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Nancy L. Lancaster, Editor

The *Utah State Bulletin (Bulletin)* is an 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, 4120 State Office Building, Salt Lake City, Utah 84114, 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.

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SPECIAL NOTICES

Commerce
Administration

Public Hearing on Proposed Fees for Services Provided and Costs Incurred by the Department of Commerce During Fiscal Year 2006

The Department of Commerce will hold a hearing on Friday, December 10, 2004, at 9:00 a.m. at the Heber M. Wells Building, 160 East 300 South, Room 205, Salt Lake City, Utah.

The purpose of the hearing is to obtain public comment on proposed fees which could to be assessed for services provided and costs which would be incurred by the Department during Fiscal Year 2006. 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.

Background: Various divisions of the Department assess fees for licensure, registration, or certification of individuals and businesses to engage in certain occupations and professions. Many existing fees are unchanged in the proposed fee schedule which has been prepared for consideration by the Legislature during its 2005 General Session. Copies of those schedules will be distributed at the December 10, 2004, hearing.

For further information, please contact Kevin Funk at (801) 530-6347.

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 November 2, 2004, 12:00 a.m., and November 15, 2004, 11:59 p.m. are included in this, the December 1, 2004, 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 January 3, 2005. 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 31, 2005, 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
R27-1-2
Definitions

NOTICE OF PROPOSED RULE
(Amendment)
DAR FILE NO.: 27546
FILED: 11/15/2004, 10:23

RULE ANALYSIS

PURPOSE OF THE RULE OR REASON FOR THE CHANGE: This amendment clarifies that the statute of "authorized driver" is limited to employees as defined in the Governmental Immunity Act. It also defines a subset of commute vehicles, the use of which, is exempt from the imputation of a taxable fringe benefit according to Internal Revenue Service (IRS) publications.

SUMMARY OF THE RULE OR CHANGE: The proposed amendment to "authorized driver" clarifies that it applies to employees as defined in Section 63-30d-102 of the governmental immunity act. The proposed definition of "take home vehicle" applies to state vehicles assigned to be driven to and from an employee's residence and work location for more than five calendar days per month and the use of which is not considered a taxable fringe benefit under the provisions of IRS publication 15-b. The addition of this definition also requires the renumbering of subsequent definitions.

STATE STATUTORY OR CONSTITUTIONAL AUTHORIZATION FOR THIS RULE: Section 63A-9-401

ANTICIPATED COST OR SAVINGS TO:
❖ THE STATE BUDGET: The anticipated cost or savings to the state budget is unknown. Due to the range of individuals falling under the definition of "employee" in the Governmental Immunity Act, it is difficult to calculate impact. The proper categorization of vehicles assigned to be driven to and from an employees residence and their work assignment involves either the imputation of a taxable fringe benefit or an exemption therefrom, there could be an impact on the state budget. However, it is currently unknown where, along this imputed income/exemption divide agencies fall.
❖ LOCAL GOVERNMENTS: The amendment only involves state government. Hence, there is no aggregate anticipated cost or savings to local government.
❖ OTHER PERSONS: There is no anticipated cost or savings to others as a result of changes to the definition of "authorized driver." Likewise, changes to the proper categorization of a "take home vehicle" may have an effect on employees authorized to drive state vehicles to and from their residence and their place of work. However, the aggregate anticipated cost or savings to employees is unknown. Proper categorization may result in taxable fringe benefits being imputed to some employees and others being considered exempt from the imputed income.

COMPLIANCE COSTS FOR AFFECTED PERSONS: Compliance costs for affected persons are unknown. Proper categorization of "take home vehicle" may result in taxable fringe benefits being imputed to some employees and others being considered exempt from the imputed income.

COMMENTS BY THE DEPARTMENT HEAD ON THE FISCAL IMPACT THE RULE MAY HAVE ON BUSINESSES: The proposed amendments only affect state agencies. The proposed amendment is not anticipated to have a fiscal impact on 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:
Sal Petilos at the above address, by phone at 801-538-3091, by FAX at 801-538-3844, or by Internet E-mail at spetilos@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 01/03/2005.

THIS RULE MAY BECOME EFFECTIVE ON: 01/04/2005

AUTHORIZED BY: Steve Saltzgiver, Director

R27. Administrative Services, Fleet Operations.
R27-1. Definitions.
R27-1-2. Definitions.

In addition to the terms defined in Section 63A-9-101, as used in Title 63A, Chapter 9, or these rules the following terms are defined.

(1) "Accident" means any occurrence, in which a state vehicle is involved in a mishap resulting in harm or injury to persons, or damage to property, regardless of total cost of treatments or repairs. It may also be referred to as an incident.

(2) "Accident Review Committee (ARC)" means the panel formed by each agency to review accidents in which agency employees are involved and make a determination as to whether or not said accidents were preventable.

(3) "Agency" has the same meaning as provided in Section 63A-9-101(1)(a),(b), and (c).

(4) "Agency Motor Vehicle Policy (AMV)" means any policy written by an agency that covers any agency-specific needs involving the use of a state vehicle that are not addressed by state vehicle rules. Agencies shall not adopt policies that are less restrictive than the State vehicle rules.

(5) "Alternative Fuel Vehicles (AFV)"means any vehicle designed and manufactured by an original equipment manufacturer or a converted vehicle designed to operate either on a dual-fuel, flexible-fuel, or dedicated mode while using fuels other than gasoline or diesel. Examples of alternative fuel types are electricity, bio-diesel, fossil-fuel hybrids, compressed natural gas, propane, hydrogen, methanol, ethanol,

and any other vehicle fuel source approved by the Federal government's Department of Energy (DOE). AFVs shall be identified and tracked in DFO's fleet information system.

(6) "Authorized Driver" means any [~~individual~~]employee, as defined in Section 63-30d-102, of an agency who has been identified by [~~an~~]the agency in DFO's Fleet Information System as having the authority, within his or her scope of employment, to operate a state vehicle on the agency's behalf, who holds a valid driver license, and has completed the specific training and other criteria required by DFO, Risk Management or employing agency for the vehicle type that will be operated. An Authorized Driver may also be referred to as operator, employee or customer.

(7) "Authorized Passenger" means any state employee acting within the scope of his or her employment, or any other person or animal whose transport is either necessary for the performance of the authorized driver's employment duties, or has been pre-approved by the appropriate department head to accompany an authorized driver.

(8) "Capital only lease vehicle" means any vehicle with a lease designed to recover depreciation cost, (vehicle cost less salvage value spread over the estimated useful life of the vehicle, less the incremental cost of Alternative Fuel Configuration), plus overhead costs only. Capital only leases are subject to DFO approval.

(9) "Commute Use" means an employee driving a state vehicle from the employee's place of business to the employee's place of residence, until the start of the next business day for more than five calendar days per month.

(10) "Compressed Natural Gas Vehicle (CNG)" means any vehicle that may be fueled with compressed natural gas.

(11) "Department" means the Department of Administrative Services.

(12) "Division" has the same meaning as provided by Section 63A-9-101(3).

(13) "Driving Privilege Review Board (DPRB)" means the panel formed for the purpose of reviewing Accident Review Committee (ARC) decisions regarding the suspension, withdrawal or revocation of the state vehicle driving privilege.

(14) "Emergency Vehicle" means any state vehicle which is primarily used for the purpose of providing law enforcement and public safety services as defined in Section 53-12-102(3)(a) and (b), or fire service, or emergency medical services.

(15) "Expansion vehicle" means any vehicle purchased when an agency requires an additional vehicle in order to complete the duties assigned to the requesting agency and will increase the size of the state fleet. The purchase of an expansion vehicle requires legislative approval.

(16) "Extreme Duty Vehicle" a designation used for preventive maintenance purposes, means, but is not limited to, emergency vehicles and vehicles driven primarily off-road.

(17) "Feature" means any option or accessory that is available from the vehicle manufacturer.

(18) "Fixed costs" means, for the purposes of this rule, costs including depreciation, overhead, licensing, betterment, insurance, and title costs, as well as registration fees.

(19) "Fleet Vehicle Advisory Committee" means the panel formed for the purpose of advising DFO, after input form user agencies, as to the vehicle, included features, and equipment that will constitute the standard vehicle for each class in the fleet.

(20) "FO number" means a vehicle specific number assigned to each state vehicle for tracking purposes.

(21) "Fuel Network" means the state program that provides an infrastructure for fueling state vehicles.

(22) "Full Service Lease" means a type of lease designed to recover depreciation costs, overhead costs and all variable costs.

(23) "Heavy-duty Vehicle" means any motor vehicle having a gross vehicle weight range (GVWR) greater than 8,500 pounds. In addition to vehicles licensed for on road use, includes non-road vehicles, as defined in R27-1-2(31), with a GVWR greater than 8,500 pounds. Heavy-duty vehicles shall be tracked in DFO's fleet information system.

(24) "Light-duty Vehicle" means any motor vehicle having a gross vehicle weight rating (GVWR) of 8,500 pounds or less. In addition to vehicles licensed for on road use, includes non-road vehicles, as defined in R27-1-2(31), with a GVWR of 8.500 pounds or less. Light-duty vehicles shall be tracked in DFO's fleet information system.

(25) "Miscellaneous Equipment" means any equipment, enhancement or accessory that is installed on or in a motor vehicle by persons other than the original vehicle manufacturer, and other non-fleet related equipment. Includes, but is not limited to, light bars, 800 MHz radios, transits, surveying equipment, traffic counters, semaphores, and diagnostic related equipment. Miscellaneous Equipment shall be tracked in DFO's fleet information system.

(26) "Motor Pool" generally, means any vehicle that is made available to agencies for lease on a short-term basis.

(27) "Motor Vehicle" has the same meaning as provided by Section 63A-9-101(6)(a) and (b).

(28) "Motor Vehicle Review Committee (MVRC)" means the panel formed to advise the Division of Fleet Operations (DFO), as required by Subsection 63A-9-301(1). The duties of the MVRC are as specified in Section 63A-9-302.

(29) "Non-Preventable Accident" means any occurrence involving an accident/incident in which everything that could have been reasonably done to prevent it was done and the accident/incident still occurred. Non-preventable accidents shall include vandalism of state vehicles being used to conduct state business.

(30) "Non-road vehicle" means a vehicle, regardless of GVWR, that is not licensed for on-road use. Includes, but is not limited to, vehicles used principally for construction and other non-transportation purposes. Golf carts, farm tractors, snowmobiles, forklifts and boats are examples of vehicles in this category. Non-road vehicles shall be tracked in DFO's fleet information system.

(31) "Other Equipment" means vehicles and equipment not specifically identified in other standard reporting categories.

(32) "Personal Use" means the use of a state vehicle to conduct an employee's personal affairs, not related to state business.

(33) "Preventable Accident" means any occurrence involving a state vehicle, which results in property damage and/or personal injury, regardless of who was injured, what property was damaged, to what extent, or where it occurred, in which the authorized driver in question failed to do everything that could have reasonably been done to prevent it.

(a) Preventable accidents are not limited to collisions.

(b) As used in this rule, "preventable accidents" include, but are not limited to: damage to the interior of the state vehicle due to improperly locked doors, smoke or burn damage caused by smoking in the vehicle or lack of general care of the vehicles interior.

(34) "Preventive Maintenance (PM)" means vehicle services that are conducted at regular time intervals to deter mechanical breakdowns, including, but not limited to, lube, oil and filter changes.

(35) "Regular Duty Vehicle" a designation used for preventive maintenance purposes, means a vehicle that is driven primarily on paved roads under normal driving conditions.

(36) "Replacement cycle" means the criteria established to determine when the replacement of a state vehicle is necessary. A replacement cycle has a time and mileage element, and is established according to vehicle type and use.

(37) "Replacement vehicle" means a vehicle purchased to replace a state vehicle that has met replacement cycle criteria.

(38) "Service Level Agreement (SLA)" means an agreement, signed annually, between an agency and DFO in which the agency agrees to follow all rules, policies and procedures published by DFO concerning the use of state vehicles. This document also clearly defines the level of service between DFO and agencies.

(39) "State of Utah Fuel Card" means a purchase card issued to vehicles by the fuel network program, to be used when purchasing fuel. Fluids and minor miscellaneous items that may also be purchased with the "State of Utah Fuel Card" cannot exceed the monthly monetary limits placed on such purchases by DFO/Fuel Network, unless otherwise authorized.

(40) "Take-home vehicle" means a state vehicle assigned to be driven to and from an employee's place of residence and their assigned work location for more than five calendar days per month and the employee's use of the vehicle is a working condition benefit and not a taxable fringe benefit under the provisions of IRS bulletin 15-B.

([~~40~~]41) "State vehicle" for the purposes of this rule, has the same meaning as provided by Subsection 63A-9-101(7).

([~~41~~]42) "Unique Motorized Equipment" (UME) means high-cost vehicles and equipment such as trains; locomotives; airplanes; jets; mobile power stations and helicopters. Unique equipment shall be tracked in DFO's fleet information system.

([~~42~~]43) "Variable costs" means costs including, but are not limited to fuel, oil, tires, services, repairs, maintenance and preventive maintenance.

([~~43~~]44) "Vehicle Identification Number (VIN)" means the number issued by the vehicle manufacturer to identify the vehicle in the event of a theft; this number can be found on the driver's side of the dashboard below the windshield.

([~~44~~]45) "Vendor" means any person offering sales or services for state vehicles, such as preventive maintenance or repair services.

KEY: definitions
[~~January 23, 2002~~]2005
63A-9-401

Administrative Services, Fleet Operations
R27-4
Vehicle Replacement and Expansion of State Fleet

NOTICE OF PROPOSED RULE
(Amendment)
DAR FILE NO.: 27543
FILED: 11/15/2004, 07:26

RULE ANALYSIS

PURPOSE OF THE RULE OR REASON FOR THE CHANGE: This amendment establishes procedural and financial requirements when agencies place a vehicle currently identified as "do not replace" into a replacement cycle, and in cases when agencies request an upgrade to a vehicle that is currrently on a replacement cycle.

SUMMARY OF THE RULE OR CHANGE: Changes to Section R27-4-5 would subject the placement of a "do not replace" vehicle into a replacement cycle to the same requirements as obtaining an expansion vehicle. The changes would require prior legislative approval and the transfer of funds necessary to make the Division of Fleet Operations (DFO) whole with regard to uncollected depreciation stemming from the vehicle's "do not replace" status. Changes to Section R27-4-8 would require agencies that are upgrading vehicles currently on a replacement cycle to make DFO whole by providing funds sufficient to cover the depreciation still owed on the current vehicle plus the difference in cost between the actual vehicle to be purchased and the vehicle that was supposed to replace the current vehicle.

STATE STATUTORY OR CONSTITUTIONAL AUTHORIZATION FOR THIS RULE: Section 63A-9-401

ANTICIPATED COST OR SAVINGS TO:

❖ THE STATE BUDGET: Aggregate anticipated costs or savings to the budget are unknown. It is anticipated that there will be additional costs if agencies either place a "do not replace" vehicle on a replacement cycle or upgrade an existing vehicle mid-term. Exercising either option is in the hands of the agencies and the extent to which agencies will exercise the option is unknown.

❖ LOCAL GOVERNMENTS: There is no anticipated costs or savings to local governments. The proposed amendment only affects state agencies.

❖ OTHER PERSONS: There is no anticipated costs or savings to other persons. The proposed amendment only affects state agencies.

COMPLIANCE COSTS FOR AFFECTED PERSONS: There are no anticipated compliance costs for affected persons. The proposed amendment only affects state agencies.

COMMENTS BY THE DEPARTMENT HEAD ON THE FISCAL IMPACT THE RULE MAY HAVE ON BUSINESSES: The fiscal impact that the rule changes may have on business are unknown. The rules could have a negative impact on businesses if the rules erect a barrier sufficient to dissuade agencies from either placing a "do not replace" vehicle on a replacement cycle or from purchasing a more expensive vehicle in order to upgrade an existing one. On the other hand, there may be a positive impact on businesses should agencies decide to exercise either option and thereby either purchase a new vehicle or a more expensive vehicle.

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:
Sal Petilos at the above address, by phone at 801-538-3091, by FAX at 801-538-3844, or by Internet E-mail at spetilos@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 01/03/2005.

THIS RULE MAY BECOME EFFECTIVE ON: 01/04/2005

AUTHORIZED BY: Steve Saltzgiver, Director

R27. Administrative Services, Fleet Operations.
R27-4. Vehicle Replacement and Expansion of State Fleet.
R27-4-5. Fleet Expansion.

(1) Any expansion of the state motor vehicle fleet requires legislative approval.

(2) The agency requesting a vehicle that will result in fleet expansion or that a vehicle currently designated "do not replace" be placed on a replacement cycle, shall be required to provide proof of the requisite legislative approval and funding for the procurement of an expansion vehicle or the placement of a "do not replace" vehicle on a replacement cycle, and any additional features and miscellaneous equipment, before DFO is authorized to purchase the expansion vehicle.

(3) For the purposes of this rule, an agency shall be deemed to have the requisite legislative approval under the following circumstances only:

(a) The procurement of expansion vehicles or the placement of a "do not replace" vehicle on a replacement cycle is explicitly authorized by the Appropriations Committee during the general legislative session; or

(b) The procurement of expansion vehicles or the placement of a "do not replace" vehicle on a replacement cycle is explicitly authorized by a special session of the legislature convened for the express purpose of approving fleet expansion.

(4) For the purposes of this rule, only the following shall constitute acceptable proof of legislative approval of the requested expansion or placement of a "do not replace" vehicle on a replacement cycle:

(a) A letter, signed by the agency's Chief Financial Officer, citing the specific line item in the appropriations bill providing said authorization; or

(b) Written verification from the agency's analyst in the Governor's Office of Planning and Budget (GOPB) indicating that the request for expansion was authorized and funded by the legislature.

(5) Upon receipt of proof of legislative approval of an expansion from the requesting agency, DFO shall provide to the State Division of Finance copies of the proof submitted in order for the Division of Finance to initiate the process for the formal transfer of funds necessary to procure the expansion vehicle(s) from the requesting agency to DFO. In no event shall DFO purchase expansion vehicles for requesting agencies until the Division of Finance has completed the process for the formal transfer of funds.

(6) In the event that the requesting agency receives legislative approval for placing a "do not replace" vehicle on a replacement cycle, the requesting agency shall, in addition to providing DFO with proof of approval and funding, provide the Division of Finance with funds, for transfer to DFO, equal to the amount of depreciation that DFO would have collected for the number of months between the time that the "do not replace" vehicle was put into service and the time that the requesting agency begins paying the applicable monthly lease rate for the replacement cycle chosen. In no event shall DFO purchase a replacement vehicle for the "do not replace" vehicle if the requesting agency fails to provide funds necessary to cover said depreciation costs.

([~~6~~]7) When the expansion vehicle is procured, the vehicle shall be added to the fleet and a replacement cycle established.

([~~7~~]8) DFO is responsible for insuring that the state motor vehicle fleet complies with United States Department of Energy alternative fuel vehicle (AFV) mandates. DFO may require that a certain number of expansion vehicles, regardless of the requesting agency, be alternate fuel vehicles to insure in compliance with said AFV mandates.

R27-4-8. Vehicle Class Differential Upgrade.

(1) For the purposes of this rule, requests for vehicles other than the planned replacement vehicle established by DFO after reviewing the recommendations of the Fleet Vehicle Advisory Committee (FVAC), that results in an increase in vehicle cost shall be deemed a vehicle class differential upgrade. For example, a vehicle class differential upgrade occurs when, regardless of additional features and/or miscellaneous equipment:

(a) The replacement vehicle requested by the agency, although within the same vehicle class as the vehicle being replaced, is not the standard replacement vehicle established by DFO for that class.[~~ For example, an agency requests a Ford Focus instead of a Chevrolet Cavalier, the standard vehicle in the compact sedan class for FY 2001.~~]

(b) The agency requests that a vehicle be replaced with a more expensive vehicle belonging to another class. For example, when an agency requests to have a standard 1/2 ton truck replaced with a standard 3/4 ton truck, or a compact sedan be replaced with a mid-size sedan.

(2) Requests for vehicle class differential upgrades shall be made in writing and:

(a) Present reasons why the upgrades are necessary in order to meet the agency's needs, and

(b) Shall be signed by the requesting agency's director or the appropriate budget or accounting officer.

(3) All requests for vehicle class differential upgrades shall be subject to review and approval by the Director of DFO or the director's designee. Vehicle class differential upgrades shall be approved only when:

(a) In the judgment of the Director of DFO or the director's designee, the requested vehicle upgrade is necessary and appropriate for meeting the demands of changing operational needs for which the planned replacement vehicle is clearly inadequate or inappropriate;

(b) In the judgment of the Director of DFO or the director's designee, the requested vehicle upgrade is necessary and appropriate for meeting safety, environmental, or health or other special needs for drivers or passengers.

(4) Agencies may petition the Executive Director of the Department of Administrative Services, or the executive director's designee, for a review in the event that the Director of DFO or the director's designee denies a request for a vehicle class differential upgrade.

(5) Agencies obtaining approval for vehicle class differential upgrade(s) at the end of the applicable replacement cycle shall pay to DFO, in full, prior to the purchase of the vehicle, a vehicle class differential upgrade rate designed to recover the difference in cost between the planned replacement vehicle and the actual replacement

vehicle when the replacement vehicle is a more expensive vehicle belonging to the same or another class.

(6) Agencies obtaining approval for vehicle class differential upgrade(s) prior to the end of the current vehicle's replacement cycle shall, prior to the purchase of the replacement vehicle, pay to DFO, in full, an amount equal to the difference in cost between the actual replacement vehicle and the planned replacement vehicle plus the amount of depreciation still owed on the vehicle being replaced, less the salvage value of the vehicle being replaced.

KEY: fleet expansion, vehicle replacement
[~~December 19, 2003~~]2005
63A-9-401(1)(a)
63A-9-401(c)(v)
63A-9-401(c)(ix)
63A-9-401(c)(xi)
63A-9-401(c)(xii)

Administrative Services, Fleet Operations
R27-6
Fuel Dispensing Program

NOTICE OF PROPOSED RULE
(Amendment)
DAR FILE NO.: 27544
FILED: 11/15/2004, 07:32

RULE ANALYSIS

PURPOSE OF THE RULE OR REASON FOR THE CHANGE: This amendment establishes procedures for issuing a fuel card, conditions of use, and oversight responsibilities for fuel card use; and conditions for a supervisor fuel card to be issued and to establish drivers' responsibilities regarding the entry of correct odometer readings, and the time period in which agencies have to cure errors and penalties imposed for failure to cure the error.

SUMMARY OF THE RULE OR CHANGE: Section R27-6-5 amendments establish procedures for issuing a fuel card, the relationship between the vehicle and the fuel card assigned to it, the conditions of use that apply to a fuel card, agency oversight responsibilities for fuel card use, and makes clear that the authority to make changes to fuel card information or to delete fuel cards resides solely with state fuel technicians. Changes to Section R27-6-7 establish the requirements that must be met by agencies in order for a supervisor fuel card to be issued. Changes to Section R27-6-9 establish drivers' responsibilities regarding the entry of correct odometer readings, the time period in which agencies have to cure errors and the consequences associated with a failure to cure an odometer error within the specified period of time.

STATE STATUTORY OR CONSTITUTIONAL AUTHORIZATION FOR THIS RULE: Section 63A-9-401

ANTICIPATED COST OR SAVINGS TO:

❖ THE STATE BUDGET: There is no aggregate anticipated cost or savings to the budget. The Division of Fleet Operations (DFO) policies that have governed the use and issuance of fuel cards, oversight and responsibilities, as well as penalties for the failure to cure errors have been in place for some time. A statutory redefinition of what constitutes a "rule" has necessitated the transfer of DFO's policies into rule. Consequently, no cost or savings is anticipated as a result of the rule changes.

❖ LOCAL GOVERNMENTS: There is no aggregate anticipated cost or savings to local governments. DFO policies that have governed the use and issuance of fuel cards, oversight and responsibilities, as well as penalties for the failure to cure errors have been in place for some time. A statutory redefinition of what constitutes a "rule" has necessitated the transfer of DFO's policies into rule. Consequently, no cost or savings is anticipated as a result of the rule changes.

❖ OTHER PERSONS: There is no aggregate anticipated cost or savings to other persons. DFO policies that have governed the use and issuance of fuel cards, oversight and responsibilities, as well as penalties for the failure to cure errors have been in place for some time. A statutory redefinition of what constitutes a "rule" has necessitated the transfer of DFO's policies into rule. Consequently, no cost or savings is anticipated as a result of the rule changes.

COMPLIANCE COSTS FOR AFFECTED PERSONS: No compliance costs for affected persons is anticipated. DFO policies that have governed the use and issuance of fuel cards, oversight and responsibilities, as well as penalties for the failure to cure errors have been in place for some time. A statutory redefinition of what constitutes a "rule" has necessitated the transfer of DFO's policies into rule.

COMMENTS BY THE DEPARTMENT HEAD ON THE FISCAL IMPACT THE RULE MAY HAVE ON BUSINESSES: The rule changes are not anticipated to have a fiscal impact on businesses. The changes simply impact entities leasing vehicles from DFO and their respective drivers. The rules should not have an impact on actual fuel purchases.

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:
Sal Petilos at the above address, by phone at 801-538-3091, by FAX at 801-538-3844, or by Internet E-mail at spetilos@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 01/03/2005.

THIS RULE MAY BECOME EFFECTIVE ON: 01/04/2005

AUTHORIZED BY: Steve Saltzgiver, Director

R27. Administrative Services, Fleet Operations.
R27-6. Fuel Dispensing Program.
R27-6-3. State Fuel Network.

(1) The state fuel network consists of all fuel sites owned, leased or under the control of the DFO; all state agencies including[~~except~~] institutions of higher education; all counties, municipalities, school districts, and special districts that subscribe to the services provided by DFO; and all privately owned fuel sites that participate in the Utah Fuel Card program.

R27-6-5. Authority to Issue a State of Utah Fuel Card.

(1) Except when delegated pursuant to the provisions of R27-6-6, the authority to issue State of Utah Fuel Cards (fuel card) and assign Personal Identification Numbers (PIN) resides exclusively with DFO.

(2) All fueling cards associated with state vehicles shall be documented in the fleet information system. Only one fuel card shall be issued to each vehicle. The PIN issued by the fuel card system to individual employees for their exclusive use is an electronic "signature" of the person to whom it is issued. Use of the fuel card and PIN are restricted to fueling the vehicles to which the fuel card was issued.

(3) Requests for fuel cards and/or PINs shall be documented in the Information Technology Services (ITS) Helpdesk software.

(4) Standard Fuel Network Vehicle and Employee PIN worksheets shall be used when requesting fuel cards and PINs.

(5) DFO shall distribute to each agency a monthly report showing all active fuel cards issued to the respective agencies.

(a) Agencies shall review the monthly reports and notify the State Fuel Technicians in charge of fuel cards of any discrepancies discovered.

(b) State Fuel Technicians shall investigate the discrepancy and make the necessary changes to the fuel card program and the fleet information system.

(6) Agencies may request that a fuel card history report accompany the monthly active fuel card report.

(7) In the event that a fuel card is no longer required due to card expiration, malfunction, loss, misuse, or the vehicle's disposal, the card shall be deleted from the fleet fuel card system and identified as "expired" in the fleet information system. No modifications to the fuel card shall be allowed.

(8) Only State Fuel Technicians have the authority to make changes to fuel card information and to delete fuel cards from the system.

[~~(2)~~](9) In the event that a fuel card is either lost or stolen, the operator shall[~~,~~] immediately report the loss or theft of the fuel card to DFO.

R27-6-7. Authorized Use of a State of Utah Fuel Card.

(1) The following procedures shall be followed when purchasing fuel from either a state run or a participating commercial public fueling site:

(a) Verify that the vendor is a participant in the State Fuel Network Program; and

(b) Follow the procedures that apply to the particular site and enter the correct information when prompted in order to purchase fuel.

(2) Except as provided in paragraph 3 of this section, the fuel card shall only be used to purchase:

(a) Fuel; and

(b) Fluids, car washes and minor miscellaneous items for state vehicles whose value, taken together, shall not exceed the monthly monetary limits determined by DFO.

(3) Agency requests for a fuel card for use by a supervisor for emergency purposes, or for use with small miscellaneous equipment shall be approved provided the agency:

(a) Represents that they have a reconciliation or fuel transaction auditing process in place for the review of miscellaneous transactions in order to prevent theft, abuse and fraud relating to the use of the card; and

(b) Cooperates with DFO to insure all fuel dispensed using fuel cards not assigned to specific vehicles is properly documented in the fleet information system through the use of a manual fuel ticket.

R27-6-9. Meter Rejects.

(1) Drivers of state vehicles are required to enter the correct mileage, excluding tenths of miles, when using the fuel card assigned to the vehicle.

(2) In the event that the driver makes an error in the mileage update, the driver or the agency's contact shall provide designated DFO personnel with a correct mileage update.

(3) In the event that an individual operating a state vehicle inputs a blatant error meter reject, DFO will impose on the agency, an one time charge (OTC) in accordance with applicable rate schedule. A blatant error meter reject occurs when the operator enters the same number as the mileage (e.g., 000000)or enters a fictitious number that is not close to the current odometer reading (e.g., 123456). DFO may, upon request by the agency, allow five business days during which to investigate a blatant error. If the blatant error is deemed to have been the result of equipment failure, DFO will not impose the OTC.

(4) Agency contacts shall, within five business days of the request, respond to a DFO request to investigate a meter reject. In the event that the agency fails to respond or make arrangements for an extension of the time period in which to investigate the meter reject, DFO will impose an OTC in accordance with the applicable rate schedule, upon the agency.

R27-6-[~~9~~]10. Bulk Fuel Purchases.

(1) For all fuel sites for which DFO purchases fuel:

(a) The authority to purchase bulk fuel resides exclusively with DFO.

(b) All fuel stored at, or contained in, fuel sites for which DFO purchases fuel shall be the property of the State of Utah, DFO.

R27-6-[~~10~~]11. Fuel Site Maintenance.

(1) All fuel sites in the state fuel network for which DFO purchases fuel shall be managed by the DFO. All fuel sites for which DFO does not purchase fuel shall be managed by the agency, subscribing county, municipality, school district, or special district that has ownership, possession, or control of the site.

(2) Except for privately owned, leased or controlled fuel sites, maintenance at all other fuel sites in the State Fuel Network, shall be performed only by personnel of the DFO and/or their authorized agents.

(3) Only DFO personnel and/or authorized agents shall be authorized to disconnect power or communication from any fueling equipment, including, but not limited to, tanks and monitoring equipment.

(4) Personnel of agencies, subscribing counties, municipalities, school districts and special districts at fuel sites shall not perform, or give authorization to perform, any site maintenance.

(c) Personnel of agencies, subscribing counties, municipalities, school districts and special districts at fuel sites shall report any maintenance concerns to the DFO.

(d) Personnel of agencies, subscribing counties, municipalities, school districts and special districts at fuel sites shall provide DFO, its employees and/or authorized agents, 24-hour access to fuel sites for any maintenance or service needs.

(4) In the event that a fuel site operated by an agency, subscribing county, municipality, school district or special district is not part of the Utah Fuel card system, it shall be the responsibility of the fuel site personnel to keep records of all following information for entry into the fleet information system:

(a) Correct odometer reading;

(b) Operators' PIN;

(c) Vehicle number or license plate number;

(d) Other information as required by DFO.

R27-6-[~~11~~]12. Underground Fuel Storage Tanks.

(1) DFO shall be responsible for coordinating the installation of state owned underground storage tanks and the upgrading, retrofitting, repair or removal of existing underground storage tanks located on or about property, easements or rights of way owned, leased or otherwise controlled by agencies.

(2) DFO shall be responsible for paying for all operations related to the installation, upgrading, retrofitting, repair or removal of underground fuel storage tanks listed in its Underground Storage Tank Inventory.

(3) The costs associated with all operations related to the installation, repair or removal of Underground Fuel Storage Tanks that are not contained in DFO Underground Storage Tank Inventory shall be the responsibility of the agency having ownership, possession or control of the site in which the storage tank is found.

(4) All agency fuel site personnel shall provide DFO, its employees and/or authorized agents, 24-hour access to fuel sites for any storage tank maintenance or service needs.

R27-6-[~~12~~]13. Abuse and Neglect of Fueling Equipment.

Damage to fuel equipment that results from the abuse or neglect of an operator shall be the responsibility of the agency employing the operator at the time of the incident.

R27-6-[~~13~~]14. Delegation of Authority to Manage and Maintain Fuel Storage Tanks.

(1) The director of the Division of Fleet Operations, with the approval of the Executive Director of the Department of Administrative Services, may delegate the authority to manage and maintain fuel storage tanks holding fuel that is not for use in motor vehicles, to other agencies or institution, by contract or other means authorized by law, if:

(a) the state agency or institution has requested the authority; and

(b) in the judgment of the director, the state agency or institution has the necessary resources and skills to perform the delegated responsibilities.

(2) The delegation shall contain the following:

(a) a precise definition of each function to be delegated;

(b) a clear description of the standards to be met in performing each function delegated; and

(c) a provision for periodic administrative audits by either DFO or the Department of Administrative Services; and

(d) a date on which the agreement shall terminate if the agreement has not been previously terminated or renewed.

(3) An agreement to delegate functions to a state agency or institution may be terminated by DFO if the results of administrative audits conducted by either DFO or the Department of Administrative Services reveal a lack of compliance with the terms of the agreement by the state agency or institution.

KEY: fuel dispensing
[~~April 8, 2002~~]2005
63A-9-401(1)(c)(vi)
63A-9-401(1)(e)
63A-2-201.1(a)

Commerce, Occupational and Professional Licensing

R156-17a

Pharmacy Practice Act Rules

NOTICE OF PROPOSED RULE

(Repeal)
DAR FILE NO.: 27528
FILED: 11/04/2004, 12:36

RULE ANALYSIS

PURPOSE OF THE RULE OR REASON FOR THE CHANGE: During the 2004 General Session of the Legislature, a new statute (Title 58, Chapter 17b) governing the practice of pharmacy was enacted and the existing statute (Title 58, Chapter 17a) was repealed effective July 1, 2004. Since a new rule is being proposed at Rule R156-17b to clarify the provisions of the newly enacted statute, this rule is no longer necessary. (DAR NOTES: S.B. 114 is found at UT L 2004 Ch 280, and was effect July 1, 2004. The proposed new rule of R156-17b is under DAR No. 27529 in this issue.)

SUMMARY OF THE RULE OR CHANGE: This rule is being repealed in its entirety. Most of the provisions being deleted in this rule can now be found in the new proposed rule, R156-17b.

STATE STATUTORY OR CONSTITUTIONAL AUTHORIZATION FOR THIS RULE: Sections 58-17a-101 and 58-37-1; and Subsections 58-1-106(1)(a) and 58-1-202(1)(a)

THIS RULE OR CHANGE INCORPORATES BY REFERENCE THE FOLLOWING MATERIAL: Deletes the following: American Pharmaceutical Association Code of Ethics, October 1994; Food and Drug Administration Compliance Policy Guideline 460.200, March 16, 1992; and United States Pharmacopeia/ National Formulary (USP/NF), 2003 edition, January 1, 2004, through Supplement 2, dated August 1, 2003

ANTICIPATED COST OR SAVINGS TO:

❖ THE STATE BUDGET: The Division does not anticipate any costs or savings from this rule being repealed in its entirety. Any costs or savings associated with implementing the newly

enacted Pharmacy Practice Act are identified in the new rule filing for Rule R156-17b.

❖ LOCAL GOVERNMENTS: This rule being repealed does not apply to local governments. Therefore, there is no anticipated cost or savings to local government.

❖ OTHER PERSONS: The Division does not anticipate any costs or savings from this rule being repealed in its entirety. Any costs or savings associated with implementing the newly enacted Pharmacy Practice Act are identified in the new rule filing for Rule R156-17b.

COMPLIANCE COSTS FOR AFFECTED PERSONS: The Division does not anticipate any costs or savings from this rule being repealed in its entirety. Any costs or savings associated with implementing the newly enacted Pharmacy Practice Act are identified in the new rule filing for R156-17b.

COMMENTS BY THE DEPARTMENT HEAD ON THE FISCAL IMPACT THE RULE MAY HAVE ON BUSINESSES: This rule filing repeals the rule associated with Title 58, Chapter 17a, which has been repealed by passage of S.B. 114 in the 2004 Legislative Session. There appears to be no fiscal impact to businesses as a result of this repeal. The fiscal impact associated with the enactment of the new rule to administer the new Pharmacy Practice Act (Title 58, Chapter 17b) adopted by passage of S.B. 114 is addressed in a separate rule filing. Klarice A. Bachman, Executive Director

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

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

DIRECT QUESTIONS REGARDING THIS RULE TO:
Diana Baker at the above address, by phone at 801-530-6179, by FAX at 801-530-6511, or by Internet E-mail at dbaker@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 01/03/2005

INTERESTED PERSONS MAY ATTEND A PUBLIC HEARING REGARDING THIS RULE: 12/21/2004 at 9:00 AM, Heber Wells Bldg, 160 E 300 S, Conference Room 4A (fourth floor), Salt Lake City, UT.

THIS RULE MAY BECOME EFFECTIVE ON: 01/04/2005

AUTHORIZED BY: J. Craig Jackson, Director

R156. Commerce, Occupational and Professional Licensing.
[~~**R156-17a. Pharmacy Practice Act Rules.**~~

~~**R156-17a-101. Title.**~~

~~These rules are known as the "Pharmacy Practice Act Rules".~~

~~**R156-17a-102. Definitions.**~~

~~In addition to the definitions in Title 58, Chapters 1 and 17a, as used in Title 58, Chapters 1 and 17a or these rules:~~

~~(1) "Dispense", as defined in Subsection 58-17a-102(9), does not include transferring medications for a patient from a legally dispensed prescription for that particular patient into a daily or weekly drug container to facilitate the patient taking the correct medications.~~

~~(2) "NAPLEX" means North American Pharmacy Licensing Examination.~~

~~(3) "NABP" means the National Association of Boards of Pharmacy.~~

~~(4) "Qualified continuing education" as used in these rules, means continuing education that meets the standards set forth in Section R156-17a-313.~~

~~(5) "Unprofessional conduct", as defined in Title 58, Chapters 1 and 17a, is further defined, in accordance with Subsection 58-1-203(5), in Section R156-17a-502.~~

~~**R156-17a-103. Authority - Purpose.**~~

~~These rules are adopted by the division under the authority of Subsection 58-1-106(1) to enable the division to administer Title 58, Chapter 17a.~~

~~**R156-17a-104. Organization - Relationship to Rules R156-1.**~~

~~The organization of this rule and its relationship to Rule R156-1 is as described in Section R156-1-107.~~

~~**R156-17a-301. Licensure - Pharmacist - Pharmacy Internship Standards.**~~

~~In accordance with Subsection 58-17a-302(1)(d), the standards for the internship required for licensure as a pharmacist include the following:~~

~~(1) The internship shall consist of at least 1500 hours obtained in Utah, in another state or territory of the United States, or in Utah and another state or territory of the United States.~~

~~(a) Internship hours completed in Utah shall include at least 360 hours but not more than 900 hours in a college coordinated practical experience program as an integral part of the curriculum which shall include a minimum of 120 hours in each of the following practices:~~

~~(i) community pharmacy;~~

~~(ii) hospital pharmacy; and~~

~~(iii) another pharmacy setting.~~

~~(b) Internship hours completed in another state or territory of the United States shall be accepted based on the approval of hours by the state pharmacy board of that jurisdiction.~~

~~(2) Evidence of completed internship hours shall be documented to the division by the pharmacy intern at the time application is made for a Utah pharmacist license or at the completion of the Utah internship, if not seeking Utah licensure.~~

~~**R156-17a-302. Licensure - Pharmacist - Examinations.**~~

~~In accordance with Subsection 58-17a-302(1)(e), the examinations which must be successfully passed by applicants for licensure as a pharmacist are:~~

~~(1) the NAPLEX with a passing score as established by the NABP;~~

~~(2) the Multistate Pharmacy Jurisprudence Examination with a minimum passing score as established by the NABP.~~

R156-17a-303. Licensure - Pharmacist by Endorsement.

In accordance with Subsections 58-1-203(2) and 58-1-301(3), an applicant for licensure as a pharmacist by endorsement shall apply through the "Licensure Transfer Program" administered by NABP.

R156-17a-304. Licensure - Pharmacy Technician - Education Standards.

(1) In accordance with Subsection 58-17a-302(4)(e), the standards for the program of education and training which is a requirement for licensure as a pharmacy technician shall include:

(a) The program shall consist of at least 300 hours of combined didactic and clinical training to include at a minimum the following topics:

(i) legal aspects of pharmacy practice such as laws and rules governing practice;

(ii) hygiene and aseptic technique;

(iii) terminology, abbreviations and symbols;

(iv) pharmaceutical calculations;

(v) identification of drugs by trade and generic names, and therapeutic classifications;

(vi) filling of orders and prescriptions including packaging and labeling;

(vii) ordering, restocking, and maintaining drug inventory; and

(viii) computer applications in the pharmacy.

(b) The program of education and training shall be outlined in a written plan and shall include a final examination covering at a minimum the topics listed in Subsection (1)(a) above.

(2) The written outline of the training program including the examination shall be available to the division and board upon request.

R156-17a-305. Licensure - Pharmacy Technician - Examinations.

(1) In accordance with Subsection 58-17a-302(4)(e)((ii)(B), the examinations which must be passed by all applicants applying for licensure as a pharmacy technician are:

(a) the Utah Pharmacy Technician Law and Rule Examination with a passing score of at least 75; and

(b) the National Pharmacy Technician Certification Examination with a passing score as established by the Pharmacy Technician Certification Board.

R156-17a-306. Licensure - Pharmacy Intern - Education.

(1) In accordance with Subsection 58-17a-302(5)(a)(i), the approved program is one which is accredited by the American Council on Pharmaceutical Education.

(2) In accordance with Subsection 58-17a-302(5)(b), the preliminary educational qualifications are as defined in Subsection 58-17a-302(5)(b).

(3) In accordance with Subsection 58-17a-302(5)(b), a recognized college or school of pharmacy is one which has a pharmacy program accredited by the American Council on Pharmaceutical Education.

R156-17a-307. Licensure - Preceptor Approval.

In accordance with Subsection 58-17a-102(45), the requirements which must be met by a licensed pharmacist to be approved as a preceptor are:

(1) hold a Utah pharmacist license that is active and in good standing;

(2) have been engaged in active practice as a licensed pharmacist for not less than two years immediately preceding the application for approval as a preceptor, except if employed as a professional experience program coordinator in a pharmacy program accredited by the American Council on Pharmaceutical Education; and

(3) have not been under any sanction at any time which sanction is considered by the division or board to have been of such a nature that the best interests of the intern and the public would not be served by approving the licensee as a preceptor.

R156-17a-308. Licensure - Administrative Inspection.

In accordance with Subsections 58-1-203(2), 58-1-301(3), 58-17a-303(4)(d) and Section 58-17a-103, an administrative inspection may be:

(1) an onsite inspection; or

(2) a self-report inspection completed by the pharmacist in-charge on an audit form supplied by the division.

