UTAH STATE BULLETIN

OFFICIAL NOTICES OF UTAH STATE GOVERNMENT
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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.

Inquiries concerning the substance or applicability of an administrative rule that appears in the *Bulletin* should be addressed to the contact person for the rule. Questions about the *Bulletin* or the rulemaking process may be addressed to: Division of Administrative Rules, PO Box 141007, Salt Lake City, Utah 84114-1007, telephone 801-538-3764, FAX 801-537-9240. Additional rulemaking information, and electronic versions of all administrative rule publications are available at: 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

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SPECIAL NOTICES

Health
Health Care Financing, Coverage and Reimbursement Policy

Special Notice for the Primary Care Network

Notice of Public Hearings on the Extension of the 1115 Primary Care Network Demonstration Waiver

Pursuant to the requirements of 42 CFR 431.408, two public hearings regarding the proposed extension of the 1115 Primary Care Network Demonstration Waiver will be held on the following dates and times:

Friday, December 7, 2012, from 4:00 PM to 6:00 PM at the Cannon Health Building, Room 125, 288 North 1460 West, Salt Lake City, Utah. Attendees may participate by telephone 801-521-5399.

Tuesday, December 11, 2012, from 3:30 PM to 5:30 PM at the Cannon Health Building, Room 101, 288 North 1460 West, Salt Lake City, Utah. This will be a special meeting of the Medical Care Advisory Committee. Attendees may participate by telephone 801-521-3615.

The Utah Department of Health, Division of Medicaid and Health Financing is submitting a request to extend the 1115 Primary Care Network Medicaid Waiver for another three years. This will allow the Department to continue operating PCN, Non-Traditional Medicaid, High Risk Pregnancy, and Utah's Premium Partnership Program through June 30, 2016. Additional information can be viewed at: http://www.health.utah.gov/medicaid/

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

For questions regarding this notice, please contact Leigha Rodak at 801-538-6806 or lrodak@utah.gov.

End of the Special Notices Section

EXECUTIVE DOCUMENTS

As part of his or her constitutional duties, the Governor periodically issues **EXECUTIVE DOCUMENTS** comprised of Executive Orders, Proclamations, and Declarations. "Executive Orders" set policy for the Executive Branch; create boards and commissions; provide for the transfer of authority; or otherwise interpret, implement, or give administrative effect to a provision of the Constitution, state law or executive policy. "Proclamations" call special or extraordinary legislative sessions; designate classes of cities; publish states-of-emergency; promulgate other official formal public announcements or functions; or publicly avow or cause certain matters of state government to be made generally known. "Declarations" designate special days, weeks or other time periods; call attention to or recognize people, groups, organizations, functions, or similar actions having a public purpose; or invoke specific legislative purposes (such as the declaration of an agricultural disaster).

The Governor's Office staff files **EXECUTIVE DOCUMENTS** that have legal effect with the Division of Administrative Rules for publication and distribution. All orders issued by the Governor not in conflict with existing laws have the full force and effect of law during a state of emergency when a copy of the order is filed with the Division of Administrative Rules. (See Section 63K-4-401).

Governor's Proclamation 2012/09/E: Calling Fifty-Ninth Legislature Into the Ninth Extraordinary Session

P R O C L A M A T I O N

WHEREAS, since the close of the 2012 General Session of the 59th Legislature of the State of Utah, certain matters have arisen which require immediate legislative attention; and

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

NOW, THEREFORE, I, GARY R. HERBERT, Governor of the State of Utah, by virtue of the authority vested in me by the Constitution and Laws of the State of Utah, do by this Proclamation call the Senate only of the 59th Legislature into the Ninth Extraordinary Session at the State Capitol in Salt Lake City, Utah, on the 14th day of November 2012, at 1:30 p.m., for the following purpose:

For the Senate to consent to appointments made by the Governor to positions within state government of the State of Utah since the close of the 2012 General Session of the Legislature of the State of Utah.

IN TESTIMONY WHEREOF, I have hereunto set my hand and caused to be affixed the Great Seal of the State of Utah. Done at the Utah State Capitol in Salt Lake City, Utah, this 9th day of November 2012.

(State Seal)

Gary R. Herbert
Governor

Greg Bell
Lieutenant Governor

2012/09/E

NOTICES OF
PROPOSED RULES

A state agency may file a **Proposed Rule** when it determines the need for a new rule, a substantive change to an existing rule, or a repeal of an existing rule. Filings received between November 02, 2012, 12:00 a.m., and November 15, 2012, 11:59 p.m. are included in this, the December 01, 2012 issue of the *Utah State Bulletin*.

In this publication, each **Proposed Rule** is preceded by a **Rule Analysis**. This analysis provides summary information about the **Proposed Rule** including the name of a contact person, anticipated cost impact of the rule, and legal cross-references.

Following the **Rule Analysis**, the text of the **Proposed Rule** is usually printed. New rules or additions made to existing rules are underlined (e.g., example). Deletions made to existing rules are struck out with brackets surrounding them (e.g., [~~example~~]). Rules being repealed are completely struck out. A row of dots in the text between paragraphs (**. . . . . .**) indicates that unaffected text from within a section was removed to conserve space. Unaffected sections are not printed. If a **Proposed Rule** is too long to print, the Division of Administrative Rules will include only the **Rule analysis**. A copy of each rule that is too long to print is available from the filing agency or from the Division of Administrative Rules.

The law requires that an agency accept public comment on **Proposed Rules** published in this issue of the *Utah State Bulletin* until at least December 31, 2012. The agency may accept comment beyond this date and will indicate 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 hold a hearing on a specific **Proposed Rule**. Section 63G-3-302 requires that a hearing request be received by the agency proposing the rule "in writing not more than 15 days after the publication date of the proposed rule."

From the end of the public comment period through March 31, 2013, 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** 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; 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

Agriculture and Food, Regulatory Services
R70-310
Grade A Pasteurized Milk

NOTICE OF PROPOSED RULE
(Amendment)
DAR FILE NO.: 37027
FILED: 11/02/2012

RULE ANALYSIS
PURPOSE OF THE RULE OR REASON FOR THE CHANGE: The purpose of this amendment is to adopt the 2011 Pasteurized Milk Ordinance.

SUMMARY OF THE RULE OR CHANGE: Every two years the Utah Department of Agriculture and Food (UDAF) amends this rule to adopt the new FDA Pasteurized Milk Ordinance. This rule amendment adopts the 2011 Pasteurized Milk Ordinance. See the following Executive Summary. Note: The numbers at the beginning of each change correspond to the number assigned to each proposal. 101: Allow for the illumination of milk, milk products or whey with ultraviolet light (UV) as an adjunct to thermal pasteurization in order to increase the shelf life of the product. 103: Section 7. Standards for Grade "A" Milk and Milk Products of the 2009 PMO. It specifically addresses changes to the standards for Grade "A" Nonfat Dry Milk (NFDM) by proposing to eliminate the quality testing standards, lowering the bacterial limit from 30,000 per gram to 10,000 per gram to be consistent with USDA's bacterial limit for Extra Grade NFDM, and adds "Dry Milk and Milk Products" to this header. 106: Hauling Allows for additional alternatives for the direct loading of milk on a dairy farm by utilizing stubbed piping outside of the milkhouse wall, as well as a transfer hose through the milkhouse hose port. 113: This Proposal updates the requirements within Item 15p(B)-Protection from Contamination of the PMO for single-bodied double seat valves, used to separate cleaning solutions from product circuits, to be consistent with the 3-A Standard for Double Seat Mixproof Valves (85-01). It also provides a useful clarification and a simplification of the low pressure gravity drain application requirements cited within Item 15p(B). 114: Provides more detailed pasteurized product protection and operational criteria for a milk or milk product-to water-to-milk or milk product regenerator when used for heat exchange purposes. 115: This proposal would allow the circulating loop of a cross-flow membrane microfiltration system to be maintained at an elevated temperature during production as an alternative to the current cooling requirements of ADMINISTRATIVE PROCEDURES #3 of Item 16p. 116: To require that the reading of the airspace thermometer be recorded on batch pasteurizer charts only at the start of the holding period if the airspace thermometer is a digital combination type with a continuous recording of the airspace temperature. 117: demonstrated that the use of potassium sorbate or specific microbial inhibitors combined with filling cottage cheese at 55 degrees F or less and cooling to 45 degrees F or less within 72 hours after filling provide equal or better food safety protection that the current PMO requirement to fill cottage cheese at 45 degrees F. 118: To amend the current requirement found in 16p (E) (1) (c) to quarterly mark the time accuracy of the recording thermometer on flow rate recording charts for use in continuous flow or aseptic processing equipment with magnetic flow meter based timing systems. 119 : This proposal adds the slurry temperature requirements currently found in Appendix H into the Item 17p. Cooling of Milk and Milk Products section of the PMO. 120: This Proposal makes corrections to the errors cited in Section 8-Animal Health of the PMO in relationship to what animal species are covered and not covered under the USDA Tuberculosis (TB) Eradication Program. It also reflects changes to the USDA Brucellosis Eradication Program under the Interim Rule to 9 CFR Part 78 and updates the references to obtain copies of the USDA TB and Brucellosis Eradication Programs cited in Appendix A. Animal Health Control of the PMO. 121: Editorial clarification that Ultraviolet(UV) light disinfection of water as specified in Appendix D Section IV is equivalent to chemical disinfection for water reuse purposes. 123: In Appendix H, the Pasteurized Milk Ordinance (PMO) describes how minor ingredients can be added to a High Temperature Short Time (HTST) pasteurization system. The currently listed method states that the slurry pump must be de-energized. De-energizing the pump has the effect of stopping all product flow within a loop, and does not allow a single pressurized loop to be used for multiple operations. This proposal is to allow an alternate mechanical method-use of Double-Block and Bleed valves that release to a drain-to prevent continued flow to the injection point. 124: This Proposal provides a technical update, clarification and consolidation of the criteria for the use of magnetic flow meter based timing systems within HTST and HHST continuous flow pasteurization systems 126: This Proposal addresses a change to Appendix H-Pasteurization Equipment and Procedures and Other Equipment, V-Criteria for the Evaluation of Electronic Data Collection, Storage and Reporting of the PMO to clarify a potential misinterpretations that additional operator's signatures are required for raw and heat-treated milk and milk product storage tank's temperature records when using electronic records compared to the operator's signatures required for manual records as addressed in the PMO. 127: This Proposal addresses a change to Appendix H-Pasteurization Equipment and Procedures and Other Equipment, VI, Criteria for the Evaluation of Computerized Systems for Grade "A" Public Health Controls to include new frequency drive technology in the sealing process of a pasteurization system; thereby, timing pump speed cannot be controlled through a network or web interface. 128: This Proposal addresses a change to Appendix H-Pasteurization Equipment and Procedures and Other Equipment, VI, Criteria for the Evaluation of Computerized Systems for Grade "A" Public Health Controls

to eliminate a second memory chip that was preferable in older pasteurization system's computer/programmable logic controller technology; however, now has detrimental potential with newer technology. 129: To correct a typographical error on the Milk and Milk Product Continuous-Flow (HTST and HHST) Pasteurization - CCP Model HACCP Plan Summary. 205: To eliminate the sampling and testing requirement for bulk shipped heat treated milk products. 208: Add allowances in the PMO for use of an approved alternative farm bulk tank sampling system for the purpose of obtaining the farm bulk tank universal sample as required in Section 6-The Examination of Milk and Milk Products and as referenced in Appendix B-Milk Sampling, Hauling and Transportation of the Grade "A" PMO. FDA/LPET has been provided 200 of the 300 data points required and found the data to be acceptable at the time of submission of this proposal. The other data points well be submitted to FDA/LPET around the end of February for review. 209: This Proposal updates criterion for the Commissioner of FDA to utilize for determination that a potential problem exists with animal drug residues or other contaminants in the milk supply that would result in additional analysis for the contaminant by a method(s) determined by FDA to be effective in determining compliance with actionable levels or established tolerances. 210: To allow for the location of tanker stickers on the front bulkhead of milk tank truck. 212: To establish an acceptable criteria for the onsite production and sanitization use of hypochlorous acid. 214: This Proposal provides an update to Appendix F. Sanitization of the PMO in relationship to the Code of Federal Regulations (CFR) citation referenced under I. Methods of Sanitization, Chemical from 21 CFR 178.1010 to 40 CFR 180.940; corresponding correction to the citation in Item 11r-Utensil and Equipment - Sanitization; and also adds the updated CFR reference to Appendix L. Applicable Regulations, Standards of Identity for Milk and Milk Products and the Federal Food, Drug, and Cosmetic Act of the PMO. This Proposal is only an editorial correction. 215: This proposal is written to update language in Appendix G. Chemical and Bacteriological Tests Section I. Private Water supplies and Recirculated Water - Bacteriological of the 2009 PMO. 216: This Proposal provides a clarification and reorganization of requirements/criteria cited in Appendix A. Guidelines for Computing Enforcement Ratings, Part I. Dairy Farms, Item 10. Permit Issuance, Suspension, Revocation, Reinstatement, Hearings, and/or Court Action Taken as Required and Part II. Milk Plants, Item 9. Permit Issuance, Suspension, Revocation, Reinstatement, Hearings, and/or Court Action Taken as Required within the 2009 MMSR. 217: This Proposal proposes corrections and additions to Section 11-HACCP SYSTEM TRAINING within FORM FDA 2359m, MILK PLANT, RECEIVING STATION OR TRANSFER STATION NCIMS HACCP SYSTEM AUDIT REPORT (10/10). These corrections and additions are warranted to bring Section 11 within FORM FDA 22359m in conformance with the language cited in Appendix K-HACCP PROGRAM of the PMO. 218: This proposal offers a modification to item #2 of the NCIMS HACCP SYSTEM REGULATORY AGENCY REVIEW REPORT (Form FDA 2359n) to provide a location on this form to acknowledge the PMO Appendix K. HACCP Program requirement that State regulators auditing NCIMS HACCP listed milk plants have received training (at least once) in the auditing of milk plants under the NCIMS HACCP program. 219: Accept a flunixin and beta-lactam test for screening under Appendix N. Approve a 2400 form and add the method to the list of allowable tank/tanker screening tests in M-a-85. 222: Request the NCIMS to direct the NCIMS Laboratory Committee to form a review/study group to review SMEDP (Standard Methods for the Examination of Dairy Products) as it is referenced and referred to in the PMO and related documents. This review/study group will; report its work back to the 2013 NCIMS Conference. 224: Revise the 2400 form for Appendix N Bulk Milk Tanker Screening for Neogen BetaStar US to reflect the replacement of this method with the BetaStar Plus BetaLactam Test. Upon approval the BetaStar US kit will be removed from commerce. 225: Add Easygel Aerobic Plate Count Media, Pectin Gel Method, to the Milk Laboratory Evaluation Form. Amend 2400 form accordingly. 226: To update the Idexx SNAP 2400 series form to eliminate the visual read language and include the instructions for how to determine if a test is invalid. 227: Direct the NCIMS Laboratory Committee to review and clarify on all appropriate 2400 forms the intent and meaning of the phrase "Previously negative tested raw milk" currently used in the App N 2400 forms. The clarification should be stated on all appropriate 2400 forms. 228: The current requirement for Appendix N reference and test thermometers is that the graduation interval be not greater than 1.0C (NCIMS Certified Laboratories and Certified Industry Supervisor, 0.5C). It was felt at the time that non certified labs need not meet the tighter requirements of those for certified labs. 229: Allow manufacturers to ship antibiotic test kits unrefrigerated when it is demonstrated that the kits perform as labeled after heat stress and real-time storage to end of labeled shelf life. Modify Charm 3 SL3 Beta-lactam Test shipping requirements in the 2400 form to allow non-refrigerated shipment. 230: To provide clarification to requirements at Items #3 Thermometers and #9 Sample Requirements on FDA Appendix N General Requirements form 2400n. 231: To provide clarification and consistency for FDA Form: 2400j Phosphatase Test - Fluorophos ALP Test System. 232: Addition of wording the to the DMSCC 2400 Series form for how long samples may be run after initial collection. 233: To allow for beta lactam drug residue testing of sheep milk by the Charm SLBL method after a quantity of such milk has been frozen for up to 60 days and properly thawed. Subsequently the samples shall be held at 0-4.4 degrees C and analyzed within 24 hours as per the instructions for frozen controls of the Charm SLBL test method as described in the Charm SL / SL6 / SL3 2400 form. 234: With the number of laboratories no longer running their autoclaves on a continual basis, there is no need to require the performance check be done weekly if the unit is not in use. This wording will allow laboratories to perform the check during weeks when testing under the NCIMS Laboratory Program requires the use of and documentation of autoclave cycles. At a minimum, quarterly performance checks will be required. 235: To add to the 2009 EML the option for Laboratory Evaluation Officer to send the narrative report to the

laboratories electronically without the 2400 series forms. 236: This Proposal seeks to add the requirement for a summary template to be submitted along with the laboratory narrative report submitted to the Laboratory Proficiency and Evaluation Team to the 2009 EML. 237: To update the example narratives in the EML and to provide a definition of the usage of 'NOTE". 238: To allow State LEO the same time frame as the Federal LEO for the supplemental surveys. 241: To remove references to SMEDP in the EML where they are not applicable. 242: Update the 2009 EML with the addition of the Federal LEOs to reflect the cooperative program. 243: Addition to the EML to specify that the NCIMS Laboratory Committee shall issue a draft version of the 2400 series forms 90 days after NCIMS Executive Board approval if the FDA has been unable to issue the form by the 90 day time frame. 246: Include the prerequisite for FD373 State Milk Laboratory Evaluation Officers Workshop (LEO) that was listed in the FDA Course catalogue 247: To remove the website listed in the references as a source of the 2400 series forms. Instead directing the reader to contact the federal or state LEO. 248: Change the ranges for the standards for calibrating/ validating the instruments used to measure somatic cells in milk to the following: 100-200, 250-350, 400-550 and 650-800. These changes would apply to standards used on all approved electronic cell counters. 301: This Proposal contains modifications to the PMO, Methods, and Procedures documents that address the regulation and rating of aseptic milk plants producing Grade "A" low acid aseptic milk and milk products. It will incorporate the Aseptic Pilot Program Implementation Committee's findings and determination for aseptic milk plants that produce Grade "A" low acid aseptic milk and milk products into the NCIMS documents and make this Pilot a permanent part of the Grade "A" Milk Safety Program 303: Update items in the Procedures document to the same as the EML. 308: Aseptic FDA requests the Chair to assign this Proposal to the NCIMS Aseptic Pilot Program Implementation Committee (APPIC) as approved by the NCIMS Executive Board. 309: This Proposal contains the provisions for extending the voluntary International Certification Pilot Program (ICPP) for the regulatory oversight, rating and IMS listing of milk shippers and milk laboratories located outside the geographic boundaries of the National Conference on Interstate Milk Shipments (NCIMS) member states. 311: ICPP Expand the ICPP to allow each TPC to Certify up to 6 plants. 313: To request the NCIMS Executive Board establish an Ad HOC committee to align the Pasteurized Milk Ordinance with the FDA Food Safety Modernization Act.

