report to the Division. The Division will approve or disapprove the proposed container. Approval by the Division shall be obtained before the container is set or filled with LP Gas.

(c) NFPA, Standard 58, Section 2-2.1.5 is deleted and rewritten as follows: All cylinders shall be filled, continued in service, and transported in accordance with USDOT regulations. Any cylinder which is out of the qualification date, to include privately owned or personally transported cylinders, shall not be refilled until requalified by methods prescribed in USDOT, 49 CFR, Subchapter C - Hazardous Materials Regulations, Parts 171-180.

(d) NFPA, Standard 58, Section 2-2.1.9 is deleted and rewritten as follows: Repair or alteration of containers shall comply with the latest edition of the National Board Inspection Code or the API Pressure Vessel Inspection Code as applicable. Repairs and alterations shall only be made by those holding a National Board "R" Certificate of Authorization commonly known as an R Stamp.

(e) NFPA Standard 58, Sections 2-4.3(c)(1) and (2) are deleted and amended to read as follows:

Type K copper tubing without joints below grade may be used in exterior LP Gas piping systems only.

(f) NFPA, Standard 58, Section 2-3.1.5 is amended to add the following exception: Exception 2: Cylinders manufactured prior to October 1, 1998, and designed for use in the horizontal orientation for which an overfilling prevention device is not available. Such cylinders shall have a label to indicate that they are not equipped with an overfilling prevention device.

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**KEY: liquefied petroleum gas**  
**September 4, 2001** **53-7-305**  
**Notice of Continuation July 5, 2001**



**End of the Notices of 120-Day (Emergency) Rules Section**

# FIVE-YEAR NOTICES OF REVIEW AND STATEMENTS OF CONTINUATION

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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).

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## Agriculture and Food, Marketing and Conservation

### R65-8

## Management of the Junior Livestock Show Appropriation

#### FIVE-YEAR NOTICE OF REVIEW AND STATEMENT OF CONTINUATION

DAR FILE NO.: 24003  
FILED: 08/24/2001, 09:29  
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: Subsection 4-2-2(1)(j) authorizes the Department of Agriculture and Food to make and enforce rules.

SUMMARY OF WRITTEN COMMENTS RECEIVED DURING AND SINCE THE LAST FIVE-YEAR REVIEW OF THE RULE FROM INTERESTED PERSONS SUPPORTING OR OPPOSING THE RULE: No comments received.

REASONED JUSTIFICATION FOR CONTINUATION OF THE RULE, INCLUDING REASONS WHY THE AGENCY DISAGREES WITH COMMENTS IN OPPOSITION TO THE RULE, IF ANY: This rule establishes the regulations for the management of the Junior Livestock Show appropriation.

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

Agriculture and Food  
Marketing and Conservation  
350 North Redwood Road  
PO Box 146500  
Salt Lake City, UT 84114-6500, or  
at the Division of Administrative Rules.

DIRECT QUESTIONS REGARDING THIS RULE TO:  
Randy Parker at the above address, by phone at (801) 538-7108, by FAX at (801) 538-7126, or Internet E-mail at [agmain.rparker@state.ut.us](mailto:agmain.rparker@state.ut.us).

AUTHORIZED BY: Cary G. Peterson, Commissioner

EFFECTIVE: 08/24/2001



## Agriculture and Food, Plant Industry

### R68-18

## Quarantine Pertaining to Karnal Bunt

#### FIVE-YEAR NOTICE OF REVIEW AND STATEMENT OF CONTINUATION

DAR FILE NO.: 24004  
FILED: 08/24/2001, 09:29  
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: Subsection 4-2-2(1)(ii) authorizes the Department of Agriculture and Food to establish and enforce quarantines.

SUMMARY OF WRITTEN COMMENTS RECEIVED DURING AND SINCE THE LAST FIVE-YEAR REVIEW OF THE RULE FROM INTERESTED PERSONS SUPPORTING OR OPPOSING THE RULE: No comments received.

REASONED JUSTIFICATION FOR CONTINUATION OF THE RULE, INCLUDING REASONS WHY THE AGENCY DISAGREES WITH COMMENTS IN OPPOSITION TO THE RULE, IF ANY: This rule establishes a quarantine to prevent the spread of Karnal Bunt, a fungal disease of wheat, durum wheat, and Triticale.

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

Agriculture and Food  
Plant Industry  
350 North Redwood Road  
PO Box 146500  
Salt Lake City, UT 84114-6500, or  
at the Division of Administrative Rules.

DIRECT QUESTIONS REGARDING THIS RULE TO:

Dick Wilson at the above address, by phone at (801) 538-7180, by FAX at (801) 538-7126, or Internet E-mail at agmain.dwilson@state.ut.us.

AUTHORIZED BY: Cary G. Peterson, Commissioner

EFFECTIVE: 08/24/2001



**Agriculture and Food, Regulatory Services**

**R70-330**

**Raw Milk for Retail**

**FIVE-YEAR NOTICE OF REVIEW AND STATEMENT OF CONTINUATION**

DAR FILE No.: 24005  
FILED: 08/24/2001, 09:29  
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: Section 4-3-2 authorizes the Department of Agriculture and Food to make and enforce rules.

SUMMARY OF WRITTEN COMMENTS RECEIVED DURING AND SINCE THE LAST FIVE-YEAR REVIEW OF THE RULE FROM INTERESTED PERSONS SUPPORTING OR OPPOSING THE RULE: No comments received.

REASONED JUSTIFICATION FOR CONTINUATION OF THE RULE, INCLUDING REASONS WHY THE AGENCY DISAGREES WITH COMMENTS IN OPPOSITION TO THE RULE, IF ANY: This rule establishes the requirements for the production, distribution, and sale of raw milk for retail.

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

Agriculture and Food  
Regulatory Services  
350 North Redwood Road  
PO Box 146500  
Salt Lake City, UT 84114-6500, or

at the Division of Administrative Rules.

DIRECT QUESTIONS REGARDING THIS RULE TO:

Don McClellan at the above address, by phone at (801) 538-7145, by FAX at (801) 538-4949, or Internet E-mail at agmain.dmccl@state.ut.us.

