

UTAH STATE BULLETIN

OFFICIAL NOTICES OF UTAH STATE GOVERNMENT
Filed June 16, 2009, 12:00 a.m. through July 1, 2009, 11:59 p.m.

Number 2009-14
July 15, 2009

Kimberly K. Hood, Executive Director
Kenneth A. Hansen, Director
Nancy L. Lancaster, Editor

The *Utah State Bulletin (Bulletin)* is an official noticing publication of the executive branch of Utah State Government. The Department of Administrative Services, Division of Administrative Rules produces the *Bulletin* under authority of Section 63G-3-402, *Utah Code Annotated* 1953.

Inquiries concerning administrative rules or other contents of the *Bulletin* may be addressed to the responsible agency or to: Division of Administrative Rules, 4120 State Office Building, Salt Lake City, Utah 84114, telephone (801) 538-3218, FAX (801) 538-1773. To view rules information, and on-line versions of the division's publications, visit: <http://www.rules.utah.gov/>

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

Division of Administrative Rules, Salt Lake City 84114

Unless otherwise noted, all information presented in this publication is in the public domain and may be reproduced, reprinted, and redistributed as desired. Materials incorporated by reference retain the copyright asserted by their respective authors. Citation to the source is requested.

Printed in the United States of America

Library of Congress Cataloging-in-Publication Data

Utah state bulletin.

Semimonthly.

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

I. Utah. Office of Administrative Rules.

KFU440.A73S7

348.792'025--DDC

85-643197

TABLE OF CONTENTS

1. SPECIAL NOTICES

Health, Health Care Financing, Coverage and Reimbursement Policy: Notice for August 2009 Primary Care Network (PCN) Waiver Re-authorization	1
Health, Health Care Financing, Coverage and Reimbursement Policy: Notice for August 2009 Medicaid Rate Changes.....	1

2. NOTICES OF PROPOSED RULES

Administrative Services

Facilities Construction and Management No. 32772 (New Rule): R23-23. Health Reform -- Health Insurance Coverage in State Contracts -- Implementation	3
--	---

Capitol Preservation Board (State)

Administration No. 32778 (New Rule): R131-13. Health Reform -- Health Insurance Coverage in State Contracts -- Implementation	5
---	---

Commerce

Occupational and Professional Licensing No. 32757 (Amendment): R156-56. Utah Uniform Building Standard Act Rules	7
No. 32754 (Amendment): R156-60d. Substance Abuse Counselor Act Rule	15
No. 32753 (Amendment): R156-73. Chiropractic Physician Practice Act Rules	16
No. 32770 (New Rule): R156-80. Medical Language Interpreter Act Rule	20
Real Estate No. 32767 (Amendment): R162-3-6. Renewal and Reinstatement.....	21
No. 32765 (Amendment): R162-4-4. Written Instructions for Commission Distribution by Title Insurance Agent	22
No. 32766 (Amendment): R162-9-2. Determining Fitness for Course Certification	23

Health

Epidemiology and Laboratory Services, Environmental Services No. 32775 (Repeal and Reenact): R392-600. Illegal Drug Activity Decontamination Standards	25
Health Care Financing, Coverage and Reimbursement Policy No. 32745 (Amendment): R414-302-1. Citizenship and Alienage	41
No. 32747 (Amendment): R414-303-11. Prenatal and Newborn Medicaid.....	42
No. 32743 (Amendment): R414-308-3. Application and Signature	44
No. 32750 (Amendment): R414-310. Medicaid Primary Care Network Demonstration Waiver	46

TABLE OF CONTENTS

No. 32752 (Amendment): R414-320. Medicaid Health Insurance Flexibility and Accountability Demonstration Waiver	49
No. 32748 (Amendment): R414-502-8. Criteria for Intermediate Care Facility for the Mentally Retarded	52
<u>Human Services</u>	
Substance Abuse and Mental Health	
No. 32773 (Amendment): R523-23-4. Provider Responsibilities	54
No. 32774 (Amendment): R523-24-4. Provider Responsibilities	55
<u>Labor Commission</u>	
Adjudication	
No. 32764 (Amendment): R602-2-3. Compensation for Medical Panel Services	56
<u>Public Safety</u>	
Administration	
No. 32741 (New Rule): R698-5. Hazardous Chemical Emergency Response Commission.....	57
<u>Workforce Services</u>	
Employment Development	
No. 32781 (Amendment): R986-200-215. Family Employment Program Two Parent Household (FEPTP)	59
No. 32780 (Amendment): R986-300-303. Eligibility, Income Standards, and Amount of Assistance	60
Unemployment Insurance	
No. 32782 (Amendment): R994-403-118e. Disqualification Periods if a Claimant Fails to Provide Information.....	61
 3. NOTICES OF 120-DAY (EMERGENCY) RULES	
<u>Administrative Services</u>	
Facilities Construction and Management	
No. 32771: R23-23. Health Reform -- Health Insurance Coverage in State Contracts -- Implementation	63
<u>Capitol Preservation Board (State)</u>	
Administration	
No. 32769: R131-13. Health Reform -- Health Insurance Coverage in State Contracts -- Implementation	65
<u>Health</u>	
Health Care Financing, Coverage and Reimbursement Policy	
No. 32746: R414-303-11. Prenatal and Newborn Medicaid	68
No. 32744: R414-308-3. Application and Signature	70
No. 32749: R414-310. Medicaid Primary Care Network Demonstration Waiver	72
No. 32751: R414-320. Medicaid Health Insurance Flexibility and Accountability Demonstration Waiver.....	75

Transportation

Operations, Construction
 No. 32768: R916-5. Health Reform -- Health Insurance Coverage
 in State Contracts -- Implementation 78

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

Agriculture and Food

Regulatory Services
 No. 32742: R70-310. Grade A Pasteurized Milk 82

Environmental Quality

Water Quality
 No. 32779: R317-401. Graywater Systems 82

Health

Administration
 No. 32738: R380-25. Submission of Data Through an Electronic Data Interchange 83

Health Care Financing, Coverage and Reimbursement Policy
 No. 32755: R414-401. Nursing Care Facility Assessment 83

Insurance

Administration
 No. 32756: R590-192. Unfair Accident and Health Income Replacement
 Claims Settlement Practices Rule 84

5. NOTICES OF FIVE-YEAR REVIEW EXTENSIONS 85

6. NOTICES OF RULE EFFECTIVE DATES 86

7. RULES INDEX 90

SPECIAL NOTICES

Health Health Care Financing, Coverage and Reimbursement Policy

Notice for August 2009 Primary Care Network (PCN) Waiver Re-authorization

The Utah Department of Health has submitted a request to renew the Primary Care Network Medicaid Waiver for another three years. This will allow the Department to continue operating the PCN program through June 2013. The renewal request can be viewed at: <http://health.utah.gov/pcn/>

The proposed change is subject to Centers for Medicare and Medicaid Services (CMS) approval.

For questions regarding this notice, please contact Jeff Nelson at 801-538-6471, or jeffnelson@utah.gov.

Health Health Care Financing, Coverage and Reimbursement Policy

Notice for August 2009 Medicaid Rate Changes

Effective August 1, 2009, 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. It is not anticipated that these rate changes will have a substantial fiscal impact. All rate changes are posted to the web and can be viewed at: <http://health.utah.gov/medicaid/stplan/bcrp.htm>

End of the Special Notices Section

NOTICES OF PROPOSED RULES

A state agency may file a PROPOSED RULE when it determines the need for a new rule, a substantive change to an existing rule, or a repeal of an existing rule. Filings received between June 16, 2009, 12:00 a.m., and July 1, 2009, 11:59 p.m. are included in this, the July 15, 2009, 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 August 14, 2009. 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 November 12, 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.

Administrative Services, Facilities
Construction and Management
R23-23
Health Reform -- Health Insurance
Coverage in State Contracts --
Implementation

NOTICE OF PROPOSED RULE

(New Rule)

DAR FILE No.: 32772

FILED: 07/01/2009, 09:29

RULE ANALYSIS

PURPOSE OF THE RULE OR REASON FOR THE CHANGE: The purpose of the rule is to comply with H.B. 331 of the 2009 Utah Legislative Session which created Utah Code Annotated Section 63A-5-205. Said statute requires that contracts entered into on or after 07/01/2009, have provisions requiring health insurance as specified in this statute. The statute also requires administrative rules that define the process and enforcement. In order to facilitate the contract requirements required as of 07/01/2009, it is necessary to have the administrative rules in place at the same time. (DAR NOTE: H.B. 331 (2009) is found at Chapter 13, Laws of Utah 2009, and was effective 05/12/2009.)

SUMMARY OF THE RULE OR CHANGE: This is a new rule and required in said H.B. 331. The rule introduces the procedure and requirements for implementation of the Health Reform -- Health Insurance Coverage in State Contracts as required by the Utah Legislature in H.B. 331 codified in Section 63A-5-205. H.B. 331, 2009 General Session, Health Reform -- Health Insurance Coverage in State Contracts, requires all contractors, subcontractors and subconsultants at any tier, entering into any state contract, to have and maintain for the duration of the contract an offer of qualified health insurance coverage for their employees and their employees' dependents that live and/or work in the State of Utah. (DAR NOTE: A corresponding 120-day (emergency) rule that is effective as of 07/01/2009 is under DAR No. 32771 in this issue, July 15, 2009, of the Bulletin.)

STATE STATUTORY OR CONSTITUTIONAL AUTHORIZATION FOR THIS RULE: Section 63A-5-205

ANTICIPATED COST OR SAVINGS TO:

❖ **THE STATE BUDGET:** Enactment of this rule may indirectly increase the cost of state construction projects depending on the contractor. The extent of such increases is currently unknown.

❖ **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. (Note: while not affected by this rule, H.B. 331 does affect public transit districts.)

❖ **SMALL BUSINESSES AND PERSONS OTHER THAN BUSINESSES:** Enactment of this rule may result in certain cost increases to private contractors, but may benefit individuals working for

such contractors. Enactment of this rule likely will not result in direct, measurable costs and/or benefits for local governments.

COMPLIANCE COSTS FOR AFFECTED PERSONS: To the extent there are cost increases to contractors (including designers), it is highly likely that such cost increases will be passed on as part of the costs of the contract that the State pays. The statute already provides the requirements that may cause cost increases. The rule does not add to these cost increases.

COMMENTS BY THE DEPARTMENT HEAD ON THE FISCAL IMPACT THE RULE MAY HAVE ON BUSINESSES: As stated, the statute itself created the fiscal impacts. The rule does not add additional burdens than already provided by the statute. The rule will not impact the costs. The statute will increase the cost of the contracts as the price of the insurance passed along in the bids and subsequent contracts. Kimberly K. Hood, Executive Director

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

ADMINISTRATIVE SERVICES
FACILITIES CONSTRUCTION AND MANAGEMENT
Room 4110 STATE OFFICE BLDG
450 N STATE ST
SALT LAKE CITY UT 84114-1201, or
at the Division of Administrative Rules.

DIRECT QUESTIONS REGARDING THIS RULE TO:

Alan Bachman, Priscilla Anderson, or La Priel Dye at the above address, by phone at 801-538-3105, 801-538-9595, or 801-538-3240, by FAX at 801-538-3313, 801-538-3378, or 801-538-3313, or by Internet E-mail at abachman@utah.gov, phanderson@utah.gov, or ldye@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 08/14/2009.

THIS RULE MAY BECOME EFFECTIVE ON: 08/21/2009

AUTHORIZED BY: D. Gregg Buxton, Director

R23. Administrative Services, Facilities Construction and Management.

R23-23. Health Reform -- Health Insurance Coverage in State Contracts -- Implementation.

R23-23-1. Purpose.

The purpose of this rule is to comply with the provisions of Section 63A-5-205.

R23-23-2. Authority.

This rule is authorized under Subsection 63A-5-103(1)(e), which directs the Utah State Building Board to make rules necessary for the discharge of the duties of the Division of Facilities Construction and Management as well as Section 63A-5-205 which requires this rule related to health insurance provisions in certain design and/or construction contracts.

R23-23-3. Definitions.

(1) Except as otherwise stated in this rule, terms used in this rule are defined in Section 63A-5-205.

(2) In addition:

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

(b) "Director" means the Director of the Division, including, unless otherwise stated, the Director's duly authorized designee.

(c) "Division" means the Division of Facilities Construction and Management established pursuant to Section 63A-5-201.

(d) "Employee(s)" is as defined in 63A-5-205(1)(c) and includes only those employees that live and/or work in the State of Utah along with their dependents. "Employee" for purposes of this rule, shall not be construed as to be broader than the use of the term employee for purposes of State of Utah Workers' Compensation laws along with their dependents.

(e) "State" means the State of Utah.

R23-23-4. Applicability of Rule.

(1) Except as provided in Rule R23-23-4(2) below, this Rule R23-23 applies to all contracts entered into by the Division or the Board on or after July 1, 2009, if:

(a) the contract is for design and/or construction; and

(b) the prime contract is in the amount of \$1,500,000 or greater; or

(i) a subcontract, at any tier, is in the amount of \$750,000 or greater.

(2) This Rule R23-23 does not apply if:

(a) the application of this Rule R23-23 jeopardizes the receipt of federal funds,

(b) the contract is a sole source contract,

(c) the contract is an emergency procurement.

(3) This Rule R23-23 does not apply to a change order as defined in Section 63G-6-102, or a modification to a contract, when the contract does not meet the initial threshold required by Rule R23-23-4(1).

(4) A person who intentionally uses change orders or contract modifications to circumvent the requirements of subsection (1) is guilty of an infraction.

R23-23-5. Contractor to Comply with Section 63A-5-205.

All contractors and subcontractors that are subject to the requirements of Section 63A-5-205 shall comply with all the requirements, penalties and liabilities of Section 63A-5-205.

R23-23-6. Not Basis for Protest or Suspend, Disrupt, or Terminate Design or Construction.

(1) The failure to comply with this Rule or Section 63A-5-205:

(a) may not be the basis for a protest or other action from a prospective bidder, offeror, or contractor under Section 63G-6-801 or any other provision in Title 63G, Chapter 6, Part 8, Legal and Contractual Remedies; and

(b) may not be used by the procurement entity or a prospective bidder, offeror, or contractor as a basis for any action or suit that would suspend, disrupt or terminate the design or construction.

R23-23-7. Requirements and Procedures a Contractor Must Follow.

A contractor (including consultants and designers) must comply with the following requirements and procedures in order to demonstrate compliance with Section 63A-5-205.

(1) Demonstrating Compliance with Health Insurance Requirements. The following requirements must be met by a contractor (including consultants, designers and others under contract with the Division) that is subject to the requirements of this Rule no later than the time of execution of the contract:

(a) demonstrate compliance by a written certification to the Director that the contractor has and will maintain for the duration of the contract an offer of qualified health insurance coverage for the contractor's employees; and

(b) The contractor shall also provide such written certification prior to the execution of the contract, in regard to all subcontractors (including subconsultants) at any tier that is subject to the requirements of this Rule.

(2) Recertification. The Director shall have the right to request a recertification by the contractor by submitting a written request to the contractor, and the contractor shall so comply with the written request within ten (10) working days of receipt of the written request; however, in no case may the contractor be required to demonstrate such compliance more than twice in any 12-month period.

(3) Demonstrating Compliance with Actuarially Equivalent Determination. The actuarially equivalent determination required by Subsections 63A-5-205(1)(e)(i) and (iii) is met by the contractor if the contractor provides the Director with a written statement of actuarial equivalency from either the Utah Insurance Department or an actuary selected by the contractor or the contractor's insurer.

For purposes of this Rule R23-23-7(3), actuarial equivalency is achieved by meeting any of the following:

(a) In accordance with Section 26-40-106(2)(a), the largest insured commercial enrollment offered by a health maintenance organization in the State, which the Children's Health Insurance Program has determined is the SelectHealth plan currently offered by SelectHealth, 4646 West Lake Park Blvd, Salt Lake City, Utah 84130. The reference to SelectHealth herein is to provide an example of a qualifying plan and is not intended to endorse or indicate a preference for the use of SelectHealth as the insurance provider in any way; or

(b) provides coverage that is actuarially equivalent to 75 percent of the benefit plan determined under Rule R23-23-7(3)(a) above and employer's premium contribution as required by statute.

(4) The health insurance must be available upon the first of the month following the initial ninety (90) days from the beginning of employment.

(5) Architect and Engineer Compliance Process. Architects and engineers that are subject to this Rule must demonstrate compliance with this Rule in any annual submittal under Section 63G-6-702. During the procurement process and no later than the execution of the contract with the architect or engineer, the architect or engineer shall confirm that their applicable subcontractors or subconsultants meet the requirements of this Rule.

(6) General (Prime) Contractors Compliance Process. Contractors that are subject to this Rule must demonstrate compliance with this Rule for their own firm and any applicable subcontractors, in any pre-qualification process that may be used for the procurement. At the time of execution of the contract, the contractor shall confirm that their applicable subcontractors or subconsultants meet the requirements of this Rule.

(7) Notwithstanding any prequalification process, any contract subject to this Rule shall contain a provision requiring compliance with this Rule from the time of execution and throughout the duration of the contract.

(8) Hearing and Penalties.

(a) Hearing. Any hearing for any penalty under this Rule conducted by the Board or the Division shall be conducted in the same manner as any hearing required for a suspension or debarment.

(b) Penalties that may be imposed by Board or Division. The penalties that may be imposed by the Board or the Division if a contractor, consultant, subcontractor or subconsultant, at any tier, intentionally violates the provisions of this Rule R23-23, may include:

(i) a three-month suspension of the contractor or subcontractor from entering into future contracts with the State upon the first violation, regardless of which tier the contractor or subcontractor is involved with the future design and/or construction contract;

(ii) a six-month suspension of the contractor or subcontractor from entering into future contracts with the State upon the second violation, regardless of which tier the contractor or subcontractor is involved with the future design and/or construction contract;

(iii) an action for debarment of the contractor or subcontractor in accordance with Section 63G-6-804 upon the third or subsequent violation; and

(iv) monetary penalties which may not exceed 50 percent of the amount necessary to purchase qualified health insurance coverage for an employee and the dependents of an employee of the contractor or subcontractor who was not offered qualified health insurance coverage during the duration of the contract.

(c) In addition to the penalties imposed above, a contractor, consultant, subcontractor or subconsultant who violates the provisions of this Rule shall be liable to the employee for health care costs not covered by insurance.

R23-23-8. Not Create any Contractual Relationship with any Subcontractor or Subconsultant.

Nothing in this Rule shall be construed as to create any contractual relationship whatsoever between the State of Utah, the Board, or the Division with any subcontractor or subconsultant at any tier.

KEY: health insurance, contractors, contracts

**Date of Enactment or Last Substantive Amendment: 2009
Authorizing, and Implemented or Interpreted Law: 63A-5-103(1)(e); 63A-5-205**

◆ ————— ◆

**Capitol Preservation Board (State),
Administration
R131-13
Health Reform -- Health Insurance
Coverage in State Contracts --
Implementation**

NOTICE OF PROPOSED RULE

(New Rule)

DAR FILE NO.: 32778

FILED: 07/01/2009, 15:05

RULE ANALYSIS

PURPOSE OF THE RULE OR REASON FOR THE CHANGE: The purpose of the rule is to comply with H.B. 331 of the 2009 Utah Legislative Session which created Section 63C-9-403. Said statute requires that contracts entered into on or after 07/01/2009, have provisions requiring health insurance as specified in this statute. The statute also requires administrative rules that define the process and enforcement. In order to facilitate the contract requirements required as of 07/01/2009, it is necessary to have the administrative rule in place at the same time. (DAR NOTE: H.B. 331 (2009) is found at Chapter 13, Laws of Utah 2009, and was effective 05/12/2009.)

SUMMARY OF THE RULE OR CHANGE: This is a new rule and required in said H.B. 331. The rule introduces the procedure and requirements for implementation of the Health Reform -- Health Insurance Coverage in State Contracts as required by the Utah Legislature in H.B. 331 codified in Section 63C-9-403. H.B. 331, 2009 General Session, Health Reform -- Health Insurance Coverage in State Contracts, requires all contractors, subcontractors and subconsultants at any tier, entering into any state contract, to have and maintain for the duration of the contract an offer of qualified health insurance coverage for their employees and their employee's dependents that live and/or work in the State of Utah. (DAR NOTE: A corresponding 120-day (emergency) rule that is effective as of 07/01/2009 is under DAR No. 32769 in this issue, July 15, 2009, of the Bulletin.)

STATE STATUTORY OR CONSTITUTIONAL AUTHORIZATION FOR THIS RULE: Section 63C-9-403

ANTICIPATED COST OR SAVINGS TO:

❖ **THE STATE BUDGET:** Enactment of this rule may indirectly increase the cost of state construction projects depending upon the contractor. The extent of such increases is currently unknown.

❖ **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. (Note: while not affected by this rule, H.B. 331 does affect public transit districts.)

❖ **SMALL BUSINESSES AND PERSONS OTHER THAN BUSINESSES:** Enactment of this rule may result in certain cost increases to private contractors, but may benefit individuals working for such contractors. Enactment of this rule likely will not result in direct, measurable costs and/or benefits for small businesses and persons other than businesses.

COMPLIANCE COSTS FOR AFFECTED PERSONS: To the extent there are cost increases to contractors (including designers), it is highly likely that such cost increases will be passed on as part of the costs of the contract that the State pays. The statute already provides the requirements that may cause cost increases. The rule does not add to these cost increases.

COMMENTS BY THE DEPARTMENT HEAD ON THE FISCAL IMPACT THE RULE MAY HAVE ON BUSINESSES: As stated, the statute itself created the fiscal impacts. The rule does not add additional burdens than already provided by the statute. The rule will not impact the costs. The statute will increase the cost of the contracts as the price of the insurance passed along in the bids and subsequent contracts. David H. Hart, AIA, Executive Director

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

CAPITOL PRESERVATION BOARD (STATE)
ADMINISTRATION
Room E110 EAST BUILDING
420 N STATE ST
SALT LAKE CITY UT 84114-2110, or
at the Division of Administrative Rules.

DIRECT QUESTIONS REGARDING THIS RULE TO:

Sarah Whitney at the above address, by phone at 801-538-3074, by FAX at 801-538-3221, or by Internet E-mail at swhitney@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 08/14/2009.

THIS RULE MAY BECOME EFFECTIVE ON: 08/21/2009

AUTHORIZED BY: David H. Hart, AIA, Executive Director

R131. Capitol Preservation Board (State), Administration.

R131-13. Health Reform -- Health Insurance Coverage in State Contracts -- Implementation.

R131-13-1. Purpose.

The purpose of this rule is to comply with the provisions of Section 63C-9-403.

R131-13-2. Authority.

This rule is authorized under Subsection 63C-9-301(3)(a) whereby the Capitol Preservation Board may make rules to govern, administer, and regulate the capitol hill complex, capitol hill facilities, and capitol hill grounds by following the procedures and requirements of Title 63G, Chapter 3, Utah Administrative Rulemaking Act, as well as Section 63C-9-403 that requires this rule related to health insurance provisions in certain design and construction contracts.

R131-13-3. Definitions.

(1) Except as otherwise stated in this rule, terms used in this rule are defined in Section 63C-9-403.

(2) In addition:

(a) "Board" means the Capitol Preservation Board established pursuant to Section 63C-9-201.

(b) "Executive Director" means the executive director of the Capitol Preservation Board including, unless otherwise stated, the executive director's duly authorized designee.

(c) "Employee(s)" is as defined in Subsection 63C-9-403(1)(a) and includes only those employees that live and work in the state of

Utah along with their dependents. "Employee" for purposes of this rule, shall not be construed as to be broader than the use of the term employee for purposes of state of Utah Workers' Compensation laws along with their dependents.

(d) "State" means the state of Utah.

R131-13-4. Applicability of Rule.

(1) Except as provided in R131-13-4(2) below, R131-13 applies to all contracts entered into by the Board or the executive director, or on behalf of the Board, on or after July 1, 2009, if:

(a) the contract is for design and/or construction; and

(b)(i) the prime contract is in the amount of \$1,500,000 or greater; or

(ii) a subcontract, at any tier, is in the amount of \$750,000 or greater.

(2) R131-13 does not apply if:

(a) the application of R131-13 jeopardizes the receipt of federal funds;

(b) the contract is a sole source contract; or

(c) the contract is an emergency procurement.

(3) R131-13 does not apply to a change order as defined in Section 63G-6-102, or a modification to a contract, when the contract does not meet the initial threshold required by R131-13-4(1).

(4) A person who intentionally uses change orders or contract modifications to circumvent the requirements of Subsection R131-13-4(1) is guilty of an infraction.

R131-13-5. Contractor to Comply with Section 63C-9-403.

All contractors and subcontractors that are subject to the requirements of Section 63C-9-403 shall comply with all the requirements, penalties and liabilities of Section 63C-9-403.

R131-13-6. Not Basis for Protest or Suspend, Disrupt, or Terminate Design or Construction.

(1) The failure to comply with R131-13 or Section 63C-9-403:

(a) may not be the basis for a protest or other action from a prospective bidder, offeror, or contractor under Section 63G-6-801 or any other provision in Title 63G, Chapter 6, Part 8, Legal and Contractual Remedies; and

(b) may not be used by the procurement entity or a prospective bidder, offeror, or contractor as a basis for any action or suit that would suspend, disrupt or terminate the design or construction.

R131-13-7. Requirements and Procedures a Contractor Must Follow.

A contractor, including consultants and designers, must comply with the following requirements and procedures in order to demonstrate compliance with Section 63C-9-403.

(1) Demonstrating Compliance with Health Insurance Requirements. The following requirements must be met by a contractor, including consultants, designers and others under contract with the Board or the executive director that is subject to the requirements of R131-13 no later than the time of execution of the contract:

(a) demonstrate compliance by a written certification to the executive director that the contractor has and will maintain for the duration of the contract an offer of qualified health insurance coverage for the contractor's employees; and

(b) the contractor shall also provide such written certification prior to the execution of the contract, in regard to all subcontractors,

including subconsultants, at any tier that are subject to the requirements of R131-13.

(2) Recertification. The executive director shall have the right to request a recertification by the contractor by submitting a written request to the contractor, and the contractor shall so comply with the written request within ten working days of receipt of the written request; however, in no case may the contractor be required to demonstrate such compliance more than twice in any 12-month period.

(3) Demonstrating Compliance with Actuarially Equivalent Determination. The actuarially equivalent determination required by Subsections 63C-9-403(1)(c)(i) and (iii) is met by the contractor if the contractor provides the executive director with a written statement of actuarial equivalency from either the Utah Insurance Department or an actuary selected by the contractor or the contractor's insurer.

For purposes of R131-13-7(3), actuarially equivalency is achieved by meeting any of the following:

(a) In accordance with Section 26-40-106(2)(a), the largest insured commercial enrollment offered by a health maintenance organization in the State, which the Children's Health Insurance Program has determined is the SelectHealth plan currently offered by SelectHealth, 4646 West Lake Park Blvd, Salt Lake City, Utah 84130. The reference to SelectHealth herein is to provide an example of a qualifying plan and is not intended to endorse or indicate a preference for the use of SelectHealth as the insurance provider in any way; or

(b) provides coverage that is actuarially equivalent to 75% of the benefit plan determined under R131-13-7(3)(a) above and employer premium contributions as required by statute.

(4) The health insurance must be available upon the first of the month following the initial ninety days from the beginning of employment.

(5) Architect and Engineer Compliance Process. Architects and engineers that are subject to R131-13 must demonstrate compliance with R131-13 in any annual submittal. During the procurement process and no later than the execution of the contract with the architect or engineer, the architect or engineer shall confirm that their applicable subcontractors or subconsultants meet the requirements of R131-13.

(6) General (Prime) Contractors Compliance Process. Contractors that are subject to R131-13 must demonstrate compliance with R131-13 for their own firm and any applicable subcontractors, in any pre-qualification process that may be used for the procurement. At the time of execution of the contract, the contractor shall confirm that their applicable subcontractors or subconsultants meet the requirements of R131-13.

(7) Notwithstanding any prequalification process, any contract subject to R131-13 shall contain a provision requiring compliance with R131-13 from the time of execution and throughout the duration of the contract.

(8) Hearing and Penalties.

(a) Hearing. Any hearing for any penalty under R131-13 conducted by the Board or executive director shall be conducted in the same manner as any hearing required for a suspension or debarment.

(b) Penalties that may be Imposed by the Board or Executive Director. The penalties that may be imposed by the Board or executive director if a contractor, consultant, subcontractor or subconsultant, at any tier, intentionally violates the provisions of R131-13 may include:

(i) a three-month suspension of the contractor or subcontractor from entering into future contracts with the State upon the first violation, regardless of which tier the contractor or subcontractor is involved with the future design and/or construction contract;

(ii) a six-month suspension of the contractor or subcontractor from entering into future contracts with the State upon the second violation, regardless of which tier the contractor or subcontractor is involved with the future design and/or construction contract;

(iii) an action for debarment of the contractor or subcontractor in accordance with Section 63G-6-804 upon the third or subsequent violation; and

(iv) monetary penalties which may not exceed 50% of the amount necessary to purchase qualified health insurance coverage for an employee and dependents of an employee of the contractor or subcontractor who was not offered qualified health insurance coverage during the duration of the contract.

(c) In addition to the penalties imposed above, a contractor, consultant, subcontractor or subconsultant who violates the provisions of R131-13 shall be liable to the employee for health care costs not covered by insurance.

R131-13-8. Not Create any Contractual Relationship with any Subcontractor or Subconsultant.

Nothing in R131-13 shall be construed as to create any contractual relationship whatsoever between the State, the Board, or the executive director with any subcontractor or subconsultant at any tier.

KEY: health insurance, contractors, contracts

Date of Enactment or Last Substantive Amendment: 2009

Authorizing, and Implemented or Interpreted Law: 63C-9-403; 63C-9-301(3)(a)



Commerce, Occupational and
Professional Licensing
R156-56
Utah Uniform Building Standard Act
Rules

NOTICE OF PROPOSED RULE

(Amendment)

DAR FILE No.: 32757

FILED: 06/25/2009, 18:53

RULE ANALYSIS

PURPOSE OF THE RULE OR REASON FOR THE CHANGE: As a result of S.B. 211 and H.B. 327 which were passed during the 2009 Legislative Session, amendments to this rule are being proposed after review by the Division and Uniform Building Code Commission. (DAR NOTE: S.B. 211 (2009) is found at Chapter 339, Laws of Utah 2009, and was effective 05/12/2009. H.B. 327 (2009) is found at Chapter 129, Laws of Utah 2009, and was effective 05/12/2009.)

SUMMARY OF THE RULE OR CHANGE: Various statutory citation references have been updated throughout the rule. In Section R156-56-102, deleted definition for "different permit number" and in Subsection R156-56-102(5), deleted the reference to a "12 digit" standardized building permit number. In Section R156-56-401, the proposed amendment is needed due to changes in the statute made by H.B. 327 which eliminated the need for the three letter designation from the building permit number and eliminated the added details going into the building permit number. The building permit number is now simply determined by the local compliance agency. Section R156-56-702 is being deleted in its entirety as a result of S.B. 211. The provision for override of the Division was taken out of the governing statute (Title 58, Chapter 56).

STATE STATUTORY OR CONSTITUTIONAL AUTHORIZATION FOR THIS RULE: Sections 58-56-1 and 58-56-19, and Subsections 58-1-106(1)(a), 58-1-202(1)(a), and 58-56-6(2)(a)

ANTICIPATED COST OR SAVINGS TO:

❖ THE STATE BUDGET: The Division will incur minimal costs of approximately \$100 to print the rule and distribute it once the proposed amendments are made effective. Any costs incurred will be absorbed in the Division's current budget. Any additional costs or savings to be incurred by the Division were covered in the fiscal notes which were completed for S.B. 211 and H.B. 327.

❖ LOCAL GOVERNMENTS: Any cost or saving impact to local governments comes as a result of the changes to the statute under S.B. 211 and H.B. 327. The fiscal notes prepared by the Division in response to S.B. 211 and H.B. 327 should be reviewed for information regarding the legislative bill's cost and saving impact and in turn any anticipated costs or savings with respect to this clarifying rule amendment filing.

❖ SMALL BUSINESSES AND PERSONS OTHER THAN BUSINESSES: Any cost or saving impact to small businesses and other persons comes as a result of the changes to the statute under S.B. 211 and H.B. 327. The fiscal notes prepared by the Division in response to S.B. 211 and H.B. 327 should be reviewed for information regarding the legislative bill's cost and saving impact and in turn any anticipated costs or savings with respect to this clarifying rule amendment filing.

COMPLIANCE COSTS FOR AFFECTED PERSONS: Any cost or saving impact to small businesses and other persons comes as a result of the changes to the statute under S.B. 211 and H.B. 327. The fiscal notes prepared by the Division in response to S.B. 211 and H.B. 327 should be reviewed for information regarding the legislative bill's cost and saving impact and in turn any anticipated costs or savings with respect to this clarifying rule amendment filing.

COMMENTS BY THE DEPARTMENT HEAD ON THE FISCAL IMPACT THE RULE MAY HAVE ON BUSINESSES: This filing conforms the existing rule to recent statutory amendments. No fiscal impact to businesses is anticipated. 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:

Dan S. Jones at the above address, by phone at 801-530-6720, by FAX at 801-530-6511, or by Internet E-mail at dansjones@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 08/14/2009

INTERESTED PERSONS MAY ATTEND A PUBLIC HEARING REGARDING THIS RULE: 7/27/2009 at 9:00 AM, State Office Building, 450 N State St, Room 4112, Salt Lake City, UT.

THIS RULE MAY BECOME EFFECTIVE ON: 08/21/2009

AUTHORIZED BY: Mark B. Steinagel, Director

**R156. Commerce, Occupational and Professional Licensing.
R156-56. Utah Uniform Building Standard Act Rules.
R156-56-102. Definitions.**

In addition to the definitions in Title 58, Chapters 1, 55 and 56, as used in Title 58, Chapter 56 or these rules:

(1) "Building permit" means, for the purpose of determining the building permit surcharge under Subsection 58-56-9(4), a warrant, license or authorization to build or construct a building or structure or any part thereof.

(2) "Building permit fee" means, for the purpose of determining the building permit surcharge under Subsection 58-56-9(4), fees assessed by an agency of the state or political subdivision of the state for the issuance of permits for construction, alteration, remodeling, and repair and installation including building, electrical, mechanical and plumbing components.[]

~~(3) "Different permit number", as used in Sections R156-56-401 and R156-56-402, means a permit number derived from any format other than the standardized building permit described in R156-56-401. The different permit number may refer to a compliance agency's previous permit numbering system.]~~

([4]3) "Employed by a local regulator, state regulator or compliance agency" means, with respect to Subsection 58-56-9(1), the hiring of services of a qualified inspector whether by an employer/employee relationship, an independent contractor relationship, a fee-for-service relationship or any other lawful arrangement under which the regulating agency purchases the services of a qualified inspector.

(~~5~~4) "Inspector" means a person employed by a local regulator, state regulator or compliance agency for the purpose of inspecting building, electrical, plumbing or mechanical construction, alteration, remodeling, repair or installation in accordance with the codes adopted under these rules and taking appropriate action based upon the findings made during inspection.

(~~6~~5) "Permit number", as used in Sections R156-56-401 and R156-56-402, means the ~~[12-digit]~~ standardized building permit number described below in R156-56-401.

(~~7~~6) "Refuses to establish a method of appeal" means with respect to Subsection 58-56-8(3), that a compliance agency does not in fact adopt a formal written method of appealing uniform building standard matters in accordance with generally recognized standards of due process; or, that the compliance agency does not convene an appeals board and render a decision in the matter within ninety days from the date on which the appeal is properly filed with the compliance agency.

(~~8~~7) "Uniform Building Standards" means the codes identified in Section R156-56-701 and as amended under these rules.

(~~9~~8) "Unprofessional conduct" as defined in Title 58, Chapter 1 is further defined, in accordance with Subsection 58-1-203(5), in Section R156-56-502.

R156-56-202. Advisory Peer Committees Created - Membership - Duties.

(1) There is created in accordance with Subsection 58-1-203(1)(f) and 58-56-5(10)(~~d~~e), the following committees as advisory peer committees to the Uniform Building Codes Commission:

(a) the Education Advisory Committee consisting of nine members, which shall include a design professional, a general contractor, an electrical contractor, a mechanical or plumbing contractor, an educator, and four inspectors (one from each of the specialties of plumbing, electrical, mechanical and general building);

(b) the Plumbing and Health Advisory Committee consisting of nine members;

(c) the Structural Advisory Committee consisting of seven members;

(d) the Architectural Advisory Committee consisting of seven members;

(e) the Fire Protection Advisory Committee consisting of five members;

(i) This committee shall join together with the Fire Advisory and Code Analysis Committee of the Utah Fire Prevention Board to form the Unified Code Analysis Council.

(ii) The Unified Code Analysis Council shall meet as directed by the Utah Fire Prevention Board or as directed by the Uniform Building Code Commission or as needed to review fire prevention and building code issues that require definitive and specific analysis.

(iii) The Unified Code Analysis Council shall select one of its members to act in the position of chair and another to act as vice chair. The chair and vice chair shall serve for one year terms on a calendar year basis. Elections for chair and vice chair shall occur at the meeting conducted in the last quarter of the calendar year.

(iv) The chair or vice chair shall report to the Utah Fire Prevention Board or Uniform Building Code Commission recommendations of the council with regard to the review of fire and building codes;

(f) the Mechanical Advisory Committee consisting of seven members; and

(g) the Electrical Advisory Committee consisting of seven members.

(2) The committees shall be appointed and serve in accordance with Section R156-1-205. The membership of each committee shall be made up of individuals who have direct knowledge or involvement in the area of code involved in the title of that committee.

(3) The duties and responsibilities of the committees shall include:

(a) review of requests for amendments to the adopted codes as assigned to each committee by the division with the collaboration of the commission;

(b) submission of recommendations concerning the requests for amendment; and

(c) the Education Advisory Committee shall review and make recommendations regarding funding requests which are submitted, and review and make recommendations regarding budget, revenue and expenses of the education fund established pursuant to Subsection 58-56-9(4).

R156-56-401. Standardized Building Permit Number.

As provided in Section 58-56-19, beginning on ~~January 1, 2007~~ July 1, 2009, any agency issuing a permit for construction within the state of Utah shall use the standardized building permit numbering system. The standardized building permit numbering system described under Subsection 58-56-19(4) shall include a combination of alpha or numeric characters arranged in a format acceptable to the issuing agency, which includes the following:

~~(1) The permit number shall consist of 12 digits with the following components in the following order:~~

~~(a) digits one, two and three shall be alphabetical characters identifying the compliance agency issuing the permit as specified in the table in Subsection (3);~~

~~(b) digits four and five shall be numerical characters indicating the year of permit issuance;~~

~~(c) digits six and seven shall be numerical characters indicating the month of permit issuance;~~

~~(d) digits eight and nine shall be numerical characters indicating the day of the month on which the permit is issued; and~~

~~(e) digits ten, eleven and twelve shall be numerical characters used to distinguish between permits issued by the agency on the same day.~~

~~(2) When used in addition to a different permit numbering system, as provided for in Subsection 58-56-19(3)(b), the standardized building permit number shall be clearly identified and labeled as the "state permit number" or "Utah permit number".~~

~~(3) The following table establishes the three digit alphabetical character for which the compliance agency shall be identified as provided in Subsection (1)(a):~~

TABLE
COMPLIANCE AGENCY PERMIT TABLE
FOR STANDARDIZED BUILDING PERMIT
THREE LETTER DESIGNATIONS

~~Index
Column 1: City, town, or other compliance agency in which project is located
Column 2: County in which the city, town, or other compliance agency is located
Column 3: City, town or other compliance agency 3 digit designation (Designation is shown for cities, towns, or other compliance agency which issue~~

building permits. If no designation is shown, the building permits for the city, town, or other compliance agency are issued by the county, therefore the county three digit designation should be used)
 Column 4: County 3 digit designation

1	2	3	4
City, Town, or other Compliance Agency	County	City, Town, or other Agency Designation	Designation
Adamsville	BEAVER		BVR
Alpine	UTAH	ALP	
Alta	SALT LAKE	ALT	
Altamont	DUCHESNE		DCH
Alton	KANE		KAN
Altonah	DUCHESNE		DCH
Amalga	CACHE		CAG
American Fork	UTAH	AFG	
Aneth	SAN JUAN		SJC
Angle	PIUTE		PIU
Annabella	SEVIER		SEV
Antimony	GARFIELD		GRF
Apple Valley	WASHINGTON	AVG	
Aragonite	TOOELE		TOG
Aurora	SEVIER		SEV
Austin	SEVIER		SEV
Avon	CACHE		CAG
Axtell	SANPETE		SPG
Bacchus	SALT LAKE		SCO
Ballard	UINTAH	BAL	
Bauer	TOOELE		TOG
Bear River	BOX ELDER	BRC	
Beaver City	BEAVER		BEA
BEAVER COUNTY			BVR
Beaver Dam	BOX ELDER		BEC
Benjamin	UTAH		UTA
Benson	CACHE		CAG
Beryl	IRON		IRO
Bicknell	WAYNE		WAY
Big Water	KANE	BWM	
Birdseye	UTAH		UTA
Black Rock	MILLARD		MIL
Blanding	SAN JUAN	BLA	
Bloomington Hills	WASHINGTON	STG (part of St. George)	
Bloomington	WASHINGTON	STG (part of St. George)	
Blue Creek	BOX ELDER		BEC
Bluebell	DUCHESNE		DCH
Bluff	SAN JUAN		SJC
Bluffdale	SALT LAKE	BLU	
Bonanza	UINTAH		UTC
Boneta	DUCHESNE		DCH
Bothwell	BOX ELDER		BEC
Boulder	GARFIELD		GRF
Bountiful	DAVIS	BOU	
BOX ELDER COUNTY			BEC
Brian Head	IRON	BHT	
Bridgeland	DUCHESNE		DCH
Brigham	BOX ELDER	BRI	
Brighton	SALT LAKE		SCO
Brookside	WASHINGTON		WSC
Bryce	GARFIELD		GRF
Bullfrog	KANE		KAN
Burmester	TOOELE		TOG
Burrville	SEVIER		SEV
CACHE COUNTY			CAG
Cache Junction	CACHE		CAG
Gaineville	WAYNE		WAY
Gallao	JUAB		JUA
Camp Williams	UTAH		UTA
Gannonville	GARFIELD		GRF
CARBON COUNTY			CAR
Carbonville	CARBON		CAR

Castle Dale	EMERY		EMR
Castle Rock	SUMMIT		SUM
Castle Valley	GRAND		GRA
Cedar City	IRON	CEC	
Cedar Creek	BOX ELDER		BEC
Cedar Fort	UTAH	CFT	
Cedar Hills	UTAH	CDH	
Cedar Mountain	TOOELE		TOG
Cedar Springs	BOX ELDER		BEC
Cedar Valley	UTAH		UTA
Cedarview	DUCHESNE		DCH
Center Creek	WASATCH		WAC
Centerfield	SANPETE		SPG
Centerville	DAVIS	CEV	
Central	SEVIER		SEV
Central	WASHINGTON		WSC
Central Valley	SEVIER		SEV
Charleston	WASATCH	CHA	
Chester	SANPETE		SPG
Christinburg	SANPETE		SPG
Christmas Meadows	SUMMIT		SUM
Church Wells	KANE		KAN
Circleville	PIUTE	CIR	
Cisco	GRAND		GRA
Clarkston	CACHE		CAG
Clawson	EMERY		EMR
Clear Lake	MILLARD		MIL
Clearcreek	BOX ELDER		BEC
Clearcreek	CARBON		CAR
Clearfield	DAVIS	CLE	
Cleveland	EMERY		EMR
Clinton	DAVIS	CLI	
Clive	TOOELE		TOG
Clover	TOOELE	RUV(became Rush Valley)	
Coalville	SUMMIT	COA	
College Ward	CACHE		CAG
Collinston	BOX ELDER		BEC
Colton	UTAH		UTA
Copperton	SALT LAKE		SCO
Cornine	BOX ELDER	COR	
Cornish	CACHE		CAG
Cottonwood	SALT LAKE		SCO
Cottonwood Heights	SALT LAKE	CHG	
Cove	CACHE		CAG
Cove Fort	MILLARD		MIL
Crescent	SALT LAKE		SCO
Crescent Junction	GRAND		GRA
Croyden	MORGAN		MRG
DAGGETT COUNTY			DAG
Dameron Valley	WASHINGTON		WSC
Daniels	WASATCH	DAN	
DAVIS COUNTY			DAV
Deer Creek	WASATCH		WAC
Belle	TOOELE		TOG
Delta	MILLARD	DEL	
Deseret	MILLARD		MIL
Deseret Mound	IRON		IRO
Devils Slide	MORGAN		MRG
Deweyville	BOX ELDER	DEW	
Diamond Valley	WASHINGTON		WSC
Div of Facilities			
-Construction and Mgmt (statewide)	FCM		
Dividend	UTAH		UTA
Draper	SALT LAKE	DRA	
Draper City South	UTAH		UTA
Duchesne City	DUCHESNE	DUC	
DUCHESNE COUNTY			DCH
Duck Creek	KANE		KAN
Dugway (Federal)	TOOELE	XXX	
Dutch John	DAGGETT		DAG
Eagle Mountain	UTAH	EMC	
East Carbon	CARBON	ECC	
East Green River	GRAND		GRA
East Millcreek	SALT LAKE		SCO
Eastland	SAN JUAN		SJC
Echo	SUMMIT		SUM

Eden	WEBER	WEB	Herriman	SALT LAKE	HER
Elk Ridge	UTAH	ERC	Hiawatha	CARBON	CAR
Elberta	UTAH	UTA	Hideway Valley	SANPETE	SPC
Elmo	EMERY	EMR	Highland	UTAH	HIG
Elsinore	SEVIER	SEV	Hildale	WASHINGTON	HIL
Elwood	BOX ELDER	ELW	Hinckley	MILLARD	HIN
Emery City	EMERY	EME	Hite	SAN JUAN	SJC
EMERY COUNTY		EMR	Holden	MILLARD	HOL
Emory	SUMMIT	SUM	Holladay	SALT LAKE	HOD
Enoch	IRON	ENO	Honeyville	BOX ELDER	HON
Enterprise	WASHINGTON	ENT	Hooper	WEBER	HOO
Ephraim	SANPETE	SPC	Hot Springs	BOX ELDER	BEC
Erda	TOOELE	TOG	Heavenweep Mountain	SAN JUAN	SJC
Escalante	GARFIELD	GRF	Howell	BOX ELDER	HPW
Eskdale	MILLARD	MIL	Hoytsville	SUMMIT	SUM
Etna	BOX ELDER	BEC	Huntington	EMERY	EMR
Eureka	JUAB	EUR	Huntsville	WEBER	HTV
Fairfield	UTAH	UTA	Hurricane	WASHINGTON	HUR
Fairmont	SEVIER	SEV	Hyde Park	CACHE	HPC
Fairview	SANPETE	SPC	Hyrum	CACHE	CAC
Farmington	DAVIS	FAR	Ibapah	TOOELE	TOG
Farr West	WEBER	FAW	Indianola	SANPETE	SPC
Faust	TOOELE	TOG	Ioka	DUCHESNE	DCH
Fayette	SANPETE	SPC	IRON COUNTY		IRO
Ferron	EMERY	EMR	Iron Springs	IRON	IRO
Fielding	BOX ELDER	FIE	Ivins	WASHINGTON	INI
Fillmore	MILLARD	FIL	Jensen	UINTAH	UTC
Flowell	MILLARD	MIL	Jericho	JUAB	JUA
Fort Duchesne	UINTAH	UTC	Joseph	SEVIER	SEV
Fountain Green	SANPETE	SPC	JUAB COUNTY		JUA
Francis	SUMMIT	FRA	Junction	PIUTE	JUN
Freedom	SANPETE	SPC	Kamas	SUMMIT	KAM
Freeport Circle	DAVIS	DAV	Kanab	KANE	KNB
Fremont	WAYNE	WAY	Kanarraville	IRON	IRO
Fremont Junction	SEVIER	SEV	KANE COUNTY		KAN
Fruit Heights	DAVIS	FRU	Kaneville	WEBER	WEC
Fruitland	DUCHESNE	DCH	Kanosh	MILLARD	KNS
Fry Canyon	SAN JUAN	SJC	Kayenta	WASHINGTON	INI (part of Ivins)
Gandy	MILLARD	MIL	Kaysville	DAVIS	KAY
Garden City	RICH	GAR	Kearns	SALT LAKE	SCO
Garfield	SALT LAKE	SCO	Keetley	WASATCH	WAC
GARFIELD COUNTY		GRF	Kelton	BOX ELDER	BEC
Garland	BOX ELDER	GRL	Kenilworth	CARBON	CAR
Garrison	MILLARD	MIL	Kingston	PIUTE	KIN
Geneva	UTAH	GEV	Knolls	TOOELE	TOG
Genola	UTAH	GEN	Koosharem	SEVIER	SEV
Glendale	KANE	KAN	La Sal	SAN JUAN	SJC
Glenwood	SEVIER	SEV	La Verkin	WASHINGTON	LAV
Goldhill	TOOELE	TOG	Lake Powell	SAN JUAN	SJC
Goshen	UTAH	GOS	Lakepoint	TOOELE	TOG
Grafton	WASHINGTON	ROC (part of Rockville)	Lakeshore	UTAH	UTA
GRAND COUNTY		GRA	Lakeside	BOX ELDER	BEC
Granite	SALT LAKE	SCO	Laketown	RICH	RIC
Grantsville	TOOELE	GTV	Lakeview	UTAH	UTA
Green River	EMERY	EMR	Lapoint	UINTAH	UTC
Greenville	BEAVER	BVR	Lark	SALT LAKE	SCO
Greenwich	PIUTE	PIU	Lawrence	EMERY	EMR
Greenwood	MILLARD	MIL	Layton	DAVIS	LAY
Grouse Creek	BOX ELDER	BEC	Leamington	MILLARD	LEA
Grover	WAYNE	WAY	Leeds	WASHINGTON	LEE
Gunlock	WASHINGTON	WSC	Leeton	UINTAH	UTC
Gunnison	SANPETE	SPC	Lehi	UTAH	LEH
Gusher	UINTAH	UTC	Leland	UTAH	UTA
Hailstone	WASATCH	WAC	Leota	UINTAH	UTC
Halls Crossing	SAN JUAN	SJC	Levan	JUAB	LEV
Hamilton Fort	IRON	IRO	Lewiston	CACHE	LEW
Hamlin Valley	IRON	IRO	Liberty	WEBER	WEC
Hanksville	WAYNE	WAY	Lincoln	TOOELE	TOG
Hanna	DUCHESNE	DCH	Lindon	UTAH	LIN
Harrisville	WEBER	HAR	Little Mountain	WEBER	WEC
Hatch	GARFIELD	GRF	Littleton	MORGAN	MRG
Hatton	MILLARD	MIL	Loa	WAYNE	LOA
Heber	WASATCH	HEB	Logan	CACHE	LOG
Helper	CARBON	CAR	Long Valley	KANE	KAN
Henefer	SUMMIT	HEN	Losepa	TOOELE	TOG
Henrieville	GARFIELD	GRF	Low	TOOELE	TOG
			Lucin	BOX ELDER	BEC

Lund	IRON	IRO	Orem	UTAH	ORE
Lyman	WAYNE	WAY	Orrey	WAYNE	WAY
Lynn	BOX ELDER	BEG	Ourray	UINTAH	UTC
Lynndyl	MILLARD	LYN	Palmyra	UTAH	UTA
Madsen	BOX ELDER	BEG	Panguitch	GARFIELD	GRF
Maeser	UINTAH	UTC	Paradise	CACHE	CAC
Magna	SALT LAKE	SGO	Paragonah	IRON	IRO
Mammoth	JUAB	JUA	Park City	SUMMIT	PAC
Manderfield	BEAVER	BVR	Park City East	WASATCH	WAC
Manila	DAGGETT	MNL	Park Valley	BOX ELDER	BEG
Manti	SANPETE	SPC	Parowan	IRON	IRO
Mantua	BOX ELDER	MNT	Partoun	JUAB	JUA
Mapleton	UTAH	MAP	Payson	UTAH	PAY
Marion	SUMMIT	SUM	Penrose	BOX ELDER	BEG
Marriott-Slaterville	WEBER	MSC	Peoa	SUMMIT	SUM
Marysville	PIUTE	MAR	Perry	BOX ELDER	PER
Mayfield	SANPETE	SPC	Petersboro	CACHE	CAC
Meadow	MILLARD	MEA	Peterson	MORGAN	MRG
Meadowville	RICH	RIC	Pickleville	RICH	RIC
Mendon	CACHE	MEN	Pigeon Hollow Junction	SANPETE	SPC
Mexican Hat	SAN JUAN	SJC	Pine Valley	WASHINGTON	WSC
Middleton	WASHINGTON	STG (part of St. George)	Pineview	SUMMIT	SUM
Midvale	SALT LAKE	MID	Pinto	WASHINGTON	WSC
Midway	WASATCH	MWC	Pintura	WASHINGTON	WSC
Milburn	SANPETE	SPC	PIUTE COUNTY	WASHINGTON	PIU
Milford	BEAVER	MLF	Plain City	WEBER	PLA
Mill Fork	UTAH	UTA	Pleasant Grove	UTAH	PGG
MILLARD COUNTY		MIL	Pleasant View	WEBER	PVG
Mills	JUAB	JUA	Plymouth	BOX ELDER	PLY
Mills Junction	TOOELE	TOG	Portage	BOX ELDER	BEG
Millville	CACHE	CAC	Porterville	MORGAN	MRG
Milton	MORGAN	MRG	Price	CARBON	PRI
Minersville	BEAVER	BVR	Premontory	BOX ELDER	BEG
Moab	GRAND	MOA	Providence	CACHE	PRV
Modena	IRON	IRO	Provo	UTAH	PRO
Mohrland	EMERY	EMR	Provo Canyon	UTAH	UTA
Molen	EMERY	EMR	Randlett	UINTAH	UTC
Mona	JUAB	MON	Randolph	RICH	RAN
Monarch	DUCHESNE	DCH	Redmond	SEVIER	RED
Monroe	SEVIER	SEV	Redmonton	BOX ELDER	BEG
Montezuma Creek	SAN JUAN	SJC	RICH COUNTY		RIC
Monticello	SAN JUAN	MNC	Richfield	SEVIER	RCF
Monument Valley	SAN JUAN	SJC	Richmond	CACHE	CAC
Moore	EMERY	EMR	Richville	MORGAN	MRG
Morgan City	MORGAN	MOR	River Heights	CACHE	CAC
MORGAN COUNTY		MRG	Riverdale	WEBER	RVD
Moroni	SANPETE	SPC	Riverside	BOX ELDER	BEG
Mt Carmel	KANE	KAN	Riverton	SALT LAKE	RVT
Mt Emmons	DUCHESNE	DCH	Rockville	WASHINGTON	ROC
Mt Green	MORGAN	MRG	Rocky Ridge Town	JUAB	ROR
Mt Home	DUCHESNE	DCH	Roosevelt	DUCHESNE	ROO
Mt Olympus	SALT LAKE	SGO	Rosette	BOX ELDER	BEG
Mt Pleasant	SANPETE	SPC	Round Valley	RICH	RIC
Mt Sterling	CACHE	CAC	Roy	WEBER	ROY
Murray	SALT LAKE	MUR	Rubys Inn	GARFIELD	GRF
Myton	DUCHESNE	DCH	Rush Valley	TOOELE	RUV
Naples	UINTAH	NAP	Sage Creek Junction	RICH	RIC
National	CARBON	CAR	Salem	UTAH	SLM
Navaho Lake	DUCHESNE	DCH	Salina	SEVIER	SEV
Neola	DUCHESNE	DCH	Salt Lake City	SALT LAKE	SLG
Nephi	JUAB	NEP	SALT LAKE COUNTY		SGO
New Harmony	WASHINGTON	WSC	Salt Lake Suburban		
Newcastle	IRON	IRO	-Sanitary District #1	SALT LAKE	SSD
Newton	CACHE	NEW	Salt Springs	TOOELE	TOG
Nibley	CACHE	NIB	Samak	SUMMIT	SUM
North Logan	CACHE	NLC	SAN JUAN COUNTY		SJC
North Ogden	WEBER	NOG	Sandy	SALT LAKE	SAN
North Salt Lake	DAVIS	NSL	SANPETE COUNTY		SPC
Oak City	MILLARD	OAK	Santa Clara	WASHINGTON	SAC
Oakley	SUMMIT	OKL	Santaquin	UTAH	STQ
Oasis	MILLARD	MIL	Saratoga Springs	UTAH	SRT
Ogden	WEBER	OGD	Scipio	MILLARD	SCI
Ogden City School Dist	WEBER	OSD	Scotfield	CARBON	CAR
Ophir	TOOELE	OPH	Sevier	SEVIER	SEV
Orangeville	EMERY	ORA	SEVIER COUNTY		SEV
Orderville	KANE	KAN	Shivwits (Federal)	WASHINGTON	YYY
			Sigurd	SEVIER	SEV

Silver City	JUAB	JUA
Silver Creek Junction	SUMMIT	SUM
Silver Fork	SALT LAKE	SCO
Silver Reef	WASHINGTON	LEE (part of Leeds)
Smithfield	CACHE	SMI
Snowbird	SALT LAKE	SCO
Snowville	BOX ELDER	SNO
Snyderville	SUMMIT	SUM
Soldier Summit	WASATCH	WAC
South Jordan	SALT LAKE	SOJ
South Ogden	WEBER	SOO
South Salt Lake	SALT LAKE	SSL
South Weber	DAVIS	SWC
Spanish Fork	UTAH	SFG
Spring City	SANPETE	SPC
Spring Glen	CARBON	CAR
Spring Lake	UTAH	UTA
Springdale	WASHINGTON	SPD
Springville	UTAH	SPV
St George	WASHINGTON	STG
St John	TOOELE	RUV (became Rush Valley)
Standrod	BOX ELDER	BEC
Stansbury Park	TOOELE	TOC
Sterling	SANPETE	SPC
Stockmore	DUCHESNE	DCH
Stockton	TOOELE	STO
Stoddard	MORGAN	MORG
Sugarville	MILLARD	MIL
Summit	IRON	IRO
SUMMIT COUNTY		SUM
Summit Park	SUMMIT	SUM
Summit Point	SAN JUAN	SJC
Sundance	UTAH	UTA
Sunnyside	CARBON	CAR
Sunset	DAVIS	SUN
Sutherland	MILLARD	MIL
Swan Creek	TOOELE	TOC
Syracuse	DAVIS	SYR
Tabiona	DUCHESNE	DCH
Talmage	DUCHESNE	DCH
Taylor	WEBER	WEC
Taylorville	SALT LAKE	TAY
Teasdale	WAYNE	WAY
Thatcher	BOX ELDER	THA
Thistle	UTAH	UTA
Thompson Springs	GRAND	GRA
Ticaboo	GARFIELD	GRF
Timpe	TOOELE	TOC
Tintic	JUAB	JUA
Tooele City	TOOELE	TOO
TOOELE COUNTY		TOC
Toquerville	WASHINGTON	TOQ
Torrey	WAYNE	WAY
Tremonton	BOX ELDER	TRE
Trenton	CACHE	CAC
Tridell	UINTAH	UTC
Tropic	GARFIELD	GRF
Trout Creek	JUAB	JUA
Tucker	UTAH	UTA
Ueolo	SAN JUAN	SJC
Uintah	WEBER	UIN
UINTAH COUNTY		UTC
Upalco	DUCHESNE	DCH
Upton	SUMMIT	SUM
UTAH COUNTY		UTA
Uvada	IRON	IRO
Venice	SEVIER	SEV
Vernal	UINTAH	VER
Vernon	TOOELE	TOC
Veyo	WASHINGTON	WSC
Vineyard	UTAH	VIN
Virgin	WASHINGTON	VIR
Wasatch	SUMMIT	SUM
Wales	SANPETE	SPC
Wallsburg	WASATCH	WAC
Wanship	SUMMIT	SUM

Warren	WEBER	WEC
WASATCH COUNTY		WAC
Washington City	WASHINGTON	WAS
Washakie	BOX ELDER	BEC
Washington Terrace	WEBER	WAT
WASHINGTON COUNTY		WSC
WAYNE COUNTY		WAY
WEBER COUNTY		WEC
Webster Cove Junction	CACHE	CAC
Wellington	CARBON	CAR
Wellsville	CACHE	CAC
Wendover	TOOELE	WEN
West Bountiful	DAVIS	WEB
West Haven	WEBER	WEH
West Jordan	SALT LAKE	WEJ
West Point	DAVIS	WEP
West Valley	SALT LAKE	WVG
West Warren	WEBER	WEC
West Weber	WEBER	WEC
Westwater	GRAND	GRA
Whiterocks	UINTAH	UTC
Widtsoe Junction	GARFIELD	GRF
Wildwood	UTAH	UTA
Willard	BOX ELDER	WIL
Wilson	WEBER	WEC
Wins	WASHINGTON	WSC
Woodland Hills	UTAH	WHO
Woodland	SUMMIT	SUM
Woodruff	RICH	RIC
Woodrow	MILLARD	MIL
Woods Cross	DAVIS	WXC
Woodside	EMERY	EMR
Yost	BOX ELDER	BEC
Young Ward	CACHE	CAC
Zane	IRON	IRO

R156-56-701. Specific Editions of Uniform Building Standards.

(1) In accordance with Subsection ~~[58-56-4(3)]~~58-56-3(1)(b)(ii), and subject to the limitations contained in Subsection (6), (7), and (8), the following codes are hereby incorporated by reference, which codes together with any amendments specified under these rules, are adopted as the construction standards to be applied to building construction, alteration, remodeling and repair and in the regulation of building construction, alteration, remodeling and repair in the state:

(a) the 2006 edition of the International Building Code (IBC), including Appendix J promulgated by the International Code Council shall become effective on January 1, 2007;

(b) the 2008 edition of the National Electrical Code (NEC) promulgated by the National Fire Protection Association, to become effective January 1, 2009;

(c) the 2006 edition of the International Plumbing Code (IPC) promulgated by the International Code Council shall become effective on January 1, 2007;

(d) the 2006 edition of the International Mechanical Code (IMC) promulgated by the International Code Council shall become effective on January 1, 2007;

(e) the 2006 edition of the International Residential Code (IRC) promulgated by the International Code Council shall become effective on January 1, 2007;

(f) the 2006 edition of the International Energy Conservation Code (IECC) promulgated by the International Code Council shall become effective on January 1, 2007;

(g) the 2006 edition of the International Fuel Gas Code (IFGC) promulgated by the International Code Council shall become effective on January 1, 2007;

(h) subject to the provisions of Subsection (4), the Federal Manufactured Housing Construction and Safety Standards Act

(HUD Code) as promulgated by the Department of Housing and Urban Development and published in the Federal Register as set forth in 24 CFR parts 3280 and 3282 as revised April 1, 1990;

(i) subject to the provisions of Subsection (4), Appendix E of the 2006 edition of the International Residential Code promulgated by the International Code Council shall become effective on January 1, 2007;

(j) subject to the provisions of Subsection (4), the 2005 edition of the NFPA 225 Model Manufactured Home Installation Standard promulgated by the National Fire Protection Association shall become effective January 1, 2007; and

(k) the 2006 edition of the Utah Wildland Urban Interface Code (UWUI) promulgated by the International Code Council together with alternatives or amendments approved by the Utah Division of Forestry shall be effective July 1, 2008 as an approved code that may be adopted by the local compliance agency by local ordinance or other similar action as a local amendment to the codes listed in this Subsection.

(2) In accordance with Subsection ~~[58-56-4(4)]58-56-4(6)~~, and subject to the limitations contained in Subsection 58-56-4(~~5~~7), the following codes or standards are hereby incorporated by reference and approved for use and adoption by a compliance agency as the construction standards which may be applied to existing buildings in the regulation of building alteration, remodeling, repair, removal, seismic evaluation and rehabilitation in the state:

(a) the 1997 edition of the Uniform Code for the Abatement of Dangerous Buildings (UCADB) promulgated by the International Code Council;

(b) the 2006 edition of the International Existing Building Code (IEBC), including its appendix chapters, promulgated by the International Code Council;

(c) ASCE 31-03, Seismic Evaluation of Existing Buildings, promulgated by the American Society of Civil Engineers;

(d) Pre-standard and Commentary for the Seismic Rehabilitation of Buildings (FEMA 356) published by the Federal Emergency Management Agency (November 2000).

(3) Amendments adopted by rule to prior editions of the Uniform Building Standards shall remain in effect until specifically amended or repealed.

(4) In accordance with Subsection ~~[58-56-4(2)]58-56-3(1)(b)(ii)~~, the following are hereby adopted as the installation standard for manufactured housing for new installations or for existing manufactured or mobile homes which are subject to relocation, building alteration, remodeling or rehabilitation in the state:

(a) The manufacturer's installation instruction for the model being installed shall be the primary standard.

(b) If the manufacturer's installation instruction for the model being installed is not available or is incomplete, the following standards shall be applicable:

(i) Appendix E of the 2006 edition of the International Residential Code as promulgated by the International Code Council for installations defined in Section AE101 of Appendix E; or

(ii) If an installation is beyond the scope of the 2006 edition of the International Residential Code as defined in Section AE101 of Appendix E, then the 2005 edition of the NFPA 225 Model Manufactured Home Installation Standard promulgated by the National Fire Protection Association shall apply.

(c) The manufacturer, dealer or homeowner shall be permitted to design for unusual installation of a manufactured home not provided for in the manufacturer's standard installation instruction

Appendix E of the 2006 edition of the International Residential Code, or the 2005 edition of the NFPA 225, provided the design is approved in writing by a professional engineer or architect licensed in Utah.

(d) For mobile homes built prior to June 15, 1976, the home shall also comply with the additional installation and safety requirements specified in Section R156-56-808.

(5) Pursuant to the Federal Manufactured Home Construction and Safety Standards Section 604(d), a manufactured home may be installed in the state of Utah which does not meet the local snow load requirements as specified in Subsection R156-56-801; however all such homes which fail to meet the standards of Subsection R156-56-801 shall have a protective structure built over the home which meets the International Building Code and the snow load requirements under Subsection R156-56-801.

(6) To the extent that the building codes adopted under Subsection (1) establish local administrative functions or establish a method of appeal which pursuant to Section 58-56-8 are designated to be established by the compliance agency, such provisions are not included in the codes adopted hereunder but authority over such provisions are reserved to the compliance agency to establish such provisions.

(7) To the extent that the building codes adopted under Subsection (1) establish provisions, standards or references to other codes which by state statutes are designated to be established or administered by other state agencies or local city, town or county jurisdictions, such provisions are not included in the codes adopted herein but authority over such provisions are reserved to the agency or local government having authority over such provisions. Provisions excluded under this Subsection include but are not limited to:

(a) the International Property Maintenance Code;

(b) the International Private Sewage Disposal Code, authority over which would be reserved to the Department of Health and the Department of Environmental Quality;

(c) the International Fire Code which pursuant to Section 53-7-106 authority is reserved to the Utah Fire Prevention Board;

(d) day care provisions which are in conflict with the Child Care Licensing Act, authority over which is designated to the Utah Department of Health; and

(e) wildland urban interface provisions which go beyond the authority of Subsection 58-56-4(~~3~~2), authority over which is designated to the Utah Division of Forestry or to the local compliance agencies.

(8) To the extent that the codes adopted under Subsection (1) establish provisions that exceed the authority granted to the Division, under the Utah Uniform Building Standards Act, to adopt codes or amendments to such codes by rulemaking procedures, such provisions, to the extent such authority is exceeded, are not included in the codes adopted.[]

~~R156-56-702. Commission Override of the Division.~~

~~—(1) In the event that the director of the division rules contrary to the recommendation of the commission with respect to the provisions of Subsection 58-56-7(8), the director shall present his action and the basis for that action at the commission's next meeting or at a special meeting called by either the division or the commission.~~

~~—(2) The commission may override the division's action by a two-thirds vote which equals eight votes.~~

~~—(3) In the event of a vacancy on the commission, a vote of a minimum of two thirds of the existing commissioners must be obtained to override the division.]~~

KEY: contractors, building codes, building inspections, licensing

Date of Enactment or Last Substantive Amendment: ~~January 4,~~2009

Notice of Continuation: March 29, 2007

Authorizing, and Implemented or Interpreted Law: 58-1-106(1)(a); 58-1-202(1)(a); 58-56-1; ~~[58-56-4(2);]~~58-56-6(2)(a); 58-56-18; 58-56-19



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

NOTICE OF PROPOSED RULE

(Amendment)

DAR FILE NO.: 32754

FILED: 06/25/2009, 10:52

RULE ANALYSIS

PURPOSE OF THE RULE OR REASON FOR THE CHANGE: The Division and the Substance Abuse Counselor Licensing Board are proposing amendments to add an additional licensure examination and to clarify a continuing education requirement.

SUMMARY OF THE RULE OR CHANGE: In Section R156-60d-302c, currently applicants for licensure as a certified substance abuse counselor or licensed substance abuse counselor are required to pass the International Certification and Reciprocity Consortium/Alcohol and Other Drug Abuse, Inc. (ICRC/AODA) exam. There have been problems with this examination and the National Association of Alcohol and Drug Abuse Counselors (NAADAC) examination has been identified as a better option. The proposed amendments allow for applicants to take the ICRC/AODA exam up until 01/01/2010 at which time only the NAADAC exam will be accepted. The NAADAC exam will be acceptable beginning the effective date of the proposed amendments to this rule. In Section R156-60d-303, updated a rule reference. In Subsection R156-60d-304(5)(c), the amendment clarifies the continuing education requirement to include internet-based courses.

STATE STATUTORY OR CONSTITUTIONAL AUTHORIZATION FOR THIS RULE: Section 58-60-501 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 print the rule and distribute it once the proposed amendments are made effective. Any costs incurred will be absorbed in the Division's current budget. By

allowing the use of the NAADAC examination, applicants will have an additional option for a licensure examination. This may have an indirect savings impact for state agencies that employ substance abuse counselors, but the savings impact would be minimal.

❖ **LOCAL GOVERNMENTS:** By allowing the use of the NAADAC examination, applicants for licensure will have more options of dates to take the examination. The proposed amendment may allow applicants to become licensed quicker, which may put them in a position to become employed earlier than they would under the current requirements. This may have a savings impact for local government agencies that employ substance abuse counselors, but the saving impact would be minimal.

❖ **SMALL BUSINESSES AND PERSONS OTHER THAN BUSINESSES:** The proposed amendments apply to substance abuse counselors and applicants for licensure in those classifications. By allowing the use of the NAADAC examination, applicants for licensure will have more options of dates to take the examination. The proposed amendment may allow applicants to become licensed quicker, which may put them in a position to become employed earlier than they would under the current requirements. This may have a savings impact for small businesses that employ substance abuse counselors, but the saving impact would be minimal. The proposed amendments of changing the exam provider and clarifying the continuing education requirement are not expected to have any aggregate impact because the amendments are minor and only impact applicants, licensees and their employers.

COMPLIANCE COSTS FOR AFFECTED PERSONS: The proposed amendments apply to substance abuse counselors and applicants for licensure in those classifications. By allowing the use of the NAADAC examination, applicants for licensure will have more options of dates to take the examination. The proposed amendment may allow applicants to become licensed quicker, which may put them in a position to become employed earlier than they would under the current requirements. Applicants becoming employed quicker will allow many to be paid higher wages on an earlier date than they would otherwise.

COMMENTS BY THE DEPARTMENT HEAD ON THE FISCAL IMPACT THE RULE MAY HAVE ON BUSINESSES: This rule filing alters the examination required for licensure and clarifies the continuing education provision to indicate that internet-based courses are acceptable. No fiscal impact to businesses is anticipated beyond those discussed in the rule. 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:

Rich Oborn at the above address, by phone at 801-530-6767, by FAX at 801-530-6511, or by Internet E-mail at roborn@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 08/14/2009

INTERESTED PERSONS MAY ATTEND A PUBLIC HEARING REGARDING THIS RULE: 7/29/2009 at 11:00 AM, Heber Wells Bldg, 160 E 300 S, Conference Room 475 (fourth floor), Salt Lake City, UT.

THIS RULE MAY BECOME EFFECTIVE ON: 08/21/2009

AUTHORIZED BY: Mark B. Steinagel, Director

R156. Commerce, Occupational and Professional Licensing.
R156-60d. Substance Abuse Counselor Act Rule.
R156-60d-302c. Qualifications for Licensure - Examination Requirements.

In accordance with Subsection 58-60-506(1)(e), the examination required for licensure is one of the following:

(1) the written NAADAC National Certification Exam Levels I, II, or MAC with a minimum criterion score set by NAADAC; or

(2) before January 1, 2010, the written International Certification Examination for Alcohol and Drug Counselors of the ICRC/AODA, Inc., with a minimum criterion score as set by ICRC/AODA, Inc.

R156-60d-303. Renewal Cycle - Procedures.

(1) In accordance with Subsection 58-1-308(1), the renewal date for the two-year renewal cycle applicable to licensees under Title 58, Chapter 60, Part 5 is established by rule in Section R156-1-308a.

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

R156-60d-304. Continuing Education for Licensed Substance Abuse Counselors and Certified Substance Abuse Counselors.

(1) In accordance with Section 58-60-105, there is created a continuing education requirement as a condition for renewal or reinstatement of licensed substance abuse counselors and certified substance abuse counselors licenses issued under Title 58, Chapter 60, Part 5.

(2) Continuing education shall consist of 40 hours of qualified continuing professional education directly related to the licensee's professional practice in each preceding two year period of licensure or expiration of licensure. At least six of the 40 required hours^[5] must be in the area of professional ethics and responsibilities.

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

(4) The standards for qualified continuing professional education shall include:

(a) a clear statement of purpose and defined objective for the educational program directly related to the practice of a substance abuse counselor;

(b) documented relevance to the licensee's professional practice;

(c) a competent, well-organized, and sequential presentation consistent with the stated purpose and objective of the program;

(d) preparation and presentation by individuals who are qualified by education, training, and experience; and

(e) a competent method of registration of individuals who actually completed the professional education program and records of that registration completion available for review.