STATUTORY OR CONSTITUTIONAL AUTHORIZATION FOR THIS RULE: Section 4-3-2

MATERIALS INCORPORATED BY REFERENCES:

- Removes Grade "A" Pasteurized Milk Ordinance 2007 Revision, published by United States Department of Health and Human Services, 2007
- Updates Grade "A" Pasteurized Milk Ordinance 2007 Revision, published by United States Department of Health and Human Services, 2011

ANTICIPATED COST OR SAVINGS TO:

♦ THE STATE BUDGET: Changes to Section 205 could save UDAF up to $100/year. Sections 209, 219, and 224, could cost UDAF up to $100/year each. Section 246 could cost UDAF $1,000 for a lab technician to take the required course.

♦ LOCAL GOVERNMENTS: Local governments have no responsibilities in Rule R70-310. There will be no budgetary impact to local governments.

♦ SMALL BUSINESSES: Changes to Section 106 reduce the need to purchase a bulk holding tank in some dairy operations. Bulk holding tanks range from $50,000 to $100,000. Specific dairies have not been identified.

♦ PERSONS OTHER THAN SMALL BUSINESSES, BUSINESSES, OR LOCAL GOVERNMENTAL ENTITIES: All stakeholder groups were involved in the development of the 2012 Pasteurized Milk Ordinance. Manufacturers of antibiotic test kits could save up to $50/year by changes in Section 229.

COMPLIANCE COSTS FOR AFFECTED PERSONS: The department has not identified increased costs for affected persons.

COMMENTS BY THE DEPARTMENT HEAD ON THE FISCAL IMPACT THE RULE MAY HAVE ON BUSINESSES: The proposed amendments, which adopt the 2011 FDA Pasteurized Milk Ordinance, are essential. They are required in order for Utah diary producers to be able to export to their states and internationally.

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:

♦ Don McClellan by phone at 801-538-7145, by FAX at 801-538-7126, or by Internet E-mail at dmcclellan@utah.gov
♦ Kathleen Mathews by phone at 801-538-7103, by FAX at 801-538-7126, or by Internet E-mail at kmathews@utah.gov
♦ Kyle Stephens by phone at 801-538-7102, by FAX at 801-538-7126, or by Internet E-mail at kylestephens@utah.gov
♦ Richard Clark by phone at 801-538-7150, by FAX at 801-538-7126, or by Internet E-mail at richardwclark@utah.gov

INTERESTED PERSONS MAY PRESENT THEIR VIEWS ON THIS RULE BY SUBMITTING WRITTEN COMMENTS NO LATER THAN AT 5:00 PM ON 12/31/2012

THIS RULE MAY BECOME EFFECTIVE ON: 01/07/2013

AUTHORIZED BY: Leonard Blackham, Commissioner

R70. Agriculture and Food, Regulatory Services.
R70-310. Grade A Pasteurized Milk.
R70-310-1. Authority.

A. Promulgated Under the Authority of Subsection 4-2-2(1)(j).

B. Scope - this rule shall apply to all Grade A pasteurized milk products sold, bought, processed, manufactured or distributed within the State of Utah.

R70-310-2. Adoption of USPHS Ordinance.

The Grade A Pasteurized Milk Ordinance, [~~2007~~]2011 Recommendations of the United States Public Health Service/Food and Drug Administration, is hereby adopted and incorporated by reference within this rule. This document is available for public inspection, during normal working hours, and may be reviewed at the main office of the Utah Department of Agriculture and Food, 350 No. Redwood Road, SLC, UT 84116.

R70-310-3. Regulatory Agency Defined.

The definition of "regulatory agency" as given in section 1[~~(x)~~](LL) of the Grade A Pasteurized Milk Ordinance shall mean the Commissioner of Agriculture and Food of the State of Utah or his authorized representative(s).

R70-310-4. Penalty.

Violation of any portion of the Grade A Pasteurized Milk Ordinance [~~2007~~]2011 recommendation may result in civil or criminal action, pursuant to Section 4-2-15.

KEY: dairy inspections
Date of Enactment or Last Substantive Amendment: [~~December 8, 2008~~]2013
Notice of Continuation: June 24, 2009
Authorizing, and Implemented or Interpreted Law: 4-2-2

Capitol Preservation Board (State), Administration
R131-2
Capitol Hill Complex Facility Use

NOTICE OF PROPOSED RULE
(Amendment)
DAR FILE NO.: 37064
FILED: 11/15/2012

RULE ANALYSIS

PURPOSE OF THE RULE OR REASON FOR THE CHANGE: The reasons for the amendments are to define "Authorized Caterer" and "Cafe Operator," as well as defining their roles and requirements. These amendments also allow multiple Authorized Caterers to be approved by the Executive Director, which opens Capitol Hill up for more catering possibilities.

SUMMARY OF THE RULE OR CHANGE: The purpose of this rule is to define conditions for public access and use of the Capitol Hill Complex and to establish procedures for receiving and deciding complaints regarding the access or use of the Capitol Hill Complex. The reasons for the amendments are to define "Authorized Caterer" and "Cafe Operator," as well as defining their roles and requirements. These amendments also allow multiple Authorized Caterers to be approved by the Executive Director, which opens Capitol Hill up for more catering possibilities.

STATUTORY OR CONSTITUTIONAL AUTHORIZATION FOR THIS RULE: Section 63C-9-101

ANTICIPATED COST OR SAVINGS TO:
♦ THE STATE BUDGET: The amendments to this rule will not affect the state budget because the changes are simply clarifying the requirements for the Authorized Caterer and the Cafe Operator and there are no additional costs in meeting those requirements.
♦ LOCAL GOVERNMENTS: The amendments to this rule will not affect the local government's budget because the changes are simply clarifying the requirements for the Authorized Caterer and the Cafe Operator and there are no additional costs in meeting those requirements.
♦ SMALL BUSINESSES: The amendments to this rule will not affect small businesses budget negatively because the changes are simply clarifying the requirements for the Authorized Caterer and the Cafe Operator and there are no additional costs in meeting those requirements. These amendments could potentially help small businesses because it welcomes the participation of more caterers on Capitol Hill.
♦ PERSONS OTHER THAN SMALL BUSINESSES, BUSINESSES, OR LOCAL GOVERNMENTAL ENTITIES: The amendments to this rule will not affect any other persons budget because the changes are simply clarifying the requirements for the Authorized Caterer and the Cafe Operator and there are no additional costs in meeting those requirements.

COMPLIANCE COSTS FOR AFFECTED PERSONS: The amendments to this rule do not have any associated compliance costs because the changes are simply clarifying the requirements for the Authorized Caterer and the Cafe Operator and there are no additional costs in meeting those requirements.

COMMENTS BY THE DEPARTMENT HEAD ON THE FISCAL IMPACT THE RULE MAY HAVE ON BUSINESSES: Impacts are described as above.

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:
♦ Alan Bachman by phone at 801-538-3105, by FAX at 801-538-3313, or by Internet E-mail at abachman@utah.gov
♦ Allyson Gamble by phone at 801-537-9156, by FAX at 801-538-3221, or by Internet E-mail at agamble@utah.gov
♦ Chiarina Gleed by phone at 801-538-3240, by FAX at 801-538-3313, or by Internet E-mail at cgleed@utah.gov

INTERESTED PERSONS MAY PRESENT THEIR VIEWS ON THIS RULE BY SUBMITTING WRITTEN COMMENTS NO LATER THAN AT 5:00 PM ON 12/31/2012

THIS RULE MAY BECOME EFFECTIVE ON: 01/07/2013

AUTHORIZED BY: Allyson Gamble, Executive Director

R131. Capitol Preservation Board (State), Administration.
R131-2. Capitol Hill Complex Facility Use.
R131-2-1. Purpose and Application.

(1) The purpose of this rule is to define conditions for public access and use of the Capitol Hill Complex and to establish procedures for receiving and deciding complaints regarding the access or use of the Capitol Hill Complex.

(2) Except as expressly stated herein, or in rule R131-11, this rule R131-2 does not apply to free speech activities. Free speech activities conducted at the Capitol Hill Complex are governed by rule R131-11.

R131-2-2. Authority.

(1) The State Capitol Preservation Board adopts this Capitol Hill Complex Facility Use Rule pursuant to Section 63C-9-301.

R131-2-3. Definitions.

As used in this rule R131-2:

(1) "Board" means the State Capitol Preservation Board created by Section 63C-9-201.

(2) "Capitol Hill Complex" means all grounds, monuments, parking areas, buildings, including the Capitol, and other man-made and natural objects within the area bounded by 300 North Street, Columbus Street, 500 North Street, and East Capitol Boulevard. Capitol Hill Complex also includes:

(a) the White Community Memorial Chapel and the Council Hall Travel Information Center building and their grounds and parking areas;

(b) the Daughters of the Utah Pioneers museum and buildings, grounds and parking areas, and other state-owned property included within the area bounded by Columbus Street, North Main Street, and Apricot Avenue;

(c) state owned property included within the area bounded by Columbus Street, Wall Street, and 400 North Street; and

(d) state owned property included within the area bounded by Columbus Street, West Capitol Street, and 500 North Street, and any other facilities and grounds owned by the state of Utah that are located within the immediate vicinity.

(3) "Capitol Hill Facilities" means all buildings on the Capitol Hill Complex, including the Capitol, exterior steps, entrances, streets, parking areas and other paved areas of the Capitol Hill Complex.

(4) "Capitol Hill Grounds" means landscaped and unpaved public areas of the Capitol Hill Complex. Maintenance and utility structures and areas are not considered Capitol Hill Grounds for the purpose of any public use.

(5) "Catering Service(s)" means the serving of food and/or beverages on Capitol Hill.

(6) "Commercial Activities" means events that sponsored or conducted for the promotion of commercial products or services, and include advertising, private parties, private company or organization meetings, and any other non-public organization event. Commercial activities do not include private, community service, state sponsored, or free speech activities.

(7) "Community Service Activities" means events sponsored by governmental, quasi-governmental and charitable organizations, city and county government departments and agencies, public schools, and charitable organizations held to support or recognize the public or charitable functions of such sponsoring group. To the extent the event is sponsored by a private charitable organization, the organization must have an Internal Revenue Code Section 501(c)(3) active status and the event must be related to such status.

(8) "Event" or "Events" are commercial, community service, private, and state sponsored activities involving one or more persons. Events may include banquets, receptions, award ceremonies, weddings, colloquia, concerts, dances, and seminars. A free speech activity is not an event for purposes of rule R131-2 and R131-10. The term "activity" or "activities" may be substituted in this rule for the term "event" or "events."

(9) "Executive Director" means the executive director appointed by the Board under Section 63C-9-102, or a designee supervised by the executive director.

(10) "Facility Use Application" ("Application") means a form approved by the executive director used to apply to reserve Capitol Hill Facilities or Capitol Hill Grounds for an event.

(11) "Facility Use Permit" ("Permit") means a written permit issued by the executive director authorizing the use of an area of the Capitol Hill Complex for an event in accordance with this rule.

(12) "Free Speech Activity" is as defined in rule R131-11.

(13) [~~"Preferred Caterer~~]"Cafe Operator" means the Capitol Hill cafe operator located on the first floor of the East Senate Building[~~food service provider~~] who is under contract with the Board to provide food/beverages [~~and catering services~~]in the State Room and may be allowed to cater in other areas on the Capitol Hill Complex.

(14) "Private Activity" means an event sponsored by private individuals, businesses or organizations that is not a commercial or community service activity.

(15) "[~~Private~~]Authorized Caterer" means [~~any~~]a person or entity authorized to provide[~~providing~~] catering services on the Capitol Hill Complex[~~and not holding a contract with the Board~~], and is not the [~~Preferred Caterer~~]Cafe Operator.

(16) "Solicitation" is as defined in rule R131-10.

(17) "State" means the state of Utah and any of its agencies, departments, divisions, officers, legislators, members of the judiciary, persons serving on state boards or commissions, and employees of the above entities and persons.

(18) "State Sponsored Activity" means any event sponsored by the state that is related to official state business. Official state business does not include award ceremonies, lobbying activities,

retirement parties, or similar social parties, social activities or social events. Management retreats may be considered a State Sponsored Activity if it has a supporting agenda and documentation establishing that the primary purpose of the retreat is to conduct official state business. In order to be considered a State Sponsored Activity, such activity must obtain written approval from the Executive Director and/or the Board's Budget Development and Board Operations Subcommittee.

(19) "User(s)" means any person that uses the facilities or grounds as well as any applicant for a facility use permit.

R131-2-4. Facility Use Permit - Application.

(1) Each person or group seeking to hold an event or solicitation at the Capitol Hill Complex shall submit a completed Facility Use Application at least fourteen calendar days prior to the anticipated date of the event. Applications may not be submitted, and facilities will not be scheduled, more than 365 calendar days before the date of the event. An applicant may only make one application for one continuous event at a time. For State Sponsored Activities that involve a reoccurring meeting schedule, one application may be used for all the reoccurring meetings. For all events, other than State Sponsored Activities or Free Speech Activities, there shall be a non-waivable and non-refundable application processing fee, which shall be paid at the time of submission of the application.

(2) The executive director shall provide a Facility Use Permit Application form. The form shall request and applicants shall provide all necessary information, including all material aspects of the proposed event or solicitation. This necessary information is required even if the Applicant requests a waiver. The application shall include the following information:

(a) the applicant's organization's name, address, telephone and facsimile number;

(b) the names and addresses of the person(s) responsible for supervising the event during set up, take down, clean up and the duration of the event;

(c) the nature of the applicant; i.e. individual, business entity, governmental department or other;

(d) the name and address of the legally recognized agent for service of process;

(e) a specific description of the area of the facility and/or grounds being requested for use;

(f) the type of proposed activity and the number of anticipated participants;

(g) the dates and times of the proposed activity and a description of the schedule and agenda of the event;

(h) a complete description of equipment and apparatus to be used for the event;

(i) any other special considerations or accommodations being requested; and

(j) whether the applicant requests exemption or waiver of any requirement of this rule or provision of the Facility Use Application.

(3) In addition, the applicant shall submit with the Facility Use Application:

(a) documentation supporting any requested exemption or waiver;

(b) proof of liability insurance covering the applicant and the event in the amount as identified in the Schedule of Costs and Fees as referred to in rule R131-2-7(1)(a);

(c) a deposit and down payment in the amounts as identified in the Schedule of Costs and Fees as described in rule R131-2-7(1)(a) for the type of event proposed; and

(d) other information as requested by the executive director.

(4) Applications shall be reviewed by the executive director for completeness, activity classification, costs and fees.

(5) Priority for use of the Capitol Hill Complex will be given to applications for state sponsored activities. During the actual hours of legislative sessions, priority will be given to free speech activities over commercial, community service and private activities. Otherwise, applications will be approved, and requested facilities reserved, on a first-come, first-serve basis.