AUTHORIZED BY: Cary G. Peterson, Commissioner

EFFECTIVE: 08/24/2001



**Agriculture and Food, Regulatory Services**

**R70-370**

**Butter**

**FIVE-YEAR NOTICE OF REVIEW AND STATEMENT OF CONTINUATION**

DAR FILE No.: 24006  
FILED: 08/24/2001, 09:29  
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: Section 4-3-2 authorizes the Department of Agriculture and Food to make and enforce rules.

SUMMARY OF WRITTEN COMMENTS RECEIVED DURING AND SINCE THE LAST FIVE-YEAR REVIEW OF THE RULE FROM INTERESTED PERSONS SUPPORTING OR OPPOSING THE RULE: No comments received.

REASONED JUSTIFICATION FOR CONTINUATION OF THE RULE, INCLUDING REASONS WHY THE AGENCY DISAGREES WITH COMMENTS IN OPPOSITION TO THE RULE, IF ANY: This rule establishes the requirements for the production, distribution, and sale of butter within the State of Utah.

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

Agriculture and Food  
Regulatory Services  
350 North Redwood Road  
PO Box 146500  
Salt Lake City, UT 84114-6500, or  
at the Division of Administrative Rules.

DIRECT QUESTIONS REGARDING THIS RULE TO:

Don McClellan at the above address, by phone at (801) 538-7145, by FAX at (801) 538-4949, or Internet E-mail at agmain.dmccl@state.ut.us.

AUTHORIZED BY: Cary G. Peterson, Commissioner

EFFECTIVE: 08/24/2001



Agriculture and Food, Regulatory Services

**R70-380**

Grade A Condensed and Dry Milk Products and Condensed and Dry Whey

**FIVE-YEAR NOTICE OF REVIEW AND STATEMENT OF CONTINUATION**

DAR FILE No.: 24007  
FILED: 08/24/2001, 09:29  
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: Section 4-3-2 authorizes the Department of Agriculture and Food to make and enforce rules.

SUMMARY OF WRITTEN COMMENTS RECEIVED DURING AND SINCE THE LAST FIVE-YEAR REVIEW OF THE RULE FROM INTERESTED PERSONS SUPPORTING OR OPPOSING THE RULE: No comments received.

REASONED JUSTIFICATION FOR CONTINUATION OF THE RULE, INCLUDING REASONS WHY THE AGENCY DISAGREES WITH COMMENTS IN OPPOSITION TO THE RULE, IF ANY: This rule establishes the requirements for the production, distribution, and sale of Grade A Condensed and Dry Milk Products and Condensed and Dry Whey within the State of Utah.

THE FULL TEXT OF THIS RULE MAY BE INSPECTED, DURING REGULAR BUSINESS HOURS, AT:  
Agriculture and Food  
Regulatory Services  
350 North Redwood Road  
PO Box 146500  
Salt Lake City, UT 84114-6500, or  
at the Division of Administrative Rules.

DIRECT QUESTIONS REGARDING THIS RULE TO:  
Don McClellan at the above address, by phone at (801) 538-7145, by FAX at (801) 538-4949, or Internet E-mail at agmain.dmccl@state.ut.us.

AUTHORIZED BY: Cary G. Peterson, Commissioner

EFFECTIVE: 08/24/2001



Health, Center for Health Data, Vital Records and Statistics

**R436-5**

New Birth Certificates After Legitimation, Court Determination of Paternity, or Adoption

**FIVE-YEAR NOTICE OF REVIEW AND STATEMENT OF CONTINUATION**

DAR FILE No.: 24014  
FILED: 08/28/2001, 14:54  
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: Section 26-2-10 directs creation of a new birth certificate in certain situations, processing such requests according to rules.

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 received.

REASONED JUSTIFICATION FOR CONTINUATION OF THE RULE, INCLUDING REASONS WHY THE AGENCY DISAGREES WITH COMMENTS IN OPPOSITION TO THE RULE, IF ANY: Rule R426-5 specifies an orderly, fair process to create supplementary certificates of birth.

THE FULL TEXT OF THIS RULE MAY BE INSPECTED, DURING REGULAR BUSINESS HOURS, AT:  
Health  
Center for Health Data,  
Vital Records and Statistics  
Cannon Health Building  
288 North 1460 West  
PO Box 141012  
Salt Lake City, UT 84114-1012, or  
at the Division of Administrative Rules.

DIRECT QUESTIONS REGARDING THIS RULE TO:  
Barry Nangle at the above address, by phone at (801) 538-6907, by FAX at (801) 538-7012, or Internet E-mail at bnangle@doh.state.ut.us.

AUTHORIZED BY: Rod L. Betit, Executive Director

EFFECTIVE: 08/28/2001





Human Services, Administration  
**R495-876**

Provider Code of Conduct

**FIVE-YEAR NOTICE OF REVIEW AND STATEMENT OF CONTINUATION**

DAR FILE No.: 24027  
FILED: 08/30/2001, 12:51  
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  
Room 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: 08/30/2001



Natural Resources, Wildlife Resources  
**R657-9**

Taking Waterfowl, Wilson's Snipe and Coot

**FIVE-YEAR NOTICE OF REVIEW AND STATEMENT OF CONTINUATION**

DAR FILE No.: 24020  
FILED: 08/30/2001, 11:05  
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: Under Sections 23-14-18 and 23-14-19, and in accordance with 50 CFR 20, 50 CFR 32.64, and 50 CFR 27.21, which is incorporated into Rule R657-9 by reference, the Wildlife Board is authorized and required to provide rules to regulate the taking of waterfowl, Wilson's snipe, and coot.

SUMMARY OF WRITTEN COMMENTS RECEIVED DURING AND SINCE THE LAST FIVE-YEAR REVIEW OF THE RULE FROM INTERESTED PERSONS SUPPORTING OR OPPOSING THE RULE: The Division of Wildlife Resources and the Wildlife Board have received several comments, both in support and opposition to Rule R657-9, Taking Waterfowl, Wilson's Snipe, and Coot. Written comments received in opposition to the rule are resolved using existing policies and procedures or the issue is placed on the Regional Advisory Council's and Wildlife Board's agenda for review and discussion during the annual or biannual process for taking public input. The public is welcome to view the Regional Advisory Council minutes, Wildlife Board minutes, and the administrative record for this rule at the Division of Wildlife Resources.