R156-17a-309. Licensure - Meet with the Board.

In accordance with Subsections 58-1-203(2) and 58-1-301(3), an applicant for licensure under Title 58, Chapter 17a may be required to meet with the State Board of Pharmacy for the purpose of evaluating the applicant's qualifications for licensure.

R156-17a-310. Licensure - Out-of-state Mail Order Pharmacy.

In accordance with Subsections 58-1-203(2), 58-1-301(3), 58-17a-303(2)(c) and 58-17a-303(4)(d), the application for licensure as an out-of-state mail order pharmacy shall supply sufficient information concerning the applicant's standing in its state of domicile to permit the division and the board to determine the applicant's qualification for licensure in Utah. Such information shall include the following:

(1) a certified letter from the licensing authority of the state in which the pharmacy is located attesting to the fact that the pharmacy is licensed in good standing and is in compliance with all laws and regulations of that state;

(2) an affidavit affirming that the applicant will cooperate with all lawful requests and directions of the licensing authority of the state of domicile relating to the shipment, mailing or delivery of dispensed legend drugs into Utah; and

(3) a copy of the most recent state inspection showing the status of compliance with laws and regulations for physical facility, records, and operations.

R156-17a-311. Licensure - Branch Pharmacy.

In accordance with Subsections 58-1-203(2), 58-1-301(3) and Section 58-17a-614, the qualifications for licensure as a branch pharmacy include the following:

(1) The division in collaboration with the board shall designate the location of each branch pharmacy. The following shall be considered in granting such designation:

(a) the distance between or from nearby alternative pharmacies and all other factors affecting access of persons in the area to alternative pharmacy resources;

(b) the availability at the location of qualified persons to staff the pharmacy consistent with Section R156-17a-609 of these rules;

(c) the availability and willingness of a parent pharmacy and supervising pharmacist to assume responsibility for the branch pharmacy;

(d) the availability of satisfactory physical facilities in which the branch pharmacy may operate; and

(e) the totality of conditions and circumstances which surround the request for designation.

(2) A branch pharmacy shall be licensed as a retail pharmacy branch of an existing retail, hospital, or institutional pharmacy licensed by the division.

(3) The application for designation of a branch pharmacy shall be submitted by the licensed pharmacy seeking such designation. In the event more than one licensed pharmacy makes application for designation of a branch pharmacy location at a previously undesignated location, the division in collaboration with the board, shall review all applications for designation of the branch pharmacy and, if the location is approved, shall approve for licensure the applicant determined best able to serve the public interest.

(4) The application shall include the following:

(a) complete identifying information concerning the applying parent pharmacy;

(b) complete identifying information concerning the designated supervising pharmacist employed at the parent pharmacy;

(c) address and description of the facility in which the branch pharmacy is to be located;

(d) a specific formulary to be stocked indicating with respect to each prescription drug the name, the dosage strength and dosage units in which the drug will be prepackaged;

(e) complete identifying information concerning each person located at the branch pharmacy who will dispense prescription drugs in accordance with the approved protocol; and

(f) protocols under which the branch pharmacy will operate and its relationship with the parent pharmacy to include the following:

(i) the conditions under which prescription drugs will be stored, used, and accounted for;

(ii) the method by which the drugs will be transported from parent pharmacy to the branch pharmacy and accounted for by the branch pharmacy;

(iii) a description of how records will be kept with respect to:

(A) formulary;

(B) changes in formulary;

(C) record of drugs sent by the parent pharmacy;

(D) record of drugs received by the branch pharmacy;

(E) record of drugs dispensed;

(F) periodic inventories; and

(G) any other record contributing to an effective audit trail with respect to prescription drugs provided to the branch pharmacy.

R156-17a-312. Licensure - Pharmaceutical Wholesaler/Distributor and Pharmaceutical Manufacturer.

In accordance with Subsections 58-1-203(2), 58-1-301(3), and 58-17a-303(2)(h) and (i), the requirements for licensure as a pharmaceutical wholesaler/distributor or pharmaceutical manufacturer are defined, clarified, or established as follows:

(1) Each applicant for licensure as a pharmaceutical wholesaler/distributor or pharmaceutical manufacturer shall provide the following information:

(a) the name, full business address and telephone number;

(b) identification of all trade and business names used by the applicant;

(c) addresses, telephone number and the names of contact persons at all locations in the state in which prescription drugs are located, stored, handled, distributed or manufactured;

(d) a full description of the ownership of the applicant including business type/form, names and identifying information concerning owners, partners, stockholders if not a publicly held company, names and identifying information concerning company officers, and directors and management; and

(e) other information necessary to enable the division in collaboration with the board to evaluate the requirements in Subsection (2) below.

(2) In considering whether to grant a license to an applicant as a pharmaceutical wholesaler/distributor or pharmaceutical manufacturer, the division shall consider the public interest by examining:

(a) any convictions of the applicant under any federal, state or local laws relating to the distribution or manufacturing of prescription drugs, drug samples, controlled substances or controlled substance precursors;

(b) any convictions of a criminal offense or a finding of unprofessional conduct which when considered with the activity of distributing or manufacturing prescription drugs indicates there is or may reasonably be a threat to the public health, safety or welfare if the applicant were to be granted a license;

(c) the applicant's past experience in the distribution or manufacture of prescription drugs including controlled substances to determine whether the applicant might reasonably be expected to be able to engage in the competent and safe distribution and manufacture of prescription drugs;

(d) whether the applicant has ever furnished any false or misleading information in connection with the application or the past activities of the applicant in connection with the distribution or manufacture of prescription drugs;

(e) whether the applicant has been the subject of any action against any license to engage in distribution or manufacture of prescription drugs;

(f) compliance with licensing requirements under any previously granted license to engage in distribution or manufacture of prescription drugs;

(g) compliance with requirements under federal, state or local law to make available to any regulatory authority those records concerning distribution or manufacture of prescription drugs; and

(h) any other factors upon which a reasonable and prudent person would rely to determine the suitability of the applicant to safely and competently engage in the practice of distributing or manufacturing prescription drugs.

(3) The responsible officer or management employee who is responsible for the supervision of the applicant consistent with Section R156-17a-612 shall be identified on the application.

R156-17a-313. Continuing Education - Pharmacist.

(1) In accordance with Subsections 58-1-203(7) and 58-1-308(3)(b), there is created a continuing education requirement as a condition for renewal or reinstatement of pharmacist licenses issued under Title 58, Chapter 17a.

(2) Continuing education shall consist of 24 hours of qualified continuing professional education in each preceding renewal period.

(3) The required number of hours of qualified continuing professional education for an individual who first becomes licensed during the two year period shall be decreased in a pro-rata amount equal to any part of that two year period preceding the date on which that individual first became licensed.

(4) Qualified continuing professional education shall consist of:

(a) institutes, seminars, lectures, conferences, workshops, various forms of mediated instruction, and programmed learning courses presented by an institution, individual, organization, association, corporation, or agency that has been approved by the American Council on Pharmaceutical Education (ACPE);

(b) programs accredited by other nationally recognized healthcare accrediting agencies; and

(c) educational meetings sponsored by the Utah Pharmaceutical Association or Utah Society of Health-System Pharmacists.

(5) Credit for qualified continuing professional education shall be recognized in accordance with the following:

(a) a minimum of eight hours shall be obtained through attendance at lectures, seminars or workshops; and

(b) a minimum of six hours shall be in drug therapy or patient management.

(6) A licensee shall be responsible for maintaining competent records of completed qualified continuing professional education for a period of four years after close of the two year period to which the records pertain. It is the responsibility of the licensee to maintain such information with respect to qualified continuing professional education to demonstrate it meets the requirements under this section.

R156-17a-314. Continuing Education - Pharmacy Technician.

(1) In accordance with Subsections 58-1-203(7) and 58-1-308(3)(b), there is created a continuing education requirement as a condition for renewal or reinstatement of pharmacy technician licenses issued under Title 58, Chapter 17a.

(2) Continuing education shall consist of eight hours of qualified continuing professional education in each preceding renewal period.

(3) The required number of hours of qualified continuing professional education for an individual who first becomes licensed during the two year period shall be decreased in a pro-rata amount equal to any part of that two year period preceding the date on which that individual first became licensed.

(4) Qualified continuing professional education shall consist of:

(a) institutes, seminars, lectures, conferences, workshops, various forms of mediated instruction, and programmed learning courses sponsored or approved by an institution, individual, organization, association, corporation, or agency that has been approved by the American Council on Pharmaceutical Education (ACPE);

(b) programs accredited by other nationally recognized healthcare accrediting agencies; and

(c) educational meetings sponsored by the Utah Pharmaceutical Association or the Utah Society of Health-System Pharmacists.

(5) Documentation of current Pharmacy Technician Certification Board certification will count as meeting the requirement for continuing education.

(6) Credit for qualified continuing professional education shall be recognized in accordance with the following:

(a) a minimum of four hours shall be obtained through attendance at lectures, seminars or workshops.

(7) A licensee shall be responsible for maintaining competent records of completed qualified continuing professional education for a period of four years after close of the two year period to which the records pertain. It is the responsibility of the licensee to maintain such information with respect to qualified continuing professional education to demonstrate it meets the requirements under this section.

R156-17a-315. Renewal Cycle - Procedures.

(1) In accordance with Subsection 58-1-308(1), the renewal date for the two-year renewal cycle applicable to licensees under Title 58, Chapter 17a is established by rule in Section R156-1-308.

(2) Renewal procedures shall be in accordance with Section R156-1-308.

R156-17a-502. Unprofessional Conduct.

"Unprofessional conduct" includes:

(1) violating any provision of the American Pharmaceutical Association Code of Ethics, October 1994, which is hereby incorporated by reference;

(2) failing to comply with the Food and Drug Administration Compliance Policy Guideline 460.200, March 16, 1992, which is hereby incorporated by reference;

(3) failing to comply with the continuing education requirements set forth in these rules;

(4) failing to provide the division with a current mailing address within a reasonable period of time following any change of address;

(5) defaulting on a student loan;

(6) failing to abide by all applicable federal and state law regarding the practice of pharmacy; and

(7) failing to comply with administrative inspections.

R156-17a-601. Operating Standards - Pharmacy Technician - Scope of Practice.

In accordance with Subsection 58-17a-102(42), the scope of practice of a pharmacy technician is defined as follows:

(1) The pharmacy technician may perform any task associated with the physical preparation and processing of prescription and medication orders including:

(a) receiving written prescriptions;

(b) taking refill orders;

(c) entering and retrieving information into and from a database, or patient profile;

(d) preparing labels;

(e) retrieving medications from inventory;

(f) counting and pouring into containers;

(g) placing medications into patient storage containers;

(h) affixing labels;

(i) compounding; and

(j) other non-judgmental tasks.

(2) The pharmacy technician shall not receive new oral prescriptions or medication orders nor perform drug utilization reviews.

(3) The licensed pharmacist on duty can at his discretion provide general supervision as defined in Subsection 58-17a-102(17) to no more than three pharmacy technicians, only one of which can be an unlicensed technician, who are actually on duty at any one time.

R156-17a-602. Operating Standards - Pharmacy Intern - Scope of Practice.

In accordance with Subsections 58-17a-102(41) and 58-17a-102(41), the scope of practice of a pharmacy intern includes the following:

~~(1) If a pharmacy intern ceases to meet all requirements for intern licensure, he shall surrender his pharmacy intern license to the division within 60 days unless an extension is requested and granted by the Division in collaboration with the Board.~~

~~(2) A pharmacy intern may act as a pharmacy intern only under the supervision of an approved preceptor as set forth in Subsection 58-17a-102(45) and Section R156-17a-603.~~

~~R156-17a-603. Operating Standards - Approved Preceptor.~~

~~In accordance with Subsection 58-17a-601(1), the following shall apply to an approved preceptor:~~

~~(1) He may supervise more than one intern, however, a preceptor may supervise only one intern actually on duty in the practice of pharmacy at any one time.~~

~~(2) He shall maintain adequate records to demonstrate the number of internship hours completed by the intern and an evaluation of the quality of the intern's performance during the internship.~~

~~(3) The preceptor shall complete the preceptor section of a "Utah Pharmacy Intern Experience Affidavit:"at the conclusion of the preceptor/intern relationship regardless of the time or circumstances under which that relationship is concluded and provide that affidavit to the division.~~

~~(4) The preceptor shall be responsible for the intern's acts related to the practice of pharmacy while practicing as a pharmacy intern under his or her supervision.~~

~~(5) The preceptor shall use "The Internship Experience, A Manual for Pharmacy Preceptors and Interns", August 1980, published by the NABP or an equivalent manual while providing the intern experience for the intern.~~

~~R156-17a-604. Operating Standards - Supportive Personnel.~~

~~(1) In accordance with Subsection 58-17a-102(50)(a), the duties of supportive personnel are further defined as follows:~~

~~(a) Supportive personnel may assist in any tasks not related to drug preparation or processing including:~~

~~(i) stock ordering and restocking;~~

~~(ii) cashiering;~~

~~(iii) billing;~~

~~(iv) filing;~~

~~(v) housekeeping; and~~

~~(vi) delivery.~~

~~(b) Supportive personnel shall not enter information into a patient profile nor accept refill information.~~

~~(2) In accordance with Subsection 58-17a-102(50)(b), the supervision of supportive personnel is defined as follows:~~

~~(a) All supportive personnel shall be under the supervision of a licensed pharmacist.~~

~~(b) The licensed pharmacist shall be present in the area where the person being supervised is performing services and shall be immediately available to assist the person being supervised in the services being performed.~~

~~(3) In accordance with Subsection 58-17a-601(1), a pharmacist, pharmacy intern, or pharmacy technician whose license has been revoked or is suspended shall not be allowed to provide any support services in a pharmacy.~~

~~R156-17a-605. Operating Standards - Medication Profile System.~~

~~In accordance with Subsections 58-17a-601(1) and 58-17a-604(1), the following operating standards shall apply with respect to medication profile systems:~~

~~(1) Patient profiles, once established, shall be maintained by a pharmacist in a pharmacy dispensing to patients on a recurring basis for a minimum of one year from the date of the most recent prescription filled or refilled; except that a hospital pharmacy may delete the patient profile for an inpatient upon discharge if a record of prescriptions is maintained as a part of the hospital record.~~

~~(2) Information to be included in the profile shall be determined by a responsible pharmacist at the drug outlet but shall include as a minimum:~~

~~(a) full name of patient, address, telephone number, date of birth or age and gender;~~

~~(b) patient history where significant, including known allergies and drug reactions, and a comprehensive list of medications and relevant devices;~~

~~(c) a list of all prescription drugs obtained by the patient at the pharmacy including;~~

~~(i) name of prescription drug;~~

~~(ii) strength of prescription drug;~~

~~(iii) quantity dispensed;~~

~~(iv) date of filling or refilling;~~

~~(v) charge for the prescription drug as dispensed to the patient; and~~

~~(d) any additional comments relevant to the patient's drug use.~~

~~(3) Patient medication profile information shall be recorded by a pharmacist, pharmacy intern, or pharmacy technician.~~

~~R156-17a-606. Operating Standards - Patient Counseling.~~

~~In accordance with Subsection 58-17a-601(1), standards for patient counseling established in Section 58-17a-612 include the following:~~

~~(1) Patient counseling shall include when appropriate the following elements:~~

~~(a) the name and description of the prescription drug;~~

~~(b) the dosage form, dose, route of administration, and duration of drug therapy;~~

~~(c) intended use of the drug and expected action;~~

~~(d) special directions and precautions for preparation, administration, and use by the patient;~~

~~(e) common severe side or adverse effects or interactions and therapeutic contraindications that may be encountered, including their avoidance, and the action required if they occur;~~

~~(f) techniques for self-monitoring drug therapy;~~

~~(g) proper storage;~~

~~(h) prescription refill information;~~

~~(i) action to be taken in the event of a missed dose;~~

~~(j) pharmacist comments relevant to the individual's drug therapy, including any other information peculiar to the specific patient or drug; and~~

~~(k) the date after which the prescription should not be taken or used.~~

~~(2) Patient counseling shall not be required for inpatients of a hospital or institution where other licensed health care professionals are authorized to administer the drugs.~~

(3) A pharmacist shall not be required to counsel a patient or patient's agent when the patient or patient's agent refuses such consultation.

(4) The offer to counsel shall be documented and said documentation shall be available to the division and the board.

R156-17a-607. Operating Standards - Prescriptions.

In accordance with Subsection 58-17a-601(1), the following shall apply to prescriptions:

(1) A prescription issued by an authorized licensed practitioner, if communicated by an agent or employee of that practitioner upon that practitioner's specific instruction and authorization, may be accepted by a pharmacist or pharmacy intern.

(2) Prescription files, including refill information, shall be maintained for a minimum of five years by either a manual filing of written prescriptions or by permanent electronic record.

(3) Prescriptions having a remaining authorization for refill may be transferred by the pharmacist at the outlet holding the prescription to a pharmacist at another outlet upon the authorization of the patient to whom the prescription was issued. The transferring pharmacist and receiving pharmacist shall act diligently to ensure that the total number of authorized refills is not exceeded.

(4) Prescriptions for terminal patients in licensed hospices, home health agencies, or nursing homes may be partially filled if the patient has a medical diagnosis documenting a terminal illness.

R156-17a-608. Operating Standards - Pharmacist-in-charge.

All drug outlets, except pharmaceutical manufacturers and pharmaceutical wholesaler/distributors, and all pharmaceutical administration facilities shall have a pharmacist-in-charge.

R156-17a-609. Operating Standards - Branch Pharmacy.

In accordance with Section 58-17a-614, the operating standards for branch pharmacies include the following:

(1) Branch pharmacies may be staffed only by the following persons holding current licenses to practice:

(a) physicians and surgeons;

(b) osteopathic physicians and surgeons;

(c) advanced practice registered nurses; and

(d) physician assistants.

(2) Prescription drugs supplied to the branch pharmacy by the parent pharmacy shall be prepackaged having a label affixed to the container by a licensed pharmacist at the parent pharmacy. The label shall contain all information required by law on a prescription label except the date dispensed, identifying information concerning the patient, specific dosage instructions and identification of the dispensing person. Excepted information shall be added to the label by a branch pharmacy person in one of the licensure classifications listed above at the time the prescription drug is dispensed.

(3) The branch pharmacy shall be personally visited by the supervising pharmacist or his designee who is also a licensed Utah pharmacist not less than once in each month for the purpose of auditing the prescription drug inventory and branch pharmacy procedures against the approved protocol. A record of each visit and the findings shall be maintained at the branch pharmacy and at the parent pharmacy.

(4) The parent pharmacy shall notify the division in writing and receive approval for any change in branch pharmacy licensure qualifications or operating standards.

R156-17a-610. Operating Standards - Drug Outlets.

In accordance with Subsection 58-17a-601(1), standards for the operations of drug outlets include the following:

(1) Any drug outlet licensed under the Pharmacy Practice Act, Title 58, Chapter 17a, shall be well lighted, well ventilated, clean and sanitary.

(2) The dispensing area, if any, shall have a sink with hot and cold culinary water separate and apart from any rest room facilities.

(3) The drug outlet shall be equipped to permit the orderly storage of prescription drugs and devices in a manner to permit clear identification, separation, and easy retrieval of products, and an environment necessary to maintain the integrity of the product inventory.

(4) The drug outlet shall be equipped to permit practice within the standards and ethics of the profession as dictated by the usual and ordinary scope of practice to be conducted within that facility.

(5) The drug outlet shall be stocked with the quality and quantity of product necessary for the facility to meet it's scope of practice in a manner consistent with the public health, safety and welfare.

(6) The drug outlet shall be equipped with a security system to permit detection of entry at all times when the facility is closed.

(7) Drug outlets engaged in extensive compounding activities shall be required to maintain proper records and procedure manuals and establish quality control measures to ensure stability, equivalency where applicable and sterility.

(8) The drug outlet shall have recent editions of the following reference publications in such quantity and in such places as to make them readily available to facility personnel:

(a) the Utah Pharmacy Practice Act;

(b) the Utah Pharmacy Practice Act Rules;

(c) the Utah Controlled Substance Act;

(d) the Utah Controlled Substance Act Rules;

(e) Code of Federal Regulations (CFR) 21, Food and Drugs, Part 1300 to end or equivalent such as the USPDI;

(f) current FDA Approved Drug Products (orange book);

(g) any other general drug references necessary to permit practice dictated by the usual and ordinary scope of practice to be conducted within that facility; and

(h) "The Intern Experience, A Manual for Pharmacy Preceptors and Interns", August 1980, published by the National Association of Boards of Pharmacy, if pharmacy interns are present.

(9) The drug outlet shall post in view of the public the license of the facility and the license or a copy of the license of each pharmacist, pharmacy intern, and pharmacy technician who is employed in the facility, but may not post the license of any pharmacist, pharmacy intern, or pharmacy technician not actually employed in the facility.

(10) Drug outlets initially licensed or substantially remodeled on or after September 1, 1992, shall have a counseling area to allow for confidential patient counseling, when appropriate.

(11) If the pharmacy is located within a larger facility such as a grocery or department store, and a licensed Utah pharmacist is not immediately available in the facility, the pharmacy shall not remain open to pharmacy patients and shall be locked in such a way as to bar entry to the public or any non-pharmacy personnel.

(12) All pharmacies located within a larger facility shall be locked and enclosed in such a way as to bar entry to the public or any non-pharmacy personnel when the pharmacy is closed.

(13) Only a licensed Utah pharmacist or his designee shall have access to the pharmacy when the pharmacy is closed.

R156-17a-611. Operating Standards - Nuclear Pharmacy.

In accordance with Subsections 58-17a-303(4)(d) and 58-17a-601(1), the operating standards for nuclear pharmacies include the following:

(1) A nuclear pharmacy shall have the following:

(a) a current Utah Radioactive Materials License; and

(b) adequate space and equipment commensurate with the scope of services required and provided.

(2) Nuclear pharmacies shall only dispense radiopharmaceuticals which comply with acceptable standards of quality assurance.

(3) Nuclear pharmacies shall maintain a library commensurate with the level of radiopharmaceutical service to be provided.

(4) A licensed Utah pharmacist shall be immediately available on the premises at all times when the facility is open or available to engage in the practice of pharmacy.

(5) In addition to Utah licensure, the pharmacist shall be currently certified by the Board of Pharmaceutical Specialties in Nuclear Pharmacy or have equivalent classroom and laboratory training and experience as required by the Utah Radiation Control Rules.

(6) This rule does not prohibit:

(a) a licensed pharmacy intern or technician form acting under the direct supervision of an approved preceptor who meets the requirements to supervise a nuclear pharmacy; or

(b) a Utah Radioactive Materials licensee from possessing and using radiopharmaceuticals for medical use.

(7) A hospital nuclear medicine department or an office of a physician/surgeon, osteopathic physician/surgeon, veterinarian, podiatric physician, or dentist that has a current Utah Radioactive Materials License does not require licensure as a nuclear pharmacy.

R156-17a-612. Operating Standards - Pharmaceutical Wholesaler/Distributor and Pharmaceutical Manufacturer located in Utah.

In accordance with Subsection 58-17a-601(1), the operating standards for pharmaceutical wholesaler/distributor and pharmaceutical manufacturer licensee includes the following:

(1) A separate license shall be obtained for each separate location engaged in the distribution or manufacturing of prescription drugs.

(2) A separate license shall be obtained for wholesale distribution activity and manufacturing activity.

(3) The licensee need not be under the supervision of a licensed pharmacist, but shall be under the supervision of a responsible officer or management employee.

(4) There has not been established minimum requirements for persons employed by persons engaged in the distribution or manufacture of prescription drugs; however, this does not relieve the person who engages in the distribution of prescription drugs within the state or in interstate commerce into or from the state, or those engaged in the manufacture of prescription drugs in the state or in interstate commerce into or from the state from ensuring that persons employed by them have appropriate education, experience, or both to engage in the duties to which they are assigned and do so in a manner which does not jeopardize the public health, safety or welfare.

(5) All facilities associated with the distribution or manufacture of prescription drugs shall:

(a) be of suitable size and construction to facilitate cleaning, maintenance and proper operations;

(b) have storage areas designed to provide adequate lighting, ventilation, sanitation, space, equipment and security conditions;

(c) have the ability to control temperature and humidity within tolerances required by all prescription drugs and prescription drug precursors handled or used in the distribution or manufacturing activities of the applicant or licensee;

(d) provide for a quarantine area for storage of prescription drugs and prescription drug precursors that are outdated, damaged, deteriorated, misbranded, adulterated, opened or unsealed containers that have once been appropriately sealed or closed, or in any other way unsuitable for use or entry into distribution or manufacture;

(e) be maintained in a clean and orderly condition, and

(f) be free from infestation by insects, rodents, birds, or vermin of any kind.

(6) In regard to security, all facilities used for wholesale drug distribution or manufacturing of prescription drugs shall:

(a) be secure from unauthorized entry;

(b) limit access from the outside to a minimum in conformance with local building and life/safety codes, and control access of persons to ensure unauthorized entry is not made;

(c) limit entry into areas where prescription drugs or prescription drug precursors are held to authorized persons who have a need to be in those areas;

(d) be well lighted on the outside perimeter;

(e) be equipped with an alarm system to permit detection of entry and notification to appropriate authorities at all times when the facility is not occupied for the purpose of engaging in distribution or manufacture of prescription drugs; and

(f) be equipped with security measures, systems and procedures necessary to provide reasonable security against theft and diversion of prescription drugs or alteration or tampering with computers and records pertaining to prescription drugs or prescription drug precursors.

(7) In regard to storage, all facilities shall provide for storage of prescription drugs and prescription drug precursors in accordance with the following:

(a) all prescription drugs and prescription drug precursors shall be stored at appropriate temperature, humidity and other conditions in accordance with labeling of such prescription drugs or prescription drug precursors or with requirements in the United States Pharmacopeia/National Formulary (USP/NF), 2003 edition, which is official from January 1, 2004 through Supplement 2, dated August 1, 2003, which is hereby incorporated by reference;

(b) if no storage requirements are established for a specific prescription drug or prescription drug precursor, the products shall be held in a condition of controlled temperature and humidity as defined in the USP/NF to ensure that its identity, strength, quality, and purity are not adversely affected; and

(c) there shall be established a system of manual, electromechanical or electronic recording of temperature and humidity in the areas in which prescription drugs or prescription drug precursors are held to permit review of the record and ensure that the products have not been subjected to conditions which are outside of established limits.

(8) In regard to examination of materials, each facility shall provide that:

(a) upon receipt, each outside shipping container containing prescription drugs or prescription drug precursors shall be visually examined for identity and to prevent the acceptance of prescription drugs or prescription drug precursors that are contaminated, reveal damage to the containers or are otherwise unfit for distribution; and

(b) each outgoing shipment shall be carefully inspected for identity of the prescription drug products and to ensure that there is no delivery of prescription drugs that have been damaged in storage or held under improper conditions.

(9) In regard to returned, damaged, and outdated prescription drugs, each facility shall provide that:

(a) prescription drugs or prescription drug precursors that are outdated, damaged, deteriorated, misbranded, adulterated, or in any other way unfit for distribution or use in manufacturing shall be quarantined and physically separated from other prescription drugs or prescription drug precursors until they are appropriately destroyed or returned to their supplier;

(b) any prescription drug or prescription drug precursor whose immediate sealed or outer secondary sealed container has been opened or in any other way breached shall be identified as such and shall be quarantined and physically separated from other prescription drugs and prescription drug precursors until they are appropriately destroyed or returned to their supplier; and

(c) if the condition or circumstances surrounding the return of any prescription drug or prescription drug precursor cast any doubt on the product's safety, identity, strength, quality, or purity, then the drug shall be appropriately destroyed or returned to the supplier, unless examination, testing, or other investigation proves that the product meets appropriate and applicable standards related to the product's safety, identity, strength, quality, and purity.

(10) In regard to record keeping, pharmaceutical wholesaler/distributors and pharmaceutical manufacturers shall establish and maintain records of all transactions regarding the receipt and distribution or other disposition of prescription drugs and prescription drug precursors and shall make inventories of prescription drugs and prescription drug precursors and required records available for inspection by authorized representatives of the federal, state and local law enforcement agencies in accordance with the following:

(a) there shall be a record of the source of the prescription drugs or prescription drug precursors to include the name and principal address of the seller or transferor, and the address of the location from which the drugs were shipped;

(b) there shall be a record of the identity and quantity of the prescription drug or prescription drug precursor received, manufactured, distributed or shipped, or otherwise disposed of by specific product and strength;

(c) there shall be a record of the dates of receipt and distribution or other disposal of any product;

(d) there shall be a record of the identity of persons to whom distribution is made to include name and principal address of the receiver, and the address of the location to which the products were shipped;

(e) inventories of prescription drugs and prescription drug precursors shall be made available during regular business hours to authorized representatives of federal, state and local law enforcement authorities;

(f) required records shall be made available for inspection during regular business hours to authorized representatives of federal, state and local law enforcement authorities, and such records shall be maintained for a period of two years following disposition of the products; and

(g) records that are maintained on site or immediately retrievable from computer or other electronic means shall be made readily available for authorized inspection during the retention period; or if records are stored at another location, they shall be made available within two working days after request by an authorized law enforcement authority during the two year period of retention.

(11) In regard to written policies and procedures, pharmaceutical wholesaler/distributors and pharmaceutical manufacturers shall establish, maintain, and adhere to written policies and procedures which shall be followed for the receipt, security, storage, inventory, manufacture, distribution or other disposal of prescription drugs or prescription drug precursors, including policies and procedures for identifying, recording, and reporting losses or thefts, and for correcting all errors and inaccuracies in inventories. In addition, the policies shall include the following:

(a) a procedure whereby the oldest approved stock of a prescription drug or precursor product is distributed or used first, with a provision for deviation from the requirement if such deviation is temporary and appropriate;

(b) a procedure to be followed for handling recalls and withdrawals of prescription drugs adequate to deal with recalls and withdrawals due to:

(i) any action initiated at the request of the Food and Drug Administration of other federal, state or local law enforcement or other authorized administrative or regulatory agency;

(ii) any voluntary action by the pharmaceutical wholesaler/distributor or pharmaceutical manufacturer to remove defective or potentially defective drugs from the market; or

(iii) any action undertaken to promote public health, safety or welfare by replacing of existing product with an improved product or new package design;

(c) a procedure to ensure that a pharmaceutical wholesaler/distributor or pharmaceutical manufacturer prepare for, protect against, and handle any crisis that affects security or operation of any facility in the event of strike, fire, flood, or other natural disaster, or other situations of local, state or national emergency;

(d) a procedure to ensure that any outdated prescription drugs or prescription drug precursors shall be segregated from other drugs or precursors and either returned to the manufacturer, other appropriate party or appropriately destroyed;

(e) a procedure providing for documentation of the disposition of outdated, adulterated or otherwise unsafe prescription drugs or prescription drug precursors and the maintenance of that documentation available for inspection by authorized federal, state, or local authorities for a period of two years after disposition of the product.

(12) In regard to responsible persons, pharmaceutical wholesaler/distributors and pharmaceutical manufacturers shall establish, maintain and make available for inspection by authorized federal, state and local law enforcement authorities, lists of all officers, directors, managers, and other persons in charge of wholesale drug distribution, manufacture, storage, and handling, which lists shall include a description of their duties and a summary of their background and qualifications.

(13) In regard to compliance with law, pharmaceutical wholesalers/distributors and pharmaceutical manufacturers shall:

(a) operate in compliance with applicable federal, state and local laws and regulations;

(b) permit the state licensing authority and authorized federal, state, and local law enforcement officials, upon presentation of proper credentials, to enter and inspect their premises and delivery vehicles, and to audit their records and written operating policies and procedures, at reasonable times and in a reasonable manner, to the extent authorized by law; and

(c) obtain a controlled substance license from the division and register with the Drug Enforcement Administration (DEA) if they engage in distribution or manufacture of controlled substances, and shall comply with all federal, state and local regulations applicable to the distribution or manufacture of controlled substances.

(14) In regard to salvaging and processing, pharmaceutical wholesalers/distributors and pharmaceutical manufacturers shall be subject to and shall abide by applicable federal, state and local laws that relate to the salvaging or reprocessing of prescription drug products.

(15) A person who is engaged in the wholesale distribution or manufacturing of prescription drugs but does not have a facility located within Utah in which prescription drugs are located, stored, distributed or manufactured is exempt from Utah licensure as a pharmaceutical wholesaler/distributor or a pharmaceutical manufacturer, if said person is currently licensed and in good standing in each state of the United States in which that person has a facility engaged in distribution or manufacturing of prescription drugs entered into interstate commerce.

R156-17a-613. Operating Standards - Animal Euthanasia Agency.

In accordance with Subsection 58-17a-601(1), operating standards for an animal euthanasia agency concerning the use of prescription drugs shall include:

(1) A veterinarian licensed in Utah shall supervise the use of prescription drugs used for animal euthanasia.

(2) The veterinarian shall be responsible for:

(a) identifying each euthanasia drug for which authorization is requested;

(b) identifying the location where euthanasia drugs and records will be maintained;

(c) identifying each person to be authorized to purchase, possess, or administer euthanasia drugs;

(d) describing the training program for each person authorized to purchase, possess, or administer euthanasia drugs as well as attesting to be responsible for that training; and

(e) maintaining euthanasia drug records.

R156-17a-614. Operating Standards - Analytical Laboratory.

In accordance with Subsection 58-17a-601(1), operating standards for an analytical laboratory concerning the use of prescription drugs shall include:

(1) the supervising laboratory director is identified; and

(2) the protocols describing how authorized prescription drugs will be purchased, stored, used, and accounted for are available for division inspection.

R156-17a-615. Operating Standards - Pharmaceutical Researcher.

In accordance with Subsection 58-17a-601(1), operating standards for a pharmaceutical researcher concerning the use of prescription drugs shall include:

(1) requesting and receiving authorization for each drug to be bought or used; and

(2) the protocols describing how authorized prescription drugs will be purchased, stored, used, and accounted for are available for division inspection.

R156-17a-616. Operating Standards - Pharmaceutical Dog Trainer.

In accordance with Subsection 58-17a-601(1), operating standards for a pharmaceutical dog trainer concerning the use of prescription drugs shall include:

(1) affiliation with a law enforcement official from a Utah law enforcement agency who is responsible for the purchase, storage, and use of the authorized prescription drugs;

(2) requesting and receiving authorization for each drug to be bought or used; and

(3) the protocols describing how authorized prescription drugs will be purchased, stored, used, and accounted for are available for division inspection.

R156-17a-617. Operating Standards - Issuing Prescription Orders by Electronic Means.

In accordance with Subsection 58-17a-102(46), prescription orders may be issued by electronic means of communication according to the following:

(1) Prescription orders for Schedule II - V controlled substances received by electronic means of communication shall be handled according to the rules of the federal Drug Enforcement Administration.

(2) Prescription orders for noncontrolled substances received by electronic means of communication may be dispensed by a pharmacist or pharmacy intern only if all of the following conditions are satisfied:

(a) All electronically transmitted prescription orders shall include the following:

(i) all information that is required to be contained in a prescription order pursuant to Section 58-17a-602;

(ii) the time and date of the transmission, and if a facsimile transmission, the electronically encoded date, time, and fax number of the sender; and

(iii) the name of the pharmacy intended to receive the transmission.

(b) The prescription order shall be transmitted by an authorized prescriber or his designated agent.

(c) The pharmacist shall exercise professional judgment regarding the accuracy and authenticity of the transmitted prescription. The pharmacist is responsible for assuring that each electronically transferred prescription order is valid and shall authenticate a prescription order issued by a licensed prescriber which has been transmitted to the dispensing pharmacy before filling it, whenever there is a question.

(d) An electronically transmitted prescription order that meets the requirements above shall be deemed to be the original prescription.

~~(3) This section does not apply to the use of electronic equipment to transmit prescription orders within inpatient medical facilities.~~

~~(4) No agreement between a prescriber and a pharmacy shall require that prescription orders be transmitted by electronic means from the prescriber to only that pharmacy.~~

~~(5) Wholesalers, distributors, manufacturers, pharmacists and pharmacies shall not supply electronic equipment to any prescriber for transmitting prescription orders.~~

~~(6) An electronically transmitted prescription order shall be transmitted to the pharmacy of the patient's choice and shall be directed at the option of the patient.~~

~~(7) Prescription orders electronically transmitted to the pharmacy by the patient shall not be filled or dispensed.~~

~~(8) A prescription order may be transferred between pharmacies by computer but not by facsimile transmission. A prescription must be transmitted by facsimile from the site of origination to the dispensing pharmacy. Transmission by facsimile between pharmacies is not allowed except that a branch pharmacy may fax to its parent pharmacy.~~

~~R156-17a-618. Operating Standards - Sterile Pharmaceuticals.~~

~~In accordance with Subsection 58-17a-601(1), the following applies with respect to sterile pharmaceuticals:~~

~~(1) Pharmacies in general acute hospitals as defined in Title 26 that prepare sterile pharmaceuticals shall conform to the Joint Commission on Accreditation of Healthcare Organization standards, the American Society of Health-System Pharmacists guidelines, or other standards approved by the board and division.~~

~~(2) The following standards shall apply to all other pharmacies preparing sterile pharmaceuticals:~~

~~(a) Pharmacies are responsible for correct preparation of sterile products, notwithstanding the location of the patient. All sterile products must be prepared according to the current standards and ethics of the profession.~~

~~(b) As a minimum each pharmacy preparing parenteral products shall:~~

~~(i) prepare and maintain a policy and procedure manual for the compounding, dispensing and delivery of sterile pharmaceutical prescription drug orders including lot numbers of the components used in compounding sterile prescriptions except for large volume parenterals;~~

~~(ii) have a laminar flow hood certified at least annually by an independent contractor;~~

~~(iii) have appropriate disposal procedures and containers;~~

~~(iv) have biohazard cabinetry when cytotoxic drug products are prepared;~~

~~(v) have temperature-controlled delivery container;~~

~~(vi) have infusion devices, if appropriate;~~

~~(vii) have supplies and other necessary resources adequate to maintain an environment suitable for the aseptic preparation of sterile products;~~

~~(viii) have sufficient current reference materials related to sterile products to meet the needs of pharmacy staff; and~~

~~(ix) have written procedures requiring sampling for microbial contamination.~~

~~(c) The pharmacist in charge of each pharmacy preparing parenteral products shall assure that any compounded sterile pharmaceutical be shipped or delivered to a patient in appropriate temperature controlled delivery containers with appropriate monitors and stored appropriately in the patient's home. If appropriate, the pharmacist must demonstrate or document the patient's or patient's agent's training and competency in managing this type of therapy provided by the pharmacist to the patient in the home environment. A pharmacist must be involved in the patient's or patient's agent's training process in any area that relates to drug compounding, labeling, storage, stability, or incompatibility. The pharmacist must be responsible for seeing that the patient's or patient's agent's competency in the above areas is reassessed on an ongoing basis.~~

~~R156-17a-619. Operating Standards - Pharmaceutical Administration Facility.~~

~~In accordance with Subsection 58-17a-601(1), the following applies with respect to prescription drugs which are held, stored, or otherwise under the control of a pharmaceutical administration facility for administration to patients:~~

~~(1) The licensed pharmacist shall provide consultation on all aspects of pharmacy services in the facility; establish a system of records of receipt and disposition of all controlled substances in sufficient detail to enable an accurate reconciliation; and determine that drug records are in order and that an account of all controlled substances is maintained and periodically reconciled.~~

~~(2) Authorized destruction of all prescription drugs shall be witnessed by the medical or nursing director or a designated physician or registered nurse employed in the facility and the supervising pharmacist and must be in compliance with DEA regulations.~~

~~(3) Prescriptions for patients in the facility can be verbally requested by a licensed medical practitioner and may be entered as the physician's order; but, the practitioner must personally sign the order in the facility record within 72 hours, if a Schedule II controlled substance, and within 30 days if another prescription drug. The physician's verbal order may be copied and forwarded to a pharmacy for dispensing and may serve as the pharmacy's record of the prescription order.~~

~~(4) Prescriptions for controlled substances for patients in pharmaceutical administration facilities shall be dispensed according to the Utah Controlled Substance Act, Title 58, Chapter 37, and the Controlled Substance Rules of the Division of Occupational and Professional Licensing, R156-37.~~

~~(5) Emergency drug kit.~~

~~(a) An emergency drug kit may be used by pharmaceutical administration facilities. The emergency drug kit shall be considered to be a physical extension of the pharmacy supplying the emergency drug kit and shall at all times remain under the ownership of that pharmacy.~~

~~(b) The contents and quantity of drugs and supplies in the emergency drug kit shall be determined by the Medical Director or Director of Nursing of the pharmaceutical administration facility and the pharmacist-in-charge of the pharmacy.~~

~~(c) A copy of the approved list of contents shall be conspicuously posted on or near the kit.~~

~~(d) The emergency kit shall be used only for bona fide emergencies and only when medications cannot be obtained from a pharmacy in a timely manner.~~

~~(e) Records documenting the receipt and removal of drugs in the emergency kit shall be maintained by the facility and the pharmacy.~~

~~(f) The pharmacy shall be responsible for ensuring proper storage, security and accountability of the emergency kit and shall ensure that:~~

~~(i) the emergency kit is stored in a locked area and is locked itself; and~~

~~(ii) emergency kit drugs are accessible only to licensed physicians, physician assistants, and nurses employed by the facility.~~

~~(g) The contents of the emergency kit, the approved list of contents, and all related records shall be made freely available and open for inspection to appropriate representatives of the division and the Utah Department of Health.~~

~~**R156-17a-620. Operating Standards - Pharmacist Administration - Training.**~~

~~(1) In accordance with Subsection 58-17a-502(9), appropriate training for the administration of a prescription drug includes:~~

~~(a) having current BCLS certification; and~~

~~(b) having successfully completed a training program which includes at a minimum:~~

~~(i) didactic and practical training for administering injectable drugs;~~

~~(ii) the current Advisory Committee on Immunization Practices (ACIP) of the United States Center for Disease Control and Prevention guidelines for the administration of immunizations; and~~

~~(iii) the management of an anaphylactic reaction.~~

~~(2) Sources for the appropriate training include:~~

~~(a) ACPE approved programs;~~

~~(b) curriculum-based programs from an ACPE accredited college of pharmacy; and~~

~~(c) state or local health department programs.~~

~~**KEY: pharmacists, licensing, pharmacies***~~
~~**February 19, 2004**~~
~~**Notice of Continuation April 26, 2001**~~
~~**58-17a-101**~~
~~**58-37-1**~~
~~**58-1-106(1)(a)**~~
~~**58-1-202(1)(a)**~~]

▼ ▼

Commerce, Occupational and Professional Licensing

R156-17b

Pharmacy Practice Act Rules

NOTICE OF PROPOSED RULE
(New Rule)
DAR FILE NO.: 27529
FILED: 11/04/2004, 12:50

RULE ANALYSIS

PURPOSE OF THE RULE OR REASON FOR THE CHANGE: This new rule is being proposed to address changes and provide clarification to Title 58, Chapter 17b, Pharmacy Practice Act, which was rewritten in its entirety in S.B. 114, passed during the 2004 General Session of the Legislature and became effective on July 1, 2004. (DAR NOTE: S.B. 114 is found at UT L 2004 Ch 280, and was effective 07/01/2004.)