R131-2-5. Facility Use Permit - Denial - Appeal - Cancellation - Revocation - Transfer.

(1) Within ten working days of receipt of a completed application, the executive director shall issue a Facility Use Permit or notice of denial of the application.

(2) The executive director may deny an application if:

(a) the application does not comply with the applicable rules;

(b) the event would conflict or interfere with a state sponsored activity, a time or place reserved for free speech activities, the operation of state business, or a legislative session; and/or

(c) the event poses a safety or security risk to persons or property.

(3) The executive director may place conditions on the approval that alleviates such concerns.

(4)(a) If the applicant disagrees with a denial of the application or conditions placed on the approval, the applicant may appeal the executive director's determination by delivering the written appeal and reasons for the disagreement to the executive director within five working days of the issuance of the notice of denial or approval with conditions.

(b) Within ten working days after the executive director receives the written appeal, the executive director may modify or affirm the determination.

(c) If the matter is still unresolved after the issuance of the executive director's reconsideration determination, the applicant may appeal the matter, in writing, within ten working days to the Board's Budget Development and Board Operations Subcommittee chair who will determine the process of the appeal.

(d) The applicant may appeal the Subcommittee Chair's determination in writing within ten working days of receipt of the written determination, by submitting a written appeal at the Board's office. The Board shall consider the appeal at its next regularly scheduled meeting.

(5) Facility Use Permits are non-transferable. The purpose, time, place and other conditions of the Facility Use Permit may not be changed without the advance written consent of the executive director. At least thirty calendar days advance written notice is required for the applicant to request a change in the date, time and/or place of the event or solicitation. If there is no conflict with another scheduled event or solicitation, the executive director may adjust the Facility Use Permit in regard to the date, time and/or place based upon the request.

(6) An event may be re-scheduled if the executive director determines that an event will conflict with a governmental function, free speech activity or state sponsored activity.

(a) The executive director may revoke any issued permit if this rule R131-2, any applicable law, or any provision of the permit is being violated. The permit may also be revoked if the safety or health of any person is threatened.

(b) The applicant may cancel the permit and receive a full refund of fees and any deposits if written notice of cancellation is received by the executive director at least 30 calendar days prior to the scheduled event. Failure to timely cancel the event will result in the forfeiture of any deposit and fees.

R131-2-6. General Requirements for Use of the Capitol Hill Complex.

(1) General Requirements.

(a) These are the requirements for use of the Capitol Hill Complex. This rule R131-2-6 shall apply to free speech activities, all other activities, groups and individuals using the Capitol Hill Complex.

(b) Except for state holidays, the Capitol building will be open to the general public Monday through Saturday from 8:00 a.m. to 8:00 p.m. and on Sunday from 8:00 a.m. to 6:00 p.m. Free speech activities may be conducted beyond the times identified in this subsection, as specified in rule R131-11. Unless otherwise authorized, Capitol Hill Facilities and Capitol Hill Grounds, including the Capitol Rotunda, are available for permitted use, activities or events from 8:00 a.m. to 11:00 p.m.

(c) Activities, except free speech activities, may be specifically denied during legislative sessions.

(d) No event may disrupt or interfere with any legislative session, legislative meeting, or the conduct of any state or governmental business, meeting or proceeding on the Capitol Hill Complex. No person shall unlawfully intimidate or interfere with persons seeking to enter or exit any facility, or use of the Capitol Hill Complex.

(e) Levels of audible sound generated by any individual or group, indoors or on the plaza between the House and Senate Buildings, whether amplified or not, shall not exceed 85 decibels or a more restrictive limit established by applicable laws or ordinances. All outdoor events shall not exceed noise limits established by applicable laws or ordinances.

(f) Fire exits, staircases, doorways, roads, sidewalks, hallways and pathways shall not be blocked, and the efficient flow of pedestrian traffic shall not be obstructed at any time.

(g) Alteration and damage to the Capitol Hill Grounds including grass, plants, shrubs, trees, paving or concrete is prohibited.

(h) No object or substance of any kind shall be placed on or in the Capitol Plaza fountain. Standing on or in the fountain is prohibited.

(i) All costs to repair any damage or replace any destruction, regardless of the amount or cost of restoration or refurbishing, shall be at the expense of the person(s) responsible for such damage or destruction.

(j) The consumption, distribution, or open storage of alcoholic beverages is prohibited.

(k) Service animals are permitted, but the presence of other animals is allowed only with advance written permission of the executive director. Owners/caretakers are responsible for the safety to the animal, persons, grounds and facilities.

(l) Camping is prohibited on the Capitol Hill Complex.

(m) Littering is prohibited.

(n) Commercial solicitation as defined in rule R131-10 is prohibited except as provided in rule R131-10.

(o) The use of a personal space heater is prohibited, except as provided in Subsection (i).

(i) Any person with a medical related condition may obtain approval by the Executive Director to use a personal space heater provided the person submits a signed statement by a Utah licensed physician verifying that the medical related condition requires a change in the standard room temperature and the use of the space heater meets the specifications in Subsection (ii).

(ii) If a space heater is approved by the Executive Director, the space heater shall not exceed 900 watts at its highest setting, be equipped with a self-limiting element temperature setting for the ceramic elements, have a tip-over safety device, be equipped with a built-in timer not to exceed eight hours per setting, be equipped with a programmable thermostat, and be equipped with an overheat protection feature.

(p) Tables, chairs, furniture, art and other objects in the Capitol Building shall only be moved by the Board's staff. No outside furniture, including tables or chairs, shall be allowed in the Capitol Building or any other facility on the Capitol Hill Complex without the advance written approval of the Executive Director.

(2) Decorations.

(a) All cords must be taped down with 3M #471 tape or equivalent as determined by the executive director.

(b) There shall be no posting or affixing of placards, banners, or signs to any part of any building or on the grounds. All signs or placards used at the Capitol Hill Complex shall be hand held. Signs or posters may not be on sticks or poles.

(c) No adhesive material, wire, nails, or fasteners of any kind may be used on the buildings or grounds.

(d) Nothing may be used as a decoration, or be used in the process of decorating, that marks or damages structure(s).

(e) All decorations and supporting structures shall be temporary.

(f) Any writing or use of ink, paint or sprays applied to any area of any building is prohibited.

(g) Users may not decorate the inside or outside of any facility or any portion of the grounds without the advance written approval of the Executive Director. Users must submit any decoration requests in writing to the Executive Director at least ten working days in advance.

(h) Signs, posters, decorations, displays, or other media shall be in compliance with the state law regarding Pornographic and Harmful Materials and Performance, Section 76-10-1201 et seq.

(i) Leaving any item(s) against the exterior or interior walls, pillars, busts, statues, portraits or staircases of the Capitol building is prohibited.

(j) Balloons are not allowed inside the Capitol building.

(3) Set up/Clean up.

(a) All deliveries and loading/unloading of materials shall be limited to routes and elevators as specified by the executive director.

(b) All decorations, displays and exhibits shall be taken down by the designated end time of the event in a manner that is least disruptive to state business.

(c) Users shall leave all facilities and grounds in its original condition and appearance.

(4) Parking.

(a) Parking is limited. All posted parking restrictions on the Capitol Hill Complex, including reserved parking stalls, shall be observed.

(b) Parking for large vehicles or trailers shall require the prior approval of the executive director, which approval may be withheld if the large vehicle or trailer may interfere with the access or use of the Capitol Hill Complex.

(c) Except as expressly allowed by the executive director, overnight parking is prohibited.

(5) Compliance with Laws.

(a) Users shall conform to all applicable and constitutional laws and requirements, including health, safety, fire, building and other codes and similar requirements. Occupancy limits as posted in or applicable to any public area will dictate, unless otherwise limited for public safety, the number of persons who can assemble in the public areas. Under no circumstance will occupancy limits be exceeded. State Capitol security personnel shall use reasonable efforts to ensure compliance with occupancy, safety, and health requirements.

(b) Safety requirements as used in this rule include safety and security requirements made known to the executive director by the Utah Department of Public Safety or the federal government for the safety and security of special events and/or persons on the Capitol Hill Complex.

(c) "No Smoking" statutes, rules and policies, including the Utah Indoor Clean Air Act, Title 26, Chapter 38, Utah Code shall be observed.

(d) Open flames, flammable fluids, candles, and explosives are prohibited.

(e) All persons must obey all applicable firearm laws, rules, and regulations.

(6) Security and Supervision.

(a) The Facility Use Application shall be reviewed by the senior ranking officer in charge of security for the Capitol Hill Complex, who shall determine the total number of uniformed security officers required for the proposed event based upon the nature of the event and the risk factors that are reasonably anticipated. Such determination by the senior ranking officer may increase the minimum number of required officers stated in this subsection. At a minimum: one uniformed security officer shall be required for any event consisting of 1-399 participants; two uniformed security officers shall be required for any event consisting of 400 or more participants. The applicant shall pay, in addition to all other required fees, the cost of the providing of all required security officers. These security fees may not be waived. This subparagraph shall not apply to free speech activities or state sponsored activities.

(b) At least one representative of the applicant identified in the application and permit shall be present during the entire activity;

(c) The activity sponsor (permit holder) is responsible for restricting the area of use by participants to the specified room and rest room areas of the reserved facilities.

(d) The activity sponsor (permit holder) shall control entrances to allow only authorized persons to enter any permitted facility or grounds.

(7) Photography, Portraits and Video/Filming.

(a) Any photography, videotaping or filming, shall require advance notice to, and permission from the executive director for scheduling.

(b) Any photography, videotaping or filming, which includes wedding participants and family portraits, and which may take place anywhere in the facilities or grounds of the Capitol Hill Complex, will be required to comply with this Rule.

(i) Such photography, videotaping or filming, may be scheduled by the executive director on Tuesday from 3 p.m. to 6 p.m., Friday from 12 p.m. to 6 p.m., and Saturday from 8:00 a.m. to 4 p.m. The executive director may allow a different time than specified herein upon written request and if the executive director determines that such other time can be accommodated by any necessary state personnel and does not conflict with state business and any other scheduled events. The executive director may reschedule as needed to accommodate events and state business whether scheduled or not.

(ii) In regard to inside the Capitol building, such photography, videotaping or filming may occur in the following areas: the East grand stairs, the West grand stairs, and the center of the Rotunda or other areas as approved by the executive director.

(iii) A processing fee shall be required for such photography, videotaping or filming. Additionally, a deposit may be required to cover the costs of any anticipated cleanup by the state after the session. These fees shall be described in the Fee Schedule approved by the Board.

(c) Any photography, videotaping or filming that is for the purpose of promoting any private business purposes, including television commercials, movies and photography for business advertising, shall be required to submit a Facility Use Application, pay the required fee from the Fee Schedule approved by the Board, and the time and location must be approved by the Executive Director.

(d) Unless specifically endorsed by an authorized official of the State of Utah, any photography, videotaping or filming shall not expressly or impliedly indicate any State of Utah endorsement of any product, service or any other aspect of the depiction.

(e) This subsection (7) shall not apply to tourists and does not apply to the extent it is the exercise of a free speech activity.

(8) Liability.

(a) The state, Board, executive director and their designees, employees and agents shall not be deemed in default of any issued permit, or liable for any damages if the performance of any or all of their obligations under the permit are delayed or become impossible because of any act of God, terrorism, war, riot or civil disobedience, epidemic, strike, lock-out or labor dispute, fire, or any other cause beyond their reasonable control.

(b) Except as required by law, the state shall not be responsible for any property damage or loss, nor any personal injury sustained during, or as a result of, any use, activity or event.

(c) Users/applicants shall be responsible for any personal injury, vandalism, damage, loss, or other destruction of property caused by the user or an attendee at the applicant's event.

(9) Indemnification. Individuals and organizations using the Capitol Hill Complex do so at their own risk and shall indemnify and hold harmless the state from and against any and all suits, damages, claims or other liabilities due to personal injury or death, and from damage to or loss of property arising out of or resulting from the conduct of such use or activities on the Capitol Hill Complex.

(10) Food Services, Cafe Operator and Authorized Caterer Requirements[~~Catering~~].

(a) In General. [~~Except as provided through a waiver under (13) Below,~~]Catering services on the Capitol Hill Complex shall be

exclusively provided by the Cafe Operator and Authorized Caterer[~~Preferred Caterer,~~] for those areas of the Capitol Hill Complex under the jurisdiction of the Board and to the extent expanded by the Legislative Management Committee or the Governor's Office, whichever is applicable. Multiple Authorized Caterers may be approved by the Executive Director. The Cafe Operator[~~Preferred Caterer~~] shall be responsible for all activities in the kitchen, servery, dining and conference rooms associated with the dining room, known as the "State Room," and located on the first floor of the East Senate Building. The Cafe Operator shall have the exclusive right to provide food and beverages in the State Room, but may give permission for an Authorized Caterer to provide food and beverages in the State Room.

(b) Authorized Caterer Requirements. In order to qualify as an Authorized Caterer, an application must be approved by the Executive Director based on meeting[~~Any Private Caterer requested through a waiver under (13) below, must comply with all of~~] the following requirements:

[~~(i) An applicant desiring catering services must first meet with the Preferred Caterer in a good faith attempt to find out if the Preferred Caterer can reasonably provide the catering service requested;~~

~~(ii) If the applicant, after such good faith attempt, reasonably determines that the Preferred Caterer cannot provide the requested catering service and a waiver is approved, then the applicant may use a Private Caterer if all the criteria and requirements of this Rule are met, which criteria and requirements cannot be waived:~~

~~(i) Area where Preferred Caterer has Exclusive Rights. The Preferred Caterer shall have exclusive rights to the food service facilities, dining room and conference rooms in the Senate building located on the first floor. No other food service will be allowed within this area in the Senate Building.~~

] (i[~~i~~]) Quality Control Policies. The [~~Private~~]Authorized Caterer must have quality control policies that are consistent with those set forth[~~meet or exceed all Quality Control Policies that are~~] in the contract between the Board and the Cafe Operator[~~Preferred Caterer~~]. The Executive Director[~~Board~~] shall provide a form describing[~~stipulating~~] the minimum standards.

(ii[~~i~~]) Application Form[~~Verification Forms~~]. A person or entity seeking to be an Authorized Caterer shall complete an application form approved by the Executive Director. [~~Supplier/Vendor verification forms, which form shall be on the Board's approved form only, must be provided by the Private Caterer. This form shall include all pertinent information about the Private Caterer's vendors and sources for food and beverages including recall and verification information similar to the requirements imposed upon the Preferred Caterer.~~]

(iii[~~v~~]) Insurance. A Certificate of Insurance shall be provided to the Executive Director for all of the following insurance and such insurance shall be maintained throughout the term of the catering event and for at least one year thereafter:

(A) The [~~selected~~]Authorized[~~Private~~] Caterer shall maintain Commercial General Liability insurance with per occurrence limits of at least $1,000,000 and general aggregate limits of at least $2,000,000. The selected Authorized[~~Private~~] Caterer shall also maintain, if applicable to the Authorized Caterer's[~~Provider's~~] operations or the specific activity, Business Automobile Liability insurance covering Caterer's owned, non-owned, and hired motor vehicles and/or Professional Liability (errors and omissions) insurance with liability limits of at least $1,000,000 per occurrence. Such insurance policies shall be endorsed to be primary and not contributing to any other insurance maintained by the Board or the State of Utah.

(B) The Budget Development and Board Operations Subcommittee reserves the right at any time to require additional coverage from that required in this Rule[~~the waiver process~~], at the Authorized[~~Private~~] Caterer's expense for the additional coverage, based upon the specific risks presented by any proposed event and as recommended by the State's Risk Manager.

(C) The Authorized[~~Private~~] Caterer shall maintain all employee related insurances, in the statutory amounts, such as unemployment compensation, worker's compensation, and employer's liability, for its employees or volunteers involved in performing services pursuant to the Event. Such worker's compensation and employer's liability insurance shall be endorsed to include a waiver of subrogation against the State of Utah, the Board, its agents, officers, directors and employees. Authorized Caterer[~~Provider~~] shall also maintain "all risk" property insurance at replacement cost applicable to the Authorized[~~Private~~] Caterer's property and/or its equipment.

(D) The Authorized[~~Private~~] Caterer's insurance carriers and policy provisions must be acceptable to the State of Utah's Risk Manager and remain in effect for the duration of the catering event and for at least one-year thereafter. The Board shall be named as an additional insured on the Commercial General Liability, the Professional Liability Insurance and all other required insurance policies. The Authorized[~~Private~~] Caterer will cause any of its subcontractors, who provide materials or perform services related to the catering service(s), to also maintain the insurance coverages and provisions listed above.

(E) The Authorized[~~Private~~] Caterer shall submit certificates of insurance as evidence of the above required coverage to the Executive Director prior to any entering into a contract related to the catering event. Such certificates shall provide the Board with thirty (30) calendar days written notice prior to the cancellation or material change of the applicable coverage, as evidenced by return receipt or certified mail, sent to the office of the Executive Director.