REASONED JUSTIFICATION FOR CONTINUATION OF THE RULE, INCLUDING REASONS WHY THE AGENCY DISAGREES WITH COMMENTS IN OPPOSITION TO THE RULE, IF ANY: Rule R657-9 provides the procedures and standards for the protection, harvest, and management of waterfowl, Wilson's snipe, and coot. The provisions adopted in this rule are effective in providing the procedures and standards for protecting, harvesting, and managing waterfowl, Wilson's snipe and coot. Continuation of this rule is necessary for continued success of this program.

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

Natural Resources  
Wildlife Resources  
Suite 2110  
1594 West North Temple  
PO Box 146301  
Salt Lake City, UT 84114-6301, or  
at the Division of Administrative Rules.

DIRECT QUESTIONS REGARDING THIS RULE TO:  
Debbie Sundell at the above address, by phone at (801) 538-4707, by FAX at (801) 538-4709, or Internet E-mail at nrdwr.dsundell@email.state.ut.us.

AUTHORIZED BY: John Kimball, Director

EFFECTIVE: 08/30/2001



Natural Resources, Wildlife Resources  
**R657-10**  
Taking Cougar

**FIVE-YEAR NOTICE OF REVIEW AND STATEMENT OF CONTINUATION**

DAR FILE NO.: 24021  
FILED: 08/30/2001, 11:05  
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: Under Sections 23-14-18 and 23-14-19, the Wildlife Board is authorized and required to provide rules to regulate the take and pursuit of cougars.

SUMMARY OF WRITTEN COMMENTS RECEIVED DURING AND SINCE THE LAST FIVE-YEAR REVIEW OF THE RULE FROM INTERESTED PERSONS SUPPORTING OR OPPOSING THE RULE: The Division of Wildlife Resources and the Wildlife Board have received several comments, both in support and opposition to Rule R657-10, Taking Cougar. Written comments received in opposition to the rule are resolved using existing policies and procedures or the issue is placed on the Regional Advisory Council's and Wildlife Board's agenda for review and discussion during the annual process for taking public input. The public is welcome to view the Regional Advisory Council minutes, Wildlife Board minutes, and the administrative record for this rule at the Division of Wildlife Resources.

REASONED JUSTIFICATION FOR CONTINUATION OF THE RULE, INCLUDING REASONS WHY THE AGENCY DISAGREES WITH COMMENTS IN OPPOSITION TO THE RULE, IF ANY: Rule R657-10 provides the procedures and standards for the protection, harvest, and management of cougars. The provisions adopted in this rule are effective in providing the procedures and standards for protecting, harvesting, and managing cougars. Continuation of this rule is necessary for continued success of this program.

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

Natural Resources  
Wildlife Resources

Suite 2110  
1594 West North Temple  
PO Box 146301  
Salt Lake City, UT 84114-6301, or  
at the Division of Administrative Rules.

DIRECT QUESTIONS REGARDING THIS RULE TO:  
Debbie Sundell at the above address, by phone at (801) 538-4707, by FAX at (801) 538-4709, or Internet E-mail at nrdwr.dsundell@email.state.ut.us.

AUTHORIZED BY: John Kimball, Director

EFFECTIVE: 08/30/2001



Natural Resources, Wildlife Resources  
**R657-26**  
Adjudicative Proceedings for a License,  
Permit, Tag, or Certificate of  
Registration

**FIVE-YEAR NOTICE OF REVIEW AND STATEMENT OF CONTINUATION**

DAR FILE NO.: 24022  
FILED: 08/30/2001, 11:05  
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: Under Subsection 23-19-9(15) the Wildlife Board is authorized and required to provide rules to regulate the procedures and standards for: the suspension of the privilege of applying for, purchasing and exercising the benefits conferred by a license or permit; and the suspension of a certificate of registration.

SUMMARY OF WRITTEN COMMENTS RECEIVED DURING AND SINCE THE LAST FIVE-YEAR REVIEW OF THE RULE FROM INTERESTED PERSONS SUPPORTING OR OPPOSING THE RULE: The Division of Wildlife Resources and the Wildlife Board have not received written comments, in support or opposition to Rule R657-26, Adjudicative Proceedings for a License, Permit, Tag or Certificate of Registration. Written comments received in opposition to the rule are resolved using existing policies and procedures or the issue is placed on the Regional Advisory Council's and Wildlife Board's agenda for review and discussion during the review process for taking public input. The public is welcome to view the Regional Advisory Council minutes, Wildlife Board minutes, and the administrative record for this rule at the Division of Wildlife Resources.

REASONED JUSTIFICATION FOR CONTINUATION OF THE RULE, INCLUDING REASONS WHY THE AGENCY DISAGREES WITH

COMMENTS IN OPPOSITION TO THE RULE, IF ANY: Rule R657-26 provides the procedures and standards for the suspension of: the suspension of the privilege of applying for, purchasing and exercising the benefits conferred by a license or permit; and the suspension of a certificate of registration. The provisions adopted in this rule are effective in providing these procedures and standards. Continuation of this rule is necessary for continued success of this program.

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

Natural Resources  
Wildlife Resources  
Suite 2110  
1594 West North Temple  
PO Box 146301  
Salt Lake City, UT 84114-6301, or  
at the Division of Administrative Rules.

DIRECT QUESTIONS REGARDING THIS RULE TO:  
Debbie Sundell at the above address, by phone at (801) 538-4707, by FAX at (801) 538-4709, or Internet E-mail at [nrdwr.dsundell@email.state.ut.us](mailto:nrdwr.dsundell@email.state.ut.us).

AUTHORIZED BY: John Kimball, Director

EFFECTIVE: 08/30/2001



**End of the Five-Year Notices of Review and Statements of Continuation Section**

## NOTICES OF FIVE-YEAR REVIEW EXTENSIONS

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Rulewriting agencies are required by law to review each of their administrative rules within five years of the date of the rule's original enactment or the date of last review (*Utah Code* Section 63-46a-9 (1998)). If the agency finds that it will not meet the deadline for review of the rule (the five-year anniversary date), it may file an extension with the Division of Administrative Rules. The extension permits the agency to file the review up to 120 days beyond the anniversary date.

Agencies have filed extensions for the rules listed below. The "Extended Due Date" is 120 days after the anniversary date. The five-year review extension is governed by *Utah Code* Subsection 63-46a-9(4) and (5) (1998).