SUMMARY OF THE RULE OR CHANGE: This new rule provides the following sections: Title, Definitions, Authority, Organization, Licensure/Administrative Inspections, Pharmacy Licensure Classifications/Pharmacist-in-Charge Requirements, Licensure/Examinations, Licensure/Pharmacist by Endorsement, Licensure/Education Requirements, Licensure/ Pharmacist/Pharmacy Internship Standards, Licensure/Meet with the Board, Renewal Cycle/Procedure, Disciplinary Proceedings, Administrative Penalties, Unprofessional Conduct; and Sections R156-17b-601 through R156-17b-620 deal with operating standards in the following areas: Pharmacy Technician/Scope of Practice, Pharmacy Intern/Scope of Practice, Pharmacist-in-Charge, Closing a Pharmacy, Inventory Requirements, Approved Preceptors, Supportive Personnel, Medication Profile System, Patient Counseling, Drug Therapy Management, Prescriptions, Issuing Prescription Orders by Electronic Means, Class A or B Pharmacy, Class B Pharmacy Designated as a Branch Pharmacy, Class B Sterile Pharmacy, Class B Pharmaceutical Administration Facility, Class B Nuclear Pharmacy, Class C Pharmacy Pharmaceutical Wholesaler/Distributor and Pharmaceutical Manufacturer in Utah, Class D Pharmacy Non-Residence Pharmacies, Class E Pharmacy, Class E Animal Euthanasia Agency, Class E Pharmaceutical Dog Trainer, Third Party Payors, Automated Pharmacy Systems, and Pharmacist Administration/Training.

STATE STATUTORY OR CONSTITUTIONAL AUTHORIZATION FOR THIS RULE: Sections 58-17b-101 and 58-37-1; and Subsections 58-17b-601(1), 58-1-106(1)(a) and 58-1-202(1)(a)

THIS RULE OR CHANGE INCORPORATES BY REFERENCE THE FOLLOWING MATERIAL: Adds the following documents: United States Pharmacopeia-National Formulary (USP 28 - NF 23), 2004 edition, official from January 1, 2005; Pharmacy Coordinating Council of Utah Internship Competencies, October 12, 2004; American Pharmaceutical Association (APhA) Code of Ethics for Pharmacists, October 27, 1994; and VIPPS Criteria, as established by the National Association of Boards of Pharmacy (NABP), September 14, 2004

ANTICIPATED COST OR SAVINGS TO:

❖ THE STATE BUDGET: The Division anticipates copying costs of approximately $100 - $150 to print the rule once it is made effective. The Division has also incurred costs of $1,364 to purchase two subscriptions to the United States Pharmacopeia/National Formulary (USP-NF), which is an incorporated by reference document in the rule. All costs involved will be absorbed in the Division's current budget. As allowed by Section 58-17b-504, the Division will be receiving the payment of fines as penalties for unlawful or unprofessional conduct. An exact amount of fines to be collected is unknown to the Division since the Division is unable to determine how many persons or licensees may engage in unlawful or unprofessional conduct and be subject to a fine.

❖ LOCAL GOVERNMENTS: This proposed rule does not affect local governments. The rule only affects licensed pharmacists, pharmacy interns, pharmacy technicians and

pharmacies. Therefore, there is no anticipated cost or savings to local government.

❖ OTHER PERSONS: The Division anticipates that prescribing practitioners will need to become familiar with and comply with the provisions of the new rule in their practice. Professional associations will need to be current on the newly enacted statute and the provisions of this new proposed rule. The Division anticipates that licensed pharmacists, pharmacy interns, pharmacy technicians, and pharmacies will need to obtain copies of the new rule to use in reference in their practice. The Division does not anticipate any costs to obtain a copy of the newly enacted statute (Title 58, Chapter 17b) and this rule once it is made effective since both items can be located on various state websites. Some professional associations may implement a statute and rule update training session that may have a cost associated with it to attend. However, this would be a voluntary cost since attendance at an update seminar would not be required for continued licensure. Additional reference texts may need to be purchased by any healthcare provider or pharmacy affected by this new rule if they don't already have the reference texts in their office or location. The Division is unable to determine any costs associated with the reference texts since we are unable to determine who will need what reference texts and what reference texts they already have in their office or location. Pharmacies will have to continue their annual subscription to the USP/NF book and supplements at a cost of $665. However, this will not be a new cost increase since pharmacies were required under the old pharmacy rules (Rule R156-17a) to maintain a copy of this reference book. Fines could present an increase in cost for those individuals who do not comply with the law. The Division is unable to determine how many persons or licensees may engage in unlawful or unprofessional conduct and be subject to a fine. Implementation of federal guidelines required for sterile and non-sterile compounding may add increased costs for those pharmacies that participate in compounding drugs if their current setup does not comply with the federal guidelines. The Division is unable to determine any exact costs due to the varying degrees of work that may be needed per pharmacy location. Some pharmacies that are involved in compounding drugs may already be in compliance with the federal guidelines while some pharmacies may require extensive remodeling to comply with the federal guidelines. Also, increased costs will be realized by licensed pharmacists and licensed pharmacy technicians due to the increase in continuing education hours required for each two year period. Presently, pharmacists are required to have 24 continuing education hours every two years and pharmacy technicians are required to have 8 continuing education hours. Under the new proposed rule, the continuing education hours increase to 30 hours for pharmacists and 20 hours for pharmacy technicians every 2 years. An exact cost due to the increased continuing education hours required for pharmacists and pharmacy technicians cannot be determined since some continuing education seminars may be free while some conferences may cost as much as $400.

COMPLIANCE COSTS FOR AFFECTED PERSONS: The Division anticipates that prescribing practitioners will need to become familiar with and comply with the provisions of the new rule in their practice. Professional associations will need to be current on the newly enacted statute and the provisions of this new proposed rule. The Division anticipates that licensed pharmacists, pharmacy interns, pharmacy technicians, and pharmacies will need to obtain copies of the new rule to use in reference in their practice. The Division does not anticipate any costs to obtain a copy of the newly enacted statute (Title 58, Chapter 17b) and this rule once it is made effective since both items can be located on various state websites. Some professional associations may implement a statute and rule update training session that may have a cost associated with it to attend. However, this would be a voluntary cost since attendance at an update seminar would not be required for continued licensure. Additional reference texts may need to be purchased by any healthcare provider or pharmacy affected by this new rule if they don't already have the reference texts in their office or location. The Division is unable to determine any costs associated with the reference texts since we are unable to determine who will need what reference texts and what reference texts they already have in their office or location. Pharmacies will have to continue their annual subscription to the USP/NF book and supplements at a cost of $665. However, this will not be a new cost increase since pharmacies were required under the old pharmacy rule (Rule R156-17a) to maintain a copy of this reference book. Fines could present an increase in cost for those individuals who do not comply with the law. The Division is unable to determine how many persons or licensees may engage in unlawful or unprofessional conduct and be subject to a fine. Implementation of federal guidelines required for sterile and non-sterile compounding may add increased costs for those pharmacies that participate in compounding drugs if their current setup does not comply with the federal guidelines. The Division is unable to determine any exact costs due to the varying degrees of work that may be needed per pharmacy location. Some pharmacies that are involved in compounding drugs may already be in compliance with the federal guidelines while some pharmacies may require extensive remodeling to comply with the federal guidelines. Also, increased costs will be realized by licensed pharmacists and licensed pharmacy technicians due to the increase in continuing education hours required for each two year period. Presently, pharmacists are required to have 24 continuing education hours every 2 years and pharmacy technicians are required to have 8 continuing education hours. Under the new proposed rule, the continuing education hours increase to 30 hours for pharmacists and 20 hours for pharmacy technicians every 2 years. An exact cost due to the increased continuing education hours required for pharmacists and pharmacy technicians cannot be determined since some continuing education seminars may be free while some conferences may cost as much as $400.

COMMENTS BY THE DEPARTMENT HEAD ON THE FISCAL IMPACT THE RULE MAY HAVE ON BUSINESSES: As required by S.B. 114, this rule filing establishes rules to administer the Pharmacy Practice Act. There will likely be a fiscal impact to pharmacies as they attempt to meet the new federal requirements for the sterile compounding of drugs, which requirements the Division has adopted in this rule pursuant to authority established in S.B. 114. The amount of such impact is difficult to determine,

as it is not clear how many pharmacies deal in compounding of drugs and what their current facilities include. For example, hospital pharmacies likely already meet the new federal requirements because the national hospital accrediting agency (JCAHO) had previously enforced such sterile compounding requirements. Another cost to pharmacists and pharmacy technicians will be the increased continuing education requirements adopted in this rule filing. The amount of the cost is again difficult to ascertain and may depend on the courses the pharmacist or pharmacy technician chooses to take. Some continuing education courses are free, while some conferences may cost as much as $400. Klarice A. Bachman, Executive Director

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

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

DIRECT QUESTIONS REGARDING THIS RULE TO:
Diana Baker at the above address, by phone at 801-530-6179, by FAX at 801-530-6511, or by Internet E-mail at dbaker@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 01/03/2005

INTERESTED PERSONS MAY ATTEND A PUBLIC HEARING REGARDING THIS RULE: 12/21/2004 at 9:00 AM, Heber Wells Bldg, 160 E 300 S, Conference Room 4A (fourth floor), Salt Lake City, UT.

THIS RULE MAY BECOME EFFECTIVE ON: 01/04/2005

AUTHORIZED BY: J. Craig Jackson, Director

R156. Commerce, Occupational and Professional Licensing.
R156-17b. Pharmacy Practice Act Rules.
R156-17b-101. Title.

These rules are known as the "Pharmacy Practice Act Rules".

R156-17b-102. Definitions.

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

(1) "ACPE" means the American Council on Pharmaceutical Education or Accreditation Council for Pharmacy Education.

(2) "Drugs", as used in these rules, means drugs or devices.

(3) "Dispense", as defined in Subsection 58-17b-102(23), does not include transferring medications for a patient from a legally dispensed prescription for that particular patient into a daily or weekly drug container to facilitate the patient taking the correct medication.

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

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

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

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

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

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

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

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

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

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

(c) "Rx only".

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

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

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

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

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

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

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

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

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

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

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

(20) "USP-NF" means the United States Pharmacopeia-National Formulary (USP 28-NF 23), 2004 edition, which is official from January 1, 2005, which is hereby adopted and incorporated by reference.

(21) "VIPPS" means Verified Internet Pharmacy Practice Sites. Pharmacies displaying the VIPPS seal have demonstrated to NABP

their compliance with VIPPS criteria including patient rights to privacy, authentication and security of prescription orders, adherence to a recognized quality assurance policy, and provision of meaningful consultation between patients and pharmacists. The VIPPS Criteria document, dated September 14, 2004, as established by NABP is adopted and incorporated by reference.

R156-17b-103. Authority - Purpose.

These rules are adopted by the Division under the authority of Subsection 58-1-106(1)(a) to enable the Division to administer Title 58, Chapter 17b.

R156-17b-104. Organization - Relationship to Rule R156-1.

The organization of this rule and its relationship to Rule R156-1 is as described in Section R156-1-107.

R156-17b-105. Licensure - Administrative Inspection.

In accordance with Subsection 58-17b-103(3)(e), the procedure for disposing of any drugs or devices seized by the Division during an administrative inspection will be handled as follows:

(1) Any legal drugs or devices found and temporarily seized by the Division and are found to be in compliance with this chapter will be returned to the pharmacist-in-charge of the pharmacy involved at the conclusion of any investigative or adjudicative proceedings and appeals.

(2) Any drugs or devices that are temporarily seized by the Division and are found to be unlawfully possessed, adulterated, misbranded, outdated, or otherwise in violation of this rule shall be destroyed by Division personnel at the conclusion of any investigative or adjudicative proceedings and appeals. The destruction of any seized controlled substance drugs will be witnessed by two Division individuals. A controlled substance destruction form will be completed and retained by the Division.

(3) An investigator may, upon determination that the violations observed are of a nature that pose an imminent peril to the public health, safety and welfare, recommend to the Division Director to issue an emergency licensure action, such as cease and desist.

R156-17b-301. Pharmacy Licensure Classifications - Pharmacist-in-Charge Requirements.

In accordance with Subsection 58-17b-302(4), the classification of pharmacies holding licenses are clarified as:

(1) Class A pharmacy includes all retail operations, including in-state Internet pharmacies, and requires a pharmacist-in-charge.

(2) Class B pharmacy includes an institutional pharmacy that provides services to a target population unique to the needs of the healthcare services required by the patient. All Class B pharmacies require a pharmacist-in-charge except for pharmaceutical administration facilities. Examples of Class B pharmacies include:

(a) closed door;
(b) hospital clinic pharmacy;
(c) nuclear;
(d) branch;
(e) hospice facility pharmacy;
(f) veterinarian pharmaceutical facility;
(g) pharmaceutical administration facility; and
(h) sterile product preparation facility.

(i) A retail pharmacy that prepares sterile products does not require a separate license as a Class B pharmacy.

(3) Class C pharmacy includes all pharmacies that are involved in:

(a) manufacturing;
(b) producing;
(c) wholesaling; and
(d) distributing

(4) Class D pharmacy includes non-resident pharmacies located outside the state of Utah. Class D pharmacies require a pharmacist-in-charge licensed in the state where the pharmacy is located. Class D pharmacies include:

(a) Out-of-state mail order pharmacies. Facilities that have multiple locations must have licenses for each facility and every component part of a facility; and

(b) Out-of-state Internet pharmacies. Internet pharmacies must meet VIPPS standard and criteria as established by NABP.

(5) Class E pharmacy include those pharmacies that do not require a pharmacist-in-charge and include:

(a) medical gases providers;
(b) analytical laboratory;
(c) dog trainers;
(d) animal euthanasia agency; and
(e) pharmaceutical research facility. Individual researchers who do not have prescriptive practice must have a controlled substances handler license.

(6) All pharmacy licenses will be converted to the appropriate classification by the Division and as identified in Section 58-17b-302.

(7) Each Class A and each Class B pharmacy required to have a pharmacist-in-charge shall have one pharmacist-in-charge who is employed on a full-time basis as defined by the employer, who acts as a pharmacist-in-charge for one pharmacy. However, the pharmacist-in-charge may be the pharmacist-in-charge of more than one Class A pharmacy, if the additional Class A pharmacies are not open to provide pharmacy services simultaneously.

(8) The pharmacist-in-charge shall comply with the provisions of Section R156-17b-603.

R156-17b-302. Licensure - Examinations.

(1) In accordance with Subsection 58-17b-303(1)(h), the examinations that must be successfully passed by an applicant for licensure as a pharmacist are:

(a) the NAPLEX with a passing score as established by NABP; and

(b) the Multistate Pharmacy Jurisprudence Examination(MPJE) with a minimum passing score as established by NABP.

(2) In accordance with Subsection 58-17b-303(3)(j), an applicant applying by endorsement is required to pass the MPJE.

(3) In accordance with Subsection 58-17b-305(1)(g), the examinations which must be passed by an applicant applying for licensure as a pharmacy technician are:

(a) the Utah Pharmacy Technician Law and Rule Examination with a passing score of at least 75 and taken within six months prior to making application for licensure; and

(b) the National Pharmacy Technician Certification Board Examination with a passing score as established by the Pharmacy Technician Certification Board and taken within six months of completion of an approved education and training program.

R156-17b-303. Licensure - Pharmacist by Endorsement.

(1) In accordance with Subsections 58-17b-303(3) and 58-1-301(3), an applicant for licensure as a pharmacist by endorsement

shall apply through the "Licensure Transfer Program" administered by NABP.

(2) An applicant for licensure as a pharmacist by endorsement does not need to provide evidence of intern hours if that applicant has:

(a) lawfully practiced as a licensed pharmacist a minimum of 2000 hours in the two years immediately preceding application in Utah;

(b) obtained sufficient continuing education credits required to maintain a license to practice pharmacy in the state of practice; and

(c) not had a pharmacist license suspended, revoked, canceled, surrendered, or otherwise restricted for any reason in any state for ten years prior to application in Utah, unless otherwise approved by the Division in collaboration with the Board.

R156-17b-304. Licensure - Education Requirements.

(1) In accordance with Subsections 58-17b-303(2) and 58-17b-304(7)(c), the credentialing agency recognized to provide certification and evaluate equivalency of a foreign educated pharmacy graduate is the Foreign Pharmacy Graduate Examination Committee of the National Association of Boards of Pharmacy Foundation, or an equivalent credentialing agency as approved by the Division.

(2) In accordance with Subsection 58-17b-304(6), the preliminary education qualification for licensure as a pharmacy intern include:

(a) a current pharmacy student who has completed at least 15 semester hours of pharmacy course work in a college or school of pharmacy accredited by the ACPE;

(b) a graduate who has received a degree from a school or college of pharmacy which is accredited by the ACPE; or

(c) a graduate of a foreign pharmacy school who has received a certificate of equivalency from an approved credentialing agency defined in Subsection (1).

(3) In accordance with Subsection 58-17b-305(1)(f), a pharmacy technician must complete an approved program of education and training that meets the following standards:

(a) The didactic training program must be approved by the Division in collaboration with the Board and must address, at a minimum, the following topics:

(i) legal aspects of pharmacy practice including federal and state laws and rules governing practice;

(ii) hygiene and aspectic techniques;

(iii) terminology, abbreviations and symbols;

(iv) pharmaceutical calculations;

(v) identification of drugs by trade and generic names, and therapeutic classifications;

(vi) filling of orders and prescriptions including packaging and labeling;

(vii) ordering, restocking, and maintaining drug inventory;

(viii) computer applications in the pharmacy; and

(ix) non-prescription products including, but not limited to, cough and cold, nutritional, analgesics, allergy, diabetic testing supplies, first aid, ophthalmic, family planning, foot, feminine hygiene, gastrointestinal preparations, and pharmacy care over-the-counter drugs.

(b) This training program's curriculum and a copy of the final examination shall be submitted to the Division for approval by the Board prior to staring any training session with a pharmacy technician in training. The final examination must include questions covering each of the topics listed in Subsection (3)(a) above.

(c) Approval must be granted by the Division in collaboration with the Board before a student may start a program of study. Specific guidelines include:

(i) an individual currently participating in a program of study that was approved prior to July 1, 2004, must complete the program by April 1, 2005 to be eligible for licensure.

(ii) a training program that accepts an individual into a program on or after January 1, 2005 must submit a copy of the curriculum no later than November 1, 2004 and have the program approved by the Division in collaboration with the Board.

(iii) an individual who completes a non-approved program is not eligible for licensure.

(d) The training program must require at least 180 hours of practical training supervised by a licensed pharmacist in good standing with the Division and must include written protocols and guidelines for the teaching pharmacist outlining the utilization and supervision of pharmacy technicians in training that includes:

(i) the specific manner in which supervision will be completed; and

(iii) an evaluative procedure to verify the accuracy and completeness of all acts, tasks and functions performed by the pharmacy technician in training.

(e) An individual must complete an approved training program and successfully pass the required examinations as listed in Subsection R156-17b-302(3) within one year from the date of the first day of the training program, unless otherwise approved by the Division in collaboration with the Board.

(4) An applicant for licensure as a pharmacy technician is deemed to have met the qualification for licensure in Subsection 58-17b-305(f) if the applicant:

(a) is currently licensed and in good standing in another state and has not had any adverse action taken on that license;

(b) has engaged in the practice as a pharmacy technician for a minimum of 1,000 hours or equivalent experience as approved by the Division in collaboration with the Board; and

(c) has passed and maintained current the PTCB certification and passed the Utah law exam.

R156-17b-306. Licensure - Pharmacist - Pharmacy Internship Standards.

(1) In accordance with Subsection 58-17b-303(1)(g), the standards for the pharmacy internship required for licensure as a pharmacist include the following:

(a) At least 1500 hours of practice supervised by a pharmacy preceptor shall be obtained in Utah or another state or territory of the United States, or a combination of both.

(i) Internship hours completed in Utah shall include at least 360 hours but not more than 900 hours in a college coordinated practical experience program as an integral part of the curriculum which shall include a minimum of 120 hours in each of the following practices:

(A) community pharmacy;

(B) institutional pharmacy; and

(C) any clinical setting.

(ii) Internship hours completed in another state or territory of the United States shall be accepted based on the approval of the hours by the pharmacy board in the jurisdiction where the hours were obtained.

(b) Evidence of completed internship hours shall be documented to the Division by the pharmacy intern at the time application is made for a Utah pharmacist license.

(c) Pharmacy interns participating in internships may be credited no more than 50 hours per week of internship experience.

(d) No credit will be awarded for didactic experience.

(2) If a pharmacy intern is suspended or dismissed from an approved College of Pharmacy, the intern must notify the Division within 15 days of the suspension or dismissal.

(3) If a pharmacy intern ceases to meet all requirements for intern licensure, he shall surrender his pharmacy intern license to the Division within 60 days unless an extension is required and granted by the Division in collaboration with the Board.

(4) In accordance with Subsections 58-17b-102(51), to be an approved preceptor, a pharmacist must meet the following criteria:

(a) hold a Utah pharmacist license that is active and in good standing;

(b) have been engaged in active practice as a licensed pharmacist for not less than two years in any jurisdiction;

(c) is not currently under any sanction nor has been under any sanction at any time which when considered by the Division and the Board would be of such a nature that the best interests of the intern and the public would not be served.

(d) shall provide direct, on-site supervision to only one pharmacy intern during a working shift; and

(e) should follow internship training guidelines as outlined in the Pharmacy Coordinating Council of Utah Internship Competencies, October 12, 2004, which is hereby adopted and incorporated by reference.

R156-17b-307. Licensure - Meet with the Board.

In accordance with Subsections 58-1-202(d) and 58-1-301(3), an applicant for licensure under Title 58, Chapter 17b may be required to meet with the State Board of Pharmacy for the purpose of evaluating the applicant's qualifications for licensure.

R156-17b-308. Renewal Cycle - Procedures.

(1) In accordance with Subsection 58-1-308(1), the renewal date for the two-year renewal cycle applicable to licensees under Title 58, Chapter 17b is established by rule in Section R156-1-308.

(2) Renewal procedures shall be in accordance with Section R156-1-308.

(3) An intern license may be extended upon the request of the licensee and approval by the Division under the following conditions:

(a) have applied to the Division for a pharmacist license and to sit for the NAPLEX and MJPE examinations within three calendar months after obtaining full certification from the Foreign Pharmacy Graduate Equivalency Commission; or

(b) have passed the NAPLEX and MJPE examinations but lacks the required number of internship hours for licensure.

(4) The extended internship hours shall be under the direct supervision of a preceptor who meets the criteria established in R156-17b-306(4).

R156-17b-309. Continuing Education.

(1) In accordance with Section 58-17b-310 and Subsections 58-1-203(1)(g) and 58-1-308(3)(b), there is created a requirement for continuing education as a condition for renewal or reinstatement of a pharmacist or pharmacy technician license issued under Title 58, Chapter 17b.

(2) Requirements shall consist of the following number of qualified continuing education hours in each preceding renewal period:

(a) 30 hours for a pharmacist; and

(b) 20 hours for a pharmacy technician.

(3) The required number of hours of qualified continuing professional education for an individual who first becomes licensed during the two year renewal cycle shall be decreased in a pro-rata amount equal to any part of that two year period preceding the date on which that individual first became license.

(4) Qualified continuing professional education hours shall consist of the following:

(a) for pharmacists:

(i) institutes, seminars, lectures, conferences, workshops, various forms of mediated instruction, and programmed learning courses, presented by an institution, individual, organization, association, corporation or agency that has been approved by ACPE;

(ii) programs approved by health-related continuing education approval organizations provided the continuing education is nationally recognized by a healthcare accrediting agency and the education is related to the practice of pharmacy; and

(iii) programs of certification by qualified individuals, such as certified diabetes educator credentials, board certification in advanced therapeutic disease management or other certification as approved by the Division in consultation with the Board.

(b) for pharmacy technicians:

(i) institutes, seminars, lectures, conferences, workshops, various forms of mediated instruction, and programmed learning courses, presented by an institution, individual, organization, association, corporation or agency that has been approved by ACPE;

(ii) programs approved by health-related continuing education approval organizations provided the continuing education is nationally recognized by a healthcare accrediting agency and the education is related to the practice of pharmacy; and

(iii) educational meetings that meet ACPE continuing education criteria sponsored by the Utah Pharmaceutical Association, the Utah Society of Health-System Pharmacists or a pharmacy technician training program approved in accordance with Subsection R156-17b-304(3)(b).

(5) Credit for qualified continuing professional education shall be recognized in accordance with the following:

(a) Pharmacists:

(i) a minimum of 12 hours shall be obtained through attendance at live or technology enabled participation lectures, seminars or workshops;

(ii) a minimum of 15 hours shall be in drug therapy or patient management; and

(iii) a minimum of one hour shall be in pharmacy law and ethics.

(b) Pharmacy Technicians:

(i) a minimum of eight hours shall be obtained through attendance at live or technology enabled participation at lectures, seminars or workshops; and

(ii) a minimum of one hour shall be in pharmacy law and ethics.

(iii) documentation of current Pharmacy Technician Certification Board certification will count as meeting the requirement for continuing education.

(6) A licensee shall be responsible for maintaining competent records of completed qualified continuing professional education for a period of four years after the close of the two year period to which the records pertain. It is the responsibility of the licensee to maintain such information with respect to qualified continuing

professional education to demonstrate it meets the requirements under this section.

R156-17b-401. Disciplinary Proceedings.

(1) An individual licensed as a pharmacy intern who is currently under disciplinary action and qualifies for licensure as a pharmacist may be issued a pharmacist license under the same restrictions as the pharmacy intern license.

(2) A pharmacist, pharmacy intern or pharmacy technician whose license or registration is suspended under Subsection 58-17b-701(6) may petition the Division at any time that he can demonstrate the ability to resume competent practice.

R156-17b-402. Administrative Penalties.

In accordance withe Subsection 58-17b-401(6), unless otherwise ordered by the presiding officer, the following fine and citation schedule shall apply.

(1) Preventing or refusing to permit any authorized agent of the Division to conduct an inspection:
initial offense: $500 - $2,000
subsequent offense(s): $5,000

(2) Failing to deliver the license or permit or certificate to the Division upon demand:
initial offense: $100 - $1,000
subsequent offense(s): $500 - $2,000

(3) Using the title pharmacist, druggist, pharmacy intern, pharmacy technician or any other term having a similar meaning or any term having similar meaning when not licensed to do so:
initial offense: $500 - $2,000
subsequent offense(s): $2,000 - $10,000

(4) Conducting or transacting business under a name which contains as part of that name the words drugstore, pharmacy, drugs, medicine store, medicines, drug shop, apothecary, prescriptions or any other term having a similar meaning or in any manner advertising otherwise describing or referring to the place of the conducted business or profession when not licensed to do so:
initial offense: $500 - $2,000
subsequent offense(s): $2,000 - $10,000

(5) Buying, selling, causing to be sold, or offering for sale any drug or device which bears the inscription sample, not for resale, investigational purposes, or experimental use only or other similar words:
initial offense: $1,000 - $5,000
subsequent offense(s): $10,000

(6) Using to the licensee's own advantage or revealing to anyone other than the Division, Board or its authorized representatives, any information acquired under the authority of this chapter concerning any method or process which is a trade secret:
initial offense: $100 - $500
subsequent offense(s): $200 - $1,000

(7) Illegally procuring or attempting to procure any drug for the licensee or to have someone else procure or attempt to procure a drug:
initial offense: $500 - $2,000
subsequent offense(s): $2,000 - $10,000

(8) Filling, refilling or advertising the filling or refilling of prescription drugs when not licensed do to so:
initial offense: $500 - $2,000
subsequent offense(s): $2,000 - $10,000

(9) Requiring any employed pharmacist, pharmacy intern, pharmacy technician or authorized supportive personnel to engage in any conduct in violation of this chapter:
initial offense: $500 - $2,000
subsequent offense(s): $2,500 - $10,000

(10) Being in possession of a drug for an unlawful purpose:
initial offense: $500 - $1,000
subsequent offense(s): $1,500 - $5,000

(11) Dispensing a prescription drug to anyone who does not have a prescription from a practitioner or to anyone who is known or should be known as attempting to obtain drugs by fraud or misrepresentation:
initial offense: $500 - $2,000
subsequent offense(s): $2,500 - $10,000

(12) Selling, dispensing or otherwise trafficking in prescription drugs when not licensed to do so or when not exempted from licensure:
initial offense: $1,000 - $5,000
subsequent offense(s): $10,000

(13) Using a prescription drug or controlled substance for the licensee that was not lawfully prescribed for the licensee by a practitioner:
initial offense: $100 - $500
subsequent offense(s): $1,000 - $2,5000

(14) Willfully deceiving or attempting to deceive the Division, the Board or its authorized agents as to any relevant matter regarding compliance under this chapter:
initial offense: $500 - $2,000
subsequent offense(s): $2,500 - $10,000

(15) Paying rebates to practitioners or any other health care provider, or entering into any agreement with a medical practitioner or any other person for the payment or acceptance of compensation for recommending the professional services of either party:
initial offense: $500 - $2,000
subsequent offense(s): $2,500 - $10,000

(16) Misbranding or adulteration of any drug or device or the sale, distribution or dispensing of any outdated, misbranded, or adulterated drugs or devices:
initial offense: $1,000 - $5,000
subsequent offense(s): $10,000

(17) Accepting back and redistributing any unused drugs, with the exception as provided in Section 58-17b-503:
initial offense: $1,000 - $5,000
subsequent offense(s): $10,000

(18) Violating Federal Title II, PL 91, Controlled Substances Act or Title 58, Chapter 37, Utah Controlled Substances Act, or rules and regulations adopted under either act:
initial offense: $500 - $2,000
subsequent offense(s): $2,500 - $10,000

(19) Failure to follow USP-NF Chapter 797 guidelines:
initial offense: $500 - $2,000
subsequent offense(s) $2,500 - $10,000

(20) Failure to follow USP-NF Chapter 795 guidelines:
initial offense: $250 - $500
subsequent offense(s): $500 - $750

(21) Administering without appropriate guidelines or lawful order:
initial offense: $500 - $2,000
subsequent offense(s): $2,000 - $10,000

(22) Disclosing confidential patient information in violation of the provision of the Health Insurance Portability and Accountability Act of 1996 or other applicable law:
initial offense: $100 - $500
subsequent offense(s): $500 - $1,000
(23) Engaging in the practice of pharmacy without a licensed pharmacist designated as the pharmacist in charge:
initial offense: $100 - $500
subsequent offense(s): $2,000 - $10,000
(24) Failing to report to the Division any adverse action taken by another licensing jurisdiction, government agency, law enforcement agency or court:
initial offense: $100 - $500
subsequent offense(s): $500 - $1,000
(25) Compounding a prescription drug for sale to another pharmaceutical facility:
initial offense: $100 - $500
subsequent offense(s): $500 - $1,000
(26) Preparing a prescription drug in a dosage form which is regularly and commonly available from a manufacturer in quantities and strengths prescribed by a practitioner:
initial offense: $500 - $1,000
subsequent offense(s): $2,500 - $5,000
(27) Violating any ethical code provision of the American Pharmaceutical Association Code of Ethics for Pharmacists, October 27, 1994:
initial offense: $250 - $500
subsequent offense(s): $2,000 - $10,000
(29) Failing to comply with the continuing education requirements set forth in these rules:
initial offense: $100 - $500
subsequent offense(s): $500 - $1,000
(29) Failing to provide the Division with a current mailing address within 10 days following any change of address:
initial offense: $50 - $100
subsequent offense(s): $200 - $300
(30) Defaulting on a student loan:
initial offense: $100 - $200
subsequent offense(s): $200 - $500
(31) Failing to abide by all applicable federal and state law regarding the practice of pharmacy:
initial offense: $500 - $1,000
subsequent offense(s): $2,000 - $10,000
(32) Failing to comply with administrative inspections:
initial offense: $500 - $2,000
subsequent offense(s): $2,000 - $10,000
(33) Abandoning a pharmacy and/or leaving drugs accessible to the public:
initial offense: $500 - $2,000
subsequent offense(s): $2,000 - $10,000
(34) Failure to return or providing false information on a self-inspection report:
initial offense: $100 - $250
subsequent offense(s): $300 - $500
(35) Failure to pay an administrative fine:
Double the original penalty amount up to $10,000
(36) Any other conduct which constitutes unprofessional or unlawful conduct:
initial offense: $100 - $500
subsequent offense(s): $200 - $1,000
(37) Failure to wear a name tag:
Individual initial: $50
Subsequent offense: $100
Pharmacy any offense: $100 - $200
(38) Failure to maintain an appropriate ratio of personnel:
Pharmacist initial offense: $100 - $250
Pharmacist subsequent offense(s): $500 - $2,500
Pharmacy initial offense: $250 - $1,000
Pharmacy subsequent offense(s): $500 - $5,000
(39) Unauthorized people in the pharmacy:
Pharmacist initial offense: $50 - $100
Pharmacist subsequent offense(s): $250 - $500
Pharmacy initial offense: $250 - $500
Pharmacy subsequent offense(s): $1,000 - $2,000
(40) Failure to offer to counsel:
Pharmacy personnel initial offense: $500 - $2,500
Pharmacy personnel subsequent offense(s): $5,000 - $10,000
Pharmacy: $2,000 per occurrence
(41) Violations of the laws and rules regulating operating standards (security system, unkempt facility, no hot water, etc.) in a pharmacy discovered upon inspection by the Division:
initial violation: $50 - $100
failure to comply within determined time: $250 - $500
subsequent violations: $250 - $500
failure to comply within established time: $750 - $1,000
(42) Practicing or attempting to practice as a pharmacist, pharmacist intern, or pharmacy technician or operating a pharmacy without a license:
initial offense: $500 - $2,000
subsequent offense(s): $2,000 - $10,000
(43) Impersonating a licensee or practicing under a false name:
initial offense: $500 - $2,000
subsequent offense(s): $2,000 - $10,000
(44) Knowingly employing an unlicensed person:
initial offense: $500 - $1,000
subsequent offense(s): $1,000 - $5,000
(45) Knowingly permitting the use of a license by another person:
initial offense: $500 - $1,000
subsequent offense(s): $1,000 - $5,000
(46) Obtaining a passing score, applying for or obtaining a license or otherwise dealing with the Division or Board through the use of fraud, forgery, intentional deception, misrepresentation, misstatement, or omission:
initial offense: $100 - $2,000
subsequent offense(s): $2,000 - $10,000
(47) Violating or aiding or abetting any other person to violate any statute, rule or order regulating pharmacy:
initial offense: $500 - $2,000
subsequent offense(s): $2,000 - $10,000
(48) Violating or aiding or abetting any other person to violate any generally accepted professional or ethical standard:
initial offense: $500 - $2,000
subsequent offense(s): $2,000 - $10,000
(49) Engaging in conduct that results in convictions of, or a plea of nolo contendere, or a plea of guilty or nolo contendere held in abeyance to a crime:
initial offense: $500 - $2,000
subsequent offense(s): $2,000 - $10,000

(50) Engaging in conduct that results in disciplinary action by any other jurisdiction or regulatory authority:
initial offense: $100 - $500
subsequent offense(s): $200 - $1,000
(51) Engaging in conduct, including the use of intoxicants or drugs, to the extent that the conduct does or may impair the ability to safely engage in practice as a pharmacist, pharmacy intern or pharmacy technician:
initial offense: $100 - $500
subsequent offense(s): $200 - $1,000
(52) Practicing or attempting to practice as a pharmacist, pharmacy intern or pharmacy technician when physically or mentally unfit to do so:
initial offense: $00 - $500
subsequent offense(s): $200 - $1,000
(53) Practicing or attempting to practice as a pharmacist, pharmacy intern, or pharmacy technician through gross incompetence, gross negligence or a pattern of incompetency or negligence:
initial offense: $500 - $2,000
subsequent offense(s): $2,000 - $10,000
(54) Practicing or attempting to practice as a pharmacist, pharmacy intern or pharmacy technician by any form of action or communication which is false, misleading, deceptive or fraudulent:
initial offense: $100 - $500
subsequent offense(s): $200 - $1,000
(55) Practicing or attempting to practice as a pharmacist, pharmacy intern or pharmacy technician beyond the individual's scope of competency, abilities or education:
initial offense: $100 - $500
subsequent offense(s): $200 - $1,000
(56) Practicing or attempting to practice as a pharmacist, pharmacy intern or pharmacy technician beyond the scope of licensure:
initial offense: $100 - $500
subsequent offense(s): $200 - $1,000
(57) Verbally, physically or mentally abusing or exploiting any person through conduct connected with the licensee's practice:
initial offense: $100 - $1,000
subsequent offense(s): $500 - $2,000
(58) Failure to comply with the pharmacist-in-charge standards:
initial offense: $500 - $2,000
subsequent offense(s) $2,000 - $10,000
(59) Failure to resolve identified drug therapy management problems:
initial offense: $500 - $2,500
subsequent offense: $5,000 - $10,000

R156-17b-502. Unprofessional Conduct.

"Unprofessional conduct" includes:
(1) violating any provision of the American Pharmaceutical Association (APhA) Code of Ethics for Pharmacists, October 27, 1994, which is hereby incorporated by reference;
(2) failing to comply with the USP-NF Chapters 795 and 797;
(3) failing to comply with the continuing education requirements set forth in these rules;
(4) failing to provide the Division with a current mailing address within a 10 business day period of time following any change of address;
(5) defaulting on a student loan;
(6) failing to abide by all applicable federal and state law regarding the practice of pharmacy;
(7) failing to comply with administrative inspections;
(8) abandoning a pharmacy or leaving prescription drugs accessible to the public;
(9) failing to wear a name tag or badge while working in any pharmaceutical facility;
(10) failing to identify licensure classification when communicating by any means;
(11) the practice of pharmacy with an inappropriate pharmacist to pharmacy intern ratio established by Subsection R156-17b-306(4)(b) or pharmacist to pharmacy technician ratio as established by Subsection R156-17b-601(3);
(12) allowing any unauthorized persons in the pharmacy;
(13) failing to offer to counsel any person receiving a prescription medication;
(14) failing to pay an administrative fine that has been assessed in the time designated by the Division;
(15) failing to comply with the pharmacist-in-charge standards as established in Section R156-17b-603; and
(16) failing to take appropriate steps to avoid or resolve identified drug therapy management problems as referenced in Subsection R156-17b-611(3).

R156-17b-601. Operating Standards - Pharmacy Technician - Scope of Practice.

In accordance with Subsection 58-17b-102(56), the scope of practice of a pharmacy technician is defined as follows:
(1) The pharmacy technician may perform any task associated with the physical preparation and processing of prescription and medication orders including:
(a) receiving written prescriptions;
(b) taking refill orders;
(c) entering and retrieving information into and from a database or patient profile;
(d) preparing labels;
(e) retrieving medications from inventory;
(f) counting and pouring into containers;
(g) placing medications into patient storage containers;
(h) affixing labels;
(i) compounding;
(j) counseling for non-prescription drugs and dietary supplements under the direction of the supervising pharmacist as referenced in Subsection R156-17b-304(3)(ix);
(k) accepting new prescription drug orders telephonically or electronically submitted for a pharmacist to review; and
(l) additional tasks not requiring the judgment of a pharmacist.
(2) The pharmacy technician shall not receive new verbal prescriptions or medication orders, clarify prescriptions or medication orders nor perform drug utilization reviews.
(3) The licensed pharmacist on duty can, at his discretion, provide on-site supervision up to three pharmacy technicians, who are actually on duty at any one time, and only one of the three technicians can be unlicensed.

R156-17b-602. Operating Standards - Pharmacy Intern - Scope of Practice.

A pharmacy intern may provide all pharmaceutical care services provided the services are supervised by a preceptor that meets the criteria established in Subsections 58-17b-102(54) and R156-17b-306(4).

R156-17b-603. Operating Standards - Pharmacist-in-charge.

The pharmacist-in-charge shall have responsibility for, at a minimum, the following:

(1) assuring that pharmacists and pharmacy interns are dispensing drugs or devices, including:

(a) packaging, preparation, compounding and labeling; and

(b) ensuring that drugs are dispensed safely and accurately as prescribed;

(2) assuring that pharmacy personnel deliver drugs to the patient or the patient's agent, including ensuring that drugs are delivered safely and accurately as prescribed;

(3) assuring that a pharmacist, pharmacy intern or pharmacy technician communicates to the patient or the patient's agent information about the prescription drug or device or non-prescription products;

(4) assuring that a pharmacist or pharmacy intern communicates to the patient or the patient's agent, at their request, information concerning any prescription drugs dispensed to the patient by the pharmacist or pharmacy intern;

(5) assuring that a reasonable effort is made to obtain, record and maintain patient medication records;

(6) education and training of pharmacy technicians;

(7) establishment of policies for procurement of prescription drugs and devices and other products dispensed from the pharmacy;

(8) disposal and distribution of drugs from the pharmacy;

(9) bulk compounding of drugs;

(10) storage of all materials, including drugs, chemicals and biologicals;

(11) maintaining records of all transactions of the pharmacy necessary to maintain accurate control over and accountability for all pharmaceutical materials required by applicable state and federal laws and regulations;

(12) establishment and maintenance of effective controls against theft or diversion of prescription drugs and records for such drugs;

(13) if records are kept on a data processing system, the maintenance of records stored in that system shall be in compliance with pharmacy requirements;

(14) legal operation of the pharmacy including meeting all inspection and other requirements of all state and federal laws, rules and regulations governing the practice of pharmacy;

(15) assuring that any automated pharmacy system is in good working order and accurately dispenses the correct strength, dosage form and quantity of the drug prescribed while maintaining appropriate record keeping and security safeguards;

(16) implementing an ongoing quality assurance program that monitors performance of the automated pharmacy system, which is evidenced by written policies and procedures developed for pharmaceutical care; and

(17) assuring that all relevant information is submitted to the Controlled Substance Database in the appropriate format and in a timely manner.

R156-17b-604. Operating Standards - Closing a Pharmacy.

At least 14 days prior to the closing of a pharmacy, the pharmacist-in-charge shall comply with the following:

(1) If the pharmacy is registered to possess controlled substances, send a written notification to the appropriate regional office of the Drug Enforcement Administration (DEA) containing the following information:

(a) the name, address and DEA registration number of the pharmacy;

(b) the anticipated date of closing;

(c) the name, address and DEA registration number of the pharmacy acquiring the controlled substances; and

(d) the date on which the transfer of controlled substances will occur.

(2) If the pharmacy dispenses prescription drug orders, post a closing notice sign in a conspicuous place in the front of the prescription department and at all public entrance doors to the pharmacy. Such closing notice shall contain the following information:

(a) the date of closing; and

(b) the name, address and telephone number of the pharmacy acquiring the prescription drug orders, including refill information and patient medication records of the pharmacy.