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

(a) unlimited hours shall be recognized for professional education completed in blocks of time of not less than 50 minutes in formally established classroom courses, seminars, conferences, workshops, institutes, or in services;

(b) a maximum of ten hours per two year period may be recognized for teaching in a college or university, or teaching qualified continuing professional education courses in the field of substance abuse; and

(c) a maximum of six hours per two year period may be recognized for clinical readings or internet-based courses directly related to practice as a substance abuse counselor.

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

(7) A licensee who documents he is engaged in full time activities or is subjected to circumstances which prevent that licensee from meeting the continuing professional education requirements established under this section may be excused from the requirement for a period of up to five years. However, it is the responsibility of the licensee to document the reasons and justify why the requirement could not be met.

KEY: licensing, substance abuse counselors

Date of Enactment or Last Substantive Amendment: [~~October 29, 2007~~2009

Notice of Continuation: April 10, 2006

Authorizing, and Implemented or Interpreted Law: 58-60-501; 58-1-106(1)(a); 58-1-202(1)(a)



Commerce, Occupational and
Professional Licensing
R156-73
Chiropractic Physician Practice Act
Rules

NOTICE OF PROPOSED RULE

(Amendment)

DAR FILE NO.: 32753

FILED: 06/25/2009, 10:40

RULE ANALYSIS

PURPOSE OF THE RULE OR REASON FOR THE CHANGE: The purpose of this filing is to clarify terms used in the governing statute, Title 58, Chapter 73, to address current practices which may be hazardous to the public safety or welfare, to add additional unprofessional conduct definitions, and to make technical corrections and clarifications that have been reviewed by the Division and the Chiropractic Physician Licensing Board.

SUMMARY OF THE RULE OR CHANGE: Throughout the rule, the term "rules" has been replaced with "rule" where applicable. In Section R156-73-102, added a definition for "joint mobilization". Section R156-73-302 is being added to provide guidelines for the licensing qualification of "good moral character". In Section R156-73-303b, amendments are proposed to clarify standards for sponsorship of required continuing education. In Section R156-73-303, the proposed amendment provides that a temporary license may only be issued for a period of not more than six months. In Section R156-73-501, added unprofessional conduct definitions to clarify the responsibilities of a chiropractic physician with regard to safety and welfare of the public. In Section R156-73-502, added the administration of injections per Subsection R156-73-501(14) cannot be delegated to a chiropractic assistant by a chiropractic physician. In Section R156-73-601, the name of section is updated to correctly reflect the requirements of the section. Section R156-73-605 is being added to provide a new licensee may be requested to meet with the Chiropractic Physicians Licensing Board.

STATE STATUTORY OR CONSTITUTIONAL AUTHORIZATION FOR THIS RULE: Section 58-73-101 and Subsections 58-1-106(1)(a) and 58-1-202(1)(a)

ANTICIPATED COST OR SAVINGS TO:

❖ **THE STATE BUDGET:** The Division will incur minimal costs of approximately \$75 to print the rule and distribute it once the proposed amendments are made effective. Division investigators should not require additional training as a result of the proposed amendments. A possible increase in compliance costs to the Division may occur if an increased number of complaints resulting from the proposed amendments are reported to the Division. Any costs incurred will be absorbed in the Division's current budget.

❖ **LOCAL GOVERNMENTS:** Proposed amendments only apply to licensed chiropractic physicians and applicants for licensure in that classification. As a result, the proposed amendments do not apply to local governments.

❖ **SMALL BUSINESSES AND PERSONS OTHER THAN BUSINESSES:** The proposed amendments only apply to licensed chiropractic physicians and applicants for licensure in that classification. A licensed chiropractic physician's office may qualify as a small business. Such an office, or small clinic employing a chiropractic physician, should not be impacted by the proposed amendments. The proposed amendments may

result in a possible savings for the public and insurance carriers due to the clarification of terms and responsibilities of a chiropractic physician. There may be unknown costs if a licensed chiropractic physician engages in any of the unprofessional conduct definitions which are being added and if an administrative proceeding is initiated as a result of any violation committed by the licensee. However, if a licensee does not engage in the unprofessional conduct behavior, no costs will be incurred.

COMPLIANCE COSTS FOR AFFECTED PERSONS: The proposed amendments only apply to licensed chiropractic physicians and applicants for licensure in that classification. The proposed amendments may result in a possible savings for the public and insurance carriers due to the clarification of terms and responsibilities of a chiropractic physician. There may be unknown costs if a licensed chiropractic physician engages in any of the unprofessional conduct definitions which are being added and if an administrative proceeding is initiated as a result of any violation committed by the licensee. However, if a licensee does not engage in the unprofessional conduct behavior, no costs will be incurred.

COMMENTS BY THE DEPARTMENT HEAD ON THE FISCAL IMPACT THE RULE MAY HAVE ON BUSINESSES: This filing places into rule the standards used to determine good moral character, sets additional standards for professional conduct, and makes other clarifying amendments. It is expected that the public and licensees will benefit from such clarification and adoption of standards. No fiscal impact to businesses is anticipated. 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:

Sally Stewart at the above address, by phone at 801-530-6179, by FAX at 801-530-6511, or by Internet E-mail at SStewart@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 08/14/2009

INTERESTED PERSONS MAY ATTEND A PUBLIC HEARING REGARDING THIS RULE: 7/16/2009 at 9:00 AM, Heber Wells Bldg, 160 E 300 S, Conference Room 401 (fourth floor), Salt Lake City, UT.

THIS RULE MAY BECOME EFFECTIVE ON: 08/21/2009

AUTHORIZED BY: Mark B. Steinagel, Director

R156. Commerce, Occupational and Professional Licensing.**R156-73. Chiropractic Physician Practice Act Rule[s].****R156-73-101. Title.**

~~[These rules are]~~ This rule is known as the "Chiropractic Physician Practice Act Rule[s]".

R156-73-102. Definitions.

In addition to the definitions in Title 58, Chapters 1 and 73, as used in Title 58, Chapters 1 and 73, or ~~[these]~~ this rule[s]:

(1) "Clinical acupuncture" means the application of mechanical, thermal, manual, and/or electrical stimulation of acupuncture points and meridians, including the insertion of needles, by a chiropractic physician that has demonstrated competency and training by completing a recognized course that is sponsored by an institution or organization approved to sponsor continuing education, as defined in Section R156-73-303b.

(2) "Distance learning" means the acquisition of knowledge and skills through information and instruction encompassing all technologies and other forms of learning at a distance, including internet, audio/visual recordings, mail or other correspondence.

(3) "FCLB" means the Federation of Chiropractic Licensing Boards.

(4) "Indirect supervision" means the supervising licensed chiropractic physician shall be available for immediate voice contact by telephone, radio, or other means and shall provide daily face to face consultation and review of cases at the chiropractic facility for the chiropractic intern, temporarily licensed or unlicensed person being supervised.

~~(5) "Joint mobilization", as used in Subsection 58-73-601(2)(c)(ii)(B) means passive movements done by another person, applied as a series of stretches or repetitive movements to individual or combinations of joints, not to exceed the end range of motion and stopping short of the articular elastic barrier.~~

~~(5) [6] "NBCE" means the National Board of Chiropractic Examiners.~~

~~(6) [7] "PACE" means Providers of Approved Continuing Education sponsored by the Federation of Chiropractic Licensing Boards.~~

~~(7) [8] "Preceptor" means a licensed chiropractic physician who is a supervisor of interns and externs in the professional practice of chiropractic.~~

~~(8) [9] "Preceptorship" means a supervised training program established by a written contract between a chiropractic college or university whose program or institution is accredited by the Council on Chiropractic Education, Inc., and a licensee for the purpose of providing chiropractic training to a student enrolled in the chiropractic college or university while under the supervision of a licensee.~~

~~(9) [10] "Unprofessional conduct", as defined in Title 58, Chapters 1 and 73, is further defined in accordance with Subsection 58-1-203(5), in Section R156-73-501.~~

R156-73-103. Authority - Purpose.

~~[These rules are]~~ This rule is adopted by the division under the authority of Subsection 58-1-106(1)(a) to enable the division to administer Title 58, Chapter 73.

R156-73-302. Good Moral Character - Disqualifying Convictions.

(1) When reviewing an application to determine the good moral character of an applicant as set forth in Section 58-73-302 and

whether the applicant has been involved in unprofessional conduct as set forth in Subsection 58-1-501(2)(c), the Division and the Board shall consider the applicant's criminal record as follows:

(a) a criminal conviction for a sex offense as defined in Title 76, Chapter 5, Part 4 and Chapter 5a, and Title 76, Chapter 10, Parts 12 and 13, shall disqualify an applicant from becoming licensed; or

(b) a criminal conviction for the following crimes may disqualify an applicant from becoming licensed:

(i) crimes against a person as defined in Title 76, Chapter 5, Parts 1, 2 and 3;

(ii) crimes against property as defined in Title 76, Chapter 6, Parts 1 through 6;

(iii) an offense involving controlled dangerous substances; or

(iv) conspiracy to commit or any attempt to commit any of the above offenses.

(2) An applicant who has a criminal conviction for a felony crime of violence may be considered ineligible for licensure for a period of seven years from the termination of parole, probation, judicial proceeding or date of incident, whichever is later.

(3) An applicant who has a criminal conviction for a felony involving a controlled substance may be considered ineligible for licensure for a period of five years from the termination of parole, probation, judicial proceeding or date of incident, whichever is later.

(4) An applicant who has a criminal conviction for any misdemeanor crime of violence or the use of a controlled substance may be considered ineligible for licensure for a period of three years from the termination of parole, probation, judicial proceeding or date of incident, whichever is later.

(5) Each application for licensure or renewal of licensure shall be considered in accordance with the requirements of Section R156-1-302.

R156-73-303b. Continuing Education - Standards.

(1) The standards for continuing education are as follows:

(a) the content must be relevant to chiropractic practice and consistent with the laws and rules of this state;

(b) the course must be under the sponsorship of or approved by:

(i) a chiropractic college or university whose doctor of chiropractic program is accredited by the Council on Chiropractic Education, Inc.;

(ii) a professional ~~[association]~~ or nonprofit organization or association representing a licensed profession that has open membership and election of officers whose program objectives relate to the practice of chiropractic;

(iii) the licensing agency of Utah or another state; or

(iv) PACE;

(c) learning objectives must be reasonably and clearly stated;

(d) teaching methods must be clearly stated and appropriate;

(e) faculty must be qualified, both in experience and in teaching expertise;

(f) documentation of attendance must be provided;

(g) there shall be no more than four clock hours related to chiropractic practice marketing or practice building;

(h) no more than 10 hours of continuing education, in each two year period of licensure, may be by distance learning.

(2) A licensee shall be responsible for maintaining competent records of completed continuing education for a period of two years after close of the two year period to which the records pertain.

(3) The board may, after review, waive the continuing education requirements for a licensee presenting sufficient evidence

of hardship or illness or other reason making it impossible or highly impractical for the licensee to attend or have attended a sufficient number of continuing education classes.

(4) As part of the 40 continuing education hours required every two years, a chiropractic physician, who provides acupuncture services as a part of their practice, shall complete 10 hours of acupuncture related continuing education.

R156-73-303. Temporary License.

In accordance with Subsections 58-1-303(1)(a) and 58-73-302(2), an endorsement applicant may be issued a temporary license for a period of not more than six months under the following conditions:

- (1) The licensee shall work under the indirect supervision of a chiropractic physician approved by the division.
- (2) The supervising chiropractic physician shall:
 - (a) be available at all times to provide advice, instruction and consultation;
 - (b) assume responsibility for all chiropractic activities and services performed by the temporary licensee; and
 - (c) supervise no more than two persons at any given time.
- (3) The temporary license may not be renewed or extended for any purpose.
- (4) Any change in supervising chiropractic physician shall be preapproved by the division.

R156-73-308. Renewal Cycle - Procedures.

- (1) In accordance with Subsection 58-1-308(1), the renewal date for the two-year renewal cycle applicable to licensees under Title 58, Chapter 73, is established by rule in Section R156-1-308a.
- (2) Renewal procedures shall be in accordance with Section R156-1-308c.

R156-73-501. Unprofessional Conduct.

"Unprofessional conduct" includes:

- (1) keeping the office, instruments, laboratory, equipment, appliances or supplies in an unsafe or unsanitary condition;
- (2) engaging in advertising which is misleading because of omission of necessary material information, which contains false or misleading statements, or which otherwise operates to deceive;
- (3) engaging in or abetting deceptive or fraudulent billing practices;
- (4) engaging in sexual contact with a patient, with or without patient consent, within 12 months of last treatment;
- (5) engaging in sexual activities or contact with a former patient, with or without consent, after 12 months of last treatment if there is a risk of exploitation or potential harm to the former patient;
- (6) engaging in behaviors in a patient/doctor relationship, including verbal, intended to sexually arouse any person or encourage sexual activity;
- (7) failing to keep the division informed of a current address and telephone number;
- (8) advertising acupuncture services or practicing clinical acupuncture techniques beyond the scope of the certification held; ~~and~~
- (9) advertising as an "acupuncturist" either verbally or in print;
- (10) failing to maintain responsibility for care, billing and documentation in a group practice, multidisciplinary practice or third-party ownership practice;

(11) engaging in any act or practice in a professional capacity which the licensee is not competent to perform through education or training;

(12) administering injections through the skin, limited to subcutaneous or intramuscular administration, of any substances other than non-prescription drugs as defined in Subsections 58-17b-102(39) or non-controlled substances as defined in Subsection 58-37-2(f)(ii);

(13) administering injections of non-prescription drugs or non-controlled substances without sufficient competency and training as demonstrated by the following:

(a) completion of a recognized course on injectables and their administration, under the sponsorship of or approved by an institution, organization or association meeting the continuing education standards as defined in Section R156-73-303b; and

(b) receiving a passing score on a certifying examination; and

(14) delegating the administration of injections to a chiropractic assistant.

R156-73-502. Chiropractic Assistant.

In accordance with Subsection 58-73-102(3), a chiropractic assistant may perform activities related to the practice of chiropractic in accordance with the following:

- (1) The supervising chiropractic physician shall:
 - (a) be currently licensed in Utah;
 - (b) be responsible for the chiropractic activities and services performed by the assistant; and
 - (c) always be available to provide advice, instruction and consultation.
- (2) The supervising chiropractic physician shall never delegate the following to a chiropractic assistant:
 - (a) adjustment of the articulation of the spinal column;
 - (b) diagnosis of the articulation of the spinal column;
 - (c) manipulation of the articulation of the spinal column; ~~and~~
 - (d) therapeutic positioning of the articulation of the spinal column; and
 - (e) administration of injections per Subsection R156-73-501(14).

R156-73-601. ~~[Scope of Practice]~~ Competency Requirements to Perform Acupuncture.

The requirements to demonstrate competency and training to perform clinical acupuncture include:

- (1) Licensees who provided acupuncture services as a part of their practice prior to January 1, 2002 are not required to meet the requirements of Subsections (2) or (3), but are required to complete a recognized clinical acupuncture course sponsored by an institution or organization approved to sponsor continuing education, as defined in Section R156-73-303b, consisting of at least 100 classroom hours of instruction and passing a certifying examination in order to continue to provide clinical acupuncture as a part of their practice after January 1, 2002.
- (2) Licensees who begin providing clinical acupuncture as a part of their practice on or after January 1, 2002 and prior to January 1, 2005 shall:
 - (a) complete a recognized clinical acupuncture course sponsored by an institution or organization approved to sponsor continuing education, as defined in Section R156-73-303b, consisting of at least 200 classroom hours of instruction and passing a certifying examination; or

(b) complete a recognized clinical acupuncture course sponsored by an institution or organization approved to sponsor continuing education, as defined in Section R156-73-303b, consisting of at least 100 classroom hours of instruction, passing a certifying examination, and completing 100 hours of clinical experience under the indirect supervision of a licensed health care provider who has met the requirements in Subsection (1) or (2)(a), and has practiced clinical acupuncture for at least two years.

(3) Licensees who begin providing clinical acupuncture as a part of their practice on or after January 1, 2005 shall:

(a) meet the requirements to take and receive a passing score on the NBCE Acupuncture Examination; or

(b) meet the requirements to take and receive a passing score on the National Certification Commission for Acupuncture and Oriental Medicine (NCCAOM) Examination.

R156-73-605. Review of Applicant's Qualification for Licensure.

All new licensees may be requested to attend a regularly scheduled Board meeting within six months of license activation at which time their qualifications may be reviewed.

KEY: chiropractors, licensing, chiropractic physician

Date of Enactment or Last Substantive Amendment: [~~October 18, 2004~~2009]

Notice of Continuation: June 19, 2006

Authorizing, and Implemented or Interpreted Law: 58-73-101; 58-1-106(1)(a); 58-1-202(1)(a)



Commerce, Occupational and Professional Licensing

R156-80

Medical Language Interpreter Act Rule

NOTICE OF PROPOSED RULE

(New Rule)

DAR FILE NO.: 32770

FILED: 06/30/2009, 12:42

RULE ANALYSIS

PURPOSE OF THE RULE OR REASON FOR THE CHANGE: The purpose of this filing is to create a new rule to clarify the governing statute, Title 58, Chapter 80, as required by H.B. 144 which was passed during the 2009 Legislative Session. (DAR NOTE: H.B. 144 (2009) is found at Chapter 49, Laws of Utah 2009, and was effective 07/01/2009.)

SUMMARY OF THE RULE OR CHANGE: This new rule provides for the following: title, authority/purpose, organization/relationship to Rule R156-1 and qualifications for certification/examination requirements.

STATE STATUTORY OR CONSTITUTIONAL AUTHORIZATION FOR THIS RULE: Section 58-80-101 and Subsections 58-1-106(1)(a) and 58-1-202(1)(a)

ANTICIPATED COST OR SAVINGS TO:

❖ **THE STATE BUDGET:** The Division will incur minimal costs of approximately \$50 to print the rule and distribute it once the new rule is made effective. Any costs incurred will be absorbed in the Division's current budget.

❖ **LOCAL GOVERNMENTS:** The proposed new rule does not affect local government because it clarifies the voluntary certification requirements for medical language interpreters created in Title 58, Chapter 80.

❖ **SMALL BUSINESSES AND PERSONS OTHER THAN BUSINESSES:** The proposed new rule will only apply to individuals who voluntarily want to apply for certification as a medical language interpreter. Any cost or saving impact to either small businesses or persons other than businesses brought about by this rule change comes as a result of the creation of a new statute under H.B. 144. The fiscal note prepared by the Division in response to H.B. 144 should be reviewed for information regarding the legislative bill's cost and saving impact and in turn any anticipated costs or savings with respect to this clarifying rule filing. The Division does anticipate that persons who choose to certify as a medical language interpreter will incur examination costs of approximately \$700 plus licensing application fees of \$50. The Division is not able to determine how many individuals will voluntarily apply for certification as a medical language interpreter.

COMPLIANCE COSTS FOR AFFECTED PERSONS: The proposed new rule will only apply to individuals who voluntarily want to apply for certification as a medical language interpreter. Any cost or saving impact to either small businesses or persons other than businesses brought about by this rule change comes as a result of the creation of a new statute under H.B. 144. The fiscal note prepared by the Division in response to H.B. 144 should be reviewed for information regarding the legislative bill's cost and saving impact and in turn any anticipated costs or savings with respect to this clarifying rule filing. The Division does anticipate that persons who choose to certify as a medical language interpreter will incur examination costs of approximately \$700 plus licensing application fees of \$50.

COMMENTS BY THE DEPARTMENT HEAD ON THE FISCAL IMPACT THE RULE MAY HAVE ON BUSINESSES: This rule filing administers the new Medical Language Interpreter Act. No fiscal impact to businesses is anticipated beyond those addressed by the Legislature in passing the Act. 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 08/14/2009

INTERESTED PERSONS MAY ATTEND A PUBLIC HEARING REGARDING THIS RULE: 8/03/2009 at 9:00 AM, Heber Wells Bldg, 160 E 300 S, Conference Room 475 (fourth floor), Salt Lake City, UT.

THIS RULE MAY BECOME EFFECTIVE ON: 08/21/2009

AUTHORIZED BY: Mark B. Steinagel, Director

R156. Commerce, Occupational and Professional Licensing.
R156-80. Medical Language Interpreter Act Rule.
R156-80-101. Title.

This rule is known as the "Medical Language Interpreter Act Rule".

R156-80-103. Authority - Purpose.

This rule is adopted by the Division under the authority of Subsection 58-1-106(1)(a) to enable the Division to administer Title 58, Chapter 80.

R156-80-104. Organization - Relationship to Rule R156-1.

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

R156-80-203a. Qualifications for Certification - Examination Requirements.

(1) In accordance with Subsections 58-1-203(1)(b), 58-1-301(3) and 58-80-203(2), an applicant for certification under Section 58-80-201 shall:

(a) complete and pass the Bridging the Gap (BTG) Interpreter Training Program with a minimum passing score established by CCHCP;

(b) complete and pass pre and post test examinations administered by trainers and organizations approved pursuant to Subsection (1); and

(c) submit to the Division a certificate of completion documenting that the applicant has met the requirements in Subsections (2)(a) and (b).

(2) Trainers and organizations that administer pre and post examinations to medical language interpreter applicants shall be approved by the Cross Cultural Health Care Program (CCHCP).

KEY: licensing, medical language interpreter, certified medical language interpreter

Date of Enactment or Last Substantive Amendment: 2009
Authorizing, and Implemented or Interpreted Law: 58-80-101;
58-1-106(1)(a); 58-1-202(1)(a)



Commerce, Real Estate
R162-3-6
 Renewal and Reinstatement

NOTICE OF PROPOSED RULE

(Amendment)

DAR FILE No.: 32767

FILED: 06/29/2009, 14:35

RULE ANALYSIS

PURPOSE OF THE RULE OR REASON FOR THE CHANGE: During the 2009 General Session, H.B. 86 increased the required continuing education hours for real estate professionals from 12 to 18. This filing makes the rules consistent with that change. (DAR NOTE: H.B. 86 (2009) is found at Chapter 352, Laws of Utah 2009, and was effective 05/12/2009.)

SUMMARY OF THE RULE OR CHANGE: Core and elective hours requirements are spelled out to be consistent with the upcoming (01/01/2010) requirement for 18 continuing education hours for real estate professionals.

STATE STATUTORY OR CONSTITUTIONAL AUTHORIZATION FOR THIS RULE: Sections 61-2-5.5, 61-2-6, and 61-2-9

ANTICIPATED COST OR SAVINGS TO:

❖ **THE STATE BUDGET:** None--The costs for reprinting the amended rule are minimal and will not impact the state budget.

❖ **LOCAL GOVERNMENTS:** None--Local governments do not provide continuing education courses.

❖ **SMALL BUSINESSES AND PERSONS OTHER THAN BUSINESSES:** None--The legislature already increased the hours requirement by statute. This change simply makes the rules consistent with the statute.

COMPLIANCE COSTS FOR AFFECTED PERSONS: None--The legislature already increased the hours requirement by statute. This change simply makes the rules consistent with the statute.

COMMENTS BY THE DEPARTMENT HEAD ON THE FISCAL IMPACT THE RULE MAY HAVE ON BUSINESSES: This rule filing conforms the continuing education provisions to recent statutory changes. The fiscal impact to businesses as a result of the additional hours of education was likely considered in passage of Laws of Utah 2009 (H.B. 86). No further fiscal impact is anticipated. Francine A. 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:

Thad LeVar at the above address, by phone at 801-530-6929, by FAX at 801-530-6446, or by Internet E-mail at tlevar@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 08/14/2009.

THIS RULE MAY BECOME EFFECTIVE ON: 08/21/2009

AUTHORIZED BY: Thad LeVar, Deputy Director

R162. Commerce, Real Estate.

R162-3. License Status Change.

R162-3-6. Renewal and Reinstatement.

3.6.1 Licenses are valid for a period of two years. A license may be renewed by submitting all forms and fees required by the Division prior to the expiration date of the current license. Licenses not properly renewed shall expire on the expiration date.

3.6.1.1 A license may be reinstated within thirty days after expiration by complying with all requirements for a timely renewal and paying a non-refundable late fee.

3.6.1.2 A license may be reinstated after thirty days and within six months after expiration by complying with all requirements for a timely renewal, paying a non-refundable reinstatement fee and submitting proof of having completed 12 hours of continuing education in addition to the 12 hours of continuing education required to renew a license on active status.

3.6.1.3 A license that has been expired for more than six months may not be reinstated and an applicant must apply for a new license following the same procedure as an original license.

3.6.2 Renewal Requirements.

3.6.2.1 Continuing Education. To renew a license on active status before January 1, 2010, an applicant must submit to the division proof of having completed, during the previous license period and by the 15th day of the month of expiration, 12 hours of continuing education from courses certified by the division. To renew a license on active status after January 1, 2010, an applicant must submit to the division proof of having completed, during the previous license period and by the 15th day of the month of expiration, 18 hours of continuing education from courses certified by the division.

3.6.2.1.1 During the first license period, a licensee must take the 12-hour "New Sales Agent Course" certified by the division. Licenses in their first license period who renew their licenses before January 1, 2010 will satisfy their continuing education requirement ("core" and "elective") by taking the 12-hour "New Sales Agent Course." Licenses in their first license period who renew their licenses after January 1, 2010 will need to complete 6 additional hours of continuing education (either "core" or "elective") as defined in R162.9.2.1 - 9.2.10.

3.6.2.1.2 During subsequent license periods[;] before January 1, 2010 a licensee must take at least 6 hours of continuing education from courses certified by the division as "core" as defined in Rule R162.9.2.1. A licensee must take any remaining hours of continuing education from courses certified by the division as "elective" as defined in Rules R162.9.2.2 - 9.2.2.10. During subsequent license periods after January 1, 2010, a licensee must take at least 9 hours of continuing education from courses certified by the division as "core" as defined in R162.9.2.1. A licensee must take any remaining hours of continuing education from courses certified by the division as "elective" as defined in R162.9.2.2 - 9.2.2.10.

3.6.2.1.2.1 The division may grant continuing education credit for non-certified courses submitted by a renewal applicant in the form required by the division, if the course was not required by these rules to

be certified and the division determines that the course meets the continuing education objectives listed in Rule R162.9.2.

3.6.2.1.3 Licensees must retain original course completion certificates for three years following renewal and produce those certificates when audited by the division.

3.6.2.2 Principal Broker. To renew a principal broker license on active status an applicant must certify that the business name under which the licensee is operating is current and in good standing with the Division of Corporations and that all real estate trust accounts are current and in compliance with Rule R162-4.2.

3.6.2.3 Any misrepresentation in an application for renewal will be considered a separate violation of these rules and separate grounds for disciplinary action against the licensee.

KEY: real estate business

Date of Enactment or Last Substantive Amendment: [~~July 30, 2008~~2009

Notice of Continuation: April 18, 2007

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

◆ ————— ◆

Commerce, Real Estate R162-4-4

Written Instructions for Commission Distribution by Title Insurance Agent

NOTICE OF PROPOSED RULE

(Amendment)

DAR FILE NO.: 32765

FILED: 06/29/2009, 14:27

RULE ANALYSIS

PURPOSE OF THE RULE OR REASON FOR THE CHANGE: Recent statutory and administrative rule changes have modified requirements for title insurance agents. This rule change makes requirements for real estate brokers consistent with those changes.

SUMMARY OF THE RULE OR CHANGE: If a principal real estate broker assigns any of the broker's compensation to the associate broker, the principal broker is required to provide specified written instructions to the title insurance agent.

STATE STATUTORY OR CONSTITUTIONAL AUTHORIZATION FOR THIS RULE: Section 61-2-5.5

ANTICIPATED COST OR SAVINGS TO:

- ❖ THE STATE BUDGET: The costs of reprinting the rule are minimal and should have no impact on the state budget.
- ❖ LOCAL GOVERNMENTS: None--These requirements affect the relationship between the principal broker, associate broker, and title insurance agent. They should not affect the volume or regularity of real estate transactions.
- ❖ SMALL BUSINESSES AND PERSONS OTHER THAN BUSINESSES: None--These requirements require additional transparency on the terms of the relationship between the principal broker, associate broker, and title insurance agent. They do not mandate specific terms.

COMPLIANCE COSTS FOR AFFECTED PERSONS: None--These requirements require additional transparency on the terms of the relationship between the principal broker, associate broker, and title insurance agent. They do not mandate specific terms.

COMMENTS BY THE DEPARTMENT HEAD ON THE FISCAL IMPACT THE RULE MAY HAVE ON BUSINESSES: This rule filing implements recent statutory amendments relating to written instructions to title insurance agents when a principal broker assigns commissions to associate brokers or sales agents. No fiscal impact to businesses is anticipated beyond those addressed by the Legislature in passing the statutory amendments. Francine A. 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:

Thad LeVar at the above address, by phone at 801-530-6929, by FAX at 801-530-6446, or by Internet E-mail at tlevar@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 08/14/2009.

THIS RULE MAY BECOME EFFECTIVE ON: 08/21/2009

AUTHORIZED BY: Thad LeVar, Deputy Director

R162. Commerce, Real Estate.

R162-4. Office Procedures - Real Estate Principal Brokerage.

R162-4-4. Written Instructions for Commission Distribution by Title Insurance Agent.

(1) If a principal broker elects to assign a portion or all of the principal broker's compensation to an associate broker or sales agent in accordance with Utah Code Annotated Section 61-2-10, the principal broker shall provide written instructions to the title insurance agent that include the following:

(a) an identification of the property involved in the real estate transaction;

(b) an identification of the principal broker and sales agent or associate broker who will receive compensation in accordance with the written instructions;

(c) a designation of the amount of compensation that will be received by both the principal broker and the sales agent or associate broker; and

(d) a prohibition against alteration of the written instructions by anyone other than the principal broker.

(2) Items beyond those listed in Subsection (1) may be included in the written instructions at the discretion of the principal broker.

KEY: real estate business

Date of Enactment or Last Substantive Amendment: [~~October 16, 2002~~2009]

Notice of Continuation: April 18, 2007

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



Commerce, Real Estate **R162-9-2** Determining Fitness for Course Certification

NOTICE OF PROPOSED RULE

(Amendment)

DAR FILE NO.: 32766

FILED: 06/29/2009, 14:31

RULE ANALYSIS

PURPOSE OF THE RULE OR REASON FOR THE CHANGE: H.B. 86 in the 2009 General Session increased continuing education hours for real estate licensees from 12 to 18 hours. In connection with preparing for that change, the Division of Real Estate and the Real Estate Commission also updated the guidelines for approval of courses as either core or elective. (H.B. 86 (2009) is found at Chapter 352, Laws of Utah 2009, and was effective 05/12/2009.)

SUMMARY OF THE RULE OR CHANGE: This filing updates the specific lists of courses that may be approved by the Division of Real Estate as either core or elective courses.

STATE STATUTORY OR CONSTITUTIONAL AUTHORIZATION FOR THIS RULE: Sections 61-2-5.5, 61-2-6, and 61-2-9

ANTICIPATED COST OR SAVINGS TO:

❖ THE STATE BUDGET: None--The costs for reprinting the new rule are minimal and will not impact the state budget. The process for approving courses will not be changed.

❖ LOCAL GOVERNMENTS: None--Local governments do not provide continuing education courses.

❖ SMALL BUSINESSES AND PERSONS OTHER THAN BUSINESSES: None--This rule filing does not change the number of hours that must be taken, and does not affect the cost to take courses.

COMPLIANCE COSTS FOR AFFECTED PERSONS: None--This rule filing does not change the number of hours that must be taken, and does not affect the cost to take courses.

COMMENTS BY THE DEPARTMENT HEAD ON THE FISCAL IMPACT THE RULE MAY HAVE ON BUSINESSES: This rule filing updates the list of courses that may be approved for continuing education. As indicated in the rule summary, no fiscal impact to businesses is anticipated. Francine A. 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:

Thad LeVar at the above address, by phone at 801-530-6929, by FAX at 801-530-6446, or by Internet E-mail at tleva@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 08/14/2009.

THIS RULE MAY BECOME EFFECTIVE ON: 08/21/2009

AUTHORIZED BY: Thad LeVar, Deputy Director

R162. Commerce, Real Estate.

R162-9. Continuing Education.

R162-9-2. Determining Fitness for Course Certification.

9.2 The Division shall certify continuing education courses as either "core" or "elective" based on the course's intellectual and practical content and whether the course increases the licensee's competency, knowledge, professionalism and ability to protect and serve the public. The approval of courses is determined at the discretion of the Division. Course providers who have a course denied by the Division may appeal that decision to the Real Estate Commission.

9.2.1 Courses in the following subjects may be certified as "core": state approved forms/contracts, other industry used forms or contracts, ethics, agency, short sales or bank owned property sales, environmental hazards, property management, prevention of real estate and mortgage fraud, federal and state real estate laws or administrative rules, and brokers' trust accounts.

9.2.1.1 If a course regarding an industry used form or contract is approved by the Division as a "core" course, the provider of the course must:

(a) have ownership or written authorization to use the form(s) or contract(s) taught in the course; and

(b) have authority and grant permission to licensees for use of the form(s) or contract(s) used in the course by all licensees.

9.2.1.2 The owner of the form(s) or contract(s) may charge a reasonable fee for use of these form(s) or contract(s) by licensees.

9.2.2 Courses in the following subjects may be certified as "elective":

9.2.2.1 Real estate financing, including mortgages and other financing techniques; real estate investments; real estate market measures and evaluation; real estate appraising; market analysis, the measurement of homes or buildings, accounting and taxation as applied to real property; estate building and portfolio management for clients; settlement statements; real estate mathematics;

9.2.2.2 Real estate law; contract law; agency and subagency; real estate securities and syndications; regulation and management of timeshares, condominiums and cooperatives; resort and recreational

properties; farm and ranch properties; real property exchanging; legislative issues that influence real estate practice; real estate license law and administrative rules;

9.2.2.3 Land development; land use, planning and zoning; construction; energy conservation in buildings; water rights; ~~real estate environmental issues and hazards including lead based paint, underground storage tanks, radon, etc., and how they affect real estate; real estate inspections;~~

9.2.2.4 ~~Property management; leasing agreements; accounting procedures; management contracts; 1) Landlord/tenant relationships; property disclosure forms;~~

9.2.2.5 Americans with Disabilities Act; Fair housing; affirmative marketing;

9.2.2.6 Commercial real estate; Tenants-in-Common;

9.2.2.7 ~~Using the computer, the Internet, business calculators, and other technologies to directly increase the licensee's knowledge, professionalism and ability to protect and serve the public~~ Courses that focus on real estate concepts, principles, or industry practices or procedures, if the courses enhance licensee professional skills and thereby advance public protection and safety;

9.2.2.8 Professional development, business success, customer relation skills, or sales promotion, including salesmanship, negotiation, sales psychology, marketing techniques related to real estate knowledge, servicing clients, communication skills;

9.2.2.9 Personal and property protection for licensees and their clients; and

9.2.2.10 Any other topic that directly relates to the real estate brokerage practice and directly contributes to the objective of continuing education.

9.2.3 Non-acceptable course subject matter includes topics such as:

9.2.3.1 Offerings in mechanical office and business skills, such as typing, speed reading, memory improvement, language report writing, advertising, technology courses with a principal focus on technology operation, software design or use, or similar offerings;

9.2.3.2 Physical well-being, personal motivation, stress management, dress-for-success, or similar offerings;

9.2.3.3 Meetings held in conjunction with the general business of the licensee and his broker, employer or trade organization, such as sales meetings, in-house staff or licensee training meetings, or member orientation for professional organizations;

9.2.3.4 Courses in wealth creation or retirement planning for licensees; and

9.2.3.5 Courses that are specifically designed for exam preparation.

KEY: continuing education

Date of Enactment or Last Substantive Amendment: ~~[June 23, 2008]~~ **2009**

Notice of Continuation: April 18, 2007

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

◆ ————— ◆

Health, Epidemiology and Laboratory
Services, Environmental Services
R392-600
Illegal Drug Activity Decontamination
Standards

NOTICE OF PROPOSED RULE

(Repeal and Reenact)
DAR FILE NO.: 32775
FILED: 07/01/2009, 13:04

RULE ANALYSIS

PURPOSE OF THE RULE OR REASON FOR THE CHANGE: The Utah Department of Health was charged by S.B. 209 (2008 General Session) to conduct and review current research and adjust the methamphetamine decontamination standard accordingly. The proposed 10 fold increase in the decontamination standard (from 0.1mcg/100cm² to 1.0mcg/100cm²) comes after serious and critical evaluation of the research conducted by the Office of Environmental Health Hazards Assessment in California, and Colorado's Department of Public Health. Each agency independently found the proposed standard to be below the calculated threshold limit where health effects begin to occur. Thus, the public's health is still protected at the higher limit. Additionally, other decontamination procedural changes reflecting results from scientific research are incorporated in the rule. (DAR NOTE: S.B. 209 (2008) is found at Chapter 38, Laws of Utah 2008, and was effective 05/05/2008.)

SUMMARY OF THE RULE OR CHANGE: The significant changes are: 1) raising the methamphetamine decontamination standard from 0.1mg/100cm² to 1.0mg/100cm²; 2) clear definition of a certified decontamination specialist (CDS) and the process that require such a specialist. A CDS must be retained in order to perform both preliminary assessment and confirmation sampling; 3) allowing for decontamination work to be performed by any person and not solely by a CDS; 4) allowing chemical denaturing/decontamination (provided Federal Toxic Substance Control Act requirements are met and Material Safety Data Sheets are provided for all chemicals being used) in addition to (or replacing) the current requirement for detergent washing; 5) confirmation sampling allowed for either four discrete or a composite of four similar surfaces; 6) clarification: role of the local health department; 7) items a certified decontamination specialist or owner of record needs to include in a work plan; 8) decontamination procedures (which materials can be decontaminated, porous vs. non-porous, Heating Ventilation, Air Conditioning (HVAC) decontamination) 9) confirmation sampling procedures (which solvents, media, methods, and labs are allowed); 10) information a certified decontamination specialist or owner of record needs to include in the final report; and 11) allowing encapsulation of a contaminated structural component only after decontamination of the structure has occurred.

STATE STATUTORY OR CONSTITUTIONAL AUTHORIZATION FOR THIS RULE: Title 19, Chapter 6, Part 9, and Subsections 26-1-30(2)(a), (b), (c), and (d)

THIS RULE OR CHANGE INCORPORATES BY REFERENCE THE FOLLOWING MATERIAL: U.S. Environmental Protection Agency. Region 9: Superfund Preliminary Remediation Goals (PRG) Table, October 2008

ANTICIPATED COST OR SAVINGS TO:

❖ **THE STATE BUDGET:** There is no anticipated cost or savings to the Utah Department of Health; rulemaking costs are absorbed by existing programs. There will be an initial cost increase to the Department of Environmental Quality to ensure corresponding rules and regulations are in accordance with changes made in Rule R392-600.

❖ **LOCAL GOVERNMENTS:** Local health departments are anticipated to experience an overall savings as fewer properties will be required to be on the contaminated properties list and under local authority. The change will affect anywhere from 25-38% of properties that are now required to be decontaminated. Theoretically, workload and savings to the health departments would parallel these percentages. However, the change will likely raise questions among the general public, which will be answered by the local health departments. These anticipated increases in workload will likely be absorbed by existing programs. The cost in helping to assist with the rulemaking process has also been absorbed by existing programs.

❖ **SMALL BUSINESSES AND PERSONS OTHER THAN BUSINESSES:**
Decontamination specialists: The proposed change will likely result in a decrease in business. Although there are 26 decontamination specialists that are certified and able to decontaminate, only 3 or 4 are actively decontaminating properties. The loss of business would be spread over these active decontamination specialists. For a 2,000 sq ft home, the average cost of decontamination is approximate \$5,000. (NOTE: This is a rough estimate. Actual prices depend on many variables including amount of debris in home, level of contamination, number of rooms, square footage, materials in home, location of home, and others. Actual bids for this size of home have ranged from \$3,000 - \$13,500). A sample of three local health departments (Bear River Health Department, Salt Lake Valley Health Department, and Utah County Health Department) indicates that approximately 410 tests have exceeded the standard over the past 3 years. Of those tests, 155 were at 1.0 or lower, which is about 38% of the tests. If this percentage is applied statewide, 38% of properties that are required to be decontaminated at the current standard, would not be required at the higher standard. Over three years, for the counties sampled, this would have resulted in an estimated aggregate business loss of \$775,000. **Realtors:** Realtors are expected to have an increase in business because there will be fewer homes that will be placed on the contaminated properties list, thus increasing the number of properties available to sell and rent. **Landlords:** Landlords are anticipated to experience a cost savings because 38% fewer properties will need to be decontaminated. This savings will be spread out over the more than 50,000 rental units that are currently being managed by landlords throughout Utah.

COMPLIANCE COSTS FOR AFFECTED PERSONS: Homeowners: For a 2,000 sq ft home, the average cost of decontamination is approximate \$5,000. (NOTE: This is a rough estimate. Actual prices depend on many variables including amount of debris in home, level of contamination, number of rooms, square footage, materials in home, location of home, and others. Actual bids for this size of home have ranged from \$3,000 - \$13,500). A sample of three local health departments (Bear River Health Department, Salt Lake Valley Health Department, and Utah County Health Department) indicates that approximately 410 tests have exceeded the standard over the past 3 years. Of those tests, 155 were at 1.0 or lower, which is about 38% of the tests. If this percentage is applied statewide, 38% of homeowners who are required to clean their homes at the current standard, would not be required at the higher standard. Over 3 years, for the counties sampled, this would have resulted in an estimated aggregate savings of \$775,000. An individual homeowner can be expected to save the costs of the decontamination process and confirmation sampling. Costs associated with any preliminary sampling will still remain. Because of the change in requirements for sampling, cost could either increase or decrease significantly. Discrete or composite sampling will be allowed. If the homeowner chooses to use discrete sampling, an additional \$300 per room cost would be added to the sampling costs (4 discrete samples are required and cost an average of \$100/sample). While using the 4-part composite sample might decrease initial sampling costs (only 1 test per room is required, averaging \$100/sample), the test results combine all the sample locations, and cannot be divided by the number of areas sampled. Therefore, the combined test is more stringent than the discrete samples and may require additional decontamination activities. Depending on the contract used for decontamination, additional decontamination costs could be increased. However, with the simultaneous raising of the decontamination level, potentially few homes will need to have additional decontamination activities performed. The homeowner is encouraged to make an informed decision in their best interest regarding which sampling methodology should be performed.

COMMENTS BY THE DEPARTMENT HEAD ON THE FISCAL IMPACT THE RULE MAY HAVE ON BUSINESSES: Other than a possible loss of business for decontamination contractors if more business owners decide to do the work without a contractor, the impact will be positive due to fewer properties needing cleanup. Further evaluation on cost will be made after the comment period. A. Richard Melton, Acting Executive Director

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

HEALTH
EPIDEMIOLOGY AND LABORATORY SERVICES,
ENVIRONMENTAL SERVICES
CANNON HEALTH BLDG
288 N 1460 W
SALT LAKE CITY UT 84116-3231, or
at the Division of Administrative Rules.

DIRECT QUESTIONS REGARDING THIS RULE TO:

Ronald Marsden at the above address, by phone at 801-538-6191, by FAX at 801-538-6564, or by Internet E-mail at rmarsden@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 08/14/2009.

THIS RULE MAY BECOME EFFECTIVE ON: 08/21/2009

AUTHORIZED BY: Richard Melton, Deputy Director

R392. Health, Epidemiology and Laboratory Services, Environmental Services.

~~R392-600. — Illegal Drug Operations — Decontamination Standards.~~

~~R392-600-1. Authority and Purpose.~~

- (1) This rule is authorized under Section 19-6-906.
- (2) This rule sets decontamination and sampling standards and best management practices for the inspection and decontamination of property contaminated by illegal drug operations.

~~R392-600-2. Definitions.~~

- The following definitions apply in this rule:
- (1) "Background concentration" means the level of a contaminant in soil, groundwater or other media up gradient from a facility, practice or activity that has not been affected by the facility, practice or activity; or other facility, practice or activity.
- (2) "Decontamination specialist" means an individual who has met the standards for certification as a decontamination specialist and has a currently valid certificate issued by the Solid and Hazardous Waste Control Board, as defined under Utah Code Subsection 19-6-906(2).
- (3) "Chain of custody protocol" means a procedure used to document each person that has had custody or control of an environmental sample from its source to the analytical laboratory, and the time of possession of each person.
- (4) "Characterize" means to determine the quality or properties of a material by sampling and testing to determine the concentration of contaminants, or specific properties of the material such as flammability or corrosiveness.
- (5) "Combustible" means vapor concentration from a liquid that has a flash point greater than 100 degrees F.
- (6) "Confirmation sampling" means collecting samples during a preliminary assessment or upon completion of decontamination activities to confirm that contamination is below the decontamination standards outlined in this rule.
- (7) "Contaminant" means a hazardous material.
- (8) "Contamination" or "contaminated" means polluted by hazardous materials that cause property to be unfit for human habitation or use due to immediate or long-term health hazards.
- (9) "Corrosive" means a material such as acetic acid, acetic anhydride, acetyl chloride, ammonia (anhydrous), ammonium hydroxide, benzyl chloride, dimethylsulfate, formaldehyde, formic acid, hydrogen chloride/hydrochloric acid, hydrobromic acid, hydriodic acid, hydroxylamine, methylamine, methylene chloride (dichloromethane, methylene dichloride), methyl methacrylate, nitroethane, oxalylchloride, perchloric acid, phenylmagnesium

bromide, phosphine, phosphorus oxychloride, phosphorus pentoxide, sodium amide (sodamide), sodium metal, sodium hydroxide, sulfur trioxide, sulfuric acid, tetrahydrofuran, thionyl chloride or any other substance that increases or decreases the pH of a material and may cause degradation of the material.

— (10) "Decontamination" means treatment or removal of contamination by a decontamination specialist or owner of record to reduce concentrations of contaminants below the decontamination standards.

— (11) "Decontamination standards" means the levels or concentrations of contaminants that must be met to demonstrate that contamination is not present or that decontamination has successfully removed the contamination.

— (12) "Delineate" means to determine the nature and extent of contamination by sampling, testing, or investigating.

— (13) "Easily cleanable" means an object and its surface that can be cleaned by detergent solution applied to its surface in a way that would reasonably be expected to remove dirt from the object when rinsed and to be able to do so without damaging the object or its surface finish.

— (14) "Ecstasy" means 3,4-methylenedioxy-methamphetamine (MDMA).

— (15) "EPA" means the United States Environmental Protection Agency.

— (16) "EPA Method 8015B" means the EPA approved method for determining the concentration of various non-halogenated volatile organic compounds and semi-volatile organic compounds by gas chromatography/flame ionization detector.

— (17) "EPA Method 6010B" means the EPA approved method for determining the concentration of various heavy metals by inductively coupled plasma.

— (18) "EPA Method 8260B" means the EPA approved method for determining the concentration of various volatile organic compounds by gas chromatograph/mass spectrometer.

— (19) "FID" means flame ionization detector.

— (20) "Flammable" means vapor concentration from a liquid that has a flash point less than 100 degree F.

— (21) "Grab Sample" means one sample collected from a single, defined area or media at a given time and location.

— (22) "Hazardous materials" has the same meaning as "hazardous or dangerous materials" as defined in Section 58-37d-3; and includes any illegally manufactured controlled substances.

— (23) "Hazardous waste" means toxic materials to be discarded as directed in 40 CFR 261.3.

— (24) "HEPA" means high efficiency particulate air and indicates the efficiency of an air filter or air filtration system.

— (25) "Highly suggestive of contamination" means the presence of visible or olfactory signs indicative of contamination, locations in and around where illegal drug production occurred, where hazardous materials were stored or suspected of being used to manufacture illegal drugs, or areas that tested positive for contamination or other portions of the property that may be linked to processing and storage areas by way of the ventilation system or other activity that may cause contamination to be distributed across the property.

— (26) "Impacted groundwater" means water present beneath ground surface that contains concentrations of a contaminant above the UGWQS.

— (27) "Impacted soil" means soil that contains concentrations of a contaminant above background or EPA residential Risk Based Screening Concentrations as contained in the document listed in R392-600-8.

— (28) "LEL/O₂" means lower explosive limit/oxygen.

— (29) "Negative pressure enclosure" means an air tight enclosure using a local exhaust and HEPA filtration system to maintain a lower air pressure in the work area than in any adjacent area and to generate a constant flow of air from the adjacent areas into the work area.

— (30) "Non-porous" means resistant to penetration of liquids, gases, powders and includes non-permeable substance or materials, that are sealed such as, concrete floors, wood floors, ceramic tile floors, vinyl tile floors, sheet vinyl floors, painted drywall or sheet rock walls or ceilings, doors, appliances, bathtubs, toilets, mirrors, windows, counter tops, sinks, sealed wood, metal, glass, plastic, and pipes.

— (31) "Not Highly Suggestive of Contamination" means areas outside of the main locations(s) where illegal drugs were produced and hazardous materials were stored or suspected of being used that do not reveal obvious visual or olfactory signs of contamination, but may, however, be contaminated by residue from the manufacture or storage of illegal drugs or hazardous materials.

— (32) "Owner of record" means (a) The owner of property as shown on the records of the county recorder in the county where the property is located; and (b) may include an individual, financial institution, company, corporation, or other entity.

— (33) "Personal protective equipment" means various types of clothing such as suits, gloves, hats, and boots, or apparatus such as facemasks or respirators designed to prevent inhalation, skin contact, or ingestion of hazardous chemicals.

— (34) "PID" means photo ionization detector.

— (35) "Porous" means material easily penetrated or permeated by gases, liquids, or powders such as carpets, draperies, bedding, mattresses, fabric covered furniture, pillows, drop ceiling or other fiber board ceiling panels, cork paneling, blankets, towels, clothing, and cardboard or any other material that is worn or not properly sealed.

— (36) "Preliminary assessment" means an evaluation of a property to define all areas that are highly suggestive of contamination and delineate the extent of contamination. The preliminary assessment consists of an on-site evaluation conducted by the decontamination specialist or owner of record to gather information to demonstrate that contamination is not present above the decontamination standards or to enable development of a workplan outlining the most appropriate method to decontaminate the property.

— (37) "Properly disposed" means to discard at a licensed facility in accordance with all applicable laws and not reused or sold.

— (38) "Property" means: (a) any property, site, structure, part of a structure, or the grounds, surrounding a structure; and (b) includes single-family residences, outbuildings, garages, units of multiplexes, condominiums, apartment buildings, warehouses, hotels, motels, boats, motor vehicles, trailers, manufactured housing, shops, or booths.

— (39) "Return air housing" means the main portion of an air ventilation system where air from the livable space returns to the air handling unit for heating or cooling.

— (40) "Sample location" means the actual place where an environmental sample was obtained, including designation of the room, the surface (wall, ceiling, appliance, etc), and the direction and distance from a specified fixed point (corner, door, light switch, etc).

— (41) "Services" means the activities performed by decontamination specialist in the course of decontaminating residual

contamination from the manufacturing of illegal drugs or from the storage of chemicals used in manufacturing illegal drugs and includes not only the removal of any contaminants but inspections and sampling.

—(42) "Toxic" means hazardous materials in sufficient concentrations that they can cause local or systemic detrimental effects to people.

—(43) "UGWQS" means the Utah Ground Water Quality Standards established in R317-6-2.

—(44) "VOA" means volatile organic analyte.

—(45) "VOCs" means volatile organic compounds or organic chemicals that can evaporate at ambient temperatures used in the manufacture of illegal drugs such as acetone, acetonitrile, aniline, benzene, benzaldehyde, benzyl chloride, carbon tetrachloride, chloroform, cyclohexanone, dioxane, ethanol, ethyl acetate, ethyl ether, Freon 11, hexane, isopropanol, methanol, methyl alcohol, methylene chloride, naphtha, nitroethane, petroleum ether, petroleum distillates, pyridine, toluene, o-toluidine, and any other volatile organic chemical that may be used to manufacture illegal drugs.

—(46) "Waste" means refuse, garbage, or other discarded material, either solid or liquid.

R392-600-3. Preliminary Assessment Procedures.

—(1) The decontamination specialist or owner of record shall determine the nature and extent of damage and contamination of the property from illegal drug operations by performing a preliminary assessment prior to decontamination activities. Contamination may be removed prior to approval of the work plan as necessary to abate an imminent threat to human health or the environment. If there was a fire or an explosion in the contaminated portion of the property that appears to have compromised its structural integrity, the decontamination specialist or owner of record shall obtain a structural assessment of the contaminated portion of the property prior to initiating the preliminary assessment.

—(2) To conduct the preliminary assessment, the decontamination specialist or owner of record shall:

—(a) request and review copies of any law enforcement, state agency or other report regarding illegal drug activity or suspected illegal drug activity at the property;

—(b) evaluate all information obtained regarding the nature and extent of damage and contamination;

—(c) determine the method of illegal drug manufacturing used;

—(d) determine the chemicals involved in the illegal drug operation;

—(e) determine specific locations where processing and illegal drug activity took place or was suspected and where hazardous materials were stored and disposed;

—(f) use all available information to delineate areas highly suggestive of contamination;

—(g) develop procedures to safely enter the property in order to conduct a preliminary assessment;

—(h) wear appropriate personal protective equipment for the conditions assessed;

—(i) visually inspect all portions of the property, including areas outside of any impacted structure to document where stained materials or surfaces are visible, drug production took place, hazardous materials were stored, and burn pits or illegal drug operation trash piles may have been or are currently present;

—(j) determine whether the property contains a septic system on-site and if there has been a release to the system as a result of the illegal drug operations;

—(k) determine the locations of the ventilation system components in the areas highly suggestive of contamination;

—(l) conduct and document appropriate testing for corrosive, flammable, combustible, and toxic atmospheres during the initial entry in the contaminated portion of the property using instruments such as a LEL/O₂ meter, pH paper, PID, FID, or equivalent equipment; and

—(m) if decontamination is not anticipated due to the lack of supporting evidence of decontamination, collect confirmation samples to demonstrate compliance with the decontamination standards using the methodology specified in this rule.

—(3) If the preliminary assessment does not reveal the presence of contamination above the decontamination standards specified in this rule, the decontamination specialist or owner of record may request that the property be removed from the list of contaminated properties as specified in 19-6-903 provided that:

—(a) a final report documenting the preliminary assessment is submitted to the local health department by the owner of record and decontamination specialist if one was involved in conducting the preliminary assessment; and

—(b) the local health department concurs with the recommendations contained in the report specified in (a).

—(4) If the preliminary assessment reveals the presence of contamination, the decontamination specialist or owner of record shall proceed according to R392-600-4 through R392-600-7. The contaminated portions of the property shall be kept secure against unauthorized access until the work plan has been submitted, any required permit is issued, and the property has been decontaminated to the standards established in this rule.

R392-600-4. Work Plan.

—(1) Prior to performing decontamination of the property, the decontamination specialist or owner of record shall prepare a written work plan that contains:

—(a) complete identifying information of the property, such as street address, mailing address, owner of record, legal description, county tax or parcel identification number, or vehicle identification number if a mobile home, trailer or boat;

—(b) if applicable, the certification number of the decontamination specialist who will be performing decontamination services on the contaminated portion of the property;

—(c) copies of the decontamination specialist's current certification;

—(d) photographs of the property;

—(e) a description of the areas highly suggestive of contamination, and areas that are considered not highly suggestive of contamination, including any information that may be available regarding locations where illegal drug processing was performed, hazardous materials were stored and stained materials and surfaces were observed;

—(f) a description of contaminants that may be present on the property;

—(g) results of any testing conducted for corrosive, flammable, combustible, and toxic atmospheres during the initial entry in the contaminated portion of the property, such as by a LEL/O₂ meter, pH paper, PID, FID, or equivalent equipment;

—(h) a description of the personal protective equipment to be used while in or on the contaminated portion of the property;

— (i) the health and safety procedures that will be followed in performing the decontamination of the contaminated portion of the property;

— (j) a detailed summary of the decontamination to be performed based on the findings and conclusions of the Preliminary Assessment, which summary shall include:

— (i) all surfaces, materials or articles to be removed;

— (ii) all surfaces, materials and articles to be cleaned on site;

— (iii) all procedures to be employed to remove or clean the contamination, including both areas highly suggestive of contamination as well as those areas that are not highly suggestive of contamination;

— (iv) all locations where decontamination will commence;

— (v) all containment and negative pressure enclosure plans; and

— (vi) personnel decontamination procedures to be employed to prevent the spread of contamination;

— (k) the shoring plan, if an assessment of the structural integrity was conducted and it was determined that shoring was necessary, including a written description or drawing that shows the structural supports required to safely occupy the building during decontamination;

— (l) a complete description of the proposed post-decontamination confirmation sampling locations, parameters, techniques and quality assurance requirements;

— (m) the names of all individuals who gathered samples, the analytical laboratory performing the testing, and a copy of the standard operating procedures for the analytical method used by the analytical laboratory;

— (n) a description of disposal procedures and the anticipated disposal facility;

— (o) a schedule outlining time frames to complete the decontamination process; and

— (p) all available information relating to the contamination and the property based on the findings and conclusions of the preliminary assessment.

— (2) Prior to implementing the work plan, it must first be:

— (a) approved in writing by the owner of record and, if one is involved, the decontamination specialist who will execute the work plan; and

— (b) submitted to the local health department with jurisdiction over the county in which the property is located.

— (3) The owner of record, and any decontamination specialist involved in executing the work plan shall retain the work plan for a minimum of three years after completion of the work plan and the removal of the property from the contaminated properties list.

— (4) All information required to be included in the work plan shall be keyed to or contain a reference to the appropriate subsection of this rule.

R392-600-5. Decontamination Procedures.

— (1) The decontamination specialists, and owner of record shall comply with all applicable federal, state, municipal, and local laws, rules, ordinances, and regulations in decontaminating the property.

— (2) The decontamination specialist or owner of record shall be present on the property during all decontamination activities.

— (3) The decontamination specialist or owner of record shall conduct the removal of the contamination from the property, except for porous materials from areas not highly suggestive of contamination that may be cleaned as outlined in sub-section R392-600-5(12).

— (4) The decontamination specialist or owner of record shall see that doors or other openings from areas requiring decontamination shall be partitioned from all other areas with at least 4 mil plastic sheeting or equivalent before beginning decontamination to prevent contamination of portions of the property that have not been impacted by illegal drug operations.

— (5) Ventilation Cleaning Procedures.

— (a) Air registers shall be removed and cleaned as outlined in subsection R392-600-5(12).

— (b) All air register openings shall be covered by temporary filter media.

— (c) A fan powered HEPA filter collection machine shall be connected to the ductwork to develop negative air pressure in the ductwork.

— (d) Air lances, mechanical agitators, or rotary brushes shall be inserted into the ducts through the air register openings to loosen all dirt, dust and other materials.

— (e) The air handler units, including the return air housing, coils, fans, systems, and drip pan shall be cleaned as required in subsection R392-600-5(12).

— (f) All porous linings or filters in the ventilation system shall be removed and properly disposed.

— (g) The ventilation system shall be sealed off at all openings with at least 4 mil plastic sheeting, or other barrier of equivalent strength and effectiveness, to prevent recontamination until the contaminated portion of the property meets the decontamination standards in R392-600-6(2) and(3).

— (6) Procedures for Areas Highly Suggestive of Contamination.

— (a) All porous materials shall be removed and properly disposed. On site cleaning of this material is not allowed.

— (b) All stained materials from the illegal drug operations shall be removed and properly disposed, unless the decontamination specialist or owner of record determines that cleaning and testing can be performed and can demonstrate based on results of confirmation sampling and testing that the materials meet the decontamination standards contained in subsections R392-600-6(2) and(3). Only smooth and easily cleanable drug operation material surfaces may be decontaminated on site and only in accordance with R392-600-5(12).

— (c) All non-porous surfaces may be cleaned to the point of stain removal and left in place or removed and properly disposed. Only smooth and easily cleanable surfaces may be decontaminated on site and only in accordance subsection R392-600-5(12). After on-site cleaning, the decontamination specialist or owner of record shall test all surfaces to verify compliance with the decontamination standards contained in R392-600-6(2) and(3).

— (d) All exposed concrete surfaces shall be thoroughly cleaned as outlined in R392-600-5(12) and tested to meet the decontamination standards contained in R392-600-6(2) and(3) or may be removed and properly disposed.

— (e) All appliances shall be removed and properly disposed, unless the decontamination specialist or owner of record determines that cleaning and testing can be performed and can demonstrate based on results of confirmation sampling and testing that the materials meet the decontamination standards contained in subsections R392-600-6(2) and(3). Only smooth and easily cleanable surfaces may be decontaminated on site and only in accordance subsection R392-600-5(12). After on-site cleaning, the decontamination specialist or owner of record shall test all surfaces to verify compliance with the decontamination standards contained in R392-600-6(2) and(3). For appliances such as ovens that have

insulation, a 100 square centimeter portion of the insulation shall also be tested. If the insulation does not meet the decontamination standards contained in R392-600-6(2) and R392-600-6(3), the insulated appliances shall be removed and properly disposed.

—(7) Structural Integrity and Security Procedures.

—If, as a result of the decontamination, the structural integrity or security of the property is compromised, the decontamination specialist or owner of record shall take measures to remedy the structural integrity and security of the property.

—(8) Procedures for Plumbing, Septic, Sewer, and Soil.

—(a) All plumbing inlets to the septic or sewer system, including sinks, floor drains, bathtubs, showers, and toilets, shall be visually assessed for any staining or other observable residual contamination. All plumbing traps shall be assessed for VOC concentrations with a PID or FID in accordance with Section R392-600-6(7). All plumbing traps shall be assessed for mercury vapors in accordance with Section R392-600-6(10) by using a mercury vapor analyzer unless the results of the preliminary assessment indicate that contamination was unlikely to have occurred. If VOC concentrations or mercury vapor concentrations exceed the decontamination standards contained in R392-600-6(2) and (3), the accessible plumbing and traps where the excess levels are found shall be removed and properly disposed, or shall be cleaned and tested to meet the decontamination standards contained in R392-600-6(2) and (3).

—(b) The decontamination specialist or owner of record shall obtain documentation from the local health department or the local waste water company describing the sewer disposal system for the dwelling and include it in the final report. If the dwelling is connected to an on-site septic system, a sample of the septic tank liquids shall be obtained and tested for VOC concentrations unless the results of the preliminary assessment indicate that contamination was unlikely to have occurred.

—(c) If VOCs are not found in the septic tank sample or are found at concentrations less than UGWQS and less than 700 micrograms per liter for acetone, no additional work is required in the septic system area, unless requested by the owner of the property.

—(d) If VOCs are found in the septic tank at concentrations exceeding the UGWQS or exceeding 700 micrograms per liter for acetone the following applies:

—(i) The decontamination specialist or owner of record shall investigate the septic system discharge area for VOCs, lead, and mercury unless there is clear evidence that mercury or lead was not used in the manufacturing of illegal drugs at the illegal drug operation;

—(ii) The horizontal and vertical extent of any VOCs, mercury, and lead detected in the soil samples shall be delineated relative to background or EPA residential risk based screening concentrations contained in the document listed in R392-600-8.

—(iii) If any of the VOCs, mercury, and lead used in the illegal drug operations migrated down to groundwater level, the decontamination specialist or owner of record shall delineate the vertical and horizontal extent of the groundwater contamination.

—(iv) After complete characterization of the release, the decontamination specialist or owner of record shall remediate the impacted soils to concentrations below background or EPA residential risk based screening concentrations as contained in the document listed in R392-600-8 and any impacted groundwater to concentrations below the UGWQS and below 700 micrograms per liter for acetone.

—(v) The contents of the septic tank shall be removed and properly disposed.

—(e) The decontamination specialist or owner of record shall also notify the Utah Department of Environmental Quality, Division of Water Quality, if a release has occurred as a result of illegal drug operations to a single family septic system or a multiple family system serving less than 20 people.

—(f) All sampling and testing pursuant to this section shall be performed in accordance with EPA sampling and testing protocol.

—(9) Procedures for burn areas, trash piles and bulk wastes.

—(a) The decontamination specialist or owner of record shall characterize, remove, and properly dispose of all bulk wastes remaining from the activities of the illegal drug operations or other wastes impacted by compounds used by the illegal drug operations.

—(b) The decontamination specialist or owner of record shall examine the property for evidence of burn areas, burn or trash pits, debris piles, and stained areas suggestive of contamination. The decontamination specialist or owner of record shall test any burn areas, burn or trash pits, debris piles or stained areas with appropriate soil sampling and testing equipment, such as a LEL/O₂ meter, pH paper, PID, FID, mercury vapor analyzer, or equivalent equipment to determine if the area is contaminated.

—(c) If the burn areas, burn or trash pits, debris piles, or stained areas are not in a part of the property that has otherwise been determined to be highly suggestive of contamination, the decontamination specialist shall recommend to the owner of the property that these areas be investigated.

—(d) If the burn areas, burn or trash pits, debris piles or stained areas are part of the contaminated portion of the property, the decontamination specialist or owner of record shall investigate and remediate these areas.

—(e) The decontamination specialist or owner of record shall investigate burn areas, burn or trash pits, debris piles, or stained areas for the VOCs used by the illegal drug operations and lead and mercury, unless there is clear evidence that mercury or lead was not used in the manufacturing of illegal drugs at the illegal drug operations.

—(f) The decontamination specialist or owner of record shall delineate the horizontal and vertical extent of any VOCs, lead, or mercury detected in the soil samples relative to background concentrations or EPA residential risk based screening concentrations as contained in the document listed in R392-600-8.

—(g) If any of the compounds used by the illegal drug operation migrated into groundwater, the decontamination specialist or owner of record shall delineate the vertical and horizontal extent of the groundwater contamination relative to the UGWQS and relative to the maximum contaminant level of 700 micrograms per liter for acetone.

—(h) After complete characterization of the release, the decontamination specialist or owner of record shall remediate contaminated soils to background or EPA residential risk based screening concentrations as contained in the document listed in R392-600-8, and contaminated groundwater to concentrations at or below the UGWQS and at or below 700 micrograms per liter for acetone.

—(i) All sampling and testing conducted under this section shall be performed in accordance with current EPA sampling and testing protocol.

—(10) Procedures for areas not highly suggestive of contamination.

~~—(a) Porous materials with no evidence of staining or contamination may be cleaned by HEPA vacuuming and one of the following methods:~~

~~—(i) Steam cleaning: Hot water and detergent shall be injected into the porous materials under pressure to agitate and loosen any contamination. The water and detergent solution shall then be extracted from the porous material by a wet vacuum.~~

~~—(ii) Detergent and water solution: porous materials shall be washed in a washing machine with detergent and water for at least 15 minutes. The porous materials shall be rinsed with water. This procedure shall be repeated at least two additional times using new detergent solution and rinse water.~~

~~—(b) All non porous surfaces such as floors, walls, ceilings, mirrors, windows, doors, appliances, and non fabric furniture shall be cleaned as outlined in subsection R392-600-5(12).~~

~~—(c) Doors or other openings to areas with no visible contamination shall be partitioned from all other areas with at least 4 mil plastic sheeting or equivalent after being cleaned to avoid re-contamination.~~

~~—(d) Spray on acoustical ceilings shall be left undisturbed, and shall be sampled and tested for asbestos and for contamination to determine whether ceilings meet the decontamination standards contained in R392-600-6(2) and (3), and if in need of removal, whether asbestos remediation protocols are applicable. If the materials exceed the standards, the decontamination specialist or owner of record shall properly remove and dispose of them.~~

~~—(e) All exposed concrete surfaces shall be thoroughly cleaned as outlined in subsection R392-600-5(12).~~

~~(11) Decontamination procedures for motor vehicles:~~

~~If an illegal drug operation is encountered in a motor vehicle, the decontamination specialist or owner of record shall conduct a Preliminary Assessment in the manner described in this rule to determine if the vehicle is contaminated. If it is determined that the motor vehicle is contaminated and the vehicle cannot be cleaned in a manner consistent with this rule, the motor vehicle may no longer be occupied. The vehicle shall also be properly disposed.~~

~~(12) Cleaning Procedure:~~

~~For all items, surfaces or materials that are identified as easily cleanable and for which the work plan indicates they will be decontaminated on site, the decontamination specialist or owner of record shall wash them with a detergent and water solution and then thoroughly rinse them. This procedure shall be repeated at least two additional times using new detergent solution and rinse water. The decontamination specialist or owner of record shall test all surfaces where decontamination on site has been attempted to verify compliance with the decontamination standards in R392-600-6(2) and R392-600-6(3).~~

~~(13) Waste Characterization and Disposal Procedures:~~

~~The Hazardous Waste Rules of R315-1 through R315-101, the Solid Waste Rules of R315-301 through R315-320 and the Illegal Drug Operations Decontamination Standards regulate the management and disposal of hazardous waste and contaminated debris generated during decontamination of an illegal drug operations. The decontamination specialist and owner of record shall comply with these rules and meet the following criteria:~~

~~(a) No waste, impacted materials or contaminated debris from the decontamination of illegal drug operations may be removed from the site or waste stream for recycling or reuse without the written approval of the local Health Department.~~

~~—(b) All items removed from the illegal drug operations and waste generated during decontamination work shall be properly disposed.~~

~~—(c) All liquid waste, powders, pressurized cylinders and equipment used during the production of illegal drugs shall be properly characterized by sampling or testing prior to making a determination regarding disposal or the waste shall simply be considered hazardous waste and properly disposed, except the waste shall not be deemed to be household hazardous waste.~~

~~—(d) All impacted materials and contaminated debris that are not determined by the decontamination specialist or owner of record to be a hazardous waste may be considered a solid waste and properly disposed.~~

~~—(e) All Infectious Waste shall be managed in accordance with Federal, State and local requirements.~~

~~—(f) The disturbance, removal and disposal of asbestos must be done in compliance with all Federal, State, and local requirements including the requirements for Asbestos Certification, Asbestos Work Practices and Implementation of Toxic Substances Control Act, Utah Administrative Code R307-801.~~

~~—(g) The removal and disposal of lead based paint must be done in compliance with all Federal, State, and local requirements including the requirements for Lead Based Paint Accreditation, Certification and Work Practice Standards, Utah Administrative Code R307-840.~~

~~—(h) The decontamination specialist and owner of record shall comply with all Federal, State, Municipal, County or City codes, ordinances and regulations pertaining to waste storage, manifesting, record keeping, waste transportation and disposal.~~

~~**R392-600-6.—Confirmation Sampling and Decontamination Standards.**~~

~~(1) The decontamination specialist or owner of record shall take and test confirmation samples after decontamination to verify that concentrations are below the decontamination standards prior to the submittal of a final report. Samples are not required if a contaminated surface has been removed and replaced, unless there is evidence that the area has been re-contaminated. All decontaminated areas and materials, areas not highly suggestive of contamination, and surfaces that have not been removed shall be sampled for compliance with the standards in Table 1.~~

~~(2) If the decontamination standards are not achieved, the decontamination specialist or owner of record shall perform additional decontamination and re-sample to confirm the surface or area meets the decontamination standards specified in Table 1.~~

TABLE 1

COMPOUND	DECONTAMINATION STANDARD
Red Phosphorus	Removal of stained material or cleaned as specified in this rule such that there is no remaining visible residue.
Iodine Crystals	Removal of stained material or cleaned as specified in this rule such that there is no remaining visible residue.
Methamphetamine	Less than or equal to 0.1 microgram Methamphetamine per 100 square centimeters

Ephedrine	Less than or equal to 0.1 microgram Ephedrine per 100 square centimeters
Pseudoephedrine	Less than or equal to 0.1 microgram Pseudoephedrine per 100 square centimeters
VOCs in Air	Less than or equal to 1 ppm
Corrosives	Surface pH between 6 and 8
Ecstasy	Less than or equal to 0.1 microgram Ecstasy per 100 square centimeters

(3) The decontamination specialist or owner of record shall also conduct sampling and testing for all of the metals listed in Table 2 unless there is clear evidence that these metals were not used in the illegal drug operations. If Table 2 contaminants are present, the decontamination specialist or owner of record shall decontaminate the affected areas and sample until they meet the decontamination standards in Table 2.

TABLE 2

COMPOUND	DECONTAMINATION STANDARD
Lead	Less than or equal to 4.3 micrograms Lead per 100 square centimeters
Mercury	Less than or equal to 3.0 micrograms Mercury per cubic meter of air

(4) Confirmation sampling procedures.

(a) All sample locations shall be photographed.

(b) All samples shall be obtained from areas representative of the materials or surfaces being tested. Samples shall be collected from materials or surfaces using wipe samples and shall be biased toward areas where contamination is suspected or confirmed or was known to be present prior to decontamination.

(c) All samples shall be obtained, preserved, and handled and maintained under chain of custody protocol in accordance with industry standards for the types of samples and analytical testing to be conducted.

(d) The individual conducting the sampling shall wear a new pair of gloves to obtain each sample.

(e) All reusable sampling equipment shall be decontaminated prior to sampling.

(f) All testing equipment shall be properly equipped and calibrated for the types of compounds to be analyzed.

(g) Cotton gauze, 3" x 3" 12 ply, in sterile packages, shall be used for all wipe sampling. The cotton gauze shall be wetted with analytical grade methanol for the wipe sampling. The cotton gauze shall be blotted or wiped at least five times in two perpendicular directions within each sampling area.

(h) After sampling, each wipe sample shall be placed in a new clean sample container and capped tightly. Recommended containers are 50 mL polypropylene disposable centrifuge tubes or 40 mL VOA glass vials. Plastic bags shall not be used. The sample container shall be properly labeled with at least the site or project identification number, date, time, and actual sample location. The sample container shall be refrigerated until delivered to an analytical laboratory.

(i) Each sample shall be analyzed for methamphetamine, ephedrine, pseudoephedrine, and ecstasy depending upon the type of illegal drug operations using NIOSH Manual of Analytical Method (NMAM) 9106 (or the proposed 9106 method if it is not yet

approved) or equivalent method approved by the Utah Department of Health.

(5) Confirmation sampling from areas highly suggestive of contamination.