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### Transportation

#### Motor Carrier

No. 24028 (filed 08/30/2001 at 2:52 p.m.): R909-4. Safety Regulations for Tow Truck (Wrecker) Operations - Tow Truck Requirements, Equipment and Operation.

Enacted: 09/04/96 (No. 17830, NEW, filed 05/31/96 at 4:31 p.m., published 06/15/96; and No. 17830, CPR, filed 07/11/96 at 1:26 p.m., published 08/01/96)

Extended Due Date: January 2, 2002

**End of the Notices of Five-Year Review Extensions Section**

## NOTICES OF RULE EFFECTIVE DATES

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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.

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### Abbreviations

AMD = Amendment  
CPR = Change in Proposed Rule  
NEW = New Rule  
R&R = Repeal and Reenact  
REP = Repeal

### Commerce

#### Occupational and Professional Licensing

No. 23678 (CPR): R156-24a. Physical Therapist Practice Act Rules.

Published: July 15, 2001  
Effective: August 16, 2001

No. 23539 (CPR): R156-47b. Massage Therapy Practice Act Rules.

Published: July 15, 2001  
Effective: August 16, 2001

### Environmental Quality

#### Drinking Water

No. 23755 (NEW): R309-115. Administrative Procedures.

Published: June 1, 2001  
Effective: August 24, 2001

No. 23845 (AMD): R309-605. Source Protection: Drinking Water Source Protection for Surface Water Sources.

Published: July 1, 2001  
Effective: August 27, 2001

#### Water Quality

No. 23766 (AMD): R317-1. Definitions and General Requirements.

Published: June 1, 2001  
Effective: August 24, 2001

No. 23768 (AMD): R317-4. Onsite Wastewater Systems.

Published: June 1, 2001  
Effective: August 28, 2001

No. 23769 (AMD): R317-5. Large Underground Wastewater Disposal Systems.

Published: June 1, 2001  
Effective: August 28, 2001

No. 23785 (AMD): R317-100. Utah State Project Priority System and List for the Utah Wastewater Project Assistance Program.

Published: June 15, 2001  
Effective: August 24, 2001

No. 23786 (AMD): R317-101. Utah Wastewater Project Assistance Program.

Published: June 15, 2001  
Effective: August 24, 2001

No. 23787 (AMD): R317-102. Utah Wastewater State Revolving Fund (SRF) Program.

Published: June 15, 2001  
Effective: August 24, 2001

No. 23600 (CPR): R317-550-7. Disposal of Wastes at Approved Locations.

Published: July 15, 2001  
Effective: August 29, 2001

### Health

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

No. 23860 (AMD): R398-2. Newborn Hearing Screening.

Published: July 15, 2001  
Effective: September 1, 2001

### Insurance

#### Administration

No. 23369 (Second CPR): R590-175. Basic Health Care Plan Rule.

Published: July 15, 2001  
Effective: August 23, 2001

### Money Management Council

#### Administration

No. 23841 (AMD): R628-10. Rating Requirements to Be a Permitted Out-of-State Depository.

Published: July 1, 2001  
Effective: August 27, 2001

No. 23805 (AMD): R628-16. Certification as a Dealer.

Published: June 15, 2001  
Effective: August 27, 2001

# 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 August 31, 2001, the effective dates of which are no later than September 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	NSC = Nonsubstantive rule change
CPR = Change in proposed rule	REP = Repeal
EMR = Emergency rule (120 day)	R&R = Repeal and reenact
NEW = New rule	* = Text too long to print in <i>Bulletin</i> , or repealed text not printed in <i>Bulletin</i>
5YR = Five-Year Review	
EXD = Expired	

CODE REFERENCE	TITLE	FILE NUMBER	ACTION	EFFECTIVE DATE	BULLETIN ISSUE/PAGE
<b>ADMINISTRATIVE SERVICES</b>					
<u>Debt Collection</u>					
R21-3	Debt Collection Through Administrative Offset	23682	NSC	05/01/2001	Not Printed
<u>Facilities Construction and Management</u>					
R23-1	Procurement of Construction	23870	AMD	08/15/2001	2001-14/5
R23-6	Value Engineering and Life Cycle Costing of State Owned Facilities Rules and Regulations	23697	NSC	05/01/2001	Not Printed
<u>Finance</u>					
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
<u>Fleet Operations</u>					
R27-2	Fleet Operations Adjudicative Proceedings	23522	5YR	02/08/2001	2001-5/39
R27-7	Safety and Loss Prevention of State Vehicles	23345	NEW	01/31/2001	2000-24/6

CODE REFERENCE	TITLE	FILE NUMBER	ACTION	EFFECTIVE DATE	BULLETIN ISSUE/PAGE
<u>Fleet Operations, Surplus Property</u>					
R28-2	Surplus Firearms	23523	5YR	02/08/2001	2001-5/39
<u>Information Technology Services</u>					
R29-1	Division of Information Technology Services Adjudicative Proceedings	23944	5YR	07/26/2001	2001-16/48
<b>AGRICULTURE AND FOOD</b>					
<u>Administration</u>					
R51-1	Public Petitions for Declaratory Rulings	23584	5YR	03/30/2001	2001-8/83
R51-2-11	Appearance and Representation	23928	NSC	08/01/2001	Not Printed
R51-3	Government Records Access and Management Act	23958	5YR	07/31/2001	2001-16/48
R51-4	ADA Complaint Procedure	23959	5YR	07/31/2001	2001-16/49
<u>Animal Industry</u>					
R58-2	Diseases, Inspections and Quarantines	23557	NSC	04/01/2001	Not Printed
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
R58-17	Aquaculture and Aquatic Animal Health	23534	AMD	04/17/2001	2001-6/34
<u>Chemistry Laboratory</u>					
R63-1	Fee Schedule	23404	5YR	01/10/2001	2001-3/94
<u>Marketing and Conservation</u>					
R65-1	Utah Apple Marketing Order	23543	5YR	03/06/2001	2001-7/45
R65-3	Utah Turkey Marketing Order	23544	5YR	03/06/2001	2001-7/45
R65-4	Utah Egg Marketing Order	23545	5YR	03/06/2001	2001-7/46
R65-8	Management of the Junior Livestock Show Appropriation	24003	5YR	08/24/2001	2001-18/56
<u>Plant Industry</u>					
R68-1	Utah Bee Inspection Act Governing Inspection of Bees	23434	5YR	01/16/2001	2001-3/94
R68-2	Utah Commercial Feed Act Governing Feed	23435	5YR	01/16/2001	2001-3/95
R68-4	Standardization, Marketing, and Phytosanitary Inspection of Fresh Fruits, Vegetables, and Other Plant and Plant Products	23960	5YR	07/31/2001	2001-16/49
R68-6	Utah Nursery Act	23436	5YR	01/16/2001	2001-3/95
R68-7	Utah Pesticide Control Act	23973	5YR	08/07/2001	2001-17/46
R68-8	Utah Seed Law	23961	5YR	07/31/2001	2001-16/50

