

UTAH STATE BULLETIN

OFFICIAL NOTICES OF UTAH STATE GOVERNMENT
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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/>

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Division of Administrative Rules, Salt Lake City 84114

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SPECIAL NOTICES

Governor's Declaration of Agriculture Disaster

DECLARATION OF AGRICULTURAL DISASTER

WHEREAS, severe weather events throughout the past several months have created conditions in many areas of the state to render crop and forage production unproductive for agricultural purposes;

WHEREAS, below normal snow pack and spring runoff has created below normal water levels in many areas of the state;

WHEREAS, below normal cold temperatures, killing frost, high winds, fire and drought in many areas of the state have exacerbated the difficult weather conditions;

WHEREAS, many grazing lands that are normally available to livestock owners are not available, or do not offer adequate livestock feed; and,

WHEREAS, high forage and feed costs, as well as increased transportation costs, will weigh heavily on an industry already facing severe drought;

NOW, THEREFORE, I, Jon M. Huntsman, Jr., Governor of the State of Utah, by virtue of the power vested in me by the Constitution and the laws of the State of Utah do hereby declare an "Agricultural Disaster" for the counties of Garfield, Millard, Sanpete, Kane, Piute, and Box Elder, due to the aforesaid severe weather conditions in the State of Utah.

IN TESTIMONY, WHEREOF, I have hereunto set my hand and caused to be affixed the Great Seal of the State of Utah, this 29th day of October, 2008.

(State Seal)

Jon M. Huntsman, Jr.
Governor

ATTEST:

Gary R. Herbert
Lieutenant Governor

Commerce Occupational and Professional Licensing

Public Notice of 2009 Board and Committee Meeting Schedule

NOTE: Meetings are subject to change - contact the Division at (801) 530-6628 to confirm meetings. Most meetings are held in the Heber M. Wells Building, 160 East 300 South, Salt Lake City, Utah.

SPECIAL NOTICES

<u>January</u>		
6	Unified Code Analysis Council	9:00 am
7	Hearing Instrument Specialist Licensing Board	9:00 am
7	Plumbers Licensing Board	9:00 am
7	Utah Board of Accountancy	1:00 pm
8	Board of Nursing	9:00 am
8	Alarm System Security and Licensing Board	9:00 am
8	Social Worker Licensing Board	9:00 am
8	Chiropractic Physician Licensing Board	9:00 am
8	UBCC Plumbing Advisory Committee	9:00 am
8	UBCC Electrical Advisory Committee	11:00 am
8	UBCC Structural Advisory Committee	1:00 pm
8	Radiology Technologist Licensing Board	1:00 pm
8	Dentist and Dental Hygienist Licensing Board	1:30 pm
13	UBCC Mechanical Advisory Committee	1:00 pm
14	Residence Lien Recovery Fund Advisory Board	8:15 am
14	Uniform Building Code Commission	9:00 am
14	Substance Abuse Counselor Licensing Board	9:00 am
14	Physicians Licensing Board	9:00 am
14	UBCC Architectural Advisory Committee	1:00 pm
15	Electricians Licensing Board	9:00 am
15	Contract Security Education Peer Committee	9:00 am
15	Licensed Direct-Entry Midwife Board	1:00 pm
15	Direct-Entry Midwife Administrative Rules Committee	3:00 pm
20	Board of Massage Therapy	9:00 am
20	Psychology Board	9:00 am
20	Building Inspector Licensing Board	10:00 am
20	UBCC Education Advisory Committee	1:00 pm
21	Professional Engineers and Professional Land Surveyors Licensing Board	9:00 am
21	Speech-Language Pathology/Audiology Licensing Board	9:00 am
22	Osteopathic Physician/Surgeon Licensing Board	9:00 am
27	Professional Counselor Licensing Board	9:00 am
27	State Board of Pharmacy	9:00 am

28	Construction Services Commission	9:00 am
<u>February</u>		
3	Occupational Therapy Board	9:00 am
3	Unified Code Analysis Council	9:00 am
4	Plumbers Licensing Board	9:00 am
4	Utah Board of Accountancy	1:00 pm
5	Podiatric Physician Board	8:30 am
5	Social Worker Licensing Board	9:00 am
5	Veterinarian Board	9:00 am
5	UBCC Plumbing Advisory Committee	9:00 am
5	UBCC Structural Advisory Committee	1:00 pm
5	Direct-Entry Midwife Administrative Rules Committee	3:00 pm
10	UBCC Mechanical Advisory Committee	1:00 pm
11	Residence Lien Recovery Fund Advisory Board	8:15 am
11	Uniform Building Code Commission	9:00 am
11	Optometrist Licensing Board	9:00 am
11	Architects Licensing Board	9:00 am
11	Physicians Licensing Board	9:00 am
11	UBCC Architectural Advisory Committee	1:00 pm
12	Board of Nursing	9:00 am
12	Security Services Licensing Board	9:00 am
12	Naturopathic Physician Licensing Board	9:00 am
12	Professional Geologists Licensing Board	9:00 am
12	UBCC Electrical Advisory Committee	1:00 pm
17	Physical Therapy Licensing Board	9:00 am
17	UBCC Education Advisory Committee	1:00 pm
18	Funeral Service Board	9:00 am
19	Electricians Licensing Board	9:00 am
24	State Board of Pharmacy	9:00 am
25	Construction Services Commission	9:00 am
26	Dentist and Dental Hygienist Licensing Board	1:30 pm
26	Controlled Substance Precursor Board	2:00 pm

SPECIAL NOTICES

<u>March</u>		
2	Barber, Cosmetologist/Barbering, Esthetics, Electrology and Nail Technology Licensing Board	9:00 am
3	Unified Code Analysis Council	9:00 am
4	Plumbers Licensing Board	9:00 am
4	Utah Board of Accountancy	1:00 pm
5	Alarm System Security and Licensing Board	9:00 am
5	Social Worker Licensing Board	9:00 am
5	UBCC Plumbing Advisory Committee	9:00 am
5	UBCC Structural Advisory Committee	1:00 pm
5	Direct-Entry Midwife Administrative Rules Committee	3:00 pm
10	UBCC Mechanical Advisory Committee	1:00 pm
11	Residence Lien Recovery Fund Advisory Board	8:15 am
11	Uniform Building Code Commission	9:00 am
11	Physicians Licensing Board	9:00 am
11	UBCC Architectural Advisory Committee	1:00 pm
12	Physician Assistant Licensing Board	8:30 am
12	Board of Nursing	9:00 am
12	Genetic Counselor Licensing Board	9:00 am
12	UBCC Electrical Advisory Committee	1:00 pm
17	Board of Massage Therapy	9:00 am
17	Professional Counselor Licensing Board	9:00 am
17	UBCC Education Advisory Committee	1:00 pm
18	Professional Engineers and Professional Land Surveyors Licensing Board	9:00 am
19	Marriage and Family Therapist Licensing Board	9:00 am
19	Electricians Licensing Board	9:00 am
19	Deception Detection Examiners Licensing Board	1:00 pm
19	Dentist and Dental Hygienist Licensing Board	1:30 pm
24	State Board of Pharmacy	9:00 am
24	Health Facility Administrators Licensing Board	9:00 am
25	Construction Services Commission	9:00 am
26	Respiratory Care Licensing Board	9:00 am
26	Acupuncture Licensing Board	9:00 am

<u>April</u>		
1	Plumbers Licensing Board	9:00 am
1	Hearing Instrument Specialist Licensing Board	9:00 am
1	Utah Board of Accountancy	1:00 pm
2	Social Worker Licensing Board	9:00 am
2	UBCC Plumbing Advisory Committee	9:00 am
2	Radiology Technologist Licensing Board	1:00 pm
2	UBCC Structural Advisory Committee	1:00 pm
7	Unified Code Analysis Council	9:00 am
8	Residence Lien Recovery Fund Advisory Board	8:15 am
8	Uniform Building Code Commission	9:00 am
8	Physicians Licensing Board	9:00 am
8	Substance Abuse Counselor Licensing Board	9:00 am
8	Architects Licensing Board	9:00 am
8	UBCC Architectural Advisory Committee	1:00 pm
9	Board of Nursing	9:00 am
9	Chiropractic Physician Licensing Board	9:00 am
9	Security Services Licensing Board	9:00 am
9	UBCC Electrical Advisory Committee	1:00 pm
14	UBCC Mechanical Advisory Committee	1:00 pm
15	Speech-Language Pathology/Audiology Licensing Board	9:00 am
16	Electricians Licensing Board	9:00 am
16	Contract Security Education Peer Committee	9:00 am
16	Licensed Direct-Entry Midwife Board	1:00 pm
16	Dentist and Dental Hygienist Licensing Board	1:30 pm
16	Direct-Entry Midwife Administrative Rules Committee	3:00 pm
21	Physical Therapy Licensing Board	9:00 am
21	Building Inspector Licensing Board	10:00 am
21	UBCC Education Advisory Committee	1:00 pm
22	Recreational Therapy Board	9:00 am
22	Landscape Architects Licensing Board	1:00 pm
23	Osteopathic Physician/Surgeon Licensing Board	9:00 am
28	State Board of Pharmacy	9:00 am

SPECIAL NOTICES

28	Psychology Board	9:00 am
29	Construction Services Commission	9:00 am
30	Certified Court Reporters Licensing Board	2:00 pm
<u>May</u>		
5	Unified Code Analysis Council	9:00 am
6	Plumbers Licensing Board	9:00 am
6	Utah Board of Accountancy	1:00 pm
7	Alarm System Security and Licensing Board	9:00 am
7	Social Worker Licensing Board	9:00 am
7	UBCC Plumbing Advisory Committee	9:00 am
7	UBCC Structural Advisory Committee	1:00 pm
7	Direct-Entry Midwife Administrative Rules Committee	3:00 pm
12	UBCC Mechanical Advisory Committee	1:00 pm
13	Residence Lien Recovery Fund Advisory Board	8:15 am
13	Physicians Licensing Board	9:00 am
13	Alternative Dispute Resolution Providers Board	9:00 am
13	Dietitian Board	9:00 am
13	UBCC Architectural Advisory Committee	1:00 pm
14	Board of Nursing	9:00 am
14	UBCC Electrical Advisory Committee	1:00 pm
18	Uniform Building Code Commission	9:00 am
19	Board of Massage Therapy	9:00 am
19	Professional Counselor Licensing Board	9:00 am
19	UBCC Education Advisory Committee	1:00 pm
20	Professional Engineers and Professional Land Surveyors Licensing Board	9:00 am
20	Funeral Service Board	9:00 am
21	Electricians Licensing Board	9:00 am
21	Dentist and Dental Hygienist Licensing Board	1:30 pm
26	State Board of Pharmacy	9:00 am
27	Construction Services Commission	9:00 am
28	Athlete Agent Licensing Board	8:30 am
28	Podiatric Physician Board	8:30 am

<u>June</u>		
1	Barber, Cosmetologist/Barbering, Esthetics, Electrology and Nail Technology Licensing Board	9:00 am
2	Unified Code Analysis Council	9:00 am
2	Occupational Therapy Board	9:00 am
3	Plumbers Licensing Board	9:00 am
3	Utah Board of Accountancy	1:00 pm
4	Physician Assistant Licensing Board	8:30 am
4	Social Worker Licensing Board	9:00 am
4	Veterinarian Board	9:00 am
4	UBCC Plumbing Advisory Committee	9:00 am
4	UBCC Structural Advisory Committee	1:00 pm
4	Direct-Entry Midwife Administrative Rules Committee	3:00 pm
9	UBCC Mechanical Advisory Committee	1:00 pm
10	Residence Lien Recovery Fund Advisory Board	8:15 am
10	Uniform Building Code Commission	9:00 am
10	Physicians Licensing Board	9:00 am
10	Architects Licensing Board	9:00 am
10	UBCC Architectural Advisory Committee	1:00 pm
11	Board of Nursing	9:00 am
11	Security Services Licensing Board	9:00 am
11	Marriage and Family Therapist Licensing Board	9:00 am
11	Professional Geologists Licensing Board	9:00 am
11	UBCC Electrical Advisory Committee	1:00 pm
16	Athletic Trainers Licensing Board	10:00 am
16	UBCC Education Advisory Committee	1:00 pm
18	Electricians Licensing Board	9:00 am
18	Private Probation Provider Licensing Board	10:00 am
18	Dentist and Dental Hygienist Licensing Board	1:30 pm
23	State Board of Pharmacy	9:00 am
24	Construction Services Commission	9:00 am
25	Respiratory Care Licensing Board	9:00 am

SPECIAL NOTICES

<u>July</u>		
1	Hearing Instrument Specialist Licensing Board	9:00 am
1	Plumbers Licensing Board	9:00 am
1	Osteopathic Physician/Surgeon Licensing Board	9:00 am
1	Utah Board of Accountancy	1:00 pm
2	Alarm System Security and Licensing Board	9:00 am
2	Social Worker Licensing Board	9:00 am
2	UBCC Plumbing Advisory Committee	9:00 am
2	UBCC Structural Advisory Committee	1:00 pm
2	Radiology Technologist Licensing Board	1:00 pm
7	Unified Code Analysis Council	9:00 am
8	Residence Lien Recovery Fund Advisory Board	8:15 am
8	Physicians Licensing Board	9:00 am
8	Uniform Building Code Commission	9:00 am
8	Substance Abuse Counselor Licensing Board	9:00 am
8	UBCC Architectural Advisory Committee	1:00 pm
9	Board of Nursing	9:00 am
9	UBCC Electrical Advisory Committee	1:00 pm
14	UBCC Mechanical Advisory Committee	1:00 pm
15	Professional Engineers and Professional Land Surveyors Licensing Board	9:00 am
15	Speech-Language Pathology/Audiology Licensing Board	9:00 am
16	Electricians Licensing Board	9:00 am
16	Contract Security Education Peer Committee	9:00 am
16	Licensed Direct-Entry Midwife Board	1:00 pm
16	Dentist and Dental Hygienist Licensing Board	1:30 pm
16	Direct-Entry Midwife Administrative Rules Committee	3:00 pm
21	Board of Massage Therapy	9:00 am
21	Psychology Board	9:00 am
21	Building Inspector Licensing Board	10:00 am
21	UBCC Education Advisory Committee	1:00 pm
28	State Board of Pharmacy	9:00 am
28	Professional Counselor Licensing Board	9:00 am
29	Construction Services Commission	9:00 am

<u>August</u>		
4	Unified Code Analysis Council	9:00 am
5	Environmental Health Scientist Licensing Board	9:00 am
5	Plumbers Licensing Board	9:00 am
5	Utah Board of Accountancy	1:00 pm
6	Podiatric Physician Board	8:30 am
6	Social Worker Licensing Board	9:00 am
6	UBCC Plumbing Advisory Committee	9:00 am
6	UBCC Structural Advisory Committee	1:00 pm
11	Architects Licensing Board	9:00 am
11	UBCC Mechanical Advisory Committee	1:00 pm
12	Residence Lien Recovery Fund Advisory Board	8:15 am
12	Physicians Licensing Board	9:00 am
12	Uniform Building Code Commission	9:00 am
12	Optometrist Licensing Board	9:00 am
12	UBCC Architectural Advisory Committee	1:00 pm
13	Board of Nursing	9:00 am
13	Security Services Licensing Board	9:00 am
13	UBCC Electrical Advisory Committee	1:00 pm
18	Physical Therapy Licensing Board	9:00 am
18	UBCC Education Advisory Committee	1:00 pm
19	Funeral Service Board	9:00 am
20	Electricians Licensing Board	9:00 am
20	Dentist and Dental Hygienist Licensing Board	1:30 pm
25	State Board of Pharmacy	9:00 am
26	Construction Services Commission	9:00 am
27	Physician Assistant Licensing Board	8:30 am
27	Controlled Substance Precursor Board	2:00 pm
<u>September</u>		
1	Unified Code Analysis Council	9:00 am
2	Plumbers Licensing Board	9:00 am
2	Utah Board of Accountancy	1:00 pm

SPECIAL NOTICES

3	Alarm System Security and Licensing Board	9:00 am
3	UBCC Plumbing Advisory Committee	9:00 am
3	Veterinarian Board	9:00 am
3	Social Worker Licensing Board	9:00 am
3	UBCC Structural Advisory Committee	1:00 pm
8	UBCC Mechanical Advisory Committee	1:00 pm
9	Residence Lien Recovery Fund Advisory Board	8:15 am
9	Uniform Building Code Commission	9:00 am
9	Physicians Licensing Board	9:00 am
9	Alternative Dispute Resolution Providers Board	9:00 am
9	UBCC Architectural Advisory Committee	1:00 pm
10	Board of Nursing	9:00 am
10	Marriage and Family Therapist Licensing Board	9:00 am
10	UBCC Electrical Advisory Committee	1:00 pm
14	Barber, Cosmetologist/Barbering, Esthetics, Electrology and Nail Technology Licensing Board	9:00 am
15	Board of Massage Therapy	9:00 am
15	Professional Counselor Licensing Board	9:00 am
15	UBCC Education Advisory Committee	1:00 pm
16	Professional Engineers and Professional Land Surveyors Licensing Board	9:00 am
17	Electricians Licensing Board	9:00 am
17	Deception Detection Examiners Licensing Board	1:00 pm
17	Dentist and Dental Hygienist Licensing Board	1:30 pm
22	State Board of Pharmacy	9:00 am
22	Recreational Therapy Board	9:00 am
23	Landscape Architects Licensing Board	1:00 pm
24	Respiratory Care Licensing Board	9:00 am
30	Construction Services Commission	9:00 am
<u>October</u>		
1	Social Worker Licensing Board	9:00 am
1	UBCC Plumbing Advisory Committee	9:00 am
1	UBCC Structural Advisory Committee	1:00 pm
1	Radiology Technologist Licensing Board	1:00 pm

6	Unified Code Analysis Council	9:00 am
6	Occupational Therapy Board	9:00 am
7	Hearing Instrument Specialist Licensing Board	9:00 am
7	Substance Abuse Counselor Licensing Board	9:00 am
7	Plumbers Licensing Board	9:00 am
7	Osteopathic Physician/Surgeon Licensing Board	9:00 am
7	Utah Board of Accountancy	1:00 pm
8	Board of Nursing	9:00 am
8	Chiropractic Physician Licensing Board	9:00 am
8	Security Services Licensing Board	9:00 am
8	Professional Geologists Licensing Board	9:00 am
8	UBCC Electrical Advisory Committee	1:00 pm
13	Architects Licensing Board	9:00 am
13	UBCC Mechanical Advisory Committee	1:00 pm
14	Residence Lien Recovery Fund Advisory Board	8:15 am
14	Physicians Licensing Board	9:00 am
14	Uniform Building Code Commission	9:00 am
14	UBCC Architectural Advisory Committee	1:00 pm
15	Electricians Licensing Board	9:00 am
15	Contract Security Education Peer Committee	9:00 am
15	Licensed Direct-Entry Midwife Board	1:00 pm
20	Psychology Board	9:00 am
20	UBCC Education Advisory Committee	1:00 pm
21	Speech-Language Pathology/Audiology Licensing Board	9:00 am
22	Dentist and Dental Hygienist Licensing Board	1:30 pm
27	State Board of Pharmacy	9:00 am
27	Health Facility Administrators Licensing Board	9:00 am
28	Construction Services Commission	9:00 am
28	Athletic Trainers Licensing Board	10:00 am
29	Acupuncture Licensing Board	9:00 am
29	Certified Court Reporters Licensing Board	2:00 pm

SPECIAL NOTICES

<u>November</u>		
3	Unified Code Analysis Council	9:00 am
4	Plumbers Licensing Board	9:00 am
4	Physicians Licensing Board	9:00 am
4	Utah Board of Accountancy	1:00 pm
5	Alarm System Security and Licensing Board	9:00 am
5	Social Worker Licensing Board	9:00 am
5	UBCC Plumbing Advisory Committee	9:00 am
5	UBCC Structural Advisory Committee	1:00 pm
10	UBCC Mechanical Advisory Committee	1:00 pm
11	Residence Lien Recovery Fund Advisory Board	8:15 am
11	UBCC Architectural Advisory Committee	1:00 pm
12	Podiatric Physician Board	8:30 am
12	Board of Nursing	9:00 am
12	Naturopathic Physician Licensing Board	9:00 am
12	UBCC Electrical Advisory Committee	1:00 pm
16	Uniform Building Code Commission	9:00 am
17	State Board of Pharmacy	9:00 am
17	Board of Massage Therapy	9:00 am
17	Professional Counselor Licensing Board	9:00 am
17	UBCC Education Advisory Committee	1:00 pm
18	Professional Engineers and Professional Land Surveyors Licensing Board	9:00 am
18	Funeral Service Board	9:00 am
19	Electricians Licensing Board	9:00 am
19	Dentist and Dental Hygienist Licensing Board	1:30 pm
25	Athlete Agent Licensing Board	8:30 am
25	Construction Services Commission	9:00 am
<u>December</u>		
1	Unified Code Analysis Council	9:00 am
2	Plumbers Licensing Board	9:00 am
2	Utah Board of Accountancy	1:00 pm
3	Physician Assistant Licensing Board	8:30 am

3	Social Worker Licensing Board	9:00 am
3	UBCC Plumbing Advisory Committee	9:00 am
3	UBCC Structural Advisory Committee	1:00 pm
7	Barber, Cosmetologist/Barbering, Esthetics, Electrology and Nail Technology Licensing Board	9:00 am
8	Architects Licensing Board	9:00 am
8	UBCC Mechanical Advisory Committee	1:00 pm
9	Residence Lien Recovery Fund Advisory Board	8:15 am
9	Physicians Licensing Board	9:00 am
9	Uniform Building Code Commission	9:00 am
9	UBCC Architectural Advisory Committee	1:00 pm
10	Board of Nursing	9:00 am
10	Marriage and Family Therapist Licensing Board	9:00 am
10	Security Services Licensing Board	9:00 am
13	UBCC Electrical Advisory Committee	1:00 pm
15	State Board of Pharmacy	9:00 am
15	Physical Therapy Licensing Board	9:00 am
15	Building Inspector Licensing Board	10:00 am
15	UBCC Education Advisory Committee	1:00 pm
17	Electricians Licensing Board	9:00 am
17	Private Probation Provider Licensing Board	10:00 am
17	Dentist and Dental Hygienist Licensing Board	1:30 pm
30	Construction Services Commission	9:00 am

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

Notice for December Medicaid Rate Changes

Effective December 1, 2008, Utah Medicaid will adjust its rates consistent with approved methodologies. Rate adjustments include new codes priced consistent with approved Medicaid methodologies, as well as potential adjustments to existing codes. No significant reimbursement change to impacted providers is expected. All rate changes are posted to the web and can be viewed at: <http://health.utah.gov/medicaid/stplan/bcrp.htm>. A copy of the changes may also be obtained through local health departments.

NOTICES OF PROPOSED RULES

A state agency may file a PROPOSED RULE when it determines the need for a new rule, a substantive change to an existing rule, or a repeal of an existing rule. Filings received between October 16, 2008, 12:00 a.m., and October 31, 2008, 11:59 p.m. are included in this, the November 15, 2008, 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 between paragraphs (.) indicates that unaffected text from within a section was removed to conserve space. Unaffected sections are not printed. If a PROPOSED RULE is too long to print, the Division of Administrative Rules will include only the RULE ANALYSIS. A copy of each rule that is too long to print is available from the filing agency or from the Division of Administrative Rules.

The law requires that an agency accept public comment on PROPOSED RULES published in this issue of the *Utah State Bulletin* until at least December 15, 2008. 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 63G-3-302 requires that a hearing request be received "in writing not more than 15 days after the publication date of the PROPOSED RULE."

From the end of the public comment period through March 15, 2009, 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 seven calendar days after the close of the public comment period nor more than 120 days after the publication date of this issue of the *Utah State Bulletin*. Alternatively, the agency may file a CHANGE IN PROPOSED RULE in response to comments received. If the 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 Section 63G-3-301; and 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.

**Commerce, Occupational and
Professional Licensing
R156-40
Recreational Therapy Practice Act
Rules**

NOTICE OF PROPOSED RULE

(Amendment)

DAR FILE NO.: 32071

FILED: 10/20/2008, 16:44

RULE ANALYSIS

PURPOSE OF THE RULE OR REASON FOR THE CHANGE: The Division and the Recreational Therapy Board are proposing amendments to the rule to clarify the timing requirements for licensure as a Therapeutic Recreation Technician (TRT).

SUMMARY OF THE RULE OR CHANGE: Throughout the rule, the term "rules" has been replaced with "rule" where applicable. Section R156-40-302d is added to clarify time limitations for TRT applicants. A TRT is required to complete a 90-hour education course and a 125-hour practicum. Currently applicants are unclear as to the expectation that after they complete their education and practicum that they should pass a theory examination and apply for licensure. Remaining sections have been renumbered.

STATE STATUTORY OR CONSTITUTIONAL AUTHORIZATION FOR THIS RULE: Section 58-40-1 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 of 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.
- ❖ **LOCAL GOVERNMENTS:** The proposed amendments do not apply to local governments. Therefore, no costs or savings are anticipated to local governments. The proposed amendments only apply to applicants for licensure as a TRT.
- ❖ **SMALL BUSINESSES AND PERSONS OTHER THAN BUSINESSES:** The proposed amendments only apply to applicants for licensure as a TRT to clarify the timing of licensing requirements. Small businesses may only be affected if they employ a TRT. The Division however anticipates no significant costs or savings as a result of the proposed amendments either to small businesses or applicants for licensure as a TRT. The only time an additional cost would be involved for a TRT applicant would be if they had not applied for licensure within two years after completion of the education course; then the applicant would be required to again complete the education and practicum and pass the examination prior to applying for licensure. Costs involved in retaking the education, practicum and examination could cost approximately \$500-\$700 per applicant. However, the Division is not able to determine how many, if any, applicants would not apply for licensure within the two-year time frame.

COMPLIANCE COSTS FOR AFFECTED PERSONS: The proposed amendments only apply to applicants for licensure as a TRT to clarify the timing of licensing requirements. The Division however anticipates no significant costs or savings as a result of the proposed amendments to applicants for licensure as a TRT. The only time an additional cost would be involved for a TRT applicant would be if they had not applied for licensure within two years after completion of the education course; then the applicant would be required to again complete the education and practicum and pass the examination prior to applying for licensure. Costs involved in retaking the education, practicum and examination could cost approximately \$500-\$700 per applicant. However, the Division is not able to determine how many, if any, applicants would not apply for licensure within the two-year time frame.

COMMENTS BY THE DEPARTMENT HEAD ON THE FISCAL IMPACT THE RULE MAY HAVE ON BUSINESSES: No fiscal impact to businesses is anticipated with this rule filing which clarifies the timing of various licensure requirements relating to therapeutic recreation technicians. Francine A. Giani, 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:

Noel Taxin at the above address, by phone at 801-530-6621, by FAX at 801-530-6511, or by Internet E-mail at ntaxin@utah.gov

INTERESTED PERSONS MAY PRESENT THEIR VIEWS ON THIS RULE BY SUBMITTING WRITTEN COMMENTS TO THE ADDRESS ABOVE NO LATER THAN 5:00 PM on 12/15/2008

INTERESTED PERSONS MAY ATTEND A PUBLIC HEARING REGARDING THIS RULE: 12/02/2008 at 9:00 AM, Heber Wells Bldg, 160 E 300 S, Conference Room 464 (fourth floor), Salt Lake City, UT.

THIS RULE MAY BECOME EFFECTIVE ON: 12/22/2008

AUTHORIZED BY: F. David Stanley, Director

**R156. Commerce, Occupational and Professional Licensing.
R156-40. Recreational Therapy Practice Act Rule[s].**

R156-40-101. Title.

Th[ese]is rule[s-are] is known as the "Recreational Therapy Practice Act Rule[s]".

R156-40-102. Definitions.

In addition to the definitions in Title 58, Chapters 1 and 40, as used in Title 58, Chapters 1 and 40 or th[ese]is rule[s]:

(1) "Approved graduate degree in recreation therapy or a graduate degree with an approved emphasis in recreation therapy", as used in Subsection 58-40-5(1)(a)(i), means an earned graduate degree which includes a minimum of nine semester hours or 12 quarter hours of upper division or graduate level course work in recreation therapy.

(2) "CTRS" means a person certified as a Certified Therapeutic Recreation Specialist by the National Council for Therapeutic Recreation Certification.

(3) "Full-time, on-site", as used in Subsections 58-40-5(3)(c), 58-40-6(3)(a)(i) and (3)(b)(i), means an individual who is employed on the premises with the hiring agency for a minimum of 30 hours per week.

(4) "Maintain the on-going documentation", as used in Subsection 58-40-6(3)(b), means:

(a) collecting data for the assessment process;

(b) documenting the on-going treatment or intervention provided to clients according to the treatment plan; and

(c) providing periodic review of client status according to agency regulations.

(5) "MTRS" means a person licensed as a master therapeutic recreation specialist.

(6) "NCTRC" means the National Council for Therapeutic Recreation Certification.

(7) "Supervision", as used in Subsections 58-40-5(3)(c), 58-40-6(1)(a), (2)(b), (3)(a)(i) and (3)(b)(i), means full-time, on-site oversight by a MTRS or TRS of the recreation therapy services offered.

(8) "Supervision of a temporary TRS", as used in Subsection R156-40-302e(d), means that the MTRS or TRS supervisor is responsible for the recreation therapy activities performed by the temporary TRS and will review and approve the treatment plans as well as any modifications to the treatment plans as evidenced by the signature of the MTRS or TRS in the treatment plan.

(9) "TRS" means a person licensed as a therapeutic recreation specialist.

(10) "TRT" means a person licensed as a therapeutic recreation technician.

(11) "Unprofessional conduct" is defined in Title 58, Chapters 1 and 40.

R156-40-103. Authority - Purpose.

Th[ese]is rule[s-are] is adopted by the division under the authority of Subsection 58-1-106(1)(a) to enable the division to administer Title 58, Chapter 40.

R156-40-302d. Time Limitation for TRT applicants.

(1) In accordance with Subsection 58-40-5(3) and Sections R156-40-302a, R156-40-302b and R156-40-302c, a TRT applicant shall pass the examination and apply for licensure after completion of the 125 practicum hours required under Subsection R156-40-302b(3) and must do within the same nine month period referred to in that Subsection.

(2) A TRT applicant who does not complete the education, practicum and examination within nine months is not eligible to be employed as a TRT in a therapeutic recreation department.

(3) A TRT student who does not seek licensure within two years after completion of the education course shall retake the education, practicum and pass the examination prior to applying for licensure.