(a) Samples collected from areas highly suggestive of contamination shall be by grab samples that are not combined with other samples.

(b) Three 10 cm. x 10 cm. areas (100 square centimeters) shall be wipe sampled from each room of the property where illegal drug operations occurred, hazardous materials were stored and where staining or contamination are or were present. The three samples shall be obtained from a nonporous section of the floor, one wall, and the ceiling in each room or any other location where contamination is suspected.

(c) Three 10 cm. x 10 cm. areas (100 square centimeters) shall be wipe sampled from different areas of the ventilation system, unless the system serves more than one unit or structure. If the system serves more than one unit or structure, samples shall be collected from a representative distribution of the system as well as the corresponding areas that it serves until the contamination is delineated, decontaminated, and determined to be below the decontamination standards established in this rule.

(d) If there is a kitchen, three 10 cm. x 10 cm. areas (100 square centimeters) shall be wipe sampled from the surfaces most likely to be contaminated including the counter top, sink, or stove top, and from the floor in front of the stove top or any other location where contamination is suspected.

(e) If there is a bathroom, three 10 cm. x 10 cm. areas (100 square centimeters) shall be wipe sampled from the surfaces most likely to be contaminated including the counter top, sink, toilet, or the shower/bath tub and any other location where contamination is suspected.

(f) If there are any appliances, one 10 cm. x 10 cm. area (100 square centimeters) shall be wipe sampled from the exposed portion of each appliance. If multiple appliances are present, each wipe sample may be a composite of up to three 100 square centimeter areas on three separate appliances, provided that the surfaces most likely to be contaminated are tested.

(g) If there is any other enclosed space where illegal drug operations occurred, hazardous materials were stored, or where staining or contamination is present, three 10 cm. x 10 cm. areas (100 square centimeters) shall be wipe sampled from the surfaces most likely to be contaminated.

(h) Each wipe sample shall be placed in a new clean sample container and capped tightly. Recommended containers are 50 mL polypropylene disposable centrifuge tubes or 40 mL VOA glass vials. Plastic bags shall not be used.

(6) Confirmation sampling from areas not highly suggestive of contamination.

Samples shall be collected in a manner consistent with the confirmation sampling described in Section R392-600-6(5). The samples may be combined together to form one sample per room or sampling area.

(7) VOC sampling and testing procedures.

(a) A properly calibrated PID or FID capable of detecting VOCs shall be used for testing. The background concentration of VOCs shall be obtained by testing three exterior areas outside the areas highly suggestive of contamination and in areas with no known or suspected sources of VOCs. All VOC readings shall be recorded for each sample location.

—(b) At least three locations in areas highly suggestive of contamination shall be tested for VOC readings. The testing equipment probe shall be held in the sample location for at least 30 seconds to obtain a reading.

—(c) All accessible plumbing traps shall be tested for VOCs by holding the testing equipment probe in the plumbing pipe above the trap for at least 60 seconds.

—(8) Testing procedures for corrosives.

—(a) Surface pH measurements shall be made using deionized water and pH test strips with a visual indication for a pH between 6 and 8. The pH reading shall be recorded for each sample location.

—(b) For horizontal surfaces, deionized water shall be applied to the surface and allowed to stand for at least three minutes. The pH test strip shall then be placed in the water for a minimum of 30 seconds and read.

—(c) For vertical surfaces, a cotton gauze, 3" x 3" 12 ply, in sterile packages, shall be wetted with deionized water and wiped over a 10 cm. x 10 cm. area at least five times in two perpendicular directions. The cotton gauze shall then be placed into a clean sample container and covered with clean deionized water. The cotton gauze and water shall stand in the container for at least three minutes prior to testing. The pH test strip shall then be placed in the water for a minimum of 30 seconds and read.

—(d) pH testing shall be conducted on at least three locations in each room within the areas highly suggestive of contamination.

—(9) Lead Sampling and Testing Procedures.

—(a) Unless there is clear evidence that lead was not used in the manufacturing of methamphetamine, or ecstasy at the illegal drug operations, lead sampling shall be conducted as follows:

—(i) Cotton gauze, 3" x 3" 12 ply, in sterile packages shall be used for wipe sampling. The cotton gauze shall be wetted with analytical grade 3 per cent nanograde nitric acid for the wipe sampling. The cotton gauze shall be blotted or wiped at least five times in two perpendicular directions within each sampling area.

—(ii) Three 10 cm. x 10 cm. areas (100 square centimeters) shall be sampled in each room within the areas highly suggestive of contamination; and

—(b) After sampling, each wipe sample shall be placed in a new clean sample container and capped tightly. The sample container shall be properly labeled with at least the site or project identification number, date, time, and actual sample location. The sample container shall be delivered to an analytical laboratory that uses EPA Method 6010B or an equivalent method approved by the Utah Department of Health.

—(c) The sample shall be analyzed for lead using EPA Method 6010B or equivalent.

—(10) Mercury Sampling and Testing Procedures.

—(a) A properly calibrated mercury vapor analyzer shall be used for evaluating the decontaminated areas for the presence of mercury. All mercury readings shall be recorded for each sample location.

—(b) At least three locations in each room within the areas highly suggestive of contamination shall be tested for mercury vapor readings. The testing equipment probe shall be held in the sample location for at least 30 seconds to obtain a reading.

—(c) All accessible plumbing traps shall be tested for mercury by holding the testing equipment probe in the plumbing pipe above the trap for at least 60 seconds.

—(11) Septic tank sampling and testing procedures.

—(a) All sampling and testing shall be performed in accordance with current EPA sampling and testing protocol.

—(b) The liquid in the septic tank shall be sampled with a new clean bailer or similar equipment.

—(c) The liquid shall be decanted or poured with minimal turbulence into three new VOA vials properly prepared by the analytical laboratory.

—(d) The VOA vials shall be filled so that there are no air bubbles in the sealed container. If air bubbles are present, the vial must be emptied and refilled.

—(i) The sample vials shall be properly labeled with at least the date, time, and sample location.

—(ii) The sample vials shall be refrigerated until delivered to the analytical laboratory.

—(iii) The sample shall be analyzed using EPA Method 8260 or equivalent.

—(12) Confirmation sampling by Local Health Departments.

—The local health department may also conduct confirmation sampling after decontamination is completed and after the final report is submitted to verify that the property has been decontaminated to the standards outlined in this rule.

R392-600-7. Final Report.

—(1) A final report shall be:

—(a) prepared by the decontamination specialist or owner of record upon completion of the decontamination activities;

—(b) submitted to the owner of the decontaminated property and the local health department of the county in which the property is located; and

—(c) retained by the decontamination specialist and owner of record for a minimum of three years.

—(2) The final report shall include the following information and documentation:

—(a) complete identifying information of the property, such as street address, mailing address, owner of record, legal description, county tax or parcel identification number, or vehicle identification number if a mobile home or motorized vehicle;

—(b) the name and certification number of the decontamination specialist who performed the decontamination services on the property;

—(c) a detailed description of the decontamination activities conducted at the property, including any cleaning performed in areas not highly suggestive of contamination;

—(d) a description of all deviations from the approved work plan;

—(e) photographs documenting the decontamination services and showing each of the sample locations;

—(f) a drawing or sketch of the areas highly suggestive of contamination that depicts the sample locations and areas that were decontaminated;

—(g) a description of the sampling procedure used for each sample;

—(h) a copy of the testing results from testing all samples, including testing for VOCs, corrosives, and if applicable, lead and mercury, and testing performed by an analytical laboratory;

—(i) a written discussion interpreting the test results for all analytical testing on all samples;

—(j) a copy of any asbestos sampling and testing results;

—(k) a copy of the analytical laboratory test quality assurance data on all samples and a copy of the chain of custody protocol documents;

—(l) a summary of the waste characterization work, any waste sampling and testing results, and transportation and disposal

documents, including bills of lading, weight tickets, and manifests for all materials removed from the property;

— (m) a summary of the decontamination specialist or owner of record's observation and testing of the property for evidence of burn areas, burn or trash pits, debris piles, or stained areas;

— (n) a written discussion and tables summarizing the confirmation sample results with a comparison to the decontamination standards outlined in this rule; and

— (o) an affidavit from the decontamination specialist and owner of record that the property has been decontaminated to the standards outlined in this rule.

— (3) All information required to be included in the final report shall be keyed to or contain a reference to the appropriate subsection of this rule.

R392-600-8. Reference.

— The document: U.S. Environmental Protection Agency, Region 9: Superfund Preliminary Remediation Goals (PRG) Table, October 2004, is adopted by reference.]

R392-600. Illegal Drug Activity Decontamination Standards.

R392-600-1. Authority and Purpose.

— (1) This rule is authorized under Title 19, Chapter 6, Part 9 and by 26-1-30(2)(a), (b), (c), and (d).

— (2) This rule establishes minimum standards, procedures, and responsibilities for local health departments, certified decontamination specialists (CDS), and owners of record regarding property contaminated by illegal drug activity. It regulates the decontamination and the disposal of materials removed from contaminated properties.

R392-600-2. Definitions.

— The definitions found in Title 19, Chapter 6, Part 9 apply to this rule. In addition:

— (1) "Background concentration" means the level of a contaminant in soil, groundwater or other media up gradient from an illegal drug activity that has not been affected by the illegal drug activity.

— (2) "Certified decontamination specialist" or "CDS" means an individual who has met the standards for certification as a decontamination specialist and has a currently valid certificate issued by the Solid and Hazardous Waste Control Board, as defined under Utah Code Subsection 19-6-906(2) and who is retained by an owner of record to perform assessment, planning, decontamination, confirmation, and reporting activities of a property as described in this rule.

— (3) "Certified laboratory" means a laboratory certified by the Utah Department of Health under Rule 444-14 for methamphetamine testing. The laboratory's reporting limit must be at least five times lower than the applicable decontamination level and the laboratory must have calibration standards at or below the reporting limit.

— (4) "Chain-of-custody protocol" means a procedure used to document each person who has had custody or control of an environmental sample from its source to the certified laboratory, and the time of possession of each person.

— (5) "Combustible" means vapor concentration from a liquid that has a flash point greater than 100 degrees F.

— (6) "Composite Sample" means a sample collected from up to four defined areas, then bulked and mixed in the laboratory to be analyzed as a single sample.

— (7) "Confirmation sampling" means collecting samples during a preliminary assessment or upon completion of decontamination

activities by a CDS and having the samples analyzed by a certified laboratory to determine the level of contamination.

— (8) "Contaminant" means a hazardous material.

— (9) "Contamination" or "contaminated" means polluted by hazardous materials that exceed the standard and cause property to be unfit for human habitation or use due to immediate or long-term health hazards.

— (10) "Corrosive" means a material or substance having a pH less than or equal to 6 or greater than or equal to 8.

— (11) "Decontamination" means assessment, sampling, treatment, or removal of contamination to reduce concentrations of contaminants below the decontamination standards.

— (12) "Decontamination contractor" means an owner of record or a person contracted by the owner of record who conducts decontamination work but is not required to be certified to perform a preliminary assessment or confirmation sampling of a property.

— (13) "Decontamination standards" means the levels or concentrations of contaminants provided in R392-600-7(2).

— (14) "Discrete" means a single sample collected from a single, defined area at a given time and location.

— (15) "Disposed of properly," "proper disposal," "dispose of them properly," and variations of them, means to handle, transport, label, store, or discard in accordance with all applicable laws, including the requirements of this rule and the transfer of material to a facility licensed to receive it.

— (16) "Easily cleanable" means an object and its surface that can be cleaned by detergent solution applied to its surface in a way that would reasonably be expected to remove dirt from the object when rinsed and to be able to do so without damaging the object or its surface finish.

— (17) "EPA" means the United States Environmental Protection Agency.

— (18) "FID" means flame ionization detector.

— (19) "Flammable" means vapor concentration from a liquid that has a flash point less than 100 degree F.

— (20) "Fixture" means an item that is attached to real property or to a structure on real property in such a manner that it is commonly considered to be part of the real property.

— (21) "Hazardous materials" has the same meaning as "hazardous or dangerous materials" as defined in Utah Code Section 58-37d-3, and includes any illegally manufactured controlled substance.

— (22) "Hazardous waste" means toxic materials described in 40 CFR 261.3.

— (23) "HEPA" means high-efficiency particulate air and indicates the efficiency of an air filter or air filtration system.

— (24) "HVAC system" means the heating ventilation and air conditioning system and includes all conditioned air ducts, diffusers, vents, registers, cold air returns and air handlers.

— (25) "Illegal drug activity" means any activity, including production, use, storage, or distribution of materials, compounds, or mixtures associated with the use or production of illegal controlled substances.

— (26) "Impacted soil" means soil that contains concentrations of a contaminant above background or EPA residential Risk Based Screening Concentrations as contained in the document listed in R392-600-9.

— (27) "LEL/O2" means lower explosive limit/oxygen.

— (28) "MSDS sheet" means Material Safety Data Sheet provided by the manufacturer supplying the chemical and that meets

OSHA Hazard Communication Standard in Subpart Z, Toxic and Hazardous Substances, 29 CFR 1910.1200.

(29) "Negative pressure enclosure" means an air-tight enclosure using a local exhaust and HEPA filtration system to maintain a lower air pressure in the work area than in any adjacent area and to generate a constant flow of air from the adjacent areas into the work area.

(30) "Non-structural component" means a part of a structure that is not a structural component, such as a carpet, a partition wall, a cabinet, a window, a door, or a fixture.

(31) "Non-porous" means resistant to penetration of liquids, gases, powders and includes non-permeable substance or materials that are sealed such as: concrete, wood, tile, vinyl, painted drywall, appliances, bathtubs, toilets, mirrors, windows, counter-tops, sinks, metal, glass, plastic, and pipes.

(32) "Onsite Wastewater System" means an underground wastewater disposal system for domestic wastewater which is regulated by R317-4.

(33) "Owner of record" means (a) the owner of property as shown on the records of the county recorder in the county where the property is located; and (b) may include an individual, employee, financial institution, company, corporation, or other entity.

(34) "Personal property" means clothing, bedding, furniture, electronic equipment, and other items that are not considered a part of the building.

(35) "Personal protective equipment" means clothing such as suits, gloves, hats, boots or apparatus such as facemasks or respirators all designed to prevent inhalation, absorption, or ingestion of hazardous chemicals.

(36) "PID" means photo ionization detector.

(37) "Porous" means that the item is easily penetrated or permeated by gases, liquids, or powders such as: carpets, cardboard, draperies, bedding, mattresses, fabric covered furniture, pillows, blankets, towels, clothing, or any other material that is worn; and drop ceiling or other fiber-board ceiling panels, cork paneling, unpainted drywall, or any other material that is not properly sealed.

(38) "Preliminary Assessment" means an evaluation of a property by a CDS to define all areas that are potentially contaminated and determine the extent of contamination as provided in Section 4.

(39) "Property" means: (a) any property, site, structure, part of a structure, or the grounds, surrounding a structure; and (b) includes, but is not limited to single-family residences, outbuildings, garages, units of multiplexes, condominiums, apartment buildings, warehouses, hotels, motels, boats, motor vehicles, trailers, manufactured housing, shops, or booths.

(40) "Sample location" means a discrete place where an environmental sample is or will be obtained.

(41) "Screening test" means a test to determine whether any methamphetamine is present, but cannot determine the level of contamination.

(42) "Structural component" means a portion of a structure which, if removed, would cause the structure to become unstable or subject to partial or total collapse, or a concrete floor.

(43) "Toxic" means a hazardous material in sufficient concentrations to cause local or systemic detrimental effects to people.

(44) "UGWQS" means the Utah Ground Water Quality Standards established in R317-6.

(45) "VOA" means volatile organic analyte.

(46) "VOCs" means volatile organic compounds or organic chemicals that can evaporate at ambient temperatures.

(47) "Waste" means refuse, garbage, or other discarded material, either solid or liquid.

R392-600-3. Reporting Requirements.

(1) Upon receiving a report of a property contaminated by illegal drug activity from a law enforcement agency, the local health department shall, as required by Subsection 19-6-903(3), conduct an investigation to determine if reasonable evidence exists that the property is contaminated.

(2) Upon receiving a report of a property contaminated by illegal drug activity from a CDS or a Licensed Environmental Health Scientist, a local health department shall conduct an investigation to determine whether reasonable evidence exists to consider the property contaminated.

(3) If the local health department determines that a property is contaminated at a level that exceeds any decontamination standard established by this rule, either by its own investigation or based on a report from a CDS or a Licensed Environmental Health Scientist, the local health department shall:

(a) notify the owner of record, and if applicable, any legal tenant, that the property is contaminated, and of the requirements for compliance with this rule;

(b) place the property on a list of contaminated properties available to the public as required by Section 19-6-903; and

(c) remove any property it has placed on its contaminated properties list within two working days of receipt of a final report required by Section 19-6-903(4)(c).

(4) If an owner of record or a resident wants to remove items of high intrinsic value from a contaminated property after the property is determined to be contaminated and prior to other decontamination activities, the removal of the items must be included in the work plan submitted to the local health department. The work plan shall advise the owner of record or resident of the possible health effects associated with contaminated items and the proper methods for decontamination of the contaminated items.

R392-600-4. Preliminary Assessment.

(1) Prior to conducting any decontamination activities at a property that has been reported as contaminated pursuant to Subsection 19-6-903(3), the owner of record must retain a CDS to perform a certified preliminary assessment. No decontamination activities may begin prior to conducting a certified preliminary assessment and submitting a work plan to the local health department. Only a CDS may perform a certified preliminary assessment. An owner of record or a retained decontamination contractor may perform a screening test for the owner's property; however, any assessment beyond a screening test must be performed by a CDS.

(2) If a local health department has determined that a property is contaminated, the owner of record shall contract with a CDS prior to conducting any decontamination work, to perform a preliminary assessment as required by this section.

(3) If a fire, an explosion, or other condition appears to have compromised the structural integrity of the property, the owner of record or the CDS shall obtain a structural assessment from a person qualified to conduct a structural assessment.

(4) To conduct the certified preliminary assessment, the CDS shall:

(a) request and review copies of any law enforcement, state agency or other report regarding illegal drug activity or suspected illegal drug activity at the property;

(b) evaluate all information obtained regarding the nature and extent of damage and contamination;

(c) determine the method of illegal drug manufacturing used if applicable;

(d) determine the chemicals involved in illegal drug activity, if applicable;

(e) determine specific locations where processing and illegal drug activity took place or was suspected and where hazardous materials were stored and disposed, if applicable;

(f) use all available information to determine contaminated areas;

(g) develop procedures to safely enter the property in order to conduct a preliminary assessment;

(h) wear appropriate personal protective equipment for the conditions assessed;

(i) visually inspect all portions of the property for evidence of illegal drug activity, including areas outside of any impacted structure to document where stained materials or surfaces are visible, drug production took place, hazardous materials were stored, and the location of burn pits or trash or debris piles;

(j) determine whether the property contains an onsite wastewater system and if the system is contaminated as a result of the illegal drug activity;

(k) determine the locations of the HVAC system components;

(l) conduct and document appropriate testing for corrosives, flammables, combustibles, and toxic atmospheres during the initial entry to the contaminated portion of the property using appropriate instruments such as a LEL/O₂ meter, pH paper, PID, FID, or equivalent equipment, if it is a known production site or if visual inspection indicates further testing is necessary;

(m) follow the procedures outlined in the confirmation sampling section of R392-600-7, if methamphetamine sampling is conducted; and

(n) if decontamination is not anticipated due to the lack of supporting evidence of contamination, shall, using the methodology specified in this rule, collect a minimum of four representative samples from each room, with at least one sample coming from the cold air return, to demonstrate that the property does not exceed the decontamination standard.

(5) If the preliminary assessment and confirmation sampling does not reveal the presence of contamination above the decontamination standards specified in this rule, the owner of record or the CDS may request that the property be removed from the list of contaminated properties as specified in Section 19-6-903, provided that:

(a) the owner of record or the CDS submits to the local health department a final report documenting that the preliminary assessment established that the property does not exceed the decontamination standard; and

(b) the local health department determines that the assessment and conclusions contained in the final report establish that no further decontamination work is necessary.

(6) If the preliminary assessment or confirmation sampling reveals the presence of contamination that exceeds the decontamination standards set forth in this rule, and the owner of record desires to have the property removed from the contaminated property list established in Utah Code Section 19-6-903, the owner

of record or the CDS shall comply with the decontamination and reporting requirements of this rule and Title 19, Chapter 6, Part 9.

(7) The owner of record shall keep the contaminated portions of the property secure against unauthorized access until the work plan has been submitted, any required permit is issued, and the property has been decontaminated to the standards established in this rule.

R392-600-5. Work Plan.

(1) If the certified preliminary assessment indicates that the property exceeds any decontamination standard established in this rule, prior to conducting any decontamination of the property, the owner of record or the decontamination contractor shall submit a written work plan, prepared by the homeowner or a decontamination contractor, to the local health department for review.

(2) The written work plan must indicate by signature the approval of the owner of record and the contracted decontamination contractor, if one has been hired and shall contain:

(a) complete identifying information of the property, including an exterior photograph, the street address where property is located, the mailing address of the owner record, the name of the owner of record, and the county tax or parcel identification number if the property is real property or vehicle identification number if the property is a vehicle;

(b) if retained, the certification information, including number and expiration date, of the CDS who will be performing decontamination services on the contaminated portion of the property;

(c) photographs of the areas that the owner of record or the decontamination contractor plans to decontaminate, including any exterior portions of the property and any disturbed landscaped areas;

(d) a description of the areas the owner of record or the decontamination contractor plans to decontaminate, including any information that may be available regarding locations where illegal drug activity may have occurred;

(e) a description of areas that the owner of record or the decontamination contractor does not plan to decontaminate, including reasons for making that determination;

(f) a description of the contaminants that may be present on the property;

(g) if applicable, results of any testing conducted for corrosive, flammable, combustible, and toxic atmospheres during the initial entry in the contaminated portion of the property;

(h) a description of the personal protective equipment the owner of record or decontamination contractor will wear while in or on the contaminated portion of the property;

(i) a description of the personnel decontamination procedures the owner of record or the decontamination contractor will employ to prevent the spread of contamination;

(j) the health and safety procedures the owner of record or the decontamination contractor will follow while conducting decontamination activities; and

(k) a detailed summary of the decontamination activities the owner of record or the decontamination contractor shall perform based on the findings and conclusions of the Preliminary Assessment. The summary shall include:

(i) all surfaces, materials, or articles the owner of record or the decontamination contractor shall remove and dispose of properly;

(ii) all surfaces, materials, and articles the owner of record or the decontamination contractor shall decontaminate on-site;

(iii) all procedures the owner of record or decontamination contractor shall employ in the decontamination process, including removal procedures;

(iv) an MSDS for the components of any decontamination chemicals or solutions, including any by-products created in using them;

(v) as provided in Subsection 3(4), a list of all personal items of high intrinsic value that will be removed from the property;

(vi) all containment and negative pressure enclosure plans;

(vii) the name and contact information of any subcontractor who may perform any of the planned work on the property;

(viii) the shoring plan, if a structural assessment determined that shoring is necessary, including a written description or drawing that shows the structural supports required to safely occupy the building during decontamination;

(ix) a complete description of the proposed post-decontamination confirmation sampling locations, parameters, techniques, and quality assurance measures;

(x) the names of all CDSs who will collect samples and the certified laboratory that will perform the testing;

(xi) a description of disposal procedures and the anticipated disposal facility; and

(xii) a schedule outlining time frames for steps necessary to complete the decontamination process; and

(xiii) if the owner of record will perform the decontamination activities, a signed commitment from the CDS who will perform the confirmation sampling.

(3) The owner of record shall retain the work plan for a minimum of three years after having completed the decontamination of the property and the requesting the property's removal from the contaminated properties list.

(4) The owner of record or the decontamination contractor shall key, or contain a reference to, all information required to be included in the work plan to the appropriate subsection of this rule.

(5) If the owner of record or the decontamination contractor desires to materially deviate from the written work plan, the owner of record or the decontamination contractor shall revise the written work plan and submit it to the local health department for review prior to implementation. The revised written work plan must indicate by signature the approval of the owner of record and the decontamination contractor if the owner of record retained a decontamination contractor.

R392-600-6. Decontamination Requirements.

(1) The owner of record, decontamination contractor, and CDS shall comply with all applicable federal, state, and local law in decontaminating the property. If a CDS is retained, the CDS shall comply with all requirements of R311-500 Illegal Drug Operations Site Reporting and Decontamination Act, Decontamination Specialist Certification Program. No person under age 18 may perform decontamination work.

(2) The owner of record or the decontamination contractor shall be present on the property during all decontamination activities.

(3) The owner of record or the decontamination contractor shall partition areas being decontaminated from the remainder of the structure by placing 4-mil plastic sheeting or equivalent in doorways and other openings before beginning decontamination.

(4) Non-porous fixtures and structural components. All non-porous surfaces of personal property, structural components, and

non-structural components identified in the work plan as non-porous and easily cleanable must be decontaminated by either:

(a) Chemical Neutralization-- the owner of record or the decontamination contractor shall use chemical neutralization solutions that comply with the EPA regulations promulgated pursuant to 15 U.S.C. 53, Subsections 2605 (a) (3) and (4); or

(b) Detergent Washing--the owner of record or the decontamination contractor shall wash with a detergent and water solution and thoroughly rinse and repeat this procedure at least two additional times using new detergent solution and rinse water.

(5) Appliance Decontamination.

The owner of record or the decontamination contractor shall remove and properly dispose of all appliances, unless the owner of record or the decontamination contractor demonstrates, based on confirmation sampling, that the appliance, including all internal surfaces, is decontaminated according to the standards of this rule.

(6) HVAC Decontamination.

The owner of record or the decontamination contractor shall:

(a) shutoff and lock out the air handler unit before beginning work on the HVAC system;

(b) remove and decontaminate air diffusers as outlined in this rule or dispose of properly;

(c) connect a fan-powered HEPA filter collection machine to the duct work to draw air through the duct work from the structure toward and through the HEPA filter collection machine;

(d) insert tools such as air lances, mechanical agitators, or rotary brushes into the ducts through openings to facilitate the removal of methamphetamine contaminated materials;

(e) adequately decontaminate or properly dispose of all tools once they have been used;

(f) decontaminate all components of the air handler as required in Subsection (8). If there are interior surfaces of air handler units or duct work that cannot be decontaminated and confirmed to be decontaminated in a manner consistent with this rule, the owner of record or decontamination contractor shall remove and dispose of them properly;

(g) remove and properly dispose of all porous linings or filters in the ventilation system; and

(h) seal off all openings of the ventilation system with at least 4-mil plastic sheeting, or other barrier of equivalent strength and effectiveness, to prevent recontamination until the contaminated portion of the property meets the decontamination standards.

(7) Porous Materials.

(a) Non-structural components: the owner of record or the decontamination contractor shall remove and properly dispose of porous nonstructural components that cannot be decontaminated or cannot be sampled to demonstrate compliance with decontamination standards;

(b) Structural components: the owner of record or the decontamination contractor shall decontaminate all porous structural components by one of the following methods:

(i) Chemical neutralization--the owner of record or the decontamination contractor shall use chemical neutralization solutions that comply with the EPA regulations promulgated pursuant to 15 U.S.C. 53, Subsections 2605 (a) (3) and (4);

(ii) Detergent Washing--the owner of record or the decontamination contractor shall wash with a detergent and water solution and thoroughly rinse; and repeat this procedure at least two additional times using new detergent solution and rinse water; or

(iii) Encapsulation--if the owner of record or the decontamination contractor demonstrate that after having performed

all other decontamination methods, the methods cannot sufficiently decontaminate the component and if not prohibited by the local health department ordinance or regulation, the owner of record or the decontamination contractor may meet the decontamination standards by encapsulating the structural component in place by sealing it with an oil-based paint and describing the encapsulated item in a revised workplan submitted to the local health department for review prior to encapsulation.

(c) Launderable Items: porous materials and items of personal property of the type that can be washed in a clothes washing machine with detergent and water may be laundered on-site with detergent and water in a clothes washing machine on at least a medium agitation setting for the full wash cycle. The porous materials shall be rinsed with water. This procedure shall be repeated at least two additional times using new detergent solution and rinse water. The washing machine must be run with only water and detergent through an additional cycle prior to being used for any other purpose.

(8) Plumbing.

Onsite wastewater system, sewer, and soil--If indicated by the preliminary assessment, the owner of record or the decontamination contractor shall:

(a) decontaminate all parts of the plumbing and onsite wastewater system or remove and dispose of it properly;

(b) if the dwelling is connected to an on-site wastewater system, the owner of record or the decontamination contractor shall cause a sample of the material in the wastewater system tank to be obtained and tested for VOC concentrations in accordance with Subsection 7(12), unless the results of the preliminary assessment indicate that contamination was unlikely to have occurred;

(c) if VOCs are found in any component of the wastewater system at concentrations exceeding the UGWQS or exceeding 700 micrograms per liter for acetone, the following shall be applied:

(i) the owner of record or the decontamination contractor shall remediate the impacted soils to background concentrations or to EPA residential risk based screening concentrations as contained in the document listed in R392-600-9 and shall remediate any groundwater that does not meet UGWQS to concentrations below the UGWQS and below 700 micrograms per liter for acetone; and

(ii) the owner of record or the decontamination contractor shall oversee the proper disposal of the contents of the onsite wastewater system tank and ensure that the tank used to pump, hold, and transport the waste, is rinsed and the rancid is properly disposed; and

(d) the owner of record or the decontamination contractor shall notify the Utah Department of Environmental Quality, Division of Water Quality, if contaminants were released into the soil or groundwater as a result of illegal drug activity or decontamination work.

(9) Burn Areas, Trash Piles and Bulk Wastes.

The owner of record or the decontamination contractor shall remove, and properly dispose of all bulk wastes, burn areas, and trash or debris piles or pits remaining from the illegal drug activity. The owner of record or the decontamination contractor shall remediate contaminated soils to background or EPA residential risk-based screening concentrations as contained in the document listed in R392-600-9, and contaminated groundwater to concentrations at or below the UGWQS and at or below 700 micrograms per liter for acetone.

(10) Vehicles.

If the owner of record or the decontamination contractor determines that a motor vehicle is contaminated and the vehicle

cannot be decontaminated in a manner consistent with this rule, the motor vehicle shall be disposed of properly.

(11) Waste Characterization and Disposal.

(a) The owner of record or the decontamination contractor shall:

(i) comply with Hazardous Waste Rules of R315-1 through R315-101, the Solid Waste Rules of R315-301 through R315-320; and the Illegal Drug Operations Decontamination Standards regulate the management and disposal of hazardous waste and contaminated debris generated during decontamination of an illegal drug operation;

(ii) not place for recycling and not reuse waste, impacted materials, or contaminated debris;

(iii) properly dispose of all contaminated items, all items that the owner of record or the decontamination contractor suspect are contaminated but have not tested, and all waste generated during decontamination work;

(iv) decontaminate or properly dispose of all liquid waste, powders, pressurized cylinders and equipment used during illegal drug activity; and

(v) identify all materials and debris that are not a hazardous waste and properly dispose of them.

(b) All impacted materials and contaminated debris that are not determined by the decontamination contractor or owner of record to be a hazardous waste may be considered a solid waste and properly disposed.

(c) The decontamination contractor or owner of record shall comply with all Federal, State, Municipal, County or City codes, ordinances and regulations pertaining to waste storage, manifesting, record keeping, waste transportation and disposal.

(12) Except as provided in Subsection 3(4), if the CDS cannot test an item of personal property or a fixture for contamination and cannot decontaminate the item or fixture, the owner of record or decontamination contractor shall properly dispose of the item as if it were contaminated.

R392-600-7. Decontamination Standards and Confirmation Sampling.

(1) Only a CDS may conduct certified confirmation sampling after decontamination to verify that concentrations are below the decontamination standards prior to the submission of a final report. Samples are not required if a contaminated surface has been removed and replaced with new materials, unless there is evidence that the area may have been re-contaminated. All decontaminated areas, materials, and surfaces that have not been removed shall be sampled for compliance with the standards in Table 1.

(2) If the decontamination standards are not achieved in any area of the property, the owner of record or the decontamination contractor shall repeat the decontamination procedures until all areas of the property comply with the decontamination standards specified in Tables 1 and 2.

TABLE 1

TOXIC SUBSTANCES DECONTAMINATION STANDARD

SUBSTANCE	LIMIT
Red Phosphorus	Stained material must be cleaned and decontaminated or removed as specified in this rule such that there is no remaining visible residue or staining.
Iodine Staining	Stained material must be cleaned and decontaminated or removed as specified

	in this rule such that there is no remaining visible residue or staining.
Methamphetamine	Less than or equal to 1.0 microgram per 100 square centimeters for a discrete sample or less than or equal to 1.0 microgram, regardless of total area sampled, for a composite sample.
Corrosives	Surface pH greater than or equal to 6, and less than or equal to 8.

(3) The CDS shall conduct sampling and testing for all of the metals listed in Table 2 if there is clear evidence that these metals were involved in the illegal drug activity.

TABLE 2

METALS DECONTAMINATION STANDARD

METAL	LIMIT
Lead	Less than or equal to 4.3 micrograms Lead per 100 square centimeters
Mercury	Less than or equal to 3.0 micrograms Mercury per cubic meter of air

(4) Confirmation sampling procedures.

The CDS shall:

(a) photograph all sample locations in such a way that the location is easily identifiable and include the photographs with a description of each photograph in the final report;

(b) obtain all samples from areas representative of the materials or surfaces being sampled or decontaminated. The CDS shall bias samples toward areas where contamination is suspected or confirmed or was known to be present prior to decontamination as outlined in R392-600-7 - Subsection 7;

(c) collect discrete samples from contaminated areas. The CDS may conduct composite sampling if approved by the local health department. The local health department may allow composite sampling only if evidence suggests that the contamination is dispersed throughout a given area and the composite sample will accurately represent the conditions in the drug activity premises. The total result of the composite sample determines the level of contamination regardless of the number of areas sampled and without dividing the result by the total number of samples taken;

(d) obtain, preserve, handle, and maintain all samples under chain-of-custody protocol in accordance with industry standards for the types of samples and analytical testing conducted;

(e) decontaminate all reusable sampling equipment prior to using it to collect another sample; and

(f) properly equip and calibrate all testing equipment for the types of compounds being analyzed.

(5) Procedures for discrete samples.

The CDS conducting the sampling shall adhere to the following:

(a) attach a disposable template to the sampling area, being careful not to touch the area within the template. The sample area shall be 100 square centimeters in a 10 centimeter by 10 centimeter configuration. The configuration of the template may vary to accommodate the sample area. An outline of the template may be drawn on the sample area;

(b) use a new template for each sample location;

(c) use a pair of single-use latex or nitrile gloves to collect each sample. Vinyl gloves shall not be used;

(d) for all sampling use cotton gauze, either 12-ply, 3 inches by 3 inches or 8-ply, 4 inches by 4 inches from unopened, uncontaminated packages until used on the premises;

(e) fold the sample media in half twice and wet with 2-3 milliliters of 99-100% isopropyl alcohol or methanol, then lightly squeeze out the excess liquid;

(f) press firmly on the sample media, but not excessively, being careful to not touch the sample surface; and

(g) perform wipe samples using the perpendicular method as described below:

(i) wipe the entire sample area with five overlapping side-to-side horizontal passes beginning at the top and progressing to the bottom in a "Z" pattern. The entire sample area shall be completely wiped once. A blotting technique in a "Z" pattern may be used for rough areas. When using the blotting technique, blot five times on each horizontal pass.

(ii) without allowing the sample media to touch any other surface, reverse the fold in the sample media so that the collection side is facing inward.

(iii) using the fresh side of the same sample media, wipe the area again with five overlapping bottom-to-top vertical passes beginning at the left side and progressing to the right in an "N" pattern. The entire sample area shall be completely wiped once. If blotting, blot five times on each vertical pass.

(iv) fold the gauze again and seal each wipe sample in a clean, new, air-tight, disposable sample container. Recommended containers are 50 milliliter polypropylene disposable centrifuge tubes or 40 millimeter V.A. glass vials. Samples shall not be placed directly in plastic bags. Label each vial to correspond with field notes, detailing sample location, date, and time.

(v) submit one sample media blank for every batch of 15 samples collected, or portion thereof, per day, per location. Prepare each blank by wetting the sample media with 2-3 milliliters of 99-100% isopropyl alcohol or 99-100% methanol then follow the steps outlined in Subsection (iv). Label the blanks as if they were samples.

(vi) submit all samples, blanks, and three unopened sample media used in that property's sample collection to a certified laboratory for analysis for the presence and quantity of methamphetamine.

(6) Procedures for Composite Samples.

In collecting composite samples, the CDS shall follow the same procedure outlined in Subsection (4) with the following exceptions:

(a) the CDS shall not include more than four surfaces in a composite sample;

(b) CDS shall only include similar surfaces in the same room in a single composite sample;

(c) a separate and new sample media shall be used for each type of surface sampled;

(d) the same template may be used for all areas from which a composite sample is taken;

(e) a single pair of gloves may be used to collect each sample that will be part of a composite sample. A new pair of gloves shall be used for each composite sample; and

(f) the CDS shall place all individual samples that comprise the composite sample in one sample container.

(7) Sample Collection Locations.

The CDS shall:

(a) wipe four discrete sample surfaces or one composite area of four 10 centimeters by 10 centimeter areas (100 square centimeters) from each room;

(i) for preliminary assessment sampling, where illegal drug activities are suspected to have occurred; and

(ii) for post decontamination confirmation sampling, where decontamination activities were preformed;

(b) obtain the four samples from four separate nonporous surfaces of each room;

(c) collect samples representative of the decontaminated areas;

(d) if present, sample from painted drywall, sealed wood, or metal surfaces;

(e) if painted drywall, sealed wood, or metal surfaces are not available, sample from unpainted drywall, unsealed wood, and tile, and glass;

(f) in addition to the room samples, sample four discrete locations or four 10 centimeter by 10 centimeter areas (100 square centimeters) to represent a composite sample from different areas of the HVAC system; however, if the HVAC system serves more than one unit or structure, the CDS shall progressively collect from the distribution system as well as the corresponding areas that it serves until the contamination is determined to be below the decontamination standards established in this rule;

(g) if an appliance is present, take one discrete sample from the exposed surface of the appliance and if multiple appliances are present, take a composite sample of up to four appliances, with each sample area consisting of a 10 centimeter by 10 centimeter area (100 square centimeters); and

(h) in other enclosed spaces where illegal drug activities are suspected to have occurred, wipe sample four discrete sample areas or one composite sample consisting of four areas from the surfaces most likely to be contaminated.

(8) Corrosives testing procedures, if indicated.

The CDS shall measure surface pH on horizontal surfaces of at least three locations in each room within the contaminated areas using deionized water and pH test strips as follows:

(a) record the pH reading for each sample location;

(b) use pH test strips capable of providing a visual indication and measuring the allowable limits in Table 1; and

(c) apply deionized water to the surface and allow the deionized water to stand for at least three minutes, then place the pH test strip in the water for a minimum of 30 seconds before reading.

(9) Lead sampling and testing procedures, if indicated.

The CDS shall:

(a) use cotton gauze 12-ply, 3 inches by 3 inches from unopened, uncontaminated packages used on the premises;

(b) wet the sample media with analytical grade 3 percent nanograde nitric acid;

(c) blot or wipe using the perpendicular method described in Subsections(5)(g)(i) through (iv);

(d) take a composite sample in each room within the contaminated area; and

(e) deliver the sample container to a certified laboratory that uses EPA Method 6010B or an equivalent method approved by the Utah Department of Health.

(10) Mercury sampling and testing procedures, if indicated.

The CDS shall:

(a) use a properly calibrated mercury vapor analyzer to evaluate the decontaminated areas for the presence of mercury;

(b) record all mercury readings for each sample area;

(c) test at least three locations in each room suspected of being contaminated, holding the testing equipment probe in the sample location for at least 30 seconds to obtain a reading; and

(d) test all accessible plumbing traps for mercury by holding the testing equipment probe in the plumbing pipe above the trap for at least 60 seconds.

(11) Onsite wastewater system sampling and testing procedures.

The CDS shall:

(a) sample the liquid in the septic tank with a new clean bailer or similar equipment;

(b) decant or pour the liquid with minimal turbulence into three new VOA vials properly prepared by the certified laboratory;

(c) fill the VOA vials so that there are no air bubbles in the sealed container; if air bubbles are present, empty the vial and refill;

(d) properly label the sample vials properly with the date, time, and sample location; and

(e) have the sample analyzed by a certified laboratory using EPA Method 8260 or equivalent.

(12) Confirmation sampling by local health departments.

The local health department may conduct confirmation sampling after decontamination is completed to verify that the property has been decontaminated to the standards outlined in this rule.

R392-600-8. Final Report.

(1) The owner of record or the decontamination contractor shall prepare a final report upon completion of decontamination activities and submit the report to the local health department of the county in which the property is located for review. A CDS shall not prepare or sign a final report for a property unless the CDS was involved in preparing and implementing the work plan.

(2) The owner of record shall retain the report for a minimum of three years.

(3) The final report shall include the following information and documentation:

(a) complete identifying information as required for work plan;

(b) if applicable, the name and certification number of the decontamination contractor who performed the decontamination activities on the property;

(c) a detailed description of the decontamination activities conducted on the property;

(d) a description of all deviations from the work plan, including all areas that were not successfully decontaminated and were encapsulated according to R392-600-6-(7)(b)(iii);

(e) photographs showing each of the sample locations;

(f) a drawing or sketch of the property, clearly labeling all sample locations;

(g) a copy of all test results performed by a certified laboratory and, if applicable, test results for VOCs, corrosives, and mercury;

(h) a written discussion interpreting the test results for all analytical testing on all samples;

(i) a copy of the analytical laboratory test quality assurance data on all samples submitted to a laboratory and a copy of the chain-of-custody protocol documents;

(j) a summary of the waste characterization work, any waste sampling and testing results, and transportation and disposal documents, including bills of lading, weight tickets, and manifests for all materials removed from the property;

(k) a written discussion and tables summarizing the confirmation sample results with a comparison to the decontamination standards outlined in this rule; and

(l) an affidavit from the CDS, confirming that the property has been decontaminated to the standards outlined in this rule;

(m) a confirmation sampling affidavit prepared and signed by a CDS confirming that confirmation sampling procedures were followed as specified in Section 7, that the confirmation sample analytical data is valid and that the confirmation sampling analytical data indicates that the decontamination standards in Section 7 have been met.

(4) The owner of record or the decontamination contractor submitting the final report shall key all required information to, or contain a reference to, the appropriate subsection of this rule.

R392-600-9. Reference.

The document: U.S. Environmental Protection Agency, Region 9: Superfund Preliminary Remediation Goals (PRG) Table, October 2008, is adopted by reference.

KEY: illegal drug operation, methamphetamine decontamination

Date of Enactment or Last Substantive Amendment: ~~May 2, 2005~~ 2009

Authorizing, and Implemented or Interpreted Law: 19-9-906; 26-1-30(2)(a), (b), (c), and (d)



**Health, Health Care Financing,
Coverage and Reimbursement Policy
R414-302-1
Citizenship and Alienage**

**NOTICE OF PROPOSED RULE
(Amendment)**

DAR FILE NO.: 32745
FILED: 06/24/2009, 14:00

RULE ANALYSIS

PURPOSE OF THE RULE OR REASON FOR THE CHANGE: The purpose of this change is to implement the requirements of The Children's Health Insurance Program Reauthorization Act.

SUMMARY OF THE RULE OR CHANGE: This change adds provisions to accept tribal records from federally-recognized tribes that verify citizenship of tribal members as required by The Children's Health Insurance Program Reauthorization Act. It also adds a provision to provide a reasonable time for individuals to present citizenship documentation. In addition, this change adds a provision that states that an infant born to a mother who is eligible for Medicaid at the time of birth has provided satisfactory documentation of citizenship.

STATE STATUTORY OR CONSTITUTIONAL AUTHORIZATION FOR THIS RULE: Section 26-18-3, Sec. 211(b)(1), (b)(2) and (b)(3) of The Children's Health Insurance Program Reauthorization Act, and Pub. L. No. 111-3

THIS RULE OR CHANGE INCORPORATES BY REFERENCE THE FOLLOWING MATERIAL: 42 CFR 435.406, 2008 ed.

ANTICIPATED COST OR SAVINGS TO:

❖ **THE STATE BUDGET:** There is no impact to the state budget because this change simply modifies the requirements for documenting citizenship.

❖ **LOCAL GOVERNMENTS:** There is no budget impact to local governments because they do not determine eligibility or provide Medicaid services.

❖ **SMALL BUSINESSES AND PERSONS OTHER THAN BUSINESSES:** This change does not impact small businesses because they do not affect which individuals may qualify for Medicaid. This change does not result in any costs or savings to other persons including those who may qualify for Medicaid, as this change does not take away or add any coverage under Medicaid.

COMPLIANCE COSTS FOR AFFECTED PERSONS: There are no compliance costs to a Medicaid client because this change does not cause a loss in coverage and the Medicaid client does not have to pay more for services.

COMMENTS BY THE DEPARTMENT HEAD ON THE FISCAL IMPACT THE RULE MAY HAVE ON BUSINESSES: This rule change implements changes in federal law and will not have a fiscal impact on business. 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 08/14/2009.

THIS RULE MAY BECOME EFFECTIVE ON: 09/01/2009

AUTHORIZED BY: David N. Sundwall, Executive Director

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

R414-302. Eligibility Requirements.

R414-302-1. Citizenship and Alienage.

(1) The [d]Department [adopts]incorporates by reference 42 CFR 435.406[(a)(1), 1997] 2008 ed., which requires applicants and recipients to be U.S. citizens or qualified aliens and to provide verification of their U.S. citizenship or lawful alien status.[is incorporated by reference. The Department adopts Section 1137 and Subsection 1903(v) of the Compilation of the Social Security Laws, in effect January 1, 1998, which is incorporated by reference. The

Department adopts Pub. L. 104-193 (401) through (403), (411), (412), (421) through (423), (431), and (435), as amended by Pub. L. 105-33(5302)(b) and (c), (5303), (5305)(b), (5306), (5562), (5563), (5571), and Pub. L. 105-306(2), which are incorporated by reference. The Department adopts Pub. L. 105-33(5307)(a) and (5566) which are incorporated by reference.]

(2) The definitions in R414-1 and R414-301 apply to this rule.

(3) The Department shall decide if a public or private organization no longer exists or is unable to meet an alien's needs. The Department shall base the decision on the evidence submitted to support the claim. The documentation submitted by the alien must be sufficient to prove the claim.

(4) One adult household member must declare the citizenship status of all household members who will receive Medicaid. The client must provide verification of citizenship and identity as described in 42 CFR 435.407.

(5) A qualified alien, as defined in [~~Pub. L. 104-193 (431) as amended by Pub. L. 105-33(5302)(c)(3), (5562), (5571), and Pub. L. 105-306(2)]8 U.S.C. 1641 who was residing in the United States prior to August 22, 1996, may receive full Medicaid, QMB, SLMB, or Qualifying Individuals (QI) services.~~

(6) A qualified alien, as defined in [~~Pub. L. No. 104-193 (431) as amended by Pub. L. 105-33(5302)(c)(3), (5562), and (5571);~~8 U.S.C. 1641 newly admitted into the United States on or after August 22, 1996, may receive full Medicaid, QMB, SLMB, or Qualifying Individuals (QI) services after five years have passed from the person's date of entry into the United States.

(7) The Department accepts as verification of citizenship documents from federally recognized Indian tribes evidencing membership or enrollment in such tribe including those with international borders as required under Section 221(b)(1) of The Children's Health Insurance Program Reauthorization Act, Pub. L. No. 111-3, or as prescribed by the Secretary.

(8) The Department provides reasonable opportunity for applicants or clients to present satisfactory documentation of citizenship as required under Section 221(b)(2) of The Children's Health Insurance Program Reauthorization Act, Pub. L. No. 111-3.

(9) The Department considers that an infant born to a mother who is eligible for Medicaid at the time of such infant's birth has provided satisfactory evidence of citizenship. The Department does not require further verification of citizenship for such infant as required under Section 221(b)(3) of The Children's Health Insurance Program Reauthorization Act, Pub. L. No. 111-3.

KEY: [~~benefits, income~~]public assistance programs, application, eligibility, Medicaid

Date of Enactment or Last Substantive Amendment: [~~December 16, 2005~~]2009

Notice of Continuation: January 25, 2008

Authorizing, and Implemented or Interpreted Law: 26-18



Health, Health Care Financing,
Coverage and Reimbursement Policy
R414-303-11
Prenatal and Newborn Medicaid

NOTICE OF PROPOSED RULE

(Amendment)

DAR FILE No.: 32747

FILED: 06/24/2009, 14:06

RULE ANALYSIS

PURPOSE OF THE RULE OR REASON FOR THE CHANGE: The purpose of this change is to implement the requirements of The Children's Health Insurance Program Reauthorization Act, and to modify this rule to comply with The American Recovery and Reinvestment Act of 2009 (ARRA).

SUMMARY OF THE RULE OR CHANGE: This change adds a provision that requires states to provide one year of Medicaid coverage to infants born to a mother who is eligible for Medicaid at the time of birth, regardless of whether the infant remains in the mother's home. In addition, this change states that the Department cannot remove an 18-year old from the Medicaid case of the parent and other children when the 18-year old lives with the parent, and the Department must count parents' income to determine the 18-year old's eligibility for poverty level Medicaid. (DAR NOTE: A corresponding 120-day (emergency) rule that is effective as of 07/01/2009 is under DAR No. 32746 in this issue, July 15, 2009, of the Bulletin.)

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

THIS RULE OR CHANGE INCORPORATES BY REFERENCE THE FOLLOWING MATERIAL: Title XIX of The Social Security Act, Sections 1902(a)(10)(A)(i)(IV), (VI), (VII), 1902(a)(47), 1902(e)(4)and(5), and 1902(l), in effect January 1, 2009

ANTICIPATED COST OR SAVINGS TO:

❖ **THE STATE BUDGET:** These changes could result in some infants who are placed for adoption receiving up to five months of additional coverage. The change in coverage for 18-year olds must be made or the Department could lose up to \$68,263,000 in enhanced federal matching funds under ARRA.

❖ **LOCAL GOVERNMENTS:** This change does not impact local governments because they do not determine Medicaid eligibility or provide Medicaid services.

❖ **SMALL BUSINESSES AND PERSONS OTHER THAN BUSINESSES:** There may be a nominal savings to some families with infants who are eligible to receive additional months of Medicaid coverage. Nevertheless, there is insufficient data to determine that savings. In addition, this change could also result in a cost for 18-year olds who may lose coverage and have to pay for medical care. However, there is insufficient data to determine that cost.

COMPLIANCE COSTS FOR AFFECTED PERSONS: This change could result in a savings to a family with an eligible infant because the infant may receive additional months of Medicaid coverage. However, there is insufficient data to determine that savings. In addition, this change could also result in a cost for an 18-year old who may lose coverage and have to pay for medical care. Once again, there is insufficient data to determine that cost.

COMMENTS BY THE DEPARTMENT HEAD ON THE FISCAL IMPACT THE RULE MAY HAVE ON BUSINESSES: This rule change implements changes in federal law and will not have a fiscal impact on business. 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 08/14/2009.

THIS RULE MAY BECOME EFFECTIVE ON: 08/21/2009

AUTHORIZED BY: David N. Sundwall, Executive Director

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

R414-303. Coverage Groups.

R414-303-11. Prenatal and Newborn Medicaid.

(1) The Department ~~adopts~~ incorporates by reference Title XIX of the Social Security Act, Section 1902(a)(10)(A)(i)(IV), (VI), (VII), 1902(a)(47), 1902(e)(4) and (5) and 1902(l), in effect January 1, 200[5]9, and Title XIX of the Social Security Act, Section 1902(k) in effect January 1, 1993, which are incorporated by reference.

(2) The following definitions apply to this section:

(a) "covered provider" means a provider that the Department has determined is qualified to make a determination of presumptive eligibility for a pregnant woman and that meets the criteria defined in Section 1920(b)(2) of the Social Security Act;

(b) "presumptive eligibility" means a period of eligibility for medical services for a pregnant woman based on self-declaration that she meets the eligibility criteria.

(3) The Department provides coverage to pregnant women during a period of presumptive eligibility if a covered provider determines, based on preliminary information, that the woman:

(a) is pregnant;

(b) meets citizenship or alien status criteria as defined in R414-302-1;

(c) has a declared household income that does not exceed 133% of the federal poverty guideline applicable to her declared household size; and

(d) the woman is not covered by CHIP.

(4) No resource test applies to determine presumptive eligibility of a pregnant woman.

(5) A pregnant woman made eligible for a presumptive eligibility period must apply for Medicaid benefits by the last day of the month following the month the presumptive coverage begins.

(6) The presumptive eligibility period shall end on the earlier of:

(a) the day that the Medicaid agency determines whether the woman is eligible for Medicaid based on her application; or

(b) in the case of a woman who does not file a Medicaid application by the last day of the month following the month the woman was determined presumptively eligible, the last day of that following month.

(7) A pregnant woman may receive medical assistance during only one presumptive eligibility period for any single term of pregnancy.

(8) The Department elects to impose a resource standard on Newborn Medicaid coverage for children age six to the month in which they turn age 19. The resource standard is the same as other Family Medicaid Categories.

(9) The Department elects to provide Prenatal Medicaid coverage to pregnant women whose countable income is equal to or below 133% of poverty.

(10) At the initial determination of eligibility for Prenatal Medicaid, the agency determines the applicant's countable resources using SSI resource methodologies. Applicants for Prenatal Medicaid whose countable resources exceed \$5,000 must pay four percent of countable resources to the agency to receive Prenatal Medicaid. The maximum payment amount is \$3,367. The payment must be met with cash. The applicant cannot use any medical bills to meet this payment.

(a) In subsequent months, through the 60 day postpartum period, the Department disregards all excess resources.

(b) This resource payment applies only to pregnant women covered under Sections 1902(a)(10)(A)(i)(IV) and 1902(a)(10)(A)(ii)(IX) of the Social Security Act in effect January 1, 200[5]9.

(c) No resource payment will be required when the Department makes a determination based on information received from a medical professional that social, medical, or other reasons place the pregnant woman in a high risk category. To obtain this waiver of the resource payment, the woman must provide this information to the agency before the woman pays the resource payment so the agency can determine if she is in a high risk category.

(11) A child born to a woman who is only presumptively eligible at the time of the infant's birth is not eligible for the one year of continued coverage defined in Section 1902(e)(4) of the Social Security Act. The mother can apply for Medicaid after the birth and if determined eligible back to the date of the infant's birth, the infant is then eligible for the one year of continued coverage under Section 1902(e)(4) of the Social Security Act. If the mother is not eligible, the Department determines if the infant is eligible under other Medicaid programs.

(12) The Department provides Medicaid coverage to an infant until the infant turns one-year old when born to a woman eligible for Utah Medicaid on the date of the delivery of the infant, without regard to whether the infant remains in the birth mother's home or whether the birth mother would continue to be eligible for Medicaid, in compliance with Sec. 113(b)(1), Children's Health Insurance Program Reauthorization Act, Pub. L. No. 111 3. The infant must continue to be a Utah resident to receive coverage.

(1[2]3) Children who meet the criteria under the Social Security Act, Section 1902(l)(1)(D) may qualify for the newborn

program through the month in which they turn 19. The agency deems the parent's income and resources to the 18-year old to determine eligibility when the 18-year old lives in the parent's home. An 18-year old who does not live with a parent may apply on his own, in which case the agency does not deem income or resources from the parent.

~~(13) A child who is 18 but not yet 19 and meets the criteria under 1902(I)(1)(D) cannot be made ineligible for coverage under the Newborn program because of deeming income or assets from a parent, even if the child lives in the parent's home.]~~

KEY: income, coverage groups, independent foster care adolescent

Date of Enactment or Last Substantive Amendment:
~~[November 21, 2007]~~2009

Notice of Continuation: January 25, 2008

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

◆ ————— ◆

Health, Health Care Financing, Coverage and Reimbursement Policy

R414-308-3

Application and Signature

NOTICE OF PROPOSED RULE

(Amendment)

DAR FILE No.: 32743

FILED: 06/24/2009, 13:52

RULE ANALYSIS

PURPOSE OF THE RULE OR REASON FOR THE CHANGE: This change is to implement The American Recovery and Reinvestment Act of 2009 (ARRA), which requires the state to not have additional restrictive standards, methodologies or procedures other than those that were in place on 07/01/2008, in order to receive the enhanced federal matching funds.

SUMMARY OF THE RULE OR CHANGE: This amendment changes the way the state determines the date of application so that in certain circumstances, the agency will date applications as being received on Friday. When the state moved to the four-day work week, it meant that Medicaid eligibility offices would be closed on Fridays and applicants could not submit applications on Fridays. This change will require the state to date applications as received on Fridays when they are delivered or sent to the Medicaid office on Fridays, even though the offices are closed. This change must be made to protect the state from losing the enhanced federal matching funds under the ARRA of 2009. (DAR NOTE: A corresponding 120-day (emergency) rule that is effective as of 07/01/2009 is under DAR No. 32744 in this issue, July 15, 2009, of the Bulletin.)

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

ANTICIPATED COST OR SAVINGS TO:

❖ **THE STATE BUDGET:** The Department does not have an accurate way to estimate the total cost. Nevertheless, if the Department fails to make this change, it could lose up to \$68,263,000 in enhanced federal matching funds under ARRA.

❖ **LOCAL GOVERNMENTS:** This change does not impact local governments because they do not determine Medicaid eligibility or provide Medicaid services.

❖ **SMALL BUSINESSES AND PERSONS OTHER THAN BUSINESSES:** This change could result in a savings for some Medicaid applicants if they are able to receive additional Medicaid coverage. Nevertheless, there is insufficient data to estimate what that savings will be.

COMPLIANCE COSTS FOR AFFECTED PERSONS: There are no compliance costs to a Medicaid client because the client does not have to pay more for medical assistance and does not lose any Medicaid coverage.

COMMENTS BY THE DEPARTMENT HEAD ON THE FISCAL IMPACT THE RULE MAY HAVE ON BUSINESSES: This rule change implements changes in federal law and will not have a fiscal impact on business. 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 08/14/2009.

THIS RULE MAY BECOME EFFECTIVE ON: 08/21/2009

AUTHORIZED BY: David N. Sundwall, Executive Director

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

R414-308. Application, Eligibility Determinations and Improper Medical Assistance.

R414-308-3. Application and Signature.

(1) An individual may apply for medical assistance by completing and signing any Department-approved application form for Medicaid, Qualified Medicare Beneficiaries, Specified Low-Income Medicare Beneficiaries, or Qualified Individuals assistance and delivering it to the Medicaid eligibility agency. If available, an individual may

complete an on-line application for medical assistance and send it electronically to the Medicaid eligibility agency.

(a) If an applicant cannot write, the applicant must make his mark on the application form and have at least one witness to the signature.

(b) For on-line applications, the individual must either send the Medicaid eligibility agency an original signature on a printed signature page, or if available on-line, submit an electronic signature that conforms with state law for electronic signatures.

(c) A representative may apply on behalf of an individual. A representative may be a legal guardian, a person holding a power of attorney, a representative payee or other responsible person acting on behalf of the individual. In this case, the Medicaid eligibility agency may send notices, requests and forms to both the individual and the individual's representative, or to just the individual's representative.

(d) If the Division of Child and Family Services (DCFS) has custody of a child and the child is placed in foster care, DCFS completes the application. DCFS determines eligibility for the child pursuant to a written agreement with the Department. DCFS also determines eligibility for children placed under a subsidized adoption agreement.

(e) An authorized representative may apply for the individual if unusual circumstances or death prevent an individual from applying on his own. The individual must sign the application form if possible. If the individual cannot sign the application, the representative must sign the application. The Medicaid eligibility agency may assign someone to act as the authorized representative when the individual requires help to apply and is unable to appoint a representative.

(2) ~~[The date of application is determined as follows:~~

~~— (a) The application date is the date the agency receives a completed, signed application at a local office by the close of business on a business day. This applies to paper applications delivered in person or by mail, paper applications sent via facsimile transmission, and electronic applications sent via the Internet.~~

~~— (b) For applications delivered to the agency by facsimile, Internet, or to an office dropbox after the close of business of a business day, or on a non-business day, the date of application is the next business day.]~~ The Medicaid eligibility agency determines the date of application as follows:

(a) The date of application is the date that the Medicaid eligibility agency receives a completed application by the close of normal business hours on a week day that is not a Saturday, Sunday or state holiday. If an application is received after the normal close of business hours on a weekday that is not a Saturday, Sunday or state holiday, the date of application is the next weekday that is not a Saturday, Sunday or state holiday.

(b) The Medicaid eligibility agency determines the application date for applications delivered to an outreach location [is] as follows:

(i) If the application is delivered at a time when the outreach staff is working at that location, the date of application is the date the outreach staff receives the application.

(ii) If the application is delivered on a non-business day or at a time when the outreach office is closed, the date of application is the last business day that a staff person from the state Medicaid eligibility agency was available to receive or pick up applications from that location.

(c) [The due date for verifications needed to complete an application and determine eligibility is the close of business on the last day of the application period.] An applicant must provide the verifications needed to process an application and determine eligibility no later than the close of business on the last day of the application

period. If the last day of the application processing period falls on a day of the week when the Medicaid eligibility office is closed, then the applicant has until the close of business on the next day that the Medicaid eligibility agency is open immediately following the last day of the application processing period. An applicant may request more time to provide verifications. The request must be made by the last day of the application processing period.

(3) The Medicaid eligibility agency accepts a signed application sent via facsimile as a valid application and does not require it to be signed again.

(4) If an applicant submits an unsigned, or incomplete [d] application form to the Medicaid eligibility agency, the Medicaid eligibility agency will notify the applicant that he or she must sign and complete the application [within 30 days of the application date] no later than the last day of the application processing period. The Medicaid eligibility agency will send a signature page to the applicant [within 10 days for the client] and give the applicant at least ten days to sign and return the signature page. When the application is incomplete, the Medicaid eligibility agency will notify the applicant of the need to complete the application through an interview process, by mail, or by coming to an office to complete the form.

(a) If the Medicaid eligibility agency receives a signature page signed by the applicant, and the applicant completes the application within [30 days of receiving the completed application, the original application date is retained] the application processing period, the date of application will be the date the Medicaid eligibility agency received the application form that was not complete or signed.

(b) If the Medicaid eligibility agency does not receive a signed signature page, and the applicant does not complete the application form within [30 days of when it received the completed application] the application processing period, the application is void and the Medicaid eligibility agency will send a denial notice to the applicant. The previous application date will not be protected.

(c) If the Medicaid eligibility agency receives a signed signature page and the completed application after the application processing period but during the 30 calendar days immediately after the denial notice is mailed, the Medicaid eligibility agency will contact the applicant to ask if the applicant wants to reapply for medical assistance. If the applicant wants to reapply, the Medicaid eligibility agency may use the previous [completed] application form it received, but the application date will be the date the Medicaid eligibility agency receive[d]s both the signed signature page and completed application form according to the same provisions in Subsection R414-308-3(2).

(d) If the Medicaid eligibility agency receives a signed signature page and the completed application more than 30 calendar days after the denial notice is sent, the applicant will need to reapply by completing and submitting a new application form. The original application date is not retained. The new application date will be the date the Medicaid eligibility agency receives a new application.

~~— (5) If an application is not complete, but it is signed by the applicant, the eligibility worker will ask the applicant to complete the application. If the client completes and returns the application within 30 days of the date the agency received the application, the agency will determine eligibility based on the original application date. If the client does not complete the application within 30 days, the original application date is not retained and the agency denies the application.]~~

KEY: public assistance programs, application, eligibility, Medicaid
Date of Enactment or Last Substantive Amendment: [January 26], 2009

Notice of Continuation: January 31, 2008
Authorizing, and Implemented or Interpreted Law: 26-18

◆ ————— ◆

**Health, Health Care Financing,
 Coverage and Reimbursement Policy**
R414-310
**Medicaid Primary Care Network
 Demonstration Waiver**

NOTICE OF PROPOSED RULE

(Amendment)

DAR FILE No.: 32750

FILED: 06/24/2009, 16:54

RULE ANALYSIS

PURPOSE OF THE RULE OR REASON FOR THE CHANGE: The purpose of this change is to implement the requirements of the American Recovery and Reinvestment Act (ARRA) of 2009, which require the state to not have any more restrictive standards, methodologies, or procedures than were in place on 07/01/2008, in order to receive the enhanced federal matching funds. In addition, to comply with Section 5006 of the ARRA, this change is necessary to exempt American Indians from paying an annual enrollment fee to enroll in the Primary Care Network (PCN).

SUMMARY OF THE RULE OR CHANGE: This amendment changes the method used by the Department to determine the date of application, so that in certain circumstances, the agency will date applications as being received on Friday. When the state moved to the four-day work week, medical eligibility offices closed on Fridays and applications could not be submitted on that day. This change requires the Department to date applications as received on Fridays when they are delivered or sent to the medical eligibility office on that day, even though the offices are closed. This change also exempts American Indians from paying an annual enrollment fee. (DAR NOTE: A corresponding 120-day (emergency) rule that is effective as of 07/01/2009 is under DAR No. 32749 in this issue, July 15, 2009, of the Bulletin.)

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

ANTICIPATED COST OR SAVINGS TO:

❖ **THE STATE BUDGET:** This change results in only a limited cost, because in most cases, applicants who submit an application on Friday will receive only three additional days of eligibility. There is insufficient data to estimate this cost because there is no way to know how many applications will be dated on a Friday instead of a Monday. On the other hand, if the Department fails to make this change, it could lose up to \$68,263,000 of federal matching funds under the ARRA. Eliminating the PCN annual enrollment fee for American Indians will result in an \$1,800 annual reduction in dedicated credits.

❖ **LOCAL GOVERNMENTS:** This change does not impact local governments because they do not determine PCN eligibility or provide PCN services.

❖ **SMALL BUSINESSES AND PERSONS OTHER THAN BUSINESSES:** This change could result in savings to some PCN applicants if they are able to receive PCN coverage for one to three more days. Nevertheless, there is insufficient data to estimate this savings because there is no way to know how many applications will be dated on a Friday instead of a Monday. The elimination of the enrollment fee will affect approximately 120 individuals per year.

COMPLIANCE COSTS FOR AFFECTED PERSONS: There are no compliance costs to a PCN client because the client does not have to pay more for medical assistance and does not lose any PCN coverage.

COMMENTS BY THE DEPARTMENT HEAD ON THE FISCAL IMPACT THE RULE MAY HAVE ON BUSINESSES: This rule change implements changes in federal law and will not have a fiscal impact on business. 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 08/14/2009.

THIS RULE MAY BECOME EFFECTIVE ON: 08/21/2009

AUTHORIZED BY: David N. Sundwall, Executive Director

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

R414-310. Medicaid Primary Care Network Demonstration Waiver.

R414-310-10. Income Provisions.

(1) To be eligible to enroll in the Primary Care Network program, a household's countable gross income must be equal to or less than 150% of the federal non-farm poverty guideline for a household of the same size. An individual with income above 150% of the federal poverty guideline is not allowed to spend down income to be eligible under the Primary Care Network program. All gross income, earned and unearned, received by the individual and the individual's spouse is counted toward household income, unless this section specifically describes a different treatment of the income.

(2) The Department does not count as income any payments from sources that federal laws specifically prohibit from being counted as income to determine eligibility for the Primary Care Network.

(3) Any income in a trust that is available to, or is received by a household member, is countable income.

(4) Payments received from the Family Employment Program, Working Toward Employment program, refugee cash assistance or adoption support services as authorized under Title 35A, Chapter 3 are countable income.

(5) Rental income is countable income. The following expenses can be deducted:

(a) taxes and attorney fees needed to make the income available;

(b) upkeep and repair costs necessary to maintain the current value of the property;

(c) utility costs only if they are paid by the owner; and

(d) interest only on a loan or mortgage secured by the rental property.

(6) Cash contributions made by non-household members are counted as income unless the parties have a signed written agreement for repayment of the funds.

(7) The interest earned from payments made under a sales contract or a loan agreement is countable income to the extent that these payments will continue to be received during the certification period.

(8) Needs-based Veteran's pensions are counted as income. Only the portion of a Veteran's Administration check to which the individual is legally entitled is countable income.

(9) Child support payments received for a dependent child living in the home are counted as that child's income.

(10) In-kind income, which is goods or services provided to the individual from a non-household member and which is not in the form of cash, for which the individual performed a service or which is provided as part of the individual's wages is counted as income. In-kind income for which the individual did not perform a service, or did not work to receive, is not counted as income.

(11) Supplemental Security Income and State Supplemental payments are countable income.

(12) Income, unearned and earned, shall be deemed from an alien's sponsor, and the sponsor's spouse, if any, when the sponsor has signed an Affidavit of Support pursuant to Section 213A of the Immigration and Nationality Act on or after December 19, 1997. Sponsor deeming will end when the alien becomes a naturalized U.S. citizen, or has worked 40 qualifying quarters as defined under Title II of the Social Security Act or can be credited with 40 qualifying work quarters. Beginning after December 31, 1996, a creditable qualifying work quarter is one during which the alien did not receive any federal means-tested public assistance.

(13) Income that is defined in 20 CFR 416 Subpart K, Appendix, 2004 edition, which is incorporated by reference, is not countable.

(14) Payments that are prohibited under other federal laws from being counted as income to determine eligibility for federally-funded medical assistance programs are not countable.

(15) Death benefits are not countable income to the extent that the funds are spent on the deceased person's burial or last illness.

(16) A bona fide loan that an individual must repay and that the individual has contracted in good faith without fraud or deceit, and genuinely endorsed in writing for repayment is not countable income.

(17) Child Care Assistance under Title XX is not countable income.

(18) Reimbursements of Medicare premiums received by an individual from Social Security Administration or the State Department of Health are not countable income.

(19) Earned and unearned income of a child who is under age 19 is not counted if the child is not the head of a household.

(20) Educational income, such as educational loans, grants, scholarships, and work-study programs are not countable income. The individual must verify enrollment in an educational program.

(21) Reimbursements for employee work expenses incurred by an individual are not countable income.

(22) The value of food stamp assistance is not countable income.

(23) Income paid by the U.S. Census Bureau to a temporary census taker to prepare for and conduct the census is not countable income.

(24) The additional \$25 a week payment to unemployment insurance recipients provided under Section 2002 of the American Recovery and Reinvestment Act of 2009, Pub. L. No. 111[-] 5, which an individual may receive from March 2009 through June 2010 is not countable income.

(25) The one-time economic recovery payments received by individuals receiving social security, supplemental security income, railroad retirement, or veteran's benefits under the provisions of Section 2201 of the American Recovery and Reinvestment Act of 2009, Pub. L. No. 111[-] 5, 123 Stat. 115, and refunds received under the provisions of Section 2202 of the American Recovery and Reinvestment Act of 2009, Pub. L. No. 111[-] 5, 123 Stat. 115, for certain government retirees are not countable income.

(26) The Consolidated Omnibus Reconciliation Act (COBRA) premium subsidy provided under Section 3001 of the American Recovery and Reinvestment Act of 2009, Pub. L. No. 111[-] 5, 123 Stat. 115, is not countable income.

(27) The making work pay credit provided under Section 1001 of the American Recovery and Reinvestment Act of 2009, Pub. L. No. 111[-] 5, 123 Stat. 115, is not countable income.

R414-310-13. Application Procedure.

(1) The Department adopts 42 CFR 435.907 and 435.908, 2004 ed., which are incorporated by reference. ~~The Department shall maintain case records as defined in R414-308-8.~~

(2) The applicant must complete and sign a written application or complete an application on-line via the Internet to enroll in the Primary Care Network program. The provisions of Section R414-308-3 apply to applicants of the Primary Care Network.

~~(a) The Department accepts any Department approved application form for medical assistance programs offered by the state as an application for the Primary Care Network program. The local office eligibility worker may require the applicant to provide additional information that was not asked for on the form the applicant completed, and may require the applicant to sign a signature page from a hardcopy medical application form.~~

~~(b) If an applicant cannot write, he must make his mark on the application form and have at least one witness to the signature. A legal guardian or a person with power of attorney may sign the application form for the applicant.~~

~~(c) An authorized representative may apply for the applicant if unusual circumstances prevent the individual from completing the application process himself. The applicant must sign the application form if possible.~~

~~(3) The application date is the date the agency receives a signed application form at a local office by the close of business on a business day. This applies to paper applications delivered in person or by mail.~~

~~paper applications sent via facsimile transmission, and electronic applications sent via the internet. If a local office receives an application after the close of business on a business day, the date of application is the next business day.~~

~~(4) The application date for applications delivered to an outreach location is as follows:~~

~~(a) If the application is delivered at a time when the outreach staff is working at that location, the date of application is the date the outreach staff receives the application.~~

~~(b) If the application is delivered on a non-business day or at a time when the outreach office is closed, the date of application is the last business day that a staff person from the state agency was available to receive or pick up applications from the location.~~

~~(5) The due date for verifications needed to complete an application and determine eligibility is the close of business on the last day of the application period.~~

~~(6) If an applicant has a legal guardian, a person with a power of attorney, or an authorized representative, the local office shall send decision notices, requests for information, and forms that must be completed to both the individual and the individual's representative, or to just the representative if requested or if determined appropriate.]~~

~~(7) The Department shall reinstate a medical case without requiring a new application if the case was closed in error.~~

~~(8) The Department shall continue enrollment without requiring a new application if the case was closed for failure to complete a recertification or comply with a request for information or verification:~~

~~(a) if the enrollee complies before the effective date of the case closure or by the end of the month immediately following the month the case was closed; and~~

~~(b) the individual continues to meet all eligibility requirements.~~

~~(9) An applicant may withdraw an application for the Primary Care Network program any time before the Department completes an eligibility decision on the application.~~

~~(10) The applicant shall pay an annual enrollment fee to enroll in the Primary Care Network Program once the local office has determined that the individual meets the eligibility criteria for enrollment.~~

~~(a) The Department does not require American Indians to pay an enrollment fee.~~

~~(b) Coverage does not begin until the Department receives the enrollment fee.~~

~~(c) The enrollment fee covers both the individual and the individual's spouse if the spouse is also eligible for enrollment in the Primary Care Network Program.~~

~~(d) The enrollment fee is required at application and at each recertification.~~

~~(e) The enrollment fee must be paid to the local office in cash, or by check or money order made out to the Department of Health or to the Department of Workforce Services.~~

~~(f) The enrollment fee for an individual or married couple receiving General Assistance from the Department of Workforce Services is \$15. The enrollment fee for an individual or couple who does not receive General Assistance but whose countable income is less than 50 percent of the federal poverty guideline applicable their household size is \$25. The enrollment fee for any other individual or married couple is \$50.~~

~~(g) The Department may refund the enrollment fee if it decides the person was ineligible for the program; however, the Department may retain the enrollment fee to the extent that the individual owes any~~

overpayment of benefits that were paid in error on behalf of the individual by the Department.

