

UTAH STATE BULLETIN

OFFICIAL NOTICES OF UTAH STATE GOVERNMENT
Filed October 16, 2002, 12:00 a.m. through November 1, 2002, 11:59 p.m.

Number 2002-22
November 15, 2002

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.utah.gov/>

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

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

All materials in this publication are in the public domain and may be reproduced, Reprinted, and/or redistributed as desired. Citation to the source is requested.

Printed in the United States of America

Library of Congress Cataloging-in-Publication Data

Utah state bulletin.

Semimonthly.

1. Delegated legislation--Utah--Periodicals. 2. Administrative procedure--Utah--Periodicals.
- I. Utah. Office of Administrative Rules.

KFU440.A73S7

348.792'025--DDC

85-643197

TABLE OF CONTENTS

1. EDITOR'S NOTES

Notice of Publication Error In the November 1, 2002, Issue of the Utah State Bulletin	1
Notice of Publication Error for Rule R382-10 (DAR Nos. 24488 and 24488 CPR).....	1

2. SPECIAL NOTICES

Governor, Administration: Governor's Proclamation: Calling the Fifty-Fourth Legislature into a Twelfth Extraordinary Session (Senate Only)	3
Insurance, Administration: Public Hearing on Proposed Fees for Services Provided and Costs Incurred by the Department of Insurance During Fiscal Year 2003	3

3. NOTICES OF PROPOSED RULES

Administrative Services

Fleet Operations

No. 25561 (Amendment): R27-3-11. Daily Motor Pool Van, Four Wheel Drive Sport Utility Vehicle (4x4 SUV), and Wheel Chair Accessible Vehicle Lease Criteria	6
--	---

Commerce

Corporations and Commercial Code

No. 25549 (Amendment): R154-2. Utah Uniform Commercial Code, Revised Article 9 Rules	7
No. 25553 (Amendment): R154-10. Utah Digital Signatures Rules	9

Community and Economic Development

Community Development, History

No. 25570 (Amendment): R212-1. Adjudicative Proceedings.....	10
--	----

Governor

Planning and Budget, Chief Information Officer

No. 25551 (Amendment): R365-3. Computer Software Licensing, Copyright, Control, Retention, and Transfer.....	12
--	----

Human Services

Aging and Adult Services

No. 25552 (New Rule): R510-105. "Out and About" Homebound Transportation Assistance Fund Rules	14
No. 25557 (Repeal and Reenact): R510-401. Utah Caregiver Support Program	15

Insurance

Administration

No. 25556 (Amendment): R590-164. Uniform Health Billing Rule	21
--	----

Labor Commission

Antidiscrimination and Labor, Labor

No. 25567 (Amendment): R610-3-16. Retaliation.....	24
--	----

Industrial Accidents

No. 25566 (Amendment): R612-1-10. Permanent Total Disability.....	25
---	----

TABLE OF CONTENTS

No. 25565 (Amendment): R612-4-2. Premium Rates for the Uninsured Employers' Fund and the Employers' Reinsurance Fund28

Occupational Safety and Health

No. 25571 (Amendment): R614-1. General Provisions29

No. 25568 (Amendment): R614-1-4. Incorporation of Federal Standards37

Safety

No. 25564 (Amendment): R616-2-3. Safety Codes and Rules for Boilers and Pressure Vessels38

Natural Resources

Water Rights

No. 25550 (New Rule): R655-7. Administrative Procedures for Notifying the State Engineer of Sewage Effluent Use or Change in the Point of Discharge for Sewage Effluent39

Pardons (Board Of)

Administration

No. 25505 (Amendment): R671-201. Original Parole Grant Hearing Schedule and Notice41

Public Safety

Highway Patrol

No. 25580 (New Rule): R714-159. Vehicle Safety Inspection Apprenticeship Program Guidelines42

No. 25579 (Repeal and Reenact): R714-220. Standards for Motorcycle Protective Headgear43

Public Service Commission

Administration

No. 25578 (New Rule): R746-347. Extended Area Service (EAS)44

Workforce Services

Administration

No. 25547 (Repeal and Reenact): R982-101. Americans with Disabilities Act Complaint Procedure47

Employment Development

No. 25572 (Amendment): R986-700-710. Income and Asset Limits for ES CC52

No. 25574 (Amendment): R986-900-902. Options and Waivers53

4. NOTICES OF CHANGES IN PROPOSED RULES

Natural Resources

Wildlife Resources

No. 25361: R657-6. Taking Upland Game56

5. FIVE-YEAR NOTICES OF REVIEW AND STATEMENTS OF CONTINUATION

Commerce

Consumer Protection

No. 25573: R152-6. Utah Administrative Procedures Act Rules58

No. 25575: R152-15. Business Opportunity Disclosure Act Rules58

No. 25576: R152-22. Charitable Solicitations Act59

No. 25577: R152-23. Utah Health Spa Services.....	59
Corporations and Commercial Code	
No. 25558: R154-10. Utah Digital Signature Act Rules	60
<u>Education</u>	
Administration	
No. 25533: R277-419. Pupil Accounting.....	60
No. 25534: R277-420. Aiding Financially Distressed School Districts	60
No. 25543: R277-422. State Supported Voted Leeway	61
No. 25542: R277-423. Delivery of Flow Through Money	61
No. 25541: R277-424. Indirect Costs for State Programs.....	62
No. 25535: R277-426. Definition of Private and Non-Profit Schools for Federal Program Services	62
No. 25545: R277-454. Construction Management of School Building Projects	63
No. 25536: R277-509. Certification of Student Teachers and Interns	63
No. 25537: R277-510. Special Subject Certification for Small Secondary Schools	64
No. 25538: R277-511. Eminence or Special Qualification Authorization for Teaching in the Public Schools	64
No. 25539: R277-512. Letters of Authorization.....	65
No. 25540: R277-515. Approval of Educator Preparation Programs	65
No. 25544: R277-733. Adult Basic Education and Adult High School Completion Programs.....	65
<u>Environmental Quality</u>	
Water Quality	
No. 25530: R317-6. Ground Water Quality Protection.....	66
No. 25531: R317-8. Utah Pollutant Discharge Elimination System (UPDES).....	66
<u>Governor</u>	
Planning and Budget	
No. 25560: R361-2. Rules of Procedure for the Utah Federal Assistance and Activity Review System.....	67
<u>Health</u>	
Epidemiology and Laboratory Services, Environmental Services	
No. 25506: R392-300. Recreation Camp Sanitation.....	67
No. 25507: R392-301. Recreational Vehicle Park Sanitation	68
No. 25525: R392-302. Design, Construction and Operation of Public Pools	68
No. 25508: R392-400. Temporary Mass Gatherings Sanitation	69
No. 25509: R392-401. Roadway Rest Stop Sanitation	70
No. 25510: R392-402. Mobile Home Park Sanitation	70

TABLE OF CONTENTS

No. 25511: R392-501. Labor Camp Sanitation.....	71
No. 25512: R392-502. Hotel, Motel and Resort Sanitation.....	71
No. 25526: R392-510. Utah Indoor Clean Air Act.....	72
Health Care Financing, Coverage and Reimbursement Policy	
No. 25554: R414-15. Residents Personal Needs Fund.....	72
Health Systems Improvement, Emergency Medical Services	
No. 25569: R426-5. Hospital Trauma Categorization Standards.....	73
Health Systems Improvement, Licensing	
No. 25513: R432-100. General Hospital Standards	74
No. 25514: R432-101. Specialty Hospital - Psychiatric	74
No. 25515: R432-102. Specialty Hospital-Chemical Dependency/Substance Abuse.....	75
No. 25516: R432-103. Specialty Hospital - Rehabilitation	76
No. 25517: R432-104. Specialty Hospital - Long-Term Acute Care	76
No. 25518: R432-105. Specialty Hospital - Orthopedic	77
No. 25519: R432-152. Mental Retardation Facility	78
No. 25520: R432-200. Small Health Care Facility (Four to Sixteen Beds)	78
No. 25521: R432-201. Mental Retardation Facility: Supplement.....	79
No. 25522: R432-550. Birthing Centers (Five or Less Birth Rooms).....	79
No. 25523: R432-600. Abortion Clinic Rule.....	80
No. 25524: R432-950. Mammography Quality Assurance	80
<u>Housing Corporation</u>	
Administration	
No. 25584: R460-1. Authority and Purpose.....	81
No. 25585: R460-2. Definitions of Terms Used Throughout R460	82
No. 25586: R460-3. Programs of UHC	82
No. 25592: R460-4. Additional Servicing Rules.....	82
No. 25587: R460-5. Termination of Eligibility to Participate in Programs	83
No. 25588: R460-6. Adjudicative Proceedings	83
No. 25589: R460-7. Public Petitions for Declaratory Orders	84
No. 25590: R460-8. Americans with Disabilities Act (ADA) Complaint Procedures.....	84
<u>Human Services</u>	
Aging and Adult Services	
No. 25581: R510-100. Funding Formulas	85

TABLE OF CONTENTS

No. 25582: R510-101. Carryover Policy for Title III: Grants for State and Community Programs on Aging.....	85
No. 25583: R510-102. Amendments to Area Plan and Management Plan.....	86
No. 25593: R510-103. Use of Senior Centers by Long-Term Care Facility Residents Participating in Activities Outside Their Planning and Service Area.....	86
No. 25595: R510-106. Minimum Percentages of Older Americans Act, Title III: Grants for State and Community Programs on Aging Part B: Supportive Services and Senior Centers Funds That an Area Agency on Aging Must Spend on Access, In-home and Legal Assistance.....	87
No. 25597: R510-107. Title V Senior Community Service Employment Program Standards and Procedures.....	87
No. 25602: R510-108. Definition of Rural for Title III: Grants for State and Community Programs on Aging Reporting Under the Older Americans Act.....	88
No. 25603: R510-109. Definition of Significant Population of Older Native Americans	88
No. 25609: R510-110. Policy Regarding Contractual Involvements of Area Agencies on Aging for Private Eldercare and Case Management Services.....	89
No. 25604: R510-111. Policy on Use of State Funding for Travel Expenses to Assist the National Senior Service Corps (NSSC).....	89
No. 25607: R510-200. Long-Term Care Ombudsman Program Policy.....	90
No. 25608: R510-400. Home and Community-Based Alternatives Services Policy and Procedures	90
Child and Family Services	
No. 25555: R512-2. Title IV-B Child Welfare/Family Preservation and Support Services and Title IV Foster Care, Adoption, and Independent Living	91
Youth Corrections	
No. 25559: R547-10. Ex-Offender Policy.....	91
<u>Natural Resources</u>	
Energy and Resource Planning	
No. 25503: R637-1. Utah Energy Saving Systems Tax Credit (ESSTC) Rules	92
Forestry, Fire and State Lands	
No. 25562: R652-121. Wildland Fire Suppression Fund.....	92
<u>Pardons (Board Of)</u>	
Administration	
No. 25504: R671-201. Original Parole Grant Hearing Schedule and Notice	93
<u>Regents (Board Of)</u>	
University of Utah, Parking and Transportation Services	
No. 25528: R810-3. Visitor Parking	93
No. 25548: R810-4. Registration Policies	93
No. 25529: R810-7. Nonresidents and Out-of-State Plates	94
No. 25532: R810-8. Vendor Regulations	94

TABLE OF CONTENTS

6. NOTICES OF RULE EFFECTIVE DATES.....96

7. RULES INDEX.....98

EDITOR'S NOTES

NOTICE OF PUBLICATION ERROR IN THE NOVEMBER 1, 2002, ISSUE OF THE UTAH STATE BULLETIN

An amendment to Section R884-24P-33 was published under DAR No. 25500 in the November 1, 2002, issue of the *Utah State Bulletin*. The amendment affected Subsection R884-24P-33(E)(14) by adding a sentence at the end of the first paragraph of that subsection, and by amending the values of the table in that subsection. During preparation for publication, the table was inadvertently removed from the published text. The full text of the amended Subsection R884-24P-13(E)(14) is reproduced below, including the omitted table:

14. Class 15 - Semiconductor Manufacturing Equipment. Class 15 applies only to equipment used in the production of semiconductor products. Equipment used in the semiconductor manufacturing industry is subject to significant economic and functional obsolescence due to rapidly changing technology and economic conditions.

a) Examples of property in this class include:

- (1) crystal growing equipment;
- (2) die assembly equipment;
- (3) wire bonding equipment;
- (4) encapsulation equipment;
- (5) semiconductor test equipment;
- (6) clean room equipment;
- (7) chemical and gas systems related to semiconductor manufacturing;
- (8) deionized water systems;
- (9) electrical systems; and
- (10) photo mask and wafer manufacturing dedicated to semiconductor production.

b) Taxable value is calculated by applying the percent good factor against the acquisition cost of the property.

TABLE 15

Year of Acquisition	Percent Good of Acquisition Cost
02	[74%] 47%
01	[54%] 34%
00	[38%] 24%
99	[24%] 15%
98 and prior	[10%] 6%

If you have any questions regarding this correction, please contact Mike Broschinsky, Code Editor, Division of Administrative Rules, PO Box 141007, Salt Lake City, UT 84114-1007, phone: (801) 538-3003, FAX: (801) 538-1773; or Internet E-mail: mbroschi@utah.gov.

NOTICE OF PUBLICATION ERROR FOR RULE R382-10 (DAR NOS. 24488 AND 24488 CPR)

In the March 1, 2002, issue of the *Utah State Bulletin (Bulletin)* on page 35, an amendment to Rule R382-10 was published under DAR No. 24488. The rule text upon which this amendment was based did not contain changes that had been published in the October 15, 2001, issue of the *Bulletin* on page 19 under DAR No. 24063, and which were made effective on February 7, 2002. As a result, the published amended version of Rule R382-10 was not a completely accurate representation of the promulgating agency's intent.

EDITOR'S NOTES

The error was discovered as the effective version of Rule R382-10 (including a change in proposed rule (CPR) published in the May 15, 2002, *Bulletin* on page 64) was to be inserted in the ADMINISTRATIVE CODE. The correct version of the rule was reconstructed by ensuring that all correctly marked changes in DAR Nos. 24063, 24488, and 24488 CPR were reflected in the codified rule, which has since been inserted in the ADMINISTRATIVE CODE.

If you have any questions regarding this correction, please contact Mike Broschinsky, Code Editor, Division of Administrative Rules, PO Box 141007, Salt Lake City, UT 84114-1007, phone: (801) 538-3003, FAX: (801) 538-1773; or Internet E-mail: mbroschi@utah.gov.

End of the Editor's Notes Section

SPECIAL NOTICES

GOVERNOR'S PROCLAMATION: CALLING THE FIFTY-FOURTH LEGISLATURE INTO A TWELFTH EXTRAORDINARY SESSION (SENATE ONLY)

WHEREAS, since the close of the 2002 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;

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 Twelfth Extraordinary Session at the State Capitol in Salt Lake City, Utah, on the 20th day of November, 2002, 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 2002 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 5th day of November, 2002.

(STATE SEAL)

MICHAEL O. LEAVITT
Governor

OLENE S. WALKER
Lieutenant Governor

INSURANCE ADMINISTRATION

PUBLIC HEARING ON PROPOSED FEES FOR SERVICES PROVIDED AND COSTS INCURRED BY THE DEPARTMENT OF INSURANCE DURING FISCAL YEAR 2003

The Department of Insurance will hold a hearing on Monday, December 2, 2002, at 3:00 p.m. in Room 3112 of the State Office Building (behind the State Capitol), Salt Lake City, Utah.

The purpose of the hearing is to obtain public comment on proposed fees to be assessed for services provided and costs incurred by the Department during Fiscal Year 2003. Subsection 63-38-3.2(2)(b) of the Budgetary Procedures Act provides that an agency shall conduct a public hearing on any proposed regulatory fee.

SPECIAL NOTICES

Background: Various divisions of the Department assess fees for licensure, registration, or certification of individuals, agencies, and companies to engage in the business of insurance. The main change to be proposed is a fee for paper filings when filing electronically is available. The proposed fee schedule has been prepared for consideration by the Insurance Department for the 2003 General Session. The fee schedule will be distributed at the December 2, 2002, hearing and can be found on the web at: <http://www.insurance.utah.gov/ruleindex.html>.

For further information, please contact Jilene Whitby at (801) 538-3803.

End of the Special Notices Section

NOTICES OF PROPOSED RULES

A state agency may file a PROPOSED RULE when it determines the need for a new rule, a substantive change to an existing rule, or a repeal of an existing rule. Filings received between October 16, 2002, 12:00 a.m., and November 1, 2002, 11:59 p.m. are included in this, the November 15, 2002, 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 each rule that is too long to print is available from the filing agency or from the Division of Administrative Rules.

The law requires that an agency accept public comment on PROPOSED RULES published in this issue of the *Utah State Bulletin* until at least December 16, 2002. 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 March 15, 2003, the agency may notify the Division of Administrative Rules that it wants to make the PROPOSED RULE effective. The agency sets the effective date. The date may be no fewer than 31 days nor more than 120 days after the publication date of this issue of the *Utah State Bulletin*. Alternatively, the agency may file a CHANGE IN PROPOSED RULE in response to comments received. If the Division of Administrative Rules does not receive a NOTICE OF EFFECTIVE DATE or a CHANGE IN PROPOSED RULE, the PROPOSED RULE filing lapses and the agency must start the process over.

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

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

The Proposed Rules Begin on the Following Page.

**Administrative Services, Fleet
Operations
R27-3-11
Daily Motor Pool Van, Four Wheel Drive
Sport Utility Vehicle (4x4 SUV), and
Wheel Chair Accessible Vehicle Lease
Criteria**

NOTICE OF PROPOSED RULE

(Amendment)

DAR FILE NO.: 25561

FILED: 10/29/2002, 12:17

RULE ANALYSIS

PURPOSE OF THE RULE OR REASON FOR THE CHANGE: To identify vehicles in the daily motor pool that are subject to special requirements contained in the rule; to remove text dictating the conditions under which supervisors may grant written approval for the lease of a 4x4 SUV from the Daily Motor Pool; to harmonize text in this section with Division of Risk Management's recommendations on the number of occupants allowed to travel in a 15-passenger van; to add text clarifying that passengers are prohibited from being transported in the cargo area of Cargo Vans; and to add text recommending the use of alternative fuels in bi-fuel and dual-fuel vehicles.

SUMMARY OF THE RULE OR CHANGE: Changing the title of the section to "Daily Motor Pool Sedans, Four Wheel Drive Sport Utility Vehicle (4x4 SUV), Cargo Van, Multi-Passenger Van and Alternative Fuel Vehicle Lease Criteria." Removing text in Subsection R27-3-11(2)(a) dictating the conditions under which the lease of a 4x4 SUV from the Daily Motor Pool is or is not permissible. Removing text in Subsection R27-3-11(2)(c) stating, "under no circumstances shall the number of occupants exceed," and replacing it with "The Division advises each agency not to exceed the maximum number of occupants." Removing "allowed" from the last sentence of Subsection R27-3-11(3) and replacing it with "transported" and adding the phrase "area of said" prior to the word "vehicle." Adding "or dual-fuel" in the first sentence of Subsection R27-3-11(4); removing "make every effort to" and replacing it with "when practicable," and adding, "when driving a bi-fuel or dual-fuel state vehicle" to said sentence.

STATE STATUTORY OR CONSTITUTIONAL AUTHORIZATION FOR THIS RULE: Subsections 63A-9-401(1)(c)(ii) and 63A-9-401(1)(c)(viii)

ANTICIPATED COST OR SAVINGS TO:

❖ THE STATE BUDGET: There will be no cost to or savings in the state budget due to this rule change. Changes in the text will affect the requirements regarding the lease of 4x4 SUVs from the Daily Motor Pool; affect the number of passengers allowed in 15-passenger vans; prohibit the transportation of passengers in the cargo area of cargo vans; and relax the requirement that alternative fuels be used from "every effort" to "when practicable."

❖ LOCAL GOVERNMENTS: The division does not lease vehicles to local governments. Therefore, there would be no effect on their budget.

❖ OTHER PERSONS: The division does not lease vehicles to persons other than state employees, agencies and institutions of higher education. Therefore, there would be no effect on their budget.

COMPLIANCE COSTS FOR AFFECTED PERSONS: The rule change affects the conditions under which approval for the lease of a state-owned 4x4 SUV from the Daily Motor Pool may be granted, the number of passengers permitted in state-owned 15-passenger van, prohibits the transport of passengers in the cargo area of cargo vans, and relaxes the requirement that alternative fuels be used when operating a state-owned bi-fuel or dual-fuel vehicle. There will be no compliance costs associated with the change.

COMMENTS BY THE DEPARTMENT HEAD ON THE FISCAL IMPACT THE RULE MAY HAVE ON BUSINESSES: The rule governs the use of special classes of vehicles in the Daily Motor Pool. Therefore, there will be no fiscal impact on area businesses.

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

ADMINISTRATIVE SERVICES
FLEET OPERATIONS
Room 4120 STATE OFFICE BLDG
450 N MAIN ST
SALT LAKE CITY UT 84114-1201, or
at the Division of Administrative Rules.

DIRECT QUESTIONS REGARDING THIS RULE TO:

Margaret Chambers at the above address, by phone at 801-538-9675, by FAX at 801-538-1773, or by Internet E-mail at margareтчambers@utah.gov

INTERESTED PERSONS MAY PRESENT THEIR VIEWS ON THIS RULE BY SUBMITTING WRITTEN COMMENTS TO THE ADDRESS ABOVE NO LATER THAN 5:00 PM on 12/16/2002.

THIS RULE MAY BECOME EFFECTIVE ON: 12/17/2002

AUTHORIZED BY: Steve Saltzgiver, Director

R27. Administrative Services, Fleet Operations.

R27-3. Vehicle Use Standards.

R27-3-11. Daily Motor Pool Sedans, [Van,] Four Wheel Drive Sport Utility Vehicle (4x4 SUV), Cargo Van, Multi-Passenger Van and Alternative Fuel Vehicle ~~and Wheel Chair Accessible Vehicle~~ Lease Criteria.

(1) The standard state vehicle is a compact sedan, and shall be the vehicle type most commonly used when conducting state business.

(2) Requests for vehicles other than a compact sedan may be honored in instances where the agency and/or driver is able to identify a specific need.

(a) Requests for a four wheel drive sport utility vehicle (4x4 SUV) may be granted with written approval from an employee's supervisor ~~[in the event that State business is being conducted in areas~~

where off road or underdeveloped road conditions exist. An employee who wishes to lease a 4x4 SUV must provide written approval from that employee's supervisor. The approval must document the location and off road activity that would require the use of this type of vehicle. Neither adverse weather conditions nor the fact that state business is being conducted at the Utah State Surplus Property location in Draper, Ut., for the purposes of this section, are considered a specific need].

(b) Requests for a seven passenger van may be granted in the event that the driver is going to be transporting more than three authorized passengers.

(c) Requests for a fifteen (15) passenger van may be granted in the event that the driver is going to be transporting more than six authorized passengers. ~~Under no circumstances shall the number of occupants~~ The Division advises each agency not to exceed the maximum number of occupants recommended by the Division of Risk Management.

(3) Cargo vans shall be used to transport cargo only. Passengers shall not be ~~transported~~allowed in cargo area of said vehicles.

(4) Non-traditional (alternative) fuel shall be the primary fuel used when driving a bi-fuel or dual-fuel state vehicle. Drivers shall, when practicable, make every effort to use an alternative fuel when driving a bi-fuel or dual-fuel state vehicle.

KEY: state vehicle use
~~May 15~~, 2002
 53-13-102
 63A-9-401(1)(c)(viii)



**Commerce, Corporations and
 Commercial Code**
R154-2
**Utah Uniform Commercial Code,
 Revised Article 9 Rules**

NOTICE OF PROPOSED RULE
 (Amendment)

DAR FILE NO.: 25549
 FILED: 10/24/2002, 15:46

RULE ANALYSIS

PURPOSE OF THE RULE OR REASON FOR THE CHANGE: Modify rules to more closely define filing practices.

SUMMARY OF THE RULE OR CHANGE: To more clearly define the procedures for filing financing statements in Utah.

STATE STATUTORY OR CONSTITUTIONAL AUTHORIZATION FOR THIS RULE: Section 70A-9a-526

ANTICIPATED COST OR SAVINGS TO:

- ❖ THE STATE BUDGET: Savings in time and personnel when filer submits correctly and staff intervention is not needed.
- ❖ LOCAL GOVERNMENTS: Local government does not file these documents, so there is no applicable cost.
- ❖ OTHER PERSONS: Savings in time if filing procedures are more clear.

COMPLIANCE COSTS FOR AFFECTED PERSONS: No cost, clarifies process only.

COMMENTS BY THE DEPARTMENT HEAD ON THE FISCAL IMPACT THE RULE MAY HAVE ON BUSINESSES: Will enable businesses to file with less friction and more timely.

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

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

DIRECT QUESTIONS REGARDING THIS RULE TO:

Kathy Berg at the above address, by phone at 801-530-6216, by FAX at 801-630-6438, or by Internet E-mail at kberg@utah.gov

INTERESTED PERSONS MAY PRESENT THEIR VIEWS ON THIS RULE BY SUBMITTING WRITTEN COMMENTS TO THE ADDRESS ABOVE NO LATER THAN 5:00 PM on 12/16/2002.

THIS RULE MAY BECOME EFFECTIVE ON: 12/17/2002

AUTHORIZED BY: Ted Boyer Jr., Executive Director

R154. Commerce, Corporations and Commercial Code.
R154-2. Utah Uniform Commercial Code, Revised Article 9 Rules.

R154-2-100. Authority and Purpose.

These rules are adopted by the division under the authority of ~~S[ub]section[s 46-1-2(1) and 46-1-2(1)(c), 70A-9a-526~~ to enable the division to facilitate the implementation of the Revised Article 9 of the Uniform Commercial Code.

.....

R154-2-113. Grounds for Refusal of UCC Document.

The following grounds are the sole grounds for the filing officer's refusal to accept a UCC document for filing. As used herein, the term "legible" is not limited to refer only to written expressions on paper: it requires a machine-readable transmission for electronic transmissions and an otherwise readily decipherable transmission in other cases.

113.1 Debtor name and address. An initial financing statement or an amendment that purports to add a debtor shall be refused if the document fails to include a legible debtor name and address for a debtor, in the case of an initial financing statement, or for the debtor purporting to be added in the case of such an amendment. If the document contains more than one debtor name or address and some names or addresses are missing or illegible, the filing officer shall index the legible name and address pairings, and provide a notice to the remitter containing the file number of the document, identification of the debtor name(s) that was (were) indexed, and a statement that debtors with illegible or missing names or addresses were ~~not~~ indexed and rejected.

113.2 Additional debtor identification. An initial financing statement or an amendment adding one or more debtors shall be refused if the document fails to identify whether each named debtor (or each added debtor in the case of such an amendment) is an individual or an organization, if the last name of each individual debtor is not identified, or if, for each debtor identified as an organization, the document does not include in legible form the organization type, state of organization and organization number (if it has one) or a statement that it does not have one.

113.3 Secured party name and address. An initial financing statement, an amendment purporting to add a secured party of record, or an assignment, shall be refused if the document fails to include a legible secured party (or assignee in the case of an assignment) name and address. If the document contains more than one secured party (or assignee) name or address and some names or addresses are missing or illegible, the filing officer shall index the legible name and address pairings, and provide a notice to the remitter containing the file number of the document, identification of the secured party (or assignee) names that were indexed, and a statement that secured parties with illegible or missing names or addresses were [not] indexed and rejected.

113.4 Lack of identification of initial financing statement. A UCC document other than an initial financing statement shall be refused if the document does not provide a file number of a financing statement in the UCC information management system that has not lapsed.

113.5 Identifying information. A UCC document that does not identify itself as an amendment or identify an initial financing statement to which it relates, is an initial filing statement.

113.6 Timeliness of continuation. A continuation shall be refused if it is not received within six months prior to expiration or the first working day after that period.

113.6.1 First day permitted. The first day on which a continuation may be filed is the date of the month corresponding to the date upon which the financing statement would lapse, minus six months. A continuation may be filed any time during that six month period preceding the lapse date, provided the filing office is open. In the event the filing office is closed on the lapse date or the date six months preceding the lapse date - such as a weekend day or scheduled holiday - the continuation may be filed on the next business day.

113.6.2 Last day permitted. The last day on which a continuation may be filed is the date upon which the financing statement lapses.

113.7 Fee. A document shall be refused if the document is accompanied by less than the full filing fee tendered.

113.8 Means of communication. UCC documents communicated to the filing office by a means of communication or on altered statutory forms not authorized by the filing officer for the communication of UCC documents shall be refused.

R154-2-114. Grounds Not Warranting Refusal.

The sole grounds for the filing officer's refusal to accept a UCC document for filing are enumerated in rule R154-2-~~115~~113. The following are examples of defects that do not constitute grounds for refusal to accept a document. They are not a comprehensive enumeration of defects outside the scope of permitted grounds for refusal to accept a UCC document for filing.

114.1 Errors. The UCC document contains or appears to contain a misspelling or other apparently erroneous information.

114.2 Incorrect names.

114.2.1 The UCC document appears to identify a debtor incorrectly.

114.2.2 The UCC document appears to identify a secured party or a secured party of record incorrectly.

114.3 Extraneous information. The UCC document contains additional or extraneous information of any kind.

114.4 Insufficient information. The UCC document contains less than the information required by Article 9 of the UCC, provided that the document contains the information required in rule R154-2-116.

114.5 Collateral description. The UCC document incorrectly identifies collateral, or contains an illegible or unintelligible description of collateral, or appears to contain no such description.

114.6 Excessive fee. The document is accompanied by funds in excess of the full filing fee.

.....

R154-2-117. Acknowledgment.

At the request of a filer or remitter who files a paper or paper-based UCC document, the filing officer shall send to said filer or remitter an ~~image~~acknowledgement of the record of the UCC document showing the file number assigned to it and the date and time of filing. For UCC documents not filed in paper or paper-based form the filing officer shall communicate to the filer or remitter the information in the filed document, the file number and the date and time of filing.

.....

R154-2-130. Filing and Data Entry Procedures.

130.1 It is the policy of the filing officer to promptly file a document that conforms to these rules. Except as provided in these rules, data is transferred from a UCC document to the information management system exactly as the data are set forth in the document. Personnel who create reports in response to search requests type search criteria exactly as set forth on the search request. No effort is made to detect or correct errors of any kind.

130.2 Electronic documents must be submitted in ANSI or ASCII format.

130.3 Collateral descriptions on paper forms submitted will be entered into the data base to the first 250 characters, including spaces and punctuation, per page of initial filing and each addendum. If data on form is over 250 characters use addendum page(s) and include additional fee(s).

130.4 Collateral descriptions on electronic filings are entered up to 4,000 characters per page including spaces and punctuation.

.....

R154-2-138. Data Entry of Names - No Designated Fields.

A UCC document that is an initial financing statement or an amendment that adds a debtor to a financing statement and that fails to specify whether the debtor is an individual or an organization should be refused by the filing office. If it is accepted for filing in error, the following rules shall apply.

138.1 Identification of organizations. When not set forth in a field designated for individual names, a name is treated as an organization name if it contains words or abbreviations that indicate

status such as the following and similar words or abbreviations in foreign languages: association, church, college, company, co., corp., corporation, inc., limited, ltd., club, foundation, fund, L.L.C., limited liability company, institute, society, union, syndicate, GmBH, S.A. de C.V., limited partnership, L.P., limited liability partnership, L.L.P., trust, business trust, co-op, cooperative and other designations established by statutes to indicate a statutory organization. In cases where organization or individual status is not designated by the filer and is not clear, the filing officer will use his own judgment.

138.2 Identification of individuals. A name is entered as the name of an individual and not the name of an organization when the name is followed by a title substantially similar to one of the following titles, or the equivalent of one of the following titles in a foreign language: proprietor, sole proprietor, proprietorship, sole proprietorship, partner, general partner, president, vice president, secretary, treasurer, M.D., O.D., D.D.S., attorney at law, Esq., accountant, CPA. In such cases, the title is not entered.

138.3 Individual and organization names on a single line. Where it is apparent that the name of an individual and the name of an entity are stated on a single line and not in a designated individual name field, the filing may be rejected. [~~Additional filing fees for the additional debtor name(s) may be required.~~]

138.4 Individual names. The failure to designate the last name of an individual debtor in an initial financing statement or an amendment adding such debtor to a financing statement should cause a filing to be refused. If the filing is accepted in error, or if only the last name is designated, the following data entry rules apply.

138.4.1 Freestanding initials. An initial in the first position of the name is treated as a first name. An initial in the second position of the name is treated as a middle name.

138.4.2 Combined initials and names. An initial and a name to which the initial apparently corresponds is entered into one name field only (e.g., "D. (David)" in the name "John D. (David) Rockefeller" is entered as "John" (first name); "D. (David)" (middle name); "Rockefeller" (last name)).

138.4.3 Multiple individual names on a single line. Two individual names contained in a single line are entered [~~as two, different debtors (e.g., the debtor name "John and Mary Smith" is entered as two debtors: "John Smith", and "Mary Smith").~~]exactly as submitted and reflecting a single debtor.

138.4.4 One word names. A one word name is entered as a last name (e.g., "Cher" is treated as a last name).

138.4.5 Nicknames. A nickname is entered in the name field together with the name preceding the nickname, or if none, then as the first name (e.g., "William (Bill) Jones").

.....

R154-2-149. Rules Applied to Search Requests.

Computerized searches will create results based on standardized search logic applied to the name presented to the filing officer by the person requesting the search. The following parameters are used to conduct searches:

149.1 There is no limit to the number of matches that may be returned in response to the search criteria.

149.2 No distinction is made between upper and lower case letters.

149.3 Punctuation marks and accents [~~are disregarded~~]do affect the search.

149.4 The word "the" at the beginning of the search criteria is used as part of the name searched.

149.5 Business names are searched exactly as they are printed on the search request.

149.6 After taking the preceding rules into account to modify the name of the debtor requested to be searched and to modify the names of debtors contained in active financing statements in the UCC information management system, the search will reveal only names of debtors that are contained in active financing statements and, as modified, exactly match the name requested, as modified.

149.7 The division may permit "wild card" searches on all names during uncertified searches.

149.8 Legacy filings have truncated data and will need wild card searching prior to certified searching.

.....

**KEY: banking, equipment leasing, filing documents
2002
70A-9a et seq.**



**Commerce, Corporations and
Commercial Code
R154-10
Utah Digital Signatures Rules**

**NOTICE OF PROPOSED RULE
(Amendment)**

DAR FILE NO.: 25553
FILED: 10/25/2002, 16:19

RULE ANALYSIS

PURPOSE OF THE RULE OR REASON FOR THE CHANGE: To add a more sophisticated and more thorough audit to the requirement field.

SUMMARY OF THE RULE OR CHANGE: To allow certification authorities to use the WebTrust Program or the CCPPCS2 audit to prove trustworthiness.

STATE STATUTORY OR CONSTITUTIONAL AUTHORIZATION FOR THIS RULE: Subsections 46-3-104(3) and 46-1-3(5)(b)

ANTICIPATED COST OR SAVINGS TO:

- ❖ THE STATE BUDGET: No change in fees because the filing procedure does not change, just the added availability for a different audit.
- ❖ LOCAL GOVERNMENTS: Certification authorities are not filed with the local government so no change for them.
- ❖ OTHER PERSONS: Certification authorities will pay more for the Web Trust Program, but save money in that they will need a single audit for multiple purposes rather than having to get more than one audit for all their reporting.

COMPLIANCE COSTS FOR AFFECTED PERSONS: Certification authorities can use the Web Trust in various required filings rather than get different audits for different filings.

COMMENTS BY THE DEPARTMENT HEAD ON THE FISCAL IMPACT THE RULE MAY HAVE ON BUSINESSES: Should simplify the audit process required for renewal with the state.

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

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

DIRECT QUESTIONS REGARDING THIS RULE TO:

Kathy Berg at the above address, by phone at 801-530-6216, by FAX at 801-630-6438, or by Internet E-mail at kberg@utah.gov

INTERESTED PERSONS MAY PRESENT THEIR VIEWS ON THIS RULE BY SUBMITTING WRITTEN COMMENTS TO THE ADDRESS ABOVE NO LATER THAN 5:00 PM on 12/16/2002.

THIS RULE MAY BECOME EFFECTIVE ON: 12/17/2002

AUTHORIZED BY: Ted Boyer Jr., Executive Director

R154. Commerce, Corporations and Commercial Code.
R154-10. Utah Digital Signature Act Rules.
R154-10-100. Authority and Purpose.

These rules are adopted by the division under the authority of Subsection 46-3-~~102(4)~~104(3), to enable the division to facilitate the implementation of the Utah Digital Signature Act and Subsections 46-1-3(5)(b)~~2(1)~~ and 46-1-2(11)(e), to enable the division to facilitate the implementation of Electronic Communication between a signer and a Notary Public using a Digital Signature.

.....

R154-10-106. Trustworthy System.

A system shall be regarded as trustworthy if it materially satisfies the most current adopted version of:

106.1 Common Criteria (CC) Protection Profile (PP) for Commercial Security 2 (CS2), (CCPPCS), developed by the National Institute of Standards and Technology (NIST). or;

106.2 Web Trust Program for Certification Authorities, version 1.0, as approved by the American Institute of Certified Public Accountants and the Canadian Institute of Chartered Accountants.

106.3 The determination of whether a departure from CCPPCS is material shall be governed by Utah Administrative Code R154-10-403. [For purposes of this chapter, CCPPCS shall be interpreted in a manner that is reasonable in the context in which a system is used and is consistent with other state and federal laws. Until such time as the referenced standard is adopted by NIST, the standard applicable for purposes of this rule shall be the most current draft of CCPPCS.]

.....

KEY: commerce, electronic commerce, digital signature, electronic communication
~~[May 18, 2001]~~2002
46-3-102(4)
46-1-2(1)
46-1-2(11)(c)



Community and Economic
Development, Community
Development, History
R212-1
Adjudicative Proceedings

NOTICE OF PROPOSED RULE
(Amendment)
DAR FILE NO.: 25570
FILED: 10/30/2002, 09:08

RULE ANALYSIS

PURPOSE OF THE RULE OR REASON FOR THE CHANGE: The proposed amendment clarifies the procedures to request an adjudicative hearing before the Board of State History.

SUMMARY OF THE RULE OR CHANGE: Section R212-1-2: Definitions were added and deleted to accurately reflect the terms used in the rule. Section R212-1-4, Adjudicative Hearings, was amended to clarify the procedures a petitioner should follow to request a hearing before the Board of State History.

STATE STATUTORY OR CONSTITUTIONAL AUTHORIZATION FOR THIS RULE: Section 63-46b-1 et seq.

ANTICIPATED COST OR SAVINGS TO:

- ❖ THE STATE BUDGET: There are no additional costs or savings associated with this amendment. The changes are for clarification purposes only.
- ❖ LOCAL GOVERNMENTS: There are no additional costs or savings associated with this amendment. The changes are for clarification purposes only.
- ❖ OTHER PERSONS: There are no additional costs or savings associated with this amendment. The changes are for clarification purposes only.

COMPLIANCE COSTS FOR AFFECTED PERSONS: The changes to this rule are for clarification purposes only and will not impact the industry or consumers financially.

COMMENTS BY THE DEPARTMENT HEAD ON THE FISCAL IMPACT THE RULE MAY HAVE ON BUSINESSES: This rule amendment will have absolutely no fiscal impact on businesses.

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

COMMUNITY AND ECONOMIC DEVELOPMENT
COMMUNITY DEVELOPMENT, HISTORY
300 RIO GRANDE

SALT LAKE CITY UT 84101-1182, or
at the Division of Administrative Rules.

DIRECT QUESTIONS REGARDING THIS RULE TO:

Alycia Aldrich at the above address, by phone at 801-533-3556, by FAX at 801-533-3503, or by Internet E-mail at AALDRICH@utah.gov

INTERESTED PERSONS MAY PRESENT THEIR VIEWS ON THIS RULE BY SUBMITTING WRITTEN COMMENTS TO THE ADDRESS ABOVE NO LATER THAN 5:00 PM on 12/16/2002.

THIS RULE MAY BECOME EFFECTIVE ON: 12/17/2002

AUTHORIZED BY: Wilson Martin, Acting Director

R212. Community and Economic Development, Community Development, History.

R212-1. Adjudicative Proceedings.

R212-1-1. Scope and Applicability.

This rule is enacted in compliance with the Utah Administrative Procedures Act, Section 63-46b-1 et seq. and applies only to actions which are governed by the Act.

R212-1-2. Definitions.

A. Terms, used in this rule are defined in Section 63-46b-2.

B. In Addition:

1. "agency" means the Division of State History;

2. "applicability" means a determination if a statute, rule, or order should be applied, and if so, how the law stated should be applied to the facts;

~~3. "declaratory order" means an administrative interpretation or explanation of rights, status, and other legal relations under a statute, rule, or order;~~

~~4.]3. "director" means the director of the Division of State History; and~~

~~5-]4. "board" means the Board of State History.~~

5. "presiding officer" means the Board or its designee, which may be a subcommittee of the board.

6. "petitioner" means any person aggrieved by a decision or determination of the Division of State History.

R212-1-3. Designation.

The Agency designates all agency actions subject to the scope and applicability of the Utah Administrative Procedures Act, Section 63-46b-1 et seq. as formal proceedings.

R212-1-4. ~~Petition to the Board.~~ Adjudicative Hearings.

A. Any person aggrieved by a decision or determination [by] of the Division of State History may [petition the board for review] request a hearing before the Board. That person, hereinafter "the petitioner," shall request the hearing by filing a request in writing with the Chairman of the Board and providing a copy to the director of the Division. The petition shall set forth the reason for the request, including the following:

1. a description of the decision which the petitioner requests a hearing on;

2. the date of the decision, who made the decision, and, if in writing, attach a copy of the decision;

3. the relief sought by the petitioner; and

4. the reason the petitioner is entitled to the relief requested.

B. Upon receipt of the Request for Hearing, the Division shall file a written response within 21 days with the Chairman of the Board and send a copy to the petitioner. The Division response shall include any facts or matters not included in the Request for Hearing that may be necessary for the determination, and set forth the reasons and basis for the decision for which the petitioner is seeking a hearing.

C. After the filing of the response, a meeting shall be scheduled with the petitioner, representative of the agency, and council for the Board as a pre-hearing conference. The purpose of the conference is to have the agency and the petitioner meet to determine what factual and legal matters are in dispute, what discovery may be needed by anyone to process the case, and the best manner for presentation or hearing for the Board. Counsel for the Board shall prepare a discovery and hearing schedule based upon the meeting, which shall govern the proceedings.

D. The Board may act as a presiding officer and conduct the hearing, may appoint a subcommittee of its Board or may appoint an individual or group of individuals to act as the presiding officer to conduct the hearing. If the presiding officer is other than the entire Board, the presiding officer shall make recommended findings of fact, conclusions of law, and proposed order on the petitioner's request for a hearing. That proposed order shall be placed upon and acted upon by the Board at its next scheduled meeting. The Board may adopt, reject or modify the proposed order of the presiding officer.

~~R212-1-5. Request for Declarative Orders.~~

~~A. As required by Section 63-46b-21, this section provides the procedures for submission, review, and disposition of petitions for agency declaratory orders on the applicability of statutes, rules, and orders governing or issued by the agency.~~

~~B. In order of importance, procedures governing declaratory orders are:~~

~~1. procedures specified in this rule pursuant to Chapter 46b of Title 63;~~

~~2. the applicable procedures of Chapter 46b of Title 63;~~

~~3. applicable procedures of other governing state and federal law;~~

~~4. the Utah Rules of Civil Procedure.~~

~~C. The petition, or request for agency action, shall be addressed and delivered to the director, who shall mark the petition with the date of receipt.~~

~~1. The petition shall:~~

~~a. be clearly designated as a request for an agency declaratory order;~~

~~b. identify the statute, rule, or order to be reviewed;~~

~~c. describe in detail the situation or circumstances in which applicability is to be reviewed;~~

~~d. describe the reason or need for the applicability review, addressing in particular why the review should not be considered frivolous;~~

~~e. include an address and telephone where the petitioner can be contacted during regular work days;~~

~~f. declare whether the petitioner has participated in a completed or on-going adjudicative proceeding concerning the same issue within the past 12 months; and~~

~~g. be signed by the petitioner.~~

~~D. The agency will not issue a declaratory order that deals with a question or request that the director determines is:~~

~~1. Not within the jurisdiction and competence of the agency;~~

~~2. Trivial, irrelevant, or immaterial;~~

~~3. Not one that is ripe or appropriate for determination;~~

- ~~4. Currently pending or will be determined in an on-going judicial proceeding;~~
- ~~5. Not in the best interest of the division or the public to consider;~~
or
- ~~6. Prohibited by state or federal law.~~
- ~~E. A person may file a petition for intervention under Section 63-46b-9 if delivered to the director within 20 days of the director's receipt of the declaratory order petition filed under Section 3 of this rule.~~
- ~~F. Petitions shall be reviewed under the following procedure:~~
 - ~~1. The director shall promptly review and consider the petition and may:~~
 - ~~a. meet with the petitioner;~~
 - ~~b. consult with counsel or the Attorney General; and~~
 - ~~c. take any action consistent with law that the agency deems necessary to provide the petition adequate review and due consideration.~~
 - ~~d. the Petitioner shall be advised as to the status or procedures to be used concerning the Petitioner's request.~~
 - ~~2. The director may issue an order in accordance with Section 63-46b-21(6).~~
 - ~~3. The director may order that an adjudicative proceeding be held in accordance with Section 63-46b-21(6) in connection with review of a petition.~~
 - ~~G. A petitioner may seek administrative review or reconsideration of a declaratory order by petitioning the Board of State History or the agency under the procedures of Sections 63-46b, 12 and 13.]~~

KEY: administrative procedures, adjudicative proceedings[~~z~~]
[~~1992~~2002
 Notice of Continuation December 31, 1997
 63-46b-1 et seq.



Governor, Planning and Budget, Chief
 Information Officer
R365-3
 Computer Software Licensing,
 Copyright, Control, Retention, and
 Transfer

NOTICE OF PROPOSED RULE
 (Amendment)
 DAR FILE NO.: 25551
 FILED: 10/25/2002, 09:19

RULE ANALYSIS

PURPOSE OF THE RULE OR REASON FOR THE CHANGE: To clarify and define responsibilities with regard to the licensing and control of software.

SUMMARY OF THE RULE OR CHANGE: This proposed rulemaking creates a software controller function at the agency and enterprise level, and clearly defines the responsibilities of this function; see specifically Subsection R365-3-4(5), Section R365-3-5, and Subsections R365-3-6(3) and (5).

STATE STATUTORY OR CONSTITUTIONAL AUTHORIZATION FOR THIS RULE: Sections 63D-1-301.5 and 63-46a-3

ANTICIPATED COST OR SAVINGS TO:

- ❖ THE STATE BUDGET: No impact since responsibilities are to be assumed by existing agency staff.
- ❖ LOCAL GOVERNMENTS: No impact on local government, as the rule applies only to executive branch agencies.
- ❖ OTHER PERSONS: No impact--Other persons beyond those identified in "State Budget" above are not required to take any action. There is no cost or savings attributable to the amendment to this rule that would impact others.

COMPLIANCE COSTS FOR AFFECTED PERSONS: No impact--Other persons beyond those identified in "State Budget" above are not required to take any action nor comply with this rule. There is no cost or savings attributable to the amendment to this rule that would impact others.

COMMENTS BY THE DEPARTMENT HEAD ON THE FISCAL IMPACT THE RULE MAY HAVE ON BUSINESSES: If a business needed to enforce its licensing agreements through court action, this could be costly for the state and for businesses. This rule is preventative in nature because it provides for internal monitoring.

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

GOVERNOR
 PLANNING AND BUDGET,
 CHIEF INFORMATION OFFICER
 Room 116 STATE CAPITOL
 350 N STATE ST
 SALT LAKE CITY UT 84114-1103, or
 at the Division of Administrative Rules.

DIRECT QUESTIONS REGARDING THIS RULE TO:

Al Sherwood at the above address, by phone at 801-538-1195, by FAX at 801-538-1547, or by Internet E-mail at asherwood@utah.gov

INTERESTED PERSONS MAY PRESENT THEIR VIEWS ON THIS RULE BY SUBMITTING WRITTEN COMMENTS TO THE ADDRESS ABOVE NO LATER THAN 5:00 PM on 12/16/2002.

THIS RULE MAY BECOME EFFECTIVE ON: 12/17/2002

AUTHORIZED BY: Phillip Windley, Chief Information Officer

R365. Governor, Planning and Budget, Chief Information Officer.

R365-3. Computer Software Licensing, Copyright, Control, Retention, and Transfer.

R365-3-1. Purpose.

The purpose of this rule is to establish the State of Utah's position and its intent to:

- (1) comply with computer software licensing agreements and applicable federal laws, including copyright and patent laws;

(2) define the methods by which the State of Utah (State) will control and protect computer software; and

(3) establish the State's right, title and interest in state-developed computer software, including the sale and transfer of such software under certain conditions.

R365-3-2. Application.

All state agencies of the executive branch of the State government shall comply with this rule, which applies to the use, acquisition and transfer of all computer software, regardless of the operating environment or source of the software.

R365-3-3. Authority.

This rule is issued by the Chief Information Officer under the authority of Section 63D-1-301.5 of the Information Technology Act, and in accordance with Section 63-46a-3 of the Utah Rulemaking Act, Utah Code Annotated.

R365-3-4. Definitions.