R156-40-302[d]e. Qualifications for Supervision.

"Supervision of a therapeutic recreation technician", as used in Subsection 58-40-6(3)(a)(i) and (3)(b)(i), means that the MTRS or TRS supervisor is responsible for:

(1) providing on-site training, observation, direction and evaluation, as defined in Subsection 58-40-2(4)(b), to include:

(a) reviewing the recreation therapy intervention performed by the TRT as defined by the treatment plan;

(b) demonstrating periodic review and evaluation of ongoing documentation;

(c) reviewing the recreation therapy program according to administrative and governing regulations; and

(d) reviewing and evaluating adherence to the standards of the profession.

R156-40-302[e]f. Qualifications for Temporary License as a TRS - Supervision Required.

(1) In accordance with Section 58-1-303, an applicant for temporary licensure as a TRS shall:

(a) submit an application for temporary license in the form prescribed by the division which includes a verification that the applicant has registered and been approved to take the next available NCTRC examination;

(b) pay a fee determined by the department under Section 63J-1-303;

(c) meet all the requirements for licensure, except passing the NCTRC examination; and

(d) practice recreation therapy under the supervision of a Utah licensed TRS or MTRS as defined in Subsection R156-40-102(8).

(2) The temporary license will not be issued for a period greater than ten months.

(3) The temporary license will not be renewed or extended for any purpose.

KEY: licensing, recreational therapy, recreation therapy
Date of Enactment or Last Substantive Amendment: [September 14, 2006]2008

Notice of Continuation: September 19, 2006

Authorizing, and Implemented or Interpreted Law: 58-40-1; 58-1-106(1)(a); 58-1-202(1)(a)

◆ ————— ◆

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

NOTICE OF PROPOSED RULE

(Amendment)

DAR FILE NO.: 32090

FILED: 10/30/2008, 09:38

RULE ANALYSIS

PURPOSE OF THE RULE OR REASON FOR THE CHANGE: The Division and Hearing Instrument Specialist Licensing Board are proposing amendments to the rule to: 1) clarify when a

hearing instrument intern can take the Utah Practical Examination; 2) increase the minimum passing score on the Utah Law and Rule examination; and 3) add additional unprofessional conduct definitions.

SUMMARY OF THE RULE OR CHANGE: Throughout the rule the term "rules" has been replaced with "rule" where applicable. Also throughout the rule, statutory citations have been updated. In Section R156-46a-302c, amendments are made in this section to clarify when a hearing instrument intern is eligible to take the Utah Practical Examination. Also the passing score for the Utah Law and Rules Examination was increased from 75% to 85%. In Section R156-46a-502a, added three new definitions of unprofessional conduct: 1) using stalling tactics, excuses, arguing or attempting to dissuade the purchaser to avoid or delay the customer from exercising the 30-day right to cancel a hearing aid purchase; 2) failing to start the reimbursement process within 48 hours of the purchaser's request to cancel a hearing aid purchase; and 3) failing to conform to the generally accepted and recognized standards and ethics of the profession which are outlined in two documents.

STATE STATUTORY OR CONSTITUTIONAL AUTHORIZATION FOR THIS RULE: Sections 58-46a-101 and 58-46a-304, and Subsections 58-1-106(1)(a) and 58-1-202(1)(a)

THIS RULE OR CHANGE INCORPORATES BY REFERENCE THE FOLLOWING MATERIAL: Adds the Hearing Health Care Providers of Utah Association, "Utah Code of Ethics and Standards of Practice", adopted September 6, 2006; and the Code of Ethics of the International Hearing Society, adopted April 2007

ANTICIPATED COST OR SAVINGS TO:

❖ **THE STATE BUDGET:** The Division will incur minimal costs of 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.

❖ **LOCAL GOVERNMENTS:** The proposed amendments do not apply to local governments. The proposed amendments only apply to licensed hearing instrument specialists and licensed hearing instrument interns and applicants for licensure in those classifications.

❖ **SMALL BUSINESSES AND PERSONS OTHER THAN BUSINESSES:** The proposed amendments only apply to licensed hearing instrument specialists and hearing instrument interns and applicants for licensure in those classifications. These individuals may qualify as a "small business" if the business pays any licensing fees required for the individual. The proposed amendments will impact the hearing instrument industry by requiring a minimum number of hours an intern must work under direct supervision before the intern is eligible to take the appropriate examinations and then if successful begin to work under indirect supervision. However, the proposed amendments will ensure that the intern is fully trained and is ready to work on his own and will be beneficial to public safety. Any exact cost amount is difficult to quantify due to varying circumstances. Also, licensed hearing instrument specialists and hearing instrument interns could

see increased costs if they engaged in unprofessional conduct in needing to represent themselves or through an attorney if any disciplinary action proceeding is filed against them. Again any exact cost amount is difficult to quantify due to varying circumstances.

COMPLIANCE COSTS FOR AFFECTED PERSONS: The proposed amendments only apply to licensed hearing instrument specialists and hearing instrument interns and applicants for licensure in those classifications. The proposed amendments will impact the hearing instrument industry by requiring a minimum number of hours an intern must work under direct supervision before the intern is eligible to take the appropriate examinations and then if successful begin to work under indirect supervision. However, the proposed amendments will ensure that the intern is fully trained and is ready to work on his own and will be beneficial to public safety. Any exact cost amount is difficult to quantify due to varying circumstances. Also, licensed hearing instrument specialists and hearing instrument interns could see increased costs if they engaged in unprofessional conduct in their practice in needing to represent themselves or through an attorney if any disciplinary action proceeding is filed against them. Again any exact cost amount is difficult to quantify due to varying circumstances.

COMMENTS BY THE DEPARTMENT HEAD ON THE FISCAL IMPACT THE RULE MAY HAVE ON BUSINESSES: This rule filing establishes and clarifies examination requirements for applicants and also further clarifies the definition of "unprofessional conduct". There may be additional costs to intern applicants based upon the requirements that the applicant complete certain internship experience and education in order to be eligible for the examination, but that cost is difficult to quantify and will likely be offset by the benefit to the public of having better trained interns. Francine A. Giani, 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:

Clyde Ormond at the above address, by phone at 801-530-6254, by FAX at 801-530-6511, or by Internet E-mail at cormond@utah.gov

INTERESTED PERSONS MAY PRESENT THEIR VIEWS ON THIS RULE BY SUBMITTING WRITTEN COMMENTS TO THE ADDRESS ABOVE NO LATER THAN 5:00 PM on 12/15/2008

INTERESTED PERSONS MAY ATTEND A PUBLIC HEARING REGARDING THIS RULE: 11/20/2008 at 9:00 AM, Heber Wells Bldg, 160 E 300 S, Conference Room 250 (second floor hearing room), Salt Lake City, UT.

THIS RULE MAY BECOME EFFECTIVE ON: 12/22/2008

AUTHORIZED BY: F. David Stanley, Director

R156. Commerce, Occupational and Professional Licensing.
R156-46a. Hearing Instrument Specialist Licensing Act Rule[s].
R156-46a-101. Title.

Th[ese]is rule[s-are] is known as the "Hearing Instrument Specialist Licensing Act Rule[s]."

R156-46a-102. Definitions.

In addition to the definitions in Title 58, Chapters 1 and 46a, as used in Title 58, Chapters 1 and 46a or th[ese]is rule[s]:

- (1) "Analog" means a continuous variable physical signal.
- (2) "Digital" means using or involving numerical digits, expressed in a scale of notation to represent discreetly all variables occurring.
- (3) "Programmable" means the electronic technology in the hearing instrument can be modified independently.
- (4) "Unprofessional conduct," as defined in Title 58 Chapters 1 and 46a, is further defined, in accordance with Subsection 58-1-203(1)(e), in Section R156-46a-502.

R156-46a-103. Authority - Purpose.

Th[ese]is rule[s-are] is adopted by the division under the authority of Subsection 58-1-106(1)(a) to enable the division to administer Title 58, Chapter 46a.

R156-46a-302a. Qualifications for Licensure - Hearing Instrument Specialist Certification Requirement.

In accordance with Subsections 58-1-203([2]1)(b) and 58-1-301(3), an applicant shall submit a notarized copy of his current certificate documenting National Board for Certification in Hearing Instrument Sciences (NBC-HIS) to satisfy the certification requirement for licensure as a hearing instrument specialist in Subsection 58-46a-302(1)(e).

R156-46a-302b. Qualifications for Licensure - Hearing Instrument Specialist Experience Requirement.

In accordance with Subsections 58-1-203([2]1)(b) and 58-1-301(3), the experience requirement for licensure as a hearing instrument specialist in Subsection 58-46a-302(1)(d) is defined and clarified as follows.

An applicant shall document successful completion of 4000 hours of acceptable practice as a hearing instrument intern by submitting a notarized Completion of Internship form provided by the division.

R156-46a-302c. Qualifications for Licensure - ~~Passing Score for Utah Law and Rules Examination~~ Examination Requirements.

In accordance with Subsections 58-46a-302(1)(f) and 58-46a-302.5(1)(b), the requirements for the examination of a hearing instrument intern are defined as clarified as follows:

- (1) In order to qualify to take the Utah Practical Examination for Hearing Instrument Interns, an applicant as a hearing instrument intern shall have been licensed, have completed 500 hours of the 4,000 hour hearing instrument internship under direct supervision and have completed the National Institute for Hearing instrument studies education and examination program.

(2) In order to pass the Utah Law and Rules Examination for Hearing Instrument Specialists, an applicant as a hearing instrument specialist or hearing instrument intern shall achieve a score of at least ~~75%~~85%.

R156-46a-304. Continuing Education.

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

- (1) Continuing education courses shall be offered in the following areas:
 - (a) acoustics;
 - (b) nature of the ear (normal ear, hearing process, disorders of hearing);
 - (c) hearing measurement;
 - (d) hearing aid technology;
 - (e) selection of hearing aids;
 - (f) marketing and customer relations;
 - (g) client counseling;
 - (h) ethical practice;
 - (i) state laws and regulations regarding the dispensing of hearing aids; and
 - (j) other areas deemed appropriate by the Division in collaboration with the Board.
- (2) Only contact hours from the American Speech-Language-Hearing Association (ASHA) or the International Hearing Society (IHS) shall be applied towards meeting the minimum requirements set forth in Subsection R156-46a-304(4).
- (3) As verification of contact hours earned, the Division will accept copies of transcripts or certificates of completion from continuing education courses approved by ASHA or IHS.
- (4) A minimum of 20 contact hours shall be obtained by a hearing instrument specialist in order to have the license renewed every two years.

R156-46a-502a. Unprofessional Conduct.

"Unprofessional conduct" includes:

- (1) violating any state or federal law applicable to persons practicing as a hearing instrument specialist or hearing instrument intern;
- (2) failure to perform the minimum components of an evaluation for a hearing aid as set forth in Section R156-46a-502b;
- (3) aiding or abetting any person other than a Utah licensed hearing instrument specialist, a licensed hearing instrument intern, a licensed audiologist, or a licensed physician to perform a hearing aid examination;
- (4) dispensing a hearing aid without the purchaser having:
 - (a) received a medical evaluation by a licensed physician within the preceding six months prior to the purchase of a hearing aid; or
 - (b) a document signed by the purchaser being a fully informed adult waiving the medical evaluation in accordance with Food and Drug Administration (FDA) required disclosures, except a person under the age of 18 years may not waive the medical evaluation;
- (5) using or causing or promoting the use of any advertising matter, promotional literature, testimonial, guarantee, warranty, label, brand, insignia, or other representation, however disseminated or published, which is misleading, deceiving, or untruthful;
- (6) quoting prices of competitive hearing instruments or devices without disclosing that they are not the current prices or to

show, demonstrate, or represent competitive models as being current when such is not the fact;

(7) using the word digital in any advertising matter, promotional literature, testimonial, guarantee, warranty, label, brand, insignia or other representation when the hearing instrument circuit is less than 100% digital, unless the word digital is accompanied by the word analog, as in "digitally programmable analog hearing aid";

(8) using stalling tactics, excuses, arguing or attempting to dissuade the purchaser to avoid or delay the customer from exercising the 30-day right to cancel a hearing aid purchase pursuant to Subsection 58-46a-503(1);

(9) failing to start the reimbursement process within 48 hours of the purchaser's request to cancel a hearing aid purchase pursuant to Subsection 58-46a-503(1);

~~(8)10~~ failure to perform a prepurchase hearing evaluation;

~~(9)11~~ supervising more than two hearing instrument interns at one time;~~and~~

~~(10)12~~ failing as a hearing instrument intern supervisor to comply with any of the requirements of Section R156-46a-302d; and

(13) failing to conform to the generally accepted and recognized standards and ethics of the profession including those established in the Hearing Health Care Providers of Utah Association, "Utah Code of Ethics and Standards of Practice", adopted September 6, 2006, and the Code of Ethics of the International Hearing Society, adopted April 2007, which are hereby incorporated by reference.

KEY: licensing, hearing aids, hearing instrument specialist, hearing instrument intern

Date of Enactment or Last Substantive Amendment: ~~[July 11, 2006]~~2008

Notice of Continuation: June 24, 2004

Authorizing, and Implemented or Interpreted Law: 58-1-106(1)(a); 58-1-202(1)(a); 58-46a-101; 58-46a-304



Commerce, Real Estate R162-2-2 Licensing Procedure

NOTICE OF PROPOSED RULE

(Amendment)

DAR FILE No.: 32115

FILED: 10/30/2008, 17:49

RULE ANALYSIS

PURPOSE OF THE RULE OR REASON FOR THE CHANGE: The Real Estate Commission formed a committee that studied industry needs and public protection issues and recommended a rewrite of the broker curriculum. The Commission approved the changes. The changes must now be reflected in rule.

SUMMARY OF THE RULE OR CHANGE: The rule changes broker curriculum to better reflect issues faced by real estate brokers.

STATE STATUTORY OR CONSTITUTIONAL AUTHORIZATION FOR THIS RULE: Subsection 61-2-5.5(1)(a)(ii)

ANTICIPATED COST OR SAVINGS TO:

❖ THE STATE BUDGET: There is no cost to the state since the number of hours required and approved by the state do not change.

❖ LOCAL GOVERNMENTS: There is no cost to local governments. Local governments are exempt from licensure.

❖ SMALL BUSINESSES AND PERSONS OTHER THAN BUSINESSES: There is no cost to small businesses for lost revenue since the number of prelicensing education hours broker applicants must take are the same as before.

COMPLIANCE COSTS FOR AFFECTED PERSONS: Broker prelicensing education schools will need to change their curriculum to comply with the rule changes. However, the schools are the ones that proposed the curriculum be updated. They are excited to make their product more valuable.

COMMENTS BY THE DEPARTMENT HEAD ON THE FISCAL IMPACT THE RULE MAY HAVE ON BUSINESSES: This rule filing amends the real estate broker education requirement, by changing the curriculum to be taught by real estate licensing schools. No fiscal impact is anticipated other than to the prelicensing education schools, which must modify their curricula. However, it was the schools that requested this amendment, and they support the rule change. Francine Giani, Executive Director

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

COMMERCE

REAL ESTATE

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:

Mark Steinagel at the above address, by phone at 801-530-6744, by FAX at 801-530-6749, or by Internet E-mail at msteinagel@utah.gov

INTERESTED PERSONS MAY PRESENT THEIR VIEWS ON THIS RULE BY SUBMITTING WRITTEN COMMENTS TO THE ADDRESS ABOVE NO LATER THAN 5:00 PM on 12/15/2008.

THIS RULE MAY BECOME EFFECTIVE ON: 12/22/2008

AUTHORIZED BY: Mark Steinagel, Director

R162. Commerce, Real Estate.

R162-2. Exam and License Application Requirements.

R162-2-2. Licensing Procedure.

2.2. Within 90 days after successful completion of the exam, the applicant shall return to the Division each of the following:

2.2.1. A report of the examination indicating that both portions of the exam have been passed within a six-month period of time.

2.2.2. The license application form required by the Division. The application form shall include the licensee's business and home address. A post office box without a street address is unacceptable as a business or home address. The licensee may designate any address to be used as a mailing address.

2.2.3. The non-refundable fees which will include the appropriate license fee as authorized by Section 61-2-9(5) and the Recovery Fund fee as authorized by Section 61-2a-4.

2.2.4. Documentation indicating successful completion of the required education taken within the year prior to licensing. If the applicant has been previously licensed in another state which has substantially equivalent licensing requirements, he may apply to the Division for a waiver of all or part of the educational requirement.

2.2.4.1. Candidates for the license of sales agent will successfully complete 90 classroom hours of approved study in principles and practices of real estate. Experience will not satisfy the education requirement. Membership in the Utah State Bar will waive this requirement. The Division may waive all or part of the educational requirement by virtue of equivalent education taken while completing a college undergraduate or postgraduate degree program, regardless of the date of the degree, or by virtue of other equivalent real estate education if the other real estate education was taken within 12 months prior to application.

2.2.4.2. Candidates for the license of associate broker or principal broker will successfully complete 120 classroom hours of ~~[approved] study curriculum approved by the Commission consisting of 45 hours of broker principles, 45 hours of broker practices, and 30 hours of Utah law and testing [consisting of at least 24 classroom hours in brokerage management, 24 classroom hours in advanced appraisal, 24 classroom hours in advanced finance, 24 hours in advanced property management and 24 classroom hours in advanced real estate law]~~. Experience will not satisfy the education requirement. The Division may waive all or part of the educational requirement by virtue of equivalent education taken while completing a college undergraduate or postgraduate degree program, regardless of the date of the degree, or by virtue of other equivalent real estate education if the other real estate education was taken within 12 months prior to application.

2.2.5. The principal broker and associate broker applicant will submit the forms required by the Division documenting a minimum of three years licensed real estate experience and a total of at least 60 points accumulated within the five years prior to licensing. A minimum of two years (24 months) and at least 45 points will be accumulated from Tables I and/or II. The remaining 15 points may be accumulated from Tables I, II or III.

TABLE I - REAL ESTATE TRANSACTIONS

RESIDENTIAL - points can be accumulated from either the selling or the listing side of a real estate closing:	
(a) One unit dwelling	2.5 points
(b) Two- to four-unit dwellings	5 points
(c) Apartments, 5 units or over	10 points
(d) Improved lot	2 points
(e) Vacant land/subdivision	10 points
COMMERCIAL	
(f) Hotel or motel	10 points
(g) Industrial or warehouse	10 points
(h) Office building	10 points
(i) Retail building	10 points
(j) Leasing of commercial space	5 points

TABLE II - PROPERTY MANAGEMENT

RESIDENTIAL	
(a) Each unit managed	.25 pt/month
COMMERCIAL - hotel/motel, industrial/warehouse, office, or retail building	
(b) Each contract OR each separate property address or location for which licensee has direct responsibility	1 pt/month

2.2.6. The Principal Broker may accumulate additional experience points by having participated in real estate related activities such as the following:

TABLE III - OPTIONAL

Real Estate Attorney	1 pt/month
CPA-Certified Public Accountant	1 pt/month
Mortgage Loan Officer	1 pt/month
Licensed Escrow Officer	1 pt/month
Licensed Title Agent	1 pt/month
Designated Appraiser	1 pt/month
Licensed General Contractor	1 pt/month
Bank Officer in Real Estate Loans	1 pt/month
Certified Real Estate Prelicensing Instructor	.5 pt/month

2.2.7. If the review of an application has been performed by the Division and the Division has denied the application based on insufficient experience, and if the applicant believes that the Experience Points Tables do not adequately reflect the amount of the applicant's experience, the applicant may petition the Real Estate Commission for reevaluation by making a written request within 30 days after the denial stating specific grounds upon which relief is requested. The Commission shall thereafter consider the request and issue a written decision.

2.2.8. An applicant previously licensed in another state will provide a written record of his license history from that state and documentation of disciplinary action, if any, against his license.

2.2.9. Qualifications of License Applicants. An applicant for a new license may not:

- (a) have been convicted of, entered a plea in abeyance to, or completed any sentence of confinement on account of, any felony within five years preceding the application; or
- (b) have been convicted of, entered a plea in abeyance to, or completed any sentence of confinement on account of, any misdemeanor involving fraud, misrepresentation, theft, or dishonesty within three years preceding the application.

2.2.10. Qualifications for Renewal. An applicant for license renewal, or for reinstatement of an expired license, may not have:

- (a) been convicted of or entered a plea in abeyance to a felony during the term of the last license or during the period between license expiration and application to reinstate an expired license; or
- (b) a finding of fraud, misrepresentation or deceit entered against the applicant, related to activities requiring a real estate license, by any court of competent jurisdiction or any government agency, unless the finding was explicitly considered by the Division in approving the applicant's initial license or previous license renewals.

2.2.11. Determining fitness for licensure. In determining whether an applicant who has not been disqualified by Subsections 2.2.9 or 2.2.10 meet the requirements of honesty, integrity, truthfulness, reputation and competency required for a new or a renewed license, the Commission and the Division will consider information they consider necessary to make this determination, including the following:

2.2.11.1. Whether an applicant has been denied a license to practice real estate, property management, or any regulated profession, business, or vocation, or whether any license has been suspended or revoked or subjected to any other disciplinary sanction by this or another jurisdiction;

2.2.11.2. Whether an applicant has been guilty of conduct or practices which would have been grounds for revocation or suspension of license under Utah law had the applicant then been licensed;

2.2.11.3. Whether a civil judgment has been entered against the applicant based on a real estate transaction, and whether the judgment has been fully satisfied;

2.2.11.4. Whether a civil judgment has been entered against the applicant based on fraud, misrepresentation or deceit, and whether the judgment has been fully satisfied.

2.2.11.5. Whether an applicant has ever been convicted of, or entered a plea in abeyance to, any criminal offense, or whether any criminal charges against the applicant have ever been resolved by a diversion agreement or similar disposition;

2.2.11.6. Whether restitution ordered by a court in a criminal case has been fully satisfied;

2.2.11.7. Whether the parole or probation in a criminal case or the probation in a licensing action has been completed and fully served; and

2.2.11.8. Whether there has been subsequent good conduct on the part of the applicant. If, because of lapse of time and subsequent good conduct and reputation or other reason deemed sufficient, it shall appear to the Commission and the Division that the interest of the public will not likely be in danger by the granting of a license, the Commission and the Division may approve the applicant relating to honesty, integrity, truthfulness, reputation and competency.

KEY: real estate business

Date of Enactment or Last Substantive Amendment: ~~April 7,~~ 2008

Notice of Continuation: April 18, 2007

Authorizing, and Implemented or Interpreted Law: 61-2-5.5

◆ ————— ◆

Community and Culture, Arts and Museums, Museum Services **R210-100**

Certified Local Museum Designation

NOTICE OF PROPOSED RULE (New Rule)

DAR FILE No.: 32108
FILED: 10/30/2008, 15:11

RULE ANALYSIS

PURPOSE OF THE RULE OR REASON FOR THE CHANGE: The purpose of this new rule is to implement new provisions in Section 9-6-603 that were enacted by the 2008 Utah State Legislature in H.B. 252. (DAR Note: H.B. 252 is found at Chapter 177, Laws of Utah 2008, and is effective as of 05/05/2008.)

SUMMARY OF THE RULE OR CHANGE: A program is established to create a certified local museum designation. A Utah museum

is required to complete a form, available from the Utah Office of Museum Services, indicating it complies with a set of requirements that define a museum. This form is to be returned to the Utah Office of Museum Services along with a copy of a letter from the Department of the Treasury confirming that the museum is incorporated as a nonprofit organization and has been assigned an Employer Identification Number. A museum that is governed by a parent organization or government entity is required to submit a letter to Utah Office of Museum Services providing an Employer Identification Number and stating that the museum is a political subdivision.

STATE STATUTORY OR CONSTITUTIONAL AUTHORIZATION FOR THIS RULE: Subsection 9-6-603(8)

ANTICIPATED COST OR SAVINGS TO:

❖ **THE STATE BUDGET:** No costs or savings are anticipated with this rule change. Although there is a new requirement that museums complete a form and provide a copy of a letter from the Department of the Treasury confirming its nonprofit status or a letter from a government entity stating that the museum is a political subdivision, costs are negligible.

❖ **LOCAL GOVERNMENTS:** No costs or savings are anticipated with this rule change. Although there is a new requirement that museums complete a form and provide a copy of a letter from the Department of the Treasury confirming its nonprofit status or a letter from a government entity stating that the museum is a political subdivision, costs are negligible.

❖ **SMALL BUSINESSES AND PERSONS OTHER THAN BUSINESSES:** No costs or savings are anticipated with this rule change. Although there is a new requirement that museums complete a form and provide a copy of a letter from the Department of the Treasury confirming its nonprofit status or a letter from a government entity stating that the museum is a political subdivision, costs are negligible.

COMPLIANCE COSTS FOR AFFECTED PERSONS: No costs or savings are anticipated with this rule change. Although there is a new requirement that museums complete a form and provide a copy of a letter from the Department of the Treasury confirming its nonprofit status or a letter from a government entity stating that the museum is a political subdivision, costs are negligible.

COMMENTS BY THE DEPARTMENT HEAD ON THE FISCAL IMPACT THE RULE MAY HAVE ON BUSINESSES: No costs or savings are anticipated with this rule change. No new requirements were created with this rule change that impact small businesses. Palmer DePaulis, Executive Director

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

COMMUNITY AND CULTURE
ARTS AND MUSEUMS, MUSEUM SERVICES
Room 226 RIO GRANDE DEPOT
300 RIO GRANDE STREET
SALT LAKE CITY UT 84101, or
at the Division of Administrative Rules.

DIRECT QUESTIONS REGARDING THIS RULE TO:

Dan E. Burke at the above address, by phone at 801-533-3589, by FAX at 801-533-3588, or by Internet E-mail at dburke@utah.gov

INTERESTED PERSONS MAY PRESENT THEIR VIEWS ON THIS RULE BY SUBMITTING WRITTEN COMMENTS TO THE ADDRESS ABOVE NO LATER THAN 5:00 PM on 12/15/2008.

THIS RULE MAY BECOME EFFECTIVE ON: 12/22/2008

AUTHORIZED BY: Dan E. Burke, Director

R210. Community and Culture, Arts and Museums, Museum Services.

R210-100. Certified Local Museum Designation.

R210-100-1. Authority and Purpose.

- (1) This rule is enacted pursuant to Subsection 9-6-603(8).
 (2) This rule establishes a program by which local museums may be designated as certified local museums.

R210-100-2. Requirements Museums Must Meet in Order to Be Considered Eligible for Application as a Certified Local Museum.

- (1) In order to apply for certified local museum designation, a museum shall:
- (a) be located in Utah;
 - (b) be a nonprofit organization that has tax-exempt status under Section 501(c)(3) of the Internal Revenue Code;
 - (c) be organized on a permanent basis for educational or aesthetic purposes;
 - (d) have as its primary purpose the display or use of collections and exhibits;
 - (e) display objects to the public through facilities that it own or operates; and
 - (f) have at least one paid or unpaid staff member, or the equivalent, whose primary duty is the care, acquisition, or exhibition to the public of objects owned or used by the museum.
- (2) A museum operated by a government entity need not satisfy the requirements of Subsection (1)(b).

R210-100-3. Application for Certified Local Museum Designation.

- (1) A museum wishing to apply for the certified local museum designation shall:
- (a) complete the form entitled "Certification Requirements for Museums" which is available from the Office of Museum Services;
 - (b) obtain a letter from the Department of the Treasury confirming that:
 - (i) the museum is registered as a nonprofit organization as described in Subsection R210-100-2(1)(b); and
 - (ii) the museum has been assigned an Employee Identification Number.
 - (c) submit both the form and the letter to the Office of Museum Services.
- (2) A museum operated by a political subdivision of the state:
- (a) need not comply with the requirements of Subsection (1)(b); and

- (b) shall submit a letter to the Office of Museum Services:
 - (i) indicating that it is operated by a political subdivision of the state; and
 - (ii) providing an Employee Identification Number.

R210-100-4. Granting a Certified Local Museum Designation.

Upon receipt of the materials outlined in Section R210-100-3, the Office of Museum Services will provide a letter of certification to the applying museum.

KEY: certified local museums, museum services, museums
Date of Enactment or Last Substantive Amendment: 2008
Authorizing, and Implemented or Interpreted Law: 9-6-603(8)



Health, Health Care Financing,
 Coverage and Reimbursement Policy
R414-1-5
 Incorporations by Reference

NOTICE OF PROPOSED RULE
 (Amendment)

DAR FILE No.: 32102
 FILED: 10/30/2008, 14:40

RULE ANALYSIS

PURPOSE OF THE RULE OR REASON FOR THE CHANGE: Subsection 26-18-3(2)(a) requires the Medicaid program to implement policy through administrative rules. The Department, in order to draw down federal funds, must have an approved State Plan with the Centers for Medicare and Medicaid Services. This change, therefore, incorporates the most current Medicaid State Plan by reference. It also implements by rule ongoing Medicaid policy for services described in the Utah Medicaid Provider Manual, Medical Supplies Manual and List, and incorporates this manual and list by reference.

SUMMARY OF THE RULE OR CHANGE: Subsection R414-1-5(2) is changed to update the incorporation of the State Plan by reference effective January 1, 2009. It also incorporates State Plan Amendments that become effective no later than January 1, 2009. The change further incorporates by reference the Medical Supplies Manual and List, effective January 1, 2009.

STATE STATUTORY OR CONSTITUTIONAL AUTHORIZATION FOR THIS RULE: Sections 26-1-5 and 26-18-3

THIS RULE OR CHANGE INCORPORATES BY REFERENCE THE FOLLOWING MATERIAL: Utah Medicaid State Plan, 01/01/2009, and Utah Medicaid Provider Manual, Medical Supplies Manual and List, 01/01/2009

ANTICIPATED COST OR SAVINGS TO:

❖ THE STATE BUDGET: There is no budget impact because this change only fulfills the requirement to incorporate the State Plan by reference. Implementation of the State Plan is within

legislative budget allotments. Further, the rule's incorporation of ongoing Medicaid policy described in the Medical Supplies Manual and List does not create costs or savings to the Department or other state agencies.

❖ LOCAL GOVERNMENTS: There is no budget impact because this change only fulfills the requirement to incorporate the State Plan by reference. Implementation of the State Plan is within legislative budget allotments. Further, the rule's incorporation of ongoing Medicaid policy described in the Medical Supplies Manual and List does not create costs or savings to local governments.