(iv) Indemnification: The Authorized[~~Private~~] Caterer shall hold harmless, defend and indemnify the State of Utah, the Board and its officers, employees, and agents from and against any and all acts, errors or omissions which may cause damage to property or person(s), claims, losses, damages to the facilities or grounds of the Capitol Hill Complex, causes of action, judgments, damages and expenses including, but not limited to attorney's fees because of bodily injury, sickness, disease or death, or injury to or destruction of tangible property or any other injury or damage resulting from or arising out of the negligent acts or omissions or willful misconduct of the Authorized[~~Private~~] Caterer, or its agents, employees subcontractors or anyone for whom the Authorized[~~Private~~] Caterer may be liable, except where such claims, losses, causes of action, judgments, damages and expenses result solely from the negligent acts or omissions or willful misconduct of the Board, its officers, employees or agents.

(v[~~i~~]) Record Keeping and Audit Rights: The Authorized[~~Private~~] Caterer shall maintain accurate accounting records for all goods and services provided, and shall retain all such records for a period of at least three (3) years from the date of the catering service. Upon reasonable notice and during normal business hours, the Board, or any of its duly authorized representatives, shall have access to and the right to audit any records or other documents pertaining to the

Authorized[~~Private~~] Caterer. The Board's audit rights shall extend for a period of at least three (3) years from the date of the catering service.

(vi[~~i~~]) Equal Opportunity: The Authorized[~~No Private~~] Caterer shall not unlawfully discriminate against any employee, applicant for employment, or recipient of services.

(vii[~~i~~]) Taxes: The Authorized[~~Private~~] Caterer shall be responsible for and pay all taxes which may be levied or incurred against the Authorized[~~Private~~] Caterer, including taxes levied or incurred against Authorized[~~Private~~] Caterer's income, inventory, property, sales, or other taxes.

(viii[~~ix~~]) Taxes: Board is Exempt: The Board is exempt from State of Utah sales and excise taxes. Exemption certification information appears on all purchase orders issued by the Board and such taxes will not apply to the Board.

[~~(x) Payment and Performance Evidence: The Private Caterer shall provide evidence of financial responsibility as may be required as a condition of the waiver, which demonstrates the Private Caterer's ability to perform the services contemplated by the waiver request. Such evidence of financial strength as further specified as part of the waiver approval process may be in the form of a performance bond, letter of credit, financial statements or other form which is reasonably acceptable to the Board. Additionally, the Private Caterer shall post a $10,000 cash bond or letter of credit in an amount specified in the waiver approval process, in a form approved by the Attorney General's Office, payable to the Board which the Board (or financial institution for a letter of credit) shall hold for a 90 day period from the date of the catering service in an interest bearing account. At the end of the 90 day period, the remaining funds in that account shall be returned to the private cater provider. During the term of the account, these funds may be used by the Executive Director to repair any damage to the Capitol Hill Complex caused by the Private Caterer or anyone for whom the Private Caterer is liable. If the amount of the bond or letter of credit is insufficient to cover such damage(s), then the Private Caterer either directly or through its insurance provider shall promptly pay the excess amount needed to cover the cost of the Board to repair the damage. The use of these funds shall be at the reasonable discretion of the executive director with advance written notice provided to the private caterer.~~

] (ix[~~i~~]) Suspension/Debarment[~~Certification~~]. [~~The Private Caterer shall certify that neither it nor its principals are debarred, suspended, proposed for debarment, declared ineligible, or voluntarily excluded from participation in providing the catering services of the subject waiver request, by any governmental department or agency. If the Private Caterer cannot certify this statement, the Private Caterer shall attach a written explanation for review by the Selection Committee.~~]The Authorized[~~Private~~] Caterer must notify the Executive Director within 10 calendar days if debarred or suspended by any governmental entity.

(x[~~ii~~]) Comply with Facility Use Rules. The Authorized[~~Private~~] Caterer shall comply with all of the Facility Use Rules enacted by the Board. Upon submission of any evidence to the Budget Development and Board Operations Subcommittee that the Authorized[~~Private~~] Caterer has not complied with a rule enacted by the Board, the Authorized[~~Private~~] Caterer shall be removed from eligibility for providing any catering service on the Capitol Hill Complex for a period of time as determined by the Subcommittee and consistent with the Board's rules on suspension and debarment.

(xi[~~ii~~]) Inspection. The Board or the Executive Director reserves the right to inspect the Authorized[~~Private~~] Caterer's facilities and operations with respect to use, safety, sanitation and the maintenance of premises which shall be maintained at a level satisfactory to the Board.

(xii[~~iv~~]) Energy. The Authorized[~~Private~~] Caterer shall exercise due care to keep utility services at a minimum, conserve the use of energies, and control the resulting costs.

(xiii[~~v~~]) Food Handlers Permits. All of the Authorized[~~Private~~] Caterer's employees must have a current Food Handlers Permit. Documentation shall be promptly provided upon request of the Executive Director that established that all employees and temporary employees have valid Food Handlers Permits.

[~~(xvi) Financial Arrangements. The Board shall receive an amount per person served by the Private Caterer as described in the Board's adopted fee schedule. The payment of this amount per person shall apply even if the catered event is donated in whole or in part. These funds shall be used to subsidize, when subsidization is necessary, the Preferred Caterer.~~

] (xiv[~~ii~~]) The Authorized[~~Private~~] Caterer must have a locally grown food quality assurance program similar to that required of the Cafe Operator[~~Preferred Caterer~~], which covers the food or products that are not provided by nationally recognized vendors.[~~This quality assurance program shall set minimum standards for locally grown or produced goods and services similarly to that required by the Preferred Caterer.~~]

(xv[~~iii~~]) Fees and costs associated with catering services, including the Café Operator or the Authorized Caterer, shall be the responsibility of the Applicant and cannot be waived.

(xvi[~~ix~~]) Security.

(A) An[~~The~~] Authorized[~~Private~~] Caterer shall provide to the Executive Director at least 24 hours in advance of any catered event, a list of all full-time and part-time employees that will be involved with the catering service on the Capitol Hill Complex.

(B) The A[~~a~~]pplicant shall be assessed a fee to provide for the presence of at least one Board employee to be present and to assist with ingress and egress from the Capitol Hill Complex, set-up, coordination and assurance of appropriate performance under this Rule as well as timely and appropriate clean-up after the event. This fee can[ ]not be waived.

[~~(C) Fees associated with catering services, including the Preferred Caterer or any Private Caterer shall be the responsibility of the Applicant.~~

] (11) Public Notices, Employee Postings, Required Use of Bulletin Boards.

(a) Notices of Capitol Hill Complex meetings, information or announcements related to state of other governmental business shall be posted at executive director approved locations. If any posting is to be done by a person not officed in the Capitol Hill Complex, the executive director shall be notified prior to the posting for approval of the location(s) and duration of the posting. Such persons are also responsible to remove the notices after the related meeting or activity within 24-48 hours.

(b) Posting of handbills, leaflets, circulars, advertising or other printed materials by state employees officed in the Capitol Hill Complex shall be on executive director approved bulleting boards.

(12) Enforcement of Rules.

(a) If any person or group is found to be in violation of any of the applicable laws and rules, a law enforcement officer or state capitol security officer may issue a warning to cease and desist from any non-complying acts. If the law enforcement or security officer

observes a non-compliant act after a warning, the officer may take disciplinary action including citations, fines, cancellations of event or activity, or removal from the Capitol Hill Complex.

(13) Waivers.

The Budget Development and Board Operations Subcommittee may waive the requirements of any provision of R131-2-6 provided that the provision of Rule R131-2-6 does not specifically indicate that it is non-waivable, upon being presented with compelling reasons that the waiver will substantially benefit the public of the state of Utah and that the facilities, grounds and persons will be appropriately protected.[~~The Subcommittee may also waive the requirements of the use of the Preferred Caterer, upon a finding that the catering service requested cannot be reasonably accommodated by the Preferred Caterer.~~] Any approved waiver must still require compliance with all other provisions of this Rule.[~~Notwithstanding any provision of this Rule, provisions of this Rule which impose requirements upon a Private Caterer may not be waived.~~] The waiver request must be submitted in writing to the Executive Director, for consideration by the Subcommittee at its next regularly scheduled meeting, and must accompany any required Facility Use Application. Conditions may be placed on any approved waiver by the Subcommittee to assure the appropriate protection of facilities, grounds and persons. An appeal to the Board of a denial or the conditions of such waiver may be filed and processed similarly to the denial of a Facility Use Application as described in R131-2-5.

R131-2-7. Fees and Charges.

(1) Fees.

(a) Application Fee. There shall be an application fee for a Facility Use Permit to cover the cost of processing the application, as specified on the Board's fee schedule. This fee is separate from rental and other fees.

(b) Rental of Space Fee. Persons using the Capitol Hill Complex pursuant to a Facility Use Permit shall be charged a rental of the space fee as specified on the Board's fee schedule.

(c) Security Fee. A security fee shall also be assessed as provided in this Rule, as specified on the Board's fee schedule.

(d) Rental of Equipment fee. A rental of equipment fee shall be assessed as specified on the Board's fee schedule.

(e) Room Setup Fees. The Board's fee schedule shall provide for room setup fees.

(f) Additional Board Staff fee. If an Applicant requests that additional Board staff be present for an event, then an additional fee shall be assessed.

(g) Authorized Caterer Fee[~~Private Caterer fee~~]. Any fee or costs of an Authorized Caterer are the responsibility of the Applicant. The State of Utah, the Capitol Preservation Board, State Officials, empployees and anyone for whom the State may be liable, shall have no liable whatsoever for such fee or costs owed to the Authorized Caterer.[~~At any time a Private Caterer is used on the Capitol Hill Complex in accordance with this Rule, the applicant shall pay a fee based upon the number of people at the event. This fee shall be determined by the Board and shall be listed on the Board's fee schedule.~~]

(h) A "Schedule of Costs and Fees" is available during regular working hours at the executive director's office. This Schedule of Costs and Fees shall include all the fees referred to in this Rule R131-2-7. Additionally, fees may be assessed for technology assistance, recording, insurance coverage, cleaning and repairs. The Schedule of Costs and Fees may have special fees for community service activities, state employee events, including state employee recognition events, state retirement events, or state employee holiday/social events. There are no fees for free speech activities, except costs for requested use of state equipment or supplies shall be assessed in accordance with the Schedule of Costs and Fees. State Sponsored Activities shall not be required to pay any fees under this Rule.

R131-2-8. Specific Facilities.

(1) The following applies to all events and solicitations, except for free speech activities.

(a) Use of caucus rooms, committee rooms, the House of Representatives or Senate Chambers will be separately administered by the legislative branch. Requests for all other rooms must be submitted in writing to the executive director for scheduling and staffing. If the requested room is under the control of the Governor, the judiciary, or other elected officials, the executive director shall forward the request to the appropriate representative of such branch of government or elected official. The executive director will notify the applicant of the approval or denial of the requested space by the approving organization.

(b) The State Office Building auditorium shall be available to all state entities on a first-come, first-serve basis for governmental functions. All state entities shall reserve this facility in advance with the executive director.

(c) After-[-]hours access to the State Office Building shall be through the first floor south doors.

(d) During legislative sessions, legislative meetings or other legislative activities, use of the legislative space will be subject to the applicable legislative rules.

(e) The Gold Room and all other areas controlled by the Governor in the Capitol building shall be available in accordance with Section 67-1-16.

R131-2-9. Use of White Community Memorial Chapel.

(1) In addition to the provisions above, the following rules for the White Community Memorial Chapel shall be observed:

(a) Fire Marshal occupancy limits shall not be exceeded.

(b) The kitchen is for the exclusive use of the Preferred Caterer. No Private Caterer shall be allowed to use the White Community Memorial Chapel and its grounds. Users may use the full rest room facilities.

(c) The White Community Memorial Chapel will be available from 7:00 a.m. until 12:00 midnight, seven days a week, 365 days a year unless otherwise specified by the Board's Budget Development and Board Operations Subcommittee.

(d) If no wedding or event is scheduled the day before the scheduled wedding or event, the applicant may be allowed to use the Chapel the day before from noon to midnight for rehearsal or decorative purposes for an additional fee as identified on the Board's fee schedule.

(e) All users must complete the Facility Use Permit Application and comply with all the permit requirements listed under rules R131-2 and R131-10.

R131-2-10. Procedure for Receiving and Deciding Complaints Regarding the Access or Use of the Capitol Hill Complex.

(1) Any person that has a complaint regarding the access or use of the Capitol Hill Complex may file such complaint in writing to the executive director.

(2) The executive director will issue a written determination within thirty calendar days of the filing of the complaint or such longer time period as agreed to by the complainant.

(3) If the executive director does not issue a determination within the time period for such determination, then the complainant may file a written appeal no later than ten calendar days after the expiration of such time period. The written appeal shall be delivered to the office of the executive director and shall be considered by the Board's Budget Development and Board Operations Subcommittee chair in a manner determined appropriate by the chair.

(4) The chair will issue a written determination within thirty calendar days of the filing of the appeal or such longer time period as agreed to by the complainant.

(5) If the chair does not issue a determination within the time period for the chair's determination, the complainant may file a written appeal to the Board no later than ten calendar days after the expiration of such time period. The written appeal to the Board shall be delivered to the office of the executive director.

(6) Upon the filing of a timely appeal to the Board, the appeal shall be scheduled at the next regularly scheduled meeting of the Board.

(7) This is considered to be an administrative remedy for complaints regarding the access or use of the Capitol Hill Complex, and to the extent allowed by law, shall be considered an administrative remedy that must be pursued prior to any legal action.

R131-2-11. Fees and Charges During Legislative Session.

During the regular Utah Legislative Session, from the hours of 7:00 a.m. to 5:30 p.m., Monday through Friday, the facility use fees for specific rooms and spaces shall be reduced as follows:

(1) Facilities on Capitol Hill are available on a first come first serve basis as defined in this Rule R131-2, subject to preemption for State Sponsored Activities and any need to reserve or close off spaces for security reasons as advised by the Department of Public Safety.

(a) Subject to all the other provisions of this Rule R131-2-11, the following rooms may be reserved with no room rental being assessed:

(i) Kletting Room located in the Senate Building;

(ii) Olmstead Room located in the Senate Building;

(iii) Spruce Room located in the Senate Building;

(iv) Beehive Room located in the Senate Building;

(v) Seagull Room located in the Senate Building;

(vi) Copper Room located in the Senate Building;

(vii) Rooms B110 and 1112 in the State Office Building;

(viii) Room 130, the Multipurpose/Public Lounge located in the Capitol;

(ix) Room 170 located in the Capitol; and

(x) Room 210 located in the Capitol.

(b) These rooms identified in R131-2-11(2) may be reserved when the Utah Legislature is meeting in regular session in 4 hour blocks/day for a maximum of 8 total hours per week, and not concurrent.

(c) The use of the State Room in the East Senate Building is to be for public use except for certain hours established by the Executive Director when the public does not ordinarily use the State Room.[~~During the hours of 11:00 a.m. through 1:30 p.m., in order to qualify for the free room rental rate for all rooms located in the Senate Building Arsenal Hill Conference Center, the applicant must provide to the Executive Director a copy of the agreement to use the Preferred Caterer for providing food services during the room rental or evidence that the people attending have purchased meals from the Preferred Caterer.~~]

(2) The State Office Building Auditorium may be reserved during the time the Utah Legislature is meeting in regular session in two hour blocks one day a week, but is subject to the same rental fees that would apply at other times of the year and priority shall be provided to those events that are related to the regular session of the Utah Legislature.

(3) The Capitol Rotunda or Hall of Governors facilities may be reserved during the hours the Utah Legislature is meeting in regular session with no fee for the space rental itself being assessed subject to the following:

(a) The reservation shall be for a maximum of two hours which must be in one block of hours; and

(b) Priority shall be given to those events that are related to the regular session of the Utah Legislature.

(4) This Rule R131-2-11 does not prohibit the rental of these rooms for the standard fees when rental is beyond the time restrictions set forth in this Rule R131-2-11.

(a) Notwithstanding any other provision of this Rule R131-2-11, Registration (Application), Janitorial and all other associated set up and security fees that would apply if the rental was not during the Utah Legislature's regular session, shall be assessed.

(b) Those persons or entities reserving or using the facilities shall leave the space as they found it in a clean and orderly manner and comply with all other provisions of the Facility Use Rules, R131-2.

(c) The janitorial fee will only be assessed if,in the opinion of the Executive Director, that the work required to prepare the room for the next user is beyond that what is expected and reasonable. Charges for any such required janitorial services shall be assessed in half hour increments of $50/hour per janitorial worker.

(d) The Registration (Application) fee shall be assessed at the rate of one rental even if the Registration (Application) includes more than one reservation. Multiple reservations on one application form for reservations during the Utah Legislature's regular session are encouraged in order to best coordinate all the reservations.

KEY: public buildings, facilities use
Date of Enactment or Last Substantive Amendment: [~~January 7, 2010~~]2013
Notice of Continuation: April 7, 2010
Authorizing, and Implemented or Interpreted Law: 63C-9-101 et seq.