(3) On the date of closing, the pharmacist-in-charge shall remove all prescription drugs from the pharmacy by one or a combination of the following methods:

(a) return prescription drugs to manufacturer or supplier for credit or disposal; or

(b) transfer, sell or give away prescription drugs to a person who is legally entitled to possess drugs, such as a hospital or another pharmacy.

(4) If the pharmacy dispenses prescription drug orders:

(a) transfer the prescription drug order files, including refill information and patient medication records, to a licensed pharmacy within a reasonable distance of the closing pharmacy; and

(b) move all signs or notify the landlord or owner of the property that it is unlawful to use the word "pharmacy", or any other word or combination of words of the same or similar meaning, or any graphic representation that would mislead or tend to mislead the public that a pharmacy is located at this address.

(5) Within 10 days of the closing of the pharmacy, the pharmacist-in-charge shall forward to the Division a written notice of the closing that includes the following information:

(a) the actual date of closing;

(b) the license issued to the pharmacy;

(c) a statement attesting:

(i) that an inventory as specified in Subsection R156-17b-605(6) has been conducted; and

(ii) the manner in which the legend drugs and controlled substances possessed by the pharmacy were transferred or disposed;

(d) if the pharmacy dispenses prescription drug orders, the name and address of the pharmacy to which the prescription drug orders, including refill information and patient medication records, were transferred.

(6) If the pharmacy is registered to possess controlled substances, a letter must be sent to the appropriate DEA regional office explaining that the pharmacy has closed. The letter shall include the following items:

(a) DEA registration certificate;

(b) all unused DEA order forms (Form 222) with the word "VOID" written on the face of each order form; and

(c) copy #2 of any DEA order forms (Form 222) used to transfer Schedule II controlled substances from the closed pharmacy.

(7) If the pharmacy is closed suddenly due to fire, destruction, natural disaster, death, property seizure, eviction, bankruptcy or other emergency circumstances and the pharmacist-in-charge cannot provide notification 14 days prior to the closing, the pharmacist-in-

charge shall comply with the provisions of Subsection (1) as far in advance of the closing as allowed by the circumstances.

(8) If the pharmacist-in-charge is not available to comply with the requirements of this section, the owner or legal representative shall be responsible for compliance with the provisions of this section.

R156-17b-605. Operating Standards - Inventory Requirements.

(1) General requirements for inventory of a pharmacy shall include the following:

(a) the pharmacist-in-charge shall be responsible for taking all required inventories, but may delegate the performance of the inventory to another person or persons;

(b) the inventory records must be maintained for a period of five years and be readily available for inspection;

(c) the inventory records shall be filed separately from all other records;

(d) the inventory records shall be in a typewritten or printed form and include all stocks of legend drugs and controlled substances on hand on the date of the inventory including any that are out of date drugs and drugs in automated pharmacy systems. An inventory taken by use of a verbal recording device must be promptly transcribed;

(e) the inventory may be taken either as of the opening of the business or the close of business on the inventory date;

(f) the person taking the inventory and the pharmacist-in-charge shall indicate the time the inventory was taken and shall sign and date the inventory with the date the inventory was taken. The signature of the pharmacist-in-charge and the date of the inventory shall be documented within 72 hours or three working days of the completed initial, annual, change of ownership and closing inventory;

(g) the person taking the inventory shall make an exact count or measure all controlled substances listed in Schedule I or II;

(h) the person taking the inventory shall make an estimated court or measure all Scheduled III, IV or V controlled substances and legend drugs, unless the container holds more than 1,000 tablets or capsules in which case an exact count of the contents must be made;

(i) the inventory of Schedule I and II controlled substances shall be listed separately from the inventory of Schedule III, IV and V controlled substances which shall be listed separately from the inventory of the legend drugs; and

(j) if the pharmacy maintains a perpetual inventory of any of the drugs required to be inventoried, the perpetual inventory shall be reconciled on the date of the inventory.

(2) Requirement for taking the initial inventory shall include the following:

(a) all pharmacies having any stock of legend drugs or controlled substances shall take an inventory on the opening day of business. Such inventory shall include all stock of legend drugs and controlled substances including any out-of-date drugs and drugs in automated pharmacy systems;

(b) in the event a pharmacy commences business with none of the drugs specified in paragraph (2)(a) of this section on hand, the pharmacy shall record this fact as the initial inventory; and

(c) the initial inventory shall serve as the pharmacy's inventory until the next completed inventory as specified in Subsection (3) of this section.

(3) Requirement for annual inventory shall be 12 months following the inventory date of each year and may be taken within four days of the specified inventory date and shall include all stocks including out-of-date drugs and drugs in automated pharmacy systems.

(4) Requirements for change of ownership shall include the following:

(a) a pharmacy that changes ownership shall take an inventory of all legend drugs and controlled substances including out-of-date drugs and drugs in automated pharmacy systems on the date of the change of ownership;

(b) such inventory shall constitute, for the purpose of this section, the closing inventory for the seller and the initial inventory for the buyer; and

(c) transfer of Scheduled I and II controlled substances shall require the use of official DEA order forms (Form 222).

(5) Requirement for taking inventory when closing a pharmacy includes the pharmacist-in-charge, owner, or the legal representative of a pharmacy that ceases to operate as a pharmacy shall forward to the Division, within ten days of cessation of operation, a statement attesting that an inventory has been conducted, the date of closing and a statement attesting the manner by which legend drugs and controlled substances possessed by the pharmacy were transferred or disposed.

(6) Requirements specific to taking inventory in a Class B pharmacy shall include the following:

(a) all Class B pharmacies shall maintain a perpetual inventory of all Schedule II controlled substances which shall e reconciled according to facility policy; and

(b) the inventory of the institution shall be maintained in the pharmacy; if an inventory is conducted in other departments within the institution, the inventory shall be listed separately as follows:

(i) the inventory of drugs on hand in the pharmacy shall be listed separately from the inventory of drugs on hand in the other areas of the institution; and

(ii) the inventory of the drugs on hand in all other departments shall be identified by department.

R156-17b-606. Operating Standards - Approved Preceptor.

In accordance with Subsection 58-17b-601(1), the operating standard for a pharmacist acting as a preceptor includes:

(1) supervising more than one intern; however, a preceptor may supervise only one intern actually on duty in the practice of pharmacy at any one time;

(2) maintaining adequate records to document the number of internship hours completed by the intern and evaluating the quality of the intern's performance during the internship;

(3) completing the preceptor section of a Utah Pharmacy Intern Experience Affidavit found in the application packet at the conclusion of the preceptor/intern relationship regardless of the time or circumstances under which that relationship is concluded; and

(4) being responsible for the intern's actions related to the practice of pharmacy while practicing as a pharmacy intern under supervision.

R156-17b-607. Operating Standards - Supportive Personnel.

(1) In accordance with Subsection 58-17b-102(66)(a), supportive personnel may assist in any tasks not related to drug preparation or processing including:

(a) stock ordering and restocking;

(b) cashiering;

(c) billing;

(d) filing;

(e) receiving a written prescription and delivering it to the pharmacist, pharmacy intern or pharmacy technician;
(f) housekeeping; and
(g) delivering a pre-filled prescription to a patient.
(2) Supportive personnel shall not enter information into a patient profile or accept verbal refill information.
(3) In accordance with Subsection 58-17b-102(66)(b), the supervision of supportive personnel is defined as follows:
(a) all supportive personnel shall be under the supervision of a licensed pharmacist; and
(b) the licensed pharmacist shall be present in the area where the person being supervised is performing services and shall be immediately available to assist the person being supervised in the services being performed.
(4) In accordance with Subsection 58-17b-601(1), a pharmacist, pharmacy intern or pharmacy technician whose license has been revoked or is suspended shall not be allowed to provide any support services in a pharmacy.

R156-17b-608. Reserved.
Reserved.

R156-17b-609. Operating Standards - Medication Profile System.
In accordance with Subsections 58-17b-601(1) and 58-17b-604(1), the following operating standards shall apply with respect to medication profile systems:
(1) Patient profiles, once established, shall be maintained by a pharmacist in a pharmacy dispensing to patients on a recurring basis for a minimum of one year from the date of the most recent prescription filled or refilled; except that a hospital pharmacy may delete the patient profile for an inpatient upon discharge if a record of prescriptions is maintained as a part of the hospital record.
(2) Information to be included in the profile shall be determined by a responsible pharmacist at the pharmaceutical facility but shall include as a minimum:
(a) full name of the patient, address, telephone number, date of birth or age and gender;
(b) patient history where significant, including known allergies and drug reactions, and a comprehensive list of medications and relevant devices;
(c) a list of all prescription drugs obtained by the patient at the pharmacy including:
(i) name of prescription drug;
(ii) strength of prescription drug;
(iii) quantity dispensed;
(iv) date of filling or refilling;
(v) charge for the prescription drug as dispensed to the patient; and
(d) any additional comments relevant to the patient's drug use.
(3) Patient medication profile information shall be recorded by a pharmacist, pharmacy intern or pharmacy technician.

R156-17b-610. Operating Standards - Patient Counseling.
In accordance with Subsection 58-17b-601(1), guidelines for providing patient counseling established in Section 58-17b-613 include the following:
(1) Based upon the pharmacist's or pharmacy intern's professional judgments, patient counseling may be discussed to include the following elements:
(a) the name and description of the prescription drug;
(b) the dosage form, dose, route of administration and duration of drug therapy;
(c) intended use of the drug, when known, and expected action;
(d) special directions and precautions for preparation, administration and use by the patient;
(e) common severe side or adverse effects or interactions and therapeutic contraindications that may be encountered, including their avoidance, and the action required if they occur;
(f) techniques for self-monitoring drug therapy;
(g) proper storage;
(h) prescription refill information;
(i) action to be taken in the event of a missed dose;
(j) pharmacist comments relevant to the individual's drug therapy, including any other information specific to the patient or drug; and
(k) the date after which the prescription should not be taken or used, or the beyond use date.
(2) Patient counseling shall not be required for inpatients of a hospital or institution where other licensed health care professionals are authorized to administer the drugs.
(3) A pharmacist shall not be required to counsel a patient or patient's agent when the patient or patient's agent refuses such consultation.
(4) The offer to counsel shall be documented and said documentation shall be available to the Division.
(5) Counseling shall be:
(a) provided with each new prescription drug order, once yearly on maintenance medications, and if the pharmacist deems appropriate with prescription drug refills;
(b) provided for any prescription drug order dispensed by the pharmacy on the request of the patient or patient's agent; and
(c) communicated verbally in person unless the patient or the patient's agent is not at the pharmacy or a specific communication barrier prohibits such verbal communication.
(6) Only a pharmacist or pharmacy intern may verbally provide drug information to a patient or patient's agent and answer questions concerning prescription drugs.
(7) In addition to the requirements of Subsections (1) through (6) of this section, if a prescription drug order is delivered to the patient at the pharmacy, a filled prescription may not be delivered to a patient unless a pharmacist is in the pharmacy. However, an agent of the pharmacist may deliver a prescription drug order to the patient or the patient's agent if the pharmacist is absent for ten minutes or less and provided a record of the delivery is maintained and contains the following information:
(a) date of the delivery;
(b) unique identification number of the prescription drug order;
(c) patient's name;
(d) patient's phone number or the phone number of the person picking up the prescription; and
(e) signature of the person picking up the prescription.
(8) If a prescription drug order is delivered to the patient or the patient's agent at the patient's or other designated location, the following is applicable:
(a) the information specified in Subsection (1) of this section shall be delivered with the dispensed prescription in writing;
(b) if prescriptions are routinely delivered outside the area covered by the pharmacy's local telephone service, the pharmacist shall place on the prescription container or on a separate sheet delivered with the prescription container, the telephone number of the pharmacy and the statement "Written information about this

prescription has been provided for you. Please read this information before you take this medication. If you have questions concerning this prescription, a pharmacist is available during normal business hours to answer these questions."; and

(c) written information provided in Subsection (8)(b) of this section shall be in the form of patient information leaflets similar to USP-NF patient information monographs or equivalent information.

R156-17b-611. Operating Standards - Drug Therapy Management.

(1) In accordance with Subsections 58-17b-102(17) and 58-17b-601(1), decisions involving drug therapy management shall be made in the best interest of the patient. Drug therapy management may include:

(a) implementing, modifying and managing drug therapy according to the terms of the Collaborative Pharmacy Practice Agreement;

(b) collecting and reviewing patient histories;

(c) obtaining and checking vital signs, including pulse, temperature, blood pressure and respiration;

(d) ordering and evaluating the results of laboratory tests directly applicable to the drug therapy, when performed in accordance with approved protocols applicable to the practice setting; and

(e) such other patient care services as may be allowed by rule.

(2) For the purpose of promoting therapeutic appropriateness, a pharmacist shall at the time of dispensing a prescription, or a prescription drug order, review the patient's medication record. Such review shall at a minimum identify clinically significant conditions, situations or items, such as:

(a) inappropriate drug utilization;

(b) therapeutic duplication;

(c) drug-disease contraindications;

(d) drug-drug interactions;

(e) incorrect drug dosage or duration of drug treatment;

(f) drug-allergy interactions; and

(g) clinical abuse or misuse.

(3) Upon identifying any clinically significant conditions, situations or items listed in Subsection (2) above, the pharmacist shall take appropriate steps to avoid or resolve the problem including consultation with the prescribing practitioner.

R156-17b-612. Operating Standards - Prescriptions.

In accordance with Subsection 58-17b-601(1), the following shall apply to prescriptions:

(1) Prescription order shall be handled according to the rules of the Federal Drug Enforcement Administration.

(2) A prescription issued by an authorized licensed practitioner, if verbally communicated by an agent of that practitioner upon that practitioner's specific instruction and authorization, may be accepted by a pharmacist or pharmacy intern.

(3) A prescription issued by a licensed prescribing practitioner, if electronically communicated by an agent of that practitioner, upon that practitioner's specific instruction and authorization, may be accepted by a pharmacist, pharmacy intern and pharmacy technician.

(4) In accordance with Section 58-17b-609, prescription files, including refill information, shall be maintained for a minimum of five years by either a manual filing of written prescriptions or by an immediately retrievable electronic record.

(5) Prescriptions having a remaining authorization for refill may be transferred by the pharmacist at the pharmacy holding the prescription to a pharmacist at another pharmacy upon the authorization of the patient to whom the prescription was issued. The transferring pharmacist and receiving pharmacist shall act diligently to ensure that the total number of authorized refills is not exceeded.

(6) Prescriptions for terminal patients in licensed hospices, home health agencies or nursing homes may be partially filled if the patient has a medical diagnosis documenting a terminal illness and may not need the full prescription amount.

(7) Refills may be dispensed only in accordance with the prescriber's authorization as indicated on the original prescription drug order;

(8) If there are no refill instructions on the original prescription drug order, or if all refills authorized on the original prescription drug order have been dispensed, authorization from the prescribing practitioner must be obtained prior to dispensing any refills.

(9) Refills of prescription drug orders for legend drugs may not be refilled after one year from the date of issuance of the original prescription drug order without obtaining authorization from the prescribing practitioner prior to dispensing any additional quantities of the drug.

(10) Refills of prescription drug orders for controlled substances shall be done in accordance with Subsection 58-37-6(7)(f).

(11) A pharmacist may exercise his professional judgment in refilling a prescription drug order for a drug, other than a controlled substance listed in Schedule II, without the authorization of the prescribing practitioner, provided:

(a) failure to refill the prescription might result in an interruption of a therapeutic regimen or create patient suffering;

(b) either:

(i) a natural or manmade disaster has occurred which prohibits the pharmacist from being able to contact the practitioner; or

(ii) the pharmacist is unable to contact the practitioner after a reasonable effort, the effort should be documented and said documentation should be available to the Division;

(c) the quantity of prescription drug dispensed does not exceed a 72-hour supply;

(d) the pharmacist informs the patient or the patient's agent at the time of dispensing that the refill is being provided without such authorization and that authorization of the practitioner is required for future refills;

(e) the pharmacist informs the practitioner of the emergency refill at the earliest reasonable time;

(f) the pharmacist maintains a record of the emergency refill containing the information required to be maintained on a prescription as specified in this subsection; and

(g) the pharmacist affixes a label to the dispensing container as specified in Section 58-17b-602.

(12) If the prescription was originally filled at another pharmacy, the pharmacist may exercise his professional judgment in refilling the prescription provided:

(a) the patient has the prescription container label, receipt or other documentation from the other pharmacy which contains the essential information;

(b) after a reasonable effort, the pharmacist is unable to contact the other pharmacy to transfer the remaining prescription refills or there are no refills remaining on the prescription;

(c) the pharmacist, in his professional judgment, determines that such a request for an emergency refill is appropriate and meets the requirements of (a) and (b) of this subsection; and

(d) the pharmacist complies with the requirements of Subsections (11)(c) through (g) of this section.

(13) The transfer of original prescription drug order information for legend drugs and Schedule III through V controlled substances is permissible between pharmacies on a one time basis only for the valid remaining refills except as described in Subsection R156-17b-613(9).

(a) the transfer shall be communicated directly between pharmacists or pharmacy interns or as authorized under Subsection R156-17b-613(9):

(b) both the original and the transferred prescription drug orders shall be maintained for a period of five years from the date of the last refill;

(c) the pharmacist or pharmacy intern transferring the prescription drug order shall void the prescription electronically or write void on the face of the invalidated prescription manually;

(d) the pharmacist or pharmacy intern receiving the transferred prescription drug order shall:

(i) indicate on the prescription record that the prescription was transferred electronically or manually; and

(ii) record on the transferred prescription drug order the following information:

(A) original date of issuance and date of dispensing or receipt, if different from date of issuance;

(B) original prescription number and the number of refills authorized on the original prescription drug order;

(C) number of valid refills remaining and the date of last refill, if applicable;

(D) the name, address and, if a controlled substance, the DEA registration number of the pharmacy to which such prescription is transferred; and

(E) the name of the pharmacist or pharmacy intern transferring the prescription drug order information;

(e) the data processing system shall have a mechanism to prohibit the transfer or refilling of controlled substance prescription drug orders which have been previously transferred; and

(f) a pharmacist or pharmacy intern may not refuse to transfer original prescription information to another pharmacist or pharmacy intern who is acting on behalf of a patient and who is making a request for this information as specified in Subsections (12) and (13) of this section.

R156-17b-613. Operating Standards - Issuing Prescription Orders by Electronic Means.

In accordance with Subsections 58-17b-102(3) and 58-17b-601(1), prescription orders may be issued by electronic means of communication according to the following:

(1) Prescription orders for Schedule II - V controlled substances received by electronic means of communication shall be handled according to Title 58, Chapter 37, Utah Controlled Substances Act and R156-37, Utah Controlled Substances Act Rules.

(2) Prescription orders for non-controlled substances received by electronic means of communication may be dispensed by a pharmacist or pharmacy intern only if all of the following conditions are satisfied:

(a) all electronically transmitted prescription orders shall include the following:

(i) all information that is required to be contained in a prescription order pursuant to Section 58-17b-602;

(ii) the time and date of the transmission, and if a facsimile transmission, the electronically encoded date, time and fax number of the sender; and

(iii) the name of the pharmacy intended to receive the transmission;

(b) the prescription order shall be transmitted under the direct supervision of the prescribing practitioner or his designated agent;

(c) the pharmacist shall exercise professional judgment regarding the accuracy and authenticity of the transmitted prescription. Practitioners or their agents transmitting medication orders using electronic equipment are to provide voice verification when requested by the pharmacist receiving the medication order. The pharmacist is responsible for assuring that each electronically transferred prescription order is valid and shall authenticate a prescription order issued by a prescribing practitioner which has been transmitted to the dispensing pharmacy before filling it, whenever there is a question;

(d) a practitioner may authorize an agent to electronically transmit a prescription provided that the identifying information of the transmitting agent is included on the transmission. The practitioner's electronic signature, or other secure method of validation, shall be provided with the electronic prescription; and

(e) an electronically transmitted prescription order that meets the requirements above shall be deemed to be the original prescription.

(3) This section does not apply to the use of electronic equipment to transmit prescription orders within inpatient medical facilities.

(4) No agreement between a prescribing practitioner and a pharmacy shall require that prescription orders be transmitted by electronic means from the prescribing practitioner to that pharmacy only.

(5) The pharmacist shall retain a printed copy of an electronic prescription, or a record of an electronic prescription that is readily retrievable and printable, for a minimum of five years. The printed copy shall be of non-fading legibility.

(6) Wholesalers, distributors, manufacturers, pharmacists and pharmacies shall not supply electronic equipment to any prescriber for transmitting prescription orders.

(7) An electronically transmitted prescription order shall be transmitted to the pharmacy of the patient's choice.

(8) Prescription orders electronically transmitted to the pharmacy by the patient shall not be filled or dispensed.

(9) A prescription order for a legend drug or controlled substance in Schedule III through V may be transferred up to the maximum refills permitted by law with the prescriber's authorization by electronic transmission providing the pharmacies share a real-time, on-line database provided that:

(a) information required to be on the transferred prescription has the same information as described in Subsection R156-17b-6012(17)(b) and (i) through (v); and

(b) pharmacists, pharmacy interns or pharmacy technicians electronically accessing the same prescription drug order records may electronically transfer prescription information if the data processing system has a mechanism to send a message to the transferring pharmacy containing the following information:

(i) the fact that the prescription drug order was transferred;

(ii) the unique identification number of the prescription drug order transferred;

(iii) the name of the pharmacy to which it was transferred; and

(iv) the date and time of the transfer.

R156-17b-614. Operating Standards - Operating Standards, Class A and B Pharmacy.

(1) In accordance with Subsection 58-17b-601(1), standards for the operations for a Class A and Class B pharmacy include:

(a) shall be well lighted, well ventilated, clean and sanitary;

(b) the dispensing area, if any, shall have a sink with hold and cold culinary water separate and apart from any restroom facilities. This does not apply to clean room where sterile products are prepared. Clean rooms should not have sinks or floor drains that expose the area to an open sewer. All required equipment shall be clean and in good operating condition;

(c) be equipped to permit the orderly storage of prescription drugs and devices in a manner to permit clear identification, separation and easy retrieval of products and an environment necessary to maintain the integrity of the product inventory;

(d) be equipped to permit practice within the standards and ethics of the profession as dictated by the usual and ordinary scope of practice to be conducted within that facility;

(e) be stocked with the quality and quantity of product necessary for the facility to meet its scope of practice in a manner consistent with the public health, safety and welfare; and

(f) be equipped with a security system to permit detection of entry at all times when the facility is closed.

(2) The temperature of the pharmacy shall be maintained within a range compatible with the proper storage of drugs. The temperature of the refrigerator and freezer shall be maintained within a range compatible with the proper storage of drugs requiring refrigeration or freezing.

(3) Facilities engaged in extensive compounding activities shall be required to maintain proper records and procedure manuals and establish quality control measures to ensure stability, equivalency where applicable and sterility. The following requirements shall be met:

(a) must follow USP-NF Chapter 795, compounding of non-sterile preparations;

(b) may compound in anticipation of receiving prescriptions in very limited amounts;

(c) bulk active ingredients must be component of FDA approved drugs listed in the approved drug products prepared by the Center for Drug Evaluation and Research of the FDA;

(d) compounding using drugs that are not part of a FDA approved drug listed in the approved drug products prepared by the Center for Drug Evaluation and Research of the FDA requires an investigational new drug application (IND). The IND approval shall be kept in the pharmacy for five years for inspection;

(e) a master worksheet sheet shall be developed and approved by a pharmacist for each batch of sterile or non-sterile pharmaceuticals to be prepared. Once approved, a duplicate of the master worksheet sheet shall be used as the preparation worksheet sheet from which each batch is prepared and on which all documentation for that batch occurs. The master worksheet sheet shall contain at a minimum:

(i) the formula;

(ii) the components;

(iii) the compounding directions;

(iv) a sample label;

(v) evaluation and testing requirements;

(vi) sterilization methods, if applicable;

(vii) specific equipment used during preparation such as specific compounding device; and

(viii) storage requirements;

(f) a preparation worksheet sheet for each batch of sterile or non-sterile pharmaceuticals shall document the following:

(i) identity of all solutions and ingredients and their corresponding amounts, concentrations, or volumes;

(ii) manufacturer lot number for each component;

(iii) component manufacturer or suitable identifying number;

(iv) container specifications (e.g. syringe, pump cassette);

(v) unique lot or control number assigned to batch;

(vi) expiration date of batch prepared products;

(vii) date of preparation;

(viii) name, initials or electronic signature of the person or persons involved in the preparation;

(ix) names, initials or electronic signature of the responsible pharmacist;

(x) end-product evaluation and testing specifications, if applicable; and

(xi) comparison of actual yield to anticipated yield, when appropriate;

(g) the label of each batch prepared of sterile or non-sterile pharmaceuticals shall bear at a minimum:

(i) the unique lot number assigned to the batch;

(ii) all solution and ingredient names, amounts, strengths and concentrations, when applicable;

(iii) quantity;

(iv) expiration date and time, when applicable;

(v) appropriate ancillary instructions, such as storage instructions or cautionary statements, including cytotoxic warning labels where appropriate; and

(vi) device-specific instructions, where appropriate;

(h) the expiration date assigned shall be based on currently available drug stability information and sterility considerations or appropriate in-house or contract service stability testing;

(i) sources of drug stability information shall include the following:

(A) references can be found in Trissel's "Handbook on Injectable Drugs", 13th Edition, 2004;

(B) manufacturer recommendations; and

(C) reliable, published research;

(ii) when interpreting published drug stability information, the pharmacist shall consider all aspects of the final sterile product being prepared such as drug reservoir, drug concentration and storage conditions; and

(iii) methods for establishing expiration dates shall be documented; and

(i) there shall be a documented, ongoing quality control program that monitors and evaluates personnel performance, equipment and facilities that follows the USP-NF Chapters 795 and 797 standards.

(4) The facility shall have current and retrievable editions of the following reference publications in print or electronic format and readily available and retrievable to facility personnel:

(a) Title 58, Chapter 1, Division of Occupational and Professional Licensing Act'

(b) R156-1, General Rules of the Division of Occupational and Professional Licensing;

(c) Title 58, Chapter 17b, Pharmacy Practice Act;

(d) R156-17b, Utah Pharmacy Practice Act Rules;

(e) Title 58, Chapter 37, Utah Controlled Substances Act;

(f) R156-37, Utah Controlled Substances Act Rules;

(g) Code of Federal Regulations (CFR) 21, Food and Drugs, Part 1300 to end or equivalent such as the USP DI Drug Reference Guides;

(h) current FDA Approved Drug Products (orange book); and

(i) any other general drug references necessary to permit practice dictated by the usual and ordinary scope of practice to be conducted within that facility.

(5) The facility shall post the license of the facility and the license or a copy of the license of each pharmacist, pharmacy intern and pharmacy technician who is employed in the facility, but may not post the license of any pharmacist, pharmacy intern or pharmacy technician not actually employed in the facility.

(6) Facilities shall have a counseling area to allow for confidential patient counseling, where applicable.

(7) If the pharmacy is located within a larger facility such as a grocery or department store, and a licensed Utah pharmacist is not immediately available in the facility, the pharmacy shall not remain open to pharmacy patients and shall be locked in such a way as to bar entry to the public or any non-pharmacy personnel. All pharmacies located within a larger facility shall be locked and enclosed in such a way as to bar entry by the public or any non-pharmacy personnel when the pharmacy is closed.

(8) Only a licensed Utah pharmacist or authorized pharmacy personnel shall have access to the pharmacy when the pharmacy is closed.

(9) The facility shall maintain a permanent log of the initials or identification codes which identify each dispensing pharmacist by name. The initials or identification code shall be unique to ensure that each pharmacist can be identified; therefore identical initials or identification codes shall not be used.

(10) The pharmacy facility must maintain copy 3 of DEA order form (Form 222) which has been properly dated, initialed and filed and all copies of each unaccepted or defective order form and any attached statements or other documents.

(11) If applicable, a hard copy of the power of attorney authorizing a pharmacist to sign DEA order forms (Form 222) must be available to the Division whenever necessary.

(12) Pharmacists or other responsible individuals shall verify that the suppliers' invoices of legend drugs, including controlled substances, are listed on the invoices and were actually received by clearly recording their initials and the actual date of receipt of the controlled substances.

(13) The pharmacy facility must maintain a record of suppliers' credit memos for controlled substances and legend drugs.

(14) A copy of inventories required under Section R156-17b-605 must be made available to the Division when requested.

(15) The pharmacy facility must maintain hard copy reports of surrender or destruction of controlled substances and legend drugs submitted to appropriate state or federal agencies.

R156-17b-614a. Operating Standards - Class B pharmacy designated as a Branch Pharmacy.

In accordance with Subsections 58-17b-102(7) and 58-1-301(3), the qualifications for designation as a branch pharmacy include the following:

(1) The Division, in collaboration with the Board, shall approve the location of each branch pharmacy. The following shall be considered in granting such designation:

(a) the distance between or from nearby alternative pharmacies and all other factors affecting access of persons in the area to alternative pharmacy resources;

(b) the availability at the location of qualified persons to staff the pharmacy, including the physician, physician assistant or advanced practice registered nurse;

(c) the availability and willingness of a parent pharmacy and supervising pharmacist to assume responsibility for the branch pharmacy;

(d) the availability of satisfactory physical facilities in which the branch pharmacy may operate; and

(e) the totality of conditions and circumstances which surround the request for designation.

(2) A branch pharmacy shall be licensed as a pharmacy branch of an existing Class A or B pharmacy licensed by the Division.

(3) The application for designation of a branch pharmacy shall be submitted by the licensed parent pharmacy seeking such designation. In the event that more than one licensed pharmacy makes application for designation of a branch pharmacy location at a previously undesignated location, the Division in collaboration with the Board shall review all applications for designation of the branch pharmacy and, if the location is approved, shall approve for licensure the applicant determined best able to serve the public interest as identified in Subsection (1).

(4) The application shall include the following:

(a) complete identifying information concerning the applying parent pharmacy;

(b) complete identifying information concerning the designated supervising pharmacist employed at the parent pharmacy;

(c) address and description of the facility in which the branch pharmacy is to be located;

(d) specific formulary to be stocked indicating with respect to each prescription drug, the name, the dosage strength and dosage units in which the drug will be prepackaged;

(e) complete identifying information concerning each person located at the branch pharmacy who will dispense prescription drugs in accordance with the approved protocol; and

(f) protocols under which the branch pharmacy will operate and its relationship with the parent pharmacy to include the following:

(i) the conditions under which prescription drugs will be stored, used and accounted for;

(ii) the method by which the drugs will be transported from parent pharmacy to the branch pharmacy and accounted for by the branch pharmacy; and

(iii) a description of how records will be kept with respect to:

(A) formulary;

(B) changes in formulary;

(C) record of drugs sent by the parent pharmacy;

(D) record of drugs received by the branch pharmacy;

(E) record of drugs dispensed;

(F) periodic inventories; and

(G) any other record contributing to an effective audit trail with respect to prescription drugs provided to the branch pharmacy.

R156-17b-614b. Operating Standards - Class B - Sterile Pharmaceuticals.

In accordance with Subsection 58-17b-601(1), the USP-NF Chapter 797, Compounding for Sterile Preparations, shall apply to all pharmacies preparing sterile pharmaceuticals.

R156-17b-614c. Operating Standards - Class B - Pharmaceutical Administration Facility.

In accordance with Subsections 58-17b-102(44) and 58-17b-601(1), the following applies with respect to prescription drugs which are held, stored or otherwise under the control of a pharmaceutical administration facility for administration to patients:

(1) The licensed pharmacist shall provide consultation on all aspects of pharmacy services in the facility; establish a system of records of receipt and disposition of all controlled substances in sufficient detail to enable an accurate reconciliation; and determine that drug records are in order and that an account of all controlled substances is maintained and periodically reconciled.

(2) Authorized destruction of all prescription drugs shall be witnessed by the medical or nursing director or a designated physician or registered nurse employed in the facility and the supervising pharmacist and must be in compliance with DEA regulations.

(3) Prescriptions for patients in the facility can be verbally requested by a licensed prescribing practitioner and may be entered as the prescribing practitioner's order; but the practitioner must personally sign the order in the facility record within 72 hours if a Schedule II controlled substance and within 30 days if any other prescription drug. The prescribing practitioner's verbal order may be copied and forwarded to a pharmacy for dispensing and may serve as the pharmacy's record of the prescription order.

(4) Prescriptions for controlled substances for patients in Class B pharmaceutical administration facilities shall be dispensed according to Title 58, Chapter 37, Utah Controlled Substances Act, and R156-37, Utah Controlled Substances Act Rules.

(5) Requirements for emergency drug kits shall include:

(a) an emergency drug kit may be used by pharmaceutical administration facilities. The emergency drug kit shall be considered to be a physical extension of the pharmacy supplying the emergency drug kit and shall at all times remain under the ownership of that pharmacy;

(b) the contents and quantity of drugs and supplies in the emergency drug kit shall be determined by the Medical Director or Director of Nursing of the pharmaceutical administration facility and the pharmacist-in-charge of the pharmacy;

(c) a copy of the approved list of contents shall be conspicuously posted on or near the kit;

(d) the emergency kit shall be used only for bona fide emergencies and only when medications cannot be obtained from a pharmacy in a timely manner;

(e) records documenting the receipt and removal of drugs in the emergency kit shall be maintained by the facility and the pharmacy;

(f) the pharmacy shall be responsible for ensuring proper storage, security and accountability of the emergency kit and shall ensure that:

(i) the emergency kit is stored in a locked area and is locked itself; and

(ii) emergency kit drugs are accessible only to licensed physicians, physician assistants and nurses employed by the facility;

(g) the contents of the emergency kit, the approved list of contents and all related records shall be made freely available and open for inspection to appropriate representatives of the Division and the Utah Department of Health.

R156-17b-614d. Operating Standards - Class B - Nuclear Pharmacy.

In accordance with Subsections 58-17b-303(4)(d) and 58-17b-601(1), the operating standards for a Class B pharmacy designated as a nuclear pharmacy shall have the following:

(1) A nuclear pharmacy shall have the following:

(a) have applied for or possess a current Utah Radioactive Materials License; and

(b) adequate space and equipment commensurate with the scope of services required and provided.

(2) Nuclear pharmacies shall only dispense radiopharmaceuticals that comply with acceptable standards of quality assurance.

(3) Nuclear pharmacies shall maintain a library commensurate with the level of radiopharmaceutical service to be provided.

(4) A licensed Utah pharmacist shall be immediately available on the premises at all times when the facility is open or available to engage in the practice of pharmacy.

(5) In addition to Utah licensure, the pharmacist shall be currently certified by the Board of Pharmaceutical Specialties in Nuclear Pharmacy or have equivalent classroom and laboratory training and experience as required by the Utah Radiation Control Rules.

(6) This rule does not prohibit:

(a) a licensed pharmacy intern or technician from acting under the direct supervision of an approved preceptor who meets the requirements to supervise a nuclear pharmacy; or

(b) a Utah Radioactive Materials license from possessing and using radiopharmaceuticals for medical use.

(7) A hospital nuclear medicine department or an office of a physician/surgeon, osteopathic physician/surgeon, veterinarian, pediatric physician or dentist that has a current Utah Radioactive Materials License does not require licensure as a Class B pharmacy.

R156-17b-615. Operating Standards - Class C Pharmacy - Pharmaceutical Wholesaler/Distributor and Pharmaceutical Manufacturer in Utah.

In accordance with Subsections 58-17b-102(48) and 58-17b-601(1), the operating standards for Class C pharmacies designated as pharmaceutical wholesaler/distributor and pharmaceutical manufacturer licensees includes the following:

(1) A separate license shall be obtained for each separate location engaged in the distribution or manufacturing of prescription drugs.

(2) The licensee need not be under the supervision of a licensed pharmacist, but shall be under the supervision of a responsible officer or management employee.

(3) All Class C pharmacies shall:

(a) be of suitable size and construction to facilitate cleaning, maintenance and proper operations;

(b) have storage areas designed to provide adequate lighting, ventilation, sanitation, space, equipment and security conditions;

(c) have the ability to control temperature and humidity within tolerances required by all prescription drugs and prescription drug precursors handled or used in the distribution or manufacturing activities of the applicant or licensee;

(d) provide for a quarantine area for storage of prescription drugs and prescription drug precursors that are outdated, damaged, deteriorated, misbranded, adulterated, opened or unsealed containers that have once been appropriately sealed or closed or in any other way unsuitable for use or entry into distribution or manufacturing;

(e) be maintained in a clean and orderly condition; and

(f) be free from infestation by insects, rodents, birds or vermin of any kind.

(4) Each facility used for wholesale drug distribution or manufacturing of prescription drugs shall:

(a) be secure from unauthorized entry;

(b) limit access from the outside to a minimum in conformance with local building codes, life and safety codes and control access to persons to ensure unauthorized entry is not made;

(c) limit entry into areas where prescription drugs or prescription drug precursors are held to authorized persons who have a need to be in those areas;

(d) be well lighted on the outside perimeter;

(e) be equipped with an alarm system to permit detection of entry and notification of appropriate authorities at all times when the facility is not occupied for the purpose of engaging in distribution or manufacturing of prescription drugs; and

(f) be equipped with security measures, systems and procedures necessary to provide reasonable security against theft and diversion of prescription drugs or alteration or tampering with computers and records pertaining to prescription drugs or prescription drug precursors.

(5) Each facility shall provide the storage of prescription drugs and prescription drug precursors in accordance with the following:

(a) all prescription drugs and prescription drug precursors shall be stored at appropriate temperature, humidity and other conditions in accordance with labeling of such prescription drugs or prescription drug precursors or with requirements in the USP-NF;

(b) if no storage requirements are established for a specific prescription drug or prescription drug precursor, the products shall be held in a condition of controlled temperature and humidity as defined in the USP-NF to ensure that its identity, strength, quality and purity are not adversely affected; and

(c) there shall be established a system of manual, electromechanical or electronic recording of temperature and humidity in the areas in which prescription drugs or prescription drug precursors are held to permit review of the record and ensure that the products have not been subjected to conditions which are outside of established limits.

(6) Each facility shall ensure that:

(a) upon receipt, each outside shipping container containing prescription drugs or prescription drug precursors shall be visibly examined for identity and to prevent the acceptance of prescription drugs or prescription drug precursors that are contaminated, reveal damage to the containers or are otherwise unfit for distribution; and

(b) each outgoing shipment shall be carefully inspected for identity of the prescription drug products and to ensure that there is no delivery of prescription drugs that have been damaged in storage or held under improper conditions.

(7) Each facility shall ensure that:

(a) prescription drugs or prescription drug precursors that are outdated, damaged, deteriorated, misbranded, adulterated or in any other way unfit for distribution or use in manufacturing shall be quarantined and physically separated from other prescription drugs or prescription drug precursors until they are appropriately destroyed or returned to their supplier;

(b) any prescription drug or prescription drug precursor whose immediate sealed or outer secondary sealed container has been opened or in any other way breached shall be identified as such and shall be quarantined and physically separated from other prescription drugs and prescription drug precursors until they are appropriately destroyed or returned to their supplier; and

(c) if the conditions or circumstances surrounding the return of any prescription drug or prescription drug precursor cast any doubt on the product's safety, identity, strength, quality or purity, then the drug shall be appropriately destroyed or returned to the supplier, unless examination, testing or other investigation proves that the product meets appropriate and applicable standards related to the product's safety, identity, strength, quality and purity.

(8) Each facility shall establish and maintain records of all transactions regarding the receipt and distribution or other disposition of prescription drugs and prescription drug precursors and shall make inventories of prescription drugs and prescription drug precursors and required records available for inspection by authorized representatives of the federal, state and local law enforcement agencies in accordance with the following:

(a) there shall be a record of the source of the prescription drugs or prescription drug precursors to include the name and principal address of the seller or transferor and the address of the location from which the drugs were shipped;

(b) there shall be a record of the identity and quantity of the prescription drug or prescription drug precursor received, manufactured, distributed or shipped or otherwise disposed of by specific product and strength;

(c) there shall be a record of the dates of receipt and distribution or other disposal of any product;

(d) there shall be a record of the identity of persons to whom distribution is made to include name and principal address of the receiver and the address of the location to which the products were shipped;

(e) inventories of prescription drugs and prescription drug precursors shall be made available during regular business hours to authorized representatives of federal, state and local law enforcement authorities;

(f) required records shall be made available for inspection during regular business hours to authorized representatives of federal, state and local law enforcement authorities and such records shall be maintained for a period of two years following disposition of the products; and

(g) records that are maintained on site or immediately retrievable from computer or other electronic means shall be made readily available for authorized inspection during the retention period; or if records are stored at another location, they shall be made available within two working days after request by an authorized law enforcement authority during the two year period of retention.

(9) Each facility shall establish, maintain and adhere to written policies and procedures which shall be followed for the receipt, security, storage, inventory, manufacturing, distribution or other disposal of prescription drugs or prescription drug precursors, including policies and procedures for identifying, recording and reporting losses or thefts, and for correcting all errors and inaccuracies in inventories. In addition, the policies shall include the following:

(a) a procedure whereby the oldest approved stock of a prescription drug or precursor product is distributed or used first

with a provision for deviation from the requirement if such deviation is temporary and appropriate;

(b) a procedure to be followed for handling recalls and withdrawals of prescription drugs adequate to deal with recalls and withdrawals due to:

(i) any action initiated at the request of the FDA or other federal, state or local law enforcement or other authorized administrative or regulatory agency;

(ii) any voluntary action to remove defective or potentially defective drugs from the market; or

(iii) any action undertaken to promote public health, safety or welfare by replacement of existing product with an improved product or new package design;

(c) a procedure to prepare for, protect against or handle any crisis that affects security or operation of any facility in the event of strike, fire, flood or other natural disaster or other situations of local, state or national emergency;

(d) a procedure to ensure that any outdated prescription drugs or prescription drug precursors shall be segregated from other drugs or precursors and either returned to the manufacturer, other appropriate party or appropriately destroyed; and

(e) a procedure for providing for documentation of the disposition of outdated, adulterated or otherwise unsafe prescription drugs or prescription drug precursors and the maintenance of that documentation available for inspection by authorized federal, state or local authorities for a period of two years after disposition of the product.

(10) Each facility shall establish, maintain and make available for inspection by authorized federal, state and local law enforcement authorities, lists of all officers, directors, managers and other persons in charge which lists shall include a description of their duties and a summary of their background and qualifications.

(11) Each facility shall comply with laws including:

(a) operating within applicable federal, state and local laws and regulations;

(b) permitting the state licensing authority and authorize federal, state and local law enforcement officials, upon presentation of proper credentials, to enter and inspect their premises and delivery vehicles and to audit their records and written operating policies and procedures, at reasonable times and in a reasonable manner, to the extent authorized by law; and

(c) obtaining a controlled substance license from the Division and registering with the Drug Enforcement Administration (DEA) if they engage in distribution or manufacturing of controlled substances and shall comply with all federal, state and local regulations applicable to the distribution or manufacturing of controlled substances.

(12) Each facility shall be subject to and shall abide by applicable federal, state and local laws that relate to the salvaging or reprocessing of prescription drug products.