As used in this rule:

(1) "Audit" means to review compliance with laws, rules and policies that apply to computer software and related documentation; and to report findings and conclusions.

(2) "Commercial computer software" means computer software that is sold, licensed, or leased in significant quantities to the general public at established market or catalog prices.

(3) "Computer program" means a set of statements or instructions used in an information processing system to provide storage, retrieval, and manipulation of data from the computer system and any associated documentation and source material that explain how to operate the program.

(4) "Computer software" means sets of instructions or programs structured in a manner designed to cause a computer to carry out a desired result.

(5) "Spot Audit" means a periodic audit described in (1) and conducted by a person or persons performing the State Software Controller function.

([5]6) "State agency" means any agency or administrative sub-unit of the executive branch of the State government except:

(a) the State Board of Education; and

(b) the Board of Regents and institutions of higher education.

([6]7) "State-developed computer software" means computer software and related documentation developed under contract with the State or by State employees under the conditions set forth in the Employment Inventions Act, Section 34-39-1 et seq., Utah Code Annotated.

R365-3-5. Compliance and Responsibilities: Software Licensing.

(1) Each state agency and its employees shall comply with computer software licensing agreements, state laws, federal contracts, federal funding agreements, and federal laws, including copyright and patent laws.

(2) All management personnel will discourage software piracy and take appropriate personnel action up to and including dismissal, against any employee who has been found to be in violation of software license agreements. Personnel action shall be in full accordance with the Department of Human Resource Management Rule R477-11-1 et seq., Utah Administrative Code.

([2]3) Each state agency shall: [adopt the following practices with respect to computer software:

~~— (a) Keep and maintain an inventory of all state-owned computer software and software licensing agreements.]~~

(a) establish a software controller function that has the responsibility and authority to manage software licenses, software licensing agreements, software inventory, and the oversight of and reporting on spot audits;]

~~— (b) Ensure that all data and computer software is removed from the storage media of any computer device before disposing of or transferring the equipment, unless the computer software and related documentation are included as part of the transfer.]~~

(b) coordinate training to employees who are assigned to, as part of their job responsibilities, the software controller function;

(c) provide training to other employees appropriate to their responsibilities including those who install, transfer and dispose of software;

(d) provide to employees notices of the state agency's software use policy at appropriate locations. Appropriate locations may include computing facilities, offices, lunchrooms or websites.

(e) keep and maintain an inventory of all state-owned computer software and software licensing agreements by:

(i) establishing accurate software inventories and maintaining them;

(ii) establishing a baseline inventory of software already purchased;

(iii) maintaining this inventory through annual inventory reviews that reconcile purchases against inventory;

(iv) acquiring and using auditing tools to assist in establishing the inventory baseline and performing the ongoing reconciliation;

(f) dispose of software in accordance with the software license agreement.

(g) remove from the storage media before disposing of a computer, all private, protected or controlled data as defined by the Government Records Access and Management Act, UCA 63-2-101 et seq.

([e]h) Understand the conditions of computer software licensing agreements before purchasing computer software, and inform State employees, whose responsibility it is to monitor the State's compliance with computer software licensing agreements, of these conditions.

([d]i) Inform employees that are engaged in developing or controlling the distribution of software for the State, that any state-developed software is an asset owned by the State and controlled according to the terms of this rule.

(4) A state software controller function is established within the Division of Information Technology Services with the following responsibilities:

(a) coordinate all centralized software purchases;

(b) manage software licenses, software licensing agreements and software inventory for centralized software purchases;

(c) coordinate and provide information to employees who are responsible for the software controller function within each state agency;

(d) coordinate statewide audits or spot audits as needed. In determining when to conduct a spot audit personnel performing this function will take into consideration factors including but not limited to:

(i) an unusual organizational activity such as high employee turnover;

(ii) large development projects or recent large scale changes in computer software.

R365-3-6. Compliance and Responsibilities: Retention and Transfer of State-Developed Computer Software.

(1) Unless otherwise prohibited by federal law, regulation, contract or funding agreement, a state agency may retain the right, title and interest in any state-developed computer software. To do so, the agency shall:

(a) clearly define in all contracts that it controls the ownership rights for computer software development and related documentation; and

(b) mark all computer software and related documentation developed by employees of the State with the copyright symbol and year, and label "Utah State Government" on all media on which the computer software or documentation is stored and at the beginning of the computer software execution.

(2) A state agency may sell or otherwise transfer the right, title and interest in any state-developed computer software. In order to carry this out, the agency must do the following:

(a) Submit a request to and obtain approval from the Chief Information Officer prior to the sale or transfer of state-developed computer software. The agency's request shall include a copy of the transfer agreement and any other contractual information. A summary report of these requests will be provided to the Information Technology Policy and Strategy Committee. An example of a model transfer or sale of state-developed software agreement may be obtained from the Chief Information Officer.

(b) Clearly specify within the transfer documents whether the costs of development will be recovered from the receiver.

(c) Clearly specify within the transfer documents whether the costs associated with copying and sending the state-developed computer software will be recovered from the receiver.

(d) Clearly specify within the transfer documents that the receiver is responsible for acquiring any commercial computer software upon which the state-developed computer software may be dependent.

(e) Clearly specify within the transfer documents that no additional services, such as installation, training, or maintenance, will be provided unless the parties have agreed otherwise.

(f) Clearly specify within the transfer documents that the state-developed computer software is being transferred in "as is" condition, and that the State will not be held liable for any incidental or consequential damages under any circumstances.

(g) Retain a record of the transfer, and process it in accordance with the Government Records Access and Management Act, Section 63-2-101 et seq., Utah Code Annotated.

(3) In accordance with the requirements of (2), a[A] state agency may initiate an agreement to transfer state-developed computer software when reasons exist to share such software with another state or entity.

(4) The Chief Information Officer may measure compliance of a state agency and its employees with this rule by conducting periodic audits in accordance with Section 63D-1-301.5, Utah Code Annotated. In performing audits, the Chief Information Officer may utilize external auditors and an agency's internal auditor(s) when such resources are available and the use of such resources is appropriate.[]

~~(5) A State employee who does not comply with this rule may be subject to disciplinary action, including dismissal, by the appropriate agency supervisor in accordance with Department of Human Resource Management Rule R477-11-1 et seq., Utah Administrative Code.~~]

KEY: computer software, licensing, copyright, transfer

~~December 21, 2001~~ 2002

63D-1-301.5

63-46a-3

34-39-1 et seq.

63-2-101 et seq.



Human Services, Aging and Adult Services

R510-105

"Out and About" Homebound Transportation Assistance Fund Rules

NOTICE OF PROPOSED RULE

(New Rule)

DAR FILE NO.: 25552

FILED: 10/25/2002, 12:38

RULE ANALYSIS

PURPOSE OF THE RULE OR REASON FOR THE CHANGE: This new rule is designed to fund and implement a transportation program for seniors and disabled persons.

SUMMARY OF THE RULE OR CHANGE: Provides for equitable distribution of voluntary funds to provide public transportation assistance to seniors and people with disabilities.

STATE STATUTORY OR CONSTITUTIONAL AUTHORIZATION FOR THIS RULE: Section 62A-3-110

ANTICIPATED COST OR SAVINGS TO:

❖ **THE STATE BUDGET:** There will be no cost to the state budget, as this program is funded with private funds.

❖ **LOCAL GOVERNMENTS:** There will be no cost to the local government budget, as this program is funded with private funds.

❖ **OTHER PERSONS:** There will be no cost to other persons, as this program is funded with private funds.

COMPLIANCE COSTS FOR AFFECTED PERSONS: There will be no compliance costs for affected persons, as this program is funded with private funds.

COMMENTS BY THE DEPARTMENT HEAD ON THE FISCAL IMPACT THE RULE MAY HAVE ON BUSINESSES: This program will utilize private money to fund a much needed service for seniors and disabled persons. Private businesses can participate in the process

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

HUMAN SERVICES

AGING AND ADULT SERVICES

Room 325

120 N 200 W

SALT LAKE CITY UT 84103-1500, or

at the Division of Administrative Rules.

DIRECT QUESTIONS REGARDING THIS RULE TO:

Lee Ann Whitaker or Sally Anne Brown at the above address, by phone at 801-538-3915 or 801-538-8250, by FAX at 801-538-4395 or 801-538-4395, or by Internet E-mail at lwhitaker@utah.gov or sabrown@utah.gov

INTERESTED PERSONS MAY PRESENT THEIR VIEWS ON THIS RULE BY SUBMITTING WRITTEN COMMENTS TO THE ADDRESS ABOVE NO LATER THAN 5:00 PM on 12/16/2002.

THIS RULE MAY BECOME EFFECTIVE ON: 12/17/2002

AUTHORIZED BY: Helen Goddard, Director

R510. Human Services, Aging and Adult Services.**R510-105: "Out and About" Homebound Transportation Assistance Fund Rules.****R510-105-1. Authority and Purpose.**

(1) The purpose of this rule is to provide guidelines for the equitable distribution of funds collected as a result of the special revenue fund created in Section 62A-3-110 to provide public transportation assistance for seniors or people with disabilities.

R510-105-2: Definitions.

(1) Qualified Organization means an organization that facilitates the provision of public transportation to aging persons, high risk adults or people with disabilities.

(2) Public Transportation means agencies or organizations that directly provide or reimburse for public transit; the transportation of passengers only, and their incidental baggage by means other than chartered bus, sightseeing bus, taxi, or other vehicle not on an individual passenger-fare-paying basis (defined in Section 17A-2-1004).

(3) Aging Persons means adults 60 years of age or older.

(4) High Risk Adults means adults from 18 to 60 years of age, not disabled as defined in Section 62-A-5-101, but requiring transportation assistance due to a demonstrated inability to provide private transportation or utilize available public transportation.

(5) People with disabilities means disabled persons as defined in Section 62A-5-101.

R510-105-3. Eligibility.

(1) Eligible grantees shall be limited to organizations that provide public transport and may be local or state government or incorporated profit or non-profit entities engaged in providing public transportation to aging persons, high risk adults or people with disabilities.

R510-105-4. Funding Sources.

(1) The fund will consist of:

(a) Private contributions.

(b) Donations or grants from public or private entities.

(c) Voluntary contributions collected under Section 53-3-214.8, less actual administrative costs associated with collecting and transferring the contributions.

(d) Interest and earnings on account monies.

R510-105-5. Administrative Costs.

(1) Administrative costs incurred by the Division in the administration of this program shall be paid from monies in the fund.

R510-105-6. Contract Implementation.

(1) In accordance with Title 62A, Chapter 3 awards shall be implemented by contracts between the Department of Human Services, Division of Aging and Adult Services and the contractor.

(2) Contract awards will be on an annual basis, to be effective on July 1 of the beginning of the fiscal year and must be used by June 30 of the following year.

(3) All applications for the funds will be reviewed by the State Board on Aging and Adult Services.

(4) The Board shall approve all awards.

(5) The Board reserves the right to decline to award any contracts during any fiscal year in which it deems that insufficient funds are available to reasonably fund a viable contract.

(6) Funds not awarded during one year will be available for award in subsequent years.

R510-105-7. Grant Application Evaluation.

(1) Grant applications will be evaluated by the State Board of Aging and Adult Services based upon the following criteria:

(a) The amount of matching funding committed by the applicant as a percentage of the funds available.

(b) The projected number of individuals the applicant estimates can be assisted by the funding as an estimated percentage of the eligible persons in the geographic area to be served.

(c) The degree to which the applicant's proposal develops a new, ongoing source of transportation assistance not already in existence.

(d) The application shall not presume ongoing financial support from this fund, beyond the initial grant, to support the applicant's proposal.

R510-105-8. Reporting and Audit.

(1) The grantee shall collect data and maintain records relating to the project in the format specified by the Division, such data and records to be provided to the Division as specified.

(2) The grantee shall maintain sufficient financial records to support the appropriate disbursement of grant funds, and shall agree to periodic program and fiscal audits by the Division as may be deemed necessary by the Board.

KEY: transportation, seniors, disabled**2002****62A-3-110**

Human Services, Aging and Adult
Services

R510-401

Utah Caregiver Support Program

NOTICE OF PROPOSED RULE

(Repeal and Reenact)

DAR FILE NO.: 25557

FILED: 10/28/2002, 15:43

RULE ANALYSIS

PURPOSE OF THE RULE OR REASON FOR THE CHANGE: To comply with new federal law enacted as PL 106-501.

SUMMARY OF THE RULE OR CHANGE: Policy governing the statewide implementation of the Caregiver Support Program has been amended in order to comply with federal law enacted as PL 106-501.

STATE STATUTORY OR CONSTITUTIONAL AUTHORIZATION FOR THIS RULE: 62A-3-104(4)(5)

THIS RULE OR CHANGE INCORPORATES BY REFERENCE THE FOLLOWING MATERIAL: PL 106-501, Title III E of Older Americans Act PL 89-73
42 USC 3001 et seq.

ANTICIPATED COST OR SAVINGS TO:

❖ THE STATE BUDGET: The state will be providing support services with federal and state-appropriated dollars for individuals who wish to be cared for at home. The number of clients and type of services is not known at this time. Therefore, no state budgetary impact is anticipated.

❖ LOCAL GOVERNMENTS: The state will be providing support services with federal and state-appropriated dollars for individuals who wish to be cared for at home. The number of clients and type of services is not known at this time. Therefore, no state budgetary impact is anticipated.

❖ OTHER PERSONS: Unknown at this time.

COMPLIANCE COSTS FOR AFFECTED PERSONS: There will be no requirement for any compliance cost for affected persons.

COMMENTS BY THE DEPARTMENT HEAD ON THE FISCAL IMPACT THE RULE MAY HAVE ON BUSINESSES: This program allows for frail elderly to be cared for in their own homes. The program will purchase services and equipment from local services and businesses. Caregiver support groups will help to reduce stress levels and allow caregivers to be more productive in the work place. The result may be a positive fiscal impact for private businesses.

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

HUMAN SERVICES
AGING AND ADULT SERVICES
Room 325
120 N 200 W
SALT LAKE CITY UT 84103-1500, or
at the Division of Administrative Rules.

DIRECT QUESTIONS REGARDING THIS RULE TO:

Sally Anne Brown or Lee Ann Whitaker at the above address, by phone at 801-538-8250 or 801-538-3915, by FAX at 801-538-4395 or 801-538-4395, or by Internet E-mail at sabrown@utah.gov or lwhitaker@utah.gov

INTERESTED PERSONS MAY PRESENT THEIR VIEWS ON THIS RULE BY SUBMITTING WRITTEN COMMENTS TO THE ADDRESS ABOVE NO LATER THAN 5:00 PM on 12/16/2002.

THIS RULE MAY BECOME EFFECTIVE ON: 12/17/2002

AUTHORIZED BY: Helen Goddard, Director

R510. Human Services, Aging and Adult Services.

~~[R510 401. Caregiver Respite Services for Caregivers or Care Receivers 60 Years of Age and Over.~~

~~R510 401-1. Caregiver Respite Care Program Purpose.~~

~~— A. The purpose of the Caregiver Respite Care Program is to provide intermittent and time limited relief to Caregivers of adults who are suffering chronic long term illnesses or conditions where the level of the care giving responsibilities creates extreme stress and other sources of informal relief are not sufficient.~~

~~R510 401-2. Definitions.~~

~~— A. Aid: Means relief in the form of respite care.~~
~~— B. Adult: Means an individual who is legally emancipated or of legal age.~~

~~— C. Agency, Area Agency on Aging or AAA: Means the designated agency to coordinate and provide services for a defined geographic area.~~

~~— D. Caregiver: Means an individual who has the primary responsibility of providing care and supervision three or more times a week to an adult with a chronic illness or condition.~~

~~— E. Care Receiver: Means an individual who receives assistance or is dependent upon another for routine care.~~

~~— F. Care Coordinator: Means a person who has at least one year of experience in the area of Gerontology, a social science, health science, or other related field.~~

~~— G. Care Coordination: Means assessment, determination of eligibility, development of a Care Plan, secure specific services, case recording, client monitoring and follow up.~~

~~— H. Chronic long term illness: Means an illness or condition that is expected to continue or become more severe.~~

~~— I. Condition: Means a debilitating state that causes functional or cognitive limitations and dependence upon another.~~

~~— J. Director: Means the Director of the AAA.~~

~~— K. Division: Means the Utah State Division of Aging and Adult Services~~

~~— L. Extreme Stress: Means significant mental, emotional, or physical tension, strain, or distress.~~

~~— M. Formal Resources: Means a government or private agency which provides services for fee or reimbursement.~~

~~— N. Informal Resources: Means family, friends, neighbors, religious organizations or others who are not assigned by formal agencies or organizations.~~

~~— O. Relief: Means ease from or lessening of discomfort, anxiety, fear, stress or burden.~~

~~— P. Respite: Means a rest or relief from care giving burdens and responsibilities.~~

~~— Q. Waiver: Means an intentional, authorized release from eligibility requirements.~~

~~R510 401-3. Program Operation.~~

~~— A. Funding:~~

~~(1) Sources of Revenue: The Caregiver Respite Services Program is funded by State dollars allocated by the Utah State Legislature, program fees and donations.~~

—(2) Funds shall be used to provide relief to Caregivers. Local AAAs shall maximize the utilization of those funds. Local AAAs will account for how Caregiver Respite Service funds are spent on targeted individuals. 90% of the Respite Care Program funds shall be directed to Caregivers or Care Receivers who are over the age of 60.

B. Eligibility:

—(1) Eligibility Determination: Eligibility is determined by the evidence of extreme stress as measured by an instrument approved by the Division and AAAs which substantiates that sources of formal and informal relief are not sufficient to alleviate the burden and intensity of long-term care giving responsibilities.

—(2) Target Population: Caregiver Respite Services target Caregivers of adults who are suffering chronic long-term illnesses or conditions where the level of the care giving responsibilities creates extreme stress and other sources of informal relief are not sufficient.

—(3) Waiver for Eligibility: Waiver for eligibility shall be considered on an individual basis. A waiver may be requested at any time, and shall be submitted on forms supplied by the AAA. In applying, Care Coordinators shall request an eligibility waiver, and shall document any extenuating circumstances. Approval will be granted by the appropriate AAA Director or his designee. Waiver requests and accompanying approval or denial must be maintained in the Care Receiver's file at all times. Waivers must be re-approved with each Caregiver Respite Service request or on an annual basis.

—(4) When the Caregiver resides in a different AAA Planning and Service Area than where the Care Receiver resides, the responsibility for service provision lies within the Care Receiver's AAA Planning and Service Area.

C. Need Criterion:

—(1) A Stress determining instrument, as approved by the Division and the local AAAs, will be administered by the Care Coordinator to measure the intensity of stress being experienced.

—(2) The Care Coordinator will document why formal resources and informal resources of relief are insufficient.

—(3) The Care Coordinator will document the chronic long-term illness or condition of the Care Receiver.

D. Fees and Donations:

—(1) Monthly Fees: Fees shall be assessed for Caregiver Respite Services based on the Care Receivers and spouse's monthly gross income. Monthly fees shall be 3% of the care receiver's monthly gross income, but shall not exceed the full cost of the services provided.

—(2) Fee Collection: For Caregiver Respite Services arranged by an AAA, monthly fees will be assessed by the Care Coordinator. The AAA shall establish procedures for fee collection. Every reasonable effort shall be made by the care coordination agency to collect the required fee. Services may be terminated for refusal to pay.

—(3) Donations: Each Caregiver and Care Receiver shall be given the opportunity to donate to the program.

—(4) Fees Collected: Donations and Fees that are acquired in the delivery of the Respite Care Services Program shall be expended within the Program to deliver authorized services.

—(5) Fee Waivers: Waivers for full or partial fees may be considered on an individual basis. Care Coordinators will request a fee waiver documenting the extenuating circumstances. This approval will be obtained from the AAA Director or his designee. Fee waiver requests and accompanying approval or denial must be maintained in the Care Receiver's file at all times. Waivers must be re-approved with each Caregiver Respite Service request or on an annual basis.

E. Allowable Services:

—(1) Respite Services shall be flexible to meet the needs of the Caregiver and Care Receiver and may consist of in-home relief, out-of-home relief, and other services and assistance.

—(2) Respite Services shall be intermittent and time limited and given in a manner that provides relief to the Caregiver.

—(3) Service Care Plan: The Caregiver Respite Service Care Plan shall be developed by the Care Coordinator with input from the Caregiver and Care Receiver.

—(4) Care Coordinators will advise Caregivers and Care Receivers of other appropriate services.

—(5) Clients in need of additional services, shall be referred to the appropriate programs.

R510-401-4. Service Requirements.

A. Provider Requirements:

—(1) The local AAA will provide training and monitor the competence of the Care Coordinator.

—(2) Respite Care Providers: The need for respite care will be determined by the level of intervention or care giving required by the Care Receiver as determined by the Care Coordinator, and will be based upon the assessment ministered by the Care Coordinator.

—(a) Private Agencies: When the service provider is a private agency, social service agency or health care agency, the provider must have demonstrated experience in providing a similar type of caregiver service and be appropriately licensed.

—(i) The provider agency must maintain liability insurance and bonding of all employees.

—(ii) It is the responsibility of the agency to provide all employees with written instructions based upon the Caregiver Respite Service required, instruct employees as needed in performing the required tasks, provide supervision of employees, and notify employees regarding personal liability.

—(iii) The provider agency may choose whether or not to allow employees to transport or escort Care Receivers as part of the Caregiver Respite Service offered. In the event the agency does allow transportation or escort of Care Receivers, the provider shall secure or determine that adequate vehicle liability, bodily injury and property damage insurance is obtained for all employees assigned to transport or escort Care Receivers as part of their job.

—(b) Individual as Provider: Individuals serving as providers who are contracted or employed by the local AAA shall meet written minimum standards established by the local AAA. In establishing these standards, the AAA shall meet all Federal, State and Local Ordinances, Laws and Regulations.

B. Expenditure Limits:

—(1) Expenditure limits per client will be established by the Local AAA Director, based on budgeted resources and caregiver and care receiver needs.

—(2) Waivers of the allowed expenditure limit may be granted on an individual basis and if there are extenuating circumstances. A request for a waiver must be made in writing by the Care Coordinator and approved by the AAA Director or his designee. Expenditure Waiver requests, documentation, and accompanying approval or denial must be maintained in the Care Receiver's files at all times.

—The waiver must be re-approved with each new request for Caregiver Respite Services or on an annual basis.

C. Care Coordinators Responsibilities:

—(1) The Care Coordinator will conduct a face-to-face assessment of both the Caregiver and Care receiver, which will include the following information and be documented in the case file:

—(a) The chronic long-term illness or condition of the Care Receiver.

—(b) The care giving required for the Care Receiver.

—(c) The degree of stress experienced by the Caregiver.

—(d) The formal and informal resources of relief that have been or are currently being used.

—(2) The Care Coordinator shall determine and assess fees.

—(3) The Care Coordinator shall develop and establish a Caregiver file, including relevant information on the Care Receiver.

—(4) The Care Coordinator shall develop a Plan of Care that coordinates and secures the Respite Services that meet the Caregiver's needs.

—(5) The Care Coordinator shall provide a written response to the Caregiver or Care Receiver or referring party, when there is a denial of services:

—D. Monitoring of Services:

—(1) For Respite Care Services which are provided only once in any given month, the Area Agencies on Aging will follow up with a contact to determine the success of the Respite Care service.

—(2) When Respite Care Services are ongoing, the AAA will conduct at least two face to face visits within the calendar year to determine the adequacy of the Respite Care Services being delivered.

—(3) A written record of all monitoring actions taken will be documented in the case file.

—E. Program Maintenance:

—(1) Forms: The Care Coordinator shall use the forms prescribed by the Division and the Local AAA for client eligibility.

—(2) Records Maintenance:

—(a) Safeguarding use, release, and retention or destruction of Caregiver or Care Receiver information and case records shall follow specified provisions within contracts between the Division and the AAA.

—(b) Case files and service authorizations must be secured in a locked file at the AAA or designated provider agencies.

—(c) Records and Information: All information and records generated in this program shall be retained and released in accordance with the Government Records Management Act (GRAMA), pursuant to Sections 63-2-101, et seq. Information that pertains to Care Giver Respite Service clients, i.e., information that is medical, psychiatric, or psychological in accordance with the Government Records Access Management Act (GRAMA), Sections 63-2-301, et seq., shall be classified as "private". These records shall be retained and released according to the provisions of this Act.

—(d) Annual Program Monitoring: The Division shall annually monitor the Caregiver Respite Services Program and provide the AAA a written report within thirty days.

—F. Individual Rights And Responsibilities:

—(1) Caregiver or Care receiver Grievances: Caregivers or Care Receivers have the right to a fair hearing to resolve a grievance, whenever he believes that his interests in laws, regulations, standards or criteria related to the service program were violated. During the fair hearing process, Caregiver Respite Services shall not be denied, reduced, or terminated. Fair hearing procedures shall follow local AAA policies and the contractual agreement between the State Division of Aging and Adult Services and the AAA.

—(2) Caregiver Rights: All recipients of Caregiver Respite Services have the following rights:

—(a) To be fully informed of their rights and all rules governing conduct as evidenced by documentation in the case file.

—(b) To be fully informed of services and related fees for which the Caregiver or Care Receiver may be responsible and to be informed of all changes in fees.

—(c) To be afforded self determination including the opportunity to participate in the planning of Caregiver Respite Services or to refuse services they do not wish to receive, including referral to health care institutions or other agencies, and to refuse to participate in experimental research.

—(d) To be assured confidential treatment of personal and medical records and to approve or refuse their release to any individual outside the agency except in the case of transfer to another agency or health facility or as required by law or third party payment contracts.

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

—(f) To be assured that personnel who provide Caregiver Respite Services demonstrate competency through their correct application of professional practices, taking into account their record of education and experience, and that they correctly implement the services for which they are responsible.

—(g) To receive proper identification from the individual providing Caregiver Respite Services.

—(3) Caregiver Responsibilities: All recipients of Caregiver Respite Services have the following responsibilities:

—(a) The Caregiver is responsible for making it known to the Care Coordinator whether he has questions or concerns regarding the function and purpose of the Caregiver Respite Service Program.

—(b) The Caregiver has the responsibility to report to the Care Coordinator, any changes in his life or that of the Care Receiver, that may impact eligibility or need for services.

—(c) Both the Caregiver and Care Receiver are responsible for keeping appointments and, when unable to do so for any reason, for notifying the responsible Care Coordinator or provider agency.

—(d) The Caregiver is responsible for his actions and their consequences. If he refuses services or does not follow the instructions in the Caregiver Respite Service Agreement, future services may be withheld until he agrees to correct any identified problems.

—(e) The Care Coordinator is responsible to see that copies of the Caregiver Agreement form and Grievance Procedures are given to the Caregivers, and their signatures obtained.

**KEY: caregiver, care receiver, elderly, respite
November 14, 1995**

Notice of Continuation November 15, 2000

1995 Utah Laws 322, Item 152]

R510-401. Utah Caregiver Support Program (UCSP).

R510-401-1. Purpose.

—(1) The purpose of the Utah Caregiver Support Program is:

—(a) to provide information, assistance, support, caregiver training, and counseling to:

—(i) caregivers of adults who are 60 years of age or older;

—(ii) caregivers who are 60 years of age or older and who are caring for persons with mental retardation or related developmental disabilities; and

—(iii) grandparents or other older individuals who are relative caregivers of a child who is under 18 years of age; and

—(b) to provide respite and supplemental services to caregivers of adults who are 60 years of age or older and who are unable to perform at least two activities of daily living without substantial human

assistance, including verbal reminding, physical cueing, or supervision.

R510-401-2. Definitions.

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

(2) "Agency or Area Agency on Aging (AAA)" means the agency designated by the Division of Aging and Adult Services (DAAS) to coordinate and provide services for a defined geographical area.

(3) "Agency Director" means the director of the Agency.

(4) "Caregiver or Family Caregiver" means an adult individual, regardless of relationship to the care receiver, who is an informal provider of care to an individual who is 60 years of age or older. This definition excludes agency and privately-paid supportive service providers.

(5) "Care Plan" means a written plan which contains a description of the needs of the caregiver and the care recipient, and the services and goals necessary to meet those needs.

(6) "Care Receiver" means an adult 60 years of age or older who receives assistance from, or is dependent upon, another for care and is:

(a) unable to perform at least two activities of daily living without substantial human assistance, including verbal reminding, physical cueing, or supervision; or

(b) due to a cognitive or other mental impairment, requires substantial supervision.

(7) "Companion Services" means non-medical, basic supervisory services which are provided to the eligible care receiver in his home on a short-term, intermittent basis. Companion Services provide respite to a caregiver who is caring for eligible care receivers who do not require any personal care assistance, medical assistance, or housekeeping services during the time when companion services are provided.

(8) "Child" means an individual who is under 18 years of age.

(9) "Counseling, Support Groups, or Caregiver Training" means provision of advice, guidance, and education about options and methods of caregiving to provide support to caregivers in an individual or group setting.

(10) "Director" means the director of the Division of Aging and Adult Services, Utah Department of Human Services (DAAS).

(11) "Division" means the Division of Aging and Adult Services (DAAS), Utah Department of Human Services.

(12) "Formal Resources" means an entity that provides services for a fee or reimbursement.

(13) "Grandparent or Older Individual who is a Relative Caregiver" means a grandparent or step-grandparent of a child, or a legal relative of a child by blood or marriage, who is 60 years of age or older and:

(a) lives with the child;

(b) is the primary caregiver of the child because the biological or adoptive parents are unable or unwilling to serve as the primary caregiver of the child; and,

(c) has a legal relationship to the child, such as legal custody or guardianship, or is raising the child informally.

(14) "Informal Resources" means family, friends, neighbors, community organizations or others who offer resources and support but are not assigned by formal agencies or organizations, irrespective of any payment received.

(15) "Intermittent or Short Term Services" means services that can be accessed for a six-month duration during any one twelve-month period, and require a reassessment. A two-week maximum of continuous institutional facility respite services will be allowed during

the six-month duration and will not be considered intermittent services.

(16) "Multifaceted Systems" means a variety of systems of support for the caregiver including but not limited to those described in the required five service categories of the National Family Caregiver Support Program (NFCSP), Title IIIIE of the Older Americans Act, as amended in 2000.

(17) "National Family Caregiver Support Program or NFCSP" is the federal program enacted as P. L. 106-501, Title IIIIE of the Older Americans Act, P. L. 89-73, 42 USC Section 3001 *et seq.*, as amended in 2000.

(18) "Relief" means ease from or lessening of discomfort, anxiety, fear, stress, or burden.

(19) "Respite or Respite Care" means temporary supports or living arrangements for an eligible care receiver on behalf of the caregiver on an intermittent basis to relieve the daily stress and demands of caring for the functionally impaired adult with the purpose of renewing the caregiver's strength and capacity in that role. Respite or Respite Care may be provided hourly, daily, overnight, or on weekends and may be provided by paid or volunteer staff. The term includes, but is not limited to, companion, companion services, homemaker and personal care services, adult day health care services, short-term inpatient care in a licensed nursing facility, or a residential health care facility. Temporary respite may not be provided by the twenty percent (20%) maximum supplemental services funds. Neither can temporary respite be provided on an on-going basis.

(20) "Supplemental Services" means other services to complement the care of caregivers, on a limited basis. Supplemental services shall serve to maximize the support of caregivers and shall be flexible, adaptable, and responsive to the needs of the individual caregiver or care receiver where ever they reside in the State of Utah. Services provided under supplemental services shall not fall into other categories defined in the UCSP or the National Family Caregiver Support Act. Necessity for supplemental services shall be specified in the care plan goals. Reimbursement shall include the purchase, installation, removal, replacement, or repair of approved items. The case manager will document in the case file all funding resources explored and reasons alternative funding cannot be accessed. Items or services exceeding \$250 per purchase must be prior approved by the Division based on a formal written request by the Agency or designee documenting the determination of need and estimated cost. Response for prior approval from the Division will be within ten (10) working days.

(a) "Supplies or Equipment" means non-durable goods purchased under supplemental services to provide support and assistance to caregivers in their caregiving responsibilities. Reimbursement shall include the purchase, installation, removal, replacement or repair of approved supplies and equipment.

(b) "Modifications or durable adaptive aids and devices" purchased as supplemental services shall be one-time purchases to provide support and assistance to caregivers in their caregiving responsibilities. Minor modifications of homes shall facilitate the ability of older individuals to remain at home or provide for the safety of the care receiver. Adaptive aids and devices shall assist the caregivers helping care receivers to perform normal living skills, and shall include the cost of any necessary installation fitting, adjustment, repair, and training. Adaptive aids and devices may be fabricated by a professional if the care receiver needs specialized aids and devices.

(c) "Legal, Financial, or Placement Services" purchased as supplemental services shall provide support and assistance to caregivers in their caregiving responsibilities. Services will provide

the caregiver with legal, financial, and placement advice, counseling, and representation by an attorney, certified financial advisor, or a professional or other person acting under the supervision of an attorney, certified financial advisor, or placement professional. Necessity for legal, financial, or placement services shall be specified in the care plan goals.

(21) "Waiver" means an intentional release from a program limitation or criterion that is authorized in writing by the Division.

R510-401-3. Responsibilities of the Division.

(1) Pursuant to UCA 62A-3-104, the Division shall:

(a) establish a funding formula for the distribution of the funds as approved by the Board;

(b) monitor, and at the request of the Area Agency on Aging, consult and assist in UCSP;

(c) provide training opportunities;

(d) define minimal documentation and client assessment standards; and

(e) approve or disapprove waivers and exceptions.

R510-401-4. Program Content.

(1) Each Area Agency on Aging and any entity with which it contracts shall provide a multifaceted system of caregiver support services for caregivers and, if funded, for grandparents or older individuals who are relative caregivers.

(2) The Area Agency on Aging and any entity with which it contracts shall develop multifaceted systems of caregiver support services to include:

(a) information to caregivers about available services;

(b) individual, one-on-one assistance to caregivers in gaining access to services in the form of information and assistance or case management. Assistance may include but is not limited to such activities as phone contact, home visits, mailings, and flyers;

(c) individual counseling, support groups, and caregiver training to caregivers to assist the caregivers in making decisions and solving problems relating to their caregiving roles;

(d) respite care to enable caregivers to be temporarily relieved from their caregiving responsibilities; and

(e) supplemental services, on a limited basis, to complement the care provided by caregivers.

(3) Services shall be provided to:

(a) all adult caregivers of an individual 60 years of age or older requesting services, who meet the eligibility requirements; and

(b) grandparents or older individuals who are relative caregivers, if funded, defined as a grandparent or step-grandparent of a child, or a relative of a child by blood or marriage, who is 60 years of age or older.

(4) The Area Agency on Aging shall ensure the provision of the full range of caregiver support services in the community by coordinating its activities with the activities of other community agencies and voluntary organizations providing supportive services to family caregivers and, if funded, grandparents or older individuals who are relative caregivers of children.

(5) Older Americans Act information and services shall be provided to family caregivers in a direct and helpful manner. In cases where caregiver support programs already exist within the community, coordination of these programs and the UCSP is essential to maximize the dollars available for family caregivers and avoid duplication of services.

(6) To assure coordination of caregiver services in the planning and service area, the Area Agency on Aging shall convene a minimum

of one joint planning meeting annually with other local providers who currently provide support services to family caregivers. As practical, the Area Agency on Aging shall coordinate the activities under this program with other community agencies and voluntary organizations providing services to caregivers. Funding under this program gives the Agency an opportunity to advocate with other provider agencies to expand and enhance existing services to better meet the needs of family caregivers. Effort should be made to integrate or closely coordinate the UCSP and the Alzheimer Family Caregiver Support Program, preferably with other Title III programs.

(7) Funds allocated on an annual basis under the UCSP for services provided by an Area Agency on Aging shall be expended as follows:

(a) Information to caregivers about available services: the Area Agency on Aging may not use less than five percent of the funds allocated under the UCSP to provide these services.

(b) Assistance to caregivers in gaining access to the services: the Area Agency on Aging may not use less than five percent of the funds allocated under the UCSP to provide these services.

(c) Individual counseling, organization of support groups, and caregiver training to caregivers to assist the caregivers in making decisions and solving problems relating to their caregiving roles: The Area Agency on Aging may not use less than five percent of the funds allocated under the UCSP to provide these services.

(i) Respite care to enable caregivers to be temporarily relieved from their caregiving responsibilities: The Area Agency on Aging may not use less than five percent of the funds allocated under the UCSP to provide these services.

(ii) Supplemental services, on a limited basis, to complement the care provided by caregivers: The Area Agency on Aging may not use more than twenty percent of the funds allocated under the UCSP to provide these services.

R510-401-5. Eligibility for Services.

(1) Services shall be provided to family or informal caregivers, and, as funding becomes available, to grandparents providing care to a child as described in R510-401-2(14).

(2) Priority shall be given to individuals who provide care and support to individuals who are 60 years of age or older and who are in greatest social and economic need (with particular attention to low-income older individuals), those residing in a rural or geographically isolated area, and older individuals who provide care and support to persons with mental retardation or related developmental disabilities.

(3) The DAAS approved assessment tool shall be completed to establish eligibility for Respite and Supplemental Services.

R510-401-6. Client Vouchers.

(1) The Area Agency on Aging may develop procedures for the provision of a voucher system of payment that may be available to the client who has demonstrated to the satisfaction of the Agency that he is able to manage the provisions of services specified in the care plan. Such procedures shall be developed in accordance with guidelines developed by and approved by the Division.

R510-401-7. Mandatory Caregiver Advisory Council.

(1) The Area Agency on Aging shall develop and maintain a Caregiver Advisory Council.

(2) The Caregiver Advisory Council shall be comprised of seven to ten caregivers and community members who work with and for caregivers.

(3) The Caregiver Advisory Council shall meet no less than semiannually, and meetings shall be scheduled by each Area Agency on Aging.

(4) The duties of the Caregiver Advisory Council shall be to survey community satisfaction with the caregiver program and to advise the Area Agency on Aging in determining service needs and developing action plans.

(5) The Area Agency on Aging shall be responsible for developing trainings for Caregiver Advisory Councils on caregiver issues and responding to community needs.

(6) When there is a concern over the use of limited resources for Respite Care and Supplemental Services, Area Agencies on Aging, with the advice and consultation of their Caregiver Advisory Council, may further limit the amount of services provided to an individual caregiver. This local policy decision shall be in writing and shall be uniform for all caregivers.

R510-401-8. Voluntary Contributions.

(1) Individuals receiving services from this program may be encouraged to participate in voluntary contributions for services, provided that the method of solicitation is non-coercive.

(2) Voluntary contributions shall in no way be based on a means test of an individual client's income.

(3) Each Area Agency on Aging shall implement procedures for voluntary contributions in the UCSP, and shall comply, at a minimum, with the following:

(a) provide each recipient with an opportunity to voluntarily contribute to the cost of the services;

(b) clearly inform each recipient that there is no obligation to contribute and that the contribution is purely voluntary;

(c) protect the privacy and confidentiality of each recipient with respect to the recipient's contribution or lack of contribution; and

(d) establish appropriate procedures to safeguard and account for voluntary contributions.

(4) Use all collected voluntary contributions to expand the service for which such contributions were given.

(5) In no instance shall services be denied if individuals do not participate in voluntary contributions.

(6) Area Agencies on Aging will consult with relevant service providers and older individuals in their planning and service area to determine the best method for accepting voluntary contributions.

R510-401-9. Reporting.

(1) The Area Agency on Aging shall collect data and maintain records relating to the UCSP in the format specified by the Division.

(2) The Area Agency on Aging shall furnish the records to the DAAS as specified.

(3) The Area Agency on Aging shall report to DAAS, as specified, the activities and determinations of the Caregiver Advisory Council.

R510-401-10. Waiver.

An Area Agency on Aging may request a waiver from the provisions of these rules in order to enable the caregiver to carry out their duties in assisting the care receiver. In requesting a waiver, the Area Agency on Aging must demonstrate that effort has been made to access other sources of services or funds. The Division may grant a waiver to an Area Agency on Aging on a case-by-case basis provided such waiver is consistent with the law. This waiver request must be made in writing to the Division.

KEY: caregiver, care receiver, elderly, respite
2002

62A-3-104(4)

62A-3-104(5)

Insurance, Administration **R590-164** Uniform Health Billing Rule

NOTICE OF PROPOSED RULE

(Amendment)

DAR FILE No.: 25556

FILED: 10/28/2002, 15:42

RULE ANALYSIS

PURPOSE OF THE RULE OR REASON FOR THE CHANGE: The purpose of this rule is to designate uniform claim forms, billing codes and compatible electronic data interchange standards for use by health payers and providers. The purpose of the changes are to make definitional changes and incorporate electronic data interchange standards into the rule.

SUMMARY OF THE RULE OR CHANGE: A short summary of the changes made to the rule are: 1) modifications made and new definitions added to the Definitions section; 2) changed the term "issuer" to "payer"; 3) added new sections to the rule entitled "Paper Claim Transactions," "Electronic Data Interchange Transactions," and "Enforcement Date"; 4) rule now incorporates the electronic data interchange standards adopted by the Utah Health Information Network (UHIN) Standards Committee and the commissioner.

STATE STATUTORY OR CONSTITUTIONAL AUTHORIZATION FOR THIS RULE: Section 31A-22-614.5

ANTICIPATED COST OR SAVINGS TO:

❖ THE STATE BUDGET: There will be no cost or savings to the state budget since these changes will not create a change in the way the department is regulating insurance or doing business. The rule simply incorporates standards that are already being used in the industry.

❖ LOCAL GOVERNMENTS: The rule will have no effect on local government since the rule does not require those under its authority to take any action that will increase or decrease local government's revenues.

❖ OTHER PERSONS: The changes to this rule do not have any fiscal impact, either negative or positive, on the insurance industry or the consumer in Utah. It simply incorporates into the rule standards that are already being met by the insurance industry. It does not add anything new to what is already being done.

COMPLIANCE COSTS FOR AFFECTED PERSONS: The changes to this rule do not have any fiscal impact, either negative or positive, on the insurance industry or the consumer in Utah. It simply incorporates into the rule standards that are already being met by the insurance industry. It does not add anything new to what is already being done.

COMMENTS BY THE DEPARTMENT HEAD ON THE FISCAL IMPACT THE RULE MAY HAVE ON BUSINESSES: The changes to this rule will have no fiscal impact on the insurance industry or any other business in Utah.

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

INSURANCE
ADMINISTRATION
Room 3110 STATE OFFICE BLDG
450 N MAIN ST
SALT LAKE CITY UT 84114-1201, or
at the Division of Administrative Rules.

DIRECT QUESTIONS REGARDING THIS RULE TO:

Jilene Whitby at the above address, by phone at 801-538-3803, by FAX at 801-538-3829, or by Internet E-mail at jwhitby@utah.gov

INTERESTED PERSONS MAY PRESENT THEIR VIEWS ON THIS RULE BY SUBMITTING WRITTEN COMMENTS TO THE ADDRESS ABOVE NO LATER THAN 5:00 PM on 12/16/2002

INTERESTED PERSONS MAY ATTEND A PUBLIC HEARING REGARDING THIS RULE: 12/02/2002 at 2:00 PM, State Office Building, Room 3112, Salt Lake City, UT 84114.

THIS RULE MAY BECOME EFFECTIVE ON: 12/17/2002

AUTHORIZED BY: Jilene Whitby, Information Specialist

R590. Insurance, Administration.

R590-164. Uniform Health Billing Rule.

R590-164-1. Authority.

This rule is promulgated by the Insurance Commissioner pursuant to Subsection 31A-22-614.5~~(-)~~ which authorizes the commissioner to adopt uniform claim forms, billing codes, and compatible systems of electronic billing.

R590-164-2. Purpose.

The purpose of this rule is to designate uniform claim forms, billing codes and compatible electronic data interchange ~~(accepted)~~ standards for use by health [issuers] payers and providers.

R590-164-3. Applicability and Scope.

A. This rule applies to health claims ~~and~~ health encounters, and electronic data interchange between payers and providers.

B. Except as otherwise specifically provided, the requirements of this rule apply to ~~issuers~~ payers and providers.

C. This rule does not prohibit ~~an issuer, a payer~~ from requesting additional information required to determine eligibility of the claim under the terms of the policy or certificate issued to the claimant.

D. This rule does not prohibit ~~an issuer, a payer~~ or provider from using alternative forms or procedures specified in a written contract between the payer and provider [and issuer].

E. This rule does not exempt a ~~payer or provider [or issuer]~~ payer or provider from data reporting requirements under state or federal law or regulation.

R590-164-4. Definitions.

As used in this rule:

A. Uniform Claim Forms are defined as:

(1) "UB-92 HCFA-1450" means the health insurance claim form maintained by HCFA for use by institutional care providers. Currently this form is known as the UB92.

(2) "Form HCFA-1500 (12-90)" means the health insurance claim form maintained by HCFA for use by health care providers.

(3) "American Dental Association, 1999 Version 2000" means the uniform dental claim form approved by the American Dental Association for use by dentists.

(4) "NCPDP" means the National Council for Prescription Drug Program's Claim Form or its electronic counterpart.

B. Uniform Claim Codes are defined as:

(1) "ASA Codes" means the codes contained in the ASA Relative Value Guide developed and maintained by the American Society of Anesthesiologists to describe anesthesia services and related modifiers.

(2) "CDT~~(-)~~" Codes" means the current dental terminology prescribed by the American Dental Association.

(3) "CPT~~(-)~~" Codes" means the current physicians ~~[current]~~ procedural terminology, ~~[fourth edition]~~ published by the American Medical Association.

(4) "HCPCS" means HCFA's Common Procedure Coding System, a coding system ~~[which] that~~ describes products, supplies, procedures and health professional services and includes, the American Medical ~~[Associations] Association's~~ (AMA's) Physician Current Procedural Terminology, ~~[Fourth Edition (CPT-4)]~~ codes, alphanumeric codes, and related modifiers. This includes:

(a) "HCPCS Level 1 Codes" which are the AMA's CPT~~(-)~~ codes and modifiers for professional services and procedures.

(b) "HCPCS Level 2 Codes" which are national alphanumeric codes and modifiers for health care products and supplies, as well as some codes for professional services not included in the AMA's CPT~~(-)~~ codes.

(5) "ICD~~(-)~~CM Codes" means the diagnosis and procedure codes in the International Classification of Diseases ~~[, Ninth revision]~~, clinical modifications published by the U.S. Department of Health and Human Services.

(6) "NDC" means the National Drug Codes of the Food and Drug Administration.

(7) "UB92 Codes" means the code structure and instructions established for use by the National Uniform Billing Committee.

C. "Electronic Data Interchange Standard~~(Format)~~" means the:

(1) ~~[ASCX12N]~~ ASC X12N standard format developed by the Accredited Standards Committee X12N Insurance Subcommittee of the American National Standards Institute ~~[using] and~~ the ASC X12N implementation guides [approved] as modified by the Utah Health Information Network (UHIN) Standards Committee;

(2) other standards developed by the UHIN Standards Committee at the request of the commissioner [-]; and

(3) as adopted by the commissioner by rule.

D. "[Issuer] Payer" means an insurer or third party administrator that pays for, or reimburses for the costs of health care expense.

E. "Provider" means any person, partnership, association, corporation or other facility or institution that renders or causes to be rendered health care or professional services, and officers, employees or agents of any of the above acting in the course and scope of their employment.

F. "HCFA" means the Health Care Financing Administration of the U.S. Department of Health and Human Services.

G. "UHIN Standards Committee" means the Standards Committee of the Utah Health Information Network.

H. "CMS" means the Centers for Medicare and Medicaid Services of the U.S. Department of Health and Human Services. CMS replaced HCFA.

I. "HIPAA" means the federal Health Insurance Portability and Accountability Act.

R590-164-5. [General Provisions] Paper Claim Transactions.

~~A. Issuers~~ Payers shall accept and may require the applicable uniform claim forms completed with the uniform claim codes.

~~B. Issuers shall accept the applicable electronic data if transmitted in the electronic standard format. Issuers may reject electronic data if not transmitted in the electronic standard format.~~

R590-164-6. Electronic Data Interchange Transactions.

A. The commissioner shall use the UHIN Standards Committee to develop electronic data interchange standards for use by payers and providers transacting health insurance business electronically. In developing standards for the commissioner, the UHIN Standards Committee shall consult with national standard setting entities including but not limited to Centers for Medicare and Medicaid Services (CMS), the National Uniform Claim Form Committee, and the National Uniform Billing Committee.

B. Standards developed and adopted by the UHIN Standards Committee shall not be required for use by payers and providers, until adopted by the commissioner by rule.

C. Payers shall accept the applicable electronic data if transmitted in accordance with the adopted electronic data interchange standard. Payers may reject electronic data if not transmitted in accordance with the adopted electronic data interchange standard.

D. The following electronic data interchange standards developed and adopted by the UHIN Standards Committee and adopted by the commissioner are hereby incorporated by reference with this rule and are available for public inspection at the department during normal business hours or at www.insurance.utah.gov/rules/index.htm.

(1) Pre-HIPAA electronic data interchange standards. These standards will be superseded by HIPAA+ standards effective October 16, 2003

(a) #1 - "Anesthesia". Purpose: to standardize the transmission of anesthesia data for health care services. Effective date: February 1995.

(b) #2A - "UB92 Crosswalk". Purpose: to provide a tool to detail the references between the UB-92 claims form and the chosen EDI transaction standard. Effective date: February 1995.

(c) #2A - "UB92 Field Data Elements". Purpose: to detail the use of each box in the UB-92 claim form. Effective date: February 1995.

(d) #2B - "HCFA 1500 Medical Claims". Purpose: to detail the use of each box in the HCFA 1500 claim form. Effective date: March 1995.