~~(11) If an eligible household requests enrollment for a spouse, the application date for the spouse is the date of the request. A new application form is not required; however, the household shall provide the information necessary to determine eligibility for the spouse, including information about access to creditable health insurance, including Medicare Part A or B, student health insurance, and the VA Health Care System.~~

~~(a) Coverage or benefits for the spouse will be allowed from the date of request or the date an application is received through the end of the current certification period.~~

~~(b) A new enrollment fee is not required to add a spouse during the current certification period.~~

~~(c) A new income test is not required to add the spouse for the months remaining in the current certification period.~~

~~(d) A spouse may be added only if the Department has not stopped enrollment under section R414-310-16.~~

~~(e) Income of the spouse will be considered and payment of the enrollment fee will be required at the next scheduled recertification.~~

R414-310-15. Effective Date of Enrollment and Enrollment Period.

~~(1) The effective date of enrollment in the Primary Care Network program is the day that a completed and signed application is received by the local office medical eligibility agency as defined in R414-310-13(3) and R414-310-13(4)(a) and (b) Subsection R414-308-3(2)(a) and (b) and the applicant meets all eligibility criteria, including payment of the enrollment fee. The Department shall not provide any benefits or pay for any services received before the effective enrollment date.~~

~~(2) The effective date of re-enrollment for a recertification in the Primary Care Network program is the first day of the month after the recertification month, if the recertification is completed as described in R414-310-14(7).~~

~~(3) If the enrollee does not complete the recertification as described in R414-310-14(7), and the enrollee does not have good cause for missing the deadline, the case will remain closed and the individual may reapply during another open enrollment period.~~

~~(4) An individual found eligible for the Primary Care Network program shall be eligible from the effective date through the end of the first month of eligibility and for the following 12 months. If the enrollee completes the recertification process in accordance with R414-310-14(7) and continues to be eligible, the recertification period will be for an additional 12 months beginning the month following the recertification month. Eligibility could end before the end of a 12-month certification period for any of the following reasons:~~

~~(a) the individual turns age 65;~~

~~(b) the individual becomes entitled to receive student health insurance, Medicare, or becomes covered by Veterans Administration Health Insurance;~~

~~(c) the individual dies;~~

~~(d) the individual moves out of state or cannot be located;~~

~~(e) the individual enters a public institution or an Institute for Mental Disease.~~

~~(5) An individual enrolled in the Primary Care Network program loses eligibility when the individual enrolls in any type of group health plan or other creditable health insurance coverage including an employer-sponsored health plan, except under the following circumstances:~~

~~(a) An individual who gains access to or enrolls in an employer-sponsored health plan may switch to the UPP program if the individual notifies the local office before the coverage in the employer-sponsored~~

health plan begins, and if the requirements defined in R414-310-7(3)(b) are met.

(b) An individual who enrolls in the Utah Health Insurance Pool (H.I.P.) does not lose eligibility in the Primary Care Network.

(6) If a Primary Care Network case closes for any reason, other than to become covered by another Medicaid program, and remains closed for one or more calendar months, the individual must submit a new application to the local office during an enrollment period to reapply. The individual must meet all the requirements of a new applicant including paying a new enrollment fee.

(7) If a Primary Care Network case closes because the enrollee is eligible for another Medicaid program, the individual may reenroll in the Primary Care Network program if there is no break in coverage between the programs, even if the State has stopped enrollment under R414-310-16(2).

(a) If the individual's 12-month certification period has not ended, the individual may reenroll for the remainder of that certification period. The individual is not required to complete a new application or have a new income eligibility determination. The individual must continue to meet the criteria defined in R414-310-7. The individual is not required to pay a new enrollment fee for the months remaining in the current certification period.

(b) If the 12-month certification period from the prior enrollment has ended, the individual may still reenroll in the Primary Care Network program. However, the individual must complete a new application, meet eligibility and income guidelines, and pay a new enrollment fee for the new certification period.

(c) If there is a break in coverage of one or more calendar months between programs, the individual must reapply during an open enrollment period for the Primary Care Network program.

KEY: Medicaid, primary care, covered-at-work, demonstration Date of Enactment or Last Substantive Amendment: [January 22], 2009

Notice of Continuation: June 13, 2007

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



Health, Health Care Financing,
Coverage and Reimbursement Policy
R414-320
Medicaid Health Insurance Flexibility
and Accountability Demonstration
Waiver

NOTICE OF PROPOSED RULE

(Amendment)

DAR FILE NO.: 32752

FILED: 06/24/2009, 17:04

RULE ANALYSIS

PURPOSE OF THE RULE OR REASON FOR THE CHANGE: The purpose of this change is to implement the requirements of the American Recovery and Reinvestment Act (ARRA) of 2009, which require the state to not have any more restrictive standards, methodologies or procedures than were in place

on 07/01/2008, in order to receive the enhanced federal matching funds.

SUMMARY OF THE RULE OR CHANGE: This amendment changes the method used by the Department to determine the date of application, so that in certain circumstances, the agency will date applications as being received on Friday. When the state moved to the four-day work week, medical eligibility offices closed on Fridays and applications could not be submitted on that day. This change requires the Department to date applications as received on Fridays when they are delivered or sent to the medical eligibility office on that day, even though the offices are closed. (DAR NOTE: A corresponding 120-day (emergency) rule that is effective as of 07/01/2009 is under DAR No. 32751 in this issue, July 15, 2009, of the Bulletin.)

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

ANTICIPATED COST OR SAVINGS TO:

❖ **THE STATE BUDGET:** This change results in only a limited cost, because in most cases, applicants who submit an application on Friday will receive only three additional days of eligibility. There is insufficient data to estimate this cost because there is no way to know how many applications will be dated on a Friday instead of a Monday. On the other hand, if the Department fails to make this change, it could lose up to \$68,263,000 of federal matching funds under the ARRA.

❖ **LOCAL GOVERNMENTS:** This change does not impact local governments because they do not determine Utah Premium Partnership for Health (UPP) eligibility or provide UPP services.

❖ **SMALL BUSINESSES AND PERSONS OTHER THAN BUSINESSES:** This change could result in a benefit to some UPP applicants if they are able to submit their UPP application before their insurance coverage start date. Nevertheless, there is insufficient data to estimate this savings because there is no way to know how many applications will be dated on a Friday instead of a Monday.

COMPLIANCE COSTS FOR AFFECTED PERSONS: There are no compliance costs to an UPP client because the client does not have to pay more for medical assistance and does not lose any UPP coverage.

COMMENTS BY THE DEPARTMENT HEAD ON THE FISCAL IMPACT THE RULE MAY HAVE ON BUSINESSES: This rule change implements changes in federal law and will not have a fiscal impact on business. 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 08/14/2009.

THIS RULE MAY BECOME EFFECTIVE ON: 08/21/2009

AUTHORIZED BY: David N. Sundwall, Executive Director

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

R414-320. Medicaid Health Insurance Flexibility and Accountability Demonstration Waiver.

R414-320-10. Income Provisions.

(1) For an adult to be eligible to enroll, gross countable household income must be equal to or less than 150% of the federal non-farm poverty guideline for a household of the same size.

(2) For children to be eligible to enroll, gross countable household income must be equal to or less than 200% of the federal non-farm poverty guideline for a household of the same size.

(3) All gross income, earned and unearned, received by the individual and the individual's spouse is counted toward household income, unless this section specifically describes a different treatment of the income.

(4) The Department does not count as income any payments from sources that federal laws specifically prohibit from being counted as income to determine eligibility for the UPP program.

(5) Any income in a trust that is available to, or is received by a household member, is countable income.

(6) Payments received from the Family Employment Program, Working Toward Employment program, refugee cash assistance or adoption support services as authorized under Title 35A, Chapter 3 are countable income.

(7) Rental income is countable income. The following expenses can be deducted:

- (a) Taxes and attorney fees needed to make the income available;
- (b) Upkeep and repair costs necessary to maintain the current value of the property;
- (c) Utility costs only if they are paid by the owner; and
- (d) Interest only on a loan or mortgage secured by the rental property.

(8) Cash contributions made by non-household members are counted as income unless the parties have a signed written agreement for repayment of the funds.

(9) The interest earned from payments made under a sales contract or a loan agreement is countable income to the extent that these payments will continue to be received during the certification period.

(10) Needs-based Veteran's pensions are counted as income. Only the portion of a Veteran's Administration check to which the individual is legally entitled is countable income.

(11) Child support payments received for a dependent child living in the home are counted as that child's income.

(12) In-kind income, which is goods or services provided to the individual from a non-household member and which is not in the form

of cash, for which the individual performed a service or which is provided as part of the individual's wages is counted as income. In-kind income for which the individual did not perform a service, or did not work to receive, is not counted as income.

(13) Supplemental Security Income and State Supplemental payments are countable income.

(14) Income that is defined in 20 CFR 416 Subpart K, Appendix, 2004 edition, which is incorporated by reference, is not countable.

(15) Payments that are prohibited under other federal laws from being counted as income to determine eligibility for federally-funded medical assistance programs are not countable.

(16) Death benefits are not countable income to the extent that the funds are spent on the deceased person's burial or last illness.

(17) A bona fide loan that an individual must repay and that the individual has contracted in good faith without fraud or deceit, and genuinely endorsed in writing for repayment is not countable income.

(18) Child Care Assistance under Title XX is not countable income.

(19) Reimbursements of Medicare premiums received by an individual from Social Security Administration or the Department are not countable income.

(20) Earned and unearned income of a child is not countable income if the child is not the head of a household.

(21) Educational income, such as educational loans, grants, scholarships, and work-study programs are not countable income. The individual must verify enrollment in an educational program.

(22) Reimbursements for employee work expenses incurred by an individual are not countable income.

(23) The value of food stamp assistance is not countable income.

(24) Income paid by the U.S. Census Bureau to a temporary census taker to prepare for and conduct the census is not countable income.

(25) The additional \$25 a week payment to unemployment insurance recipients provided under Section 2002 of the American Recovery and Reinvestment Act of 2009, Pub. L. No. 111[-] 5, which an individual may receive from March 2009 through June 2010 is not countable income.

(26) The one-time economic recovery payments received by individuals receiving social security, supplemental security income, railroad retirement, or veteran's benefits under the provisions of Section 2201 of the American Recovery and Reinvestment Act of 2009, Pub. L. No. 111[-] 5, 123 Stat. 115, and refunds received under the provisions of Section 2202 of the American Recovery and Reinvestment Act of 2009, Pub. L. No. 111[-] 5, 123 Stat. 115, for certain government retirees are not countable income.

(27) The Consolidated Omnibus Reconciliation Act (COBRA) premium subsidy provided under Section 3001 of the American Recovery and Reinvestment Act of 2009, Pub. L. No. 111[-] 5, 123 Stat. 115, is not countable income.

(28) The making work pay credit provided under Section 1001 of the American Recovery and Reinvestment Act of 2009, Pub. L. No. 111[-] 5, 123 Stat. 115, is not countable income.

R414-320-13. Application Procedure.

(1) The application is the initial request from an applicant for UPP enrollment. The application process includes gathering information and verifications to determine the individual's eligibility for enrollment.

(2) The applicant must complete and sign a written application or complete an application on-line via the Internet to enroll in the UPP

program. The provisions of Section R414-308-3 apply to applicants of the UPP program.

~~— (a) The Department accepts any Department approved application form for medical assistance programs offered by the state as an application for the UPP program. The local office eligibility worker may require the applicant to provide additional information that was not asked for on the form the applicant completed, and may require the applicant to sign a signature page from a hardcopy medical application form.~~

~~— (b) If an applicant cannot write, he must make his mark on the application form and have at least one witness to the signature. A legal guardian or a person with power of attorney may sign the application form for the applicant.~~

~~— (c) An authorized representative may apply for the applicant if unusual circumstances prevent the individual from completing the application process himself. The applicant must sign the application form if possible.~~

~~— (3) The date of application is the day the agency receives a signed application form at a local office by the close of business on a business day. This applies to paper applications delivered in person or by mail, paper applications sent via facsimile transmission, and electronic applications sent via the internet. If a local office receives an application after the close of business on a business day, the date of application is the next business day.~~

~~— (4) The application date for applications delivered to an outreach location is as follows:~~

~~— (a) If the application is delivered at a time when the outreach staff is working at that location, the date of application is the date the outreach staff receives the application.~~

~~— (b) If the application is delivered at a time when the outreach office is closed, including being closed for weekends or holidays, the date of application is the last business day that a staff person from the state agency was available to receive or pick up applications from the location.~~

~~— (5) The due date for verification needed to complete an application and determine eligibility is the close of business on the last day of the application period.~~

~~— (6) If an applicant has a legal guardian, a person with a power of attorney, or an authorized representative, the local office shall send decision notices, requests for information, and forms that must be completed to both the individual and the individual's representative, or to just the representative if requested or if determined appropriate.]~~

~~([7]3) The Department shall reinstate a UPP case without requiring a new application if the case was closed in error.~~

~~([8]4) The Department shall continue enrollment without requiring a new application if the case was closed for failure to complete a recertification or comply with a request for information or verification:~~

~~(a) If the enrollee complies before the effective date of the case closure or by the end of the month immediately following the month the case was closed; and~~

~~(b) The individual continues to meet all eligibility requirements.~~

~~([9]5) An applicant may withdraw an application any time before the Department completes an eligibility decision on the application.~~

~~([40]6) If an eligible household requests enrollment for a new household member, the application date for the new household member is the date of the request. A new application form is not required. However, the household shall provide the information necessary to determine eligibility for the new member, including information about access to creditable health insurance.~~

(a) Benefits for the new household member will be allowed from the date of request or the date an application is received through the end of the current certification period.

(b) A new income test is not required to add the new household member for the months remaining in the current certification period.

(c) A new household member may be added only if the Department has not stopped enrollment under Section R414-320-15.

(d) Income of the new member will be considered at the next scheduled recertification.

~~([11]7) A child who loses Medicaid coverage because he or she has reached the maximum age limit and does not qualify for any other Medicaid program without paying a spenddown, may enroll in UPP without waiting for the next open enrollment period.~~

~~([12]8) A child who loses Medicaid coverage because he or she is no longer deprived of parental support and does not qualify for any other Medicaid program without paying a spenddown, may enroll in UPP without waiting for the next open enrollment period.~~

~~([13]9) A new child born to or adopted by an enrollee may be enrolled in UPP without waiting for the next open enrollment period.~~

R414-320-15. Effective Date of Enrollment and Enrollment Period.

(1) The effective date of enrollment is the day that a completed and signed application is received at a local office as defined in Subsection[s R414-320-13(3) and R414-320-13(4)(a) and (b)] R414-308-3(2)(a) and (b), and the applicant meets all eligibility criteria and enrolls in and pays the first premium for the employer-sponsored health insurance in the application month.

(2) The effective date of enrollment cannot be before the month in which the applicant pays a premium for the employer-sponsored health insurance and is determined as follows:

(a) The effective date of enrollment is the date an application is received and the person is found eligible, if the applicant enrolls in and pays the first premium for the employer-sponsored health insurance in the application month.

(b) If the applicant will not pay a premium for the employer-sponsored health insurance in the application month, the effective date of enrollment is the first day of the month in which the applicant pays a premium for the employer-sponsored health insurance. The applicant must enroll in the employer-sponsored health insurance no later than 30 days from the day on which the Department of Workforce Services sends the applicant written notice that he meets the qualifications for UPP.

(c) If the applicant does not enroll in the employer-sponsored health insurance within 30 days from the day on which the Department of Workforce Services sends the applicant written notice that he meets the qualifications for UPP, the application shall be denied and the individual will have to reapply during another open enrollment period.

(3) The effective date of enrollment for a newborn or newly adopted child is the date the newborn or newly adopted child is enrolled in the employer-sponsored health insurance if the family requests the coverage within 30 days of the birth or adoption. If the request is more than 30 days after the birth or adoption, enrollment is effective the date of report.

(4) The effective date of re-enrollment for a recertification is the first day of the month after the recertification month, if the recertification is completed as described in R414-320-13.

(5) If the enrollee does not complete the recertification as described in R414-320-13, and the enrollee does not have good cause for missing the deadline, the case will remain closed and the individual may reapply during another open enrollment period.

(6) An individual found eligible shall be eligible from the effective date through the end of the first month of eligibility and for the following 12 months. If the enrollee completes the redetermination process in accordance with R414-320-13 and continues to be eligible, the recertification period will be for an additional 12 months beginning the month following the recertification month. Eligibility could end before the end of a 12-month certification period for any of the following reasons:

- (a) The individual turns age 65;
- (b) The individual becomes entitled to receive Medicare, or becomes covered by Veterans Administration Health Insurance;
- (c) The individual dies;
- (d) The individual moves out of state or cannot be located;
- (e) The individual enters a public institution or an Institute for Mental Disease.

(7) If an adult enrollee discontinues enrollment in employer-sponsored insurance coverage, eligibility ends. If the enrollment in employer-sponsored insurance is discontinued involuntarily and the individual notifies the local office within 10 calendar days of when the insurance ends, the individual may switch to the PCN program for the remainder of the certification period.

(8) A child enrollee may discontinue employer-sponsored health insurance and move to direct coverage under the Children's Health Insurance Program at any time during the certification period without any waiting period.

(9) An individual enrolled in the Primary Care Network or the Children's Health Insurance Program who enrolls in an employer-sponsored plan may switch to the UPP program if the individual reports to the local office within 10 calendar days of enrolling in an employer-sponsored plan and before coverage on the employer-sponsored plan begins.

(10) If a UPP case closes for any reason, other than to become covered by another Medicaid program or the Children's Health Insurance Program, and remains closed for one or more calendar months, the individual must submit a new application to the local office during an open enrollment period to reapply. The individual must meet all the requirements of a new applicant.

(11) If a UPP case closes because the enrollee is eligible for another Medicaid program or the Children's Health Insurance Program, the individual may reenroll if there is no break in coverage between the programs, even if the State has stopped enrollment under R414-320-15.

(a) If the individual's 12-month certification period has not ended, the individual may reenroll for the remainder of that certification period. The individual is not required to complete a new application or have a new income eligibility determination.

(b) If the 12-month certification period from the prior enrollment has ended, the individual may still reenroll. However, the individual must complete a new application and meet eligibility and income guidelines for the new certification period.

(c) If there is a break in coverage of one or more calendar months between programs, the individual must reapply during an open enrollment period.

KEY: Medicaid, PCN, CHIP, UPP

Date of Enactment or Last Substantive Amendment: ~~January 22,~~ 2009

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



Health, Health Care Financing, Coverage and Reimbursement Policy **R414-502-8** Criteria for Intermediate Care Facility for the Mentally Retarded

NOTICE OF PROPOSED RULE

(Amendment)

DAR FILE NO.: 32748

FILED: 06/24/2009, 16:41

RULE ANALYSIS

PURPOSE OF THE RULE OR REASON FOR THE CHANGE: The purpose of this amendment is to increase the objectivity of eligibility criteria for admission into an Intermediate Care Facility for the Mentally Retarded (ICF/MR). The other purpose is to educate potential residents about available Medicaid services that will allow them to make informed decisions about which services best meet their unique needs.

SUMMARY OF THE RULE OR CHANGE: This amendment clarifies that individuals must have a qualifying diagnosis to be eligible for ICF/MR admission. It also clarifies ICF/MR criteria for individuals seven years of age and older. In addition, it provides a new list of criteria for conditions that are closely related to mental retardation, and includes a new requirement for an ICF/MR to provide potential residents with an informational fact sheet.

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

ANTICIPATED COST OR SAVINGS TO:

❖ **THE STATE BUDGET:** There is no impact to the state budget because this amendment only clarifies existing ICF/MR criteria for potential residents. No change is expected in who will be determined to be eligible for service, by adopting these more objective criteria. There may be a small administrative savings by using these criteria by simplifying the decision-making process.

❖ **LOCAL GOVERNMENTS:** There is no budget impact because local governments do not fund or provide Medicaid services to ICF/MR residents. No change is expected in who will be determined to be eligible for service, by adopting these more objective criteria.

❖ **SMALL BUSINESSES AND PERSONS OTHER THAN BUSINESSES:** There is no budget impact to other persons and small businesses because this amendment only clarifies existing ICF/MR criteria for potential residents. No change is expected in who will be determined to be eligible for service, by adopting these more objective criteria. There may be a small administrative savings by using these criteria by simplifying the decision-making process.

COMPLIANCE COSTS FOR AFFECTED PERSONS: There are no compliance costs because this amendment only clarifies existing ICF/MR criteria for potential residents. No change is expected in who will be determined to be eligible for service,

by adopting these more objective criteria. There may be a small administrative savings by using these criteria by simplifying the decision-making process.

COMMENTS BY THE DEPARTMENT HEAD ON THE FISCAL IMPACT THE RULE MAY HAVE ON BUSINESSES: Using more objective criteria that reflects current practice for determining who is eligible for ICF/MR services should not change the current eligibility practice and no fiscal impact on business is expected. 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 08/14/2009.

THIS RULE MAY BECOME EFFECTIVE ON: 08/21/2009

AUTHORIZED BY: David N. Sundwall, Executive Director

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

R414-502. Nursing Facility Levels of Care.

R414-502-8. Criteria for Intermediate Care Facility for ~~the Mentally Retarded~~ Persons with Mental Retardation.

The following criteria must be met before the ~~(d)~~Department may authorize Medicaid coverage for an ~~[applicant]~~individual in an intermediate care facility for ~~[the mentally retarded]~~persons with mental retardation:

~~(1) The applicant is mentally retarded, except that even if the applicant is mentally retarded, he will not qualify for care in an intermediate care facility for the mentally retarded if the applicant is ambulatory, continent, only moderately or mildly mentally retarded without complicating conditions, is in need of less than weekly intervention by or under the supervision of a health care professional or trained habilitative personnel, and is capable of daily attendance in work settings or day treatment. Day treatment is training and habilitation services outside the nursing facility that are:~~

- ~~— (a) intended to aid the self-help and self-sufficiency skill development of a mentally retarded resident;~~
- ~~— (b) sufficient to meet the specialized rehabilitative service requirements of 42 CFR 435.1009 for the mentally retarded; and~~
- ~~— (c) coordinated with the active treatment program of the intermediate care facility for the mentally retarded.~~

~~(2) The applicant has at least one of the following conditions:~~

- ~~— (a) Is severely or profoundly retarded;~~
- ~~— (b) Is under six years of age;~~
- ~~— (c) Is severely multiply handicapped in that he has at least two of the conditions identified in the definition of mental retardation found in the Diagnostic and Statistical Manual of Mental Disorders IV, Revised, 1994;~~
- ~~— (d) More than once per week is physically aggressive or assaultive towards himself or others;~~
- ~~— (e) Is a security risk or wanders away at least once per week;~~
- ~~— (f) Is diagnosed as severely hyperactive;~~
- ~~— (g) Demonstrates psychotic like behavior; or~~
- ~~— (h) Has conditions requiring at least weekly intervention by or under the supervision of a health care professional or trained habilitative personnel.](1) The individual must have a diagnosis of:~~
 - ~~— (a) mental retardation in accordance with 42 CFR 483.102(b)(3); or~~
 - ~~— (b) a condition closely related to mental retardation in accordance with 42 CFR 435.1010.~~
- ~~(2) For individuals seven years of age and older, the presence of a diagnosis alone is not sufficient to qualify for admission to an intermediate care facility for persons with mental retardation. The diagnosis identified in Subsection R414-502-8(1) must result in documented substantial functional limitations in three or more of the following seven areas of major life activity that include:~~
 - ~~— (a) self care;~~
 - ~~— (i) the individual requires assistance, training and supervision to eat, dress, groom, bathe, or use the toilet;~~
 - ~~— (b) receptive and expressive language;~~
 - ~~— (i) the individual lacks functional communication skills, requires the use of assistive devices to communicate, does not demonstrate an understanding of requests, or is unable to follow two-step instructions;~~
 - ~~— (c) learning;~~
 - ~~— (i) the individual has a valid diagnosis of mental retardation based on criteria found in the Diagnostic and Statistical Manual of Mental Disorders (DSM), Fourth Edition, 1994);~~
 - ~~— (d) mobility;~~
 - ~~— (i) the individual requires the use of assistive devices to be mobile and cannot physically self-evacuate from a building during an emergency without an assistive device;~~
 - ~~— (e) self-direction;~~
 - ~~— (i) the individual is seven through 17 years of age and significantly at risk in making age appropriate decisions, or an adult is unable to provide informed consent for medical care, personal safety, or for legal, financial, rehabilitative, and residential issues, and has been declared legally incompetent. The individual is a danger to himself or others without supervision;~~
 - ~~— (f) capacity for independent living;~~
 - ~~— (i) the individual who is seven through 17 years of age is unable to locate and use a telephone, cross the street safely, or understand that it is unsafe to accept rides, food or money from strangers, or an adult who lacks basic skills in the areas of shopping, preparing food, housekeeping, or paying bills;~~
 - ~~— (g) economic self-sufficiency; (not applicable to children under age 18);~~
 - ~~— (i) the individual receives disability benefits, is unable to work more than 20 hours a week, or is paid less than minimum wage without employment support.~~
- ~~(3) The Department considers a child under the age of seven to be at risk for functional limitation in three or more areas of major life activity, if the child has a diagnosis of mental retardation or a condition closely related to mental retardation. The Department does not require~~

separate documentation of the limitations defined in Subsection R414-502-8(2) until the child turns seven years of age.

(4) To meet the criteria of a condition closely related to mental retardation, an individual must manifest the condition before the age of 22 and the condition must be likely to continue. A diagnosis will qualify as a condition closely related to mental retardation only if the criteria as defined in 42 CFR 435.1010 is met. The following is a list of diagnoses that the Department considers to be conditions closely related to mental retardation. It includes:

(a) cerebral palsy (the Department does not require individuals to demonstrate an intellectual impairment for this diagnosis, but they must demonstrate that they have functional limitations as described in Subsection R414-502(2));

(b) epilepsy (the Department does not require individuals to demonstrate an intellectual impairment for this diagnosis, but they must demonstrate that they have functional limitations as described in Subsection R414-502(2));

(c) autism or autistic disorder, childhood disintegrative disorder, Rett syndrome, and pervasive developmental disorder, not otherwise specified (only if "atypical autism");

(d) severe brain injury (acquired brain injury, traumatic brain injury, stroke, anoxia, meningitis);

(e) fetal alcohol syndrome;

(f) chromosomal disorders (Down syndrome, fragile x syndrome, Prader-Willi syndrome);

(g) other genetic disorders (Williams syndrome, spina bifida, phenylketonuria).

(5) The following conditions do not qualify as conditions closely related to mental retardation. Nevertheless, a person with any of these conditions is not disqualified if there is a simultaneous occurrence of a qualifying condition as cited in Subsection R414-502-8(1)(a) and (b):

(a) learning disability;

(b) behavior or conduct disorders;

(c) substance abuse;

(d) hearing impairment or vision impairment;

(e) mental illness that includes psychotic disorders, adjustment disorders, reactive attachment disorders, impulse control disorders, and paraphilias;

(f) borderline intellectual functioning, developmental disability that does not result in an intellectual impairment, developmental delay, or "at risk" designations;

(g) physical problems (such as multiple sclerosis, muscular dystrophy, spinal cord injuries, and amputations);

(h) medical health problems (such as cancer, acquired immune deficiency syndrome, and terminal illnesses);

(i) milder autism spectrum disorders (such as Asperger's disorder, and pervasive developmental disorder not otherwise specified if not "atypical autism");

(j) neurological problems not associated with intellectual deficits (such as Tourette's syndrome, fetal alcohol effects, and non-verbal learning disability);

(k) mild traumatic brain injury (such as minimal brain injury and post-concussion syndrome).

(6) Individuals who were admitted to an ICF/MR before August 27, 2009, are eligible for continued stay as long as they continue to meet the requirements in effect before that date. A resident who was admitted to an ICF/MR before August 27, 2009, is only required to meet the revised eligibility criteria when there has been a break in stay wherein the individual resided in a setting that is not a Medicaid certified ICF/MR, nursing facility, or hospital.

(7) Before admission to an ICF/MR, the facility must provide each potential resident with a two-sided fact sheet (Form IFS 10) that offers information about ICFs/MR as well as the Community Supports Waiver for People with Intellectual Disabilities and Other Related Conditions. Each resident's record must contain an acknowledgement (Form IFS 20) signed by the resident or the resident's legal representative, which verifies that the facility provided the Form IFS 10 before admission.

KEY: Medicaid

Date of Enactment or Last Substantive Amendment: [November 15, 2007]2009

Notice of Continuation: August 27, 2004

Authorizing, and Implemented or Interpreted Law: 26-1-5; 26-18-3[~~63-46a~~7(1)(a)]



Human Services, Substance Abuse and Mental Health **R523-23-4** Provider Responsibilities

NOTICE OF PROPOSED RULE

(Amendment)

DAR FILE NO.: 32773

FILED: 07/01/2009, 12:20

RULE ANALYSIS

PURPOSE OF THE RULE OR REASON FOR THE CHANGE: This amendment is being made to reflect current practice and intent of the division to protect personal information. This rule currently requires the use of an individual's social security number as a means of tracking persons who have completed on-premise alcohol server training and certification. The division has never used the complete social security number for this purpose, and the database used for storing this information has never had the capability of recording a full nine-digit number for the purpose of tracking those who have completed training and certification.

SUMMARY OF THE RULE OR CHANGE: This rule will require the use of the last four digits of an individual's social security number as a means of tracking persons who have completed on-premise alcohol server training and certification.

STATE STATUTORY OR CONSTITUTIONAL AUTHORIZATION FOR THIS RULE: Subsection 62A-15-105(5)

ANTICIPATED COST OR SAVINGS TO:

❖ THE STATE BUDGET: There will be no costs or savings to the state budget because this rule change is technical in nature and will not change practice for division staff or require programming changes in current databases.

❖ LOCAL GOVERNMENTS: Local governments will have no costs or savings because they do not administer or provide on-premise alcohol server training and certification.

❖ SMALL BUSINESSES AND PERSONS OTHER THAN BUSINESSES: There will be no costs or savings to small business that

provide on-premise alcohol server training because this rule change is technical in nature and will not require additional time, effort, or documentation to comply with this mandate.

COMPLIANCE COSTS FOR AFFECTED PERSONS: There will be no costs or savings to any person or entity that is involved through participation or provision of on-premise alcohol server training and certification. This rule change is technical in nature and will not require additional time, effort or documentation to comply with the amended mandate.

COMMENTS BY THE DEPARTMENT HEAD ON THE FISCAL IMPACT THE RULE MAY HAVE ON BUSINESSES: After careful review, the Department of Human Services has determined that this rule will have no financial impact on businesses in the state of Utah. Lisa-Michele Church, Executive Director

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

HUMAN SERVICES
SUBSTANCE ABUSE AND MENTAL HEALTH
Room 209
120 N 200 W
SALT LAKE CITY UT 84103-1500, or
at the Division of Administrative Rules.

DIRECT QUESTIONS REGARDING THIS RULE TO:
Thom Dunford at the above address, by phone at 801-538-4519, by FAX at 801-538-9892, or by Internet E-mail at TDUNFORD@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 08/14/2009.

THIS RULE MAY BECOME EFFECTIVE ON: 08/21/2009

AUTHORIZED BY: Mark I Payne, Director

R523. Human Services, Substance Abuse and Mental Health.
R523-23. On-Premise Alcohol Training and Education Seminar Rules of Administration.
R523-23-4. Provider Responsibilities.

(1) For each person completing the seminar, the provider shall submit to the Division the name, last four digits of the person's social security number, expiration date and test results indicating pass or fail, and the required fee, within 30 days of the completion of the seminar.

(2) Each person who has completed the seminar and passed the provider-administered and Division-approved examination shall be approved as a server for a period which begins at the completion of the seminar and expires three years from this date. Recertification requires the server to complete a new seminar every three years.

(3) The provider shall issue a certification card to the server. The card shall contain at least the name of the server and the expiration date. The provider shall be responsible for issuing any duplicates for lost cards.

KEY: substance abuse, server training

Date of Enactment or Last Substantive Amendment: [~~July 14, 2008~~2009]

Notice of Continuation: June 22, 2007

Authorizing, and Implemented or Interpreted Law: 62A-15-105(50), 62A-15-401



Human Services, Substance Abuse and
Mental Health
R523-24-4
Provider Responsibilities

NOTICE OF PROPOSED RULE
(Amendment)

DAR FILE NO.: 32774
FILED: 07/01/2009, 12:22

RULE ANALYSIS

PURPOSE OF THE RULE OR REASON FOR THE CHANGE: This amendment is being made to reflect current practice and intent of the division to protect personal information. This rule currently requires the use of an individual's social security number as a means of tracking persons who have completed off-premise alcohol retailer training and certification. The division has never used the complete social security number for this purpose, and the database used for storing this information has never had the capability of recording a full nine-digit number for the purpose of tracking those who have completed training and certification.

SUMMARY OF THE RULE OR CHANGE: This rule will require the use of the last four digits of an individual's social security number as a means of tracking persons who have completed off-premise alcohol retailer training and certification.

STATE STATUTORY OR CONSTITUTIONAL AUTHORIZATION FOR THIS RULE: Subsection 62A-15-105(5)

ANTICIPATED COST OR SAVINGS TO:

❖ THE STATE BUDGET: There will be no costs or savings to the state budget because this rule change is technical in nature and will not change practice for division staff or require programming changes in current databases

❖ LOCAL GOVERNMENTS: Local governments will have no costs or savings because they do not administer or provide off-premise alcohol retailer training and certification.

❖ SMALL BUSINESSES AND PERSONS OTHER THAN BUSINESSES: There will be no costs or savings to small business that provide off-premise alcohol retailer training because this rule change is technical in nature and will not require additional time, effort or documentation to comply with this mandate.

COMPLIANCE COSTS FOR AFFECTED PERSONS: There will be no costs or savings to any person or entity that is involved through participation or provision of off-premise alcohol retailer training and certification. This rule change is technical

in nature and will not require additional time, effort or documentation to comply with the amended mandate.

COMMENTS BY THE DEPARTMENT HEAD ON THE FISCAL IMPACT THE RULE MAY HAVE ON BUSINESSES: After careful review, the Department of Human Services has determined that this rule will have no financial impact on businesses in the state of Utah. Lisa-Michele Church, Executive Director

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

HUMAN SERVICES
 SUBSTANCE ABUSE AND MENTAL HEALTH
 Room 209
 120 N 200 W
 SALT LAKE CITY UT 84103-1500, or
 at the Division of Administrative Rules.

DIRECT QUESTIONS REGARDING THIS RULE TO:
 Thom Dunford at the above address, by phone at 801-538-4519, by FAX at 801-538-9892, or by Internet E-mail at TDUNFORD@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 08/14/2009.

THIS RULE MAY BECOME EFFECTIVE ON: 08/21/2009

AUTHORIZED BY: Mark I Payne, Director

R523. Human Services, Substance Abuse and Mental Health.
R523-24. Off Premise Retailer (Clerk, Licensee and Manager) Alcohol Training and Education Seminar Rules of Administration.
R523-24-4. Provider Responsibilities.

(1) For each person completing the seminar, the provider shall submit to the Division the name, last four digits of the person's social security number, expiration date and test results indicating pass or fail, and the required fee, within 30 days of the completion of the seminar.

(2) Each person who has completed the seminar and passed the provider-administered and Division-approved examination shall be approved as a retail employee for a period which begins at the completion of the seminar and expires five years from that date.

(3) The provider shall issue a certification card to the retail employee. The card shall contain at least the name of the retail employee and the expiration date. The provider shall be responsible for issuing any duplicates for lost cards.

KEY: off-premise, training, seminars
Date of Enactment or Last Substantive Amendment: ~~July 14, 2008~~ 2009
Authorizing, and Implemented or Interpreted Law: 62A-15-105(5); 62A-15-401



Labor Commission, Adjudication
R602-2-3
 Compensation for Medical Panel Services

NOTICE OF PROPOSED RULE

(Amendment)

DAR FILE NO.: 32764

FILED: 06/29/2009, 09:42

RULE ANALYSIS

PURPOSE OF THE RULE OR REASON FOR THE CHANGE: The purpose of the proposed rule change is to increase the compensation for medical experts serving on Commission medical panels by \$12.50 per half hour.

SUMMARY OF THE RULE OR CHANGE: The proposed rule change increases compensation for medical panel chairmen from \$125 to \$137.50 per half hour and increases compensation for medical panel members from \$112.50 to \$125 per half hour. All panel chairmen and members are physicians or trained medical professionals.

STATE STATUTORY OR CONSTITUTIONAL AUTHORIZATION FOR THIS RULE: Section 34A-1-301 et seq.

ANTICIPATED COST OR SAVINGS TO:

❖ THE STATE BUDGET: There will be no direct cost or savings to the state budget. Expenses of medical panels are paid from the Uninsured Employers Fund and are not a part of state general fund expenditures. However, because the Uninsured Employers Fund is partly funded by assessments against workers' compensation insurance premiums, a small part of the state's workers' compensation insurance premium payments will go toward the increased payments to medical panel members authorized by this proposed rule. In terms of the state's overall workers' compensation costs, the fiscal impact of this proposal will be negligible.

❖ LOCAL GOVERNMENTS: Because expenses of medical panels are paid from the Uninsured Employers Fund, which is partly funded by assessments against workers' compensation insurance premiums, a small part of local governments' workers' compensation insurance premium payments will go toward the increase payments to medical panel members authorized by this proposed rule. In terms of local governments' overall workers' compensation costs, the fiscal impact of this proposal will be negligible.

❖ SMALL BUSINESSES AND PERSONS OTHER THAN BUSINESSES: Because expenses of medical panels are paid from the Uninsured Employers Fund, which is partly funded by assessments against workers' compensation insurance premiums, a small part of small businesses' workers' compensation insurance premium payments will go toward the increased payments to medical panel members authorized by this proposed rule. In terms of small businesses' overall workers' compensation costs, the fiscal impact of this proposal will be negligible.

COMPLIANCE COSTS FOR AFFECTED PERSONS: The proposed rule does not impose any additional compliance requirements and will not result in any compliance costs for affected persons.

COMMENTS BY THE DEPARTMENT HEAD ON THE FISCAL IMPACT THE RULE MAY HAVE ON BUSINESSES: In comparison to overall workers' compensation costs, the modest increase in payments to medical experts who serve on the Commission's medical panels is so small as to have no discernible effect on businesses' workers' compensation premiums. However, the proposed rule will benefit all participants in the workers' compensation system by helping to maintain the Commission's access to the medical expertise that is necessary to resolve the difficult medical issues that are frequently involved in workers' compensation cases. Sherrie Hayashi, Commissioner

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

LABOR COMMISSION
ADJUDICATION
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:
Richard M. Lajeunesse at the above address, by phone at 801-536-7928, by FAX at 801-530-6333, or by Internet E-mail at rlajeunesse@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 08/14/2009.

THIS RULE MAY BECOME EFFECTIVE ON: 08/21/2009

AUTHORIZED BY: Sherrie Hayashi, Commissioner

R602. Labor Commission, Adjudication.

R602-2. Adjudication of Workers' Compensation and Occupational Disease Claims.

R602-2-3. Compensation for Medical Panel Services.

Compensation for medical panel services, including records review, examination, report preparation and testimony, shall be \$~~42.50~~¹²⁵ per half hour for medical panel members and \$~~42.5~~^{137.50} per half hour for the medical panel chair.

KEY: workers' compensation, administrative procedures, hearings, settlements

Date of Enactment or Last Substantive Amendment: ~~March 10,~~ 2009

Notice of Continuation: August 15, 2007

Authorizing, and Implemented or Interpreted Law: 34A-1-301 et seq.; 63G-4-102 et seq.

◆ ————— ◆

Public Safety, Administration
R698-5
Hazardous Chemical Emergency
Response Commission

NOTICE OF PROPOSED RULE

(New Rule)

DAR FILE NO.: 32741

FILED: 06/22/2009, 14:22

RULE ANALYSIS

PURPOSE OF THE RULE OR REASON FOR THE CHANGE: On 06/08/2009, the State Hazardous Chemical Emergency Response Commission met in a regularly scheduled meeting and voted unanimously to create a new set of administrative rules with regard to creating a State Emergency Response Commission Advisory Committee and to provide some oversight to the Local Emergency Planning Committees (LEPC).

SUMMARY OF THE RULE OR CHANGE: The creation of the new administrative rule can be summarized as follows: 1) in Section R698-5-1, the Commission proposes to establish the preamble to the rule and establish the authorization and intent of the rule; 2) in Section R698-5-2, the Commission proposes that definitions be created to provide meaning to certain words or phrases used in the rule; 3) in Section R698-5-3, the Commission proposes to create a ten-member State Emergency Response Commission Advisory Committee that would assist the Commission in several aspects of the needs of local LEPCs. This rule section also creates procedures for the advisory committee to meet, election of chair and vice chair, terms in office, and numbers of meetings to be held; and 4) in Section R698-5-4, the Commission proposes to provide oversight to the creation, modification or dissolving of LEPCs, coordinate overall planning and direction with the LEPCs, review the LEPCs hazardous materials response plans, and approve the amount of grant funding to be given to the LEPCs.

STATE STATUTORY OR CONSTITUTIONAL AUTHORIZATION FOR THIS RULE: Section 63K-3-301

ANTICIPATED COST OR SAVINGS TO:

❖ THE STATE BUDGET: There could be an aggregate anticipated cost to the state budget of approximately \$5,000 to place the newly created administrative rule into effect. That aggregate cost would be to provide travel and mileage for members of the Advisory Committee traveling to the meetings and the cost for staff to attend the meetings and complete the assignments generated from the Commission and the Advisory Committee.

❖ LOCAL GOVERNMENTS: There could be an aggregate anticipated cost to local government of approximately \$3,000 to allow members of local government to participate as members of the Emergency Response Commission Advisory Committee and the cost of providing travel and the cost of their time and wages to participate.

❖ **SMALL BUSINESSES AND PERSONS OTHER THAN BUSINESSES:** There could be an anticipated cost to small businesses of approximately \$4,000 if some members of small businesses were appointed to the advisory committee. This would be in time given to meet as a member of the advisory committee and as a member of small business.

COMPLIANCE COSTS FOR AFFECTED PERSONS: The compliance costs for the enactment of this newly created administrative rule would be borne by those agencies and businesses that allow their employees to participate as members of the advisory committee. The decision to participate is voluntary and decided by the agency or business to allow their employees to be members of the advisory committee.

COMMENTS BY THE DEPARTMENT HEAD ON THE FISCAL IMPACT THE RULE MAY HAVE ON BUSINESSES: Any fiscal impact would be to businesses that volunteer their services to be members of the State Emergency Response Commission Advisory Committee. This would be by their decision to serve on the committee and would not be mandated in any way. D. Lance Davenport, Commissioner

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

PUBLIC SAFETY
ADMINISTRATION
CALVIN L RAMPTON COMPLEX
4501 S 2700 W 1ST FLR
SALT LAKE CITY UT 84119-5994, or
at the Division of Administrative Rules.

DIRECT QUESTIONS REGARDING THIS RULE TO:
Brent Halladay at the above address, by phone at 801-284-6352, by FAX at 801-284-6351, or by Internet E-mail at bhallada@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 08/14/2009.

THIS RULE MAY BECOME EFFECTIVE ON: 08/21/2009

AUTHORIZED BY: Lance Davenport, Commissioner

R698. Public Safety, Administration.

R698-5. Hazardous Chemical Emergency Response Commission.

R698-5-1. Adoption, Title, Purpose, and Prohibitions.

Pursuant to Section 63K-3-301(2), Utah Code Annotated 1953, the Department of Public Safety adopts minimum rules establishing a state hazardous chemical emergency response commission advisory committee, the creation, modification or dissolving of local emergency planning committees, and supervising the overall planning and direction of the local emergency planning committees.

R698-5-2. Definitions.

2.1 "Advisory Committee" means State Emergency Response Commission Advisory Committee.

2.2 "EPCRA" means Emergency Planning and Community Right-to-Know Act of 1986.

2.3 "LEPC" means Local Emergency Planning Committee.

2.4 "SERC" means State Hazardous Chemical Emergency Response Commission.

R698-5-3. State Emergency Response Commission Advisory Committee.

3.1 There is created by the Department of Public Safety, the State Hazardous Chemical Emergency Response Commission Advisory Committee, whose duties are to provide direction to the SERC in the following matters: the creation, modification or dissolving of local emergency planning committees; methods and procedures to improve the effectiveness of the LEPC; the review of LEPC hazardous materials emergency response plans; the development of procedures for collection, processing, use and public access to information submitted as required by EPCRA; procedures for the distribution of funding to each LEPC obtained through the US Department of Transportation Hazardous Materials Emergency Preparedness Grant; and assist in stated hazardous materials emergency response planning efforts.

3.2 The Advisory Committee's members shall be appointed by the SERC, shall serve four year terms, and shall consist of the following members:

3.2.1 A member representing the hazardous chemical transportation industry.

3.2.2 Two members representing fixed site regulated industries.

3.2.3 A member representing the environmental cleanup contractors.

3.2.4 A member representing the local health departments.

3.2.5 A member representing the urban LEPC.

3.2.6 A member representing the rural LEPC.

3.2.7 A member representing the Hazardous Materials Advisory Council.

3.2.8 A member representing established environmental interest groups.

3.2.9 Two members from the general public.

3.3 The Advisory Committee shall meet quarterly or as directed, and a majority of the members shall be present to constitute a quorum.

3.4 The Advisory Committee shall select one of its members to act in the position of chair, and another member to act as vice chair. The chair and vice chair shall serve one year terms on a calendar year basis. Elections for chair and vice chair shall occur at the meeting conducted in the first quarter of each calendar year. If voted upon by the Advisory Committee, the vice chair will become the chair the next succeeding calendar year.

3.5 If an Advisory Committee member has two or more unexcused absences during a 12 month period, from regularly scheduled meetings, it is considered grounds for dismissal pending review by the SERC.

3.6 A member of the Advisory Committee that cannot be in attendance, may have a representative of their respective organization attend and vote by proxy for that member or the member may have another Advisory Committee member vote by proxy, if submitted and approved by the chair prior to the meeting.

3.7 The Chair or Vice Chair of the Advisory Committee shall report to the SERC the activities of the Advisory Committee at regularly scheduled SERC meetings. A member of the Advisory

Committee may report to the SERC the activities of the Advisory Committee in the absence of the Chair or Vice Chair.

3.8 The Advisory Committee shall consider all subjects presented to them, subjects assigned to them by the SERC, and shall report their recommendations to the SERC at scheduled SERC meetings.

3.9 One-half of the members of the Advisory Committee shall be reappointed or replaced by the SERC every two years. When a vacancy occurs in the Advisory Committee, a replacement shall be appointed by the SERC to complete the remainder of the term.

3.10 Members who are not government employees shall receive no compensation or benefits for their services, but may receive per diem and expenses incurred in the performance of the member's official duties at the rates established by the Division of Finance under Sections 63A-3-106 and 63A-3-107.

3.10.1 Members may decline to receive per diem and expenses for their service.

3.11 State government officer and employee members who do not receive salary, per diem, or expenses from their agency for their service may receive per diem and expenses incurred in the performance of their official duties from the board at the rates established by the Division of Finance under Sections 63A-3-106 and 63A-3-107.

3.11.1 State government officer and employee members may decline to receive per diem and expenses for their service.

3.12 Local government members who do not receive salary, per diem, or expenses from the entity that they represent for their service may receive per diem and expenses incurred in the performance of their official duties at the rates established by the Division of Finance under Sections 63A-3-106 and 63A-3-107.

3.12.1 Local government members may decline to receive per diem and expenses for their service.

R698-5-4. Local Emergency Planning Committee.

4.1 The creation, modification or dissolving of an LEPC shall be approved by the SERC.

4.2 The LEPC shall coordinate its overall planning and direction with the SERC. The SERC shall supervise the overall planning and direction of the LEPC.

4.3 The LEPC shall submit a copy of their hazardous materials emergency response plan to the SERC for review.

4.4 The SERC shall approve the amount of US Department of Transportation Hazardous Materials Emergency Preparedness Grant funding to be given to each LEPC and shall establish criteria for that funding to be awarded.

KEY: state emergency response commission

Date of Enactment or Last Substantive Amendment: August 21, 2009

Authorizing, and Implemented or Interpreted Law: 63K-3-301

◆ ————— ◆
 Workforce Services, Employment
 Development
R986-200-215
 Family Employment Program Two
 Parent Household (FEPTP)

NOTICE OF PROPOSED RULE

(Amendment)

DAR FILE No.: 32781

FILED: 07/01/2009, 17:54

RULE ANALYSIS

PURPOSE OF THE RULE OR REASON FOR THE CHANGE: The purpose of this amendment is to move refugee two-parent households from FEPTP to the Refugee Resettlement Program (RRP).

SUMMARY OF THE RULE OR CHANGE: In a companion filing (Section R986-300-303), the Division is changing provisions of the FEPTP to exclude refugee two-parent households and making those household eligible for financial assistance under the RRP. The eligibility requirements and the amount of financial assistance will not change but some of the participation requirements under RRP are more flexible to meet the needs of refugees under FEPTP. (DAR NOTE: The proposed amendment to Section R986-300-303 is under DAR No. 32780 in this issue, July 15, 2009, of the Bulletin.)

STATE STATUTORY OR CONSTITUTIONAL AUTHORIZATION FOR THIS RULE: Section 35A-1-104 and Subsection 35A-1-104(4)

ANTICIPATED COST OR SAVINGS TO:

- ❖ THE STATE BUDGET: This applies to federally-funded programs 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 the local government.
- ❖ SMALL BUSINESSES AND PERSONS OTHER THAN BUSINESSES: There will be no costs to small businesses to comply with these changes because this is a federally-funded program. There will be no costs of any persons to comply with these changes because there are no costs or fees associated with these proposed changes.

COMPLIANCE COSTS FOR AFFECTED PERSONS: There are no compliance costs associated with these changes for any persons because this is a federally-funded program and there are no fees or costs associated with these proposed changes.

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. 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 08/14/2009.

THIS RULE MAY BECOME EFFECTIVE ON: 08/21/2009

AUTHORIZED BY: Kristen Cox, Executive Director

R986. Workforce Services, Employment Development.

R986-200. Family Employment Program.

R986-200-215. Family Employment Program Two Parent Household (FEPTP).

(1) FEPTP is for households otherwise eligible for FEP but with two able-bodied parents in the household. Eligible refugee households with two able-bodied parents and at least one dependent child, must first exhaust RRP benefits before considering eligibility for FEPTP.

(2) Families may only participate in this program for seven months out of any 13-month period. Months of participation count toward the 36-month time limit in Sections 35A-3-306 and R986-200-217.

(3) Both parents must participate in eligible activities for a combined total of 60 hours per week, as defined in the employment plan. At least 50 of those hours must be in priority activities. A list of approved priority and eligible activities is available at each employment center. ~~Parents in a FEPTP household who are refugees are not restricted to those activities on the approved priority or eligible activities list for the first three months of FEPTP eligibility but the parents are still required to participate for a combined total of 60 hours per week.~~

(4) Both parents are required to participate every week as defined in the employment plan, unless the parent can establish reasonable cause for not participating. Reasonable cause is defined in rule R986-200-212(8).

(5) Payment is made twice per month and only after proof of participation. Payment is based on the number of hours of participation by both parents. The amount of assistance is equal to the FEP payment for the household size prorated based on the number of hours which the parents participated up to a maximum of 60 hours of participation per week. In no event can the financial assistance payment per month for a FEPTP household be more than for the same size household participating in FEP.

(6) If it is determined by the employment counselor that either one of the parents has failed to participate to the maximum extent possible assistance for the entire household unit will terminate immediately.

(7) Because payment is made after performance, advance notice is not required to terminate or reduce assistance payments for households participating in FEPTP. However, if the client requests a hearing within ten days of the termination, payment of financial assistance based on participation of both parents in eligible activities can continue during the hearing process as provided in R986-100-134.

(8) The parents must meet all other requirements of FEP including but not limited to, income and asset limits, cooperation with ORS if there are legally responsible persons outside of the household assistance unit, signing a participation agreement and employment plan and applying for all other assistance or benefits to which they might be entitled.

KEY: family employment program

Date of Enactment or Last Substantive Amendment: [February 12], 2009

Notice of Continuation: September 14, 2005

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

**Workforce Services, Employment
Development**

R986-300-303

**Eligibility, Income Standards, and
Amount of Assistance**

NOTICE OF PROPOSED RULE

(Amendment)

DAR FILE No.: 32780

FILED: 07/01/2009, 17:38

RULE ANALYSIS

PURPOSE OF THE RULE OR REASON FOR THE CHANGE: The reason for this amendment is to move two-parent refugee families from Family Employment Plan (FEPTP) to the Refugee Resettlement Plan (RRP).

SUMMARY OF THE RULE OR CHANGE: In a companion filing (Section R986-200-215), the Division is changing provisions of the FEPTP to exclude refugee two-parent households and making those household eligible for financial assistance under the RRP. The eligibility requirements and the amount of financial assistance will not change but some of the participation requirements under RRP are more flexible to meet the needs of refugees under FEPTP. (DAR NOTE: The proposed amendment to Section R986-200-215 is under DAR No. 32781 in this issue, July 15, 2009, of the Bulletin.)

STATE STATUTORY OR CONSTITUTIONAL AUTHORIZATION FOR THIS RULE: Section 35A-1-104 and Subsection 35A-1-104(4)

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 the local government.
- ❖ **SMALL BUSINESSES AND PERSONS OTHER THAN BUSINESSES:** There will be no costs to small businesses to comply with these changes because this is a federally-funded program. There will be no costs of any persons to comply with these changes because there are no costs or fees associated with these proposed changes.

COMPLIANCE COSTS FOR AFFECTED PERSONS: There are no compliance costs associated with these changes for any persons because this is a federally-funded program and there are no fees or costs associated with these proposed changes.

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. 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 08/14/2009.

THIS RULE MAY BECOME EFFECTIVE ON: 08/21/2009

AUTHORIZED BY: Kristen Cox, Executive Director

R986. Workforce Services, Employment Development.

R986-300. Refugee Resettlement Program.

R986-300-303. Eligibility, Income Standards, and Amount of Assistance.

(1) An applicant for RRP must provide proof, in the form of documentation issued by the USCIS, of being or having been:

(a) paroled as a refugee or asylee under Section 212(d)(5) of the INA;

(b) admitted as a refugee under Section 207 of the INA;

(c) granted asylum under Section 208 of the INA;

(d) a Cuban or Haitian entrant, in accordance with the requirements of 45 CFR Part 401;

(e) certain Amerasians from Vietnam who are admitted to the United States as immigrants pursuant to Public Law 100-202 and Public Law 100-461;

(f) a victim of trafficking;

(g) admitted for permanent residence, provided the individual previously held one of the statuses listed in (a) through (f) of this section; or

(h) admitted for permanent residence under Special Immigrant Visas and provided benefits under federal law and in accordance with that federal law.

(2) The following aliens are not eligible for assistance:

(a) an applicant for asylum unless otherwise provided by federal law;

(b) humanitarian parolees;

(c) public interest parolees; and

(d) conditional entrants admitted under Section 203(a)(7) of the INA.

(3) Refugees who are single parents, two parents with one parent who is incapacitated, or specified relatives with dependent

children must meet the eligibility and participation requirements, including cooperating with ORS to establish paternity and establish and enforce child support, of FEP[~~or FEPTP~~] and will be paid financial assistance under ~~[one of those] that program[s]~~. All other refugees, including refugee households with two able-bodied parents and at least one dependent child, will be paid financial assistance under the RRP and must meet the federal RRP participation requirements.

(4) An applicant for RRP who voluntarily quit or refused appropriate employment without good cause within 30 calendar days prior to the date of application is ineligible for financial assistance for 30 days from the date of the voluntarily quit or refusal of employment. If the applicant is living with a spouse who is ineligible, the income and assets of the ineligible refugee will be counted in determining eligibility but the amount of financial assistance payment will be made as if the household had one less member.

(5) Refugees who are 65 years of age or older will be referred to SSA to apply for assistance under the SSI program.

(6) Income and asset eligibility and the amount of financial assistance available is determined under FEP rules, R986-200-230 through R986-200-240.

(7) If an otherwise eligible client demonstrates an urgent and immediate need for financial assistance, payment will be made on an expedited basis.

KEY: refugee resettlement program

Date of Enactment or Last Substantive Amendment: ~~[May 20, 2008]~~2009

Notice of Continuation: September 14, 2005

Authorizing, and Implemented or Interpreted Law: 35A-3-103



Workforce Services, Unemployment
Insurance

R994-403-118e

Disqualification Periods if a Claimant
Fails to Provide Information

NOTICE OF PROPOSED RULE

(Amendment)

DAR FILE No.: 32782

FILED: 07/01/2009, 19:25

RULE ANALYSIS

PURPOSE OF THE RULE OR REASON FOR THE CHANGE: The purpose of this amendment is to clarify disqualifications when a claimant fails to return signature form.

SUMMARY OF THE RULE OR CHANGE: The Department requires each unemployment claimant sign and return a form directing the Department whether to direct deposit unemployment benefits or to pay benefits by electronic benefit card. The signature is important to identify the claimant. If the claimant does not return the card, the Department stops payment of benefits until the card is returned. Once the card is returned, the claimant should be able to collect past benefits. This rule

changes the disqualification period so as to not punish claimants who do not return the form promptly.

STATE STATUTORY OR CONSTITUTIONAL AUTHORIZATION FOR THIS RULE: Section 35A-1-104 and Subsections 35A-1-104(4) and 35A-4-502(1)(b)

ANTICIPATED COST OR SAVINGS TO:

- ❖ THE STATE BUDGET: This is a federally-funded program and there is no anticipated cost or savings to the state budget.
- ❖ LOCAL GOVERNMENTS: This is a federally-funded program and there is no anticipated cost or savings to any local government.
- ❖ SMALL BUSINESSES AND PERSONS OTHER THAN BUSINESSES: Since claimants have been allowed past benefits before moving to the electronic benefit card, there will be no increase in costs to employers. There will be no increased costs to small businesses or any person to comply with this rule.

COMPLIANCE COSTS FOR AFFECTED PERSONS: There are no compliance costs associated with this proposed rule change so no persons will be affected by this change.

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
UNEMPLOYMENT INSURANCE
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 08/14/2009.

THIS RULE MAY BECOME EFFECTIVE ON: 08/21/2009

AUTHORIZED BY: Kristen Cox, Executive Director

**R994. Workforce Services, Unemployment Insurance.
R994-403. Claim for Benefits.**

R994-403-118e. Disqualification Periods if a Claimant Fails to Provide Information.

(1) A claimant is not eligible for benefits if the Department does not have sufficient information to determine eligibility. Except as provided in subsection (6) of this section, a[A] claimant who fails to provide necessary information without good cause is disqualified from the receipt of unemployment benefits until the information is received by the Department.

(2) If insufficient or incorrect information is provided when the initial claim is filed, the disqualification will begin with the effective date of the claim.

(3) If a potentially disqualifying issue is identified as part of the weekly certification process and the claimant fails to provide the information requested by the Department, the disqualification will begin with the Sunday of the week for which eligibility could not be determined.

(4) If insufficient or incorrect information is provided as part of a review of payments already made, the disqualification will begin with the week in which the response to the Department's request for information is due.

(5) The disqualification will continue through the Saturday prior to the week in which the claimant provides the information.

(6) If the disqualification results from the claimant's failure to complete, sign, and return the Direct Deposit or Eppicard Authorization Form, the disqualification will be reversed once the completed and signed form is received by the Department. The claimant does not need to show good cause for his or her failure to provide the Direct Deposit or Eppicard Authorization Form in a timely manner.

KEY: filing deadlines, registration, student eligibility, unemployment compensation

Date of Enactment or Last Substantive Amendment: [~~December 3, 2008~~2009

Notice of Continuation: June 26, 2007

Authorizing, and Implemented or Interpreted Law: 35A-4-403(1)

◆ ————— ◆

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.

Administrative Services, Facilities Construction and Management

R23-23

Health Reform -- Health Insurance Coverage in State Contracts -- Implementation

NOTICE OF 120-DAY (EMERGENCY) RULE

DAR FILE NO.: 32771
FILED: 06/30/2009, 14:54

RULE ANALYSIS

PURPOSE OF THE RULE OR REASON FOR THE CHANGE: The purpose of the rule is to comply with H.B. 331 of the 2009 Utah Legislative Session which created Section 63A-5-205. Said statute requires that contracts entered into on or after 07/01/2009, have provisions requiring health insurance as specified in this statute. The statute also requires administrative rules that define the process and enforcement. In order to facilitate the contract requirements required as of 07/01/2009, it is necessary to have the administrative rules in place at the same time. (DAR NOTE: H.B. 331 (2009) is found at Chapter 13, Laws of Utah 2009, and was effective 05/12/2009.)

SUMMARY OF THE RULE OR CHANGE: This is a new rule and required in said H.B. 331. The rule introduces the procedure and requirements for implementation of the Health Reform -- Health Insurance Coverage in State Contracts as required by the Utah Legislature in H.B. 331 codified in Section 63A-5-205. H.B. 331, 2009 General Session, Health Reform -- Health Insurance Coverage in State Contracts, requires all contractors, subcontractors, and subconsultants at any tier,

entering into any state contract, to have and maintain for the duration of the contract an offer of qualified health insurance coverage for their employees and their employees' dependents that live and/or work in the State of Utah. (DAR NOTE: A corresponding proposed new rule is under DAR No. 32772 in this issue, July 15, 2009, of the Bulletin.)

STATE STATUTORY OR CONSTITUTIONAL AUTHORIZATION FOR THIS RULE: Section 63A-5-205

ANTICIPATED COST OR SAVINGS TO:

- ❖ THE STATE BUDGET: Enactment of this rule may indirectly increase the cost of state construction projects depending on the contractor. The extent of such increases is currently unknown.
- ❖ 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. (Note: while not affected by this rule, H.B. 331 does affect public transit districts.)
- ❖ SMALL BUSINESSES AND PERSONS OTHER THAN BUSINESSES: Enactment of this rule may result in certain cost increases to private contractors, but may benefit individuals working for such contractors. Enactment of this rule likely will not result in direct, measurable costs and/or benefits for local governments.

COMPLIANCE COSTS FOR AFFECTED PERSONS: To the extent there are cost increases to contractors (including designers), it is highly likely that such cost increases will be passed on as part of the costs of the contract that the State pays. The statute already provides the requirements that may cause cost increases. The rule does not add to these cost increases.

COMMENTS BY THE DEPARTMENT HEAD ON THE FISCAL IMPACT THE RULE MAY HAVE ON BUSINESSES: As stated, the statute itself created the fiscal impacts. The rule does not add additional

burdens than already provided by the statute. The rule will not impact the costs. The statute will increase the cost of the contracts as the price of the insurance passed along in the bids and subsequent contracts. Kimberly K. Hood, Executive Director

EMERGENCY RULE REASON AND JUSTIFICATION: REGULAR RULEMAKING PROCEDURES WOULD place the agency in violation of federal or state law.

The specific reason an emergency rule process is needed is the bill requires the rule to be in effect on 07/01/2009. The regular rulemaking process would not allow for the rule to be in effect before the required date. In order to comply with the bill, an emergency rulemaking process is required.

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

ADMINISTRATIVE SERVICES
FACILITIES CONSTRUCTION AND MANAGEMENT
Room 4110 STATE OFFICE BLDG
450 N STATE ST
SALT LAKE CITY UT 84114-1201, or
at the Division of Administrative Rules.

DIRECT QUESTIONS REGARDING THIS RULE TO:

La Priel Dye, Alan Bachman, or Priscilla Anderson at the above address, by phone at 801-538-3240, 801-538-3105, or 801-538-9595, by FAX at 801-538-3313, 801-538-3313, or 801-538-3378, or by Internet E-mail at ldye@utah.gov, abachman@utah.gov, or phanderson@utah.gov

THIS RULE IS EFFECTIVE ON: 07/01/2009

AUTHORIZED BY: D. Gregg Buxton, Director

R23. Administrative Services, Facilities Construction and Management.

R23-23. Health Reform -- Health Insurance Coverage in State Contracts -- Implementation.

R23-23-1. Purpose.

The purpose of this rule is to comply with the provisions of Section 63A-5-205.

R23-23-2. Authority.

This rule is authorized under Subsection 63A-5-103(1)(e), which directs the Utah State Building Board to make rules necessary for the discharge of the duties of the Division of Facilities Construction and Management as well as Section 63A-5-205 which requires this rule related to health insurance provisions in certain design and/or construction contracts.

R23-23-3. Definitions.

(1) Except as otherwise stated in this rule, terms used in this rule are defined in Section 63A-5-205.

(2) In addition:

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

(b) "Director" means the Director of the Division, including, unless otherwise stated, the Director's duly authorized designee.

(c) "Division" means the Division of Facilities Construction and Management established pursuant to Section 63A-5-201.

(d) "Employee(s)" is as defined in 63A-5-205(1)(c) and includes only those employees that live and/or work in the State of Utah along with their dependents. "Employee" for purposes of this rule, shall not be construed as to be broader than the use of the term employee for purposes of State of Utah Workers' Compensation laws along with their dependents.

(e) "State" means the State of Utah.

R23-23-4. Applicability of Rule.

(1) Except as provided in Rule R23-23-4(2) below, this Rule R23-23 applies to all contracts entered into by the Division or the Board on or after July 1, 2009, if:

(a) the contract is for design and/or construction; and

(b) the prime contract is in the amount of \$1,500,000 or greater; or

(i) a subcontract, at any tier, is in the amount of \$750,000 or greater.

(2) This Rule R23-23 does not apply if:

(a) the application of this Rule R23-23 jeopardizes the receipt of federal funds,

(b) the contract is a sole source contract,

(c) the contract is an emergency procurement.

(3) This Rule R23-23 does not apply to a change order as defined in Section 63G-6-102, or a modification to a contract, when the contract does not meet the initial threshold required by Rule R23-23-4(1).

(4) A person who intentionally uses change orders or contract modifications to circumvent the requirements of subsection (1) is guilty of an infraction.

R23-23-5. Contractor to Comply with Section 63A-5-205.

All contractors and subcontractors that are subject to the requirements of Section 63A-5-205 shall comply with all the requirements, penalties and liabilities of Section 63A-5-205.

R23-23-6. Not Basis for Protest or Suspend, Disrupt, or Terminate Design or Construction.

(1) The failure to comply with this Rule or Section 63A-5-205:

(a) may not be the basis for a protest or other action from a prospective bidder, offeror, or contractor under Section 63G-6-801 or any other provision in Title 63G, Chapter 6, Part 8, Legal and Contractual Remedies; and

(b) may not be used by the procurement entity or a prospective bidder, offeror, or contractor as a basis for any action or suit that would suspend, disrupt or terminate the design or construction.

R23-23-7. Requirements and Procedures a Contractor Must Follow.

A contractor (including consultants and designers) must comply with the following requirements and procedures in order to demonstrate compliance with Section 63A-5-205.

(1) Demonstrating Compliance with Health Insurance Requirements. The following requirements must be met by a contractor (including consultants, designers and others under contract with the Division) that is subject to the requirements of this Rule no later than the time of execution of the contract:

(a) demonstrate compliance by a written certification to the Director that the contractor has and will maintain for the duration of

the contract an offer of qualified health insurance coverage for the contractor's employees; and

(b) The contractor shall also provide such written certification prior to the execution of the contract, in regard to all subcontractors (including subconsultants) at any tier that is subject to the requirements of this Rule.

(2) Recertification. The Director shall have the right to request a recertification by the contractor by submitting a written request to the contractor, and the contractor shall so comply with the written request within ten (10) working days of receipt of the written request; however, in no case may the contractor be required to demonstrate such compliance more than twice in any 12-month period.

(3) Demonstrating Compliance with Actuarially Equivalent Determination. The actuarially equivalent determination required by Subsections 63A-5-205(1)(e)(i) and (iii) is met by the contractor if the contractor provides the Director with a written statement of actuarial equivalency from either the Utah Insurance Department or an actuary selected by the contractor or the contractor's insurer.

For purposes of this Rule R23-23-7(3), actuarial equivalency is achieved by meeting any of the following:

(a) In accordance with Section 26-40-106(2)(a), the largest insured commercial enrollment offered by a health maintenance organization in the State, which the Children's Health Insurance Program has determined is the SelectHealth plan currently offered by SelectHealth, 4646 West Lake Park Blvd, Salt Lake City, Utah 84130. The reference to SelectHealth herein is to provide an example of a qualifying plan and is not intended to endorse or indicate a preference for the use of SelectHealth as the insurance provider in any way; or

(b) provides coverage that is actuarially equivalent to 75 percent of the benefit plan determined under Rule R23-23-7(3)(a) above and employer's premium contribution as required by statute.

(4) The health insurance must be available upon the first of the month following the initial ninety (90) days from the beginning of employment.

(5) Architect and Engineer Compliance Process. Architects and engineers that are subject to this Rule must demonstrate compliance with this Rule in any annual submittal under Section 63G-6-702. During the procurement process and no later than the execution of the contract with the architect or engineer, the architect or engineer shall confirm that their applicable subcontractors or subconsultants meet the requirements of this Rule.

(6) General (Prime) Contractors Compliance Process. Contractors that are subject to this Rule must demonstrate compliance with this Rule for their own firm and any applicable subcontractors, in any pre-qualification process that may be used for the procurement. At the time of execution of the contract, the contractor shall confirm that their applicable subcontractors or subconsultants meet the requirements of this Rule.

(7) Notwithstanding any prequalification process, any contract subject to this Rule shall contain a provision requiring compliance with this Rule from the time of execution and throughout the duration of the contract.

(8) Hearing and Penalties.

(a) Hearing. Any hearing for any penalty under this Rule conducted by the Board or the Division shall be conducted in the same manner as any hearing required for a suspension or debarment.

(b) Penalties that may be imposed by Board or Division. The penalties that may be imposed by the Board or the Division if a contractor, consultant, subcontractor or subconsultant, at any tier,

intentionally violates the provisions of this Rule R23-23, may include:

(i) a three-month suspension of the contractor or subcontractor from entering into future contracts with the State upon the first violation, regardless of which tier the contractor or subcontractor is involved with the future design and/or construction contract;

(ii) a six-month suspension of the contractor or subcontractor from entering into future contracts with the State upon the second violation, regardless of which tier the contractor or subcontractor is involved with the future design and/or construction contract;

(iii) an action for debarment of the contractor or subcontractor in accordance with Section 63G-6-804 upon the third or subsequent violation; and

(iv) monetary penalties which may not exceed 50 percent of the amount necessary to purchase qualified health insurance coverage for an employee and the dependents of an employee of the contractor or subcontractor who was not offered qualified health insurance coverage during the duration of the contract.

(c) In addition to the penalties imposed above, a contractor, consultant, subcontractor or subconsultant who violates the provisions of this Rule shall be liable to the employee for health care costs not covered by insurance.

R23-23-8. Not Create any Contractual Relationship with any Subcontractor or Subconsultant.

Nothing in this Rule shall be construed as to create any contractual relationship whatsoever between the State of Utah, the Board, or the Division with any subcontractor or subconsultant at any tier.

R23-23-9. Effective Date of this Rule.

The Rule shall be effective on July 1, 2009.

KEY: health insurance, contractors, contracts

Date of Enactment or Last Substantive Amendment: July 1, 2009

Authorizing, and Implemented or Interpreted Law: 63A-5-103(1)(e); 63A-5-205

◆ ————— ◆

Capitol Preservation Board (State),
Administration
R131-13
Health Reform -- Health Insurance
Coverage in State Contracts --
Implementation

NOTICE OF 120-DAY (EMERGENCY) RULE

DAR FILE NO.: 32769

FILED: 06/30/2009, 12:14

RULE ANALYSIS

PURPOSE OF THE RULE OR REASON FOR THE CHANGE: The purpose of the rule is to comply with H.B. 331 of the 2009 Utah Legislative Session which created Section 63C-9-403. Said statute requires that contracts entered into on or after 07/01/2009, have provisions requiring health insurance as

specified in this statute. The statute also requires administrative rules that define the process and enforcement. In order to facilitate the contract requirements required as of 07/01/2009, it is necessary to have the administrative rule in place at the same time. (DAR NOTE: H.B. 331 (2009) is found at Chapter 13, Laws of Utah 2009, and was effective 05/12/2009.)

SUMMARY OF THE RULE OR CHANGE: This is a new rule and required in said H.B. 331. The rule introduces the procedure and requirements for implementation of the Health Reform -- Health Insurance Coverage in State Contracts as required by the Utah Legislature in H.B. 331 codified in Section 63C-9-403. H.B. 331, 2009 General Session, Health Reform -- Health Insurance Coverage in State Contracts, requires all contractors, subcontractors, and subconsultants at any tier, entering into any state contract, to have and maintain for the duration of the contract an offer of qualified health insurance coverage for their employees and their employees dependents that live and/or work in the State of Utah. (DAR NOTE: A corresponding proposed new rule is under DAR No. 32778 in this issue, July 15, 2009, of the Bulletin.)