(13) A person who is engaged in the wholesale distribution or manufacturing of prescription drugs but does not have a facility located within Utah in which prescription drugs are located, stored, distributed or manufactured is exempt from Utah licensure as a Class C pharmacy, if said person is currently licensed and in good standing in each state of the United States in which that person has a facility engaged in distribution or manufacturing of prescription drugs entered into interstate commerce.

R156-17b-616. Operating Standards - Class D Pharmacy - Non-Residence Pharmacies.

(1) In accordance with Subsections 58-1-301(3) and 58-17b-306(2), an application for licensure as a Class D pharmacy shall include:

(a) a pharmacy care protocol that includes the operating standards established in Subsections R156-17b-610(1) and (8) and R156-17b-614(1) through (4);

(b) a copy of the pharmacist's license for the pharmacist-in-charge; and

(c) a copy of the most recent state inspection showing the status of compliance with the laws and regulations for physical facility, records and operations.

(2) Any Internet pharmacy located in another state but providing drugs to citizens of Utah must meet VIPPS standards as outlined by NABP. Any Internet pharmacy located within the state and providing services to Utah citizens shall be licensed as a Class A pharmacy.

R156-17b-617. Operating Standards - Class E pharmacy.

(1) In accordance with Section 58-17b-302 and Subsection 58-17b-601(1), the operating standards for a Class E pharmacy shall include a written pharmacy care protocol which includes:

(a) the identity of the supervisor or director;

(b) a detailed plan of care;

(c) identity of the drugs that will be purchased, stored, used and accounted for; and

(d) identity of any licensed healthcare provider associated with operation.

R156-17b-617a. Operating Standards - Class E - Animal Euthanasia Agency.

In accordance with Section 58-17b-302 and Subsection 58-17b-601(1), the operating standards for a Class E pharmacy operating as an animal euthanasia agency concerning the use of prescription drugs shall include:

(1) A veterinarian licensed in Utah shall supervise the use of prescription drugs used for animal euthanasia.

(2) The veterinarian shall be responsible for:

(a) identifying each euthanasia drug for which authorization is requested;

(b) identifying the location where euthanasia drugs and records will be maintained;

(c) identifying each person to be authorized to purchase, possess or administer euthanasia drugs;

(d) describing the training program for each person authorized to purchase, possess or administer euthanasia drugs as well as attesting to be responsible for that training; and

(e) maintaining euthanasia drug records.

R156-17b-617b. Operating Standards - Class E - Pharmaceutical Dog Trainer.

In accordance with Section 58-17b-302 and Subsections 58-17b-601(1), the operating standards for a Class E pharmacy operating as a pharmaceutical dog trainer shall require an affiliation with a law enforcement official from a Utah law enforcement agency who is responsible for the purchase, storage and use of the authorized prescription drugs.

R156-17b-618. Operating Standards - Third Party Payors.

Reserved.

R156-17b-619. Operating Standards - Automated Pharmacy System.

In accordance with Section 58-17b-621, automated pharmacy systems can be utilized in licensed pharmacies, remote locations under the jurisdiction of the Division and licensed health care facilities where legally permissible and shall comply with the following provisions:

(1) Documentation as to type of equipment, serial numbers, content, policies and procedures and location shall be maintained on site in the pharmacy for review upon request of the Division. Such documentation shall include, but is not limited to:

(a) name and address of the pharmacy or licensed health care facility where the automated pharmacy system is being used;

(b) manufacturer's name and model;

(c) description of how the device is used;

(d) quality assurance procedures to determine continued appropriate use of the automated device; and

(e) policies and procedures for system operation, safety, security, accuracy, patient confidentiality, access and malfunction.

(2) Automated pharmacy systems should be used only in settings where there is an established program of pharmaceutical care that ensures that before dispensing, or removal from an automated storage and distribution device, a pharmacist reviews all prescription or medication orders unless a licensed independent practitioner controls the ordering, preparation and administration of the medication; or in urgent situations when the resulting delay would harm the patient including situations in which the patient experiences a sudden change in clinical status.

(3) All policies and procedures must be maintained in the pharmacy responsible for the system and, if the system is not located within the facility where the pharmacy is located, at the location where the system is being used.

(4) Automated pharmacy systems shall have:

(a) adequate security systems and procedures to:

(i) prevent unauthorized access;

(ii) comply with federal and state regulations; and

(iii) prevent the illegal use or disclosure of protected health information.

(5) Records and electronic data kept by automated pharmacy systems shall meet the following requirements:

(a) all events involving the contents of the automated pharmacy system must be recorded electronically;

(b) records must be maintained by the pharmacy for a period of five years and must be readily available to the Division. Such records shall include:

(i) identity of system accessed;

(ii) identify of the individual accessing the system;

(iii) type of transaction;

(iv) name, strength, dosage form and quantity of the drug accessed;

(v) name of the patient for whom the drug was ordered; and

(vi) such additional information as the pharmacist-in-charge may deem necessary.

(6) Access to and limits on access to the automated pharmacy system must be defined by policy and procedures and must comply with state and federal regulations.

(7) The pharmacist-in-charge or pharmacist designee shall have the sole responsibility to:

(a) assign, discontinue or change access to the system;

(b) ensure that access to the medications comply with state and federal regulations; and

(c) ensure that the automated pharmacy system is filled and stocked accurately and in accordance with established written policies and procedures.

(8) The filling and stocking of all medications in the automated pharmacy system shall be accomplished by qualified licensed healthcare personnel under the supervision of a licensed pharmacist.

(9) A record of medications filled and stocked into an automated pharmacy system shall be maintained for a period of five years and shall include the identification of the persons filling, stocking and checking for accuracy.

(10) All containers of medications stored in the automated pharmacy system shall be packaged and labeled in accordance with federal and state laws and regulations.

(11) All aspects of handling controlled substances shall meet the requirements of all state and federal laws and regulations.

(12) The automated pharmacy system shall provide a mechanism for securing and accounting for medications removed from and subsequently returned to the automated pharmacy system, all in accordance with existing state and federal law. Written policies and procedures shall address situations in which medications removed from the system remain unused and must be secured and accounted for.

(13) The automated pharmacy system shall provide a mechanism for securing and accounting for wasted medications or discarded medications in accordance with existing state and federal law. Written policies and procedures shall address situations in which medications removed from the system are wasted or discarded and must be secured.

R156-17b-620. Operating Standards - Pharmacist Administration - Training.

(1) In accordance with Subsection 58-17b-502(9), appropriate training for the administration of a prescription drug includes:

(a) current Basic Life Support (BLS) certification; and

(b) successful completion of a training program which includes at a minimum:

(i) didactic and practical training for administering injectable drugs;

(ii) the current Advisory Committee on Immunization Practices (ACIP) of the United States Center for Disease Control and Prevention guidelines for the administration of immunizations; and

(iii) the management of an anaphylactic reaction.

(2) Sources for the appropriate training include:

(a) ACPE approved programs; and

(b) curriculum-based programs from an ACPE accredited college of pharmacy, state or local health department programs and other board recognized providers.

KEY: pharmacists, licensing, pharmacies
2005
58-17b-101
58-17b-601(1)
58-37-1
58-1-106(1)(a)
58-1-202(1)(a)

Commerce, Occupational and Professional Licensing

R156-61-502

Unprofessional Conduct

NOTICE OF PROPOSED RULE
(Amendment)
DAR FILE NO.: 27538
FILED: 11/09/2004, 13:46

RULE ANALYSIS

PURPOSE OF THE RULE OR REASON FOR THE CHANGE: The Division needs to update the rule to reflect the most current editions of the American Psychological Association (APA) and Association of State and Provincial Psychology Boards (ASPPB) ethical codes.

SUMMARY OF THE RULE OR CHANGE: In Subsection R156-61-502(1), updates the APA "Ethical Principles of Psychologists and Code of Conduct" to the August 2002 edition. In Subsection R156-61-502(2), updates the ASPPB "Code of Conduct" to the June 2001 edition.

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

THIS RULE OR CHANGE INCORPORATES BY REFERENCE THE FOLLOWING MATERIAL: Updates the following documents: APA Ethical Principles of Psychologists and Code of Conduct from the December 1992 edition to the August 2002 edition; and ASPPB Code of Conduct from the 1991 edition to the June 2001 edition

ANTICIPATED COST OR SAVINGS TO:

❖ THE STATE BUDGET: The Division will incur minimal costs, approximately $50, to reprint the rule once the proposed amendments are made effective. Any costs incurred will be absorbed in the Division's current budget. There is no cost associated with getting the newly updated editions of the ethical codes since both can be located on the respective association websites.

❖ LOCAL GOVERNMENTS: The proposed amendments do not apply to local governments. Therefore, there are no anticipated cost or savings to local government.

❖ OTHER PERSONS: The proposed amendments will only apply to psychologists who are licensed to practice in Utah. There is no cost associated with getting the newly updated editions of the ethical codes since both can be located on the respective association websites.

COMPLIANCE COSTS FOR AFFECTED PERSONS: The proposed amendments will only apply to psychologists who are licensed to practice in Utah. There is no cost associated with getting the newly updated editions of the ethical codes since both can be located on the respective association websites.

COMMENTS BY THE DEPARTMENT HEAD ON THE FISCAL IMPACT THE RULE MAY HAVE ON BUSINESSES: This rule filing contains a minor technical change to reflect the newest edition of the ethical codes. Therefore, there is no fiscal impact to businesses. Klarice A. Bachman, Executive Director

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

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

DIRECT QUESTIONS REGARDING THIS RULE TO:
Debra Hendren at the above address, by phone at 801-530-6621, by FAX at 801-530-6511, or by Internet E-mail at dhendren@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 01/03/2005.

THIS RULE MAY BECOME EFFECTIVE ON: 01/04/2005

AUTHORIZED BY: J. Craig Jackson, Director

R156. Commerce, Occupational and Professional Licensing.
R156-61. Psychologist Licensing Act Rules.
R156-61-502. Unprofessional Conduct.

"Unprofessional conduct" includes:

(1) violation of any provision of the "Ethical Principles of Psychologists and Code of Conduct" of the American Psychological Association (APA) as adopted by the APA, [~~December 1992~~]August 2002 edition, which is adopted and incorporated by reference;

(2) violation of any provision of the "ASPPB Code of Conduct" of the Association of State and Provincial Psychology Boards (ASPPB) as adopted by the ASPPB, [~~1991~~]June 2001 edition, which is adopted and incorporated by reference;

(3) acting as a supervisor or accepting supervision of a supervisor without complying with or ensuring the compliance with the requirements of Sections R156-61-302d and R156-61-302e;

(4) engaging in and aiding or abetting conduct or practices which are dishonest, deceptive or fraudulent;

(5) engaging in or aiding or abetting deceptive or fraudulent billing practices;

(6) failing to establish and maintain appropriate professional boundaries with a client or former client;

(7) engaging in dual or multiple relationships with a client or former client in which there is a risk of exploitation or potential harm to the client;

(8) engaging in sexual activities or sexual contact with a client with or without client consent;

(9) engaging in sexual activities or sexual contact with a former client within two years of documented termination of services;

(10) engaging in sexual activities or sexual contact at any time with a former client who is especially vulnerable or susceptible to being disadvantaged because of the client's personal history, current mental status, or any condition which could reasonably be expected

to place the client at a disadvantage recognizing the power imbalance which exists or may exist between the psychologist and the client;

(11) engaging in sexual activities or sexual contact with client's relatives or other individuals with whom the client maintains a relationship when that individual is especially vulnerable or susceptible to being disadvantaged because of his personal history, current mental status, or any condition which could reasonably be expected to place that individual at a disadvantage recognizing the power imbalance which exists or may exist between the psychologist and that individual;

(12) physical contact with a client when there is a risk of exploitation or potential harm to the client resulting from the contact;

(13) engaging in or aiding or abetting sexual harassment or any conduct which is exploitive or abusive with respect to a student, trainee, employee, or colleague with whom the licensee has supervisory or management responsibility;

(14) failing to render impartial, objective, and informed services, recommendations or opinions with respect to custodial or parental rights, divorce, domestic relationships, adoptions, sanity, competency, mental health or any other determination concerning an individual's civil or legal rights;

(15) exploiting a client for personal gain;

(16) use of a professional client relationship to exploit a person that is known to have a personal relationship with a client for personal gain;

(17) failing to maintain appropriate client records for a period of not less than ten years from the documented termination of services to the client;

(18) failing to obtain informed consent from the client or legal guardian before taping, recording or permitting third party observations of client care or records;

(19) failure to cooperate with the Division during an investigation

(20) participating in a residency program without being certified as a psychology resident; and

(21) supervising a residency program of an individual who is not certified as a psychology resident.

KEY: licensing, psychologists
[~~June 1, 2001~~]2005
Notice of Continuation June 10, 2004
58-1-106(1)(a)
58-1-202(1)(a)
58-61-101

Commerce, Occupational and Professional Licensing

R156-71-202

Naturopathic Physician Formulary

NOTICE OF PROPOSED RULE
(Amendment)
DAR FILE NO.: 27533
FILED: 11/08/2004, 09:28

RULE ANALYSIS

PURPOSE OF THE RULE OR REASON FOR THE CHANGE: The Division needs to add some noncontrolled substance medications to the naturopathic physician formulary so that a naturopathic physician can prescribe these medications. This rule filing also corrects the misspelling of one of the listed medications.

SUMMARY OF THE RULE OR CHANGE: This amendment changes the misspelling of Diphydramine to Dihydropyridine listed under Calcium Channel Blockers. The following noncontrolled substance medications are being added to the naturopathic physician formulary: Dyslipidemia Modulators, Pentoxiflylline, and deleted limitations on Hormones to now include all types of hormones.

STATE STATUTORY OR CONSTITUTIONAL AUTHORIZATION FOR THIS RULE: Section 58-71-101, and Subsections 58-1-106(1)(a) and 58-1-202(1)(a)

ANTICIPATED COST OR SAVINGS TO:
❖ THE STATE BUDGET: The Division will incur minimal costs, less than $50, to reprint the rule once the proposed amendments are made effective. Any costs incurred will be absorbed in the Division's current budget.
❖ LOCAL GOVERNMENTS: The proposed amendments do not apply to local governments. Therefore, there are no anticipated cost or savings to local government.
❖ OTHER PERSONS: These proposed amendments will result in savings for the public and insurance carriers. Patients who presently see a naturopathic physician needing these types of medications cannot receive the required prescription. The patient needs to schedule another visit with a prescribing practitioner for the necessary prescription. If the naturopathic physician can prescribe the medication needed, it would reduce the duplication of services thus resulting in a lower cost for the patient. The Division is unable to determine an exact savings amount due to the wide varying charges among practitioners and the Division cannot determine how many persons would no longer need a second medical visit to a prescribing practitioner.

COMPLIANCE COSTS FOR AFFECTED PERSONS: These proposed amendments will result in savings for the public and insurance carriers. Patients who presently see a naturopathic physician needing these types of medications cannot receive the required prescription. The patient needs to schedule another visit with a prescribing practitioner for the necessary prescription. If the naturopathic physician can prescribe the medication needed, it would reduce the duplication of services thus resulting in a lower cost for the patient. The Division is unable to determine an exact savings amount due to the wide varying charges among practitioners and the Division cannot determine how many persons would no longer need a second medical visit to a prescribing practitioner.

COMMENTS BY THE DEPARTMENT HEAD ON THE FISCAL IMPACT THE RULE MAY HAVE ON BUSINESSES: This rule change corrects a spelling error and adds three noncontrolled medications to the naturopathic formulary. Because a naturopathic physician will now be able to prescribe the medications for patients, this rule filing will save patients time and money. They won't have to

see another physician to obtain the prescription. Similarly, it might cause a negative fiscal impact to physicians who would normally see a patient just to prescribe the medications. However, the cost of such impact is impossible to determine. Klarice A. Bachman, Director

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

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

DIRECT QUESTIONS REGARDING THIS RULE TO:

Daniel T. Jones at the above address, by phone at 801-530-6767, by FAX at 801-530-6511, or by Internet E-mail at dantjones@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 01/03/2005.

THIS RULE MAY BECOME EFFECTIVE ON: 01/04/2005

AUTHORIZED BY: J. Craig Jackson, Director

R156. Commerce, Occupational and Professional Licensing.
R156-71. Naturopathic Physician Practice Act Rules.
R156-71-202. Naturopathic Physician Formulary.

(1) In accordance with Subsections 58-71-102(8) and 58-71-202, the naturopathic physician formulary which consists of noncontrolled substance legend medications deemed appropriate for the scope of practice of naturopathic physicians, the prescription of which is approved by the Division in collaboration with the Naturopathic Formulary Advisory Peer Committee, consists of the following legend drugs, listed by category:

Adrenergic Stimulators, limited to: Albuterol, Epinephrine, and Metaproteranol;

Ace Inhibitors;

Amino Acids;

Anesthetics (local);

Antiemetics;

Antifungals, limited to: Nystatin and Fluconazole;

Antigout;

Antihistamines;

Anti-inflammatories, except DMARDS;

Antimicrobials (oral), limited to: Pencillins, 1st and 2nd generation Cephalosporins, Tetracyclines, Macrolides, Azalides, Lincosamines, Metronidazole, Hydantoins, and Sulfas;

Antimicrobials (ophthamologic), limited to: Sulfas and Macrolides;

Antimicrobials (topical);

Antivirals, limited to Acyclovir;

Biologics, limited to: Skin Testing, CDC recommended Immunizations, Toxoids, and Immunoglobulin;

Calcium Channel Blockers (2nd Generation [~~Diphydramine~~]Dihydropyridine);

Contraceptives, except implants and injections;

Corticosteroids (oral or topical), except Opthamologic Preparations;

Diabetic Agents, limited to: Insulin, and oral Hypoglycemics, except Thiazolidinediones;

Diuretics, limited to: Thiazide or Loop;

Dyslipidemia Modulators;

Electrolyte and Fluid Replacements;

Enzymes, limited to: Digestive and Proteolytic;

H2 Blockers;

Hormones[~~ (oral or topical), limited to: Estrogen, Progestins, and Thyroid~~];

Leukotrine modulators;

Migraine Preparations, limited to: Ergotamines and Sumatriptin;

Minerals: Macro and Micro;

Osteoporosis agents, limited to: Calcitonin and Raloxifene;

Oxygen;

Pentoxiflylline;

Proton-Pump Inhibitors;

Urinary Antispasmodics;

Vitamins;

Other: Methergine and Pitocin, limited to use only after the uterus has been emptied;

Silver Nitrate.

(2) New categories or classes of drugs will need to be approved as part of the formulary prior to prescribing/administering.

(3) The licensed naturopathic physician has the responsibility to be knowledgeable about the medication being prescribed or administered.

KEY: licensing, naturopaths, naturopathic physician[~~*~~]
[~~May 4, 2004~~]2005
Notice of Continuation February 7, 2002
58-71-101
58-1-106(1)(a)
58-1-202(1)(a)

▼ ▼

Education, Administration
R277-473
Testing Procedures

NOTICE OF PROPOSED RULE
(Amendment)
DAR FILE NO.: 27547
FILED: 11/15/2004, 16:23

RULE ANALYSIS

PURPOSE OF THE RULE OR REASON FOR THE CHANGE: This rule is amended to update the language to make the rule consistent with state law and current practice.

SUMMARY OF THE RULE OR CHANGE: The changes include removing "Constructed response portions" from the definitions and language; changing the Criterion Reference Test (CRT) assessment window; and adding new language regarding the Utah State Office of Education responsibilities and school responsibilities for crisis indicators in state assessments.

STATE STATUTORY OR CONSTITUTIONAL AUTHORIZATION FOR THIS RULE: Subsection 53A-1-603(3)

ANTICIPATED COST OR SAVINGS TO:
❖ THE STATE BUDGET: There are no anticipated cost or savings to the state budget because the changes reflect responsibilities that have been shared between the Utah State Board of Education and local boards of education as the Utah Performance Assessment Systems for Schools (U-PASS) has evolved.
❖ LOCAL GOVERNMENTS: There no anticipated cost or savings to local government because the changes are all proposed at the state level. Minor adjustments in local schedules are without cost.
❖ OTHER PERSONS: There are no anticipated cost or savings to other persons. Responsibilities belong to the Utah State Board of Education and not to individuals. If anything, the changes give more advantages and protections than were previously given to individuals.

COMPLIANCE COSTS FOR AFFECTED PERSONS: There are no compliance costs for affected persons. Responsibilities belong to the Utah State Board of Education.

COMMENTS BY THE DEPARTMENT HEAD ON THE FISCAL IMPACT THE RULE MAY HAVE ON BUSINESSES: I have reviewed this rule, and I see no fiscal impact to businesses. Patti Harrington, State Superintendent of Public Instruction

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

INTERESTED PERSONS MAY PRESENT THEIR VIEWS ON THIS RULE BY SUBMITTING WRITTEN COMMENTS TO THE ADDRESS ABOVE NO LATER THAN 5:00 PM on 01/03/2005.

THIS RULE MAY BECOME EFFECTIVE ON: 01/04/2005

AUTHORIZED BY: Carol Lear, Coordinator School Law and Legislation

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R277. Education, Administration.
R277-473. Testing Procedures.
R277-473-1. Definitions.

A. "Basic skills course" means those courses specified in Utah law for which CRT testing is required.

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

[~~C. "Constructed-response portions" means the portion of questions on the criterion-referenced tests that require a student to generate a response rather than select a response.~~

~~D~~]C. "Criterion Reference Test (CRT)" means a test to measure performance against a specific standard. The meaning of the scores is not tied to the performance of other students.

[~~E~~]D. "DCS" means the USOE District Computer Services Section.

[~~F~~]E. "Last day of school" means the last day classes are held in each school district.

[~~G~~]F. "Norm-reference Test (NRT)" means a test where the scores are based on comparisons with a nationally representative group of students in the same grade. The meaning of the scores is tied specifically to student performance relative to the performance of the students in the norm group under very specific testing conditions.

[~~H~~]G. "[~~Secure~~]Protected test materials" means consumable and nonconsumable test booklets, directions for administering the assessments and supplementary assessment materials (e.g., videotapes) designated as [~~secure~~]protected test materials by the USOE. [~~Secure~~]Protected test materials shall be used for testing only and shall be [~~stored~~]secured where they can be accessed by authorized personnel only.

H. "Raw test results" means number correct out of number possible, without scores being equated and scaled.

[~~I~~]I. "Standardized tests" means tests required, consistent with Sections 53A-1-601 through 53A-1-611, to be administered to all students in identified subjects at the specified grade levels.

[~~K~~]J. "USOE" means the Utah State Office of Education.

R277-473-2. Authority and Purpose.

A. This rule is authorized by Utah Constitution Article X, Section 3 which vests general control and supervision of public education in the Board, Section 53A-1-603(3) which directs the Board to adopt rules for the conduct and administration of the testing programs and Section 53A-1-401(3) which permits the Board to adopt rules in accordance with its responsibilities.

B. The purpose of this rule is to provide specific standards and procedures by which school districts shall handle and administer standardized tests.

R277-473-3. Time Periods for Administering and Returning Materials.

A. School districts shall require that by or before school year 2004-2005, all schools administer [~~CRTs~~]assessments required under Section 53A-1-603 [~~only~~]according to the following schedule:

(1) All CRTs (elementary and secondary, English language arts, math, science) shall be given in a five week window beginning five weeks before the last Monday of the end of the course.

([~~1~~]2) The Utah Basic Skills Competency Test[-] shall be given Tuesday, Wednesday, and Thursday of the first week of February and Tuesday, Wednesday, and Thursday of the third week of October[~~:~~].

([~~2~~]3) [~~Secondary Language Arts,~~]Sixth and [~~9~~]ninth grade Direct Writing Assessment[~~, and the Supplementary Reading Assessments~~] shall be given in a [~~two~~]three week window beginning at least 14 weeks prior to the last day of school[~~ or of the course;~~].

[~~(3) Constructed-response portions of the Elementary and Secondary Math assessments in a one week window beginning nine weeks prior to the last day of school or of the course;~~

~~(4) Grade 1 and 2 Supplementary Reading Tests in a four week window eight weeks prior to the last day of school;~~

~~(5) Elementary Language Arts tests, grades 3-6 Supplementary Reading Tests, and 6th grade Direct Writing Assessment in a two week window seven weeks prior to the last day of school;~~

~~(6) Multiple-choice portions of the Elementary and Secondary Math tests, and grades 4-12 Science tests in a two week window four weeks prior to the last day of school or of the course.~~

~~C~~]B. School districts shall require that all schools within the school district administer NRTs within the time period specified by the publisher of the test.

[~~D~~]C. School districts shall submit all answer sheets for the CRT and NRT tests to DCS for scanning and scoring as follows:

(1) [~~For CRTs, s~~]School districts with fewer than 25,000 students shall return CRT answer sheets no later than one week after testing is completed.

(2) [~~For CRTs, s~~]School districts with 25,000 or more students shall return CRT answer sheets no later than two weeks after testing is completed, except the science and math multiple choice tests, which shall be returned one week after testing is completed.

(3) [~~For NRTs, s~~]School districts shall return NRT answer sheets no later than one week after the last day of the testing time period specified by the publisher of the test.

[~~B~~]D. When determining the date of testing, schools on trimester schedules shall schedule the testing at the point in the course where students have had approximately the same amount of instructional time as students on a regular schedule and provide the schedule to the USOE. Basic skills courses ending in the first trimester of the year shall be assessed with the previous year's form of the CRTs.

E. Makeup opportunities shall be provided to students for the Utah Basic Skills Competency Test according to the following:

(1) Students shall be allowed to participate in makeup tests if they were not present for the entire Utah Basic Skills Competency Test or subtest(s) of the Utah Basic Skills Competency Test.

(2) School districts shall determine acceptable reasons for student makeup eligibility which may include absence due to serious illness, absence due to family emergency, or absence due to death of family member or close friend.

(3) School districts shall provide a makeup window not to exceed five school days immediately following the last day of each administration of the Utah Basic Skills Competency Test.

(4) School districts shall determine and notify parents in an appropriate and timely manner of dates, times, and sites of makeup opportunities for the Utah Basic Skills Competency Test.

R277-473-4. Security of Testing Materials.

A. All test questions and answers for all standardized tests required under Sections 53A-1-601 through 53A-1-611, shall be designated protected, consistent with Section 63-2-304(5), until released by the USOE. A student's individual answer sheet shall be available to parents under the federal Family Educational Rights and Privacy Act (FERPA), 20 USC, Sec. 1232g; 34 CFR Part 99).

[~~A~~]B. The USOE shall maintain a record of all of the [~~secure~~]protected test materials sent to the school districts.

[~~B~~]C. Each school district shall maintain a record of the number of booklets of all [~~secure~~]protected test materials sent to each school in the district, and shall submit the record to USOE upon request.

[~~C~~]D. Each school district shall ensure that all test materials are secured in an area where only authorized personnel have access, or are returned to USOE following testing as required by the USOE. Individual educators shall not retain test materials, in either paper or electronic form beyond the time period allowed for test administration.

[~~D~~]E. Individual schools within a school district shall secure or return paper test materials within three working days of the completion of testing. Electronic testing materials shall be secured between administrations of the test, and shall be removed from teacher and student access immediately following the final administration of the test.

[~~E~~]F. The USOE shall ensure that all test materials sent to a district are returned as required by USOE, and may periodically audit school districts to confirm that test materials are properly accounted for and secured.

[~~F~~]G. School district employees and school personnel may not copy or in any way reproduce [~~secure~~]protected test materials without the express permission of the specific test publisher, including the USOE.

R277-473-5. Format for Electronic Submission of Data.

A. DCS shall communicate regularly with school districts regarding required formats for electronic submission of any required data.

B. School districts shall ensure that any computer software for maintaining school district data is, or can be made, compatible with DCS requirements and shall report data as required by the USOE.

R277-473-6. Format for Submission of Answer Sheets and Other Materials.

A. The USOE shall provide a checklist to each school district with directions detailing the format in which answer documents are to be collected, reviewed, and returned to the USOE.

B. Each school district shall verify that all the requirements of the testing checklist have been met.

C. CRT data may be submitted in batches in cooperation with the assigned DCS data technician.

R277-473-7. Timing for Return of Results to School Districts.

A. Scanning and scoring shall occur in the order data is received from the school districts.

B. Consistent with Utah law, raw test results from all CRTs shall be returned to the school before the end of the school year.

C. Each school district shall check all test results for each school within the district and for the district as a whole, verify their accuracy with DCS, and certify that they are prepared for publication within two weeks of receipt of the data. Except in compelling circumstances, as determined by the USOE, no changes shall be made to school or district data after this two week period. Compelling circumstances may include:

(1) a natural disaster or other catastrophic occurrence (e.g., school fire) that precludes timely review of data; and

(2) resolution of a professional practices issue that may impede reporting of the data.

D. Districts shall not release data until authorized to do so by the USOE.

R277-473-8. USOE and School Responsibilities for Crisis Indicators in State Assessments.

A. Students participating in state assessments may reveal intentions to harm themselves or others, that the student is at risk of harm from others, or may reveal other indicators that the student is in a crisis situation.

B. The USOE shall notify the school principal, counselor or other school or district personnel who the USOE determines have legitimate educational interests, whenever the USOE determines, in its sole discretion, that a student answer indicates the student may be in a crisis situation.

C. As soon as practicable, the district superintendent, or designee shall be given the name of the individual contacted at the school regarding a student's potential crisis situation.

D. The USOE shall provide the school and district with a copy of the relevant written text.

E. Using their best professional judgment, school personnel contacted by USOE shall notify the student's parent, guardian or law enforcement of the student's expressed intentions as soon as practical under the circumstances.

F. The text provided by USOE shall not be part of the student's record and the school shall destroy any copies of the text once the school or district personnel involved in resolution of the matter determine the text is no longer necessary. The school principal shall provide notice to the USOE of the date the text is destroyed.

G. School personnel who contact a parent, guardian or law enforcement agency in response to the USOE's notification of potential harm shall provide the USOE with the name of the person contacted and the date of the contact within three business days from the date of contact.

R277-473-[8]9. Standardized Testing Rules and Professional Development Requirement.

A. It is the responsibility of all educators to take all reasonable steps to ensure that standardized tests reflect the ability, knowledge, aptitude, or basic skills of each individual student taking standardized tests.

B. School districts shall develop policies and procedures consistent with the law and Board rules for standardized test administration, [~~and~~]make them available and provide training to all teachers and administrators.

C. At least twice each school year, school districts shall provide professional development for all teachers, administrators, and standardized test administrators concerning guidelines and procedures for standardized test administration, including teacher responsibility for test security and proper professional practices, R686-103-6(I).

D. All teachers and test administrators shall conduct test preparation, test administration, and the return of all [~~secure~~]protected test materials in strict accordance with the procedures and guidelines specified in test administration manuals, school district rules and policies, Board rules, and state application of federal requirements for funding.

E. Teachers, administrators, and school personnel shall not:

(1) provide students directly or indirectly with specific questions, answers, or the subject matter of any specific item in any standardized test prior to test administration;

(2) copy, print, or make any facsimile of [~~secure~~]protected testing material prior to test administration without express permission of the specific test publisher, including USOE, and school district administration;

(3) change, alter, or amend any student answer sheet or any other standardized test materials at any time in such a way as to alter the student's intended response;

(4) use any prior form of any standardized test (including pilot test materials) in test preparation without express permission of the specific test publisher, including USOE, and school district administration;

(5) violate any specific test administration procedure or guideline specified in the test administration manual, or violate any state or school district standardized testing policy or procedure;

(6) knowingly and intentionally do anything that would inappropriately affect the security, validity, or reliability of standardized test scores of any individual student, class, or school;

F. Violation of any of these rules may subject licensed educators to possible disciplinary action under Rules of Professional Practices and Conduct for Utah Educators, R686-103-6(I).

KEY: educational testing
[~~November 4, 2002~~]2005
Art X Sec 3
53A-1-603(3)
53A-1-401(3)

Governor, Planning and Budget, Chief Information Officer

R365-101

Utah Geographic Information Systems Advisory Council

NOTICE OF PROPOSED RULE
(New Rule)
DAR FILE NO.: 27545
FILED: 11/15/2004, 09:38

RULE ANALYSIS

PURPOSE OF THE RULE OR REASON FOR THE CHANGE: This new rule defines the role, relationship, and responsibilities of the Utah Geographic Information Systems Advisory Council (GISAC) with regards to the Chief Information Officer (CIO).

SUMMARY OF THE RULE OR CHANGE: This rule formally establishes the GISAC, which currently meets to determine collection, creation, access, and mutual collaboration by state entities for geographic information.

STATE STATUTORY OR CONSTITUTIONAL AUTHORIZATION FOR THIS RULE: Sections 63D-1a-305 and 63-46a-3

ANTICIPATED COST OR SAVINGS TO:

❖ THE STATE BUDGET: This council informally exists already. No additional cost will be incurred.

❖ LOCAL GOVERNMENTS: This rule will have no impact on local government. This rule formalizes an existing committee.

❖ OTHER PERSONS: This rule will have no additional impact on other persons. This rule formalizes an existing committee.

COMPLIANCE COSTS FOR AFFECTED PERSONS: There is no direct cost of compliance for this rule. This rule formalizes an existing committee.

COMMENTS BY THE DEPARTMENT HEAD ON THE FISCAL IMPACT THE RULE MAY HAVE ON BUSINESSES: There is no direct fiscal impact on businesses. The benefit of coordination among Geographic Information Systems (GIS) data producers and users is availability of more and better GIS data for government, businesses, and citizens.

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:
Randy Hughes at the above address, by phone at 801-537-9071, by FAX at 801-538-1547, or by Internet E-mail at randyhughes@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 01/03/2005.

THIS RULE MAY BECOME EFFECTIVE ON: 01/04/2005

AUTHORIZED BY: Val Oveson, Chief Information Officer

R365. Governor, Planning and Budget, Chief Information Officer.
R365-101. Utah Geographic Information Systems Advisory Council.
R365-101-1. Purpose.
The purpose of this rule is to establish an advisory council to coordinate statewide GIS data efforts for collection, creation, and access, and to mutual collaboration by state entities.

R365-101-2. Authority.
The rule is issued by the Chief Information Officer under the authority of Section 63D-1a-305 of the Information Technology Act and Section 63-46a-3 of the Utah Rulemaking Act, Utah Code.

R365-101-3. Scope of Application.
(a) All agencies of the executive branch of state government including its administrative sub-units, except the State Board of Education, the Board of Regents and institutions of higher education, are to be included within the scope of this rule.
(b) This rule also provides for the organizational chairmanship and membership.

R365-101-4. Definitions.
(a) GIS data means any electronic data with location attributes that can be used by computer-based geographic information systems.
(b) GISAC means the Utah Geographic Information Systems Advisory Council established by this rule.

R365-101-5. Advisory Council Responsibilities.
(a) There is a geographic information system advisory council (GISAC) established and organized under the authority of the Chief Information Officer (CIO). The Council shall be chaired by the Manager of the Automated Geographic Reference Center (AGRC).
(b) The responsibilities of the council include:
(i) Serve as a coordinating and collaboration body for the collection, creation, and access of statewide GIS data, and;
(ii) Recommend to the State CIO any GIS policies or standards it believes should be considered by the CIO for implementation, and such as may need to be reviewed for promulgation as administrative rules.
(iii) Submit a progress report to the CIO by September 30 of each year.

R365-101-6. Council Membership and Organization.
(a) The Manager of the AGRC or designee.
(b) The Council shall meet bi-monthly or as determined by the Chair.
(c) The Council shall be composed of one GIS representative from each participating state entity, and such invited GIS representatives from local government, colleges/universities, and federal agencies as are selected by the chair.

R365-101-7. Rule Compliance Management.
A state executive branch agency's executive director, or designee, upon becoming aware of a violation, shall institute measures designed to enforce this rule. The CIO may, where appropriate, monitor compliance and report to an agency's executive director any findings or violations of this rule.

KEY: IT standards council, IT bid committee, technology best practices, repository
2005
63D-1a-305
63-46a-3

▼ ▼

Health, Health Systems Improvement, Emergency Medical Services
R426-13
Emergency Medical Services Provider Designations

NOTICE OF PROPOSED RULE
(Amendment)
DAR FILE NO.: 27521
FILED: 11/02/2004, 13:52

RULE ANALYSIS
PURPOSE OF THE RULE OR REASON FOR THE CHANGE: This proposed amendment ensures and requires standardized training and caller response procedures in all Emergency Medical Dispatch Centers in Utah. It also requires certified dispatchers in Emergency Medical Dispatch Centers.

SUMMARY OF THE RULE OR CHANGE: This amendment requires all dispatch centers that are designated as Emergency Medical Dispatch Centers to utilize certified emergency medical dispatchers. It also allows a six-month period for new dispatchers to become certified.

STATE STATUTORY OR CONSTITUTIONAL AUTHORIZATION FOR THIS RULE: Title 26, Chapter 8a

ANTICIPATED COST OR SAVINGS TO:
❖ THE STATE BUDGET: No anticipated costs or savings to State budget because certifying the additional dispatchers will be covered within existing funds and the certification fees collected.
❖ LOCAL GOVERNMENTS: No anticipated costs or savings to local government budgets because certifying the additional dispatchers will be covered within existing funds and the certification fees collected.
❖ OTHER PERSONS: It is anticipated that most of the dispatch agencies will cover the costs for their respective employees. However, the number not covered by their employers is uncertain. If no dispatch agency pays for any of their employees, the cost because of this rulemaking and companion amendments to Rule R426-15 may range up to $37,000. (DAR NOTE: The proposed amendment to R426-15 is under DAR No. 27522 in this issue.)

COMPLIANCE COSTS FOR AFFECTED PERSONS: Costs to Emergency Medical Dispatch Centers that choose to pay employee costs may be up to $32 per person. This includes background check and applicable testing fees and certification processing fees. Costs to train and educate dispatchers for certification average between $100 and $185 per person in the open market and may be less if trained in-house by the dispatch agency.

COMMENTS BY THE DEPARTMENT HEAD ON THE FISCAL IMPACT THE RULE MAY HAVE ON BUSINESSES: To ensure adequate training and standardized caller response procedures in all Emergency Medical Dispatch Centers in Utah, this rule proposes to mandate a minimum level of training for all dispatchers in designated centers. The businesses impacted by this change have been involved in developing the rule. The cost is minimal compared to the benefit this training provides. Scott D. Williams, MD

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:
Don Wood at the above address, by phone at 801-538-6287, by FAX at 801-538-6808, or by Internet E-mail at donwood@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 01/03/2005.

THIS RULE MAY BECOME EFFECTIVE ON: 01/04/2005

AUTHORIZED BY: Scott D. Williams, Executive Director

R426. Health, Health Systems Improvement, Emergency Medical Services.
R426-13. Emergency Medical Services Provider Designations.
R426-13-200. Designation Types.

(1)(a) An entity that provides pre-hospital emergency medical care, but that does not provide ambulance transport or paramedic service, may obtain a designation from the Department as a quick response unit.

(b) An entity that accepts calls for 911 EMS assistance from the public, and dispatches emergency medical vehicles and field EMS personnel [~~may~~]must first obtain a designation from the Department as an emergency medical dispatch center.

(2) A hospital that provides on-line medical control for prehospital emergency care must first obtain a designation from the Department as a resource hospital.

(3) Emergency Medical Dispatch centers that provide pre-arrival medical instructions to a caller may only provide them through a certified EMD.

R426-13-500. Emergency Medical Dispatch Center Minimum Designation Requirements.

An emergency medical dispatch center must:

(1) Have in effect a selective medical dispatch system approved by the off-line medical directors and the Department, which includes:

(a) systemized caller interrogation questions;

(b) systemized pre-arrival instructions; and

(c) protocols matching the dispatcher's evaluation of injury or illness severity with vehicle response mode and configuration;

(2) Have a current updated plan of operations, which shall include:

(a) the number, training, and certification of EMD personnel;

(b) operational procedures; and

(c) a description of how the designee proposes to communicate with EMS agencies;

(3) Have a certified off-line medical director;[~~and~~]

([4]3) [~~H~~]have an ongoing medical call review quality assurance program; and

(4) sufficient staff to provide pre-hospital arrival instructions by a certified EMD at all times.

KEY: emergency medical services
[~~January 1, 2004~~]2005
Notice of Continuation October 1, 2004
26-8a

Health, Health Systems Improvement, Emergency Medical Services
R426-15
Licensed and Designated Provider Operations

NOTICE OF PROPOSED RULE
(Amendment)
DAR FILE NO.: 27522
FILED: 11/02/2004, 13:59

RULE ANALYSIS

PURPOSE OF THE RULE OR REASON FOR THE CHANGE: This proposed amendment ensures and requires standardized training and caller response procedures in all Emergency Medical Dispatch Centers in Utah. It also requires certified dispatchers in Emergency Medical Dispatch Centers.

SUMMARY OF THE RULE OR CHANGE: The amendment require all dispatch centers that are designated as Emergency Medical Dispatch Centers to utilize certified emergency medical dispatchers. It also allows a six-month period for new employee dispatchers to become certified.

STATE STATUTORY OR CONSTITUTIONAL AUTHORIZATION FOR THIS RULE: Title 12, Chapter 8a

ANTICIPATED COST OR SAVINGS TO:

❖ THE STATE BUDGET: No anticipated costs or savings to State budget because certifying the additional dispatchers will be covered within existing funds and the certification fees collected.

❖ LOCAL GOVERNMENTS: It is estimated that roughly 200 of 700+ medical dispatchers are not certified. If all dispatch agencies pay the costs for their uncertified dispatchers, the costs because of this rulemaking and companion amendments to Rule R426-13 range from a low of $6,400 to a high of $37,000 depending on choice of certification process. (DAR NOTE: The proposed amendment to Rule R426-13 is under DAR No. 27521 in this issue.)

❖ OTHER PERSONS: It is anticipated that most of the dispatch agencies will cover the costs for their respective employees. However, the number not covered by their employers is uncertain. If no dispatch agency pays for any of their employees, the cost because of this rulemaking and companion amendments to Rule R426-13 may range up to $37,000.

COMPLIANCE COSTS FOR AFFECTED PERSONS: Costs to Emergency Medical Dispatch Centers that choose to pay employee costs may be up to $32 per person. This includes background check and applicable testing fees and certification processing fees. Costs to train and educate dispatchers for certification average between $100 and $185 per person in the open market and may be less if trained in-house by the dispatch agency.

COMMENTS BY THE DEPARTMENT HEAD ON THE FISCAL IMPACT THE RULE MAY HAVE ON BUSINESSES: To ensure adequate training and standardized caller response procedures in all Emergency Medical Dispatch Centers in Utah, this rule proposes to mandate a minimum level of training for all dispatchers in designated centers. The businesses impacted by this change have been involved in developing the rule. The cost is minimal compared to the benefit this training provides. Scott D. Williams, MD

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:
Don Wood at the above address, by phone at 801-538-6287, by FAX at 801-538-6808, or by Internet E-mail at donwood@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 01/03/2005.

THIS RULE MAY BECOME EFFECTIVE ON: 01/04/2005

AUTHORIZED BY: Scott D. Williams, Executive Director

R426. Health, Health Systems Improvement, Emergency Medical Services.
R426-15. Licensed and Designated Provider Operations.
R426-15-300. Emergency Medical Dispatch Center.