(e) #3 - "837 Health Care Claim". Purpose: to detail a standard transaction and a standard use for the health care claim. Effective date: February 1996.

(f) #4 - "Provider Remittance". Purpose: to detail a standard transaction and a standard use for that transaction for the institutional and professional provider remittance advice. Effective date: September 1997.

(g) #8 - "Patient Identification Number". Purpose: to adopt the patient's social security account number as the patient identification number standard. Effective date: August 1995.

(h) #9a - "Professional Common Edits". Purpose: to detail common edits used in all professional claims. Effective date: August 1996.

(i) #10 - "Facilities Common Edits". Purpose: to detail common edits used in all facility claims. Effective date: May 1995.

(j) #11 - "Medicaid 834 (Enrollment) Implementation Guide". Purpose: to specify how the X12 834 transaction ("Health Care Benefits Enrollment") is to be used for the Medicaid HMO enrollment process. Effective date: September 1995.

(k) #12 - "HCFA 1500 Boxes 17 and 17A". Purpose: to reduce or eliminate the need for attaching a paper referral form to a claim by standardizing and clarifying the use of Boxes 17 ("Referring Provider Name") and 17a ("Referring Provider ID") and their electronic equivalents. Effective date: February 1996.

(l) #18 - "Functional Acknowledgement". Purpose: to detail the use of the functional acknowledgement transaction. Effective date: January 1997.

(m) #20 - "Claim Status - EDI Status". Purpose: to specify a new front-end claim acknowledgement transaction between payers and providers. Effective date: July 1997.

(n) #23 - "Sender and Receiver Identification in the ISA and GS Segments". Purpose: to specify the sender and receiver values in the ISA and GS (enveloping) segments.

(2) HIPAA+ electronic data interchange standards.

(a) #20 - "Front-End Acknowledgement, Standard Transaction". Purpose: to delineate a standardized front-end encounter acknowledgement transaction. Effective date: the earlier of October 16, 2003 or the date when trading partners implement the HIPAA 837 "Claim Transaction".

(b) #26 - "Telehealth". Purpose: to provide a uniform standard of billing for a health care claim/encounter delivered via telehealth. The standard includes some local modifiers that will be referenced to the appropriate national codes when the 2003 CPT/HCPCS codes are released. Effective date: April 16, 1999.

(c) #27 - "Medical Foods". Purpose: to provide a uniform standard for billing of metabolic dietary products. The state specific Y codes will be referenced to the appropriate national codes when the 2003 CPT/HCPCS codes are released. Effective date: February 12, 1999.

(d) #28 - "Home Health". Purpose: to provide a uniform standard of billing for a home health care claim/encounter. The procedure codes in this standard will be referenced to the appropriate national codes when the 2003 HIPAA codes are published. Effective date: the earlier of October 16, 2003 or the date when trading partners implement the HIPAA 837 "Professional Claim Transaction".

(e) #30 - "Pain Management". Purpose: to provide a uniform method of submitting a pain management claim/encounter, pre-authorization, and notification. Effective date: the earlier of October 16, 2003 or the date when trading partners implement the HIPAA 837 "Professional Claim Transaction".

(f) #31 - "Eligibility". Purpose: to mandate use of the ASC X12 270 and 271 HIPAA addenda transactions for an eligibility inquiry and response. Effective date: the earlier of October 16, 2003 or the date when trading partners implement the transaction.

(g) #32 - "Enrollment". Purpose: to mandate the use of the ASC X12 834 HIPAA addenda transaction for health care benefits

enrollment and maintenance. Effective date: the earlier of October 16, 2003 or the date when trading partners implement the transaction.

(h) #34 - "Day Treatment". Purpose: to provide a uniform standard for submitting a psychiatric day treatment claim/encounter, pre-authorization, and notification. Effective date: the earlier of October 16, 2003 or the date when trading partners implement the HIPAA 837 "Professional Claim Transaction".

(i) #35 - "Prior Authorization/Referral". Purpose: to mandate the use of the ASC X12 278 HIPAA addenda transaction to use for prior authorization/referral transactions. Effective date: the earlier of October 16, 2003 or the date when trading partners implement the transaction.

(j) #36 - "Claim Status". Purpose: to mandate the use of the ASC X12 276/277 HIPAA addenda transaction for a claim status inquiry and response. Effective date: the earlier of October 16, 2003 or the date when trading partners implement the transaction.

(3) Other Transaction Standards.

R590-164-[6]7. Separability.

If any provision of this rule or the application to any person or circumstance is for any reason held to be invalid, the remainder of the rule and the application of the provision to other persons or circumstances may not be affected.

R590-164-8. Enforcement Date.

The commissioner will begin enforcing the revised portions of this rule 45 days from the rule's effective date.

KEY: insurance law

[July 1, 1995]2002

Notice of Continuation April 11, 2000

31A-22-614.5

Labor Commission, Antidiscrimination and Labor, Labor **R610-3-16** Retaliation

NOTICE OF PROPOSED RULE

(Amendment)

DAR FILE No.: 25567

FILED: 10/30/2002, 09:03

RULE ANALYSIS

PURPOSE OF THE RULE OR REASON FOR THE CHANGE: This amendment clarifies procedures for adjudicating claims of employer retaliation against wage claimants. Specifically, the amendment provides that the Division will request an answer from the employer, then conduct an evidentiary hearing. The amendment further provides for use of mediation to resolve complaints informally and allows parties to seek reconsideration of any Division determination. Finally, the amendment explains the parties' right to obtain judicial review of Division decisions.

SUMMARY OF THE RULE OR CHANGE: This amendment affects the adjudication of cases in which an employee alleges that his or

her employer has retaliated against the employee. The Division will request an answer from the employer and then conduct a hearing on the claim of retaliation. After a determination is issued the rule establishes the time frame for requesting reconsideration and what appellate rights are available to the parties.

STATE STATUTORY OR CONSTITUTIONAL AUTHORIZATION FOR THIS RULE: Sections 34-23-101 et seq., 34-28-1 et seq., 34-40-101 et seq., and 63-46b-1 et seq.

ANTICIPATED COST OR SAVINGS TO:

❖ THE STATE BUDGET: There should be no cost or savings to the state budget. This rule change only clarifies an existing procedure for handling retaliation claims.

❖ LOCAL GOVERNMENTS: There should be no cost or savings to local governments as this rule applies only to the handling of retaliation claims filed with the Division.

❖ OTHER PERSONS: There should be no cost or savings to other persons as this rule applies only to the handling of retaliation claims filed with the Division.

COMPLIANCE COSTS FOR AFFECTED PERSONS: The amendment does not add any additional compliance requirements, but instead, explains and simplifies procedures for resolving allegations of wage claim retaliation. The Commission does not anticipate that the amendment will result in any additional compliance costs for affected persons.

COMMENTS BY THE DEPARTMENT HEAD ON THE FISCAL IMPACT THE RULE MAY HAVE ON BUSINESSES: By clarifying and simplifying the process necessary to resolve wage claim retaliation cases, the Commission anticipates that business costs for litigating such matters will be reduced. The amendment should, therefore, have a somewhat positive impact on business.

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

LABOR COMMISSION
ANTIDISCRIMINATION AND LABOR, LABOR
HEBER M WELLS BLDG
160 E 300 S
SALT LAKE CITY UT 84111-2316, or
at the Division of Administrative Rules.

DIRECT QUESTIONS REGARDING THIS RULE TO:

Joseph Gallegos Jr. at the above address, by phone at 801-530-6921, by FAX at 801-530-7609, or by Internet E-mail at josephgallegos@utah.gov

INTERESTED PERSONS MAY PRESENT THEIR VIEWS ON THIS RULE BY SUBMITTING WRITTEN COMMENTS TO THE ADDRESS ABOVE NO LATER THAN 5:00 PM on 12/16/2002.

THIS RULE MAY BECOME EFFECTIVE ON: 12/17/2002

AUTHORIZED BY: R Lee Ellertson, Commissioner

R610. Labor Commission, Antidiscrimination and Labor, Labor.**R610-3. Filing, Investigation, and Resolution of Wage Claims. R610-3-16. Retaliation.**

A. Section 34-28-19~~[(+)]~~ prohibits an employer from retaliating against employees. Claims of unlawful retaliation shall be resolved as follows:

1. An employee ~~[aggrieved by an employer's]~~alleging retaliatory action ~~by his employer~~ may file a complaint with the Division. The Division shall mail a copy of the complaint to the employer and allow ten working days for the employer to submit a written response to the complaint. Additionally, the Division may attempt to resolve the complaint by informal means.

2. After the time allowed for response and if informal resolution has been unsuccessful, the Division shall conduct a hearing to determine whether the employer has violated Section 34-28-19 by retaliating against the employee. The Division's determination shall be mailed to each party.

a. If the Division determines that no retaliation has occurred, it shall dismiss the employee's complaint.~~[-If the employee disagrees with the Division's determination that no retaliation has occurred, the employee may file a request for hearing with the Division within 15 days, and the Division shall then refer the matter to the Division of Adjudication for a full hearing.]~~

b. If the Division determines retaliation has occurred, it shall order the employer to end the retaliatory action and reimburse the employee for lost wages and benefits.~~[require the employer to cease and desist the retaliatory action and to reimburse the employee within 15 days for lost wages and benefits. If the employer fails to stop its retaliation or fails to reimburse the aggrieved employee, the Division shall refer the matter to the Division of Adjudication for a full hearing of the retaliation claim.]~~

B. ~~[The Division's initial determination pursuant to Section 34-28-19(2) is advisory only and therefore is not subject to the provisions of the Utah Administrative Procedures Act, Sections 63-46b-1 et seq. However, hearings conducted by the Division of Adjudication on issues of retaliation are subject to the Utah Administrative Procedures Act and shall be conducted as formal hearings.]~~Right of Appeal:

1. The only agency review available to any party is a request for reconsideration as specified in Section 63-46b-13.

2. Reconsideration shall be based on the contents of the file and submitted within 20 days of the date of the issued order. No new evidence will be accepted.

3. The Division Director is the reviewer for the purpose of reviewing all matters where a request for reconsideration was properly filed and shall do so pursuant to Section 63-46b-13(3).

4. Judicial review of the order may be pursued as specified in Section 63-46b-15.

C. The Division may enforce any final order as provided in Section 34-28-9(3) and (4).

KEY: wages, minors^[*], labor, time

~~[December 2, 1999]~~2002

Notice of Continuation January 10, 2002

34-23-101 et seq.

34-28-1 et seq.

34-40-101 et seq.

63-46b-1 et seq.

Labor Commission, Industrial Accidents**R612-1-10****Permanent Total Disability****NOTICE OF PROPOSED RULE**

(Amendment)

DAR FILE NO.: 25566

FILED: 10/30/2002, 09:01

RULE ANALYSIS

PURPOSE OF THE RULE OR REASON FOR THE CHANGE: The proposed amendment defines terms used in Section 34A-2-413 pertaining to claims for permanent total disability compensation under the Utah Workers' Compensation Act.

SUMMARY OF THE RULE OR CHANGE: The proposed amendment defines the terms "other work reasonably available," "cooperation" and "diligent pursuit." Each of these terms is used in Section 34A-2-413 for the purpose of determining whether an injured worker should receive permanent total disability compensation. The proposed amendment also establishes expedited methods by which the parties to a claim for permanent total disability compensation can present to the Commission any disputes regarding the application of the definitions of "cooperation" and "diligent pursuit."

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

ANTICIPATED COST OR SAVINGS TO:

❖ THE STATE BUDGET: The proposed amendment is not intended or expected to have any substantive effect on claims for permanent total disability compensation. Consequently, the amendment should not result in any costs or savings to the State in its capacity as an employer. The proposed amendment is expected to reduce and simplify litigation of claims for permanent total disability compensation, which should marginally reduce the Labor Commission's expense of handling such litigation.

❖ LOCAL GOVERNMENTS: The proposed amendment is not intended or expected to have any substantive effect on claims for permanent total disability compensation. Consequently, the amendment should not result in any costs or savings to local governments in their capacity as employers.

❖ OTHER PERSONS: The proposed amendment is not intended or expected to have any substantive effect on claims for permanent total disability compensation. Consequently, the amendment should not result in any costs or savings to employers or injured workers, apart from a marginal reduction in their respective expenses in litigating permanent total disability claims.

COMPLIANCE COSTS FOR AFFECTED PERSONS: The proposed amendment does not impose any compliance costs for affected parties, but instead, defines standards that are established by statute.

COMMENTS BY THE DEPARTMENT HEAD ON THE FISCAL IMPACT THE RULE MAY HAVE ON BUSINESSES: The proposed amendment is not expected or intended to have any substantive fiscal impact on businesses. The amendment defines terms established by Section 34A-2-413 for entitlement to permanent total disability compensation. However, the amendment is intended to provide clear definitions that will reduce the need for litigation and promote speedy, fair and efficient resolution of claims. The Commission anticipates that, by reducing administrative and litigation costs, the proposed amendment will have a favorable impact on business.

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

LABOR COMMISSION
INDUSTRIAL ACCIDENTS
HEBER M WELLS BLDG
160 E 300 S
SALT LAKE CITY UT 84111-2316, or
at the Division of Administrative Rules.

DIRECT QUESTIONS REGARDING THIS RULE TO:

Joyce Sewell at the above address, by phone at 801-530-6988, by FAX at 801-530-6804, or by Internet E-mail at jsewell@utah.gov

INTERESTED PERSONS MAY PRESENT THEIR VIEWS ON THIS RULE BY SUBMITTING WRITTEN COMMENTS TO THE ADDRESS ABOVE NO LATER THAN 5:00 PM on 12/16/2002.

THIS RULE MAY BECOME EFFECTIVE ON: 12/17/2002

AUTHORIZED BY: R Lee Ellertson, Commissioner

R612. Labor Commission, Industrial Accidents.

R612-1. Workers' Compensation Rules - Procedures.

R612-1-10. Permanent Total Disability.

A. This rule applies to claims for permanent total disability compensation under the Utah Workers' Compensation Act.

1. Subsection B applies to permanent total disability claims arising from accident or disease prior to May 1, 1995.

2. Subsection C applies to permanent total disability claims arising from accident or disease on or after May 1, 1995.

B. For claims arising from accident or disease on or after July 1, 1988 and prior to May 1, 1995, the Commission is required under Section 34A-2-413, to make a finding of total disability as measured by the substance of the sequential decision-making process of the Social Security Administration under Title 20 of the Code of Federal Regulations, amended April 1, 1993. The use of the term "substance of the sequential decision-making process" is deemed to confer some latitude on the Commission in exercising a degree of discretion in making its findings relative to permanent total disability. The Commission does not interpret the code section to eliminate the requirement that a finding by the Commission in permanent and total disability shall in all cases be tentative and not final until rehabilitation training and/or evaluation has been accomplished.

1. In the event that the Social Security Administration or its designee has made, or is in the process of making, a determination

of disability under the foregoing process, the Commission may use this information in lieu of instituting the process on its own behalf.

2. In evaluating industrial claims in which the injured worker has qualified for Social Security disability benefits, the Commission will determine if a significant cause of the disability is the claimant's industrial accident or some other unrelated cause or causes.

3. To make a tentative finding of permanent total disability the Commission incorporates the rules of disability determination in 20 CFR 404.1520, amended April 1, 1993. The sequential decision making process referred to requires a series of questions and evaluations to be made in sequence. In short, these are:

a. Is the claimant engaged in a substantial gainful activity?

b. Does the claimant have a medically severe impairment?

c. Does the severe impairment meet or equal the duration requirement in 20 CFR 404.1509, amended April 1, 1993, and the listed impairments in 20 CFR Subpart P Appendix 1, amended April 1, 1993?

d. Does the impairment prevent the claimant from doing past relevant work?

e. Does the impairment prevent the claimant from doing any other work?

4. After the Commission has made a tentative finding of permanent total disability:

a. In those cases arising after July 1, 1994, the Commission shall order initiation of payment of permanent total disability compensation;

b. the Commission shall review a summary of reemployment activities undertaken pursuant to the Utah Injured Worker Reemployment Act, as well as any qualified reemployment plan submitted by the employer or its insurance carrier; and

c. unless otherwise stipulated, the Commission shall hold a hearing to consider the possibility of rehabilitation and reemployment of the claimant pending final adjudication of the claim.

5. After a hearing, or waiver of the hearing by the parties, the Commission shall issue an order finding or denying permanent total disability based upon the preponderance of the evidence and with due consideration of the vocational factors in combination with the residual functional capacity which the commission incorporates as published in 20 CFR 404 Subpart P Appendix 2, amended April 1, 1993.

C. For permanent total disability claims arising on or after May 1, 1995, Section 34A-2-413 requires a two-step adjudicative process. First, the Commission must make a preliminary determination whether the applicant is permanently and totally disabled. If so, the Commission will proceed to the second step, in which the Commission will determine whether the applicant can be reemployed or rehabilitated.

1. First Step - Preliminary Determination of Permanent Total Disability: On receipt of an application for permanent total disability compensation, the Adjudication Division will assign an Administrative Law Judge to conduct evidentiary proceedings to determine whether the applicant's circumstances meet each of the elements set forth in Subsections 34A-2-413(1)(b) and (c).

(a) If the ALJ finds the applicant meets each of the elements set forth in Subsections 34A-2-413(1)(b) and (c), the ALJ will issue a preliminary determination of permanent total disability and shall order the employer or insurance carrier to pay permanent total disability compensation to the applicant pending completion of the second step of the adjudication process. The payment of permanent total disability compensation pursuant to a preliminary

determination shall commence as of the date established by the preliminary determination and shall continue until otherwise ordered.

(b) A party dissatisfied with the ALJ's preliminary determination may obtain additional agency review by either the Labor Commissioner or Appeals Board pursuant to Subsection 34A-2-801(3). If a timely motion for review of the ALJ's preliminary determination is filed with either the Labor Commissioner or Appeals Board, no further adjudicative or enforcement proceedings shall take place pending the decision of the Commissioner or Board.

(c) A preliminary determination of permanent total disability by the Labor Commissioner or Appeals Board is a final agency action for purposes of appellate judicial review.

(d) Unless otherwise stayed by the Labor Commissioner, the Appeals Board or an appellate court, an appeal of the Labor Commissioner or Appeals Board's preliminary determination of permanent total disability shall not delay the commencement of "second step" proceedings discussed below or payment of permanent total disability compensation as ordered by the preliminary determination.

(e) The Commissioner or Appeals Board shall grant a request for stay if the requesting party has filed a petition for judicial review and the Commissioner or Appeals Board determine that:

(i) the requesting party has a substantial possibility of prevailing on the merits;

(ii) the requesting party will suffer irreparable injury unless a stay is granted; and

(iii) the stay will not result in irreparable injury to other parties to the proceeding.

2. Second Step - Reemployment and Rehabilitation: Pursuant to Subsection 34A-2-413(6), if the first step of the adjudicatory process results in a preliminary finding of permanent total disability, an additional inquiry must be made into the applicant's ability to be reemployed or rehabilitated, unless the parties waive such additional proceedings.

(a) The ALJ will hold a hearing to consider whether the applicant can be reemployed or rehabilitated.

(i) As part of the hearing, the ALJ will review a summary of reemployment activities undertaken pursuant to the Utah Injured Worker Reemployment Act;

(ii) The employer or insurance carrier may submit a reemployment plan meeting the requirements set forth in Subsection 34A-2-413(6)(a)(ii) and Subsections 34A-2-413(6)(d)(i) through (iii).

(b) Pursuant to Subsection 34A-2-413(4)(b) the employer or insurance carrier may not be required to pay disability compensation for any combination of disabilities of any kind in excess of the amount of compensation payable over the initial 312 weeks at the applicable permanent total disability compensation rate.

(i) Any overpayment of disability compensation may be recouped by the employer or insurance carrier by reasonably offsetting the overpayment against future liability paid before or after the initial 312 weeks.

(ii) An advance of disability compensation to provide for the employee's subsistence during the rehabilitation process is subject to the provisions of Subsection 34A-2-413(4)(b), described in subsection 2.(b) above, but can be funded by reasonably offsetting the advance of disability compensation against future liability normally paid after the initial 312 weeks.

(iii) To fund an advance of disability compensation to provide for an employee's subsistence during the rehabilitation process, a

portion of the stream of future weekly disability compensation payments may be discounted from the future to the present to accommodate payment. Should this be necessary, the employer or insurance carrier shall be allowed to reasonably offset the amounts paid against future liability payable after the initial 312 weeks. In this process, care should be exercised to reasonably minimize adverse financial impact on the employee.

(iv) In the event the parties cannot agree as to the reasonableness of any proposed offset, the matter may be submitted to an ALJ for determination.

(c) Subsections 34A-2-413(7) and (9) require the applicant to fully cooperate in any evaluation or reemployment plan. Failure to do so shall result in dismissal of the applicant's claim or reduction or elimination of benefit payments including disability compensation and subsistence allowance amounts, consistent with the provisions of Section 34A-2-413(7) and (9).

(d) Subsection 34A-2-413(6) requires the employer or its insurance carrier to diligently pursue any proffered reemployment plan. Failure to do so shall result in a final award of permanent total disability compensation to the applicant.

(e) If, after the conclusion of the foregoing "second step" proceeding, the ALJ concludes that successful rehabilitation is not possible, the ALJ shall enter a final order for continuing payment of permanent total disability compensation. The period for payment of such compensation shall be commence on the date the employee became permanently and totally disabled, as determined by the ALJ.

(f) Alternatively, if after the conclusion of the "second step" proceeding, the ALJ concludes that successful rehabilitation and/or reemployment is possible, the ALJ shall enter a final order to that effect, which order shall contain such direction to the parties as the ALJ shall deem appropriate for successful implementation and continuation of rehabilitation and/or reemployment. As necessary under the particular circumstances of each case, the ALJ's final order shall provide for reasonable offset of payments of any disability compensation that constitute an overpayment under Subsection 34A-2-413(4)(b).

(g) The ALJ's decision is subject to all administrative and judicial review provided by law.

D. For purposes of this rule, the following standards and definitions apply:

1. Other work reasonably available: Subject to medical restrictions and other provisions of the Act and rules, other work is reasonably available to a claimant if such work meets the following criteria:

a. The work is either within the distance that a resident of the claimant's community would consider to be a typical or acceptable commuting distance, or is within the distance the claimant was traveling to work prior to his or her accident;

b. The work is regular, steady, and readily available; and

c. The work provides a gross income at least equivalent to:

(1) The current state average weekly wage, if at the time of the accident the claimant was earning more than the state average weekly wage then in effect; or

(2) The wage the claimant was earning at the time of the accident, if the employee was earning less than the state average weekly wage then in effect.

2. Cooperation: As determined by an administrative law judge, an employee is not entitled to permanent total disability compensation or subsistence benefits unless the employee fully cooperates with any evaluation or reemployment plan. The ALJ will evaluate the cooperation of the employee using, but not limited to,

the following factors: attendance, active participation, effort, communication with the plan coordinator, and compliance with the requirements of the vocational plan. In determining if these factors were met, the ALJ shall consider relevant changes in the employee's documents medical condition.

3. Diligent Pursuit: The employer or its insurance carrier shall diligently pursue the reemployment plan. The ALJ will evaluate the employer or insurance carrier's diligent pursuit of the plan using, but not limited to, the following factors: timely payment of expenses and benefits outline in the vocational plan, and as required by the educational institution providing the vocational training, communication with the employee, compliance with the requirements of the vocational plan, and timely modification of the plan as required by documented changes in the employee's medical condition.

4. Resolution of disputes regarding "cooperation" and "diligent pursuit": If a party believes another party is not cooperating with or diligently pursuing either the evaluations necessary to establish a plan, or the requirements of an approved reemployment or rehabilitation plan, the aggrieved party shall submit to the workers' compensation mediation unit an outline of the specific instances of non-cooperation or lack of diligence. Other parties may submit a reply. The Mediation Unit will promptly schedule mediation to reestablish cooperation among the parties necessary to evaluate or comply with the plan. If mediation is unsuccessful, a party may request the Adjudication Division resolve the dispute. The Adjudication Division will conduct a hearing on the matter within 30 days and shall issue a written decision with 10 days thereafter.

KEY: workers' compensation, time, administrative procedures, filing deadlines
[March 5], 2002
Notice of Continuation November 24, 1997
34A-2-101 et seq.
34A-3-101 et seq.
34A-1-104 et seq.
63-46b-1 et seq.

▼ ————— ▼

Labor Commission, Industrial Accidents
R612-4-2
Premium Rates for the Uninsured
Employers' Fund and the Employers'
Reinsurance Fund

NOTICE OF PROPOSED RULE
(Amendment)

DAR FILE No.: 25565
 FILED: 10/30/2002, 08:58

RULE ANALYSIS

PURPOSE OF THE RULE OR REASON FOR THE CHANGE: To establish premium assessment rates for 2003 to fund the Employers' Reinsurance Fund, the Uninsured Employers' Fund, and the Workplace Safety Account.

SUMMARY OF THE RULE OR CHANGE: The proposed amendment updates references to the statutory provisions that authorize the Labor Commission to set premium assessment rates. The proposed amendment also sets the premium assessment rates for the 2003 calendar year. The rates are left at the same level as 2002.

STATE STATUTORY OR CONSTITUTIONAL AUTHORIZATION FOR THIS RULE: Subsection 59-9-101(2), and Sections 59-9-101.3 and 34A-2-202

ANTICIPATED COST OR SAVINGS TO:

- ❖ THE STATE BUDGET: Because there is no change to the assessment rates, there should be no cost or savings to the state budget.
- ❖ LOCAL GOVERNMENTS: Because there is no change to the assessment rates, there should be no cost or savings to local government.
- ❖ OTHER PERSONS: Because there is no change to the assessment rates, there should be no cost or savings to other persons.

COMPLIANCE COSTS FOR AFFECTED PERSONS: The proposed rule imposes no compliance requests on affected persons. Consequently, there are no costs associated with the proposed amendment. Because there is no change to the assessment rates, there should be no cost or savings to affected persons.

COMMENTS BY THE DEPARTMENT HEAD ON THE FISCAL IMPACT THE RULE MAY HAVE ON BUSINESSES: Because the proposed amendment maintains the same premium assessment rates as last year, the amendment should have no impact on businesses.

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

LABOR COMMISSION
 INDUSTRIAL ACCIDENTS
 HEBER M WELLS BLDG
 160 E 300 S
 SALT LAKE CITY UT 84111-2316, or
 at the Division of Administrative Rules.

DIRECT QUESTIONS REGARDING THIS RULE TO:

Joyce Sewell at the above address, by phone at 801-530-6988, by FAX at 801-530-6804, or by Internet E-mail at jsewell@utah.gov

INTERESTED PERSONS MAY PRESENT THEIR VIEWS ON THIS RULE BY SUBMITTING WRITTEN COMMENTS TO THE ADDRESS ABOVE NO LATER THAN 5:00 PM on 12/16/2002.

THIS RULE MAY BECOME EFFECTIVE ON: 12/17/2002

AUTHORIZED BY: R Lee Ellertson, Commissioner

R612. Labor Commission, Industrial Accidents.**R612-4. Premium Rates.****R612-4-2. Premium Rates for the Uninsured Employers' Fund and the Employers' Reinsurance Fund.**

A. Pursuant to Section 59-9-101(2), Section 59-9-101.3 and 34A-2-202 the workers' compensation premium rates effective January 1, [~~2002~~2003], as established by the Labor Commission, shall be:

1. 0.25% for the Uninsured Employers' Fund;
2. 9.25% for the Employers' Reinsurance Fund;
3. 0.25% for the workplace safety account.

B. The premium rates are a percentage of the total workers' compensation insurance premium income as detailed in Section 59-9-101(2)(a).

KEY: workers' compensation, rates[~~January 15,~~2002

Notice of Continuation February 8, 2001

59-9-101(2)

▼ ————— ▼

**Labor Commission, Occupational
Safety and Health
R614-1
General Provisions**

NOTICE OF PROPOSED RULE

(Amendment)

DAR FILE NO.: 25571

FILED: 10/30/2002, 09:11

RULE ANALYSIS

PURPOSE OF THE RULE OR REASON FOR THE CHANGE: As a condition to federal recognition and financial assistance, Utah's Occupational Safety and Health Division (UOSH) must maintain safety and health standards "as effective as" the standards of the federal Occupational Safety and Health Administration (OSHA). To satisfy this requirement, and to promote uniform workplace safety standards, UOSH generally adopts the same safety rules as OSHA.

The purpose of this proposed amendment is to eliminate provisions of existing rules that were supplanted when UOSH adopted OSHA's record-keeping standards (29 CFR 1904). By removing unnecessary and duplicative language from R614-1, the proposed amendment will clarify the rule's requirements and simplify its administration.

SUMMARY OF THE RULE OR CHANGE: The proposed amendment deletes definitions and other provisions of Rule R614-1 that were previously supplanted when UOSH incorporated by reference the provisions of 29 CFR 1904.

STATE STATUTORY OR CONSTITUTIONAL AUTHORIZATION FOR THIS RULE: Section 34A-6-202, 29 CFR 1904

THIS RULE OR CHANGE INCORPORATES BY REFERENCE THE FOLLOWING MATERIAL: 29 CFR Parts 1900 to 1910.999 (July 1, 2001)

ANTICIPATED COST OR SAVINGS TO:

❖ THE STATE BUDGET: The proposed amendment will not impose any new substantive record keeping obligations on the State of Utah in its capacity as an employer. Likewise, UOSH costs of administering the proposed amendment will not be appreciably different from its costs of administering current standards. Consequently, there should be no cost or savings to the Utah State budget.

❖ LOCAL GOVERNMENTS: The proposed amendment will not impose any new substantive record keeping obligations on local governments. The Labor Commission anticipates no cost or savings to local governments.

❖ OTHER PERSONS: The proposed amendment will not impose any new substantive record keeping obligations on other persons. Consequently, any costs or savings should be negligible.

COMPLIANCE COSTS FOR AFFECTED PERSONS: Because this proposed amendment does not impose any new substantive requirements, but instead merely removes outdated or redundant provisions of the current rule, persons affected by this rule will not incur any additional compliance costs.

COMMENTS BY THE DEPARTMENT HEAD ON THE FISCAL IMPACT THE RULE MAY HAVE ON BUSINESSES: The proposed amendment does not require any additional action on the part of business and is not anticipated to have any fiscal impact on business.

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

LABOR COMMISSION
OCCUPATIONAL SAFETY AND HEALTH
HEBER M WELLS BLDG
160 E 300 S
SALT LAKE CITY UT 84111-2316, or
at the Division of Administrative Rules.

DIRECT QUESTIONS REGARDING THIS RULE TO:

William Adams at the above address, by phone at 801-530-6897, by FAX at 801-530-7606, or by Internet E-mail at wadams@utah.gov

INTERESTED PERSONS MAY PRESENT THEIR VIEWS ON THIS RULE BY SUBMITTING WRITTEN COMMENTS TO THE ADDRESS ABOVE NO LATER THAN 5:00 PM on 12/16/2002.

THIS RULE MAY BECOME EFFECTIVE ON: 12/17/2002

AUTHORIZED BY: R Lee Ellertson, Commissioner

R614. Labor Commission, Occupational Safety and Health.**R614-1. General Provisions.****R614-1-1. Authority.**

A. These rules and all subsequent revisions as approved and promulgated by the Labor Commission, Division of Occupational Safety and Health, are authorized pursuant to Title 34A, Chapter 6, Utah Occupational Safety and Health Act.

B. The intent and purpose of this chapter is stated in Section 34A-6-202 of the Act.

C. In accordance with legislative intent these rules provide for the safety and health of workers and for the administration of this chapter by the Division of Occupational Safety and Health of the Labor Commission.

R614-1-2. Scope.

These rules consist of the administrative procedures of UOSH, incorporating by reference applicable federal standards from 29 CFR 1910 and 29 CFR 1926, and the Utah initiated occupational safety and health standards found in R614-1 through R614-7. Notice has been given and rules filed as required by Subsection 34A-6-104(1)(c) and 34A-6-202(2) of the Utah Occupational Safety and Health Act and by Title 63, Chapter 46a, Utah Administrative Rulemaking Act.

R614-1-3. Definitions.

A. "Access" means the right and opportunity to examine and copy.

B. "Act" means the Utah Occupational Safety and Health Act of 1973.

C. "Administration" means the Division of Occupational Safety and Health of the Labor Commission, also known as UOSH (Utah Occupational Safety and Health).

D. "Administrator" means the director of the Division of Occupational Safety and Health.

E. "Amendment" means such modification or change in a code, standard, rule, or order intended for universal or general application.

F. "Analysis using exposure or medical records" means any compilation of data, or any research, statistical or other study based at least in part on information collected from individual employee exposure or medical records or information collected from health insurance claims records, provided that either the analysis has been reported to the employer or no further work is currently being done by the person responsible for preparing the analysis.

G. "Commission" means the Labor Commission.

H. "Council" means the Utah Occupational Safety and Health Advisory Council.

I. "Days" means calendar days, including Saturdays, Sundays, and holidays. The day of receipt of any notice shall not be included, and the last day of the 30 days shall be included.

J. "Designated representative" means any individual or organization to whom an employee gives written authorization to exercise a right of access. For the purpose of access to employee exposure records and analyses using exposure or medical records, a recognized or certified collective bargaining agent shall be treated automatically as a designated representative without regard to written employee authorization.

K. "Division" means the Division of Occupational Safety and Health, known by the acronym of UOSH (Utah Occupational Safety and Health).

L. "Employee" includes any person suffered or permitted to work by an employer.

1. For Medical Records: "Employee" means a current employee, a former employee, or an employee being assigned or transferred to work where there will be exposure to toxic substances or harmful physical agents. In the case of deceased or legally incapacitated employee, the employee's legal representative may directly exercise all the employee's rights under this section.

M. "Employee exposure record" means a record containing any of the following kinds of information concerning employee exposure to toxic substances or harmful physical agents:

1. Environmental (workplace) monitoring or measuring, including personal, area, grab, wipe, or other form of sampling, as well as related collection and analytical methodologies, calculations, and other background data relevant to interpretations of the results obtained;

2. Biological monitoring results which directly assess the absorption of a substance or agent by body systems (e.g., the level of a chemical in the blood, urine, breath, hair, fingernails, etc.) but not including results which assess the biological effect of a substance or agent;

3. Material safety data sheets; or

4. In the absence of the above, any other record which reveals the identity (e.g., chemical, common, or trade name) of a toxic substance or harmful physical agent.

N. Employee medical record

1. "Employee medical record" means a record concerning the health status of an employee which is made or maintained by a physician, nurse, or other health care personnel, or technician including:

a. Medical and employment questionnaires or histories (including job description and occupational exposures);

b. The results of medical examinations (pre-employment, pre-assignment, periodic, or episodic) and laboratory tests (including X-ray examinations and all biological monitoring);

c. Medical opinions, diagnoses, progress notes, and recommendations;

d. Descriptions of treatments and prescriptions; and

e. Employee medical complaints.

2. "Employee medical record" does not include the following:

a. Physical specimens (e.g., blood or urine samples) which are routinely discarded as a part of normal medical practice, and not required to be maintained by other legal requirements;

b. Records concerning health insurance claims if maintained separately from the employer's medical program and its records, and not accessible to the employer by employee name or other direct personal identifier (e.g., social security number, payroll number, etc.); or

c. Records concerning voluntary employee assistance programs (alcohol, drug abuse, or personal counseling programs) if maintained separately from the employer's medical program and its records.

O. "Employer" means:

1. The state;

2. Each county, city, town, and school district in the state; and

3. Every person, firm, and private corporation, including public utilities, having one or more workers or operatives regularly employed in the same business, or in or about the same establishment, under any contract of hire.

4. For medical records: "Employer" means a current employer, a former employer, or a successor employer.

P. "Establishment" means a single physical location where business is conducted or where services or industrial operations are performed. (For example: A factory, mill, store, hotel, restaurant, movie theater, farm, ranch, bank, sales office, warehouse, or central administrative office.) Where distinctly separate activities are performed at a single physical location (such as contract

construction activities from the same physical location as a lumber yard), each activity shall be treated as a separate physical establishment, and separate notices shall be posted in each establishment to the extent that such notices have been furnished by the Administrator.

1. Establishments whose primary activity constitutes retail trade; finance, insurance, real estate and services are classified in SIC's 52-89.

2. Retail trades are classified as SIC's 52-59 and for the most part include establishments engaged in selling merchandise to the general public for personal or household consumption. Some of the retail trades are: automotive dealers, apparel and accessory stores, furniture and home furnishing stores, and eating and drinking places.

3. Finance, insurance and real estate are classified as SIC's 60-67 and include establishments which are engaged in banking, credit other than banking, security dealings, insurance and real estate.

4. Services are classified as SIC's 70-89 and include establishments which provide a variety of services for individuals, businesses, government agencies, and other organizations. Some of the service industries are: personal and business services, in addition to legal, educational, social, and cultural; and membership organizations.

5. The primary activity of an establishment is determined as follows: For finance, insurance, real estate, and services establishments, the value of receipts or revenue for services rendered by an establishment determines its primary activity. In establishments with diversified activities, the activities determined to account for the largest share of production, sales or revenue will identify the primary activity. In some instances these criteria will not adequately represent the relative economic importance of each of the varied activities. In such cases, employment or payroll should be used in place of normal basis for determining the primary activity.

Q. "Exposure" or "exposed" means that an employee is subjected to a toxic substance or harmful physical agent in the course of employment through any route of entry (inhalation, ingestion, skin contact or absorption, etc.) and includes past exposure and potential (e.g., accidental or possible) exposure, but does not include situations where the employer can demonstrate that the toxic substance or harmful physical agent is not used, handled, stored, generated, or present in the workplace in any manner different from typical non-occupational situations.

~~[R. "First aid" is any one time treatment, and any follow up visit for the purpose of observation of minor scratches, cuts, burns, splinters, and so forth, which do not ordinarily require the attention of a physician. Such one time treatment, and follow up visit for the purpose of observation, is considered first aid even though provided by a physician or trained personnel provided that the records comply with R614-1-7.B. and are readily available to the Administrator or his representatives, by direct contact, telephone, or mail.~~

~~S.]R. "Hearing" means a proceeding conducted by the commission.~~

~~[T.]S. "Imminent danger" means a danger exists which reasonably could be expected to cause an occupational disease, death, or serious physical harm immediately, or before the danger could be eliminated through enforcement procedures under this chapter.~~

~~[U.]I. "Inspection" means any inspection of an employer's factory, plant, establishment, construction site, or other area, workplace or environment where work is performed by an employee of an employer, and includes any inspection conducted pursuant to a complaint filed under R614-1-6.K.1. and 3., any re-inspection,~~

follow-up inspection, accident investigation or other inspection conducted under Section 34A-6-301 of the Act.

~~[V. "Medical treatment" includes treatment administered by a physician or trained personnel under the standing orders of a physician. Medical treatment does not include first aid treatment even though provided by a physician or trained personnel.~~

~~W.]U. "National consensus standard" means any occupational safety and health standard or modification:~~

~~1. Adopted by a nationally recognized standards-producing organization under procedures where it can be determined by the administrator and division that persons interested and affected by the standard have reached substantial agreement on its adoption;~~

~~2. Formulated in a manner which affords an opportunity for diverse views to be considered; and~~

~~3. Designated as such a standard by the Secretary of the United States Department of Labor.~~

~~[X.]V. "Person" means the general public, one or more individuals, partnerships, associations, corporations, legal representatives, trustees, receivers, and the state and its political subdivisions.~~

~~[Y.]W. "Publish" means publication in accordance with Title 63, Chapter 46a, Utah Administrative Rulemaking Act.~~

~~[Z.]X. "Record" means any item, collection, or grouping of information regardless of the form or process by which it is maintained (e.g., paper document, microfiche, microfilm, X-ray film, or automated data processing.)~~

~~[AA. "Recordable occupational injuries and illnesses" means any occupational injuries or illnesses which result in:~~

~~1. Fatalities, regardless of the time between the injury and death, or the length of the illness;~~

~~2. Lost time cases, other than fatalities, that result in lost time;~~

~~or~~
~~3. Nonfatal cases without lost time which result in transfer to another job or termination of employment, or require medical treatment (other than first aid), or involve loss of consciousness or restriction of work or motion. This category also includes any diagnosed occupational illnesses which are reported to the employer but are not classified as fatalities or lost time case.~~

~~BB.]Y. "Safety and Health Officer" means a person authorized by the Utah Occupational Safety and Health Administration to conduct inspections.~~

~~[CC.]Z. "Secretary" means the Secretary of the United States Department of Labor.~~

~~[DD.]AA. "Specific written consent" means written authorization containing the following:~~

~~1. The name and signature of the employee authorizing the release of medical information;~~

~~2. The date of the written authorization;~~

~~3. The name of the individual or organization that is authorized to release the medical information;~~

~~4. The name of the designated representative (individual or organization) that is authorized to receive the released information;~~

~~5. A general description of the medical information that is authorized to be released;~~

~~6. A general description of the purpose for the release of medical information; and~~

~~7. A date or condition upon which the written authorization will expire (if less than one year).~~

~~8. A written authorization does not operate to authorize the release of medical information not in existence on the date of written authorization, unless this is expressly authorized, and does not~~

operate for more than one year from the date of written authorization.

9. A written authorization may be revoked in writing prospectively at any time.

[~~FF~~]BB. "Standard" means an occupational health and safety standard or group of standards which requires conditions, or the adoption or use of one or more practices, means, methods, operations, or processes, reasonably necessary to provide safety and healthful employment and places of employment.

[~~FF~~]CC. "Toxic substance" or "harmful physical agent" means any chemical substance, biological agent (bacteria, virus, fungus, etc.) or physical stress (noise, heat, cold, vibration, repetitive motion, ionizing and non-ionizing radiation, hypo and hyperbaric pressure, etc) which:

1. Is regulated by any Federal law or rule due to a hazard to health;
2. Is listed in the latest printed edition of the National Institute for Occupational Safety and Health (NIOSH) Registry of Toxic Effects of Chemical Substances (RTECS) (See R614-103-20B Appendix B);
3. Has yielded positive evidence of an acute or chronic health hazard in human, animal, or other biological testing conducted by, or known to the employer; or
4. Has a material safety data sheet available to the employer indicating that the material may pose a hazard to human health.

[~~GG~~]DD. "Variance" means a special, limited modification or change in the code or standard applicable to the particular establishment of the employer or person petitioning for the modification or change.

[~~HH~~]EE. "Workplace" means any place of employment.

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, 2001, edition are incorporated by reference.

2. 29 CFR 1908, July 1, 2001, is incorporated by reference.
3. 29 CFR 1904, July 1, 2001, is incorporated by reference.

B. Construction Standards.

1. Section 29 CFR 1926.20 through the end of part 1926, of the July 1, 2001, edition is incorporated by reference.

R614-1-5. Adoption and Extension of Established Federal Safety Standards and State of Utah General Safety Orders.

A. Scope and Purpose.

1. The provisions of this rule adopt and extend the applicability of: (1) established Federal Safety Standards, (2) R614, and (3) Workers' Compensation Coverage, as in effect July 1, 1973 and subsequent revisions, with respect to every employer, employee and employment within the boundaries of the State of Utah, covered by the Utah Occupational Safety and Health Act of 1973.

2. All standards and rules including emergency and/or temporary, promulgated under the Federal Occupational Safety and Health Act of 1970 shall be accepted as part of the Standards, Rules and Regulations under the Utah Occupational Safety and Health Act of 1973, unless specifically revoked or deleted.

3. All employers will provide workers' compensation benefits as required in Section 34A-2-201.

4. Any person, firm, company, corporation or association employing minors must comply fully with all orders and standards

of the Labor Division of the Commission. UOSH standards shall prevail in cases of conflict.

B. Construction Work.

Federal Standards, 29 CFR 1926 and selected applicable sections of R614 are accepted covering every employer and place of employment of every employee engaged in construction work of:

1. New construction and building;
2. Remodeling, alteration and repair;
3. Decorating and painting;
4. Demolition; and
5. Transmission and distribution lines and equipment erection, alteration, conversion or improvement.

C. Reporting Requirements.

1. Each employer shall investigate or cause to be investigated all work-related injuries and occupational diseases and any sudden or unusual occurrence or change of conditions that pose an unsafe or unhealthful exposure to employees.

2. Each employer shall within 12 hours of occurrence, notify the Division of Utah Occupational Safety and Health of the Commission of any work-related fatalities, of any disabling, serious, or significant injury and of any occupational disease incident. Call (801) 530-6901 [~~or one of the individuals on the following personnel list~~].

[~~TABLE 1~~

LABOR COMMISSION
DIVISION OF OCCUPATIONAL SAFETY AND HEALTH
BAGLEY, Jay W. (Administrator)
Kaysville, Utah 84037
543-1369
ADAMS, William W. Jr.
Park City, Utah 84060
649-4309
BURNS, Tori L.
Salt Lake City, Utah 84102
364-6673
ANDERSON, Neil A.
Kaysville, Utah 84037
544-2791
KING, Daniel L.
Lake Point, Utah 84074
250-6781

]

3. Each employer shall file a report with the Commission within seven days after the occurrence of an injury or occupational disease, after the employer's first knowledge of the occurrence, or after the employee's notification of the same, on forms prescribed by the Commission, of any work-related fatality or any work-related injury or occupational disease resulting in medical treatment, loss of consciousness or loss of work, restriction of work, or transfer to another job. Each employer shall file a subsequent report with the Commission of any previously reported injury or occupational disease that later resulted in death. The subsequent report shall be filed with the Commission within seven days following the death or the employer's first knowledge or notification of the death. No report is required for minor injuries, such as cuts or scratches that require first-aid treatment only, unless the treating physician files, or is required to file the physician's initial report of work injury or occupational disease with the Commission. Also, no report is

required for occupational diseases which manifest after the employee is no longer employed by the employer with which the exposure occurred, or where the employer is not aware of an exposure occasioned by the employment which results in an occupational disease as defined by Section 34A-3-103.

4. Each employer shall provide the employee with a copy of the report submitted to the Commission. The employer shall also provide the employee with a statement, as prepared by the Commission, of his rights and responsibilities related to the industrial injury or occupational disease.

5. Each employer shall maintain a record in a manner prescribed by the Commission of all work-related injuries and all occupational diseases resulting in medical treatment, loss of consciousness, loss of work, restriction of work, or transfer to another job.

6. Tools, equipment, materials or other evidence that might pertain to the cause of such accident shall not be removed or destroyed until so authorized by the Labor Commission or one of its Compliance Officers.

7. No person shall remove, displace, destroy, or carry away any safety devices or safeguards provided for use in any place of employment, or interfere in any way with the use thereof by other persons, or interfere in any method or process adopted for the protection of employees. No employee shall refuse or neglect to follow and obey reasonable orders that are issued for the protection of health, life, safety, and welfare of employees.

D. Employer, Employee Responsibility.

1. It shall be the duty and responsibility of any employee upon entering his or her place of employment, to examine carefully such working place and ascertain if the place is safe, if the tools and equipment can be used with safety, and if the work can be performed safely. After such examination, it shall be the duty of the employee to make the place, tools, or equipment safe. If this cannot be done, then it becomes his or her duty to immediately report the unsafe place, tools, equipment, or conditions to the foreman or supervisor.

2. Employees must comply with all safety rules of their employer and with all the Rules and Regulations promulgated by UOSH which are applicable to their type of employment.

3. Management shall inspect or designate a competent person or persons to inspect frequently for unsafe conditions and practices, defective equipment and materials, and where such conditions are found to take appropriate action to correct such conditions immediately.

4. Supervisory personnel shall enforce safety regulations and issue such rules as may be necessary to safeguard the health and lives of employees. They shall warn all employees of any dangerous condition and permit no one to work in an unsafe place, except for the purpose of making it safe.

E. General Safety Requirements.

1. Where there is a risk of injury from hair entanglement in moving parts of machinery, employees shall confine their hair to eliminate the hazard.

2. Body protection: Clothing which is appropriate for the work being done should be worn. Loose sleeves, tails, ties, lapels, cuffs, or similar garments which can become entangled in moving machinery shall not be worn where an entanglement hazard exists. Clothing saturated or impregnated with flammable liquids, corrosive substances, irritant, oxidizing agents or other toxic materials shall be removed and shall not be worn until properly cleaned.

3. General. Wrist watches, rings, or other jewelry shall not be worn on the job where they constitute a safety hazard.

4. Safety Committees. It is recommended that a safety committee comprised of management and employee representatives be established. The committee or the individual member of the committee shall not assume the responsibility of management to maintain and conduct a safe operation. The duties of the committee should be outlined by management, and may include such items as reviewing the use of safety apparel, recommending action to correct unsafe conditions, etc.

5. No intoxicated person shall be allowed to go into or loiter around any operation where workers are employed.

6. No employee shall carry intoxicating liquor into a place of employment, except that the place of employment shall be engaged in liquor business and this is a part of his assigned duties.

7. Employees who do not understand or speak the English language shall not be assigned to any duty or place where the lack or partial lack of understanding or speaking English might adversely affect their safety or that of other employees.

8. Good housekeeping is the first law of accident prevention and shall be a primary concern of all supervisors and workers. An excessively littered or dirty work area will not be tolerated as it constitutes an unsafe, hazardous condition of employment.