STATE STATUTORY OR CONSTITUTIONAL AUTHORIZATION FOR THIS RULE: Section 63C-9-403

ANTICIPATED COST OR SAVINGS TO:

- ❖ **THE STATE BUDGET:** Enactment of this rule may indirectly increase the cost of state construction projects depending upon the contractor. The extent of such increases is currently unknown.
- ❖ **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. (Note: while not affected by this rule, H.B. 331 does affect public transit districts.)
- ❖ **SMALL BUSINESSES AND PERSONS OTHER THAN BUSINESSES:** Enactment of this rule may result in certain cost increases to private contractors, but may benefit individuals working for such contractors. Enactment of this rule likely will not result in direct, measurable costs and/or benefits for small businesses and persons other than businesses.

COMPLIANCE COSTS FOR AFFECTED PERSONS: To the extent there are cost increases to contractors (including designers), it is highly likely that such cost increases will be passed on as part of the costs of the contract that the State pays. The statute already provides the requirements that may cause cost increases. The rule does not add to these cost increases.

COMMENTS BY THE DEPARTMENT HEAD ON THE FISCAL IMPACT THE RULE MAY HAVE ON BUSINESSES: As stated, the statute itself created the fiscal impacts. The rule does not add additional burdens than already provided by the statute. The rule will not impact the costs. The statute will increase the cost of the contracts as the price of the insurance passed along in the bids and subsequent contracts. David H. Hart, AIA, Executive Director

EMERGENCY RULE REASON AND JUSTIFICATION: REGULAR RULEMAKING PROCEDURES WOULD place the agency in violation of federal or state law.

The specific reason an emergency rule process is needed: H.B. 331 codified as Section 63C-9-403 requires contractors, subcontractors, and subconsultants at any tier, entering into any state contract, to have and maintain for the duration of the contract an offer of qualified health insurance coverage for their employees and their employees dependents that live and/or work in the State of Utah, and will go into effect on 07/01/2009. The regular rulemaking process would not allow for the rule to be in effect before the required date. In order to comply with the bill, an emergency rulemaking process is required.

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

CAPITOL PRESERVATION BOARD (STATE)
ADMINISTRATION
Room E110 EAST BUILDING
420 N STATE ST
SALT LAKE CITY UT 84114-2110, or
at the Division of Administrative Rules.

DIRECT QUESTIONS REGARDING THIS RULE TO:

Sarah Whitney at the above address, by phone at 801-538-3074, by FAX at 801-538-3221, or by Internet E-mail at swhitney@utah.gov

THIS RULE IS EFFECTIVE ON: 07/01/2009

AUTHORIZED BY: David H. Hart, AIA, Executive Director

R131. Capitol Preservation Board (State), Administration.

R131-13. Health Reform -- Health Insurance Coverage in State Contracts -- Implementation.

R131-13-1. Purpose.

The purpose of this rule is to comply with the provisions of Section 63C-9-403.

R131-13-2. Authority.

This rule is authorized under Subsection 63C-9-301(3)(a) whereby the Capitol Preservation Board may make rules to govern, administer, and regulate the capitol hill complex, capitol hill facilities, and capitol hill grounds by following the procedures and requirements of Title 63G, Chapter 3, Utah Administrative Rulemaking Act, as well as Section 63C-9-403 that requires this rule related to health insurance provisions in certain design and construction contracts.

R131-13-3. Definitions.

(1) Except as otherwise stated in this rule, terms used in this rule are defined in Section 63C-9-403.

(2) In addition:

(a) "Board" means the Capitol Preservation Board established pursuant to Section 63C-9-201.

(b) "Executive Director" means the executive director of the Capitol Preservation Board including, unless otherwise stated, the executive director's duly authorized designee.

(c) "Employee(s)" is as defined in Subsection 63C-9-403(1)(a) and includes only those employees that live and work in the state of Utah along with their dependents. "Employee" for purposes of this rule, shall not be construed as to be broader than the use of the term employee for purposes of state of Utah Workers' Compensation laws along with their dependents.

(d) "State" means the state of Utah.

R131-13-4. Applicability of Rule.

(1) Except as provided in R131-13-4(2) below, R131-13 applies to all contracts entered into by the Board or the executive director, or on behalf of the Board, on or after July 1, 2009, if:

(a) the contract is for design and/or construction; and

(b)(i) the prime contract is in the amount of \$1,500,000 or greater; or

(ii) a subcontract, at any tier, is in the amount of \$750,000 or greater.

(2) R131-13 does not apply if:

(a) the application of R131-13 jeopardizes the receipt of federal funds;

(b) the contract is a sole source contract; or

(c) the contract is an emergency procurement.

(3) R131-13 does not apply to a change order as defined in Section 63G-6-102, or a modification to a contract, when the contract does not meet the initial threshold required by R131-13-4(1).

(4) A person who intentionally uses change orders or contract modifications to circumvent the requirements of Subsection R131-13-4(1) is guilty of an infraction.

R131-13-5. Contractor to Comply with Section 63C-9-403.

All contractors and subcontractors that are subject to the requirements of Section 63C-9-403 shall comply with all the requirements, penalties and liabilities of Section 63C-9-403.

R131-13-6. Not Basis for Protest or Suspend, Disrupt, or Terminate Design or Construction.

(1) The failure to comply with R131-13 or Section 63C-9-403:

(a) may not be the basis for a protest or other action from a prospective bidder, offeror, or contractor under Section 63G-6-801 or any other provision in Title 63G, Chapter 6, Part 8, Legal and Contractual Remedies; and

(b) may not be used by the procurement entity or a prospective bidder, offeror, or contractor as a basis for any action or suit that would suspend, disrupt or terminate the design or construction.

R131-13-7. Requirements and Procedures a Contractor Must Follow.

A contractor, including consultants and designers, must comply with the following requirements and procedures in order to demonstrate compliance with Section 63C-9-403.

(1) Demonstrating Compliance with Health Insurance Requirements. The following requirements must be met by a contractor, including consultants, designers and others under contract with the Board or the executive director that is subject to the requirements of R131-13 no later than the time of execution of the contract:

(a) demonstrate compliance by a written certification to the executive director that the contractor has and will maintain for the duration of the contract an offer of qualified health insurance coverage for the contractor's employees; and

(b) the contractor shall also provide such written certification prior to the execution of the contract, in regard to all subcontractors, including subconsultants, at any tier that are subject to the requirements of R131-13.

(2) Recertification. The executive director shall have the right to request a recertification by the contractor by submitting a written request to the contractor, and the contractor shall so comply with the written request within ten working days of receipt of the written request; however, in no case may the contractor be required to demonstrate such compliance more than twice in any 12-month period.

(3) Demonstrating Compliance with Actuarially Equivalent Determination. The actuarially equivalent determination required by Subsections 63C-9-403(1)(c)(i) and (iii) is met by the contractor if the contractor provides the executive director with a written statement of actuarial equivalency from either the Utah Insurance Department or an actuary selected by the contractor or the contractor's insurer.

For purposes of R131-13-7(3), actuarially equivalency is achieved by meeting any of the following:

(a) In accordance with Section 26-40-106(2)(a), the largest insured commercial enrollment offered by a health maintenance organization in the State, which the Children's Health Insurance Program has determined is the SelectHealth plan currently offered by SelectHealth, 4646 West Lake Park Blvd, Salt Lake City, Utah 84130. The reference to SelectHealth herein is to provide an example of a qualifying plan and is not intended to endorse or indicate a preference for the use of SelectHealth as the insurance provider in any way; or

(b) provides coverage that is actuarially equivalent to 75% of the benefit plan determined under R131-13-7(3)(a) above and employer premium contributions as required by statute.

(4) The health insurance must be available upon the first of the month following the initial ninety days from the beginning of employment.

(5) Architect and Engineer Compliance Process. Architects and engineers that are subject to R131-13 must demonstrate compliance with R131-13 in any annual submittal. During the procurement process and no later than the execution of the contract with the architect or engineer, the architect or engineer shall confirm that their applicable subcontractors or subconsultants meet the requirements of R131-13.

(6) General (Prime) Contractors Compliance Process. Contractors that are subject to R131-13 must demonstrate compliance with R131-13 for their own firm and any applicable subcontractors, in any pre-qualification process that may be used for the procurement. At the time of execution of the contract, the contractor shall confirm that their applicable subcontractors or subconsultants meet the requirements of R131-13.

(7) Notwithstanding any prequalification process, any contract subject to R131-13 shall contain a provision requiring compliance with R131-13 from the time of execution and throughout the duration of the contract.

(8) Hearing and Penalties.

(a) Hearing. Any hearing for any penalty under R131-13 conducted by the Board or executive director shall be conducted in the same manner as any hearing required for a suspension or debarment.

(b) Penalties that may be Imposed by the Board or Executive Director. The penalties that may be imposed by the Board or executive director if a contractor, consultant, subcontractor or

subconsultant, at any tier, intentionally violates the provisions of R131-13 may include:

(i) a three-month suspension of the contractor or subcontractor from entering into future contracts with the State upon the first violation, regardless of which tier the contractor or subcontractor is involved with the future design and/or construction contract;

(ii) a six-month suspension of the contractor or subcontractor from entering into future contracts with the State upon the second violation, regardless of which tier the contractor or subcontractor is involved with the future design and/or construction contract;

(iii) an action for debarment of the contractor or subcontractor in accordance with Section 63G-6-804 upon the third or subsequent violation; and

(iv) monetary penalties which may not exceed 50% of the amount necessary to purchase qualified health insurance coverage for an employee and dependents of an employee of the contractor or subcontractor who was not offered qualified health insurance coverage during the duration of the contract.

(c) In addition to the penalties imposed above, a contractor, consultant, subcontractor or subconsultant who violates the provisions of R131-13 shall be liable to the employee for health care costs not covered by insurance.

R131-13-8. Not Create any Contractual Relationship with any Subcontractor or Subconsultant.

Nothing in R131-13 shall be construed as to create any contractual relationship whatsoever between the State, the Board, or the executive director with any subcontractor or subconsultant at any tier.

R131-13-9. Effective Date of this Rule.

R131-13 shall be effective on July 1, 2009.

KEY: health insurance, contractors, contracts

Date of Enactment or Last Substantive Amendment: July 1, 2009

Authorizing, and Implemented or Interpreted Law: 63C-9-403; 63C-9-301(3)(a)



Health, Health Care Financing,
Coverage and Reimbursement Policy

R414-303-11

Prenatal and Newborn Medicaid

NOTICE OF 120-DAY (EMERGENCY) RULE

DAR FILE NO.: 32746
FILED: 06/24/2009, 14:03

RULE ANALYSIS

PURPOSE OF THE RULE OR REASON FOR THE CHANGE: The purpose of this change is to implement the requirements of The Children's Health Insurance Program Reauthorization Act, and to modify this rule to comply with The American Recovery and Reinvestment Act of 2009 (ARRA).

SUMMARY OF THE RULE OR CHANGE: This change adds a provision that requires states to provide one year of Medicaid

coverage to infants born to a mother who is eligible for Medicaid at the time of birth, regardless of whether the infant remains in the mother's home. In addition, this rule change states that the Division cannot remove an 18-year old from the Medicaid case of the parent and other children when the 18-year old lives with the parent, and the Department must count parents' income to determine the 18-year old's eligibility for poverty level Medicaid. (DAR NOTE: A corresponding amendment is under DAR No. 32747 in this issue, July 15, 2009, of the Bulletin.)

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

THIS RULE OR CHANGE INCORPORATES BY REFERENCE THE FOLLOWING MATERIAL: Title XIX of The Social Security Act, Sections 1902(a)(10)(A)(i)(IV), (VI),(VII), 1902(a)(47), 1902(e)(4)and(5), and 1902(l), in effect January 1, 2009

ANTICIPATED COST OR SAVINGS TO:

❖ THE STATE BUDGET: These changes could result in some infants who are placed for adoption receiving up to five months of additional coverage. The change in coverage for 18-year olds must be made or the Department could lose up to \$68,263,000 in enhanced federal matching funds under ARRA.

❖ LOCAL GOVERNMENTS: This change does not impact local governments because they do not determine Medicaid eligibility or provide Medicaid services.

❖ SMALL BUSINESSES AND PERSONS OTHER THAN BUSINESSES: There may be a nominal savings to some families with infants who are eligible to receive additional months of Medicaid coverage. Nevertheless, there is insufficient data to determine that savings. In addition, this change could also result in a cost for 18-year olds who may lose coverage and have to pay for medical care. However, there is insufficient data to determine that cost.

COMPLIANCE COSTS FOR AFFECTED PERSONS: This change could result in a savings to a family with an eligible infant because the infant may receive additional months of Medicaid coverage. However, there is insufficient data to determine that savings. In addition, this change could also result in a cost for an 18-year old who may lose coverage and have to pay for medical care. Once again, there is insufficient data to determine that cost.

COMMENTS BY THE DEPARTMENT HEAD ON THE FISCAL IMPACT THE RULE MAY HAVE ON BUSINESSES: This rule change implements changes in federal law and will not have a fiscal impact on business. David N. Sundwall, MD, Executive Director

EMERGENCY RULE REASON AND JUSTIFICATION: REGULAR RULEMAKING PROCEDURES WOULD cause an imminent budget reduction because of budget restraints or federal requirements. place the agency in violation of federal or state law.

These changes are required to comply with The Children's Health Insurance Program Reauthorization Act, and the ARRA of 2009. Failure to comply with these acts will result in a loss of enhanced federal matching funds.

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

HEALTH
HEALTH CARE FINANCING,
COVERAGE AND REIMBURSEMENT POLICY
CANNON HEALTH BLDG
288 N 1460 W
SALT LAKE CITY UT 84116-3231, or
at the Division of Administrative Rules.

DIRECT QUESTIONS REGARDING THIS RULE TO:

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

THIS RULE IS EFFECTIVE ON: 07/01/2009

AUTHORIZED BY: David N. Sundwall, Executive Director

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

R414-303. Coverage Groups.

R414-303-11. Prenatal and Newborn Medicaid.

(1) The Department ~~adopts~~ incorporates by reference Title XIX of the Social Security Act, Section 1902(a)(10)(A)(i)(IV), (VI), (VII), 1902(a)(47), 1902(e)(4) and (5) and 1902(l), in effect January 1, 200~~5~~9, and Title XIX of the Social Security Act, Section 1902(k) in effect January 1, 1993, which are incorporated by reference.

(2) The following definitions apply to this section:

(a) "covered provider" means a provider that the Department has determined is qualified to make a determination of presumptive eligibility for a pregnant woman and that meets the criteria defined in Section 1920(b)(2) of the Social Security Act;

(b) "presumptive eligibility" means a period of eligibility for medical services for a pregnant woman based on self-declaration that she meets the eligibility criteria.

(3) The Department provides coverage to pregnant women during a period of presumptive eligibility if a covered provider determines, based on preliminary information, that the woman:

(a) is pregnant;

(b) meets citizenship or alien status criteria as defined in R414-302-1;

(c) has a declared household income that does not exceed 133% of the federal poverty guideline applicable to her declared household size; and

(d) the woman is not covered by CHIP.

(4) No resource test applies to determine presumptive eligibility of a pregnant woman.

(5) A pregnant woman made eligible for a presumptive eligibility period must apply for Medicaid benefits by the last day of the month following the month the presumptive coverage begins.

(6) The presumptive eligibility period shall end on the earlier of:

(a) the day that the Medicaid agency determines whether the woman is eligible for Medicaid based on her application; or

(b) in the case of a woman who does not file a Medicaid application by the last day of the month following the month the

woman was determined presumptively eligible, the last day of that following month.

(7) A pregnant woman may receive medical assistance during only one presumptive eligibility period for any single term of pregnancy.

(8) The Department elects to impose a resource standard on Newborn Medicaid coverage for children age six to the month in which they turn age 19. The resource standard is the same as other Family Medicaid Categories.

(9) The Department elects to provide Prenatal Medicaid coverage to pregnant women whose countable income is equal to or below 133% of poverty.

(10) At the initial determination of eligibility for Prenatal Medicaid, the agency determines the applicant's countable resources using SSI resource methodologies. Applicants for Prenatal Medicaid whose countable resources exceed \$5,000 must pay four percent of countable resources to the agency to receive Prenatal Medicaid. The maximum payment amount is \$3,367. The payment must be met with cash. The applicant cannot use any medical bills to meet this payment.

(a) In subsequent months, through the 60 day postpartum period, the Department disregards all excess resources.

(b) This resource payment applies only to pregnant women covered under Sections 1902(a)(10)(A)(i)(IV) and 1902(a)(10)(A)(ii)(IX) of the Social Security Act in effect January 1, 200~~5~~9.

(c) No resource payment will be required when the Department makes a determination based on information received from a medical professional that social, medical, or other reasons place the pregnant woman in a high risk category. To obtain this waiver of the resource payment, the woman must provide this information to the agency before the woman pays the resource payment so the agency can determine if she is in a high risk category.

(11) A child born to a woman who is only presumptively eligible at the time of the infant's birth is not eligible for the one year of continued coverage defined in Section 1902(e)(4) of the Social Security Act. The mother can apply for Medicaid after the birth and if determined eligible back to the date of the infant's birth, the infant is then eligible for the one year of continued coverage under Section 1902(e)(4) of the Social Security Act. If the mother is not eligible, the Department determines if the infant is eligible under other Medicaid programs.

(12) The Department provides Medicaid coverage to an infant until the infant turns one-year old when born to a woman eligible for Utah Medicaid on the date of the delivery of the infant, without regard to whether the infant remains in the birth mother's home or whether the birth mother would continue to be eligible for Medicaid, in compliance with Sec. 113(b)(1), Children's Health Insurance Program Reauthorization Act, Pub. L. No. 111 3. The infant must continue to be a Utah resident to receive coverage.

(1~~2~~3) Children who meet the criteria under the Social Security Act, Section 1902(l)(1)(D) may qualify for the newborn program through the month in which they turn 19. The agency deems the parent's income and resources to the 18-year old to determine eligibility when the 18-year old lives in the parent's home. An 18-year old who does not live with a parent may apply on his own, in which case the agency does not deem income or resources from the parent.

~~(13) A child who is 18 but not yet 19 and meets the criteria under 1902(l)(1)(D) cannot be made ineligible for coverage under~~

~~the Newborn program because of deeming income or assets from a parent, even if the child lives in the parent's home.]~~

KEY: income, coverage groups, independent foster care adolescent

Date of Enactment or Last Substantive Amendment: July 1, 2009

Notice of Continuation: January 25, 2008

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

◆ ————— ◆

Health, Health Care Financing, Coverage and Reimbursement Policy **R414-308-3** Application and Signature

NOTICE OF 120-DAY (EMERGENCY) RULE

DAR FILE NO.: 32744
FILED: 06/24/2009, 13:55

RULE ANALYSIS

PURPOSE OF THE RULE OR REASON FOR THE CHANGE: This change is to implement The American Recovery and Reinvestment Act of 2009 (ARRA), which requires the state to not have additional restrictive standards, methodologies or procedures other than those that were in place on 07/01/2008, in order to receive the enhanced federal matching funds.

SUMMARY OF THE RULE OR CHANGE: This filing changes the way the state determines the date of application so that in certain circumstances, the agency will date applications as being received on Friday. When the state moved to the four-day work week, it meant that Medicaid eligibility offices would be closed on Fridays and applicants could not submit applications on Fridays. This change will require the state to date applications as received on Fridays when they are delivered or sent to the Medicaid office on Fridays, even though the offices are closed. This change must be made to protect the state from losing the enhanced federal matching funds under the ARRA of 2009. (DAR NOTE: A corresponding amendment is under DAR No. 32743 in this issue, July 15, 2009, of the Bulletin.)

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

ANTICIPATED COST OR SAVINGS TO:

- ❖ **THE STATE BUDGET:** The Department does not have an accurate way to estimate the total cost. Nevertheless, if the Department fails to make this change, it could lose up to \$68,263,000 in enhanced federal matching funds under the ARRA.
- ❖ **LOCAL GOVERNMENTS:** This change does not impact local governments because they do not determine Medicaid eligibility or provide Medicaid services
- ❖ **SMALL BUSINESSES AND PERSONS OTHER THAN BUSINESSES:** This change could result in a savings for some Medicaid

applicants if they are able to receive additional Medicaid coverage. Nevertheless, there is insufficient data to estimate what that savings will be.

COMPLIANCE COSTS FOR AFFECTED PERSONS: There are no compliance costs to a Medicaid client because the client does not have to pay more for medical assistance and does not lose any Medicaid coverage.

COMMENTS BY THE DEPARTMENT HEAD ON THE FISCAL IMPACT THE RULE MAY HAVE ON BUSINESSES: This rule change implements changes in federal law and will not have a fiscal impact on business. David N. Sundwall, MD, Executive Director

EMERGENCY RULE REASON AND JUSTIFICATION: REGULAR RULEMAKING PROCEDURES WOULD cause an imminent budget reduction because of budget restraints or federal requirements. place the agency in violation of federal or state law.

The ARRA provides enhanced federal matching funds to states for Medicaid assistance if the state meets specific requirements. One of the requirements is that the state cannot have any eligibility standards, methodologies, or procedures in place that are more restrictive than what the state had in place on 07/01/2008. In August 2008, the state moved to a four-day work week, and Medicaid eligibility offices are now closed on Fridays. The four-day work week is more restrictive because applications that are sent or delivered to the state after the offices close on Thursday are not dated as received until the next day that the offices are open. The Department must change this so as not to lose the enhanced federal matching funds.

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

HEALTH
HEALTH CARE FINANCING,
COVERAGE AND REIMBURSEMENT POLICY
CANNON HEALTH BLDG
288 N 1460 W
SALT LAKE CITY UT 84116-3231, or
at the Division of Administrative Rules.

DIRECT QUESTIONS REGARDING THIS RULE TO:

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

THIS RULE IS EFFECTIVE ON: 07/01/2009

AUTHORIZED BY: David N. Sundwall, Executive Director

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

R414-308. Application, Eligibility Determinations and Improper Medical Assistance.

R414-308-3. Application and Signature.

(1) An individual may apply for medical assistance by completing and signing any Department-approved application form for Medicaid,

Qualified Medicare Beneficiaries, Specified Low-Income Medicare Beneficiaries, or Qualified Individuals assistance and delivering it to the Medicaid eligibility agency. If available, an individual may complete an on-line application for medical assistance and send it electronically to the Medicaid eligibility agency.

(a) If an applicant cannot write, the applicant must make his mark on the application form and have at least one witness to the signature.

(b) For on-line applications, the individual must either send the Medicaid eligibility agency an original signature on a printed signature page, or if available on-line, submit an electronic signature that conforms with state law for electronic signatures.

(c) A representative may apply on behalf of an individual. A representative may be a legal guardian, a person holding a power of attorney, a representative payee or other responsible person acting on behalf of the individual. In this case, the Medicaid eligibility agency may send notices, requests and forms to both the individual and the individual's representative, or to just the individual's representative.

(d) If the Division of Child and Family Services (DCFS) has custody of a child and the child is placed in foster care, DCFS completes the application. DCFS determines eligibility for the child pursuant to a written agreement with the Department. DCFS also determines eligibility for children placed under a subsidized adoption agreement.

(e) An authorized representative may apply for the individual if unusual circumstances or death prevent an individual from applying on his own. The individual must sign the application form if possible. If the individual cannot sign the application, the representative must sign the application. The Medicaid eligibility agency may assign someone to act as the authorized representative when the individual requires help to apply and is unable to appoint a representative.

(2) ~~[The date of application is determined as follows:~~

~~—(a) The application date is the date the agency receives a completed, signed application at a local office by the close of business on a business day. This applies to paper applications delivered in person or by mail, paper applications sent via facsimile transmission, and electronic applications sent via the Internet.~~

~~—(b) For applications delivered to the agency by facsimile, Internet, or to an office dropbox after the close of business of a business day, or on a non-business day, the date of application is the next business day. [The Medicaid eligibility agency determines the date of application as follows:~~

~~(a) The date of application is the date that the Medicaid eligibility agency receives a completed application by the close of normal business hours on a week day that is not a Saturday, Sunday or state holiday. If an application is received after the normal close of business hours on a weekday that is not a Saturday, Sunday or state holiday, the date of application is the next weekday that is not a Saturday, Sunday or state holiday.~~

~~(e)b) The Medicaid eligibility agency determines the application date for applications delivered to an outreach location [is] as follows:~~

~~(i) If the application is delivered at a time when the outreach staff is working at that location, the date of application is the date the outreach staff receives the application.~~

~~(ii) If the application is delivered on a non-business day or at a time when the outreach office is closed, the date of application is the last business day that a staff person from the state Medicaid eligibility agency was available to receive or pick up applications from that location.~~

~~(d)c) [The due date for verifications needed to complete an application and determine eligibility is the close of business on the last day of the application period.] An applicant must provide the~~

verifications needed to process an application and determine eligibility no later than the close of business on the last day of the application period. If the last day of the application processing period falls on a day of the week when the Medicaid eligibility office is closed, then the applicant has until the close of business on the next day that the Medicaid eligibility agency is open immediately following the last day of the application processing period. An applicant may request more time to provide verifications. The request must be made by the last day of the application processing period.

(3) The Medicaid eligibility agency accepts a signed application sent via facsimile as a valid application and does not require it to be signed again.

(4) If an applicant submits an unsigned, or incomplete[~~d~~] application form to the Medicaid eligibility agency, the Medicaid eligibility agency will notify the applicant that he or she must sign and complete the application ~~[within 30 days of the application date]~~ no later than the last day of the application processing period. The Medicaid eligibility agency will send a signature page to the applicant ~~[within 10 days for the client]~~ and give the applicant at least ten days to sign and return the signature page. When the application is incomplete, the Medicaid eligibility agency will notify the applicant of the need to complete the application through an interview process, by mail, or by coming to an office to complete the form.

(a) If the Medicaid eligibility agency receives a signature page signed by the applicant, and the applicant completes the application within ~~[30 days of receiving the completed application, the original application date is retained]~~ the application processing period, the date of application will be the date the Medicaid eligibility agency received the application form that was not complete or signed.

(b) If the Medicaid eligibility agency does not receive a signed signature page, and the applicant does not complete the application form within ~~[30 days of when it received the completed application]~~ the application processing period, the application is void and the Medicaid eligibility agency will send a denial notice to the applicant. The previous application date will not be protected.

(c) If the Medicaid eligibility agency receives a signed signature page and the completed application after the application processing period but during the 30 calendar days immediately after the denial notice is mailed, the Medicaid eligibility agency will contact the applicant to ask if the applicant wants to reapply for medical assistance. If the applicant wants to reapply, the Medicaid eligibility agency may use the previous ~~[completed]~~ application form it received, but the application date will be the date the Medicaid eligibility agency receive[~~d~~]s both the signed signature page and completed application form according to the same provisions in Subsection R414-308-3(2).

(d) If the Medicaid eligibility agency receives a signed signature page and the completed application more than 30 calendar days after the denial notice is sent, the applicant will need to reapply by completing and submitting a new application form. The original application date is not retained. The new application date will be the date the Medicaid eligibility agency receives a new application.[

~~—(5) If an application is not complete, but it is signed by the applicant, the eligibility worker will ask the applicant to complete the application. If the client completes and returns the application within 30 days of the date the agency received the application, the agency will determine eligibility based on the original application date. If the client does not complete the application within 30 days, the original application date is not retained and the agency denies the application.]~~

KEY: public assistance programs, application, eligibility, Medicaid

Date of Enactment or Last Substantive Amendment: July 1, 2009
Notice of Continuation: January 31, 2008
Authorizing, and Implemented or Interpreted Law: 26-18

◆ ————— ◆

Health, Health Care Financing, Coverage and Reimbursement Policy

R414-310

Medicaid Primary Care Network Demonstration Waiver

NOTICE OF 120-DAY (EMERGENCY) RULE

DAR FILE No.: 32749
 FILED: 06/24/2009, 16:48

RULE ANALYSIS

PURPOSE OF THE RULE OR REASON FOR THE CHANGE: The purpose of this change is to implement the requirements of the American Recovery and Reinvestment Act (ARRA) of 2009, which require the state to not have any more restrictive standards, methodologies, or procedures than were in place on 07/01/2008, in order to receive the enhanced federal matching funds. In addition, to comply with Section 5006 of the ARRA, this change is necessary to exempt American Indians from paying an annual enrollment fee to enroll in the Primary Care Network (PCN).

SUMMARY OF THE RULE OR CHANGE: This amendment changes the method used by the Department to determine the date of application, so that in certain circumstances, the agency will date applications as being received on Friday. When the state moved to the four-day work week, medical eligibility offices closed on Fridays and applications could not be submitted on that day. This change requires the Department to date applications as received on Fridays when they are delivered or sent to the medical eligibility office on that day, even though the offices are closed. This change also exempts American Indians from paying an annual enrollment fee. (DAR NOTE: A corresponding amendment is under DAR No. 32750 in this issue, July 15, 2009, of the Bulletin.)

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

ANTICIPATED COST OR SAVINGS TO:

❖ **THE STATE BUDGET:** This change results in only a limited cost, because in most cases, applicants who submit an application on Friday will receive only three additional days of eligibility. There is insufficient data to estimate this cost because there is no way to know how many applications will be dated on a Friday instead of a Monday. On the other hand, if the Department fails to make this change, it could lose up to \$68,263,000 of federal matching funds under ARRA. Eliminating the PCN annual enrollment fee for American Indians will result in an \$1,800 annual reduction in dedicated credits.

❖ **LOCAL GOVERNMENTS:** This change does not impact local governments because they do not determine PCN eligibility or provide PCN services.

❖ **SMALL BUSINESSES AND PERSONS OTHER THAN BUSINESSES:** This change could result in savings to some PCN applicants if they are able to receive PCN coverage for one to three more days. Nevertheless, there is insufficient data to estimate this savings because there is no way to know how many applications will be dated on a Friday instead of a Monday. The elimination of the enrollment fee will affect approximately 120 individuals per year.

COMPLIANCE COSTS FOR AFFECTED PERSONS: There are no compliance costs to a PCN client because the client does not have to pay more for medical assistance and does not lose any PCN coverage.

COMMENTS BY THE DEPARTMENT HEAD ON THE FISCAL IMPACT THE RULE MAY HAVE ON BUSINESSES: This rule change implements changes in federal law and will not have a fiscal impact on business. David N. Sundwall, MD, Executive Director

EMERGENCY RULE REASON AND JUSTIFICATION: REGULAR RULEMAKING PROCEDURES WOULD cause an imminent budget reduction because of budget restraints or federal requirements. place the agency in violation of federal or state law.

ARRA provides enhanced federal matching funds to states for Medicaid assistance if states meet specific requirements. One of the requirements is that the state cannot have any eligibility standards, methodologies or procedures in place that are more restrictive than what the state had in place on 07/01/2008. In August 2008, the state moved to a four-day work week, and medical eligibility offices are now closed on Fridays. The four-day work week is more restrictive because applications that are sent or delivered to the Department after the offices close on Thursday are not dated as received until the next day that the offices are open. The Department must change this so it does not lose the enhanced federal matching funds.

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

HEALTH
 HEALTH CARE FINANCING,
 COVERAGE AND REIMBURSEMENT POLICY
 CANNON HEALTH BLDG
 288 N 1460 W
 SALT LAKE CITY UT 84116-3231, or
 at the Division of Administrative Rules.

DIRECT QUESTIONS REGARDING THIS RULE TO:

Craig Devashrayee at the above address, by phone at 801-538-6641, by FAX at 801-538-6099, or by Internet E-mail at cdevashrayee@utah.gov

THIS RULE IS EFFECTIVE ON: 07/01/2009

AUTHORIZED BY: David N. Sundwall, Executive Director

R414. Health, Health Care Financing, Coverage and Reimbursement Policy.**R414-310. Medicaid Primary Care Network Demonstration Waiver.****R414-310-10. Income Provisions.**

(1) To be eligible to enroll in the Primary Care Network program, a household's countable gross income must be equal to or less than 150% of the federal non-farm poverty guideline for a household of the same size. An individual with income above 150% of the federal poverty guideline is not allowed to spend down income to be eligible under the Primary Care Network program. All gross income, earned and unearned, received by the individual and the individual's spouse is counted toward household income, unless this section specifically describes a different treatment of the income.

(2) The Department does not count as income any payments from sources that federal laws specifically prohibit from being counted as income to determine eligibility for the Primary Care Network.

(3) Any income in a trust that is available to, or is received by a household member, is countable income.

(4) Payments received from the Family Employment Program, Working Toward Employment program, refugee cash assistance or adoption support services as authorized under Title 35A, Chapter 3 are countable income.

(5) Rental income is countable income. The following expenses can be deducted:

- (a) taxes and attorney fees needed to make the income available;
- (b) upkeep and repair costs necessary to maintain the current value of the property;
- (c) utility costs only if they are paid by the owner; and
- (d) interest only on a loan or mortgage secured by the rental property.

(6) Cash contributions made by non-household members are counted as income unless the parties have a signed written agreement for repayment of the funds.

(7) The interest earned from payments made under a sales contract or a loan agreement is countable income to the extent that these payments will continue to be received during the certification period.

(8) Needs-based Veteran's pensions are counted as income. Only the portion of a Veteran's Administration check to which the individual is legally entitled is countable income.

(9) Child support payments received for a dependent child living in the home are counted as that child's income.

(10) In-kind income, which is goods or services provided to the individual from a non-household member and which is not in the form of cash, for which the individual performed a service or which is provided as part of the individual's wages is counted as income. In-kind income for which the individual did not perform a service, or did not work to receive, is not counted as income.

(11) Supplemental Security Income and State Supplemental payments are countable income.

(12) Income, unearned and earned, shall be deemed from an alien's sponsor, and the sponsor's spouse, if any, when the sponsor has signed an Affidavit of Support pursuant to Section 213A of the Immigration and Nationality Act on or after December 19, 1997. Sponsor deeming will end when the alien becomes a naturalized U.S. citizen, or has worked 40 qualifying quarters as defined under Title II of the Social Security Act or can be credited with 40 qualifying work quarters. Beginning after December 31, 1996, a creditable qualifying work quarter is one during which the alien did not receive any federal means-tested public assistance.

(13) Income that is defined in 20 CFR 416 Subpart K, Appendix, 2004 edition, which is incorporated by reference, is not countable.

(14) Payments that are prohibited under other federal laws from being counted as income to determine eligibility for federally-funded medical assistance programs are not countable.

(15) Death benefits are not countable income to the extent that the funds are spent on the deceased person's burial or last illness.

(16) A bona fide loan that an individual must repay and that the individual has contracted in good faith without fraud or deceit, and genuinely endorsed in writing for repayment is not countable income.

(17) Child Care Assistance under Title XX is not countable income.

(18) Reimbursements of Medicare premiums received by an individual from Social Security Administration or the State Department of Health are not countable income.

(19) Earned and unearned income of a child who is under age 19 is not counted if the child is not the head of a household.

(20) Educational income, such as educational loans, grants, scholarships, and work-study programs are not countable income. The individual must verify enrollment in an educational program.

(21) Reimbursements for employee work expenses incurred by an individual are not countable income.

(22) The value of food stamp assistance is not countable income.

(23) Income paid by the U.S. Census Bureau to a temporary census taker to prepare for and conduct the census is not countable income.

(24) The additional \$25 a week payment to unemployment insurance recipients provided under Section 2002 of the American Recovery and Reinvestment Act of 2009, Pub. L. No. 111[-] 5, which an individual may receive from March 2009 through June 2010 is not countable income.

(25) The one-time economic recovery payments received by individuals receiving social security, supplemental security income, railroad retirement, or veteran's benefits under the provisions of Section 2201 of the American Recovery and Reinvestment Act of 2009, Pub. L. No. 111[-] 5, 123 Stat. 115, and refunds received under the provisions of Section 2202 of the American Recovery and Reinvestment Act of 2009, Pub. L. No. 111[-] 5, 123 Stat. 115, for certain government retirees are not countable income.

(26) The Consolidated Omnibus Reconciliation Act (COBRA) premium subsidy provided under Section 3001 of the American Recovery and Reinvestment Act of 2009, Pub. L. No. 111[-] 5, 123 Stat. 115, is not countable income.

(27) The making work pay credit provided under Section 1001 of the American Recovery and Reinvestment Act of 2009, Pub. L. No. 111[-] 5, 123 Stat. 115, is not countable income.

R414-310-13. Application Procedure.

(1) The Department adopts 42 CFR 435.907 and 435.908, 2004 ed., which are incorporated by reference. ~~—The Department shall maintain case records as defined in R414-308-8.~~

(2) The applicant must complete and sign a written application or complete an application on-line via the Internet to enroll in the Primary Care Network program. The provisions of Section R414-308-3 apply to applicants of the Primary Care Network.

~~—(a) The Department accepts any Department approved application form for medical assistance programs offered by the state as an application for the Primary Care Network program. The local office eligibility worker may require the applicant to provide additional information that was not asked for on the form the applicant completed,~~

and may require the applicant to sign a signature page from a hardcopy medical application form.

~~(b) If an applicant cannot write, he must make his mark on the application form and have at least one witness to the signature. A legal guardian or a person with power of attorney may sign the application form for the applicant.~~

~~(c) An authorized representative may apply for the applicant if unusual circumstances prevent the individual from completing the application process himself. The applicant must sign the application form if possible.~~

~~(3) The application date is the date the agency receives a signed application form at a local office by the close of business on a business day. This applies to paper applications delivered in person or by mail, paper applications sent via facsimile transmission, and electronic applications sent via the internet. If a local office receives an application after the close of business on a business day, the date of application is the next business day.~~

~~(4) The application date for applications delivered to an outreach location is as follows:~~

~~(a) If the application is delivered at a time when the outreach staff is working at that location, the date of application is the date the outreach staff receives the application.~~

~~(b) If the application is delivered on a non-business day or at a time when the outreach office is closed, the date of application is the last business day that a staff person from the state agency was available to receive or pick up applications from the location.~~

~~(5) The due date for verifications needed to complete an application and determine eligibility is the close of business on the last day of the application period.~~

~~(6) If an applicant has a legal guardian, a person with a power of attorney, or an authorized representative, the local office shall send decision notices, requests for information, and forms that must be completed to both the individual and the individual's representative, or to just the representative if requested or if determined appropriate.]~~

~~(7)3] The Department shall reinstate a medical case without requiring a new application if the case was closed in error.~~

~~(8)4] The Department shall continue enrollment without requiring a new application if the case was closed for failure to complete a recertification or comply with a request for information or verification:~~

~~(a) if the enrollee complies before the effective date of the case closure or by the end of the month immediately following the month the case was closed; and~~

~~(b) the individual continues to meet all eligibility requirements.~~

~~(9)5] An applicant may withdraw an application for the Primary Care Network program any time before the Department completes an eligibility decision on the application.~~

~~(10)6] The applicant shall pay an annual enrollment fee to enroll in the Primary Care Network Program once the local office has determined that the individual meets the eligibility criteria for enrollment.~~

~~(a) The Department does not require American Indians to pay an enrollment fee.~~

~~(a)1] Coverage does not begin until the Department receives the enrollment fee.~~

~~(b)2] The enrollment fee covers both the individual and the individual's spouse if the spouse is also eligible for enrollment in the Primary Care Network Program.~~

~~(c)3] The enrollment fee is required at application and at each recertification.~~

~~(d)4] The enrollment fee must be paid to the local office in cash, or by check or money order made out to the Department of Health or to the Department of Workforce Services.~~

~~(e)5] The enrollment fee for an individual or married couple receiving General Assistance from the Department of Workforce Services is \$15. The enrollment fee for an individual or couple who does not receive General Assistance but whose countable income is less than 50 percent of the federal poverty guideline applicable their household size is \$25. The enrollment fee for any other individual or married couple is \$50.~~

~~(f)6] The Department may refund the enrollment fee if it decides the person was ineligible for the program; however, the Department may retain the enrollment fee to the extent that the individual owes any overpayment of benefits that were paid in error on behalf of the individual by the Department.~~

~~(7)7] If an eligible household requests enrollment for a spouse, the application date for the spouse is the date of the request. A new application form is not required; however, the household shall provide the information necessary to determine eligibility for the spouse, including information about access to creditable health insurance, including Medicare Part A or B, student health insurance, and the VA Health Care System.~~

~~(a) Coverage or benefits for the spouse will be allowed from the date of request or the date an application is received through the end of the current certification period.~~

~~(b) A new enrollment fee is not required to add a spouse during the current certification period.~~

~~(c) A new income test is not required to add the spouse for the months remaining in the current certification period.~~

~~(d) A spouse may be added only if the Department has not stopped enrollment under section R414-310-16.~~

~~(e) Income of the spouse will be considered and payment of the enrollment fee will be required at the next scheduled recertification.~~

R414-310-15. Effective Date of Enrollment and Enrollment Period.

~~(1) The effective date of enrollment in the Primary Care Network program is the day that a completed and signed application is received by the [local office]medical eligibility agency as defined in [R414-310-13(3) and R414-310-13(4)(a) and (b)]Subsection R414-308-3(2)(a) and (b) and the applicant meets all eligibility criteria, including payment of the enrollment fee. The Department shall not provide any benefits or pay for any services received before the effective enrollment date.~~

~~(2) The effective date of re-enrollment for a recertification in the Primary Care Network program is the first day of the month after the recertification month, if the recertification is completed as described in R414-310-14(7).~~

~~(3) If the enrollee does not complete the recertification as described in R414-310-14(7), and the enrollee does not have good cause for missing the deadline, the case will remain closed and the individual may reapply during another open enrollment period.~~

~~(4) An individual found eligible for the Primary Care Network program shall be eligible from the effective date through the end of the first month of eligibility and for the following 12 months. If the enrollee completes the recertification process in accordance with R414-310-14(7) and continues to be eligible, the recertification period will be for an additional 12 months beginning the month following the recertification month. Eligibility could end before the end of a 12-month certification period for any of the following reasons:~~

~~(a) the individual turns age 65;~~

(b) the individual becomes entitled to receive student health insurance, Medicare, or becomes covered by Veterans Administration Health Insurance;

(c) the individual dies;

(d) the individual moves out of state or cannot be located;

(e) the individual enters a public institution or an Institute for Mental Disease.

(5) An individual enrolled in the Primary Care Network program loses eligibility when the individual enrolls in any type of group health plan or other creditable health insurance coverage including an employer-sponsored health plan, except under the following circumstances:

(a) An individual who gains access to or enrolls in an employer-sponsored health plan may switch to the UPP program if the individual notifies the local office before the coverage in the employer-sponsored health plan begins, and if the requirements defined in R414-310-7(3)(b) are met.

(b) An individual who enrolls in the Utah Health Insurance Pool (H.I.P.) does not lose eligibility in the Primary Care Network.

(6) If a Primary Care Network case closes for any reason, other than to become covered by another Medicaid program, and remains closed for one or more calendar months, the individual must submit a new application to the local office during an enrollment period to reapply. The individual must meet all the requirements of a new applicant including paying a new enrollment fee.

(7) If a Primary Care Network case closes because the enrollee is eligible for another Medicaid program, the individual may reenroll in the Primary Care Network program if there is no break in coverage between the programs, even if the State has stopped enrollment under R414-310-16(2).

(a) If the individual's 12-month certification period has not ended, the individual may reenroll for the remainder of that certification period. The individual is not required to complete a new application or have a new income eligibility determination. The individual must continue to meet the criteria defined in R414-310-7. The individual is not required to pay a new enrollment fee for the months remaining in the current certification period.

(b) If the 12-month certification period from the prior enrollment has ended, the individual may still reenroll in the Primary Care Network program. However, the individual must complete a new application, meet eligibility and income guidelines, and pay a new enrollment fee for the new certification period.

(c) If there is a break in coverage of one or more calendar months between programs, the individual must reapply during an open enrollment period for the Primary Care Network program.

KEY: Medicaid, primary care, covered-at-work, demonstration
Date of Enactment or Last Substantive Amendment: July 1, 2009
Notice of Continuation: June 13, 2007
Authorizing, and Implemented or Interpreted Law: 26-18-1; 26-1-5; 26-18-3

◆ ————— ◆

**Health, Health Care Financing,
 Coverage and Reimbursement Policy**
R414-320

Medicaid Health Insurance Flexibility and Accountability Demonstration Waiver

NOTICE OF 120-DAY (EMERGENCY) RULE

DAR FILE No.: 32751

FILED: 06/24/2009, 17:00

RULE ANALYSIS

PURPOSE OF THE RULE OR REASON FOR THE CHANGE: The purpose of this change is to implement the requirements of the American Recovery and Reinvestment Act (ARRA) of 2009, which require the state to not have any more restrictive standards, methodologies or procedures than were in place on 07/01/2008, in order to receive the enhanced federal matching funds.

SUMMARY OF THE RULE OR CHANGE: This amendment changes the method used by the Department to determine the date of application, so that in certain circumstances, the agency will date applications as being received on Friday. When the state moved to the four-day work week, medical eligibility offices closed on Fridays and applications could not be submitted on that day. This change requires the Department to date applications as received on Fridays when they are delivered or sent to the medical eligibility office on that day, even though the offices are closed. (DAR NOTE: A corresponding amendment is under DAR No. 32752 in this issue, July 15, 2009, of the Bulletin.)

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

ANTICIPATED COST OR SAVINGS TO:

❖ **THE STATE BUDGET:** This change results in only a limited cost, because in most cases, applicants who submit an application on Friday will receive only three additional days of eligibility. There is insufficient data to estimate this cost because there is no way to know how many applications will be dated on a Friday instead of a Monday. On the other hand, if the Department fails to make this change, it could lose up to \$68,263,000 of federal matching funds under the ARRA.

❖ **LOCAL GOVERNMENTS:** This change does not impact local governments because they do not determine Utah Premium Partnership for Health Insurance (UPP) eligibility or provide UPP services.

❖ **SMALL BUSINESSES AND PERSONS OTHER THAN BUSINESSES:** This change could result in a benefit to some UPP applicants if they are able to submit their UPP application before their insurance coverage start date. Nevertheless, there is insufficient data to estimate this savings because there is no way to know how many applications will be dated on a Friday instead of a Monday.

COMPLIANCE COSTS FOR AFFECTED PERSONS: There are no compliance costs to an UPP client because the client does not have to pay more for medical assistance and does not lose any UPP coverage.

COMMENTS BY THE DEPARTMENT HEAD ON THE FISCAL IMPACT THE RULE MAY HAVE ON BUSINESSES: This rule change implements changes in federal law and will not have a fiscal impact on business. David N. Sundwall, MD, Executive Director

EMERGENCY RULE REASON AND JUSTIFICATION: REGULAR RULEMAKING PROCEDURES WOULD cause an imminent budget reduction because of budget restraints or federal requirements. place the agency in violation of federal or state law.

The ARRA provides enhanced federal matching funds to states for Medicaid assistance if states meet specific requirements. One of the requirements is that the state cannot have any eligibility standards, methodologies, or procedures in place that are more restrictive than what the state had in place on 07/01/2008. In August 2008, the state moved to a four-day work week, and medical eligibility offices are now closed on Fridays. The four-day work week is more restrictive because applications that are sent or delivered to the Department after the offices close on Thursday are not dated as received until the next day that the offices are open. The Department must change this so it does not lose the enhanced federal matching funds.

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

HEALTH
HEALTH CARE FINANCING,
COVERAGE AND REIMBURSEMENT POLICY
CANNON HEALTH BLDG
288 N 1460 W
SALT LAKE CITY UT 84116-3231, or
at the Division of Administrative Rules.

DIRECT QUESTIONS REGARDING THIS RULE TO:

Craig Devashrayee at the above address, by phone at 801-538-6641, by FAX at 801-538-6099, or by Internet E-mail at cdevashrayee@utah.gov

THIS RULE IS EFFECTIVE ON: 07/01/2009

AUTHORIZED BY: David N. Sundwall, Executive Director

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

R414-320. Medicaid Health Insurance Flexibility and Accountability Demonstration Waiver.

R414-320-10. Income Provisions.

(1) For an adult to be eligible to enroll, gross countable household income must be equal to or less than 150% of the federal non-farm poverty guideline for a household of the same size.

(2) For children to be eligible to enroll, gross countable household income must be equal to or less than 200% of the federal non-farm poverty guideline for a household of the same size.

(3) All gross income, earned and unearned, received by the individual and the individual's spouse is counted toward household income, unless this section specifically describes a different treatment of the income.

(4) The Department does not count as income any payments from sources that federal laws specifically prohibit from being counted as income to determine eligibility for the UPP program.

(5) Any income in a trust that is available to, or is received by a household member, is countable income.

(6) Payments received from the Family Employment Program, Working Toward Employment program, refugee cash assistance or adoption support services as authorized under Title 35A, Chapter 3 are countable income.

(7) Rental income is countable income. The following expenses can be deducted:

(a) Taxes and attorney fees needed to make the income available;

(b) Upkeep and repair costs necessary to maintain the current value of the property;

(c) Utility costs only if they are paid by the owner; and

(d) Interest only on a loan or mortgage secured by the rental property.

(8) Cash contributions made by non-household members are counted as income unless the parties have a signed written agreement for repayment of the funds.

(9) The interest earned from payments made under a sales contract or a loan agreement is countable income to the extent that these payments will continue to be received during the certification period.

(10) Needs-based Veteran's pensions are counted as income. Only the portion of a Veteran's Administration check to which the individual is legally entitled is countable income.

(11) Child support payments received for a dependent child living in the home are counted as that child's income.

(12) In-kind income, which is goods or services provided to the individual from a non-household member and which is not in the form of cash, for which the individual performed a service or which is provided as part of the individual's wages is counted as income. In-kind income for which the individual did not perform a service, or did not work to receive, is not counted as income.

(13) Supplemental Security Income and State Supplemental payments are countable income.

(14) Income that is defined in 20 CFR 416 Subpart K, Appendix, 2004 edition, which is incorporated by reference, is not countable.

(15) Payments that are prohibited under other federal laws from being counted as income to determine eligibility for federally-funded medical assistance programs are not countable.

(16) Death benefits are not countable income to the extent that the funds are spent on the deceased person's burial or last illness.

(17) A bona fide loan that an individual must repay and that the individual has contracted in good faith without fraud or deceit, and genuinely endorsed in writing for repayment is not countable income.

(18) Child Care Assistance under Title XX is not countable income.

(19) Reimbursements of Medicare premiums received by an individual from Social Security Administration or the Department are not countable income.

(20) Earned and unearned income of a child is not countable income if the child is not the head of a household.

(21) Educational income, such as educational loans, grants, scholarships, and work-study programs are not countable income. The individual must verify enrollment in an educational program.

(22) Reimbursements for employee work expenses incurred by an individual are not countable income.

(23) The value of food stamp assistance is not countable income.

(24) Income paid by the U.S. Census Bureau to a temporary census taker to prepare for and conduct the census is not countable income.

(25) The additional \$25 a week payment to unemployment insurance recipients provided under Section 2002 of the American Recovery and Reinvestment Act of 2009, Pub. L. No. 111[-] 5, which an individual may receive from March 2009 through June 2010 is not countable income.

(26) The one-time economic recovery payments received by individuals receiving social security, supplemental security income, railroad retirement, or veteran's benefits under the provisions of Section 2201 of the American Recovery and Reinvestment Act of 2009, Pub. L. No. 111[-] 5, 123 Stat. 115, and refunds received under the provisions of Section 2202 of the American Recovery and Reinvestment Act of 2009, Pub. L. No. 111[-] 5, 123 Stat. 115, for certain government retirees are not countable income.

(27) The Consolidated Omnibus Reconciliation Act (COBRA) premium subsidy provided under Section 3001 of the American Recovery and Reinvestment Act of 2009, Pub. L. No. 111[-] 5, 123 Stat. 115, is not countable income.

(28) The making work pay credit provided under Section 1001 of the American Recovery and Reinvestment Act of 2009, Pub. L. No. 111[-] 5, 123 Stat. 115, is not countable income.

R414-320-13. Application Procedure.

(1) The application is the initial request from an applicant for UPP enrollment. The application process includes gathering information and verifications to determine the individual's eligibility for enrollment.

(2) The applicant must complete and sign a written application or complete an application on-line via the Internet to enroll in the UPP program. The provisions of Section R414-308-3 apply to applicants of the UPP program.

~~—(a) The Department accepts any Department approved application form for medical assistance programs offered by the state as an application for the UPP program. The local office eligibility worker may require the applicant to provide additional information that was not asked for on the form the applicant completed, and may require the applicant to sign a signature page from a hardcopy medical application form.~~

~~—(b) If an applicant cannot write, he must make his mark on the application form and have at least one witness to the signature. A legal guardian or a person with power of attorney may sign the application form for the applicant.~~

~~—(c) An authorized representative may apply for the applicant if unusual circumstances prevent the individual from completing the application process himself. The applicant must sign the application form if possible.~~

~~—(3) The date of application is the day the agency receives a signed application form at a local office by the close of business on a business day. This applies to paper applications delivered in person or by mail, paper applications sent via facsimile transmission, and electronic applications sent via the internet. If a local office receives an application after the close of business on a business day, the date of application is the next business day.~~

~~—(4) The application date for applications delivered to an outreach location is as follows:~~

~~—(a) If the application is delivered at a time when the outreach staff is working at that location, the date of application is the date the outreach staff receives the application.~~

~~—(b) If the application is delivered at a time when the outreach office is closed, including being closed for weekends or holidays, the date of application is the last business day that a staff person from the state agency was available to receive or pick up applications from the location.~~

~~—(5) The due date for verification needed to complete an application and determine eligibility is the close of business on the last day of the application period.~~

~~—(6) If an applicant has a legal guardian, a person with a power of attorney, or an authorized representative, the local office shall send decision notices, requests for information, and forms that must be completed to both the individual and the individual's representative, or to just the representative if requested or if determined appropriate.]~~

~~(7)3) The Department shall reinstate a UPP case without requiring a new application if the case was closed in error.~~

~~(8)4) The Department shall continue enrollment without requiring a new application if the case was closed for failure to complete a recertification or comply with a request for information or verification:~~

~~(a) If the enrollee complies before the effective date of the case closure or by the end of the month immediately following the month the case was closed; and~~

~~(b) The individual continues to meet all eligibility requirements.~~

~~(9)5) An applicant may withdraw an application any time before the Department completes an eligibility decision on the application.~~

~~(10)6) If an eligible household requests enrollment for a new household member, the application date for the new household member is the date of the request. A new application form is not required. However, the household shall provide the information necessary to determine eligibility for the new member, including information about access to creditable health insurance.~~

~~(a) Benefits for the new household member will be allowed from the date of request or the date an application is received through the end of the current certification period.~~

~~(b) A new income test is not required to add the new household member for the months remaining in the current certification period.~~

~~(c) A new household member may be added only if the Department has not stopped enrollment under Section R414-320-15.~~

~~(d) Income of the new member will be considered at the next scheduled recertification.~~

~~(11)7) A child who loses Medicaid coverage because he or she has reached the maximum age limit and does not qualify for any other Medicaid program without paying a spenddown, may enroll in UPP without waiting for the next open enrollment period.~~

~~(12)8) A child who loses Medicaid coverage because he or she is no longer deprived of parental support and does not qualify for any other Medicaid program without paying a spenddown, may enroll in UPP without waiting for the next open enrollment period.~~

~~(13)9) A new child born to or adopted by an enrollee may be enrolled in UPP without waiting for the next open enrollment period.~~

R414-320-15. Effective Date of Enrollment and Enrollment Period.

(1) The effective date of enrollment is the day that a completed and signed application is received at a local office as defined in Subsection[s ~~R414-320-13(3) and R414-320-13(4)(a) and (b)~~] R414-308-3(2)(a) and (b), and the applicant meets all eligibility criteria and enrolls in and pays the first premium for the employer-sponsored health insurance in the application month.

(2) The effective date of enrollment cannot be before the month in which the applicant pays a premium for the employer-sponsored health insurance and is determined as follows:

(a) The effective date of enrollment is the date an application is received and the person is found eligible, if the applicant enrolls in and pays the first premium for the employer-sponsored health insurance in the application month.

(b) If the applicant will not pay a premium for the employer-sponsored health insurance in the application month, the effective date of enrollment is the first day of the month in which the applicant pays a premium for the employer-sponsored health insurance. The applicant must enroll in the employer-sponsored health insurance no later than 30 days from the day on which the Department of Workforce Services sends the applicant written notice that he meets the qualifications for UPP.

(c) If the applicant does not enroll in the employer-sponsored health insurance within 30 days from the day on which the Department of Workforce Services sends the applicant written notice that he meets the qualifications for UPP, the application shall be denied and the individual will have to reapply during another open enrollment period.

(3) The effective date of enrollment for a newborn or newly adopted child is the date the newborn or newly adopted child is enrolled in the employer-sponsored health insurance if the family requests the coverage within 30 days of the birth or adoption. If the request is more than 30 days after the birth or adoption, enrollment is effective the date of report.

(4) The effective date of re-enrollment for a recertification is the first day of the month after the recertification month, if the recertification is completed as described in R414-320-13.

(5) If the enrollee does not complete the recertification as described in R414-320-13, and the enrollee does not have good cause for missing the deadline, the case will remain closed and the individual may reapply during another open enrollment period.

(6) An individual found eligible shall be eligible from the effective date through the end of the first month of eligibility and for the following 12 months. If the enrollee completes the redetermination process in accordance with R414-320-13 and continues to be eligible, the recertification period will be for an additional 12 months beginning the month following the recertification month. Eligibility could end before the end of a 12-month certification period for any of the following reasons:

- (a) The individual turns age 65;
- (b) The individual becomes entitled to receive Medicare, or becomes covered by Veterans Administration Health Insurance;
- (c) The individual dies;
- (d) The individual moves out of state or cannot be located;
- (e) The individual enters a public institution or an Institute for Mental Disease.

(7) If an adult enrollee discontinues enrollment in employer-sponsored insurance coverage, eligibility ends. If the enrollment in employer-sponsored insurance is discontinued involuntarily and the individual notifies the local office within 10 calendar days of when the insurance ends, the individual may switch to the PCN program for the remainder of the certification period.

(8) A child enrollee may discontinue employer-sponsored health insurance and move to direct coverage under the Children's Health Insurance Program at any time during the certification period without any waiting period.

(9) An individual enrolled in the Primary Care Network or the Children's Health Insurance Program who enrolls in an employer-sponsored plan may switch to the UPP program if the individual reports to the local office within 10 calendar days of enrolling in an employer-sponsored plan and before coverage on the employer-sponsored plan begins.

(10) If a UPP case closes for any reason, other than to become covered by another Medicaid program or the Children's Health Insurance Program, and remains closed for one or more calendar months, the individual must submit a new application to the local office during an open enrollment period to reapply. The individual must meet all the requirements of a new applicant.

(11) If a UPP case closes because the enrollee is eligible for another Medicaid program or the Children's Health Insurance Program, the individual may reenroll if there is no break in coverage between the programs, even if the State has stopped enrollment under R414-320-15.

(a) If the individual's 12-month certification period has not ended, the individual may reenroll for the remainder of that certification period. The individual is not required to complete a new application or have a new income eligibility determination.

(b) If the 12-month certification period from the prior enrollment has ended, the individual may still reenroll. However, the individual must complete a new application and meet eligibility and income guidelines for the new certification period.

(c) If there is a break in coverage of one or more calendar months between programs, the individual must reapply during an open enrollment period.

KEY: Medicaid, PCN, CHIP, UPP

**Date of Enactment or Last Substantive Amendment: July 1, 2009
Authorizing, and Implemented or Interpreted Law: 26-18-3; 26-1-5**



Transportation, Operations,
Construction
R916-5
Health Reform -- Health Insurance
Coverage in State Contracts --
Implementation

NOTICE OF 120-DAY (EMERGENCY) RULE

DAR FILE NO.: 32768

FILED: 06/29/2009, 18:26

RULE ANALYSIS

PURPOSE OF THE RULE OR REASON FOR THE CHANGE: The purpose of the rule is to comply with H.B. 331 of the 2009 Utah Legislative Session which created Section 72-6-107.5. Said statute requires that contracts entered into on or after 07/01/2009, have provisions requiring health insurance as specified in this statute. The statute also requires administrative rules that define the process and enforcement. In order to facilitate the contract requirements required as of 07/01/2009, it is necessary to have the administrative rules in place at the same time. (DAR NOTE: H.B. 331 (2009) is found at Chapter 13, Laws of Utah 2009, and was effective 05/12/2009.)

SUMMARY OF THE RULE OR CHANGE: This is a new rule and required in said H.B. 331. The rule introduces the procedure and requirements for implementation of the Health Reform -- Health Insurance Coverage in State Contracts as required by

the Utah Legislature in H.B. 331 codified in Section 72-6-107.5. H.B. 331, 2009 General Session, Health Reform -- Health Insurance Coverage in State Contracts, requires all contractors, subcontractors, and subconsultants at any tier, entering into any state contract, to have and maintain for the duration of the contract an offer of qualified health insurance coverage for their employees and their employee's dependents that live and/or work in the State of Utah.

STATE STATUTORY OR CONSTITUTIONAL AUTHORIZATION FOR THIS RULE: Subsection 72-6-107.5(6)

ANTICIPATED COST OR SAVINGS TO:

❖ THE STATE BUDGET: Enactment of this rule may indirectly increase the cost of state construction projects depending upon the contractor. The extent of such increases is currently unknown.

❖ 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. (Note: while not affected by this rule, H.B. 331 does affect public transit districts.)

❖ SMALL BUSINESSES AND PERSONS OTHER THAN BUSINESSES: Enactment of this rule may result in certain cost increases to private contractors, but may benefit individuals working for such contractors. Enactment of this rule likely will not result in direct, measurable costs and/or benefits for local governments.

COMPLIANCE COSTS FOR AFFECTED PERSONS: To the extent there are cost increases to contractors (including designers), it is highly likely that such cost increases will be passed on as part of the costs of the contract that the State pays. The statute already provides the requirements that may cause cost increases. The rule does not add to these cost increases.

COMMENTS BY THE DEPARTMENT HEAD ON THE FISCAL IMPACT THE RULE MAY HAVE ON BUSINESSES: As stated, the statute itself created the fiscal impacts. The rule does not add additional burdens than already provided by the statute. The rule will not impact the costs. The statute will increase the cost of the contracts as the price of the insurance passed along in the bids and subsequent contracts. John R. Njord, Executive Director

EMERGENCY RULE REASON AND JUSTIFICATION: REGULAR RULEMAKING PROCEDURES would place the agency in violation of federal or state law.

The specific reason an emergency rule process is needed: H.B. 331 codified as Section 72-6-107.5 requires contractors, subcontractors, and subconsultants at any tier, entering into any state contract, to have and maintain for the duration of the contract an offer of qualified health insurance coverage for their employees and their employees dependents that live and/or work in the State of Utah, and will go into effect on 07/01/2009. The regular rulemaking process would not allow for the rule to be in effect before the required date. In order to comply with the statute, an emergency rulemaking process is required.

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

TRANSPORTATION
OPERATIONS, CONSTRUCTION
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

THIS RULE IS EFFECTIVE ON: 07/01/2009

AUTHORIZED BY: John R. Njord, Executive Director

R916. Transportation, Operations, Construction.

R916-5. Health Reform -- Health Insurance Coverage in State Contracts -- Implementation.

R916-5-1. Purpose.

The purpose of this Rule is to comply with Utah Code Annotated Section 72-6-107.5 and establish the requirements and procedures a contractor, subcontractor, consultant and subconsultant must follow to demonstrate they will maintain an offer of health insurance as required by Section 72-6-107.5. The Rule also establishes penalties for anyone covered by this Rule if they intentionally violate the provisions of Section 72-6-107.5

R916-5-2. Authority.

This Rule is authorized under Section 72-6-107.5 which requires the Utah Department of Transportation to make rules related to health insurance in certain design and construction contracts.

R916-5-3. Definitions.

(1) Except as otherwise stated in this rule, terms used in this rule are defined in Section 72-6-107.5.

(2) In addition:

(a) "Executive Director" means the Executive Director of the Department of Transportation, including, unless otherwise stated, the Executive Director's duly authorized designee.

(b) "Department" means the Department of Transportation established pursuant to Section 72-1-201.

(c) "Employee(s)" is as defined in 72-6-107.5 and includes only those employees that live and/or work in the State of Utah along with their dependents. "Employee" for purposes of this rule, shall not be construed as to be broader than that the use of the term employee for purposes of State of Utah Workers' Compensation laws.

(d) "State" means the State of Utah.

(3) The definitions found in Section 72-6-107.5 shall apply to Rule R916-5.

R916-5-4. Applicability of Rule.

(1) Except as provided in Rule R916-5-4(2) below, this Rule R916-5 applies to all contracts entered into by the Department on or after July 1, 2009, if:

(a) the contract is for design and/or construction; and
(b)(i) the prime contract is in the amount of \$1,500,000 or greater; or
(ii) a subcontract, at any tier, is in the amount of \$750,000 or greater.
(2) This Rule R 916-5 does not apply if:
(a) the application of this Rule 916-5 jeopardizes the receipt of federal funds;
(b) the contract is a sole source contract; or
(c) the contract is an emergency procurement; or
(d) the Rule is in conflict with federal law.
(3) This Rule R 916-5 does not apply to a change order as defined in Section 63G-6-102, or a modification to a contract, when the contract does not meet the initial threshold required by Rule R 916-5-4(1)
(4) A person who intentionally uses change orders or contract modifications to circumvent the requirements of subsection (1) is guilty of an infraction.

R916-5-5. Contractors or Consultants to Comply with Section 72-6-107.5.

All contractors, subcontractors, consultants or subconsultants that are subject to the requirements of Section 72-6-107.5 shall comply with all the requirements, penalties and liabilities of Section 72-6-107.5.

R916-5-6. Not Basis for Protest, Suspension, Disruption, or Termination Design or Construction.

(1) the failure of contractors, subcontractors, consultants, or subconsultants to comply with Section 72-6-107.5:
(a) may not be the basis for a protest or other action from a prospective bidder, offer, or contractor or consultant under Section 63G-6-801 or any other provision in Title 63G, Chapter 6, Part 8, Legal and Contractual Remedies; and
(b) may not be used by the procurement entity or a prospective bidder, offer or, contractor or consultant as a basis for any action or suit that would suspend, disrupt or terminate the design or construction.
(2) A contractor who is unable to demonstrate compliance within 14 calendar days of bid opening or when proposals are due may be declared non-responsive and the Department may award the contract to the lowest responsive bidder.
(3) A consultant who is unable to demonstrate compliance within 14 calendar days of being ranked first during the consultant selection process, may be declared non-responsive and the Department may enter negotiations with the new first-ranked responsive consultant.

R916-5-7. Requirements and Procedures a Contractor or Consultant Must Follow.

A contractor, or consultant, subcontractors or subconsultants must comply with the following requirements and procedures in order to demonstrate compliance with Section 72-6-107.5.
(1) Demonstrating Compliance with Health Insurance Requirements.
The following requirements must be met by a contractor, consultants, subcontractors, and subconsultants that are subject to the requirements of this Rule no later than the time of execution of the contract:
(a) demonstrate compliance by a written certification to the Executive Director that the contractor, consultants, subcontractors,

and subconsultants has and will maintain for the duration of the contract an offer of qualified health insurance coverage for the employees, as such employees are defined in Section 34A-2-104 for employees' who live and/or work within the State, along with their dependents. Employee, for purposes of this Rule, shall be no broader than the use of the term employee for purposes of the State's Workers' Compensation requirements; and

(b) The contractor or consultant shall also provide such written certification prior to the execution of the contract, in regard to all subcontractors or subconsultants at any tier that are subject to the requirements of this Rule.

(2) Recertification. The Executive Director shall have the right to request a recertification by the contractor or consultant by submitting a written request to the contractor or consultant, and the contractor or consultant shall so comply with the written request within (10) working days of receipt of the written request; however, in no case may the contractor or consultant be required to demonstrate such compliance more than twice in any 12-month period.

(3) Demonstrating Compliance with Actuarially Equivalent Determination.

The actuarially equivalent determination required by Subsection (1) of 72-6-107.5 is met by the contractor or consultant if the contractor or consultant provides the Executive Director with a written statement of actuarial equivalency from either the Utah Insurance Department or an actuary selected by the contractor or the contractor's insurer or an actuary selected by the consultant or the consultant's insurer

(a) For purposes of Rule R916-5, actuary equivalency is achieved by meeting any of the following:

(i) In accordance with Section 26-40-106(2)(a), the largest insured commercial enrollment offered by a health maintenance organization in the State, which the Children's Health Insurance Program has determined is the SelectHealth plan currently offered by SelectHealth, 4646 West Lake Park Blvd, Salt Lake City, Utah 84130. The reference to SelectHealth herein is to provide an example of a qualifying plan and is not intended to endorse or indicate a preference for the use of SelectHealth as the insurance provider in any way; or

(ii) provides coverage that is actuarially equivalent to 75% of the benefit plan determined under Rule R916-5-7(3)(a)(i) above and employer premium contributions as required by statute.

(4) Time Frame Availability for Health Insurance.

The health insurance must be available upon the first of the month following the initial ninety (90) days from the beginning of employment.

(5) Consultant Compliance Process.

Consultants who are subject to this Rule must demonstrate compliance with this Rule in their initial Financial Screening Application. The consultant's will then be required to demonstrate the offer of health insurance that meets the requirements outlined in Section 72-6-107.5. During the procurement process and no later than the execution of the contract with the consultant, the consultant will confirm the prime is still in compliance with this Rule and the subconsultants of the consultant will certify through their prime consultant they meet the requirements of this Rule. The written contract will contain a provision where the consultant confirms compliance with this Rule by both the consultant and applicable subconsultants.

(6) Contractors Compliance Process.

Contractors who are subject to this Rule must demonstrate compliance with this Rule. The contractor will indicate in the Pre-qualification Application that the contractor will offer health insurance which meets the requirements outlines in Section 72-6-107.5. When a contract is written, contractors may confirm the prime contractor is still in compliance with this Rule and their subcontractors will certify through their contractor they meet the requirements of this Rule. The written contract shall contain a provision where the contractor confirms compliance with this Rule by both the contractor and applicable subcontractors.

(7) Must be in Compliance at the Time the Contract is Executed.

Notwithstanding any prequalification of a contractor, subcontractor, consultant or subconsultant that is subject to this Rule, the contractor subcontractor, consultant or subconsultant must agree to the language in the executed contract that requires the contractor to be in compliance with this Rule at the time of the execution of the contract and throughout the duration of the contract.

R916-5-8. Department Hearing and Penalties.

(1) Hearing. Any hearing regarding the failure to comply with this Rule shall be held in accordance with the Utah Administrative Procedures Act and Rule 907-1 unless specifically stated otherwise in a governing statute.

(2) Penalties. The penalties that may be imposed if a contractor, consultant, subcontractor or subconsultant, at any tier intentionally violates the provisions of this Rule may include:

(a) a three-month suspension of the contractor or subcontractor from entering into future contracts with the state upon the first violation, regardless of which tier the contractor or subcontractor is involved with the future design and/or construction contract;

(b) a six-month suspension of the contractor, subcontractor, consultant or subconsultant from entering into future contracts with the state upon the second violation, regardless of which tier the

contractor or subcontractor is involved with the future design and/or construction contract;

(c) an action for debarment of the contractor, subcontractor, consultant or subconsultant in accordance with Section 63G-6-804 upon the third or subsequent violation; and

(d) monetary penalties which may not exceed 50% of the amount necessary to purchase qualified health insurance coverage for an employee and the dependents of an employee of the contractor, subcontractor, consultant or subconsultant who was not offered qualified health insurance coverage during the duration of the contract.

(e) A prime contractor or consultant will not be subject to penalties for the failure of a subcontractor or subconsultant to meet the requirement of maintaining their offer of qualified health care coverage.

R916-5-9. Does Not Create Any Contractual Relationship With Any Subcontractor or Subconsultant.

Nothing in this Rule shall be construed as to create any contractual relationship whatsoever between the Department or the State with any subcontractor or subconsultant at any tier.

R916-5-10. Effective Date of this Rule.

The Rule shall be effective on July 1, 2009.

KEY: contracts, health insurance, health insurance in state contracts, health reform

Date of Enactment or Last Substantive amendment: July 1, 2009

Authorizing, and Implemented or Interpreted Law: 72-6-107.5

◆ ————— ◆

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.

Agriculture and Food, Regulatory Services **R70-310** Grade A Pasteurized Milk

FIVE YEAR NOTICE OF REVIEW AND STATEMENT OF CONTINUATION

DAR FILE NO.: 32742
FILED: 06/24/2009, 09:44

NOTICE OF REVIEW AND STATEMENT OF CONTINUATION

CONCISE EXPLANATION OF THE PARTICULAR STATUTORY PROVISIONS UNDER WHICH THE RULE IS ENACTED AND HOW THESE PROVISIONS AUTHORIZE OR REQUIRE THE RULE: This rule is authorized by Section 4-3-2, the Utah Dairy Act. Authority to make and enforce rules, which states: "The Department is authorized and directed, subject to Title 63G, Chapter 3, Utah Administrative Rulemaking Act, to make and enforce such rules as may in its judgment and discretion be necessary to carry out the purposes of the chapter." This rule adopts and incorporates by reference the Recommendations of the United States Public Health Service/Food and Drug Administration (FDA) document, entitled the Grade A Pasteurized Milk Ordinance (PMO). Nationally, this ordinance is required in all states from which dairy products are exported to other states.

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 supporting or opposing this rule.

REASONED JUSTIFICATION FOR CONTINUATION OF THE RULE, INCLUDING REASONS WHY THE AGENCY DISAGREES WITH COMMENTS IN OPPOSITION TO THE RULE, IF ANY: FDA law requires that the PMO, or regulations equal to it, be adopted in order for milk to be shipped interstate. Without these provisions, Utah's milk industry would be severely impacted. Therefore, this rule should be continued.

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

AGRICULTURE AND FOOD
REGULATORY SERVICES
350 N REDWOOD RD
SALT LAKE CITY UT 84116-3034, or
at the Division of Administrative Rules.