Commerce, Occupational and Professional Licensing
R156-37
Utah Controlled Substances Act Rule

NOTICE OF PROPOSED RULE
(Amendment)
DAR FILE NO.: 37040
FILED: 11/13/2012

RULE ANALYSIS

PURPOSE OF THE RULE OR REASON FOR THE CHANGE: The purpose of this filing is to remove Sections R156-37-609, R156-37-609a, R156-37-609b, and R156-37-610 from this rule so that in a companion filing these sections can be recodified with additional provisions into a new rule, Rule R156-37f, Controlled Substance Database Act Rule. This is to be consistent with the relocation of the Controlled Substance Database provisions from the Controlled Substances Act in Title 58, Chapter 37, to the Controlled Substance Database Act in Title 58, Chapter 37f, by the Legislature in H.B. 28, 2010 General Session. (DAR NOTE: The proposed new Rule R156-37f is under DAR No. 37039 in this issue, December 1, 2012, of the Bulletin.)

SUMMARY OF THE RULE OR CHANGE: Sections R156-37-609, R156-37-609a, R156-37-609b, and R156-37-610 are deleted in their entirety.

STATUTORY OR CONSTITUTIONAL AUTHORIZATION FOR THIS RULE: Subsection 58-1-106(1)(a) and Subsection 58-37-6(1)(a)

ANTICIPATED COST OR SAVINGS TO:
♦ THE STATE BUDGET: The Division will incur minimal costs of approximately $80 to print and distribute the rule once the proposed amendments are made effective. Any costs incurred will be absorbed in the Division's current budget.
♦ LOCAL GOVERNMENTS: The impact of the recodification of the sections being deleted in this rule is detailed in a companion rule filing which creates a new rule, Rule R156-37f.
♦ SMALL BUSINESSES: The impact of the recodification of the sections being deleted in this rule is detailed in a companion rule filing which creates a new rule, Rule R156-37f.
♦ PERSONS OTHER THAN SMALL BUSINESSES, BUSINESSES, OR LOCAL GOVERNMENTAL ENTITIES: The impact of the recodification of the sections being deleted in this rule is detailed in a companion rule filing which creates a new rule, Rule R156-37f.

COMPLIANCE COSTS FOR AFFECTED PERSONS: The impact of the recodification of the sections being deleted in this rule is detailed in a companion rule filing which creates a new rule, Rule R156-37f.

COMMENTS BY THE DEPARTMENT HEAD ON THE FISCAL IMPACT THE RULE MAY HAVE ON BUSINESSES: As stated in the rule analysis, the amendment of this rule is proposed so as to allow the substantive provisions to be recodified into a new rule, Rule R156-37f. These provisions are currently in effect; no fiscal impact to businesses will result from the recodification.

THE FULL TEXT OF THIS RULE MAY BE INSPECTED, DURING REGULAR BUSINESS HOURS, AT:
COMMERCE
OCCUPATIONAL AND PROFESSIONAL LICENSING
HEBER M WELLS BLDG
160 E 300 S
SALT LAKE CITY, UT 84111-2316
or at the Division of Administrative Rules.

DIRECT QUESTIONS REGARDING THIS RULE TO:
♦ Debra Hobbins by phone at 801-530-6789, by FAX at 801-530-6511, or by Internet E-mail at dhobbins@utah.gov

INTERESTED PERSONS MAY PRESENT THEIR VIEWS ON THIS RULE BY SUBMITTING WRITTEN COMMENTS NO LATER THAN AT 5:00 PM ON 12/31/2012

INTERESTED PERSONS MAY ATTEND A PUBLIC HEARING REGARDING THIS RULE:
♦ 12/17/2012 09:00 AM, Heber Wells Bldg, 160 E 300 S, Conference Room 475, Salt Lake City, UT

THIS RULE MAY BECOME EFFECTIVE ON: 01/07/2013

AUTHORIZED BY: Mark Steinagel, Director

R156. Commerce, Occupational and Professional Licensing.
R156-37. Utah Controlled Substances Act Rule.
[**~~R156-37-609. Controlled Substance Database - Procedure and Format for Submission to the Database.~~**

~~(1) In accordance with Subsection 58-37f-203(1)(e), the format in which the information required under Section 58-37f-203 shall be submitted to the administrator of the database is:~~

~~(a) electronic data via telephone modem;~~

~~(b) electronic data stored on floppy disk or compact disc (CD);~~

~~(c) electronic data sent via electronic mail (e-mail) if enerypted and approved by the database manager;~~

~~(d) electronic data sent via a secured internet transfer method, including but not limited to, FTP site transfer and HyperSend; or~~

~~(e) any other electronic method preapproved by the database manager.~~

~~(2) The required information may be submitted on paper, if the pharmacy or pharmacy group submits a written request to the Division and receives prior approval.~~

~~(3) The Division will consider the following in granting the request:~~

(a) the pharmacy or pharmacy group has no computerized record keeping system upon which the data can be electronically recorded; or

(b) the pharmacy or pharmacy group is unable to conform its submissions to the format required by the database administrator without incurring undue financial hardship.

(4) As of October 1, 2008, each pharmacy or pharmacy group shall submit all data collected during the preceding seven days at least once per week. If the data is submitted by a single pharmacy entity, the data shall be submitted in chronological order according to the date each prescription was filled. If the data is submitted by a pharmacy group, the data is required to be sorted by individual pharmacy within the group, and the data of each individual pharmacy within the group is required to be submitted in chronological order according to the date each prescription was filled.

(5) The format for submission to the database shall be in accordance with uniform formatting developed by the American Society for Automation in Pharmacy system (ASAP). The Division may approve alternative formats or adjustments to be consistent with database collection instruments and contain all necessary data elements.

(6) The pharmacist-in-charge of each reporting pharmacy shall submit a report on a form approved by the Division including:

(a) the pharmacy name;

(b) NABP number;

(c) the period of time covered by each submission of data;

(d) the number of prescriptions in the submission;

(e) the submitting pharmacist's signature attesting to the accuracy of the report; and

(f) the date the submission was prepared.

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.

(1) In accordance with Subsection 58-37f-801(8), the information required under Section 58-37f-203 shall be submitted to the Division's database manager by licensees designated by the Division to participate in the real time reporting pilot program in the following formats:

(a) electronic data via telephone modem;

(b) electronic data stored on floppy disk or compact discs (CD);

(c) electronic data sent via electronic mail (e-mail) if encrypted and approved by the database manager;

(d) electronic data sent via a secured internet transfer methods, including, but not limited to, FTP site transfer and HyperSend; or

(e) any other electronic method preapproved by the database manager.

(2) Each pharmacy or pharmacy group shall enter and submit data required under Section 58-37f-203 on a daily basis each day that the pharmacy or pharmacy group is open for business or the data reporting entity of the pharmacy or pharmacy group is open for business.

(3) The format for submission to the database shall be in accordance with the uniform formatting developed by the American Society for Automation in Pharmacy System (ASAP). The Division may approve alternative formats.

(4) The pharmacist-in-charge of each reporting pharmacy or pharmacy group shall be responsible for compliance with this rule.

(5) In accordance with Subsection 58-37f-801(1)(a), the pilot area is designated as the entire state of Utah. Any pharmacy or pharmacy group that submits information to the database based upon information available at the time of dispensing to the ultimate user is eligible and may participate in the Real Time Pilot Program.

R156-37-609b. Controlled Substance Database - Limitations on Access to Real Time Database Information - Individuals Allowed to Access - Standards and Procedures for Access to Real Time Pilot Program.

(1) In accordance with Subsection 58-37f-801(8), access to information contained in the controlled substance database is limited to individuals who are designated by the Division to participate in the real time pilot program, as follows:

(a) personnel employed by federal, state and local law enforcement agencies;

(b) pharmacists licensed to dispense controlled substances in Utah;

(c) practitioners licensed to prescribe controlled substances in Utah; and

(d) employees of the Department of Health who have previously been approved by the Division to access controlled substance database information in furtherance of the Pain Medication Management and Education Program.

(2) All individuals who are granted access to information in the controlled substance database via the real time pilot program shall provide any documentation requested by the Division's database manager to confirm the individual's identity. The individual will then be provided a username, password, and PIN number by which the individual will access the information contained in the database. Pursuant to Subsections 58-37f-601(1), (2) and (3), it is unlawful for an authorized user to allow another individual to use the authorized user's assigned username, password and PIN number.

(3) Personnel employed by federal, state, and local law enforcement agencies may access only information related to a current investigation involving controlled substances being conducted by that agency.

(4) Pharmacists licensed to dispense controlled substances in Utah may access only information related specifically to a current patient to whom that pharmacist is dispensing or is considering dispensing any controlled substance.

(5) Practitioners licensed to prescribe controlled substances in Utah may access only information related specifically to a current patient of the practitioner, to whom the practitioner is prescribing or is considering prescribing any controlled substance.

(6) Employees of the Department of Health who have been previously approved by the Division to access controlled substance database information in furtherance of the Pain Medication Management and Education Program may access only information in order to conduct scientific studies to evaluate opioid use and opioid-related morbidity and ways to reduce deaths and other harm from improper or risky prescribing and dispensing practices as codified in Section 26-1-36.

~~R156-37-610. Controlled Substance Database - Limitations on Access to Database Information - Standards and Procedures for Identifying Individuals Requesting Information.~~

~~(1) In accordance with Subsections 58-37f-301(1)(a) and (b), the Division director shall designate in writing those individuals within the Division who shall have access to the information in the database.~~

~~(2) Personnel from federal, state or local law enforcement agencies may obtain information from the database if the information relates to a current investigation being conducted by such agency. The manager of the database may also provide information from the database to such agencies on his own volition when the information may reasonably constitute a basis for investigation relative to violation of state or federal law.~~

~~(3) In accordance with Subsections 58-37f-201(6)(c), 58-37f-203(3)(b), 58-37f-301(1)(b), and 58-37f-301(2)(d) and (e), the database manager may provide information from the database to licensed practitioners having authority to prescribe controlled substances and to licensed pharmacists having authority to dispense controlled substances. The database manager may provide the information on his own volition to accomplish the stated purposes set forth in Subsection 58-37f-201(6).~~

~~(4) Any individual may request information in the database relating to that individual's controlled substances receipt history. An individuals may not request or receive an accounting of persons or entities that have requested or received information about the individual. Upon request for database information on an individual who is the recipient of a controlled substance prescription entered in the database, the manager of the database shall make available database information exclusively relating to that particular individual's controlled substance receipt history under the following limitations and conditions:~~

~~(a) The requestor seeking database information personally appears before the manager of the database, or a designee, with picture identification confirming his identity as the same person on whom database information is sought.~~

~~(b) The requestor seeking database information submits a signed and notarized request executed under the penalty of perjury verifying his identity as the same person on whom database information is sought, and providing their full name, home and business address, date of birth, and social security number.~~

~~(c) The requestor seeking database information presents a power of attorney over the person on whom database information is sought and further complies with the following:~~

~~(i) submits a signed and notarized request executed by the requestor under the penalty of perjury verifying that the grantor of the power of attorney is the same person on whom database information is sought, including the grantor's full name, address, date of birth, and social security number; and~~

~~(ii) personally appears before the manager of the database with picture identification to verify personal identity, or otherwise submits a signed and notarized statement executed by the requestor under the penalty of perjury verifying his identity as that of the person holding the power of attorney.~~

~~(d) The requestor seeking database information presents verification that he is the legal guardian of an incapacitated person on whom database information is sought and further complies with the following:~~

~~(i) submits a signed and notarized request executed by the requestor under the penalty of perjury verifying that the incapacitated ward of the guardian is the same person on whom database information is sought, including the ward's full name, address, date of birth, and social security number; and~~

~~(ii) personally appears before the manager of the database with picture identification to verify personal identity, or otherwise submits a signed and notarized statement executed by the requestor under the penalty of perjury verifying his identity as that of the legal guardian of the incapacitated person.~~

~~(e) The requestor seeking database information shall present a release-of-records statement from the person on whom database information is sought and further complies with the following:~~

~~(i) submits a verification from the person on whom database information is sought consistent with the requirements set forth in paragraph (4)(b);~~

~~(ii) submits a signed and notarized release of records statement executed by the person on whom database information is sought authorizing the manager of the database to release the relevant database information to the requestor; and~~

~~(iii) personally appears before the manager of the database with picture identification to verify personal identity, or otherwise submits a signed and notarized statement executed by the requestor under the penalty of perjury verifying his identity as that of the requestor identified in the release of records;~~

~~(5) Before data is released upon oral request, a written request may be required and received.~~

~~(6) Database information may be disseminated either orally, by facsimile or by U.S. mail.~~

~~(7) The Utah Department of Health may access Database information for purposes of scientific study regarding public health. To access information, the scientific investigator must:~~

~~(a) show the research is an approved project of the Utah Department of Health;~~

~~(b) provide a description of the research to be conducted including a research protocol for the project and a description of the data needed from the Database to conduct that research;~~

~~(c) provide assurances and a plan that demonstrates all Database information will be maintained securely, with access only permitted by the scientific investigator;~~

~~(d) provide for electronic data to be stored on a secure database computer system with access only allowed by the scientific investigator; and~~

~~(e) pay all relevant expenses for data transfer and manipulation.~~]

KEY: controlled substances, licensing[~~, controlled substance database~~]
Date of Enactment or Last Substantive Amendment: [~~February 8, 2010~~]2013
Notice of Continuation: February 21, 2012
Authorizing, and Implemented or Interpreted Law: 58-1-106(1)(a); 58-37-6(1)(a)[~~; 58-37f-301(1)~~]

Commerce, Occupational and Professional Licensing
R156-37f
Controlled Substance Database Act Rule

NOTICE OF PROPOSED RULE
(New Rule)
DAR FILE NO.: 37039
FILED: 11/13/2012

RULE ANALYSIS

PURPOSE OF THE RULE OR REASON FOR THE CHANGE: The purposes of this filing are to: 1) recodify the provisions of Sections R156-37-609, R156-37-609a, R156-37-609b, and R156-37-610 in the Utah Controlled Substance Act Rule that are being removed in a companion filing; and 2) add additional provisions into a new rule, R156-37f, Controlled Substance Database Act Rule. The recodification is consistent with the relocation in statute of the Controlled Substance Database provisions from the Controlled Substances Act in Title 58, Chapter 37, to the Controlled Substance Database Act in Title 58, Chapter 37f, by the Legislature in 2010 in HB28. The recodification relocates certain content from existing policy and procedure and places it in rule where it belongs. The recodification also adds additional provisions deemed necessary to the operation of the Database. The recodification also implements provisions from H.B. 257 passed during the 2012 Legislative General Session. (DAR NOTE: The proposed amendment to Rule R156-37 is under DAR No. 37040 in this issue, December 1, 2012, of the Bulletin.)