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CODE REFERENCE	TITLE	FILE NUMBER	ACTION	EFFECTIVE DATE	BULLETIN ISSUE/PAGE
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
R68-18	Quarantine Pertaining to Karnal Bunt	24004	5YR	08/24/2001	2001-18/56
<b><u>Regulatory Services</u></b>					
R70-101	Bedding, Upholstered Furniture and Quilted Clothing	23541	5YR	03/06/2001	2001-7/46
R70-101	Bedding, Upholstered Furniture and Quilted Clothing	23542	AMD	05/02/2001	2001-7/6
R70-101-14	Rules and Regulations for Filling Material	23653	NSC	06/01/2001	Not Printed
R70-330	Raw Milk for Retail	24005	5YR	08/24/2001	2001-18/57
R70-370	Butter	24006	5YR	08/24/2001	2001-18/57
R70-380	Grade A Condensed and Dry Milk Products and Condensed and Dry Whey	24007	5YR	08/24/2001	2001-18/58
R70-420	Chickens	23428	REP	03/06/2001	2001-3/5
R70-430	Turkeys	23429	REP	03/06/2001	2001-3/6
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
R70-620	Enrichment of Flour and Cereal Products	23432	5YR	01/16/2001	2001-3/97
R70-620	Enrichment of Flour and Cereal Products	23433	AMD	03/06/2001	2001-3/7
R70-910	Voluntary Registration of Servicemen and Service Agencies for Commercial Weighing and Measuring Devices	23728	5YR	05/03/2001	2001-11/116
R70-950	Uniform National Type Evaluation	23729	5YR	05/03/2001	2001-11/116
<b><u>ALCOHOLIC BEVERAGE CONTROL</u></b>					
<b><u>Administration</u></b>					
R81-1	Scope of Definitions, and General Provisions	23981	EMR	08/09/2001	2001-17/39
R81-3-9	Advertising	23983	EMR	08/09/2001	2001-17/43
R81-4A-12	Menus; Price Lists	23982	EMR	08/09/2001	2001-17/44
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
<b><u>CAPITOL PRESERVATION BOARD (STATE)</u></b>					
<b><u>Administration</u></b>					
R131-4	Procurement of Construction	23578	NEW	05/16/2001	2001-8/7
<b><u>CAREER SERVICE REVIEW BOARD</u></b>					
<b><u>Administration</u></b>					
R137-1	Grievance Procedure Rules	23979	5YR	08/08/2001	2001-17/46



CODE REFERENCE	TITLE	FILE NUMBER	ACTION	EFFECTIVE DATE	BULLETIN ISSUE/PAGE
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<u>Administration</u>					
R151-46b	Department of Commerce Administrative Procedures Act Rules	23537	5YR	02/28/2001	2001-6/49
R151-46b	Department of Commerce Administrative Procedures Act Rules	23945	5YR	07/27/2001	2001-16/50
<u>Consumer Protection</u>					
R152-1	Utah Division of Consumer Protection: "Buyer Beware List"	23457	5YR	01/29/2001	2001-4/61
R152-1	Utah Division of Consumer Protection: "Buyer Beware List"	23789	AMD	07/30/2001	2001-12/7
R152-7 (Changed to R152-23)	Utah Health Spa Services	23791	AMD	07/30/2001	2001-12/12
R152-15	Business Opportunity Disclosure Act Rules	23792	AMD	07/30/2001	2001-12/14
R152-16	Motor Fuel Marketing Act Rules	23793	REP	07/30/2001	2001-12/15
R152-22	Charitable Solicitations Act	23794	AMD	07/30/2001	2001-12/17
R152-26	Telephone Fraud Prevention Act	23795	AMD	07/30/2001	2001-12/19
<u>Corporations and Commercial Code</u>					
R154-2	Utah Uniform Commercial Code, Revised Article 9 Rules	23672	NEW	07/26/2001	2001-9/3
R154-2	Utah Uniform Commercial Code, Revised Article 9 Rules	23858	NSC	08/01/2001	Not Printed
R154-10	Utah Digital Signature Act Rules	23595	AMD	05/18/2001	2001-8/15
<u>Occupational and Professional Licensing</u>					
R156-1-308a	Renewal Dates	23798	AMD	07/17/2001	2001-12/22
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
R156-5a	Podiatric Physician Licensing Act Rules	23797	AMD	07/17/2001	2001-12/24
R156-9a	Uniform Athlete Agents Act Rules	23796	NEW	07/17/2001	2001-12/25
R156-11a	Cosmetologist/Barber Licensing Act Rules	23260	AMD	see CPR	2000-22/5
R156-11a	Cosmetologist/Barber Licensing Act Rules	23260	CPR	03/06/2001	2001-3/79
R156-16a	Optometry Practice Act Rules	23566	AMD	05/17/2001	2001-8/16
R156-17a	Pharmacy Practice Act Rules	23695	5YR	04/26/2001	2001-10/89
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
R156-24a	Physical Therapist Practice Act Rules	23678	AMD	see CPR	2001-10/9
R156-24a	Physical Therapist Practice Act Rules	23678	CPR	08/16/2001	2001-14/46
R156-26a	Certified Public Accountant Licensing Act Rules	23296	AMD	01/04/2001	2000-23/11