DIRECT QUESTIONS REGARDING THIS RULE TO:

Richard W Clark or Kathleen Mathews at the above address, by phone at 801-538-7150 or 801-538-7103, by FAX at 801-538-7126 or 801-538-7126, or by Internet E-mail at RICHARDWCLARK@utah.gov or kmathews@utah.gov

AUTHORIZED BY: Leonard M. Blackham, Commissioner

EFFECTIVE: 06/24/2009



Environmental Quality, Water Quality **R317-401** Graywater Systems

FIVE YEAR NOTICE OF REVIEW AND STATEMENT OF CONTINUATION

DAR FILE NO.: 32779
FILED: 07/01/2009, 15:36

NOTICE OF REVIEW AND STATEMENT OF CONTINUATION

CONCISE EXPLANATION OF THE PARTICULAR STATUTORY PROVISIONS UNDER WHICH THE RULE IS ENACTED AND HOW THESE PROVISIONS AUTHORIZE OR REQUIRE THE RULE: The Water Quality Board is authorized by Subsection 19-5-104(1)(f) to make rules in order to implement or effectuate the powers and duties of the board.

Powers and duties of the board include: 1) review of plans, specifications, or other data relative to disposal systems or any part of disposal systems; 2) protect the public health for the design, construction, operation, and maintenance of underground wastewater disposal systems; and 3) develop programs for the prevention, control, and abatement of new or existing pollution of the waters of the state.

SUMMARY OF WRITTEN COMMENTS RECEIVED DURING AND SINCE THE LAST FIVE YEAR REVIEW OF THE RULE FROM INTERESTED PERSONS SUPPORTING OR OPPOSING THE RULE: This rule was first promulgated 07/02/2004. The rule was developed in response to a growing number of inquires about allowing graywater for landscape irrigation. The Division of Water Quality staff worked with the Conference of Local Environmental Health Administrators (CLEHA) Onsite Wastewater Partnership to develop an acceptable approach for administering a graywater program. Comments received during the public notice period of the rule where of a technical nature and were summarized and addressed by staff through a responsiveness summary presented to the Water Quality Board.

REASONED JUSTIFICATION FOR CONTINUATION OF THE RULE, INCLUDING REASONS WHY THE AGENCY DISAGREES WITH COMMENTS IN OPPOSITION TO THE RULE, IF ANY: The rule was developed in response to a number of inquires from the public and local health departments regarding the use, under certain conditions, of graywater originating from laundries, showers, tubs, and lavatories for subsurface irrigation. The rule sets out the requirements for use of graywater and is required for adequate protection of the state's water resources. Therefore, this rule should be continued.

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

ENVIRONMENTAL QUALITY
WATER QUALITY
CANNON HEALTH BLDG
288 N 1460 W
SALT LAKE CITY UT 84116-3231, or
at the Division of Administrative Rules.

DIRECT QUESTIONS REGARDING THIS RULE TO:

Dave Wham at the above address, by phone at 801-538-6052, by FAX at 801-538-6016, or by Internet E-mail at dwham@utah.gov

AUTHORIZED BY: Walter Baker, Director

EFFECTIVE: 07/01/2009



Health, Administration
R380-25
Submission of Data Through an
Electronic Data Interchange

**FIVE YEAR NOTICE OF REVIEW AND
STATEMENT OF CONTINUATION**

DAR FILE No.: 32738
FILED: 06/22/2009, 07:12

**NOTICE OF REVIEW AND
STATEMENT OF CONTINUATION**

CONCISE EXPLANATION OF THE PARTICULAR STATUTORY PROVISIONS UNDER WHICH THE RULE IS ENACTED AND HOW THESE PROVISIONS AUTHORIZE OR REQUIRE THE RULE: Subsections 26-1-30(2)(d), (e), (f), (g), (p), and (w) authorize the Department of Health to collect data, and to detect, monitor, and disseminate information about diseases and health conditions important to public health. Sections 26-3-5 and 26-3-6 provide that the Department of Health may establish uniform standards for the management of health information to avoid duplication of data and to coordinate health data activities within the state. This rule provides for uniform submission of data to the Department of Health through an electronic data interchange and provides for the confidential treatment of that data.

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 comment has been received since the last review of the rule. In June 2009, the Utah Health Data Committee reviewed the rule and requested its continuation.

REASONED JUSTIFICATION FOR CONTINUATION OF THE RULE, INCLUDING REASONS WHY THE AGENCY DISAGREES WITH COMMENTS IN OPPOSITION TO THE RULE, IF ANY: This rule is necessary for consistent, cost-effective reporting of information critical to public health and should be continued. The Office of Health Care Statistics will use an electronic data interchange to collect data for the all payer database.

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

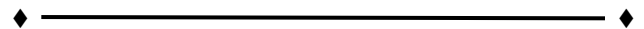
HEALTH
ADMINISTRATION
CANNON HEALTH BLDG
288 N 1460 W
SALT LAKE CITY UT 84116-3231, or
at the Division of Administrative Rules.

DIRECT QUESTIONS REGARDING THIS RULE TO:

Mike Martin or Keely Cofrin Allen at the above address, by phone at 801-538-9205 or 801-538-6551, by FAX at 801-538-9916 or 801-538-9916, or by Internet E-mail at mikemartin@utah.gov or KCOFRINALLEN@utah.gov

AUTHORIZED BY: David N. Sundwall, Executive Director

EFFECTIVE: 06/22/2009



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

FIVE YEAR NOTICE OF REVIEW AND STATEMENT OF CONTINUATION

DAR FILE No.: 32755
FILED: 06/25/2009, 11:03

NOTICE OF REVIEW AND STATEMENT OF CONTINUATION

CONCISE EXPLANATION OF THE PARTICULAR STATUTORY PROVISIONS UNDER WHICH THE RULE IS ENACTED AND HOW THESE PROVISIONS AUTHORIZE OR REQUIRE THE RULE: Section 26-1-5 grants the Department of Health the power to adopt, amend, or rescind rules that shall have the force and effect of law. In addition, 42 U.S.C. 1396r grants the Department the authority to implement nursing care facility assessments.

SUMMARY OF WRITTEN COMMENTS RECEIVED DURING AND SINCE THE LAST FIVE YEAR REVIEW OF THE RULE FROM INTERESTED PERSONS SUPPORTING OR OPPOSING THE RULE: The Department has not received any written or oral comments regarding this rule.

REASONED JUSTIFICATION FOR CONTINUATION OF THE RULE, INCLUDING REASONS WHY THE AGENCY DISAGREES WITH COMMENTS IN OPPOSITION TO THE RULE, IF ANY: This rule should be continued because it implements the assessment imposed on certain nursing care facilities.

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

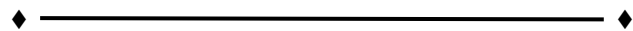
HEALTH
HEALTH CARE FINANCING,
COVERAGE AND REIMBURSEMENT POLICY
CANNON HEALTH BLDG
288 N 1460 W
SALT LAKE CITY UT 84116-3231, or
at the Division of Administrative Rules.

DIRECT QUESTIONS REGARDING THIS RULE TO:

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

AUTHORIZED BY: David N. Sundwall, Executive Director

EFFECTIVE: 06/25/2009

**Insurance, Administration****R590-192**

**Unfair Accident and Health Income
Replacement Claims Settlement
Practices Rule**

FIVE YEAR NOTICE OF REVIEW AND STATEMENT OF CONTINUATION

DAR FILE No.: 32756
FILED: 06/25/2009, 14:13

NOTICE OF REVIEW AND STATEMENT OF CONTINUATION

CONCISE EXPLANATION OF THE PARTICULAR STATUTORY PROVISIONS UNDER WHICH THE RULE IS ENACTED AND HOW THESE PROVISIONS AUTHORIZE OR REQUIRE THE RULE: This rule is enacted pursuant to Subsections 31A-2-201(1) and 31A-2-201(3)(a) in which the commissioner is empowered to administer and enforce this title and to make rules to implement the provisions of this title.

Authority to provide for timely settlement of claims is provided by Subsection 31A-26-301(1) and detailed in Section R590-192-9 of the rule. Matters relating to proof and notice of loss are promulgated pursuant to Section 31A-26-301 and Subsection 31A-21-312(5) and detailed in Sections R590-192-7 and R590-192-8 of the rule. Authority to promulgate rules defining unfair claims settlement practices or acts is provided in Subsection 31A-26-303(4) and are detailed in Sections R590-192-6 and R590-192-12 of the rule. The authority to require a timely, accurate, and complete response to the department is provided by Subsections 31A-2-202(4) and (6) and also Section R590-192-11 of the rule.

SUMMARY OF WRITTEN COMMENTS RECEIVED DURING AND SINCE THE LAST FIVE YEAR REVIEW OF THE RULE FROM INTERESTED PERSONS SUPPORTING OR OPPOSING THE RULE: The department has not received any written comments regarding this rule within 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 a major consumer protection regulation. It sets parameters and time lines for payments of health insurance claims. 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: 06/25/2009



NOTICES OF FIVE-YEAR REVIEW EXTENSIONS

Rulewriting agencies are required by law to review each of their administrative rules within five years of the date of the rule's original enactment or the date of last review (Section 63G-3-305). If the agency finds that it will not meet the deadline for review of the rule (the five-year anniversary date), it may file an extension with the Division of Administrative Rules. The extension permits the agency to file the review up to 120 days beyond the anniversary date.

Agencies have filed extensions for the rules listed below. The "Extended Due Date" is 120 days after the anniversary date. The five-year review extension is governed by Subsection 63G-3-305(4) and (5).

Administrative Services

Records Committee

No. 32758: R35-1. State Records Committee Appeal Hearing Procedures.

ENACTED OR LAST REVIEWED: 07/02/2004 (No. 27277, 5YR, filed 07/02/2004 at 2:07 p.m., published 08/01/2004).

EXTENDED DUE DATE: 10/30/2009

No. 32759: R35-2. Declining Appeal Hearings.

ENACTED OR LAST REVIEWED: 07/02/2004 (No. 27278, 5YR, filed 07/02/2004 at 2:19 p.m., published 08/01/2004).

EXTENDED DUE DATE: 10/30/2009

No. 32760: R35-3. Prehearing Conferences.

ENACTED OR LAST REVIEWED: 07/02/2004 (No. 27279, 5YR, filed 07/02/2004 at 2:23 p.m., published 08/01/2004).

EXTENDED DUE DATE: 10/30/2009

No. 32761: R35-4. Compliance with State Records Committee Decisions and Orders.

ENACTED OR LAST REVIEWED: 07/02/2004 (No. 27280, 5YR, filed 07/02/2004 at 2:26 p.m., published 08/01/2004).

EXTENDED DUE DATE: 10/30/2009

No. 32762: R35-5. Subpoenas Issued by the Records Committee.

ENACTED OR LAST REVIEWED: 07/02/2004 (No. 27281, 5YR, filed 07/02/2004 at 2:29 p.m., published 08/01/2004).

EXTENDED DUE DATE: 10/30/2009

No. 32763: R35-6. Expedited Hearing.

ENACTED OR LAST REVIEWED: 07/02/2004 (No. 27282, 5YR, filed 07/02/2004 at 2:32 p.m., published 08/01/2004).

EXTENDED DUE DATE: 10/30/2009

End of the Notices of Five-Year Review Extensions Section

NOTICES OF RULE EFFECTIVE DATES

These are the effective dates of PROPOSED RULES or CHANGES IN PROPOSED RULES published in earlier editions of the *Utah State Bulletin*. 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

Administrative Services

Finance

No. 32632 (AMD): R25-5. Payment of Per Diem to Boards.
Published: May 15, 2009
Effective: June 23, 2009

No. 32635 (AMD): R25-7. Travel-Related Reimbursements for State Employees.
Published: May 15, 2009
Effective: June 23, 2009

Agriculture and Food

Regulatory Services

No. 32570 (AMD): R70-940. Standards and Testing of Motor Fuel.
Published: May 15, 2009
Effective: June 22, 2009

Alcoholic Beverage Control

Administration

No. 32542 (AMD): R81-1-2. Definitions.
Published: May 15, 2009
Effective: June 24, 2009

No. 32544 (AMD): R81-1-3. General Policies.
Published: May 15, 2009
Effective: June 24, 2009

No. 32549 (AMD): R81-1-9. Liquor Dispensing Systems.
Published: May 15, 2009
Effective: June 24, 2009

No. 32552 (AMD): R81-1-24. Responsible Alcohol Service Plan.
Published: May 15, 2009
Effective: June 24, 2009

No. 32553 (AMD): R81-1-25. Sexually-Oriented Entertainers and Stage Approvals.
Published: May 15, 2009
Effective: June 24, 2009

No. 32554 (AMD): R81-3-13. Operational Restrictions.
Published: May 15, 2009
Effective: June 24, 2009

No. 32555 (AMD): R81-4A-2. Application.
Published: May 15, 2009
Effective: June 24, 2009

No. 32557 (AMD): R81-4A-10. Table Service.
Published: May 15, 2009
Effective: June 24, 2009

No. 32559 (AMD): R81-4A-11. Consumption at Patron's Table.
Published: May 15, 2009
Effective: June 24, 2009

No. 32561 (AMD): R81-4A-15. Grandfathered Bar Structures.
Published: May 15, 2009
Effective: June 24, 2009

No. 32563 (AMD): R81-4C-2. Application.
Published: May 15, 2009
Effective: June 24, 2009

No. 32567 (AMD): R81-4C-9. Table Service.
Published: May 15, 2009
Effective: June 24, 2009

No. 32569 (AMD): R81-4C-10. Consumption at Patron's Table.
Published: May 15, 2009
Effective: June 24, 2009

No. 32572 (AMD): R81-4C-13. Grandfathered Bar Structures.
Published: May 15, 2009
Effective: June 24, 2009

No. 32575 (AMD): R81-4D-1. Licensing.
Published: May 15, 2009
Effective: June 24, 2009

No. 32576 (AMD): R81-4D-10. State Label.
Published: May 15, 2009
Effective: June 24, 2009

No. 32578 (AMD): R81-5-1. Licensing.
Published: May 15, 2009
Effective: June 24, 2009

No. 32580 (AMD): R81-5-2. Application.
 Published: May 15, 2009
 Effective: June 24, 2009

No. 32581 (AMD): R81-5-5. Advertising.
 Published: May 15, 2009
 Effective: June 24, 2009

No. 32582 (AMD): R81-5-6. Club Licensee Liquor Order and Return Procedures.
 Published: May 15, 2009
 Effective: June 24, 2009

No. 32628 (AMD): R81-5-7. Club License Operating Hours..
 Published: May 15, 2009
 Effective: June 24, 2009

No. 32583 (AMD): R81-5-9. Liquor Storage.
 Published: May 15, 2009
 Effective: June 24, 2009

No. 32584 (AMD): R81-5-10. Alcohol Product Flavoring.
 Published: May 15, 2009
 Effective: June 24, 2009

No. 32585 (AMD): R81-5-11. Price Lists.
 Published: May 15, 2009
 Effective: June 24, 2009

No. 32588 (AMD): R81-5-13. Brownbagging.
 Published: May 15, 2009
 Effective: June 24, 2009

No. 32589 (AMD): R81-5-14. Membership Fees and Monthly Dues.
 Published: May 15, 2009
 Effective: June 24, 2009

No. 32591 (AMD): R81-5-15. Minors in Lounge or Bar Areas.
 Published: May 15, 2009
 Effective: June 24, 2009

No. 32599 (AMD): R81-5-16. Sexually Oriented Adult Entertainment or Businesses.
 Published: May 15, 2009
 Effective: June 24, 2009

No. 32600 (AMD): R81-5-17. Visitor Cards.
 Published: May 15, 2009
 Effective: June 24, 2009

No. 32604 (AMD): R81-5-18. Age Verification - Dining and Social Clubs..
 Published: May 15, 2009
 Effective: June 24, 2009

Commerce

Occupational and Professional Licensing
 No. 32551 (NEW): R156-81. Retired Volunteer Health Care Practitioner Act Rule.
 Published: May 15, 2009
 Effective: June 22, 2009

Real Estate

No. 32523 (AMD): R162-2. Exam and License Application Requirements.
 Published: May 1, 2009
 Effective: June 22, 2009

No. 32586 (AMD): R162-7-1. Filing of Complaint.
 Published: May 15, 2009
 Effective: June 22, 2009

No. 32517 (AMD): R162-202. Initial Application.
 Published: May 1, 2009
 Effective: June 22, 2009

Crime Victim Reparations

Administration

No. 32377 (AMD): R270-1-21. Three Year Limitation.
 Published: March 1, 2009
 Effective: June 24, 2009

Education

No. 32643 (AMD): R277-503-4. Licensing Routes.
 Published: May 15, 2009
 Effective: June 23, 2009

No. 32644 (AMD): R277-600. Student Transportation Standards and Procedures.
 Published: May 15, 2009
 Effective: June 23, 2009

No. 32645 (AMD): R277-602. Special Needs Scholarships - Funding and Procedures.
 Published: May 15, 2009
 Effective: June 23, 2009

No. 32646 (AMD): R277-717-1. Definitions.
 Published: May 15, 2009
 Effective: June 23, 2009

No. 32647 (AMD): R277-733. Adult Education Programs.
 Published: May 15, 2009
 Effective: June 23, 2009

Health

Children's Health Insurance Program
 No. 32636 (AMD): R382-10. Eligibility.
 Published: May 15, 2009
 Effective: July 1, 2009

NOTICES OF RULE EFFECTIVE DATES

Health Care Financing, Coverage and Reimbursement Policy

No. 32637 (AMD): R414-1-5. Incorporations by Reference.

Published: May 15, 2009

Effective: July 1, 2009

No. 32623 (AMD): R414-14-5. Service Coverage.

Published: May 15, 2009

Effective: July 1, 2009

No. 32619 (AMD): R414-21-2. Eligibility Requirements.

Published: May 15, 2009

Effective: July 1, 2009

No. 32617 (AMD): R414-49. Dental Service.

Published: May 15, 2009

Effective: July 1, 2009

No. 32622 (AMD): R414-50-3. Client Eligibility Requirements.

Published: May 15, 2009

Effective: July 1, 2009

No. 32625 (AMD): R414-51. Dental, Orthodontia.

Published: May 15, 2009

Effective: July 1, 2009

No. 32638 (AMD): R414-54-3. Services.

Published: May 15, 2009

Effective: July 1, 2009

No. 32639 (AMD): R414-59-4. Client Eligibility Requirements.

Published: May 15, 2009

Effective: July 1, 2009

No. 32621 (AMD): R414-200. Non-Traditional Medicaid Health Plan Services.

Published: May 15, 2009

Effective: July 1, 2009

No. 32626 (AMD): R414-310. Medicaid Primary Care Network Demonstration Waiver.

Published: May 15, 2009

Effective: July 1, 2009

No. 32629 (AMD): R414-320. Medicaid Health Insurance Flexibility and Accountability Demonstration Waiver.

Published: May 15, 2009

Effective: July 1, 2009

No. 32631 (AMD): R414-401-3. Assessment.

Published: May 15, 2009

Effective: July 1, 2009

No. 32633 (AMD): R414-504. Nursing Facility Payments.

Published: May 15, 2009

Effective: July 1, 2009

Human Resource Management

Administration

No. 32634 (AMD): R477-1. Definitions.

Published: May 15, 2009

Effective: July 1, 2009

No. 32605 (AMD): R477-2. Administration.

Published: May 15, 2009

Effective: July 1, 2009

No. 32598 (AMD): R477-3. Classification.

Published: May 15, 2009

Effective: July 1, 2009

No. 32630 (AMD): R477-4. Filling Positions.

Published: May 15, 2009

Effective: July 1, 2009

No. 32593 (AMD): R477-5. Employee Status and Probation.

Published: May 15, 2009

Effective: July 1, 2009

No. 32603 (AMD): R477-6. Compensation.

Published: May 15, 2009

Effective: July 1, 2009

No. 32627 (AMD): R477-7. Leave.

Published: May 15, 2009

Effective: July 1, 2009

No. 32592 (AMD): R477-8. Working Conditions.

Published: May 15, 2009

Effective: July 1, 2009

No. 32594 (AMD): R477-9. Employee Conduct.

Published: May 15, 2009

Effective: July 1, 2009

No. 32597 (AMD): R477-10. Employee Development.

Published: May 15, 2009

Effective: July 1, 2009

No. 32596 (AMD): R477-11. Discipline.

Published: May 15, 2009

Effective: July 1, 2009

No. 32609 (AMD): R477-12. Separations.

Published: May 15, 2009

Effective: July 1, 2009

No. 32641 (AMD): R477-14. Substance Abuse and Drug-Free Workplace.

Published: May 15, 2009

Effective: July 1, 2009

No. 32590 (AMD): R477-15. Workforce Harassment Policy and Procedure.
 Published: May 15, 2009
 Effective: July 1, 2009

Human Services

Recovery Services

No. 32565 (AMD): R527-300. Income Withholding.
 Published: May 15, 2009
 Effective: June 30, 2009

Services for People with Disabilities

No. 32521 (AMD): R539-5. Self-Administered Services.
 Published: May 1, 2009
 Effective: June 29, 2009

Insurance

Administration

No. 32579 (AMD): R590-222. Viatical Settlements.
 Published: May 15, 2009
 Effective: June 25, 2009

No. 32541 (NEW): R590-244. Individual and Agency Licensing Requirements.
 Published: May 15, 2009
 Effective: July 1, 2009

No. 32640 (AMD): R590-247. Universal Individual Health Insurance Application Rule.
 Published: May 15, 2009
 Effective: July 1, 2009

No. 32528 (NEW): R590-253. Utah Mini-COBRA Notification Rule.
 Published: May 1, 2009
 Effective: July 1, 2009

Title and Escrow Commission

No. 32545 (REP): R592-6. Unfair Inducements and Marketing Practices in Obtaining Title Insurance Business.
 Published: May 15, 2009
 Effective: June 25, 2009

No. 32548 (NEW): R592-6. Unfair Inducements and Marketing Practices in Obtaining Title Insurance Business.
 Published: May 15, 2009
 Effective: June 25, 2009

No. 32543 (REP): R592-7. Title Insurance Continuing Education Program.
 Published: May 15, 2009
 Effective: June 25, 2009

No. 32525 (NEW): R592-7. Title Insurance Continuing Education Program.
 Published: May 1, 2009
 Effective: June 25, 2009

No. 32546 (REP): R592-8. Application Process for an Attorney Exemption for Title Agency Licensing.
 Published: May 15, 2009
 Effective: June 25, 2009

No. 32526 (NEW): R592-8. Application Process for an Attorney Exemption for Title Agency Licensing.
 Published: May 1, 2009
 Effective: June 25, 2009

No. 32527 (NEW): R592-9. Title Insurance Recovery, Education, and Research Fund Assessment Rule.
 Published: May 1, 2009
 Effective: June 25, 2009

No. 32547 (REP): R592-9. Title Insurance Recovery, Education, and Research Fund Assessment Rule.
 Published: May 15, 2009
 Effective: June 25, 2009

Workforce Services

Unemployment Insurance

No. 32535 (AMD): R994-202. Employing Units.
 Published: May 1, 2009
 Effective: June 18, 2009

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, 2009, including notices of effective date received through July 1, 2009. 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>					
R13-3	Americans with Disabilities Act Grievance Procedures	32204	AMD	02/26/2009	2009-1/3
R13-3-8	Relationship to Other Laws	32431	NSC	03/26/2009	Not Printed
<u>Facilities Construction and Management</u>					
R23-3	Planning and Programming for Capital Projects	32700	5YR	06/01/2009	2009-12/76
R23-23	Health Reform -- Health Insurance Coverage in State Contracts -- Implementation	32771	EMR	07/01/2009	2009-14/63
R23-29	Across the Board Delegation	32699	5YR	06/01/2009	2009-12/76
R23-29	Across the Board Delegation (5YR EXTENSION)	32399	NSC	06/01/2009	Not Printed
<u>Finance</u>					
R25-5	Payment of Per Diem to Boards	32632	AMD	06/23/2009	2009-10/3
R25-7	Travel-Related Reimbursements for State Employees	32635	AMD	06/23/2009	2009-10/4

CODE REFERENCE	TITLE	FILE NUMBER	ACTION	EFFECTIVE DATE	BULLETIN ISSUE/PAGE
<u>Fleet Operations</u>					
R27-1-2	Definitions	32189	AMD	04/20/2009	2009-1/5
R27-7	Safety and Loss Prevention of State Vehicles	32292	AMD	04/20/2009	2009-3/2
R27-10	Identification Mark for State Motor Vehicles	32291	AMD	04/20/2009	2009-3/4
<u>Fleet Operations, Surplus Property</u>					
R28-2-3	Procedures	32362	AMD	05/11/2009	2009-5/2
<u>Purchasing and General Services</u>					
R33-6	Modification and Termination of Contracts for Supplies and Services (5YR EXTENSION)	31983	NSC	01/29/2009	Not Printed
R33-6	Modification and Termination of Contracts for Supplies and Services	32344	5YR	01/29/2009	2009-4/55
R33-7	Cost Principles (5YR EXTENSION)	31984	NSC	01/29/2009	Not Printed
R33-7	Cost Principles	32345	5YR	01/29/2009	2009-4/55
R33-9	Insurance Procurement (5YR EXTENSION)	31985	NSC	01/29/2009	Not Printed
R33-9	Insurance Procurement	32346	5YR	01/29/2009	2009-4/56
<u>Records Committee</u>					
R35-1-4	Committee Minutes	32355	NSC	02/26/2009	Not Printed
R35-2	Declining Appeal Hearings	32358	NSC	02/26/2009	Not Printed
R35-4	Compliance with State Records Committee Decisions and Orders	32359	NSC	02/26/2009	Not Printed
R35-5	Subpoenas Issued by the Records Committee	32360	NSC	02/26/2009	Not Printed
R35-6	Expedited Hearings	32361	NSC	02/26/2009	Not Printed
Agriculture and Food					
<u>Administration</u>					
R51-1	Public Petitions for Declaratory Rulings	32536	NSC	05/14/2009	Not Printed
R51-3	Government Records Access and Management Act	32573	NSC	05/27/2009	Not Printed
R51-4-1	Authority and Purpose	32537	NSC	05/14/2009	Not Printed
<u>Animal Industry</u>					
R58-17	Aquaculture and Aquatic Animal Health	32199	AMD	02/19/2009	2009-1/7
R58-19-2	Definition of Terms	32693	NSC	06/18/2009	Not Printed
R58-20	Domesticated Elk Hunting Park	32397	5YR	02/23/2009	2009-6/90
R58-20-13	Liability	32692	NSC	06/18/2009	Not Printed
<u>Marketing and Development</u>					
R65-7	Horse Racing	32401	AMD	04/21/2009	2009-6/4
<u>Plant Industry</u>					
R68-2-3	Registration of Products	32031	AMD	02/25/2009	2008-21/4
R68-7	Utah Pesticide Control Act	32332	AMD	03/26/2009	2009-4/4
R68-19-2	Definition of Terms	32516	NSC	05/14/2009	Not Printed
<u>Regulatory Services</u>					
R70-310	Grade A Pasteurized Milk	32742	5YR	06/24/2009	2009-14/82
R70-630	Water Vending Machine	32289	5YR	01/08/2009	2009-3/83
R70-940	Standards and Testing of Motor Fuel	32570	AMD	06/22/2009	2009-10/6
Alcoholic Beverage Control					
<u>Administration</u>					
R81-1	Scope, Definitions, and General Provisions	32222	NSC	01/22/2009	Not Printed

RULES INDEX

CODE REFERENCE	TITLE	FILE NUMBER	ACTION	EFFECTIVE DATE	BULLETIN ISSUE/PAGE
R81-1-2	Definitions	32542	AMD	06/24/2009	2009-10/7
R81-1-3	General Policies	32544	AMD	06/24/2009	2009-10/9
R81-1-6	Violation Schedule	32414	AMD	04/22/2009	2009-6/15
R81-1-6	Violation Schedule	32459	AMD	05/27/2009	2009-8/5
R81-1-9	Liquor Dispensing Systems	32549	AMD	06/24/2009	2009-10/11
R81-1-11	Multiple-Licensed Facility Storage and Service	32607	NSC	05/27/2009	Not Printed
R81-1-24	Responsible Alcohol Service Plan	32552	AMD	06/24/2009	2009-10/12
R81-1-25	Sexually-Oriented Entertainers and Stage Approvals	32553	AMD	06/24/2009	2009-10/14
R81-1-28	Special Commission Meetings-Fees	32333	AMD	03/24/2009	2009-4/8
R81-2-10	State Store Hours	32608	NSC	05/27/2009	Not Printed
R81-3-13	Operational Restrictions	32554	AMD	06/24/2009	2009-10/15
R81-4A-1	Licensing	32610	NSC	05/27/2009	Not Printed
R81-4A-2	Application	32556	EMR	05/01/2009	2009-10/145
R81-4A-2	Application	32555	AMD	06/24/2009	2009-10/17
R81-4A-10	Table Service	32558	EMR	05/01/2009	2009-10/146
R81-4A-10	Table Service	32557	AMD	06/24/2009	2009-10/17
R81-4A-11	Consumption at Patron's Table	32560	EMR	05/01/2009	2009-10/147
R81-4A-11	Consumption at Patron's Table	32559	AMD	06/24/2009	2009-10/18
R81-4A-14	Brownbagging	32611	NSC	05/27/2009	Not Printed
R81-4A-15	Grandfathered Bar Structures	32562	EMR	05/01/2009	2009-10/148
R81-4A-15	Grandfathered Bar Structures	32561	AMD	06/24/2009	2009-10/19
R81-4B-1	Licensing	32612	NSC	05/27/2009	Not Printed
R81-4C-1	Licensing	32613	NSC	05/27/2009	Not Printed
R81-4C-2	Application	32564	EMR	05/01/2009	2009-10/149
R81-4C-2	Application	32563	AMD	06/24/2009	2009-10/21
R81-4C-9	Table Service	32568	EMR	05/01/2009	2009-10/150
R81-4C-9	Table Service	32567	AMD	06/24/2009	2009-10/21
R81-4C-10	Consumption at Patron's Table	32571	EMR	05/01/2009	2009-10/151
R81-4C-10	Consumption at Patron's Table	32569	AMD	06/24/2009	2009-10/22
R81-4C-13	Grandfathered Bar Structures	32574	EMR	05/01/2009	2009-10/151
R81-4C-13	Grandfathered Bar Structures	32572	AMD	06/24/2009	2009-10/23
R81-4D-1	Licensing	32575	AMD	06/24/2009	2009-10/24
R81-4D-2	Application	32614	NSC	05/27/2009	Not Printed
R81-4D-4	Insurance	32616	NSC	05/27/2009	Not Printed
R81-4D-10	State Label	32577	EMR	05/01/2009	2009-10/153
R81-4D-10	State Label	32576	AMD	06/24/2009	2009-10/26
R81-5-1	Licensing	32578	AMD	06/24/2009	2009-10/27
R81-5-2	Application	32580	AMD	06/24/2009	2009-10/28
R81-5-5	Advertising	32581	AMD	06/24/2009	2009-10/29
R81-5-6	Club Licensee Liquor Order and Return Procedures	32582	AMD	06/24/2009	2009-10/30
R81-5-7	Club License Operating Hours.	32628	AMD	06/24/2009	2009-10/31
R81-5-9	Liquor Storage	32583	AMD	06/24/2009	2009-10/31
R81-5-10	Alcohol Product Flavoring	32584	AMD	06/24/2009	2009-10/32
R81-5-11	Price Lists	32585	AMD	06/24/2009	2009-10/33
R81-5-13	Brownbagging	32588	AMD	06/24/2009	2009-10/34

CODE REFERENCE	TITLE	FILE NUMBER	ACTION	EFFECTIVE DATE	BULLETIN ISSUE/PAGE
R81-5-14	Membership Fees and Monthly Dues	32589	AMD	06/24/2009	2009-10/35
R81-5-15	Minors in Lounge or Bar Areas	32591	AMD	06/24/2009	2009-10/36
R81-5-16	Sexually Oriented Adult Entertainment or Businesses	32599	AMD	06/24/2009	2009-10/37
R81-5-17	Visitor Cards	32600	AMD	06/24/2009	2009-10/38
R81-5-18	Age Verification - Dining and Social Clubs	32606	EMR	05/01/2009	2009-10/154
R81-5-18	Age Verification - Dining and Social Clubs.	32604	AMD	06/24/2009	2009-10/39
R81-10A-1	Licensing	32620	NSC	05/27/2009	Not Printed
R81-10A-7	Draft Beer Sales/Minors on Premises	32624	NSC	05/27/2009	Not Printed

Capitol Preservation Board (State)

Administration

R131-2	Capitol Hill Complex Facility Use	32343	AMD	03/26/2009	2009-4/9
R131-13	Health Reform -- Health Insurance Coverage in State Contracts -- Implementation	32769	EMR	07/01/2009	2009-14/65

Career Service Review Board

Administration

R137-1	Grievance Procedure Rules	32429	NSC	04/07/2009	Not Printed
R137-1-2	Definitions	32286	EMR	01/08/2009	2009-3/77
R137-1-2	Definitions	32287	AMD	05/06/2009	2009-3/5
R137-1-21	The Evidentiary/Step 5 Adjudicatory Procedures	32514	NSC	05/14/2009	Not Printed
R137-1-22	The Board's Appellate/Step 6 Procedures	32288	EMR	01/08/2009	2009-3/79
R137-1-22	The Board's Appellate/Step 6 Procedures	32290	AMD	05/06/2009	2009-3/7
R137-2	Government Records Access and Management Act	32520	NSC	05/14/2009	Not Printed

Commerce

Consumer Protection

R152-21	Credit Services Organizations Act Rules	32382	5YR	02/17/2009	2009-5/24
---------	---	-------	-----	------------	-----------

Corporations and Commercial Code

R154-1-7	Fees	32519	NSC	05/14/2009	Not Printed
R154-100-2	Designation of Informal Adjudicative Proceedings	32518	NSC	05/14/2009	Not Printed

Occupational and Professional Licensing

R156-1	General Rules of the Division of Occupational and Professional Licensing	32241	AMD	02/24/2009	2009-2/2
R156-5a	Podiatric Physician Licensing Act Rule	32653	AMD	07/09/2009	2009-11/4
R156-17b	Pharmacy Practice Act Rule	32661	AMD	07/09/2009	2009-11/5
R156-20a	Environmental Health Scientist Act Rules	32652	AMD	07/09/2009	2009-11/11
R156-22-102	Definitions	32364	AMD	04/07/2009	2009-5/3
R156-22-305	Inactive Status	32500	NSC	05/14/2009	Not Printed
R156-31b	Nurse Practice Act Rule	32212	AMD	05/01/2009	2009-1/13
R156-31b	Nurse Practice Act Rule	32212	CPR	05/01/2009	2009-6/78
R156-31b	Nurse Practice Act Rule	32662	AMD	07/09/2009	2009-11/14
R156-31b-607	Approved Nursing Education Programs Located Outside of Utah	32365	NSC	02/26/2009	Not Printed
R156-31c	Nurse Licensure Compact Rules	32430	AMD	05/11/2009	2009-7/2
R156-37	Utah Controlled Substances Act Rules	32540	NSC	05/27/2009	Not Printed

RULES INDEX

CODE REFERENCE	TITLE	FILE NUMBER	ACTION	EFFECTIVE DATE	BULLETIN ISSUE/PAGE
R156-37-609a	Controlled Substance Database - Reporting Procedure and Format for Submission to the Database for Pharmacies and Pharmacy Groups Selected by the Division for the Real Time Pilot Program	32411	AMD	04/21/2009	2009-6/18
R156-40-302d	Time Limitation for TRT applicants	32236	NSC	01/22/2009	Not Printed
R156-40-302f	Qualifications for Temporary License as a TRS - Supervision Required	32479	NSC	04/14/2009	Not Printed
R156-42a	Occupational Therapy Practice Act Rule	32413	5YR	02/26/2009	2009-6/90
R156-44a	Nurse Midwife Practice Act Rules	32356	5YR	02/05/2009	2009-5/24
R156-46a	Hearing Instrument Specialist Licensing Act Rule	32398	5YR	02/24/2009	2009-6/91
R156-46a-302c	Qualifications for Licensure - Examination Requirements	32235	NSC	01/22/2009	Not Printed
R156-49-304	Temporary Dietitian Certificate - Supervision Required	32478	NSC	04/14/2009	Not Printed
R156-54	Radiology Technologist and Radiology Practical Technician Licensing Act Rules	32412	AMD	04/21/2009	2009-6/20
R156-55a	Utah Construction Trades Licensing Act Rule	32438	AMD	05/11/2009	2009-7/3
R156-55d-302a	Qualifications for Licensure - Application Requirements	32477	NSC	04/14/2009	Not Printed
R156-56	Utah Uniform Building Standard Act Rules	32001	AMD	01/01/2009	2008-21/9
R156-56-302	Licensure of Inspectors	32476	NSC	04/14/2009	Not Printed
R156-61	Psychologist Licensing Act Rule	32366	5YR	02/10/2009	2009-5/25
R156-63a	Security Personnel Licensing Act Contract Security Rule	32475	NSC	04/14/2009	Not Printed
R156-63a	Security Personnel Licensing Act Contract Security Rule	32708	NSC	06/29/2009	Not Printed
R156-63b	Security Personnel Licensing Act Armored Car Rule	32474	NSC	04/14/2009	Not Printed
R156-63b-503	Administrative Penalties	32709	NSC	06/29/2009	Not Printed
R156-64-302a	Qualifications for Licensure - Application Requirements	32473	NSC	04/14/2009	Not Printed
R156-81	Retired Volunteer Health Care Practitioner Act Rule	32551	NEW	06/22/2009	2009-10/40
<u>Real Estate</u>					
R162-2	Exam and License Application Requirements	32523	AMD	06/22/2009	2009-9/8
R162-2-2	Licensing Procedure	32115	AMD	01/08/2009	2008-22/19
R162-6	Licensee Conduct	32248	AMD	03/02/2009	2009-2/8
R162-7-1	Filing of Complaint	32586	AMD	06/22/2009	2009-10/42
R162-103	Appraisal Education Requirements	31998	AMD	01/01/2009	2008-21/23
R162-105	Scope of Authority	32396	AMD	06/01/2009	2009-6/21
R162-201	Residential Mortgage Definitions	32694	5YR	05/27/2009	2009-12/77
R162-202	Initial Application	32517	AMD	06/22/2009	2009-9/10
R162-204	Residential Mortgage Record Keeping Requirements	32347	AMD	06/01/2009	2009-5/4
R162-204	Residential Mortgage Record Keeping Requirements	32463	NSC	06/01/2009	Not Printed
R162-205-1	Residential Mortgage Unprofessional Conduct	32348	AMD	06/01/2009	2009-5/6
R162-210	Certification of Prelicensing Education Providers	32695	5YR	05/27/2009	2009-12/77
R162-211	Adjusted Licensing Terms	32422	NEW	04/29/2009	2009-6/24
<u>Securities</u>					
R164-15-2	Notice Filings for Rule 506 Offerings	32039	AMD	01/12/2009	2008-21/28

CODE REFERENCE	TITLE	FILE NUMBER	ACTION	EFFECTIVE DATE	BULLETIN ISSUE/PAGE
Community and Culture					
<u>Administration</u>					
R182-1	Government Records Access And Management Act Rules	32493	NSC	05/14/2009	Not Printed
<u>Arts and Museums, Museum Services</u>					
R210-100	Certified Local Museum Designation	32108	NEW	01/01/2009	2008-22/21
<u>History</u>					
R212-1	Adjudicative Proceedings	32243	NSC	01/22/2009	Not Printed
R212-6	State Register for Historic Resources and Archaeological Sites	32244	NSC	01/22/2009	Not Printed
<u>Library</u>					
R223-1	Adjudicative Procedures	32295	NSC	02/05/2009	Not Printed
R223-2	Public Library Online Access for Eligibility to Receive Public Funds	32296	AMD	03/26/2009	2009-3/9
<u>Indian Affairs</u>					
R230-1	Native American Grave Protection and Repatriation	32522	NSC	05/14/2009	Not Printed
Corrections					
<u>Administration</u>					
R251-105	Applicant Qualifications for Employment with Department of Corrections	31997	AMD	02/26/2009	2008-21/31
Crime Victim Reparations					
<u>Administration</u>					
R270-1	Award and Reparation Standards	32673	AMD	07/08/2009	2009-11/21
R270-1-14	Essential Personal Property	32180	AMD	01/21/2009	2008-24/3
R270-1-19	Medical Awards	31950	AMD	01/21/2009	2008-19/13
R270-1-19	Medical Awards	31950	CPR	01/21/2009	2008-24/37
R270-1-21	Three Year Limitation	32377	AMD	06/24/2009	2009-5/7
R270-2	Crime Victim Reparations Adjudicative Proceedings	32196	NSC	01/12/2009	Not Printed
R270-3	ADA Complaint Procedure	32197	NSC	01/12/2009	Not Printed
R270-3	ADA Complaint Procedure	32394	5YR	02/19/2009	2009-6/91
R270-4	Government Records Access and Management Act	32395	5YR	02/19/2009	2009-6/92
Education					
<u>Administration</u>					
R277-101	Public Participation in Utah State Board of Education Decisions	32254	AMD	02/24/2009	2009-2/13
R277-102	Adjudicative Proceedings	32372	5YR	02/13/2009	2009-5/26
R277-105	Recognizing Constitutional Freedoms in the Schools	32648	5YR	05/04/2009	2009-11/56
R277-109-1	Definitions	32139	AMD	01/07/2009	2008-23/2
R277-110-1	Definitions	32140	AMD	01/07/2009	2008-23/2
R277-117	Utah State Board of Education Protected Documents	32255	NEW	02/24/2009	2009-2/15
R277-117-2	Authority and Purpose	32400	NSC	03/14/2009	Not Printed
R277-413	Accreditation of Secondary Schools	32373	5YR	02/13/2009	2009-5/26
R277-425	Budgeting, Accounting, and Auditing for Utah School Districts	32374	5YR	02/13/2009	2009-5/26
R277-433	Disposal of Textbooks in the Public Schools	32417	AMD	04/21/2009	2009-6/25

RULES INDEX

CODE REFERENCE	TITLE	FILE NUMBER	ACTION	EFFECTIVE DATE	BULLETIN ISSUE/PAGE
R277-437	Student Enrollment Options	32265	5YR	01/05/2009	2009-3/83
R277-438	Dual Enrollment	32649	5YR	05/04/2009	2009-11/56
R277-462	Comprehensive Counseling and Guidance Program	32256	AMD	02/24/2009	2009-2/16
R277-462	Comprehensive Counseling and Guidance Program	32446	AMD	05/08/2009	2009-7/5
R277-464-4	Oversight Monitoring, Evaluation and Reports	32219	NSC	01/22/2009	Not Printed
R277-469	Instructional Materials Commission Operating Procedures	32257	AMD	02/24/2009	2009-2/20
R277-469-3	Use of State Funds for Instructional Materials	32369	NSC	02/26/2009	Not Printed
R277-470-9	Charter School Financial Practices and Training	32566	NSC	05/27/2009	Not Printed
R277-470-12	Charter School Parental Involvement (EXPIRED - Subsections R277-470-12(B) and (C), Legislative Nonreauthorization)	32663	NSC	05/12/2009	Not Printed
R277-473	Testing Procedures	32310	AMD	03/10/2009	2009-3/10
R277-477	Distribution of Funds from the School Trust Lands Account and Implementation of the School LAND Trust Program	32447	AMD	05/08/2009	2009-7/6
R277-484	Data Standards	32448	AMD	05/08/2009	2009-7/10
R277-486	Professional Staff Cost Program	32266	5YR	01/05/2009	2009-3/84
R277-491	School Community Councils	32449	AMD	05/08/2009	2009-7/13
R277-494-3	Requirements for Payment and Participation Integral to the Schedule	32220	NSC	01/22/2009	Not Printed
R277-494-3	Requirements for Payment and Participation Integral to the Schedule	32323	NSC	02/25/2009	Not Printed
R277-495	Required Policies for Electronic Devices in Public Schools	32141	NEW	01/07/2009	2008-23/3
R277-502	Educator Licensing and Data Retention	32142	AMD	01/07/2009	2008-23/5
R277-502-4	License Levels, Procedures, and Periods of Validity	32450	AMD	05/08/2009	2009-7/15
R277-503-4	Licensing Routes	32643	AMD	06/23/2009	2009-10/42
R277-509	Certification of Student Teachers and Interns	32311	AMD	03/10/2009	2009-3/12
R277-510	Educator Licensing - Highly Qualified Assignment	32312	AMD	03/10/2009	2009-3/14
R277-518	Applied Technology Education Licenses	32143	AMD	01/07/2009	2008-23/7
R277-520-1	Definitions	32144	AMD	01/07/2009	2008-23/9
R277-524	Paraprofessional Qualifications	32267	5YR	01/05/2009	2009-3/84
R277-527	International Guest Teachers	32145	NEW	01/07/2009	2008-23/11
R277-527-3	Utah State Board of Education/USOE Responsibilities	32285	NSC	02/05/2009	Not Printed
R277-600	Student Transportation Standards and Procedures	32644	AMD	06/23/2009	2009-10/45
R277-601	Standards for Utah School Buses and Operations	32375	5YR	02/13/2009	2009-5/27
R277-601	Standards for Utah School Buses and Operations	32510	AMD	06/09/2009	2009-9/12
R277-602	Special Needs Scholarships - Funding and Procedures	32645	AMD	06/23/2009	2009-10/48
R277-609-1	Definitions	32221	NSC	01/22/2009	Not Printed
R277-700	The Elementary and Secondary School Core Curriculum	32313	AMD	03/10/2009	2009-3/17
R277-701-7	Waivers or Exceptions for Student Requirements	32418	AMD	04/21/2009	2009-6/26
R277-702	Procedures for the Utah General Educational Development Certificate	32511	AMD	06/09/2009	2009-9/13
R277-705	Secondary School Completion and Diplomas	32314	AMD	03/10/2009	2009-3/20
R277-710	International Baccalaureate Programs	32419	AMD	04/21/2009	2009-6/27

CODE REFERENCE	TITLE	FILE NUMBER	ACTION	EFFECTIVE DATE	BULLETIN ISSUE/PAGE
R277-712	Advanced Placement Programs	32376	5YR	02/13/2009	2009-5/27
R277-717-1	Definitions	32646	AMD	06/23/2009	2009-10/51
R277-724	Criteria for Sponsors Recruiting Day Care Facilities in the Child and Adult Care Food Program	32268	5YR	01/05/2009	2009-3/85
R277-725	Electronic High School	32509	5YR	04/07/2009	2009-9/50
R277-733	Adult Education Programs	32315	AMD	03/10/2009	2009-3/23
R277-733	Adult Education Programs	32647	AMD	06/23/2009	2009-10/52
R277-735	Corrections Education Programs	32269	5YR	01/05/2009	2009-3/85
R277-911	Secondary Career and Technical Education	32146	AMD	01/07/2009	2008-23/12
R277-916	Technology, Life, and Careers, and Work-Based Learning Programs	32650	5YR	05/04/2009	2009-11/57
<u>Rehabilitation</u>					
R280-201	USOR ADA Complaint Procedure	32270	5YR	01/05/2009	2009-3/86
R280-202	USOE Procedures for Individuals with the Most Severe Disabilities	32271	5YR	01/05/2009	2009-3/86
Environmental Quality					
<u>Administration</u>					
R305-1	Records Access and Management	32668	NSC	06/09/2009	Not Printed
<u>Air Quality</u>					
R307-101	General Requirements	32783	5YR	07/02/2009	Not Printed
R307-101-2	Definitions	32458	AMD	07/02/2009	2009-8/6
R307-101-3	Version of Code of Federal Regulations Incorporated by Reference	32351	AMD	05/07/2009	2009-5/8
R307-121	General Requirements: Clean Fuel Vehicle Tax Credits	31928	AMD	01/01/2009	2008-19/25
R307-121	General Requirements: Clean Air and Efficient Vehicle Tax Credit	32275	5YR	01/06/2009	2009-3/86
R307-150	Emission Inventories	32353	5YR	02/05/2009	2009-5/28
R307-405	Permits: Major Sources in Attainment or Unclassified Areas (PSD)	32354	5YR	02/05/2009	2009-5/28
R307-405-2	Applicability	32042	AMD	02/05/2009	2008-21/33
R307-840	Lead-Based Paint Accreditation, Certification and Work Practice Standards	32656	5YR	05/07/2009	2009-11/57
R307-840	Lead-Based Paint Accreditation, Certification and Work Practice Standards	32350	AMD	05/07/2009	2009-5/9
<u>Drinking Water</u>					
R309-105-6	Construction of Public Drinking Water Facilities	32444	AMD	05/12/2009	2009-7/16
R309-110-4	Definitions	32443	AMD	05/12/2009	2009-7/18
R309-500	Facility Design and Operation: Plan Review, Operation and Maintenance Requirements	32445	AMD	05/12/2009	2009-7/19
R309-510	Facility Design and Operation: Minimum Sizing Requirements	32406	AMD	04/27/2009	2009-6/28
R309-515-7	Ground Water - Springs	32168	AMD	02/15/2009	2008-24/3
R309-520	Facility Design and Operation: Disinfection	32407	AMD	04/27/2009	2009-6/32
R309-525-11	Chemical Addition	32408	AMD	04/27/2009	2009-6/33
R309-530-6	Slow Sand Filtration	32409	AMD	04/27/2009	2009-6/34
R309-540-6	Hydropneumatic Systems	32169	AMD	02/15/2009	2008-24/5
R309-545-15	Venting	32410	AMD	04/27/2009	2009-6/36
R309-700	Financial Assistance: State Drinking Water Project Revolving Loan Program	32028	AMD	01/28/2009	2008-21/34
R309-705	Financial Assistance: Federal Drinking Water Project Revolving Loan Program	32029	AMD	01/28/2009	2008-21/40

RULES INDEX

CODE REFERENCE	TITLE	FILE NUMBER	ACTION	EFFECTIVE DATE	BULLETIN ISSUE/PAGE
<u>Radiation Control</u>					
R313-21	General Licenses	32050	CPR	02/11/2009	2008-24/38
R313-21	General Licenses	32050	AMD	02/11/2009	2008-21/47
R313-22-75	Special Requirements for a Specific License to Manufacture, Assemble, Repair, or Distribute Commodities, Products, or Devices Which Contain Radioactive Material	32206	AMD	02/12/2009	2009-1/27
R313-32	Medical Use of Radioactive Material	32207	AMD	02/12/2009	2009-1/30
<u>Solid and Hazardous Waste</u>					
R315-1-1	Definitions	32137	AMD	01/15/2009	2008-23/17
R315-2	General Requirements - Identification and Listing of Hazardous Waste	32138	AMD	01/15/2009	2008-23/19
R315-15-13	Registration and Permitting of Used Oil Handlers	32231	NSC	01/22/2009	Not Printed
R315-315	Special Waste Requirements	32441	AMD	05/15/2009	2009-7/22
R315-320	Waste Tire Transporter and Recycler Requirements	32378	5YR	02/17/2009	2009-5/29
<u>Water Quality</u>					
R317-1	Definitions and General Requirements	32380	AMD	04/07/2009	2009-5/11
R317-1-7	TMDL	32379	AMD	06/11/2009	2009-5/14
R317-1-9	Electronic Submissions and Electronic Signatures	32341	AMD	04/07/2009	2009-4/17
R317-2	Standards of Quality for Waters of the State	31650	CPR	01/12/2009	2008-23/28
R317-2	Standards of Quality for Waters of the State	31650	AMD	01/12/2009	2008-14/30
R317-3-1	Technical and Procedural Requirements	32342	AMD	04/07/2009	2009-4/18
R317-5-1	General	32381	AMD	04/07/2009	2009-5/16
R317-8	Utah Pollutant Discharge Elimination System	32340	AMD	04/07/2009	2009-4/21
R317-101-2	Definitions and Eligibility	32480	AMD	06/11/2009	2009-8/8
R317-401	Graywater Systems	32779	5YR	07/01/2009	2009-14/82
Health					
<u>Administration</u>					
R380-25	Submission of Data Through an Electronic Data Interchange	32738	5YR	06/22/2009	2009-14/83
R380-70	Standards for Electronic Exchange of Clinical Health Information	31980	NEW	02/04/2009	2008-20/12
<u>Children's Health Insurance Program</u>					
R382-10	Eligibility	32185	AMD	01/22/2009	2008-24/7
R382-10	Eligibility	32636	AMD	07/01/2009	2009-10/54
<u>Community and Family Health Services, Chronic Disease</u>					
R384-100	Cancer Reporting Rule	32465	5YR	03/25/2009	2009-8/62
<u>Epidemiology and Laboratory Services, Environmental Services</u>					
R392-101	Food Safety Manager Certification	32370	5YR	02/12/2009	2009-5/30
<u>Community and Family Health Services, Children with Special Health Care Needs</u>					
R398-10	Autism Spectrum Disorders and Mental Retardation Reporting	32454	5YR	03/19/2009	2009-8/62
R398-10	Autism Spectrum Disorders and Mental Retardation Reporting (5YR EXTENSION)	32158	NSC	03/19/2009	Not Printed
<u>Health Care Financing, Coverage and Reimbursement Policy</u>					
R414-1-5	Incorporations by Reference	32102	AMD	01/01/2009	2008-22/22
R414-1-5	Incorporations by Reference	32329	AMD	04/01/2009	2009-4/26

CODE REFERENCE	TITLE	FILE NUMBER	ACTION	EFFECTIVE DATE	BULLETIN ISSUE/PAGE
R414-1-5	Incorporations by Reference	32637	AMD	07/01/2009	2009-10/56
R414-9	Federally Qualified Health Centers	32325	5YR	01/26/2009	2009-4/56
R414-14-5	Service Coverage	32223	AMD	02/24/2009	2009-2/23
R414-14-5	Service Coverage	32623	AMD	07/01/2009	2009-10/57
R414-21-2	Eligibility Requirements	32224	AMD	02/24/2009	2009-2/25
R414-21-2	Eligibility Requirements	32619	AMD	07/01/2009	2009-10/59
R414-27	Medicaid Certification of Nursing Care Facilities	32064	CPR	05/12/2009	2009-5/22
R414-27	Medicaid Certification of Nursing Care Facilities	32064	AMD	05/12/2009	2008-21/54
R414-49	Dental Service	32617	AMD	07/01/2009	2009-10/60
R414-50-3	Client Eligibility Requirements	32622	AMD	07/01/2009	2009-10/61
R414-51	Dental, Orthodontia	32625	AMD	07/01/2009	2009-10/62
R414-52	Optometry Services	32225	AMD	02/24/2009	2009-2/26
R414-53	Eyeglasses Services	32226	AMD	02/24/2009	2009-2/27
R414-54	Speech-Language Pathology Services	32227	AMD	02/24/2009	2009-2/28
R414-54	Speech-Language Pathology Services	32432	5YR	03/09/2009	2009-7/36
R414-54-3	Services	32326	AMD	04/01/2009	2009-4/27
R414-54-3	Services	32638	AMD	07/01/2009	2009-10/63
R414-58	Children's Organ Transplants	32324	5YR	01/26/2009	2009-4/57
R414-59-4	Services for Individuals Eligible for Optional Services	32228	AMD	02/24/2009	2009-2/29
R414-59-4	Client Eligibility Requirements	32327	AMD	04/01/2009	2009-4/28
R414-59-4	Client Eligibility Requirements	32639	AMD	07/01/2009	2009-10/64
R414-60B-4	Service Coverage	32659	EMR	05/18/2009	2009-11/54
R414-99	Chiropractic Services	32352	5YR	02/04/2009	2009-5/30
R414-99-2	Client Eligibility Requirements	32229	AMD	02/24/2009	2009-2/30
R414-200	Non-Traditional Medicaid Health Plan Services	32230	AMD	02/24/2009	2009-2/31
R414-200	Non-Traditional Medicaid Health Plan Services	32621	AMD	07/01/2009	2009-10/65
R414-301-4	Safeguarding Information	32252	NSC	01/22/2009	Not Printed
R414-303-11	Prenatal and Newborn Medicaid	32746	EMR	07/01/2009	2009-14/68
R414-308	Application, Eligibility Determinations and Improper Medical Assistance	32184	AMD	01/26/2009	2008-24/9
R414-308-3	Application and Signature	32744	EMR	07/01/2009	2009-14/70
R414-310	Medicaid Primary Care Network Demonstration Waiver	32186	AMD	01/22/2009	2008-24/13
R414-310	Medicaid Primary Care Network Demonstration Waiver	32626	AMD	07/01/2009	2009-10/67
R414-310	Medicaid Primary Care Network Demonstration Waiver	32749	EMR	07/01/2009	2009-14/72
R414-320	Medicaid Health Insurance Flexibility and Accountability Demonstration Waiver	32187	AMD	01/22/2009	2008-24/15
R414-320	Medicaid Health Insurance Flexibility and Accountability Demonstration Waiver	32629	AMD	07/01/2009	2009-10/68
R414-320	Medicaid Health Insurance Flexibility and Accountability Demonstration Waiver	32751	EMR	07/01/2009	2009-14/75
R414-401	Nursing Care Facility Assessment	32755	5YR	06/25/2009	2009-14/84
R414-401-3	Assessment	32631	AMD	07/01/2009	2009-10/72
R414-504	Nursing Facility Payments	32633	AMD	07/01/2009	2009-10/73
R414-510	Intermediate Care Facility for Individuals with Mental Retardation Transition Program	32440	AMD	05/21/2009	2009-7/24
<u>Health Systems Improvement, Emergency Medical Services</u>					
R426-5	Statewide Trauma System Standards	32499	AMD	06/08/2009	2009-9/16

RULES INDEX

CODE REFERENCE	TITLE	FILE NUMBER	ACTION	EFFECTIVE DATE	BULLETIN ISSUE/PAGE
R426-5-4	Trauma Review Committee	32084	AMD	02/24/2009	2008-22/25
R426-6	Emergency Medical Services Competitive Grants Program Rules	32618	AMD	07/09/2009	2009-10/77
R426-7-5	Penalty for Violation of Rule	32279	NSC	02/05/2009	Not Printed
R426-8	Emergency Medical Services Per Capita Grants Program Rules	32615	AMD	07/08/2009	2009-10/79
R426-8-4	Application and Award Formula	31919	AMD	01/13/2009	2008-18/29
R426-12-1400	Penalties	32384	NSC	03/14/2009	Not Printed
R426-13-1300	Penalties	32280	NSC	02/05/2009	Not Printed
R426-14-600	Penalties	32281	NSC	02/05/2009	Not Printed
R426-15-700	Penalties	32282	NSC	02/05/2009	Not Printed
<u>Center for Health Data, Health Care Statistics</u>					
R428-12	Health Data Authority Survey of Enrollees in Health Maintenance Organizations and Preferred Provider Organizations	32118	AMD	01/08/2009	2008-23/21
<u>Health Systems Improvement, Child Care Licensing</u>					
R430-6	Background Screening	31820	R&R	02/16/2009	2008-17/54
R430-6	Background Screening	31820	CPR	02/16/2009	2009-1/51
R430-8	Exemptions From Child Care Licensing	32683	5YR	05/19/2009	2009-12/78
R430-100	Child Care Centers	32595	NSC	07/01/2009	Not Printed
R430-100	Child Care Centers	32416	AMD	07/01/2009	2009-6/43
<u>Epidemiology and Laboratory Services, Laboratory Improvement</u>					
R444-14	Rule for the Certification of Environmental Laboratories	31910	AMD	01/12/2009	2008-18/42
Housing Corporation (Utah)					
<u>Administration</u>					
R460-7-2	Definitions	32211	NSC	01/12/2009	Not Printed
Human Resource Management					
<u>Administration</u>					
R477-1	Definitions	32634	AMD	07/01/2009	2009-10/80
R477-2	Administration	32605	AMD	07/01/2009	2009-10/85
R477-3	Classification	32598	AMD	07/01/2009	2009-10/88
R477-4	Filling Positions	32630	AMD	07/01/2009	2009-10/89
R477-4-4	Order of Selection for Career Service Positions	32426	EMR	03/02/2009	2009-6/86
R477-5	Employee Status and Probation	32593	AMD	07/01/2009	2009-10/93
R477-6	Compensation	32603	AMD	07/01/2009	2009-10/94
R477-7	Leave	32627	AMD	07/01/2009	2009-10/98
R477-8	Working Conditions	32592	AMD	07/01/2009	2009-10/104
R477-9	Employee Conduct	32594	AMD	07/01/2009	2009-10/108
R477-10	Employee Development	32597	AMD	07/01/2009	2009-10/110
R477-11	Discipline	32596	AMD	07/01/2009	2009-10/111
R477-12	Separations	32609	AMD	07/01/2009	2009-10/113
R477-12-3	Reduction in Force	32427	EMR	03/02/2009	2009-6/87
R477-12-3	Reduction in Force	32424	AMD	04/21/2009	2009-6/55
R477-14	Substance Abuse and Drug-Free Workplace	32641	AMD	07/01/2009	2009-10/115
R477-15	Workforce Harassment Policy and Procedure	32590	AMD	07/01/2009	2009-10/117

CODE REFERENCE	TITLE	FILE NUMBER	ACTION	EFFECTIVE DATE	BULLETIN ISSUE/PAGE
Human Services					
<u>Administration</u>					
R495-882	Termination of Parental Rights	32728	5YR	06/15/2009	2009-13/84
R495-888	Department of Human Services Related Parties Conflict Investigation Procedure	32154	NEW	01/21/2009	2008-24/18
<u>Administration, Administrative Hearings</u>					
R497-100	Adjudicative Proceedings	32181	AMD	01/21/2009	2008-24/21
R497-100	Adjudicative Proceedings	32328	NSC	02/25/2009	Not Printed
<u>Administration, Administrative Services, Licensing</u>					
R501-1	General Provisions	32190	NSC	01/12/2009	Not Printed
R501-4-7	Administrative Hearing	32191	NSC	01/12/2009	Not Printed
R501-12-8	Safety	32192	NSC	01/12/2009	Not Printed
R501-14	Background Screening	32193	NSC	01/12/2009	Not Printed
<u>Aging and Adult Services</u>					
R510-302	Adult Protective Services	32428	R&R	05/27/2009	2009-7/26
R510-400	Home and Community-Based Alternatives Services Policy and Procedures	32471	R&R	05/27/2009	2009-8/9
<u>Child and Family Services</u>					
R512-2	Title IV-B Child Welfare/Family Preservation and Support Services and Title IV-E Foster Care, Adoption, and Independent Living	32455	AMD	05/27/2009	2009-8/18
R512-32	Children with Reportable Communicable Diseases	32456	AMD	05/27/2009	2009-8/19
R512-40	Adoptive Home Studies, Recruitment, Approval	32457	AMD	05/27/2009	2009-8/22
R512-41	Qualifying Adoptive Families and Adoption Placement	32657	5YR	05/07/2009	2009-11/58
R512-302	Out of Home Services, Responsibilities Pertaining to an Out of Home Caregiver	32464	AMD	05/27/2009	2009-8/23
R512-306	Transition to Adult Living Services, Education and Training Voucher Program	32658	5YR	05/07/2009	2009-11/58
R512-309	Out-of-Home Services, Foster Parent Reimbursement of Motor Vehicle Insurance Coverage for Youth in Foster Care	32182	NEW	01/21/2009	2008-24/24
<u>Substance Abuse and Mental Health</u>					
R523-1-5	Fee for Service	32183	AMD	01/22/2009	2008-24/26
<u>Recovery Services</u>					
R527-5	Release of Information	32159	R&R	01/21/2009	2008-24/27
R527-40	Retained Support	32497	AMD	06/15/2009	2009-9/17
R527-201	Medical Support Services	32492	AMD	06/09/2009	2009-9/18
R527-275	Passport Denial	32494	NEW	06/09/2009	2009-9/20
R527-300	Income Withholding	32565	AMD	06/30/2009	2009-10/118
R527-601	Establishing or Modifying an Administrative Award for Child Support	32496	AMD	06/15/2009	2009-9/21
<u>Services for People with Disabilities</u>					
R539-5	Self-Administered Services	32521	AMD	06/29/2009	2009-9/22
R539-5-8	Limitation	32308	EMR	01/15/2009	2009-3/81
<u>Juvenile Justice Services</u>					
R547-1	Residential and Nonresidential, Nonsecure Community Program Standards	32453	AMD	06/11/2009	2009-8/26
R547-6-3	Administration and Organization	32452	NSC	04/14/2009	Not Printed

RULES INDEX

CODE REFERENCE	TITLE	FILE NUMBER	ACTION	EFFECTIVE DATE	BULLETIN ISSUE/PAGE
Insurance					
<u>Administration</u>					
R590-93	Replacement of Life Insurance and Annuities	32531	5YR	04/15/2009	2009-9/50
R590-98	Unfair Practice in Payment of Life Insurance and Annuity Policy Values	32532	5YR	04/15/2009	2009-9/51
R590-126-4	Prohibited Policy Provisions	32272	AMD	03/12/2009	2009-3/45
R590-131-3	Definitions	32322	NSC	02/25/2009	Not Printed
R590-136	Title Insurance Agents' Annual Reports	32316	AMD	05/19/2009	2009-3/47
R590-146-20	Standards for Marketing	32491	AMD	06/02/2009	2009-8/46
R590-146-20	Standards for Marketing	32703	NSC	06/29/2009	Not Printed
R590-148-22	Loss Ratio	32320	NSC	02/25/2009	Not Printed
R590-149-7	Classification of Records	32403	NSC	03/14/2009	Not Printed
R590-166	Home Protection Service Contract Rule	32529	5YR	04/15/2009	2009-9/51
R590-170	Fiduciary and Trust Account Obligations	32405	5YR	02/25/2009	2009-6/92
R590-187	Assessment of Title Insurance Agencies and Title Insurers for Costs Related to Regulation of Title Insurance	32317	AMD	05/19/2009	2009-3/49
R590-190	Unfair Property, Liability and Title Claims Settlement Practices Rule	32530	5YR	04/15/2009	2009-9/52
R590-191	Unfair Life Insurance Claims Settlement Practices Rule	32533	5YR	04/15/2009	2009-9/52
R590-192	Unfair Accident and Health Income Replacement Claims Settlement Practices Rule	32756	5YR	06/25/2009	2009-14/84
R590-195	Rental Car Related Licensing	32435	5YR	03/11/2009	2009-7/36
R590-211	Underinsured Motorist Insurer Notification	32667	REP	07/08/2009	2009-11/38
R590-220	Submission of Accident and Health Insurance Filings	32442	5YR	03/12/2009	2009-7/37
R590-222	Viatical Settlements	32579	AMD	06/25/2009	2009-10/120
R590-225	Submission of Property and Casualty Rate and Form Filings	32439	5YR	03/12/2009	2009-7/37
R590-226	Submission of Life Insurance Filings	32467	5YR	03/26/2009	2009-8/63
R590-227	Submission of Annuity Filings	32468	5YR	03/26/2009	2009-8/63
R590-228	Submission of Credit Life and Credit Accident and Health Insurance Form and Rate Filings	32469	5YR	03/26/2009	2009-8/64
R590-230	Suitability in Annuity Transactions	32702	5YR	06/02/2009	2009-13/84
R590-244	Individual and Agency Licensing Requirements	32541	NEW	07/01/2009	2009-10/126
R590-247	Universal Individual Health Insurance Application Rule	32640	AMD	07/01/2009	2009-10/130
R590-252	Use of Senior-Specific Certifications and Professional Designations	32261	NEW	02/25/2009	2009-2/32
R590-253	Utah Mini-COBRA Notification Rule	32495	EMR	04/02/2009	2009-9/48
R590-253	Utah Mini-COBRA Notification Rule	32528	NEW	07/01/2009	2009-9/24
R590-254	Annual Financial Reporting Rule	32674	NEW	07/08/2009	2009-11/39
<u>Title and Escrow Commission</u>					
R592-6	Unfair Inducements and Marketing Practices in Obtaining Title Insurance Business	32545	REP	06/25/2009	2009-10/131
R592-6	Unfair Inducements and Marketing Practices in Obtaining Title Insurance Business	32548	NEW	06/25/2009	2009-10/134
R592-7	Title Insurance Continuing Education Program	32543	REP	06/25/2009	2009-10/137
R592-7	Title Insurance Continuing Education Program	32525	NEW	06/25/2009	2009-9/25
R592-8	Application Process for an Attorney Exemption for Title Agency Licensing	32546	REP	06/25/2009	2009-10/139
R592-8	Application Process for an Attorney Exemption for Title Agency Licensing	32526	NEW	06/25/2009	2009-9/27

CODE REFERENCE	TITLE	FILE NUMBER	ACTION	EFFECTIVE DATE	BULLETIN ISSUE/PAGE
R592-9	Title Insurance Recovery, Education, and Research Fund Assessment Rule	32547	REP	06/25/2009	2009-10/141
R592-9	Title Insurance Recovery, Education, and Research Fund Assessment Rule	32527	NEW	06/25/2009	2009-9/29
R592-11-3	Definition	32682	NSC	06/18/2009	Not Printed
R592-13	Minimum Charges for Escrow Services	32167	NEW	01/22/2009	2008-24/31
R592-13	Minimum Charges for Escrow Services (EXPIRED - Legislative Nonreauthorization)	32664	NSC	05/12/2009	Not Printed

Judicial Performance Evaluation Commission

Administration

R597-1	General Provisions	32423	NEW	05/01/2009	2009-6/66
R597-3	Judicial Performance Evaluations	32421	NEW	05/01/2009	2009-6/67

Labor Commission

Adjudication

R602-2-2	Guidelines for Utilization of Medical Panel	32276	AMD	03/10/2009	2009-3/51
R602-7	Adjudication of Discrimination Claims	32277	NEW	03/10/2009	2009-3/52
R602-7-4	Hearings	32482	AMD	05/22/2009	2009-8/47
R602-8	Adjudication of Utah Occupational Safety and Health Citation Claims	32278	NEW	03/10/2009	2009-3/57
R602-8-4	Hearings	32483	AMD	05/22/2009	2009-8/48

Industrial Accidents

R612-4-2	Premium Rates for the Uninsured Employers' Fund and the Employers' Reinsurance Fund	32054	AMD	01/01/2009	2008-21/66
----------	---	-------	-----	------------	------------

Occupational Safety and Health

R614-1-4	Incorporation of Federal Standards	32216	NSC	01/13/2009	Not Printed
R614-1-4	Incorporation of Federal Standards	32481	NSC	04/14/2009	Not Printed

Safety

R616-2-3	Safety Codes and Rules for Boilers and Pressure Vessels	32259	AMD	02/24/2009	2009-2/34
----------	---	-------	-----	------------	-----------

Lieutenant Governor

Administration

R622-2	Use of the Great Seal of the State of Utah	32501	5YR	04/07/2009	2009-9/53
--------	--	-------	-----	------------	-----------

Elections

R623-1	Lieutenant Governor's Procedure for Regulation of Lobbyist Activities	32508	5YR	04/07/2009	2009-9/53
R623-2	Uniform Ballot Counting Standards	32512	5YR	04/07/2009	2009-9/54
R623-3	Utah State Plan on Election Reform	32513	5YR	04/07/2009	2009-9/54

Money Management Council

Administration

R628-15-12	Procedures for Denial, Suspension, or Termination and Reinstatement of Status	32293	NSC	02/05/2009	Not Printed
R628-16-12	Procedures for Suspension or Termination and Reinstatement of Status	32294	NSC	02/05/2009	Not Printed
R628-19	Requirements for the Use of Investment Advisers by Public Treasurers	32367	5YR	02/10/2009	2009-5/31

Natural Resources

Geological Survey

R638-2	Renewable Energy Systems Tax Credits	32331	AMD	04/06/2009	2009-4/29
R638-3	Energy Efficiency Fund	32330	AMD	04/06/2009	2009-4/37

RULES INDEX

CODE REFERENCE	TITLE	FILE NUMBER	ACTION	EFFECTIVE DATE	BULLETIN ISSUE/PAGE
<u>Parks and Recreation</u>					
R651-411	OHV Use in State Parks	32301	5YR	01/13/2009	2009-3/87
R651-411-2	OHV Use-Restrictions	32302	NSC	02/05/2009	Not Printed
R651-611-4	Special Fees	32470	AMD	06/10/2009	2009-8/48
R651-633-2	General Closures or Restrictions	32339	AMD	03/26/2009	2009-4/41
R651-636	Procedures for Application to Receive Funds From the Zion National Park Restricted Account	32338	NEW	03/26/2009	2009-4/42
<u>Forestry, Fire and State Lands</u>					
R652-5-200	Payments	32487	AMD	05/26/2009	2009-8/50
R652-20-1600	Posting Dates/Simultaneous Filing	32485	AMD	05/26/2009	2009-8/52
R652-70	Sovereign Lands	32486	AMD	05/26/2009	2009-8/52
R652-90	Sovereign Land Management Planning	32489	AMD	05/26/2009	2009-8/54
<u>Water Rights</u>					
R655-13	Stream Alteration	32368	5YR	02/11/2009	2009-5/31
R655-14	Administrative Procedures for Enforcement Proceedings Before the Division of Water Rights	32201	AMD	02/10/2009	2009-1/35
<u>Wildlife Resources</u>					
R657-5	Taking Big Game	32337	AMD	03/24/2009	2009-4/43
R657-5-73	Management Buck Deer Hunt	32462	NSC	04/14/2009	Not Printed
R657-13	Taking Fish and Crayfish	32129	AMD	01/07/2009	2008-23/23
R657-17-4	General Deer Permits and Tags	32300	AMD	03/10/2009	2009-3/61
R657-33-19	Exporting Bear from Utah	32319	AMD	03/24/2009	2009-4/50
R657-38	Dedicated Hunter Program	32309	AMD	03/10/2009	2009-3/62
R657-42-4	Surrenders	32371	AMD	04/07/2009	2009-5/19
R657-44-3	Damage to Cultivated Crops, Fences, or Irrigation Equipment by Big Game Animals	32299	AMD	03/10/2009	2009-3/69
R657-46	The Use of Game Birds in Dog Field Trials and Training	32721	5YR	06/09/2009	2009-13/85
R657-55-4	Obtaining Authority to Distribute Wildlife Convention Permit Series	32297	AMD	03/10/2009	2009-3/71
R657-60	Aquatic Invasive Species Interdiction	32679	EMR	05/19/2009	2009-12/72
R657-60-2	Definitions	32081	AMD	01/07/2009	2008-22/28
R657-60-2	Definitions	32298	AMD	03/10/2009	2009-3/72
R657-61	Valuation of Real Property Interests for Purposes of Acquisition or Disposal	32210	AMD	02/09/2009	2009-1/40
R657-62	Drawing Application Procedures	32420	NEW	04/21/2009	2009-6/70
Pardons (Board Of)					
<u>Administration</u>					
R671-201	Original Parole Grant Hearing Schedule and Notice	32067	AMD	02/25/2009	2008-22/29
R671-312	Commutation Hearings for Death Penalty Cases	32065	AMD	02/25/2009	2008-22/30
R671-405	Parole Termination	32066	AMD	02/25/2009	2008-22/33
Public Safety					
<u>Administration</u>					
R698-4	Certification of the Law Enforcement Agency of a Private College or University	32404	5YR	02/25/2009	2009-6/93