SUMMARY OF THE RULE OR CHANGE: Section R156-37f-101: This section titles the rule as the "Controlled Substance Database Act Rule". Section R156-37f-102: This section provides new definitions for "ASAP," "DEA," "NABP," "NCPDP," "NDC," and "RX". Section R156-37f-103: This section cites the authority for and explains the purpose of Rule R156-37f. Section R156-37f-104: This section explains the organization of Rule R156-37f and its relationship to Rule R156-1, the Division of Occupational and Professional Licensing (DOPL) Act Rule or "umbrella act rule" as it is often referred to. Subsection R156-37f-203(1) defines the procedure for and format of data submitted to the Database. It incorporates by reference the ASAP Telecommunications Format for Controlled Substances published by the American Society for Automation in Pharmacy, revised May 1995 (ASAP Format) as the format standard for the submission to the Database. This standard is then further classified to describe mandatory, preferred, and optional data fields. Subsection R156-37f-203(2) allows other alternate consistent formats if approved by DOPL. Subsection R156-37f-203(3) specifies the electronic methods of submission of properly formatted data to the Database. Subsection R156-37f-203(4) allows for paper submission of properly formatted data to the Database under specified conditions. Subsection R156-37f-203(5) specifies the current seven-day reporting cycle of data to the Database by reporting pharmacies. It further specifies the sorting requirement of data submissions for both individual pharmacies and pharmacy groups. It requires Class A, B, or D pharmacies that do not dispense any controlled substances during a reporting cycle to submit a null report. This is a new requirement not in the prior rule. It further allows a Class A, B, or D pharmacy that does not anticipate dispensing any controlled substances in the immediate future to submit a certification of such in a form approved by DOPL in lieu of weekly null reporting and provides that such a certification terminates immediately upon the dispensing of any controlled substance, or otherwise at the end of each calendar year. Subsection R156-37f-203(6) imposes a data transmission form requirement and specifies its content. Subsection R156-37f-301(1) requires the DOPL Director to designate in writing the individuals within DOPL that have access to the Database. Subsection R156-37f-301(2) allows a requester registered to use the Database to request information by electronic submission, orally, or in writing. Subsection R156-37f-301(3) specifies the Database information that may be disseminated to a verified requestor authorized to access the Database. Subsection R156-37f-301(4) requires federal, state, and local law enforcement authorities and prosecutors requesting information from the Database to provide a valid case number of their case or prosecution. Subsection R156-37f-301(5) specifies that individuals who may request their own information from the Database may not request an accounting of persons or entities that have requested or received information from the Database. Subsection R156-37f-301(6) specifies the conditions for a requester to request and obtain their own information submitted to the Database. Subsection R156-37f-301(7) specifies the conditions for a requester holding a power of attorney from an individual who could request his or her own data to request and obtain information from the Database. Subsection R156-37f-301(8) specifies the conditions under which a requester who is the legal guardian of a minor or incapacitated individual may request and obtain information about the minor or incapacitated person from the Database. Subsection R156-37f-301(9) specifies the conditions under which a requestor who has a release-of-records from an individual who could obtain his or her own records, may obtain information about the individual from the Database. Subsection R156-37f-301(10) specifies the conditions under which a designated employee of a prescribing practitioner may have access to information from the Database on behalf of the prescribing practitioner. Subsection R156-37f-301(11) implements H.B. 257 (2012) and specifies the conditions under which an employee of the same business that employs a prescribing practitioner may obtain information from the Database on behalf of the prescribing practitioner. Subsection R156-37f-301(12) implements H.B. 257 (2012) and specifies the conditions under which an employee of an emergency room that employs a prescribing practitioner may obtain information from the Database on behalf of the prescribing practitioner. Subsection R156-37f-301(13) specifies the conditions under

which scientific investigators employed by the Utah Department of Health may access information from the Database. Subsection R156-37f-301(14) specifies the methods by which the Database staff may disseminate information from the Database. It adds email as a method of dissemination under the current rule. This is one of the most efficient methods and is at least as secure as facsimile which is already permitted. It will better streamline DOPL operations. Subsection R156-37f-801a(1) designates the pilot area for the Pilot Program for Real-Time Reporting (Pilot Program). Subsection R156-37f-801a(2) defines reporting requirements to the Database for pharmacies participating in the Pilot Program to be in conjunction with controlled substance point of sale, submitted from the participating pharmacy's database to the Database through real-time interface and reporting software developed by DOPL's contract provider. Section R156-37f-801b: This section specifies that access to information in the Database submitted via the Pilot Program shall be the same as set forth in Section 58-37f-301 as implemented by Section R156-37f-301.

STATUTORY OR CONSTITUTIONAL AUTHORIZATION FOR THIS RULE: Subsection 58-1-106(1) and Subsection 58-37f-301(1)

MATERIALS INCORPORATED BY REFERENCES:

♦ Adds ASAP Telecommunications Format for Controlled Substances, published by American Society for Automation in Pharmacy (ASAP), May 1995

ANTICIPATED COST OR SAVINGS TO:

♦ THE STATE BUDGET: These changes will have minimal impact on the state budget. The majority of the provisions are simply recodified from Rule R156-37 and will have no impact on the state budget. Rule R156-37f will have to be printed at an approximate cost of $60. The proposed rule adds a new null reporting requirement for pharmacies that do not dispense within a reporting period, but it provides an annual "opt-out" option that eliminates the requirement if a pharmacy doesn't dispense controlled substances. The new report will cause some minimal additional cost to the DOPL, but the costs are anticipated to be nominal and reasonably absorbed within DOPL's existing budget. This change will enhance DOPL's ability to ensure complete reporting to the Database, increase the integrity of the information in the Database, and thus enhance the protection of public health, safety, and welfare. The proposed rule adds e-mail to the ways in which Database information may be disseminated. This is one of the most efficient methods of dissemination and may result in some cost savings to DOPL and health care providers, but the savings cannot be estimated.

♦ LOCAL GOVERNMENTS: The proposed changes should have little or no impact on local government. Local government does not report to the Database, but law enforcement and prosecutors working for local government obtain information from the Database. The latter provisions are recodified, but unchanged in content.

♦ SMALL BUSINESSES: The proposed changes will have minimal impact on the small business. The majority of the provisions are simply recodified from Rule R156-37 and will have no impact on small business. Some small business pharmacies will be required to report weekly if they have dispensed no controlled substances, but the rule also provides an "opt-out" if a pharmacy doesn't dispense at all during the year. It is anticipated to be a nominal change without significant cost associated with it. Any minimal costs cannot be estimated by the Division. The proposed change adding e-mail to the ways in which Database information may be disseminated could result in a cost savings to some small businesses, but these savings cannot be estimated.

♦ PERSONS OTHER THAN SMALL BUSINESSES, BUSINESSES, OR LOCAL GOVERNMENTAL ENTITIES: The proposed changes will have minimal impact on other persons. The majority of the provisions are simply recodified from Rule R156-37 and will have no impact on other persons. Some small business pharmacies will be required to report weekly if they have dispensed no controlled substances, but the rule also provides an "opt-out" if a pharmacy doesn't dispense at all during the year. It is anticipated to be a nominal change without significant cost associated with it. The costs cannot be estimated. Prescribing practitioners who work as an employee of a clinic or as an employee of an emergency room will be able to enhance their efficiency through granting access to employees of the same clinic or emergency room to access the Database on their behalf. Potential cost savings in this regard cannot be estimated. Better clarification through this recodification should improve the level of understanding of the Database requirements and thereby compliance with the requirements and use of the Database.

COMPLIANCE COSTS FOR AFFECTED PERSONS: These changes will have minimal impact on individuals. The majority of the provisions are simply recodified from Rule R156-37 and will have no impact on individuals. Some small business pharmacies will be required to report weekly if they have dispensed no controlled substances, but the rule also provides an "opt-out" if a pharmacy doesn't dispense at all during the year. It is anticipated to be a nominal change without significant cost associated with it. The costs cannot be estimated. Prescribing practitioners who work as an employee of a clinic or as an employee of an emergency room will be able to enhance their efficiency through granting access to employees of the same clinic or emergency room to access the Database on their behalf. Potential cost savings in this regard cannot be estimated. Better clarification through this recodification should improve the level of understanding of the Database requirements and thereby compliance with the requirements and use of the Database.

COMMENTS BY THE DEPARTMENT HEAD ON THE FISCAL IMPACT THE RULE MAY HAVE ON BUSINESSES: As stated in the rule analysis, the proposed rule is primarily a recodification of provisions currently found in Sections R156-37-609, R156-37-609a, and R156-37-609b. These provisions

are currently in effect; no fiscal impact to businesses will result from the recodification. The proposed rule also includes a new provision to require a pharmacy business that does not dispense controlled substances to submit either a weekly report or a yearly certification. Some pharmacies might need to implement technology and internal procedures in order to comply with this requirement. It is anticipated that the costs will be minimal, particularly as to a yearly certification, which may be accomplished through a paper submission.

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

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

DIRECT QUESTIONS REGARDING THIS RULE TO:
♦ Debra Hobbins by phone at 801-530-6789, by FAX at 801-530-6511, or by Internet E-mail at dhobbins@utah.gov

INTERESTED PERSONS MAY PRESENT THEIR VIEWS ON THIS RULE BY SUBMITTING WRITTEN COMMENTS NO LATER THAN AT 5:00 PM ON 12/31/2012

INTERESTED PERSONS MAY ATTEND A PUBLIC HEARING REGARDING THIS RULE:
♦ 12/17/2012 09:00 AM, Heber Wells Bldg, 160 E 300 S, Conference Room 475, Salt Lake City, UT

THIS RULE MAY BECOME EFFECTIVE ON: 01/07/2013

AUTHORIZED BY: Mark Steinagel, Director

R156. Commerce, Occupational and Professional Licensing.
R156-37f. Controlled Substance Database Act Rule.
R156-37f-101. Title.

This rule shall be known as the "Controlled Substance Database Act Rule".

R156-37f-102. Definitions.

In addition to the definitions in Sections 58-17b-102, 58-37-2 and 58-37f-102, as used in this chapter:

(1) "ASAP" means the American Society for Automation in Pharmacy system.

(2) "DEA" means Drug Enforcement Administration.

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

(4) "NCPDP" means National Council for Prescription Drug Programs.

(5) "NDC" means National Drug Code.

(6) "Rx" means a prescription.

R156-37f-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 37f.

R156-37f-104. Organization - Relationship to Rule R156-1.

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

R156-37f-203. Submission, Collection, and Maintenance of Data.

(1) The format for submission to the Database shall be in accordance with the ASAP Telecommunications Format for Controlled Substances published by the American Society for Automation in Pharmacy, revised May 1995 (ASAP Format), which is hereby incorporated by reference. The Division may approve alternative formats substantially similar to this standard. This standard is further classified by the Database as follows:

(a) Mandatory Data. The following Database data fields are mandatory:

(i) pharmacy NABP or NCPDP number;

(ii) patient birth date;

(iii) patient gender code;

(iv) date filled;

(v) Rx number;

(vi) new-refill code;

(vii) metric quantity;

(viii) days supply;

(ix) NDC number;

(x) prescriber identification number;

(xi) date Rx written;

(xii) number refills authorized;

(xiii) patient last name;

(xiv) patient first name; and

(xv) patient street address, including zip code (extended).

(b) Preferred Data. The following Database data fields are strongly suggested:

(i) customer identification number;

(ii) compound code;

(iii) DEA suffix;

(iv) Rx origin code;

(v) customer location;

(vi) alternate prescriber number; and

(vii) state in which the prescription is filled.

(c) Optional Data. All other data fields in the ASAP Format not included in Subsections (a) and (b) are optional.

(2) Upon request, the Division will consider approving alternative formats, or adjustments to the ASAP Format, as might be necessary due to the capability or functionality of Database collection instruments. A proposed alternative format shall contain all mandatory data elements.

(3) In accordance with Subsection 58-37f-203(1)(c), the data required in Subsection (1) shall be submitted to the Database through one of the following methods:

(a) electronic data sent via telephone modem;

(b) electronic data submitted on floppy disk or compact disc (CD);

(c) if approved by the Database staff prior to submission, electronic data sent via encrypted electronic mail (e-mail);

(d) electronic data sent via a secured internet transfer method, including but not limited to sFTP site transfer and HyperSend; or

(e) any other electronic method approved by the Database manager prior to submission.

(4) The required information may be submitted on paper if:

(a) the pharmacy or pharmacy group submits a written request to the Division and receives prior approval for a paper submission; and

(b)(i) the pharmacy or pharmacy group has no computerized record keeping system upon which the data can be electronically recorded; or

(ii) The pharmacy or pharmacy group is unable to conform its submission(s) to an electronic format without incurring undue financial hardship.

(5)(a) Each pharmacy or pharmacy group shall submit all data collected at least once every seven days on a weekly reporting cycle established by the pharmacy.

(i) If the data is submitted by a single pharmacy entity, the data shall be submitted in chronological order according to the date each prescription was filled.

(ii) If the data is submitted by a pharmacy group, the data is required to be sorted by individual pharmacy within the group, and the data of each individual pharmacy within the group is required to be submitted in chronological order according to the date each prescription was filled.

(b)(i) A Class A, B, or D pharmacy or pharmacy group that has a controlled substance license but has not dispensed a controlled substance during the preceding seven days shall:

(A) submit a null report stating that no controlled substance was dispensed during the preceding seven days; or

(B) comply with this Subsection (5)(c).

(ii) A null report may be submitted on paper without prior approval of the Division. The Division shall facilitate electronic null reporting as resources permit.

(c)(i) A Class A, B, or D pharmacy or pharmacy group that has a controlled substance license but is not dispensing controlled substances and does not anticipate doing so in the immediate future may submit a certification of such, in a form preapproved by the Division, in lieu of weekly null reporting.

(ii) The certification must be resubmitted at the end of each calendar year.

(iii) If a pharmacy or pharmacy group that has submitted a certification under this Subsection (5)(c) dispenses a controlled substance:

(A) the certification shall immediately and automatically terminate;

(B) the pharmacy or pharmacy group shall provide written notice of the certification termination to the Division within seven days of dispensing the controlled substance; and

(C) the Database reporting requirements shall be applicable to the pharmacy or pharmacy group immediately upon the dispensing of the controlled substance.

(6) The pharmacist-in-charge, or his or her designee, for each reporting pharmacy shall submit its report, regardless of the reporting method, on a data transmission form (DTF) substantially equivalent to the DTF approved by the Division. The DTF may be mailed, faxed, emailed, or electronically uploaded to the Database. A copy of the DTF is required to be kept at the pharmacy unless an alternate location has been designated by the reporting pharmacy and approved by the Division. The DTF shall include the following information:

(a) pharmacy name;

(b) pharmacy facsimile (fax) and voice phone numbers;

(c) pharmacy e-mail address;

(d) pharmacy NABP/NCPDP number;

(e) period of time covered by each submission of data;

(f) number of prescriptions in the submission;

(g) submitting pharmacist's signature attesting to the accuracy of the report; and

(h) date of the report submission.

R156-37f-301. Access to Database Information.

In accordance with Subsections 58-37f-301(1)(a) and (b):

(1) The Division Director shall designate in writing those individuals employed by the Division who shall have access to the information in the Database (Database staff).

(2)(a) A request for information from the Database may be made:

(i) directly to the Database by electronic submission, if the requester is registered to use the Database; or

(ii) by oral or written submission to the Database staff, if the requester is not registered to use the Database.

(b) An oral request may be submitted by telephone or in person.

(c) A written request may be submitted by facsimile, email, regular mail, or in person except as otherwise provided herein.

(d) The Division may in its discretion require a requestor to verify the requestor's identity.

(3) The following Database information may be disseminated to a verified requestor who is permitted to obtain the information:

(a) dispensing/reporting pharmacy ID number/name;

(b) subject's birth date;

(c) date prescription was filled;

(d) prescription (Rx) number;

(e) metric quantity;

(f) days supply;

(g) NDC code/drug name;

(h) prescriber ID/name;

(i) date prescription was written;

(j) subject's last name;

(k) subject's first name; and

(l) subject's street address;

(4) Federal, state and local law enforcement authorities and state and local prosecutors requesting information from the Database under Subsection 58-37f-301(2)(d) must provide a valid case number of the investigation or prosecution.

(5) An individual whose records are contained within the Database may not receive an accounting of persons or entities that have requested or received Database information about the individual.

(6) An individual whose records are contained within the Database may obtain his or her own information and records by:

(a) personally appearing before the Database staff with government-issued picture identification confirming the requester's identity; or

(b) submitting a signed and notarized request that includes the requester's:

(i) full name;

(ii) complete home address;

(iii) date of birth; and

(iv) driver license or state identification card number.

(7) A requester holding power of attorney for an individual whose records are contained within the Database may obtain the individual's information and records by:

(a) personally appearing before the Database staff with government-issued picture identification confirming the requester's identity; and

(b) providing:

(i) an original, properly executed power of attorney designation; and

(ii) a signed and notarized request, executed by the individual whose information is contained within the Database, and including the individual's:

(A) full name;

(B) complete home address;

(C) date of birth; and

(D) driver license or state identification card number verifying the individual's identity.

(8) A requestor who is the legal guardian of a minor or incapacitated individual whose records are contained within the Database may obtain the individual information and records by:

(a) personally appearing before the Database staff with government-issued picture identification confirming the requester's identity;

(b) submitting the minor or incapacitated individual's:

(i) full name;

(ii) complete home address;

(iii) date of birth; and

(iv) if applicable, state identification card number verifying the individual's identity; and

(c) submitting legal proof that the requestor is the guardian of the individual who is the subject of the request for information from the Database.

(9) A requestor who has a release-of-records from an individual whose records are contained within the Database may obtain the individual's information and records by:

(a) submitting a request in writing;

(b) submitting an original, signed and notarized release-of-records in a format acceptable to the Database staff, identifying the purpose of the release; and

(c) submitting the individual's:

(i) full name;

(ii) complete home address;

(iii) telephone number;

(iv) date of birth; and

(v) driver license or state identification card number verifying the identity of the person who is the subject of the request.

(10) An employee of a licensed practitioner who is authorized to prescribe controlled substances may obtain Database information to the extent permissible under Subsection 58-37f-301(2)(d)if, prior to making the request:

(a) the licensed practitioner has provided to the Division a written designation that includes the designating practitioner's DEA number and the designated employee's:

(i) full name;

(ii) complete home address;

(iii) e-mail address;

(iv) date of birth; and

(v) driver license number or state identification card number;

(b) the designated employee has registered for an account for access to the Database and provided a unique user identification and password;

(c) the designated employee has passed a Database background check of available criminal court and Database records; and

(d) the Database has issued the designated employee a user personal identification number (PIN) and activated the employee's Database account. (11) An employee of a business that employs a licensed practitioner who is authorized to prescribe controlled substances may obtain Database information to the extent permissible under Subsection 58-37f-301(2)(d) if, prior to making the request:

(a) the licensed practitioner and employing business have provided to the Division a written designation that includes:

(i) the designating practitioner's DEA number;

(ii) the name of the employing business; and

(iii) the designated employee's:

(A) full name;

(B) complete home address;

(C) e-mail address;

(D) date of birth; and

(E) driver license number or state identification card number;

(b) the designated employee has registered for an account for access to the Database and provided a unique user identification and password;

(c) the designated employee has passed a Database background check of available criminal court and Database records; and

(d) the Database has issued the designated employee a user personal identification number (PIN) and activated the employee's Database account.