(1) An emergency medical dispatch center must annually provide organizational information to the Department including:

([~~1~~]a) The number of EMD certified personnel;
([~~2~~]b) Name of the dispatch supervisor;
([~~3~~]c) Name of the agency's off-line medical director; and
([~~4~~]d) Updated address and contact information.

(2) Emergency medical dispatch centers may only provide pre-arrival medical instructions through a certified EMD.

(3) An emergency medical dispatch center must have an offline medical director. The offline medical director must review and approve the emergency medical dispatch center's pre-arrival medical instructions.

KEY: emergency medical services
[~~January 1, 2004~~]2005
Notice of Continuation October 1, 2004
26-8a

Human Services, Recovery Services
R527-210
Guidelines for Setting Child Support Awards

NOTICE OF PROPOSED RULE
(Repeal)
DAR FILE NO.: 27534
FILED: 11/08/2004, 11:45

RULE ANALYSIS

PURPOSE OF THE RULE OR REASON FOR THE CHANGE: Section 78-45-7.11 was amended in 2003 (S.B. 132) to incorporate specific reduction in support procedures for all extended parent-time situations except one: the statute allows the "administrative agency" (Office of Recovery Services/Child Support Services (ORS/CSS)) to approve the extended parent-time reduction when it is authorized only by agreement of the parties and the child is a recipient of financial public assistance. Previously, ORS/CSS did not allow a reduction to the base child support award for extended parent-time when the child was a recipient of financial public assistance, a stance supported by the existing text in this rule. Since the statute was amended, ORS/CSS has applied the criteria defined in Section 78-45-7.11 to all cases when reducing child support for extended parent-time, eliminating the need for the portion of this rule regarding financial public assistance cases. Section R527-210-2 of this rule is obsolete as it duplicates existing statute, Section 78-45-7.20. (DAR NOTE: S.B. 132 is found at UT L 2003 Ch 176, and was effective 05/05/2003.)

SUMMARY OF THE RULE OR CHANGE: This rule is repealed in its entirety. Section R527-210-1 indicates that the ORS/CSS will not reduce the base child support award for extended parent-time if the child is a recipient of financial public assistance which is no longer valid. Section R527-210-2 duplicates existing statute which is not needed.

STATE STATUTORY OR CONSTITUTIONAL AUTHORIZATION FOR THIS RULE: Sections 78-45-7.11 and 78-45-7.20

ANTICIPATED COST OR SAVINGS TO:

❖ THE STATE BUDGET: One purpose of this rule change is to remove the distinction between financial public assistance cases and other case types when reducing the base child support award for extended parent-time. ORS/CSS will carry out the requirements and procedures described in Section 78-45-7.11 in the same manner on all cases, regardless of financial public assistance status. While this may cause a slight reduction to the amount of federal assistance that is reimbursed by noncustodial parents, it is anticipated that the impact will be minimal due to the strict criteria outlined in the statute to qualify for an extended parent-time reduction. An exact dollar amount for this impact is unknown as it would depend on many variables: whether the extended parent-time occurs during financial public assistance time periods, the number of cases that would meet the extended parent-time criteria, the amount of the base child support award on each qualifying case, the duration of extended parent-time, etc. There is a minimal savings to the state as a result of applying one set of procedures uniformly. Other costs, if any, involved with the extended parent-time reduction process would be due to the underlying statute's requirements; however, the statute was passed with no fiscal note attached. There are no additional costs anticipated as a result of removing administrative rule language that duplicates existing statute, and savings due to removing the upkeep of the obsolete rule are minimal. Any other costs involved with the accountability of support process are due to the underlying statute's requirements.

❖ LOCAL GOVERNMENTS: None--Administrative rules of ORS do not apply to local governments. Therefore, there are no anticipated costs or savings to local government.

❖ OTHER PERSONS: The purpose of this rule change is to remove the distinction between financial public assistance cases and other case types when reducing the base child support award for extended parent-time. ORS/CSS will carry out the requirements and procedures described in Section 78-45-7.11 in the same manner on all cases, regardless of financial public assistance status. This may represent an additional savings to some noncustodial parents who, under the existing rule, would not have been allowed a reduction for extended parent-time when the children were recipients of financial public assistance. Costs to other persons, if any, involved with the extended parent-time reduction process would be due to the underlying statute's requirements; however, the statute was passed with no fiscal note attached. There are no costs or savings to other persons anticipated as a result of removing administrative rule language that duplicates an existing statute. Any other costs involved with the accountability of support process are due to the underlying statute's requirements.

COMPLIANCE COSTS FOR AFFECTED PERSONS: None--Costs to affected persons, if any, would be due to the underlying statutes, Sections 78-45-7.11 and 78-45-7.20, which ORS/CSS will be implementing as written. There are no additional costs due to changing this rule to apply an existing statute to all cases regardless of financial public assistance status or due to removing language that duplicates an existing statute.

COMMENTS BY THE DEPARTMENT HEAD ON THE FISCAL IMPACT THE RULE MAY HAVE ON BUSINESSES: ORS/CSS will be carrying out the requirements and procedures described in Sections 78-45-7.11 and 78-45-7.20. No businesses will be involved.

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

HUMAN SERVICES
RECOVERY SERVICES
515 E 100 S
SALT LAKE CITY UT 84102-4211, or
at the Division of Administrative Rules.

DIRECT QUESTIONS REGARDING THIS RULE TO:

Liesa Corbridge at the above address, by phone at 801-536-8986, by FAX at 801-536-8833, or by Internet E-mail at lcorbri2@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 01/03/2005.

THIS RULE MAY BECOME EFFECTIVE ON: 01/04/2005

AUTHORIZED BY: Emma Chacon, Director

R527. Human Services, Recovery Services.
[~~R527-210. Guidelines for Setting Child Support Awards.~~
~~R527-210-1. Reduction for Extended Parent-time.~~
~~1. If the support order does not specifically provide that the base child support award will be reduced for extended parent-time and the child is a recipient of financial public assistance, the Office of Recovery Services/Child Support Services (ORS/CSS) shall not reduce the support obligation.~~

~~R527-210-2. Accountability of Support Provided to Benefit Child.~~
~~At the time of issuing an administrative order for current support, ORS/CSS may include in the order, upon the petition of the obligor, a provision for the obligee to furnish an accounting of amounts provided for the child's benefit to the obligor. In order to be eligible, the obligor must be current on all child support; the obligor must not have a child support arrearage.~~

~~KEY: child support~~
~~October 17, 2003~~
~~Notice of Continuation January 13, 2004~~
~~62A-11-304.2~~
~~78-45-7.11~~
~~78-45-7.20~~
~~78-45-7.21~~]

▼ ▼

Tax Commission, Auditing
R865-19S-120
Sales and Use Tax Exemption Relating to Film, Television, and Video Pursuant to Utah Code Ann. Section 59-12-104

NOTICE OF PROPOSED RULE
(Amendment)
DAR FILE NO.: 27540
FILED: 11/10/2004, 14:49

RULE ANALYSIS

PURPOSE OF THE RULE OR REASON FOR THE CHANGE: Section 59-12-104 provides a sales tax exemption for the purchase, lease, or rental of machinery or equipment by certain establishments primarily used in the production of postproduction of film, television, video, or similar media for commercial distribution.

SUMMARY OF THE RULE OR CHANGE: This proposed section defines for purposes of the sales tax exemption for the purchase, lease, or rental of machinery or equipment primarily used in the production or post production of film, television, and video for commercial distribution; and indicates transactions that do not qualify for the exemption.

STATE STATUTORY OR CONSTITUTIONAL AUTHORIZATION FOR THIS RULE: Section 59-12-104

ANTICIPATED COST OR SAVINGS TO:
❖ THE STATE BUDGET: None--Any impact was taken into account in S.B. 190 (2004). (DAR NOTE: S.B. 190 is found at UT L 2004 Ch 298, and was effective 07/01/2004.)
❖ LOCAL GOVERNMENTS: None--Any impact was taken into account in S.B. 190 (2004).
❖ OTHER PERSONS: None--Any impact was taken into account in S.B. 190 (2004).

COMPLIANCE COSTS FOR AFFECTED PERSONS: Entities that meet the criteria for the sales tax exemption will be able to make certain purchases tax exempt.

COMMENTS BY THE DEPARTMENT HEAD ON THE FISCAL IMPACT THE RULE MAY HAVE ON BUSINESSES: Qualifying purchases will receive an exemption from sales tax.

THE FULL TEXT OF THIS RULE MAY BE INSPECTED, DURING REGULAR BUSINESS HOURS, AT:
TAX COMMISSION
AUDITING
210 N 1950 W
SALT LAKE CITY UT 84134, or
at the Division of Administrative Rules.

DIRECT QUESTIONS REGARDING THIS RULE TO:
Cheryl Lee at the above address, by phone at 801-297-3900, by FAX at 801-297-3919, or by Internet E-mail at clee@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 01/03/2005.

THIS RULE MAY BECOME EFFECTIVE ON: 01/04/2005

AUTHORIZED BY: Pam Hendrickson, Commissioner

R865. Tax Commission, Auditing.
R865-19S. Sales and Use Tax.
R865-19S-120. Sales and Use Tax Exemption Relating to Film, Television, and Video Pursuant to Utah Code Ann. Section 59-12-104.
(1) The provisions of this rule apply to the sales and use tax exemption authorized under Section 59-12-104 for the purchase, lease, or rental of machinery or equipment by certain establishments related to film, television, and video if those purchases, leases, or rentals are primarily used in the production or postproduction of film, television, video, or similar media for commercial distribution.
(2) "Machinery or equipment" means tangible personal property eligible for depreciation under accounting standards.

(3)(a) "Tangible personal property eligible for depreciation under accounting standards" means tangible personal property with an economic life greater than one year.

(b) "Tangible personal property eligible for depreciation under accounting standards" includes tangible personal property that is not eligible for depreciation if that tangible personal property:

(i) is an incidental component of a transaction that is a purchase, lease, or rental of machinery or equipment; and

(ii) is not billed as a separate component of the transaction.

(c) "Tangible personal property eligible for depreciation under accounting standards" does not include tangible personal property with an economic life of less than one year and depreciated on the establishment's financial records.

(d) There is a rebuttable presumption that an item of tangible personal property not shown as a depreciable asset on the financial records of the establishment is not eligible for depreciation.

(4) Transactions that do not qualify for the sales tax exemption referred to in Subsection (1) include purchases, leases, or rentals of:

(a) land;

(b) buildings;

(c) raw materials;

(d) inventory;

(e) supplies;

(f) film;

(g) repair or replacement parts;

(h) services;

(i) transportation;

(j) gas, electricity, and other fuels;

(k) admissions or user fees; and

(l) accommodations.

(5)(a) Except as provided in Subsection (5)(b), an item used for administrative purposes does not qualify for the exemption.

(b) Notwithstanding Subsection (5)(a), if an item is used both in the production or postproduction process and for administrative purposes, the item qualifies for the exemption if the primary use of the item is in the production or postproduction process.

KEY: charities, tax exemptions, religious activities, sales tax
[~~October 19, 2004~~]2005
Notice of Continuation April 5, 2002
59-12-104

End of the Notices of Proposed Rules Section

NOTICES OF
CHANGES IN PROPOSED RULES

After an agency has published a PROPOSED RULE in the *Utah State Bulletin*, it may receive public comment that requires the PROPOSED RULE to be altered before it goes into effect. A CHANGE IN PROPOSED RULE allows an agency to respond to comments it receives.

As with a PROPOSED RULE, a CHANGE IN PROPOSED RULE is preceded by a RULE ANALYSIS. This analysis provides summary information about the CHANGE IN PROPOSED RULE including the name of a contact person, anticipated cost impact of the rule, and legal cross-references.

Following the RULE ANALYSIS, the text of the CHANGE IN PROPOSED RULE is usually printed. The text shows only those changes made since the PROPOSED RULE was published in an earlier edition of the *Utah State Bulletin*. Additions made to the rule appear underlined (e.g., example). Deletions made to the rule appear struck out with brackets surrounding them (e.g., [~~example~~]). A row of dots in the text (· · · · · ·) indicates that unaffected text was removed to conserve space. If a CHANGE IN PROPOSED RULE is too long to print, the Division of Administrative Rules will include only the RULE ANALYSIS. A copy of rules that are too long to print is available from the agency or from the Division of Administrative Rules.

While a CHANGE IN PROPOSED RULE does not have a formal comment period, there is a 30-day waiting period during which interested parties may submit comments. The 30-day waiting period for CHANGES IN PROPOSED RULES published in this issue of the *Utah State Bulletin* ends January 3, 2005. At its option, the agency may hold public hearings.

From the end of the waiting period through March 31, 2005, 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.

Environmental Quality, Air Quality
R307-110-12
Section IX, Control Measures for Area and Point Sources, Part C, Carbon Monoxide

NOTICE OF CHANGE IN PROPOSED RULE
DAR File No.: 27343
Filed: 11/12/2004, 11:23

RULE ANALYSIS

PURPOSE OF THE RULE OR REASON FOR THE CHANGE: The purpose of this change is to add updated inventory data for non-road mobile sources of carbon monoxide emissions, and to clarify the language regarding the motor vehicle emissions budget for Ogden in the State Implementation Plan (SIP).

SUMMARY OF THE RULE OR CHANGE: There are no changes from the original proposed language in Section R307-110-12; all changes are in the SIP that is incorporated by reference by Section R307-110-12. In the SIP, the change clarifies the language regarding mobile source emissions budgets as reflected in the public comments. Other changes throughout the document also clarify the intent. As required by the Clean Air Act, the use of oxygenated gasoline is added as one of several possible contingency measures if carbon monoxide levels ever exceed the federal health standards; the choice of which contingency measure to implement would be made by the Air Quality Board after consultation with Wasatch Front Regional Council, and Ogden City officials. (DAR NOTE: This change in proposed rule has been filed to make additional changes to a proposed amendment that was published in the September 1, 2004, issue of the Utah State Bulletin, on page 12. 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: Subsection 19-2-104(2)(e), and the Clean Air Act, Section 211(m) (42 U.S.C. 7545(m))

THIS RULE OR CHANGE INCORPORATES BY REFERENCE THE FOLLOWING MATERIAL: State Implementation Plan, Section IX, Control Measures for Area and Point Sources, Part C, Carbon Monoxide

ANTICIPATED COST OR SAVINGS TO:

❖ THE STATE BUDGET: None of the control measures in the Plan are changed and thus there is no impact on the State budget.

❖ LOCAL GOVERNMENTS: This change will have no effect on any local government, as there is no change in control measures.

❖ OTHER PERSONS: There is no change in costs for any affected person, as there is no change in the control measures required in the Plan. Carbon monoxide levels are dropping rapidly as cleaner cars replace older vehicles.

COMPLIANCE COSTS FOR AFFECTED PERSONS: There is no change in costs for any affected person, as there is no change in the control measures required in the Plan. Carbon monoxide levels are dropping rapidly as cleaner cars replace older vehicles.

COMMENTS BY THE DEPARTMENT HEAD ON THE FISCAL IMPACT THE RULE MAY HAVE ON BUSINESSES: These changes clarify the provisions of the SIP but do not change the control measures already in place. Thus, there are no changes in cost for businesses.

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

ENVIRONMENTAL QUALITY
AIR QUALITY
150 N 1950 W
SALT LAKE CITY UT 84116-3085, or
at the Division of Administrative Rules.

DIRECT QUESTIONS REGARDING THIS RULE TO:
Jan Miller at the above address, by phone at 801-536-4042, by FAX at 801-536-4099, or by Internet E-mail at janmiller@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 01/03/2005.

THIS RULE MAY BECOME EFFECTIVE ON: 01/04/2005

AUTHORIZED BY: M. Cheryl Heying, Planning Branch Manager

R307. Environmental Quality, Air Quality.
R307-110. General Requirements: State Implementation Plan.
R307-110-12. Section IX, Control Measures for Area and Point Sources, Part C, Carbon Monoxide.

The Utah State Implementation Plan, Section IX, Control Measures for Area and Point Sources, Part C, Carbon Monoxide, as most recently amended by the Utah Air Quality Board on November 3, 2004, pursuant to Section 19-2-104, is hereby incorporated by reference and made a part of these rules.

KEY: air pollution, [~~small business assistance program~~]PM10, [~~particulate matter~~]PM2.5, ozone
[~~2004~~]2005
Notice of Continuation March 27, 2002
19-2-104(3)(e)

Public Service Commission, Administration
R746-360-9
One-Time Distributions from the Fund

NOTICE OF CHANGE IN PROPOSED RULE
DAR File No.: 27302
Filed: 11/10/2004, 16:29

RULE ANALYSIS

PURPOSE OF THE RULE OR REASON FOR THE CHANGE: This change in proposed rule clarifies that the customer contributions for rate-of-return companies and non-rate-of-return are intended to be the same for one-time distributions from the state universal service fund. Other changes are stylistic.

SUMMARY OF THE RULE OR CHANGE: Changes in the proposed amendment are intended to clarify that the customer contributions toward the cost of providing telecommunications services for both rate-of-return companies and non-rate-of-return companies are the same. For non-rate-of-return companies, customers and the fund will share in expenses, after an initial company contribution of up to $2,500. (DAR NOTE: This change in proposed rule has been filed to make additional changes to a proposed amendment that was published in the August 1, 2004, issue of the Utah State Bulletin, on page 59. 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 54-3-1, 54-4-1, and 54-8b-15

ANTICIPATED COST OR SAVINGS TO:
❖ THE STATE BUDGET: There is no change from the original estimates initially given with the proposed rule.
❖ LOCAL GOVERNMENTS: No effect--This rule does not affect local government budgets.
❖ OTHER PERSONS: There is no change from the original estimates initially given with the proposed rule.

COMPLIANCE COSTS FOR AFFECTED PERSONS: There is no net change in these costs.

COMMENTS BY THE DEPARTMENT HEAD ON THE FISCAL IMPACT THE RULE MAY HAVE ON BUSINESSES: After publication of the proposed amendment, the Commission became aware that the proposed rule did not clearly address the application of fund resources to non-rate-of-return companies. With the proposed change, there is no different fiscal impact from the original calculations.

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:
Sandy Mooy or Barbara Stroud at the above address, by phone at 801-530-6708 or 801-530-6714, by FAX at 801-530-6796 or 801-530-6796, or by Internet E-mail at smooy@utah.gov or 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 01/03/2005.

THIS RULE MAY BECOME EFFECTIVE ON: 01/04/2005

AUTHORIZED BY: Barbara Stroud, Paralegal

R746. Public Service Commission, Administration.
R746-360. Universal Public Telecommunications Service Support Fund.
R746-360-9. One-Time Distributions From the Fund.

A. Applications for One-Time Distributions -- Telecommunications corporations, whether they are or are not receiving USF funds under R746-360-7 or R746-360-8, potential customers not presently receiving service because facilities are not available, or customers receiving inadequate service may apply to the Commission for one-time distributions from the fund for extension of service to a customer, or customers, not presently served or for amelioration of inadequate service.

1. These distributions are to be made only in extraordinary circumstances, when traditional methods of funding and service provision are infeasible.

2. One-time distributions will not be made for:

a. New subdivision developments;

b. Property improvements, such as cable placement, when associated with curb and gutter installations; or

c. Seasonal developments that are exclusively vacation homes.

i. Vacation home is defined as: A secondary residence which is primarily used for recreation and is unoccupied for a period of four consecutive weeks per year.

3. An application for a one-time distribution may be filed with the Commission by an individual or group of consumers desiring telephone service or improved service, a telecommunications corporation on behalf of those consumers, the Division of Public Utilities, or any entity permitted by law to request agency action. An application shall identify the service(s) sought, the area to be served and the individuals or entities that will be served if the one-time distribution is approved.

4. Following the application's filing, affected telecommunications corporations shall provide engineering, facilities, costs, and any other pertinent information that will assist in the Commission's consideration of the application.

5. In considering the one-time distribution application, the Commission will examine relevant facts including the type and grade of service to be provided, the cost of providing the service, the demonstrated need for the service, whether the customer is within the service territory of a telecommunications corporation, whether the proposed service is for a primary residence, the provisions for service or line extension currently available, and other relevant factors to determine whether the one-time distribution is in the public interest.

B. Presumed Reasonable Amounts and Terms -- Unless otherwise ordered by the Commission, the maximum one-time distribution will be no more than $10,000 per customer for customers of rate-of-return regulated companies. For customers of non-rate of return companies, the maximum one-time distribution shall be calculated so that the required customer payments would equal the payments required from a customer of a rate-of-return regulated company. The Commission will presume a company's service or line extension terms and conditions reasonable, for a subscriber in connection with one-time universal service fund distribution requests, if the costs of service extension, for each extension, are recovered as follows:

1. For [~~all~~]rate-of-return regulated Local Exchange Carriers who request USF One-Time Distribution support for facility placement: [~~a.~~]The first $2,500 of cost coverage per account is provided by the company; and for cost amounts exceeding $2,500 per account up to two times the statewide average loop investment per account for [~~all~~]rate-of-return regulated telecommunication companies, as determined annually by the Division of Public Utilities, the company will pay 50 percent of the costs of the project.

2. For non-rate-of-return Local Exchange Carriers who request USF One-Time Distribution support for facility placement the first $2,500 of cost coverage per account is provided by the company; and all other costs are shared between the customer and the fund as provided herein.

[~~b~~]3. For projects that exceed $2,500 per account, but are equal to or less than $10,000 per account, the customer shall pay 25 percent of the costs that exceed $2,500. For projects that exceed $10,000 per account, but are equal to or less than $20,000 per account, the customer shall pay 50 percent of the costs that are greater than $10,000 plus the previously calculated amount. For projects exceeding $20,000 per account the customer shall pay 75 percent of the cost above $20,000 until the State Universal Service Support Fund has paid [~~$10,000 per account~~]the maximum amount as provided herein, any project costs above that level will be paid for 100 percent by the customer.

[~~c~~]4. The State Universal Service Support Fund shall pay the difference between the sum of the defined company contributions plus customer contribution amounts and the total project cost up to the [~~$10,000 limit~~]maximum amount provided herein.

[~~2~~]5. Other terms and conditions for service extension shall be reviewed by the Commission in its consideration of an application and may be altered by the Commission in order to approve the use of universal service funds through the requested one-time distribution.

C. Combination of One-Time Distribution Funds with Additional Customer Funds and Future Customer Payment Recovery --

1. At least 51 percent of the potential customers must be full-time residents in the geographic area being petitioned for and must be willing to pay the initial up-front contribution to the project as calculated by the Commission or its agent.

2. Qualified customers in the area shall be notified by the telecommunications corporation of the nature and extent of the proposed service extension including the necessary customer contribution amounts to participate in the project. Customer contribution payments shall be made prior to the start of construction. In addition to qualified customers, the Local Exchange Company needs to make a good faith effort to contact all known property owners within the geographic boundaries of the proposed project and invite them to participate on the same terms as the qualified customers. Local Exchange Companies may ask potential customers to help in the process of contacting other potential customers.

3. New developments and empty lots will not be considered in the cost analysis for USF construction projects unless the [~~lot~~]property owner [~~comes forth and~~]is willing to pay the per account costs for each lot as specified in this rule.

4. Potential customers who are notified and initially decline participation in the line extension project, but subsequently decide to participate, prior to completion of the project, may participate in the project if they make a customer contribution payment, prior to completion of the project, of 105 percent of the original customer contribution amount.

5. For a period of five years following completion of a project, new customers who seek telecommunications service in the project area, shall pay a customer contribution payment equal to 110 percent of the amount paid by the original customers in the project.

6. The telecommunications corporation shall ensure that all customer contribution payments required by R746-360-9(C)(3), (4), and (5) are collected. Funds received through these payments shall be sent to the universal service fund administrator. The company is responsible for tracking and notification to the Commission when the USF has been fully compensated. All monies will be collected and reported by the end of each calendar year, December 31st.

7. For each customer added during the five-year period following project completion, the telecommunications corporation and new customers shall bear the costs to extend service pursuant to the company's service or line extension terms and conditions, up to the telecommunications corporation's original contribution per customer for the project and the customer contributions required by this rule. The company may petition the Commission for a determination of the recovery from the universal service fund and the new customer for costs which exceed this amount.

D. Impact of Distribution on Rate of Return Companies -- A one-time distribution from the fund shall be recorded on the books of a rate base, rate of return regulated LEC as an aid to construction and treated as an offset to rate base.

E. Notice and Hearing -- Following notice that a one-time distribution application has been filed, any interested person may request a hearing or seek to intervene to protect his interests.

F. Bidding for Unserved Areas -- If only one telecommunications corporation is involved in the one-time distribution request, the distribution will be provided based on the reasonable and prudent actual or estimated costs of that company. If additional telecommunications corporations are involved, the distribution will be determined on the basis of a competitive bid. The estimated amount of the one-time distribution will be considered in evaluating each bid. Fund distributions in that area will be based on the winning bid.

KEY: public utilities, telecommunications, universal service
[~~2004~~]2005
Notice of Continuation November 25, 2003
54-3-1
54-4-1
54-7-25
54-7-26
54-8b-12
54-8b-15

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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).

Education, Administration
R277-607
Truancy Prevention

FIVE YEAR NOTICE OF REVIEW AND STATEMENT OF CONTINUATION
DAR FILE NO.: 27531
FILED: 11/05/2004, 15:23

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) permits the Utah 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 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: This rule is being continued because it provides necessary procedures and standards for local school boards to use in resolving truancy issues in schools.

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: 11/05/2004

Education, Rehabilitation
R280-203
Certification Requirements for Interpreters for the Hearing Impaired

FIVE YEAR NOTICE OF REVIEW AND STATEMENT OF CONTINUATION
DAR FILE NO.: 27532
FILED: 11/05/2004, 15:24

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-26a-202(2) directs the Utah State Board of Education to prescribe rules governing applications for certification.

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: This rule is being continued because it provides necessary standards and procedures regarding the certification of interpreters for the hearing impaired; certification which is required by state law.

THE FULL TEXT OF THIS RULE MAY BE INSPECTED, DURING REGULAR BUSINESS HOURS, AT:
EDUCATION
REHABILITATION
250 E 500 S
SALT LAKE CITY UT 84111-3272, or
at the Division of Administrative Rules.

DIRECT QUESTIONS REGARDING THIS RULE TO:
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: 11/05/2004

Health, Health Care Financing, Coverage and Reimbursement Policy
R414-7A
Medicaid Certification of New Nursing Facilities

FIVE YEAR NOTICE OF REVIEW AND STATEMENT OF CONTINUATION
DAR FILE NO.: 27535
FILED: 11/08/2004, 12:02

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: This rule is authorized under Section 26-1-5 that grants the Utah Department of Health the power to adopt, amend, or rescind rules that shall have the force and effect of law. In addition, Section 26-18-3 requires the Department to administer the Medicaid program.

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 or oral comments have been received regarding 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 be continued because it prevents an oversupply of nursing facilities that could adversely affect the Utah Medicaid program.

THE FULL TEXT OF THIS RULE MAY BE INSPECTED, DURING REGULAR BUSINESS HOURS, AT:
HEALTH
HEALTH CARE FINANCING,
COVERAGE AND REIMBURSEMENT POLICY
CANNON HEALTH BLDG
288 N 1460 W
SALT LAKE CITY UT 84116-3231, or
at the Division of Administrative Rules.

DIRECT QUESTIONS REGARDING THIS RULE TO:
Craig Devashrayee at the above address, by phone at 801-538-6641, by FAX at 801-538-6099, or by Internet E-mail at cdevashrayee@utah.gov

AUTHORIZED BY: Scott D. Williams, Executive Director

EFFECTIVE: 11/08/2004

Health, Health Care Financing, Coverage and Reimbursement Policy
R414-7B
Nurse Aide Training and Competency Evaluation Program

FIVE YEAR NOTICE OF REVIEW AND STATEMENT OF CONTINUATION
DAR FILE NO.: 27524
FILED: 11/03/2004, 09:03

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: This rule is authorized under Section 26-1-5 which grants the Utah Department of Health the power to adopt, amend, or rescind rules which shall have the force and effect of law. In addition, Section 26-18-3 requires the Department to administer the Medicaid program. Furthermore, 42 CFR 483.75 requires a nurse aide to be properly trained in a State-approved nurse aide training and competency evaluation program.

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 or oral comments have been received regarding 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 be continued because it establishes clear certification requirements that enable nurse aides to provide quality services to residents of nursing facilities.

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

HEALTH
HEALTH CARE FINANCING,
COVERAGE AND REIMBURSEMENT POLICY
CANNON HEALTH BLDG
288 N 1460 W
SALT LAKE CITY UT 84116-3231, or
at the Division of Administrative Rules.

DIRECT QUESTIONS REGARDING THIS RULE TO:
Craig Devashrayee at the above address, by phone at 801-538-6641, by FAX at 801-538-6099, or by Internet E-mail at cdevashrayee@utah.gov

AUTHORIZED BY: Scott D. Williams, Executive Director

EFFECTIVE: 11/03/2004

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

FIVE YEAR NOTICE OF REVIEW AND STATEMENT OF CONTINUATION
DAR FILE NO.: 27525
FILED: 11/03/2004, 09:15

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: This rule is authorized under Section 26-1-5 which grants the Utah Department of Health the power to adopt, amend, or rescind rules that shall have the force and effect of law. In addition, this rule is authorized under Section 26-18-3, which requires the Department to administer the Medicaid program. Furthermore, 42 CFR 440.60 authorizes medical care or any other type of remedial care provided by licensed practitioners.

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 or oral comments have been received regarding 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 be continued because it provides podiatry services that diagnose, treat and correct foot ailments and improve the quality of foot care to eligible Medicaid recipients.

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

HEALTH
HEALTH CARE FINANCING,
COVERAGE AND REIMBURSEMENT POLICY
CANNON HEALTH BLDG
288 N 1460 W
SALT LAKE CITY UT 84116-3231, or
at the Division of Administrative Rules.

DIRECT QUESTIONS REGARDING THIS RULE TO:
Craig Devashrayee at the above address, by phone at 801-538-6641, by FAX at 801-538-6099, or by Internet E-mail at cdevashrayee@utah.gov

AUTHORIZED BY: Scott D. Williams, Executive Director

EFFECTIVE: 11/03/2004

Health, Health Care Financing, Coverage and Reimbursement Policy
R414-49
Dental Service

FIVE YEAR NOTICE OF REVIEW AND STATEMENT OF CONTINUATION
DAR FILE NO.: 27541
FILED: 11/12/2004, 10:02

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: This rule is authorized under Section 26-1-5 that grants the Utah Department of Health the power to adopt, amend, or rescind rules that shall have the force and effect of law. In addition, Section 26-18-3 requires the Department to administer the Medicaid program. Furthermore, 42 CFR 440.100 authorizes dental services that include diagnostic, preventive, or corrective procedures.

SUMMARY OF WRITTEN COMMENTS RECEIVED DURING AND SINCE THE LAST FIVE YEAR REVIEW OF THE RULE FROM INTERESTED PERSONS SUPPORTING OR OPPOSING THE RULE: A public hearing on limited dental services was held in April of 2004. General comments focused on restoring the original adult dental benefit and including exams. On June 1, 2002, the adult dental benefit was cut due to a lack of funding. As a result, there were numerous complaints from recipients and advocacy groups regarding the reduction in service and testimony related to the need for adult dental benefits. While the program's reimbursement is within the appropriated dollars, there have been numerous phone calls and letters from providers, recipients, and advocacy groups expressing the need to raise dental reimbursement levels.

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 be continued because it provides dental services to eligible Medicaid recipients that are diagnostic, preventative, and corrective in nature and help to ensure better dental health. The Department disagrees with comments to the rule because the dental program should be consistent with legislative intent to not cover dental exams. In addition, the agency disagrees with opposing comments regarding original adult dental coverage because the legislature is limited in its appropriation of funds.

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

HEALTH
HEALTH CARE FINANCING,
COVERAGE AND REIMBURSEMENT POLICY
CANNON HEALTH BLDG
288 N 1460 W
SALT LAKE CITY UT 84116-3231, or
at the Division of Administrative Rules.

DIRECT QUESTIONS REGARDING THIS RULE TO:
Craig Devashrayee at the above address, by phone at 801-538-6641, by FAX at 801-538-6099, or by Internet E-mail at cdevashrayee@utah.gov

AUTHORIZED BY: Scott D. Williams, Executive Director

EFFECTIVE: 11/12/2004

Health, Health Care Financing, Coverage and Reimbursement Policy
R414-50
Dental, Oral and Maxillofacial Surgeons

FIVE YEAR NOTICE OF REVIEW AND STATEMENT OF CONTINUATION
DAR FILE NO.: 27526
FILED: 11/03/2004, 09:29

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 26-1-5 which grants the Utah Department of Health the power to adopt, amend, or rescind rules that shall have the force and effect of law. In addition, Section 26-18-3 requires the Department to administer the Medicaid program. Furthermore, 42 USC 1395x(r)(2) authorizes physicians' services performed by a doctor of dental surgery or of dental medicine.

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 or oral comments have been received regarding 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 be continued because it provides oral and maxillofacial surgery services that meet the basic needs of Medicaid clients and help to ensure better oral health.

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

HEALTH
HEALTH CARE FINANCING,
COVERAGE AND REIMBURSEMENT POLICY
CANNON HEALTH BLDG
288 N 1460 W
SALT LAKE CITY UT 84116-3231, or
at the Division of Administrative Rules.

DIRECT QUESTIONS REGARDING THIS RULE TO:
Craig Devashrayee at the above address, by phone at 801-538-6641, by FAX at 801-538-6099, or by Internet E-mail at cdevashrayee@utah.gov

AUTHORIZED BY: Scott D. Williams, Executive Director

EFFECTIVE: 11/03/2004

Insurance, Administration
R590-194
Coverage of Dietary Products for Inborn Errors of Amino Acid or Urea Cycle Metabolism

FIVE YEAR NOTICE OF REVIEW AND STATEMENT OF CONTINUATION
DAR FILE NO.: 27536
FILED: 11/09/2004, 12:13

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 31A-2-201 empowers the commissioner to make rules to enforce Title 31A. Subsection 31A-22-623(2) authorizes the commissioner to establish rules to establish minimum standards of coverage for dietary products for inborn errors of amino acid or urea cycle metabolism. Those minimum standards are set in Section R590-194-5 of the rule.

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 department has not received any written comments in the past five years regarding this 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 important that minimum standards be established for the products that insurers must cover so that the department can regulate the provisions of this law equitably across the board. The rule also lets the public know the minimum coverage that they can expect to be covered by an insurer. Therefore, this rule should be continued.

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

AUTHORIZED BY: Jilene Whitby, Information Specialist

EFFECTIVE: 11/09/2004

Lieutenant Governor, Elections

R623-1

Lieutenant Governor's Procedures for Regulation of Lobbyist Activities

FIVE YEAR NOTICE OF REVIEW AND STATEMENT OF CONTINUATION

DAR FILE NO.: 27530
FILED: 11/04/2004, 13:28

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 Section 36-11-404. This section specifically directs the Lieutenant Governor to make rules that provide for: 1) the appointment of an administrative law judge to adjudicate alleged violations of the lobbyist statutes; and 2) procedures for license applications, disapprovals, suspensions, etc.

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 Lieutenant Governor's Office has not received any comments on this rule since it was originally adopted.

REASONED JUSTIFICATION FOR CONTINUATION OF THE RULE, INCLUDING REASONS WHY THE AGENCY DISAGREES WITH COMMENTS IN OPPOSITION TO THE RULE, IF ANY: This rule outlines procedures for the Lieutenant Governor's Office to follow when processing lobbyist license/registration applications. This rule also outlines procedures for handling complaints regarding violations of the lobbyist laws and rules. The procedures set forth in this rule have worked fine for the Lieutenant Governor's Office and for lobbyists, and therefore, this rule should be continued.

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

LIEUTENANT GOVERNOR
ELECTIONS
Room E325 EAST BUILDING
420 N STATE ST
SALT LAKE CITY UT 84114-2325, or
at the Division of Administrative Rules.

DIRECT QUESTIONS REGARDING THIS RULE TO:
Amy Naccarato or Leslie Barron at the above address, by phone at 801-538-1041 or 801-538-1526, by FAX at 801-538-1133 or 801-538-1133, or by Internet E-mail at anaccarato@utah.gov or lbarron@utah.gov

AUTHORIZED BY: Amy Naccarato, Director

EFFECTIVE: 11/04/2004

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

Agriculture and Food
Regulatory Services
No. 27425 (NEW): R70-440. Egg Products Inspection.
Published: October 1, 2004
Effective: November 4, 2004

No. 27424 (NEW): R70-960. Weights and Measures Fee Registration.
Published: October 1, 2004
Effective: November 2, 2004

Commerce
Occupational and Professional Licensing
No. 27401 (AMD): R156-46b. Division Utah Administrative Procedures Act Rules.
Published: October 1, 2004
Effective: November 2, 2004

Real Estate
No. 27395 (AMD): R162-201. Residential Mortgage Definitions.
Published: October 1, 2004
Effective: November 3, 2004

No. 27399 (AMD): R162-202. Initial Application.
Published: October 1, 2004
Effective: November 3, 2004

No. 27396 (AMD): R162-203. Changes to Residential Mortgage Licensure Statement.
Published: October 1, 2004
Effective: November 3, 2004

No. 27402 (AMD): R162-207. License Renewal.
Published: October 1, 2004
Effective: November 3, 2004

No. 27403 (AMD): R162-208. Continuing Education.
Published: October 1, 2004
Effective: November 3, 2004

No. 27404 (AMD): R162-209. Administrative Proceedings.
Published: October 1, 2004
Effective: November 3, 2004

No. 27405 (NEW): R162-210. Certification of Prelicensing Education Providers.
Published: October 1, 2004
Effective: November 3, 2004

Corrections
Administration
No. 27416 (AMD): R251-113. Distribution of Reimbursement from the Inmate Costs Reimbursement Program.
Published: October 1, 2004
Effective: November 9, 2004

Education
No. 27422 (AMD): R277-451. The State School Building Program.
Published: October 1, 2004
Effective: November 2, 2004

No. 27423 (AMD): R277-746. Driver Education Programs for Utah Schools.
Published: October 1, 2004
Effective: November 2, 2004

Environmental Quality
Air Quality
No. 27344 (AMD): R307-110-35. Section X, Vehicle Inspection and Maintenance Program, Part E, Weber County.
Published: September 1, 2004
Effective: November 4, 2004

Governor
Planning and Budget, Chief Information Officer
No. 27398 (NEW): R365-10. Standards, Best Practices, and Institutional Knowledge Requirements for Executive Branch Agencies.
Published: October 1, 2004
Effective: November 8, 2004

Health

Health Care Financing, Coverage and Reimbursement Policy

No. 27426 (REP): R414-25. Mental Health Clinic Services.
Published: October 1, 2004
Effective: November 3, 2004

No. 27322 (NEW): R414-36. Services by Community Mental Health Centers.
Published: August 15, 2004
Effective: November 3, 2004

Health Systems Improvement, Licensing

No. 27374 (AMD): R432-100-7. Medical and Professional Staff.
Published: September 15, 2004
Effective: November 10, 2004

No. 27372 (AMD): R432-150-16. Physician Services.
Published: September 15, 2004
Effective: November 10, 2004

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, 2004, including notices of effective date received through November 15, 2004, the effective dates of which are no later than December 1, 2004. 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: 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. 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).

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/).