9. Emergency Posting Required.

a. Good communications are necessary if a fire or disaster situation is to be adequately coped with. A system for alerting and directing employees to safety is an essential step in a safety program.

b. A list of telephone numbers or addresses as may be applicable shall be posted in a conspicuous place so the necessary help can be obtained in case of emergency. This list shall include:

- (1) Responsible supervision (superintendent or equivalent)
- (2) Doctor
- (3) Hospital
- (4) Ambulance
- (5) Fire Department
- (6) Sheriff or Police
10. Lockouts and Tagging.

a. Where there is any possibility of machinery being started or electrical circuits being energized while repairs or maintenance work is being done, the electrical circuits shall be locked open and/or tagged and the employee in charge (the one who places the lock) shall keep the key until the job is completed or he is relieved from the job, such as by shift change or other assignment. If it is expected that the job may be assigned to other workers, he may remove his lock provided the supervisor or other workers apply their lock and tag immediately. Where there is danger of machinery being started or of steam or air creating a hazard to workers while repairs on maintenance work is being done, the employee in charge shall disconnect the lines or lock and tag the main valve closed or blank the line on all steam driven machinery, pressurized lines or lines connected to such equipment if they could create a hazard to workers.

b. After tagging and lockout procedures have been applied, machinery, lines, and equipment shall be checked to insure that they cannot be operated.

c. If locks and tags cannot be applied, conspicuous tags made of nonconducting material and plainly lettered, "EMPLOYEES WORKING" followed by the other appropriate wording, such as "Do not close this switch" shall be used.

d. When in doubt as to procedure, the worker shall consult his supervisor concerning safe procedure.

11. Safety-Type hooks shall be used wherever possible.

12. Emergency Showers, Bubblers, and Eye Washers.

a. Readily accessible, well marked, rapid action safety showers and eye wash facilities must be available in areas where strong acid, caustic or highly oxidizing or irritating chemicals are being handled. (This is not applicable where first aid practices specifically preclude flushing with running water.)

b. Showers should have deluge type heads, easily accessible, plainly marked and controlled by quick opening valves of the type that stay open. The valve handle should be equipped with a pull chain, rope, etc., so the blinded employee will be able to more easily locate the valve control. In addition, it is recommended that the floor platform be so constructed to actuate the quick opening valve. The shower should be capable of supplying large quantities of water under moderately high pressure. Blankets should be located so as to be reasonably accessible to the shower area.

c. All safety equipment should be inspected and tested at regular intervals, preferably daily and especially during freezing weather, to make sure it is in good working condition at all times.

13. Grizzlies Over Chutes, Bins and Tank Openings.

a. Employees shall be furnished with and be required to use approved type safety harnesses and shall be tied off securely so as to suspend him above the level of the product before entering any bin, chute or storage place containing material that might cave or run. Cleaning and barring down in such places shall be started from the top using only bars blunt on one end or having a ring type or D handhold.

b. Employees shall not work on top of material stored or piled above chutes, drawholes or conveyor systems while material is being withdrawn unless protected.

c. Chutes, bins, drawholes and similar openings shall be equipped with grizzlies or other safety devices that will prevent employees from falling into the openings.

d. Bars for grizzly grids shall be so fitted that they will not loosen and slip out of place, and the operator shall not remove a bar temporarily to let large rocks through rather than to break them.

F. All requirements of PSM Standard 29 CFR 1910.119 are hereby extended to include the blister agents, HT, HD, H, Lewisite, and the nerve agents, GA, VX.

R614-1-6. Personal Protective Equipment.

A. When no other method or combination of methods can be provided to prevent employees from becoming exposed to toxic dusts, fumes, gases, flying particles or other objects, dangerous rays or burns from heat, acid, caustic, or any other hazard of a similar nature, the employer must provide each worker with the necessary personal protection equipment, such as respirators, goggles, gas masks, certain types of protective clothing, etc. Provision must also be made to keep all such equipment in good, sanitary working condition at all times.

B. Where there is a risk of injury from hair entanglement in moving parts of machinery, employees shall confine their hair to eliminate the hazard.

C. Except when, in the opinion of the Administrator, their use creates a greater hazard, life lines and safety harnesses shall be provided for and used by workers engaged in window washing, in securing or shifting thrustouts, inspecting or working on overhead machines supporting scaffolds or other high rigging, and on steeply pitched roofs. Similarly, they shall be provided for and used by all exposed to the hazard of falling, and by workmen on poles workers or steel frame construction more than ten (10) feet above solid ground or above a temporary or permanent floor or platform.

D. Every life line and safety harness shall be inspected by the superintendent or his authorized representative and the worker before it is used and at least once a week while continued in use.

E. Wristwatches, rings, or other jewelry shall not be worn on the job where they constitute a safety hazard.

.....

R614-1-8. Recording and Reporting Occupational Injuries and Illnesses.

A. The rules in this section implement Sections 34A-6-108 and 34A-6-301(3) of the Act. These sections provide for record-keeping and reporting by employers covered under the Act, for developing information regarding the causes and prevention of occupational accidents and illnesses, and for maintaining a program of collection, compilation, and analysis of occupational safety and health statistics. Regardless of size or type of operation, accidents and fatalities must be reported to UOSH in accordance with the requirements of R614-1-5.C.

NOTE: Utah has adopted and will enforce the Federal Recordkeeping Standard 29CFR1904.

R614-1-4. Incorporation of Federal Standards.

A. General Industry Standards.

4. FR Vol. 66, No. 13, Friday, January 19, 2001, Pages 5916 to and including 6135. "Occupational Injury and reporting Requirements; Final Rule" is incorporated by reference.

Utah Specific Recordkeeping requirements follow:

[B. Exceptions to Recordkeeping and Reporting Requirements.

1. Small Employers. An employer who had no more than ten (10) employees at any time during the calendar year immediately preceding the current calendar year need not comply with any of the requirements of this part except the following:

— a. Obligation to report under R614-1-5.C. concerning fatalities or accidents; and

— b. Obligation to maintain a log of occupational injuries and illnesses under R614-1-8.C. and to make reports under R614-1-8.N. upon being notified in writing by the Commission's Statistics Section that the employer has been selected to participate in a statistical survey of occupational injuries and illnesses.

2. Employers who are engaged in farming operations, having 40 or fewer employees are not subject to the Act, including the provisions of this part.

3. Establishments Classified in Standard Industrial Classification Codes (SIC) 52-89, (except 52-54, 70, 75, 76, 79 and 80.) An employer whose establishment is classified in SIC's 52-89, (excluding 52-54, 70, 75, 76, 79 and 80) need not comply, for such establishment, with any of the requirements of this part except the following:

— a. Obligation to report under R614-1-5.C. concerning fatalities or serious injury.

— b. Obligation to maintain a log of occupational injuries and illnesses under R614-1-8.K. and L. upon being notified in writing by the federal Bureau of Labor Statistics that the employer has been selected to participate in a statistical survey of occupational injuries and illnesses; and

— c. Those employers who engage in activities classified as high risk industries (i.e., a real estate establishment engaged in construction activities) must maintain records on the High Risk portions of their operations.

— C. Log and summary of occupational injuries and illness.

—1. Each employer shall maintain in each establishment a log and summary of all recordable occupational injuries and illnesses for that establishment, except that under the circumstances described in R614-1-8.C.2. an employer may maintain the log and summary of occupational injuries and illnesses at a place other than the establishment. Each employer shall enter all recordable occupational injury and illness on the log and summary as early as practicable but no later than 6 working days after receiving information that a recordable case has occurred. For this purpose, the federal OSHA Form No. 200 or any private equivalent form may be used. OSHA Form No. 200 or its equivalent shall be completed in the detail provided in the form and instructions contained in OSHA Form No. 200. If an equivalent of OSHA Form No. 200 is used, such as a printout from data processing equipment, the information shall be as readable and comprehensible to a person not familiar with the data processing equipment as the OSHA Form No. 200 itself.

—2. Any employer may maintain the log and summary of occupational injuries and illnesses at a place other than the establishment or by means of data processing equipment, or both, under the following circumstances:

—a. There is available at the place where the log and summary is maintained sufficient information to complete the log to a date within 6 working days after receiving information that a recordable case has occurred, as required by R614-1-8.C.

—b. At each of the employer's establishments, there is available a copy of the log and summary which reflects separately the injury and illness experience of that establishment complete and current to a date within 45 calendar days.

—D. Period covered.

—Records shall be established on a calendar year basis.

—E]B. Supplementary record.

[In addition to the log and summary of occupational injuries and illnesses provided for under R614-1-8.C.1., e]Each employer shall have available for inspection at each establishment within 6 working days after receiving information that a recordable case has occurred, a supplementary record for that establishment. The record shall be completed in the detail prescribed in the instructions accompanying federal OSHA Form No. [404]301, Utah Industrial Accidents Form 122. Workers' compensation, insurance, or other reports are acceptable alternative records if they contain the information required by the federal OSHA Form No. [404]301, Utah Industrial Accidents Form 122. If no acceptable alternative record is maintained for other purposes, Federal OSHA Form No. [404]301, Utah Industrial Accidents Form 122 shall be used or the necessary information shall be otherwise maintained.

[F. Annual Summary.

—1. Each employer shall post an annual summary of occupational injuries and illnesses for each establishment. This summary shall consist of a copy of the year's totals from the form OSHA Form No. 200 and the following information from that form: calendar year covered, company name, establishment address, certification signature, title, and date. An OSHA Form No. 200 shall be used in presenting the summary. If no injuries or illnesses occurred in the year, zeros must be entered in the totals line, and the form must be posted.

—2. The summary shall be completed by February 1 beginning with calendar year 1979. The summary of 1977 calendar year's occupational injuries and illnesses shall be posted on OSHA form No. 102.

—3. Each employer or the officer or employee of the employer who supervises the preparation of the log and summary of occupational injuries and illnesses, shall certify that the annual summary of occupational injuries and illnesses is true and complete. The certification shall be accomplished by affixing the signature of the employer, or the officer or employee of the employer who supervises the preparation of the annual summary of occupational injuries and illnesses, at the bottom of the last page of the log and summary or by appending a separate statement to the annual summary certifying that the annual summary is true and complete.

—4. Each employer shall post a copy of the establishment's summary in each establishment in the same manner that notices are required to be posted under R614-1-7.B.1. The summary covering the previous calendar year shall be posted no later than February 1, and shall remain in place until March 1. For employees who do not primarily report or work at a single establishment, or who do not report to any fixed establishment on a regular basis, employers shall satisfy this posting requirement by presenting or mailing a copy of the summary portion of the log and summary during the month of February of the following year to each such employee who receives pay during that month. For multi-establishment employers where operations have closed down in some establishments during the calendar year, it will not be necessary to post summaries for those establishments.

—a. Failure to post a copy of the establishment's annual summary may result in the issuance of citations and assessment of penalties pursuant to Sections 34A-6-302 and 34A-6-307 of the Act.

—G]C. Retention of records.

[1. Records provided for in R614-1-8.A., E., and F. (including OSHA Form No. 200 and its predecessor OSHA Forms No. 100 and No. 102) shall be retained in each establishment for 5 years following the end of the year to which they relate.

—2.] Preservation of records.

a. This section applies to each employer who makes, maintains or has access to employee exposure records or employee medical records.

b. "Employee exposure record" means a record of monitoring or measuring which contains qualitative or quantitative information indicative of employee exposures to toxic materials or harmful physical agents. This includes both individual exposure records and general research or statistical studies based on information collected from exposure records.

c. "Employee medical record" means a record which contains information concerning the health status of an employee or employees exposed or potentially exposed to toxic materials or harmful physical agents. These records may include, but are not limited to:

(1) The results of medical examinations and tests;

(2) Any opinions or recommendations of a physician or other health professional concerning the health of an employee or employees; and

(3) Any employee medical complaints relating to workplace exposure. Employee medical records include both individual medical records and general research or statistical studies based on information collected from medical records.

d. Preservation of records. Each employer who makes, maintains, or has access to employee exposure records or employee medical records shall preserve these records.

e. Availability of records. The employer shall make available, upon request to the Administrator, or a designee, and to the Director

of the Division of Health, or a designee, all employee exposure records and employee medical records for examination and copying.

~~[H]D.~~ Access to records.

1. Records provided for in R614-1-8.A., E., and F. shall be available for inspection and copying by Compliance Officers during any occupational safety and health inspection provided for under R614-1-7 and Section 34A-6-301 of the Act.

2. The log and summary of all recordable occupational injuries and illnesses (OSHA No. 200) (the log) provided for in R614-1-8.A. shall, upon request, be made available by the employer to any employee, former employee, and to their representatives for examination and copying in a reasonable manner and at reasonable times. The employee, former employee, and their representatives shall have access to the log for any establishment in which the employee is or has been employed.

3. Nothing in this section shall be deemed to preclude employees and employee representatives from collectively bargaining to obtain access to information relating to occupational injuries and illnesses in addition to the information made available under this section.

4. Access to the log provided under this section shall pertain to all logs retained under requirements of R614-1-8.G.

~~[I]E.~~ Reporting of fatality or accidents. (Refer to Utah Occupational Safety and Health Rule, R614-1-5.C.)

~~[J]E.~~ Falsification or failure to keep records or reports.

1. Section 34A-6-307 of the Act provides penalties for false information and recordkeeping.

2. Failure to maintain records or file reports required by this part, or in the details required by forms and instructions issued under this part, may result in the issuance of citations and assessment of penalties as provided for in Sections 34A-6-302 and 34A-6-307 of the Act.

~~[K.]~~ Change of ownership.

— Where an establishment has changed ownership, the employer shall be responsible for maintaining records and filing reports only for that period of the year during which he owned or operated such establishment. However, in the case of any change in ownership, the employer shall preserve those records, if any, of the prior ownership which are required to be kept under this Part. These records shall be retained at each establishment to which they relate, for the period or remainder thereof, required under R614-1-8.G.

~~L.~~ Petitions for record keeping exceptions.

— 1. Submission of petition. Any employer who wishes to maintain records in a manner different from that required by this part may submit a petition containing the information specified in R614-1-8.L.3. the Bureau of Labor Statistics of the U.S. Department of Labor.

— 2. Opportunity for comment. Affected employees or their representatives shall have an opportunity to submit written data, views, or arguments concerning the petition to the Administrator within 10 working days following the receipt of notice under R614-1-8.L.3.e.

— 3. Contents of petition. A petition filed under R614-1-8.L.1. shall include:

- a. The name and address of the applicant;
- b. The address of the places or employment involved;
- c. Specifications of the reasons for seeking relief;
- d. A description of the different record keeping procedures which are proposed by the applicant;
- e. A statement that the applicant has informed his affected employees of the petition by giving a copy thereof to them or to their

~~authorized representative and by posting a statement giving a summary of the petition and by other appropriate means. A statement posted pursuant to this subparagraph shall be posted in each establishment in the same manner that notices are required to be posted under R614-1-7.B. The applicant shall also state that he has informed his affected employees of their rights under R614-1-8.L.2.~~

~~— f. In the event an employer has more than one establishment he shall submit a list of the locations and the number of establishments in the state.~~

~~— 4. Additional notice, conferences.~~

~~— a. In addition to the actual notice provided for in R614-1-8.L.3.e., the Administrator may provide such additional notice of the petition as he may deem appropriate.~~

~~— b. The Administrator may also afford an opportunity to interested parties for informal conference or hearing concerning the petition.~~

~~— 5. Action. After review of the petition, and of any comments submitted in regard thereto, and upon completion of any necessary appropriate investigation concerning the petition, if the Administrator finds that the alternative procedure proposed will not hamper or interfere with the purposes of the Act and will provide equivalent information, he may grant the petition subject to such conditions as he may determine appropriate.~~

~~— 6. Publication. Whenever any relief is granted to an applicant under this Act, notice of such relief, and the reasons therefore, shall be published in accordance with Title 63, Chapter 46a, Utah Administrative Rulemaking Act. The U.S. Department of Labor shall have been consulted and approval given prior to the granting of relief by the Administrator.~~

~~— 7. Revocation. Whenever any relief under this rule is sought to be revoked for any failure to comply with the conditions thereof, and opportunity for informal hearing or conference shall be afforded to the employers and affected employees, or their representatives. Except in cases of willfulness or where public safety or health requires otherwise, before the commencement of any such informal proceeding, the employer shall:~~

- ~~— a. Be notified in writing of the facts or conduct which may warrant the action; and~~
- ~~— b. Be given an opportunity to demonstrate or achieve compliance.~~

~~— 8. Compliance after submission of a petition or any delay by the Administrator, in acting upon a petition shall not relieve any employer from any obligation to comply with this Part. However, the Administrator shall give notice of the denial of any petition within a reasonable time.~~

~~— M]G.~~ Description of statistical program.

1. Section 34A-6-108 of the Act directs the Administrator to develop and maintain a program of collection, compilation, and analysis of occupational safety and health statistics. The program shall consist of periodic surveys of occupational injuries and illnesses.

2. The sample design encompasses probability procedures, detailed stratification by industry and size, and a systematic selection within Stratification. Stratification and sampling will be carried out in order to provide the most efficient sample for eventual state estimates. Some industries will be sampled more heavily than others depending on the injury rate level based on previous experience. The survey should produce adequate estimates for most four-digit Standard Industrial Classification (SIC) industries in manufacturing and for three-digit classification (SIC) in non-

manufacturing. Full cooperation with the U. S. Department of Labor in statistical programs is intended.].

~~— N. Duties of employers.~~

~~— 1. Upon receipt of an Occupational Injuries and Illnesses Survey Form, the employer shall promptly complete the form in accordance with the instructions contained therein, and return it in accordance with the aforesaid instructions.~~

~~— 2. Employers of employees engaged in physically dispersed operations such as occur in construction, installation, repair or service activities who do not report to any fixed establishment on a regular basis but are subject to common supervision may satisfy the provisions of R614-1-8.C., E., and G. with respect to such employees by:~~

~~— a. Maintaining the required records for each operation or group of operations which is subject to common supervision (field superintendent, field supervisor, etc.) in an established central place;~~

~~— b. Having the address and telephone number of the central place available at each work site; and~~

~~— c. Having personnel available at the central place during normal business hours to provide information from the records maintained there by telephone and by mail.]~~

.....

KEY: safety
[January 15], 2002
34A-6



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

NOTICE OF PROPOSED RULE
 (Amendment)
 DAR FILE NO.: 25568
 FILED: 10/30/2002, 09:04

RULE ANALYSIS

PURPOSE OF THE RULE OR REASON FOR THE CHANGE: As a condition to federal recognition and financial assistance, Utah's Occupational Safety and Health Division (UOSH) must maintain safety and health standards "as effective as" the standards of the federal Occupational Safety and Health Administration (OSHA). To satisfy this requirement, and to promote uniform workplace safety standards, UOSH generally adopts the same safety rules as OSHA. The purpose of the proposed amendment is to incorporate recent changes OSHA has made to its standards for recording occupational injuries and illnesses. Specifically, the proposed amendment requires employers to record instances in which an employee has suffered a work related hearing loss of 10 dB or more. This record keeping requirement applies only to specific Standard Industry Classification (SIC) codes that present a risk to employee hearing. The information required by the proposed rule will allow identification of occupationally-related hazards

to employee hearing so as to trigger protective measures already present in existing regulations.

SUMMARY OF THE RULE OR CHANGE: The proposed amendment incorporates by reference the provisions of OSHA's rule set forth in FR Vol. 67, No. 126, Monday, July 1, 2002, pages 44037 through 44048. In substance, the proposed rule requires employers with operations in certain specified SIC codes to record cases of employee hearing loss involving a work-related Standard Threshold Shift, if the employee's total hearing level is 25 dB or more above audiometric zero. The proposed amendment only requires recording of hearing loss cases. Requirements of hearing testing and protective measures have previously been established and are not changed by this amendment.

STATE STATUTORY OR CONSTITUTIONAL AUTHORIZATION FOR THIS RULE: Section 34A-6-202, 29 CFR 1904

THIS RULE OR CHANGE INCORPORATES BY REFERENCE THE FOLLOWING MATERIAL: 29 CFR Parts 1900 to 1910.999 (July 1, 2001)

ANTICIPATED COST OR SAVINGS TO:

- ❖ THE STATE BUDGET: Based on OSHA's projections of the nation-wide cost of compliance with the requirements of the proposed amendment, the State of Utah will incur costs totaling approximately \$1,500 per year.
- ❖ LOCAL GOVERNMENTS: Based on OSHA's projections of the nation-wide cost of compliance with the requirements of the proposed amendment, local government will incur costs totaling approximately \$1,500 per year.
- ❖ OTHER PERSONS: Based on OSHA's projections of the nation-wide cost of compliance with the requirements of the proposed amendment, other persons within Utah will incur costs totaling approximately \$7,000 per year.

COMPLIANCE COSTS FOR AFFECTED PERSONS: OSHA studies indicate that compliance with the proposed record-keeping standards will cost approximately \$5 for each case of employee hearing loss subject to the proposed standard. Consequently, the actual compliance cost for any particular employer will depend on the number of individuals employed and the degree of exposure to factors contributing to hearing loss.

COMMENTS BY THE DEPARTMENT HEAD ON THE FISCAL IMPACT THE RULE MAY HAVE ON BUSINESSES: The fiscal impact of this proposal will be limited to businesses operating in specific SIC codes that present higher risk of work-related injury to hearing. For those businesses, the proposed rule requires simple record-keeping that is expected to cost approximately \$5 for each case of hearing loss that meets the threshold requirements of this rule.

THE FULL TEXT OF THIS RULE MAY BE INSPECTED, DURING REGULAR BUSINESS HOURS, AT:
 LABOR COMMISSION
 OCCUPATIONAL SAFETY AND HEALTH
 HEBER M WELLS BLDG
 160 E 300 S

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

DIRECT QUESTIONS REGARDING THIS RULE TO:
William Adams at the above address, by phone at 801-530-6897, by FAX at 801-530-7606, or by Internet E-mail at wadams@utah.gov

INTERESTED PERSONS MAY PRESENT THEIR VIEWS ON THIS RULE BY SUBMITTING WRITTEN COMMENTS TO THE ADDRESS ABOVE NO LATER THAN 5:00 PM on 12/16/2002.

THIS RULE MAY BECOME EFFECTIVE ON: 12/17/2002

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, 2001, edition are incorporated by reference.

2. 29 CFR 1908, July 1, 2001, is incorporated by reference.

3. 29 CFR 1904, July 1, 2001, is incorporated by reference.

4. FR Vol. 67, No. 126, Monday, July 1, 2002, Pages 44037 to and including 44048, "29 CFR Part 1904 Occupational Injury and Illness Recording and Reporting Requirements: 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, 2001, edition is incorporated by reference.

KEY: safety
[January 15], 2002
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.: 25564

FILED: 10/30/2002, 08:56

RULE ANALYSIS

PURPOSE OF THE RULE OR REASON FOR THE CHANGE: The purpose of the rule change is to adopt the yearly Addenda for the American Society of Mechanical Engineers (ASME) Boiler and Pressure Vessel Code for sections I, IV and VIII.

SUMMARY OF THE RULE OR CHANGE: The proposed rule amendment incorporates by reference the July 1, 2002,

addenda to Sections I, IV and VIII of the ASME Boiler and Pressure Vessel Code (2001).

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

THIS RULE OR CHANGE INCORPORATES BY REFERENCE THE FOLLOWING MATERIAL: ASME Boiler and Pressure Vessel Code (2001): Section I Rules for Construction of Power Boilers, 2002 Addenda published July 1, 2002. Section IV Rules for Construction of Heating Boilers, 2002 Addenda, published July 1, 2002. Section VIII Rules for Construction of Pressure Vessels, 2002 Addenda, Published July 1, 2002.

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 ASME Codes, which include the cost of the annual addenda. The substantive provisions of the 2002 addenda do not require any additional expense for administration or enforcement.

As to the impact of the 2002 addenda on the state's cost to own or operate boilers, such impact should be minimal. The 2002 addenda contain only editorial changes, which could result in a minor decrease in the cost of boilers and pressure vessels. This small savings may be passed on to owners or operators, including the state.

❖ LOCAL GOVERNMENTS: As to the impact of the 2002 addenda on local government, such impact should be minimal. The 2002 addenda contain only editorial changes, which could result in a minor decrease in the cost of boilers and pressure vessels. This small savings may be passed on to owners or operators, including local governments.

❖ OTHER PERSONS: As to the impact of the 2002 addenda on other persons, such impact should be minimal. The 2002 addenda contain only editorial changes, which could result in a minor decrease in the cost of boilers and pressure vessels. This small savings may be passed on to all owners or operators.

COMPLIANCE COSTS FOR AFFECTED PERSONS: These 2002 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 2002 addenda are already followed by most affected persons as part of their existing practices. However, requirements contained in the addenda may reduce compliance costs for owners and operators.

COMMENTS BY THE DEPARTMENT HEAD ON THE FISCAL IMPACT THE RULE MAY HAVE ON BUSINESSES: The primary purpose of the 2002 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. To the contrary, anytime you can clarify an existing code or standard and reduce the redundancy of safety features, while maintaining the essential safety of boilers and pressure vessels, the result should be a small savings to businesses which own or operate boilers of pressure vessels.

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

LABOR COMMISSION
SAFETY
HEBER M WELLS BLDG
160 E 300 S
SALT LAKE CITY UT 84111-2316, or
at the Division of Administrative Rules.

DIRECT QUESTIONS REGARDING THIS RULE TO:

Pete Hackford at the above address, by phone at 801-530-7605, by FAX at 801-530-6390, or by Internet E-mail at phackford@utah.gov

INTERESTED PERSONS MAY PRESENT THEIR VIEWS ON THIS RULE BY SUBMITTING WRITTEN COMMENTS TO THE ADDRESS ABOVE NO LATER THAN 5:00 PM on 12/16/2002.

THIS RULE MAY BECOME EFFECTIVE ON: 12/17/2002

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 (2001).

1. Section I Rules for Construction of Power Boilers published July 1, 2001 and 2002 Addenda published July 1, 2002.

2. Section IV Rules for Construction of Heating Boilers published July 1, 2001 and 2002 Addenda published July 1, 2002.

3. Section VIII Rules for Construction of Pressure Vessels published July 1, 2001 and 2002 Addenda published July 1, 2002.

B. Power Piping ASME B31.1 (2001), issued December 10, 2001.

C. Controls and Safety Devices for Automatically Fired Boilers ASME CSD-1-1998; the ASME CSD-1a-1999 addenda, issued March 10, 2000; and the ASME CSD-1b (2001) addenda, issued November 30, 2001.

D. National Board Inspection Code ANSI/NB-23 (2001) issued August 2001; and the (2001) addenda, issued December 31, 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); the 1998 Addenda, published December 1998, and Addendum 2, published December 2000.

KEY: boilers[±], certification, safety

[April 16], 2002

Notice of Continuation January 10, 2002

34A-7-101 et seq.

▼ ————— ▼

Natural Resources, Water Rights R655-7

Administrative Procedures for Notifying the State Engineer of Sewage Effluent Use or Change in the Point of Discharge for Sewage Effluent

NOTICE OF PROPOSED RULE

(New Rule)

DAR FILE NO.: 25550

FILED: 10/24/2002, 17:55

RULE ANALYSIS

PURPOSE OF THE RULE OR REASON FOR THE CHANGE: Provide directions to persons for notifying the State Engineer when sewage effluent is to be used or when the point of discharge of sewage effluent is changed.

SUMMARY OF THE RULE OR CHANGE: Specific information is given for required information to be presented to the State Engineer to allow an evaluation of the person's water rights and to make a determination if there are adequate water rights to allow for the use of sewage effluent and determine if a change in point of discharge is required.

STATE STATUTORY OR CONSTITUTIONAL AUTHORIZATION FOR THIS RULE: Title 73, Chapter 3C

ANTICIPATED COST OR SAVINGS TO:

❖ **THE STATE BUDGET:** State Engineer staff review: 16 hours at \$25/hr = \$400 at 3 notifications/yr = \$1200. Notification advertising: 16 hours at \$12.50/hr = \$200 at 3 notifications/yr = \$600. Administrative costs/hearing review: 16 hours at \$25/hr = \$400 for 3 notifications/yr = \$1200. TOTAL: \$3000/yr

❖ **LOCAL GOVERNMENTS:** The municipality or publicly owned treatment works (POTW) will have to prepare the notification document to submit to the State Engineer which must contain the information as set forth in the rule.

❖ **OTHER PERSONS:** There will be no direct impacts on individuals because only municipalities or POTW can reuse sewage effluent.

COMPLIANCE COSTS FOR AFFECTED PERSONS: The filing fee is set forth in statute, Section 63-38-3.2 and will range from \$75 to \$500, depending upon the amount of water.

COMMENTS BY THE DEPARTMENT HEAD ON THE FISCAL IMPACT THE RULE MAY HAVE ON BUSINESSES: Businesses may incur

professional consultation with the process in preparing the notification to ensure all information requirements have been addressed.

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

NATURAL RESOURCES
WATER RIGHTS
Room 220
1594 W NORTH TEMPLE
SALT LAKE CITY UT 84116-3154, or
at the Division of Administrative Rules.

DIRECT QUESTIONS REGARDING THIS RULE TO:

Gail Nelson at the above address, by phone at 801-538-7370, by FAX at 801-538-7442, or by Internet E-mail at gailnelson@utah.gov

INTERESTED PERSONS MAY PRESENT THEIR VIEWS ON THIS RULE BY SUBMITTING WRITTEN COMMENTS TO THE ADDRESS ABOVE NO LATER THAN 5:00 PM on 12/16/2002.

THIS RULE MAY BECOME EFFECTIVE ON: 12/17/2002

AUTHORIZED BY: Jerry Olds, Director

R655. Natural Resources, Water Rights.

R655-7. Administrative Procedures for Notifying the State Engineer of Sewage Effluent Use or Change in the Point of Discharge for Sewage Effluent.

R655-7-1. Authority and Effective Date.

1.1. These rules establish and govern procedures for notifying the state engineer of sewage effluent use or change in the point of discharge for sewage effluent as required under Section 73-3c-8(1).

1.2. These rules govern all notifications for use of sewage effluent or change in point of discharge of sewage effluent commenced on or after May 5, 1998.

R655-7-2. Definitions.

"Application to Appropriate" means an official request for authorization to develop a source and quantity of water for beneficial uses as covered in Section 73-3-2.

"Beneficial Use" means the basis, the measure and the limit of a water right and includes the amount of water use allowed by the water right expressed in terms of the purposes to which the water may be applied. For example, in the case of irrigation, the beneficial use is expressed as the number of acres which may be irrigated by the water right (e.g. 40 acres).

"Change Application" means an application filed to obtain authorization from the state engineer to allow water right to be changed with respect to point of diversion, period of use, place of use, or nature of use. As allowed by Section 73-3-3, any person entitled to the use of water may make permanent or temporary changes listed by making application upon forms furnished by the state engineer.

"Depletion" means water consumed and no longer available as a source of supply; that part of a withdrawal that has been evaporated, transpired, incorporated into crops or products, consumed by man or livestock, or otherwise removed.

"Diversion" means the maximum total volume of water in acre-feet or the flow in second-feet which may be diverted as allowed by a water right to meet the needs of the beneficial uses authorized under the right.

"Effluent" means discharged wastewater or similar products, such as a stream flowing out of a body of water and includes products that result from the treatment of sewage and other pollutants pursuant to discharge limitations set under the Clean Water Act.

"Hydrologic System" means the complete area or basin where waters, both surface and underground, are interconnected by a common drainage basin.

"Notification" means an application filed with the state engineer requesting authorization to use or to change the point of discharge for sewage effluent.

R655-7-3. Contents of the Notification.

3.1. The notification shall include adequate information for the state engineer to determine if the use of sewage effluent is consistent with and without enlargement of the underlying water rights or if a change in point of discharge is required. This information shall be supplied on forms provided by the state engineer or an acceptable reproduction and shall include the information described below as well as any other information deemed necessary by the state engineer to evaluate the notification.

3.2. Information Required on a Notification for Use of Sewage Effluent.

A. The name and post office address of the applicant.

B. The Water Right Numbers of the water proposed for reuse.

C. An evaluation of the diversion and depletion limits of the underlying water rights. This would include evaluating the diversion and depletion limits allowed for the underlying right at the time it was originally approved and certificated by the state engineer.

D. The nature of use of the underlying water rights. This would include the present approved use of the water and the original approved use if different from the present.

E. The quantity of water in acre-feet or the flow in second-feet to be reused.

F. The point of diversion, the nature of use, and the place of use for the proposed sewage effluent use.

G. The point of discharge of the sewage effluent where the sewage would be released if it were not put to beneficial use.

H. An evaluation of the amount of water depleted from the hydrologic system from the use of the sewage effluent.

I. An evaluation of the cumulative total depletion of water from the hydrologic system from the initial use of water and the proposed use of the sewage effluent.

J. An indication whether or not a change application needs to be filed to cover the proposed uses. A change application is required if the proposed nature or place of use for the water reused was not authorized by the underlying water right upon which the reuse is based.

K. An indication whether or not an application to appropriate water needs to be filed to cover the proposed uses of any of the water. An application to appropriate is required if the reuse project proposes to use any unappropriated water of the state.

3.3. Information Required on a Notification for a Change in Point of Discharge

A. The name and post office address of the applicant.

B. The Water Right Numbers of the water proposed to change the point of discharge.

C. The quantity of water in acre-feet or second-feet to have the point of discharged changed.

D. The current point of discharge for the sewage effluent.

E. The proposed point of discharge for the sewage effluent.

F. In addition to the above information required, if the sewage effluent is to be put to a beneficial use in conjunction with the change in point of discharge, the information required in Subsection 3.2 Notification for Use of Sewage Effluent must be provided.

R655-7-4. Processing the Notification.

4.1. Upon receipt of the notification, the state engineer shall determine if the information submitted is acceptable and complete.

A. If the information is acceptable and complete, the state engineer shall deem the notification filed.

B. If the information is not acceptable and complete, the state engineer shall return the notification to the applicant and indicate the deficiencies.

C. Once the notification is filed, the state engineer shall publish information from the notification to inform the public of its contents in accordance with Section 73-3c-8(2).

D. Any interested person may file comments with the state engineer within 20 days after the notice is published.

E. A meeting regarding the notification and public comment may be held at the discretion of the state engineer.

4.2. The state engineer shall determine if water use is consistent with, and without enlargement of, the underlying water right or whether an application is required to use the sewage effluent water.

A. If the proposed sewage effluent use is consistent with the and without enlargement of the applicant's water rights, the state engineer shall issue a letter indicating that there is a water right for the proposed use.

B. If the proposed sewage effluent use is not consistent with the existing beneficial uses or enlarges the right, the state engineer shall issue a letter indicating that there is not a water right for the proposed use.

B.1. If a change application or an application to appropriate is required in conjunction with the proposed use of sewage effluent, it shall be the responsibility of the applicant to file the required application with the state engineer. The state engineer shall process the change application or the application to appropriate according to Section 73-3 of the Utah Code.

B.2. The state engineer shall review the change application and the application to appropriate according to Sections 73-3-3 and 73-3-8, respectively, of the Utah Code.

KEY: sewage effluent use

**2002
73-3C**



Pardons (Board Of), Administration
R671-201
 Original Parole Grant Hearing Schedule
 and Notice

NOTICE OF PROPOSED RULE

(Amendment)

DAR FILE No.: 25505

FILED: 10/16/2002, 11:52

RULE ANALYSIS

PURPOSE OF THE RULE OR REASON FOR THE CHANGE: To update the time line associated with a streamlined schedule for conducting original parole grant hearings.

SUMMARY OF THE RULE OR CHANGE: The changes define the amount of time that will pass prior to scheduling a parole grant hearing based on the crime of commitment.

STATE STATUTORY OR CONSTITUTIONAL AUTHORIZATION FOR THIS RULE: Section 77-27-7

ANTICIPATED COST OR SAVINGS TO:

❖ THE STATE BUDGET: None--The changes are procedural and have no impact on the outcome or the cost.

❖ LOCAL GOVERNMENTS: None--The changes are procedural and have no impact on the outcome or the cost.

❖ OTHER PERSONS: None--The changes are procedural and have no impact on the outcome or the cost.

COMPLIANCE COSTS FOR AFFECTED PERSONS: None--The changes are procedural and have no impact on the outcome or the cost.

COMMENTS BY THE DEPARTMENT HEAD ON THE FISCAL IMPACT THE RULE MAY HAVE ON BUSINESSES: None--The decision to make these changes are for procedural streamlining and do not impact the outcome or the cost.

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

PARDONS (BOARD OF)
 ADMINISTRATION
 Room 300
 448 E 6400 S
 SALT LAKE CITY UT 84107-8530, or
 at the Division of Administrative Rules.

DIRECT QUESTIONS REGARDING THIS RULE TO:

Nannette Johnson at the above address, by phone at 801-261-6485, by FAX at 801-261-6481, or by Internet E-mail at njohnson@utah.gov

INTERESTED PERSONS MAY PRESENT THEIR VIEWS ON THIS RULE BY SUBMITTING WRITTEN COMMENTS TO THE ADDRESS ABOVE NO LATER THAN 5:00 PM on 12/16/2002.

THIS RULE MAY BECOME EFFECTIVE ON: 12/17/2002

AUTHORIZED BY: Mike Sibbett, Chairman

R671. Pardons (Board of), Administration.
R671-201. Original Parole Grant Hearing Schedule and Notice.
R671-201-1. Schedule and Notice.

Within six months of an offender's commitment to prison the Board will give notice of the month and year in which the inmate's original hearing will be conducted. A minimum of one week (7 calendar days) prior notice should be given regarding the specific day and approximate time of such hearing.

All ~~[sex offenses, all first degree felonies, and all second and third degree]~~felonies, where a life has been taken, will be routed to the Board as soon as practicable for the determination of the month and year for their original hearing date. The Board will only consider information available to the court at the time of sentencing.

~~[An inmate who is serving a sentence of up to fifteen years]~~All first degree felonies, where death is not involved, will be eligible for a hearing after ~~the service of [nine months]~~three years.

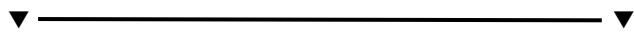
~~[An inmate who is serving a sentence of up to five years including Class A Misdemeanor commitments]~~All second degree felonies, where death is not involved, will be eligible for a hearing after the service of ~~[ninety days]~~six months unless the second degree is a sex offense and in those cases will be eligible for a hearing after the service of eighteen months.

All third degree felonies, and all class A misdemeanors, where a death is not involved, will be eligible for a hearing after the service of three months unless the third degree or Class A is a sex offense and in those cases will be eligible for a hearing after the service of twelve months.

Excluded from the above provisions are inmates who are sentenced to death or life without parole.

An inmate may petition the Board to calendar him/her at a time other than the usual times designated above or the Board may do so on its own motion. A petition by the inmate shall set out the special reasons which give rise to the request. The Board will notify the petitioner of its decision in writing as soon as possible.

KEY: parole, inmates
February 18, 1998
Notice of Continuation October 16, 2002
77-27-7



Public Safety, Highway Patrol
R714-159
 Vehicle Safety Inspection
 Apprenticeship Program Guidelines

NOTICE OF PROPOSED RULE
 (New Rule)

DAR FILE No.: 25580
 FILED: 10/31/2002, 13:45

RULE ANALYSIS

PURPOSE OF THE RULE OR REASON FOR THE CHANGE: The purpose of this rule is to establish program guidelines for a school district that elects to implement a vehicle safety inspection apprenticeship program for high school students in accordance with Title 53, Chapter 8, Part 2.

SUMMARY OF THE RULE OR CHANGE: The rule provides definitions, apprenticeship requirements, sponsor requirements, apprentice training, and a probationary period for certified apprentices.

STATE STATUTORY OR CONSTITUTIONAL AUTHORIZATION FOR THIS RULE: Subsection 53-8-204(5)(e)

ANTICIPATED COST OR SAVINGS TO:

❖ THE STATE BUDGET: This rule will have no impact on the state budget because it will not require the department to do anything it is not already doing.

❖ LOCAL GOVERNMENTS: This rule will have no impact on local government because local government is not involved in the apprenticeship program.

❖ OTHER PERSONS: School districts that choose to establish an apprenticeship program may experience an increase in curriculum costs, but such costs can be minimized by utilizing an Applied Technology Center (ATC) to do the training. Apprentices can receive the required training from an ATC by paying a fee of \$70. Inspection stations who utilize apprentices can realize a savings because they will be able to pay an apprentice minimum wage in accordance with federal guidelines on apprenticeships.

COMPLIANCE COSTS FOR AFFECTED PERSONS: School districts that choose to establish an apprenticeship program may experience an increase in curriculum costs, but such costs can be minimized by utilizing an Applied Technology Center (ATC) to do the training. Apprentices can receive the required training from an ATC by paying a fee of \$70.

COMMENTS BY THE DEPARTMENT HEAD ON THE FISCAL IMPACT THE RULE MAY HAVE ON BUSINESSES: Inspection stations who utilize apprentices can realize a savings because they will be able to pay an apprentice minimum wage in accordance with federal guidelines on apprenticeships.

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

PUBLIC SAFETY
 HIGHWAY PATROL
 CALVIN L RAMPTON COMPLEX
 4501 S 2700 W
 SALT LAKE CITY UT 84119-5994, or
 at the Division of Administrative Rules.

DIRECT QUESTIONS REGARDING THIS RULE TO:

Greg Lundell at the above address, by phone at 801-284-5554, by FAX at 801-284-5544, or by Internet E-mail at glundell@utah.gov

INTERESTED PERSONS MAY PRESENT THEIR VIEWS ON THIS RULE BY SUBMITTING WRITTEN COMMENTS TO THE ADDRESS ABOVE NO LATER THAN 5:00 PM on 12/16/2002.

THIS RULE MAY BECOME EFFECTIVE ON: 12/17/2002

AUTHORIZED BY: Robert Flowers, Commissioner

R714. Public Safety, Highway Patrol.**R714-159. Vehicle Safety Inspection Apprenticeship Program Guidelines.****R714-159-1. Purpose.**

The purpose of this rule is to establish program guidelines for a school district that elects to implement a vehicle safety inspection apprenticeship program for high school students in accordance with Title 53, Chapter 8, Part 2.

R714-159-2. Authority.

This rule is authorized by Subsection 53-8-204(5)(e).

R714-159-3. Definitions.

As used in this rule:

(1) "Apprentice" means a person meeting the qualifications described in Section II, of the Standards of Apprenticeship for Automotive Technician with the U.S. Department of Labor, who has entered into a written apprenticeship agreement providing for learning and acquiring the skills of a recognized occupation under the provisions of these standards.

(2) "Apprenticeship agreement" means the Standards of Apprenticeship for Automotive Technician as developed by the Bureau of Apprenticeship and Training, U.S. Department of Labor signed by both the apprentice and sponsor.

(3) "Certified apprentice" means a person authorized by the department to conduct safety inspections.

(4) "Closely supervise" means a sponsor will be physically present at all times on premises where safety inspections are conducted and responsible for apprentice's actions.

(5) "Inspector" means a person employed by a station licensed to conduct safety inspections.

(6) "License" means the authority given to a station by the department to conduct safety inspection.

(7) "Registration agency" means the Bureau of Apprenticeship and Training, U.S. Department of Labor.

(8) "Sponsor" means a licensed inspector who supervises and oversees a certified apprentice and has signed the apprenticeship agreement.

(9) "Station" means a business, including public garages, service stations, and repair shops licensed by the department to conduct safety inspections.

R714-159-4. Apprentice Requirements.

An applicant for certified apprentice shall:

(1) be registered as an Automotive Technician Apprentice with the Bureau of Apprenticeship and Training, U.S. Department of Labor;

(2) be a senior in high school;

(3) be at least 16 years of age;

(4) obtain training in accordance with the requirements of Section 6 of this rule;

(5) pay a \$10 non-refundable processing fee;

(6) have a valid drivers license; and

(7) only work in one sponsored station during their apprenticeship.

R714-159-5. Sponsor Requirements.

A sponsor shall:

(1) maintain records as required by the registration agency for five years;

(2) closely supervise certified apprentices;

(3) upon request, make available for inspection by the department all apprentice records.

R714-159-6. Apprentice Training.

An apprentice shall obtain training through a department contracted Applied Technology Center, or through a high school that has elected to contract with the department for apprenticeship training and testing.

R714-159-7. Probationary Period.

(1) A certified apprentice will operate in a probationary period until they turn 18 years old. During this probationary period, the department, the sponsor, or apprentice may terminate the apprenticeship agreement without cause.

(2) Upon turning 18 years old, a certified apprentice may apply for an inspector certification under R714-158-5.

KEY: motor vehicles, safety inspections, apprentices 2002

53-8-204(5)(e)



Public Safety, Highway Patrol
R714-220
Standards for Motorcycle Protective Headgear

NOTICE OF PROPOSED RULE

(Repeal and Reenact)

DAR FILE NO.: 25579

FILED: 10/31/2002, 12:00

RULE ANALYSIS

PURPOSE OF THE RULE OR REASON FOR THE CHANGE: The purpose of the rule is to establish protective headgear standards for persons under age 18 who operate or ride on a motorcycle or motor-driven cycle, i.e., electric assisted bicycle, motor assisted scooter, or personal motorized mobility device.

SUMMARY OF THE RULE OR CHANGE: There is nothing in the old rule that is not in the new rule. The new rule contains the following information that was not in the old rule: (a) the new rule states that the word "motor-driven cycle" includes electric assisted bicycles, motor assisted scooters, and personal motorized mobility devices; (b) the new rule states that the protective headgear standards in 16 CFR 1203 (2002 edition) are the standards adopted by the commissioner for electric assisted bicycles, motor assisted scooters, and personal motorized mobility devices in Utah.

STATE STATUTORY OR CONSTITUTIONAL AUTHORIZATION FOR THIS RULE: Subsection 41-6-107.8(3)(a)

THIS RULE OR CHANGE INCORPORATES BY REFERENCE THE FOLLOWING MATERIAL: 49 CFR 571.218 (2002 edition), 16 CFR 1203 (2002 edition)

ANTICIPATED COST OR SAVINGS TO:

- ❖ THE STATE BUDGET: This rule will have no impact on the state budget because it will not require the department to do anything it is not already doing.
- ❖ LOCAL GOVERNMENTS: This rule will have no impact on local government because local government is not involved in the protective headgear regulation process.
- ❖ OTHER PERSONS: The protective headgear that meets the standards set forth in 16 CFR 1203 (2002 edition) can be purchased in retail stores for approximately \$25 to \$35.

COMPLIANCE COSTS FOR AFFECTED PERSONS: The protective headgear that meets the standards set forth in 16 CFR 1203 (2002 edition) can be purchased in retail stores for approximately \$25 to \$35.

COMMENTS BY THE DEPARTMENT HEAD ON THE FISCAL IMPACT THE RULE MAY HAVE ON BUSINESSES: This rule will have a slight positive affect on retail stores that sell the protective headgear that meets the standards set forth in 16 CFR 1203 (2002 edition).

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

PUBLIC SAFETY
HIGHWAY PATROL
CALVIN L RAMPTON COMPLEX
4501 S 2700 W
SALT LAKE CITY UT 84119-5994, or
at the Division of Administrative Rules.

DIRECT QUESTIONS REGARDING THIS RULE TO:

Greg Lundell at the above address, by phone at 801-284-5554, by FAX at 801-284-5544, or by Internet E-mail at glundell@utah.gov

INTERESTED PERSONS MAY PRESENT THEIR VIEWS ON THIS RULE BY SUBMITTING WRITTEN COMMENTS TO THE ADDRESS ABOVE NO LATER THAN 5:00 PM on 12/16/2002.

THIS RULE MAY BECOME EFFECTIVE ON: 12/17/2002

AUTHORIZED BY: Robert Flowers, Commissioner

R714. Public Safety, Highway Patrol.~~**R714-220. Standards for Motorcycle Protective Headgear.**~~~~**R714-220-1. Purpose.**~~

~~Subsection 41-6-107.8(1) prohibits a person under age 18 from operating or riding on a motorcycle or motor-driven cycle on a highway unless the person is wearing protective headgear that complies with standards established in a rule made by the commissioner of public safety. The purpose of this rule is to establish those standards.~~

~~**R714-220-2. Authority.**~~

~~This rule is authorized by Subsection 41-6-107.8(3)(a).~~

~~**R714-220-3. Federal Standard Adopted and Incorporated by Reference.**~~

~~The commissioner of public safety hereby adopts the motorcycle protective headgear standards set forth in 49 CFR 571.218 (1996 edition) as the motorcycle protective headgear standards for Utah and such federal regulation is incorporated into this rule by this reference.~~

~~**KEY: motorcycles, headgear**~~

~~May 5, 1998~~

~~Notice of Continuation December 22, 1997~~

~~41-6-107.8]~~

~~**R714-220. Standards for Protective Headgear.**~~~~**R714-220-1. Purpose.**~~

~~Section 41-6-107.8(1) prohibits a person under age 18 from operating or riding on a motorcycle or motor-driven cycle, i.e., electric assisted bicycle, motor assisted scooter, and personal motorized mobility device, on a highway unless the person is wearing protective headgear that complies with standards established in a rule made by the commissioner of public safety. The purpose of this rule is to establish those standards.~~

~~**R714-220-2. Authority.**~~

~~This rule is authorized by Subsection 41-6-107.8(3)(a).~~

~~**R714-220-3. Motorcycle Standards.**~~

~~The commissioner of public safety hereby adopts the protective headgear standards in 49 CFR 571.218 (2002 edition) as the motorcycle protective headgear standards in this state and such federal regulation is incorporated into this rule by this reference.~~

~~**R714-220-4. Electric Assisted Bicycle, Motor Assisted Scooter, and Personal Motorized Mobility Device Standards.**~~

~~The commissioner of public safety hereby adopts the protective headgear standards in 16 CFR 1203 (2002 edition) as the electric assisted bicycle, motor assisted scooter, and personal motorized mobility device standards in this state and such federal regulation is incorporated into this rule by this reference. The standards in 16 CFR 1203 (2002 edition) meet the standards of the Snell Memorial Foundation's Standards for Protective Headgear for use in bicycling as required by Section 41-6-107.8(3)(b).~~

~~**KEY: headgear, motorcycles, bicycles**~~

~~2002~~

~~41-6-107.8(3)(a)~~

Public Service Commission,
Administration
R746-347
Extended Area Service (EAS)

NOTICE OF PROPOSED RULE

(New Rule)

DAR FILE NO.: 25578

FILED: 10/30/2002, 16:30

RULE ANALYSIS

PURPOSE OF THE RULE OR REASON FOR THE CHANGE: This rule shall provide and supersede all criteria and procedures for establishment and restructuring of EAS previously in effect.