CODE REFERENCE	TITLE	FILE NUMBER	ACTION	EFFECTIVE DATE	BULLETIN ISSUE/PAGE
<u>Homeland Security</u>					
R704-1	Search and Rescue Financial Assistance Program	32305	NSC	02/05/2009	Not Printed
<u>Driver License</u>					
R708-7-10	Use of the Functional Ability Profile	32202	AMD	02/19/2009	2009-1/41
R708-10	Classified License System	32502	5YR	04/07/2009	2009-9/55
R708-14	Adjudicative Proceedings for Driver License Actions Involving Alcohol and Drugs	32587	AMD	07/06/2009	2009-10/143
R708-22	Commercial Driver License Administrative Proceedings	32503	5YR	04/07/2009	2009-9/55
R708-24	Renewal of a Commercial Driver License (CDL)	32504	5YR	04/07/2009	2009-9/56
R708-26	Learner Permit Rule	32506	5YR	04/07/2009	2009-9/56
R708-26-2	Authority	32505	NSC	05/14/2009	Not Printed
R708-31	Ignition Interlock Systems	32507	5YR	04/07/2009	2009-9/57
<u>Fire Marshal</u>					
R710-2-6	List of Approved Class C Common State Approved Explosives	32451	AMD	05/12/2009	2009-7/33
R710-3	Assisted Living Facilities	32304	AMD	03/10/2009	2009-3/73
R710-5-8	Fees	32460	NSC	04/13/2009	Not Printed
R710-6	Liquefied Petroleum Gas Rules	32538	AMD	06/10/2009	2009-9/30
R710-9	Rules Pursuant to the Utah Fire Prevention Law	32466	AMD	05/27/2009	2009-8/55
R710-13	Reduced Cigarette Ignition Propensity and Firefighter Protection Act	32461	NSC	04/13/2009	Not Printed
<u>Criminal Investigations and Technical Services, Criminal Identification</u>					
R722-310	Regulation of Bail Bond Recovery and Enforcement Agents	32088	AMD	01/01/2009	2008-22/34
R722-900	Review and Challenge of Criminal Record	32208	NSC	01/12/2009	Not Printed
<u>Peace Officer Standards and Training</u>					
R728-402	Application Procedures to Attend a Basic Peace Officer Training Program	32132	AMD	02/05/2009	2008-23/25
R728-502	Procedure for POST Instructor Certification	32472	5YR	03/30/2009	2009-8/65
Public Service Commission					
<u>Administration</u>					
R746-343-3	Eligibility Requirements	32232	AMD	03/03/2009	2009-2/35
R746-350	Application to Discontinue Telecommunications Service	32306	5YR	01/14/2009	2009-3/88
R746-360-5	Fund Remittances and Disbursements	32434	AMD	05/12/2009	2009-7/34
R746-365	Intercarrier Service Quality	32283	5YR	01/06/2009	2009-3/88
Regents (Board Of)					
<u>Administration</u>					
R765-603	Regents' Scholarship (EXPIRED - Legislative Nonreauthorization)	32665	NSC	05/12/2009	Not Printed
<u>Salt Lake Community College</u>					
R784-1	Government Records Access and Management Act Rules	32433	5YR	03/09/2009	2009-7/38
<u>University of Utah, Museum of Natural History (Utah)</u>					
R807-1	Curation of Collections from State Lands	32284	5YR	01/06/2009	2009-3/89

RULES INDEX

CODE REFERENCE	TITLE	FILE NUMBER	ACTION	EFFECTIVE DATE	BULLETIN ISSUE/PAGE
School and Institutional Trust Lands					
<u>Administration</u>					
R850-5-200	Payments, Royalties, Audits, and Reinstatements	32402	NSC	03/14/2009	Not Printed
Sports Authority (Utah)					
<u>Pete Suazo Utah Athletic Commission</u>					
R859-1	Pete Suazo Utah Athletic Commission Act Rule	32205	AMD	05/01/2009	2009-1/42
R859-1-301	Qualifications for Licensure	32188	AMD	03/01/2009	2009-1/44
Tax Commission					
<u>Auditing</u>					
R865-4D-2	Clean Special Fuel Certificate, Refund Procedures for Undyed Diesel Fuel Used Off-Highway or to Operate a Power Take-Off Unit, and Sales Tax Liability Pursuant to Utah Code Ann. Sections 59-13-301 and 59-13-304	32035	AMD	01/01/2009	2008-21/76
R865-4D-2	Refund Procedures for Undyed Diesel Fuel Used Off-Highway or to Operate a Power Take-Off Unit, and Sales Tax Liability Pursuant to Utah Code Ann. Sections 59-13-301 and 59-13-304	32334	AMD	03/26/2009	2009-4/51
R865-4D-6	Invoices pursuant to Utah Code Ann. Sections 59-13-301 and 59-13-313	32335	AMD	03/26/2009	2009-4/52
R865-4D-24	Off Highway Use of Undyed Diesel Fuel Pursuant to Utah Code Ann. Section 59-13-301	32336	AMD	03/26/2009	2009-4/53
R865-7H	Environmental Assurance Fee	32392	5YR	02/19/2009	2009-6/93
R865-12L-6	Place of Transaction Pursuant to Utah Code Ann. Section 59-12-207	32034	AMD	01/01/2009	2008-21/78
R865-12L-12	Leases and Rentals Pursuant to Utah Code Ann. Section 59-12-204	32032	AMD	01/01/2009	2008-21/79
R865-12L-13	Repairs and Servicemen Pursuant to Utah Code Ann. Section 59-12-204	32015	AMD	01/01/2009	2008-21/79
R865-19S-12	Filing of Returns Pursuant to Utah Code Ann. Sections 59-12-107 and 59-12-118	32008	AMD	01/01/2009	2008-21/80
R865-19S-27	Retail Sales Defined Pursuant to Utah Code Ann. Sections 59-12-102 and 59-12-103(1)(g)	32017	AMD	01/01/2009	2008-21/81
R865-19S-29	Wholesale Sale Defined Pursuant to Utah Code Ann. Section 59-12-102	32030	AMD	01/01/2009	2008-21/82
R865-19S-90	Telephone Service Pursuant to Utah Code Ann. Section 59-12-103	32007	AMD	01/01/2009	2008-21/83
R865-19S-92	Computer software and Other Related Transactions Pursuant to Utah Code Ann. Section 59-12-103	32016	AMD	01/01/2009	2008-21/84
R865-19S-113	Sales Tax Obligations of Jeep, Snowmobile, Aircraft, and Boat Tour Operators, River Runners, Outfitters, and Other Sellers Providing Similar Services Pursuant to Utah Code Ann. Sections 59-12-103 and 59-12-107	32012	AMD	01/01/2009	2008-21/85
R865-19S-119	Certain Transactions Involving Food and Lodging Pursuant to Utah Code Ann. Sections 59-12-103 and 59-12-104	32013	AMD	01/01/2009	2008-21/86
R865-21U-3	Liability of Retailers Pursuant to Utah Code Ann. Section 59-12-107	32033	AMD	01/01/2009	2008-21/87
R865-21U-15	Automobile, Construction Equipment and Other Merchandise Purchased from Out-Of-State Vendors Pursuant to Utah Code Ann. Sections 59-12-103 and 59-12-107	32010	AMD	01/01/2009	2008-21/87
<u>Motor Vehicle</u>					
R873-22M-20	Aircraft Registration Pursuant to Utah Code Ann. Sections 72-10-102, 72-10-109 through 72-10-112	32045	AMD	01/01/2009	2008-21/88

CODE REFERENCE	TITLE	FILE NUMBER	ACTION	EFFECTIVE DATE	BULLETIN ISSUE/PAGE
R873-22M-23	Registration Information Update for Vintage Vehicle Special Group License Plates Pursuant to Utah Code Ann. Section 41-1a-1209	32037	AMD	01/01/2009	2008-21/89
<u>Motor Vehicle Enforcement</u>					
R877-23V-7	Misleading Advertising Pursuant to Utah Code Ann. Section 41-3-210	32234	AMD	03/03/2009	2009-2/36
<u>Property Tax</u>					
R884-24P-19	Appraiser Designation Program Pursuant to Utah Code Ann. 59-2-701 and 59-2-702	32260	AMD	03/03/2009	2009-2/39
R884-24P-24	Form for Notice of Property Valuation and Tax Changes Pursuant to Utah Code Ann. Sections 59-2-918 through 59-2-924	32233	AMD	03/03/2009	2009-2/42
R884-24P-27	Standards for Assessment Level and Uniformity of Performance Pursuant to Utah Code Ann. Sections 59-2-704 and 59-2-704.5	32063	AMD	01/01/2009	2008-21/90
R884-24P-47	Uniform Tax on Aircraft Pursuant to Utah Code Ann. Sections 59-2-404, 59-2-1005, 59-2-1302, and 59-2-1303	32036	AMD	01/01/2009	2008-21/92
R884-24P-53	2008 Valuation Guides for Valuation of Land Subject to the Farmland Assessment Act Pursuant to Utah Code Ann. Section 59-2-515	32044	AMD	01/01/2009	2008-21/93
R884-24P-70	Real Property Appraisal Requirements for County Assessors Pursuant to Utah Code Ann. Sections 59-2-303.1 and 59-2-919.1	32052	AMD	01/01/2009	2008-21/97
<u>Technology Services</u>					
<u>Administration</u>					
R895-4	Sub-Domain Naming Conventions for Executive Branch Agencies	32498	5YR	04/06/2009	2009-9/57
R895-6	IT Plan Submission Rule for Agencies	32714	5YR	06/08/2009	2009-13/85
R895-7	Acceptable Use of Information Technology Resources	32705	5YR	06/03/2009	2009-13/86
<u>Transportation</u>					
<u>Administration</u>					
R907-1	Appeal of Departmental Actions	32214	AMD	04/14/2009	2009-1/45
R907-3	Administrative Procedure	32217	NSC	01/12/2009	Not Printed
R907-62-7	Classification of Records	32303	NSC	02/05/2009	Not Printed
R907-62-7	Classification of Records	32161	NSC	02/05/2009	Not Printed
R907-64	Longitudinal and Wireless Access to Interstate Highway Rights-of-Way for Installation of Telecommunications Facilities	31961	AMD	01/12/2009	2008-20/25
R907-66	Incorporation and Use of Federal Acquisition Regulations on Federal-Aid and State-Financed Transportation Projects	32213	NSC	01/12/2009	Not Printed
<u>Motor Carrier</u>					
R909-1-1	Adoption of Federal Regulations	32488	AMD	06/11/2009	2009-8/60
R909-3	Standards for Utah School Buses (5YR EXTENSION)	32264	NSC	01/05/2009	Not Printed
R909-3	Standards for Utah School Buses	32274	5YR	01/05/2009	2009-3/89
R909-3-2	Authority	32273	NSC	02/05/2009	Not Printed
R909-19	Safety Regulations for Tow Truck Operations - Tow Truck Requirements for Equipment, Operation and Certification	32215	NSC	01/12/2009	Not Printed
R909-75	Safety Regulations for Motor Carriers Transporting Hazardous Materials and/or Hazardous Wastes	32490	AMD	06/11/2009	2009-8/60
<u>Operations, Construction</u>					
R916-2	Prequalification of Contractors	32307	NSC	02/05/2009	Not Printed

RULES INDEX

CODE REFERENCE	TITLE	FILE NUMBER	ACTION	EFFECTIVE DATE	BULLETIN ISSUE/PAGE
R916-5	Health Reform -- Health Insurance Coverage in State Contracts -- Implementation	32768	EMR	07/01/2009	2009-14/78
<u>Operations, Traffic and Safety</u>					
R920-50	Ropeway Operations Safety Rules	32515	R&R	06/11/2009	2009-9/33
<u>Program Development</u>					
R926-10	Tollway Development Agreements	32179	AMD	02/19/2009	2008-24/32
R926-11	Rules for Permitting of Eligible Vehicles for a Clean Fuel Special Group License Plate On or After January 1, 2009	32076	NEW	01/05/2009	2008-22/39
<u>Preconstruction</u>					
R930-3	Highway Noise Abatement	32000	AMD	01/12/2009	2008-21/98
Transportation Commission					
<u>Administration</u>					
R940-3	Procedures for Transportation Infrastructure Loan Fund Assistance	31920	NEW	01/12/2009	2008-18/62
R940-3-2	Definitions	32082	NSC	01/12/2009	Not Printed
Workforce Services					
<u>Administration</u>					
R982-101	Americans with Disabilities Complaint Procedure	32237	NSC	01/22/2009	Not Printed
R982-201	Government Records Access and Management Act	32238	NSC	01/22/2009	Not Printed
<u>Employment Development</u>					
R986-100	Employment Support Programs	32239	NSC	01/22/2009	Not Printed
R986-200-239	How to Determine the Amount of the Financial Assistance Payment	32672	AMD	07/08/2009	2009-11/52
R986-200-240	Additional Payments Available Under Certain Circumstances	32114	AMD	01/06/2009	2008-22/41
R986-200-246	Transitional Cash Assistance	32209	AMD	02/12/2009	2009-1/48
R986-500-502	General Provisions	32240	NSC	01/22/2009	Not Printed
<u>Unemployment Insurance</u>					
R994-202	Employing Units	32535	AMD	06/18/2009	2009-9/45
R994-204-402	Procedure for Issuing a Safe Haven Determination	32242	NSC	01/22/2009	Not Printed
R994-309	Nonprofit Organizations.	32802	5YR	07/08/2009	Not Printed
R994-310	Coverage.	32803	5YR	07/08/2009	Not Printed
R994-311	Governmental Units and Indian Tribes.	32804	5YR	07/08/2009	Not Printed
R994-312	Employing Units Records.	32805	5YR	07/08/2009	Not Printed
R994-405-3	Professional Employment Organization (PEO)	32534	NSC	05/14/2009	Not Printed

RULES INDEX - BY KEYWORD (SUBJECT)

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	

<u>KEYWORD</u> <u>AGENCY</u>	<u>FILE</u> <u>NUMBER</u>	<u>CODE REFERENCE</u>	<u>ACTION</u>	<u>EFFECTIVE</u> <u>DATE</u>	<u>BULLETIN</u> <u>ISSUE/PAGE</u>
<u>accelerated learning</u> Education, Administration	32376	R277-712	5YR	02/13/2009	2009-5/27
<u>acceptable use</u> Technology Services, Administration	32705	R895-7	5YR	06/03/2009	2009-13/86
<u>access</u> Environmental Quality, Drinking Water	32410	R309-545-15	AMD	04/27/2009	2009-6/36
<u>accessing records</u> Human Services, Recovery Services	32159	R527-5	R&R	01/21/2009	2008-24/27
<u>accidents</u> Administrative Services, Fleet Operations	32292	R27-7	AMD	04/20/2009	2009-3/2
<u>accreditation</u> Education, Administration	32373	R277-413	5YR	02/13/2009	2009-5/26
<u>activities</u> Education, Administration	32220	R277-494-3	NSC	01/22/2009	Not Printed
	32323	R277-494-3	NSC	02/25/2009	Not Printed
<u>ADA</u> Transportation, Administration	32303	R907-62-7	NSC	02/05/2009	Not Printed
<u>ADA complaint procedures</u> Crime Victim Reparations, Administration	32394	R270-3	5YR	02/19/2009	2009-6/91
	32197	R270-3	NSC	01/12/2009	Not Printed
<u>ADA*</u> Transportation, Administration	32161	R907-62-7	NSC	02/05/2009	Not Printed
<u>adjudicative procedures</u> Community and Culture, Library	32295	R223-1	NSC	02/05/2009	Not Printed
<u>adjudicative proceedings</u> Community and Culture, History	32243	R212-1	NSC	01/22/2009	Not Printed
Public Safety, Driver License	32587	R708-14	AMD	07/06/2009	2009-10/143
<u>administrative penalties</u> Natural Resources, Water Rights	32201	R655-14	AMD	02/10/2009	2009-1/35
<u>administrative procedures</u> Agriculture and Food, Administration	32536	R51-1	NSC	05/14/2009	Not Printed

RULES INDEX

<u>KEYWORD</u> <u>AGENCY</u>	<u>FILE</u> <u>NUMBER</u>	<u>CODE REFERENCE</u>	<u>ACTION</u>	<u>EFFECTIVE</u> <u>DATE</u>	<u>BULLETIN</u> <u>ISSUE/PAGE</u>
Commerce, Corporations and Commercial Code	32518	R154-100-2	NSC	05/14/2009	Not Printed
Community and Culture, History	32243	R212-1	NSC	01/22/2009	Not Printed
Community and Culture, Library	32295	R223-1	NSC	02/05/2009	Not Printed
Crime Victim Reparations, Administration	32196	R270-2	NSC	01/12/2009	Not Printed
	32372	R277-102	5YR	02/13/2009	2009-5/26
	32598	R477-3	AMD	07/01/2009	2009-10/88
	32609	R477-12	AMD	07/01/2009	2009-10/113
	32424	R477-12-3	AMD	04/21/2009	2009-6/55
	32427	R477-12-3	EMR	03/02/2009	2009-6/87
	32590	R477-15	AMD	07/01/2009	2009-10/117
Human Services, Administration, Administrative Hearings	32328	R497-100	NSC	02/25/2009	Not Printed
	32181	R497-100	AMD	01/21/2009	2008-24/21
Labor Commission, Adjudication	32276	R602-2-2	AMD	03/10/2009	2009-3/51
	32277	R602-7	NEW	03/10/2009	2009-3/52
	32482	R602-7-4	AMD	05/22/2009	2009-8/47
	32278	R602-8	NEW	03/10/2009	2009-3/57
	32483	R602-8-4	AMD	05/22/2009	2009-8/48
Natural Resources, Forestry, Fire and State Lands	32487	R652-5-200	AMD	05/26/2009	2009-8/50
	32485	R652-20-1600	AMD	05/26/2009	2009-8/52
	32486	R652-70	AMD	05/26/2009	2009-8/52
Public Safety, Driver License	32202	R708-7-10	AMD	02/19/2009	2009-1/41
School and Institutional Trust Lands, Administration	32402	R850-5-200	NSC	03/14/2009	Not Printed
	32214	R907-1	AMD	04/14/2009	2009-1/45
	32217	R907-3	NSC	01/12/2009	Not Printed
<u>administrative proceedings</u>					
Public Safety, Driver License	32503	R708-22	5YR	04/07/2009	2009-9/55
<u>administrative responsibility</u>					
Human Resource Management, Administration	32605	R477-2	AMD	07/01/2009	2009-10/85
<u>adoption</u>					
Human Services, Child and Family Services	32455	R512-2	AMD	05/27/2009	2009-8/18
	32457	R512-40	AMD	05/27/2009	2009-8/22
	32657	R512-41	5YR	05/07/2009	2009-11/58
<u>adoption assistance</u>					
Workforce Services, Employment Development	32240	R986-500-502	NSC	01/22/2009	Not Printed
<u>adult education</u>					
Education, Administration	32511	R277-702	AMD	06/09/2009	2009-9/13
	32315	R277-733	AMD	03/10/2009	2009-3/23
	32647	R277-733	AMD	06/23/2009	2009-10/52
<u>agricultural law</u>					
Agriculture and Food, Animal Industry	32693	R58-19-2	NSC	06/18/2009	Not Printed

<u>KEYWORD</u> <u>AGENCY</u>	<u>FILE</u> <u>NUMBER</u>	<u>CODE REFERENCE</u>	<u>ACTION</u>	<u>EFFECTIVE</u> <u>DATE</u>	<u>BULLETIN</u> <u>ISSUE/PAGE</u>
<u>agriculture law</u>					
Agriculture and Food, Plant Industry	32516	R68-19-2	NSC	05/14/2009	Not Printed
<u>air pollution</u>					
Environmental Quality, Air Quality	32783	R307-101	5YR	07/02/2009	Not Printed
	32458	R307-101-2	AMD	07/02/2009	2009-8/6
	32351	R307-101-3	AMD	05/07/2009	2009-5/8
	31928	R307-121	AMD	01/01/2009	2008-19/25
	32275	R307-121	5YR	01/06/2009	2009-3/86
	32353	R307-150	5YR	02/05/2009	2009-5/28
	32354	R307-405	5YR	02/05/2009	2009-5/28
	32042	R307-405-2	AMD	02/05/2009	2008-21/33
	32350	R307-840	AMD	05/07/2009	2009-5/9
	32656	R307-840	5YR	05/07/2009	2009-11/57
<u>air travel</u>					
Administrative Services, Finance	32635	R25-7	AMD	06/23/2009	2009-10/4
<u>aircraft</u>					
Tax Commission, Motor Vehicle	32045	R873-22M-20	AMD	01/01/2009	2008-21/88
	32037	R873-22M-23	AMD	01/01/2009	2008-21/89
<u>alarm company</u>					
Commerce, Occupational and Professional Licensing	32477	R156-55d-302a	NSC	04/14/2009	Not Printed
<u>alcoholic beverages</u>					
Alcoholic Beverage Control, Administration	32222	R81-1	NSC	01/22/2009	Not Printed
	32542	R81-1-2	AMD	06/24/2009	2009-10/7
	32544	R81-1-3	AMD	06/24/2009	2009-10/9
	32414	R81-1-6	AMD	04/22/2009	2009-6/15
	32459	R81-1-6	AMD	05/27/2009	2009-8/5
	32549	R81-1-9	AMD	06/24/2009	2009-10/11
	32607	R81-1-11	NSC	05/27/2009	Not Printed
	32552	R81-1-24	AMD	06/24/2009	2009-10/12
	32553	R81-1-25	AMD	06/24/2009	2009-10/14
	32333	R81-1-28	AMD	03/24/2009	2009-4/8
	32608	R81-2-10	NSC	05/27/2009	Not Printed
	32554	R81-3-13	AMD	06/24/2009	2009-10/15
	32610	R81-4A-1	NSC	05/27/2009	Not Printed
	32555	R81-4A-2	AMD	06/24/2009	2009-10/17
	32556	R81-4A-2	EMR	05/01/2009	2009-10/145
	32558	R81-4A-10	EMR	05/01/2009	2009-10/146
	32557	R81-4A-10	AMD	06/24/2009	2009-10/17
	32559	R81-4A-11	AMD	06/24/2009	2009-10/18
	32560	R81-4A-11	EMR	05/01/2009	2009-10/147
	32611	R81-4A-14	NSC	05/27/2009	Not Printed
	32561	R81-4A-15	AMD	06/24/2009	2009-10/19
	32562	R81-4A-15	EMR	05/01/2009	2009-10/148

RULES INDEX

<u>KEYWORD</u> <u>AGENCY</u>	<u>FILE</u> <u>NUMBER</u>	<u>CODE REFERENCE</u>	<u>ACTION</u>	<u>EFFECTIVE</u> <u>DATE</u>	<u>BULLETIN</u> <u>ISSUE/PAGE</u>
	32612	R81-4B-1	NSC	05/27/2009	Not Printed
	32613	R81-4C-1	NSC	05/27/2009	Not Printed
	32563	R81-4C-2	AMD	06/24/2009	2009-10/21
	32564	R81-4C-2	EMR	05/01/2009	2009-10/149
	32567	R81-4C-9	AMD	06/24/2009	2009-10/21
	32568	R81-4C-9	EMR	05/01/2009	2009-10/150
	32569	R81-4C-10	AMD	06/24/2009	2009-10/22
	32571	R81-4C-10	EMR	05/01/2009	2009-10/151
	32572	R81-4C-13	AMD	06/24/2009	2009-10/23
	32574	R81-4C-13	EMR	05/01/2009	2009-10/151
	32575	R81-4D-1	AMD	06/24/2009	2009-10/24
	32614	R81-4D-2	NSC	05/27/2009	Not Printed
	32616	R81-4D-4	NSC	05/27/2009	Not Printed
	32576	R81-4D-10	AMD	06/24/2009	2009-10/26
	32577	R81-4D-10	EMR	05/01/2009	2009-10/153
	32578	R81-5-1	AMD	06/24/2009	2009-10/27
	32580	R81-5-2	AMD	06/24/2009	2009-10/28
	32581	R81-5-5	AMD	06/24/2009	2009-10/29
	32582	R81-5-6	AMD	06/24/2009	2009-10/30
	32628	R81-5-7	AMD	06/24/2009	2009-10/31
	32583	R81-5-9	AMD	06/24/2009	2009-10/31
	32584	R81-5-10	AMD	06/24/2009	2009-10/32
	32585	R81-5-11	AMD	06/24/2009	2009-10/33
	32588	R81-5-13	AMD	06/24/2009	2009-10/34
	32589	R81-5-14	AMD	06/24/2009	2009-10/35
	32591	R81-5-15	AMD	06/24/2009	2009-10/36
	32599	R81-5-16	AMD	06/24/2009	2009-10/37
	32600	R81-5-17	AMD	06/24/2009	2009-10/38
	32604	R81-5-18	AMD	06/24/2009	2009-10/39
	32606	R81-5-18	EMR	05/01/2009	2009-10/154
	32620	R81-10A-1	NSC	05/27/2009	Not Printed
	32624	R81-10A-7	NSC	05/27/2009	Not Printed
<u>alternative fuels</u>					
Environmental Quality, Air Quality	31928	R307-121	AMD	01/01/2009	2008-19/25
	32275	R307-121	5YR	01/06/2009	2009-3/86
<u>alternative licensing</u>					
Education, Administration	32643	R277-503-4	AMD	06/23/2009	2009-10/42
<u>annuity insurance filings</u>					
Insurance, Administration	32468	R590-227	5YR	03/26/2009	2009-8/63
<u>annuity replacement</u>					
Insurance, Administration	32531	R590-93	5YR	04/15/2009	2009-9/50
<u>annuity suitability</u>					
Insurance, Administration	32702	R590-230	5YR	06/02/2009	2009-13/84

<u>KEYWORD AGENCY</u>	<u>FILE NUMBER</u>	<u>CODE REFERENCE</u>	<u>ACTION</u>	<u>EFFECTIVE DATE</u>	<u>BULLETIN ISSUE/PAGE</u>
<u>appellate procedures</u>					
Crime Victim Reparations, Administration	32196	R270-2	NSC	01/12/2009	Not Printed
<u>application</u>					
Health, Health Care Financing, Coverage and Reimbursement Policy	32184	R414-308	AMD	01/26/2009	2008-24/9
	32744	R414-308-3	EMR	07/01/2009	2009-14/70
<u>appraisals</u>					
Tax Commission, Property Tax	32260	R884-24P-19	AMD	03/03/2009	2009-2/39
	32233	R884-24P-24	AMD	03/03/2009	2009-2/42
	32063	R884-24P-27	AMD	01/01/2009	2008-21/90
	32036	R884-24P-47	AMD	01/01/2009	2008-21/92
	32044	R884-24P-53	AMD	01/01/2009	2008-21/93
	32052	R884-24P-70	AMD	01/01/2009	2008-21/97
<u>aquaculture</u>					
Agriculture and Food, Animal Industry	32199	R58-17	AMD	02/19/2009	2009-1/7
<u>ARC</u>					
Administrative Services, Fleet Operations	32292	R27-7	AMD	04/20/2009	2009-3/2
<u>archaeological resources</u>					
Regents (Board Of), University of Utah, Museum of Natural History (Utah)	32284	R807-1	5YR	01/06/2009	2009-3/89
<u>armored car company</u>					
Commerce, Occupational and Professional Licensing	32474	R156-63b	NSC	04/14/2009	Not Printed
	32709	R156-63b-503	NSC	06/29/2009	Not Printed
<u>armored car security officers</u>					
Commerce, Occupational and Professional Licensing	32474	R156-63b	NSC	04/14/2009	Not Printed
	32709	R156-63b-503	NSC	06/29/2009	Not Printed
<u>assignments</u>					
Education, Administration	32144	R277-520-1	AMD	01/07/2009	2008-23/9
<u>assisted living facilities</u>					
Public Safety, Fire Marshal	32304	R710-3	AMD	03/10/2009	2009-3/73
<u>attorney exemption application process</u>					
Insurance, Title and Escrow Commission	32546	R592-8	REP	06/25/2009	2009-10/139
	32526	R592-8	NEW	06/25/2009	2009-9/27
<u>audiology</u>					
Health, Health Care Financing, Coverage and Reimbursement Policy	32327	R414-59-4	AMD	04/01/2009	2009-4/28
	32639	R414-59-4	AMD	07/01/2009	2009-10/64
	32228	R414-59-4	AMD	02/24/2009	2009-2/29
<u>autism spectrum</u>					
Health, Community and Family Health Services, Children with Special Health Care Needs	32158	R398-10	NSC	03/19/2009	Not Printed
	32454	R398-10	5YR	03/19/2009	2009-8/62

RULES INDEX

<u>KEYWORD</u> <u>AGENCY</u>	<u>FILE</u> <u>NUMBER</u>	<u>CODE REFERENCE</u>	<u>ACTION</u>	<u>EFFECTIVE</u> <u>DATE</u>	<u>BULLETIN</u> <u>ISSUE/PAGE</u>
<u>automatic fire sprinklers</u> Public Safety, Fire Marshal	32460	R710-5-8	NSC	04/13/2009	Not Printed
<u>background screening</u> Human Services, Administration, Administrative Services, Licensing	32193	R501-14	NSC	01/12/2009	Not Printed
<u>bail bond enforcement agent</u> Public Safety, Criminal Investigations and Technical Services, Criminal Identification	32088	R722-310	AMD	01/01/2009	2008-22/34
<u>bail bond recovery agent</u> Public Safety, Criminal Investigations and Technical Services, Criminal Identification	32088	R722-310	AMD	01/01/2009	2008-22/34
<u>ballots</u> Lieutenant Governor, Elections	32512	R623-2	5YR	04/07/2009	2009-9/54
<u>barrier</u> Transportation, Preconstruction	32000	R930-3	AMD	01/12/2009	2008-21/98
<u>basic application procedures</u> Public Safety, Peace Officer Standards and Training	32132	R728-402	AMD	02/05/2009	2008-23/25
<u>bear</u> Natural Resources, Wildlife Resources	32319	R657-33-19	AMD	03/24/2009	2009-4/50
<u>bed allocations</u> Human Services, Substance Abuse and Mental Health	32183	R523-1-5	AMD	01/22/2009	2008-24/26
<u>bids</u> Transportation, Operations, Construction	32307	R916-2	NSC	02/05/2009	Not Printed
<u>big game</u> Natural Resources, Wildlife Resources	32299	R657-44-3	AMD	03/10/2009	2009-3/69
<u>big game seasons</u> Natural Resources, Wildlife Resources	32337	R657-5	AMD	03/24/2009	2009-4/43
	32462	R657-5-73	NSC	04/14/2009	Not Printed
<u>birds</u> Natural Resources, Wildlife Resources	32721	R657-46	5YR	06/09/2009	2009-13/85
<u>boards</u> Administrative Services, Finance	32632	R25-5	AMD	06/23/2009	2009-10/3
<u>boilers</u> Labor Commission, Safety	32259	R616-2-3	AMD	02/24/2009	2009-2/34
<u>bonuses</u> Transportation, Administration	32213	R907-66	NSC	01/12/2009	Not Printed
<u>boxing</u> Sports Authority (Utah), Pete Suazo Utah Athletic Commission	32205	R859-1	AMD	05/01/2009	2009-1/42
	32188	R859-1-301	AMD	03/01/2009	2009-1/44

KEYWORD AGENCY	FILE NUMBER	CODE REFERENCE	ACTION	EFFECTIVE DATE	BULLETIN ISSUE/PAGE
<u>brachytherapy</u> Environmental Quality, Radiation Control	32207	R313-32	AMD	02/12/2009	2009-1/30
<u>breaks</u> Human Resource Management, Administration	32592	R477-8	AMD	07/01/2009	2009-10/104
<u>broad scope</u> Environmental Quality, Radiation Control	32206	R313-22-75	AMD	02/12/2009	2009-1/27
<u>building codes</u> Commerce, Occupational and Professional Licensing	32001	R156-56	AMD	01/01/2009	2008-21/9
	32476	R156-56-302	NSC	04/14/2009	Not Printed
<u>building inspection</u> Commerce, Occupational and Professional Licensing	32001	R156-56	AMD	01/01/2009	2008-21/9
	32476	R156-56-302	NSC	04/14/2009	Not Printed
<u>buildings</u> Administrative Services, Facilities Construction and Management	32699	R23-29	5YR	06/01/2009	2009-12/76
	32399	R23-29	NSC	06/01/2009	Not Printed
<u>burglar alarms</u> Commerce, Occupational and Professional Licensing	32477	R156-55d-302a	NSC	04/14/2009	Not Printed
<u>buses</u> Education, Administration	32375	R277-601	5YR	02/13/2009	2009-5/27
<u>C plate</u> Transportation, Program Development	32076	R926-11	NEW	01/05/2009	2008-22/39
<u>cancer</u> Health, Community and Family Health Services, Chronic Disease	32465	R384-100	5YR	03/25/2009	2009-8/62
<u>capital punishment</u> Pardons (Board Of), Administration	32065	R671-312	AMD	02/25/2009	2008-22/30
<u>career and technical education</u> Education, Administration	32143	R277-518	AMD	01/07/2009	2008-23/7
	32146	R277-911	AMD	01/07/2009	2008-23/12
<u>cash management</u> Money Management Council, Administration	32293	R628-15-12	NSC	02/05/2009	Not Printed
	32294	R628-16-12	NSC	02/05/2009	Not Printed
<u>certification</u> Labor Commission, Safety	32259	R616-2-3	AMD	02/24/2009	2009-2/34
<u>certifications</u> Transportation, Motor Carrier	32215	R909-19	NSC	01/12/2009	Not Printed
<u>certified local inspector</u> Human Services, Administration, Administrative Services, Licensing	32191	R501-4-7	NSC	01/12/2009	Not Printed

RULES INDEX

<u>KEYWORD</u> <u>AGENCY</u>	<u>FILE</u> <u>NUMBER</u>	<u>CODE REFERENCE</u>	<u>ACTION</u>	<u>EFFECTIVE</u> <u>DATE</u>	<u>BULLETIN</u> <u>ISSUE/PAGE</u>
<u>certified local museums</u> Community and Culture, Arts and Museums, Museum Services	32108	R210-100	NEW	01/01/2009	2008-22/21
<u>certified nurse midwife</u> Commerce, Occupational and Professional Licensing	32356	R156-44a	5YR	02/05/2009	2009-5/24
<u>charities</u> Tax Commission, Auditing	32008	R865-19S-12	AMD	01/01/2009	2008-21/80
	32017	R865-19S-27	AMD	01/01/2009	2008-21/81
	32030	R865-19S-29	AMD	01/01/2009	2008-21/82
	32007	R865-19S-90	AMD	01/01/2009	2008-21/83
	32016	R865-19S-92	AMD	01/01/2009	2008-21/84
	32012	R865-19S-113	AMD	01/01/2009	2008-21/85
	32013	R865-19S-119	AMD	01/01/2009	2008-21/86
<u>charter schools</u> Education, Administration	32566	R277-470-9	NSC	05/27/2009	Not Printed
	32663	R277-470-12	NSC	05/12/2009	Not Printed
<u>child care</u> Health, Health Systems Improvement, Child Care Licensing	32416	R430-100	AMD	07/01/2009	2009-6/43
	32595	R430-100	NSC	07/01/2009	Not Printed
<u>child care centers</u> Health, Health Systems Improvement, Child Care Licensing	32416	R430-100	AMD	07/01/2009	2009-6/43
	32595	R430-100	NSC	07/01/2009	Not Printed
<u>child care facilities</u> Health, Health Systems Improvement, Child Care Licensing	31820	R430-6	CPR	02/16/2009	2009-1/51
	31820	R430-6	R&R	02/16/2009	2008-17/54
	32683	R430-8	5YR	05/19/2009	2009-12/78
	32416	R430-100	AMD	07/01/2009	2009-6/43
	32595	R430-100	NSC	07/01/2009	Not Printed
<u>child support</u> Human Services, Recovery Services	32497	R527-40	AMD	06/15/2009	2009-9/17
	32492	R527-201	AMD	06/09/2009	2009-9/18
	32494	R527-275	NEW	06/09/2009	2009-9/20
	32565	R527-300	AMD	06/30/2009	2009-10/118
	32496	R527-601	AMD	06/15/2009	2009-9/21
<u>child welfare</u> Human Services, Child and Family Services	32455	R512-2	AMD	05/27/2009	2009-8/18
	32456	R512-32	AMD	05/27/2009	2009-8/19
	32657	R512-41	5YR	05/07/2009	2009-11/58
	32464	R512-302	AMD	05/27/2009	2009-8/23
	32182	R512-309	NEW	01/21/2009	2008-24/24

<u>KEYWORD AGENCY</u>	<u>FILE NUMBER</u>	<u>CODE REFERENCE</u>	<u>ACTION</u>	<u>EFFECTIVE DATE</u>	<u>BULLETIN ISSUE/PAGE</u>
<u>children's health benefits</u>					
Health, Children's Health Insurance Program	32185	R382-10	AMD	01/22/2009	2008-24/7
	32636	R382-10	AMD	07/01/2009	2009-10/54
<u>CHIP</u>					
Health, Health Care Financing, Coverage and Reimbursement Policy	32187	R414-320	AMD	01/22/2009	2008-24/15
	32751	R414-320	EMR	07/01/2009	2009-14/75
<u>chiropractic services</u>					
Health, Health Care Financing, Coverage and Reimbursement Policy	32352	R414-99	5YR	02/04/2009	2009-5/30
	32229	R414-99-2	AMD	02/24/2009	2009-2/30
<u>Class I area</u>					
Environmental Quality, Air Quality	32354	R307-405	5YR	02/05/2009	2009-5/28
	32042	R307-405-2	AMD	02/05/2009	2008-21/33
<u>classified license</u>					
Public Safety, Driver License	32502	R708-10	5YR	04/07/2009	2009-9/55
<u>clean fuel</u>					
Transportation, Program Development	32076	R926-11	NEW	01/05/2009	2008-22/39
<u>clients rights</u>					
Health, Health Care Financing, Coverage and Reimbursement Policy	32252	R414-301-4	NSC	01/22/2009	Not Printed
<u>clinical health information exchange</u>					
Health, Administration	31980	R380-70	NEW	02/04/2009	2008-20/12
<u>co-curricular</u>					
Education, Administration	32220	R277-494-3	NSC	01/22/2009	Not Printed
	32323	R277-494-3	NSC	02/25/2009	Not Printed
<u>collections</u>					
Tax Commission, Auditing	32034	R865-12L-6	AMD	01/01/2009	2008-21/78
	32032	R865-12L-12	AMD	01/01/2009	2008-21/79
	32015	R865-12L-13	AMD	01/01/2009	2008-21/79
<u>colleges</u>					
Public Safety, Administration	32404	R698-4	5YR	02/25/2009	2009-6/93
<u>complaints</u>					
Education, Rehabilitation	32270	R280-201	5YR	01/05/2009	2009-3/86
Workforce Services, Administration	32237	R982-101	NSC	01/22/2009	Not Printed
<u>confidentiality</u>					
Education, Administration	32255	R277-117	NEW	02/24/2009	2009-2/15
	32400	R277-117-2	NSC	03/14/2009	Not Printed
<u>confidentiality of information</u>					
Human Resource Management, Administration	32605	R477-2	AMD	07/01/2009	2009-10/85
Workforce Services, Unemployment Insurance	32805	R994-312	5YR	07/08/2009	Not Printed

RULES INDEX

<u>KEYWORD</u> <u>AGENCY</u>	<u>FILE</u> <u>NUMBER</u>	<u>CODE REFERENCE</u>	<u>ACTION</u>	<u>EFFECTIVE</u> <u>DATE</u>	<u>BULLETIN</u> <u>ISSUE/PAGE</u>
<u>conflict</u> Human Services, Administration	32154	R495-888	NEW	01/21/2009	2008-24/18
<u>conflict of interest</u> Human Resource Management, Administration	32594	R477-9	AMD	07/01/2009	2009-10/108
<u>consumer</u> Commerce, Consumer Protection	32382	R152-21	5YR	02/17/2009	2009-5/24
<u>contractors</u> Administrative Services, Facilities Construction and Management	32771	R23-23	EMR	07/01/2009	2009-14/63
Capitol Preservation Board (State), Administration	32769	R131-13	EMR	07/01/2009	2009-14/65
Commerce, Occupational and Professional Licensing	32438	R156-55a	AMD	05/11/2009	2009-7/3
	32001	R156-56	AMD	01/01/2009	2008-21/9
	32476	R156-56-302	NSC	04/14/2009	Not Printed
<u>contracts</u> Administrative Services, Facilities Construction and Management	32771	R23-23	EMR	07/01/2009	2009-14/63
Capitol Preservation Board (State), Administration	32769	R131-13	EMR	07/01/2009	2009-14/65
	32213	R907-66	NSC	01/12/2009	Not Printed
Transportation, Operations, Construction	32307	R916-2	NSC	02/05/2009	Not Printed
	32768	R916-5	EMR	07/01/2009	2009-14/78
<u>controlled substances</u> Commerce, Occupational and Professional Licensing	32540	R156-37	NSC	05/27/2009	Not Printed
	32411	R156-37-609a	AMD	04/21/2009	2009-6/18
<u>corrections</u> Corrections, Administration	31997	R251-105	AMD	02/26/2009	2008-21/31
<u>cost sharing</u> Health, Health Care Financing, Coverage and Reimbursement Policy	32621	R414-200	AMD	07/01/2009	2009-10/65
	32230	R414-200	AMD	02/24/2009	2009-2/31
<u>counselors</u> Education, Administration	32256	R277-462	AMD	02/24/2009	2009-2/16
	32446	R277-462	AMD	05/08/2009	2009-7/5
<u>coverage</u> Workforce Services, Unemployment Insurance	32803	R994-310	5YR	07/08/2009	Not Printed
<u>coverage groups</u> Health, Health Care Financing, Coverage and Reimbursement Policy	32746	R414-303-11	EMR	07/01/2009	2009-14/68
<u>covered-at-work</u> Health, Health Care Financing, Coverage and Reimbursement Policy	32186	R414-310	AMD	01/22/2009	2008-24/13
	32626	R414-310	AMD	07/01/2009	2009-10/67
	32749	R414-310	EMR	07/01/2009	2009-14/72

KEYWORD AGENCY	FILE NUMBER	CODE REFERENCE	ACTION	EFFECTIVE DATE	BULLETIN ISSUE/PAGE
<u>credit enhancements</u> Environmental Quality, Drinking Water	32028	R309-700	AMD	01/28/2009	2008-21/34
<u>credit insurance filings</u> Insurance, Administration	32469	R590-228	5YR	03/26/2009	2009-8/64
<u>credit services</u> Commerce, Consumer Protection	32382	R152-21	5YR	02/17/2009	2009-5/24
<u>criminal records</u> Public Safety, Criminal Investigations and Technical Services, Criminal Identification	32208	R722-900	NSC	01/12/2009	Not Printed
<u>crops</u> Commerce, Corporations and Commercial Code	32519	R154-1-7	NSC	05/14/2009	Not Printed
<u>curation</u> Regents (Board Of), University of Utah, Museum of Natural History (Utah)	32284	R807-1	5YR	01/06/2009	2009-3/89
<u>curricula</u> Education, Administration	32313	R277-700	AMD	03/10/2009	2009-3/17
	32314	R277-705	AMD	03/10/2009	2009-3/20
<u>custody</u> Education, Administration	32269	R277-735	5YR	01/05/2009	2009-3/85
<u>dairy inspections</u> Agriculture and Food, Regulatory Services	32742	R70-310	5YR	06/24/2009	2009-14/82
<u>data standards</u> Education, Administration	32448	R277-484	AMD	05/08/2009	2009-7/10
<u>deadlines</u> Education, Administration	32448	R277-484	AMD	05/08/2009	2009-7/10
<u>deception detection examiner</u> Commerce, Occupational and Professional Licensing	32473	R156-64-302a	NSC	04/14/2009	Not Printed
<u>deception detection intern</u> Commerce, Occupational and Professional Licensing	32473	R156-64-302a	NSC	04/14/2009	Not Printed
<u>decommissioning</u> Environmental Quality, Radiation Control	32206	R313-22-75	AMD	02/12/2009	2009-1/27
<u>definitions</u> Administrative Services, Fleet Operations	32189	R27-1-2	AMD	04/20/2009	2009-1/5
Environmental Quality, Air Quality	32783	R307-101	5YR	07/02/2009	Not Printed
	32458	R307-101-2	AMD	07/02/2009	2009-8/6
	32351	R307-101-3	AMD	05/07/2009	2009-5/8
Environmental Quality, Drinking Water	32443	R309-110-4	AMD	05/12/2009	2009-7/18
Human Resource Management, Administration	32634	R477-1	AMD	07/01/2009	2009-10/80

RULES INDEX

<u>KEYWORD</u> <u>AGENCY</u>	<u>FILE</u> <u>NUMBER</u>	<u>CODE REFERENCE</u>	<u>ACTION</u>	<u>EFFECTIVE</u> <u>DATE</u>	<u>BULLETIN</u> <u>ISSUE/PAGE</u>
<u>delegation</u>					
Administrative Services, Facilities Construction and Management	32699	R23-29	5YR	06/01/2009	2009-12/76
	32399	R23-29	NSC	06/01/2009	Not Printed
<u>demonstration</u>					
Health, Health Care Financing, Coverage and Reimbursement Policy	32186	R414-310	AMD	01/22/2009	2008-24/13
	32749	R414-310	EMR	07/01/2009	2009-14/72
	32626	R414-310	AMD	07/01/2009	2009-10/67
<u>dental</u>					
Health, Health Care Financing, Coverage and Reimbursement Policy	32625	R414-51	AMD	07/01/2009	2009-10/62
<u>depreddation</u>					
Natural Resources, Wildlife Resources	32299	R657-44-3	AMD	03/10/2009	2009-3/69
<u>design</u>					
Administrative Services, Facilities Construction and Management	32700	R23-3	5YR	06/01/2009	2009-12/76
<u>developmentally disabled</u>					
Agriculture and Food, Administration	32537	R51-4-1	NSC	05/14/2009	Not Printed
	32303	R907-62-7	NSC	02/05/2009	Not Printed
	32161	R907-62-7	NSC	02/05/2009	Not Printed
<u>dietitians</u>					
Commerce, Occupational and Professional Licensing	32478	R156-49-304	NSC	04/14/2009	Not Printed
<u>direct filtration</u>					
Environmental Quality, Drinking Water	32409	R309-530-6	AMD	04/27/2009	2009-6/34
<u>disabilities</u>					
Human Services, Services for People with Disabilities	32521	R539-5	AMD	06/29/2009	2009-9/22
	32308	R539-5-8	EMR	01/15/2009	2009-3/81
Workforce Services, Administration	32237	R982-101	NSC	01/22/2009	Not Printed
<u>disabled persons</u>					
Administrative Services, Administration	32204	R13-3	AMD	02/26/2009	2009-1/3
	32431	R13-3-8	NSC	03/26/2009	Not Printed
Education, Rehabilitation	32270	R280-201	5YR	01/05/2009	2009-3/86
	32271	R280-202	5YR	01/05/2009	2009-3/86
<u>discharge permits</u>					
Environmental Quality, Water Quality	32340	R317-8	AMD	04/07/2009	2009-4/21
<u>disciplinary actions</u>					
Education, Administration	32221	R277-609-1	NSC	01/22/2009	Not Printed
<u>discipline of employees</u>					
Human Resource Management, Administration	32596	R477-11	AMD	07/01/2009	2009-10/111
	32641	R477-14	AMD	07/01/2009	2009-10/115

<u>KEYWORD</u> <u>AGENCY</u>	<u>FILE</u> <u>NUMBER</u>	<u>CODE REFERENCE</u>	<u>ACTION</u>	<u>EFFECTIVE</u> <u>DATE</u>	<u>BULLETIN</u> <u>ISSUE/PAGE</u>
<u>discrimination</u>					
Agriculture and Food, Administration	32537	R51-4-1	NSC	05/14/2009	Not Printed
Labor Commission, Adjudication	32277	R602-7	NEW	03/10/2009	2009-3/52
	32482	R602-7-4	AMD	05/22/2009	2009-8/47
Transportation, Administration	32303	R907-62-7	NSC	02/05/2009	Not Printed
	32161	R907-62-7	NSC	02/05/2009	Not Printed
<u>dismissal of employees</u>					
Human Resource Management, Administration	32596	R477-11	AMD	07/01/2009	2009-10/111
<u>disruptive students</u>					
Education, Administration	32221	R277-609-1	NSC	01/22/2009	Not Printed
<u>diversion programs</u>					
Commerce, Occupational and Professional Licensing	32241	R156-1	AMD	02/24/2009	2009-2/2
Human Services, Juvenile Justice Services	32453	R547-1	AMD	06/11/2009	2009-8/26
<u>dogs</u>					
Natural Resources, Wildlife Resources	32721	R657-46	5YR	06/09/2009	2009-13/85
<u>domestic violence</u>					
Human Services, Aging and Adult Services	32428	R510-302	R&R	05/27/2009	2009-7/26
<u>drinking water</u>					
Environmental Quality, Drinking Water	32444	R309-105-6	AMD	05/12/2009	2009-7/16
	32443	R309-110-4	AMD	05/12/2009	2009-7/18
	32445	R309-500	AMD	05/12/2009	2009-7/19
	32406	R309-510	AMD	04/27/2009	2009-6/28
	32168	R309-515-7	AMD	02/15/2009	2008-24/3
	32407	R309-520	AMD	04/27/2009	2009-6/32
	32408	R309-525-11	AMD	04/27/2009	2009-6/33
	32409	R309-530-6	AMD	04/27/2009	2009-6/34
	32169	R309-540-6	AMD	02/15/2009	2008-24/5
	32410	R309-545-15	AMD	04/27/2009	2009-6/36
<u>drip irrigation</u>					
Environmental Quality, Water Quality	32779	R317-401	5YR	07/01/2009	2009-14/82
<u>drug abuse</u>					
Human Resource Management, Administration	32641	R477-14	AMD	07/01/2009	2009-10/115
<u>drug/alcohol education</u>					
Human Resource Management, Administration	32641	R477-14	AMD	07/01/2009	2009-10/115
<u>dual employment</u>					
Human Resource Management, Administration	32592	R477-8	AMD	07/01/2009	2009-10/104
<u>dual enrollment</u>					
Education, Administration	32649	R277-438	5YR	05/04/2009	2009-11/56

RULES INDEX

<u>KEYWORD</u> <u>AGENCY</u>	<u>FILE</u> <u>NUMBER</u>	<u>CODE REFERENCE</u>	<u>ACTION</u>	<u>EFFECTIVE</u> <u>DATE</u>	<u>BULLETIN</u> <u>ISSUE/PAGE</u>
<u>due process</u> Human Services, Substance Abuse and Mental Health	32183	R523-1-5	AMD	01/22/2009	2008-24/26
<u>education</u> Commerce, Real Estate	31998	R162-103	AMD	01/01/2009	2008-21/23
Education, Administration	32566	R277-470-9	NSC	05/27/2009	Not Printed
	32663	R277-470-12	NSC	05/12/2009	Not Printed
<u>education finance</u> Education, Administration	32374	R277-425	5YR	02/13/2009	2009-5/26
<u>educational testing</u> Education, Administration	32310	R277-473	AMD	03/10/2009	2009-3/10
	32511	R277-702	AMD	06/09/2009	2009-9/13
	32376	R277-712	5YR	02/13/2009	2009-5/27
<u>educational tuition</u> Human Resource Management, Administration	32597	R477-10	AMD	07/01/2009	2009-10/110
<u>educator licensing</u> Education, Administration	32142	R277-502	AMD	01/07/2009	2008-23/5
	32450	R277-502-4	AMD	05/08/2009	2009-7/15
	32143	R277-518	AMD	01/07/2009	2008-23/7
<u>educators</u> Education, Administration	32140	R277-110-1	AMD	01/07/2009	2008-23/2
	32312	R277-510	AMD	03/10/2009	2009-3/14
	32144	R277-520-1	AMD	01/07/2009	2008-23/9
<u>efficiency</u> Natural Resources, Geological Survey	32330	R638-3	AMD	04/06/2009	2009-4/37
<u>effluent standards</u> Environmental Quality, Water Quality	32380	R317-1	AMD	04/07/2009	2009-5/11
	32379	R317-1-7	AMD	06/11/2009	2009-5/14
<u>elderly</u> Human Services, Aging and Adult Services	32471	R510-400	R&R	05/27/2009	2009-8/9
<u>elections</u> Lieutenant Governor, Elections	32512	R623-2	5YR	04/07/2009	2009-9/54
	32513	R623-3	5YR	04/07/2009	2009-9/54
<u>electronic data interchange</u> Health, Administration	32738	R380-25	5YR	06/22/2009	2009-14/83
<u>electronic devices</u> Education, Administration	32141	R277-495	NEW	01/07/2009	2008-23/3
<u>electronic high school</u> Education, Administration	32509	R277-725	5YR	04/07/2009	2009-9/50

<u>KEYWORD AGENCY</u>	<u>FILE NUMBER</u>	<u>CODE REFERENCE</u>	<u>ACTION</u>	<u>EFFECTIVE DATE</u>	<u>BULLETIN ISSUE/PAGE</u>
<u>electronic submissions</u>					
Environmental Quality, Water Quality	32341	R317-1-9	AMD	04/07/2009	2009-4/17
<u>eligibility</u>					
Health, Health Care Financing, Coverage and Reimbursement Policy	32184	R414-308	AMD	01/26/2009	2008-24/9
	32744	R414-308-3	EMR	07/01/2009	2009-14/70
Human Services, Child and Family Services	32455	R512-2	AMD	05/27/2009	2009-8/18
<u>emergency medical services</u>					
Health, Health Systems Improvement, Emergency Medical Services	32499	R426-5	AMD	06/08/2009	2009-9/16
	32084	R426-5-4	AMD	02/24/2009	2008-22/25
	32618	R426-6	AMD	07/09/2009	2009-10/77
	32279	R426-7-5	NSC	02/05/2009	Not Printed
	32615	R426-8	AMD	07/08/2009	2009-10/79
	31919	R426-8-4	AMD	01/13/2009	2008-18/29
	32384	R426-12-1400	NSC	03/14/2009	Not Printed
	32280	R426-13-1300	NSC	02/05/2009	Not Printed
	32281	R426-14-600	NSC	02/05/2009	Not Printed
	32282	R426-15-700	NSC	02/05/2009	Not Printed
<u>employee benefit plans</u>					
Human Resource Management, Administration	32603	R477-6	AMD	07/01/2009	2009-10/94
<u>employee performance evaluations</u>					
Human Resource Management, Administration	32597	R477-10	AMD	07/01/2009	2009-10/110
<u>employee productivity</u>					
Human Resource Management, Administration	32597	R477-10	AMD	07/01/2009	2009-10/110
<u>employee termination</u>					
Workforce Services, Unemployment Insurance	32534	R994-405-3	NSC	05/14/2009	Not Printed
<u>employee's rights</u>					
Workforce Services, Unemployment Insurance	32534	R994-405-3	NSC	05/14/2009	Not Printed
<u>employees' rights</u>					
Human Resource Management, Administration	32609	R477-12	AMD	07/01/2009	2009-10/113
	32424	R477-12-3	AMD	04/21/2009	2009-6/55
	32427	R477-12-3	EMR	03/02/2009	2009-6/87
<u>employment</u>					
Corrections, Administration	31997	R251-105	AMD	02/26/2009	2008-21/31
	32630	R477-4	AMD	07/01/2009	2009-10/89
	32426	R477-4-4	EMR	03/02/2009	2009-6/86
	32593	R477-5	AMD	07/01/2009	2009-10/93
Workforce Services, Unemployment Insurance	32535	R994-202	AMD	06/18/2009	2009-9/45
	32534	R994-405-3	NSC	05/14/2009	Not Printed

RULES INDEX

<u>KEYWORD</u> <u>AGENCY</u>	<u>FILE</u> <u>NUMBER</u>	<u>CODE REFERENCE</u>	<u>ACTION</u>	<u>EFFECTIVE</u> <u>DATE</u>	<u>BULLETIN</u> <u>ISSUE/PAGE</u>
<u>employment support procedures</u> Workforce Services, Employment Development	32239	R986-100	NSC	01/22/2009	Not Printed
<u>employment tests</u> Workforce Services, Unemployment Insurance	32242	R994-204-402	NSC	01/22/2009	Not Printed
<u>energy</u> Natural Resources, Geological Survey	32331	R638-2	AMD	04/06/2009	2009-4/29
	32330	R638-3	AMD	04/06/2009	2009-4/37
<u>enforcement</u> Natural Resources, Water Rights	32201	R655-14	AMD	02/10/2009	2009-1/35
<u>enforcement (administrative)</u> Transportation, Administration	32214	R907-1	AMD	04/14/2009	2009-1/45
<u>engineering</u> Education, Administration	32646	R277-717-1	AMD	06/23/2009	2009-10/51
<u>engineers</u> Commerce, Occupational and Professional Licensing	32364	R156-22-102	AMD	04/07/2009	2009-5/3
	32500	R156-22-305	NSC	05/14/2009	Not Printed
<u>enrollment options</u> Education, Administration	32265	R277-437	5YR	01/05/2009	2009-3/83
<u>environment</u> Tax Commission, Auditing	32392	R865-7H	5YR	02/19/2009	2009-6/93
<u>environmental assessment</u> Natural Resources, Forestry, Fire and State Lands	32489	R652-90	AMD	05/26/2009	2009-8/54
<u>environmental health scientist</u> Commerce, Occupational and Professional Licensing	32652	R156-20a	AMD	07/09/2009	2009-11/11
<u>environmental health scientist-in-training</u> Commerce, Occupational and Professional Licensing	32652	R156-20a	AMD	07/09/2009	2009-11/11
<u>escrow insurance</u> Insurance, Title and Escrow Commission	32167	R592-13	NEW	01/22/2009	2008-24/31
	32664	R592-13	NSC	05/12/2009	Not Printed
<u>evaluation cycles</u> Judicial Performance Evaluation Commission, Administration	32421	R597-3	NEW	05/01/2009	2009-6/67
<u>exiting provider</u> Public Service Commission, Administration	32306	R746-350	5YR	01/14/2009	2009-3/88
<u>expenses</u> Public Safety, Homeland Security	32305	R704-1	NSC	02/05/2009	Not Printed
<u>extracurricular</u> Education, Administration	32220	R277-494-3	NSC	01/22/2009	Not Printed

<u>KEYWORD</u> <u>AGENCY</u>	<u>FILE</u> <u>NUMBER</u>	<u>CODE REFERENCE</u>	<u>ACTION</u>	<u>EFFECTIVE</u> <u>DATE</u>	<u>BULLETIN</u> <u>ISSUE/PAGE</u>
	32323	R277-494-3	NSC	02/25/2009	Not Printed
<u>eyeglasses</u> Health, Health Care Financing, Coverage and Reimbursement Policy	32226	R414-53	AMD	02/24/2009	2009-2/27
<u>facilities</u> Education, Administration	32268	R277-724	5YR	01/05/2009	2009-3/85
<u>facilities use</u> Capitol Preservation Board (State), Administration	32343	R131-2	AMD	03/26/2009	2009-4/9
<u>facility</u> Health, Health Care Financing, Coverage and Reimbursement Policy	32325	R414-9	5YR	01/26/2009	2009-4/56
<u>fair employment practices</u> Human Resource Management, Administration	32605	R477-2	AMD	07/01/2009	2009-10/85
	32630	R477-4	AMD	07/01/2009	2009-10/89
	32426	R477-4-4	EMR	03/02/2009	2009-6/86
<u>family employment program</u> Workforce Services, Employment Development	32672	R986-200-239	AMD	07/08/2009	2009-11/52
	32114	R986-200-240	AMD	01/06/2009	2008-22/41
	32209	R986-200-246	AMD	02/12/2009	2009-1/48
<u>federal election reform</u> Lieutenant Governor, Elections	32513	R623-3	5YR	04/07/2009	2009-9/54
<u>feed contamination</u> Agriculture and Food, Plant Industry	32031	R68-2-3	AMD	02/25/2009	2008-21/4
<u>fees</u> Human Services, Substance Abuse and Mental Health	32183	R523-1-5	AMD	01/22/2009	2008-24/26
Natural Resources, Parks and Recreation	32470	R651-611-4	AMD	06/10/2009	2009-8/48
<u>filtration</u> Environmental Quality, Drinking Water	32408	R309-525-11	AMD	04/27/2009	2009-6/33
<u>financial assistance</u> Environmental Quality, Drinking Water	32029	R309-705	AMD	01/28/2009	2008-21/40
<u>financial reimbursement</u> Public Safety, Homeland Security	32305	R704-1	NSC	02/05/2009	Not Printed
<u>fingerprinting</u> Human Services, Administration, Administrative Services, Licensing	32193	R501-14	NSC	01/12/2009	Not Printed
<u>fire prevention</u> Public Safety, Fire Marshal	32466	R710-9	AMD	05/27/2009	2009-8/55
<u>fire safe cigarettes</u> Public Safety, Fire Marshal	32461	R710-13	NSC	04/13/2009	Not Printed

RULES INDEX

<u>KEYWORD</u> <u>AGENCY</u>	<u>FILE</u> <u>NUMBER</u>	<u>CODE REFERENCE</u>	<u>ACTION</u>	<u>EFFECTIVE</u> <u>DATE</u>	<u>BULLETIN</u> <u>ISSUE/PAGE</u>
<u>firearms</u> Administrative Services, Fleet Operations, Surplus Property	32362	R28-2-3	AMD	05/11/2009	2009-5/2
<u>fireworks</u> Public Safety, Fire Marshal	32451	R710-2-6	AMD	05/12/2009	2009-7/33
<u>fish</u> Natural Resources, Wildlife Resources	32129	R657-13	AMD	01/07/2009	2008-23/23
	32679	R657-60	EMR	05/19/2009	2009-12/72
	32081	R657-60-2	AMD	01/07/2009	2008-22/28
	32298	R657-60-2	AMD	03/10/2009	2009-3/72
<u>fishing</u> Natural Resources, Wildlife Resources	32129	R657-13	AMD	01/07/2009	2008-23/23
<u>flocculation</u> Environmental Quality, Drinking Water	32408	R309-525-11	AMD	04/27/2009	2009-6/33
<u>food inspection</u> Agriculture and Food, Regulatory Services	32289	R70-630	5YR	01/08/2009	2009-3/83
<u>food programs</u> Education, Administration	32268	R277-724	5YR	01/05/2009	2009-3/85
<u>food services</u> Health, Epidemiology and Laboratory Services, Environmental Services	32370	R392-101	5YR	02/12/2009	2009-5/30
<u>foster care</u> Human Services, Administration, Administrative Services, Licensing Human Services, Child and Family Services	32192	R501-12-8	NSC	01/12/2009	Not Printed
	32455	R512-2	AMD	05/27/2009	2009-8/18
	32456	R512-32	AMD	05/27/2009	2009-8/19
	32658	R512-306	5YR	05/07/2009	2009-11/58
	32182	R512-309	NEW	01/21/2009	2008-24/24
<u>freedom of information</u> Agriculture and Food, Administration	32573	R51-3	NSC	05/27/2009	Not Printed
	32493	R182-1	NSC	05/14/2009	Not Printed
<u>freedom of religion</u> Education, Administration	32648	R277-105	5YR	05/04/2009	2009-11/56
<u>fuel</u> Tax Commission, Auditing	32334	R865-4D-2	AMD	03/26/2009	2009-4/51
	32035	R865-4D-2	AMD	01/01/2009	2008-21/76
	32335	R865-4D-6	AMD	03/26/2009	2009-4/52
	32336	R865-4D-24	AMD	03/26/2009	2009-4/53
<u>game laws</u> Natural Resources, Wildlife Resources	32337	R657-5	AMD	03/24/2009	2009-4/43
	32462	R657-5-73	NSC	04/14/2009	Not Printed
	32300	R657-17-4	AMD	03/10/2009	2009-3/61

<u>KEYWORD</u> <u>AGENCY</u>	<u>FILE</u> <u>NUMBER</u>	<u>CODE REFERENCE</u>	<u>ACTION</u>	<u>EFFECTIVE</u> <u>DATE</u>	<u>BULLETIN</u> <u>ISSUE/PAGE</u>
	32319	R657-33-19	AMD	03/24/2009	2009-4/50
<u>general licenses</u>					
Environmental Quality, Radiation Control	32050	R313-21	CPR	02/11/2009	2008-24/38
	32050	R313-21	AMD	02/11/2009	2008-21/47
<u>gifted children</u>					
Education, Administration	32376	R277-712	5YR	02/13/2009	2009-5/27
<u>government corporations</u>					
Workforce Services, Unemployment Insurance	32804	R994-311	5YR	07/08/2009	Not Printed
<u>government documents</u>					
Administrative Services, Records Committee	32355	R35-1-4	NSC	02/26/2009	Not Printed
	32358	R35-2	NSC	02/26/2009	Not Printed
	32359	R35-4	NSC	02/26/2009	Not Printed
	32361	R35-6	NSC	02/26/2009	Not Printed
Agriculture and Food, Administration	32573	R51-3	NSC	05/27/2009	Not Printed
	32493	R182-1	NSC	05/14/2009	Not Printed
	32668	R305-1	NSC	06/09/2009	Not Printed
<u>government ethics</u>					
Human Resource Management, Administration	32594	R477-9	AMD	07/01/2009	2009-10/108
<u>government hearing</u>					
Commerce, Corporations and Commercial Code	32518	R154-100-2	NSC	05/14/2009	Not Printed
<u>government hearings</u>					
Human Resource Management, Administration	32596	R477-11	AMD	07/01/2009	2009-10/111
<u>government purchasing</u>					
Administrative Services, Purchasing and General Services	31983	R33-6	NSC	01/29/2009	Not Printed
	32344	R33-6	5YR	01/29/2009	2009-4/55
	31984	R33-7	NSC	01/29/2009	Not Printed
	32345	R33-7	5YR	01/29/2009	2009-4/55
	31985	R33-9	NSC	01/29/2009	Not Printed
	32346	R33-9	5YR	01/29/2009	2009-4/56
<u>government records access</u>					
Crime Victim Reparations, Administration	32395	R270-4	5YR	02/19/2009	2009-6/92
<u>governmental documents</u>					
Administrative Services, Records Committee	32360	R35-5	NSC	02/26/2009	Not Printed
<u>GRAMA</u>					
Environmental Quality, Administration	32668	R305-1	NSC	06/09/2009	Not Printed
Regents (Board Of), Salt Lake Community College	32433	R784-1	5YR	03/09/2009	2009-7/38
<u>GRAMA compliance</u>					
Human Services, Recovery Services	32159	R527-5	R&R	01/21/2009	2008-24/27

RULES INDEX

<u>KEYWORD</u> <u>AGENCY</u>	<u>FILE</u> <u>NUMBER</u>	<u>CODE REFERENCE</u>	<u>ACTION</u>	<u>EFFECTIVE</u> <u>DATE</u>	<u>BULLETIN</u> <u>ISSUE/PAGE</u>
<u>grants</u>					
Education, Administration	32255	R277-117	NEW	02/24/2009	2009-2/15
	32400	R277-117-2	NSC	03/14/2009	Not Printed
<u>graywater</u>					
Environmental Quality, Water Quality	32779	R317-401	5YR	07/01/2009	2009-14/82
<u>great seal</u>					
Lieutenant Governor, Administration	32501	R622-2	5YR	04/07/2009	2009-9/53
<u>grievance procedures</u>					
Administrative Services, Administration	32204	R13-3	AMD	02/26/2009	2009-1/3
	32431	R13-3-8	NSC	03/26/2009	Not Printed
	32429	R137-1	NSC	04/07/2009	Not Printed
	32286	R137-1-2	EMR	01/08/2009	2009-3/77
	32287	R137-1-2	AMD	05/06/2009	2009-3/5
	32514	R137-1-21	NSC	05/14/2009	Not Printed
	32288	R137-1-22	EMR	01/08/2009	2009-3/79
	32290	R137-1-22	AMD	05/06/2009	2009-3/7
<u>grievances</u>					
Agriculture and Food, Administration	32537	R51-4-1	NSC	05/14/2009	Not Printed
	32598	R477-3	AMD	07/01/2009	2009-10/88
	32596	R477-11	AMD	07/01/2009	2009-10/111
	32609	R477-12	AMD	07/01/2009	2009-10/113
	32424	R477-12-3	AMD	04/21/2009	2009-6/55
	32427	R477-12-3	EMR	03/02/2009	2009-6/87
<u>hardship grants</u>					
Environmental Quality, Drinking Water	32028	R309-700	AMD	01/28/2009	2008-21/34
<u>Hatch Act</u>					
Human Resource Management, Administration	32594	R477-9	AMD	07/01/2009	2009-10/108
<u>hazardous materials transportation</u>					
Transportation, Motor Carrier	32490	R909-75	AMD	06/11/2009	2009-8/60
<u>hazardous substances</u>					
Transportation, Motor Carrier	32490	R909-75	AMD	06/11/2009	2009-8/60
<u>hazardous waste</u>					
Environmental Quality, Solid and Hazardous Waste	32137	R315-1-1	AMD	01/15/2009	2008-23/17
	32138	R315-2	AMD	01/15/2009	2008-23/19
	32231	R315-15-13	NSC	01/22/2009	Not Printed
Transportation, Motor Carrier	32490	R909-75	AMD	06/11/2009	2009-8/60
<u>health</u>					
Health, Administration	32738	R380-25	5YR	06/22/2009	2009-14/83
<u>health care professionals</u>					
Public Safety, Driver License	32202	R708-7-10	AMD	02/19/2009	2009-1/41

<u>KEYWORD</u> <u>AGENCY</u>	<u>FILE</u> <u>NUMBER</u>	<u>CODE REFERENCE</u>	<u>ACTION</u>	<u>EFFECTIVE</u> <u>DATE</u>	<u>BULLETIN</u> <u>ISSUE/PAGE</u>
<u>health care quality</u>					
Health, Center for Health Data, Health Care Statistics	32118	R428-12	AMD	01/08/2009	2008-23/21
<u>health insurance</u>					
Administrative Services, Facilities Construction and Management	32771	R23-23	EMR	07/01/2009	2009-14/63
Capitol Preservation Board (State), Administration	32769	R131-13	EMR	07/01/2009	2009-14/65
Human Services, Recovery Services	32492	R527-201	AMD	06/09/2009	2009-9/18
Insurance, Administration	32272	R590-126-4	AMD	03/12/2009	2009-3/45
Transportation, Operations, Construction	32768	R916-5	EMR	07/01/2009	2009-14/78
<u>health insurance filings</u>					
Insurance, Administration	32442	R590-220	5YR	03/12/2009	2009-7/37
<u>health insurance in state contracts</u>					
Transportation, Operations, Construction	32768	R916-5	EMR	07/01/2009	2009-14/78
<u>health maintenance organization</u>					
Health, Center for Health Data, Health Care Statistics	32118	R428-12	AMD	01/08/2009	2008-23/21
<u>health reform</u>					
Transportation, Operations, Construction	32768	R916-5	EMR	07/01/2009	2009-14/78
<u>hearing aids</u>					
Commerce, Occupational and Professional Licensing	32398	R156-46a	5YR	02/24/2009	2009-6/91
	32235	R156-46a-302c	NSC	01/22/2009	Not Printed
<u>hearing instrument intern</u>					
Commerce, Occupational and Professional Licensing	32398	R156-46a	5YR	02/24/2009	2009-6/91
	32235	R156-46a-302c	NSC	01/22/2009	Not Printed
<u>hearing instrument specialist</u>					
Commerce, Occupational and Professional Licensing	32398	R156-46a	5YR	02/24/2009	2009-6/91
	32235	R156-46a-302c	NSC	01/22/2009	Not Printed
<u>hearings</u>					
Labor Commission, Adjudication	32276	R602-2-2	AMD	03/10/2009	2009-3/51
	32277	R602-7	NEW	03/10/2009	2009-3/52
	32482	R602-7-4	AMD	05/22/2009	2009-8/47
	32278	R602-8	NEW	03/10/2009	2009-3/57
	32483	R602-8-4	AMD	05/22/2009	2009-8/48
<u>Help America Vote Act</u>					
Lieutenant Governor, Elections	32512	R623-2	5YR	04/07/2009	2009-9/54
<u>high school</u>					
Regents (Board Of), Administration	32665	R765-603	NSC	05/12/2009	Not Printed
<u>highly qualified</u>					
Education, Administration	32312	R277-510	AMD	03/10/2009	2009-3/14