RULES INDEX - BY AGENCY (CODE NUMBER)

ABBREVIATIONS

AMD = Amendment
CPR = Change in proposed rule
EMR = Emergency rule (120 day)
NEW = New rule
EXD = Expired
NSC = Nonsubstantive rule change
REP = Repeal
R&R = Repeal and reenact
5YR = Five-Year Review

CODE REFERENCE	TITLE	FILE NUMBER	ACTION	EFFECTIVE DATE	BULLETIN ISSUE/PAGE
Administrative Services					
Facilities Construction and Management					
R23-3	Planning and Programming for Capital Projects	27313	5YR	07/28/2004	2004-16/33
R23-29	Across the Board Delegation	26991	5YR	03/10/2004	2004-7/35
Finance					
R25-7	Travel-Related Reimbursements for State Employees	27120	AMD	07/01/2004	2004-10/4
R25-7-6	Reimbursements for Meals	27164	AMD	07/02/2004	2004-11/4
Fleet Operations, Surplus Property					
R28-1	State Surplus Property Disposal	27440	AMD	11/17/2004	2004-20/7
R28-3	Utah State Agency for Surplus Property Adjudicative Proceedings	26843	AMD	02/12/2004	2004-1/4
Records Committee					
R35-1	State Records Committee Appeal Hearing Procedures	27277	5YR	07/02/2004	2004-15/62

CODE REFERENCE	TITLE	FILE NUMBER	ACTION	EFFECTIVE DATE	BULLETIN ISSUE/PAGE
R35-1	State Records Committee Appeal Hearing Procedures (5YR EXTENSION)	26973	NSC	07/02/2004	Not Printed
R35-2	Declining Appeal Hearings	27278	5YR	07/02/2004	2004-15/62
R35-3	Prehearing Conferences	27279	5YR	07/02/2004	2004-15/63
R35-4	Compliance with State Records Committee Decisions and Orders	27280	5YR	07/02/2004	2004-15/63
R35-5	Subpoenas Issued by the Records Committee	27281	5YR	07/02/2004	2004-15/64
R35-6	Expedited Hearings	27282	5YR	07/02/2004	2004-15/64
Agriculture and Food					
Animal Industry					
R58-20	Domesticated Elk Hunting Parks	26990	5YR	03/05/2004	2004-7/35
R58-20-5	Facilities	26989	AMD	05/04/2004	2004-7/3
R58-21	Trichomoniasis	26891	AMD	03/04/2004	2004-3/4
Plant Industry					
R68-6	Utah Nursery Act	27320	AMD	09/15/2004	2004-16/5
R68-7-6	Categorization of Pesticide Applicators	26794	NSC	01/01/2004	Not Printed
R68-20-1	Authority	26949	AMD	04/01/2004	2004-5/2
R68-20-1	Authority	26987	NSC	05/01/2004	Not Printed
Regulatory Services					
R70-310	Grade A Pasteurized Milk	27149	AMD	07/02/2004	2004-11/6
R70-310	Grade A Pasteurized Milk	27286	5YR	07/09/2004	2004-15/65
R70-330	Raw Milk for Retail	27069	AMD	06/02/2004	2004-9/4
R70-440	Egg Products Inspection	27425	NEW	11/04/2004	2004-19/4
R70-540	Food Establishment Registration	27453	NEW	11/16/2004	2004-20/9
R70-630	Water Vending Machine	27291	5YR	07/13/2004	2004-15/65
R70-630	Water Vending Machine	27290	AMD	09/08/2004	2004-15/4
R70-630	Water Vending Machine	27380	NSC	11/01/2004	Not Printed
R70-960	Weights and Measures Fee Registration	27424	NEW	11/02/2004	2004-19/4
Alcoholic Beverage Control					
Administration					
R81-1-3	General Policies	27025	AMD	06/01/2004	2004-8/4
R81-1-8	Consent Calendar Procedures	27027	AMD	06/01/2004	2004-8/5
R81-1-21	Beer Advertising in Event Venues	27028	AMD	06/01/2004	2004-8/6
R81-1-21	Beer Advertising in Event Venues	27145	NSC	06/01/2004	Not Printed
R81-1-21	Beer Advertising in Event Venues	27105	NSC	06/01/2004	Not Printed
R81-1-22	Diplomatic Embassy Shipments and Purchases	27029	AMD	06/01/2004	2004-8/8
R81-1-23	Sales Restrictions on Products of Limited Availability	27030	AMD	06/01/2004	2004-8/10
R81-2-1	Special Orders of Liquor by Public	27031	AMD	06/01/2004	2004-8/11
R81-2-2	Liquor Returns, Refunds and Exchanges	27032	AMD	06/01/2004	2004-8/12
R81-2-7	Minors on Premises	27033	AMD	06/01/2004	2004-8/14
R81-2-8	Accepting Checks as Payment for Liquor	27034	AMD	06/01/2004	2004-8/14
R81-2-9	Accepting Credit Cards as Payment for Liquor	27035	AMD	06/01/2004	2004-8/16
R81-2-9	Accepting Credit Cards as Payment for Liquor	27201	AMD	08/02/2004	2004-12/3
R81-2-10	State Store Hours	27036	AMD	06/01/2004	2004-8/17
R81-2-11	Industry Members in State Stores	27037	AMD	06/01/2004	2004-8/18

CODE REFERENCE	TITLE	FILE NUMBER	ACTION	EFFECTIVE DATE	BULLETIN ISSUE/PAGE
R81-3-5	Special Orders of Liquor by Public	27038	AMD	06/01/2004	2004-8/19
R81-3-6	Liquor Returns, Refunds and Exchanges	27039	AMD	06/01/2004	2004-8/20
R81-3-14	Type 5 Package Agencies	27040	AMD	06/01/2004	2004-8/22
R81-3-16	Minors on Premises	27041	AMD	06/01/2004	2004-8/23
R81-3-17	Consignment Inventory Package Agencies	27042	AMD	06/01/2004	2004-8/24
R81-3-18	Type 4 Package Agency Room Service - Mini-Bottle/187 ml Wine Sales	27043	AMD	06/01/2004	2004-8/25
R81-3-19	Credit Cards	27044	AMD	06/01/2004	2004-8/26
R81-3-19	Credit Cards	27104	NSC	06/01/2004	Not Printed
R81-3-19	Credit Cards	27146	NSC	06/01/2004	Not Printed
R81-4D-13	On-Premise Banquet License Room Service - Mini-Bottle/187 ml Wine Sales	27045	AMD	06/01/2004	2004-8/27
R81-6-6	Religious Wine Permits	27046	AMD	06/01/2004	2004-8/29
R81-8-2	Out of State Business	27047	AMD	06/01/2004	2004-8/30
R81-8-3	Winery Tasting Facilities	27048	AMD	06/01/2004	2004-8/31
Commerce					
Administration					
R151-33	Pete Suazo Utah Athletic Commission Act Rule	27312	AMD	09/15/2004	2004-16/8
Consumer Protection					
R152-11	Utah Consumer Sales Practices Act Rules	26945	AMD	05/20/2004	2004-5/3
R152-21	Credit Services Organizations Act Rules	27238	5YR	06/15/2004	2004-13/66
R152-34	Postsecondary Proprietary School Act Rules	26905	AMD	05/20/2004	2004-4/2
Occupational and Professional Licensing					
R156-1	General Rules of the Division of Occupational and Professional Licensing	26678	NSC	01/01/2004	Not Printed
R156-1	General Rules of the Division of Occupational and Professional Licensing	27358	EMR	08/24/2004	2004-18/79
R156-1	General Rules of the Division of Occupational and Professional Licensing	27377	AMD	10/18/2004	2004-18/4
R156-1-106	Division - Duties, Functions, and Responsibilities	26805	AMD	01/20/2004	2003-24/4
R156-1-302	Consideration of Good Moral Character, Unlawful Conduct, Unprofessional Conduct, or Other Mental or Physical Condition	27103	NSC	06/01/2004	Not Printed
R156-5a	Podiatric Physician Licensing Act Rules	26917	5YR	01/27/2004	2004-4/74
R156-17a-612	Operating Standards - Pharmaceutical Wholesaler/Distributor and Pharmaceutical Manufacturer located in Utah	26754	AMD	02/19/2004	2003-22/11
R156-17a-612	Operating Standards - Pharmaceutical Wholesaler/Distributor and Pharmaceutical Manufacturer located in Utah	26754	CPR	02/19/2004	2004-2/10
R156-22-503	Administrative Penalties	26859	NSC	01/01/2004	Not Printed
R156-26a-303b	Renewal and Reinstatement Requirements - Continuing Professional Education (CPE)	26786	AMD	01/06/2004	2003-23/7
R156-26a-303b	Renewal and Reinstatement Requirements - Continuing Professional Education (CPE)	27019	AMD	05/24/2004	2004-8/32
R156-37c	Utah Controlled Substance Precursor Act Rules	26916	5YR	01/27/2004	2004-4/74
R156-38	Residence Lien Restriction and Lien Recovery Fund Rules	26834	AMD	02/03/2004	2004-1/5
R156-38	Residence Lien Restriction and Lien Recovery Fund Rules	27020	AMD	07/26/2004	2004-8/39
R156-38	Residence Lien Restriction and Lien Recovery Fund Rules	27020	CPR	07/26/2004	2004-12/73
R156-39a	Alternative Dispute Resolution Providers Certification Act Rules	26915	5YR	01/27/2004	2004-4/75

CODE REFERENCE	TITLE	FILE NUMBER	ACTION	EFFECTIVE DATE	BULLETIN ISSUE/PAGE
R156-42a	Occupational Therapy Practice Act Rules	27400	5YR	09/02/2004	2004-19/48
R156-44a	Nurse Midwife Practice Act Rules	27224	5YR	06/10/2004	2004-13/66
R156-46a	Hearing Instrument Specialist Licensing Act Rules	27247	5YR	06/24/2004	2004-14/56
R156-46b	Division Utah Administrative Procedures Act Rules	27401	AMD	11/02/2004	2004-19/6
R156-47b	Massage Therapy Practice Act Rules	26937	AMD	06/07/2004	2004-5/5
R156-54-302b	Examination Requirements - Radiology Practical Technician	26580	AMD	01/20/2004	2003-18/4
R156-54-302b	Examination Requirements - Radiology Practical Technician	26580	CPR	01/20/2004	2003-24/70
R156-55a-301	License Classifications - Scope of Practice	27441	NSC	10/01/2004	Not Printed
R156-55b	Electricians Licensing Rules	27112	AMD	06/15/2004	2004-10/6
R156-55d-302f	Qualifications for Licensure - Good Moral Character - Disqualifying Convictions	27188	AMD	10/05/2004	2004-12/4
R156-55d-302f	Qualifications for Licensure - Good Moral Character - Disqualifying Convictions	27188	CPR	10/05/2004	2004-17/47
R156-56	Utah Uniform Building Standard Act Rules	26866	NSC	01/01/2004	Not Printed
R156-56	Utah Uniform Building Standard Act Rules	26693	AMD	01/01/2004	2003-21/7
R156-56	Utah Uniform Building Standard Act Rules	27101	CPR	08/17/2004	2004-14/37
R156-56	Utah Uniform Building Standard Act Rules	27101	AMD	08/17/2004	2004-9/5
R156-56-707	Statewide Amendments to the IPC	26692	AMD	01/01/2004	2003-21/34
R156-60	Mental Health Professional Practice Act Rules	27501	5YR	10/21/2004	2004-22/68
R156-60a	Social Worker Licensing Act Rules	27285	AMD	09/01/2004	2004-15/17
R156-60a	Social Worker Licensing Act Rules	27502	5YR	10/21/2004	2004-22/68
R156-60b	Marriage and Family Therapist Licensing Act Rules	27503	5YR	10/21/2004	2004-22/69
R156-61	Psychologist Licensing Act Rules	27225	5YR	06/10/2004	2004-13/67
R156-63	Security Personnel Licensing Act Rules	26888	AMD	03/04/2004	2004-3/5
R156-68	Utah Osteopathic Medical Practice Act Rules	26956	AMD	04/15/2004	2004-6/2
R156-71-202	Naturopathic Physician Formulary	26998	AMD	05/04/2004	2004-7/3
R156-71-202	Naturopathic Physician Formulary	27140	NSC	06/01/2004	Not Printed
R156-73	Chiropractic Physician Practice Act Rules	27355	AMD	10/18/2004	2004-18/13
R156-74	Certified Shorthand Reporters Licensing Act Rules	26927	5YR	02/02/2004	2004-4/75
R156-76-102	Definitions	26777	AMD	01/20/2004	2003-23/14
R156-78A-9	Action upon Request - Scheduling Procedures - Continuances	27328	NSC	09/01/2004	Not Printed
Real Estate					
R162-3	License Status Change	27026	AMD	05/20/2004	2004-8/44
R162-6-2	Standards of Practice	26944	AMD	04/21/2004	2004-5/6
R162-6-2	Standards of Practice	27009	NSC	04/21/2004	Not Printed
R162-7-3	Investigation and Enforcement	26835	AMD	02/18/2004	2004-1/9
R162-8	Prelicensing Education	27338	AMD	10/21/2004	2004-17/3
R162-9	Continuing Education	27335	AMD	10/21/2004	2004-17/4
R162-101-2	Definitions	27132	AMD	09/10/2004	2004-10/10
R162-103	Appraisal Education Requirements	27241	AMD	10/07/2004	2004-14/2
R162-105	Scope of Authority	26890	5YR	01/13/2004	2004-3/42
R162-105	Scope of Authority	27131	AMD	09/10/2004	2004-10/11
R162-106-8	Draft Reports	27098	AMD	07/28/2004	2004-9/11
R162-107	Unprofessional Conduct	27128	AMD	09/10/2004	2004-10/13

CODE REFERENCE	TITLE	FILE NUMBER	ACTION	EFFECTIVE DATE	BULLETIN ISSUE/PAGE
R162-201	Residential Mortgage Definitions	27129	NEW	06/29/2004	2004-10/15
R162-201	Residential Mortgage Definitions	27395	AMD	11/03/2004	2004-19/8
R162-202	Residential Mortgage Renewal Period	26837	AMD	02/03/2004	2004-1/10
R162-202	Initial Application	27130	AMD	06/29/2004	2004-10/15
R162-202	Initial Application	27399	AMD	11/03/2004	2004-19/8
R162-203	Changes to Residential Mortgage Registration Statement	26909	AMD	04/12/2004	2004-4/7
R162-203	Changes to Residential Mortgage Licensure Statement	27396	AMD	11/03/2004	2004-19/11
R162-204	Residential Mortgage Record Keeping Requirements	26908	AMD	04/12/2004	2004-4/8
R162-205	Residential Mortgage Unprofessional Conduct	26907	AMD	04/12/2004	2004-4/9
R162-205	Residential Mortgage Unprofessional Conduct	27352	AMD	10/07/2004	2004-17/11
R162-206	Licensing Examination	26840	NEW	02/03/2004	2004-1/12
R162-207	License Renewal	26839	NEW	02/03/2004	2004-1/13
R162-207	License Renewal	27402	AMD	11/03/2004	2004-19/12
R162-208	Continuing Education	26836	NEW	02/03/2004	2004-1/14
R162-208	Continuing Education	27403	AMD	11/03/2004	2004-19/15
R162-209	Administrative Proceedings	26906	AMD	04/12/2004	2004-4/10
R162-209	Administrative Proceedings	27404	AMD	11/03/2004	2004-19/18
R162-210	Certification of Prelicensing Education Providers	27405	NEW	11/03/2004	2004-19/20
Securities					
R164-11-2	Hearings for Certain Exchanges of Securities	26481	CPR	01/05/2004	2003-23/83
R164-11-2	Hearings for Certain Exchanges of Securities	26481	AMD	01/05/2004	2003-15/17
Community and Economic Development					
Community Development, History					
R212-4	Archaeological Permits	27359	AMD	11/23/2004	2004-18/15
Community Development, Library					
R223-2-2	Definitions	27125	AMD	09/08/2004	2004-10/17
Corrections					
Administration					
R251-101	Corrections Advisory Council Bylaws	26769	REP	03/24/2004	2003-23/15
R251-113	Distribution of Reimbursement from the Inmate Costs Reimbursement Program	27416	AMD	11/09/2004	2004-19/28
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ABBREVIATIONS

AMD = Amendment
CPR = Change in proposed rule
EMR = Emergency rule (120 day)
NEW = New rule
EXD = Expired
NSC = Nonsubstantive rule change
REP = Repeal
R&R = Repeal and reenact
5YR = Five-Year Review

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Commerce, Occupational and Professional Licensing	26866	R156-56	NSC	01/01/2004	Not Printed
	26693	R156-56	AMD	01/01/2004	2003-21/7
	27101	R156-56	AMD	08/17/2004	2004-9/5
	27101	R156-56	CPR	08/17/2004	2004-14/37
	26692	R156-56-707	AMD	01/01/2004	2003-21/34
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Administrative Services, Facilities Construction and Management	26991	R23-29	5YR	03/10/2004	2004-7/35
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Commerce, Occupational and Professional Licensing	27188	R156-55d-302f	AMD	10/05/2004	2004-12/4
	27188	R156-55d-302f	CPR	10/05/2004	2004-17/47
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Education, Administration	26961	R277-601	5YR	02/26/2004	2004-6/59
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Health, Community and Family Health Services, Chronic Disease	27235	R384-100	5YR	06/15/2004	2004-13/70
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Education, Rehabilitation	27532	R280-203	5YR	11/05/2004	2004-23/57
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	26967	R616-2-3	AMD	04/15/2004	2004-6/55
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Commerce, Occupational and Professional Licensing	27224	R156-44a	5YR	06/10/2004	2004-13/66
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Tax Commission, Auditing	27063	R865-19S-1	AMD	06/29/2004	2004-9/27
	27226	R865-19S-7	AMD	09/14/2004	2004-13/48
	27064	R865-19S-12	AMD	06/29/2004	2004-9/28
	27068	R865-19S-23	AMD	06/29/2004	2004-9/30
	27071	R865-19S-28	AMD	06/29/2004	2004-9/31
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	27053	R865-19S-70	AMD	06/29/2004	2004-9/40
	27074	R865-19S-86	AMD	06/29/2004	2004-9/45
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	27088	R865-19S-107	AMD	06/29/2004	2004-9/50
	27090	R865-19S-114	AMD	06/29/2004	2004-9/52
	27091	R865-19S-115	AMD	06/29/2004	2004-9/53
	27097	R865-19S-116	AMD	06/29/2004	2004-9/54
	27096	R865-19S-117	AMD	06/29/2004	2004-9/54
	27099	R865-19S-118	AMD	06/29/2004	2004-9/55
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Workforce Services, Employment Development	27138	R986-700	AMD	07/01/2004	2004-10/34
	26707	R986-700	AMD	01/01/2004	2003-21/83
	26933	R986-700	AMD	04/01/2004	2004-4/36
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Health, Health Systems Improvement, Child Care Licensing	26824	R430-2	AMD	04/12/2004	2003-24/25
	27242	R430-8	5YR	06/16/2004	2004-14/57
	27244	R430-100	AMD	08/27/2004	2004-14/15
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Human Services, Administration, Administrative Services, Licensing	27415	R501-7	NSC	10/01/2004	Not Printed
	26904	R501-7	AMD	05/28/2004	2004-4/22
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Human Services, Administration	26822	R495-879	AMD	01/26/2004	2003-24/27
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	27006	R527-231	AMD	05/19/2004	2004-8/71
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Human Services, Child and Family Services	27259	R512-32	NSC	07/01/2004	Not Printed
	27375	R512-41	5YR	08/27/2004	2004-18/83
	27274	R512-302-4	AMD	09/09/2004	2004-15/50
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Commerce, Occupational and Professional Licensing	27355	R156-73	AMD	10/18/2004	2004-18/13
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Health, Health Care Financing, Coverage and Reimbursement Policy	26809	R414-99	NEW	02/17/2004	2003-24/15
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Commerce, Occupational and Professional Licensing	27355	R156-73	AMD	10/18/2004	2004-18/13
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Education, Administration	26852	R277-517	AMD	02/05/2004	2004-1/18
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Natural Resources, Oil, Gas and Mining; Coal	26710	R645-301-100	AMD	02/06/2004	2003-22/34
	26711	R645-301-500	AMD	02/06/2004	2003-22/35
	26712	R645-303-200	AMD	02/06/2004	2003-22/36
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Environmental Quality, Air Quality	27144	R307-343	NSC	06/08/2004	Not Printed
	27219	R307-343	5YR	06/08/2004	2004-13/69
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Tax Commission, Auditing	27056	R865-12L-7	AMD	06/29/2004	2004-9/20
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Health, Epidemiology and Laboratory Services, Epidemiology	27024	R386-702	AMD	06/11/2004	2004-8/60
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Education, Rehabilitation	26872	R280-201	5YR	01/05/2004	2004-3/43
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Education, Administration	27531	R277-607	5YR	11/05/2004	2004-23/57
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Commerce, Real Estate	27098	R162-106-8	AMD	07/28/2004	2004-9/11
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Commerce, Consumer Protection	26945	R152-11	AMD	05/20/2004	2004-5/3
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continuing education					
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Commerce, Occupational and Professional Licensing	26786	R156-26a-303b	AMD	01/06/2004	2003-23/7
	27019	R156-26a-303b	AMD	05/24/2004	2004-8/32
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Commerce, Occupational and Professional Licensing	26834	R156-38	AMD	02/03/2004	2004-1/5
	27020	R156-38	CPR	07/26/2004	2004-12/73
	27020	R156-38	AMD	07/26/2004	2004-8/39
	27441	R156-55a-301	NSC	10/01/2004	Not Printed
	27112	R156-55b	AMD	06/15/2004	2004-10/6
	26866	R156-56	NSC	01/01/2004	Not Printed
	26693	R156-56	AMD	01/01/2004	2003-21/7
	27101	R156-56	AMD	08/17/2004	2004-9/5
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	26692	R156-56-707	AMD	01/01/2004	2003-21/34
Transportation, Administration	26720	R907-67	NEW	01/05/2004	2003-22/50
controlled substances					
Commerce, Occupational and Professional Licensing	26916	R156-37c	5YR	01/27/2004	2004-4/74
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Corrections, Administration	26769	R251-101	REP	03/24/2004	2003-23/15
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Natural Resources, Wildlife Resources	27368	R657-10	AMD	10/19/2004	2004-18/49
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Education, Administration	26850	R277-462	AMD	02/05/2004	2004-1/16
	27408	R277-462	5YR	09/07/2004	2004-19/49
Workforce Services, Workforce Information and Payment Services	26922	R994-103	REP	04/04/2004	2004-4/40
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Health, Health Care Financing, Coverage and Reimbursement Policy	27230	R414-303	AMD	08/26/2004	2004-13/7
	27378	R414-303	AMD	10/16/2004	2004-18/18
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Environmental Quality, Drinking Water	26974	R309-700	CPR	08/06/2004	2004-13/53
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Environmental Quality, Drinking Water	27252	R309-302	AMD	10/15/2004	2004-14/10
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Regents (Board Of), University of Utah, Museum of Natural History (Utah)	26913	R807-1	5YR	01/26/2004	2004-4/77
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	26979	R277-444	AMD	04/15/2004	2004-6/4
	26902	R277-700	AMD	03/03/2004	2004-3/10
	26985	R277-700	NSC	04/01/2004	Not Printed
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Education, Administration	26870	R277-735	5YR	01/05/2004	2004-3/43
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Human Services, Administration	26822	R495-879	AMD	01/26/2004	2003-24/27
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Human Resource Management, Administration	27160	R477-1	AMD	07/02/2004	2004-11/23
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	27470	R994-201-101	AMD	11/16/2004	2004-20/39
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Administrative Services, Facilities Construction and Management	26991	R23-29	5YR	03/10/2004	2004-7/35
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Administrative Services, Facilities Construction and Management	27313	R23-3	5YR	07/28/2004	2004-16/33
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Tax Commission, Administration	27268	R861-1A-16	NSC	07/01/2004	Not Printed
	27354	R861-1A-37	AMD	10/19/2004	2004-17/36
	27155	R861-1A-37	AMD	08/02/2004	2004-11/83
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Insurance, Administration	27536	R590-194	5YR	11/09/2004	2004-23/60
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Human Services, Services for People with Disabilities	27356	R539-1	NSC	11/01/2004	Not Printed
	27233	R539-1	AMD	08/19/2004	2004-13/35
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Education, Rehabilitation	26872	R280-201	5YR	01/05/2004	2004-3/43
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	27155	R861-1A-37	AMD	08/02/2004	2004-11/83
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	27103	R156-1-302	NSC	06/01/2004	Not Printed
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Natural Resources, Wildlife Resources	27346	R657-46	NSC	10/19/2004	Not Printed
	27500	R657-46	5YR	10/19/2004	2004-22/70
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Human Services, Child and Family Services	27014	R512-3	NSC	03/04/2004	Not Printed
	26774	R512-3	NSC	03/04/2004	Not Printed
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Environmental Quality, Drinking Water	26970	R309-110	AMD	04/21/2004	2004-6/13
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Environmental Quality, Water Quality	26797	R317-401	NEW	07/02/2004	2003-23/21
	26797	R317-401	CPR	07/02/2004	2004-8/89
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Education, Administration	27413	R277-760	5YR	09/07/2004	2004-19/51
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Human Resource Management, Administration	27174	R477-14	NSC	06/01/2004	Not Printed
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Human Resource Management, Administration	27174	R477-14	NSC	06/01/2004	Not Printed
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Human Resource Management, Administration	27167	R477-8	AMD	07/02/2004	2004-11/50
	27273	R477-8-6	NSC	07/02/2004	Not Printed
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Education, Administration	27205	R277-438	5YR	06/01/2004	2004-12/79
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	27117	R523-1-10	AMD	06/17/2004	2004-10/21
	27118	R523-1-16	AMD	06/17/2004	2004-10/23
	27257	R523-1-22	AMD	08/17/2004	2004-14/25
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Environmental Quality, Air Quality	27220	R307-215	5YR	06/08/2004	2004-13/68
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	27106	R307-309	NSC	06/08/2004	Not Printed
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Natural Resources, Water Rights	26844	R655-11	NSC	01/01/2004	Not Printed
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Commerce, Consumer Protection	26905	R152-34	AMD	05/20/2004	2004-4/2
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	27310	R686-103	AMD	09/02/2004	2004-15/58
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	27537	R623-3	NSC	11/15/2004	Not Printed
	27414	R623-3	NSC	11/15/2004	Not Printed
	27127	R623-3	NEW	06/16/2004	2004-10/27
electricians Commerce, Occupational and Professional Licensing	27112	R156-55b	AMD	06/15/2004	2004-10/6
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	27439	R426-12	5YR	09/20/2004	2004-20/77
	26669	R426-13	AMD	01/01/2004	2003-20/7
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	27465	R426-14	5YR	10/01/2004	2004-20/78
	26670	R426-14	AMD	01/01/2004	2003-20/10
	26671	R426-15	AMD	01/01/2004	2003-20/14
	27467	R426-15	5YR	10/01/2004	2004-20/79
	27464	R426-16	5YR	10/01/2004	2004-20/79
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emission fees					
Environmental Quality, Air Quality	26940	R307-415	5YR	02/09/2004	2004-5/45
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Human Resource Management, Administration	27165	R477-6	AMD	07/02/2004	2004-11/37
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	27472	R994-405	AMD	11/16/2004	2004-20/66
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	27172	R477-5	NSC	07/01/2004	Not Printed
Human Services, Aging and Adult Services	27248	R510-107	EMR	07/01/2004	2004-14/43
	27249	R510-107	AMD	08/17/2004	2004-14/18
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	27215	R986-100-104	NSC	06/01/2004	Not Printed
	26932	R986-100-134	AMD	04/01/2004	2004-4/33
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Commerce, Occupational and Professional Licensing	26859	R156-22-503	NSC	01/01/2004	Not Printed
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Education, Administration	27409	R277-463	5YR	09/07/2004	2004-19/49
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Tax Commission, Auditing	27093	R865-9I-38	AMD	06/29/2004	2004-9/18
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Tax Commission, Auditing	26957	R865-7H	5YR	02/25/2004	2004-6/63
	27269	R865-13G-10	AMD	09/14/2004	2004-14/32
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Environmental Quality, Drinking Water	26988	R309-605	NSC	05/01/2004	Not Printed
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	26898	R307-110-31	CPR	05/18/2004	2004-8/87
	26899	R307-110-34	CPR	05/18/2004	2004-8/88
	26940	R307-415	5YR	02/09/2004	2004-5/45
	26947	R307-415-6c	CPR	08/03/2004	2004-13/52
	26947	R307-415-6c	AMD	08/03/2004	2004-5/10
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Human Services, Youth Corrections	27284	R547-10	NSC	07/01/2004	Not Printed
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Education, Administration	27413	R277-760	5YR	09/07/2004	2004-19/51
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	26901	R746-350	NSC	03/01/2004	Not Printed
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	26854	R414-9	NEW	02/03/2004	2004-1/26
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Human Resource Management, Administration	27161	R477-2	AMD	07/02/2004	2004-11/29
	27163	R477-4	AMD	07/02/2004	2004-11/33
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Workforce Services, Employment Development	26934	R986-200	AMD	04/01/2004	2004-4/35
	26704	R986-200	AMD	02/02/2004	2003-21/77
	26997	R986-200-208	NSC	05/01/2004	Not Printed
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Lieutenant Governor, Elections	27127	R623-3	NEW	06/16/2004	2004-10/27
	27537	R623-3	NSC	11/15/2004	Not Printed
	27414	R623-3	NSC	11/15/2004	Not Printed
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Human Services, Mental Health	27258	R523-1	NSC	07/01/2004	Not Printed
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	27118	R523-1-16	AMD	06/17/2004	2004-10/23
	27257	R523-1-22	AMD	08/17/2004	2004-14/25
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	26776	R651-611	AMD	01/06/2004	2003-23/52
	26948	R651-611	AMD	04/01/2004	2004-5/29
	27305	R651-611	AMD	09/01/2004	2004-15/52
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Labor Commission, Adjudication	26772	R602-1	AMD	01/02/2004	2003-23/46
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Environmental Quality, Drinking Water	26975	R309-705	AMD	08/06/2004	2004-6/39
	26975	R309-705	CPR	08/06/2004	2004-13/57
	26760	R309-705	AMD	01/01/2004	2003-22/19
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	27232	R414-304	AMD	08/26/2004	2004-13/14
	26781	R414-304	AMD	01/01/2004	2003-23/29

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	26793	R710-4	AMD	01/02/2004	2003-23/67
	26920	R710-4	EMR	01/28/2004	2004-4/66
	27436	R710-8	AMD	11/16/2004	2004-20/38
	26788	R710-9	AMD	01/02/2004	2003-23/72
	26919	R710-9	EMR	01/28/2004	2004-4/70
	27002	R710-9	AMD	05/05/2004	2004-7/23
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Human Services, Youth Corrections	27267	R547-14	NSC	07/01/2004	Not Printed
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Public Safety, Fire Marshal	27324	R710-2	AMD	09/15/2004	2004-16/26
	26795	R710-2	AMD	01/02/2004	2003-23/65
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Natural Resources, Wildlife Resources	26659	R657-13	AMD	01/02/2004	2003-20/28
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Natural Resources, Wildlife Resources	26659	R657-13	AMD	01/02/2004	2003-20/28
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Natural Resources, Water Rights	26844	R655-11	NSC	01/01/2004	Not Printed
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Agriculture and Food, Regulatory Services	27149	R70-310	AMD	07/02/2004	2004-11/6
	27286	R70-310	5YR	07/09/2004	2004-15/65
	27069	R70-330	AMD	06/02/2004	2004-9/4
	27425	R70-440	NEW	11/04/2004	2004-19/4
	27453	R70-540	NEW	11/16/2004	2004-20/9
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	27290	R70-630	AMD	09/08/2004	2004-15/4
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Education, Administration	26829	R277-724	NEW	01/15/2004	2003-24/11
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	27321	R512-306	NEW	09/22/2004	2004-16/24
	27243	R512-306	EMR	06/22/2004	2004-14/50
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Tax Commission, Auditing	27388	R865-6F-8	AMD	10/19/2004	2004-18/58
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Education, Administration	27214	R277-105	5YR	06/01/2004	2004-12/79
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Tax Commission, Auditing	27389	R865-4D-24	AMD	10/19/2004	2004-18/57
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Natural Resources, Wildlife Resources	27369	R657-11	AMD	10/19/2004	2004-18/51
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Tax Commission, Auditing	27269	R865-13G-10	AMD	09/14/2004	2004-14/32
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Workforce Services, Employment Development	26706	R986-400	AMD	01/01/2004	2003-21/81
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Commerce, Occupational and Professional Licensing	26777	R156-76-102	AMD	01/20/2004	2003-23/14
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Education, Administration	26962	R277-712	5YR	02/26/2004	2004-6/60
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	26849	R746-100	CPR	04/01/2004	2004-5/36
	26849	R746-100	AMD	04/01/2004	2004-1/28
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Environmental Quality, Water Quality	26797	R317-401	CPR	07/02/2004	2004-8/89
	26797	R317-401	NEW	07/02/2004	2003-23/21
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Lieutenant Governor, Administration	27221	R622-2	5YR	06/09/2004	2004-13/71
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Tax Commission, Administration	27268	R861-1A-16	NSC	07/01/2004	Not Printed
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	27155	R861-1A-37	AMD	08/02/2004	2004-11/83
	27236	R861-1A-38	AMD	09/14/2004	2004-13/47
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Human Resource Management, Administration	27162	R477-3	AMD	07/02/2004	2004-11/32
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Environmental Quality, Water Quality	27021	R317-6	AMD	07/12/2004	2004-8/46
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Environmental Quality, Drinking Water	26974	R309-700	AMD	08/06/2004	2004-6/31
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	26887	R307-214	NSC	02/09/2004	Not Printed
	27293	R307-214-2	AMD	10/07/2004	2004-15/28
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Environmental Quality, Environmental Response and Remediation	27194	R311-200	AMD	09/09/2004	2004-12/27
	27195	R311-201	AMD	09/09/2004	2004-12/30
	27196	R311-203	AMD	09/09/2004	2004-12/34
	27197	R311-204	AMD	09/09/2004	2004-12/37
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Environmental Quality, Solid and Hazardous Waste	27289	R315-2-13	AMD	09/15/2004	2004-15/35
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	26799	R428-11	AMD	02/27/2004	2003-23/37
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Health, Health Systems Improvement, Licensing	27303	R432-2	AMD	09/14/2004	2004-15/44
	26825	R432-2-11	AMD	04/12/2004	2003-24/26
	27250	R432-32	NEW	09/01/2004	2004-14/17
health facilities					
Health, Health Systems Improvement, Licensing	26868	R432-1	5YR	01/05/2004	2004-3/44
	26876	R432-2	5YR	01/05/2004	2004-3/45
	26875	R432-3	5YR	01/05/2004	2004-3/45
	26869	R432-4	5YR	01/05/2004	2004-3/46
	26877	R432-5	5YR	01/05/2004	2004-3/46
	26886	R432-6	5YR	01/08/2004	2004-3/47
	27374	R432-100-7	AMD	11/10/2004	2004-18/24
	26755	R432-100-16	AMD	01/09/2004	2003-22/24
	27186	R432-100-17	AMD	07/19/2004	2004-12/57
	26993	R432-150-6	AMD	05/26/2004	2004-7/13
	27372	R432-150-16	AMD	11/10/2004	2004-18/25
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Insurance, Administration	26806	R590-220	CPR	03/24/2004	2004-4/61
	26806	R590-220	NEW	03/24/2004	2003-24/33
	27013	R590-220	NSC	04/01/2004	Not Printed
health planning					
Health, Center for Health Data, Health Care Statistics	26800	R428-10	AMD	02/27/2004	2003-23/36
	26799	R428-11	AMD	02/27/2004	2003-23/37
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	27387	R765-612	AMD	10/19/2004	2004-18/56
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Transportation, Administration	26720	R907-67	NEW	01/05/2004	2003-22/50
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Human Resource Management, Administration	27163	R477-4	AMD	07/02/2004	2004-11/33
historic preservation					
Tax Commission, Auditing	27388	R865-6F-8	AMD	10/19/2004	2004-18/58
	27386	R865-6F-36	AMD	10/19/2004	2004-18/61
	27093	R865-9I-38	AMD	06/29/2004	2004-9/18
HMO insurance					
Insurance, Administration	27445	R590-76	5YR	09/23/2004	2004-20/81
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Human Resource Management, Administration	27166	R477-7	AMD	07/02/2004	2004-11/42
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hospital					
Health, Health Care Financing, Coverage and Reimbursement Policy	27222	R414-1B	EMR	06/09/2004	2004-13/64
	27227	R414-1B	NEW	10/06/2004	2004-13/4

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Health, Health Care Financing, Coverage and Reimbursement Policy	27227	R414-1B	CPR	10/06/2004	2004-17/48
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Human Resource Management, Administration	27175	R477-15	NSC	07/01/2004	Not Printed
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Human Services, Administration, Administrative Services, Licensing	27008	R501-1	NSC	04/01/2004	Not Printed
	27135	R501-2	NSC	07/01/2004	Not Printed
	26925	R501-2	AMD	03/17/2004	2004-4/16
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	26904	R501-7	AMD	05/28/2004	2004-4/22
	27415	R501-7	NSC	10/01/2004	Not Printed
	27255	R501-8	NSC	07/01/2004	Not Printed
	27256	R501-12	NSC	07/01/2004	Not Printed
	27275	R501-12	AMD	09/09/2004	2004-15/46
	27417	R501-12-8	NSC	10/01/2004	Not Printed
	26874	R501-16	NSC	05/01/2004	Not Printed
	26804	R501-16	AMD	04/12/2004	2003-24/29
Human Services, Services for People with Disabilities	27356	R539-1	NSC	11/01/2004	Not Printed
	27233	R539-1	AMD	08/19/2004	2004-13/35
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Natural Resources, Wildlife Resources	26819	R657-38	AMD	01/21/2004	2003-24/56
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Natural Resources, Wildlife Resources	26818	R657-17-4	AMD	01/21/2004	2003-24/55
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Transportation, Motor Carrier	26823	R909-1	AMD	03/01/2004	2003-24/66
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Health, Health Care Financing, Coverage and Reimbursement Policy	27230	R414-303	AMD	08/26/2004	2004-13/7
	27378	R414-303	AMD	10/16/2004	2004-18/18
	26781	R414-304	AMD	01/01/2004	2003-23/29
	27379	R414-304	AMD	10/16/2004	2004-18/21
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Human Services, Child and Family Services	27321	R512-306	NEW	09/22/2004	2004-16/24
	27243	R512-306	EMR	06/22/2004	2004-14/50
industrial waste					
Environmental Quality, Water Quality	26796	R317-1	AMD	03/29/2004	2003-23/16
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Public Service Commission, Administration	26780	R746-200-6	AMD	01/07/2004	2003-23/76
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Governor, Planning and Budget, Chief Information Officer	27119	R365-7	NEW	06/28/2004	2004-10/20
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Education, Administration	26870	R277-735	5YR	01/05/2004	2004-3/43
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	26989	R58-20-5	AMD	05/04/2004	2004-7/3
Agriculture and Food, Plant Industry	26794	R68-7-6	NSC	01/01/2004	Not Printed
	26949	R68-20-1	AMD	04/01/2004	2004-5/2
	26987	R68-20-1	NSC	05/01/2004	Not Printed
Agriculture and Food, Regulatory Services	27424	R70-960	NEW	11/02/2004	2004-19/4
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Education, Administration	26999	R277-469	AMD	05/05/2004	2004-7/5
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Human Resource Management, Administration	27165	R477-6	AMD	07/02/2004	2004-11/37
	26787	R590-102	AMD	01/08/2004	2003-23/39
	27345	R590-102	AMD	10/07/2004	2004-17/14
	26882	R590-102-5	NSC	02/01/2004	Not Printed
	27134	R590-160-5	NSC	07/01/2004	Not Printed
	27126	R590-166	5YR	04/28/2004	2004-10/39
	27451	R590-167	5YR	09/28/2004	2004-20/84
	26812	R590-170	NSC	01/01/2004	Not Printed
	26976	R590-170	5YR	03/01/2004	2004-6/62
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	27082	R590-229	CPR	10/07/2004	2004-17/53
	27082	R590-229	NEW	10/07/2004	2004-9/12
	27083	R590-230	NEW	06/03/2004	2004-9/14
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Insurance, Administration	27452	R590-67	5YR	09/28/2004	2004-20/81
	27447	R590-79	5YR	09/27/2004	2004-20/82
	27450	R590-83	5YR	09/28/2004	2004-20/83
	26978	R590-86	REP	04/23/2004	2004-6/53
	27121	R590-93	5YR	04/28/2004	2004-10/38
	27122	R590-98	5YR	04/28/2004	2004-10/39
	27287	R590-136	NSC	08/01/2004	Not Printed
	27113	R590-190	5YR	04/26/2004	2004-10/40
	27114	R590-190-1	NSC	05/01/2004	Not Printed
	27115	R590-191	5YR	04/26/2004	2004-10/40
	27116	R590-191-1	NSC	05/01/2004	Not Printed
	27319	R590-192	5YR	07/30/2004	2004-16/33
insurance licensing					
Insurance, Administration	27011	R590-195	5YR	03/19/2004	2004-8/97
	27010	R590-195	NSC	06/01/2004	Not Printed
interconnection					
Public Service Commission, Administration	26826	R746-348-6	AMD	04/13/2004	2003-24/65
	26883	R746-365	5YR	01/06/2004	2004-3/49
interest buy-downs					
Environmental Quality, Drinking Water	26974	R309-700	CPR	08/06/2004	2004-13/53
	26974	R309-700	AMD	08/06/2004	2004-6/31
Internet access					
Community and Economic Development, Community Development, Library	27125	R223-2-2	AMD	09/08/2004	2004-10/17
interpreters					
Education, Rehabilitation	27532	R280-203	5YR	11/05/2004	2004-23/57
interstate highway system					
Transportation, Administration	26878	R907-64	5YR	01/05/2004	2004-3/49
	26879	R907-65	5YR	01/05/2004	2004-3/50
inventories					
Environmental Quality, Air Quality	26942	R307-150	5YR	02/09/2004	2004-5/43
investment advisers					
Money Management Council, Administration	26676	R628-19	NEW	02/10/2004	2003-20/27
	26676	R628-19	CPR	02/10/2004	2004-1/38
IT bid committee					
Governor, Planning and Budget, Chief Information Officer	27398	R365-10	NEW	11/08/2004	2004-19/38

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IT Planning					
Governor, Planning and Budget, Chief Information Officer	27108	R365-6	NEW	06/28/2004	2004-10/18
IT standards council					
Governor, Planning and Budget, Chief Information Officer	27398	R365-10	NEW	11/08/2004	2004-19/38
job descriptions					
Human Resource Management, Administration	27162	R477-3	AMD	07/02/2004	2004-11/32
jurisdiction					
Workforce Services, Workforce Information and Payment Services	26924	R994-406	AMD	04/04/2004	2004-4/45
juvenile corrections					
Human Services, Youth Corrections	27261	R547-1	NSC	07/01/2004	Not Printed
	27262	R547-3	NSC	07/01/2004	Not Printed
	27264	R547-6	NSC	07/01/2004	Not Printed
	27265	R547-7	NSC	07/01/2004	Not Printed
	27284	R547-10	NSC	07/01/2004	Not Printed
	27266	R547-12	NSC	07/01/2004	Not Printed
	27263	R547-13	NSC	07/01/2004	Not Printed
juvenile detention					
Human Services, Youth Corrections	27263	R547-13	NSC	07/01/2004	Not Printed
juvenile offenders					
Education, Administration	27412	R277-714	5YR	09/07/2004	2004-19/51
laboratories					
Health, Epidemiology and Laboratory Services, Laboratory Services	26968	R438-13	5YR	02/27/2004	2004-6/61
Health, Epidemiology and Laboratory Services, Laboratory Improvement	27234	R444-14	AMD	08/09/2004	2004-13/26
laboratory animals					
Health, Epidemiology and Laboratory Services, Laboratory Services	26968	R438-13	5YR	02/27/2004	2004-6/61
law					
Public Safety, Fire Marshal	27002	R710-9	AMD	05/05/2004	2004-7/23
	26788	R710-9	AMD	01/02/2004	2003-23/72
	26919	R710-9	EMR	01/28/2004	2004-4/70
law enforcement					
Public Safety, Highway Patrol	27337	R714-600	5YR	08/06/2004	2004-17/57
	27100	R714-600	NSC	08/06/2004	Not Printed
law enforcement officer certification					
Public Safety, Administration	26969	R698-4	5YR	02/27/2004	2004-6/62
learner permit					
Public Safety, Driver License	27362	R708-26	5YR	08/25/2004	2004-18/85
	27363	R708-26	NSC	09/01/2004	Not Printed

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leave benefits					
Human Resource Management, Administration	27166	R477-7	AMD	07/02/2004	2004-11/42
	27272	R477-7-16	NSC	07/02/2004	Not Printed
libraries					
Community and Economic Development, Community Development, Library	27125	R223-2-2	AMD	09/08/2004	2004-10/17
license					
Education, Administration	27210	R277-520	AMD	07/16/2004	2004-12/21
	26851	R277-520	R&R	02/05/2004	2004-1/20
	27411	R277-521	5YR	09/07/2004	2004-19/50
licensing					
Commerce, Administration	27312	R151-33	AMD	09/15/2004	2004-16/8
Commerce, Occupational and Professional Licensing	27358	R156-1	EMR	08/24/2004	2004-18/79
	27377	R156-1	AMD	10/18/2004	2004-18/4
	26678	R156-1	NSC	01/01/2004	Not Printed
	26805	R156-1-106	AMD	01/20/2004	2003-24/4
	27103	R156-1-302	NSC	06/01/2004	Not Printed
	26917	R156-5a	5YR	01/27/2004	2004-4/74
	26754	R156-17a-612	CPR	02/19/2004	2004-2/10
	26754	R156-17a-612	AMD	02/19/2004	2003-22/11
	26786	R156-26a-303b	AMD	01/06/2004	2003-23/7
	27019	R156-26a-303b	AMD	05/24/2004	2004-8/32
	26916	R156-37c	5YR	01/27/2004	2004-4/74
	26834	R156-38	AMD	02/03/2004	2004-1/5
	27020	R156-38	AMD	07/26/2004	2004-8/39
	27020	R156-38	CPR	07/26/2004	2004-12/73
	26915	R156-39a	5YR	01/27/2004	2004-4/75
	27400	R156-42a	5YR	09/02/2004	2004-19/48
	27224	R156-44a	5YR	06/10/2004	2004-13/66
	27247	R156-46a	5YR	06/24/2004	2004-14/56
	26937	R156-47b	AMD	06/07/2004	2004-5/5
	26580	R156-54-302b	CPR	01/20/2004	2003-24/70
	26580	R156-54-302b	AMD	01/20/2004	2003-18/4
	27441	R156-55a-301	NSC	10/01/2004	Not Printed
	27112	R156-55b	AMD	06/15/2004	2004-10/6
	27188	R156-55d-302f	CPR	10/05/2004	2004-17/47
	27188	R156-55d-302f	AMD	10/05/2004	2004-12/4
	26866	R156-56	NSC	01/01/2004	Not Printed
	26693	R156-56	AMD	01/01/2004	2003-21/7
	27101	R156-56	AMD	08/17/2004	2004-9/5
	27101	R156-56	CPR	08/17/2004	2004-14/37
	26692	R156-56-707	AMD	01/01/2004	2003-21/34
	27501	R156-60	5YR	10/21/2004	2004-22/68
	27502	R156-60a	5YR	10/21/2004	2004-22/68