SUMMARY OF THE RULE OR CHANGE: This rule applies to the establishment or restructuring of telecommunications EAS or expanded EAS by incumbent telephone corporations. Provisions of this rule requiring provision of information to the Division of Public Utilities or the Commission apply to all providers of public telecommunications services.

STATE STATUTORY OR CONSTITUTIONAL AUTHORIZATION FOR THIS RULE: Sections 54-3-1, 54-3-4, 54-4-2, 54-8b-3.3, and 54-8b-11

ANTICIPATED COST OR SAVINGS TO:

- ❖ **THE STATE BUDGET:** None--The rule addresses the provision of extended area telephone service provided to retail customers of telephone companies.
- ❖ **LOCAL GOVERNMENTS:** None--The rule addresses the provision of extended area telephone service provided to retail customers of telephone companies.
- ❖ **OTHER PERSONS:** None--Costs incurred will be compensated by EAS charges paid by customers utilizing EAS.

COMPLIANCE COSTS FOR AFFECTED PERSONS: Providers' costs incurred for the provision of EAS will be compensated by EAS charges paid by customers utilizing EAS.

COMMENTS BY THE DEPARTMENT HEAD ON THE FISCAL IMPACT THE RULE MAY HAVE ON BUSINESSES: The rule is promulgated to establish the procedure by which extended area telephone service requests will be presented to and considered by the Commission. A company's costs to provide EAS will be offset by the revenues obtained from customers who use the EAS.

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

PUBLIC SERVICE COMMISSION
ADMINISTRATION
HEBER M WELLS BLDG
160 E 300 S
SALT LAKE CITY UT 84111-2316, or
at the Division of Administrative Rules.

DIRECT QUESTIONS REGARDING THIS RULE TO:

Barbara Stroud at the above address, by phone at 801-530-6714, by FAX at 801-530-6796, or by Internet E-mail at bstroud@utah.gov

INTERESTED PERSONS MAY PRESENT THEIR VIEWS ON THIS RULE BY SUBMITTING WRITTEN COMMENTS TO THE ADDRESS ABOVE NO LATER THAN 5:00 PM on 12/16/2002.

THIS RULE MAY BECOME EFFECTIVE ON: 12/17/2002

AUTHORIZED BY: Barbara Stroud, Paralegal

R746. Public Service Commission, Administration.**R746-347. Extended Area Service (EAS).****R746-347-1. Purpose and Authority.**

A. Authorization -- This rule is adopted under authority of Sections 54-3-3 and 54-8b-11.

B. Title -- This rule shall be known and may be cited as the "EAS Rule."

C. Scope and Applicability -- This rule shall supersede all criteria and procedures for establishment and restructuring of EAS previously in effect. This rule applies to the establishment or restructuring of EAS or expanded EAS by incumbent telephone corporations. Provisions of this rule requiring provision of information to the Division of Public Utilities or the Commission apply to all providers of public telecommunications services.

R746-347-2. Definitions.

A. "Extended Area Service" (EAS) -- A local exchange public telecommunications service that enlarges the toll-free calling area to include two or more local exchange areas for which pre-EAS calls incurred long distance charges. A larger local calling area may result in an increase in the separately itemized EAS rate that local exchange carriers charge for local telephone service.

B. "Local Calling Area" -- An area encompassing one or more local exchange areas between which public telecommunication services are furnished by the local exchange carrier in accordance with its local exchange service tariffs, without message telephone service or toll charges.

C. "Local Exchange Area" -- A geographic area used by a local exchange carrier to furnish and administer telecommunication services in accordance with its local exchange service tariffs. It may consist of one or more contiguous central offices serving areas as further defined in R746-340-1.

D. "Committee" -- Committee of Consumer Services

E. "Division" -- Division of Public Utilities

R746-347-3. Petitioning Process.

A. Establishment of EAS -- The establishment of new or expanded EAS may be initiated by the Commission, by a petition requesting the establishment of new or expanded EAS signed by the residential customers of an incumbent telephone corporation in a local exchange area, or a petition from the incumbent telephone corporation.

B. Residential Petition -- The residential petition shall contain signatures from customers of record of the petitioning exchange, but only one signature per account, meeting the following applicable criteria:

1. In a petitioning local exchange area in which the incumbent telephone corporation has fewer than 500 residential access lines, the petition must be signed by 55 percent of the residential customers of record of the incumbent telephone corporation.

2. In a petitioning local exchange area in which the incumbent telephone corporation has more than 500 but fewer than 1,500 residential access lines, the petition must be signed by customers representing the greater of 275 or 30 percent of the total number of residential customers of record of the incumbent telephone corporation.

3. In a local exchange area in which the incumbent telephone corporation has more than 1,500 residential access lines, the petition must be signed by customers representing 30 percent of the total number of residential customers of record of the incumbent telephone corporation.

C. Petition Form -- The petition form must state that the signatory is willing to pay an estimated price for EAS to be determined as provided in R746-347-4 which may be within or above the range of current EAS prices of the incumbent telephone corporation. The current range of EAS prices of the incumbent telephone corporation shall be clearly set forth on each sheet of the petition.

D. Petition Signatures -- Signatures on the petition shall include the full name of the customer of record in addition to the billed party telephone number.

E. Petition Distribution -- The petition shall be filed with the Commission. Copies of the petition shall be served upon the Division, Committee and the incumbent telephone corporation. If the petition requests establishment of new or expanded EAS between areas served by two or more incumbent telephone corporations, a copy of the petition shall be served on each incumbent telephone corporation.

R746-347-4 Cost-Based Pricing.

A. Cost-Based Study -- If the threshold criteria specified in R746-347-3 are clearly met, the Commission shall direct the incumbent telephone corporations to conduct a study determining cost-based prices of providing EAS to the petitioned route. The study shall determine a precise cost-based EAS rate for both the petitioning and non-petitioning exchanges. These prices shall be used in the survey conducted pursuant to R746-347-5.

B. Costing and Pricing Methodology -- The incumbent carrier shall comply with a uniform EAS costing and pricing methodology for EAS rate development, which shall be jointly defined by the local exchange carrier, the Division and the Committee. The EAS costing and pricing methodology shall comport in all material respects with Total Service Long Run Incremental Cost, as required by Subsections 54-8b-2(13) and 54-8b-3.3.

C. Route-Specific Assumptions -- EAS cost studies shall reflect route-specific assumptions of demand and direct costs attributable to facilities investment and operating expenses.

D. Lost Toll Revenue -- Calculation of the incremental EAS price attributable to expansion of a local calling area may not include as a cost element any estimate of lost toll revenue.

E. Stimulation Factor -- The engineered cost of trunk and circuit facilities converted from toll to local calling may include a specified stimulation factor to reflect carriage of larger traffic volumes resulting from the substitution of flat-rated EAS for usage-sensitive toll rates. In deriving the stimulation factor, consideration shall be given estimated toll traffic provided by the local exchange carriers, foreign exchange lines, and toll resellers.

F. Filing of Study -- The local exchange carrier shall conduct the route-specific EAS cost and pricing analysis and shall file the study promptly upon completion.

R746-347-5. Customer Survey for New or Expanded EAS.

A. When to Conduct Survey -- Upon approval by the Commission of the proposed prices pursuant to Section R746-347-4, a survey shall be conducted of residential telephone subscribers of the incumbent telephone corporation in each petitioning and each non-petitioning local exchange area proposed to be included in the new or expanded EAS. The Division, Committee and involved incumbent telephone corporations shall arrange to conduct a poll within the affected local exchange areas.

B. Who to Survey -- A statistical sample of residential subscribers, sized to produce a final result with at least a ten percent

level of significance with a plus or minus five percent margin of error shall be surveyed.

C. Public Interest -- The Commission will presume that the proposed EAS is in the public interest if:

1. the survey results indicate that at least 75 percent of the customers of the incumbent telephone corporation in each petitioning local exchange area desire EAS at the price represented in the survey questionnaire, and

2. the survey results further show that at least 30 percent of customers of the incumbent telephone corporation in each non-petitioning local exchange area desire EAS at the price represented in the survey questionnaire.

D. Minimum Monthly Increase -- Notwithstanding R746-347-5-C.2, if the cost study results show that the EAS rate increase in the non-petitioning exchange represents less than a 3.5 percent monthly increase in the local exchange carriers tariff for a basic dial-tone line and local usage, then the residential customer survey need not be conducted in the non-petitioning local exchange area. The Commission will presume that the proposed EAS is in the public interest if 75 percent of the customers in the petitioning local exchange areas desire EAS at the price represented in the survey questionnaire.

E. When Customers Pay Entire Cost of EAS -- If the customer survey indicates that the criterion for R746-347-5.C.2 has not been met, the customers of the petitioning exchange area(s) may pay the entire cost of establishing the EAS route(s). In this instance, the Commission will presume that the proposed EAS is in the public interest if the survey results indicate that 75 percent of the customers of the incumbent telephone corporation in each petitioning local exchange areas desire EAS at a price representing the petitioning exchange area(s) paying the entire cost of the proposed EAS.

R746-347-6. Approval of EAS.

If the criteria of R746-347-3 through R746-347-5 of this Rule are satisfied, the Commission may issue an order approving the establishment of EAS between the petitioning and non-petitioning exchanges at the prices approved by the Commission under R746-347-5. Such EAS shall be mandatory for all customers of the incumbent telephone corporation in each petitioning and non-petitioning exchange unless otherwise ordered by the commission.

R746-347-7. Restructuring of Existing EAS.

Each incumbent telephone corporation providing EAS pursuant to tariff may petition the Commission for approval of a restructuring of EAS to simplify EAS prices or to reduce the number of EAS areas. The petition shall be served upon the Division and Committee. The petition shall be handled in accordance with the Commission's rules of procedure for other petitions. The Commission may grant or deny the petition in the public interest.

R746-347-8. Information from Telecommunications Service Providers and Resellers.

The Division may conduct discovery or otherwise obtain information from telecommunication service providers and resellers reasonably related to the consideration of an EAS petition, including, but not limited to traffic between petitioning and non-petitioning exchanges or areas carried by the telecommunications service providers or resellers. Information provided to the Division shall be deemed to be confidential and shall be used only for purposes of this Rule and for no other purpose.

KEY: extended area service, public utilities, telecommunications
2002
54-3-3
54-8b-11

▼ ————— ▼

Workforce Services, Administration

R982-101

Americans with Disabilities Act Complaint Procedure

NOTICE OF PROPOSED RULE

(Repeal and Reenact)
 DAR FILE NO.: 25547
 FILED: 10/21/2002, 09:07

RULE ANALYSIS

PURPOSE OF THE RULE OR REASON FOR THE CHANGE: The rule is being changed to reflect current federal law requirements and address changes.

SUMMARY OF THE RULE OR CHANGE: The rule being repealed does not vary to any significant degree from the new rule being reenacted. The Department chose to repeal and reenact this rule because there were so many minor changes that regular mark up would have been difficult to follow. Sections were moved and reorganized. Some provisions were reworded using terminology from the federal regulations without changing the content of the section. The only change of any consequence of a substantive nature is the Director can now appoint more than one Americans with Disabilities Act (ADA) coordinator which is allowed under the federal regulations. Under the rule we are repealing the Director could only appoint one ADA coordinator. As the world has become increasingly complex the Department needs ADA coordinators in specialized areas to deal with complaints from employees and clients as well as requests for accommodation.

STATE STATUTORY OR CONSTITUTIONAL AUTHORIZATION FOR THIS RULE: Section 35A-1-104

ANTICIPATED COST OR SAVINGS TO:

- ❖ THE STATE BUDGET: There will be no cost or saving to the State budget as these changes do not alter the program in any way which would change what we already have in our budget.
- ❖ LOCAL GOVERNMENTS: This rule does not apply to local government and therefore there are no costs or savings to local governments.
- ❖ OTHER PERSONS: There are no costs or savings to any other persons as these changes merely update references to federal law and addresses.

COMPLIANCE COSTS FOR AFFECTED PERSONS: There are no compliance costs associated with this change. There are no fees associated with this change. It will not cost anyone any sum to comply with these changes.

COMMENTS BY THE DEPARTMENT HEAD ON THE FISCAL IMPACT THE RULE MAY HAVE ON BUSINESSES: This rule change will have no impact on business.

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

WORKFORCE SERVICES
 ADMINISTRATION
 140 E BROADWAY
 SALT LAKE CITY UT 84111-2333, or
 at the Division of Administrative Rules.

DIRECT QUESTIONS REGARDING THIS RULE TO:

Suzan Pixton at the above address, by phone at 801-526-9645, by FAX at 801-526-9211, or by Internet E-mail at spixton@utah.gov

INTERESTED PERSONS MAY PRESENT THEIR VIEWS ON THIS RULE BY SUBMITTING WRITTEN COMMENTS TO THE ADDRESS ABOVE NO LATER THAN 5:00 PM on 12/16/2002.

THIS RULE MAY BECOME EFFECTIVE ON: 12/17/2002

AUTHORIZED BY: Raylene G. Ireland, Executive Director

R982. Workforce Services, Administration.

~~**R982-101. Americans With Disabilities Act Complaint Procedure.**~~

~~**R982-101-101. Authority and Purpose.**~~

~~(1) This rule is promulgated pursuant to Subsection 63-46a-3(3) of the State Administrative Rulemaking Act.~~

~~(2) The Department, pursuant to 7 CFR 272.6, 45 CFR Part 84, and 28 CFR 35.107, July 1, 1992 Ed., adopts, defines, and publishes within this rule procedures that incorporate due process standards and that provide for the prompt and equitable resolution of employee and client complaints and grievances filed in accordance with Title II of the Americans With Disabilities Act (ADA), with the Department of Workforce Services.~~

~~(3) The Department shall resolve all other complaints and grievance filed with, received by or referred to the Department by qualified individuals with disabilities arising from exclusion from participation in, or denial of benefits or services, programs or activities, administered by the Department in accordance with the procedures established by the Job Service Complaint System, 20 CFR 653.100 and 29 CFR 31.~~

~~(4) No qualified individual with a disability, by reason of such disability, shall be excluded from participation in or be denied the benefits of the services, programs, or activities of this Department, or be subjected to discrimination by this Department.~~

~~**R982-101-102. Definitions.**~~

~~(1) "ADA Coordinator" means the Department's coordinator or designee who has responsibility for investigating and providing prompt and equitable resolution of complaints filed by qualified individuals alleging discrimination in the receipt of services or work accommodation due to disability.~~

~~(2) "ADA State Coordinating Committee" means that committee with representatives designated by the directors of the following agencies: Office of Planning and Budget; Department of~~

Human Resource Management; Division of Risk Management; Division of Facilities Construction Management; and Office of the Attorney General.

—(3) "Executive Director" means the chief administrative officer of the Department appointed by the governor pursuant to Utah Code Ann. 35A-1-201(1)(a) or his designee.

—(4) "Division Director" means the chief administrative officer of each division within the Department, who serves as the administrative head of the division or his designee.

—(5) "Disability" means, with respect to an individual with a disability, a physical or mental impairment that substantially limits one or more of the major life activities of an individual; a record of an impairment; or being regarded as having an impairment (29 CFR 163A2).

—(6) "Qualified Individual with a disability" means a person who has a disability which limits one of his major life activities and who meets the essential eligibility requirements for the receipt of services or the participation in programs or activities provided by the Department or who, with or without reasonable accommodation, can perform the essential functions of the position in the Department, or who would otherwise be an eligible applicant for vacant positions with the department, as well as those who are employees of the Department.

—(7) "Major life activities" means functions such as caring for one's self, performing manual tasks, walking, sitting, seeing, hearing, speaking, breathing, learning and working.

R982-101-103. Filing of Complaints by Employees.

—(1) The Department shall resolve all complaints and grievances from eligible individuals that are filed with the Department arising from alleged discrimination that involves an individual's disability and their access to employment.

—(2) An employee complaint shall be filed in a timely manner to assure prompt, effective assessment and consideration of the facts, but no later than 180 days from the date of the alleged act of discrimination.

—(3) The complaint may be filed with any Division, Office or Regional Office of the Department or directly with the ADA Coordinator or his designee. Complaints filed locally and not resolved within five (5) working days are to be forwarded to the Coordinator. The complaint shall be in writing or in another accessible format suitable to the individual and delivered or mailed to:

—ADA Coordinator
—Department of Workforce Services
—140 East 300 South
—Salt Lake City, Utah 84145-0249

—(4) Each complaint shall include:

—(a) the individual's name and address;
—(b) the nature and extent of the individual's disability;
—(c) the Department's alleged discriminatory action in sufficient detail to inform the Department of the nature and the date of the alleged violation;
—(d) a description of the action and accommodation desired; and
—(e) be signed by the individual or by his legal representative.

—(5) Complaints filed on behalf of classes or third parties shall describe or identify by name, if possible, the alleged victims of discrimination.

—(6) With or without exhausting DWS procedures, complainants may also file complaints alleging discrimination in employment with:

—Office of Civil Rights
—U.S. Department of Health and Human Services
—Federal Office Building
—1961 Stout Street
—Denver, Colorado 80295-3538
—or,
—Utah Anti-Discrimination and Labor Division
—160 East 300 South
—Salt Lake City, Utah 84114
—or,
—Equal Employment Opportunity Commission
—4520 North Central Avenue, Suite 300
—Phoenix, Arizona 85012-1848
—Phone 602-640-2598
—Directorate of Civil Rights
—U.S. Department of Labor
—200 Constitution Avenue, NW
—Room N4123
—Washington, D.C. 20210

R982-101-104. Investigation of Employee Complaints.

—(1) The ADA Coordinator shall document the filing of the complaint and assume lead responsibility in conducting investigations for complaints from employees alleging discrimination under Title I of ADA. Investigations shall be conducted to the extent necessary to assure all relevant facts are determined and documented. This may include gathering all information listed in paragraph (3) of R982-101-103, if it is not made available by the individual.

—(2) When conducting the investigation, the ADA coordinator may also seek assistance from the Executive Director, Division or Region Director, the Office of Human Resources, the Office of Finance, the Division of Adjudication in the Department of Workforce Services, and the Office of the Attorney General in determining what action, if any, shall be taken on the complaint. Before making any decision that would involve (1) an expenditure of funds not reasonably calculated to be within the Department's current budget and would require appropriation authority, or (2) facility modifications beyond the Department's budget constraints or (3) reclassification or reallocation in merit system grade, the ADA coordinator shall consult with the ADA State Coordinating Committee.

R982-101-105. Filing of Complaints by Clients.

—(1) The Department shall resolve all complaints and grievances filed with the Department arising from exclusion from participation in, or denial of benefits or services, programs or activities, administered by the Department.

—(2) All client complaints shall be filed in a timely manner to assure prompt, effective assessment and consideration of the facts, but no later than 180 days from the date of the alleged act of discrimination.

—(3) The complaint may be filed with any Division, Regional Office or Local Office of the Department or directly with the ADA Coordinator or his/her designee. Complaints filed locally and not resolved within five (5) working days are to be forwarded to the ADA Coordinator. The complaint shall be in writing or in another accessible format suitable to the individual and delivered or mailed to:

—ADA Coordinator
—Department of Workforce Services

~~— 140 E 300 South
 — Salt Lake City, Utah 84145-0249
 — (4) Each complaint shall include:
 — (a) the individual's name and address;
 — (b) the nature and extent of the individual's disability;
 — (c) the Department's alleged discriminatory action in sufficient detail to inform the Department of the nature and the date of the alleged violation;
 — (d) a description of the action and accommodation desired; and
 — (e) be signed by the individual or by his legal representative.
 — (5) Complaints filed on behalf of classes or third parties shall describe or identify by name, if possible, the alleged victims of discrimination.
 — (6) With or without exhausting DWS procedures, complainants may also file complaints alleging discrimination in the delivery of services with:
 — Office of Civil Rights
 — U. S. Department of Health and Human Services
 — Federal Office Building
 — 1961 Stout Street
 — Denver, Colorado 80295-3538
 — or,
 — Utah Anti-Discrimination and Labor Division
 — 160 East 300 South
 — Salt Lake City, Utah 84114
 — or,
 — Equal Employment Opportunity Commission
 — 4520 North Central Avenue, Suite 300
 — Phoenix, Arizona 85012-1848
 — Phone 602-640-2598
 — or,
 — Directorate of Civil Rights
 — U.S. Department of Labor
 — 200 Constitution Avenue, NW
 — Room N4123
 — Washington, D.C. 20210~~

R982-101-106. Investigation of Client Complaints.

~~— (1) The ADA coordinator shall document the filing of the complaint and shall assemble all the necessary information to process the complaint. This may include gathering all information listed in paragraph (4) of R982-101-5, if it is not made available by the individual.
 — (2) When conducting the investigation, ADA Coordinator may seek assistance from the Executive Director, Division or Region Director and the Office of the Attorney General in determining what action, if any, shall be taken on the complaint. Before making any decision that would involve (1) an expenditure of funds not reasonably calculated to be within the Department's current budget and would require appropriation authority, or (2) facility modifications beyond the Department's budget constraints or (3) reclassification or reallocation in merit system grade, the ADA Coordinator shall consult with the ADA State Coordinating Committee.~~

R982-101-107. Issuance of Decisions.

~~— (1) With the exception of client complaints referred to in R982-101-101(3), the ADA Coordinator shall issue a decision within 15 working days after receiving a complaint. The decision shall outline in writing or in another accessible format suitable to the individual, the action taken, if any.~~

~~— (2) If the Coordinator is unable to reach a resolution of the complaint within the 15 working day period, the Coordinator shall notify the individual with a disability in writing or by another accessible suitable format why a resolution is being delayed and what additional time or documentation is needed to reach a resolution of the complaint. This notice shall constitute a decision for appeal purposes.~~

~~— (3) The party initiating the complaint and the Department may agree in writing to waive or extend the time limits set forth in the complaint process.~~

R982-101-108. Appeals.

~~— (1) The individual may appeal the decision of the ADA Coordinator by filing an appeal within five working days from the receipt of the decision.~~

~~— (2) Appeals involving the Department shall be filed in writing or in another accessible format suitable to the individual, with the Department's Executive Director, or a designee other than the ADA Coordinator.~~

~~— (3) The filing of an appeal shall be considered as authorization by the individual to allow review of all information, including information classified as private or controlled, by the Department's Executive Director or designee.~~

~~— (4) The appeal shall describe in sufficient detail why the ADA Coordinator's decision is in error, is incomplete or ambiguous, is not supported by the evidence, or is otherwise improper. The individual may provide additional documentation to support the complaint.~~

~~— (5) The Department's Executive Director, or designee, shall review the factual findings of the investigation and the individual's statement regarding the inappropriateness of the ADA Coordinator's decision and arrive at an independent conclusion and recommendation. An additional investigation may be conducted if necessary to clarify questions of fact before arriving at an independent conclusion. Before making any decision that would involve (1) an expenditure of funds which is not within the Department's current budget and would require appropriation authority or (2) facility modifications beyond the Department's budget constraints or (3) reclassification or reallocation in merit system grade, the department's Executive Director, or designee shall also consult with the State ADA Coordinating Committee.~~

~~— (6) The decision shall be issued within ten working days after receiving the appeal and shall be in writing or in another accessible suitable format to the individual.~~

~~— (7) If the Department's Executive Director, or designee is unable to reach a decision within the ten working day period, the individual shall be notified in writing or by another acceptable, suitable format why the decision is being delayed and the additional time needed to reach a decision. The individual may appeal the delay in processing a decision or may wait until the Executive Director has issued a decision based upon information gathered. If the Executive Director, or designee receives an incomplete complaint, the Executive Director shall notify the individual of the information necessary to complete the complaint. If the complainant fails to complete the complaint within 30 days, the Executive Director shall close the complaint without prejudice.~~

~~— (8) Nothing in this rule relieves the individual from complying with or assisting in the complaint process by providing information necessary to make a decision on the complaint. Likewise, nothing in this rule requires the Executive Director to gather information or seek documentation to support the individual's complaint.~~

~~—(9) The decision issued by the Department's Executive Director shall constitute the agency's final action.~~

R982-101-109. Classification of Records.

~~—(1) The record of each complaint and appeal, and all written records produced or received as part of the action, shall be classified as protected as defined under Section 63-2-304 until the ADA Coordinator, Executive Director, or their designees issue the decision, at which time any portions of the record which may pertain to the individual's medical condition shall remain classified as private as defined under Section 63-2-302, or controlled as defined in Section 63-2-303. All other information gathered as part of the complaint record shall be classified as private information. The written decision of the Coordinator, Executive Director or his/her designee shall also be classified as protected information.~~

R982-101-110. Relationship to Other Laws.

~~—This rule does not prohibit or limit the use of remedies available to individuals under the state Anti-Discrimination Complaint Procedures Section 67-19-32; the Federal ADA Complaint Procedures, 28 CFR 35.170, et seq.; or any other federal law, Utah law or the common law that provides equal or greater protection for the rights of individuals with disabilities.~~

KEY: disabilities, complaints

September 16, 1997

Notice of Continuation June 27, 2002

35A-1-104]

R982-101. Americans with Disabilities Complaint Procedure.

R982-101-100. Authority and Purpose.

~~—(1) The legal authority for these rules is found in U. C. A. Sections 35A-1-104 and 63-46a-3(3) and Title II of the Americans with Disabilities Act (ADA).~~

~~—(2) No qualified individual with a disability, by reason of such disability, shall be excluded from participation in or be denied the benefits, services, programs, or activities of the Department, or be subjected to discrimination by the Department.~~

~~—(3) The Department will provide prompt and equitable resolution of all complaints filed with, received by, or referred to the Department by qualified individuals with disabilities arising from exclusion from participation in, or denial of benefits or services, programs or activities, administered by the Department.~~

R982-101-101. Definitions.

~~—(1) "ADA coordinator" (coordinator) means the Department's coordinator or coordinators who have responsibility for investigating and providing prompt and equitable resolution of complaints filed by qualified individuals alleging discrimination in the receipt of services or work accommodation due to disability.~~

~~—(2) "Executive Director" (Director) means the chief administrative officer of the Department appointed by the governor pursuant to Utah Code Ann. 35A-1-201(1)(a) or the Director's designee.~~

~~—(3) "Disability" means, with respect to an individual with a disability, a physical or mental impairment that substantially limits one or more of the major life activities of an individual; a record of an impairment; or being regarded as having an impairment.~~

~~—(4) "Qualified individual with a disability" The Department adopts the definition in Title II of the ADA. The term generally means a person who has a disability which limits one or more major life activities and who meets the essential eligibility requirements for~~

the receipt of services or the participation in programs or activities provided by the Department or who, with or without reasonable accommodation, can perform the essential functions of the position in the Department, or who would otherwise be an eligible applicant for vacant positions with the Department, as well as those who are employees of the Department.

—(5) "Major life activities" means functions such as caring for one's self, performing manual tasks, walking, sitting, seeing, hearing, speaking, breathing, learning and working.

R982-101-102. Classification of Records.

—The record of each complaint and appeal, and all written records produced or received as part of the complaint procedure under this rule, shall be classified as protected as defined under Section 63-2-304 until the coordinator, Director, or designee issues the decision, at which time any portions of the record which may pertain to the individual's medical condition shall remain classified as private as defined under Section 63-2-302, or controlled as defined in Section 63-2-303. All other information gathered as part of the complaint record shall be classified as private information. The written decision of the coordinator, Director or designee shall be classified as protected information.

R982-101-103. Relationship to Other Laws.

—This rule does not prohibit or limit the use of remedies available to individuals under the state Anti-Discrimination Complaint Procedures Section 67-19-32; the Federal ADA Complaint Procedures, 28 CFR 35.170, et seq.; or any other federal law, Utah law or the common law that provides equal or greater protection for the rights of individuals with disabilities.

R982-101-104. Appointment of ADA Coordinator.

—The Director shall appoint one or more persons as the ADA coordinator to investigate and resolve complaints filed by qualified individuals with disabilities.

R982-101-200. Filing of Complaints by Department Employees or Applicants for a Vacant Position.

—(1) A complaint shall be filed in a timely manner to assure prompt, effective investigation, but no later than 180 days from the date of the alleged act of discrimination.

—(2) The complaint may be filed by a qualified individual with a disability with any Division, Office or Regional Office of the Department or directly with the coordinator. The complaint shall be in writing or in another accessible format suitable to the individual. Complaints filed locally are to be forwarded immediately to the coordinator. If filed directly with the coordinator it should be delivered or mailed to:

—ADA Coordinator
—Department of Workforce Services
—140 East 300 South
—Salt Lake City, UT 84145-0249

—(3) Each complaint shall be in writing or in another accessible format suitable to the individual and include:

—(a) the individual's name and address;
—(b) the nature and extent of the individual's disability;
—(c) the Department's alleged discriminatory action in sufficient detail to inform the Department of the nature and the date of the alleged violation;

—(d) a description of the action and accommodation desired; and

(e) be signed by the individual or legal representative.

(4) Complaints filed on behalf of classes or third parties shall describe or identify by name, if possible, the alleged victims of discrimination.

(5) With or without exhausting Department procedures, individuals may also file complaints alleging discrimination in employment with:

Utah Anti-Discrimination and Labor Division

160 East 300 South

Salt Lake City, UT 84114

or,

Equal Employment Opportunity Commission

4520 North Central Avenue, Suite 300

Phoenix, AZ 85012-1848

Phone 602-640-2598

R982-101-201. Investigation and Resolution of Employee Complaints.

(1) The coordinator shall conduct an investigation of each complaint received.

(2) Within 15 working days after receiving the complaint, the coordinator shall either issue a decision in writing stating the action that will be taken on the complaint, that no action will be taken on the complaint, or notify the complainant in writing that the decision is being delayed and the amount of additional time needed to issue a decision.

(3) The party initiating the complaint and the Department may agree in writing to waive or extend the time limits set forth in the complaint process.

R982-101-202. Appeals of Employee Complaints.

(1) The complainant may appeal the decision of the coordinator by filing an appeal within five working days from the receipt of the decision. The appeal shall be in writing or in another accessible format suitable to the individual.

(2) The filing of an appeal shall be considered as authorization by the complainant to allow review of all information, including information classified as other than public information, by the Director.

(3) The appeal shall describe in sufficient detail why the coordinator's decision is in error, is incomplete or ambiguous, is not supported by the evidence, or is otherwise improper.

(4) The Director shall review the coordinator's findings and decision and may conduct an additional investigation.

(5) The Director shall either issue a decision within ten working days of receipt of the appeal, or shall notify the complainant in writing or in another accessible format suitable to the individual that the decision is being delayed and the amount of additional time needed to issue a decision.

(6) Nothing in this rule relieves the complainant from complying with or assisting in the complaint process by providing information necessary to make a decision on the complaint.

(7) Nothing in this rule requires the Director to gather information or seek documentation to support the complaint.

(8) The decision issued by the Director shall constitute the final agency action.

(9) The Director may appoint a designee other than the coordinator to fulfill the Director's obligations under this rule.

R982-101-300. Filing of Complaints by Clients.

(1) The Department will resolve all written complaints filed by a qualified individual with a disability with the Department arising from exclusion from participation in, or denial of benefits or services, programs or activities, administered by the Department. Complaints shall be made on a form as developed by the Department.

(2) All client complaints shall be filed in a timely manner to assure prompt, effective assessment and consideration of the facts, but no later than 180 days from the date of the alleged act of discrimination.

(3) The complaint may be filed with any Division, Regional Office or Local Office of the Department or directly with the coordinator. Complaints filed locally are to be forwarded immediately to the coordinator. The complaint shall be in writing or in another accessible format suitable to the individual and delivered or mailed to:

ADA Coordinator

Department of Workforce Services

140 E 300 South

Salt Lake City, UT 84145-0249

(4) Each complaint shall include:

(a) the individual's name and address;

(b) the nature and extent of the individual's disability;

(c) the Department's alleged discriminatory action in sufficient detail to inform the Department of the nature and the date of the alleged violation;

(d) a description of the action and accommodation desired; and

(e) be signed by the individual or legal representative.

(5) Complaints filed on behalf of classes or third parties shall describe or identify by name, if possible, the alleged victims of discrimination.

(6) With or without exhausting Department procedures, complainants may also file complaints alleging discrimination in the delivery of services with:

Director, Civil Rights Center

U.S. Department of Labor

200 Constitution Avenue, NW Room N4123

Washington, D.C. 20210; or

Office of Civil Rights

U.S. Department of Health and Human Services

Federal Office Building

1961 Stout Street

Denver, CO 80295-3538

Or, for employment related complaints based on disability:

Utah Anti-Discrimination and Labor Division

160 East 300 South

Salt Lake City, UT 84114; or

Equal Employment Opportunity Commission

4520 North Central Avenue, Suite 300

Phoenix, AZ 85012-1848

Phone 602-640-2598.

R982-101-301. Investigation of Client Complaints.

(1) The coordinator shall document the filing of the complaint and shall assemble all the necessary information to process the complaint.

(2) When conducting the investigation, the coordinator may seek assistance from the Attorney General or any Department employee or other person or agency in determining what action, if any, shall be taken on the complaint.

982-101-302. Issuance of Decisions and Appeal Rights of Client Complaints.

The coordinator shall issue a decision in writing or other accessible format suitable to the individual within 90 days from the date the complaint was received by the Department. The decision shall inform the parties of their appeal rights and the procedure for filing an appeal. The decision shall outline what action was taken or will be taken, if any.

KEY: disabilities, complaints

2002

Notice of Continuation June 27, 2002

35A-1-104



Workforce Services, Employment
Development
R986-700-710
Income and Asset Limits for ES CC

NOTICE OF PROPOSED RULE

(Amendment)

DAR FILE NO.: 25572

FILED: 10/30/2002, 11:52

RULE ANALYSIS

PURPOSE OF THE RULE OR REASON FOR THE CHANGE: This change is being made in response to intent language contained in Senate Bill 1 from the 2002 General Session. (DAR NOTE: S.B. 1 is found at UT L 2002 Ch 277, and was effective July 1, 2002.)

SUMMARY OF THE RULE OR CHANGE: The rule change will allow the Department to change the percentage of the median income without changing the rule if funding permits. Currently the percentage is 56% but if funding becomes available we could raise the percentage.

STATE STATUTORY OR CONSTITUTIONAL AUTHORIZATION FOR THIS RULE: Section 35A-3-310

ANTICIPATED COST OR SAVINGS TO:

- ❖ THE STATE BUDGET: Child care is a mostly federally funded program. The rule does not change the percentage in place so there will be no costs or savings to the State budget.
- ❖ LOCAL GOVERNMENTS: This rule has no impact on local government so there are no costs or savings to local government.
- ❖ OTHER PERSONS: There will be no costs or savings to any other persons at this time since the percentage is not changing.

COMPLIANCE COSTS FOR AFFECTED PERSONS: There are no compliance costs for implementing this rule change as the percentage is not changing at this time.

COMMENTS BY THE DEPARTMENT HEAD ON THE FISCAL IMPACT THE RULE MAY HAVE ON BUSINESSES: This rule change will have no impact on business as there are no costs associated with this rule. Even if the percentage were to change at a later date there would be no costs associated with the change to any business.

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

WORKFORCE SERVICES
EMPLOYMENT DEVELOPMENT
140 E 300 S
SALT LAKE CITY UT 84111-2333, or
at the Division of Administrative Rules.

DIRECT QUESTIONS REGARDING THIS RULE TO:

Suzan Pixton at the above address, by phone at 801-526-9645, by FAX at 801-526-9211, or by Internet E-mail at spixton@utah.gov

INTERESTED PERSONS MAY PRESENT THEIR VIEWS ON THIS RULE BY SUBMITTING WRITTEN COMMENTS TO THE ADDRESS ABOVE NO LATER THAN 5:00 PM on 12/16/2002.

THIS RULE MAY BECOME EFFECTIVE ON: 12/17/2002

AUTHORIZED BY: Raylene G. Ireland, Executive Director

**R986. Workforce Services, Employment Development.
R986-700. Child Care Assistance.
R986-700-710. Income and Asset Limits for ES CC.**

- (1) Rule R986-200 is used to determine:
 - (a) who must be included in the household assistance unit for determining whose income and assets must be counted to establish eligibility, except a specified relative may not opt out of the household assistance unit when determining eligibility for CC. The income and assets of the specified relatives in the household must be counted;
 - (b) what is counted as income and assets except one automobile is exempt for each household member participating in work and/or training if it is needed for employment, used for transportation to and from that work and/or training or if the client is living in the automobile. The asset limit for ES CC is \$8,000 after allowable deductions; and
 - (c) how to estimate income.
- (2) The following income deductions are the only deductions allowed on a monthly basis:
 - (a) the first \$50 of child support received by the family;
 - (b) court ordered and verified child support and alimony paid out by the household;
 - (c) \$100 for each person with countable earned income; and
 - (d) a \$100 medical deduction. The medical deduction is automatic and does not require proof of expenditure.

(3) The household's countable income, less applicable deductions in paragraph (2) above, must be at, or below, a percentage [56 percent] of the state median income as determined by the Department. The Department will make adjustments to the percentage of the state median income as funding permits. The percentage currently in use is available at the Department's administrative office.

(4) Charts establishing income limits and the subsidy deduction amounts are available at all local Department offices.

KEY: child care
[July 1], 2002
35A-3-310

▼ ————— ▼

Workforce Services, Employment Development

R986-900-902

Options and Waivers

NOTICE OF PROPOSED RULE (Amendment)

DAR FILE NO.: 25574
 FILED: 10/30/2002, 12:14

RULE ANALYSIS

PURPOSE OF THE RULE OR REASON FOR THE CHANGE: The rule is being changed to reflect a recent waiver granted by the federal government.

SUMMARY OF THE RULE OR CHANGE: The Department obtained a waiver from the federal government which will make it easier for clients to reapply after a termination of benefits. When a household's food stamps are terminated the old rule required that the household file a new application for benefits. With this waiver if the household resolves the reason for the termination within one month food stamps can be reinstated without filling out a new application.

STATE STATUTORY OR CONSTITUTIONAL AUTHORIZATION FOR THIS RULE: Section 35A-3-103

ANTICIPATED COST OR SAVINGS TO:

❖ **THE STATE BUDGET:** This is a federally funded program and there will be no costs or savings to the State budget.

❖ **LOCAL GOVERNMENTS:** This rule has no effect on state government so there are no costs or savings to local government.

❖ **OTHER PERSONS:** There will be no costs or savings to any individual.

COMPLIANCE COSTS FOR AFFECTED PERSONS: There are no compliance costs associated with this rule change.

COMMENTS BY THE DEPARTMENT HEAD ON THE FISCAL IMPACT THE RULE MAY HAVE ON BUSINESSES: This rule change will have no

impact on businesses and there are no costs associated with this rule change.

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

WORKFORCE SERVICES
 EMPLOYMENT DEVELOPMENT
 140 E 300 S
 SALT LAKE CITY UT 84111-2333, or
 at the Division of Administrative Rules.

DIRECT QUESTIONS REGARDING THIS RULE TO:
 Suzan Pixton at the above address, by phone at 801-526-9645, by FAX at 801-526-9211, or by Internet E-mail at spixton@utah.gov

INTERESTED PERSONS MAY PRESENT THEIR VIEWS ON THIS RULE BY SUBMITTING WRITTEN COMMENTS TO THE ADDRESS ABOVE NO LATER THAN 5:00 PM on 12/16/2002.

THIS RULE MAY BECOME EFFECTIVE ON: 12/17/2002

AUTHORIZED BY: Raylene G. Ireland, Executive Director

—————

R986. Workforce Services, Employment Development. R986-900. Food Stamps. R986-900-902. Options and Waivers.

The Department administers the food stamp program in compliance with federal law with the following exceptions or clarifications:

(1) The following options not otherwise found in R986-100 have been adopted by the Department where allowed by the applicable federal law or regulation:

(a) The Department has opted to hold hearings at the state level and not at the local level.

(b) The Department does not offer a workfare program for ABAWDs (Able Bodied Adults Without Dependents).

(c) An applicant is required to apply at the local office which serves the area in which they reside.

(d) The Department has opted to adopt a standard utility allowance (SUA) for utilities. The standard utility allowance is updated annually and is available upon request from the Department.

The Department allows clients to choose between using the SUA or actual utility expenses as a deduction from income when determining the food stamp benefit amount. The household must choose between using the SUA or actual expense at the time of application. The household may change from one to the other only at the time of recertification or if the household moves to a different place of residence.

(e) The Department does not use photo ID cards. ID cards are available upon request to homeless, disabled, and elderly clients so that the client is able to use food stamp benefits at a participating restaurant.

(f) The state has opted to provide food stamp benefits through the use of an electronic benefit transfer system known as the Horizon Card.

(g) The Department counts diversion payments in the food stamp allotment calculation.

(h) The Department has opted to exempt individuals from mandatory participation in Food Stamp Employment and Training activities in counties that have been designated as Labor Surplus Areas by the Department of Labor. These counties change each year based on Department of Labor statistics and a list of counties is available from the Department. They are the same counties as referenced in subsection (2)(a) below.

(i) The Department has opted to use Utah's TANF vehicle allowance rules in conjunction with the Food Stamp Program vehicle allowance regulations at 7 CFR 273.8, as authorized by Pub. L. No. 106-387 of the Agriculture Appropriations Act 2001, Food Stamp Act of 1977, 7 USC 2014.

(j) The Department has opted to count all of an ineligible alien's resources and all but a pro rata share of the ineligible alien's income and deductible expenses as provided in 7 CFR 273.11(c)(3)(ii)(A).

(2) The Department has been granted the following applicable waivers from the Food and Nutrition Service:

(a) Certain Utah counties have been granted a waiver which exempts ABAWDs from the work requirements of Section 824 of PRWORA. The counties granted this waiver change each year based on Department of Labor statistics. A list of counties granted this waiver is available from the Department.

(b) If a client does not provide initial verification as requested within ten days of the interview, the Department can deny the household's application at the expiration of the ten days and is not required to wait until the 30th day following the date of application.

(c) The Department requires that a household need only report changes in earned income if there is a change in source, the hourly rate or salary, or if there is a change in full-time or part-time status. A client is required to report any change in unearned income over \$25 or a change in the source of unearned income.

(d) The Department uses a combined Notice of Expiration and Shortened Recertification Form. Notice of Expiration is required in 7 CFR 273.14(b)(1)(i). The Recertification Form is found under 7 CFR 273.14(b)(2)(i).

(e) The Department conducts the Family Nutrition Education Program for individuals even if they are otherwise ineligible for food stamps.

(f) FEP and FEPTP clients may opt to have their food stamp benefits paid as cash. This waiver will expire on December 31, 2000.

(g) The Department may deduct overpayments that resulted from an IPV from a household's monthly entitlement.

(h) If the application was received before the 15th of the month and the client has earned income, the certification period can be no longer than six months. The initial certification period may be as long as seven months if the application was received after the 15th of the month.

(i) A household which had its food stamps terminated can be reinstated during the calendar month following the month assistance was terminated without completing a new application if the reason for the termination is fully resolved. The reason for the termination does not matter. Assistance will be prorated to the date on which the client reported that the disqualifying condition was resolved if verification is received within 10 days of the report. Assistance is reinstated for the remaining months of the certification period and the certification period must not be changed.

KEY: food stamps, public assistance
~~July 1~~, 2002
 35A-3-103



End of the Notices of Proposed Rules Section

NOTICES OF CHANGES IN PROPOSED RULES

After an agency has published a PROPOSED RULE in the *Utah State Bulletin*, it may receive public comment that requires the PROPOSED RULE to be altered before it goes into effect. A CHANGE IN PROPOSED RULE allows an agency to respond to comments it receives.

As with a PROPOSED RULE, a CHANGE IN PROPOSED RULE is preceded by a RULE ANALYSIS. This analysis provides summary information about the CHANGE IN PROPOSED RULE including the name of a contact person, anticipated cost impact of the rule, and legal cross-references.

Following the RULE ANALYSIS, the text of the CHANGE IN PROPOSED RULE is usually printed. The text shows only those changes made since the PROPOSED RULE was published in an earlier edition of the *Utah State Bulletin*. Additions made to the rule appear underlined (e.g., example). Deletions made to the rule appear struck out with brackets surrounding them (e.g., [example]). A row of dots in the text (.) indicates that unaffected text was removed to conserve space. If a CHANGE IN PROPOSED RULE is too long to print, the Division of Administrative Rules will include only the RULE ANALYSIS. A copy of rules that are too long to print is available from the agency or from the Division of Administrative Rules.

While a CHANGE IN PROPOSED RULE does not have a formal comment period, there is a 30-day waiting period during which interested parties may submit comments. The 30-day waiting period for CHANGES IN PROPOSED RULES published in this issue of the *Utah State Bulletin* ends December 16, 2002. At its option, the agency may hold public hearings.

From the end of the waiting period through March 15, 2003, the agency may notify the Division of Administrative Rules that it wants to make the CHANGE IN PROPOSED RULE effective. When an agency submits a NOTICE OF EFFECTIVE DATE for a CHANGE IN PROPOSED RULE, the PROPOSED RULE as amended by the CHANGE IN PROPOSED RULE becomes the effective rule. The agency sets the effective date. The date may be no fewer than 30 days nor more than 120 days after the publication date of this issue of the *Utah State Bulletin*. Alternatively, the agency may file another CHANGE IN PROPOSED RULE in response to additional comments received. If the Division of Administrative Rules does not receive a NOTICE OF EFFECTIVE DATE or another CHANGE IN PROPOSED RULE, the CHANGE IN PROPOSED RULE filing, along with its associated PROPOSED RULE, lapses and the agency must start the process over.

CHANGES IN PROPOSED RULES are governed by *Utah Code* Section 63-46a-6 (2001); and *Utah Administrative Code* Rule R15-2, and Sections R15-4-3, R15-4-5, R15-4-7, and R15-4-9.

The Changes in Proposed Rules Begin on the Following Page.

Natural Resources, Wildlife Resources

R657-6

Taking Upland Game

NOTICE OF CHANGE IN PROPOSED RULE

DAR File No.: 25361
Filed: 10/24/2002, 14:32

RULE ANALYSIS

PURPOSE OF THE RULE OR REASON FOR THE CHANGE: The change in proposed rule is being amended to clarify the original proposed changes.

SUMMARY OF THE RULE OR CHANGE: Subsection R657-6-2(2)(i) is being amended to further clarify the definition of "immediate family," and add "the landowner's lessee," which was inadvertently missed in the original proposed change; and Section R657-6-38 is being amended to clarify that youth who apply in the wild turkey permit drawing will automatically be included in the youth drawing based on their birth date. (DAR NOTE: This change in proposed rule has been filed to make additional changes to a proposed amendment that was published in the October 15, 2002, issue of the Utah State Bulletin, on page 82. Underlining in the rule below indicates text that has been added since the publication of the proposed rule mentioned above; strike-out indicates text that has been deleted. You must view the change in proposed rule and the proposed amendment together to understand all of the changes that will be enforceable should the agency make this rule effective.)

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 the original proposed change, DAR Filing No. 25361. The proposed changes to the original proposed rule do not create a cost or savings impact to the state budget or the Division of Wildlife Resources' (DWR) budget.
- ❖ LOCAL GOVERNMENTS: This amendment clarifies the original proposed change, DAR Filing No. 25361. These proposed changes to the original proposed rule do 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: This amendment clarifies the original proposed change, DAR Filing No. 25361. These proposed changes to the original proposed rule do not impose any additional requirements on other persons, nor generate a cost or savings impact to other persons.

COMPLIANCE COSTS FOR AFFECTED PERSONS: This amendment clarifies the original proposed change, DAR Filing No. 25361. These proposed changes to the original proposed rule do not create additional compliance costs.

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
1594 W NORTH TEMPLE
SALT LAKE CITY UT 84116-3154, 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 801-538-4745, or by Internet E-mail at debbiesundell@utah.gov

INTERESTED PERSONS MAY PRESENT THEIR VIEWS ON THIS RULE BY SUBMITTING WRITTEN COMMENTS TO THE ADDRESS ABOVE NO LATER THAN 5:00 PM on 12/16/2002.

THIS RULE MAY BECOME EFFECTIVE ON: 12/17/2002

AUTHORIZED BY: Kevin Conway, Director

R657. Natural Resources, Wildlife Resources.

R657-6. Taking Upland Game.

R657-6-1. Purpose and Authority.

(1) Under authority of Sections 23-14-18 and 23-14-19 and in accordance with 50 CFR 20, 2002 edition, which is incorporated by reference, the Wildlife Board has established this rule for taking upland game.

(2) Specific season dates, bag and possession limits, areas open, number of permits and other administrative details that may change annually are published in the Upland Game Proclamation and the Turkey Addendum to the Upland Game Proclamation of the Wildlife Board for taking upland game.

R657-6-2. Definitions.

- (1) Terms used in this rule are defined in Section 23-13-2.
- (2) In addition:
 - (a) "Bait" means shelled, shucked or unshucked corn, wheat or other grain, salt or other feed that lures, attracts or entices birds.
 - (b) "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.
 - (c) "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.