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R156-28	Veterinary Practice Act Rules	23309	AMD	see CPR	2000-23/15
R156-28	Veterinary Practice Act Rules	23309	CPR	03/08/2001	2001-3/80
R156-37-502	Unprofessional Conduct	23401	NSC	02/01/2001	Not Printed
R156-38	Residence Lien Restriction and Lien Recovery Fund Rules	23799	AMD	07/17/2001	2001-12/26
R156-44a	Nurse Midwife Practice Act Rules	23734	AMD	07/05/2001	2001-11/3
R156-46a-308	Quality Assurance Program	23735	AMD	07/05/2001	2001-11/4
R156-46b	Division Utah Administrative Procedures Act Rules	23839	5YR	06/11/2001	2001-13/85
R156-47b	Massage Therapy Practice Act Rules	23535	5YR	02/26/2001	2001-6/49
R156-47b	Massage Therapy Practice Act Rules	23539	AMD	see CPR	2001-6/42
R156-47b	Massage Therapy Practice Act Rules	23539	CPR	08/16/2001	2001-14/47
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
R156-55b	Electricians Licensing Rules	23374	AMD	04/30/2001	2001-1/4
R156-55c-102	Definitions	23375	AMD	04/30/2001	2001-1/5
R156-55d-603	Operating Standards - Alarm Installer	23524	AMD	04/03/2001	2001-5/8
R156-56	Utah Uniform Building Standard Act Rules	23577	AMD	07/01/2001	2001-8/18
R156-56-704	Statewide Amendments to the IBC	23788	NSC	06/26/2001	Not Printed
R156-59-102	Definitions	23883	NSC	07/30/2001	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
R156-67	Utah Medical Practice Act Rules	23925	5YR	07/19/2001	2001-16/51
R156-68-305	Quality Review Program	23736	AMD	07/05/2001	2001-11/5
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
R156-69	Dentist and Dental Hygienist Practice Act Rules	23878	5YR	07/05/2001	2001-15/47
R156-69-305	Continuous Quality Improvement Program	23737	AMD	07/05/2001	2001-11/6
R156-71	Naturopathic Physician Practice Act Rules	23738	AMD	07/05/2001	2001-11/7
R156-73	Chiropractic Physician Practice Act Rules	23390	AMD	02/15/2001	2001-2/2
R156-73	Chiropractic Physician Practice Act Rules	23743	AMD	07/05/2001	2001-11/8
R156-73	Chiropractic Physician Practice Act Rules	23879	5YR	07/05/2001	2001-15/48
<u>Real Estate</u>					
R162-102	Application Procedures	23321	AMD	02/07/2001	2000-23/17
R162-209	Administrative Proceedings	23526	NEW	04/13/2001	2001-5/9

CODE REFERENCE	TITLE	FILE NUMBER	ACTION	EFFECTIVE DATE	BULLETIN ISSUE/PAGE
<b>COMMUNITY AND ECONOMIC DEVELOPMENT</b>					
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R916-3	DESIGN-BUILD Contracts	23750	5YR	05/14/2001	2001-11/119
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R920-3	Manual of Uniform Traffic Control Devices, Part IV	23636	NSC	05/01/2001	Not Printed
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R926-5	State Park Access Highways Improvement Program	23614	NSC	05/01/2001	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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R930-6	Rules for the Accommodation of Utility Facilities and the Control and Protection of State Highway Rights-of-Way	23443	NSC	02/12/2001	Not Printed
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R933-3	Relocation of Modification of Existing Authorized Access Openings or Granting New Access Openings on Limited Access Highways	23619	NSC	05/01/2001	Not Printed
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R986-900-902	Options and Waivers	23727	AMD	07/01/2001	2001-10/79
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R994-406-304	Appeal Time Limitation for Decisions Which are Mailed	23525	AMD	04/05/2001	2001-5/28

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**ABBREVIATIONS**

AMD = Amendment	NSC = Nonsubstantive rule change
CPR = Change in proposed rule	REP = Repeal
EMR = Emergency rule (120 day)	R&R = Repeal and reenact
NEW = New rule	* = Text too long to print in <i>Bulletin</i> , or repealed text not printed in <i>Bulletin</i>
5YR = Five-Year Review	
EXD = Expired	

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Commerce, Administration	23537	R151-46b	5YR	02/28/2001	2001-6/49
	23945	R151-46b	5YR	07/27/2001	2001-16/50
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	23407	R307-103-2	AMD	04/12/2001	2001-3/13
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	23664	R309-103	5YR	04/16/2001	2001-9/141
	23665	R309-104	5YR	04/16/2001	2001-9/141
	23755	R309-115	NEW	08/24/2001	2001-11/23
	23252	R309-150	AMD	01/04/2001	2000-22/33
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	23779	R477-15	AMD	07/03/2001	2001-11/103
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
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	23939	R652-9	5YR	07/23/2001	2001-16/58
	23940	R652-41	5YR	07/23/2001	2001-16/58
	23621	R652-70-2400	AMD	06/11/2001	2001-9/100
	23941	R652-80	5YR	07/23/2001	2001-16/59
	23425	R652-121	AMD	03/12/2001	2001-3/64
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	23740	R674-3	EXD	05/07/2001	2001-11/121
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Pioneer Sesquicentennial Celebration Coordinating Council (Utah), Administration	23739	R674-1	EXD	05/07/2001	2001-11/ 121
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Human Services, Administration	23863	R495-880	NEW	08/15/2001	2001-14/4
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	23407	R307-103-2	AMD	04/12/2001	2001-3/13
	23756	R307-110-31	AMD	08/02/2001	2001-11/18
	23757	R307-110-33	AMD	08/02/2001	2001-11/19
	23987	R307-210	5YR	08/15/2001	2001-17/47
	23760	R307-405-1	AMD	07/12/2001	2001-11/21
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	23982	R81-4A-12	EMR	08/09/2001	2001-17/44
	23591	R81-4B	5YR	04/02/2001	2001-8/85
	23606	R81-4B	NSC	05/01/2001	Not Printed
	23592	R81-10	5YR	04/02/2001	2001-8/86
	23604	R81-10	NSC	05/01/2001	Not Printed
<b><u>ALTERNATIVE ONSITE WASTEWATER SYSTEMS</u></b>					
Environmental Quality, Water Quality	23768	R317-4	AMD	08/28/2001	2001-11/34
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	23316	R884-24P-65	AMD	02/20/2001	2000-23/54
	23847	R884-24P-66	AMD	08/02/2001	2001-13/77
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	23730	R156-3a	NSC	06/01/2001	Not Printed
	23837	R156-3a	5YR	06/11/2001	2001-13/85
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<b><u>BAIL BOND RECOVERY AGENT</u></b>					
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	23692	R202-207	NSC	05/01/2001	Not Printed
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	23806	R657-5	AMD	07/18/2001	2001-12/63
	23675	R657-43	AMD	06/04/2001	2001-9/119
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<b><u>BIRTH DEFECT REPORTING</u></b>					
Health, Community and Family Health Services, Health Education Services	23731	R402-5	AMD	08/09/2001	2001-11/58
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	23753	R414-304	AMD	07/06/2001	2001-11/62
<b><u>BUILDING CODES</u></b>					
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	23788	R156-56-704	NSC	06/26/2001	Not Printed
<b><u>BUILDING INSPECTION</u></b>					
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
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Transportation, Preconstruction, Right- of-Way Acquisition	23536	R933-4	AMD	04/18/2001	2001-6/45
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<b><u>CERTIFICATION</u></b>					
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	23473	R616-3-3	AMD	03/20/2001	2001-4/36