❖ SMALL BUSINESSES AND PERSONS OTHER THAN BUSINESSES: There is no budget impact because this change only fulfills the requirement to incorporate the State Plan by reference. Implementation of the State Plan is within legislative budget allotments. Further, the rule's incorporation of ongoing Medicaid policy described in the Medical Supplies Manual and List does not create costs or savings to other persons and small businesses.

COMPLIANCE COSTS FOR AFFECTED PERSONS: There are no compliance costs because this change only fulfills the requirement to incorporate the State Plan by reference. Implementation of the State Plan is within legislative budget allotments. Further, the rule's incorporation of ongoing Medicaid policy described in the Medical Supplies Manual and List does not create costs to a single person.

COMMENTS BY THE DEPARTMENT HEAD ON THE FISCAL IMPACT THE RULE MAY HAVE ON BUSINESSES: This rule should not have a direct fiscal impact on business. Incorporation of the State Plan by this rule assures that the Medicaid program is implemented through administrative rule. David N. Sundwall, MD, Executive Director

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

INTERESTED PERSONS MAY PRESENT THEIR VIEWS ON THIS RULE BY SUBMITTING WRITTEN COMMENTS TO THE ADDRESS ABOVE NO LATER THAN 5:00 PM on 12/15/2008.

THIS RULE MAY BECOME EFFECTIVE ON: 12/22/2008

AUTHORIZED BY: David N. Sundwall, Executive Director

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

R414-1. Utah Medicaid Program.

R414-1-5. Incorporations by Reference.

(1) The Department adopts the Utah State Plan Under Title XIX of the Social Security Act Medical Assistance Program effective [~~October~~January 1, 200[8]9]. It also incorporates by reference State Plan Amendments that become effective no later than [~~October~~January 1, 200[8]9].

(2) The Department adopts the Medical Supplies Manual and List described in the Utah Medicaid Provider Manual, Section 2, Medical Supplies, with its referenced attachment, Medical Supplies List, [~~October~~January 1, 200[8]9], as applied in Rule R414-70.

KEY: Medicaid

Date of Enactment or Last Substantive Amendment: [~~October 1,~~ 2008

Notice of Continuation: April 16, 2007

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



Health, Health Care Financing, Coverage and Reimbursement Policy **R414-42** Telehealth Home Health Services

NOTICE OF PROPOSED RULE

(New Rule)

DAR FILE NO.: 32103

FILED: 10/30/2008, 14:42

RULE ANALYSIS

PURPOSE OF THE RULE OR REASON FOR THE CHANGE: This rule is mandated by H.B. 16 passed in the 2008 General Session, and is needed to provide telehealth home health services to Medicaid eligible clients. (DAR NOTE: H.B. 16 (2008) is found at Chapter 41, Laws of Utah 2008, and was effective 05/05/2008.)

SUMMARY OF THE RULE OR CHANGE: This rule outlines eligibility, access requirements, coverage, limitations, and reimbursement for telehealth home health services.

STATE STATUTORY OR CONSTITUTIONAL AUTHORIZATION FOR THIS RULE: Sections 26-18-12 and 26-18-3

ANTICIPATED COST OR SAVINGS TO:

❖ THE STATE BUDGET: There is no budget impact because no funds were appropriated for these services. The Department will absorb the cost with the resources it currently has.

❖ LOCAL GOVERNMENTS: There no budget impact to local governments because they do not fund telehealth home health services and they are not Medicaid providers.

❖ **SMALL BUSINESSES AND PERSONS OTHER THAN BUSINESSES:** The providers of home health services will be reimbursed for qualifying services to Medicaid recipients. The expectation is that the service delivery will be more efficient and benefit clients. More clients are expected to be served for the same total cost.

COMPLIANCE COSTS FOR AFFECTED PERSONS: This service is intended to be budget neutral. Telehealth services are anticipated to replace visits to a provider's office. Access to medical care may increase. This program is voluntary and any costs incurred will be at the choice of the provider.

COMMENTS BY THE DEPARTMENT HEAD ON THE FISCAL IMPACT THE RULE MAY HAVE ON BUSINESSES: Remote monitoring of home health clients has the promise of better patient care at a lower cost per patient served. This rule should have a positive impact on providers and Medicaid recipients without increasing overall costs to Medicaid. David N. Sundwall, MD, Executive Director

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:

Kimi McNutt at the above address, by phone at 801-538-6381, by FAX at 801-538-6099, or by Internet E-mail at KMCNUTT@utah.gov

INTERESTED PERSONS MAY PRESENT THEIR VIEWS ON THIS RULE BY SUBMITTING WRITTEN COMMENTS TO THE ADDRESS ABOVE NO LATER THAN 5:00 PM on 12/15/2008.

THIS RULE MAY BECOME EFFECTIVE ON: 12/22/2008

AUTHORIZED BY: David N. Sundwall, Executive Director

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

R414-42. Telehealth Home Health Services.

R414-42-1. Introduction and Authority.

(1) This rule outlines eligibility, access requirements, coverage, limitations, and reimbursement for Telehealth Home Health Services. This rule is authorized by Title 26, Chapter 18, Section 12, UCA.

(2) Telehealth Home Health Services are an optional program.

R414-42-2. Telehealth Home Health Services Eligibility.

(1) To qualify for Telehealth home health services the recipient must:

(a) be eligible for Medicaid coverage;

(b) require medical monitoring for diabetes; and

(c) be willing and able to use the technology required to deliver the service.

(2) A home health agency may provide telehealth services if:

(a) the service is delivered through secure transmission lines at the home health agency to audio-visual computer equipment installed in the patients home;

(b) the secure transmission is between the home health agency and the patients home; and

(c) the home health agency has sent a registered nurse to the patient's home to provide a physical health assessment and evaluation of a patient's condition and the patient is:

(i) determined unable to leave the home by the home health agency;

(ii) determined suitable for participation by the home health agency;

(iii) formulated a nursing care plan by the home health agency; and

(iv) determined by the home health agency to require at least two skilled nursing home visits per week.

(3) Telehealth home health services are limited to patients residing in under served rural areas where the patient would be required to travel more than 50 paved road miles to obtain the service.

R414-42-3. Telehealth Home Health Services Requirements.

(1) Telehealth home health services are limited to diabetic monitoring and education.

(2) Telehealth home health services must meet all of the following:

(a) provide the level of confidentiality required under the Health Insurance Portability and Accountability Act of 1996 (HIPAA) for safe and secure information exchange;

(b) require the patient to see and hear the provider in real time;

(c) require the provider to see and hear the patient in real time; and

(d) provide audio and visual clarity sufficient to complete diabetic monitoring and education activities.

(3) The individual receiving telehealth home health services must need more than two home health agency visits per week. A home health agency that provides telehealth home health services must provide at least two in-person visits by a home health nurse per week and may use telehealth home health services only as a supplement to the in-person visits.

R414-42-4. Reimbursement of Services.

(1) Medicaid reimburses telehealth home health services in accordance with the Utah Medicaid State Plan, Attachment 4.19-B.

(2) The Department pays the lesser of the amount billed or the rate on the fee schedule. A provider shall not charge the Department a fee that exceeds the provider's usual and customary charges for the provider's private pay patients.

(3) The Department does not make payments separate from telehealth home health monitoring and education for transmission charges, equipment, or facility fees.

KEY: Medicaid

Date of Enactment or Last Substantive Amendment: 2008

Authorizing, and Implemented or Interpreted Law: 26-18-12

◆ ————— ◆

Health, Health Systems Improvement,
Emergency Medical Services
R426-5-4
Trauma Review Committee

NOTICE OF PROPOSED RULE

(Amendment)
DAR FILE NO.: 32084
FILED: 10/27/2008, 17:17

RULE ANALYSIS

PURPOSE OF THE RULE OR REASON FOR THE CHANGE: The purpose of this amendment is to update the method used to designate trauma centers in Utah.

SUMMARY OF THE RULE OR CHANGE: The change eliminates the formal Trauma Review Committee and establishes the role of clinical and administrative consultants that the department uses to evaluate compliance with standards set forth in Section R426-5-2.

STATE STATUTORY OR CONSTITUTIONAL AUTHORIZATION FOR THIS RULE: Title 26, Chapter 8a

ANTICIPATED COST OR SAVINGS TO:

- ❖ THE STATE BUDGET: Fees paid by those who voluntarily seek designation as a trauma facility will not change and the cost of using consultants will be covered by the existing fees.
- ❖ LOCAL GOVERNMENTS: This rule will not increase the cost for facilities that are operated by local government. The designation process will remain the same for facilities.
- ❖ SMALL BUSINESSES AND PERSONS OTHER THAN BUSINESSES: This rule will not increase the cost for facilities that are operated by private business. The designation process will remain the same for facilities.

COMPLIANCE COSTS FOR AFFECTED PERSONS: There is no change in compliance costs. Fees associated with designation will neither increase or decrease. The amendment will eliminate the committee and establish guidelines for the use of consultants and their recommendations for trauma designation.

COMMENTS BY THE DEPARTMENT HEAD ON THE FISCAL IMPACT THE RULE MAY HAVE ON BUSINESSES: Use of consultants to review compliance with existing guidelines will not have a fiscal impact on regulated business. David N. Sundwall, MD, Executive Director

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

HEALTH
HEALTH SYSTEMS IMPROVEMENT,
EMERGENCY MEDICAL SERVICES
CANNON HEALTH BLDG
288 N 1460 W

SALT LAKE CITY UT 84116-3231, or
at the Division of Administrative Rules.

DIRECT QUESTIONS REGARDING THIS RULE TO:
Jolene Whitney at the above address, by phone at 801-538-6290, by FAX at 801-538-6808, or by Internet E-mail at jwhitney@utah.gov

INTERESTED PERSONS MAY PRESENT THEIR VIEWS ON THIS RULE BY SUBMITTING WRITTEN COMMENTS TO THE ADDRESS ABOVE NO LATER THAN 5:00 PM on 12/15/2008.

THIS RULE MAY BECOME EFFECTIVE ON: 12/22/2008

AUTHORIZED BY: David N. Sundwall, Executive Director

R426. Health, Health Systems Improvement, Emergency Medical Services.**R426-5. Statewide Trauma System Standards.****R426-5-4. Trauma Review[Committee].**

(1) The Department shall ~~appoint a Trauma Review Committee. The committee shall annually~~ evaluate trauma centers and applicants ~~for~~ to verify compliance ~~to~~ with standards set in R426-5-2 ~~for verification. The committee shall report results to the Department. The committee shall be composed of the following persons].~~ In conducting each evaluation, the Department shall consult with experts from the following disciplines:

- (a) ~~one surgeon, knowledgeable in~~ trauma surgery;
- (b) ~~one~~ emergency physician medicine;
- (c) ~~one nurse;~~ emergency or critical care nursing; and
- (d) ~~one~~ hospital administrator; and administration. ~~one Department representative.]~~

(2) ~~With the exception of the Department representative, tenure shall be three years. Initial appointments for the physicians, nurse and hospital administrator shall be for three, two and one year(s), respectively. Committee members may be reappointed. A physician representative shall serve as committee chair.~~

~~(3) Trauma Review Committee members.]~~ A consultant shall not ~~review their own hospitals~~ assist the Department in evaluating a facility in which the consultant is employed, practices, or has any financial interest. ~~When this situation arises, the Department shall appoint a temporary alternate member.]~~

KEY: emergency medical services, trauma, reporting

Date of Enactment or Last Substantive Amendment: ~~[June 4], 2008~~

Notice of Continuation: July 18, 2007

Authorizing, and Implemented or Interpreted Law: 26-8a



Natural Resources, Parks and
Recreation
R651-301
State Recreation Fiscal Assistance
Programs

NOTICE OF PROPOSED RULE

(Amendment)
 DAR FILE No.: 32095
 FILED: 10/30/2008, 12:02

RULE ANALYSIS

PURPOSE OF THE RULE OR REASON FOR THE CHANGE: H.B. 97 was passed (2007 General Session) and this bill modified the Motor Vehicle Code by creating a volunteer contribution check-off on motor vehicle registrations to provide funding to protect access to public lands by motor vehicle and off-highway vehicle users, and to educate the public concerning appropriate off-highway vehicle uses. It established the Off-Highway Vehicle Access and Education Restricted Account, and instructed the board of Parks and Recreation to establish rules pertaining to the disbursement of funds allocated from that account. It established specific requirements for organizations qualified to receive funds from this account, and parameters within which the funding may be used. (DAR NOTE: H.B. 97 (2007) is found at Chapter 299, Laws of Utah 2007, and was effective 10/01/2007.)

SUMMARY OF THE RULE OR CHANGE: This amendment establishing the new accounts and amending the code will help to provide funding to protect access to private lands by motor vehicle and off-highway vehicle users; educate the public on how to properly use their vehicles; and establish a special account to collect and dispense funds to qualified organizations using parameters where the funding may be used.

STATE STATUTORY OR CONSTITUTIONAL AUTHORIZATION FOR THIS RULE: Sections 41-22-35 and 63-11-17

ANTICIPATED COST OR SAVINGS TO:

- ❖ THE STATE BUDGET: This rule amendment establishes a process for dispensing grant funds. There is no anticipated cost or savings to the state budget as a result of this amendment.
- ❖ LOCAL GOVERNMENTS: Since this applies only to the process for dispensing of state grant funds, there is no anticipated cost or savings to local government.
- ❖ SMALL BUSINESSES AND PERSONS OTHER THAN BUSINESSES: No cost to small businesses as this is a process, not a product so there will be no effect on small businesses.

COMPLIANCE COSTS FOR AFFECTED PERSONS: Entities qualifying for grants under this change (501(c)(3) organizations) stand to benefit because of the funds awarded in the grant. Funds awarded to these organizations will likely exceed \$15,000 per year.

COMMENTS BY THE DEPARTMENT HEAD ON THE FISCAL IMPACT THE RULE MAY HAVE ON BUSINESSES: There should be no fiscal impact on businesses from this rule change. Michael Styler, Executive Director

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

NATURAL RESOURCES
 PARKS AND RECREATION

Room 116
 1594 W NORTH TEMPLE
 SALT LAKE CITY UT 84116-3154, or
 at the Division of Administrative Rules.

DIRECT QUESTIONS REGARDING THIS RULE TO:

Dee Guess at the above address, by phone at 801-538-7320, by FAX at 801-537-3144, or by Internet E-mail at deeguess@utah.gov

INTERESTED PERSONS MAY PRESENT THEIR VIEWS ON THIS RULE BY SUBMITTING WRITTEN COMMENTS TO THE ADDRESS ABOVE NO LATER THAN 5:00 PM on 12/15/2008.

THIS RULE MAY BECOME EFFECTIVE ON: 12/22/2008

AUTHORIZED BY: Mark Forbes, Deputy Director (Legislation)

R651. Natural Resources, Parks and Recreation.**R651-301. State Recreation Fiscal Assistance Programs.****R651-301-1. Authority and Effective Date.**

(a) These rules are established as required by 63-11a-501, and 63-11-17.8, and apply to the following state funded recreation fiscal assistance programs:

- (1) Trails and Pathways
- (2) Off Highway Vehicles
- (3) Off-highway Access and Education

(b) These rules govern procedures for fiscal assistance applications, priorities, and project selection criteria commencing on or after April 15, 2000.

R651-301-3. Fiscal Assistance Application Process.

(a) Deadline for submission of applications is May 1 annually. Submissions post-marked on or before that date will be eligible for funding consideration.

(b) Applications are to be submitted on a form to be provided by the Division. Eligible applicants will be notified by mail of the application deadline and procedures at least 45 days prior to the deadline.

- (c) Applications must be submitted to:
 Utah Division of Parks and Recreation
 Attention: Grants Coordinator
 1594 West North Temple, Suite 116
 Salt Lake City, Utah 84114-6001

(d) Eligible applicants include:

- (1) Trails and Pathways Program
 - (i) Federal government agencies
 - (ii) State agencies
 - (iii) Cities and towns
 - (iv) Counties
 - (v) Special Improvement Districts
- (2) Off-Highway Vehicle Program
 - (i) Federal government agencies
 - (ii) State agencies
 - (iii) Cities and towns
 - (iv) Counties
 - (v) Organized User Group (as defined in U.C.A. 41-22-2(15))
- (3) Centennial Non-Motorized Paths and Trail Crossings Program
 - (i) State agencies

(ii) Cities and towns

(iii) Counties

(2) Off-highway Access and Education Program

(i) Charitable organizations meeting the requirements set forth in U.C.A. 41-22-19.5(6).

R651-301-4. Fiscal Assistance Program Requirements.

(a) Except as provided herein, a~~A~~ll programs require a 50/50 match.

(b) An applicant's match may be in the form of cash, force account labor, equipment, or materials; donated materials and labor or donation of land from a third party to be exclusively used for the proposed project. The value of donated labor will be based on a general laborer rate, unless the person is professionally skilled in the work being performed on the project. When this is the case, the wage rate normally paid for performing this service may be charged to the project. A general laborer's wages may be charged in the amount of that which the project sponsor pays its own employees having similar experience and performing similar duties. Donated materials and land will be valued at the fair market value based on an appraisal that is approved by the Division.

(c) Recreational trails that are on lands under the control of the Division must comply with Section 63-11a-203, and require public hearings in the area of proposed trail development.

(d) Program funds may be used for land acquisition, development, and planning. Off-highway vehicle funds may also be used for education, operation and maintenance. No administrative or indirect costs are allowed. Projects funded with Off-highway Access and Education Program funds must be designed to protect access to public lands by motor vehicle and off-highway vehicle operators, and to educate the public about appropriate off-highway vehicle use.

(e) Not more than 50% of program funds may be advanced to the project sponsor, and only after official notice to the Division is made by the sponsor that project costs will be incurred within sixty (60) days.

(f) No more than 50% of the monies available to the Centennial Non-Motorized Paths and Trail Crossings Program in a fiscal year may be allocated to a single project, except upon unanimous recommendation of the Recreational Trails Advisory Council.

(~~h~~g) The balance of funding shall be provided to sponsors at the project completion, and only after a final accounting is made to the Division of total project costs.

(h) Off-highway Access and Education Program funds are exempt from the matching requirements of this rule.

KEY: recreation, fiscal, assistance

Date of Enactment or Last Substantive Amendment: [~~March 10, 2008~~December 22, 2008]

Notice of Continuation: July 26, 2007

Authorizing, and Implemented or Interpreted Law: 63-11a-501

◆ ————— ◆

**Natural Resources, Parks and
Recreation**

R651-634-1

User Permits and Fees

NOTICE OF PROPOSED RULE

(Amendment)

DAR FILE No.: 32094

FILED: 10/30/2008, 11:31

RULE ANALYSIS

PURPOSE OF THE RULE OR REASON FOR THE CHANGE: S.B. 181, passed during the 2008 General Session of the Legislature, creates a special category of a vehicle, known in the law as a "street legal all-terrain vehicle", or "street legal ATV". S.B. 181 also instructs the Division to adopt rules, pursuant to restrictions contained in the bill, to establish eligibility requirements for nonresident users desiring to operate as "street legal" in Utah. (DAR NOTE: S.B. 181 (2008) is found at Chapter 36, Laws of Utah 2008, and was effective 10/01/2008.)

SUMMARY OF THE RULE OR CHANGE: This rule amendment addresses the issue of Street Legal ATVs brought into Utah by nonresidents. S.B. 181 (2008) requires that the Division address this issue by rule.

STATE STATUTORY OR CONSTITUTIONAL AUTHORIZATION FOR THIS RULE: Sections 41-22-35 and 63-11-17

ANTICIPATED COST OR SAVINGS TO:

❖ THE STATE BUDGET: An estimated loss of \$1,000 to the state budget because of nonresident permits that will not be sold due to the reciprocal arrangement that otherwise would be required.

❖ LOCAL GOVERNMENTS: No anticipated costs or savings to local government as this will affect the state budget only.

❖ SMALL BUSINESSES AND PERSONS OTHER THAN BUSINESSES: Loss of approximately \$100 to vendors, mostly small businesses who sell the permits as our agents.

COMPLIANCE COSTS FOR AFFECTED PERSONS: No change in compliance costs for affected persons, but there will be a savings of \$30 each for those who fall under the new reciprocal arrangement.

COMMENTS BY THE DEPARTMENT HEAD ON THE FISCAL IMPACT THE RULE MAY HAVE ON BUSINESSES: There should be no fiscal impact on business from this rule change. Michael Styler, Executive Director

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

NATURAL RESOURCES
PARKS AND RECREATION
Room 116
1594 W NORTH TEMPLE
SALT LAKE CITY UT 84116-3154, or
at the Division of Administrative Rules.

DIRECT QUESTIONS REGARDING THIS RULE TO:

Dee Guess at the above address, by phone at 801-538-7320, by FAX at 801-537-3144, or by Internet E-mail at deeguess@utah.gov

INTERESTED PERSONS MAY PRESENT THEIR VIEWS ON THIS RULE BY SUBMITTING WRITTEN COMMENTS TO THE ADDRESS ABOVE NO LATER THAN 5:00 PM on 12/15/2008.

THIS RULE MAY BECOME EFFECTIVE ON: 12/22/2008

AUTHORIZED BY: Mark Forbes, Deputy Director (Legislation)

R651. Natural Resources, Parks and Recreation.

R651-634. Nonresident OHV User Permits and Fees.

R651-634-1. User Permits and Fees.

Except as provided below, any nonresident owning an off-highway vehicle, who operates or gives another person permission to operate the off-highway vehicle on any public land, trail, street or highway in this state, shall pay an annual off-highway vehicle user fee.

1. A decal will be issued which proves payment has been made. The decal will then be displayed on the off-highway vehicle as follows: On snowmobiles, the decal shall be mounted on the left side of the hood, pan or tunnel. On motorcycles, the decal shall be mounted on the left fork, or on the left side body plastic. On all-terrain vehicles, the decal shall be mounted on the rear of the vehicle. Vehicle types are defined in 41-22-2 UCA. In all instances, the decal shall be mounted in a visible location. The decal shall be non-transferable.

2. A receipt will be issued with the decal indicating the fee paid, the Vehicle Identification Number (VIN) of the off-highway vehicle, and the off-highway vehicle owner's name and address. This receipt shall remain with the off-highway vehicle at all times.

3. Fees charged will be in accordance with S.B. 14 (1999 Utah Laws 1, effective July 1, 1999), and H.B. 51 (2004 Utah Laws, Chapter 314, effective July 1, 2004) which state that the off-highway vehicle user annual fee will be \$30 per year.

4. Nonresident OHV user permits shall continue in effect for a period of 12 months beginning with the first day of the calendar month of purchase, and shall not expire until the last day of the same month in the following year.

Applicants for a nonresident OHV user permit shall provide evidence that the applicant is the owner of the off-highway vehicle, and is not a resident of Utah. Such evidence shall include:

a. A government issued identification card showing the state of residency of the off-highway vehicle owner, and one of the following:

(1) A title or certificate of registration from a state other than Utah.

(2) An original bill of sale; or

b. A sworn affidavit stating that the off-highway vehicle is owned by a nonresident of the State of Utah. The affidavit must state the name and address of the vehicle owner, and a description of the off-highway vehicle, including the Vehicle Identification Number (VIN).

Off-highway vehicles currently registered in a state offering reciprocal operating privileges to Utah residents shall be exempt from the nonresident user fee requirements of this rule. The Division shall maintain a list of states offering reciprocal operating privileges to Utah residents. This list shall be updated at least annually.

Provisions of this rule shall not apply to off-highway vehicles exempt under 41-22-35(1)(b)(i), or to off-highway vehicles participating in scheduled competitive events sponsored by a public or private entity, or in noncompetitive events sponsored in whole or in part by any governmental entity[-]; or to Street Legal All-terrain Vehicles as defined in 41-6a-102(61), and registered for highway use in

a state that offers reciprocal highway operating privileges to Utah residents operating Street Legal All-Terrain vehicles.

KEY: parks

Date of Enactment or Last Substantive Amendment: ~~January 2, 2007~~ **December 22, 2008**

Notice of Continuation: July 1, 2005

Authorizing, and Implemented or Interpreted Law: 41-22-35; 63-11-17



Natural Resources, Wildlife Resources

R657-60-2

Definitions

NOTICE OF PROPOSED RULE

(Amendment)

DAR FILE No.: 32081

FILED: 10/27/2008, 10:08

RULE ANALYSIS

PURPOSE OF THE RULE OR REASON FOR THE CHANGE: This rule is proposed to define procedures and regulations designed to prevent and control the spread of aquatic invasive species within the State of Utah.

SUMMARY OF THE RULE OR CHANGE: This rule sets the guidelines and regulations designed to prevent and control the spread of Dreissena mussels in Utah. This amendment adds Grand Lake, Colorado; Shadow Mountain Reservoir, Colorado; and Willow Creek Reservoir, Colorado to the list of infested waters. It had previously been added to the emergency rule filing, this will make it effective after the emergency rule expires. (DAR NOTE: The 120-day (emergency) rule filing on Section R657-60-2 was published in the November 1, 2008, issue of the Bulletin under DAR No. 32004 and was effective 10/10/2008.)

STATE STATUTORY OR CONSTITUTIONAL AUTHORIZATION FOR THIS RULE: Sections 23-27-401, 23-14-18, and 23-14-19

ANTICIPATED COST OR SAVINGS TO:

❖ **THE STATE BUDGET:** The Division of Wildlife Resources (DWR) determines that these amendments do create a cost impact to the state budget or DWR's budget. The 2008 Utah Legislative Session appropriated \$2,500,000 to aid in the implementation costs associated with this rule.

❖ **LOCAL GOVERNMENTS:** This rule does not create any direct cost or savings impact to local governments because they are not directly affected by the rule. Nor are local governments indirectly impacted because the rule does not create a situation requiring services from local governments.

❖ **SMALL BUSINESSES AND PERSONS OTHER THAN BUSINESSES:** This rule may create a cost impact to boat owners and other water enthusiasts in Utah in that if Dreissena Mussels are found in Utah the cost to decontaminate boats and other conveyances will be at the expense of the owner.

COMPLIANCE COSTS FOR AFFECTED PERSONS: DWR determines that this rule may create a cost impact to individuals who own water vessels and boat in infested waters, because they would be required to decontaminate the conveyance.

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

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

NATURAL RESOURCES
WILDLIFE RESOURCES
1594 W NORTH TEMPLE
SALT LAKE CITY UT 84116-3154, or
at the Division of Administrative Rules.

DIRECT QUESTIONS REGARDING THIS RULE TO:

Staci Coons at the above address, by phone at 801-538-4718, by FAX at 801-538-4709, or by Internet E-mail at stacicoons@utah.gov

INTERESTED PERSONS MAY PRESENT THEIR VIEWS ON THIS RULE BY SUBMITTING WRITTEN COMMENTS TO THE ADDRESS ABOVE NO LATER THAN 5:00 PM on 12/15/2008.

THIS RULE MAY BECOME EFFECTIVE ON: 12/22/2008

AUTHORIZED BY: James F Karpowitz, Director

R657. Natural Resources, Wildlife Resources.

R657-60. Aquatic Invasive Species Interdiction.

R657-60-2. Definitions.

(1) Terms used in this rule are defined in Section 23-13-2 and 23-27-101.

(2) In addition:

(a) "Conveyance" means a terrestrial or aquatic vehicle, including a vessel, or a vehicle part that may carry or contain a Dreissena mussel.

(b) "Decontaminate" means to:

(i) Self-decontaminate equipment or a conveyance that has been in an infested water in the previous 30 days by:

(A) removing all plants, fish, mussels and mud from the equipment or conveyance;

(B) draining all water from the equipment or conveyance, including water held in ballast tanks, bilges, livewells, and motors; and

(C) drying the equipment or conveyance for no less than 7 days in June, July and August; 18 days in September, October, November, March, April and May; 30 days in December, January and February; or expose the equipment or conveyance to sub-freezing temperatures for 72 consecutive hours; or

(ii) Professionally decontaminate equipment or a conveyance that has been in an infested water in the previous 30 days by:

(A) Using a professional decontamination service approved by the division to apply scalding water (140 degrees Fahrenheit) to completely wash the equipment or conveyance and flush any areas

where water is held, including ballast tanks, bilges, livewells, and motors.

(c) "Dreissena mussel" means a mussel of the genus Dreissena at any life stage, including a zebra mussel, a quagga mussel and a Conrad's false mussel.

(d) "Controlling entity" means the owner, operator, or manager of a water body, facility, or a water supply system.

(e) "Equipment" means an article, tool, implement, or device capable of carrying or containing water or Dreissena mussel.

(f) "Facility" means a structure that is located within or adjacent to a water body.

(g) "Infested water" includes all the following:

(i) Grand Lake, Colorado;

(ii) lower Colorado River between Lake Mead and the Gulf of California;

(~~iii~~) Lake Granby, Colorado;

(~~iv~~) Lake Mead in Nevada and Arizona;

(~~v~~) Lake Mohave in Nevada and Arizona;

(~~vi~~) Lake Havasu in California and Arizona;

(~~vii~~) Lake Pueblo in Colorado;

(~~viii~~) Lake Pleasant in Arizona;

(~~ix~~) San Justo Reservoir in California;

(~~x~~) Southern California inland waters in Orange, Riverside, San Diego, Imperial, and San Bernardino counties;

(~~xi~~) Shadow Mountain Reservoir, Colorado;

(~~xii~~) Willow Creek Reservoir, Colorado;

(~~xiii~~) coastal and inland waters east of the 100th Meridian in North America; and

(~~xiv~~) other waters established by the Wildlife Board and published on the DWR website.

(h) "Vessel" means every type of watercraft used or capable of being used as a means of transportation on water.

(i) "Water body" means natural or impounded surface water, including a stream, river, spring, lake, reservoir, pond, wetland, tank, and fountain.

(j) "Water supply system" means a system that treats, conveys, or distributes water for irrigation, industrial, wastewater treatment, or culinary use, including a pump, canal, ditch or, pipeline.

(i) "Water supply system" does not include a water body.

KEY: fish, wildlife, wildlife law

Date of Enactment or Last Substantive Amendment: [August 4], 2008

Authorizing, and Implemented or Interpreted Law: 23-27-401; 23-14-18; 23-14-19

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Pardons (Board Of), Administration
R671-201
Original Parole Grant Hearing Schedule
and Notice

NOTICE OF PROPOSED RULE

(Amendment)

DAR FILE NO.: 32067

FILED: 10/16/2008, 15:25

RULE ANALYSIS

PURPOSE OF THE RULE OR REASON FOR THE CHANGE: This rule details the schedule on which the Board conducts parole hearings and the change to this rule is intended to alter when offenders are eligible for parole hearings.

SUMMARY OF THE RULE OR CHANGE: This rule change alters when offenders will be eligible for parole hearings.