- (d) "CFR" means the Code of Federal Regulations.
- (e) "Closed season" means the days on which upland game shall not be taken.
- (f) "Commercial hunting area" means private land operated under Rule R657-22, where hatchery or artificially raised or propagated game birds are released for the purpose of hunting during a specified season and where a fee is charged.
- (g) "Falconry" means the sport of taking quarry by means of a trained raptor.
- (h) "Field possession limit" means no person may possess, have in custody, or transport, whichever applies, more than the daily bag limit of migratory game birds, tagged or not tagged, at or between the place where taken and either:
 - (i) his or her automobile or principal means of land transportation;
 - (ii) his or her personal abode or temporary or transient place of lodging;
 - (iii) a migratory bird preservation facility; or
 - (iv) a post office or common carrier facility.
- (i) "Immediate family" means the landowner's lessee, or landowner's or lessee's spouse, children, son-in-law, daughter-in-law, father, mother, father-in-law, mother-in-law, brother, sister, brother-in-law, sister-in-law, stepchildren, and grandchildren.
- (j) "Landowner" means any individual, family or corporation who owns property in Utah and whose name appears on the deed as the owner of eligible property or whose name appears as the purchaser on a contract for sale of eligible property.
- (k) "Migratory game bird" means, for the purposes of this rule, Mourning Dove, Band-tailed Pigeon, and Sandhill Crane.
- (l) "Nontoxic shot" means soft iron, steel, copper-plated steel, nickel-plated steel, zinc-plated steel, bismuth, 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.
- (m) "Open season" means the days when upland game may lawfully be taken. Each period prescribed as an open season shall include the first and last days thereof.
- (n) "Personal abode" means one's principal or ordinary home or dwelling place, as distinguished from a temporary or transient place of abode or dwelling, such as a hunting club, 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.
- (o) "Cooperative Wildlife Management Unit" means a

generally contiguous area of private land open for hunting small game, waterfowl, or big game by permit that is registered in accordance with Rules R657-21 and R657-37.

(p) "Possession limit" means, for purposes of this rule, the number of upland game birds one individual may have in possession at any one time.

(q) "Transport" means to ship, carry, export, import, receive or deliver for shipment, conveyance, carriage, exportation or importation.

(r) "Upland game" means pheasant, quail, Chukar Partridge, Hungarian Partridge, Sage-grouse, Ruffed Grouse, Blue Grouse, Sharp-tailed Grouse, cottontail rabbit, snowshoe hare, White-tailed Ptarmigan, wild turkey, and the following migratory game birds: Mourning Dove, Band-tailed Pigeon, and Sandhill Crane.

.....

R657-6-38. Youth Hunting.

(1)(a) Up to 15 percent of the limited entry permits authorized for taking Merriam's and Rio Grande turkeys are available to youth hunters.

(b) For purposes of this section "youth" means any person 12 to 18 years of age on the posting date of the wild turkey drawing.

(2)(a) Youth hunters who wish to participate in the youth limited entry wild turkey permit drawing must submit an application in accordance with Section R657-6-6.

(b) Youth who apply for a turkey permit in accordance with Section R657-6-6, will automatically be considered in the youth permit drawing based on their birth date.

(3)(a) Bonus points shall be used when applying for youth turkey permits in accordance with Section R657-6-6.

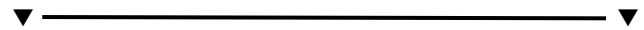
(b) Waiting periods will be incurred in accordance with Section R657-6-6.

**KEY: wildlife, birds, rabbits, game laws
2002**

Notice of Continuation June 16, 2002

23-14-18

23-14-19



End of the Notices of Changes in Proposed Rules Section

FIVE-YEAR NOTICES OF REVIEW AND STATEMENTS OF CONTINUATION

Within five years of an administrative rule's original enactment or last five-year review, the responsible agency is required to review the rule. This review is designed to remove obsolete rules from the *Utah Administrative Code*.

Upon reviewing a rule, an agency may: repeal the rule by filing a PROPOSED RULE; continue the rule as it is by filing a NOTICE OF REVIEW AND STATEMENT OF CONTINUATION (NOTICE); or amend the rule by filing a PROPOSED RULE and by filing a NOTICE. By filing a NOTICE, the agency indicates that the rule is still necessary.

NOTICES are not followed by the rule text. The rule text that is being continued may be found in the most recent edition of the *Utah Administrative Code*. The rule text may also be inspected at the agency or the Division of Administrative Rules. NOTICES are effective when filed. NOTICES are governed by *Utah Code* Section 63-46a-9 (1998).

Commerce, Consumer Protection **R152-6** Utah Administrative Procedures Act Rules

FIVE YEAR NOTICE OF REVIEW AND STATEMENT OF CONTINUATION

DAR FILE NO.: 25573
FILED: 10/30/2002, 12:08

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 designates administrative proceedings before the Division of Consumer Protection as informal administrative proceedings. The rule also designates the Division's presiding officer at those hearings.

SUMMARY OF WRITTEN COMMENTS RECEIVED DURING AND SINCE THE LAST FIVE YEAR REVIEW OF THE RULE FROM INTERESTED PERSONS SUPPORTING OR OPPOSING THE RULE: There have been no written comments received since the last five-year review.

REASONED JUSTIFICATION FOR CONTINUATION OF THE RULE, INCLUDING REASONS WHY THE AGENCY DISAGREES WITH COMMENTS IN OPPOSITION TO THE RULE, IF ANY: The Division of Consumer Protection continues to bring administrative proceedings that need a presiding officer and that need to be designated as informal so this rule should be continued.

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

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

DIRECT QUESTIONS REGARDING THIS RULE TO:

Kevin Olsen at the above address, by phone at 801-530-6929, by FAX at 801-530-6001, or by Internet E-mail at kvolsen@utah.gov

AUTHORIZED BY: Francine Giani, Director

EFFECTIVE: 10/30/2002



Commerce, Consumer Protection **R152-15** Business Opportunity Disclosure Act Rules

FIVE YEAR NOTICE OF REVIEW AND STATEMENT OF CONTINUATION

DAR FILE NO.: 25575
FILED: 10/30/2002, 12:26

NOTICE OF REVIEW AND STATEMENT OF CONTINUATION

CONCISE EXPLANATION OF THE PARTICULAR STATUTORY PROVISIONS UNDER WHICH THE RULE IS ENACTED AND HOW THESE PROVISIONS AUTHORIZE OR REQUIRE THE RULE: The Business Opportunity Disclosure Act Rules set forth rules necessary to the administration of the Business Opportunity Disclosure Act.

SUMMARY OF WRITTEN COMMENTS RECEIVED DURING AND SINCE THE LAST FIVE YEAR REVIEW OF THE RULE FROM INTERESTED PERSONS SUPPORTING OR OPPOSING THE RULE: There have been no comments received in support or opposition of the rule.

REASONED JUSTIFICATION FOR CONTINUATION OF THE RULE, INCLUDING REASONS WHY THE AGENCY DISAGREES WITH COMMENTS IN OPPOSITION TO THE RULE, IF ANY: The rule is still needed to administer the Business Opportunity Disclosure Act and should be continued.

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

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

DIRECT QUESTIONS REGARDING THIS RULE TO:

Kevin Olsen at the above address, by phone at 801-530-6929, by FAX at 801-530-6001, or by Internet E-mail at kvolsen@utah.gov

AUTHORIZED BY: Francine Giani, Director

EFFECTIVE: 10/30/2002

Commerce, Consumer Protection **R152-22**

Charitable Solicitations Act

FIVE YEAR NOTICE OF REVIEW AND STATEMENT OF CONTINUATION

DAR FILE NO.: 25576
FILED: 10/30/2002, 12:34

NOTICE OF REVIEW AND STATEMENT OF CONTINUATION

CONCISE EXPLANATION OF THE PARTICULAR STATUTORY PROVISIONS UNDER WHICH THE RULE IS ENACTED AND HOW THESE PROVISIONS AUTHORIZE OR REQUIRE THE RULE: The Charitable Solicitations Act directs the Division of Consumer Protection to promulgate rules for the administration of the Act. The rules provide, among other things, the definitions of terms, the requirements for registration, and the procedure for denial, suspension and revocation of permits.

SUMMARY OF WRITTEN COMMENTS RECEIVED DURING AND SINCE THE LAST FIVE YEAR REVIEW OF THE RULE FROM INTERESTED PERSONS SUPPORTING OR OPPOSING THE RULE: There have been no comments in support or opposition of the rule.

REASONED JUSTIFICATION FOR CONTINUATION OF THE RULE, INCLUDING REASONS WHY THE AGENCY DISAGREES WITH COMMENTS IN OPPOSITION TO THE RULE, IF ANY: The Division of Consumer Protection needs the rule to administer the Charitable Solicitations Act so it should be continued.

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

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

DIRECT QUESTIONS REGARDING THIS RULE TO:

Kevin Olsen at the above address, by phone at 801-530-6929, by FAX at 801-530-6001, or by Internet E-mail at kvolsen@utah.gov

AUTHORIZED BY: Francine Giani, Director

EFFECTIVE: 10/30/2002

Commerce, Consumer Protection **R152-23** Utah Health Spa Services

FIVE YEAR NOTICE OF REVIEW AND STATEMENT OF CONTINUATION

DAR FILE NO.: 25577
FILED: 10/30/2002, 12:42

NOTICE OF REVIEW AND STATEMENT OF CONTINUATION

CONCISE EXPLANATION OF THE PARTICULAR STATUTORY PROVISIONS UNDER WHICH THE RULE IS ENACTED AND HOW THESE PROVISIONS AUTHORIZE OR REQUIRE THE RULE: The rule is promulgated by the Division of Consumer Protection to help in the administration of the Health Spa Services Protection Act. The rule provides, among other things, definitions to terms, requirements for registration, and rescission.

SUMMARY OF WRITTEN COMMENTS RECEIVED DURING AND SINCE THE LAST FIVE YEAR REVIEW OF THE RULE FROM INTERESTED PERSONS SUPPORTING OR OPPOSING THE RULE: There have been no comments received in support or in opposition to the rule.

REASONED JUSTIFICATION FOR CONTINUATION OF THE RULE, INCLUDING REASONS WHY THE AGENCY DISAGREES WITH COMMENTS IN OPPOSITION TO THE RULE, IF ANY: The Division of Consumer Protection needs the rules in the administration of the Health Spa Services Protection Act so it should be continued.

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

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

DIRECT QUESTIONS REGARDING THIS RULE TO:

Kevin Olsen at the above address, by phone at 801-530-6929, by FAX at 801-530-6001, or by Internet E-mail at kvolsen@utah.gov

AUTHORIZED BY: Francine Giani, Director

EFFECTIVE: 10/30/2002

Commerce, Corporations and
Commercial Code
R154-10
Utah Digital Signature Act Rules

**FIVE YEAR NOTICE OF REVIEW AND
STATEMENT OF CONTINUATION**

DAR FILE NO.: 25558
FILED: 10/28/2002, 16:56

**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 adopted by the division under the authority of Subsections 46-3-102(4), 46-1-2(1), and 46-1-2(11)(c) to enable the division to implement the Digital Signature Act and allow notaries to use a Digital Signature.

SUMMARY OF WRITTEN COMMENTS RECEIVED DURING AND SINCE THE LAST FIVE YEAR REVIEW OF THE RULE FROM INTERESTED PERSONS SUPPORTING OR OPPOSING THE RULE: Brandon Brown with Digital Signature Trust has made a suggestion that we incorporate the Web Trust Program in the audit portion of the renewal. His suggestion has been reviewed and studied and the rule subsequently amended to include his suggestion.

REASONED JUSTIFICATION FOR CONTINUATION OF THE RULE, INCLUDING REASONS WHY THE AGENCY DISAGREES WITH COMMENTS IN OPPOSITION TO THE RULE, IF ANY: Since we continue to license Certification Authorities, this rule is still required and should be continued.

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

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

DIRECT QUESTIONS REGARDING THIS RULE TO:
Kathy Berg at the above address, by phone at 801-530-6216, by FAX at 801-630-6438, or by Internet E-mail at kberg@utah.gov

AUTHORIZED BY: Ted Boyer Jr., Executive Director

EFFECTIVE: 10/28/2002



Education, Administration
R277-419
Pupil Accounting

**FIVE YEAR NOTICE OF REVIEW AND
STATEMENT OF CONTINUATION**

DAR FILE NO.: 25533
FILED: 10/18/2002, 15:36

**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 53A-1-402(1)(e) directs the State Board of Education to establish rules and minimum standards for the public schools for school productivity and cost effectiveness measures; school budget formats; and financial, statistical, and student accounting requirements.

SUMMARY OF WRITTEN COMMENTS RECEIVED DURING AND SINCE THE LAST FIVE YEAR REVIEW OF THE RULE FROM INTERESTED PERSONS SUPPORTING OR OPPOSING THE RULE: No comments have been received.

REASONED JUSTIFICATION FOR CONTINUATION OF THE RULE, INCLUDING REASONS WHY THE AGENCY DISAGREES WITH COMMENTS IN OPPOSITION TO THE RULE, IF ANY: State law continues to require the State Board of Education to have rules in place regarding school productivity and cost effectiveness measures; school budget formats; and financial, statistical, and student accounting requirements so this rule should be continued.

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

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

DIRECT QUESTIONS REGARDING THIS RULE TO:
Carol Lear at the above address, by phone at 801-538-7835, by FAX at 801-538-7768, or by Internet E-mail at clear@usoe.k12.ut.us

AUTHORIZED BY: Carol Lear, Coordinator School Law and Legislation

EFFECTIVE: 10/18/2002



Education, Administration
R277-420
Aiding Financially Distressed School
Districts

**FIVE YEAR NOTICE OF REVIEW AND
STATEMENT OF CONTINUATION**

DAR FILE NO.: 25534
FILED: 10/18/2002, 15:38

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 53A-19-105(5) requires the State Board of Education to develop standards for defining and aiding financially distressed school districts.

SUMMARY OF WRITTEN COMMENTS RECEIVED DURING AND SINCE THE LAST FIVE YEAR REVIEW OF THE RULE FROM INTERESTED PERSONS SUPPORTING OR OPPOSING THE RULE: No comments have been received.

REASONED JUSTIFICATION FOR CONTINUATION OF THE RULE, INCLUDING REASONS WHY THE AGENCY DISAGREES WITH COMMENTS IN OPPOSITION TO THE RULE, IF ANY: The law continues to require the State Board of Education to have standards for defining and aiding financially distressed school districts so this rule should be continued.

THE FULL TEXT OF THIS RULE MAY BE INSPECTED, DURING REGULAR BUSINESS HOURS, AT:
EDUCATION
ADMINISTRATION
250 E 500 S
SALT LAKE CITY UT 84111-3272, or
at the Division of Administrative Rules.

DIRECT QUESTIONS REGARDING THIS RULE TO:
Carol Lear at the above address, by phone at 801-538-7835, by FAX at 801-538-7768, or by Internet E-mail at clear@usoe.k12.ut.us

AUTHORIZED BY: Carol Lear, Coordinator School Law and Legislation

EFFECTIVE: 10/18/2002



Education, Administration
R277-422
State Supported Voted Leeway

FIVE YEAR NOTICE OF REVIEW AND STATEMENT OF CONTINUATION

DAR FILE No.: 25543
FILED: 10/18/2002, 16:20

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 53A-1-401(3) allows the State Board of Education to adopt rules in accordance with its responsibilities.

SUMMARY OF WRITTEN COMMENTS RECEIVED DURING AND SINCE THE LAST FIVE YEAR REVIEW OF THE RULE FROM INTERESTED PERSONS

SUPPORTING OR OPPOSING THE RULE: No comments have been received.

REASONED JUSTIFICATION FOR CONTINUATION OF THE RULE, INCLUDING REASONS WHY THE AGENCY DISAGREES WITH COMMENTS IN OPPOSITION TO THE RULE, IF ANY: A State Supported Voted Leeway program is authorized by statute and requires a State Board of Education rule for clarification so this rule should be continued.

THE FULL TEXT OF THIS RULE MAY BE INSPECTED, DURING REGULAR BUSINESS HOURS, AT:
EDUCATION
ADMINISTRATION
250 E 500 S
SALT LAKE CITY UT 84111-3272, or
at the Division of Administrative Rules.

DIRECT QUESTIONS REGARDING THIS RULE TO:
Carol Lear or Nancy L. Lancaster at the above address, by phone at 801-538-7835 or 801-538-3218, by FAX at 801-538-7768 or 801-538-1773, or by Internet E-mail at clear@usoe.k12.ut.us or nllancaster@utah.gov

AUTHORIZED BY: Carol Lear, Coordinator School Law and Legislation

EFFECTIVE: 10/18/2002



Education, Administration
R277-423
Delivery of Flow Through Money

FIVE YEAR NOTICE OF REVIEW AND STATEMENT OF CONTINUATION

DAR FILE No.: 25542
FILED: 10/18/2002, 16:18

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 53A-1-401(3) allows the State Board of Education to adopt rules in accordance with its responsibilities.

SUMMARY OF WRITTEN COMMENTS RECEIVED DURING AND SINCE THE LAST FIVE YEAR REVIEW OF THE RULE FROM INTERESTED PERSONS SUPPORTING OR OPPOSING THE RULE: No comments have been received.

REASONED JUSTIFICATION FOR CONTINUATION OF THE RULE, INCLUDING REASONS WHY THE AGENCY DISAGREES WITH COMMENTS IN OPPOSITION TO THE RULE, IF ANY: Program funds continue to be distributed to school districts by the State Board of Education. This rule is necessary to clarify the procedures and timelines and should be continued.

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

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

DIRECT QUESTIONS REGARDING THIS RULE TO:

Nancy L. Lancaster or Carol Lear at the above address, by phone at 801-538-3218 or 801-538-7835, by FAX at 801-538-1773 or 801-538-7768, or by Internet E-mail at nllancaster@utah.gov or clear@usoe.k12.ut.us

AUTHORIZED BY: Carol Lear, Coordinator School Law and Legislation

EFFECTIVE: 10/18/2002

Education, Administration

R277-424

Indirect Costs for State Programs

FIVE YEAR NOTICE OF REVIEW AND STATEMENT OF CONTINUATION

DAR FILE No.: 25541
FILED: 10/18/2002, 16:15

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 53A-1-401(3) allows the State Board of Education to adopt rules in accordance with its responsibilities.

SUMMARY OF WRITTEN COMMENTS RECEIVED DURING AND SINCE THE LAST FIVE YEAR REVIEW OF THE RULE FROM INTERESTED PERSONS SUPPORTING OR OPPOSING THE RULE: No comments have been received.

REASONED JUSTIFICATION FOR CONTINUATION OF THE RULE, INCLUDING REASONS WHY THE AGENCY DISAGREES WITH COMMENTS IN OPPOSITION TO THE RULE, IF ANY: School districts may charge each other indirect costs for significant services. This rule provides State Board of Education criteria for charging indirect costs and should be continued.

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

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

DIRECT QUESTIONS REGARDING THIS RULE TO:

Carol Lear or Nancy L. Lancaster at the above address, by phone at 801-538-7835 or 801-538-3218, by FAX at 801-538-7768 or 801-538-1773, or by Internet E-mail at clear@usoe.k12.ut.us or nllancaster@utah.gov

AUTHORIZED BY: Carol Lear, Coordinator School Law and Legislation

EFFECTIVE: 10/18/2002

Education, Administration

R277-426

Definition of Private and Non-Profit Schools for Federal Program Services

FIVE YEAR NOTICE OF REVIEW AND STATEMENT OF CONTINUATION

DAR FILE No.: 25535
FILED: 10/18/2002, 15:59

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 53A-1-401(3) allows the State Board of Education to adopt rules in accordance with its responsibilities, and Subsection 53A-1-402(3) allows the State Board of Education to apply for, receive, administer, and distribute to eligible applicants funds made available through programs of the federal government.

SUMMARY OF WRITTEN COMMENTS RECEIVED DURING AND SINCE THE LAST FIVE YEAR REVIEW OF THE RULE FROM INTERESTED PERSONS SUPPORTING OR OPPOSING THE RULE: No comments have been received.

REASONED JUSTIFICATION FOR CONTINUATION OF THE RULE, INCLUDING REASONS WHY THE AGENCY DISAGREES WITH COMMENTS IN OPPOSITION TO THE RULE, IF ANY: The law continues to allow the State Board of Education to adopt rules in accordance with its responsibilities, and allow the State Board of Education to apply for, receive, administer, and distribute to eligible applicants funds made available through programs of the federal government so this rule should be continued.

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

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

DIRECT QUESTIONS REGARDING THIS RULE TO:
Carol Lear at the above address, by phone at 801-538-7835,
by FAX at 801-538-7768, or by Internet E-mail at
clear@usoe.k12.ut.us

AUTHORIZED BY: Carol Lear, Coordinator School Law and
Legislation

EFFECTIVE: 10/18/2002



Education, Administration
R277-454
Construction Management of School
Building Projects

**FIVE YEAR NOTICE OF REVIEW AND
STATEMENT OF CONTINUATION**

DAR FILE No.: 25545
FILED: 10/18/2002, 16:24

**NOTICE OF REVIEW AND
STATEMENT OF CONTINUATION**

CONCISE EXPLANATION OF THE PARTICULAR STATUTORY PROVISIONS
UNDER WHICH THE RULE IS ENACTED AND HOW THESE PROVISIONS
AUTHORIZE OR REQUIRE THE RULE: Subsection 53A-1-401(3)
allows the State Board of Education to adopt rules in
accordance with its responsibilities.

SUMMARY OF WRITTEN COMMENTS RECEIVED DURING AND SINCE THE
LAST FIVE YEAR REVIEW OF THE RULE FROM INTERESTED PERSONS
SUPPORTING OR OPPOSING THE RULE: No comments have been
received.

REASONED JUSTIFICATION FOR CONTINUATION OF THE RULE,
INCLUDING REASONS WHY THE AGENCY DISAGREES WITH COMMENTS
IN OPPOSITION TO THE RULE, IF ANY: The State Board of
Education has authority under Section 53A-20-104.5 to
provide direction to school districts for school building
construction and inspection. This rule provides those
standards and should be continued.

THE FULL TEXT OF THIS RULE MAY BE INSPECTED, DURING REGULAR
BUSINESS HOURS, AT:
EDUCATION
ADMINISTRATION
250 E 500 S
SALT LAKE CITY UT 84111-3272, or
at the Division of Administrative Rules.

DIRECT QUESTIONS REGARDING THIS RULE TO:
Carol Lear at the above address, by phone at 801-538-7835,
by FAX at 801-538-7768, or by Internet E-mail at
clear@usoe.k12.ut.us

AUTHORIZED BY: Carol Lear, Coordinator School Law and
Legislation

EFFECTIVE: 10/18/2002



Education, Administration
R277-509
Certification of Student Teachers and
Interns

**FIVE YEAR NOTICE OF REVIEW AND
STATEMENT OF CONTINUATION**

DAR FILE No.: 25536
FILED: 10/18/2002, 16:04

**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 53A-1-401(3)
allows the State Board of Education to adopt rules in
accordance with its responsibilities, and Section 53A-6-104
allows the State Board of Education to issue licenses for
educators.

SUMMARY OF WRITTEN COMMENTS RECEIVED DURING AND SINCE THE
LAST FIVE YEAR REVIEW OF THE RULE FROM INTERESTED PERSONS
SUPPORTING OR OPPOSING THE RULE: No comments have been
received.

REASONED JUSTIFICATION FOR CONTINUATION OF THE RULE,
INCLUDING REASONS WHY THE AGENCY DISAGREES WITH COMMENTS
IN OPPOSITION TO THE RULE, IF ANY: The law continues to allow
the State Board of Education to adopt rules in accordance
with its responsibilities, and to issue licenses for educators so
this rule should be continued.

THE FULL TEXT OF THIS RULE MAY BE INSPECTED, DURING REGULAR
BUSINESS HOURS, AT:
EDUCATION
ADMINISTRATION
250 E 500 S
SALT LAKE CITY UT 84111-3272, or
at the Division of Administrative Rules.

DIRECT QUESTIONS REGARDING THIS RULE TO:
Carol Lear at the above address, by phone at 801-538-7835,
by FAX at 801-538-7768, or by Internet E-mail at
clear@usoe.k12.ut.us

AUTHORIZED BY: Carol Lear, Coordinator School Law and
Legislation

EFFECTIVE: 10/18/2002



Education, Administration

R277-510

Special Subject Certification for Small
Secondary Schools

**FIVE YEAR NOTICE OF REVIEW AND
STATEMENT OF CONTINUATION**

DAR FILE NO.: 25537
FILED: 10/18/2002, 16:05

**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 53A-1-401(3) allows the State Board of Education to adopt rules in accordance with its responsibilities and Section 53A-6-104 allows the State Board of Education to issue licenses for educators.

SUMMARY OF WRITTEN COMMENTS RECEIVED DURING AND SINCE THE LAST FIVE YEAR REVIEW OF THE RULE FROM INTERESTED PERSONS SUPPORTING OR OPPOSING THE RULE: No comments have been received.

REASONED JUSTIFICATION FOR CONTINUATION OF THE RULE, INCLUDING REASONS WHY THE AGENCY DISAGREES WITH COMMENTS IN OPPOSITION TO THE RULE, IF ANY: The law continues to allow the State Board of Education to adopt rules in accordance with its responsibilities and to issue licenses for educators so this rule should be continued.

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

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

DIRECT QUESTIONS REGARDING THIS RULE TO:
Carol Lear at the above address, by phone at 801-538-7835, by FAX at 801-538-7768, or by Internet E-mail at clear@usoe.k12.ut.us

AUTHORIZED BY: Carol Lear, Coordinator School Law and Legislation

EFFECTIVE: 10/18/2002



Education, Administration

R277-511

Eminence or Special Qualification
Authorization for Teaching in the Public
Schools

**FIVE YEAR NOTICE OF REVIEW AND
STATEMENT OF CONTINUATION**

DAR FILE NO.: 25538
FILED: 10/18/2002, 16:06

**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 53A-1-402(1)(a) requires the State Board of Education to establish rules and minimum standards for public schools regarding the qualification and certification of educators and ancillary personnel who provide direct student services.

SUMMARY OF WRITTEN COMMENTS RECEIVED DURING AND SINCE THE LAST FIVE YEAR REVIEW OF THE RULE FROM INTERESTED PERSONS SUPPORTING OR OPPOSING THE RULE: No comments have been received.

REASONED JUSTIFICATION FOR CONTINUATION OF THE RULE, INCLUDING REASONS WHY THE AGENCY DISAGREES WITH COMMENTS IN OPPOSITION TO THE RULE, IF ANY: The law continues to require the State Board of Education to establish rules and minimum standards for public schools regarding the qualification and certification of educators and ancillary personnel who provide direct student services so this rule should be continued.

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

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

DIRECT QUESTIONS REGARDING THIS RULE TO:
Carol Lear at the above address, by phone at 801-538-7835, by FAX at 801-538-7768, or by Internet E-mail at clear@usoe.k12.ut.us

AUTHORIZED BY: Carol Lear, Coordinator School Law and Legislation

EFFECTIVE: 10/18/2002



Education, Administration
R277-512
 Letters of Authorization

**FIVE YEAR NOTICE OF REVIEW AND
 STATEMENT OF CONTINUATION**

DAR FILE No.: 25539
 FILED: 10/18/2002, 16:08

**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 53A-1-402(1)(a) requires the State Board of Education to establish rules and minimum standards for public schools regarding the qualification and certification of educators and ancillary personnel who provide direct student services.

SUMMARY OF WRITTEN COMMENTS RECEIVED DURING AND SINCE THE LAST FIVE YEAR REVIEW OF THE RULE FROM INTERESTED PERSONS SUPPORTING OR OPPOSING THE RULE: No comments have been received.

REASONED JUSTIFICATION FOR CONTINUATION OF THE RULE, INCLUDING REASONS WHY THE AGENCY DISAGREES WITH COMMENTS IN OPPOSITION TO THE RULE, IF ANY: The law continues to require the State Board of Education to establish rules and minimum standards for public schools regarding the qualification and certification of educators and ancillary personnel who provide direct student services so this rule should be continued.

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

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

DIRECT QUESTIONS REGARDING THIS RULE TO:
 Carol Lear at the above address, by phone at 801-538-7835, by FAX at 801-538-7768, or by Internet E-mail at clear@usoe.k12.ut.us

AUTHORIZED BY: Carol Lear, Coordinator School Law and Legislation

EFFECTIVE: 10/18/2002

Education, Administration
R277-515
 Approval of Educator Preparation
 Programs

**FIVE YEAR NOTICE OF REVIEW AND
 STATEMENT OF CONTINUATION**

DAR FILE No.: 25540
 FILED: 10/18/2002, 16:08

**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 53A-1-401(3) allows the State Board of Education to adopt rules in accordance with its responsibilities, and Section 53A-6-104 allows the State Board of Education to issue licenses for educators.

SUMMARY OF WRITTEN COMMENTS RECEIVED DURING AND SINCE THE LAST FIVE YEAR REVIEW OF THE RULE FROM INTERESTED PERSONS SUPPORTING OR OPPOSING THE RULE: No comments have been received.

REASONED JUSTIFICATION FOR CONTINUATION OF THE RULE, INCLUDING REASONS WHY THE AGENCY DISAGREES WITH COMMENTS IN OPPOSITION TO THE RULE, IF ANY: The law continues to allow the State Board of Education to adopt rules in accordance with its responsibilities and issue licenses for educators so this rule should be continued.

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

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

DIRECT QUESTIONS REGARDING THIS RULE TO:
 Carol Lear at the above address, by phone at 801-538-7835, by FAX at 801-538-7768, or by Internet E-mail at clear@usoe.k12.ut.us

AUTHORIZED BY: Carol Lear, Coordinator School Law and Legislation

EFFECTIVE: 10/18/2002

Education, Administration
R277-733
 Adult Basic Education and Adult High
 School Completion Programs

**FIVE YEAR NOTICE OF REVIEW AND
 STATEMENT OF CONTINUATION**

DAR FILE No.: 25544
 FILED: 10/18/2002, 16:22

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 53A-1-401(3) allows the State Board of Education to adopt rules in accordance with its responsibilities, and Section 53A-15-401 places the general control and supervision of adult education under the State Board of Education.

SUMMARY OF WRITTEN COMMENTS RECEIVED DURING AND SINCE THE LAST FIVE YEAR REVIEW OF THE RULE FROM INTERESTED PERSONS SUPPORTING OR OPPOSING THE RULE: No comments have been received.

REASONED JUSTIFICATION FOR CONTINUATION OF THE RULE, INCLUDING REASONS WHY THE AGENCY DISAGREES WITH COMMENTS IN OPPOSITION TO THE RULE, IF ANY: This rule provides general program standards and procedures and should be continued.

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

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

DIRECT QUESTIONS REGARDING THIS RULE TO:
Carol Lear at the above address, by phone at 801-538-7835, by FAX at 801-538-7768, or by Internet E-mail at clear@usoe.k12.ut.us

AUTHORIZED BY: Carol Lear, Coordinator School Law and Legislation

EFFECTIVE: 10/18/2002



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

FIVE YEAR NOTICE OF REVIEW AND STATEMENT OF CONTINUATION

DAR FILE No.: 25530
FILED: 10/17/2002, 16:53

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 19-5-104(1)(a) authorizes the Utah Water Quality Board to develop programs for the prevention, control, and abatement of new or existing pollution of the waters of the state. Subsection 19-5-104(1)(f) authorizes the Board to make rules which implement or effectuate the powers and duties of the Board.

SUMMARY OF WRITTEN COMMENTS RECEIVED DURING AND SINCE THE LAST FIVE YEAR REVIEW OF THE RULE FROM INTERESTED PERSONS SUPPORTING OR OPPOSING THE RULE: Since the rule was enacted, it has been amended several times. The limited comments which have been received on the rule have generally been of a technical and noncontroversial nature. Comments received during hearings and public comment periods for rule changes have been addressed through preparation of responsiveness summaries by Division of Water Quality Staff and have been presented to the Water Quality Board for their consideration during the rulemaking process.

REASONED JUSTIFICATION FOR CONTINUATION OF THE RULE, INCLUDING REASONS WHY THE AGENCY DISAGREES WITH COMMENTS IN OPPOSITION TO THE RULE, IF ANY: The rule is required for the Water Quality Board to implement the state's Ground Water Protection Program. It provides the structure for the ground water discharge permit, defines ground water classes, protection levels, and sets ground water quality standards and should be continued.

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

ENVIRONMENTAL QUALITY
WATER QUALITY
CANNON HEALTH BLDG
288 N 1460 W
SALT LAKE CITY UT 84116-3231, or
at the Division of Administrative Rules.

DIRECT QUESTIONS REGARDING THIS RULE TO:
Dave Wham at the above address, by phone at 801-538-6052, by FAX at 801-538-6016, or by Internet E-mail at dwham@utah.gov

AUTHORIZED BY: Don Ostler, Director

EFFECTIVE: 10/17/2002



**Environmental Quality, Water Quality
R317-8
Utah Pollutant Discharge Elimination System (UPDES)**

FIVE YEAR NOTICE OF REVIEW AND STATEMENT OF CONTINUATION

DAR FILE No.: 25531
FILED: 10/17/2002, 16:53

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 19-5-104(1)(i) authorizes the Utah Water Quality Board to require discharge permits to control the management of sewage sludge or to

prevent or control the discharge of pollutants, including effluent limitations for the discharge of wastes into the waters of the state. Subsection 19-5-104(1)(f) authorizes the Board to make rules which implement or effectuate the powers and duties of the Board.

SUMMARY OF WRITTEN COMMENTS RECEIVED DURING AND SINCE THE LAST FIVE YEAR REVIEW OF THE RULE FROM INTERESTED PERSONS SUPPORTING OR OPPOSING THE RULE: Since the rule was enacted, it has been amended several times. The limited comments which have been received on the rule have generally been of a technical and noncontroversial nature. Comments received during hearings and public comment periods for rule changes have been addressed through preparation of responsiveness summaries by Division of Water Quality staff and have been presented to the Water Quality Board for their consideration during the rulemaking process.

REASONED JUSTIFICATION FOR CONTINUATION OF THE RULE, INCLUDING REASONS WHY THE AGENCY DISAGREES WITH COMMENTS IN OPPOSITION TO THE RULE, IF ANY: This rule is required for the Water Quality Board to implement Utah's Pollutant Discharge Elimination System (UPDES). It provides the structure for the surface water discharge permit. The rule is required to maintain state primacy for administering the UPDES program. If Utah does not obtain and maintain primacy to enforce UPDES rules at least equivalent to the federal rules, then the Environmental Protection Agency will enforce the federal rules using direct implementation procedures. In promulgating the rule, the Water Quality Board made the determination that the UPDES Program is best administered at the state level and should be continued.

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

ENVIRONMENTAL QUALITY
WATER QUALITY
CANNON HEALTH BLDG
288 N 1460 W
SALT LAKE CITY UT 84116-3231, or
at the Division of Administrative Rules.

DIRECT QUESTIONS REGARDING THIS RULE TO:

Dave Wham at the above address, by phone at 801-538-6052, by FAX at 801-538-6016, or by Internet E-mail at dwham@utah.gov

AUTHORIZED BY: Don Ostler, Director

EFFECTIVE: 10/17/2002



Governor, Planning and Budget

R361-2

Rules of Procedure for the Utah Federal Assistance and Activity Review System

FIVE YEAR NOTICE OF REVIEW AND STATEMENT OF CONTINUATION

DAR FILE NO.: 25560
FILED: 10/29/2002, 11:13

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 promulgated under authority of Sections 63-28-1, 63-28-4, 63-40-2, and 63-40-4, and Presidential Executive Order 12372, issued July 14, 1982.

SUMMARY OF WRITTEN COMMENTS RECEIVED DURING AND SINCE THE LAST FIVE YEAR REVIEW OF THE RULE FROM INTERESTED PERSONS SUPPORTING OR OPPOSING THE RULE: No written comments have been received from interested persons, during the time since the last five-year review of this rule.

REASONED JUSTIFICATION FOR CONTINUATION OF THE RULE, INCLUDING REASONS WHY THE AGENCY DISAGREES WITH COMMENTS IN OPPOSITION TO THE RULE, IF ANY: This rule should continue because it establishes and conducts a procedure to review requests for federal assistance consistent with the provisions of Presidential Executive Order 12372, and the needs of the state.

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

GOVERNOR
PLANNING AND BUDGET
Room 116 STATE CAPITOL
350 N STATE ST
SALT LAKE CITY UT 84114-1103, or
at the Division of Administrative Rules.

DIRECT QUESTIONS REGARDING THIS RULE TO:

Kent Bishop at the above address, by phone at 801-538-1564, by FAX at 801-538-1547, or by Internet E-mail at kbishop@utah.gov

AUTHORIZED BY: Kent Bishop, Rules Analyst

EFFECTIVE: 10/29/2002



Health, Epidemiology and Laboratory
Services, Environmental Services

R392-300

Recreation Camp Sanitation

FIVE YEAR NOTICE OF REVIEW AND STATEMENT OF CONTINUATION

DAR FILE NO.: 25506
FILED: 10/16/2002, 13:51

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 26-15-2. The department is tasked with establishing and enforcing, or providing for the enforcement of minimum rules of sanitation necessary to protect the public health. Such rules shall include, but not be limited to, rules necessary for the design, construction, operation, maintenance, or expansion of recreational resorts and camps.

SUMMARY OF WRITTEN COMMENTS RECEIVED DURING AND SINCE THE LAST FIVE YEAR REVIEW OF THE RULE FROM INTERESTED PERSONS SUPPORTING OR OPPOSING THE RULE: No comments have been received.

REASONED JUSTIFICATION FOR CONTINUATION OF THE RULE, INCLUDING REASONS WHY THE AGENCY DISAGREES WITH COMMENTS IN OPPOSITION TO THE RULE, IF ANY: The rule establishes minimum requirements and standards for the design, construction, operation, sanitation, and safety of recreation camps as prescribed by statute and should be continued.

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

HEALTH
EPIDEMIOLOGY AND LABORATORY SERVICES,
ENVIRONMENTAL SERVICES
CANNON HEALTH BLDG
288 N 1460 W
SALT LAKE CITY UT 84116-3231, or
at the Division of Administrative Rules.

DIRECT QUESTIONS REGARDING THIS RULE TO:
Tim Lane at the above address, by phone at 801-538-6755, by FAX at 801-538-6036, or by Internet E-mail at tlane@utah.gov

AUTHORIZED BY: Rod Betit, Executive Director

EFFECTIVE: 10/16/2002



Health, Epidemiology and Laboratory Services, Environmental Services
R392-301
Recreational Vehicle Park Sanitation

FIVE YEAR NOTICE OF REVIEW AND STATEMENT OF CONTINUATION
DAR FILE No.: 25507
FILED: 10/16/2002, 13:55

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 26-15-2. The department is tasked with establishing and enforcing, or providing for the enforcement of minimum rules of sanitation necessary to protect the public health. Such rules shall include, but not be limited to, rules necessary for the design, construction, operation, maintenance, or expansion of recreational resorts and vehicle parks.

SUMMARY OF WRITTEN COMMENTS RECEIVED DURING AND SINCE THE LAST FIVE YEAR REVIEW OF THE RULE FROM INTERESTED PERSONS SUPPORTING OR OPPOSING THE RULE: No comments have been received.

REASONED JUSTIFICATION FOR CONTINUATION OF THE RULE, INCLUDING REASONS WHY THE AGENCY DISAGREES WITH COMMENTS IN OPPOSITION TO THE RULE, IF ANY: The rule establishes minimum requirements for the design, construction, operation, sanitation, and safety of recreational vehicle parks as prescribed by statute and should be continued.

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

HEALTH
EPIDEMIOLOGY AND LABORATORY SERVICES,
ENVIRONMENTAL SERVICES
CANNON HEALTH BLDG
288 N 1460 W
SALT LAKE CITY UT 84116-3231, or
at the Division of Administrative Rules.

DIRECT QUESTIONS REGARDING THIS RULE TO:
Tim Lane at the above address, by phone at 801-538-6755, by FAX at 801-538-6036, or by Internet E-mail at tlane@utah.gov

AUTHORIZED BY: Rod Betit, Executive Director

EFFECTIVE: 10/16/2002



Health, Epidemiology and Laboratory Services, Environmental Services
R392-302
Design, Construction and Operation of Public Pools

FIVE YEAR NOTICE OF REVIEW AND STATEMENT OF CONTINUATION
DAR FILE No.: 25525
FILED: 10/16/2002, 15:52

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 26-15-2. The department is tasked with establishing and enforcing, or providing for the enforcement of minimum

rules of sanitation necessary to protect the public health. Such rules shall include, but not be limited to, rules necessary for the design, construction, operation, maintenance, or expansion of public swimming pools.

SUMMARY OF WRITTEN COMMENTS RECEIVED DURING AND SINCE THE LAST FIVE YEAR REVIEW OF THE RULE FROM INTERESTED PERSONS SUPPORTING OR OPPOSING THE RULE: Comments were received from the Conference of Local Environmental Health Administrators (CLEHA); Neal Hendrickson, owner of Geri's Swim School; Salt Lake Valley Health Department; Doug Springmeyer; and Tyler Nelson, President of a Washington County Homeowners Association. CLEHA's comment was: "We view these rules as necessary for the purpose of maintaining consistency and uniformity in the regulatory activities local health departments engage in through enforcement of these rules. We therefore request that these rules be kept in effect by UDOH." Comments from the other parties included: 1) request to grant an exception to the depth requirement for a pool with a diving board; 2) the bacteriological testing of the pool water should be more stringent; 3) request to have facilities conduct pool water readings once every four hours that they are open; 4) recommendation to have the certified pool operator (CPO), regularly available to a specific pool and not multiple pools that are unrelated by ownership; 5) recommendation to add a definition for operated or operator; 6) defining who has legal liability in the operator definition; 7) fence issues, security issues, pump and equipment maintenance should also be addressed under the owner or CPO responsibilities; 8) the composition of the advisory board should be addressed in the rule; 9) the operation, maintenance, and sanitation plan should address safety considerations, equipment upkeep, and facility sanitation; 10) recommendation to add a definition for limited use pools; 11) amend the definition of private pool; 12) amend the requirement for doing water samples; 13) amend the requirement for on-site supervision; 14) amend pool operator responsibilities; 15) allowing local health departments to grant exceptions to the requirements in the rule; 16) recommendation to change the requirements concerning bather load and pool operator status as they relate to clubhouse pools; and 17) recommendation that builders, contractors and/or developers are held financially liable for meeting the rule. (DAR NOTE: UDOH is the Utah Department of Health.)

REASONED JUSTIFICATION FOR CONTINUATION OF THE RULE, INCLUDING REASONS WHY THE AGENCY DISAGREES WITH COMMENTS IN OPPOSITION TO THE RULE, IF ANY: The rule establishes minimum requirements for the design, construction, operation, sanitation, and safety of public pools as prescribed by statute and should be continued. Comments received from all persons interested in this rule will be reviewed by the Pool Advisory Committee and their recommendations will be forwarded to the Executive Director. The Advisory Committee is comprised of industry and regulatory members. A 2002 amendment allowed each pool to design the testing requirement under the guidance of the CPO.

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

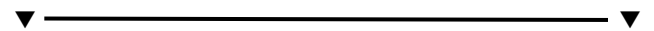
HEALTH
EPIDEMIOLOGY AND LABORATORY SERVICES,
ENVIRONMENTAL SERVICES
CANNON HEALTH BLDG
288 N 1460 W
SALT LAKE CITY UT 84116-3231, or
at the Division of Administrative Rules.

DIRECT QUESTIONS REGARDING THIS RULE TO:

Tim Lane at the above address, by phone at 801-538-6755, by FAX at 801-538-6036, or by Internet E-mail at tlane@utah.gov

AUTHORIZED BY: Rod Betit, Executive Director

EFFECTIVE: 10/16/2002



Health, Epidemiology and Laboratory Services, Environmental Services

R392-400

Temporary Mass Gatherings Sanitation

FIVE YEAR NOTICE OF REVIEW AND STATEMENT OF CONTINUATION

DAR FILE No.: 25508
FILED: 10/16/2002, 13:58

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 26-15-2. The department is tasked with establishing and enforcing, or providing for the enforcement of minimum rules of sanitation necessary to protect the public health. Such rules shall include, but not be limited to, rules necessary for the design, construction, operation, maintenance, or expansion of amusement parks and all other centers and places used for public gatherings

SUMMARY OF WRITTEN COMMENTS RECEIVED DURING AND SINCE THE LAST FIVE YEAR REVIEW OF THE RULE FROM INTERESTED PERSONS SUPPORTING OR OPPOSING THE RULE: One written comment was received from the Utah Conference of Local Environmental Health Administrators. This comment was: "We view these rules as necessary for the purpose of maintaining consistency and uniformity in the regulatory activities local health departments engage in through enforcement of these rules. We therefore request that these rules be kept in effect by UDOH and revised as necessary." (DAR NOTE: UDOH is the Utah Department of Health.)

REASONED JUSTIFICATION FOR CONTINUATION OF THE RULE, INCLUDING REASONS WHY THE AGENCY DISAGREES WITH COMMENTS IN OPPOSITION TO THE RULE, IF ANY: The rule establishes

minimum requirements and standards for the design, construction, operation, sanitation, and safety of places of public gathering as prescribed by statute and should be continued.

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

HEALTH
EPIDEMIOLOGY AND LABORATORY SERVICES,
ENVIRONMENTAL SERVICES
CANNON HEALTH BLDG
288 N 1460 W
SALT LAKE CITY UT 84116-3231, or
at the Division of Administrative Rules.

DIRECT QUESTIONS REGARDING THIS RULE TO:

Tim Lane at the above address, by phone at 801-538-6755, by FAX at 801-538-6036, or by Internet E-mail at tlane@utah.gov

AUTHORIZED BY: Rod Betit, Executive Director

EFFECTIVE: 10/16/2002



Health, Epidemiology and Laboratory Services, Environmental Services

R392-401

Roadway Rest Stop Sanitation

FIVE YEAR NOTICE OF REVIEW AND STATEMENT OF CONTINUATION

DAR FILE NO.: 25509
FILED: 10/16/2002, 14:12

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 26-15-2. The department is tasked with establishing and enforcing, or providing for the enforcement of minimum rules of sanitation necessary to protect the public health. Such rules shall include, but not be limited to, rules necessary for the design, construction, operation, maintenance, or expansion of highway rest stops.

SUMMARY OF WRITTEN COMMENTS RECEIVED DURING AND SINCE THE LAST FIVE YEAR REVIEW OF THE RULE FROM INTERESTED PERSONS SUPPORTING OR OPPOSING THE RULE: Comments were received from the Utah Department of Transportation (UDOT), and the Utah Travel Council. Comments include: 1) reference should be made to the International Plumbing Code not the Utah Plumbing Code; 2) recommendation to allow water-less toilets; 3) recommendation to change the definition of a roadway rest stop; 4) recommendation to change the wording concerning location of roadway rest stops; 5) concerns when potable water is not available; 6) questions concerning who

provides adequate plumbing fixtures and who should be contacted when they break; 7) request that both-gender handicapped facilities be provided; 8) questions concerning the supply of toilet tissue and the repair of toilet tissue dispensers; and 8) concern that the section on maintenance of the buildings, equipment, facilities, and grounds is too vague and should go into more detail.

REASONED JUSTIFICATION FOR CONTINUATION OF THE RULE, INCLUDING REASONS WHY THE AGENCY DISAGREES WITH COMMENTS IN OPPOSITION TO THE RULE, IF ANY: The rule establishes minimum requirements for the design, construction, operation, sanitation, and safety of highway rest stops, as prescribed by statute and should be continued. Comments received from UDOT and the Utah Travel Council will be forwarded to the Advisory Committee so that an amendment to the current rule can be drafted. The Advisory Committee is made up of regulatory and industry representatives.

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

HEALTH
EPIDEMIOLOGY AND LABORATORY SERVICES,
ENVIRONMENTAL SERVICES
CANNON HEALTH BLDG
288 N 1460 W
SALT LAKE CITY UT 84116-3231, or
at the Division of Administrative Rules.

DIRECT QUESTIONS REGARDING THIS RULE TO:

Tim Lane at the above address, by phone at 801-538-6755, by FAX at 801-538-6036, or by Internet E-mail at tlane@utah.gov

AUTHORIZED BY: Rod Betit, Executive Director

EFFECTIVE: 10/16/2002



Health, Epidemiology and Laboratory Services, Environmental Services

R392-402

Mobile Home Park Sanitation

FIVE YEAR NOTICE OF REVIEW AND STATEMENT OF CONTINUATION

DAR FILE NO.: 25510
FILED: 10/16/2002, 14:16

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 26-15-2. The department is tasked with establishing and enforcing, or providing for the enforcement of minimum rules of sanitation necessary to protect the public health. Such rules shall include, but not be limited to, rules necessary

for the design, construction, operation, maintenance, or expansion of mobile home parks.

SUMMARY OF WRITTEN COMMENTS RECEIVED DURING AND SINCE THE LAST FIVE YEAR REVIEW OF THE RULE FROM INTERESTED PERSONS SUPPORTING OR OPPOSING THE RULE: No comments have been received.

REASONED JUSTIFICATION FOR CONTINUATION OF THE RULE, INCLUDING REASONS WHY THE AGENCY DISAGREES WITH COMMENTS IN OPPOSITION TO THE RULE, IF ANY: The rule establishes minimum requirements for the design, construction, operation, sanitation, and safety of mobile home parks as prescribed by statute and should be continued.