(12) An individual who is employed in the emergency room of a hospital that employs a licensed practitioner who is authorized to prescribe controlled substances may obtain Database information to the extent permissible under Subsection 58-37f-301(2)(d) if, prior to making the request:

(a) the practitioner and the hospital operating the emergency room have provided to the Division a written designation that includes:

(i) the designating practitioner's DEA number;

(ii) the name of the hospital;

(iii) the names of all emergency room practitioners employed at the hospital; and

(iv) the designated employee's:

(A) full name;

(B) complete home address;

(C) e-mail address;

(C) date of birth; and

(D) driver license number or state identification card number;

(b) the designated employee has registered for an account for access to the Database and provided a unique user identification and password;

(c) the designated employee has passed a Database background check of available criminal court and Database records; and

(d) the Database has issued the designated employee a user personal identification number (PIN) and activated the employee's Database account.

(13) The Utah Department of Health may access Database information for purposes of scientific study regarding public health. To access information, the scientific investigator shall:

(a) demonstrate to the satisfaction of the Division that the research is part of an approved project of the Utah Department of Health;

(b) provide a description of the research to be conducted, including:

(i) a research protocol for the project; and

(ii) a description of the data needed from the Database to conduct that research;

(c) provide assurances and a plan that demonstrates all Database information will be maintained securely, with access being strictly restricted to the requesting scientific investigator;

(d) provide for electronic data to be stored on a secure database computer system with access being strictly restricted to the requesting scientific investigator; and

(e) pay all relevant expenses for data transfer and manipulation.

(14) Database information that may be disseminated under Section 58-37f-301 may be disseminated by the Database staff either:

(a) verbally;

(b) by facsimile;

(c) by email;

(d) by U.S. mail; or

(e) where adequate technology is in place to ensure that a record will not be compromised, intercepted, or misdirected, by electronic access.

R156-37f-801a. Reporting of Information by Pharmacies Participating in the Pilot Program for Real-time Reporting.

(1) In accordance with Subsection 58-37f-801(1)(a), the pilot area is designated as the entire state of Utah. Any pharmacy or pharmacy group that submits information to the Database is eligible and may participate in the Real-time Pilot Program.

(2) In accordance with Subsection 58-37f-801(8), each licensed pharmacy participating in the pilot program for real-time reporting shall, in conjunction with controlled substance point of sale, submit from the pharmacy's database to the Controlled Substance Database, the information required by Section 58-37f-203 as implemented by Section R156-37f-203, through real-time interface and reporting software developed by the Division's contract provider.

R156-37f-801b. Access to Information in the Database Submitted by Pharmacies Participating in the Pilot Program for Real-time Reporting.

In accordance with Subsection 58-37f-801(8), access to information in the Database submitted by pharmacies participating in the pilot program for real-time reporting shall be the same as set forth in Section 58-37f-301 as implemented by Section R156-37f-301.

KEY: controlled substance database, licensing
Date of Enactment or Last Substantive Amendment: 2013
Authorizing, and Implemented or Interpreted Law: 58-1-106(1)(a); 58-37f-301(1)

Commerce, Securities
R164-31-1
Guidelines for the Assessment of Administrative Fines

NOTICE OF PROPOSED RULE
(Amendment)
DAR FILE NO.: 37042
FILED: 11/14/2012

RULE ANALYSIS

PURPOSE OF THE RULE OR REASON FOR THE CHANGE: This rule amendment clarifies the guidelines used by the Utah Securities Commission when imposing fines in administrative actions by adding to existing guidelines several specific factors to be considered.

SUMMARY OF THE RULE OR CHANGE: The amendment adds the following specific factors for consideration by the Utah Securities Commission when imposing fines against respondents in administrative actions: the amount of investor losses; financial benefits, enrichment, commissions, fees or other consideration received by the respondent in connection with violations of the Utah Uniform Securities Act; remedial actions taken by the respondent such as disgorgement of ill-gotten gains; and the costs of the Division incurred in investigating and prosecuting the action.

STATUTORY OR CONSTITUTIONAL AUTHORIZATION FOR THIS RULE: Section 61-1-12 and Section 61-1-14 and Section 61-1-20 and Section 61-1-24 and Section 61-1-6

ANTICIPATED COST OR SAVINGS TO:
♦ THE STATE BUDGET: No additional costs or savings to the state budget are anticipated, because the proposal simply adds specific criteria to be considered by the Commission in imposing administrative fines.

♦ LOCAL GOVERNMENTS: No additional costs or savings to local government are anticipated, because the proposal simply adds specific criteria to be considered by the Commission in imposing administrative fines.
♦ SMALL BUSINESSES: No additional costs or savings to small businesses are anticipated, because the proposal simply adds specific criteria to be considered by the Commission in imposing administrative fines.
♦ PERSONS OTHER THAN SMALL BUSINESSES, BUSINESSES, OR LOCAL GOVERNMENTAL ENTITIES: No additional costs or savings to such persons are anticipated, because the proposal simply adds specific criteria to be considered by the Commission in imposing administrative fines.

COMPLIANCE COSTS FOR AFFECTED PERSONS: There will be no compliance costs for affected persons because the proposal simply identifies specific criteria to be considered by the Commission in imposing administrative fines.

COMMENTS BY THE DEPARTMENT HEAD ON THE FISCAL IMPACT THE RULE MAY HAVE ON BUSINESSES: This proposal should have no fiscal impact to businesses because it does not add any new requirements or compliance costs, but rather more specifically describes factors to be considered by the Utah Securities Commission when imposing fines in administrative actions.

THE FULL TEXT OF THIS RULE MAY BE INSPECTED, DURING REGULAR BUSINESS HOURS, AT:
COMMERCE
SECURITIES
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:
♦ Charles Lyons by phone at 801-530-6940, by FAX at 801-530-6980, or by Internet E-mail at clyons@utah.gov
♦ Keith Woodwell by phone at 801-530-6606, by FAX at 801-530-6980, or by Internet E-mail at kwoodwell@utah.gov

INTERESTED PERSONS MAY PRESENT THEIR VIEWS ON THIS RULE BY SUBMITTING WRITTEN COMMENTS NO LATER THAN AT 5:00 PM ON 12/31/2012

THIS RULE MAY BECOME EFFECTIVE ON: 01/07/2013

AUTHORIZED BY: Keith Woodwell, Director

R164. Commerce, Securities.
R164-31. Administrative Fines.
R164-31-1. Guidelines for the Assessment of Administrative Fines.

(A) Authority and purpose.

(1) The Division enacts this rule under authority granted by Sections 61-1-6, 61-1-12, 61-1-14, 61-1-20 and 61-1-24.

(2) This rule identifies guidelines for the assessment of administrative fines. The guidelines should not be considered all-inclusive but rather are intended to provide factors to be considered when imposing a fine.

(B) Guidelines.

(1) For the purpose of determining the amount of an administrative fine assessed against a person under the Utah Uniform Securities Act, the Commission[~~Division Director~~] shall consider the following factors:

(a) the seriousness, nature, circumstances, extent, and persistence of the conduct constituting the violation;

(b) the harm to other persons, including the amount of investor losses, resulting either directly or indirectly from the violation;

(c) any financial benefit, enrichment, commission, fee or other consideration received directly or indirectly by the person in connection with the violation;

(d) cooperation by the person in any inquiry conducted by the Division concerning the violation, efforts to prevent future occurrences of the violation, and efforts to mitigate the harm caused by the violation, including any restitution paid or disgorgement of ill-gotten gains[~~made~~] to [~~other~~]persons injured by the acts of the person;

(e[~~d~~]) the history of previous violations by the person;

(f[e]) the need to deter the person or other persons from committing such violations in the future;[~~ and~~]

(g) the costs of the Division incurred in investigating and prosecuting the action; and

(h[~~f~~]) such other matters as justice may require.

KEY: administrative fines, securities regulation, securities
Date of Enactment or Last Substantive Amendment: [~~August 26, 2008~~]2013
Authorizing, and Implemented or Interpreted Law: 61-1-6; 61-1-12; 61-1-14; 61-1-20; 61-1-24

Crime Victim Reparations, Administration
R270-1
Award and Reparation Standards

NOTICE OF PROPOSED RULE
(Amendment)
DAR FILE NO.: 37061
FILED: 11/15/2012

RULE ANALYSIS
PURPOSE OF THE RULE OR REASON FOR THE CHANGE: In Subsection R270-1-4(7), adds cost savings to the agency. In Subsection R270-1-9(B), increases equity in benefit distribution and provides greater direction to the CVRA Board. In Subsection R270-1-22(A)(10), removes obscure language. Removes Section R270-1-24 which is obsolete and no longer authorized by the CVRA Board of Directors. In Section R270-1-25, permits the consideration for inclusion of appropriate individuals currently excluded on status alone.

SUMMARY OF THE RULE OR CHANGE: In Subsection R270-1-4(7), adds cost savings to the agency. In previous years, the agency spent nearly $20,000 contracting with outside service providers for help in determining the crime-relatedness of in-patient psychiatric services. Agency personnel make the determination of crime-relatedness on all other benefit types covered. The agency has now established sufficient expertise in this specific area that the agency and CVRA Board of Directors have determined that contracting for the service is no longer effective or efficient and that such determinations are to be made within the agency processes that provide evaluation for all other covered benefits. This rule change saves the agency money and saves the agency, service providers and victims significant amounts time in the receipt of payment process. In Subsection R270-1-9(B), increases equity in benefit distribution. The agency and CVRA Board of Directors have determined that the current rule permits a punitive interpretation to victims who have earned and saved paid leave through an employer. No other benefit offered through the agency requires a benefit recipient to utilize personal savings prior to accessing CVR Trust monies. This rule change allows a victim to keep their accrued, employer paid leave for their personal use and allows the agency to pay partial and limited amounts of crime-related wage loss. The rule change also provides greater clarity to the CVRA Board regarding for what purpose they would review "extenuating circumstances". In Subsection R270-1-22(A)(10), removes obscure language. The language of the current rule condones and provides payment for an extensively invasive sexual assault exam to be performed on an individual incapable of providing consent to such. The agency and CVRA Board of Directors find this concept to be in contradiction of the agency's mission. The inclusion of the language provides no useful purpose and should be stricken. Removes Section R270-1-24 which is no longer authorized by the CVRA Board. In 2009, the CVRA Board permanently eliminated this benefit. The section has not yet been stricken. In Section R270-1-25, allows Reparation Officers to extend assistance to those persons that have a significant family "type" relationship to the injured victim when those persons may be critical to the injured person's recovery but may not have the status or title the current rule describes.

STATUTORY OR CONSTITUTIONAL AUTHORIZATION FOR THIS RULE: Subsection 63M-7-506(1)(c) and Subsection 63M-7-515(1)

ANTICIPATED COST OR SAVINGS TO:
♦ THE STATE BUDGET: In Subsection R270-1-4(7), adds cost savings to the agency. Potential savings of $20,000 per year. In Subsection R270-1-9(B), increases equity in benefit distribution and provides greater direction to the CVRA Board. This rule change has the potential to increase the dollars paid to victims. However, the amounts paid from the Crime Victim Trust Fund for this benefit consistently decreased from in excess of $405,000 in FY 2007 to $292,000 in FY 2011. While the payments for this benefit increased from $292,000 in FY 2011 to $354,000 in FY 2012, it is not projected that this rule change will affect an increase outside its long term average. Additionally, funds utilized for Crime Victim Reparations are not general fund or "taxpayer" dollars. They are funds collected from persons convicted of violating state and federal law for the purpose of paying the un-met needs of innocent victims of criminal violence. This rule change poses no threat of increased expense to Utah Taxpayers. In Subsection R270-1-22(A)(10), removes obscure language. No effect. Removes Section R270-1-24 which is obsolete and no longer authorized by the CVRA Board of Directors. No effect. In Section R270-1-25, provides an administrative savings to the office by allowing Reparation Officers to make decisions previously made by the CVRA Board, based upon the Reparation Officer's recommendation. This rule change is unlikely to increase costs to the program.
♦ LOCAL GOVERNMENTS: Local governments are not involved in or are effected by the process. The process involves the state agency, individual persons victimized by violent crime and the types, limits and manner which benefits are provided to care for those individuals. While the agency does rely upon local law enforcement agencies to share investigative information with the agency, that information is for the purpose of determining initial eligibility of the applicant. None of those processes are impacted by these rule changes.
♦ SMALL BUSINESSES: These changes will have no effect on small businesses. In Subsection R270-1-4(7), the contract services previously provided were provided by the state's largest mental health service agency. The division of that agency responsible for providing the service was eliminated prior to the change in this rule.
♦ PERSONS OTHER THAN SMALL BUSINESSES, BUSINESSES, OR LOCAL GOVERNMENTAL ENTITIES: These changes create a positive effect for victims of violent crimes by permitting a more equitable and considerate application of the Victim Reparation program.

COMPLIANCE COSTS FOR AFFECTED PERSONS: Compliance costs for affected persons are unaffected, other than the savings to the state. Compliance with these rule changes will be monitored in the same processes in which compliance with all rules are monitored. The rule changes do not impose additional steps or processes upon individuals or entities, they change only the manner in which the agency applies its policies and procedures.

COMMENTS BY THE DEPARTMENT HEAD ON THE FISCAL IMPACT THE RULE MAY HAVE ON BUSINESSES: The Agency Director and the CVRA Board of Directors evaluated each of the submitted changes on its own merits, including the impact on all parties. The Agency Director and CVRA Board determined that potential for any negative impact was minimal and further determined that any negative impact that could be realized would also be minimal in perspective to the positive attributes of these rule changes.

THE FULL TEXT OF THIS RULE MAY BE INSPECTED, DURING REGULAR BUSINESS HOURS, AT:
CRIME VICTIM REPARATIONS
ADMINISTRATION
ROOM 200
350 E 500 S
SALT LAKE CITY, UT 84111-3347
or at the Division of Administrative Rules.

DIRECT QUESTIONS REGARDING THIS RULE TO:
♦ Gary Scheller by phone at 801-238-2362, by FAX at 801-533-4127, or by Internet E-mail at garys@utah.gov

INTERESTED PERSONS MAY PRESENT THEIR VIEWS ON THIS RULE BY SUBMITTING WRITTEN COMMENTS NO LATER THAN AT 5:00 PM ON 12/31/2012

THIS RULE MAY BECOME EFFECTIVE ON: 01/07/2013

AUTHORIZED BY: Gary Scheller, Acting Director

R270. Crime Victim Reparations, Administration.
R270-1. Award and Reparation Standards.
R270-1-1. Authorization and Purpose.

As provided in Section 63M-7-506 the purpose of this rule is to provide interpretation and standards for the administration of crime victim reparations.

R270-1-2. Funeral and Burial Award.

A. Pursuant to Subsection 63M-7-511(4)(f), total award for funeral and burial expenses is $7,000 for any reasonable and necessary charges incurred directly relating to the funeral and burial of a victim. This amount includes transportation of the deceased. Allowable expenses in this category may include the emergency acquisition of a burial plot for victims who did not previously possess or have available to them a plot for burial.

B. Transportation of secondary victims to attend a funeral and burial service shall be considered as an allowable expense in addition to the $7,000.

C. Loss of earnings for secondary victims to attend a funeral and burial service shall be allowed as follows:

1. Three days in-state

2. Five days out-of-state

D. When a victim dies leaving no identifying information, claims made by a provider cannot be considered.

R270-1-3. Negligent Homicide and Hit and Run Claims.

A. Negligent homicide claims shall be considered criminally injurious conduct as defined in Subsection 63M-7-502([~~9~~]10).

B. Pursuant to Subsection 63M-7-502([~~9~~]10)(a), criminally injurious conduct shall not include victims of hit and run crimes.

R270-1-4. Counseling Awards.

A. Pursuant to Subsections 63M-7-502(2[~~0~~]2) and 63M-7-511(4)(c), out-patient mental health counseling awards are subject to limitations as follows:

1. The reparation officer shall approve a standardized treatment plan.

2. The cost of initial evaluation and testing may not exceed $300 and shall be part of the maximum allowed for counseling. For purposes herein, an evaluation shall be defined as diagnostic interview examination including history, mental status, or disposition, in order to determine a plan of mental health treatment.

3. Primary victims of a crime shall be eligible for the lesser of 25 aggregate individual and/or group counseling sessions or $2,500 maximum mental health counseling award.

(a) Parents, children and siblings of homicide victims shall be considered at the same rate as primary victims for inpatient and outpatient counseling.

4. Secondary victims of a crime shall be eligible for the lesser of 15 aggregate individual and/or group counseling sessions or $1,250 maximum mental health counseling award.

5. Extenuating circumstances warranting consideration of counseling beyond the maximum may be submitted by the mental health provider when it appears likely that the maximum award will be reached.