STATE STATUTORY OR CONSTITUTIONAL AUTHORIZATION FOR THIS RULE: Section 77-27-7

ANTICIPATED COST OR SAVINGS TO:

- ❖ THE STATE BUDGET: None--The changes do not introduce costs or savings as the changes relate only to when the hearing will take place; no processes or expenses will be added due to these changes.
- ❖ LOCAL GOVERNMENTS: None--The changes do not introduce costs or savings as the changes relate only to when the hearing will take place; no processes or expenses will be added due to these changes.
- ❖ SMALL BUSINESSES AND PERSONS OTHER THAN BUSINESSES: None--The changes do not introduce costs or savings as the changes relate only to when the hearing will take place; no processes or expenses will be added due to these changes.

COMPLIANCE COSTS FOR AFFECTED PERSONS: None--The changes do not introduce costs or savings as the changes relate only to when the hearing will take place; no processes or expenses will be added due to these changes.

COMMENTS BY THE DEPARTMENT HEAD ON THE FISCAL IMPACT THE RULE MAY HAVE ON BUSINESSES: It has been determined that there is no fiscal impact on business associated with this amendment. Curtis Garner, Chairman

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

PARDONS (BOARD OF)
ADMINISTRATION
Room 300
448 E 6400 S
SALT LAKE CITY UT 84107-8530, or
at the Division of Administrative Rules.

DIRECT QUESTIONS REGARDING THIS RULE TO:

Megan Flox-Lambert at the above address, by phone at 801-261-6456, by FAX at 801-261-6448, or by Internet E-mail at mflox@utah.gov

INTERESTED PERSONS MAY PRESENT THEIR VIEWS ON THIS RULE BY SUBMITTING WRITTEN COMMENTS TO THE ADDRESS ABOVE NO LATER THAN 5:00 PM on 12/15/2008.

THIS RULE MAY BECOME EFFECTIVE ON: 12/22/2008

AUTHORIZED BY: Curtis L Garner, Chairman

R671. Pardons (Board of), Administration.**R671-201. Original Parole Grant Hearing Schedule and Notice.****R671-201-1. Schedule and Notice.**

Within six months of an offender's commitment to prison the Board will give notice of the month and year in which the inmate's original hearing will be conducted. A minimum of one week (7 calendar days) prior notice should be given regarding the specific day and approximate time of such hearing.

All felonies, where a life has been taken, will be routed to the Board as soon as practicable for the determination of the month and year for their original hearing date. The Board will only consider information available to the court at the time of sentencing.

~~All first degree felonies, where death is not involved, [will be eligible for a hearing after the service of three years. All second degree felonies, where death is not involved, will be eligible for a hearing after the service of six months unless the second degree is a sex offense and in those cases will be eligible for a hearing after the service of eighteen months.] and where the most severe sentence imposed and being served is a sentence of greater than fifteen (15) years to life, excluding enhancements, will be eligible for a hearing after the service of fifteen years.~~

All first degree felonies, where death is not involved, and where the most severe sentence imposed and being served is a sentence of ten(10) years to life, or fifteen (15) years to life, excluding enhancements, will be eligible for a hearing after the service of seven years.

All other first degree felonies, where death is not involved, will be eligible for a hearing after the service of three years.

All second degree felonies, where death is not involved, will be eligible for a hearing after the service of six months unless the second degree is a sex offense and in those cases will be eligible for a hearing after the service of eighteen months.

All third degree felonies, where a death is not involved, and all class A misdemeanors, will be eligible for a hearing after the service of three months unless the third degree felony is a sex offense and in those cases will be eligible for a hearing after the service of twelve months.

Excluded from the above provisions are inmates who are sentenced to death or life without parole.

An inmate may petition the Board to calendar him/her at a time other than the usual times designated above or the Board may do so on its own motion. A petition by the inmate shall set out the special reasons which give rise to the request. The Board will notify the petitioner of its decision in writing as soon as possible.

KEY: parole, inmates

Date of Enactment or Last Substantive Amendment: [May 16, 2003]2008

Notice of Continuation: July 25, 2007

Authorizing, and Implemented or Interpreted Law: 77-27-7



Pardons (Board Of), Administration
R671-312
Commutation Hearings for Death
Penalty Cases

NOTICE OF PROPOSED RULE

(Amendment)

DAR FILE No.: 32065

FILED: 10/16/2008, 15:25

RULE ANALYSIS

PURPOSE OF THE RULE OR REASON FOR THE CHANGE: Rule R671-312 outlines Board procedure regarding commutation hearings for death penalty cases.

SUMMARY OF THE RULE OR CHANGE: The changes in this rule clarify dates, time lines, and Board procedure regarding commutation hearings for death penalty cases. Most of the changes are syntax-related.

STATE STATUTORY OR CONSTITUTIONAL AUTHORIZATION FOR THIS RULE: Section 77-19-7 and Art VII, Sec 12

ANTICIPATED COST OR SAVINGS TO:

- ❖ THE STATE BUDGET: None--The changes do not introduce costs or savings as the changes relate to clarification of dates and time lines, as well as wording changes.
- ❖ LOCAL GOVERNMENTS: None--The changes do not introduce costs or savings as the changes relate to clarification of dates and time lines, as well as wording changes.
- ❖ SMALL BUSINESSES AND PERSONS OTHER THAN BUSINESSES: None--The changes do not introduce costs or savings as the changes relate to clarification of dates and time lines, as well as wording changes.

COMPLIANCE COSTS FOR AFFECTED PERSONS: None--The changes do not introduce costs or savings as the changes relate to clarification of dates and time lines, as well as wording changes.

COMMENTS BY THE DEPARTMENT HEAD ON THE FISCAL IMPACT THE RULE MAY HAVE ON BUSINESSES: It has been determined that there is no fiscal impact on business associated with this amendment. Curtis Garner, Chairman

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

PARDONS (BOARD OF)
ADMINISTRATION
Room 300
448 E 6400 S
SALT LAKE CITY UT 84107-8530, or
at the Division of Administrative Rules.

DIRECT QUESTIONS REGARDING THIS RULE TO:

Megan Flox-Lambert at the above address, by phone at 801-261-6456, by FAX at 801-261-6448, or by Internet E-mail at mflox@utah.gov

INTERESTED PERSONS MAY PRESENT THEIR VIEWS ON THIS RULE BY SUBMITTING WRITTEN COMMENTS TO THE ADDRESS ABOVE NO LATER THAN 5:00 PM on 12/15/2008.

THIS RULE MAY BECOME EFFECTIVE ON: 12/22/2008

AUTHORIZED BY: Curtis L Garner, Chairman

R671. Pardons (Board of), Administration.**R671-312. Commutation Hearings for Death Penalty Cases.****R671-312-1. Applicability of Rules to Petitioners.**

~~[The limitations on the authority of the Board that are imposed by Utah Code Ann. Section 77-27-5 (Supp. 1994) do not apply to a commutation proceeding pertinent to any person sentenced to the death penalty before April 27, 1992.]~~ Procedures applicable to commutation [hearings of pre-April 27, 1992, death penalty inmates] petitions for any person sentenced to the death penalty prior to April 26, 1992, will be governed by [Section] Rule R671-312-2. Procedures applicable to [be used in the] commutation [hearing of] petitions for any person sentenced to the death penalty after April 26, 1992, [are] will be governed by [Section] Rule R671-312-3.

R671-312-2. Commutation Procedures Applicable to [Inmates] Persons Sentenced to Death Before April [27]26, 1992.

(1) A person sentenced to death, or his counsel, may file a petition for commutation [may be filed anytime] no later than seven days after the sentencing court has issued [an order of] a judgment of death or a warrant of execution after completion of the [inmate's] person's appeal from his conviction. For purposes of this rule, "appeal" does not include any action for post-conviction relief or any other form of collateral attack.

(2) The [inmate shall file his] commutation petition shall be signed by the person sentenced to death and filed at the offices of the Board of Pardons and Parole "Board" no later than seven days after the sentencing court signs a warrant setting an [new] execution date. The [inmate] petitioner or his counsel shall mail a copy of the petition, by [U.S.] United States Mail, postage prepaid, to the [attorney representing the state] Attorney General or his designee. Additional copies of the petition may be served in any manner calculated to accomplish actual notice to the State, and may include hand delivery, facsimile transmission, electronic mail, or other electronic transmission.

(3) If the execution date is stayed by any court between the time of the sentencing court's issuance of the execution judgment or warrant and the beginning of the commutation hearing, the commutation proceeding shall terminate. If the execution date is stayed during the commutation hearing, the hearing [shall] may continue and the Board [shall] may render its decision in accordance with this rule.

~~(2)~~(4) The petition shall include:

(a) the petitioner's name and the name and address of any attorney who is [requesting] representing the petitioner in the commutation proceeding;

(b) a statement of the reasons [why the] or grounds which petitioner believes support the commutation of the death sentence [of death should be commuted];

(c) copies of all written evidence upon which petitioner intends to rely at the hearing along with the names of all witnesses [if] petitioner intends to call and a summary of their anticipated testimony.

~~(3)~~(5) If the petitioner previously received a commutation hearing, the petition [will] shall include a statement reciting what, if any, new [and] significant and previously unavailable information exists [currently] which supports commutation and [why] the reasons this [the] information requires a new hearing.

~~[(4)](6)~~ The Board may temporarily stay an execution to fully hear the petition for commutation.

~~[(5)](7)~~ Within seven days of receiving the petition, the State of Utah ~~will have an opportunity to respond~~, by and through the Attorney General or his designee, shall file a response to the petition with the Board. The ~~Attorney General or County Attorney shall send~~ State shall file with the Board and mail, via United States mail, postage prepaid, or hand deliver to the petitioner and his counsel, if represented, the State's response, along with copies of all written evidence, and the names of the witnesses, and a summary of the anticipated testimony ~~that he~~ upon which the State intends to rely on to rebut petitioner's claim that the sentence of death should be commuted. The Board may request either the petitioner or the ~~s~~ State to provide additional information.

~~[(6)](8)~~ ~~The day after receiving the state's response, the Board will hold a pre-hearing conference to limit the number of witnesses that each side calls, clarify the issues that will be addressed, and take whatever~~ Within three business days of receiving the State's response, the Board will hold a pre-hearing conference to identify and set the witnesses to be called, clarify the issues to be addressed, and take any other action it considers necessary and appropriate to control and direct the proceedings.

~~[(7)](9)~~ If not otherwise called as a witness, a victim representative, as defined by Administrative Rule R671-203-1, shall be afforded the opportunity to attend the commutation hearing, and to present testimony regarding the commutation of the death sentence, in accordance with, and subject to the provisions of Administrative Rule R671-203-4(A-C, and F).

(10) The commutation hearing is not adversarial and neither side is allowed to cross-examine the other party's witnesses. However, the Board may ask questions freely of any witness, the inmate petitioner, the inmate's representative petitioner's attorney, or the ~~s~~ State's representative attorney. The role of the ~~s~~ State's representative attorney is limited to rebutting the petitioner's claim and otherwise assisting the Board ~~to determine~~ in determining all facts relevant to the inquiry. The Rules of Evidence do not apply to the commutation hearing.

~~[(8)](11)~~ In conducting the commutation hearing:

(a) The Board will place all witnesses under oath and may impose a time limit on each side for presenting its case.

(b) The Board will record the commutation hearing in accordance with Utah Code Ann. Subsection 77-27-8(2).

~~[(9)](12)~~ ~~Rule R672-302~~ Administrative Rule R671-302 "News Media and Public Access to Hearings" will govern media and public access to the hearing.

(d) ~~During the hearing, t~~ The Board may take ~~whatever~~ any action ~~s~~ it considers necessary and appropriate to maintain the order, decorum, and dignity of the hearing.

~~[(9)](12)~~ The Board will reconvene in open session to announce and distribute its written decision.

R671-312-3. Commutation Procedures Applicable to Persons Sentenced to Death After April 27~~26~~, 1992.

(1) ~~A petition for commutation may be filed anytime after the sentencing court has issued an order of execution after completion of the inmate's appeal from his conviction. For purposes of this rule, "appeal" does not include any action for post conviction relief or any other form of collateral attack. The inmate shall file his petition no later than 23 days before the scheduled execution date and shall mail a copy by U.S. Mail, postage prepaid, to the attorney representing the state.]~~ A person sentenced to death, or his counsel, may file a petition

for commutation anytime after the sentencing court has issued a judgment of death or a warrant of execution after completion of the person's appeal from his conviction. For purposes of this rule, "appeal" does not include any action for post-conviction relief or any other form of collateral attack.

(2) The commutation petition shall be signed by the person sentenced to death and filed at the offices of the Board no later than seven days after the sentencing court signs a warrant setting an execution date. The petitioner or his counsel shall mail a copy of the petition, by United States Mail, postage prepaid, to the Attorney General or his designee. Additional copies of the petition may be served in any manner calculated to accomplish actual notice to the State, and may include hand delivery, facsimile transmission, electronic mail or electronic transmission.

(3) If the execution date is stayed by any court between the time of the sentencing court's issuance of the execution judgment or warrant and the beginning of the commutation hearing, the commutation proceeding ~~will~~ may terminate. If the execution date is stayed during the commutation hearing, the hearing will continue and the Board ~~will~~ may render its decision in accordance with this rule.

~~[(2)](4)~~ The petition shall include:

(a) the petitioner's name and name and address of any attorney who is ~~requesting~~ representing the petitioner in the commutation proceeding;

(b) a statement of the reasons ~~why the~~ or grounds which petitioner believes ~~the sentence of death is not appropriate due to the specific circumstances pertinent to him~~ support the commutation of the death sentence;

(c) copies of all written evidence upon which petitioner intends to rely at the hearing along with the names of all witnesses petitioner intends to call and a summary of their anticipated testimony.

~~[(e)](d)~~ a statement specifying whether any of the reasons stated as reasons or grounds for ~~the~~ commutation have been reviewed ~~in the judicial process~~ by a court or courts of competent jurisdiction;

~~[(d)](e)~~ a statement, if new information is alleged, ~~a statement~~ explaining why the reasons the information is considered new, why ~~it~~ the new information was not or could not have been reviewed ~~it~~ during the judicial process, and why the new information is not still subject to judicial review;

~~[(e)](f)~~ a statement, if legal or constitutional reasons for commutation are claimed, ~~a statement explaining why~~ setting forth the reasons that the provision of Utah Code Ann. Section 77-27-5.5(6) does not prohibit the Board from considering the purported legal or constitutional issues, ~~and~~

~~[(4)](5)~~ ~~if~~ If petitioner ~~has received one~~ previously received a commutation hearing, the petition shall ~~include a statement explaining~~ set forth what, if any, new ~~and~~ significant and previously unavailable information exists ~~that justifies a second hearing; and~~ which supports commutation and the reasons this information requires a new hearing.

~~[(e)](g)~~ copies of all written evidence upon which petitioner intends to rely at the hearing along with the names of all witnesses it intends to call and a summary of their anticipated testimony.

(6) Within seven days of receiving the petition, the State of Utah, by and through the Attorney General ~~or County Attorney~~ or his designee shall ~~provide to the Board and the petitioner copies of all written evidence, names of witnesses, and summary of anticipated testimony. The Board may request additional information from either side]~~ file a response with the Board. The State's response shall be mailed, via United States mail, postage prepaid, or hand delivered to the petitioner and his counsel, if represented. The state's response to the

petition shall include copies of all written evidence, and the names of the witnesses, and a summary of the anticipated testimony upon which the State intends to rely to either challenge petitioner's right to commutation hearing or to rebut petitioner's claim that the sentence of death should be commuted. The Board may request either the petitioner or the State to provide additional information.

~~[(3)](7)~~ If the Board believes that it cannot consider the claims pursuant to Utah Code Ann. Section 77-27-5.5, it ~~[will]~~shall deny the petition~~[for a hearing, determining that it does not present a substantial issue]~~.

(8) If the Board determines the petition does not present a substantial issue for commutation, it shall deny the petition.

~~[(4)](9)~~ If the Board ~~[grants the petition]~~determines the petition presents a substantial issue for commutation, which has not been reviewed in the judicial process, a commutation hearing shall be scheduled as soon as reasonably possible.

~~[(5)](10)~~ The Board may temporarily stay an execution to fully hear the petition for commutation.

~~[(7)](11) [The day after receiving the state's response]~~Within three business days of determining the petition presents a substantial issue for commutation which has not been reviewed in the judicial process, the Board shall hold a pre-hearing conference to ~~[limit the number of witnesses that each side calls]~~identify and set the witnesses to be called, clarify the issues [that will] to be addressed, and take [whatever] any other action it considers necessary and appropriate to control and direct the proceedings.

(12) If not otherwise called as a witness, a victim representative, as defined by Administrative Rule R671-203-1, shall be afforded the opportunity to attend the commutation hearing, and to present testimony regarding the commutation of the death sentence, in accordance with, and subject to the provisions of Administrative Rule R671-203-4(A-C, and F).

~~[(8)](13)~~ The commutation hearing is not adversarial and neither side is allowed to cross-examine the other party's witnesses. However, the Board may ask questions freely of any witness, the ~~[inmate, the inmate's representative]~~petitioner, the petitioner's attorney, and the ~~[state's representative]~~State's attorney. The role of the ~~[State's representative]~~State's attorney is limited to challenge the petitioner's right to a commutation hearing and rebutting petitioner's claim~~[that his sentence should be commuted]~~ and otherwise assisting the ~~[b]~~Board [to determine] in determining all facts relevant to the inquiry~~[and petitioner's claims]~~. The Rules of Evidence do not apply to the commutation hearing.

~~[(9)](14)~~ In conducting the commutation hearing:

(a) The Board will place all witnesses under oath and may impose a time limit on each side for presenting its case.

(b) The Board will record the commutation hearing in accordance with Utah Code Ann. Subsection 77-27-8(2).

(c) Administrative Rule ~~[R672]~~R671-302 "News Media and Public Access to Hearings" will govern media and public access to the hearing.

(d) [During the hearing, the]The Board may take ~~[whatever actions]~~any action it considers necessary and appropriate to maintain the order, decorum, and dignity of the hearing.

~~[(40)](15)~~ The Board will reconvene in open session to announce and distribute its written decision.

KEY: capital punishment

Date of Enactment or Last Substantive Amendment: ~~[November 19, 2003]~~2009

Notice of Continuation: August 14, 2008

Authorizing, and Implemented or Interpreted Law: 77-19-7; Art VII, Sec 12

◆ ————— ◆

Pardons (Board Of), Administration R671-405 Parole Termination

NOTICE OF PROPOSED RULE (Amendment)

DAR FILE NO.: 32066

FILED: 10/16/2008, 15:25

RULE ANALYSIS

PURPOSE OF THE RULE OR REASON FOR THE CHANGE: This rule details the Board's policy regarding the termination of parole and the changes to this rule clarify the Board's statutory period of parole to include unexpired lengths of sentences.

SUMMARY OF THE RULE OR CHANGE: The changes are minor and include clarification of the Board's statutory period of parole to include unexpired lengths of sentences.

STATE STATUTORY OR CONSTITUTIONAL AUTHORIZATION FOR THIS RULE: Sections 76-3-202, 77-27-9, and 77-27-12

ANTICIPATED COST OR SAVINGS TO:

❖ **THE STATE BUDGET:** None--The changes do not introduce costs or savings. The changes are minor and only clarify the Board's statutory period of parole to include unexpired lengths of sentences.

❖ **LOCAL GOVERNMENTS:** None--The changes do not introduce costs or savings. The changes are minor and only clarify the Board's statutory period of parole to include unexpired lengths of sentences.

❖ **SMALL BUSINESSES AND PERSONS OTHER THAN BUSINESSES:** None--The changes do not introduce costs or savings. The changes are minor and only clarify the Board's statutory period of parole to include unexpired lengths of sentences.

COMPLIANCE COSTS FOR AFFECTED PERSONS: None--The changes do not introduce costs or savings. The changes are minor and only clarify the Board's statutory period of parole to include unexpired lengths of sentences.

COMMENTS BY THE DEPARTMENT HEAD ON THE FISCAL IMPACT THE RULE MAY HAVE ON BUSINESSES: It has been determined that there is no fiscal impact on business associated with this amendment. Curtis Garner, Chairman

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

PARDONS (BOARD OF)
ADMINISTRATION
Room 300
448 E 6400 S

SALT LAKE CITY UT 84107-8530, or
at the Division of Administrative Rules.

DIRECT QUESTIONS REGARDING THIS RULE TO:
Megan Flox-Lambert at the above address, by phone at 801-261-6456, by FAX at 801-261-6448, or by Internet E-mail at mflox@utah.gov

INTERESTED PERSONS MAY PRESENT THEIR VIEWS ON THIS RULE BY
SUBMITTING WRITTEN COMMENTS TO THE ADDRESS ABOVE NO LATER
THAN 5:00 PM on 12/15/2008.

THIS RULE MAY BECOME EFFECTIVE ON: 12/22/2008

AUTHORIZED BY: Curtis L Garner, Chairman

R671. Pardons (Board of), Administration.

R671-405. Parole Termination.

R671-405-1. Termination of Parole.

The Board ~~will~~ may consider terminating an offender's parole when petitioned to do so by the Department of Corrections, other interested parties or on its own initiative. When considering termination, the Board will toll any parole time when a parolee is an absconder. The toll time will be from the date a Board warrant was issued to the date the warrant was executed.

When a termination is approved by the Board, written notification of the Board's action will be provided to the parolee through the Department of Corrections.

Depending on the crime, statutory periods of parole without violation are three, ten years, the unexpired length of the sentence, or life.

Upon receipt of written notification of the service of the statutory maximum period on parole and verification of that information, the Board of Pardons will then order the closing of the file.

KEY: sentencing, parole

Date of Enactment or Last Substantive Amendment: [~~December 4, 2002~~2008]

Notice of Continuation: July 25, 2007

Authorizing, and Implemented or Interpreted Law: 76-3-202; 77-27-9; 77-27-12



**Public Safety, Criminal Investigations
and Technical Services, Criminal
Identification**

R722-310

**Regulation of Bail Bond Recovery and
Enforcement Agents**

NOTICE OF PROPOSED RULE

(Amendment)

DAR FILE NO.: 32088

FILED: 10/29/2008, 08:29

RULE ANALYSIS

PURPOSE OF THE RULE OR REASON FOR THE CHANGE: The Bail Bond Recovery Licensure Board, under its statutory authority of Title 53, Chapter 11, the "Bail Bond Recovery Act," sees fit to amend the administrative rules to better carry out its duties.

SUMMARY OF THE RULE OR CHANGE: The definition of "moral turpitude" includes specific offenses, as well as general categories. Additional requirements for applicants wishing to carry concealed firearms are listed. Presumed lengths of licensure denial are spelled out depending upon the offense committed. Required training for licensure upgrades and renewals are added and nonsubstantive changes made.

STATE STATUTORY OR CONSTITUTIONAL AUTHORIZATION FOR THIS RULE: Subsection 53-11-103(5)

ANTICIPATED COST OR SAVINGS TO:

❖ **THE STATE BUDGET:** None--Any additional licensure requirement checks and enforcements may be performed within the existing support staff resources of the Bureau of Criminal Identification (BCI).

❖ **LOCAL GOVERNMENTS:** None--Any potential impact on local government will be too distant to cause a fiscal impact.

❖ **SMALL BUSINESSES AND PERSONS OTHER THAN BUSINESSES:** None--Each applicant will bear their own costs under the rule amendment requirements.

COMPLIANCE COSTS FOR AFFECTED PERSONS: The cost for the class taught by BCI is \$10. The class is only required once with each renewal, every two years. The cost is for supplies/handouts, etc. Subsection 53-11-109(2) states that an applicant for license renewal shall have completed not less than eight hours of continuing classroom instruction. In the past, licensees would submit training courses such as first aid, defensive tactics, firearms, etc. There was no uniformity in the training. Starting January 1, 2009, the Bail Bond Recovery Licensure Board and BCI have implemented a four hour mandatory training course that all renewal licensees must attend prior to licensure. The purpose is to provide updated information regarding laws, rules, policy changes, and refresher training pertinent to the bail profession. The remaining four hours of classroom training as required by state statute is left up to the discretion of the licensee. The approximate cost for the firearms course for each licensee opting to carry a firearm is \$150. Licensees are not required to carry a firearm, those licensees wanting to carry a firearm are required, per Subsection 53-11-108(5)(i), to complete a 16-hour firearms course and possess a valid Utah Concealed Firearm Permit. The course is in addition to the initial firearms course. The firearms course will be required upon each renewal for those licensees wanting to carry a firearm. The fee is paid to the instructor, not BCI. The fee includes the instructor's time, ammunition, and supplies. The class is to be eight hours long and is only required once with each renewal (every two years).

COMMENTS BY THE DEPARTMENT HEAD ON THE FISCAL IMPACT THE RULE MAY HAVE ON BUSINESSES: I have determined that there is no fiscal impact on business associated with this amendment. Scott T. Duncan, Commissioner

THE FULL TEXT OF THIS RULE MAY BE INSPECTED, DURING REGULAR BUSINESS HOURS, AT:
 PUBLIC SAFETY
 CRIMINAL INVESTIGATIONS AND
 TECHNICAL SERVICES, CRIMINAL IDENTIFICATION
 3888 W 5400 S
 TAYLORSVILLE UT 84118, or
 at the Division of Administrative Rules.

DIRECT QUESTIONS REGARDING THIS RULE TO:
 Alice Erickson at the above address, by phone at 801-965-4939, by FAX at 801-965-4944, or by Internet E-mail at aerickso@utah.gov

INTERESTED PERSONS MAY PRESENT THEIR VIEWS ON THIS RULE BY SUBMITTING WRITTEN COMMENTS TO THE ADDRESS ABOVE NO LATER THAN 5:00 PM on 12/15/2008.

THIS RULE MAY BECOME EFFECTIVE ON: 12/22/2008

AUTHORIZED BY: Alice Erickson, Bureau Chief

R722. Public Safety, Criminal Investigations and Technical Services, Criminal Identification.

R722-310. Regulation of Bail Bond Recovery and Enforcement Agents.

R722-310-[2]1. Authority.

This rule is authorized by Subsection 53-11-103(5).

R722-310-[3]2. Definitions.

~~[A-](1)~~ Terms used in this rule are defined in Section 53-11-102.

~~[B-](2)~~ In addition:

~~(a)~~ "Bureau" means the Bureau of Criminal Identification with the Utah Department of Public Safety.

~~[4-](b)~~ "Moral turpitude" as used in Subsection 53-11-108(2)(a)(vi), means a conviction of any ~~[crime listed in R724 4 3(M)]~~. ~~In addition, a crime of moral turpitude means a conviction of an offense involving:~~

~~(i) theft;~~

~~(ii) fraud;~~

~~(iii) tax evasion;~~

~~(iv) issuing bad checks;~~

~~(v) interference with police;~~

~~(vi) fleeing, resisting, or failing to obey police;~~

~~(vii) obstruction of justice;~~

~~(viii) bribery;~~

~~(ix) perjury;~~

~~(x) extortion;~~

~~(xi) arson;~~

~~(xii) criminal mischief;~~

~~(xiii) wildlife violations "involving a weapon";~~

~~(xiv) falsifying government records;~~

~~(xv) receiving stolen property;~~

~~(xvi) firearms violations;~~

~~(xvii) vandalism;~~

~~(xviii) crimes involving unlawful sexual conduct; and~~

~~(xix) violating the pornographic and harmful materials and performances act.~~

~~(xx) In addition, a crime of "moral turpitude" means a conviction of an offense involving:~~

~~[a-](A) the use of alcohol,[-o-];~~

~~[b-](B) the unlawful use of narcotics or other controlled substances[-]; or~~

~~(C) any offense involving dishonesty or misrepresentation.~~

~~[2. "Division" means the Law Enforcement and Technical Services Division of the Department of Public Safety.~~

~~3-](c) "Peace officer" as used in Subsection 53-11-108(2)(c), means anyone who is employed either full time or part time by the federal, state or local government in one of the officer classifications listed in Subsection 53-13-102.~~

R722-310-[4]3. Purpose.

~~(1) The purpose of this rule is to regulate:~~

~~(a) bail bond recovery and enforcement agents;~~

~~(b) as provided by Title 53, Chapter 11, the "Bail Bond Recovery Act."~~

R722-310-4. Application.

~~(1) In addition to the requirements set forth in Sections 53-11-109 and 53-11-113, all applicants seeking licensure under this chapter shall provide two completed sets of fingerprint cards for the purpose of fingerprint processing as provided ~~[f-o-]~~ in Section 53-11-115.~~

~~(2) An applicant seeking initial licensure that also wishes to carry a firearm shall satisfy the requirements of Title 53 Chapter 5, the "Concealed Weapon Act" plus complete the 16 hour weapons course required by Subsection 53-11-108(5).~~

~~(3) An applicant for an upgrade in licensure that also wishes to carry a firearm shall satisfy the requirements of Title 53 Chapter 5, the "Concealed Weapon Act."~~

~~(a) In addition, an applicant for an upgrade wishing to carry a firearm shall satisfy an eight hour firearm proficiency test which shall include an actual shooting component. This firearm proficiency test shall be adapted from a firearm course under the supervision of the Bureau.~~

~~(b) A list of certified instructors shall be made available on the Bureau's web page.~~

~~(c) The firearm proficiency test and shooting component shall also be required upon each renewal.~~

R722-310-5. Licensure.

~~[A-](1) In addition to the provisions set forth in Subsection 53-11-116(1)(b)(i), each license and identification card shall have on it[']s face a designation as to whether or not the licensee is authorized to carry a loaded and concealed firearm as provided ~~[f-o-]~~ in Subsection 53-11-108(5).~~

~~[B-](2) Providers offering instruction or continuing instruction required for licensure shall offer the courses to all applicants at the same course fees.~~

R722-310-5a. Presumed Lengths of Time of Licensure Denial.

~~(1) The following time lengths are presumed, but non-binding, waiting periods for an applicant whose license is denied:~~

~~(a) 3 years for class B misdemeanor violations;~~

~~(b) 5 years for class A misdemeanor violations;~~

~~(c) 3 years for misdemeanor DUI and alcohol related reckless driving violations; and~~

~~(d) felony violations shall require a waiting period until the conviction is expunged, if possible.~~

R722-310-6. Minimum Experience Requirements.

(1) In addition to the requirements set forth in Subsections 53-11-109(1)(b)(i) and (ii), an applicant[s] [who are-] claiming previous experience as either a bail recovery agent or law enforcement officer[; must be able to] shall substantiate the experience as qualifying experience.