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	27503	R156-60b	5YR	10/21/2004	2004-22/69
	27225	R156-61	5YR	06/10/2004	2004-13/67
	26888	R156-63	AMD	03/04/2004	2004-3/5
	26956	R156-68	AMD	04/15/2004	2004-6/2
	26998	R156-71-202	AMD	05/04/2004	2004-7/3
	27140	R156-71-202	NSC	06/01/2004	Not Printed
	27355	R156-73	AMD	10/18/2004	2004-18/13
	26927	R156-74	5YR	02/02/2004	2004-4/75
	26777	R156-76-102	AMD	01/20/2004	2003-23/14
Human Services, Administration, Administrative Services, Licensing	27008	R501-1	NSC	04/01/2004	Not Printed
	27135	R501-2	NSC	07/01/2004	Not Printed
	26925	R501-2	AMD	03/17/2004	2004-4/16
	27229	R501-7	AMD	08/05/2004	2004-13/28
	26904	R501-7	AMD	05/28/2004	2004-4/22
	27415	R501-7	NSC	10/01/2004	Not Printed
	27255	R501-8	NSC	07/01/2004	Not Printed
	27256	R501-12	NSC	07/01/2004	Not Printed
	27275	R501-12	AMD	09/09/2004	2004-15/46
	27417	R501-12-8	NSC	10/01/2004	Not Printed
	26874	R501-16	NSC	05/01/2004	Not Printed
	26804	R501-16	AMD	04/12/2004	2003-24/29
Human Services, Youth Corrections	27261	R547-1	NSC	07/01/2004	Not Printed
	27265	R547-7	NSC	07/01/2004	Not Printed
Labor Commission, Antidiscrimination and Labor, Labor	27228	R610-4	5YR	06/11/2004	2004-13/71
Natural Resources, Wildlife Resources	27158	R657-27	AMD	07/02/2004	2004-11/77
Public Safety, Driver License	27360	R708-10	5YR	08/25/2004	2004-18/84
	27051	R708-10	NSC	06/01/2004	Not Printed
	27365	R708-24	5YR	08/25/2004	2004-18/85
liens					
Commerce, Occupational and Professional Licensing	27020	R156-38	CPR	07/26/2004	2004-12/73
	27020	R156-38	AMD	07/26/2004	2004-8/39
	26834	R156-38	AMD	02/03/2004	2004-1/5
life insurance filings					
Insurance, Administration	26951	R590-226	NEW	04/08/2004	2004-5/14
liquefied petroleum gas					
Public Safety, Fire Marshal	26801	R710-6	AMD	01/16/2004	2003-24/63
	26938	R710-6-1	AMD	04/01/2004	2004-5/32
	27351	R710-6-6	AMD	10/04/2004	2004-17/27
loans					
Environmental Quality, Drinking Water	26974	R309-700	CPR	08/06/2004	2004-13/53
	26974	R309-700	AMD	08/06/2004	2004-6/31
	26760	R309-705	AMD	01/01/2004	2003-22/19

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	26975	R309-705	AMD	08/06/2004	2004-6/39
Environmental Quality, Water Quality	27180	R317-103	REP	08/20/2004	2004-11/16
lobbyist					
Lieutenant Governor, Elections	27381	R623-1	AMD	10/19/2004	2004-18/28
	27530	R623-1	5YR	11/04/2004	2004-23/61
lobbyist license					
Lieutenant Governor, Elections	27530	R623-1	5YR	11/04/2004	2004-23/61
lobbyist registration					
Lieutenant Governor, Elections	27530	R623-1	5YR	11/04/2004	2004-23/61
lt. governor					
Lieutenant Governor, Administration	27221	R622-2	5YR	06/09/2004	2004-13/71
MACT					
Environmental Quality, Air Quality	26887	R307-214	NSC	02/09/2004	Not Printed
	26939	R307-214	5YR	02/09/2004	2004-5/44
	27293	R307-214-2	AMD	10/07/2004	2004-15/28
management					
Natural Resources, Forestry, Fire and State Lands	26865	R652-40-1800	AMD	02/24/2004	2004-2/2
	27070	R652-41-1300	AMD	06/04/2004	2004-9/17
marriage and family therapist					
Commerce, Occupational and Professional Licensing	27503	R156-60b	5YR	10/21/2004	2004-22/69
massage therapy					
Commerce, Occupational and Professional Licensing	26937	R156-47b	AMD	06/07/2004	2004-5/5
mediation					
Commerce, Occupational and Professional Licensing	26915	R156-39a	5YR	01/27/2004	2004-4/75
Medicaid					
Health, Health Care Financing, Coverage and Reimbursement Policy	26955	R414-1-5	AMD	05/19/2004	2004-6/47
	27189	R414-1-14	AMD	07/19/2004	2004-12/52
	27023	R414-1A	AMD	05/25/2004	2004-8/68
	27227	R414-1B	NEW	10/06/2004	2004-13/4
	27222	R414-1B	EMR	06/09/2004	2004-13/64
	27227	R414-1B	CPR	10/06/2004	2004-17/48
	27535	R414-7A	5YR	11/08/2004	2004-23/58
	27524	R414-7B	5YR	11/03/2004	2004-23/58
	26854	R414-9	NEW	02/03/2004	2004-1/26
	27151	R414-9	NSC	06/01/2004	Not Printed
	27525	R414-11	5YR	11/03/2004	2004-23/59
	27482	R414-14	5YR	10/06/2004	2004-21/39
	27481	R414-14A	5YR	10/06/2004	2004-21/39
	27426	R414-25	REP	11/03/2004	2004-19/40

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	27483	R414-31	5YR	10/06/2004	2004-21/40
	27327	R414-33B	NEW	10/15/2004	2004-16/12
	27323	R414-34	NEW	10/15/2004	2004-16/14
	27322	R414-36	NEW	11/03/2004	2004-16/15
	26964	R414-49	AMD	05/07/2004	2004-6/48
	27176	R414-49	AMD	07/02/2004	2004-11/17
	27541	R414-49	5YR	11/12/2004	2004-23/59
	26802	R414-50	AMD	01/28/2004	2003-24/13
	27526	R414-50	5YR	11/03/2004	2004-23/60
	26782	R414-51	AMD	01/28/2004	2003-23/25
	26798	R414-52	AMD	01/01/2004	2003-23/27
	26783	R414-53	AMD	01/28/2004	2003-23/28
	27012	R414-54	5YR	03/23/2004	2004-8/94
	27366	R414-54	AMD	10/25/2004	2004-18/17
	26803	R414-54	AMD	01/28/2004	2003-24/14
	27049	R414-55	AMD	06/17/2004	2004-8/69
	27385	R414-71	NSC	09/01/2004	Not Printed
	27231	R414-71	NEW	08/05/2004	2004-13/5
	27316	R414-90	NEW	09/16/2004	2004-16/17
	26809	R414-99	NEW	02/17/2004	2003-24/15
	27314	R414-140	NEW	09/16/2004	2004-16/19
	26811	R414-300	NEW	02/10/2004	2003-24/17
	26781	R414-304	AMD	01/01/2004	2003-23/29
	26965	R414-305-3	AMD	05/07/2004	2004-6/50
	26810	R414-310	AMD	02/10/2004	2003-24/18
	27143	R414-401	NEW	07/02/2004	2004-11/19
	27370	R414-501	5YR	08/27/2004	2004-18/82
	27371	R414-502	5YR	08/27/2004	2004-18/82
	27373	R414-503	5YR	08/27/2004	2004-18/83
	27171	R414-504	AMD	07/02/2004	2004-11/20
	27325	R414-504	AMD	09/15/2004	2004-16/20
medical malpractice Commerce, Occupational and Professional Licensing	27328	R156-78A-9	NSC	09/01/2004	Not Printed
medical transportation Health, Health Care Financing, Coverage and Reimbursement Policy	27334	R414-306	NSC	11/01/2004	Not Printed
	27216	R414-306	AMD	07/19/2004	2004-12/53
mental health Commerce, Occupational and Professional Licensing	27501	R156-60	5YR	10/21/2004	2004-22/68
midwifery Commerce, Occupational and Professional Licensing	27224	R156-44a	5YR	06/10/2004	2004-13/66

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Natural Resources, Wildlife Resources	27367	R657-9	AMD	10/19/2004	2004-18/47
military voter					
Lieutenant Governor, Elections	27406	R623-4	EMR	09/10/2004	2004-19/45
minerals reclamation					
Natural Resources, Oil, Gas and Mining; Non-Coal	27015	R647-1-106	AMD	06/01/2004	2004-8/74
	27016	R647-6	NEW	06/01/2004	2004-8/76
	27017	R647-7	NEW	06/01/2004	2004-8/79
	27018	R647-8	NEW	06/01/2004	2004-8/83
motor carrier					
Public Safety, Highway Patrol	27100	R714-600	NSC	08/06/2004	Not Printed
	27337	R714-600	5YR	08/06/2004	2004-17/57
motor fuel					
Tax Commission, Auditing	27269	R865-13G-10	AMD	09/14/2004	2004-14/32
motorcycle rider training schools					
Public Safety, Driver License	26918	R708-30	5YR	01/27/2004	2004-4/76
natural resources					
Natural Resources, Forestry, Fire and State Lands	26865	R652-40-1800	AMD	02/24/2004	2004-2/2
	27070	R652-41-1300	AMD	06/04/2004	2004-9/17
naturopathic physician					
Commerce, Occupational and Professional Licensing	26998	R156-71-202	AMD	05/04/2004	2004-7/3
	27140	R156-71-202	NSC	06/01/2004	Not Printed
naturopaths					
Commerce, Occupational and Professional Licensing	27140	R156-71-202	NSC	06/01/2004	Not Printed
	26998	R156-71-202	AMD	05/04/2004	2004-7/3
NCLB					
Education, Administration	26853	R277-524	NEW	02/05/2004	2004-1/25
network interconnection					
Public Service Commission, Administration	26826	R746-348-6	AMD	04/13/2004	2003-24/65
newborns screening					
Health, Community and Family Health Services, Children with Special Health Care Needs	27443	R398-1	5YR	09/22/2004	2004-20/76
noise					
Transportation, Preconstruction	27156	R930-3	AMD	07/20/2004	2004-11/84
noise walls					
Transportation, Preconstruction	27156	R930-3	AMD	07/20/2004	2004-11/84
nonprofit organization					
Workforce Services, Workforce Information and Payment Services	27297	R994-309	5YR	07/14/2004	2004-15/66

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nurseries (agricultural)					
Agriculture and Food, Plant Industry	27320	R68-6	AMD	09/15/2004	2004-16/5
nursing facility					
Health, Health Care Financing, Coverage and Reimbursement Policy	27143	R414-401	NEW	07/02/2004	2004-11/19
nutrition					
Education, Administration	26830	R277-720	AMD	01/15/2004	2003-24/10
	26848	R277-720	NSC	02/01/2004	Not Printed
occupational licensing					
Commerce, Occupational and Professional Licensing	27377	R156-1	AMD	10/18/2004	2004-18/4
	27358	R156-1	EMR	08/24/2004	2004-18/79
	26678	R156-1	NSC	01/01/2004	Not Printed
	26805	R156-1-106	AMD	01/20/2004	2003-24/4
	27103	R156-1-302	NSC	06/01/2004	Not Printed
	27401	R156-46b	AMD	11/02/2004	2004-19/6
	27441	R156-55a-301	NSC	10/01/2004	Not Printed
	27112	R156-55b	AMD	06/15/2004	2004-10/6
occupational therapy					
Commerce, Occupational and Professional Licensing	27400	R156-42a	5YR	09/02/2004	2004-19/48
off-highway vehicles					
Natural Resources, Parks and Recreation	27304	R651-406	AMD	10/01/2004	2004-15/51
	27183	R651-411	NEW	07/19/2004	2004-12/61
	27181	R651-601-17	AMD	07/19/2004	2004-12/62
	27185	R651-615-7	AMD	07/19/2004	2004-12/65
offset					
Environmental Quality, Air Quality	27107	R307-420	NSC	06/08/2004	Not Printed
	27218	R307-420	5YR	06/08/2004	2004-13/69
online testing					
Education, Administration	27202	R277-402	NEW	07/16/2004	2004-12/5
operating permits					
Environmental Quality, Air Quality	26940	R307-415	5YR	02/09/2004	2004-5/45
	26947	R307-415-6c	CPR	08/03/2004	2004-13/52
	26947	R307-415-6c	AMD	08/03/2004	2004-5/10
	26941	R307-417	5YR	02/09/2004	2004-5/45
operator certification					
Environmental Quality, Water Quality	27022	R317-10	AMD	06/23/2004	2004-8/52
optometry					
Health, Health Care Financing, Coverage and Reimbursement Policy	26798	R414-52	AMD	01/01/2004	2003-23/27
organ transplants					
Health, Health Care Financing, Coverage and Reimbursement Policy	26935	R414-58	5YR	02/03/2004	2004-5/46

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orthodontia					
Health, Health Care Financing, Coverage and Reimbursement Policy	26782	R414-51	AMD	01/28/2004	2003-23/25
osteopathic physician					
Commerce, Occupational and Professional Licensing	26956	R156-68	AMD	04/15/2004	2004-6/2
osteopaths					
Commerce, Occupational and Professional Licensing	26956	R156-68	AMD	04/15/2004	2004-6/2
overpayments					
Workforce Services, Workforce Information and Payment Services	27237	R994-305-801	AMD	08/03/2004	2004-13/49
	26924	R994-406	AMD	04/04/2004	2004-4/45
	27473	R994-406-505	AMD	11/16/2004	2004-20/73
overseas citizen voter					
Lieutenant Governor, Elections	27406	R623-4	EMR	09/10/2004	2004-19/45
overtime					
Human Resource Management, Administration	27167	R477-8	AMD	07/02/2004	2004-11/50
	27273	R477-8-6	NSC	07/02/2004	Not Printed
ozone					
Environmental Quality, Air Quality	26896	R307-110-12	AMD	05/18/2004	2004-3/12
	26983	R307-110-12	NSC	05/18/2004	Not Printed
	26896	R307-110-12	CPR	05/18/2004	2004-8/87
	26946	R307-110-28	AMD	06/08/2004	2004-5/9
	26898	R307-110-31	CPR	05/18/2004	2004-8/87
	26898	R307-110-31	AMD	05/18/2004	2004-3/13
	27296	R307-110-33	AMD	10/07/2004	2004-15/24
	26899	R307-110-34	CPR	05/18/2004	2004-8/88
	26899	R307-110-34	AMD	05/18/2004	2004-3/14
	27344	R307-110-35	AMD	11/04/2004	2004-17/13
	26897	R307-301	AMD	05/18/2004	2004-3/15
	27219	R307-343	5YR	06/08/2004	2004-13/69
	27144	R307-343	NSC	06/08/2004	Not Printed
	27107	R307-420	NSC	06/08/2004	Not Printed
	27218	R307-420	5YR	06/08/2004	2004-13/69
paleontological resources					
Regents (Board Of), University of Utah, Museum of Natural History (Utah)	26913	R807-1	5YR	01/26/2004	2004-4/77
paraprofessional qualifications					
Education, Administration	26853	R277-524	NEW	02/05/2004	2004-1/25
parental rights					
Human Services, Administration	26936	R495-882	NEW	06/29/2004	2004-5/13
parks					
Natural Resources, Parks and Recreation	27153	R651-407	AMD	07/05/2004	2004-11/71

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	27184	R651-611	AMD	07/19/2004	2004-12/62
	26776	R651-611	AMD	01/06/2004	2003-23/52
	27305	R651-611	AMD	09/01/2004	2004-15/52
	26948	R651-611	AMD	04/01/2004	2004-5/29
	27185	R651-615-7	AMD	07/19/2004	2004-12/65
	27154	R651-619-2	AMD	07/05/2004	2004-11/72
	27442	R651-620	AMD	11/16/2004	2004-20/32
	27152	R651-626	AMD	07/05/2004	2004-11/73
	27139	R651-633	5YR	05/03/2004	2004-11/91
	27306	R651-634-1	AMD	09/01/2004	2004-15/54
parole					
Human Services, Youth Corrections	27264	R547-6	NSC	07/01/2004	Not Printed
particulate matter					
Environmental Quality, Air Quality	26896	R307-110-12	CPR	05/18/2004	2004-8/87
	26896	R307-110-12	AMD	05/18/2004	2004-3/12
	26983	R307-110-12	NSC	05/18/2004	Not Printed
	26946	R307-110-28	AMD	06/08/2004	2004-5/9
	26898	R307-110-31	CPR	05/18/2004	2004-8/87
	26898	R307-110-31	AMD	05/18/2004	2004-3/13
	27296	R307-110-33	AMD	10/07/2004	2004-15/24
	26899	R307-110-34	CPR	05/18/2004	2004-8/88
	26899	R307-110-34	AMD	05/18/2004	2004-3/14
	27344	R307-110-35	AMD	11/04/2004	2004-17/13
	26897	R307-301	AMD	05/18/2004	2004-3/15
pedestrians					
Regents (Board Of), University of Utah, Administration	26914	R805-1	5YR	01/27/2004	2004-4/76
peer review					
Commerce, Occupational and Professional Licensing	26786	R156-26a-303b	AMD	01/06/2004	2003-23/7
	27019	R156-26a-303b	AMD	05/24/2004	2004-8/32
per diem allowances					
Administrative Services, Finance	27120	R25-7	AMD	07/01/2004	2004-10/4
	27164	R25-7-6	AMD	07/02/2004	2004-11/4
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Natural Resources, Wildlife Resources	27239	R657-42	AMD	08/03/2004	2004-13/41
	26820	R657-42	AMD	01/21/2004	2003-24/61
	27240	R657-50	AMD	08/03/2004	2004-13/44
Transportation, Motor Carrier, Ports of Entry	26881	R912-14	5YR	01/05/2004	2004-3/51
permitting authority					
Environmental Quality, Air Quality	26941	R307-417	5YR	02/09/2004	2004-5/45

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	27190	R884-24P-24	AMD	08/02/2004	2004-12/66
	27382	R884-24P-24	AMD	10/19/2004	2004-18/64
	27353	R884-24P-33	AMD	10/19/2004	2004-17/37
personnel management					
Human Resource Management, Administration	27160	R477-1	AMD	07/02/2004	2004-11/23
	27172	R477-5	NSC	07/01/2004	Not Printed
	27165	R477-6	AMD	07/02/2004	2004-11/37
	27168	R477-9	AMD	07/02/2004	2004-11/53
	27170	R477-12	AMD	07/02/2004	2004-11/57
	27174	R477-14	NSC	06/01/2004	Not Printed
petroleum					
Environmental Quality, Environmental Response and Remediation	27194	R311-200	AMD	09/09/2004	2004-12/27
	27195	R311-201	AMD	09/09/2004	2004-12/30
	27196	R311-203	AMD	09/09/2004	2004-12/34
	27197	R311-204	AMD	09/09/2004	2004-12/37
	27198	R311-205	AMD	09/09/2004	2004-12/39
	27199	R311-206	AMD	09/09/2004	2004-12/44
	27200	R311-212	AMD	09/09/2004	2004-12/48
pharmacies					
Commerce, Occupational and Professional Licensing	26754	R156-17a-612	AMD	02/19/2004	2003-22/11
	26754	R156-17a-612	CPR	02/19/2004	2004-2/10
pharmacists					
Commerce, Occupational and Professional Licensing	26754	R156-17a-612	CPR	02/19/2004	2004-2/10
	26754	R156-17a-612	AMD	02/19/2004	2003-22/11
physician					
Health, Health Care Financing, Coverage and Reimbursement Policy	27222	R414-1B	EMR	06/09/2004	2004-13/64
	27227	R414-1B	NEW	10/06/2004	2004-13/4
physicians					
Health, Health Care Financing, Coverage and Reimbursement Policy	27227	R414-1B	CPR	10/06/2004	2004-17/48
planning					
Administrative Services, Facilities Construction and Management	27313	R23-3	5YR	07/28/2004	2004-16/33
podiatric physician					
Commerce, Occupational and Professional Licensing	26917	R156-5a	5YR	01/27/2004	2004-4/74
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Commerce, Occupational and Professional Licensing	26917	R156-5a	5YR	01/27/2004	2004-4/74

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position classifications					
Human Resource Management, Administration	27162	R477-3	AMD	07/02/2004	2004-11/32
postsecondary school					
Commerce, Consumer Protection	26905	R152-34	AMD	05/20/2004	2004-4/2
precursor					
Commerce, Occupational and Professional Licensing	26916	R156-37c	5YR	01/27/2004	2004-4/74
prelitigation					
Commerce, Occupational and Professional Licensing	27328	R156-78A-9	NSC	09/01/2004	Not Printed
primary care					
Health, Health Care Financing, Coverage and Reimbursement Policy	26810	R414-310	AMD	02/10/2004	2003-24/18
primary care network					
Health, Health Care Financing, Coverage and Reimbursement Policy	26811	R414-300	NEW	02/10/2004	2003-24/17
private security officers					
Commerce, Occupational and Professional Licensing	26888	R156-63	AMD	03/04/2004	2004-3/5
procurement					
Administrative Services, Facilities Construction and Management	27313	R23-3	5YR	07/28/2004	2004-16/33
professional competency					
Education, Administration	26827	R277-502	AMD	01/15/2004	2003-24/6
	27207	R277-502	AMD	07/16/2004	2004-12/14
	27208	R277-510	REP	07/16/2004	2004-12/18
	27213	R277-511	REP	07/16/2004	2004-12/19
	27209	R277-512	REP	07/16/2004	2004-12/20
	26981	R277-514	AMD	04/15/2004	2004-6/10
professional development days					
Education, Administration	27203	R277-418	NEW	07/16/2004	2004-12/7
professional education					
Education, Administration	27410	R277-504	5YR	09/07/2004	2004-19/50
	27000	R277-518	AMD	05/05/2004	2004-7/8
professional engineers					
Commerce, Occupational and Professional Licensing	26859	R156-22-503	NSC	01/01/2004	Not Printed
professional geologists					
Commerce, Occupational and Professional Licensing	26777	R156-76-102	AMD	01/20/2004	2003-23/14

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professional staff					
Education, Administration	26828	R277-486	NEW	01/15/2004	2003-24/5
program benefits					
Health, Health Care Financing, Coverage and Reimbursement Policy	27334	R414-306	NSC	11/01/2004	Not Printed
	27216	R414-306	AMD	07/19/2004	2004-12/53
prohibited devices					
Human Services, Youth Corrections	27267	R547-14	NSC	07/01/2004	Not Printed
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Human Services, Youth Corrections	27267	R547-14	NSC	07/01/2004	Not Printed
prohibited items and devices					
Human Services, Mental Health	27258	R523-1	NSC	07/01/2004	Not Printed
	27117	R523-1-10	AMD	06/17/2004	2004-10/21
	27118	R523-1-16	AMD	06/17/2004	2004-10/23
	27257	R523-1-22	AMD	08/17/2004	2004-14/25
Human Services, Youth Corrections	27261	R547-1	NSC	07/01/2004	Not Printed
property casualty insurance filing					
Insurance, Administration	26821	R590-225	NEW	03/24/2004	2003-24/38
	26821	R590-225	CPR	03/24/2004	2004-4/64
property tax					
Tax Commission, Property Tax	26910	R884-24P-24	NSC	01/27/2004	Not Printed
	27190	R884-24P-24	AMD	08/02/2004	2004-12/66
	27382	R884-24P-24	AMD	10/19/2004	2004-18/64
	27353	R884-24P-33	AMD	10/19/2004	2004-17/37
prosecution					
Workforce Services, Workforce Information and Payment Services	26923	R994-104	REP	04/04/2004	2004-4/41
psychologists					
Commerce, Occupational and Professional Licensing	27225	R156-61	5YR	06/10/2004	2004-13/67
public buildings					
Administrative Services, Facilities Construction and Management	27313	R23-3	5YR	07/28/2004	2004-16/33
Public Safety, Fire Marshal	26920	R710-4	EMR	01/28/2004	2004-4/66
	27003	R710-4	AMD	05/05/2004	2004-7/19
	26793	R710-4	AMD	01/02/2004	2003-23/67
public education					
Education, Administration	27214	R277-105	5YR	06/01/2004	2004-12/79
	26871	R277-437	5YR	01/05/2004	2004-3/42
	27205	R277-438	5YR	06/01/2004	2004-12/79
	27408	R277-462	5YR	09/07/2004	2004-19/49

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	27412	R277-714	5YR	09/07/2004	2004-19/51
	26870	R277-735	5YR	01/05/2004	2004-3/43
public funds					
Money Management Council, Administration	26676	R628-19	CPR	02/10/2004	2004-1/38
	26676	R628-19	NEW	02/10/2004	2003-20/27
public health					
Health, Epidemiology and Laboratory Services, Environmental Services	27187	R392-101	5YR	05/24/2004	2004-12/80
public information					
Human Resource Management, Administration	27161	R477-2	AMD	07/02/2004	2004-11/29
public input in policy					
Human Services, Child and Family Services	26774	R512-3	NSC	03/04/2004	Not Printed
	27014	R512-3	NSC	03/04/2004	Not Printed
public library					
Community and Economic Development, Community Development, Library	27125	R223-2-2	AMD	09/08/2004	2004-10/17
public schools					
Education, Administration	27409	R277-463	5YR	09/07/2004	2004-19/49
	27212	R277-916	5YR	06/01/2004	2004-12/80
public utilities					
Public Service Commission, Administration	26849	R746-100	CPR	04/01/2004	2004-5/36
	26849	R746-100	AMD	04/01/2004	2004-1/28
	26883	R746-365	5YR	01/06/2004	2004-3/49
rabbits					
Natural Resources, Wildlife Resources	27283	R657-6	AMD	09/01/2004	2004-15/55
radiation					
Environmental Quality, Radiation Control	27110	R313-25-25	NSC	05/01/2004	Not Printed
radioactive waste disposal					
Environmental Quality, Radiation Control	27110	R313-25-25	NSC	05/01/2004	Not Printed
radiology practical technicians					
Commerce, Occupational and Professional Licensing	26580	R156-54-302b	AMD	01/20/2004	2003-18/4
	26580	R156-54-302b	CPR	01/20/2004	2003-24/70
radiology technologists					
Commerce, Occupational and Professional Licensing	26580	R156-54-302b	CPR	01/20/2004	2003-24/70
	26580	R156-54-302b	AMD	01/20/2004	2003-18/4
rates					
Labor Commission, Industrial Accidents	26697	R612-4-2	AMD	01/01/2004	2003-21/64
real estate appraisal					
Commerce, Real Estate	27241	R162-103	AMD	10/07/2004	2004-14/2

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	27131	R162-105	AMD	09/10/2004	2004-10/11
	26890	R162-105	5YR	01/13/2004	2004-3/42
	27098	R162-106-8	AMD	07/28/2004	2004-9/11
	27128	R162-107	AMD	09/10/2004	2004-10/13
real estate brokers					
Commerce, Real Estate	26835	R162-7-3	AMD	02/18/2004	2004-1/9
real estate business					
Commerce, Real Estate	27026	R162-3	AMD	05/20/2004	2004-8/44
	26944	R162-6-2	AMD	04/21/2004	2004-5/6
	27009	R162-6-2	NSC	04/21/2004	Not Printed
	27338	R162-8	AMD	10/21/2004	2004-17/3
reclamation					
Natural Resources, Oil, Gas and Mining; Coal	26710	R645-301-100	AMD	02/06/2004	2003-22/34
	26711	R645-301-500	AMD	02/06/2004	2003-22/35
	26712	R645-303-200	AMD	02/06/2004	2003-22/36
	26713	R645-401	AMD	02/06/2004	2003-22/38
records appeal hearings					
Administrative Services, Records Committee	26973	R35-1	NSC	07/02/2004	Not Printed
	27277	R35-1	5YR	07/02/2004	2004-15/62
	27278	R35-2	5YR	07/02/2004	2004-15/62
	27279	R35-3	5YR	07/02/2004	2004-15/63
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	27281	R35-5	5YR	07/02/2004	2004-15/64
	27282	R35-6	5YR	07/02/2004	2004-15/64
recreation					
Natural Resources, Wildlife Resources	26819	R657-38	AMD	01/21/2004	2003-24/56
reemployment workers' compensation guidelines					
Labor Commission, Industrial Accidents	27459	R612-8	5YR	09/30/2004	2004-20/85
registration					
Commerce, Consumer Protection	26905	R152-34	AMD	05/20/2004	2004-4/2
Lieutenant Governor, Elections	27381	R623-1	AMD	10/19/2004	2004-18/28
Workforce Services, Workforce Information and Payment Services	27471	R994-403	R&R	11/16/2004	2004-20/47
rehabilitation					
Education, Rehabilitation	26873	R280-202	5YR	01/05/2004	2004-3/44
reimbursement					
Corrections, Administration	27416	R251-113	AMD	11/09/2004	2004-19/28
Health, Health Care Financing, Coverage and Reimbursement Policy	26854	R414-9	NEW	02/03/2004	2004-1/26
	27151	R414-9	NSC	06/01/2004	Not Printed

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	27064	R865-19S-12	AMD	06/29/2004	2004-9/28
	27068	R865-19S-23	AMD	06/29/2004	2004-9/30
	27071	R865-19S-28	AMD	06/29/2004	2004-9/31
	27072	R865-19S-30	AMD	06/29/2004	2004-9/32
	27383	R865-19S-38	AMD	10/19/2004	2004-18/62
	27095	R865-19S-45	AMD	06/29/2004	2004-9/34
	27384	R865-19S-49	AMD	10/19/2004	2004-18/63
	27080	R865-19S-58	AMD	06/29/2004	2004-9/37
	27053	R865-19S-70	AMD	06/29/2004	2004-9/40
	27074	R865-19S-86	AMD	06/29/2004	2004-9/45
	27085	R865-19S-92	AMD	06/29/2004	2004-9/47
	27086	R865-19S-98	AMD	06/29/2004	2004-9/48
	27088	R865-19S-107	AMD	06/29/2004	2004-9/50
	27090	R865-19S-114	AMD	06/29/2004	2004-9/52
	27091	R865-19S-115	AMD	06/29/2004	2004-9/53
	27097	R865-19S-116	AMD	06/29/2004	2004-9/54
	27096	R865-19S-117	AMD	06/29/2004	2004-9/54
	27099	R865-19S-118	AMD	06/29/2004	2004-9/55
replacement providers					
Public Service Commission, Administration	26901	R746-350	NSC	03/01/2004	Not Printed
	26785	R746-350	NEW	01/15/2004	2003-23/79
reporting					
Education, Administration	27409	R277-463	5YR	09/07/2004	2004-19/49
Lieutenant Governor, Elections	27381	R623-1	AMD	10/19/2004	2004-18/28
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Health, Community and Family Health Services, Chronic Disease	27235	R384-100	5YR	06/15/2004	2004-13/70
reports					
Education, Administration	26688	R277-484	NSC	01/01/2004	Not Printed
Environmental Quality, Air Quality	26942	R307-150	5YR	02/09/2004	2004-5/43
repository					
Governor, Planning and Budget, Chief Information Officer	27398	R365-10	NEW	11/08/2004	2004-19/38
reservoirs					
Natural Resources, Water Rights	26844	R655-11	NSC	01/01/2004	Not Printed
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Commerce, Real Estate	27129	R162-201	NEW	06/29/2004	2004-10/15
	27395	R162-201	AMD	11/03/2004	2004-19/8
	27130	R162-202	AMD	06/29/2004	2004-10/15
	26837	R162-202	AMD	02/03/2004	2004-1/10
	27399	R162-202	AMD	11/03/2004	2004-19/8

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	26909	R162-203	AMD	04/12/2004	2004-4/7
	26908	R162-204	AMD	04/12/2004	2004-4/8
	26907	R162-205	AMD	04/12/2004	2004-4/9
	27352	R162-205	AMD	10/07/2004	2004-17/11
	26840	R162-206	NEW	02/03/2004	2004-1/12
	26839	R162-207	NEW	02/03/2004	2004-1/13
	27402	R162-207	AMD	11/03/2004	2004-19/12
	27403	R162-208	AMD	11/03/2004	2004-19/15
	26836	R162-208	NEW	02/03/2004	2004-1/14
	27404	R162-209	AMD	11/03/2004	2004-19/18
	26906	R162-209	AMD	04/12/2004	2004-4/10
	27405	R162-210	NEW	11/03/2004	2004-19/20
restaurants					
Tax Commission, Auditing	27056	R865-12L-7	AMD	06/29/2004	2004-9/20
	27060	R865-12L-15	AMD	06/29/2004	2004-9/24
	27061	R865-12L-16	AMD	06/29/2004	2004-9/25
	27062	R865-12L-17	AMD	06/29/2004	2004-9/26
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Transportation, Administration	26878	R907-64	5YR	01/05/2004	2004-3/49
	26879	R907-65	5YR	01/05/2004	2004-3/50
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Education, Administration	26958	R277-102	5YR	02/26/2004	2004-6/58
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Human Resource Management, Administration	27160	R477-1	AMD	07/02/2004	2004-11/23
	27170	R477-12	AMD	07/02/2004	2004-11/57
Natural Resources, Wildlife Resources	27158	R657-27	AMD	07/02/2004	2004-11/77
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	26894	R708-2	AMD	03/04/2004	2004-3/27
	27246	R708-2	AMD	08/17/2004	2004-14/27
Public Service Commission, Administration	26849	R746-100	CPR	04/01/2004	2004-5/36
	26849	R746-100	AMD	04/01/2004	2004-1/28
	26780	R746-200-6	AMD	01/07/2004	2003-23/76
safety					
Labor Commission, Occupational Safety and Health	27311	R614-1-4	NSC	09/01/2004	Not Printed
	27147	R614-1-4	AMD	07/02/2004	2004-11/67
	27148	R614-1-5	AMD	07/02/2004	2004-11/69
Labor Commission, Safety	26967	R616-2-3	AMD	04/15/2004	2004-6/55
	26674	R616-2-3	AMD	01/01/2004	2003-20/25
	26966	R616-3-3	AMD	04/15/2004	2004-6/56
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School and Institutional Trust Lands, Administration	27347	R850-80	AMD	10/04/2004	2004-17/32
sales tax					
Tax Commission, Auditing	27056	R865-12L-7	AMD	06/29/2004	2004-9/20
	27060	R865-12L-15	AMD	06/29/2004	2004-9/24
	27061	R865-12L-16	AMD	06/29/2004	2004-9/25
	27062	R865-12L-17	AMD	06/29/2004	2004-9/26
	27063	R865-19S-1	AMD	06/29/2004	2004-9/27
	27226	R865-19S-7	AMD	09/14/2004	2004-13/48
	27064	R865-19S-12	AMD	06/29/2004	2004-9/28
	27068	R865-19S-23	AMD	06/29/2004	2004-9/30
	27071	R865-19S-28	AMD	06/29/2004	2004-9/31
	27072	R865-19S-30	AMD	06/29/2004	2004-9/32
	27383	R865-19S-38	AMD	10/19/2004	2004-18/62
	27095	R865-19S-45	AMD	06/29/2004	2004-9/34
	27384	R865-19S-49	AMD	10/19/2004	2004-18/63
	27080	R865-19S-58	AMD	06/29/2004	2004-9/37
	27053	R865-19S-70	AMD	06/29/2004	2004-9/40
	27074	R865-19S-86	AMD	06/29/2004	2004-9/45
	27085	R865-19S-92	AMD	06/29/2004	2004-9/47
	27086	R865-19S-98	AMD	06/29/2004	2004-9/48
	27088	R865-19S-107	AMD	06/29/2004	2004-9/50
	27090	R865-19S-114	AMD	06/29/2004	2004-9/52
	27091	R865-19S-115	AMD	06/29/2004	2004-9/53
	27097	R865-19S-116	AMD	06/29/2004	2004-9/54
	27096	R865-19S-117	AMD	06/29/2004	2004-9/54
	27099	R865-19S-118	AMD	06/29/2004	2004-9/55
school					
Education, Administration	26961	R277-601	5YR	02/26/2004	2004-6/59
school buses					
Transportation, Motor Carrier	26880	R909-3	5YR	01/05/2004	2004-3/50
school lunch program					
Education, Administration	26830	R277-720	AMD	01/15/2004	2003-24/10
	26848	R277-720	NSC	02/01/2004	Not Printed
school personnel					
Education, Administration	27213	R277-511	REP	07/16/2004	2004-12/19
	27209	R277-512	REP	07/16/2004	2004-12/20
school transportation					
Education, Administration	26961	R277-601	5YR	02/26/2004	2004-6/59

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	26979	R277-444	AMD	04/15/2004	2004-6/4
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	26975	R309-705	CPR	08/06/2004	2004-13/57
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Commerce, Securities	26481	R164-11-2	AMD	01/05/2004	2003-15/17
	26481	R164-11-2	CPR	01/05/2004	2003-23/83
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Commerce, Occupational and Professional Licensing	26888	R156-63	AMD	03/04/2004	2004-3/5
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	27339	R590-230-5	NSC	09/01/2004	Not Printed
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	26785	R746-350	NEW	01/15/2004	2003-23/79
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	26896	R307-110-12	AMD	05/18/2004	2004-3/12
	26898	R307-110-31	CPR	05/18/2004	2004-8/87
	26898	R307-110-31	AMD	05/18/2004	2004-3/13
	27296	R307-110-33	AMD	10/07/2004	2004-15/24
	26899	R307-110-34	CPR	05/18/2004	2004-8/88
	26899	R307-110-34	AMD	05/18/2004	2004-3/14
	27344	R307-110-35	AMD	11/04/2004	2004-17/13
	26897	R307-301	AMD	05/18/2004	2004-3/15
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Human Services, Administration, Administrative Hearings	27254	R497-100	NSC	07/01/2004	Not Printed
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Commerce, Occupational and Professional Licensing	27502	R156-60a	5YR	10/21/2004	2004-22/68
	27285	R156-60a	AMD	09/01/2004	2004-15/17
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Environmental Quality, Solid and Hazardous Waste	27288	R315-317-2	AMD	09/15/2004	2004-15/36
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Environmental Quality, Drinking Water	26971	R309-204	AMD	04/21/2004	2004-6/23
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Human Services, Administration	26936	R495-882	NEW	06/29/2004	2004-5/13
state employees					
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state records committee Administrative Services, Records Committee	27277	R35-1	5YR	07/02/2004	2004-15/62
	26973	R35-1	NSC	07/02/2004	Not Printed
	27278	R35-2	5YR	07/02/2004	2004-15/62
	27279	R35-3	5YR	07/02/2004	2004-15/63
	27280	R35-4	5YR	07/02/2004	2004-15/63
	27281	R35-5	5YR	07/02/2004	2004-15/64
	27282	R35-6	5YR	07/02/2004	2004-15/64
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	26984	R655-13	AMD	05/04/2004	2004-7/16
	26884	R655-13	NSC	03/25/2004	Not Printed
	26814	R655-13	NEW	03/25/2004	2003-24/43
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	27226	R865-19S-7	AMD	09/14/2004	2004-13/48
	27064	R865-19S-12	AMD	06/29/2004	2004-9/28
	27068	R865-19S-23	AMD	06/29/2004	2004-9/30
	27071	R865-19S-28	AMD	06/29/2004	2004-9/31
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	27383	R865-19S-38	AMD	10/19/2004	2004-18/62
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	27088	R865-19S-107	AMD	06/29/2004	2004-9/50
	27090	R865-19S-114	AMD	06/29/2004	2004-9/52
	27091	R865-19S-115	AMD	06/29/2004	2004-9/53
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	27096	R865-19S-117	AMD	06/29/2004	2004-9/54
	27099	R865-19S-118	AMD	06/29/2004	2004-9/55
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Tax Commission, Auditing	27093	R865-9I-38	AMD	06/29/2004	2004-9/18
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Tax Commission, Administration	27268	R861-1A-16	NSC	07/01/2004	Not Printed
	27354	R861-1A-37	AMD	10/19/2004	2004-17/36
	27155	R861-1A-37	AMD	08/02/2004	2004-11/83
	27236	R861-1A-38	AMD	09/14/2004	2004-13/47
Tax Commission, Auditing	27389	R865-4D-24	AMD	10/19/2004	2004-18/57
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	27386	R865-6F-36	AMD	10/19/2004	2004-18/61
	26957	R865-7H	5YR	02/25/2004	2004-6/63
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	27062	R865-12L-17	AMD	06/29/2004	2004-9/26
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Education, Administration	27357	R277-503	NSC	09/01/2004	Not Printed
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	26883	R746-365	5YR	01/06/2004	2004-3/49
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	27273	R477-8-6	NSC	07/02/2004	Not Printed
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	27503	R156-60b	5YR	10/21/2004	2004-22/69
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Labor Commission, Adjudication	26772	R602-1	AMD	01/02/2004	2003-23/46
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Insurance, Administration	26791	R590-153	AMD	05/13/2004	2003-23/41
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Transportation, Motor Carrier	26823	R909-1	AMD	03/01/2004	2003-24/66
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Natural Resources, Parks and Recreation	27442	R651-620	AMD	11/16/2004	2004-20/32
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Education, Administration	27531	R277-607	5YR	11/05/2004	2004-23/57
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Tax Commission, Auditing	27388	R865-6F-8	AMD	10/19/2004	2004-18/58
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	27180	R317-103	REP	08/20/2004	2004-11/16
	26797	R317-401	CPR	07/02/2004	2004-8/89
	26797	R317-401	NEW	07/02/2004	2003-23/21
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	26242	R317-2	CPR	01/06/2004	2003-18/35
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Environmental Quality, Water Quality	26242	R317-2	CPR	01/06/2004	2003-18/35
	26242	R317-2	AMD	01/06/2004	2003-10/27
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Natural Resources, Wildlife Resources	27367	R657-9	AMD	10/19/2004	2004-18/47
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Human Services, Youth Corrections	27267	R547-14	NSC	07/01/2004	Not Printed
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Natural Resources, Water Resources	26784	R653-5	AMD	01/07/2004	2003-23/59
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	27283	R657-6	AMD	09/01/2004	2004-15/55
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Workforce Services, Employment Development	26706	R986-400	AMD	01/01/2004	2003-21/81
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Human Services, Administration, Administrative Services, Licensing	26874	R501-16	NSC	05/01/2004	Not Printed
	26804	R501-16	AMD	04/12/2004	2003-24/29