RULES INDEX

<u>KEYWORD</u> <u>AGENCY</u>	<u>FILE</u> <u>NUMBER</u>	<u>CODE REFERENCE</u>	<u>ACTION</u>	<u>EFFECTIVE</u> <u>DATE</u>	<u>BULLETIN</u> <u>ISSUE/PAGE</u>
<u>highways</u>					
Transportation, Program Development	32179	R926-10	AMD	02/19/2009	2008-24/32
Transportation, Preconstruction	32000	R930-3	AMD	01/12/2009	2008-21/98
<u>hiring practices</u>					
Human Resource Management, Administration	32630	R477-4	AMD	07/01/2009	2009-10/89
	32426	R477-4-4	EMR	03/02/2009	2009-6/86
<u>historic sites</u>					
Community and Culture, History	32244	R212-6	NSC	01/22/2009	Not Printed
<u>holidays</u>					
Human Resource Management, Administration	32627	R477-7	AMD	07/01/2009	2009-10/98
<u>home care services</u>					
Human Services, Aging and Adult Services	32471	R510-400	R&R	05/27/2009	2009-8/9
<u>horses</u>					
Agriculture and Food, Marketing and Development	32401	R65-7	AMD	04/21/2009	2009-6/4
<u>hostile work environment</u>					
Human Resource Management, Administration	32590	R477-15	AMD	07/01/2009	2009-10/117
<u>housing finance</u>					
Housing Corporation (Utah), Administration	32211	R460-7-2	NSC	01/12/2009	Not Printed
<u>human services</u>					
Human Services, Administration, Administrative Services, Licensing	32190	R501-1	NSC	01/12/2009	Not Printed
	32191	R501-4-7	NSC	01/12/2009	Not Printed
	32192	R501-12-8	NSC	01/12/2009	Not Printed
<u>hunting</u>					
Natural Resources, Wildlife Resources	32309	R657-38	AMD	03/10/2009	2009-3/62
<u>hunting and fishing licenses</u>					
Natural Resources, Wildlife Resources	32300	R657-17-4	AMD	03/10/2009	2009-3/61
<u>hybrid vehicles</u>					
Transportation, Program Development	32076	R926-11	NEW	01/05/2009	2008-22/39
<u>hydropneumatic systems</u>					
Environmental Quality, Drinking Water	32169	R309-540-6	AMD	02/15/2009	2008-24/5
<u>ignition interlock systems</u>					
Public Safety, Driver License	32507	R708-31	5YR	04/07/2009	2009-9/57
<u>implements of husbandry</u>					
Transportation, Motor Carrier	32488	R909-1-1	AMD	06/11/2009	2009-8/60
<u>in-service training</u>					
Public Safety, Peace Officer Standards and Training	32472	R728-502	5YR	03/30/2009	2009-8/65

<u>KEYWORD AGENCY</u>	<u>FILE NUMBER</u>	<u>CODE REFERENCE</u>	<u>ACTION</u>	<u>EFFECTIVE DATE</u>	<u>BULLETIN ISSUE/PAGE</u>
<u>incidents</u>					
Administrative Services, Fleet Operations	32292	R27-7	AMD	04/20/2009	2009-3/2
<u>income</u>					
Health, Health Care Financing, Coverage and Reimbursement Policy	32746	R414-303-11	EMR	07/01/2009	2009-14/68
Human Services, Recovery Services	32565	R527-300	AMD	06/30/2009	2009-10/118
<u>independent contractor</u>					
Workforce Services, Unemployment Insurance	32242	R994-204-402	NSC	01/22/2009	Not Printed
<u>independent foster care adolescent</u>					
Health, Health Care Financing, Coverage and Reimbursement Policy	32746	R414-303-11	EMR	07/01/2009	2009-14/68
<u>Indian affairs</u>					
Community and Culture, Indian Affairs	32522	R230-1	NSC	05/14/2009	Not Printed
<u>individual home booster pumps</u>					
Environmental Quality, Drinking Water	32169	R309-540-6	AMD	02/15/2009	2008-24/5
<u>industrial waste</u>					
Environmental Quality, Water Quality	32380	R317-1	AMD	04/07/2009	2009-5/11
	32379	R317-1-7	AMD	06/11/2009	2009-5/14
<u>informal procedures</u>					
Community and Culture, Library	32295	R223-1	NSC	02/05/2009	Not Printed
<u>information technology resources</u>					
Technology Services, Administration	32705	R895-7	5YR	06/03/2009	2009-13/86
<u>infrastructure assistance</u>					
Transportation Commission, Administration	31920	R940-3	NEW	01/12/2009	2008-18/62
	32082	R940-3-2	NSC	01/12/2009	Not Printed
<u>inmates</u>					
Education, Administration	32269	R277-735	5YR	01/05/2009	2009-3/85
	32067	R671-201	AMD	02/25/2009	2008-22/29
<u>inpections</u>					
Agriculture and Food, Plant Industry	32332	R68-7	AMD	03/26/2009	2009-4/4
<u>inspections</u>					
Agriculture and Food, Animal Industry	32397	R58-20	5YR	02/23/2009	2009-6/90
	32692	R58-20-13	NSC	06/18/2009	Not Printed
Agriculture and Food, Regulatory Services	32570	R70-940	AMD	06/22/2009	2009-10/6
<u>instructional materials</u>					
Education, Administration	32257	R277-469	AMD	02/24/2009	2009-2/20
	32369	R277-469-3	NSC	02/26/2009	Not Printed
<u>instructor certification</u>					
Public Safety, Peace Officer Standards and Training	32472	R728-502	5YR	03/30/2009	2009-8/65

RULES INDEX

<u>KEYWORD</u> <u>AGENCY</u>	<u>FILE</u> <u>NUMBER</u>	<u>CODE REFERENCE</u>	<u>ACTION</u>	<u>EFFECTIVE</u> <u>DATE</u>	<u>BULLETIN</u> <u>ISSUE/PAGE</u>
<u>insurance</u> Human Resource Management, Administration	32603	R477-6	AMD	07/01/2009	2009-10/94
	32491	R590-146-20	AMD	06/02/2009	2009-8/46
	32703	R590-146-20	NSC	06/29/2009	Not Printed
	32320	R590-148-22	NSC	02/25/2009	Not Printed
	32403	R590-149-7	NSC	03/14/2009	Not Printed
	32529	R590-166	5YR	04/15/2009	2009-9/51
	32405	R590-170	5YR	02/25/2009	2009-6/92
	32667	R590-211	REP	07/08/2009	2009-11/38
	32579	R590-222	AMD	06/25/2009	2009-10/120
	32702	R590-230	5YR	06/02/2009	2009-13/84
<u>insurance company financial reporting</u> Insurance, Administration	32674	R590-254	NEW	07/08/2009	2009-11/39
<u>insurance law</u> Insurance, Administration	32532	R590-98	5YR	04/15/2009	2009-9/51
	32322	R590-131-3	NSC	02/25/2009	Not Printed
	32530	R590-190	5YR	04/15/2009	2009-9/52
	32533	R590-191	5YR	04/15/2009	2009-9/52
	32756	R590-192	5YR	06/25/2009	2009-14/84
<u>insurance licensing</u> Insurance, Administration	32435	R590-195	5YR	03/11/2009	2009-7/36
<u>insurance licensing requirements</u> Insurance, Administration	32541	R590-244	NEW	07/01/2009	2009-10/126
<u>interconnection</u> Public Service Commission, Administration	32283	R746-365	5YR	01/06/2009	2009-3/88
<u>interest buy-downs</u> Environmental Quality, Drinking Water	32028	R309-700	AMD	01/28/2009	2008-21/34
<u>international baccalaureate</u> Education, Administration	32419	R277-710	AMD	04/21/2009	2009-6/27
<u>international guest teachers</u> Education, Administration	32145	R277-527	NEW	01/07/2009	2008-23/11
	32285	R277-527-3	NSC	02/05/2009	Not Printed
<u>Internet access</u> Community and Culture, Library	32296	R223-2	AMD	03/26/2009	2009-3/9
<u>interns</u> Education, Administration	32311	R277-509	AMD	03/10/2009	2009-3/12
<u>interstate highway systems</u> Transportation, Administration	31961	R907-64	AMD	01/12/2009	2008-20/25
<u>inventories</u> Environmental Quality, Air Quality	32353	R307-150	5YR	02/05/2009	2009-5/28

<u>KEYWORD</u> <u>AGENCY</u>	<u>FILE</u> <u>NUMBER</u>	<u>CODE REFERENCE</u>	<u>ACTION</u>	<u>EFFECTIVE</u> <u>DATE</u>	<u>BULLETIN</u> <u>ISSUE/PAGE</u>
<u>investigations</u>					
Human Services, Administration	32154	R495-888	NEW	01/21/2009	2008-24/18
<u>investment advisers</u>					
Money Management Council, Administration	32293	R628-15-12	NSC	02/05/2009	Not Printed
	32367	R628-19	5YR	02/10/2009	2009-5/31
<u>IT planning</u>					
Technology Services, Administration	32714	R895-6	5YR	06/08/2009	2009-13/85
<u>job descriptions</u>					
Human Resource Management, Administration	32598	R477-3	AMD	07/01/2009	2009-10/88
<u>judges</u>					
Judicial Performance Evaluation Commission, Administration	32423	R597-1	NEW	05/01/2009	2009-6/66
	32421	R597-3	NEW	05/01/2009	2009-6/67
<u>judicial performance evaluations</u>					
Judicial Performance Evaluation Commission, Administration	32423	R597-1	NEW	05/01/2009	2009-6/66
	32421	R597-3	NEW	05/01/2009	2009-6/67
<u>judiciary</u>					
Judicial Performance Evaluation Commission, Administration	32423	R597-1	NEW	05/01/2009	2009-6/66
<u>juvenile corrections</u>					
Human Services, Juvenile Justice Services	32453	R547-1	AMD	06/11/2009	2009-8/26
	32452	R547-6-3	NSC	04/14/2009	Not Printed
<u>laboratories</u>					
Health, Epidemiology and Laboratory Services, Laboratory Improvement	31910	R444-14	AMD	01/12/2009	2008-18/42
<u>land sales</u>					
Natural Resources, Wildlife Resources	32210	R657-61	AMD	02/09/2009	2009-1/40
<u>land use</u>					
Natural Resources, Forestry, Fire and State Lands	32489	R652-90	AMD	05/26/2009	2009-8/54
<u>law</u>					
Public Safety, Fire Marshal	32466	R710-9	AMD	05/27/2009	2009-8/55
<u>law enforcement officer certification</u>					
Public Safety, Administration	32404	R698-4	5YR	02/25/2009	2009-6/93
<u>law enforcement officers</u>					
Public Safety, Peace Officer Standards and Training	32132	R728-402	AMD	02/05/2009	2008-23/25
	32472	R728-502	5YR	03/30/2009	2009-8/65
<u>lead-based paint</u>					
Environmental Quality, Air Quality	32350	R307-840	AMD	05/07/2009	2009-5/9
	32656	R307-840	5YR	05/07/2009	2009-11/57

RULES INDEX

KEYWORD AGENCY	FILE NUMBER	CODE REFERENCE	ACTION	EFFECTIVE DATE	BULLETIN ISSUE/PAGE
<u>learner permit</u>					
Public Safety, Driver License	32506	R708-26	5YR	04/07/2009	2009-9/56
	32505	R708-26-2	NSC	05/14/2009	Not Printed
<u>leave benefits</u>					
Human Resource Management, Administration	32627	R477-7	AMD	07/01/2009	2009-10/98
<u>libraries</u>					
Community and Culture, Library	32296	R223-2	AMD	03/26/2009	2009-3/9
<u>license</u>					
Public Safety, Criminal Investigations and Technical Services, Criminal Identification	32088	R722-310	AMD	01/01/2009	2008-22/34
<u>license plates</u>					
Tax Commission, Motor Vehicle	32045	R873-22M-20	AMD	01/01/2009	2008-21/88
	32037	R873-22M-23	AMD	01/01/2009	2008-21/89
<u>licenses</u>					
Education, Administration	32144	R277-520-1	AMD	01/07/2009	2008-23/9
<u>licensing</u>					
Commerce, Occupational and Professional Licensing	32241	R156-1	AMD	02/24/2009	2009-2/2
	32653	R156-5a	AMD	07/09/2009	2009-11/4
	32661	R156-17b	AMD	07/09/2009	2009-11/5
	32652	R156-20a	AMD	07/09/2009	2009-11/11
	32212	R156-31b	AMD	05/01/2009	2009-1/13
	32212	R156-31b	CPR	05/01/2009	2009-6/78
	32662	R156-31b	AMD	07/09/2009	2009-11/14
	32365	R156-31b-607	NSC	02/26/2009	Not Printed
	32430	R156-31c	AMD	05/11/2009	2009-7/2
	32540	R156-37	NSC	05/27/2009	Not Printed
	32411	R156-37-609a	AMD	04/21/2009	2009-6/18
	32236	R156-40-302d	NSC	01/22/2009	Not Printed
	32479	R156-40-302f	NSC	04/14/2009	Not Printed
	32413	R156-42a	5YR	02/26/2009	2009-6/90
	32356	R156-44a	5YR	02/05/2009	2009-5/24
	32398	R156-46a	5YR	02/24/2009	2009-6/91
	32235	R156-46a-302c	NSC	01/22/2009	Not Printed
	32478	R156-49-304	NSC	04/14/2009	Not Printed
	32412	R156-54	AMD	04/21/2009	2009-6/20
	32438	R156-55a	AMD	05/11/2009	2009-7/3
	32477	R156-55d-302a	NSC	04/14/2009	Not Printed
	32001	R156-56	AMD	01/01/2009	2008-21/9
	32476	R156-56-302	NSC	04/14/2009	Not Printed
	32366	R156-61	5YR	02/10/2009	2009-5/25
	32475	R156-63a	NSC	04/14/2009	Not Printed
	32708	R156-63a	NSC	06/29/2009	Not Printed
	32474	R156-63b	NSC	04/14/2009	Not Printed

<u>KEYWORD</u> <u>AGENCY</u>	<u>FILE</u> <u>NUMBER</u>	<u>CODE REFERENCE</u>	<u>ACTION</u>	<u>EFFECTIVE</u> <u>DATE</u>	<u>BULLETIN</u> <u>ISSUE/PAGE</u>
	32709	R156-63b-503	NSC	06/29/2009	Not Printed
	32473	R156-64-302a	NSC	04/14/2009	Not Printed
	32551	R156-81	NEW	06/22/2009	2009-10/40
Human Services, Administration, Administrative Services, Licensing	32190	R501-1	NSC	01/12/2009	Not Printed
	32191	R501-4-7	NSC	01/12/2009	Not Printed
	32192	R501-12-8	NSC	01/12/2009	Not Printed
	32193	R501-14	NSC	01/12/2009	Not Printed
Human Services, Juvenile Justice Services	32453	R547-1	AMD	06/11/2009	2009-8/26
Public Safety, Driver License	32502	R708-10	5YR	04/07/2009	2009-9/55
	32504	R708-24	5YR	04/07/2009	2009-9/56
Sports Authority (Utah), Pete Suazo Utah Athletic Commission	32205	R859-1	AMD	05/01/2009	2009-1/42
	32188	R859-1-301	AMD	03/01/2009	2009-1/44
<u>liens</u>					
Commerce, Corporations and Commercial Code	32519	R154-1-7	NSC	05/14/2009	Not Printed
<u>life insurance</u>					
Insurance, Administration	32531	R590-93	5YR	04/15/2009	2009-9/50
<u>life insurance filings</u>					
Insurance, Administration	32467	R590-226	5YR	03/26/2009	2009-8/63
<u>life settlement</u>					
Insurance, Administration	32579	R590-222	AMD	06/25/2009	2009-10/120
<u>liquefied petroleum gas</u>					
Public Safety, Fire Marshal	32538	R710-6	AMD	06/10/2009	2009-9/30
<u>loan origination</u>					
Commerce, Real Estate	32694	R162-201	5YR	05/27/2009	2009-12/77
	32695	R162-210	5YR	05/27/2009	2009-12/77
<u>loans</u>					
Environmental Quality, Drinking Water	32028	R309-700	AMD	01/28/2009	2008-21/34
	32029	R309-705	AMD	01/28/2009	2008-21/40
Environmental Quality, Water Quality	32480	R317-101-2	AMD	06/11/2009	2009-8/8
Natural Resources, Geological Survey	32330	R638-3	AMD	04/06/2009	2009-4/37
<u>lobbyist</u>					
Lieutenant Governor, Elections	32508	R623-1	5YR	04/07/2009	2009-9/53
<u>long-term care alternatives</u>					
Human Services, Aging and Adult Services	32471	R510-400	R&R	05/27/2009	2009-8/9
<u>lt. governor</u>					
Lieutenant Governor, Administration	32501	R622-2	5YR	04/07/2009	2009-9/53
<u>management</u>					
Natural Resources, Forestry, Fire and State Lands	32489	R652-90	AMD	05/26/2009	2009-8/54
<u>mathematics</u>					
Education, Administration	32646	R277-717-1	AMD	06/23/2009	2009-10/51

RULES INDEX

<u>KEYWORD</u> <u>AGENCY</u>	<u>FILE</u> <u>NUMBER</u>	<u>CODE REFERENCE</u>	<u>ACTION</u>	<u>EFFECTIVE</u> <u>DATE</u>	<u>BULLETIN</u> <u>ISSUE/PAGE</u>
Medicaid Health, Health Care Financing, Coverage and Reimbursement Policy	32329	R414-1-5	AMD	04/01/2009	2009-4/26
	32102	R414-1-5	AMD	01/01/2009	2008-22/22
	32637	R414-1-5	AMD	07/01/2009	2009-10/56
	32325	R414-9	5YR	01/26/2009	2009-4/56
	32623	R414-14-5	AMD	07/01/2009	2009-10/57
	32223	R414-14-5	AMD	02/24/2009	2009-2/23
	32619	R414-21-2	AMD	07/01/2009	2009-10/59
	32224	R414-21-2	AMD	02/24/2009	2009-2/25
	32064	R414-27	CPR	05/12/2009	2009-5/22
	32064	R414-27	AMD	05/12/2009	2008-21/54
	32617	R414-49	AMD	07/01/2009	2009-10/60
	32622	R414-50-3	AMD	07/01/2009	2009-10/61
	32625	R414-51	AMD	07/01/2009	2009-10/62
	32225	R414-52	AMD	02/24/2009	2009-2/26
	32226	R414-53	AMD	02/24/2009	2009-2/27
	32432	R414-54	5YR	03/09/2009	2009-7/36
	32227	R414-54	AMD	02/24/2009	2009-2/28
	32326	R414-54-3	AMD	04/01/2009	2009-4/27
	32638	R414-54-3	AMD	07/01/2009	2009-10/63
	32327	R414-59-4	AMD	04/01/2009	2009-4/28
	32228	R414-59-4	AMD	02/24/2009	2009-2/29
	32639	R414-59-4	AMD	07/01/2009	2009-10/64
	32659	R414-60B-4	EMR	05/18/2009	2009-11/54
	32352	R414-99	5YR	02/04/2009	2009-5/30
	32229	R414-99-2	AMD	02/24/2009	2009-2/30
	32621	R414-200	AMD	07/01/2009	2009-10/65
	32230	R414-200	AMD	02/24/2009	2009-2/31
	32252	R414-301-4	NSC	01/22/2009	Not Printed
	32184	R414-308	AMD	01/26/2009	2008-24/9
	32744	R414-308-3	EMR	07/01/2009	2009-14/70
	32186	R414-310	AMD	01/22/2009	2008-24/13
	32626	R414-310	AMD	07/01/2009	2009-10/67
	32749	R414-310	EMR	07/01/2009	2009-14/72
	32187	R414-320	AMD	01/22/2009	2008-24/15
	32751	R414-320	EMR	07/01/2009	2009-14/75
	32629	R414-320	AMD	07/01/2009	2009-10/68
	32755	R414-401	5YR	06/25/2009	2009-14/84
	32631	R414-401-3	AMD	07/01/2009	2009-10/72
	32633	R414-504	AMD	07/01/2009	2009-10/73
	32440	R414-510	AMD	05/21/2009	2009-7/24
Human Services, Recovery Services	32492	R527-201	AMD	06/09/2009	2009-9/18
membrane technology Environmental Quality, Drinking Water	32409	R309-530-6	AMD	04/27/2009	2009-6/34

<u>KEYWORD</u> <u>AGENCY</u>	<u>FILE</u> <u>NUMBER</u>	<u>CODE REFERENCE</u>	<u>ACTION</u>	<u>EFFECTIVE</u> <u>DATE</u>	<u>BULLETIN</u> <u>ISSUE/PAGE</u>
<u>mental retardation</u>					
Health, Community and Family Health Services, Children with Special Health Care Needs	32158	R398-10	NSC	03/19/2009	Not Printed
	32454	R398-10	5YR	03/19/2009	2009-8/62
<u>midwifery</u>					
Commerce, Occupational and Professional Licensing	32356	R156-44a	5YR	02/05/2009	2009-5/24
<u>mini-COBRA insurance</u>					
Insurance, Administration	32495	R590-253	EMR	04/02/2009	2009-9/48
	32528	R590-253	NEW	07/01/2009	2009-9/24
<u>minimum sizing</u>					
Environmental Quality, Drinking Water	32406	R309-510	AMD	04/27/2009	2009-6/28
<u>minority education</u>					
Education, Administration	32646	R277-717-1	AMD	06/23/2009	2009-10/51
<u>mortgage renewal license term</u>					
Commerce, Real Estate	32422	R162-211	NEW	04/29/2009	2009-6/24
<u>motor fuels</u>					
Agriculture and Food, Regulatory Services	32570	R70-940	AMD	06/22/2009	2009-10/6
<u>motor vehicles</u>					
Administrative Services, Fleet Operations	32291	R27-10	AMD	04/20/2009	2009-3/4
Environmental Quality, Air Quality	31928	R307-121	AMD	01/01/2009	2008-19/25
	32275	R307-121	5YR	01/06/2009	2009-3/86
Tax Commission, Motor Vehicle	32045	R873-22M-20	AMD	01/01/2009	2008-21/88
	32037	R873-22M-23	AMD	01/01/2009	2008-21/89
Tax Commission, Motor Vehicle Enforcement	32234	R877-23V-7	AMD	03/03/2009	2009-2/36
<u>museum</u>					
Regents (Board Of), University of Utah, Museum of Natural History (Utah)	32284	R807-1	5YR	01/06/2009	2009-3/89
<u>museum services</u>					
Community and Culture, Arts and Museums, Museum Services	32108	R210-100	NEW	01/01/2009	2008-22/21
<u>museums</u>					
Community and Culture, Arts and Museums, Museum Services	32108	R210-100	NEW	01/01/2009	2008-22/21
<u>mutual funds</u>					
Commerce, Securities	32039	R164-15-2	AMD	01/12/2009	2008-21/28
<u>national register</u>					
Community and Culture, History	32244	R212-6	NSC	01/22/2009	Not Printed
<u>Native American remains</u>					
Community and Culture, Indian Affairs	32522	R230-1	NSC	05/14/2009	Not Printed
<u>NCLB</u>					
Education, Administration	32267	R277-524	5YR	01/05/2009	2009-3/84

RULES INDEX

<u>KEYWORD</u> <u>AGENCY</u>	<u>FILE</u> <u>NUMBER</u>	<u>CODE REFERENCE</u>	<u>ACTION</u>	<u>EFFECTIVE</u> <u>DATE</u>	<u>BULLETIN</u> <u>ISSUE/PAGE</u>
<u>non-traditional</u>					
Health, Health Care Financing, Coverage and Reimbursement Policy	32621	R414-200	AMD	07/01/2009	2009-10/65
	32230	R414-200	AMD	02/24/2009	2009-2/31
<u>nonprofit organizations</u>					
Workforce Services, Unemployment Insurance	32802	R994-309	5YR	07/08/2009	Not Printed
<u>nuclear medicine</u>					
Environmental Quality, Radiation Control	32207	R313-32	AMD	02/12/2009	2009-1/30
<u>nurses</u>					
Commerce, Occupational and Professional Licensing	32212	R156-31b	AMD	05/01/2009	2009-1/13
	32212	R156-31b	CPR	05/01/2009	2009-6/78
	32662	R156-31b	AMD	07/09/2009	2009-11/14
	32365	R156-31b-607	NSC	02/26/2009	Not Printed
	32430	R156-31c	AMD	05/11/2009	2009-7/2
<u>nursing facility</u>					
Health, Health Care Financing, Coverage and Reimbursement Policy	32755	R414-401	5YR	06/25/2009	2009-14/84
	32631	R414-401-3	AMD	07/01/2009	2009-10/72
<u>occupational licensing</u>					
Commerce, Occupational and Professional Licensing	32241	R156-1	AMD	02/24/2009	2009-2/2
	32438	R156-55a	AMD	05/11/2009	2009-7/3
<u>occupational safety and health</u>					
Labor Commission, Adjudication	32278	R602-8	NEW	03/10/2009	2009-3/57
	32483	R602-8-4	AMD	05/22/2009	2009-8/48
<u>occupational therapy</u>					
Commerce, Occupational and Professional Licensing	32413	R156-42a	5YR	02/26/2009	2009-6/90
<u>off-highway vehicles</u>					
Natural Resources, Parks and Recreation	32301	R651-411	5YR	01/13/2009	2009-3/87
	32302	R651-411-2	NSC	02/05/2009	Not Printed
<u>one-time signing bonuses</u>					
Education, Administration	32139	R277-109-1	AMD	01/07/2009	2008-23/2
<u>open government</u>					
Education, Administration	32254	R277-101	AMD	02/24/2009	2009-2/13
<u>operation and maintenance</u>					
Environmental Quality, Drinking Water	32407	R309-520	AMD	04/27/2009	2009-6/32
<u>operation and maintenance requirements</u>					
Environmental Quality, Drinking Water	32445	R309-500	AMD	05/12/2009	2009-7/19
<u>optometry</u>					
Health, Health Care Financing, Coverage and Reimbursement Policy	32225	R414-52	AMD	02/24/2009	2009-2/26

<u>KEYWORD AGENCY</u>	<u>FILE NUMBER</u>	<u>CODE REFERENCE</u>	<u>ACTION</u>	<u>EFFECTIVE DATE</u>	<u>BULLETIN ISSUE/PAGE</u>
<u>organ transplants</u> Health, Health Care Financing, Coverage and Reimbursement Policy	32324	R414-58	5YR	01/26/2009	2009-4/57
<u>orthodontia</u> Health, Health Care Financing, Coverage and Reimbursement Policy	32625	R414-51	AMD	07/01/2009	2009-10/62
<u>overflow and drains</u> Environmental Quality, Drinking Water	32410	R309-545-15	AMD	04/27/2009	2009-6/36
<u>overtime</u> Human Resource Management, Administration	32592	R477-8	AMD	07/01/2009	2009-10/104
<u>paint</u> Environmental Quality, Air Quality	32350	R307-840	AMD	05/07/2009	2009-5/9
	32656	R307-840	5YR	05/07/2009	2009-11/57
<u>paleontological resources</u> Regents (Board Of), University of Utah, Museum of Natural History (Utah)	32284	R807-1	5YR	01/06/2009	2009-3/89
<u>paraprofessional qualifications</u> Education, Administration	32267	R277-524	5YR	01/05/2009	2009-3/84
<u>parental rights</u> Human Services, Administration	32728	R495-882	5YR	06/15/2009	2009-13/84
<u>parks</u> Natural Resources, Parks and Recreation	32470	R651-611-4	AMD	06/10/2009	2009-8/48
	32339	R651-633-2	AMD	03/26/2009	2009-4/41
	32338	R651-636	NEW	03/26/2009	2009-4/42
<u>parole</u> Human Services, Juvenile Justice Services	32452	R547-6-3	NSC	04/14/2009	Not Printed
Pardons (Board Of), Administration	32067	R671-201	AMD	02/25/2009	2008-22/29
	32066	R671-405	AMD	02/25/2009	2008-22/33
<u>passport</u> Human Services, Recovery Services	32494	R527-275	NEW	06/09/2009	2009-9/20
<u>PCN</u> Health, Health Care Financing, Coverage and Reimbursement Policy	32187	R414-320	AMD	01/22/2009	2008-24/15
	32751	R414-320	EMR	07/01/2009	2009-14/75
<u>per diem allowances</u> Administrative Services, Finance	32632	R25-5	AMD	06/23/2009	2009-10/3
	32635	R25-7	AMD	06/23/2009	2009-10/4
<u>performance evaluations</u> Judicial Performance Evaluation Commission, Administration	32423	R597-1	NEW	05/01/2009	2009-6/66
<u>performance measurement</u> Health, Center for Health Data, Health Care Statistics	32118	R428-12	AMD	01/08/2009	2008-23/21

RULES INDEX

<u>KEYWORD</u> <u>AGENCY</u>	<u>FILE</u> <u>NUMBER</u>	<u>CODE REFERENCE</u>	<u>ACTION</u>	<u>EFFECTIVE</u> <u>DATE</u>	<u>BULLETIN</u> <u>ISSUE/PAGE</u>
<u>permits</u>					
Environmental Quality, Drinking Water	32445	R309-500	AMD	05/12/2009	2009-7/19
Environmental Quality, Water Quality	32380	R317-1	AMD	04/07/2009	2009-5/11
Natural Resources, Forestry, Fire and State Lands	32486	R652-70	AMD	05/26/2009	2009-8/52
Natural Resources, Wildlife Resources	32371	R657-42-4	AMD	04/07/2009	2009-5/19
	32420	R657-62	NEW	04/21/2009	2009-6/70
<u>personal property</u>					
Tax Commission, Property Tax	32260	R884-24P-19	AMD	03/03/2009	2009-2/39
	32233	R884-24P-24	AMD	03/03/2009	2009-2/42
	32063	R884-24P-27	AMD	01/01/2009	2008-21/90
	32036	R884-24P-47	AMD	01/01/2009	2008-21/92
	32044	R884-24P-53	AMD	01/01/2009	2008-21/93
	32052	R884-24P-70	AMD	01/01/2009	2008-21/97
<u>personnel management</u>					
Human Resource Management, Administration	32634	R477-1	AMD	07/01/2009	2009-10/80
	32593	R477-5	AMD	07/01/2009	2009-10/93
	32603	R477-6	AMD	07/01/2009	2009-10/94
	32594	R477-9	AMD	07/01/2009	2009-10/108
	32641	R477-14	AMD	07/01/2009	2009-10/115
<u>pesticides</u>					
Agriculture and Food, Plant Industry	32332	R68-7	AMD	03/26/2009	2009-4/4
<u>pharmacies</u>					
Commerce, Occupational and Professional Licensing	32661	R156-17b	AMD	07/09/2009	2009-11/5
<u>pharmacists</u>					
Commerce, Occupational and Professional Licensing	32661	R156-17b	AMD	07/09/2009	2009-11/5
<u>physically handicapped</u>					
Public Service Commission, Administration	32232	R746-343-3	AMD	03/03/2009	2009-2/35
<u>physicians</u>					
Public Safety, Driver License	32202	R708-7-10	AMD	02/19/2009	2009-1/41
<u>plan review</u>					
Environmental Quality, Drinking Water	32445	R309-500	AMD	05/12/2009	2009-7/19
<u>planning</u>					
Administrative Services, Facilities Construction and Management	32700	R23-3	5YR	06/01/2009	2009-12/76
<u>podiatric physician</u>					
Commerce, Occupational and Professional Licensing	32653	R156-5a	AMD	07/09/2009	2009-11/4
<u>podiatrists</u>					
Commerce, Occupational and Professional Licensing	32653	R156-5a	AMD	07/09/2009	2009-11/4

<u>KEYWORD</u> <u>AGENCY</u>	<u>FILE</u> <u>NUMBER</u>	<u>CODE REFERENCE</u>	<u>ACTION</u>	<u>EFFECTIVE</u> <u>DATE</u>	<u>BULLETIN</u> <u>ISSUE/PAGE</u>
<u>police training</u> Public Safety, Peace Officer Standards and Training	32132	R728-402	AMD	02/05/2009	2008-23/25
<u>policy</u> Education, Administration	32141	R277-495	NEW	01/07/2009	2008-23/3
<u>position classifications</u> Human Resource Management, Administration	32598	R477-3	AMD	07/01/2009	2009-10/88
<u>preferred provider organization</u> Health, Center for Health Data, Health Care Statistics	32118	R428-12	AMD	01/08/2009	2008-23/21
<u>prequalification</u> Transportation, Operations, Construction	32307	R916-2	NSC	02/05/2009	Not Printed
<u>primary care</u> Health, Health Care Financing, Coverage and Reimbursement Policy	32186	R414-310	AMD	01/22/2009	2008-24/13
	32626	R414-310	AMD	07/01/2009	2009-10/67
	32749	R414-310	EMR	07/01/2009	2009-14/72
<u>primary disinfectants</u> Environmental Quality, Drinking Water	32407	R309-520	AMD	04/27/2009	2009-6/32
<u>primary term</u> Natural Resources, Forestry, Fire and State Lands	32485	R652-20-1600	AMD	05/26/2009	2009-8/52
<u>prisons</u> Corrections, Administration	31997	R251-105	AMD	02/26/2009	2008-21/31
<u>private security officers</u> Commerce, Occupational and Professional Licensing	32475	R156-63a	NSC	04/14/2009	Not Printed
	32708	R156-63a	NSC	06/29/2009	Not Printed
<u>procurement</u> Administrative Services, Facilities Construction and Management	32700	R23-3	5YR	06/01/2009	2009-12/76
<u>professional competency</u> Education, Administration	32142	R277-502	AMD	01/07/2009	2008-23/5
	32450	R277-502-4	AMD	05/08/2009	2009-7/15
<u>professional education</u> Education, Administration	32143	R277-518	AMD	01/07/2009	2008-23/7
<u>professional engineers</u> Commerce, Occupational and Professional Licensing	32364	R156-22-102	AMD	04/07/2009	2009-5/3
	32500	R156-22-305	NSC	05/14/2009	Not Printed
<u>professional land surveyors</u> Commerce, Occupational and Professional Licensing	32364	R156-22-102	AMD	04/07/2009	2009-5/3
	32500	R156-22-305	NSC	05/14/2009	Not Printed

RULES INDEX

<u>KEYWORD</u> <u>AGENCY</u>	<u>FILE</u> <u>NUMBER</u>	<u>CODE REFERENCE</u>	<u>ACTION</u>	<u>EFFECTIVE</u> <u>DATE</u>	<u>BULLETIN</u> <u>ISSUE/PAGE</u>
<u>professional staff</u>					
Education, Administration	32266	R277-486	5YR	01/05/2009	2009-3/84
<u>prohibited items and devices</u>					
Human Services, Substance Abuse and Mental Health	32183	R523-1-5	AMD	01/22/2009	2008-24/26
Human Services, Juvenile Justice Services	32453	R547-1	AMD	06/11/2009	2009-8/26
<u>property casualty insurance filing</u>					
Insurance, Administration	32439	R590-225	5YR	03/12/2009	2009-7/37
<u>property tax</u>					
Tax Commission, Property Tax	32260	R884-24P-19	AMD	03/03/2009	2009-2/39
	32233	R884-24P-24	AMD	03/03/2009	2009-2/42
	32063	R884-24P-27	AMD	01/01/2009	2008-21/90
	32036	R884-24P-47	AMD	01/01/2009	2008-21/92
	32044	R884-24P-53	AMD	01/01/2009	2008-21/93
	32052	R884-24P-70	AMD	01/01/2009	2008-21/97
<u>property values</u>					
Natural Resources, Wildlife Resources	32210	R657-61	AMD	02/09/2009	2009-1/40
<u>protection</u>					
Commerce, Consumer Protection	32382	R152-21	5YR	02/17/2009	2009-5/24
<u>PSD</u>					
Environmental Quality, Air Quality	32354	R307-405	5YR	02/05/2009	2009-5/28
	32042	R307-405-2	AMD	02/05/2009	2008-21/33
<u>psychologists</u>					
Commerce, Occupational and Professional Licensing	32366	R156-61	5YR	02/10/2009	2009-5/25
<u>public assistance</u>					
Public Service Commission, Administration	32232	R746-343-3	AMD	03/03/2009	2009-2/35
<u>public assistance programs</u>					
Health, Health Care Financing, Coverage and Reimbursement Policy	32184	R414-308	AMD	01/26/2009	2008-24/9
	32744	R414-308-3	EMR	07/01/2009	2009-14/70
<u>public buildings</u>					
Administrative Services, Facilities Construction and Management	32700	R23-3	5YR	06/01/2009	2009-12/76
Capitol Preservation Board (State), Administration	32343	R131-2	AMD	03/26/2009	2009-4/9
<u>public education</u>					
Education, Administration	32648	R277-105	5YR	05/04/2009	2009-11/56
	32265	R277-437	5YR	01/05/2009	2009-3/83
	32649	R277-438	5YR	05/04/2009	2009-11/56
	32256	R277-462	AMD	02/24/2009	2009-2/16
	32446	R277-462	AMD	05/08/2009	2009-7/5
	32269	R277-735	5YR	01/05/2009	2009-3/85

<u>KEYWORD AGENCY</u>	<u>FILE NUMBER</u>	<u>CODE REFERENCE</u>	<u>ACTION</u>	<u>EFFECTIVE DATE</u>	<u>BULLETIN ISSUE/PAGE</u>
<u>public funds</u> Money Management Council, Administration	32367	R628-19	5YR	02/10/2009	2009-5/31
<u>public health</u> Health, Epidemiology and Laboratory Services, Environmental Services	32370	R392-101	5YR	02/12/2009	2009-5/30
<u>public information</u> Human Resource Management, Administration	32605	R477-2	AMD	07/01/2009	2009-10/85
<u>public investments</u> Money Management Council, Administration	32293	R628-15-12	NSC	02/05/2009	Not Printed
	32294	R628-16-12	NSC	02/05/2009	Not Printed
<u>public library</u> Community and Culture, Library	32296	R223-2	AMD	03/26/2009	2009-3/9
<u>public meetings</u> Natural Resources, Forestry, Fire and State Lands	32489	R652-90	AMD	05/26/2009	2009-8/54
<u>public records</u> Agriculture and Food, Administration	32573	R51-3	NSC	05/27/2009	Not Printed
	32520	R137-2	NSC	05/14/2009	Not Printed
	32493	R182-1	NSC	05/14/2009	Not Printed
	32668	R305-1	NSC	06/09/2009	Not Printed
<u>public schools</u> Education, Administration	32650	R277-916	5YR	05/04/2009	2009-11/57
<u>public utilities</u> Public Service Commission, Administration	32434	R746-360-5	AMD	05/12/2009	2009-7/34
	32283	R746-365	5YR	01/06/2009	2009-3/88
<u>public-private partnerships</u> Transportation, Program Development	32179	R926-10	AMD	02/19/2009	2008-24/32
<u>pumps</u> Environmental Quality, Drinking Water	32169	R309-540-6	AMD	02/15/2009	2008-24/5
<u>radioactive material</u> Environmental Quality, Radiation Control	32050	R313-21	CPR	02/11/2009	2008-24/38
<u>radioactive materials</u> Environmental Quality, Radiation Control	32050	R313-21	AMD	02/11/2009	2008-21/47
	32206	R313-22-75	AMD	02/12/2009	2009-1/27
	32207	R313-32	AMD	02/12/2009	2009-1/30
<u>radiology practical technicians</u> Commerce, Occupational and Professional Licensing	32412	R156-54	AMD	04/21/2009	2009-6/20
<u>radiology technologists</u> Commerce, Occupational and Professional Licensing	32412	R156-54	AMD	04/21/2009	2009-6/20

RULES INDEX

KEYWORD AGENCY	FILE NUMBER	CODE REFERENCE	ACTION	EFFECTIVE DATE	BULLETIN ISSUE/PAGE
<u>radiopharmaceutical</u>					
Environmental Quality, Radiation Control	32207	R313-32	AMD	02/12/2009	2009-1/30
<u>rates</u>					
Administrative Services, Finance	32632	R25-5	AMD	06/23/2009	2009-10/3
Labor Commission, Industrial Accidents	32054	R612-4-2	AMD	01/01/2009	2008-21/66
Public Service Commission, Administration	32232	R746-343-3	AMD	03/03/2009	2009-2/35
<u>real estate appraisals</u>					
Commerce, Real Estate	31998	R162-103	AMD	01/01/2009	2008-21/23
	32396	R162-105	AMD	06/01/2009	2009-6/21
<u>real estate business</u>					
Commerce, Real Estate	32523	R162-2	AMD	06/22/2009	2009-9/8
	32115	R162-2-2	AMD	01/08/2009	2008-22/19
	32248	R162-6	AMD	03/02/2009	2009-2/8
	32586	R162-7-1	AMD	06/22/2009	2009-10/42
<u>record requests</u>					
Human Services, Recovery Services	32159	R527-5	R&R	01/21/2009	2008-24/27
<u>records</u>					
Workforce Services, Administration	32238	R982-201	NSC	01/22/2009	Not Printed
<u>records access</u>					
Career Service Review Board, Administration	32520	R137-2	NSC	05/14/2009	Not Printed
<u>records appeal hearings</u>					
Administrative Services, Records Committee	32355	R35-1-4	NSC	02/26/2009	Not Printed
	32358	R35-2	NSC	02/26/2009	Not Printed
	32359	R35-4	NSC	02/26/2009	Not Printed
	32360	R35-5	NSC	02/26/2009	Not Printed
	32361	R35-6	NSC	02/26/2009	Not Printed
<u>records fees</u>					
Human Services, Recovery Services	32159	R527-5	R&R	01/21/2009	2008-24/27
<u>recreation</u>					
Natural Resources, Wildlife Resources	32309	R657-38	AMD	03/10/2009	2009-3/62
<u>recreation therapy</u>					
Commerce, Occupational and Professional Licensing	32236	R156-40-302d	NSC	01/22/2009	Not Printed
	32479	R156-40-302f	NSC	04/14/2009	Not Printed
<u>recreational therapy</u>					
Commerce, Occupational and Professional Licensing	32236	R156-40-302d	NSC	01/22/2009	Not Printed
	32479	R156-40-302f	NSC	04/14/2009	Not Printed
<u>regents' scholarship</u>					
Regents (Board Of), Administration	32665	R765-603	NSC	05/12/2009	Not Printed

<u>KEYWORD</u> <u>AGENCY</u>	<u>FILE</u> <u>NUMBER</u>	<u>CODE REFERENCE</u>	<u>ACTION</u>	<u>EFFECTIVE</u> <u>DATE</u>	<u>BULLETIN</u> <u>ISSUE/PAGE</u>
<u>rehabilitation</u>					
Education, Rehabilitation	32271	R280-202	5YR	01/05/2009	2009-3/86
<u>reimbursement</u>					
Health, Health Care Financing, Coverage and Reimbursement Policy	32325	R414-9	5YR	01/26/2009	2009-4/56
Transportation, Administration	32213	R907-66	NSC	01/12/2009	Not Printed
<u>related parties</u>					
Human Services, Administration	32154	R495-888	NEW	01/21/2009	2008-24/18
<u>religious activities</u>					
Tax Commission, Auditing	32008	R865-19S-12	AMD	01/01/2009	2008-21/80
	32017	R865-19S-27	AMD	01/01/2009	2008-21/81
	32030	R865-19S-29	AMD	01/01/2009	2008-21/82
	32007	R865-19S-90	AMD	01/01/2009	2008-21/83
	32016	R865-19S-92	AMD	01/01/2009	2008-21/84
	32012	R865-19S-113	AMD	01/01/2009	2008-21/85
	32013	R865-19S-119	AMD	01/01/2009	2008-21/86
<u>renewable</u>					
Natural Resources, Geological Survey	32331	R638-2	AMD	04/06/2009	2009-4/29
<u>replacement provider</u>					
Public Service Commission, Administration	32306	R746-350	5YR	01/14/2009	2009-3/88
<u>reporting</u>					
Health, Community and Family Health Services, Children with Special Health Care Needs	32158	R398-10	NSC	03/19/2009	Not Printed
	32454	R398-10	5YR	03/19/2009	2009-8/62
Health, Health Systems Improvement, Emergency Medical Services	32499	R426-5	AMD	06/08/2009	2009-9/16
	32084	R426-5-4	AMD	02/24/2009	2008-22/25
<u>reporting requirements and procedures</u>					
Health, Community and Family Health Services, Chronic Disease	32465	R384-100	5YR	03/25/2009	2009-8/62
<u>reports</u>					
Education, Administration	32448	R277-484	AMD	05/08/2009	2009-7/10
Environmental Quality, Air Quality	32353	R307-150	5YR	02/05/2009	2009-5/28
<u>research data requests</u>					
Education, Administration	32448	R277-484	AMD	05/08/2009	2009-7/10
<u>residential mortgage loan origination</u>					
Commerce, Real Estate	32517	R162-202	AMD	06/22/2009	2009-9/10
	32347	R162-204	AMD	06/01/2009	2009-5/4
	32463	R162-204	NSC	06/01/2009	Not Printed
	32348	R162-205-1	AMD	06/01/2009	2009-5/6
<u>restaurants</u>					
Tax Commission, Auditing	32034	R865-12L-6	AMD	01/01/2009	2008-21/78
	32032	R865-12L-12	AMD	01/01/2009	2008-21/79

RULES INDEX

<u>KEYWORD</u> <u>AGENCY</u>	<u>FILE</u> <u>NUMBER</u>	<u>CODE REFERENCE</u>	<u>ACTION</u>	<u>EFFECTIVE</u> <u>DATE</u>	<u>BULLETIN</u> <u>ISSUE/PAGE</u>
	32015	R865-12L-13	AMD	01/01/2009	2008-21/79
<u>retirement</u>					
Human Resource Management, Administration	32609	R477-12	AMD	07/01/2009	2009-10/113
	32424	R477-12-3	AMD	04/21/2009	2009-6/55
	32427	R477-12-3	EMR	03/02/2009	2009-6/87
<u>RFPs</u>					
Education, Administration	32255	R277-117	NEW	02/24/2009	2009-2/15
	32400	R277-117-2	NSC	03/14/2009	Not Printed
<u>right-of-way</u>					
Transportation, Administration	31961	R907-64	AMD	01/12/2009	2008-20/25
<u>ropeways</u>					
Transportation, Operations, Traffic and Safety	32515	R920-50	R&R	06/11/2009	2009-9/33
<u>royalties</u>					
Natural Resources, Forestry, Fire and State Lands	32485	R652-20-1600	AMD	05/26/2009	2009-8/52
<u>rules and procedures</u>					
Education, Administration	32372	R277-102	5YR	02/13/2009	2009-5/26
	32634	R477-1	AMD	07/01/2009	2009-10/80
<u>safety</u>					
Labor Commission, Occupational Safety and Health	32216	R614-1-4	NSC	01/13/2009	Not Printed
	32481	R614-1-4	NSC	04/14/2009	Not Printed
Labor Commission, Safety	32259	R616-2-3	AMD	02/24/2009	2009-2/34
Transportation, Motor Carrier	32264	R909-3	NSC	01/05/2009	Not Printed
	32274	R909-3	5YR	01/05/2009	2009-3/89
	32273	R909-3-2	NSC	02/05/2009	Not Printed
<u>safety regulations</u>					
Transportation, Motor Carrier	32215	R909-19	NSC	01/12/2009	Not Printed
	32490	R909-75	AMD	06/11/2009	2009-8/60
<u>salaries</u>					
Human Resource Management, Administration	32603	R477-6	AMD	07/01/2009	2009-10/94
<u>salary adjustments</u>					
Education, Administration	32140	R277-110-1	AMD	01/07/2009	2008-23/2
<u>sales tax</u>					
Tax Commission, Auditing	32034	R865-12L-6	AMD	01/01/2009	2008-21/78
	32032	R865-12L-12	AMD	01/01/2009	2008-21/79
	32015	R865-12L-13	AMD	01/01/2009	2008-21/79
	32008	R865-19S-12	AMD	01/01/2009	2008-21/80
	32017	R865-19S-27	AMD	01/01/2009	2008-21/81
	32030	R865-19S-29	AMD	01/01/2009	2008-21/82
	32007	R865-19S-90	AMD	01/01/2009	2008-21/83
	32016	R865-19S-92	AMD	01/01/2009	2008-21/84

<u>KEYWORD</u> <u>AGENCY</u>	<u>FILE</u> <u>NUMBER</u>	<u>CODE REFERENCE</u>	<u>ACTION</u>	<u>EFFECTIVE</u> <u>DATE</u>	<u>BULLETIN</u> <u>ISSUE/PAGE</u>
	32012	R865-19S-113	AMD	01/01/2009	2008-21/85
	32013	R865-19S-119	AMD	01/01/2009	2008-21/86
<u>salt</u> Natural Resources, Forestry, Fire and State Lands	32485	R652-20-1600	AMD	05/26/2009	2009-8/52
<u>sanitarian</u> Commerce, Occupational and Professional Licensing	32652	R156-20a	AMD	07/09/2009	2009-11/11
<u>scholarships</u> Education, Administration	32645	R277-602	AMD	06/23/2009	2009-10/48
	32418	R277-701-7	AMD	04/21/2009	2009-6/26
<u>school</u> Education, Administration	32375	R277-601	5YR	02/13/2009	2009-5/27
<u>school boards</u> Education, Administration	32254	R277-101	AMD	02/24/2009	2009-2/13
<u>school buses</u> Education, Administration	32644	R277-600	AMD	06/23/2009	2009-10/45
	32510	R277-601	AMD	06/09/2009	2009-9/12
Transportation, Motor Carrier	32264	R909-3	NSC	01/05/2009	Not Printed
	32274	R909-3	5YR	01/05/2009	2009-3/89
	32273	R909-3-2	NSC	02/05/2009	Not Printed
<u>school community councils</u> Education, Administration	32449	R277-491	AMD	05/08/2009	2009-7/13
<u>school transportation</u> Education, Administration	32644	R277-600	AMD	06/23/2009	2009-10/45
	32375	R277-601	5YR	02/13/2009	2009-5/27
	32510	R277-601	AMD	06/09/2009	2009-9/12
<u>schools</u> Education, Administration	32447	R277-477	AMD	05/08/2009	2009-7/6
Natural Resources, Geological Survey	32330	R638-3	AMD	04/06/2009	2009-4/37
<u>science</u> Education, Administration	32646	R277-717-1	AMD	06/23/2009	2009-10/51
<u>SDWA</u> Environmental Quality, Drinking Water	32029	R309-705	AMD	01/28/2009	2008-21/40
<u>search and rescue</u> Public Safety, Homeland Security	32305	R704-1	NSC	02/05/2009	Not Printed
<u>secondary disinfectants</u> Environmental Quality, Drinking Water	32407	R309-520	AMD	04/27/2009	2009-6/32
<u>securities</u> Commerce, Securities	32039	R164-15-2	AMD	01/12/2009	2008-21/28
Money Management Council, Administration	32367	R628-19	5YR	02/10/2009	2009-5/31

RULES INDEX

<u>KEYWORD</u> <u>AGENCY</u>	<u>FILE</u> <u>NUMBER</u>	<u>CODE REFERENCE</u>	<u>ACTION</u>	<u>EFFECTIVE</u> <u>DATE</u>	<u>BULLETIN</u> <u>ISSUE/PAGE</u>
<u>securities regulation</u>					
Commerce, Securities	32039	R164-15-2	AMD	01/12/2009	2008-21/28
Money Management Council, Administration	32293	R628-15-12	NSC	02/05/2009	Not Printed
	32294	R628-16-12	NSC	02/05/2009	Not Printed
<u>security guards</u>					
Commerce, Occupational and Professional Licensing	32475	R156-63a	NSC	04/14/2009	Not Printed
	32708	R156-63a	NSC	06/29/2009	Not Printed
	32474	R156-63b	NSC	04/14/2009	Not Printed
	32709	R156-63b-503	NSC	06/29/2009	Not Printed
<u>sedimentation</u>					
Environmental Quality, Drinking Water	32408	R309-525-11	AMD	04/27/2009	2009-6/33
<u>self-administered services</u>					
Human Services, Services for People with Disabilities	32521	R539-5	AMD	06/29/2009	2009-9/22
	32308	R539-5-8	EMR	01/15/2009	2009-3/81
<u>senior-specific insurance designations</u>					
Insurance, Administration	32261	R590-252	NEW	02/25/2009	2009-2/32
<u>sentencing</u>					
Pardons (Board Of), Administration	32066	R671-405	AMD	02/25/2009	2008-22/33
<u>services</u>					
Public Service Commission, Administration	32306	R746-350	5YR	01/14/2009	2009-3/88
<u>settlements</u>					
Labor Commission, Adjudication	32276	R602-2-2	AMD	03/10/2009	2009-3/51
	32277	R602-7	NEW	03/10/2009	2009-3/52
	32482	R602-7-4	AMD	05/22/2009	2009-8/47
	32278	R602-8	NEW	03/10/2009	2009-3/57
	32483	R602-8-4	AMD	05/22/2009	2009-8/48
<u>sewage treatment</u>					
Environmental Quality, Water Quality	32480	R317-101-2	AMD	06/11/2009	2009-8/8
<u>sewerage</u>					
Environmental Quality, Water Quality	32381	R317-5-1	AMD	04/07/2009	2009-5/16
<u>shelter care facilities</u>					
Human Services, Aging and Adult Services	32428	R510-302	R&R	05/27/2009	2009-7/26
<u>short-term services</u>					
Human Services, Aging and Adult Services	32428	R510-302	R&R	05/27/2009	2009-7/26
<u>SLCC</u>					
Regents (Board Of), Salt Lake Community College	32433	R784-1	5YR	03/09/2009	2009-7/38
<u>slow sand filtration</u>					
Environmental Quality, Drinking Water	32409	R309-530-6	AMD	04/27/2009	2009-6/34

<u>KEYWORD AGENCY</u>	<u>FILE NUMBER</u>	<u>CODE REFERENCE</u>	<u>ACTION</u>	<u>EFFECTIVE DATE</u>	<u>BULLETIN ISSUE/PAGE</u>
<u>social services</u>					
Human Services, Administration, Administrative Hearings	32328	R497-100	NSC	02/25/2009	Not Printed
	32181	R497-100	AMD	01/21/2009	2008-24/21
<u>solar</u>					
Natural Resources, Geological Survey	32331	R638-2	AMD	04/06/2009	2009-4/29
<u>solid waste management</u>					
Environmental Quality, Solid and Hazardous Waste	32441	R315-315	AMD	05/15/2009	2009-7/22
	32378	R315-320	5YR	02/17/2009	2009-5/29
<u>source development</u>					
Environmental Quality, Drinking Water	32168	R309-515-7	AMD	02/15/2009	2008-24/3
<u>source maintenance</u>					
Environmental Quality, Drinking Water	32168	R309-515-7	AMD	02/15/2009	2008-24/3
<u>source material</u>					
Environmental Quality, Radiation Control	32050	R313-21	CPR	02/11/2009	2008-24/38
<u>source materials</u>					
Environmental Quality, Radiation Control	32050	R313-21	AMD	02/11/2009	2008-21/47
<u>sovereign lands</u>					
Natural Resources, Forestry, Fire and State Lands	32486	R652-70	AMD	05/26/2009	2009-8/52
<u>special fuel</u>					
Tax Commission, Auditing	32334	R865-4D-2	AMD	03/26/2009	2009-4/51
	32035	R865-4D-2	AMD	01/01/2009	2008-21/76
	32335	R865-4D-6	AMD	03/26/2009	2009-4/52
	32336	R865-4D-24	AMD	03/26/2009	2009-4/53
<u>special needs students</u>					
Education, Administration	32645	R277-602	AMD	06/23/2009	2009-10/48
<u>specific licenses</u>					
Environmental Quality, Radiation Control	32206	R313-22-75	AMD	02/12/2009	2009-1/27
<u>speech-language pathology services</u>					
Health, Health Care Financing, Coverage and Reimbursement Policy	32432	R414-54	5YR	03/09/2009	2009-7/36
	32227	R414-54	AMD	02/24/2009	2009-2/28
	32326	R414-54-3	AMD	04/01/2009	2009-4/27
	32638	R414-54-3	AMD	07/01/2009	2009-10/63
<u>standards</u>					
Health, Administration	31980	R380-70	NEW	02/04/2009	2008-20/12
<u>state custody</u>					
Human Services, Administration	32728	R495-882	5YR	06/15/2009	2009-13/84
<u>state employees</u>					
Administrative Services, Finance	32632	R25-5	AMD	06/23/2009	2009-10/3
	32635	R25-7	AMD	06/23/2009	2009-10/4

RULES INDEX

<u>KEYWORD</u> <u>AGENCY</u>	<u>FILE</u> <u>NUMBER</u>	<u>CODE REFERENCE</u>	<u>ACTION</u>	<u>EFFECTIVE</u> <u>DATE</u>	<u>BULLETIN</u> <u>ISSUE/PAGE</u>
Human Resource Management, Administration	32593	R477-5	AMD	07/01/2009	2009-10/93
<u>state flag</u>					
Lieutenant Governor, Administration	32501	R622-2	5YR	04/07/2009	2009-9/53
<u>state lands</u>					
Community and Culture, Indian Affairs	32522	R230-1	NSC	05/14/2009	Not Printed
<u>state plan</u>					
Lieutenant Governor, Elections	32513	R623-3	5YR	04/07/2009	2009-9/54
<u>state records committee</u>					
Administrative Services, Records Committee	32355	R35-1-4	NSC	02/26/2009	Not Printed
	32358	R35-2	NSC	02/26/2009	Not Printed
	32359	R35-4	NSC	02/26/2009	Not Printed
	32360	R35-5	NSC	02/26/2009	Not Printed
	32361	R35-6	NSC	02/26/2009	Not Printed
<u>state register</u>					
Community and Culture, History	32244	R212-6	NSC	01/22/2009	Not Printed
<u>stock brokers</u>					
Money Management Council, Administration	32294	R628-16-12	NSC	02/05/2009	Not Printed
<u>storage tanks</u>					
Environmental Quality, Drinking Water	32410	R309-545-15	AMD	04/27/2009	2009-6/36
<u>stream alterations</u>					
Natural Resources, Water Rights	32368	R655-13	5YR	02/11/2009	2009-5/31
<u>student competency</u>					
Education, Administration	32511	R277-702	AMD	06/09/2009	2009-9/13
<u>student participation</u>					
Education, Administration	32220	R277-494-3	NSC	01/22/2009	Not Printed
	32323	R277-494-3	NSC	02/25/2009	Not Printed
<u>student teachers</u>					
Education, Administration	32311	R277-509	AMD	03/10/2009	2009-3/12
<u>students at risk</u>					
Education, Administration	32219	R277-464-4	NSC	01/22/2009	Not Printed
<u>supervision</u>					
Commerce, Occupational and Professional Licensing	32241	R156-1	AMD	02/24/2009	2009-2/2
<u>surveyors</u>					
Commerce, Occupational and Professional Licensing	32364	R156-22-102	AMD	04/07/2009	2009-5/3
	32500	R156-22-305	NSC	05/14/2009	Not Printed
<u>surveys</u>					
Judicial Performance Evaluation Commission, Administration	32421	R597-3	NEW	05/01/2009	2009-6/67

<u>KEYWORD</u> <u>AGENCY</u>	<u>FILE</u> <u>NUMBER</u>	<u>CODE REFERENCE</u>	<u>ACTION</u>	<u>EFFECTIVE</u> <u>DATE</u>	<u>BULLETIN</u> <u>ISSUE/PAGE</u>
<u>tax credits</u>					
Environmental Quality, Air Quality	31928	R307-121	AMD	01/01/2009	2008-19/25
	32275	R307-121	5YR	01/06/2009	2009-3/86
Natural Resources, Geological Survey	32331	R638-2	AMD	04/06/2009	2009-4/29
<u>tax exemptions</u>					
Tax Commission, Auditing	32008	R865-19S-12	AMD	01/01/2009	2008-21/80
	32017	R865-19S-27	AMD	01/01/2009	2008-21/81
	32030	R865-19S-29	AMD	01/01/2009	2008-21/82
	32007	R865-19S-90	AMD	01/01/2009	2008-21/83
	32016	R865-19S-92	AMD	01/01/2009	2008-21/84
	32012	R865-19S-113	AMD	01/01/2009	2008-21/85
	32013	R865-19S-119	AMD	01/01/2009	2008-21/86
<u>taxation</u>					
Tax Commission, Auditing	32334	R865-4D-2	AMD	03/26/2009	2009-4/51
	32035	R865-4D-2	AMD	01/01/2009	2008-21/76
	32335	R865-4D-6	AMD	03/26/2009	2009-4/52
	32336	R865-4D-24	AMD	03/26/2009	2009-4/53
	32392	R865-7H	5YR	02/19/2009	2009-6/93
	32034	R865-12L-6	AMD	01/01/2009	2008-21/78
	32032	R865-12L-12	AMD	01/01/2009	2008-21/79
	32015	R865-12L-13	AMD	01/01/2009	2008-21/79
	32033	R865-21U-3	AMD	01/01/2009	2008-21/87
	32010	R865-21U-15	AMD	01/01/2009	2008-21/87
Tax Commission, Motor Vehicle	32045	R873-22M-20	AMD	01/01/2009	2008-21/88
	32037	R873-22M-23	AMD	01/01/2009	2008-21/89
Tax Commission, Motor Vehicle Enforcement	32234	R877-23V-7	AMD	03/03/2009	2009-2/36
Tax Commission, Property Tax	32260	R884-24P-19	AMD	03/03/2009	2009-2/39
	32233	R884-24P-24	AMD	03/03/2009	2009-2/42
	32063	R884-24P-27	AMD	01/01/2009	2008-21/90
	32036	R884-24P-47	AMD	01/01/2009	2008-21/92
	32044	R884-24P-53	AMD	01/01/2009	2008-21/93
	32052	R884-24P-70	AMD	01/01/2009	2008-21/97
<u>teacher preparation programs</u>					
Education, Administration	32311	R277-509	AMD	03/10/2009	2009-3/12
<u>teachers</u>					
Education, Administration	32643	R277-503-4	AMD	06/23/2009	2009-10/42
<u>telecommunications</u>					
Public Service Commission, Administration	32232	R746-343-3	AMD	03/03/2009	2009-2/35
	32306	R746-350	5YR	01/14/2009	2009-3/88
	32434	R746-360-5	AMD	05/12/2009	2009-7/34
	32283	R746-365	5YR	01/06/2009	2009-3/88

RULES INDEX

<u>KEYWORD</u> <u>AGENCY</u>	<u>FILE</u> <u>NUMBER</u>	<u>CODE REFERENCE</u>	<u>ACTION</u>	<u>EFFECTIVE</u> <u>DATE</u>	<u>BULLETIN</u> <u>ISSUE/PAGE</u>
<u>telecommuting</u> Human Resource Management, Administration	32592	R477-8	AMD	07/01/2009	2009-10/104
<u>textbooks</u> Education, Administration	32417	R277-433	AMD	04/21/2009	2009-6/25
<u>tickets</u> Administrative Services, Fleet Operations	32292	R27-7	AMD	04/20/2009	2009-3/2
<u>title</u> Insurance, Title and Escrow Commission	32167	R592-13	NEW	01/22/2009	2008-24/31
	32664	R592-13	NSC	05/12/2009	Not Printed
<u>title insurance</u> Insurance, Administration	32316	R590-136	AMD	05/19/2009	2009-3/47
	32317	R590-187	AMD	05/19/2009	2009-3/49
Insurance, Title and Escrow Commission	32545	R592-6	REP	06/25/2009	2009-10/131
	32548	R592-6	NEW	06/25/2009	2009-10/134
	32682	R592-11-3	NSC	06/18/2009	Not Printed
<u>title insurance continuing education</u> Insurance, Title and Escrow Commission	32525	R592-7	NEW	06/25/2009	2009-9/25
	32543	R592-7	REP	06/25/2009	2009-10/137
<u>title insurance recovery assessment</u> Insurance, Title and Escrow Commission	32527	R592-9	NEW	06/25/2009	2009-9/29
<u>title recovery fund assessment</u> Insurance, Title and Escrow Commission	32547	R592-9	REP	06/25/2009	2009-10/141
<u>tolls</u> Transportation, Program Development	32179	R926-10	AMD	02/19/2009	2008-24/32
<u>towing</u> Transportation, Motor Carrier	32215	R909-19	NSC	01/12/2009	Not Printed
<u>traffic noise abatement</u> Transportation, Preconstruction	32000	R930-3	AMD	01/12/2009	2008-21/98
<u>training</u> Natural Resources, Wildlife Resources	32721	R657-46	5YR	06/09/2009	2009-13/85
<u>training programs</u> Human Resource Management, Administration	32597	R477-10	AMD	07/01/2009	2009-10/110
<u>tramway permits</u> Transportation, Operations, Traffic and Safety	32515	R920-50	R&R	06/11/2009	2009-9/33
<u>tramways</u> Transportation, Operations, Traffic and Safety	32515	R920-50	R&R	06/11/2009	2009-9/33
<u>Transition to Adult Living</u> Human Services, Child and Family Services	32658	R512-306	5YR	05/07/2009	2009-11/58

<u>KEYWORD AGENCY</u>	<u>FILE NUMBER</u>	<u>CODE REFERENCE</u>	<u>ACTION</u>	<u>EFFECTIVE DATE</u>	<u>BULLETIN ISSUE/PAGE</u>
<u>transportation</u>					
Administrative Services, Finance	32635	R25-7	AMD	06/23/2009	2009-10/4
Transportation, Administration	32213	R907-66	NSC	01/12/2009	Not Printed
Transportation, Program Development	32179	R926-10	AMD	02/19/2009	2008-24/32
Transportation, Preconstruction	32000	R930-3	AMD	01/12/2009	2008-21/98
<u>Transportation Infrastructure Loan Fund</u>					
Transportation Commission, Administration	31920	R940-3	NEW	01/12/2009	2008-18/62
<u>Transportation Infrastructure Loan Fund Fund</u>					
Transportation Commission, Administration	32082	R940-3-2	NSC	01/12/2009	Not Printed
<u>transportation safety</u>					
Transportation, Motor Carrier	32488	R909-1-1	AMD	06/11/2009	2009-8/60
Transportation, Operations, Traffic and Safety	32515	R920-50	R&R	06/11/2009	2009-9/33
<u>trauma</u>					
Health, Health Systems Improvement, Emergency Medical Services	32499	R426-5	AMD	06/08/2009	2009-9/16
	32084	R426-5-4	AMD	02/24/2009	2008-22/25
<u>trucks</u>					
Transportation, Motor Carrier	32488	R909-1-1	AMD	06/11/2009	2009-8/60
	32215	R909-19	NSC	01/12/2009	Not Printed
<u>trust lands funds</u>					
Education, Administration	32447	R277-477	AMD	05/08/2009	2009-7/6
<u>unarmed combat</u>					
Sports Authority (Utah), Pete Suazo Utah Athletic Commission	32205	R859-1	AMD	05/01/2009	2009-1/42
	32188	R859-1-301	AMD	03/01/2009	2009-1/44
<u>unemployment compensation</u>					
Workforce Services, Unemployment Insurance	32535	R994-202	AMD	06/18/2009	2009-9/45
	32242	R994-204-402	NSC	01/22/2009	Not Printed
	32802	R994-309	5YR	07/08/2009	Not Printed
	32803	R994-310	5YR	07/08/2009	Not Printed
	32804	R994-311	5YR	07/08/2009	Not Printed
	32805	R994-312	5YR	07/08/2009	Not Printed
	32534	R994-405-3	NSC	05/14/2009	Not Printed
<u>universal health insurance application</u>					
Insurance, Administration	32640	R590-247	AMD	07/01/2009	2009-10/130
<u>universal service</u>					
Public Service Commission, Administration	32434	R746-360-5	AMD	05/12/2009	2009-7/34
<u>UPP</u>					
Health, Health Care Financing, Coverage and Reimbursement Policy	32629	R414-320	AMD	07/01/2009	2009-10/68
	32751	R414-320	EMR	07/01/2009	2009-14/75

RULES INDEX

<u>KEYWORD</u> <u>AGENCY</u>	<u>FILE</u> <u>NUMBER</u>	<u>CODE REFERENCE</u>	<u>ACTION</u>	<u>EFFECTIVE</u> <u>DATE</u>	<u>BULLETIN</u> <u>ISSUE/PAGE</u>
<u>used oil</u> Environmental Quality, Solid and Hazardous Waste	32231	R315-15-13	NSC	01/22/2009	Not Printed
<u>user tax</u> Tax Commission, Auditing	32033	R865-21U-3	AMD	01/01/2009	2008-21/87
	32010	R865-21U-15	AMD	01/01/2009	2008-21/87
<u>utah.gov</u> Technology Services, Administration	32498	R895-4	5YR	04/06/2009	2009-9/57
<u>vacations</u> Human Resource Management, Administration	32627	R477-7	AMD	07/01/2009	2009-10/98
<u>victim compensation</u> Crime Victim Reparations, Administration	32673	R270-1	AMD	07/08/2009	2009-11/21
	32180	R270-1-14	AMD	01/21/2009	2008-24/3
	31950	R270-1-19	CPR	01/21/2009	2008-24/37
	31950	R270-1-19	AMD	01/21/2009	2008-19/13
	32377	R270-1-21	AMD	06/24/2009	2009-5/7
<u>victims of crime</u> Crime Victim Reparations, Administration	32180	R270-1-14	AMD	01/21/2009	2008-24/3
	31950	R270-1-19	CPR	01/21/2009	2008-24/37
	31950	R270-1-19	AMD	01/21/2009	2008-19/13
	32377	R270-1-21	AMD	06/24/2009	2009-5/7
<u>victims of crimes</u> Crime Victim Reparations, Administration	32673	R270-1	AMD	07/08/2009	2009-11/21
<u>volunteer health care practitioner</u> Commerce, Occupational and Professional Licensing	32551	R156-81	NEW	06/22/2009	2009-10/40
<u>voting</u> Lieutenant Governor, Elections	32512	R623-2	5YR	04/07/2009	2009-9/54
<u>vulnerable adults</u> Human Services, Aging and Adult Services	32428	R510-302	R&R	05/27/2009	2009-7/26
<u>wages</u> Human Services, Recovery Services	32565	R527-300	AMD	06/30/2009	2009-10/118
<u>waste disposal</u> Environmental Quality, Solid and Hazardous Waste	32441	R315-315	AMD	05/15/2009	2009-7/22
	32378	R315-320	5YR	02/17/2009	2009-5/29
Environmental Quality, Water Quality	32380	R317-1	AMD	04/07/2009	2009-5/11
	32379	R317-1-7	AMD	06/11/2009	2009-5/14
<u>wastewater</u> Environmental Quality, Water Quality	32342	R317-3-1	AMD	04/07/2009	2009-4/18
	32480	R317-101-2	AMD	06/11/2009	2009-8/8
	32779	R317-401	5YR	07/01/2009	2009-14/82

<u>KEYWORD</u> <u>AGENCY</u>	<u>FILE</u> <u>NUMBER</u>	<u>CODE REFERENCE</u>	<u>ACTION</u>	<u>EFFECTIVE</u> <u>DATE</u>	<u>BULLETIN</u> <u>ISSUE/PAGE</u>
<u>water conservation</u>					
Environmental Quality, Drinking Water	32406	R309-510	AMD	04/27/2009	2009-6/28
<u>water pollution</u>					
Environmental Quality, Water Quality	32380	R317-1	AMD	04/07/2009	2009-5/11
	32379	R317-1-7	AMD	06/11/2009	2009-5/14
	31650	R317-2	CPR	01/12/2009	2008-23/28
	31650	R317-2	AMD	01/12/2009	2008-14/30
	32342	R317-3-1	AMD	04/07/2009	2009-4/18
	32381	R317-5-1	AMD	04/07/2009	2009-5/16
	32340	R317-8	AMD	04/07/2009	2009-4/21
<u>water quality</u>					
Environmental Quality, Water Quality	32342	R317-3-1	AMD	04/07/2009	2009-4/18
	32480	R317-101-2	AMD	06/11/2009	2009-8/8
<u>water quality standards</u>					
Environmental Quality, Water Quality	31650	R317-2	CPR	01/12/2009	2008-23/28
	31650	R317-2	AMD	01/12/2009	2008-14/30
<u>water rights</u>					
Natural Resources, Water Rights	32201	R655-14	AMD	02/10/2009	2009-1/35
<u>watershed management</u>					
Environmental Quality, Drinking Water	32444	R309-105-6	AMD	05/12/2009	2009-7/16
<u>white-collar contests</u>					
Sports Authority (Utah), Pete Suazo Utah Athletic Commission	32205	R859-1	AMD	05/01/2009	2009-1/42
	32188	R859-1-301	AMD	03/01/2009	2009-1/44
<u>wildlife</u>					
Natural Resources, Wildlife Resources	32337	R657-5	AMD	03/24/2009	2009-4/43
	32462	R657-5-73	NSC	04/14/2009	Not Printed
	32129	R657-13	AMD	01/07/2009	2008-23/23
	32300	R657-17-4	AMD	03/10/2009	2009-3/61
	32319	R657-33-19	AMD	03/24/2009	2009-4/50
	32309	R657-38	AMD	03/10/2009	2009-3/62
	32371	R657-42-4	AMD	04/07/2009	2009-5/19
	32299	R657-44-3	AMD	03/10/2009	2009-3/69
	32721	R657-46	5YR	06/09/2009	2009-13/85
	32297	R657-55-4	AMD	03/10/2009	2009-3/71
	32679	R657-60	EMR	05/19/2009	2009-12/72
	32081	R657-60-2	AMD	01/07/2009	2008-22/28
	32298	R657-60-2	AMD	03/10/2009	2009-3/72
	32210	R657-61	AMD	02/09/2009	2009-1/40
	32420	R657-62	NEW	04/21/2009	2009-6/70
<u>wildlife conservation</u>					
Natural Resources, Wildlife Resources	32309	R657-38	AMD	03/10/2009	2009-3/62

RULES INDEX

<u>KEYWORD</u> <u>AGENCY</u>	<u>FILE</u> <u>NUMBER</u>	<u>CODE REFERENCE</u>	<u>ACTION</u>	<u>EFFECTIVE</u> <u>DATE</u>	<u>BULLETIN</u> <u>ISSUE/PAGE</u>
<u>wildlife law</u>					
Natural Resources, Wildlife Resources	32129	R657-13	AMD	01/07/2009	2008-23/23
	32679	R657-60	EMR	05/19/2009	2009-12/72
	32081	R657-60-2	AMD	01/07/2009	2008-22/28
	32298	R657-60-2	AMD	03/10/2009	2009-3/72
<u>wildlife permits</u>					
Natural Resources, Wildlife Resources	32297	R657-55-4	AMD	03/10/2009	2009-3/71
<u>work-based learning programs</u>					
Education, Administration	32650	R277-916	5YR	05/04/2009	2009-11/57
<u>workers' compensation</u>					
Labor Commission, Adjudication	32276	R602-2-2	AMD	03/10/2009	2009-3/51
Labor Commission, Industrial Accidents	32054	R612-4-2	AMD	01/01/2009	2008-21/66