(2) The applicant may do so by showing that the experience claimed has been acquired within ten years immediately preceding application.

R722-310-7. Qualification Credit for Specified Training.

[A-](1) An [A]applicant[s] receiving qualification credit under Section 53-11-114, [are]is still required to attend the 16 hour training course[es] referred to in Section 53-11-108.

[B-](2) An [A]applicant[s] who holds a criminal justice bachelor's degree or who [are]is certified to have successfully completed the state Peace Officers Standards and Training basic training course referred to in Section 53-6-202, [may]shall be exempt from meeting [up to]the 1000 hours of [the] experience requirements.

[C-](3) Not more than 1000 hours [may]shall be exempt for any specified training.

(4) If any license expires under Rule R722-310 for 90 days or more, the applicant shall reapply and the 16 hours of training shall be retaken.

R722-310-7a. Required Continuing Training for Licensure Renewal or Upgrade.

(1) An applicant seeking renewal or upgrade of each license in this section shall complete not less than eight hours of continuing classroom instruction as required by Subsection 53-11-111(2).

(2) Four of these required eight hours of continuing classroom instruction shall be provided by the Bureau.

(3) This four hour course shall be required every two years during the renewal process for each license level.

(a) The course shall provide updates on Utah law, administrative changes, and other pertinent information in order to enhance knowledge of bail recovery.

(b) The remaining four hours of continuing classroom instruction required under Subsection 53-11-111(2) is left to the discretion of the license renewal applicant.

R722-310-8. Notice to Commissioner.

[The]Required notice to the commissioner [referred to in]under Subsection 53-11-116(5) [regarding]when there is a change in the name or address of a bail bond agency and any change of employees or contract employees[;] shall be in writing and signed by the licensee.

R722-310-9. Appeal on Denial of License.

[A-](1) All adjudicative proceedings provided for herein shall be informal in accordance with Section [63-46-5]63G-4-203 and as allowed by Section [63-46-4]63G-4-202.

[B-](2) The board may deny a license application or renewal for failure to comply with the requirements in Sections 53-11-108 through 53-11-115, or for any of the reasons set forth in Section 53-11-118.

[C-](3) The board shall review and make an initial determination on all license applications. An applicant [who is-]denied licensure by the board [will]shall be given [an-]opportunity to appeal the board's initial determination to the board for a hearing.

[D-](4) The board [will]shall issue a written decision to the applicant within ten days following the hearing.

[E-](5) [F]When the [B]board denies the license following a hearing, the board's issued decision [issued by the Board will]shall advise the applicant that [he/she]the applicant may appeal to the commissioner within 30 days after the decision is issued.

[F-](6) An appeal to the commissioner [will]shall not result in a de novo hearing before the commissioner. It [will]shall result in [a review of the record by-]the department's administrative law judge reviewing the record as the commissioner's designee. The administrative law judge[; at his discretion,] may request oral argument by the parties.

[G-](7) In addition to the options in Subsection 53-11-118(4), the administrative law judge may affirm the board's decision.

[H-](8) The administrative law judge [will]shall issue a decision within 60 days after receipt of the appeal.

KEY: bail bond enforcement agent, bail bond recovery agent, license

Date of Enactment or Last Substantive Amendment: [November 16, 2000]2008

Notice of Continuation: June 29, 2005

Authorizing, and Implemented or Interpreted Law: 53-11-103(5)



Transportation, Administration
R907-67
Debarment of Contractors from Work
on Department Projects -- Reasons

NOTICE OF PROPOSED RULE

(Amendment)

DAR FILE NO.: 32091

FILED: 10/30/2008, 09:38

RULE ANALYSIS

PURPOSE OF THE RULE OR REASON FOR THE CHANGE: This rule helps the Department maintain the highest quality and integrity of the contractors who do work on the state's highways, by being able to debar any contractor who has shown fraud and misrepresentation. Being able to debar protects the resources of the State of Utah. The change in the rule allows for the person more closely associated with work go forward with debarment. The changes also clear up some of the language in the rule.

SUMMARY OF THE RULE OR CHANGE: The rule change allows for the person who most closely observed the work and conduct of the contractors to be able to make the decisions to go forward with the debarment process.

STATE STATUTORY OR CONSTITUTIONAL AUTHORIZATION FOR THIS RULE: Section 72-1-201

ANTICIPATED COST OR SAVINGS TO:

❖ **THE STATE BUDGET:** No cost or savings are anticipated with this rule change. No new requirements were created with this rule change which will impact the state budget. The change is all in the text with substantive changes.

❖ LOCAL GOVERNMENTS: No cost or savings are anticipated for local governments with this rule change. No new requirements were created with this rule change that impact local governments.

❖ SMALL BUSINESSES AND PERSONS OTHER THAN BUSINESSES: No cost or savings are anticipated for small businesses with this rule change. No new requirements were created with this rule change that impact small businesses.

COMPLIANCE COSTS FOR AFFECTED PERSONS: No cost or savings are anticipated for compliance of affected persons.

COMMENTS BY THE DEPARTMENT HEAD ON THE FISCAL IMPACT THE RULE MAY HAVE ON BUSINESSES: This rule should have no fiscal impact on businesses. John Njord, Executive Director

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

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

DIRECT QUESTIONS REGARDING THIS RULE TO:

Maureen Short at the above address, by phone at 801-965-4026, by FAX at 801-965-4338, or by Internet E-mail at maureenshort@utah.gov

INTERESTED PERSONS MAY PRESENT THEIR VIEWS ON THIS RULE BY SUBMITTING WRITTEN COMMENTS TO THE ADDRESS ABOVE NO LATER THAN 5:00 PM on 12/15/2008.

THIS RULE MAY BECOME EFFECTIVE ON: 12/22/2008

AUTHORIZED BY: John R. Njord, Executive Director

R907. Transportation, Administration.

R907-67. Debarment of Contractors from Work on Department Projects -- Reasons.

R907-67-1. Debarment of Contractors from Work on Department Projects -- Reasons.

Debarment prevents the contractor from performing work on any department projects, either as a prime contractor or subcontractor. The department may debar a contractor, which, for purposes of this rule includes Consultants and owners, directors, managers, officers or fiscal agents of the Contractor or Consultant), from performing any work on projects that it administers if, by substantial evidence, ~~[if the department concludes that one of the following factors is present]-;~~ ~~Debarment prevents the contractor from performing work on any department projects, either as a prime contractor or subcontractor.]~~

(1) The Contractor has been convicted of or entered a plea of guilty or nolo contendere to a crime that is related to a bid or contract-related crime in any court in the United States;

(2) The Contractor has publicly admitted to conduct constituting a crime that is related to a bid or contract;

(3) The Contractor has falsified information or submitted deceptive or fraudulent statements in connection with prequalification, bidding, or performance of a contract;

(4) The Contractor has violated federal or state antitrust laws;

(5) The Contractor has demonstrated willful wrongdoing that reflects a lack of integrity in bidding or performing a public project;

(6) The Contractor, including a joint venture, stockholder of more than five (5) percent of the available stock, or any immediate relatives of the aforementioned has been debarred or suspended or is affiliated with any debarred or suspended person in any state or by the federal government;

(7) The deputy director or designee concludes that the Contractor has acted in collusion with others to perform work on a project that supposedly satisfied disadvantaged business enterprise (DBE) goals or requirements through other than bona fide disadvantaged business enterprises in any combination of individuals, firms, or corporations;

(8) The Contractor has defaulted under previous contracts;

(9) The Contractor has performed previous or current work in an unsatisfactory manner, as determined ~~[solely]~~ by either the Project Manager or Resident Engineer. Among the items that can be the subject of unsatisfactory performance are the following, though there may be others that are similar in importance and require a determination of unsatisfactory performance:

(a) noncompliance with the contract;

(b) failure to complete work on time;

(c) instances of substantial corrective work being needed before acceptance of the work;

(d) instances of completed work that requires acceptance at reduced pay;

(e) production of non-specification work or materials, and when applicable, required price reductions or corrective work;

(f) failure to provide adequate safety measures and appropriate traffic control that endangered the safety of the work force or the public.

(10) The Contractor has questionable moral integrity as determined by the department, the United States Attorney General, the Utah Attorney General, or any other state;

(11) Failure to reimburse the state for monies owned on any previously awarded contract including those where the prospective bidder is a party to a joint venture and the joint venture has failed to reimburse the state for monies owed.

(12) The deputy director or designee reasonably believes and finds that the public health, welfare, or safety require suspension.

R907-67-2. Procedures for Debarment.

If the Engineer for Construction or designee believes a Contractor should be debarred, he or she will follow the procedures listed in R907-1-2, Commencement by Department - Notice of Agency Action - Procedures. The proceeding shall be handled as an informal administrative proceeding unless the deputy director's designee grants a request for conversion to a formal proceeding. The Notice of Agency Action shall also set forth the amount of time being sought as a debarment period.

KEY: highways, transportation, contractors, suspension

Date of Enactment or Last Substantive Amendment: ~~December 8, 2006~~2008

Notice of Continuation: September 18, 2008

Authorizing, and Implemented or Interpreted Law: 72-1-201

◆ ————— ◆

Transportation, Motor Carrier
R909-16
 Overall Motor Carrier Safety Standing

NOTICE OF PROPOSED RULE

(Amendment)
 DAR FILE No.: 32089
 FILED: 10/29/2008, 14:25

RULE ANALYSIS

PURPOSE OF THE RULE OR REASON FOR THE CHANGE: The purpose of the rule change is to correct a numbering error found in the rule. The rule also updates the title "Utah Regulations for Legal and Permitted Vehicles" to "Utah Trucking Guide". The change is in name only and the substantive text will remain the same. The reason for the name change is to better accommodate the space on the web site.

SUMMARY OF THE RULE OR CHANGE: The numbering has been corrected beginning with Sections R909-16-7 through R909-16-12. Subsection R909-16-3(2) has also been changed from "Utah Regulations for Legal and Permitted Vehicles" to "Utah Trucking Guide". The change is in name only and the substantive text will remain the same. The reason for the name change is to better accommodate the space on the web site.

STATE STATUTORY OR CONSTITUTIONAL AUTHORIZATION FOR THIS RULE: Section 72-9-303, 72-9-701, and 72-9-702

ANTICIPATED COST OR SAVINGS TO:

- ❖ **THE STATE BUDGET:** No cost or savings are anticipated with this rule change. No new requirements were created with this rule change which will impact the state budget. The change is all in the text with substantive changes.
- ❖ **LOCAL GOVERNMENTS:** No cost or savings are anticipated for local governments with this rule change. No new requirements were created with this rule change that impact local governments.
- ❖ **SMALL BUSINESSES AND PERSONS OTHER THAN BUSINESSES:** No cost or savings are anticipated for small businesses with this rule change. No new requirements were created with this rule change that impact small businesses.

COMPLIANCE COSTS FOR AFFECTED PERSONS: No cost or savings are anticipated for compliance of affected persons.

COMMENTS BY THE DEPARTMENT HEAD ON THE FISCAL IMPACT THE RULE MAY HAVE ON BUSINESSES: This rule should have no fiscal impact on businesses. John Njord, Executive Director

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

TRANSPORTATION
 MOTOR CARRIER
 CALVIN L RAMPTON COMPLEX
 4501 S 2700 W

SALT LAKE CITY UT 84119-5998, or
 at the Division of Administrative Rules.

DIRECT QUESTIONS REGARDING THIS RULE TO:

Maureen Short at the above address, by phone at 801-965-4026, by FAX at 801-965-4338, or by Internet E-mail at maureenshort@utah.gov

INTERESTED PERSONS MAY PRESENT THEIR VIEWS ON THIS RULE BY SUBMITTING WRITTEN COMMENTS TO THE ADDRESS ABOVE NO LATER THAN 5:00 PM on 12/15/2008.

THIS RULE MAY BECOME EFFECTIVE ON: 12/22/2008

AUTHORIZED BY: John R. Njord, Executive Director

R909. Transportation, Motor Carrier.
R909-16. Overall Motor Carrier Safety Standing.
R909-16-3. Obtaining a "Satisfactory" Standing.

A motor carrier shall receive a "satisfactory" standing from the Department if the company has an overall company safety fitness of "satisfactory." To meet this requirement, a motor carrier must meet the following conditions:

- (1) Received a "satisfactory" rating from a State/Federal Compliance Review within the last 12 months prior to the request of standing;
- (2) ~~Maintained conditions set forth in the~~ Utah Trucking Guide;
- (3) Does not have a recordable accident rate higher than the national average as defined by 49 CFR Appx. B to Part 385.
- (4) The company vehicle out-of-service rate for the previous 12 months must be below the national average as defined by the Federal Motor Carrier Safety Administration;
- (5) If the company hauls hazardous materials, compliance must be met as outlined in the Hazardous Materials Regulations, 49 CFR Part 171 - 180.
- (6) Meet compliance with all federal, state, and local laws governing the operation of commercial motor carriers.

R909-16-[7]8. Cease and Desist Order - Registration Sanctions.

The Department may issue cease and desist orders to any motor carrier that fails or neglects to comply with State and Federal Motor Carrier Safety Regulations or any part of this rule as authorized by Section 72-9-303.

R909-16-[8]9. Penalties and Fines.

Any motor carrier that fails or neglects to comply with State or Federal Motor Carrier Safety Regulations or any part of this rule is subject to a civil penalty as authorized by Section 72-9-701 and 72-9-703.

R909-16-[9]10. Motor Carriers delinquent in paying civil penalties; prohibition on transportation.

A motor carrier that has failed to pay civil penalties imposed by the Department, or has failed to abide by a payment plan, may be prohibited from operating commercial motor vehicles in intrastate or interstate commerce as authorized by 72-9-303.

R909-16-[10]11. Change to standing based upon corrective actions.

(1) A motor carrier that has taken action to correct the deficiencies that resulted in an "unsatisfactory" standing may request a review at any time.

(2) The request must be made in writing and sent or faxed to: Motor Carrier Division, 4501 South 2700 West, Box 14820, Salt Lake City, Utah 84114-8240, Phone: (801) 965-4243, Fax: (801) 965-4211.

(3) The motor carrier must base this request upon evidence that it has taken corrective actions and that its operations currently meet the safety conditions as outlined in R909-3. The request must include a written description of corrective actions taken, and other documentation the carrier wishes the Department to consider.

(4) The Department will make a final determination in writing within 30 days after the request has been made based upon the documentation the motor carrier submits, and any additional relevant information.

(5) The Department will perform reviews of requests made by motor carriers within 45 days of the request.

R909-16-[14]12. Rights of Carriers to Appeal "Unsatisfactory" Standing.

(1) A motor Carrier may appeal the Department's assessment of an "unsatisfactory" standing. The motor carrier must make a "petition to review" standing in writing. The petition must state why the proposed standing is believed to be in error and list all factual and procedural issues disputed. The petition may be accompanied by any information or documents the motor carrier is relying upon as the basis for its petition.

(2) The Department may request the petitioner to submit additional data and attend an Informal Rearing to discuss the standing. Failure to provide the information requested or to attend the Informal Review may result in dismissal of the petition.

(3) A motor carrier must make a request for a "petition to review" within 45 days of the date of the "unsatisfactory" standing was issued.

(4) The Department will notify the motor carrier in writing of its decision following the Administrative Review or Informal Review. The Department will complete its review within 15 days after the Administrative Review or Informal Review date.

(5) If after the Administrative Review or Informal Review, an agreement acceptable to the Division is not reached, a formal Notice of Agency Action will be entered against the carrier.

KEY: safety standing, truck

Date of Enactment or Last Substantive Amendment: ~~December 4, 2004~~ 2008

Notice of Continuation: November 29, 2006

Authorizing, and Implemented or Interpreted Law: 72-9-303; 72-9-701; 72-9-702



Transportation, Program Development
R926-11
 Rules for Permitting of Eligible Vehicles
 for a Clean Fuel Special Group License
 Plate On or After January 1, 2009

NOTICE OF PROPOSED RULE

(New Rule)

DAR FILE No.: 32076

FILED: 10/22/2008, 15:18

RULE ANALYSIS

PURPOSE OF THE RULE OR REASON FOR THE CHANGE: The purpose of this rule is to better regulate the High Occupancy Vehicle (HOV) or Hot Lanes and prevent any degrading of the lanes. The rule helps to bring Utah into compliance with federal regulations for HOV lane use.

SUMMARY OF THE RULE OR CHANGE: This is a new rule. The rule will regulate what type of vehicles may use the HOV lanes with only a single occupant.

STATE STATUTORY OR CONSTITUTIONAL AUTHORIZATION FOR THIS RULE: Section 41-6a-702

ANTICIPATED COST OR SAVINGS TO:

❖ **THE STATE BUDGET:** The anticipated cost to the state budget is negligible. The Department will need to buy a ream of quality paper to print the certificates needed to show eligibility for a "C" plate to use in the HOV lanes.

❖ **LOCAL GOVERNMENTS:** No cost or savings are anticipated for local governments with this new rule. No new requirements were created with this new rule that impact local governments.

❖ **SMALL BUSINESSES AND PERSONS OTHER THAN BUSINESSES:** No cost or savings are anticipated for small businesses with this new rule. No new requirements were created with this new rule that impact small businesses.

COMPLIANCE COSTS FOR AFFECTED PERSONS: No cost or savings are anticipated for compliance of affected persons. Affected persons will need to surrender their "C" plates.

COMMENTS BY THE DEPARTMENT HEAD ON THE FISCAL IMPACT THE RULE MAY HAVE ON BUSINESSES: This rule should have no fiscal impact on businesses. John Njord, Executive Director

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

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

DIRECT QUESTIONS REGARDING THIS RULE TO:

Maureen Short at the above address, by phone at 801-965-4026, by FAX at 801-965-4338, or by Internet E-mail at maureenshort@utah.gov

INTERESTED PERSONS MAY PRESENT THEIR VIEWS ON THIS RULE BY SUBMITTING WRITTEN COMMENTS TO THE ADDRESS ABOVE NO LATER THAN 5:00 PM on 12/15/2008.

THIS RULE MAY BECOME EFFECTIVE ON: 12/22/2008

AUTHORIZED BY: John R. Njord, Executive Director

R926. Transportation, Program Development.

R926-11. Rules for Permitting of Eligible Vehicles for a Clean Fuel Special Group License Plate On or After January 1, 2009.

R926-11-1. Purpose and Authority.

As authorized in Utah Code Ann. Section 41-6a-702 this establishes rules for regulating access to high occupancy vehicle lanes by vehicles with a clean fuel special group license plate regardless of the number of occupants.

Federal law authorizes states to allow the use of high occupancy vehicle (HOV) lanes by inherently low emission vehicles (ILEV) and low emission and energy-efficient vehicles with only a single occupant through September 30, 2009, unless federal authorization is extended. Federal law further requires a state to limit or discontinue the use of these single-occupant vehicles if the present of the vehicles has degraded the operation of the HOV facility.

R926-11-2. Definitions.

(1) "Hybrid" means a Low Emission and Energy Efficient vehicle as defined by the United States Environmental Protection Agency as authorized in 23 United States Code 166;

(2) "ILEV" means an Inherently Low Emission Vehicle as defined by the United States Environmental Protection Agency as authorized in 23 United States Code 166;

(3) "C Plate" means a clean fuel special group license plate issued by the DMV as authorized in Utah Code;

(4) "C Plate Permit" means a permit issued by the department to the owner of an eligible ILEV or Hybrid vehicle that enables the permit holder to obtain a C plate from the DMV;

(5) "department" means the Utah Department of Transportation;

(6) "DMV" means the Division of Motor Vehicles of the Utah Tax Commission;

(7) "HOV" means a highway lane that has been designated for the use of high occupancy vehicles pursuant to Section 41-6a-702.

R926-11-3. Identification of Eligible C Plate Vehicles Prior to January 1, 2009.

(a) Vehicle owners with vehicles registered with a C plate issued prior to January 1, 2009, and for which the vehicle meets the definition for an ILEV or Hybrid as defined in this rule may retain the C plate or transfer the plate to a newly purchased eligible ILEV or hybrid vehicle under the processes defined under this rule.

(b) Vehicle owners with vehicles registered with a C plate issued prior to January 1, 2009, that do not meet the definition of an eligible ILEV or Hybrid vehicle are no longer eligible to retain the C plate and must surrender the plate:

(i) at the time of their next vehicle registration renewal, and;

(ii) upon receipt of a vehicle registration renewal received from the DMV containing notification that the vehicle is no longer eligible for a C plate.

(iii) As provided under Utah Code 41-1a-1211, a new plate will be issued by the DMV for the surrendered C plate at no charge.

(c) Upon receipt of a list of registered vehicles, provided by the DMV, for which a C plate has been issued prior to January 1, 2009, the department will determine which vehicles meet the definition of an ILEV or Hybrid vehicle as provided in this rule. From that list, the department will advise the DMV which vehicles do not meet the definition of an eligible ILEV or Hybrid vehicle and, therefore, are no longer eligible for a C plate in order for the DMV to provide notification to vehicle owners as provided under subparagraph (b)(ii).

(d) Vehicle owners for whom notification has been provided under subparagraph (b)(ii) may receive a C Plate Permit from the department if:

(i) the vehicle owner submits an application as provided under R926-11-5(c), and;

(iii) provides sufficient proof to the department that the vehicle meets eligibility requirements for an ILEV or Hybrid vehicle as provided under this rule.

R926-11-4. Permitting of Eligible Vehicles after January 1, 2009.

(a) Owners of an eligible ILEV and Hybrid vehicle shall qualify for C plate upon application and receipt of a C Plate Permit from the department under permitting processes defined under this rule.

(b) The DMV shall issue a C Plate to the holder of a valid C Plate Permit issued by the department to the eligible vehicle being registered for a Clean Fuel Special Group License Plate.

(c) To transfer a C plate from one eligible vehicle to a new eligible vehicle, the vehicle owner of a vehicle registered with a Valid C plate must obtain a C Plate Permit from the department before the DMV will transfer the C plate to the new eligible vehicle being registered.

(d) The department shall maintain and publish a listing online of all ILEV and Hybrid vehicle makes and models eligible for a C Plate Permit.

R926-11-5. Issuance of C Plate Permits.

(a) The department may restrict use of the HOV facility by single-occupant C plate vehicles if the operation of the facility is degraded. For the purposes of this rule, an HOV facility may be considered degraded if vehicles operating on the facility are failing to maintain a minimum average operating speed of 45 miles per hour 90 percent of the time over a consecutive 180-day period during morning or evening weekday peak hour periods (or both).

(b) Not more frequently than once a year, the department may evaluate the operation of the HOV facility and determine whether the facility will continue to operate at an acceptable level of service.

Based on that evaluation and if the department determines that additional single-occupant vehicles with a C plate may operate in the HOV lane without compromising operation of the facility, the department shall issue the appropriate number of C Plate Permits to eligible applicants as set forth under subparagraph (d).

(c) Vehicle owners with an eligible ILEV or Hybrid vehicle as defined by this rule must submit an application to the department for a C Plate Permit. The application, approved and issued by the department, shall contain the vehicle owner's name, the license plate number, the vehicle identification number, and the ILEV or Hybrid vehicle make and year model as a condition for obtaining a C Plate Permit.

(d) If more applications for a C Plate Permit are received than the total number of permits the department determines will be issued at any one time, C Plate Permits will be issued to randomly chosen applicants up to the number of permits that will be allowed based on the evaluation conducted under subparagraph (b).

(e) Vehicle owners with a C plate issued after January 1, 2009, may transfer the plate to a newly purchased eligible ILEV or Hybrid vehicle under the processes established under this rule.

KEY: hybrid vehicles, C plate, clean fuel

Date of Enactment or Last Substantive Amendment: 2008

Authorizing, and Implemented or Interpreted Law: 41-6a-702



Workforce Services, Employment
Development
R986-200-240
Additional Payments Available Under
Certain Circumstances

NOTICE OF PROPOSED RULE

(Amendment)

DAR FILE NO.: 32114

FILED: 10/30/2008, 17:11

RULE ANALYSIS

PURPOSE OF THE RULE OR REASON FOR THE CHANGE: The purpose of this amendment is to allow assistance to clients while they complete high school or GED.

SUMMARY OF THE RULE OR CHANGE: In an effort to reduce recidivism and stabilize employment, the Department provides assistance to Family Employment Plan (FEP) clients who do not have a high school degree or GED. If the client is already receiving assistance and at a later date no longer receives FEP, this rule change would allow the Department to continue assistance until the client receives his or her high school degree or GED.

STATE STATUTORY OR CONSTITUTIONAL AUTHORIZATION FOR THIS RULE: Section 35A-1-104 and Subsections 35A-1-104(4) and 35A-3-302(5)(b)

ANTICIPATED COST OR SAVINGS TO:

- ❖ THE STATE BUDGET: This is a federally-funded program so there are no costs or savings to the state budget.
- ❖ LOCAL GOVERNMENTS: This is a federally-funded program so there are no costs or savings to any local government.
- ❖ SMALL BUSINESSES AND PERSONS OTHER THAN BUSINESSES: This is a federally-funded program so there are no costs or savings to any small business or other persons.

COMPLIANCE COSTS FOR AFFECTED PERSONS: There are no compliance costs for participation in this program.

COMMENTS BY THE DEPARTMENT HEAD ON THE FISCAL IMPACT THE RULE MAY HAVE ON BUSINESSES: There are no compliance costs

associated with this change. There are no fees associated with this change. There will be no cost to anyone to comply with these changes. There will be no fiscal impact on any business. These changes will have no impact on any employers contribution tax rate. Kristen Cox, Executive Director

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

WORKFORCE SERVICES
EMPLOYMENT DEVELOPMENT
140 E 300 S
SALT LAKE CITY UT 84111-2333, or
at the Division of Administrative Rules.

DIRECT QUESTIONS REGARDING THIS RULE TO:

Suzan Pixton at the above address, by phone at 801-526-9645, by FAX at 801-526-9211, or by Internet E-mail at spixton@utah.gov

INTERESTED PERSONS MAY PRESENT THEIR VIEWS ON THIS RULE BY SUBMITTING WRITTEN COMMENTS TO THE ADDRESS ABOVE NO LATER THAN 5:00 PM on 12/15/2008.

THIS RULE MAY BECOME EFFECTIVE ON: 12/22/2008

AUTHORIZED BY: Kristen Cox, Executive Director

R986. Workforce Services, Employment Development.

R986-200. Family Employment Program.

R986-200-240. Additional Payments Available Under Certain Circumstances.

(1) Each parent eligible for financial assistance in the FEP or FEPTP programs who takes part in at least one enhanced participation activity may be eligible to receive \$60 each month in addition to the standard financial assistance payment. Enhanced participation activities are limited to:

- (a) work experience sites of at least 20 hours a week and other eligible activities that together total 30 hours per week;
- (b) full-time attendance in an education or employment training program; or
- (c) employment of 20 hours or more a week and other eligible activities that together total 30 hours per week.

(2) An additional payment of \$15 per month for a pregnant woman in the third month prior to the expected month of delivery. Eligibility for the allowance begins in the month the woman provides medical proof that she is in the third month prior to the expected month of delivery. The pregnancy allowance ends at the end of the month the pregnancy ends.

(3) A limited number of funds are available to individuals for work and training expenses. The funds can only be used to alleviate circumstances which impede the individual's ability to begin or continue employment, job search, training, or education. The payment of these funds is completely discretionary by the Department. The individual does not need to meet any eligibility requirements to request or receive these funds.

(4) Limited funds are available, up to a maximum of \$300, to pay for burial costs if the individual is not entitled to a burial paid for by the county.

(5) A Department Regional Director or designee may approve assistance, as funding allows, for the emergency needs of a non-resident who is transient, temporarily stranded in Utah, and who does not intend to stay in Utah.

(6) A limited number of funds are available for enhanced payments to parents who are eligible for financial assistance in the FEP program or who are eligible for TANF non-FEP training under R986-200-245 and who participate in the HS/GED Pilot Program. The payment of these funds is completely discretionary by the Department and may differ from region to region. The payments

may continue until the client completes the HS/GED Pilot Program even if the client is no longer receiving FEP.

KEY: family employment program

Date of Enactment or Last Substantive Amendment: [~~July 2~~], 2008

Notice of Continuation: September 14, 2005

Authorizing, and Implemented or Interpreted Law: 35A-3-301 et seq.



End of the Notices of Proposed Rules Section

NOTICES OF 120-DAY (EMERGENCY) RULES

An agency may file a 120-DAY (EMERGENCY) RULE when it finds that the regular rulemaking procedures would:

- (a) cause an imminent peril to the public health, safety, or welfare;
- (b) cause an imminent budget reduction because of budget restraints or federal requirements; or
- (c) place the agency in violation of federal or state law (Subsection 63G-3-304(1)).

As with a PROPOSED RULE, a 120-DAY RULE is preceded by a RULE ANALYSIS. This analysis provides summary information about the 120-DAY RULE including the name of a contact person, justification for filing a 120-DAY RULE, anticipated cost impact of the rule, and legal cross-references. A row of dots in the text (. . . .) indicates that unaffected text was removed to conserve space.

A 120-DAY RULE is effective at the moment the Division of Administrative Rules receives the filing, or on a later date designated by the agency. A 120-DAY RULE is effective for 120 days or until it is superseded by a permanent rule.

Because 120-DAY RULES are effective immediately, the law does not require a public comment period. However, when an agency files a 120-DAY RULE, it usually files a PROPOSED RULE at the same time, to make the requirements permanent. Comment may be made on the proposed rule. Emergency or 120-DAY RULES are governed by Section 63G-3-304; and Section R15-4-8.

Health, Health Care Financing, Coverage and Reimbursement Policy **R414-1-5** Incorporations by Reference

NOTICE OF 120-DAY (EMERGENCY) RULE

DAR FILE NO.: 32113
FILED: 10/30/2008, 15:34

RULE ANALYSIS

PURPOSE OF THE RULE OR REASON FOR THE CHANGE: The purpose of this change is to comply with budget reduction mandates set forth in the 2008 Second Special Session of the Utah Legislature. Accordingly, the Department is amending the State Plan to comply with these reductions because Subsection 26-18-3(2)(a) requires the Medicaid program to implement policy through administrative rules. In order to draw down federal funds, the Department must have an approved State Plan with the Centers for Medicare and Medicaid Services. This change, therefore, incorporates the most current Medicaid State Plan by reference.

SUMMARY OF THE RULE OR CHANGE: Subsection R414-1-5(2) is changed to update the incorporation of the State Plan by reference effective 11/01/2008, to comply with budget reduction mandates. It also incorporates State Plan Amendments that become effective no later than 11/01/2008.