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

HEALTH
 EPIDEMIOLOGY AND LABORATORY SERVICES,
 ENVIRONMENTAL SERVICES
 CANNON HEALTH BLDG
 288 N 1460 W
 SALT LAKE CITY UT 84116-3231, or
 at the Division of Administrative Rules.

DIRECT QUESTIONS REGARDING THIS RULE TO:

Tim Lane at the above address, by phone at 801-538-6755, by FAX at 801-538-6036, or by Internet E-mail at tlane@utah.gov

AUTHORIZED BY: Rod Betit, Executive Director

EFFECTIVE: 10/16/2002



Health, Epidemiology and Laboratory
 Services, Environmental Services
R392-501
 Labor Camp Sanitation

**FIVE YEAR NOTICE OF REVIEW AND
 STATEMENT OF CONTINUATION**

DAR File No.: 25511
 FILED: 10/16/2002, 14:22

**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 26-15-2. The department is tasked with establishing and enforcing, or providing for the enforcement of minimum rules of sanitation necessary to protect the public health. Such rules shall include, but not be limited to, rules necessary for the design, construction, operation, maintenance, or expansion of construction or labor camps.

SUMMARY OF WRITTEN COMMENTS RECEIVED DURING AND SINCE THE LAST FIVE YEAR REVIEW OF THE RULE FROM INTERESTED PERSONS SUPPORTING OR OPPOSING THE RULE: No comments have been received.

REASONED JUSTIFICATION FOR CONTINUATION OF THE RULE, INCLUDING REASONS WHY THE AGENCY DISAGREES WITH COMMENTS IN OPPOSITION TO THE RULE, IF ANY: The rule establishes minimum requirements for the design, construction, operation, sanitation, and safety of construction or labor camps as prescribed by statute and should be continued.

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

HEALTH
 EPIDEMIOLOGY AND LABORATORY SERVICES,
 ENVIRONMENTAL SERVICES
 CANNON HEALTH BLDG
 288 N 1460 W
 SALT LAKE CITY UT 84116-3231, or
 at the Division of Administrative Rules.

DIRECT QUESTIONS REGARDING THIS RULE TO:

Tim Lane at the above address, by phone at 801-538-6755, by FAX at 801-538-6036, or by Internet E-mail at tlane@utah.gov

AUTHORIZED BY: Rod Betit, Executive Director

EFFECTIVE: 10/16/2002



Health, Epidemiology and Laboratory
 Services, Environmental Services
R392-502
 Hotel, Motel and Resort Sanitation

**FIVE YEAR NOTICE OF REVIEW AND
 STATEMENT OF CONTINUATION**

DAR File No.: 25512
 FILED: 10/16/2002, 14:27

**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 26-15-2. The department is tasked with establishing and enforcing, or providing for the enforcement of minimum rules of sanitation necessary to protect the public health. Such rules shall include, but not be limited to, rules necessary for the design, construction, operation, maintenance, or expansion of hotels, motels and resorts.

SUMMARY OF WRITTEN COMMENTS RECEIVED DURING AND SINCE THE LAST FIVE YEAR REVIEW OF THE RULE FROM INTERESTED PERSONS SUPPORTING OR OPPOSING THE RULE: Comments were received from members of the Utah Hotel and Lodging Association, the Utah Conference of Local Environmental Health Administrators (CLEHA), and the CLEHA Workgroup. CLEHA's comment was: "We view these rules as necessary for the purpose of maintaining consistency and uniformity in the regulatory activities local health departments engage in through enforcement of these rules. We therefore request that these rules be kept in effect by UDOH and revised as necessary." Comments received from members of the Utah Hotel and Lodging Association and the CLEHA Workgroup include: 1) request to allow pets to stay in rooms; 2) request to remove Rustic Lodging and Yurts from this rule and place it into the Recreational Campground Rule; 3) delete references to the Utah Plumbing Code and replace with the International Plumbing Code; 4) request to allow guests to decide when their towels will be changed; 5) request to allow facilities to build kennels for animals; 6) 1uestion concerning clean and operable equipment; 7) question concerning hallway ice machines; 8) 1uestion concerning plumbing fixtures; 9) request to change the title of the rule to Public Lodging Sanitation; and 10) request to have all ice machines automatically dispense ice. (DAR NOTE: UDOH is the Utah Department of Health.)

REASONED JUSTIFICATION FOR CONTINUATION OF THE RULE, INCLUDING REASONS WHY THE AGENCY DISAGREES WITH COMMENTS IN OPPOSITION TO THE RULE, IF ANY: The rule establishes minimum requirements for the design, construction, operation, sanitation, and safety of hotels, motels, and resorts as prescribed by statute and should be continued. Comments received from the members of the Utah Hotel and Lodging Association and the CLEHA Workgroup will be reviewed by the Public Lodging Advisory Committee. The Advisory Committee is made up of regulatory and industry representatives

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

HEALTH
 EPIDEMIOLOGY AND LABORATORY SERVICES,
 ENVIRONMENTAL SERVICES
 CANNON HEALTH BLDG
 288 N 1460 W
 SALT LAKE CITY UT 84116-3231, or
 at the Division of Administrative Rules.

DIRECT QUESTIONS REGARDING THIS RULE TO:
 Tim Lane at the above address, by phone at 801-538-6755, by FAX at 801-538-6036, or by Internet E-mail at tlane@utah.gov

AUTHORIZED BY: Rod Betit, Executive Director

EFFECTIVE: 10/16/2002



Health, Epidemiology and Laboratory Services, Environmental Services
R392-510
 Utah Indoor Clean Air Act

FIVE YEAR NOTICE OF REVIEW AND STATEMENT OF CONTINUATION

DAR FILE NO.: 25526
 FILED: 10/16/2002, 15:58

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 26-15-12 of the Utah Code. The Code requires the department to adopt rules to implement the provisions of Title 26, Chapter 38, the Utah Indoor Clean Air Act.

SUMMARY OF WRITTEN COMMENTS RECEIVED DURING AND SINCE THE LAST FIVE YEAR REVIEW OF THE RULE FROM INTERESTED PERSONS SUPPORTING OR OPPOSING THE RULE: No comments have been received.

REASONED JUSTIFICATION FOR CONTINUATION OF THE RULE, INCLUDING REASONS WHY THE AGENCY DISAGREES WITH COMMENTS IN OPPOSITION TO THE RULE, IF ANY: The rule establishes requirements and standards for the implementation of the Utah Indoor Clean Air Act and should be continued.

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

HEALTH
 EPIDEMIOLOGY AND LABORATORY SERVICES,
 ENVIRONMENTAL SERVICES
 CANNON HEALTH BLDG
 288 N 1460 W
 SALT LAKE CITY UT 84116-3231, or
 at the Division of Administrative Rules.

DIRECT QUESTIONS REGARDING THIS RULE TO:
 Tim Lane at the above address, by phone at 801-538-6755, by FAX at 801-538-6036, or by Internet E-mail at tlane@utah.gov

AUTHORIZED BY: Rod Betit, Executive Director

EFFECTIVE: 10/16/2002



Health, Health Care Financing, Coverage and Reimbursement Policy
R414-15
 Residents Personal Needs Fund

**FIVE YEAR NOTICE OF REVIEW AND
STATEMENT OF CONTINUATION**DAR FILE NO.: 25554
FILED: 10/28/2002, 14:13**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 26-1-5 grants the department power to adopt, amend, or rescind rules. The section further states that any rules which affect the security, preservation and improvement of public health in the state, shall have the force and effect of law. This rule is also in compliance with 42 CFR 442, which states the requirements for facility certification, relating to the provision of services furnished by nursing facilities and intermediate care facilities for the mentally retarded. In addition, this rule is authorized by 42 CFR 447, which states the necessary procedures concerning payments for Medicaid services in long-term care facilities.

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 Health Care Financing has received no oral or written comments regarding Rule R414-15.

REASONED JUSTIFICATION FOR CONTINUATION OF THE RULE, INCLUDING REASONS WHY THE AGENCY DISAGREES WITH COMMENTS IN OPPOSITION TO THE RULE, IF ANY: This rule is necessary to maintain the rights of nursing facility residents, who are entitled to access their personal funds and to have them properly cared for by the facility and should be continued. The rule also ensures that a legal guardian or representative payee is always appointed to the resident to provide for the resident's personal needs. Further, the rule is necessary to be in compliance with federal regulations.

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

HEALTH
HEALTH CARE FINANCING,
COVERAGE AND REIMBURSEMENT POLICY
CANNON HEALTH BLDG
288 N 1460 W
SALT LAKE CITY UT 84116-3231, or
at the Division of Administrative Rules.

DIRECT QUESTIONS REGARDING THIS RULE TO:
Ross Martin at the above address, by phone at 801-538-6592,
by FAX at 801-538-6099, or by Internet E-mail at
rmartin@utah.gov

AUTHORIZED BY: Rod Betit, Executive Director

EFFECTIVE: 10/28/2002



Health, Health Systems Improvement,
Emergency Medical Services
R426-5
Hospital Trauma Categorization
Standards

**FIVE YEAR NOTICE OF REVIEW AND
STATEMENT OF CONTINUATION**DAR FILE NO.: 25569
FILED: 10/30/2002, 09:06**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: On July 1, 2000, modifications were made to Title 26, Chapter 8a, Utah Emergency Medical Services System Act, which created Part 2A Statewide Trauma System. The changes authorize the Department to make rules that establish a statewide trauma system. Under Section 26-8a-251, the Department is authorized to create a trauma system advisory committee and establish rules for committee procedures and administration to include the term and cause for removal of committee members. Section 26-8a-253 states that the Department must establish, by rule, a statewide trauma registry and implement a quality assurance program. Section 26-8a-254 authorizes the Department to establish rules for trauma center designation standards and guidelines for the triage, treatment, transportation, and transfer of trauma patients.

SUMMARY OF WRITTEN COMMENTS RECEIVED DURING AND SINCE THE LAST FIVE YEAR REVIEW OF THE RULE FROM INTERESTED PERSONS SUPPORTING OR OPPOSING THE RULE: No written comments of opposition have been received pertaining to the existing rule. However, after the modification to Title 26, Chapter 8a, was made in July of 2000, we proposed a rule change in 2001 to update and clarify the rules so they were consistent with the statutory changes. The proposed rules were reviewed and approved by the Trauma System Advisory Committee and reflected changes supported by currently designated trauma centers. Generalized comments were received by the Utah Hospital Association representing a small group of their members. We felt these members needed more education regarding the proposed changes so we allowed the proposed rule change to expire. It is our intent to propose another rule change by December of 2002, to update terminology, procedures and processes, and to address statutory inconsistencies in the existing rule.

REASONED JUSTIFICATION FOR CONTINUATION OF THE RULE, INCLUDING REASONS WHY THE AGENCY DISAGREES WITH COMMENTS IN OPPOSITION TO THE RULE, IF ANY: The Trauma System Advisory Committee supports the continuation of the rule in order to promote optimal care for trauma patients; alleviate unnecessary death and disability; inform health care providers about trauma system capabilities; encourage efficient and effective continuum of care; and to minimize the overall cost of

trauma care. Continuation of the rule is required to ensure that standards are established so that trauma centers are categorized according to their capability to provide care, and so that trauma victims who are triaged at the initial point of contact are sent to appropriate health care facilities. The rule is necessary to establish requirements for trauma center designation, advisory committee operational procedures, triage, transport, treatment, and transfer guidelines; and to establish a statewide trauma registry and quality assurance program. Trauma Center designation is a voluntary commitment. Participation in the statewide trauma registry is mandatory until July 2003 and is financially supported by the Department.

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

HEALTH
HEALTH SYSTEMS IMPROVEMENT,
EMERGENCY MEDICAL SERVICES
CANNON HEALTH BLDG
288 N 1460 W
SALT LAKE CITY UT 84116-3231, or
at the Division of Administrative Rules.

DIRECT QUESTIONS REGARDING THIS RULE TO:

Jolene Whitney at the above address, by phone at 801-538-6290, by FAX at 801-538-6808, or by Internet E-mail at jrwhitney@utah.gov

AUTHORIZED BY: Rod Betit, Executive Director

EFFECTIVE: 10/30/2002



Health, Health Systems Improvement, Licensing **R432-100** General Hospital Standards

FIVE YEAR NOTICE OF REVIEW AND STATEMENT OF CONTINUATION

DAR FILE No.: 25513
FILED: 10/16/2002, 14:39

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: Title 26, Chapter 21, creates the Health Facility Licensing and Inspection Act. Section 26-21-5 requires the Health Facility Committee to make rules in accordance with Title 63, Chapter 46a, Utah Administrative Rulemaking Act, for the licensing of health-care facilities. Section 26-21-6 requires that the department enforce rules, conduct inspections of health-care facilities, collect information authorized by the committee that may be necessary to ensure that adequate health-care facilities are available to the public, establish reasonable standards for criminal background

checks by public and private entities, collect and credit fees for licenses, and make rules as necessary to implement the provisions of Title 26, Chapter 21, except as authority is specifically delegated to the Committee.

SUMMARY OF WRITTEN COMMENTS RECEIVED DURING AND SINCE THE LAST FIVE YEAR REVIEW OF THE RULE FROM INTERESTED PERSONS SUPPORTING OR OPPOSING THE RULE: Since the last five-year review on December 23, 1997, the rule has been amended three times with the last going into effect August 2000. Since the last five-year review, there have been 56 letters received on the 1998 proposed amendments. Each comment was discussed in subcommittee and consensus reached. Three comments were received regarding additional rules and standards after the proposed 1998 rule was filed. Comments requested clarification on enforcement of the rule and suggested additional standards to be included in the 1998 amendments. However, no opposition to the overall rule was received. Two comments in 1999 led to an amendment to the Blood Transfusion Service. Finally, one request in 2000 revised the medical record subsection of the rule. All comments were reviewed by the Health facility committee and a written response was sent to the author.

REASONED JUSTIFICATION FOR CONTINUATION OF THE RULE, INCLUDING REASONS WHY THE AGENCY DISAGREES WITH COMMENTS IN OPPOSITION TO THE RULE, IF ANY: Rule R432-100 is the rule establishing a minimum standard for the operation of a general hospital. This rule sets a minimum standard to ensure that consumers are aware of the standard of care which is to be delivered in a free standing facility. The Health Facility Committee supports the continuation of the rule and will continue to review this rule as medical practice and standards of care change.

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

HEALTH
HEALTH SYSTEMS IMPROVEMENT, LICENSING
CANNON HEALTH BLDG
288 N 1460 W
SALT LAKE CITY UT 84116-3231, or
at the Division of Administrative Rules.

DIRECT QUESTIONS REGARDING THIS RULE TO:

Debra Wynkoop at the above address, by phone at 801-538-6152, by FAX at 801-538-6325, or by Internet E-mail at debwynkoop@utah.gov

AUTHORIZED BY: Rod Betit, Executive Director

EFFECTIVE: 10/16/2002



Health, Health Systems Improvement, Licensing **R432-101** Specialty Hospital - Psychiatric

**FIVE YEAR NOTICE OF REVIEW AND
STATEMENT OF CONTINUATION**

DAR FILE No.: 25514
FILED: 10/16/2002, 14:42

**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: Title 26, Chapter 21, creates the Health Facility Licensing and Inspection Act. Section 26-21-5 requires the Health Facility Committee to make rules in accordance with Title 63, Chapter 46a, Utah Administrative Rulemaking Act, for the licensing of health-care facilities. Section 26-21-6 requires that the department enforce rules, conduct inspections of health-care facilities, collect information authorized by the committee that may be necessary to ensure that adequate health-care facilities are available to the public, establish reasonable standards for criminal background checks by public and private entities, collect and credit fees for licenses, and make rules as necessary to implement the provisions of Title 26, Chapter 21, except as authority is specifically delegated to the Committee.

SUMMARY OF WRITTEN COMMENTS RECEIVED DURING AND SINCE THE LAST FIVE YEAR REVIEW OF THE RULE FROM INTERESTED PERSONS SUPPORTING OR OPPOSING THE RULE: Since the last five-year review on December 15, 1997, there have been two letters received regarding Section R432-101-31, Activity Standards. One comment requested modifications to identify a licensed Master Therapeutic Recreation Therapist to direct the activity program, and the other letter requested that the rule not be changed. The Health Facility Committee discussed the request August 27, 1999, and did not make the requested change. The Committee reasoned that the current rule requires the administrator of the hospital to select the most qualified individual to direct the Activity Program and that the program may elect to use a music therapist, art therapist, or occupational therapist.

REASONED JUSTIFICATION FOR CONTINUATION OF THE RULE, INCLUDING REASONS WHY THE AGENCY DISAGREES WITH COMMENTS IN OPPOSITION TO THE RULE, IF ANY: Rule R432-101 establishes a minimum standard for the operation of a hospital that chooses to provide psychiatric services as its major single service. The agency supports the decision of the Health Facility Committee to not adopt the requested change to the activities section in the rule in 1999, but to allow the administrator of the hospital to appoint the most qualified individual to direct the required service. This rule sets a patient rights standard for individuals with mental illness. Enforcement is provided through the survey process to ensure service is delivered in a safe environment. Continuation of this rule is required to ensure that consumers are aware of the standard of care that is to be delivered in a freestanding psychiatric facility. The Health Facility Committee supports the continuation of the rule and will continue to review this rule as medical practice and standards of care change.

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

HEALTH
HEALTH SYSTEMS IMPROVEMENT, LICENSING
CANNON HEALTH BLDG
288 N 1460 W
SALT LAKE CITY UT 84116-3231, or
at the Division of Administrative Rules.

DIRECT QUESTIONS REGARDING THIS RULE TO:
Debra Wynkoop at the above address, by phone at 801-538-6152, by FAX at 801-538-6325, or by Internet E-mail at debwynkoop@utah.gov

AUTHORIZED BY: Rod Betit, Executive Director

EFFECTIVE: 10/16/2002



Health, Health Systems Improvement,
Licensing
R432-102

Specialty Hospital-Chemical
Dependency/Substance Abuse

**FIVE YEAR NOTICE OF REVIEW AND
STATEMENT OF CONTINUATION**

DAR FILE No.: 25515
FILED: 10/16/2002, 14:45

**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: Title 26, Chapter 21, creates the Health Facility Licensing and Inspection Act. Section 26-21-5 requires the Health Facility Committee to make rules in accordance with Title 63, Chapter 46a, Utah Administrative Rulemaking Act, for the licensing of health-care facilities. Section 26-21-6 requires that the department enforce rules, conduct inspections of health-care facilities, collect information authorized by the committee that may be necessary to ensure that adequate health-care facilities are available to the public, establish reasonable standards for criminal background checks by public and private entities, collect and credit fees for licenses, and make rules as necessary to implement the provisions of Title 26, Chapter 21, except as authority is specifically delegated to the Committee.

SUMMARY OF WRITTEN COMMENTS RECEIVED DURING AND SINCE THE LAST FIVE YEAR REVIEW OF THE RULE FROM INTERESTED PERSONS SUPPORTING OR OPPOSING THE RULE: Since the last five-year review on December 15, 1997, there have been two amendments to the rule. A subcommittee was formed and reached consensus and no opposition was received to update Section R432-10-4, the Patient Record section. In 2001, a nonsubstantive rule change was completed to correct citations and references to other rules and statutes.

REASONED JUSTIFICATION FOR CONTINUATION OF THE RULE, INCLUDING REASONS WHY THE AGENCY DISAGREES WITH COMMENTS IN OPPOSITION TO THE RULE, IF ANY: Rule R432-102 establishes a minimum standard for the operation of a hospital that chooses to provide chemical dependency/substance abuse services as its major single service. This rule sets the minimum health and safety standards to ensure inpatients receive services in a safe environment. Continuation of this rule is required to ensure that consumers are aware of the standard of care that is to be delivered in a freestanding facility. The Health Facility Committee supports the continuation of the rule and will continue to review this rule as medical practice and standards of care change.

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

HEALTH
HEALTH SYSTEMS IMPROVEMENT, LICENSING
CANNON HEALTH BLDG
288 N 1460 W
SALT LAKE CITY UT 84116-3231, or
at the Division of Administrative Rules.

DIRECT QUESTIONS REGARDING THIS RULE TO:

Debra Wynkoop at the above address, by phone at 801-538-6152, by FAX at 801-538-6325, or by Internet E-mail at debwynkoop@utah.gov

AUTHORIZED BY: Rod Betit, Executive Director

EFFECTIVE: 10/16/2002

▼ ————— ▼

**Health, Health Systems Improvement,
Licensing
R432-103
Specialty Hospital - Rehabilitation**

**FIVE YEAR NOTICE OF REVIEW AND
STATEMENT OF CONTINUATION**

DAR FILE NO.: 25516
FILED: 10/16/2002, 14:47

**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: Title 26, Chapter 21, creates the Health Facility Licensing and Inspection Act. Section 26-21-5 requires the Health Facility Committee to make rules in accordance with Title 63, Chapter 46a, Utah Administrative Rulemaking Act, for the licensing of health-care facilities. Section 26-21-6 requires that the department enforce rules, conduct inspections of health-care facilities, collect information authorized by the committee that may be necessary to ensure that adequate health-care facilities are available to the public, establish reasonable standards for criminal background checks by public and private entities, collect and credit fees

for licenses, and make rules as necessary to implement the provisions of Title 26, Chapter 21, except as authority is specifically delegated to the Committee.

SUMMARY OF WRITTEN COMMENTS RECEIVED DURING AND SINCE THE LAST FIVE YEAR REVIEW OF THE RULE FROM INTERESTED PERSONS SUPPORTING OR OPPOSING THE RULE: There have been no comments received from interested parties since the last five-year review.

REASONED JUSTIFICATION FOR CONTINUATION OF THE RULE, INCLUDING REASONS WHY THE AGENCY DISAGREES WITH COMMENTS IN OPPOSITION TO THE RULE, IF ANY: Rule R432-103 establishes a minimum standard for the operation of a hospital that chooses to provide rehabilitation services as its major single service. This rule sets the minimum health and safety standards to ensure inpatients receive services in a safe environment. Continuation of this rule is required to ensure that consumers are aware of the standard of care that is to be delivered in a freestanding facility. The Health Facility Committee supports the continuation of the rule and will continue to review this rule as medical practice and standards of care change.

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

HEALTH
HEALTH SYSTEMS IMPROVEMENT, LICENSING
CANNON HEALTH BLDG
288 N 1460 W
SALT LAKE CITY UT 84116-3231, or
at the Division of Administrative Rules.

DIRECT QUESTIONS REGARDING THIS RULE TO:

Debra Wynkoop at the above address, by phone at 801-538-6152, by FAX at 801-538-6325, or by Internet E-mail at debwynkoop@utah.gov

AUTHORIZED BY: Rod Betit, Executive Director

EFFECTIVE: 10/16/2002

▼ ————— ▼

**Health, Health Systems Improvement,
Licensing
R432-104
Specialty Hospital - Long-Term Acute
Care**

**FIVE YEAR NOTICE OF REVIEW AND
STATEMENT OF CONTINUATION**

DAR FILE NO.: 25517
FILED: 10/16/2002, 14:52

**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: Title 26, Chapter 21, creates the Health Facility Licensing and Inspection Act. Section 26-21-5 requires the Health Facility Committee to make rules in accordance with Title 63, Chapter 46a, Utah Administrative Rulemaking Act, for the licensing of health-care facilities. Section 26-21-6 requires that the department enforce rules, conduct inspections of health-care facilities, collect information authorized by the committee that may be necessary to ensure that adequate health-care facilities are available to the public, establish reasonable standards for criminal background checks by public and private entities, collect and credit fees for licenses, and make rules as necessary to implement the provisions of Title 26, Chapter 21, except as authority is specifically delegated to the Committee.

SUMMARY OF WRITTEN COMMENTS RECEIVED DURING AND SINCE THE LAST FIVE YEAR REVIEW OF THE RULE FROM INTERESTED PERSONS SUPPORTING OR OPPOSING THE RULE: Since the last five-year review on December 15, 1997, there has been one amendment to the rule that was effective 2002. This amendment changed the name of the specialty hospital from "Chronic Disease" to "Long-Term Acute Care" to reflect the special population which they serve. This change also makes the category consistent with the Medicare classification for long-term acute care. Both of the affected hospitals participated in reaching consensus on the admission and discharge criteria established by the amended rule. No other comments have been received from interested parties.

REASONED JUSTIFICATION FOR CONTINUATION OF THE RULE, INCLUDING REASONS WHY THE AGENCY DISAGREES WITH COMMENTS IN OPPOSITION TO THE RULE, IF ANY: Rule R432-104 establishes a minimum standard for the operation of a hospital that chooses to provide long-term acute care services as its major single service. Continuation of this rule is required to ensure that consumers are aware of the standard of care that is to be delivered in a freestanding psychiatric facility. The Health Facility Committee supports the continuation of the rule and will continue to review this rule as medical practice and standards of care change.

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

HEALTH
HEALTH SYSTEMS IMPROVEMENT, LICENSING
CANNON HEALTH BLDG
288 N 1460 W
SALT LAKE CITY UT 84116-3231, or
at the Division of Administrative Rules.

DIRECT QUESTIONS REGARDING THIS RULE TO:

Debra Wynkoop at the above address, by phone at 801-538-6152, by FAX at 801-538-6325, or by Internet E-mail at debwynkoop@utah.gov

AUTHORIZED BY: Rod Betit, Executive Director

EFFECTIVE: 10/16/2002



Health, Health Systems Improvement, Licensing **R432-105** Specialty Hospital - Orthopedic

FIVE YEAR NOTICE OF REVIEW AND STATEMENT OF CONTINUATION

DAR FILE NO.: 25518
FILED: 10/16/2002, 14:55

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: Title 26, Chapter 21, creates the Health Facility Licensing and Inspection Act. Section 26-21-5 requires the Health Facility Committee to make rules in accordance with Title 63, Chapter 46a, Utah Administrative Rulemaking Act, for the licensing of health-care facilities. Section 26-21-6 requires that the department enforce rules, conduct inspections of health-care facilities, collect information authorized by the committee that may be necessary to ensure that adequate health-care facilities are available to the public, establish reasonable standards for criminal background checks by public and private entities, collect and credit fees for licenses, and make rules as necessary to implement the provisions of Title 26, Chapter 21, except as authority is specifically delegated to the Committee.

SUMMARY OF WRITTEN COMMENTS RECEIVED DURING AND SINCE THE LAST FIVE YEAR REVIEW OF THE RULE FROM INTERESTED PERSONS SUPPORTING OR OPPOSING THE RULE: No comments have been received since the last five-year review on December 15, 1997.

REASONED JUSTIFICATION FOR CONTINUATION OF THE RULE, INCLUDING REASONS WHY THE AGENCY DISAGREES WITH COMMENTS IN OPPOSITION TO THE RULE, IF ANY: Rule R432-105 establishes a minimum standard for the operation of a hospital that chooses to provide orthopedic surgical services as its major single service. Continuation of this rule is required to ensure that consumers are aware of the standard of care that is to be delivered in a freestanding facility. The Health Facility Committee supports the continuation of the rule and will continue to review this rule as medical practice and standards of care change.

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

HEALTH
HEALTH SYSTEMS IMPROVEMENT, LICENSING
CANNON HEALTH BLDG
288 N 1460 W
SALT LAKE CITY UT 84116-3231, or
at the Division of Administrative Rules.

DIRECT QUESTIONS REGARDING THIS RULE TO:

Debra Wynkoop at the above address, by phone at 801-538-6152, by FAX at 801-538-6325, or by Internet E-mail at debwynkoop@utah.gov

AUTHORIZED BY: Rod Betit, Executive Director

EFFECTIVE: 10/16/2002

▼ ————— ▼

**Health, Health Systems Improvement,
Licensing**

R432-152

Mental Retardation Facility

**FIVE YEAR NOTICE OF REVIEW AND
STATEMENT OF CONTINUATION**

DAR FILE NO.: 25519
FILED: 10/16/2002, 14:57

**NOTICE OF REVIEW AND
STATEMENT OF CONTINUATION**

CONCISE EXPLANATION OF THE PARTICULAR STATUTORY PROVISIONS UNDER WHICH THE RULE IS ENACTED AND HOW THESE PROVISIONS AUTHORIZE OR REQUIRE THE RULE: Title 26, Chapter 21, creates the Health Facility Licensing and Inspection Act. Section 26-21-5 requires the Health Facility Committee to make rules in accordance with Title 63, Chapter 46a, Utah Administrative Rulemaking Act, for the licensing of health-care facilities. Section 26-21-6 requires that the department enforce rules, conduct inspections of health-care facilities, collect information authorized by the committee that may be necessary to ensure that adequate health-care facilities are available to the public, establish reasonable standards for criminal background checks by public and private entities, collect and credit fees for licenses, and make rules as necessary to implement the provisions of Title 26, Chapter 21, except as authority is specifically delegated to the Committee.

SUMMARY OF WRITTEN COMMENTS RECEIVED DURING AND SINCE THE LAST FIVE YEAR REVIEW OF THE RULE FROM INTERESTED PERSONS SUPPORTING OR OPPOSING THE RULE: No comments have been received since the last five-year review on November 21, 1997.

REASONED JUSTIFICATION FOR CONTINUATION OF THE RULE, INCLUDING REASONS WHY THE AGENCY DISAGREES WITH COMMENTS IN OPPOSITION TO THE RULE, IF ANY: Rule R432-152 establishes the minimum standard for the operation of a mental retardation facility. This rule sets a minimum standard to ensure that consumers are aware of the standard of care which is to be delivered in a freestanding facility. The Health Facility Committee supports the continuation of the rule and will continue to review this rule as medical practice and standards of care change.

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

HEALTH
HEALTH SYSTEMS IMPROVEMENT, LICENSING
CANNON HEALTH BLDG
288 N 1460 W
SALT LAKE CITY UT 84116-3231, or
at the Division of Administrative Rules.

DIRECT QUESTIONS REGARDING THIS RULE TO:

Debra Wynkoop at the above address, by phone at 801-538-6152, by FAX at 801-538-6325, or by Internet E-mail at debwynkoop@utah.gov

AUTHORIZED BY: Rod Betit, Executive Director

EFFECTIVE: 10/16/2002

▼ ————— ▼

**Health, Health Systems Improvement,
Licensing**

R432-200

**Small Health Care Facility (Four to
Sixteen Beds)**

**FIVE YEAR NOTICE OF REVIEW AND
STATEMENT OF CONTINUATION**

DAR FILE NO.: 25520
FILED: 10/16/2002, 15:00

**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: Title 26, Chapter 21, creates the Health Facility Licensing and Inspection Act. Section 26-21-5 requires the Health Facility Committee to make rules in accordance with Title 63, Chapter 46a, Utah Administrative Rulemaking Act, for the licensing of health-care facilities. Section 26-21-6 requires that the department enforce rules, conduct inspections of health-care facilities, collect information authorized by the committee that may be necessary to ensure that adequate health-care facilities are available to the public, establish reasonable standards for criminal background checks by public and private entities, collect and credit fees for licenses, and make rules as necessary to implement the provisions of Title 26, Chapter 21, except as authority is specifically delegated to the Committee.

SUMMARY OF WRITTEN COMMENTS RECEIVED DURING AND SINCE THE LAST FIVE YEAR REVIEW OF THE RULE FROM INTERESTED PERSONS SUPPORTING OR OPPOSING THE RULE: No written comments have been received since the last five-year review on December 8, 1997.

REASONED JUSTIFICATION FOR CONTINUATION OF THE RULE, INCLUDING REASONS WHY THE AGENCY DISAGREES WITH COMMENTS IN OPPOSITION TO THE RULE, IF ANY: Rule R432-200 establishes the minimum standard for the operation of a small health care facility. This rule sets a minimum standard to ensure that consumers are aware of the standard of care which is to be delivered in a free standing facility. The Health Facility Committee supports the continuation of the rule and will continue to review this rule as medical practice and standards of care change.

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

HEALTH
HEALTH SYSTEMS IMPROVEMENT, LICENSING
CANNON HEALTH BLDG
288 N 1460 W
SALT LAKE CITY UT 84116-3231, or
at the Division of Administrative Rules.

DIRECT QUESTIONS REGARDING THIS RULE TO:

Debra Wynkoop at the above address, by phone at 801-538-6152, by FAX at 801-538-6325, or by Internet E-mail at debwynkoop@utah.gov

AUTHORIZED BY: Rod Betit, Executive Director

EFFECTIVE: 10/16/2002



Health, Health Systems Improvement,
Licensing
R432-201
Mental Retardation Facility:
Supplement "A" to the Small Health
Care Facility Rule

**FIVE YEAR NOTICE OF REVIEW AND
STATEMENT OF CONTINUATION**

DAR FILE NO.: 25521
FILED: 10/16/2002, 15:02

**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: Title 26, Chapter 21, creates the Health Facility Licensing and Inspection Act and Section 26-21-5 requires the Health Facility Committee to make rules in accordance with Title 63, Chapter 46a, Utah Administrative Rulemaking Act for the licensing of health-care facilities. Section 26-21-6 requires that the department enforce rules, conduct inspections of health-care facilities, collect information authorized by the committee that may be necessary to ensure that adequate health-care facilities are available to the public, establish reasonable standards for criminal background checks by public and private entities, collect and credit fees

for licenses, and make rules as necessary to implement the provisions of this chapter, except as authority is specifically delegated to the Committee.

SUMMARY OF WRITTEN COMMENTS RECEIVED DURING AND SINCE THE LAST FIVE YEAR REVIEW OF THE RULE FROM INTERESTED PERSONS SUPPORTING OR OPPOSING THE RULE: No written comments have been received since the last five-year review on December 8, 1997,

REASONED JUSTIFICATION FOR CONTINUATION OF THE RULE, INCLUDING REASONS WHY THE AGENCY DISAGREES WITH COMMENTS IN OPPOSITION TO THE RULE, IF ANY: Rule R432-201 establishes a minimum standard for the operation of a Mental Retardation small health care facility. This rule sets a minimum standard to ensure that consumers are aware of the standard of care which is to be delivered in a freestanding facility. The Health Facility Committee supports the continuation of the rule and will continue to review this rule as medical practice and standards of care change.

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

HEALTH
HEALTH SYSTEMS IMPROVEMENT, LICENSING
CANNON HEALTH BLDG
288 N 1460 W
SALT LAKE CITY UT 84116-3231, or
at the Division of Administrative Rules.

DIRECT QUESTIONS REGARDING THIS RULE TO:

Debra Wynkoop at the above address, by phone at 801-538-6152, by FAX at 801-538-6325, or by Internet E-mail at debwynkoop@utah.gov

AUTHORIZED BY: Rod Betit, Executive Director

EFFECTIVE: 10/16/2002



Health, Health Systems Improvement,
Licensing
R432-550
Birthing Centers (Five or Less Birth
Rooms)

**FIVE YEAR NOTICE OF REVIEW AND
STATEMENT OF CONTINUATION**

DAR FILE NO.: 25522
FILED: 10/16/2002, 15:10

**NOTICE OF REVIEW AND
STATEMENT OF CONTINUATION**

CONCISE EXPLANATION OF THE PARTICULAR STATUTORY PROVISIONS UNDER WHICH THE RULE IS ENACTED AND HOW THESE PROVISIONS AUTHORIZE OR REQUIRE THE RULE: Title 26, Chapter 21, creates the Health Facility Licensing and Inspection Act. Section 26-21-5 requires the Health Facility Committee to make rules in

accordance with Title 63, Chapter 46a, Utah Administrative Rulemaking Act, for the licensing of health-care facilities. Section 26-21-6 requires that the department enforce rules, conduct inspections of health-care facilities, collect information authorized by the committee that may be necessary to ensure that adequate health-care facilities are available to the public, establish reasonable standards for criminal background checks by public and private entities, collect and credit fees for licenses, and make rules as necessary to implement the provisions of Title 26, Chapter 21, except as authority is specifically delegated to the Committee.

SUMMARY OF WRITTEN COMMENTS RECEIVED DURING AND SINCE THE LAST FIVE YEAR REVIEW OF THE RULE FROM INTERESTED PERSONS SUPPORTING OR OPPOSING THE RULE: No comments have been received since the last five-year review on December 8, 1997.

REASONED JUSTIFICATION FOR CONTINUATION OF THE RULE, INCLUDING REASONS WHY THE AGENCY DISAGREES WITH COMMENTS IN OPPOSITION TO THE RULE, IF ANY: Rule R432-550 establishes a minimum standard for the operation of a Birthing Center with five or fewer birth rooms. This rule sets a minimum standard to ensure that consumers are aware of the standard of care which is to be delivered in a freestanding facility. The Health Facility Committee supports the continuation of the rule and will continue to review this rule as medical practice and standards of care change.

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

HEALTH
HEALTH SYSTEMS IMPROVEMENT, LICENSING
CANNON HEALTH BLDG
288 N 1460 W
SALT LAKE CITY UT 84116-3231, or
at the Division of Administrative Rules.

DIRECT QUESTIONS REGARDING THIS RULE TO:
Debra Wynkoop at the above address, by phone at 801-538-6152, by FAX at 801-538-6325, or by Internet E-mail at debwynkoop@utah.gov

AUTHORIZED BY: Rod Betit, Executive Director

EFFECTIVE: 10/16/2002



Health, Health Systems Improvement,
Licensing
R432-600
Abortion Clinic Rule

**FIVE YEAR NOTICE OF REVIEW AND
STATEMENT OF CONTINUATION**
DAR FILE NO.: 25523
FILED: 10/16/2002, 15:13

**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: Title 26, Chapter 21, creates the Health Facility Licensing and Inspection Act. Section 26-21-5 requires the health facility committee to make rules in accordance with Title 63, Chapter 46a, Utah Administrative Rulemaking Act, for the licensing of health-care facilities. Section 26-21-6 requires that the department enforce rules, conduct inspections of health-care facilities, collect information authorized by the committee that may be necessary to ensure that adequate health-care facilities are available to the public, establish reasonable standards for criminal background checks by public and private entities, collect and credit fees for licenses, and make rules as necessary to implement the provisions of Title 26, Chapter 21, except as authority is specifically delegated to the Committee.

SUMMARY OF WRITTEN COMMENTS RECEIVED DURING AND SINCE THE LAST FIVE YEAR REVIEW OF THE RULE FROM INTERESTED PERSONS SUPPORTING OR OPPOSING THE RULE: No written comments have been received since the last five-year review on December 8, 1997,

REASONED JUSTIFICATION FOR CONTINUATION OF THE RULE, INCLUDING REASONS WHY THE AGENCY DISAGREES WITH COMMENTS IN OPPOSITION TO THE RULE, IF ANY: Rule R432-600 establishes a minimum standard for the operation of an Abortion Clinic. This rule sets a minimum standard to ensure that consumers are aware of the standard of care which is to be delivered in a freestanding facility. The Health Facility Committee supports the continuation of the rule and will continue to review this rule as medical practice and standards of care change.

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

HEALTH
HEALTH SYSTEMS IMPROVEMENT, LICENSING
CANNON HEALTH BLDG
288 N 1460 W
SALT LAKE CITY UT 84116-3231, or
at the Division of Administrative Rules.

DIRECT QUESTIONS REGARDING THIS RULE TO:
Debra Wynkoop at the above address, by phone at 801-538-6152, by FAX at 801-538-6325, or by Internet E-mail at debwynkoop@utah.gov

AUTHORIZED BY: Rod Betit, Executive Director

EFFECTIVE: 10/16/2002



Health, Health Systems Improvement,
Licensing
R432-950
Mammography Quality Assurance

**FIVE YEAR NOTICE OF REVIEW AND
STATEMENT OF CONTINUATION**DAR FILE No.: 25524
FILED: 10/16/2002, 15:15**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: Title 26, Chapter 21, creates the Health Facility Licensing and Inspection Act. Section 26-21-5 requires the Health Facility Committee to make rules in accordance with Title 63, Chapter 46a, Utah Administrative Rulemaking Act, for the licensing of health-care facilities. Section 26-21-6 requires that the department enforce rules, conduct inspections of health-care facilities, collect information authorized by the committee that may be necessary to ensure that adequate health-care facilities are available to the public, establish reasonable standards for criminal background checks by public and private entities, collect and credit fees for licenses, and make rules as necessary to implement the provisions of Title 26, Chapter 21, except as authority is specifically delegated to the Committee.

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 supporting or opposing written comments have been received since the last five-year review on December 15, 1997.

REASONED JUSTIFICATION FOR CONTINUATION OF THE RULE, INCLUDING REASONS WHY THE AGENCY DISAGREES WITH COMMENTS IN OPPOSITION TO THE RULE, IF ANY: Rule R432-950 establishes the minimum standard for the operation of mammography services in inpatient and outpatient settings. This rule sets a minimum standard to ensure that consumers are aware of the standard of care which is to be delivered in a inpatient or out patient free standing facility. The Health Facility Committee supports the continuation of the rule and will continue to review this rule as medical practice and standards of care change.

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

HEALTH
HEALTH SYSTEMS IMPROVEMENT, LICENSING
CANNON HEALTH BLDG
288 N 1460 W
SALT LAKE CITY UT 84116-3231, or
at the Division of Administrative Rules.

DIRECT QUESTIONS REGARDING THIS RULE TO:
Debra Wynkoop at the above address, by phone at 801-538-6152, by FAX at 801-538-6325, or by Internet E-mail at debwynkoop@utah.gov

AUTHORIZED BY: Rod Betit, Executive Director

EFFECTIVE: 10/16/2002



Housing Corporation, Administration

R460-1

Authority and Purpose

**FIVE YEAR NOTICE OF REVIEW AND
STATEMENT OF CONTINUATION**DAR FILE No.: 25584
FILED: 11/01/2002, 10:53**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: Title 9, Chapter 4, Part 9, Utah Code Annotated 1953, as amended (the Act) is the enabling legislation of Utah Housing Corporation (UHC) (formerly the Utah Housing Finance Agency). Section 9-4-910 of the Act grants UHC the power to adopt, amend, and repeal rules. Section 9-4-911 of the Act states that UHC shall make rules governing the activities authorized by its enabling legislation.

SUMMARY OF WRITTEN COMMENTS RECEIVED DURING AND SINCE THE LAST FIVE YEAR REVIEW OF THE RULE FROM INTERESTED PERSONS SUPPORTING OR OPPOSING THE RULE: UHC has received no comments, either written or verbal, supporting or opposing the rule.

REASONED JUSTIFICATION FOR CONTINUATION OF THE RULE, INCLUDING REASONS WHY THE AGENCY DISAGREES WITH COMMENTS IN OPPOSITION TO THE RULE, IF ANY: It is necessary to continue this rule to provide the public with a clear statement of the rulemaking authority granted to UHC by statute, and to provide a written statement of the purpose for the UHC's rules.

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

HOUSING CORPORATION
ADMINISTRATION
554 S 300 E
SALT LAKE CITY UT 84111-3509, or
at the Division of Administrative Rules.

DIRECT QUESTIONS REGARDING THIS RULE TO:
Grant Whitaker at the above address, by phone at 801-521-6950, by FAX at 801-323-2660, or by Internet E-mail at gwhitaker@uhfa.state.ut.us

AUTHORIZED BY: Grant Whitaker, Executive Vice President

EFFECTIVE: 11/01/2002



Housing Corporation, Administration
R460-2
 Definitions of Terms Used Throughout
 R460

FIVE YEAR NOTICE OF REVIEW AND STATEMENT OF CONTINUATION

DAR FILE NO.: 25585
 FILED: 11/01/2002, 10:55

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: Title 9, Chapter 4, Part 9, Utah Code Annotated 1953, as amended (the Act) is the enabling legislation of the Utah Housing Corporation (UHC) (formerly the Utah Housing Finance Agency). Section 9-4-910 of the Act grants UHC the power to adopt, amend, and repeal rules. Section 9-4-911 of the Act states that UHC shall make rules governing the activities authorized by its enabling legislation.

SUMMARY OF WRITTEN COMMENTS RECEIVED DURING AND SINCE THE LAST FIVE YEAR REVIEW OF THE RULE FROM INTERESTED PERSONS SUPPORTING OR OPPOSING THE RULE: UHC has received no comments, either written or verbal, supporting or opposing the rule.

REASONED JUSTIFICATION FOR CONTINUATION OF THE RULE, INCLUDING REASONS WHY THE AGENCY DISAGREES WITH COMMENTS IN OPPOSITION TO THE RULE, IF ANY: It is necessary to continue this rule to provide the public with clear definitions of terms used in UHC's rules.

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

HOUSING CORPORATION
 ADMINISTRATION
 554 S 300 E
 SALT LAKE CITY UT 84111-3509, or
 at the Division of Administrative Rules.

DIRECT QUESTIONS REGARDING THIS RULE TO:
 Grant Whitaker at the above address, by phone at 801-521-6950, by FAX at 801-323-2660, or by Internet E-mail at gwhitaker@uhfa.state.ut.us

AUTHORIZED BY: Grant Whitaker, Executive Vice President

EFFECTIVE: 11/01/2002



Housing Corporation, Administration
R460-3
 Programs of UHC

FIVE YEAR NOTICE OF REVIEW AND STATEMENT OF CONTINUATION

DAR FILE NO.: 25586
 FILED: 11/01/2002, 10:57

NOTICE OF REVIEW AND STATEMENT OF CONTINUATION

CONCISE EXPLANATION OF THE PARTICULAR STATUTORY PROVISIONS UNDER WHICH THE RULE IS ENACTED AND HOW THESE PROVISIONS AUTHORIZE OR REQUIRE THE RULE: Title 9, Chapter 4, Part 9, Utah Code Annotated 1953, as amended (the Act) is the enabling legislation of the Utah Housing Corporation (UHC) (formerly the Utah Housing Finance Agency). Section 9-4-910 of the Act grants UHC the power to adopt, amend, and repeal rules. Section 9-4-911 of the Act states that UHC shall make rules governing the activities authorized by its enabling legislation.

SUMMARY OF WRITTEN COMMENTS RECEIVED DURING AND SINCE THE LAST FIVE YEAR REVIEW OF THE RULE FROM INTERESTED PERSONS SUPPORTING OR OPPOSING THE RULE: UHC has received no comments, either written or verbal, supporting or opposing the rule.

REASONED JUSTIFICATION FOR CONTINUATION OF THE RULE, INCLUDING REASONS WHY THE AGENCY DISAGREES WITH COMMENTS IN OPPOSITION TO THE RULE, IF ANY: It is necessary to continue this rule to provide the public with program and participant requirements for the various programs of UHC.

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

HOUSING CORPORATION
 ADMINISTRATION
 554 S 300 E
 SALT LAKE CITY UT 84111-3509, or
 at the Division of Administrative Rules.

DIRECT QUESTIONS REGARDING THIS RULE TO:
 Grant Whitaker at the above address, by phone at 801-521-6950, by FAX at 801-323-2660, or by Internet E-mail at gwhitaker@uhfa.state.ut.us

AUTHORIZED BY: Grant Whitaker, Executive Vice President

EFFECTIVE: 11/01/2002



Housing Corporation, Administration
R460-4
 Additional Servicing Rules

FIVE YEAR NOTICE OF REVIEW AND STATEMENT OF CONTINUATION

DAR FILE NO.: 25592
 FILED: 11/01/2002, 11:07

**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: Title 9, Chapter 4, Part 9, Utah Code Annotated 1953, as amended (the Act) is the enabling legislation of the Utah Housing Corporation (UHC) (formerly the Utah Housing Finance Agency). Section 9-4-910 of the Act grants UHC the power to adopt, amend, and repeal rules. Section 9-4-911 of the Act states that UHC shall make rules governing the activities authorized by its enabling legislation.

SUMMARY OF WRITTEN COMMENTS RECEIVED DURING AND SINCE THE LAST FIVE YEAR REVIEW OF THE RULE FROM INTERESTED PERSONS SUPPORTING OR OPPOSING THE RULE: UHC has received no comments, either written or verbal, supporting or opposing the rule.

REASONED JUSTIFICATION FOR CONTINUATION OF THE RULE, INCLUDING REASONS WHY THE AGENCY DISAGREES WITH COMMENTS IN OPPOSITION TO THE RULE, IF ANY: It is necessary to continue this rule to provide the public with UHC's rules regarding the transfer of mortgage loan servicing obligations.

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

HOUSING CORPORATION
ADMINISTRATION
554 S 300 E
SALT LAKE CITY UT 84111-3509, or
at the Division of Administrative Rules.

DIRECT QUESTIONS REGARDING THIS RULE TO:

Grant Whitaker at the above address, by phone at 801-521-6950, by FAX at 801-323-2660, or by Internet E-mail at gwhitaker@uhfa.state.ut.us

AUTHORIZED BY: Grant Whitaker, Executive Vice President

EFFECTIVE: 11/01/2002



Housing Corporation, Administration
R460-5
Termination of Eligibility to Participate in
Programs

**FIVE YEAR NOTICE OF REVIEW AND
STATEMENT OF CONTINUATION**

DAR File No.: 25587
FILED: 11/01/2002, 11:00

**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: Title 9, Chapter 4, Part 9,

Utah Code Annotated 1953, as amended (the Act) is the enabling legislation of the Utah Housing Corporation (UHC) (formerly the Utah Housing Finance Agency). Section 9-4-910 of the Act grants UHC the power to adopt, amend, and repeal rules. Section 9-4-911 of the Act states that UHC shall make rules governing the activities authorized by its enabling legislation.

SUMMARY OF WRITTEN COMMENTS RECEIVED DURING AND SINCE THE LAST FIVE YEAR REVIEW OF THE RULE FROM INTERESTED PERSONS SUPPORTING OR OPPOSING THE RULE: UHC has received no comments, either written or verbal, supporting or opposing the rule.