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	23969	R986-700-705	NSC	08/01/2001	Not printed
<b><u>CHILD CARE FACILITIES</u></b>					
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	23451	R430-100	AMD	04/17/2001	2001-4/20
	23811	R430-100	AMD	07/31/2001	2001-12/48
<b><u>CHILD PLACING</u></b>					
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	23121	R501-7	CPR	01/16/2001	2000-23/59
<b><u>CHILDREN'S HEALTH BENEFITS</u></b>					
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<b><u>CHILD SUPPORT</u></b>					
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<b><u>CHILD WELFARE</u></b>					
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	23387	R645-301-700	CPR	05/03/2001	2001-7/26
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	23511	R251-102	5YR	02/05/2001	2001-5/40
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<b><u>CONSTRUCTION COSTS</u></b>					
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<b><u>CONSUMER</u></b>					
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	23791	R152-7 (Changed to R152-23)	AMD	07/30/2001	2001-12/12
	23792	R152-15	AMD	07/30/2001	2001-12/14
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	23609	R916-3	NSC	05/01/2001	Not Printed
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	23512	R251-301	5YR	02/05/2001	2001-5/40
	23400	R251-301	AMD	03/13/2001	2001-3/8
	23968	R251-702	5YR	08/01/2001	2001-16/52
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	23660	R309-209 (Changed to R309-540)	AMD	08/15/2001	2001-9/46
	23661	R309-211 (Changed to R309-550)	AMD	08/15/2001	2001-9/50
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	23855	R277-526	AMD	08/01/2001	2001-13/13
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	23186	R426-7	NEW	01/30/2001	2000-20/29
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	23724	R986-602	REP	07/01/2001	2001-10/67
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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
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	23665	R309-104	5YR	04/16/2001	2001-9/141
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	23858	R154-2	NSC	08/01/2001	Not Printed
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	23773	R477-5	AMD	07/03/2001	2001-11/86
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	23892	R325-3	5YR	07/12/2001	2001-15/51
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	23894	R325-5	5YR	07/12/2001	2001-15/52
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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
	23746	R612-2-5	AMD	07/05/2001	2001-11/108
	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