STATE STATUTORY OR CONSTITUTIONAL AUTHORIZATION FOR THIS RULE: Section 26-18-3

THIS RULE OR CHANGE INCORPORATES BY REFERENCE THE FOLLOWING MATERIAL: Utah Medicaid State Plan, 11/01/2008

ANTICIPATED COST OR SAVINGS TO:

- ❖ **THE STATE BUDGET:** There is no budget impact because this change only fulfills the requirement to incorporate the State Plan by reference. Implementation of the State Plan is within legislative budget allotments.
- ❖ **LOCAL GOVERNMENTS:** There is no budget impact because this change only fulfills the requirement to incorporate the State Plan by reference. Implementation of the State Plan is within legislative budget allotments.
- ❖ **SMALL BUSINESSES AND PERSONS OTHER THAN BUSINESSES:** There is no budget impact because this change only fulfills the requirement to incorporate the State Plan by reference. Implementation of the State Plan is within legislative budget allotments.

COMPLIANCE COSTS FOR AFFECTED PERSONS: There are no compliance costs because this change only fulfills the requirement to incorporate the State Plan by reference. Implementation of the State Plan is within legislative budget allotments.

COMMENTS BY THE DEPARTMENT HEAD ON THE FISCAL IMPACT THE RULE MAY HAVE ON BUSINESSES: This rule should not have a direct fiscal impact on business. Incorporation of the State Plan by this rule assures that the Medicaid program is implemented through administrative rule. Emergency filing is necessary due to changes in the special session, S.B. 2001 (2008 2nd Spec Sess). David N. Sundwall, MD, Executive Director (DAR NOTE: S.B. 2001 (2008 2nd Spec Sess) is found at Chapter 9, Laws of Utah 2008, and was effective 10/15/2008.)

EMERGENCY RULE REASON AND JUSTIFICATION: REGULAR RULEMAKING PROCEDURES WOULD cause an imminent budget reduction because of budget restraints or federal requirements.

This change is necessary to comply with budget reduction mandates set forth in the 2008 Second Special Session of the Utah Legislature.

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

THIS RULE IS EFFECTIVE ON: 11/01/2008

AUTHORIZED BY: David N. Sundwall, Executive Director

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

R414-1. Utah Medicaid Program.

R414-1-5. Incorporations by Reference.

(1) The Department adopts the Utah State Plan Under Title XIX of the Social Security Act Medical Assistance Program effective ~~October~~ November 1, 2008. It also incorporates by reference State Plan Amendments that become effective no later than ~~October~~ November 1, 2008.

(2) The Department adopts the Medical Supplies Manual and List described in the Utah Medicaid Provider Manual, Section 2, Medical Supplies, with its referenced attachment, Medical Supplies List, October 1, 2008, as applied in Rule R414-70.

KEY: Medicaid

Date of Enactment or Last Substantive Amendment: November 1, 2008

Notice of Continuation: April 16, 2007

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



Health, Health Care Financing, Coverage and Reimbursement Policy

R414-14-5

Service Coverage

NOTICE OF 120-DAY (EMERGENCY) RULE

DAR FILE NO.: 32104
FILED: 10/30/2008, 14:49

RULE ANALYSIS

PURPOSE OF THE RULE OR REASON FOR THE CHANGE: The purpose of this change is to comply with budget reduction mandates set forth in the 2008 Second Special Session of the Utah Legislature.

SUMMARY OF THE RULE OR CHANGE: This change allows only pregnant women and individuals eligible under the Early and Periodic Screening, Diagnosis and Treatment Program (EPSDT) to receive physical therapy, occupational therapy, and speech pathology services under the home health services program.

STATE STATUTORY OR CONSTITUTIONAL AUTHORIZATION FOR THIS RULE: Section 26-18-3

ANTICIPATED COST OR SAVINGS TO:

❖ **THE STATE BUDGET:** The reduction of physical therapy, occupational therapy, and speech-pathology services will result in savings to the General Fund and to the federal budget. Estimates of these savings are listed in companion filings to this change (Rules R414-21 and R414-54). (DAR NOTE: The proposed 120-day (emergency) rule for R414-21 is under DAR No. 32105 and the proposed 120-day (emergency) rule for R414-52 is under DAR No. 32106 both in this issue, November 15, 2008, of the Bulletin.)

❖ **LOCAL GOVERNMENTS:** This change does not impact local governments because they do not fund or provide physical therapy, occupational therapy and speech-pathology services to Medicaid clients in the home.

❖ **SMALL BUSINESSES AND PERSONS OTHER THAN BUSINESSES:** The Department estimates annual losses in revenue to providers of physical therapy, occupational therapy, and speech therapy. These estimates are listed in companion filings to this change (Rules R414-21 and R414-54). The explanation and estimate of annual expenses to clients who elect to pay out-of-pocket to receive physical therapy, occupational therapy and speech therapy are also found in the companion filings to this change (Rules R414-21 and R414-54).

COMPLIANCE COSTS FOR AFFECTED PERSONS: The annual losses in revenue to a single provider of physical therapy, occupational therapy, and speech therapy are listed in the companion filings to this change (Rules R414-21 and R414-54). The explanation and estimate of annual expenses to clients who elect to pay out-of-pocket to receive physical therapy, occupational therapy, and speech therapy in the home are also found in the companion filings to this change (Rules R414-21 and R414-54).

COMMENTS BY THE DEPARTMENT HEAD ON THE FISCAL IMPACT THE RULE MAY HAVE ON BUSINESSES: This rule change reflects the reductions passed in S.B. 2001 (2008 2nd Spec Sess) and are necessary to file under emergency authority to immediately implement the budget reductions. David N. Sundwall, MD, Executive Director (DAR NOTE: S.B. 2001 (2008 2nd Spec Sess) is found at Chapter 9, Laws of Utah 2008, and was effective 10/15/2008.)

EMERGENCY RULE REASON AND JUSTIFICATION: REGULAR RULEMAKING PROCEDURES WOULD cause an imminent budget reduction because of budget restraints or federal requirements.

This change is necessary to comply with budget reduction mandates set forth in the 2008 Second Special Session of the Utah Legislature.

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

THIS RULE IS EFFECTIVE ON: 11/01/2008

AUTHORIZED BY: David N. Sundwall, Executive Director

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

R414-14. Home Health Services.

R414-14-5. Service Coverage.

1. Two levels of home health service are covered: Skilled Home Health Care and Supportive Maintenance Home Health Care.

2. Skilled nursing service encompasses the expert application of nursing theory, practice and techniques by a registered professional nurse to meet the needs of patients in their place of residence through professional judgments, through independently solving patient care problems, and through application of standardized procedures and medically delegated techniques.

3. Home health aide service encompasses assistance with, or direct provision of, routine care not requiring specialized nursing skill. The home health aide is closely supervised by a registered, professional nurse to assure competent care. The aide works under written instructions and provides necessary care for the patient.

4. Supportive maintenance home health care serves those patients who have a medical condition which has stabilized, but who demonstrate continuing health problems requiring minimal assistance, observation, teaching, or follow-up. This assistance can be provided by a certified home health agency through the knowledge and skill of a licensed practical nurse (LPN) or a home health aide with periodic supervision by a registered nurse. A physician continues to provide direction.

5. IV therapy, enteral and parenteral nutrition therapy are provided as a home health service either in conjunction with skilled or maintenance care or as the only service to be provided. Specific policy is outlined in the medical supplies program and all requirements of the home health program must be met in relation to orders, plan of care, and 60 day review and recertification.

6. Physical therapy and speech pathology services are occasionally indicated and approved for the patient needing home health service. Any therapy services offered by the home health agency directly or under arrangement must be ordered by a physician and provided by a qualified licensed therapist in accordance with the plan of care. Effective November 1, 2008, physical therapy, occupational therapy and speech pathology services in the home are only available to pregnant women and individuals eligible under the Early and Periodic Screening, Diagnosis and Treatment Program (EPSDT).

7. Medical supplies utilized for home health service must be suitable for use in the home in providing home health care, consistent with physician orders, and approved as part of the plan of care.

8. Medical supplies provided by the home health agency do not require prior approval, but are limited to:

(a) supplies used during the initial visit to establish the plan of care;

(b) supplies that are consistent with the plan of care; and

(c) non-durable medical equipment.

9. Supportive maintenance home health care is limited in time equal to one visit per day determined by care needs and care giver participation.

10. A registered nurse employed by an approved, certified home health agency must supervise all home health services. Nursing service and all approved therapy services must be provided by the appropriate licensed professional.

11. Only one home health provider (agency) may provide service to a patient during any period of time. However, a subcontractor of a home health provider may provide service if the original agency is the only provider that bills for services. A second provider or agency requesting approval of service will be denied.

12. Home health care provided to a patient capable of self care is not a covered Medicaid benefit.

13. Personal care services, except as determined necessary in providing skilled care, is not a covered home health benefit.

14. Housekeeping or homemaking services are not covered home health benefits.

15. Occupational therapy is not a covered Medicaid benefit except for children covered under CHEC for medically necessary service.

16. Home health nursing service beyond the initial evaluation visit requires prior authorization.

17. All home health service beyond the initial visit, including supplies and therapies, shall be in the plan of care that the home health agency submits for prior authorization. Prior to providing the service, the home health agency must first obtain approval for the level of skilled or maintenance service based on the prior authorization request and a review of the plan of care. If level of service needs change, the home health agency must submit a new prior authorization request.

18. A home health agency may provide therapy services only in accordance with medical necessity and after receiving prior authorization.

KEY: Medicaid

Date of Enactment or Last Substantive Amendment: November 1, 2008

Notice of Continuation: October 6, 2004

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



**Health, Health Care Financing,
Coverage and Reimbursement Policy**
R414-21-2
Eligibility Requirements

NOTICE OF 120-DAY (EMERGENCY) RULE

DAR FILE NO.: 32105
FILED: 10/30/2008, 14:55

RULE ANALYSIS

PURPOSE OF THE RULE OR REASON FOR THE CHANGE: The purpose of this change is to comply with budget reduction mandates set forth in the 2008 Second Special Session of the Utah Legislature.

SUMMARY OF THE RULE OR CHANGE: This change allows only pregnant women and individuals eligible under the Early and Periodic Screening, Diagnosis and Treatment Program (EPSDT) to receive physical and occupational therapy. It also allows Medicaid to cover physical and occupational therapy as a component of inpatient and outpatient hospital services.

STATE STATUTORY OR CONSTITUTIONAL AUTHORIZATION FOR THIS RULE: Section 26-18-3

ANTICIPATED COST OR SAVINGS TO:

❖ **THE STATE BUDGET:** The Department estimates an annual savings of \$45,225 to the General Fund and \$109,180 in federal dollars as a result of this change.

❖ **LOCAL GOVERNMENTS:** This change does not impact local governments because they do not fund or provide physical and occupational therapy to Medicaid clients.

❖ **SMALL BUSINESSES AND PERSONS OTHER THAN BUSINESSES:** Providers of physical therapy and occupational therapy will lose a combined total of \$154,405 in annual revenue as a result of this change. The total out-of-pocket expense to Medicaid clients who elect to pay out-of-pocket is difficult to estimate because it is impossible to know how many clients would elect to obtain these services.

COMPLIANCE COSTS FOR AFFECTED PERSONS: The annual loss in revenue to a single provider of physical therapy is approximately \$457.52, while the annual loss in revenue to a single provider of occupational therapy is approximately \$873.82. These estimates are based on the total number of providers and client visits per year. The annual out-of-pocket expense to a single Medicaid client who elects to pay for physical and occupational therapy is difficult to estimate because the fees will vary depending on the provider's fee schedule. According to current Medicaid rates, the out-of-pocket cost for physical therapy would exceed \$117 based on an average of four physical therapy visits per year, while the out-of-pocket expense to a single Medicaid client who elects to pay for occupational therapy would exceed \$87 based on an average of three occupational therapy visits per year.

COMMENTS BY THE DEPARTMENT HEAD ON THE FISCAL IMPACT THE RULE MAY HAVE ON BUSINESSES: This rule change reflects the reductions passed in S.B. 2001 (2008 2nd Spec Sess) and are necessary to file under emergency authority to immediately implement the budget reductions. David N. Sundwall, MD, Executive Director (DAR NOTE: S.B. 2001 (2008 2nd Spec Sess) is found at Chapter 9, Laws of Utah 2008, and was effective 10/15/2008.)

EMERGENCY RULE REASON AND JUSTIFICATION: REGULAR RULEMAKING PROCEDURES WOULD cause an imminent budget reduction because of budget restraints or federal requirements.

This change is necessary to comply with budget reduction mandates set forth in the 2008 Second Special Session of the Utah Legislature.

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

THIS RULE IS EFFECTIVE ON: 11/01/2008

AUTHORIZED BY: David N. Sundwall, Executive Director

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

R414-21. Physical and Occupational Therapy.

R414-21-2. Eligibility Requirements.

Physical therapy and occupational therapy services are available only to clients who are [categorically and medically needy individuals under Medicaid] pregnant women and individuals eligible under the Early and Periodic Screening, Diagnosis and Treatment Program (EPSDT). In addition, physical therapy and occupational therapy services are available to a client as a component of inpatient or outpatient hospital services.

KEY: Medicaid

Date of Enactment or Last Substantive Amendment: November 1, 2008

Notice of Continuation: April 16, 2007

Authorizing, and Implemented or Interpreted Law: 26-1-4.1; 26-1-5; 26-18-3

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**Health, Health Care Financing,
Coverage and Reimbursement Policy
R414-52
Optometry Services**

NOTICE OF 120-DAY (EMERGENCY) RULE

DAR FILE NO.: 32106
FILED: 10/30/2008, 15:00

RULE ANALYSIS

PURPOSE OF THE RULE OR REASON FOR THE CHANGE: The purpose of this change is to comply with budget reduction mandates set forth in the 2008 Second Special Session of the Utah Legislature.

SUMMARY OF THE RULE OR CHANGE: This change allows only pregnant women and individuals eligible under the Early and Periodic Screening, Diagnosis and Treatment Program (EPSDT) to receive eyeglasses under this rule. It further removes the \$3 copayment for eyeglasses that the Department currently applies to recipients who fall under the copayment requirement.

STATE STATUTORY OR CONSTITUTIONAL AUTHORIZATION FOR THIS RULE: Section 26-18-3

ANTICIPATED COST OR SAVINGS TO:

❖ **THE STATE BUDGET:** The Department estimates an annual savings of \$231,252 to the General Fund and \$558,275 in federal dollars as a result of this change. These estimates also apply to the companion filing to this proposed rule (Rule R414-53). (DAR NOTE: The proposed 120-day (emergency) rule for R414-53 is under DAR No. 32107 in this issue, November 15, 2008, of the Bulletin.)

❖ **LOCAL GOVERNMENTS:** This change does not impact local governments because they do not fund or provide optometry services to Medicaid clients.

❖ **SMALL BUSINESSES AND PERSONS OTHER THAN BUSINESSES:** Providers of eyeglasses services will lose approximately \$789,528 in annual revenue as a result of this change. However, the total out-of-pocket expense to Medicaid clients who elect to pay out-of-pocket to receive eyeglasses is difficult to estimate because it is impossible to know how many clients would choose this option. Further, there are a wide range of options and prices available for eyeglasses. The above estimate and explanation also apply to Rule R414-53, which is a companion filing to this proposed rule.

COMPLIANCE COSTS FOR AFFECTED PERSONS: The annual loss in revenue to a single provider of eyeglasses is approximately \$43,863 based on the total number of providers and client visits per year. However, the annual out-of-pocket expense to a single Medicaid client who elects to pay out-of-pocket to receive eyeglasses is difficult to estimate because it is impossible to know how many clients would choose this option. Further, there are a wide range of options and prices available for eyeglasses. The above estimate and explanation also apply to Rule R414-53, which is a companion filing to this proposed rule.

COMMENTS BY THE DEPARTMENT HEAD ON THE FISCAL IMPACT THE RULE MAY HAVE ON BUSINESSES: This rule change reflects the reductions passed in S.B. 2001 (2008 2nd Spec Sess) and are necessary to file under emergency authority to immediately implement the budget reductions. David N. Sundwall, MD, Executive Director (DAR NOTE: S.B. 2001 (2008 2nd Spec Sess) is found at Chapter 9, Laws of Utah 2008, and was effective 10/15/2008.)

EMERGENCY RULE REASON AND JUSTIFICATION: REGULAR RULEMAKING PROCEDURES WOULD cause an imminent budget reduction because of budget restraints or federal requirements.

This change is necessary to comply with budget reduction mandates set forth in the 2008 Second Special Session of the Utah Legislature.

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

THIS RULE IS EFFECTIVE ON: 11/01/2008

AUTHORIZED BY: David N. Sundwall, Executive Director

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

R414-52. Optometry Services.

R414-52-3. Client Eligibility Requirements.

Optometry services are available to categorically and medically needy individuals, except that the provision of eyeglasses is only available to pregnant women and individuals eligible under the Early and Periodic Screening, Diagnosis and Treatment Program (EPSDT).

R414-52-5. Reimbursement.

(1) Fees for services for which the Department will pay optometrists are established from the physician's fees for CPT codes as described in the State Plan, Attachment 4.19-B, Section D Physicians. ~~[A \$3 copayment for each pair of eyeglasses is applied to Medicaid recipients who fall under the copayment requirement.]~~ Fee schedules were initially established after consultation with provider representatives. Adjustments to the schedule are made in accordance with appropriations and to produce efficient and effective services.

(2) The Department pays the lower of the amount billed and the rate on the schedule. A provider shall not charge the Department a fee that exceeds the provider's usual and customary charges for the provider's private-pay patients.

KEY: Medicaid, optometry**Date of Enactment or Last Substantive Amendment: November 1, 2008****Notice of Continuation: May 19, 2008****Authorizing, and Implemented or Interpreted Law: 26-1-5; 26-18-3**

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Health, Health Care Financing, Coverage and Reimbursement Policy

R414-53

Eyeglasses Services

NOTICE OF 120-DAY (EMERGENCY) RULE

DAR FILE NO.: 32107

FILED: 10/30/2008, 15:06

RULE ANALYSIS

PURPOSE OF THE RULE OR REASON FOR THE CHANGE: The purpose of this change is to comply with budget reduction mandates set forth in the 2008 Second Special Session of the Utah Legislature.

SUMMARY OF THE RULE OR CHANGE: This change allows only pregnant women and individuals eligible under the Early and Periodic Screening, Diagnosis and Treatment Program (EPSDT) to receive eyeglasses services. It further removes the \$3 copayment for eyeglasses that the Department currently applies to recipients who fall under the copayment requirement.

STATE STATUTORY OR CONSTITUTIONAL AUTHORIZATION FOR THIS RULE: Section 26-18-3

ANTICIPATED COST OR SAVINGS TO:

❖ **THE STATE BUDGET:** The Department estimates an annual savings of \$231,252 to the General Fund and \$558,275 in federal dollars as a result of this change. These estimates also apply to Rule R414-52, which is a companion filing to this proposed rule. (DAR NOTE: The proposed 120-day (emergency) rule for R414-52 is under DAR No. 32106 in this issue, November 15, 2008, of the Bulletin.)

❖ **LOCAL GOVERNMENTS:** This change does not impact local governments because they do not fund or provide eyeglasses services to Medicaid clients.

❖ **SMALL BUSINESSES AND PERSONS OTHER THAN BUSINESSES:** Providers of eyeglasses services will lose approximately \$789,528 in annual revenue as a result of this change. However, the total out-of-pocket expense to Medicaid clients who elect to pay out-of-pocket to receive eyeglasses is difficult to estimate because it is impossible to know how many clients would choose this option. Further, there are a wide range of options and prices available for eyeglasses. The above estimate and explanation also apply to Rule R414-52, which is a companion filing to this proposed rule.

COMPLIANCE COSTS FOR AFFECTED PERSONS: The annual loss in revenue to a single provider of eyeglasses is approximately \$43,863 based on the total number of providers and client visits per year. However, the annual out-of-pocket expense to a single Medicaid client who elects to pay out-of-pocket to receive eyeglasses is difficult to estimate because it is impossible to know how many clients would choose this option. Further, there are a wide range of options and prices available for eyeglasses. The above estimate and explanation apply to Rule R414-52, which is a companion filing to this proposed rule.

COMMENTS BY THE DEPARTMENT HEAD ON THE FISCAL IMPACT THE RULE MAY HAVE ON BUSINESSES: This rule change reflects the reductions passed in S.B. 2001 (2008 2nd Spec Sess) and are necessary to file under emergency authority to immediately implement the budget reductions. David N. Sundwall, MD, Executive Director (DAR NOTE: S.B. 2001 (2008 2nd Spec Sess) is found at Chapter 9, Laws of Utah 2008, and was effective 10/15/2008.)

EMERGENCY RULE REASON AND JUSTIFICATION: REGULAR RULEMAKING PROCEDURES WOULD cause an imminent budget reduction because of budget restraints or federal requirements.

This change is necessary to comply with budget reduction mandates set forth in the 2008 Second Special Session of the Utah Legislature.

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

THIS RULE IS EFFECTIVE ON: 11/01/2008

AUTHORIZED BY: David N. Sundwall, Executive Director

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

R414-53. Eyeglasses Services.

R414-53-3. Client Eligibility Requirements.

Eyeglasses are only available to ~~[categorically and medically needy individuals]~~ pregnant women and individuals eligible under the Early and Periodic Screening, Diagnosis and Treatment Program (EPSDT).

R414-53-5. Reimbursement.

(1) The Department pays for lenses and standard frames on a fee-for-service basis, based on CPT codes as described in the State Plan, Attachment 4.19-B. [~~A \$3 copayment for each pair of eyeglasses is applied to Medicaid recipients who fall under the copayment requirement.~~]

(2) The Department pays the lower of the amount billed or the rate on the schedule. A provider shall not charge the Department a fee that exceeds the provider's usual and customary charges for the provider's private-pay patients.

(3) Fee schedules were initially established after consultation with provider representatives. Adjustments to the schedule are made in accordance with appropriations and to produce efficient and effective services.

KEY: Medicaid, eyeglasses

Date of Enactment or Last Substantive Amendment: November 1, 2008

Notice of Continuation: June 5, 2008

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

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Health, Health Care Financing, Coverage and Reimbursement Policy

R414-54

Speech-Language Pathology Services

NOTICE OF 120-DAY (EMERGENCY) RULE

DAR FILE NO.: 32109
FILED: 10/30/2008, 15:12

RULE ANALYSIS

PURPOSE OF THE RULE OR REASON FOR THE CHANGE: The purpose of this change is to comply with budget reduction mandates set forth in the 2008 Second Special Session of the Utah Legislature.

SUMMARY OF THE RULE OR CHANGE: This change allows only pregnant women and individuals eligible under the Early and Periodic Screening, Diagnosis and Treatment Program (EPSDT) to receive speech-language pathology services. It also incorporates by reference the Speech-Language Pathology Services Provider Manual, effective 10/01/2008.

STATE STATUTORY OR CONSTITUTIONAL AUTHORIZATION FOR THIS RULE: Section 26-18-3

THIS RULE OR CHANGE INCORPORATES BY REFERENCE THE FOLLOWING MATERIAL: Speech-Language Pathology Services Provider Manual, effective October 1, 2008

ANTICIPATED COST OR SAVINGS TO:

❖ **THE STATE BUDGET:** The Department estimates an annual savings of \$46,045 to the General Fund and \$111,159 in federal dollars as a result of this change.

❖ **LOCAL GOVERNMENTS:** This change does not impact local governments because they do not fund or provide speech-language pathology services to Medicaid clients.

❖ **SMALL BUSINESSES AND PERSONS OTHER THAN BUSINESSES:** Providers of speech-language pathology services will lose approximately \$157,204 in annual revenue as a result of this change. However, the total out-of-pocket expense to Medicaid clients who elect to pay out-of-pocket to receive these services is difficult to estimate because it is impossible to know how many clients would choose to obtain these services.

COMPLIANCE COSTS FOR AFFECTED PERSONS: The annual loss in revenue to a single provider of speech-language pathology services is approximately \$2,620 based on the total number of providers and approximate client visits per year. However, the annual out-of-pocket expense to a single Medicaid client who elects to pay for speech-language pathology services is difficult to estimate because the fees will vary depending on the provider's fee schedule. According to current Medicaid rates, the out-of-pocket costs would exceed \$164 based on an average of three speech therapy visits per year.

COMMENTS BY THE DEPARTMENT HEAD ON THE FISCAL IMPACT THE RULE MAY HAVE ON BUSINESSES: This rule change reflects the reductions passed in S.B. 2001 (2008 2nd Spec Sess) and are necessary to file under emergency authority to immediately implement the budget reductions. David N. Sundwall, MD, Executive Director (DAR NOTE: S.B. 2001 (2008 2nd Spec Sess) is found at Chapter 9, Laws of Utah 2008, and was effective 10/15/2008.)

EMERGENCY RULE REASON AND JUSTIFICATION: REGULAR RULEMAKING PROCEDURES WOULD cause an imminent budget reduction because of budget restraints or federal requirements.

This change is necessary to comply with budget reduction mandates set forth in the 2008 Second Special Session of the Utah Legislature. (DAR NOTE: This filing is superseded by DAR No. 32119, effective 11/04/2008, that will be in the December 1, 2008, issue of the Bulletin.)

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

THIS RULE IS EFFECTIVE ON: 11/01/2008

AUTHORIZED BY: David N. Sundwall, Executive Director

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

R414-54. Speech-Language Pathology Services.

R414-54-3. Services.

(1) Speech-language pathology services are optional.

(2) Speech-language pathology services are limited to services described in the Speech-Language Pathology Services Provider Manual, effective October 1, 2008, which is incorporated by reference.

(3) The Speech-Language Pathology Services Provider Manual specifies the reasonable and appropriate amount, duration, and scope of the service sufficient to reasonably achieve its purpose.

(4) Speech-language pathology services may be provided by licensed speech-language pathologists, or speech-language pathology aides under the supervision of speech-language pathologists.

R414-54-4. ~~[Services for Individuals Eligible for Optional Services]~~ Client Eligibility Requirements.

(1) Speech-language pathology services are only available to pregnant women and individuals eligible under the Early and Periodic Screening, Diagnosis and Treatment Program (EPSDT).

~~(1)2~~ An individual receiving speech-language pathology services may receive speech-language pathology services as described in the Speech-Language Pathology Provider Manual.

~~(2)3~~ An individual receiving speech-language pathology services must meet the criteria established in the Speech-Language Pathology Provider Manual and obtain prior approval if required.

KEY: Medicaid, speech-language pathology services

Date of Enactment or Last Substantive Amendment: November 1, 2008

Notice of Continuation: March 23, 2004

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

SUMMARY OF THE RULE OR CHANGE: This change allows only pregnant women and individuals eligible under the Early and Periodic Screening, Diagnosis and Treatment Program (EPSDT) to receive audiology-hearing services. It also incorporates by reference the Audiology Provider Manual, effective 10/01/2008.

STATE STATUTORY OR CONSTITUTIONAL AUTHORIZATION FOR THIS RULE: Section 26-18-3

THIS RULE OR CHANGE INCORPORATES BY REFERENCE THE FOLLOWING MATERIAL: Audiology Provider Manual, effective October 1, 2008

ANTICIPATED COST OR SAVINGS TO:

❖ **THE STATE BUDGET:** The Department estimates an annual savings of \$69,082 to the General Fund and \$166,774 in federal dollars as a result of this change.

❖ **LOCAL GOVERNMENTS:** This change does not impact local governments because they do not fund or provide audiology-hearing services to Medicaid clients.

❖ **SMALL BUSINESSES AND PERSONS OTHER THAN BUSINESSES:** Providers of audiology-hearing services will lose approximately \$235,856 in annual revenue as a result of this change. However, the total out-of-pocket expense to Medicaid clients who elect to pay out-of-pocket to receive these services is difficult to estimate because it is impossible to know how many clients would choose to obtain these services.

COMPLIANCE COSTS FOR AFFECTED PERSONS: The annual loss in revenue to a single provider of audiology-hearing services is approximately \$2,650 based on the total number of providers and client visits per year. However, the annual out-of-pocket expense to a single Medicaid client who elects to pay for audiology-hearing services is difficult to estimate because the fees will vary depending on the provider's fee schedule. According to current Medicaid rates, the out-of-pocket costs would exceed \$165 based on an average of two audiology-hearing visits per year.

COMMENTS BY THE DEPARTMENT HEAD ON THE FISCAL IMPACT THE RULE MAY HAVE ON BUSINESSES: This rule change reflects the reductions passed in S.B. 2001 (2008 2nd Spec Sess) and are necessary to file under emergency authority to immediately implement the budget reductions. David N. Sundwall, MD, Executive Director (DAR NOTE: S.B. 2001 (2008 2nd Spec Sess) is found at Chapter 9, Laws of Utah 2008, and was effective 10/15/2008.)

EMERGENCY RULE REASON AND JUSTIFICATION: REGULAR RULEMAKING PROCEDURES WOULD cause an imminent budget reduction because of budget restraints or federal requirements.

This change is necessary to comply with budget reduction mandates set forth in the 2008 Second Special Session of the Utah Legislature. (DAR NOTE: This filing is superseded by DAR No. 32120, effective 11/04/2008, that will be in the December 1, 2008, issue of the Bulletin.)

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**Health, Health Care Financing,
Coverage and Reimbursement Policy**
R414-59-4
**Services for Individuals Eligible for
Optional Services**

NOTICE OF 120-DAY (EMERGENCY) RULE

DAR FILE No.: 32110
FILED: 10/30/2008, 15:17

RULE ANALYSIS

PURPOSE OF THE RULE OR REASON FOR THE CHANGE: The purpose of this change is to comply with budget reduction mandates set forth in the 2008 Second Special Session of the Utah Legislature.

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

THIS RULE IS EFFECTIVE ON: 11/01/2008

AUTHORIZED BY: David N. Sundwall, Executive Director

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

R414-59. Audiology-Hearing Services.

R414-59-4. ~~[Services for Individuals Eligible for Optional Services]~~ Client Eligibility Requirements.

(1) Audiology-hearing services are available only to clients who are pregnant women and individuals eligible under the Early and Periodic Screening, Diagnosis and Treatment Program (EPSDT).

(~~1~~)2) An individual receiving audiology-hearing services may receive audiology services as described in the Audiology Provider Manual, effective October 1, 2008, which is incorporated by reference.

(~~2~~)3) An individual receiving audiology-hearing services must meet the criteria established in the Audiology Provider Manual and obtain prior approval if required.