REASONED JUSTIFICATION FOR CONTINUATION OF THE RULE, INCLUDING REASONS WHY THE AGENCY DISAGREES WITH COMMENTS IN OPPOSITION TO THE RULE, IF ANY: It is necessary to continue this rule to provide the public with UHC's rules regarding the termination of participants' eligibility under the various programs of UHC.

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

HOUSING CORPORATION
ADMINISTRATION
554 S 300 E
SALT LAKE CITY UT 84111-3509, or
at the Division of Administrative Rules.

DIRECT QUESTIONS REGARDING THIS RULE TO:

Grant Whitaker at the above address, by phone at 801-521-6950, by FAX at 801-323-2660, or by Internet E-mail at gwhitaker@uhfa.state.ut.us

AUTHORIZED BY: Grant Whitaker, Executive Vice President

EFFECTIVE: 11/01/2002



Housing Corporation, Administration
R460-6
Adjudicative Proceedings

**FIVE YEAR NOTICE OF REVIEW AND
STATEMENT OF CONTINUATION**

DAR FILE No.: 25588
FILED: 11/01/2002, 11:02

**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: Title 9, Chapter 4, Part 9, Utah Code Annotated 1953, as amended (the Act) is the enabling legislation of the Utah Housing Corporation (UHC) (formerly the Utah Housing Finance Agency). Section 9-4-910 of the Act grants UHC the power to adopt, amend, and repeal rules. Section 9-4-911 of the Act states that UHC shall make rules governing the activities authorized by its enabling

legislation. Subsection 63-46b-1(6), the Administrative Procedures Act, as amended does not preclude an agency from enacting rules affecting or governing adjudicative proceedings.

SUMMARY OF WRITTEN COMMENTS RECEIVED DURING AND SINCE THE LAST FIVE YEAR REVIEW OF THE RULE FROM INTERESTED PERSONS SUPPORTING OR OPPOSING THE RULE: UHC has received no comments, either written or verbal, supporting or opposing the rule.

REASONED JUSTIFICATION FOR CONTINUATION OF THE RULE, INCLUDING REASONS WHY THE AGENCY DISAGREES WITH COMMENTS IN OPPOSITION TO THE RULE, IF ANY: It is necessary to continue this rule to provide the public with a formal statement of UHC's adjudicative proceedings as required by state law.

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

HOUSING CORPORATION
ADMINISTRATION
554 S 300 E
SALT LAKE CITY UT 84111-3509, or
at the Division of Administrative Rules.

DIRECT QUESTIONS REGARDING THIS RULE TO:

Grant Whitaker at the above address, by phone at 801-521-6950, by FAX at 801-323-2660, or by Internet E-mail at gwhitaker@uhfa.state.ut.us

AUTHORIZED BY: Grant Whitaker, Executive Vice President

EFFECTIVE: 11/01/2002

▼ ————— ▼

Housing Corporation, Administration
R460-7
Public Petitions for Declaratory Orders

**FIVE YEAR NOTICE OF REVIEW AND
STATEMENT OF CONTINUATION**

DAR FILE No.: 25589
FILED: 11/01/2002, 11:03

**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: Title 9, Chapter 4, Part 9, Utah Code Annotated 1953, as amended (the Act) is the enabling legislation of the Utah Housing Corporation (UHC) (formerly the Utah Housing Finance Agency). Section 9-4-910 of the Act grants UHC the power to adopt, amend, and repeal rules. Section 9-4-911 of the Act states that UHC shall make rules governing the activities authorized by its enabling legislation. Subsection 63-46b-21(2), the Administrative Procedures Act, as amended requires each agency to issue rules regarding declaratory orders.

SUMMARY OF WRITTEN COMMENTS RECEIVED DURING AND SINCE THE LAST FIVE YEAR REVIEW OF THE RULE FROM INTERESTED PERSONS SUPPORTING OR OPPOSING THE RULE: UHC has received no comments, either written or verbal, supporting or opposing the rule.

REASONED JUSTIFICATION FOR CONTINUATION OF THE RULE, INCLUDING REASONS WHY THE AGENCY DISAGREES WITH COMMENTS IN OPPOSITION TO THE RULE, IF ANY: It is necessary to continue this rule to provide the public with a formal statement of UHC's procedures for obtaining declaratory orders as required by state law.

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

HOUSING CORPORATION
ADMINISTRATION
554 S 300 E
SALT LAKE CITY UT 84111-3509, or
at the Division of Administrative Rules.

DIRECT QUESTIONS REGARDING THIS RULE TO:

Grant Whitaker at the above address, by phone at 801-521-6950, by FAX at 801-323-2660, or by Internet E-mail at gwhitaker@uhfa.state.ut.us

AUTHORIZED BY: Grant Whitaker, Executive Vice President

EFFECTIVE: 11/01/2002

▼ ————— ▼

Housing Corporation, Administration
R460-8
Americans with Disabilities Act (ADA)
Complaint Procedures

**FIVE YEAR NOTICE OF REVIEW AND
STATEMENT OF CONTINUATION**

DAR FILE No.: 25590
FILED: 11/01/2002, 11:04

**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: Title 9, Chapter 4, Part 9, Utah Code Annotated 1953, as amended (the Act) is the enabling legislation of the Utah Housing Corporation (UHC) (formerly the Utah Housing Finance Agency). Section 9-4-910 of the Act grants UHC the power to adopt, amend, and repeal rules. Section 9-4-911 of the Act states that UHC shall make rules governing the activities authorized by its enabling legislation.

SUMMARY OF WRITTEN COMMENTS RECEIVED DURING AND SINCE THE LAST FIVE YEAR REVIEW OF THE RULE FROM INTERESTED PERSONS SUPPORTING OR OPPOSING THE RULE: UHC has received no

comments, either written or verbal, supporting or opposing the rule.

REASONED JUSTIFICATION FOR CONTINUATION OF THE RULE, INCLUDING REASONS WHY THE AGENCY DISAGREES WITH COMMENTS IN OPPOSITION TO THE RULE, IF ANY: It is necessary to continue this rule to provide the public with a formal statement of UHC's procedures providing for prompt and equitable resolution of complaints filed according to Title II of the Americans With Disabilities Act.

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

HOUSING CORPORATION
ADMINISTRATION
554 S 300 E
SALT LAKE CITY UT 84111-3509, or
at the Division of Administrative Rules.

DIRECT QUESTIONS REGARDING THIS RULE TO:
Grant Whitaker at the above address, by phone at 801-521-6950, by FAX at 801-323-2660, or by Internet E-mail at gwhitaker@uhfa.state.ut.us

AUTHORIZED BY: Grant Whitaker, Executive Vice President

EFFECTIVE: 11/01/2002

▼ ————— ▼

**Human Services, Aging and Adult
Services**
R510-100
Funding Formulas

**FIVE YEAR NOTICE OF REVIEW AND
STATEMENT OF CONTINUATION**

DAR FILE NO.: 25581
FILED: 11/01/2002, 09:52

**NOTICE OF REVIEW AND
STATEMENT OF CONTINUATION**

CONCISE EXPLANATION OF THE PARTICULAR STATUTORY PROVISIONS UNDER WHICH THE RULE IS ENACTED AND HOW THESE PROVISIONS AUTHORIZE OR REQUIRE THE RULE: The Older Americans Act, Title III; and Utah Code Title 62A, Chapter 3, Parts 1, 2, and 3 requires the State to develop a funding formula for distribution of social and nutrition services monies.

SUMMARY OF WRITTEN COMMENTS RECEIVED DURING AND SINCE THE LAST FIVE YEAR REVIEW OF THE RULE FROM INTERESTED PERSONS SUPPORTING OR OPPOSING THE RULE: No comments have been received.

REASONED JUSTIFICATION FOR CONTINUATION OF THE RULE, INCLUDING REASONS WHY THE AGENCY DISAGREES WITH COMMENTS IN OPPOSITION TO THE RULE, IF ANY: The Older Americans Act requires a funding formula to be developed by each state to

distribute money for social and nutrition services. This rule outlines that formula and should be continued.

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

HUMAN SERVICES
AGING AND ADULT SERVICES
Room 325
120 N 200 W
SALT LAKE CITY UT 84103-1500, or
at the Division of Administrative Rules.

DIRECT QUESTIONS REGARDING THIS RULE TO:
Lee Ann Whitaker or Sally Anne Brown at the above address, by phone at 801-538-3915 or 801-538-8250, by FAX at 801-538-4395 or 801-538-4395, or by Internet E-mail at lwhitaker@utah.gov or sabrown@utah.gov

AUTHORIZED BY: Helen Goddard, Director

EFFECTIVE: 11/01/2002



**Human Services, Aging and Adult
Services**
R510-101
**Carryover Policy for Title III: Grants for
State and Community Programs on
Aging**

**FIVE YEAR NOTICE OF REVIEW AND
STATEMENT OF CONTINUATION**

DAR FILE NO.: 25582
FILED: 11/01/2002, 10:16

**NOTICE OF REVIEW AND
STATEMENT OF CONTINUATION**

CONCISE EXPLANATION OF THE PARTICULAR STATUTORY PROVISIONS UNDER WHICH THE RULE IS ENACTED AND HOW THESE PROVISIONS AUTHORIZE OR REQUIRE THE RULE: This rule is required under Federal Regulation 45 CFR, Chapter XIII, Subchapter C, Part 1321.37; and Utah Code Title 62A, Chapter 3, Parts 1, 2, and 3, which allow the Division to distribute carryover social and nutrition dollars according to a carryover formula.

SUMMARY OF WRITTEN COMMENTS RECEIVED DURING AND SINCE THE LAST FIVE YEAR REVIEW OF THE RULE FROM INTERESTED PERSONS SUPPORTING OR OPPOSING THE RULE: No comments have been received.

REASONED JUSTIFICATION FOR CONTINUATION OF THE RULE, INCLUDING REASONS WHY THE AGENCY DISAGREES WITH COMMENTS IN OPPOSITION TO THE RULE, IF ANY: This rule is necessary to continue funding for social and nutrition programs across the state and should be continued.

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

HUMAN SERVICES
AGING AND ADULT SERVICES
Room 325
120 N 200 W
SALT LAKE CITY UT 84103-1500, or
at the Division of Administrative Rules.

DIRECT QUESTIONS REGARDING THIS RULE TO:

Sally Anne Brown or Lee Ann Whitaker at the above address, by phone at 801-538-8250 or 801-538-3915, by FAX at 801-538-4395 or 801-538-4395, or by Internet E-mail at sabrown@utah.gov or lwhitaker@utah.gov

AUTHORIZED BY: Helen Goddard, Director

EFFECTIVE: 11/01/2002

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

HUMAN SERVICES
AGING AND ADULT SERVICES
Room 325
120 N 200 W
SALT LAKE CITY UT 84103-1500, or
at the Division of Administrative Rules.

DIRECT QUESTIONS REGARDING THIS RULE TO:

Lee Ann Whitaker or Sally Anne Brown at the above address, by phone at 801-538-3915 or 801-538-8250, by FAX at 801-538-4395 or 801-538-4395, or by Internet E-mail at lwhitaker@utah.gov or sabrown@utah.gov

AUTHORIZED BY: Helen Goddard, Director

EFFECTIVE: 11/01/2002

Human Services, Aging and Adult
Services
R510-102

Amendments to Area Plan and
Management Plan

**FIVE YEAR NOTICE OF REVIEW AND
STATEMENT OF CONTINUATION**

DAR FILE NO.: 25583
FILED: 11/01/2002, 10:43

**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: Area plans are a requirement under the Federal Older Americans Act, and Utah Code Title 62A, Chapter 3, Parts 1, 2, and 3.

SUMMARY OF WRITTEN COMMENTS RECEIVED DURING AND SINCE THE LAST FIVE YEAR REVIEW OF THE RULE FROM INTERESTED PERSONS SUPPORTING OR OPPOSING THE RULE: No comments have been received.

REASONED JUSTIFICATION FOR CONTINUATION OF THE RULE, INCLUDING REASONS WHY THE AGENCY DISAGREES WITH COMMENTS IN OPPOSITION TO THE RULE, IF ANY: Not only is this required, but it allows the State Office and the local Area Agencies on Aging to evaluate their progress toward meeting the needs of senior citizens and should be continued.

Human Services, Aging and Adult
Services
R510-103

Use of Senior Centers by Long-Term
Care Facility Residents Participating in
Activities Outside Their Planning and
Service Area

**FIVE YEAR NOTICE OF REVIEW AND
STATEMENT OF CONTINUATION**

DAR FILE NO.: 25593
FILED: 11/01/2002, 11:20

**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 governs access to senior citizen centers by long-term care facility residents as outlined in Section 62A-3-104 of the Utah Code.

SUMMARY OF WRITTEN COMMENTS RECEIVED DURING AND SINCE THE LAST FIVE YEAR REVIEW OF THE RULE FROM INTERESTED PERSONS SUPPORTING OR OPPOSING THE RULE: No comments have been received.

REASONED JUSTIFICATION FOR CONTINUATION OF THE RULE, INCLUDING REASONS WHY THE AGENCY DISAGREES WITH COMMENTS IN OPPOSITION TO THE RULE, IF ANY: This rule is necessary and should be continued because as nursing home residents are visiting senior citizen centers, policy became necessary to govern expenditures.

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

HUMAN SERVICES
AGING AND ADULT SERVICES
Room 325
120 N 200 W
SALT LAKE CITY UT 84103-1500, or
at the Division of Administrative Rules.

DIRECT QUESTIONS REGARDING THIS RULE TO:

Lee Ann Whitaker or Sally Anne Brown at the above address, by phone at 801-538-3915 or 801-538-8250, by FAX at 801-538-4395 or 801-538-4395, or by Internet E-mail at lwhitaker@utah.gov or sabrown@utah.gov

AUTHORIZED BY: Helen Goddard, Director

EFFECTIVE: 11/01/2002



Human Services, Aging and Adult Services

R510-106

Minimum Percentages of Older Americans Act, Title III: Grants for State and Community Programs on Aging Part B: Supportive Services and Senior Centers Funds That an Area Agency on Aging Must Spend on Access, In-home and Legal Assistance

FIVE YEAR NOTICE OF REVIEW AND STATEMENT OF CONTINUATION

DAR FILE NO.: 25595
FILED: 11/01/2002, 11:36

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 requires that Area Agencies on Aging spend minimum percentages of the Older Americans Act on Access, In-home, and Legal Assistance as outlined in Utah Code Section 62A-3-101.

SUMMARY OF WRITTEN COMMENTS RECEIVED DURING AND SINCE THE LAST FIVE YEAR REVIEW OF THE RULE FROM INTERESTED PERSONS SUPPORTING OR OPPOSING THE RULE: No comments have been received.

REASONED JUSTIFICATION FOR CONTINUATION OF THE RULE, INCLUDING REASONS WHY THE AGENCY DISAGREES WITH COMMENTS IN OPPOSITION TO THE RULE, IF ANY: This rule is required by the Older Americans Act to establish a minimum percentage of

money spent on Access, In-home, and Legal Assistance and should be continued.

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

HUMAN SERVICES
AGING AND ADULT SERVICES
Room 325
120 N 200 W
SALT LAKE CITY UT 84103-1500, or
at the Division of Administrative Rules.

DIRECT QUESTIONS REGARDING THIS RULE TO:

Lee Ann Whitaker or Sally Anne Brown at the above address, by phone at 801-538-3915 or 801-538-8250, by FAX at 801-538-4395 or 801-538-4395, or by Internet E-mail at lwhitaker@utah.gov or sabrown@utah.gov

AUTHORIZED BY: Helen Goddard, Director

EFFECTIVE: 11/01/2002



Human Services, Aging and Adult Services

R510-107

Title V Senior Community Service Employment Program Standards and Procedures

FIVE YEAR NOTICE OF REVIEW AND STATEMENT OF CONTINUATION

DAR FILE NO.: 25597
FILED: 11/01/2002, 11:51

NOTICE OF REVIEW AND STATEMENT OF CONTINUATION

CONCISE EXPLANATION OF THE PARTICULAR STATUTORY PROVISIONS UNDER WHICH THE RULE IS ENACTED AND HOW THESE PROVISIONS AUTHORIZE OR REQUIRE THE RULE: The Older Americans Act authorizes a Senior Employment Program within the State to provide useful part-time community service employment for low-income people age 55 and over as outlined in Utah Code Section 62A-3-104.

SUMMARY OF WRITTEN COMMENTS RECEIVED DURING AND SINCE THE LAST FIVE YEAR REVIEW OF THE RULE FROM INTERESTED PERSONS SUPPORTING OR OPPOSING THE RULE: No comments have been received.

REASONED JUSTIFICATION FOR CONTINUATION OF THE RULE, INCLUDING REASONS WHY THE AGENCY DISAGREES WITH COMMENTS IN OPPOSITION TO THE RULE, IF ANY: This program continues to operate under the Older Americans Act and this rule which outlines the standards and procedures should be continued.

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

HUMAN SERVICES
AGING AND ADULT SERVICES
Room 325
120 N 200 W
SALT LAKE CITY UT 84103-1500, or
at the Division of Administrative Rules.

DIRECT QUESTIONS REGARDING THIS RULE TO:

Lee Ann Whitaker or Sally Anne Brown at the above address, by phone at 801-538-3915 or 801-538-8250, by FAX at 801-538-4395 or 801-538-4395, or by Internet E-mail at lwhitaker@utah.gov or sabrown@utah.gov

AUTHORIZED BY: Helen Goddard, Director

EFFECTIVE: 11/01/2002



Human Services, Aging and Adult Services

R510-108

Definition of Rural for Title III: Grants for State and Community Programs on Aging Reporting Under the Older Americans Act

FIVE YEAR NOTICE OF REVIEW AND STATEMENT OF CONTINUATION

DAR FILE No.: 25602
FILED: 11/01/2002, 12:26

NOTICE OF REVIEW AND STATEMENT OF CONTINUATION

CONCISE EXPLANATION OF THE PARTICULAR STATUTORY PROVISIONS UNDER WHICH THE RULE IS ENACTED AND HOW THESE PROVISIONS AUTHORIZE OR REQUIRE THE RULE: The Older Americans Act requires that the State develop a definition of rural counties as outlined in Utah Code Section 62A-3-104.

SUMMARY OF WRITTEN COMMENTS RECEIVED DURING AND SINCE THE LAST FIVE YEAR REVIEW OF THE RULE FROM INTERESTED PERSONS SUPPORTING OR OPPOSING THE RULE: No comments have been received.

REASONED JUSTIFICATION FOR CONTINUATION OF THE RULE, INCLUDING REASONS WHY THE AGENCY DISAGREES WITH COMMENTS IN OPPOSITION TO THE RULE, IF ANY: This rule is required under Title III of the Older Americans Act and should be continued.

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

HUMAN SERVICES
AGING AND ADULT SERVICES
Room 325
120 N 200 W
SALT LAKE CITY UT 84103-1500, or
at the Division of Administrative Rules.

DIRECT QUESTIONS REGARDING THIS RULE TO:

Sally Anne Brown or Lee Ann Whitaker at the above address, by phone at 801-538-8250 or 801-538-3915, by FAX at 801-538-4395 or 801-538-4395, or by Internet E-mail at sabrown@utah.gov or lwhitaker@utah.gov

AUTHORIZED BY: Helen Goddard, Director

EFFECTIVE: 11/01/2002



Human Services, Aging and Adult Services

R510-109

Definition of Significant Population of Older Native Americans

FIVE YEAR NOTICE OF REVIEW AND STATEMENT OF CONTINUATION

DAR FILE No.: 25603
FILED: 11/01/2002, 12:51

NOTICE OF REVIEW AND STATEMENT OF CONTINUATION

CONCISE EXPLANATION OF THE PARTICULAR STATUTORY PROVISIONS UNDER WHICH THE RULE IS ENACTED AND HOW THESE PROVISIONS AUTHORIZE OR REQUIRE THE RULE: This rule is required by the Older Americans Act as outlined in Utah Code Section 62A-3-104.

SUMMARY OF WRITTEN COMMENTS RECEIVED DURING AND SINCE THE LAST FIVE YEAR REVIEW OF THE RULE FROM INTERESTED PERSONS SUPPORTING OR OPPOSING THE RULE: No comments have been received.

REASONED JUSTIFICATION FOR CONTINUATION OF THE RULE, INCLUDING REASONS WHY THE AGENCY DISAGREES WITH COMMENTS IN OPPOSITION TO THE RULE, IF ANY: This rule is required under the Older Americans Act and should be continued.

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

HUMAN SERVICES
AGING AND ADULT SERVICES
Room 325

120 N 200 W
SALT LAKE CITY UT 84103-1500, or
at the Division of Administrative Rules.

DIRECT QUESTIONS REGARDING THIS RULE TO:
Lee Ann Whitaker or Sally Anne Brown at the above address,
by phone at 801-538-3915 or 801-538-8250, by FAX at 801-
538-4395 or 801-538-4395, or by Internet E-mail at
lwhitaker@utah.gov or sabrown@utah.gov

AUTHORIZED BY: Helen Goddard, Director

EFFECTIVE: 11/01/2002

▼ ————— ▼

**Human Services, Aging and Adult
Services**
R510-110
Policy Regarding Contractual
Involvements of Area Agencies on
Aging for Private Eldercare and Case
Management Services

**FIVE YEAR NOTICE OF REVIEW AND
STATEMENT OF CONTINUATION**

DAR FILE No.: 25609
FILED: 11/01/2002, 16:24

**NOTICE OF REVIEW AND
STATEMENT OF CONTINUATION**

CONCISE EXPLANATION OF THE PARTICULAR STATUTORY PROVISIONS UNDER WHICH THE RULE IS ENACTED AND HOW THESE PROVISIONS AUTHORIZE OR REQUIRE THE RULE: The Older Americans Act allows for this provision provided the required rules are followed. This rule details those requirements as outlined in Section 62A-3-104.

SUMMARY OF WRITTEN COMMENTS RECEIVED DURING AND SINCE THE LAST FIVE YEAR REVIEW OF THE RULE FROM INTERESTED PERSONS SUPPORTING OR OPPOSING THE RULE: No comments have been received.

REASONED JUSTIFICATION FOR CONTINUATION OF THE RULE, INCLUDING REASONS WHY THE AGENCY DISAGREES WITH COMMENTS IN OPPOSITION TO THE RULE, IF ANY: This rule is necessary to enhance the scope and quality of the system of services available and is consistent with the purpose of the Area Agency on Aging and should be continued.

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

HUMAN SERVICES
AGING AND ADULT SERVICES
Room 325
120 N 200 W
SALT LAKE CITY UT 84103-1500, or
at the Division of Administrative Rules.

DIRECT QUESTIONS REGARDING THIS RULE TO:
Sally Anne Brown or Lee Ann Whitaker at the above address,
by phone at 801-538-8250 or 801-538-3915, by FAX at 801-
538-4395 or 801-538-4395, or by Internet E-mail at
sabrown@utah.gov or lwhitaker@utah.gov

AUTHORIZED BY: Helen Goddard, Director

EFFECTIVE: 11/01/2002



**Human Services, Aging and Adult
Services**
R510-111
Policy on Use of State Funding for
Travel Expenses to Assist the National
Senior Service Corps (NSSC)

**FIVE YEAR NOTICE OF REVIEW AND
STATEMENT OF CONTINUATION**

DAR FILE No.: 25604
FILED: 11/01/2002, 13:06

**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 defines how State money is used to pay volunteer travel expenses as outlined in Utah Code Section 62A-3-104.

SUMMARY OF WRITTEN COMMENTS RECEIVED DURING AND SINCE THE LAST FIVE YEAR REVIEW OF THE RULE FROM INTERESTED PERSONS SUPPORTING OR OPPOSING THE RULE: No comments have been received.

REASONED JUSTIFICATION FOR CONTINUATION OF THE RULE, INCLUDING REASONS WHY THE AGENCY DISAGREES WITH COMMENTS IN OPPOSITION TO THE RULE, IF ANY: This rule is necessary to help support the travel costs for the Senior Companion Program, Foster Grandparent Program, and the Retired and Senior Volunteer Program and should be continued.

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

HUMAN SERVICES
AGING AND ADULT SERVICES
Room 325
120 N 200 W
SALT LAKE CITY UT 84103-1500, or
at the Division of Administrative Rules.

DIRECT QUESTIONS REGARDING THIS RULE TO:
Sally Anne Brown or Lee Ann Whitaker at the above address,
by phone at 801-538-8250 or 801-538-3915, by FAX at 801-
538-4395 or 801-538-4395, or by Internet E-mail at
sabrown@utah.gov or lwhitaker@utah.gov

AUTHORIZED BY: Helen Goddard, Director

EFFECTIVE: 11/01/2002



Human Services, Aging and Adult
Services
R510-200
Long-Term Care Ombudsman Program
Policy

**FIVE YEAR NOTICE OF REVIEW AND
STATEMENT OF CONTINUATION**

DAR FILE No.: 25607
FILED: 11/01/2002, 14:39

**NOTICE OF REVIEW AND
STATEMENT OF CONTINUATION**

CONCISE EXPLANATION OF THE PARTICULAR STATUTORY PROVISIONS UNDER WHICH THE RULE IS ENACTED AND HOW THESE PROVISIONS AUTHORIZE OR REQUIRE THE RULE: The Long-Term Care Ombudsman Program is a required program under the Older Americans Act as outlined in Utah Code Section 62A-3-104.

SUMMARY OF WRITTEN COMMENTS RECEIVED DURING AND SINCE THE LAST FIVE YEAR REVIEW OF THE RULE FROM INTERESTED PERSONS SUPPORTING OR OPPOSING THE RULE: No comments have been received.

REASONED JUSTIFICATION FOR CONTINUATION OF THE RULE, INCLUDING REASONS WHY THE AGENCY DISAGREES WITH COMMENTS IN OPPOSITION TO THE RULE, IF ANY: These rules define and outline the operation, standards, and duties of the State Long-Term Care Ombudsman Program and should be continued.

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

HUMAN SERVICES
AGING AND ADULT SERVICES
Room 325
120 N 200 W
SALT LAKE CITY UT 84103-1500, or
at the Division of Administrative Rules.

DIRECT QUESTIONS REGARDING THIS RULE TO:

Sally Anne Brown or Lee Ann Whitaker at the above address, by phone at 801-538-8250 or 801-538-3915, by FAX at 801-538-4395 or 801-538-4395, or by Internet E-mail at sabrown@utah.gov or lwhitaker@utah.gov

AUTHORIZED BY: Helen Goddard, Director

EFFECTIVE: 11/01/2002



Human Services, Aging and Adult
Services

R510-400

Home and Community-Based
Alternatives Services Policy and
Procedures

**FIVE YEAR NOTICE OF REVIEW AND
STATEMENT OF CONTINUATION**

DAR FILE No.: 25608
FILED: 11/01/2002, 14:53

**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 allows for individuals to be cared for at home, which is an objective of the Older Americans Act as outlined in Utah Code Section 62A-3-101.

SUMMARY OF WRITTEN COMMENTS RECEIVED DURING AND SINCE THE LAST FIVE YEAR REVIEW OF THE RULE FROM INTERESTED PERSONS SUPPORTING OR OPPOSING THE RULE: No comments have been received.

REASONED JUSTIFICATION FOR CONTINUATION OF THE RULE, INCLUDING REASONS WHY THE AGENCY DISAGREES WITH COMMENTS IN OPPOSITION TO THE RULE, IF ANY: This rule needs to continue because it allows people to remain at home and receive care.

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

HUMAN SERVICES
AGING AND ADULT SERVICES
Room 325
120 N 200 W
SALT LAKE CITY UT 84103-1500, or
at the Division of Administrative Rules.

DIRECT QUESTIONS REGARDING THIS RULE TO:

Lee Ann Whitaker or Sally Anne Brown at the above address, by phone at 801-538-3915 or 801-538-8250, by FAX at 801-538-4395 or 801-538-4395, or by Internet E-mail at lwhitaker@utah.gov or sabrown@utah.gov

AUTHORIZED BY: Helen Goddard, Director

EFFECTIVE: 11/01/2002



Human Services, Child and Family
Services

R512-2

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

**FIVE YEAR NOTICE OF REVIEW AND
STATEMENT OF CONTINUATION**

DAR FILE No.: 25555
FILED: 10/28/2002, 14:24

**NOTICE OF REVIEW AND
STATEMENT OF CONTINUATION**

CONCISE EXPLANATION OF THE PARTICULAR STATUTORY PROVISIONS UNDER WHICH THE RULE IS ENACTED AND HOW THESE PROVISIONS AUTHORIZE OR REQUIRE THE RULE: In Section 62A-4a-105, the Division has responsibility to provide financial support to child welfare programs; and families who provide foster care, adoption, and adoption services to children in the custody of the Division.

SUMMARY OF WRITTEN COMMENTS RECEIVED DURING AND SINCE THE LAST FIVE YEAR REVIEW OF THE RULE FROM INTERESTED PERSONS SUPPORTING OR OPPOSING THE RULE: No comments have been received.

REASONED JUSTIFICATION FOR CONTINUATION OF THE RULE, INCLUDING REASONS WHY THE AGENCY DISAGREES WITH COMMENTS IN OPPOSITION TO THE RULE, IF ANY: The Division incorporates by reference the federal statutes and regulations governing administration of funds for child welfare, family preservation, adoption, foster care, and independent living. The federal statutes establish standards for granting or denying financial assistance under the covered programs, rather than simply repeating the standards, the federal statutes and regulations are incorporated by reference. Federal statutes and regulation require states to formally adopt these standards as a condition for receiving funds. This rule outlines those standards and should be continued.

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

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

DIRECT QUESTIONS REGARDING THIS RULE TO:

Steven Bradford at the above address, by phone at 801-538-8210, by FAX at 801-538-3993, or by Internet E-mail at sbradford@utah.gov

AUTHORIZED BY: Richard Anderson, Director

EFFECTIVE: 10/28/2002

Human Services, Youth Corrections

R547-10

Ex-Offender Policy

**FIVE YEAR NOTICE OF REVIEW AND
STATEMENT OF CONTINUATION**

DAR FILE No.: 25559
FILED: 10/29/2002, 08:14

**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: According to Subsections 62A-7-104(14) and 62A-7-116(2), the Division has the responsibility to adopt minimum standards, as approved by the Board, for the implementation of facilities and programs that serve delinquent youth. Subsection 62A-7-104(9) authorizes the Division to employ staff necessary to operate these facilities and programs. Rule R547-10, Ex-Offender Policy, is a minimum standard established to exclude the hiring of persons with a criminal history, so as to prevent this type of person from working with youth.

SUMMARY OF WRITTEN COMMENTS RECEIVED DURING AND SINCE THE LAST FIVE YEAR REVIEW OF THE RULE FROM INTERESTED PERSONS SUPPORTING OR OPPOSING THE RULE: No comments have been received.

REASONED JUSTIFICATION FOR CONTINUATION OF THE RULE, INCLUDING REASONS WHY THE AGENCY DISAGREES WITH COMMENTS IN OPPOSITION TO THE RULE, IF ANY: The rule is a minimum standard designed to prevent adults with a criminal history from working directly with youth offenders and should be continued. An amendment is pending after this review.

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

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

DIRECT QUESTIONS REGARDING THIS RULE TO:

Judy Hammer at the above address, by phone at 801-538-4098, by FAX at 801-538-4334, or by Internet E-mail at judyhammer@utah.gov

AUTHORIZED BY: Blake Chard, Director

EFFECTIVE: 10/29/2002

Natural Resources, Energy and
Resource Planning
R637-1
Utah Energy Saving Systems Tax
Credit (ESSTC) Rules

**FIVE YEAR NOTICE OF REVIEW AND
STATEMENT OF CONTINUATION**

DAR FILE NO.: 25503
FILED: 10/16/2002, 10:27

**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: Per Utah Code Subsection 59-10-134(11), the Office of Energy and Resource Planning and the commission are authorized to promulgate rules in accordance with Title 63, Chapter 46a, Utah Administrative Rulemaking Act, which are necessary to implement this section.

SUMMARY OF WRITTEN COMMENTS RECEIVED DURING AND SINCE THE LAST FIVE YEAR REVIEW OF THE RULE FROM INTERESTED PERSONS SUPPORTING OR OPPOSING THE RULE: No written comments have been received.

REASONED JUSTIFICATION FOR CONTINUATION OF THE RULE, INCLUDING REASONS WHY THE AGENCY DISAGREES WITH COMMENTS IN OPPOSITION TO THE RULE, IF ANY: Utah Code Section 59-10-134 stipulates that the tax credit is available until December 31, 2006. Rule R637-1 is necessary to implement the Code and should be continued.

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

NATURAL RESOURCES
ENERGY AND RESOURCE PLANNING
Room 3610
1594 W NORTH TEMPLE
SALT LAKE CITY UT 84116-3154, or
at the Division of Administrative Rules.

DIRECT QUESTIONS REGARDING THIS RULE TO:
Dave Lochtefeld at the above address, by phone at 801-538-5443, by FAX at 801-521-0657, or by Internet E-mail at davelochtefeld@utah.gov

AUTHORIZED BY: Thomas Brill, Director

EFFECTIVE: 10/16/2002



Natural Resources, Forestry, Fire and
State Lands
R652-121
Wildland Fire Suppression Fund

**FIVE YEAR NOTICE OF REVIEW AND
STATEMENT OF CONTINUATION**

DAR FILE NO.: 25562
FILED: 10/29/2002, 15:01

**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 65A-8-6.4 specifically requires rulemaking to administer the Wildland Fire Suppression Fund. This rule will be required for the duration of the fund's existence.

SUMMARY OF WRITTEN COMMENTS RECEIVED DURING AND SINCE THE LAST FIVE YEAR REVIEW OF THE RULE FROM INTERESTED PERSONS SUPPORTING OR OPPOSING THE RULE: Some counties expressed concern over the relatively short calendar year deadline for county payments into the fund. The division addressed this concern by extending the deadline from January 15 to March 15.

REASONED JUSTIFICATION FOR CONTINUATION OF THE RULE, INCLUDING REASONS WHY THE AGENCY DISAGREES WITH COMMENTS IN OPPOSITION TO THE RULE, IF ANY: The division continues to administer the Wildland Fire Suppression Fund. The rationale behind the original rulemaking requirement is still valid and the rule should be continued.

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

NATURAL RESOURCES
FORESTRY, FIRE AND STATE LANDS
Room 3520
1594 W NORTH TEMPLE
SALT LAKE CITY UT 84116-3154, or
at the Division of Administrative Rules.

DIRECT QUESTIONS REGARDING THIS RULE TO:
Karl Kappe or Jennifer Gregerson at the above address, by phone at 801-538-5495 or 801-538-5418, by FAX at 801-533-4111 or 801-533-4111, or by Internet E-mail at karlkappe@utah.gov or jennifergregerson@utah.gov

AUTHORIZED BY: Karl Kappe, FFSL Strategic Planner

EFFECTIVE: 10/29/2002



Pardons (Board Of), Administration
R671-201
Original Parole Grant Hearing Schedule
and Notice

**FIVE YEAR NOTICE OF REVIEW AND
STATEMENT OF CONTINUATION**

DAR FILE No.: 25504
FILED: 10/16/2002, 11:44

**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 77-27-7 defines that an inmate will receive notice of when an original hearing is scheduled.

SUMMARY OF WRITTEN COMMENTS RECEIVED DURING AND SINCE THE LAST FIVE YEAR REVIEW OF THE RULE FROM INTERESTED PERSONS SUPPORTING OR OPPOSING THE RULE: No comments have been received.

REASONED JUSTIFICATION FOR CONTINUATION OF THE RULE, INCLUDING REASONS WHY THE AGENCY DISAGREES WITH COMMENTS IN OPPOSITION TO THE RULE, IF ANY: Mandatory notification within six months of commitment is defined and maintained by this rule and should be continued.

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

PARDONS (BOARD OF)
ADMINISTRATION
Room 300
448 E 6400 S
SALT LAKE CITY UT 84107-8530, or
at the Division of Administrative Rules.

DIRECT QUESTIONS REGARDING THIS RULE TO:
Nannette Johnson at the above address, by phone at 801-261-6485, by FAX at 801-261-6481, or by Internet E-mail at njohnson@utah.gov

AUTHORIZED BY: Mike Sibbett, Chairman

EFFECTIVE: 10/16/2002



Regents (Board Of), University of Utah,
Parking and Transportation Services
R810-3
Visitor Parking

**FIVE YEAR NOTICE OF REVIEW AND
STATEMENT OF CONTINUATION**

DAR FILE No.: 25528
FILED: 10/17/2002, 15:05

**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 53B-3-103 gives the Board of Regents the authority to enact regulations governing the conduct of university students, faculty, and employees. Section 53B-7-103 regulates what are and how to deal with traffic violations.

SUMMARY OF WRITTEN COMMENTS RECEIVED DURING AND SINCE THE LAST FIVE YEAR REVIEW OF THE RULE FROM INTERESTED PERSONS SUPPORTING OR OPPOSING THE RULE: No comments have been received.

REASONED JUSTIFICATION FOR CONTINUATION OF THE RULE, INCLUDING REASONS WHY THE AGENCY DISAGREES WITH COMMENTS IN OPPOSITION TO THE RULE, IF ANY: University of Utah parking is self-funded. Visitors to the university must pay for parking on the campus. This regulation defines a visitor, visitor parking options, and outlines visitor responsibilities for parking on the campus and should be continued. There have been no comments in opposition to this rule.

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

REGENTS (BOARD OF)
UNIVERSITY OF UTAH,
PARKING AND TRANSPORTATION SERVICES
Room 101
1910 E SOUTH CAMPUS DR
SALT LAKE CITY UT 84112-9350, or
at the Division of Administrative Rules.

DIRECT QUESTIONS REGARDING THIS RULE TO:
John Crawford at the above address, by phone at 801-585-6941, by FAX at 801-581-4056, or by Internet E-mail at john@parking.utah.edu

AUTHORIZED BY: John Crawford, Office Operations Manager

EFFECTIVE: 10/17/2002



Regents (Board Of), University of Utah,
Parking and Transportation Services
R810-4
Registration Policies

FIVE YEAR NOTICE OF REVIEW AND STATEMENT OF CONTINUATION

DAR FILE No.: 25548
FILED: 10/21/2002, 12:59

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 53B-3-103 gives the Board of Regents the authority to enact regulations governing the conduct of university students, faculty, and employees. Section 53B-3-107 regulates what are and how to deal with traffic violations.

SUMMARY OF WRITTEN COMMENTS RECEIVED DURING AND SINCE THE LAST FIVE YEAR REVIEW OF THE RULE FROM INTERESTED PERSONS SUPPORTING OR OPPOSING THE RULE: No comments have been received.

REASONED JUSTIFICATION FOR CONTINUATION OF THE RULE, INCLUDING REASONS WHY THE AGENCY DISAGREES WITH COMMENTS IN OPPOSITION TO THE RULE, IF ANY: University of Utah parking is self-funded. Faculty, staff, and students must purchase permits to park on campus. This rule outlines the policies for obtaining a parking permit and should be continued. There have been no comments in opposition to the rule.

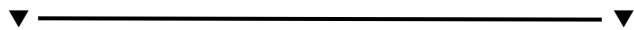
THE FULL TEXT OF THIS RULE MAY BE INSPECTED, DURING REGULAR BUSINESS HOURS, AT:

REGENTS (BOARD OF)
UNIVERSITY OF UTAH,
PARKING AND TRANSPORTATION SERVICES
Room 101
1910 E SOUTH CAMPUS DR
SALT LAKE CITY UT 84112-9350, or
at the Division of Administrative Rules.

DIRECT QUESTIONS REGARDING THIS RULE TO:
John Crawford at the above address, by phone at 801-585-6941, by FAX at 801-581-4056, or by Internet E-mail at john@parking.utah.edu

AUTHORIZED BY: John Crawford, Office Operations Manager

EFFECTIVE: 10/21/2002



Regents (Board Of), University of Utah,
Parking and Transportation Services

R810-7

Nonresidents and Out-of-State Plates

FIVE YEAR NOTICE OF REVIEW AND STATEMENT OF CONTINUATION

DAR FILE No.: 25529
FILED: 10/17/2002, 15:16

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 53B-3-103 gives the Board of Regents the authority to enact regulations governing the conduct of university students, faculty, and employees. Section 53B-3-107 regulates what are and how to deal with traffic regulations.

SUMMARY OF WRITTEN COMMENTS RECEIVED DURING AND SINCE THE LAST FIVE YEAR REVIEW OF THE RULE FROM INTERESTED PERSONS SUPPORTING OR OPPOSING THE RULE: No comments have been received.

REASONED JUSTIFICATION FOR CONTINUATION OF THE RULE, INCLUDING REASONS WHY THE AGENCY DISAGREES WITH COMMENTS IN OPPOSITION TO THE RULE, IF ANY: University of Utah parking is self-funded. Faculty, staff, and student must purchase permits to park on campus. In order to purchase a permit, the State requires that nonresidents or those with out-of-state plates must comply with certain Division of Motor Vehicle rules and emissions inspection requirements. This rule outlines their responsibilities in order to obtain a permit to park on the campus and should be continued.

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

REGENTS (BOARD OF)
UNIVERSITY OF UTAH,
PARKING AND TRANSPORTATION SERVICES
Room 101
1910 E SOUTH CAMPUS DR
SALT LAKE CITY UT 84112-9350, or
at the Division of Administrative Rules.

DIRECT QUESTIONS REGARDING THIS RULE TO:
John Crawford at the above address, by phone at 801-585-6941, by FAX at 801-581-4056, or by Internet E-mail at john@parking.utah.edu

AUTHORIZED BY: John Crawford, Office Operations Manager

EFFECTIVE: 10/17/2002



Regents (Board Of), University of Utah,
Parking and Transportation Services

R810-8

Vendor Regulations

FIVE YEAR NOTICE OF REVIEW AND STATEMENT OF CONTINUATION

DAR FILE No.: 25532
FILED: 10/18/2002, 13:00

**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 53B-3-103 gives the Board of Regents the authority to enact regulations governing the conduct of university students, faculty, and employees. Section 53B-3-107 regulates what are and how to deal with traffic violations.

SUMMARY OF WRITTEN COMMENTS RECEIVED DURING AND SINCE THE LAST FIVE YEAR REVIEW OF THE RULE FROM INTERESTED PERSONS SUPPORTING OR OPPOSING THE RULE: No comments have been received.

REASONED JUSTIFICATION FOR CONTINUATION OF THE RULE, INCLUDING REASONS WHY THE AGENCY DISAGREES WITH COMMENTS IN OPPOSITION TO THE RULE, IF ANY: University of Utah parking is self-funded. Anyone parking on the campus must pay a fee for parking. This rule outlines the requirements and options available to vendors doing business on the campus and should be continued.

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

REGENTS (BOARD OF)
UNIVERSITY OF UTAH,
PARKING AND TRANSPORTATION SERVICES
Room 101
1910 E SOUTH CAMPUS DR
SALT LAKE CITY UT 84112-9350, or
at the Division of Administrative Rules.

DIRECT QUESTIONS REGARDING THIS RULE TO:

John Crawford at the above address, by phone at 801-585-6941, by FAX at 801-581-4056, or by Internet E-mail at john@parking.utah.edu

AUTHORIZED BY: John Crawford, Office Operations Manager

EFFECTIVE: 10/18/2002



End of the Five-Year Notices of Review and Statements of Continuation Section

NOTICES OF RULE EFFECTIVE DATES

These are the effective dates of PROPOSED RULES or CHANGES IN PROPOSED RULES published in earlier editions of the *Utah State Bulletin*. These effective dates are at least 31 days and not more than 120 days after the date the following rules were published.

Abbreviations

AMD = Amendment
CPR = Change in Proposed Rule
NEW = New Rule
R&R = Repeal and Reenact
REP = Repeal

Alcoholic Beverage Control

Administration

No. 25198 (AMD): R81-7-3. Guidelines for Issuing Permits for Outdoor Public Events.
Published: September 15, 2002
Effective: November 1, 2002

Commerce

Consumer Protection

No. 25200 (AMD): R152-11-5. Repairs and Service.
Published: September 15, 2002
Effective: November 1, 2002

Real Estate

No. 25216 (AMD): R162-4-2. Trust Accounts.
Published: September 15, 2002
Effective: October 16, 2002

Securities

No. 25227 (AMD): R164-4. Licensing Requirements.
Published: September 15, 2002
Effective: October 16, 2002

Education

Administration

No. 25220 (AMD): R277-106. Professional Practices Advisory Commission Appointment Process.
Published: September 15, 2002
Effective: October 16, 2002

No. 25226 (AMD): R277-444. Distribution of Funds to Arts and Sciences Organizations.
Published: September 15, 2002
Effective: October 16, 2002

No. 25219 (AMD): R277-469. Instructional Materials Commission Operating Procedures.
Published: September 15, 2002
Effective: October 16, 2002

No. 25218 (AMD): R277-475. Patriotic Education.
Published: September 15, 2002
Effective: October 16, 2002

No. 25225 (NEW): R277-481. Charter School Accountability and Assistance.
Published: September 15, 2002
Effective: October 16, 2002

Professional Practices Advisory Commission

Administration

No. 25223 (AMD): R686-100. Professional Practices Advisory Commission, Rules of Procedure: Complaints and Hearings.
Published: September 15, 2002
Effective: October 16, 2002

No. 25224 (AMD): R686-103. Professional Practices and Conduct for Utah Educators.
Published: September 15, 2002
Effective: October 16, 2002

No. 25222 (NEW): R686-104. Utah Professional Practices Advisory Commission Denial of License Due to Background Check Offenses.
Published: September 15, 2002
Effective: October 16, 2002

Public Service Commission

Administration

No. 25210 (AMD): R746-400-5. Copies of Reports to Federal Government Agencies.
Published: September 15, 2002
Effective: October 30, 2002

School and Institutional Trust Lands

Administration

No. 25298 (AMD): R850-30-150. Planning.
Published: October 1, 2002
Effective: November 1, 2002

No. 25301 (AMD): R850-40-150. Planning.
Published: October 1, 2002
Effective: November 1, 2002

No. 25302 (AMD): R850-50-150. Planning.
Published: October 1, 2002
Effective: November 1, 2002

No. 25303 (AMD): R850-70-150. Planning.
Published: October 1, 2002
Effective: November 1, 2002

No. 25304 (AMD): R850-80-150. Planning.
Published: October 1, 2002
Effective: November 1, 2002

No. 25306 (AMD): R850-90-150. Planning.
Published: October 1, 2002
Effective: November 1, 2002

No. 25307 (AMD): R850-120-150. Planning.
Published: October 1, 2002
Effective: November 1, 2002

No. 25305 (AMD): R850-130-150. Planning.
Published: October 1, 2002
Effective: November 1, 2002

Tax Commission

Administration

No. 25297 (AMD): R861-1A-36. Signatures Defined Pursuant to Utah Code Ann. Sections 41-1a-209, 59-10-512, 59-12-107, 59-13-206, and 59-13-307.
Published: October 1, 2002
Effective: November 1, 2002

Auditing

No. 25201 (AMD): R865-6F-18. Corporations Exempt From the Franchise Tax Pursuant to Utah Code Ann. Section 59-7-105.

Published: September 15, 2002
Effective: November 1, 2002

No. 25332 (AMD): R865-9I-34. Property Tax Relief for Individuals Pursuant to Utah Code Ann. Sections 59-2-1201 through 59-2-1220 and 59-2-1104 through 59-2-1109.

Published: October 1, 2002
Effective: November 1, 2002

Motor Vehicle

No. 25160 (AMD): R873-22M-14. License Plates and Decals Pursuant to Utah Code Ann. Sections 41-1a-215, 41-1a-401, 41-1a-402.

Published: September 1, 2002
Effective: November 1, 2002

Property Tax

No. 25320 (AMD): R884-24P-33. 2002 Personal Property Valuation Guides and Schedules Pursuant to Utah Code Ann. Section 59-2-301.

Published: October 1, 2002
Effective: November 1, 2002

End of the Notices of Rule Effective Dates Section

**RULES INDEX
BY AGENCY (CODE NUMBER)
AND
BY KEYWORD (SUBJECT)**

The *Rules Index* is a cumulative index that reflects all effective changes to Utah's administrative rules. The current *Index* lists changes made effective from January 2, 2002, including notices of effective date received through November 1, 2002, the effective dates of which are no later than November 15, 2002. The *Rules Index* is published in the *Utah State Bulletin* and in the annual *Index of Changes*. Nonsubstantive changes, while not published in the *Bulletin*, do become part of the *Utah Administrative Code (Code)* and are included in this *Index*, as well as 120-Day (Emergency) rules that do not become part of the *Code*. The rules are indexed by Agency (Code Number) and Keyword (Subject).

DAR NOTE: Because of publication constraints neither index is printed in this Bulletin.

A copy of the *Rules Index* is available for public inspection at the Division of Administrative Rules (4120 State Office Building, Salt Lake City, UT), or may be viewed online at the Division's web site (<http://www.rules.utah.gov/>).

DAR NOTE: The index may contain inaccurate page number references. Also the index is incomplete in the sense that index entries for Changes in Proposed Rules (CPRs) are not preceded by entries for their parent Proposed Rules. These difficulties with the index are related to a new software package used by the Division to create the Bulletin and related publications; we hope to have them resolved as soon as possible. Bulletin issue information and effective date information presented in the index are, to the best of our knowledge, complete and accurate. If you have any questions regarding the index and the information it contains, please contact Nancy Lancaster (801 538-3218), Mike Broschinsky (801 538-3003), or Kenneth A. Hansen (801 538-3777).