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	23223	R612-1-10	CPR	03/20/2001	2001-1/36
Workforce Services, Workforce Information and Payment Services	23824	R994-403-102a	AMD	08/09/2001	2001-13/78
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	23858	R154-2	NSC	08/01/2001	Not Printed
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<b><u>FINANCIAL DISCLOSURE</u></b>					
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	23753	R414-304	AMD	07/06/2001	2001-11/62
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	23139	R307-204	CPR	03/06/2001	2001-3/81
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	23580	R710-4	AMD	05/16/2001	2001-8/77
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Natural Resources, Wildlife Resources	23189	R657-13	AMD	01/02/2001	2000-21/23
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	23585	R58-11	5YR	03/30/2001	2001-8/83
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	23589	R58-16	5YR	03/30/2001	2001-8/85
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	24006	R70-370	5YR	08/24/2001	2001-18/57
	23007	R70-380	5YR	08/24/2001	2001-18/58
	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
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	23556	R865-6F-15	NSC	04/01/2001	Not Printed
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	23806	R657-5	AMD	07/18/2001	2001-12/63
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	23575	R199-9	NSC	03/28/2001	Not Printed
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	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
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	23764	R315-3-1	AMD	07/20/2001	2001-11/29
	23412	R315-5-3	AMD	04/20/2001	2001-3/30
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	23418	R315-50	AMD	04/20/2001	2001-3/50
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	23482	R432-6	NSC	04/01/2001	Not Printed
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	23490	R432-14	NSC	04/01/2001	Not Printed
	23491	R432-16	NSC	04/01/2001	Not Printed
	23492	R432-30	NSC	04/01/2001	Not Printed
	23493	R432-35	NSC	04/01/2001	Not Printed
	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
	23564	R432-500	AMD	08/13/2001	2001-8/63
	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
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	23407	R307-103-2	AMD	04/12/2001	2001-3/13
	23755	R309-115	NEW	08/24/2001	2001-11/23
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	23556	R865-6F-15	NSC	04/01/2001	Not Printed
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	23322	R501-8	AMD	01/16/2001	2000-23/33
	23406	R501-8	NSC	02/01/2001	Not Printed
	23626	R501-12	AMD	08/09/2001	2001-9/94
	23783	R501-14	5YR	05/18/2001	2001-12/75
	23323	R501-17	AMD	01/16/2001	2000-23/39
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	23420	R414-303	AMD	03/13/2001	2001-3/52
	23752	R414-303	AMD	07/06/2001	2001-11/59
	23397	R414-304	EMR	01/03/2001	2001-3/89
	23753	R414-304	AMD	07/06/2001	2001-11/62
	23452	R414-310	REP	04/04/2001	2001-4/13
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	23701	R420-1	EMR	05/01/2001	2001-10/85
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	23583	R590-144	NSC	05/01/2001	Not Printed
	23598	R590-146	AMD	05/23/2001	2001-8/65
	23765	R590-155	AMD	08/20/2001	2001-11/106
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	23797	R156-5a	AMD	07/17/2001	2001-12/24
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	23401	R156-37-502	NSC	02/01/2001	Not Printed
	23799	R156-38	AMD	07/17/2001	2001-12/26
	23734	R156-44a	AMD	07/05/2001	2001-11/3
	23735	R156-46a-308	AMD	07/05/2001	2001-11/4
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	23374	R156-55b	AMD	04/30/2001	2001-1/4
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	23788	R156-56-704	NSC	06/26/2001	Not Printed
	23883	R156-59-102	NSC	07/30/2001	Not printed
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	23754	R414-305	AMD	07/06/2001	2001-11/72
	23802	R414-501	AMD	07/18/2001	2001-12/40
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	23466	R612-2-11	NSC	02/15/2001	Not Printed
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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
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	23538	R510-1	AMD	04/17/2001	2001-6/45
	23822	R510-1	5YR	06/04/2001	2001-13/86
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Commerce, Occupational and Professional Licensing	23566	R156-16a	AMD	05/17/2001	2001-8/16
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Commerce, Occupational and Professional Licensing	23736	R156-68-305	AMD	07/05/2001	2001-11/5
<b><u>OSTEOPATHS</u></b>					
Commerce, Occupational and Professional Licensing	23736	R156-68-305	AMD	07/05/2001	2001-11/5
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	23757	R307-110-33	AMD	08/02/2001	2001-11/19
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	23711	R651-603	AMD	06/15/2001	2001-10/41
	23424	R651-608-2	AMD	03/06/2001	2001-3/63
	23978	R651-611	5YR	08/07/2001	2001-17/49
	23712	R651-620	AMD	06/15/2001	2001-10/42
	23848	R651-620	AMD	08/06/2001	2001-13/72
	23654	R651-635	NEW	06/11/2001	2001-9/99
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	23933	R313-14	5YR	07/23/2001	2001-16/53
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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
	23809	R657-42-8	AMD	07/18/2001	2001-12/70
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	23395	R884-24P-62	AMD	05/14/2001	2001-2/11
	23316	R884-24P-65	AMD	02/20/2001	2000-23/54
	23847	R884-24P-66	AMD	08/02/2001	2001-13/77
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	23570	R251-709	5YR	03/27/2001	2001-8/87
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	23902	R251-711	5YR	07/12/2001	2001-15/49
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	23841	R628-10	AMD	08/27/2001	2001-13/71
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	23395	R884-24P-62	AMD	05/14/2001	2001-2/11
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<b><u>PROVIDER CONDUCT</u></b>					
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	24027	R495-876	5YR	08/30/2001	2001-18/59
<b><u>PSD (Prevention of Significant Deterioration of Air Quality)</u></b>					
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	23805	R628-16	AMD	08/27/2001	2001-12/55
<b><u>PUBLIC LIBRARY</u></b>					
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	23519	R223-2	NSC	02/23/2001	Not Printed
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	23536	R933-4	AMD	04/18/2001	2001-6/45
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	23892	R325-3	5YR	07/12/2001	2001-15/51
	23893	R325-4	5YR	07/12/2001	2001-15/51
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	23705	R746-409	AMD	06/28/2001	2001-10/42
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	23516	R614-1-4	NSC	02/22/2001	Not Printed
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	23570	R251-709	5YR	03/27/2001	2001-8/87
	23540	R251-709	AMD	05/15/2001	2001-7/12
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	23742	R674-2	EXD	05/09/2001	2001-11/121
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	23868	R495-876	AMD	08/15/2001	2001-14/38
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	23641	R315-304-5	AMD	07/01/2001	2001-9/71
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	23872	R315-305-5	NSC	07/30/2001	Not Printed
	23643	R315-306	AMD	07/01/2001	2001-9/74
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	23874	R315-310-2	NSC	07/30/2001	Not Printed
	23648	R315-312	AMD	07/01/2001	2001-9/85
	23875	R315-312-4	NSC	07/30/2001	Not Printed
	23649	R315-313	AMD	07/01/2001	2001-9/86
	23650	R315-314-3	AMD	07/01/2001	2001-9/87
	23882	R315-314-3	NSC	07/30/2001	Not printed
	22858	R315-315-8	AMD	see CPR (First)	2000-11/18
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	23556	R865-6F-15	NSC	04/01/2001	Not Printed
	23572	R865-21U	5YR	03/27/2001	2001-8/88
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	23395	R884-24P-62	AMD	05/14/2001	2001-2/11
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	23547	R686-100	NSC	04/01/2001	Not Printed
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	23376	R746-341	AMD	03/01/2001	2001-1/30
	23844	R746-347	REP	08/01/2001	2001-13/73
	23232	R746-352	NEW	see CPR (First)	2000-21/26
	23232	R746-352	CPR (First)	see CPR (Second)	2001-5/32
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	23271	R746-360	AMD	02/15/2001	2000-22/45
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	23311	R926-6	AMD	01/03/2001	2000-23/55
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	23590	R909-1	NSC	05/01/2001	Not Printed
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	23725	R986-603	REP	07/01/2001	2001-10/75
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	23745	R994-308	5YR	05/11/2001	2001-11/120
	23824	R994-403-102a	AMD	08/09/2001	2001-13/78
	23525	R994-406-304	AMD	04/05/2001	2001-5/28
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	23553	R865-21U-6	NSC	04/01/2001	Not Printed
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	23933	R313-14	5YR	07/23/2001	2001-16/53
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<b><u>WAGES</u></b>					
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	23639	R315-302	AMD	07/01/2001	2001-9/64
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	23871	R315-304-5	NSC	07/30/2001	Not Printed
	23641	R315-304-5	AMD	07/01/2001	2001-9/71
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	23643	R315-306	AMD	07/01/2001	2001-9/74
	23644	R315-307-1	AMD	07/01/2001	2001-9/76
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	23874	R315-310-2	NSC	07/30/2001	Not Printed
	23648	R315-312	AMD	07/01/2001	2001-9/85
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	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
	23876	R315-320-7	NSC	07/30/2001	Not Printed
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	23164	R317-1-3	CPR	01/23/2001	2000-24/74
	23599	R317-1-6	AMD	08/13/2001	2001-8/44
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	23785	R317-100	AMD	08/24/2001	2001-12/31
	23786	R317-101	AMD	08/24/2001	2001-12/33
	23787	R317-102	AMD	08/24/2001	2001-12/37
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