KEY: Medicaid, audiology

Date of Enactment or Last Substantive Amendment: November 1, 2008

Notice of Continuation: November 22, 2005

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



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

R414-99-2

Client Eligibility Requirements

NOTICE OF 120-DAY (EMERGENCY) RULE

DAR FILE NO.: 32111
FILED: 10/30/2008, 15:22

RULE ANALYSIS

PURPOSE OF THE RULE OR REASON FOR THE CHANGE: The purpose of this change is to comply with budget reduction mandates set forth in the 2008 Second Special Session of the Utah Legislature.

SUMMARY OF THE RULE OR CHANGE: This change allows only pregnant women and individuals eligible under the Early and Periodic Screening, Diagnosis and Treatment Program (EPSDT) to receive chiropractic services.

STATE STATUTORY OR CONSTITUTIONAL AUTHORIZATION FOR THIS RULE: Section 26-18-3

ANTICIPATED COST OR SAVINGS TO:

❖ **THE STATE BUDGET:** The Department estimates an annual savings of \$65,158 to the General Fund and \$157,300 in federal dollars as a result of this change.

❖ **LOCAL GOVERNMENTS:** This change does not impact local governments because they do not fund or provide chiropractic services to Medicaid clients.

❖ **SMALL BUSINESSES AND PERSONS OTHER THAN BUSINESSES:** Providers of chiropractic services will lose approximately \$222,458 in annual revenue as a result of this change. The total out-of-pocket expense to Medicaid clients who elect to pay out-of-pocket to receive these services is difficult to estimate because it is impossible to know how many clients would elect to obtain these services.

COMPLIANCE COSTS FOR AFFECTED PERSONS: The annual loss in revenue to a single provider of chiropractic services is approximately \$931 based on the total number of providers and client visits per year. The annual out-of-pocket expense to a single Medicaid client who elects to pay for chiropractic services is difficult to estimate because the fees will vary depending on the provider's fee schedule. According to current Medicaid rates, the out-of-pocket costs would exceed \$78 based on an average of four chiropractic visits per year.

COMMENTS BY THE DEPARTMENT HEAD ON THE FISCAL IMPACT THE RULE MAY HAVE ON BUSINESSES: This rule change reflects the reductions passed in S.B. 2001 (2008 2nd Spec Sess) and are necessary to file under emergency authority to immediately implement the budget reductions. David N. Sundwall, MD, Executive Director (DAR NOTE: S.B. 2001 (2008 2nd Spec Sess) is found at Chapter 9, Laws of Utah 2008, and was effective 10/15/2008.)

EMERGENCY RULE REASON AND JUSTIFICATION: REGULAR RULEMAKING PROCEDURES WOULD cause an imminent budget reduction because of budget restraints or federal requirements.

This change is necessary to comply with budget reduction mandates set forth in the 2008 Second Special Session of the Utah Legislature.

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

THIS RULE IS EFFECTIVE ON: 11/01/2008

AUTHORIZED BY: David N. Sundwall, Executive Director

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

R414-99. Chiropractic Services.

R414-99-2. Client Eligibility Requirements.

Chiropractic services are only available to ~~category and medically needy individuals~~ pregnant women and individuals eligible under the Early and Periodic Screening, Diagnosis and Treatment Program (EPSDT).

KEY: Medicaid, chiropractic services

Date of Enactment or Last Substantive Amendment: November 1, 2008

Authorizing, and Implemented or Interpreted Law: 26-18



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

R414-200

**Non-Traditional Medicaid Health Plan
Services**

NOTICE OF 120-DAY (EMERGENCY) RULE

DAR FILE NO.: 32112
FILED: 10/30/2008, 15:28

RULE ANALYSIS

PURPOSE OF THE RULE OR REASON FOR THE CHANGE: The purpose of this change is to comply with budget reduction mandates set forth in the 2008 Second Special Session of the Utah Legislature.

SUMMARY OF THE RULE OR CHANGE: This change eliminates physical therapy, occupational therapy, and chiropractic services as Non-Traditional Medicaid (NTM) services.

STATE STATUTORY OR CONSTITUTIONAL AUTHORIZATION FOR THIS RULE: Section 26-18-3

ANTICIPATED COST OR SAVINGS TO:

❖ **THE STATE BUDGET:** The reduction of physical therapy, occupational therapy, and chiropractic services will result in

savings to the General Fund and to the federal budget. Estimates of these savings are listed in companion filings to this emergency rule (Rules R414-21 and R414-99). From Rule R414-21: The Department estimates an annual savings of \$45,225 to the General Fund and \$109,180 in federal dollars as a result of this change. From Rule R414-99: The Department estimates an annual savings of \$65,158 to the General Fund and \$157,300 in federal dollars as a result of this change. (DAR NOTE: The proposed 120-day (emergency) rule for R414-21 is under DAR No. 32105 and the proposed 120-day (emergency) rule for R414-99 is under DAR No. 32111 both in this issue, November 15, 2008, of the Bulletin.)

❖ **LOCAL GOVERNMENTS:** This change does not impact local governments because they do not fund or provide physical therapy, occupational therapy, and chiropractic services to Medicaid clients.

❖ **SMALL BUSINESSES AND PERSONS OTHER THAN BUSINESSES:** The Department estimates annual losses in revenue to providers of physical therapy, occupational therapy, and chiropractic services. These estimates are listed in companion filings to this emergency rule (Rules R414-21 and R414-99). From Rule R414-21: Providers of physical therapy and occupational therapy will lose a combined total of \$154,405 in annual revenue as a result of this change. The total out-of-pocket expense to Medicaid clients who elect to pay out-of-pocket is difficult to estimate because it is impossible to know how many clients would elect to obtain these services. From Rule R414-99: Providers of chiropractic services will lose approximately \$222,458 in annual revenue as a result of this change. The total out-of-pocket expense to Medicaid clients who elect to pay out-of-pocket to receive these services is difficult to estimate because it is impossible to know how many clients would elect to obtain these services.

COMPLIANCE COSTS FOR AFFECTED PERSONS: The annual losses in revenue to a single provider of physical therapy, occupational therapy, and chiropractic services are listed in the companion filings to this emergency rule (Rules R414-21 and R414-99). From Rule R414-21: The annual loss in revenue to a single provider of physical therapy is approximately \$457.52, while the annual loss in revenue to a single provider of occupational therapy is approximately \$873.82. These estimates are based on the total number of providers and client visits per year. The annual out-of-pocket expense to a single Medicaid client who elects to pay for physical and occupational therapy is difficult to estimate because the fees will vary depending on the provider's fee schedule. According to current Medicaid rates, the out-of-pocket cost for physical therapy would exceed \$117 based on an average of four physical therapy visits per year, while the out-of-pocket expense to a single Medicaid client who elects to pay for occupational therapy would exceed \$87 based on an average of three occupational therapy visits per year. From Rule R414-99: The annual loss in revenue to a single provider of chiropractic services is approximately \$931 based on the total number of providers and client visits per year. The annual out-of-pocket expense to a single Medicaid client who elects to pay for chiropractic services is difficult to estimate because the fees will vary depending on the

provider's fee schedule. According to current Medicaid rates, the out-of-pocket costs would exceed \$78 based on an average of four chiropractic visits per year.

COMMENTS BY THE DEPARTMENT HEAD ON THE FISCAL IMPACT THE RULE MAY HAVE ON BUSINESSES: This rule change reflects the reductions passed in S.B. 2001 (2008 2nd Spec Sess) and are necessary to file under emergency authority to immediately implement the budget reductions. David N. Sundwall, MD, Executive Director (DAR NOTE: S.B. 2001 (2008 2nd Spec Sess) is found at Chapter 9, Laws of Utah 2008, and was effective 10/15/2008.)

EMERGENCY RULE REASON AND JUSTIFICATION: REGULAR RULEMAKING PROCEDURES WOULD cause an imminent budget reduction because of budget restraints or federal requirements.

This change is necessary to comply with budget reduction mandates set forth in the 2008 Second Special Session of the Utah Legislature.

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

THIS RULE IS EFFECTIVE ON: 11/01/2008

AUTHORIZED BY: David N. Sundwall, Executive Director

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

R414-200. Non-Traditional Medicaid Health Plan Services.

R414-200-3. Services Available.

(1) To meet the requirements of 42 CFR 431.107, the Department contracts with each provider who furnishes services under the NTHP.

(a) By signing a provider agreement with the Department, the provider agrees to follow the terms incorporated into the provider agreements, including policies and procedures, provider manuals, Medicaid Information Bulletins, and provider letters.

(b) By signing an application for Medicaid coverage, the applicant agrees that the Department's obligation to reimburse for services is governed by contract between the Department and the provider.

(2) Medical or hospital services for which providers are reimbursed under the Non-Traditional Medicaid Health Plan are limited by federal guidelines as set forth under Title XIX of the federal Social Security Act and Title 42 of the Code of Federal Regulations (CFR).

(3) The following services, as more fully described and limited in provider contracts and provider manuals; are available to Non-Traditional Medicaid Health Plan enrollees:

(a) inpatient hospital services, provided by bed occupancy for 24 hours or more in an approved acute care general hospital under the care of a physician if the admission meets the established criteria for severity of illness and intensity of service;

(b) outpatient hospital services which are medically necessary diagnostic, therapeutic, preventive, or palliative care provided for less than 24 hours in outpatient departments located in or physically connected to an acute care general hospital;

(c) emergency services in dedicated hospital emergency departments;

(d) physician services provided directly by licensed physicians or osteopaths, or by licensed certified nurse practitioners, licensed certified nurse midwives, or physician assistants under appropriate supervision of the physician or osteopath.

(e) services associated with surgery or administration of anesthesia provided by physicians or licensed certified nurse anesthetists;

(f) vision care services by licensed ophthalmologists or licensed optometrists, within their scope of practice; limited to one annual eye examination or refraction and no eyeglasses.

(g) laboratory and radiology services provided by licensed and certified providers;[

~~(h) physical therapy services provided by a licensed physical therapist if authorized by a physician, limited to ten aggregated physical or occupational therapy visits per calendar year;]~~

(~~h~~) dialysis to treat end-stage renal failure provided at a Medicare-certified dialysis facility;

(~~i~~) home health services defined as intermittent nursing care or skilled nursing care provided by a Medicare-certified home health agency;

(~~k~~) hospice services provided by a Medicare-certified hospice to terminally ill enrollees (six month or less life expectancy) who elect palliative versus aggressive care;

(~~k~~) abortion and sterilization services to the extent permitted by federal and state law and meeting the documentation requirement of 42 CFR 440, Subparts E and F;

(~~m~~) certain organ transplants;

(~~n~~) services provided in freestanding emergency centers, surgical centers and birthing centers;

(~~o~~) transportation services, limited to ambulance (ground and air) service for medical emergencies;

(~~p~~) preventive services, immunizations and health education activities and materials to promote wellness, prevent disease, and manage illness;

(~~q~~) family planning services provided by or authorized by a physician, certified nurse midwife, or nurse practitioner to the extent permitted by federal and state law;

(~~r~~) pharmacy services provided by a licensed pharmacy;

(~~s~~) inpatient mental health services, limited to 30 days per enrollee per calendar year;

(~~s~~) outpatient mental health services, limited to 30 visits per enrollee per calendar year;

(~~t~~) outpatient substance abuse services;

(~~v~~) dental services are not covered~~[-]; and~~

(~~w~~) interpretive services if they are provided by entities under contract with the Department of Health to provide medical translation services for people with limited English proficiency and interpretive services for the deaf~~;~~

~~—(x) occupational therapy, limited to that provided for fine motor development and limited to ten aggregated physical or occupational therapy visits per calendar year; and~~

~~—(y) chiropractic services, limited to six visits per calendar year].~~

(4) Emergency services are:

(a) limited to attention provided within 24 hours of the onset of symptoms or within 24 hours of diagnosis;

(b) for a condition that requires acute care and is not chronic;

(c) reimbursed only until the condition is stabilized sufficient that the patient can leave the hospital emergency department; and

(d) not related to an organ transplant procedure.

(5) The vision care benefit is limited to \$30 per year.

R414-200-4. Cost Sharing.

(1) An enrollee is responsible to pay to the:

(a) hospital a \$220 co-insurance payment for each inpatient hospital admission;

(b) hospital a \$6 copayment for each non-emergency use of hospital emergency services;

(c) provider a \$3 copayment for outpatient office visits for physician, physician-related, and mental health services~~], and physical therapy services];~~ except, no copayment is due for preventive services, immunizations and health education; and

(d) pharmacy a \$3 copayment per prescription for prescription drugs.

(2) The out-of-pocket maximum payment for copayments or co-insurance is limited to \$500 per enrollee per calendar year.

KEY: Medicaid, non-traditional, cost sharing

Date of Enactment or Last Substantive Amendment: November 1, 2008

Notice of Continuation: May 24, 2007

Authorizing, and Implemented or Interpreted Law: 26-18



End of the Notices of 120-Day (Emergency) Rules Section

FIVE-YEAR NOTICES OF REVIEW AND STATEMENTS OF CONTINUATION

Within five years of an administrative rule's original enactment or last five-year review, the responsible agency is required to review the rule. This review is designed to remove obsolete rules from the *Utah Administrative Code*.

Upon reviewing a rule, an agency may: repeal the rule by filing a PROPOSED RULE; continue the rule as it is by filing a NOTICE OF REVIEW AND STATEMENT OF CONTINUATION (NOTICE); or amend the rule by filing a PROPOSED RULE and by filing a NOTICE. By filing a NOTICE, the agency indicates that the rule is still necessary.

NOTICES are not followed by the rule text. The rule text that is being continued may be found in the most recent edition of the *Utah Administrative Code*. The rule text may also be inspected at the agency or the Division of Administrative Rules. NOTICES are effective when filed. NOTICES are governed by Section 63G-3-305.

Human Services, Administration **R495-879** Parental Support for Children in Care

FIVE YEAR NOTICE OF REVIEW AND STATEMENT OF CONTINUATION

DAR FILE No.: 32079
FILED: 10/23/2008, 16:05

NOTICE OF REVIEW AND STATEMENT OF CONTINUATION

CONCISE EXPLANATION OF THE PARTICULAR STATUTORY PROVISIONS UNDER WHICH THE RULE IS ENACTED AND HOW THESE PROVISIONS AUTHORIZE OR REQUIRE THE RULE: The rule is authorized by Section 62A-11-107, which authorizes the Office of Recovery Services (ORS) to adopt, amend, and enforce rules as necessary. Section 78A-6-1106 authorizes the Office of Recovery Services to collect child support payments to reimburse the state for money it has expended on behalf of a child in the care or custody of the state, and requires the parents, a parent, or any other obligated person to pay child support for each month the child is in the care or custody of the state. Also, the rule is enacted under Section 62A-15-607, which requires the division to determine the actual expenses for caring for a patient at the state hospital and that parents are responsible for the support of their children while in the care of the state hospital. The rule explains that child support obligations shall be calculated for children in care based on the Child Support Guidelines in accordance with Sections 78B-12-201, 78B-12-203 through 78B-12-218, 78B-12-301, 78B-12-302, and 78B-12-401 through 78B-12-403; and ORS may modify and establish child support orders through the Child Support Services Act, Section 62A-11-301, Administrative Procedures Act, Section 63G-4-102, and Jurisdiction Determination of Custody questions by Juvenile Court, Subsection 78A-6-104; and in accordance with Rule R527-200. The rule explains juvenile court jurisdiction in accordance with Section 78A-6-104. The rule explains that a natural or an adoptive parent is not relieved of the primary obligation to support that child until the child reaches the age of majority if the child becomes a ward of the state in agreement with Section 78B-12-106.

SUMMARY OF WRITTEN COMMENTS RECEIVED DURING AND SINCE THE LAST FIVE YEAR REVIEW OF THE RULE FROM INTERESTED PERSONS SUPPORTING OR OPPOSING THE RULE: There have been no comments received since the last five-year review of the rule.

REASONED JUSTIFICATION FOR CONTINUATION OF THE RULE, INCLUDING REASONS WHY THE AGENCY DISAGREES WITH COMMENTS IN OPPOSITION TO THE RULE, IF ANY: It is necessary to continue this rule to provide information regarding the ORS's ongoing responsibilities in regards to children that are placed in the care and custody of the state. In addition, the rule explains criteria in which a child support amount may deviate from the guidelines when establishing or modifying an order for children in the care of the state. This rule should also be continued to ensure that child support obligations continue to be standardized for all the agencies that place a child in the care or custody of the state. This rule will be amended in the future to add an authority and purpose section, and also to correct any typographical errors.

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

HUMAN SERVICES
ADMINISTRATION
120 N 200 W
SALT LAKE CITY UT 84103-1500, or
at the Division of Administrative Rules.

DIRECT QUESTIONS REGARDING THIS RULE TO:
Shancie Lawton at the above address, by phone at 801-536-8191, by FAX at 801-536-8833, or by Internet E-mail at shanielawton@utah.gov

AUTHORIZED BY: Mark Brasher, Director

EFFECTIVE: 10/23/2008



Insurance, Administration
R590-160
Administrative Proceedings

**FIVE YEAR NOTICE OF REVIEW AND
STATEMENT OF CONTINUATION**

DAR FILE No.: 32098
FILED: 10/30/2008, 13:59

**NOTICE OF REVIEW AND
STATEMENT OF CONTINUATION**

CONCISE EXPLANATION OF THE PARTICULAR STATUTORY PROVISIONS UNDER WHICH THE RULE IS ENACTED AND HOW THESE PROVISIONS AUTHORIZE OR REQUIRE THE RULE: The authority for this rule comes from the following subsections of the code: 1) Subsection 31A-2-201(3)(a) giving the commissioner the authority to write rules to implement the provisions of the insurance code; 2) Subsection 63G-4-102(6) giving the department the authority to enact rules affecting or governing adjudicative proceedings, which is the purpose of this rule; and 3) Subsection 63G-4-203(1) gives the department the right to designate one or more categories of adjudicative proceedings as informal and to prescribe procedures for these informal hearings. This rule designates the categories for informal hearings in Section R590-160-4 and in Sections R590-160-7 and R590-160-8 sets rules for such proceedings and their review.

SUMMARY OF WRITTEN COMMENTS RECEIVED DURING AND SINCE THE LAST FIVE YEAR REVIEW OF THE RULE FROM INTERESTED PERSONS SUPPORTING OR OPPOSING THE RULE: No comments have been received by the department regarding this rule in the past five years.

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 important to the department and those we regulate. It sets fair and equitable standards governing administrative procedures. This helps all involved in the process to know what is expected of them and what to expect of the process. 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: 10/30/2008

Insurance, Administration
R590-161

Disability Income Policy Disclosure**FIVE YEAR NOTICE OF REVIEW AND
STATEMENT OF CONTINUATION**

DAR FILE No.: 32096
FILED: 10/30/2008, 12:51

**NOTICE OF REVIEW AND
STATEMENT OF CONTINUATION**

CONCISE EXPLANATION OF THE PARTICULAR STATUTORY PROVISIONS UNDER WHICH THE RULE IS ENACTED AND HOW THESE PROVISIONS AUTHORIZE OR REQUIRE THE RULE: Subsection 31A-2-201(3) gives the commissioner the authority to write rules to implement Title 31A of the Insurance Code. The rule requires insurers of disability policies to clearly explain in their policies, group certificates, or outline of coverage forms, if the policy limits will be reduced as a result of other coverage.

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 written comments regarding this rule in the past five years.

REASONED JUSTIFICATION FOR CONTINUATION OF THE RULE, INCLUDING REASONS WHY THE AGENCY DISAGREES WITH COMMENTS IN OPPOSITION TO THE RULE, IF ANY: The rule provides protection for consumers by disclosing to them what other types of income are considered for reducing a benefit under a disability income policy. Without the rule, consumers may not realize that their policy benefits will be reduced if they are receiving benefits from other policies, social security, and/or workers compensation. 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: 10/30/2008

Insurance, Administration
R590-162
 Actuarial Opinion and Memorandum
 Rule

**FIVE YEAR NOTICE OF REVIEW AND
 STATEMENT OF CONTINUATION**

DAR FILE NO.: 32097
 FILED: 10/30/2008, 13:51

**NOTICE OF REVIEW AND
 STATEMENT OF CONTINUATION**

CONCISE EXPLANATION OF THE PARTICULAR STATUTORY PROVISIONS UNDER WHICH THE RULE IS ENACTED AND HOW THESE PROVISIONS AUTHORIZE OR REQUIRE THE RULE: The rule sets standards and the wording to be used in an actuarial opinion and memorandum as required in Section 31A-17-503. The opinion and memorandum are to be filed by all life and fraternal insurance companies along with their annual statements.

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 received no written comments regarding this rule in the past five years.

REASONED JUSTIFICATION FOR CONTINUATION OF THE RULE, INCLUDING REASONS WHY THE AGENCY DISAGREES WITH COMMENTS IN OPPOSITION TO THE RULE, IF ANY: The department needs to retain this rule because it is an important requirement for financial regulators to gain a comfort level for insurance company reserves and for asset adequacy and liability matching. It is also required by the National Association of Insurance Commissioners. 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: 10/30/2008



Natural Resources, Parks and
 Recreation
R651-633
 Special Closures or Restrictions

**FIVE YEAR NOTICE OF REVIEW AND
 STATEMENT OF CONTINUATION**

DAR FILE NO.: 32092
 FILED: 10/30/2008, 10:33

**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 63-11-17 instructs the board to make rules regarding operation and safety in all state parks in Utah, establish use or access restrictions within state parks, provide for public safety, and preserve the peace within state parks.

SUMMARY OF WRITTEN COMMENTS RECEIVED DURING AND SINCE THE LAST FIVE YEAR REVIEW OF THE RULE FROM INTERESTED PERSONS SUPPORTING OR OPPOSING THE RULE: No 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 deals with safety for the public, protection of the state parks, areas to be closed to the public for certain periods or indefinitely, and the reasons for such restrictions. No person shall be in a closed area or participate in a restricted activity which has been posted by the park manager to protect public safety or park resources. Therefore, this rule should be continued.

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

NATURAL RESOURCES
 PARKS AND RECREATION
 Room 116
 1594 W NORTH TEMPLE
 SALT LAKE CITY UT 84116-3154, or
 at the Division of Administrative Rules.

DIRECT QUESTIONS REGARDING THIS RULE TO:
 Dee Guess at the above address, by phone at 801-538-7320, by FAX at 801-537-3144, or by Internet E-mail at deeguess@utah.gov

AUTHORIZED BY: Mark Forbes, Deputy Director (Legislation)

EFFECTIVE: 10/30/2008



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*. Statute permits an agency to make a rule effective "on any date specified by the agency that is no fewer than seven calendar days after the close of the public comment period . . . , nor more than 120 days after the publication date." Subsection 63G-3-301(9).

Abbreviations

AMD = Amendment
CPR = Change in Proposed Rule
NEW = New Rule
R&R = Repeal and Reenact
REP = Repeal

Alcoholic Beverage Control

Administration

No. 31915 (AMD): R81-1-26. Criminal History Background Checks.
Published: September 15, 2008
Effective: October 23, 2008

Commerce

Occupational and Professional Licensing

No. 31841 (AMD): R156-22. Professional Engineers and Professional Land Surveyors Licensing Act Rule.
Published: September 15, 2008
Effective: October 23, 2008

No. 31840 (AMD): R156-46b. Division Utah Administrative Procedures Act Rules.
Published: September 15, 2008
Effective: October 23, 2008

Health

Administration

No. 31911 (AMD): R380-50. Local Health Department Funding Allocation Formula.
Published: September 15, 2008
Effective: October 30, 2008

Health Care Financing, Coverage and Reimbursement Policy

No. 31906 (AMD): R414-504. Nursing Facility Payments.
Published: September 15, 2008
Effective: October 22, 2008

Natural Resources

Wildlife Resources

No. 31842 (AMD): R657-10. Taking Cougar.
Published: September 15, 2008
Effective: October 22, 2008

No. 31843 (AMD): R657-11-4. Bobcat Permits.
Published: September 15, 2008
Effective: October 22, 2008

No. 31897 (AMD): R657-60. Aquatic Invasive Species Interdiction.
Published: September 15, 2008
Effective: October 22, 2008

Transportation

Administration

No. 31591 (REP): R907-40. External Relations.
Published: July 15, 2008
Effective: October 16, 2008

Program Development

No. 31636 (AMD): R926-9. Establishment Designation and Operation of Hot Lanes or Toll Lanes on State Highways.
Published: July 15, 2008
Effective: October 16, 2008

No. 31707 (NEW): R926-10. Tollway Development Agreements.
Published: August 1, 2008
Effective: October 16, 2008

Transportation Commission

Administration

No. 31637 (AMD): R940-1. Establishment of HOT Lane Toll Rates.
Published: July 15, 2008
Effective: October 16, 2008

No. 31708 (NEW): R940-2. Approval of Tollway Development Agreements.
Published: August 1, 2008
Effective: October 16, 2008

No. 31924 (NEW): R940-4. Airports of Regional Significance.
Published: September 15, 2008
Effective: October 22, 2008

Workforce Services

Employment Development
No. 31907 (AMD): R986-900-902. Options and
Waivers.
Published: September 15, 2008
Effective: October 23, 2008

Unemployment Insurance
No. 31905 (AMD): R994-403-102a. Cancellation of
Claim.
Published: September 15, 2008
Effective: October 23, 2008

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, 2008, including notices of effective date received through October 31, 2008, the effective dates of which are no later than November 15, 2008. 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	NSC = Nonsubstantive rule change
CPR = Change in proposed rule	REP = Repeal
EMR = Emergency rule (120 day)	R&R = Repeal and reenact
NEW = New rule	5YR = Five-Year Review
EXD = Expired	

CODE REFERENCE	TITLE	FILE NUMBER	ACTION	EFFECTIVE DATE	BULLETIN ISSUE/PAGE
Administrative Services					
<u>Administration</u>					
R13-1	Public Petitions for Declaratory Orders	31342	NSC	05/05/2008	Not Printed
R13-1	Public Petitions for Declaratory Orders	31936	5YR	09/10/2008	2008-19/78
R13-2	Access to Records	31343	NSC	05/05/2008	Not Printed
<u>Administrative Rules</u>					
R15-1	Administrative Rule Hearings	31143	NSC	05/05/2008	Not Printed
R15-2	Public Petitioning for Rulemaking	31144	NSC	05/05/2008	Not Printed
R15-3	Definitional Clarification of Administrative Rule	31145	NSC	05/05/2008	Not Printed
R15-4	Administrative Rulemaking Procedures	31146	NSC	05/05/2008	Not Printed
R15-5	Administrative Rules Adjudicative Proceedings	31147	NSC	05/05/2008	Not Printed
<u>Archives</u>					
R17-5	Definitions for Rules in Title R17	31702	NSC	08/20/2008	Not Printed

CODE REFERENCE	TITLE	FILE NUMBER	ACTION	EFFECTIVE DATE	BULLETIN ISSUE/PAGE
R17-5	Definitions for Rules in Title R17	31553	NEW	08/20/2008	2008-13/2
R17-6	Records Storage and Disposal at the State Records Center	31554	NEW	08/20/2008	2008-13/2
R17-7	Archival Records Care and Access at the State Archives	31555	NEW	08/20/2008	2008-13/3
R17-8	Application of Microfilm Standards	31556	NEW	08/20/2008	2008-13/5
R17-8-2	Micrographic Standards	31703	NSC	08/20/2008	Not Printed
<u>Facilities Construction and Management</u>					
R23-2	Procurement of Architect-Engineer Services	31098	AMD	07/14/2008	2008-8/2
R23-13	State of Utah Parking Rules for Facilities Managed by the Division of Facilities Construction and Management	31063	5YR	03/17/2008	2008-8/50
R23-14	Management of Roofs on State Buildings	31064	5YR	03/17/2008	2008-8/50
R23-22	General Procedures For Acquisition and Selling of Real Property	31607	EMR	06/25/2008	2008-14/120
R23-22	General Procedures For Acquisition and Selling of Real Property	31606	NEW	09/11/2008	2008-14/3
R23-22	General Procedures For Acquisition and Selling of Real Property	31799	NSC	10/01/2008	Not Printed
R23-30	State Facility Energy Efficiency Fund	31942	NEW	11/10/2008	2008-19/5
<u>Finance</u>					
R25-2	Finance Adjudicative Proceedings	31318	NSC	05/05/2008	Not Printed
R25-5	Payment of Per Diem to Boards	31317	5YR	04/29/2008	2008-10/143
R25-6	Relocation Reimbursement	31316	5YR	04/29/2008	2008-10/143
R25-7	Travel-Related Reimbursements for State Employees	31319	5YR	04/29/2008	2008-10/144
R25-7	Travel-Related Reimbursements for State Employees	31320	AMD	07/01/2008	2008-10/4
R25-8	Meal Allowance	31321	AMD	07/01/2008	2008-10/7
R25-8	Overtime Meal Allowance	31982	5YR	10/01/2008	2008-20/51
R25-14	Payment of Attorneys' Fees in Death Penalty Cases	31363	EMR	05/05/2008	2008-10/140
R25-14	Payment of Attorneys' Fees in Death Penalty Cases	31527	AMD	08/19/2008	2008-13/5
R25-14	Payment of Attorneys' Fees in Death Penalty Cases	31775	NSC	10/01/2008	Not Printed
<u>Fleet Operations</u>					
R27-2-1	Informal Proceedings	31408	NSC	08/18/2008	Not Printed
R27-3	Vehicle Use Standards	31137	AMD	06/17/2008	2008-9/3
R27-4	Vehicle Replacement and Expansion of State Fleet	30618	AMD	03/06/2008	2007-22/9
R27-4	Vehicle Replacement and Expansion of State Fleet	31411	NSC	08/18/2008	Not Printed
R27-5-2	Items Tracked in the Fleet Information System	31419	NSC	08/18/2008	Not Printed
R27-6	Fuel Dispensing Program	31420	NSC	08/18/2008	Not Printed
R27-7	Safety and Loss Prevention of State Vehicles	31793	AMD	11/11/2008	2008-17/4
R27-7-1	Authority	31421	NSC	08/18/2008	Not Printed
R27-8-1	Authority	31422	NSC	08/18/2008	Not Printed
<u>Fleet Operations, Surplus Property</u>					
R28-3	Utah State Agency for Surplus Property Adjudicative Proceedings	31117	5YR	04/04/2008	2008-9/52
<u>Purchasing and General Services</u>					
R33-1	Utah State Procurement Rules Definitions	31477	NSC	06/18/2008	Not Printed
R33-2-101	Delegation of Authority of the Chief Procurement Officer	31478	NSC	06/18/2008	Not Printed

RULES INDEX

CODE REFERENCE	TITLE	FILE NUMBER	ACTION	EFFECTIVE DATE	BULLETIN ISSUE/PAGE
R33-3	Source Selection and Contract Formation	31479	NSC	06/18/2008	Not Printed
R33-3-4	Sole Source Procurement	31475	AMD	08/01/2008	2008-12/3
R33-4	Specifications	31480	NSC	06/18/2008	Not Printed
R33-5	Construction and Architect-Engineer Selection	31481	NSC	06/18/2008	Not Printed
R33-5-250	Design-Build or Turnkey: Use	31476	AMD	08/01/2008	2008-12/4
R33-7	Cost Principles	31482	NSC	06/18/2008	Not Printed
R33-8-101	Quality Assurance, Inspection, and Testing	31483	NSC	06/18/2008	Not Printed
<u>Records Committee</u>					
R35-1	State Records Committee Appeal Hearing Procedures	31560	NSC	08/19/2008	Not Printed
R35-1a	State Records Committee Definitions	31561	NSC	08/19/2008	Not Printed
R35-2	Declining Appeal Hearings	31567	NSC	08/19/2008	Not Printed
R35-2-2	Declining Requests for Hearings	31938	NSC	10/01/2008	Not Printed
R35-3	Prehearing Conferences	31568	NSC	08/19/2008	Not Printed
R35-4	Compliance with State Records Committee Decisions and Orders	31569	NSC	08/19/2008	Not Printed
R35-5-1	Authority and Purpose	31570	NSC	08/19/2008	Not Printed
R35-6-1	Authority and Purpose	31571	NSC	08/19/2008	Not Printed
<u>Risk Management</u>					
R37-2	Risk Management State Workers' Compensation Insurance Administration	31347	AMD	06/23/2008	2008-10/8
R37-4	Adjusted Utah Governmental Immunity Act Limitations on Judgments	31150	R&R	07/01/2008	2008-9/5
Agriculture and Food					
<u>Administration</u>					
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ABBREVIATIONS

AMD = Amendment	NSC = Nonsubstantive rule change
CPR = Change in proposed rule	REP = Repeal
EMR = Emergency rule (120 day)	R&R = Repeal and reenact
NEW = New rule	5YR = Five-Year Review
EXD = Expired	

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	31888	R655-14	NSC	10/21/2008	Not Printed
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	31964	R151-46b	NSC	10/14/2008	Not Printed

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	31840	R156-46b	AMD	10/23/2008	2008-18/13
	31804	R156-46b	AMD	10/09/2008	2008-17/13
	31595	R156-46b-103	NSC	10/01/2008	Not Printed
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	31870	R277-100	NSC	10/21/2008	Not Printed
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	31282	R380-5	NSC	05/05/2008	Not Printed
	31283	R380-10	NSC	05/05/2008	Not Printed
	31188	R477-3	AMD	07/01/2008	2008-10/87
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	31236	R602-2-1	NSC	05/05/2008	Not Printed
	30811	R602-2-4	AMD	02/07/2008	2008-1/14
	31238	R602-3	NSC	05/05/2008	Not Printed
	30810	R602-3-3	AMD	02/07/2008	2008-1/16
	31643	R602-4	EMR	07/01/2008	2008-14/127
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	31252	R612-10	NSC	05/05/2008	Not Printed
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	31734	R612-11	NSC	08/11/2008	Not Printed
	31564	R612-12	NEW	08/11/2008	2008-13/86
	31735	R612-12-2	NSC	08/11/2008	Not Printed
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	31845	R622-1	NSC	10/21/2008	Not Printed
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	31598	R651-219-3	NSC	10/01/2008	Not Printed
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	31172	R859-1-102	NSC	06/18/2008	Not Printed
	31029	R859-1-302	AMD	05/01/2008	2008-6/16
	31566	R859-1-501	AMD	09/01/2008	2008-13/106
	31585	R859-1-506	AMD	09/01/2008	2008-13/108
	31898	R859-1-506	NSC	10/21/2008	Not Printed
	31586	R859-1-509	AMD	09/01/2008	2008-13/109
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	30943	R616-3-3	AMD	03/24/2008	2008-4/21
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	31539	R430-60	5YR	06/06/2008	2008-13/149
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	31409	R527-200	NSC	08/18/2008	Not Printed
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	31061	R527-231	AMD	05/15/2008	2008-7/32
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	31133	R527-257	REP	06/09/2008	2008-9/45
	31054	R527-258	AMD	05/14/2008	2008-7/33
	31152	R527-260	NEW	07/01/2008	2008-9/46
	31158	R527-300	AMD	09/04/2008	2008-10/118
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	31756	R645-101	5YR	07/28/2008	2008-16/71
	31509	R645-102	5YR	06/02/2008	2008-12/58
	31757	R645-104	5YR	07/28/2008	2008-16/72
	30934	R645-300-100	AMD	03/26/2008	2008-4/24
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	30928	R722-300	NSC	05/01/2008	Not Printed
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	31877	R277-515-1	NSC	10/21/2008	Not Printed
	30976	R277-515-3	NSC	02/27/2008	Not Printed
	31580	R277-515-4	AMD	08/07/2008	2008-13/28
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	31955	R277-502-4	AMD	11/10/2008	2008-19/21
	31579	R277-502-6	AMD	08/07/2008	2008-13/27
	31878	R277-502-8	NSC	10/21/2008	Not Printed
	31833	R277-506	AMD	10/08/2008	2008-17/42
	30878	R277-518	5YR	01/08/2008	2008-3/72
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	30637	R317-13	NEW	02/04/2008	2007-22/61
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<u>elderly</u> Human Services, Aging and Adult Services	31379	R510-200-3	NSC	05/05/2008	Not Printed
	31916	R510-200-3	NSC	10/21/2008	Not Printed
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	30704	R307-224-2	AMD	02/08/2008	2007-23/39
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<u>electrologists</u> Commerce, Occupational and Professional Licensing	30953	R156-11a	AMD	04/10/2008	2008-5/5
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	30758	R426-6	AMD	02/07/2008	2007-24/14
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	31189	R477-4	AMD	07/01/2008	2008-10/88
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<u>fees</u> Administrative Services, Finance	31527	R25-14	AMD	08/19/2008	2008-13/5
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	31726	R512-51-1	NSC	10/01/2008	Not Printed
Human Services, Substance Abuse and Mental Health	31089	R523-1	5YR	03/31/2008	2008-8/53
	30767	R523-1	NSC	03/31/2008	Not Printed
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	30621	R651-611	AMD	01/01/2008	2007-22/80
	31599	R651-611	AMD	08/21/2008	2008-14/66
	30898	R651-611	AMD	03/10/2008	2008-3/39
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	31611	R657-16	AMD	08/21/2008	2008-14/70
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	30903	R657-58	NEW	03/10/2008	2008-3/47
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	31623	R657-60	NEW	08/21/2008	2008-14/88
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	31385	R151-2-4	AMD	07/08/2008	2008-11/49
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	31220	R657-3	NSC	05/05/2008	Not Printed
	31053	R657-3	AMD	05/08/2008	2008-7/45
	31051	R657-53	AMD	05/08/2008	2008-7/50
	31228	R657-53	NSC	05/05/2008	Not Printed
	31508	R657-53	5YR	06/02/2008	2008-12/61
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	31017	R501-16	5YR	02/22/2008	2008-6/25
	31026	R501-17	5YR	02/27/2008	2008-6/25
	31923	R501-21	NSC	10/21/2008	Not Printed
Labor Commission, Antidiscrimination and Labor, Labor	31438	R610-4	REP	07/08/2008	2008-11/101
	31239	R610-4	NSC	05/05/2008	Not Printed
Natural Resources, Water Rights	31694	R655-4	AMD	09/10/2008	2008-15/45
	31812	R655-4-5	NSC	10/01/2008	Not Printed
Natural Resources, Wildlife Resources	31224	R657-27-11	NSC	05/05/2008	Not Printed
Public Safety, Driver License	31436	R708-10	AMD	07/08/2008	2008-11/116
	31113	R708-18-1	NSC	05/05/2008	Not Printed
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	31172	R859-1-102	NSC	06/18/2008	Not Printed
	31029	R859-1-302	AMD	05/01/2008	2008-6/16
	31585	R859-1-506	AMD	09/01/2008	2008-13/108
	31898	R859-1-506	NSC	10/21/2008	Not Printed
	31586	R859-1-509	AMD	09/01/2008	2008-13/109
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Education, Administration	31851	R277-512-1	NSC	10/21/2008	Not Printed
	31879	R277-512-1	NSC	10/21/2008	Not Printed
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Commerce, Occupational and Professional Licensing	30654	R156-38a	AMD	01/07/2008	2007-23/14
	31176	R156-38a-105a	NSC	05/05/2008	Not Printed
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Administrative Services, Facilities	31942	R23-30	NEW	11/10/2008	2008-19/5
Construction and Management					
Environmental Quality, Water Quality	31103	R317-101	5YR	04/02/2008	2008-9/53
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Health, Administration	31911	R380-50	AMD	10/30/2008	2008-18/17
<u>LTCO</u>					
Human Services, Aging and Adult Services	31379	R510-200-3	NSC	05/05/2008	Not Printed
<u>MACT</u>					
Environmental Quality, Air Quality	30430	R307-214	AMD	01/11/2008	2007-19/12
	30895	R307-214	5YR	01/11/2008	2008-3/77
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Natural Resources, Forestry, Fire and State Lands	31706	R652-90-300	AMD	09/10/2008	2008-15/44
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Environmental Quality, Air Quality	30970	R307-250	5YR	02/08/2008	2008-5/46
	31559	R307-250	AMD	11/10/2008	2008-13/37
	31559	R307-250	CPR	11/10/2008	2008-19/58
<u>marketing</u>					
Commerce, Consumer Protection	31214	R152-15-2	NSC	05/05/2008	Not Printed
<u>massage therapy</u>					
Commerce, Occupational and Professional Licensing	30853	R156-47b	AMD	02/21/2008	2008-2/4
<u>match requirement</u>					
Human Services, Administration	30773	R495-861	AMD	01/30/2008	2007-24/18
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Health, Health Care Financing, Coverage and Reimbursement Policy	31979	R414-320-15	EMR	10/01/2008	2008-20/49
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Commerce, Occupational and Professional Licensing	32027	R156-39a	5YR	10/13/2008	2008-21/105
<u>Medicaid</u>					
Health, Health Care Financing	31550	R410-14	NSC	08/19/2008	Not Printed
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	31506	R414-1-5	AMD	08/04/2008	2008-12/22
	31771	R414-1-16	NSC	10/01/2008	Not Printed
	31424	R414-5	5YR	05/13/2008	2008-11/125
	31169	R414-6	5YR	04/21/2008	2008-10/145
	31493	R414-6	AMD	07/22/2008	2008-12/23
	32104	R414-14-5	EMR	11/01/2008	2008-22/45
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	32105	R414-21-2	EMR	11/01/2008	2008-22/47
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	30920	R414-27	5YR	01/17/2008	2008-4/42
	31360	R414-27	AMD	07/01/2008	2008-10/65
	31135	R414-40	R&R	06/23/2008	2008-9/39
	31452	R414-51	5YR	05/19/2008	2008-12/53
	30775	R414-52	AMD	02/01/2008	2007-24/12
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	32106	R414-52	EMR	11/01/2008	2008-22/48
	30776	R414-53	AMD	02/01/2008	2007-24/13
	31528	R414-53	5YR	06/05/2008	2008-13/148
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	31644	R414-54	R&R	10/02/2008	2008-14/46
	32109	R414-54	EMR	11/01/2008	2008-22/50
	32119	R414-54	EMR	11/04/2008	Not Printed
	31737	R414-55	5YR	07/18/2008	2008-16/69
	31645	R414-59	R&R	10/02/2008	2008-14/47
	32120	R414-59	EMR	11/04/2008	Not Printed
	32110	R414-59-4	EMR	11/01/2008	2008-22/51
	31505	R414-70	R&R	08/04/2008	2008-12/24
	30378	R414-71	CPR	03/31/2008	2008-3/66
	31507	R414-71	REP	08/04/2008	2008-12/28
	30378	R414-71	AMD	03/31/2008	2007-18/40
	32111	R414-99-2	EMR	11/01/2008	2008-22/52
	32112	R414-200	EMR	11/01/2008	2008-22/53
	30936	R414-301	5YR	01/31/2008	2008-4/43
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	30937	R414-305	5YR	01/31/2008	2008-4/45
	30945	R414-305	AMD	04/01/2008	2008-4/9
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	31361	R414-508	NEW	07/01/2008	2008-10/78
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	30833	R307-222-1	NSC	02/08/2008	Not Printed
<u>medical insurance</u>					
Sports Authority (Utah), Pete Suazo Utah Athletic Commission	31566	R859-1-501	AMD	09/01/2008	2008-13/106
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	30704	R307-224-2	AMD	02/08/2008	2007-23/39
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	31205	R647-1-106	NSC	05/05/2008	Not Printed
	31511	R647-2	5YR	06/02/2008	2008-12/59
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	31206	R647-5	NSC	05/05/2008	Not Printed
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Labor Commission, Antidiscrimination and Labor, Labor	31247	R610-1	NSC	05/05/2008	Not Printed
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	30942	R610-2-6	AMD	03/24/2008	2008-4/19
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	30941	R610-3-4	AMD	03/24/2008	2008-4/20
	31148	R610-3-10	AMD	06/13/2008	2008-9/50
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	30699	R307-170-7	AMD	02/08/2008	2007-23/29
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Commerce, Real Estate	31968	R162-211	EMR	10/01/2008	2008-20/41
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	31123	R708-44-4	NSC	05/05/2008	Not Printed
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Environmental Quality, Administration	31391	R305-4	NEW	10/08/2008	2008-11/84
	31391	R305-4	CPR	10/08/2008	2008-17/70
Environmental Quality, Air Quality	31389	R307-121	AMD	08/07/2008	2008-11/87
	30889	R307-121-3	NSC	01/30/2008	Not Printed
	31390	R307-123	CPR	10/08/2008	2008-17/71
	31390	R307-123	NEW	10/08/2008	2008-11/89
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	30966	R307-221	5YR	02/08/2008	2008-5/44
	30832	R307-221-2	NSC	02/08/2008	Not Printed
<u>municipal waste incinerator</u> Environmental Quality, Air Quality	30703	R307-223	AMD	02/08/2008	2007-23/38
	30968	R307-223	5YR	02/08/2008	2008-5/45
<u>mutual water corporations</u> Public Service Commission, Administration	31095	R746-331	5YR	04/01/2008	2008-8/55
<u>nail technicians</u> Commerce, Occupational and Professional Licensing	30953	R156-11a	AMD	04/10/2008	2008-5/5
	31174	R156-11a-601	NSC	05/05/2008	Not Printed
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<u>naturopaths</u> Commerce, Occupational and Professional Licensing	30854	R156-71	CPR	07/08/2008	2008-11/121
	30854	R156-71	AMD	07/08/2008	2008-2/6
<u>new hire registry</u> Workforce Services, Unemployment Insurance	31549	R994-315	5YR	06/10/2008	2008-13/152
<u>newborn screening</u> Health, Community and Family Health Services, Children with Special Health Care Needs	31350	R398-1	AMD	06/25/2008	2008-10/60
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<u>nutrition</u> Education, Administration	30848	R277-719	NEW	02/07/2008	2008-1/12
<u>occupational licensing</u> Commerce, Occupational and Professional Licensing	31288	R156-1	AMD	06/23/2008	2008-10/30
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	31803	R156-1-109	AMD	10/09/2008	2008-17/10
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	31292	R156-55a	AMD	06/24/2008	2008-10/42
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<u>off-highway vehicles</u> Natural Resources, Parks and Recreation	31690	R651-407	5YR	07/07/2008	2008-15/87
	31691	R651-408	5YR	07/07/2008	2008-15/87
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<u>off-premise</u> Human Services, Substance Abuse and Mental Health	31164	R523-24-7	AMD	07/14/2008	2008-10/116
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	31353	R523-24-13	NSC	05/05/2008	Not Printed
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	30706	R307-417	AMD	02/08/2008	2007-23/43
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	31453	R414-52	5YR	05/19/2008	2008-12/54
	32106	R414-52	EMR	11/01/2008	2008-22/48
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Health, Health Care Financing, Coverage and Reimbursement Policy	31452	R414-51	5YR	05/19/2008	2008-12/53
<u>osteopathic physician</u>					
Commerce, Occupational and Professional Licensing	31083	R156-68	5YR	03/27/2008	2008-8/53
	31185	R156-68	NSC	05/05/2008	Not Printed
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Commerce, Occupational and Professional Licensing	31083	R156-68	5YR	03/27/2008	2008-8/53
	31185	R156-68	NSC	05/05/2008	Not Printed
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	30778	R477-8-5	AMD	01/22/2008	2007-24/16
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	30708	R307-840	AMD	02/08/2008	2007-23/48
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	30727	R810-3	REP	03/06/2008	2007-24/21
	30728	R810-4	REP	03/06/2008	2007-24/22
	30779	R810-5	AMD	03/06/2008	2007-24/23
	30809	R810-6	AMD	03/06/2008	2008-1/26
	30831	R810-7	REP	03/06/2008	2008-1/27
	30834	R810-8	AMD	03/06/2008	2008-1/28
	30836	R810-9	AMD	03/06/2008	2008-1/29
	30839	R810-10	AMD	03/06/2008	2008-1/30
	30840	R810-11	AMD	03/06/2008	2008-1/31
	30843	R810-12	NEW	03/06/2008	2008-1/32
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	31866	R651-206-3	AMD	11/03/2008	2008-18/50
	31865	R651-215-9	AMD	11/03/2008	2008-18/54
	31598	R651-219-3	NSC	10/01/2008	Not Printed
	31661	R651-601	5YR	07/07/2008	2008-15/88
	31662	R651-602	5YR	07/07/2008	2008-15/88
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	31669	R651-609	5YR	07/07/2008	2008-15/92
	31670	R651-610	5YR	07/07/2008	2008-15/92
	30621	R651-611	AMD	01/01/2008	2007-22/80
	30898	R651-611	AMD	03/10/2008	2008-3/39
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	31673	R651-614	5YR	07/07/2008	2008-15/94
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	31602	R651-617	AMD	08/21/2008	2008-14/68
	31676	R651-617	5YR	07/07/2008	2008-15/95
	31677	R651-618	5YR	07/07/2008	2008-15/96
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	31683	R651-624	5YR	07/07/2008	2008-15/99
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	31687	R651-629	5YR	07/07/2008	2008-15/101
	31601	R651-630	5YR	06/20/2008	2008-14/142
	31688	R651-631	5YR	07/07/2008	2008-15/102
	31689	R651-632	5YR	07/07/2008	2008-15/102
	32092	R651-633	5YR	10/30/2008	2008-22/58
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	31280	R380-210-6	NSC	05/05/2008	Not Printed
<u>pawnshops</u> Commerce, Consumer Protection	31918	R152-32a	NEW	11/04/2008	2008-18/7
<u>paying standards</u> Public Service Commission, Administration	31092	R746-342	5YR	04/01/2008	2008-8/56
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	31979	R414-320-15	EMR	10/01/2008	2008-20/49
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	31763	R156-26a	AMD	09/23/2008	2008-16/5
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<u>per diem allowances</u> Administrative Services, Finance	31319	R25-7	5YR	04/29/2008	2008-10/144
	31320	R25-7	AMD	07/01/2008	2008-10/4
<u>performance-based compensation program</u> Education, Administration	31440	R277-113	NEW	07/08/2008	2008-11/69
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	31050	R657-45-2	AMD	05/08/2008	2008-7/49
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	30706	R307-417	AMD	02/08/2008	2007-23/43
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	31191	R477-6	AMD	07/01/2008	2008-10/91
	31782	R477-6-4	AMD	09/22/2008	2008-16/14
	31194	R477-9	AMD	07/01/2008	2008-10/104
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	31363	R25-14	EMR	05/05/2008	2008-10/140
	31775	R25-14	NSC	10/01/2008	Not Printed
<u>postsecondary proprietary school</u> Commerce, Consumer Protection	31218	R152-34-10	NSC	05/05/2008	Not Printed
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<u>powersport vehicles</u> Commerce, Administration	31355	R151-35-3	NSC	05/05/2008	Not Printed
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	31978	R414-310-13	EMR	10/01/2008	2008-20/47
<u>prisons</u> Corrections, Administration	31996	R251-105	5YR	10/02/2008	2008-21/107
<u>privacy</u> Health, Administration	31455	R380-250	5YR	05/19/2008	2008-12/52
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	30976	R277-515-3	NSC	02/27/2008	Not Printed
	31580	R277-515-4	AMD	08/07/2008	2008-13/28
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	31345	R151-2	NSC	05/05/2008	Not Printed
	31385	R151-2-4	AMD	07/08/2008	2008-11/49
	31284	R380-20	NSC	05/05/2008	Not Printed
Natural Resources, Oil, Gas and Mining; Administration	31202	R642-100	NSC	05/05/2008	Not Printed
	31203	R642-200	NSC	05/05/2008	Not Printed
	31755	R642-200	5YR	07/28/2008	2008-16/71
Natural Resources, Forestry, Fire and State Lands	31259	R652-6	NSC	05/05/2008	Not Printed
Natural Resources, Wildlife Resources	31225	R657-29	NSC	05/05/2008	Not Printed
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	31829	R277-436	AMD	10/08/2008	2008-17/30
	31519	R277-460	5YR	06/02/2008	2008-12/51
	31875	R277-460	NSC	10/21/2008	Not Printed
	31443	R277-490	NEW	07/08/2008	2008-11/74
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	31372	R746-101-4	NSC	05/05/2008	Not Printed
	31369	R746-110	NSC	05/05/2008	Not Printed
	31620	R746-110	5YR	06/24/2008	2008-14/143
	31044	R746-330	5YR	03/07/2008	2008-7/66
	31095	R746-331	5YR	04/01/2008	2008-8/55
	31091	R746-332	5YR	04/01/2008	2008-8/55
	31092	R746-342	5YR	04/01/2008	2008-8/56
	31797	R746-344	5YR	08/07/2008	2008-17/80
	31798	R746-345	5YR	08/07/2008	2008-17/81
	31045	R746-347	5YR	03/07/2008	2008-7/66
	31628	R746-349	AMD	08/25/2008	2008-14/91
	31374	R746-349-3	NSC	05/05/2008	Not Printed
	31781	R746-349-7	NSC	10/01/2008	Not Printed
	31704	R746-360-4	AMD	10/01/2008	2008-15/71
	31371	R746-400-7	NSC	05/05/2008	Not Printed
	31093	R746-402	5YR	04/01/2008	2008-8/56
	31795	R746-404	5YR	08/07/2008	2008-17/81
	31101	R746-405	5YR	04/01/2008	2008-8/57
	31796	R746-406	5YR	08/07/2008	2008-17/82
	31949	R746-600	5YR	09/15/2008	2008-19/81
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<u>quality improvement</u>					
Health, Administration	31286	R380-200	NSC	05/05/2008	Not Printed
	31280	R380-210-6	NSC	05/05/2008	Not Printed
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Agriculture and Food, Plant Industry	31125	R68-14	5YR	04/04/2008	2008-9/52
	31543	R68-16	5YR	06/09/2008	2008-13/147
	31126	R68-16	AMD	07/02/2008	2008-9/11
	31009	R68-17	REP	04/11/2008	2008-5/4
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<u>radiation safety</u> Environmental Quality, Radiation Control	32048	R313-30	5YR	10/14/2008	2008-21/108
<u>radioactive material</u> Environmental Quality, Radiation Control	30865	R313-15	AMD	03/17/2008	2008-2/10
	32046	R313-21	5YR	10/14/2008	2008-21/108
	32047	R313-38	5YR	10/14/2008	2008-21/109
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<u>rates</u> Administrative Services, Finance	31317	R25-5	5YR	04/29/2008	2008-10/143
	31321	R25-8	AMD	07/01/2008	2008-10/7
	31982	R25-8	5YR	10/01/2008	2008-20/51
Labor Commission, Industrial Accidents	30594	R612-4-2	AMD	01/01/2008	2007-22/76
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	31548	R994-307	5YR	06/10/2008	2008-13/152
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	31607	R23-22	EMR	06/25/2008	2008-14/120
	31606	R23-22	NEW	09/11/2008	2008-14/3
<u>real estate appraisals</u> Commerce, Real Estate	31427	R162-109	NSC	08/18/2008	Not Printed
<u>real estate appraisals trainee</u> Commerce, Real Estate	32127	R162-105	5YR	11/10/2008	Not Printed
<u>real estate business</u> Commerce, Real Estate	31003	R162-2-2	AMD	04/07/2008	2008-5/7
	31456	R162-3	AMD	07/30/2008	2008-12/8
	31001	R162-8-4	AMD	04/07/2008	2008-5/10
	31429	R162-10	NSC	08/18/2008	Not Printed
<u>reclamation</u> Natural Resources, Oil, Gas and Mining; Coal	30932	R645-100-200	AMD	03/26/2008	2008-4/23
	31204	R645-100-500	NSC	05/05/2008	Not Printed
	31756	R645-101	5YR	07/28/2008	2008-16/71
	31509	R645-102	5YR	06/02/2008	2008-12/58

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	30933	R645-301	AMD	03/26/2008	2008-4/25
	31758	R645-401	5YR	07/28/2008	2008-16/72
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	31718	R805-2	5YR	07/17/2008	2008-16/75
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	31327	R765-993	NSC	05/05/2008	Not Printed
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	31567	R35-2	NSC	08/19/2008	Not Printed
	31938	R35-2-2	NSC	10/01/2008	Not Printed
	31568	R35-3	NSC	08/19/2008	Not Printed
	31570	R35-5-1	NSC	08/19/2008	Not Printed
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	31702	R17-5	NSC	08/20/2008	Not Printed
	31554	R17-6	NEW	08/20/2008	2008-13/2
	31555	R17-7	NEW	08/20/2008	2008-13/3
	31556	R17-8	NEW	08/20/2008	2008-13/5
	31703	R17-8-2	NSC	08/20/2008	Not Printed
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<u>recreational therapy</u>					
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	31777	R994-403-110c	NSC	10/01/2008	Not Printed
<u>rehabilitation</u> Education, Rehabilitation	31042	R280-200	5YR	03/03/2008	2008-7/65
<u>Rehabilitation Act 1973</u> Human Services, Administration	31367	R495-878	NSC	05/05/2008	Not Printed
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	31272	R865-19S-99	NSC	06/23/2008	Not Printed
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	30841	R865-19S-121	AMD	02/25/2008	2008-1/37
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	31565	R612-11	NEW	08/11/2008	2008-13/85
	31734	R612-11	NSC	08/11/2008	Not Printed
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	31735	R612-12-2	NSC	08/11/2008	Not Printed

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Natural Resources, Wildlife Resources	31051	R657-53	AMD	05/08/2008	2008-7/50
	31228	R657-53	NSC	05/05/2008	Not Printed
	31508	R657-53	5YR	06/02/2008	2008-12/61
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Education, Administration	31578	R277-492	NEW	08/07/2008	2008-13/25
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School and Institutional Trust Lands, Administration	31526	R850-3	NSC	08/19/2008	Not Printed
<u>residential mortgage loan origination</u>					
Commerce, Real Estate	31457	R162-207	AMD	07/30/2008	2008-12/10
	32128	R162-207	5YR	11/10/2008	Not Printed
	31002	R162-207-6	AMD	04/07/2008	2008-5/12
	31278	R162-208	AMD	06/23/2008	2008-10/50
	32130	R162-208	5YR	11/10/2008	Not Printed
	31428	R162-209	NSC	08/18/2008	Not Printed
	31004	R162-210-4	AMD	04/07/2008	2008-5/13
<u>resorts</u>					
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	31655	R671-516	5YR	07/03/2008	2008-15/105
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	31150	R37-4	R&R	07/01/2008	2008-9/5
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	31871	R277-102	NSC	10/21/2008	Not Printed
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	31282	R380-5	NSC	05/05/2008	Not Printed
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	31173	R396-100	NSC	07/25/2008	Not Printed
	31100	R396-100-3	AMD	07/29/2008	2008-8/14
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	31211	R477-13	NSC	06/19/2008	Not Printed
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	31105	R708-2-25	NSC	05/05/2008	Not Printed
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	31901	R728-409-23	NSC	10/21/2008	Not Printed
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	31372	R746-101-4	NSC	05/05/2008	Not Printed
	31369	R746-110	NSC	05/05/2008	Not Printed
	31620	R746-110	5YR	06/24/2008	2008-14/143
	31091	R746-332	5YR	04/01/2008	2008-8/55
	31092	R746-342	5YR	04/01/2008	2008-8/56
	31797	R746-344	5YR	08/07/2008	2008-17/80
	31798	R746-345	5YR	08/07/2008	2008-17/81
	31371	R746-400-7	NSC	05/05/2008	Not Printed
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	31795	R746-404	5YR	08/07/2008	2008-17/81

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	31102	R614-1-4	AMD	05/22/2008	2008-8/30
	31248	R614-3-1	NSC	05/05/2008	Not Printed
Labor Commission, Safety	31246	R616-2	NSC	05/05/2008	Not Printed
	31253	R616-3	NSC	05/05/2008	Not Printed
	30943	R616-3-3	AMD	03/24/2008	2008-4/21
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	31782	R477-6-4	AMD	09/22/2008	2008-16/14
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	31272	R865-19S-99	NSC	06/23/2008	Not Printed
	31258	R865-19S-105	AMD	07/01/2008	2008-10/132
	30841	R865-19S-121	AMD	02/25/2008	2008-1/37
<u>salons</u>					
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	30612	R392-700	NEW	05/16/2008	2007-22/65
<u>sanitation</u>					
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<u>school enrollment</u> Education, Administration	31574	R277-419	AMD	08/07/2008	2008-13/12
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	31850	R277-508-1	NSC	10/21/2008	Not Printed
<u>school transportation</u> Education, Administration	30879	R277-600	5YR	01/08/2008	2008-3/72
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<u>schools</u> Education, Administration	31832	R277-477	AMD	10/08/2008	2008-17/38
	30848	R277-719	NEW	02/07/2008	2008-1/12
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	30707	R307-801	AMD	02/08/2008	2007-23/45
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	31105	R708-2-25	NSC	05/05/2008	Not Printed
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<u>secure areas</u> Human Services, Substance Abuse and Mental Health, State Hospital	31031	R525-6	NEW	05/01/2008	2008-6/7
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