6. Counseling costs will not be paid in advance but will be paid on an ongoing basis as victim is being billed.

[~~7. Inpatient hospitalization, residential and day treatment shall be reviewed by the CVR Board or contracting agency who will make recommendations to the Reparation Officers regarding treatment. The CVR Board or contracting agency will review all levels of care and assign a reimbursement percentage based on the crime. All cases having less than a $1000 balance may be determined by the Reparation Officer. Outpatient cases shall be reviewed at the same rate as inpatient reviews.~~

] [~~8~~]7. In-patient hospitalization shall only be considered when the treatment has been recommended by a licensed therapist in life-threatening situations. A direct relationship to the crime needs to be established. Acute in-patient hospitalization shall not exceed $600 per day, which includes all ancillary expenses, and will be considered payment in full to the provider. Inpatient psychiatric visits will be limited to one visit per day with payment for the visit made to the institution at the highest rate of the individuals providing therapy as set by rule. Reimbursement for testing costs may also be allowed. Parents, children and siblings of homicide victims shall be considered at the same rate as primary victims for inpatient hospitalization. All other secondary victims of other crime types are excluded.

[~~9~~]8. Residential and day treatment shall only be considered when the treatment has been recommended by a licensed therapist to stabilize the victim's behavior and symptoms. Only facilities with 24 hour nursing care or 24 hour on call nursing care will be compensated for residential and day treatment. Residential and day treatment shall not be used for extended care of dysfunctional families and containment placements. A direct relationship to the crime needs to be established. Residential treatment shall not exceed $300 per day and will be considered payment in full to the provider. Residential treatment shall be limited to 30 days, unless there are extenuating circumstances requiring extended care. All residential clients shall receive routine assessments from a psychiatrist and/or APRN at least once a week for medication management. Day treatment shall not exceed $200 per day and will be capped at $10,000. These charges will be considered payment in full to the provider. Parents, children and siblings of homicide victims shall be considered at the same rate as primary victims for residential and day treatment. All other secondary victims of other crime types are excluded.

[~~10~~]9. Wilderness programs shall not be covered as an appropriate treatment modality when considering inpatient hospitalization, residential or day treatment.

[~~11~~]10. Child sexual abuse victims under the age of 13 who become perpetrators shall only be considered for mental health treatment awards directly related to the victimization. Perpetrators age 13 and over who have been child sexual abuse victims shall not be eligible for compensation. The CVRA Board or contracting agency for managed mental health care shall help establish a reasonable percentage regarding victimization treatment for inpatient, residential and day treatment. Out-patient claims shall be determined by the Reparation Officer on a case by case basis upon review of the mental health treatment plan.

1[~~2~~]1. Payment for mental health counseling shall only be made to licensed therapists; or to individuals working towards a license that provide certified verification of satisfactory completion of an education and earned degree as required by the State of Utah Department of Commerce, Division of Professional and Occupational Licensing, working under the

supervision of a supervisor approved by the Division. Student interns otherwise eligible under 58-1-307(1)(b) Exceptions from licensure, and/or the institution/facility/agency responsible for the supervision of the student, shall not be eligible for payment under this rule for counseling services provided by the student.

1[~~3~~]2. Payment of hypnotherapy shall only be considered when treatment is performed by a licensed mental health therapist based upon an approved Treatment Plan.

1[~~4~~]3. The following maximum amounts shall be payable for mental health counseling:

(a) up to $130 per hour for individual and family therapy performed by licensed psychiatrists, and up to $65 per hour for group therapy;

(b) up to $90 per hour for individual and family therapy performed by licensed psychologists and up to $45 per hour for group therapy;

(c) up to $70 per hour for individual and family therapy performed by a licensed master's level therapist or an Advanced Practice Registered Nurse, and up to $35 per hour for group therapy. These rates shall also apply to therapists working towards a license and supervised by a licensed therapist;

(d) The above-mentioned rates shall apply to individuals performing treatment, and not those supervising treatment.

1[~~5~~]4. Chemical dependency specific treatment will not be compensated unless the Reparation Officer determines that it is directly related to the crime. The CVRA Board may review extenuating circumstance cases.

R270-1-5. Attorney Fees.

Pursuant to Subsection 63M-7-524(2) attorney fees shall be made within the reparation award and not in addition to the award. If an award is paid in a lump sum, the attorney's fee shall not exceed 15% of the total award; if payments are awarded on an on[-]going basis, attorney fees will be paid when warrants are generated but not to exceed 15%. When appeal hearing denials are overturned, attorney fees shall be calculated only on the appealed reparation issue.

R270-1-6. Reparation Awards.

Pursuant to Section 63M-7-503, reparation awards can be made to victims of violent crime where restitution has been ordered by the court but appears unlikely the restitution can be paid within a reasonable time period. However, notification of the award will be sent to the courts, prosecuting attorneys, Board of Pardons or probation and parole counselors indicating any restitution monies collected up to the amount of the award will be forwarded to the Crime Victim Reparations Trust Fund.

R270-1-7. Abortion.

Expenses for an abortion that is permitted pursuant to Sections 76-7-301 through 76-7-3[~~25~~]31 shall be eligible for a reparation award as long as all the requirements of Section 63M-7-511 have been met.

R270-1-8. Emergency Awards.

Pursuant to Section 63M-7-522, emergency awards up to $1000 can be granted. No time limit is required for filing an emergency claim. Processing of emergency claims is three to five days.

R270-1-9. Loss of Earnings.

A. Pursuant to Subsection 63M-7-511(4)(d), the 66-2/3% of the person's weekly salary or wages is calculated on gross earnings.

B. Loss of earnings for primary and secondary victims may be reimbursed for up to a maximum of twelve (12) weeks work loss, at an amount not to exceed the maximum allowed per week by Worker's Compensation guidelines in effect at the time of work loss. [~~Reference should be made to Section R270-1-11 for guidelines on sick leave, annual leave or bereavement leave as a collateral source.~~]The Crime Victim Reparations and Assistance Board may review extenuating circumstances on loss of earnings claims for the purpose of consideration and authorization of extensions beyond set limits.

R270-1-10. Moving, Transportation Expenses.

A. Pursuant to Subsection 63M-7-511(4)(a), victims of violent crime who suffer a traumatic experience or threat of bodily harm are allowed moving expenses up to $1,000. Board approval is needed where extenuating circumstances exist.

B. Transportation expenses up to $1000 are allowed for crime-related travel including, but not limited to, participation in court hearings and parole hearings as well as medical or mental health visits for primary and secondary victims. The Board may approve travel expenses in excess of $1000 where extenuating circumstances exist.

R270-1-11. Collateral Source.

A. Crime Victim Reparations Trust Fund monies shall be used before State Social Services contract monies when considering out-of-pocket expenses in child sexual abuse cases, if the individuals qualify as victims. If the victim qualifies for Medicaid, the contract monies should be used first.

B. Crime Victim Reparations Trust Fund monies shall be used before the Utah Medical Assistance Program funds when considering allowable benefits for victims of violent crime.

R270-1-12. Record Retention.

A. Pursuant to Section 63M-7-501, retention of Crime Victim Reparations annual report and crime victim case files shall be as follows:

1. Annual reports and other statistical information shall be retained in office for a period of three years and then transferred to State Archives.

2. Crime victim case files shall be retained in office as needed for administrative use. After closure or denial of a case file, case file shall be retained in office for one year and then transferred to State Archives. Case files will be retained in the State Records Center for eleven years and then destroyed.

R270-1-13. Awards.

A. Pursuant to Section 63M-7-521, when billing from the providers exceeds the maximum allowed, the Reparation Officer shall pay the bills by the date of service. The Reparation Officer shall solicit input from the victim when making this determination. When the services and the billings have occurred at the same time, the Reparation Officer shall determine payment on a percentage basis.

R270-1-14. Essential Personal Property.

A. Pursuant to Subsection 63M-7-511(4)(h), essential personal property covers all personal articles necessary and essential for the health and safety of the victim.

B. The Reparation Officer may allow up to $5000 for medically necessary items such as eyeglasses, hearing aids, and wheelchairs. The board may approve expenses for medically necessary items in excess of $5000 where extenuating circumstances exist.

C. The Reparation Officer may allow up to $1500 for essential personal property not included in Subsection (B) such as burglar alarms, door locks, crime scene cleanup, repair of walls and broken windows, etc. The board may approve expenses for essential personal property in excess of $1500 where extenuating circumstances exist.

R270-1-15. Subrogation.

Pursuant to Section 63M-7-519, subrogation monies collected from the perpetrator, insurance, etc., will be placed in the Crime Victim Reparations Trust Fund and will not be credited toward a particular victim or claimant award amount.

R270-1-16. Unjust Enrichment.

A. Pursuant to Subsection 63M-7-510(1)(d), the following criteria shall be used when considering claims involving possible unjust enrichment of an offender:

1. Unjust enrichment determination shall not be based solely on the presence of the offender in the household at the time of the award.

2. Awards shall not be denied on the basis that the offender would be unjustly enriched, if the victim cooperates with investigation and prosecution of the crime and does what is possible to prevent access by the offender to substantial compensation.

3. Payment to third party providers shall be made to prevent monies intended for victim expenses be used by or on behalf of the offender.

4. Collateral resources such as court-ordered restitution and medical insurance that are available to the victim from the offender shall be examined. However, the victim shall not be penalized for failure of an offender to meet legal obligations to pay for the cost of the victim's recovery.

5. Factors to be considered in determining whether enrichment is substantial or inconsequential include the amount of the award and whether a substantial portion of the compensation award will be used directly by or on behalf of the offender. If the offender has direct access to a cash award and/or if a substantial portion of it will be used to pay for his living expenses, that portion of the award that will substantially benefit the offender may be reduced or denied. When enrichment is inconsequential or minimal, the award shall not be reduced or denied.

R270-1-17. Prescription or Over-the-Counter Medications.

A. Reimbursement of prescription or over-the-counter medications used in conjunction with mental health therapy shall be considered only for the duration of an approved Treatment Plan.

B. Reimbursement of prescription or over-the-counter medications used in conjunction with medical treatment shall be considered only during the course of treatment by the physician.

C. Medication management rates shall be limited to a maximum of $62.50 per thirty minute session.

R270-1-18. Peer Review Committee.

A. A volunteer Peer Review Committee may be established to review issues and/or provide input to Crime Victim Reparations staff on out-patient mental health counseling claims. The composition, duties, and responsibilities of this Committee shall be defined by the Crime Victim Reparations and Assistance Board by written internal policy and procedure.

R270-1-19. Medical Awards.

A. Pursuant to Subsection 63M-7-511(4)(b), medical awards are subject to limitations as follows:

1. All medical costs must be related directly to the victimization and all treatment must be considered usual and customary.

2. The reparation officer reserves the right to audit any and all billings associated with medical care.

3. The reparation officer will not pay any interest, finance, or collection fees as part of the award.

4.a. If the claimant has no medical insurance or other collateral source for payment of the victim's medical bill,[~~the Office of~~] Crime Victim Reparations shall pay 70% of billed charges for eligible medical bills.

b. If the claimant has medical insurance or another collateral source for payment of the victim's medical bills, [~~the Office of~~]Crime Victim Reparations shall pay the portion of the eligible medical bills that the claimant is obligated to pay pursuant to the insurance agreement.

c. This subsection (4) does not apply to expenses governed by R270-1-4 or R270-1-22.

5. This rule supersedes any other agreements regarding payment of medical bills by[~~the Office of~~] Crime Victim Reparations.

6. Child endangerment examinations for children that have been exposed to drugs shall be paid for when the health and safety of the child is at risk and no other collateral source is available. The cost of the exam needs to be an expense incurred by the victim. The writing of evidentiary reports and any form of lab testing shall not be covered as part of the examination.

R270-1-20. Misconduct.

Pursuant to Subsections 63M-7-502(2[~~2~~]3) and 63M-7-512(1)(b) misconduct shall be considered conduct which contributed to the victim's injury or death or conduct which the victim could have reasonably foreseen could lead to injury or death. In determining whether the victim engaged in misconduct, the CVR staff shall consider any behavior of the victim that may have directly or indirectly contributed to the victim's injury or death including consent, provocation, verbal utterance, gesture, incitement, prior conduct of the victim or the ability of the victim to have reasonably avoided the incident upon which the claim is based.

R270-1-21. Three Year Limitation.

Pursuant to Subsections 63M-7-506(1)(c) and 63M-7-525(2) a claim for benefits expires and no further payments will be made with regard to the claim after three years have elapsed from the date of application with [~~the~~]CVR[~~-office~~]. Reparations Officers may extend claims that have been closed because of the Three Year Limitation rule if extenuating circumstances exist.

R270-1-22. Sexual Assault Forensic Examinations.

A. Pursuant to Subsections 63M-7-502(2[~~0~~]1) and 63M-7-511(4)(i), the cost of sexual assault forensic examinations for gathering evidence and providing treatment may be paid by [~~the CVR office~~]CVR in the amount of $300.00 without photo documentation and up to $600.00 with a photo examination. Pursuant to Section 63M-7-521.5, [~~the~~]CVR[~~-office~~] may also pay for the cost of medication and 70% of the eligible hospital services and supplies. Payment to the hospital or other eligible facility for the rent or use of an examination room or space for the purpose of conducting a sexual assault forensic exam shall not exceed $350.00. The following agency guidelines need to be adhered to when making payments for sexual assault forensic examinations:

1. A sexual assault forensic examination shall be reported by the health care provider who performs the examination to law enforcement.

2. Victims shall not be charged for sexual assault forensic examinations.

3. Victims shall not be required to participate in the criminal justice system or cooperate with law enforcement or prosecuting attorneys as a condition of being provided a sexual assault forensic examination or as a condition of payment being made pursuant to this rule.

4. The agency may reimburse any licensed health care facility that provides services for sexual assault forensic examinations.

[~~4~~]5. The agency may reimburse licensed medical personnel trained to gather evidence of sexual assaults who perform sexual assault forensic examinations.

[~~5~~]6. CVR may pay for the collection of evidence and not attempt to prove or disprove the allegation of sexual assault.

[~~6~~]7. A request for reimbursement shall include the law enforcement case number or be signed by a law enforcement officer, victim/witness coordinator or medical provider.

[~~7~~]8. The application or billing for the sexual assault forensic examination must be submitted to CVR within one year of the examination.

[~~8~~]9. The billing for the sexual assault forensic examination shall:

a. identify the victim by name, address, date of birth, Social Security number, telephone number, patient number;

b. indicate the claim is for a sexual assault forensic examination; and

c. itemize services and fees for services.

[~~9~~]10. All collateral sources that are available for payment of the sexual assault forensic examination shall be considered before [~~CVR~~]Crime Victim Reparations Trust Fund monies are used. Pursuant to Subsection 63M-[~~25a-411(i)~~]7-513(5), the Director may determine that reimbursement for a sexual assault forensic examination will not be reduced even though a claim could be recouped from a collateral source.

1[~~0~~]1. Evidence will be collected only with the permission of the victim or the legal guardian of the victim.[~~ Permission shall not be required in instances where the victim is unconscious, mentally incapable of consent or intoxicated.~~]

1[~~1~~]2. Restitution for the cost of the sexual assault forensic examination may be pursued by [~~the~~]CVR[~~ office~~].

1[~~2~~]3. Payment for sexual assault forensic examinations shall be considered for the following:

a. Fees for the collection of evidence, for forensic documentation only, to include:

i. history;

ii. physical; and

iii. collection of specimens and wet mount for sperm.

b. Emergency department services to include:

i. emergency room, clinic room or office room fee;

ii. cultures for gonorrhea, chlamydia, trichomonas, and tests for other sexually transmitted disease;

iii. serum blood test for pregnancy;

iv. morning after pill or high dose oral contraceptives for the prevention of pregnancy; and

v. treatment for the prevention of sexually transmitted disease up to four weeks.

1[~~3~~]4. The victim of a sexual assault that is requesting payment by CVR for services needed or rendered beyond the sexual assault forensic examination needs to submit an application for compensation to the CVR office.

R270-1-23. Loss of Support Awards.

A. Pursuant to Subsection 63M-7-511(4)(g), loss of support awards shall be covered on death claims only.

B. Except as provided in Subsection (C), loss of support awards are available only to minor children of the deceased victim. Payment of the award may be made to the parent or guardian of the minor child on behalf of the minor child.

C. The Crime Victim Reparations and Assistance Board may approve loss of support awards to persons who are not minor children, but were physically and financially dependent on the deceased victim.

~~**[R270-1-24. Rent Awards.**~~

~~A. Pursuant to Subsection 63M-7-511(4)(a), victims of domestic violence or child abuse may be awarded for actual rent expenses for up to two months, not to exceed a maximum rent award of $1500, if the following conditions apply:~~

~~1. The perpetrator was living with the victim at the time of the crime or the rent assistance appears directly related to the victim's ability to distance herself/himself from the perpetrator.~~

~~2. It appears reasonable that the perpetrator was assisting or was solely responsible for rent.~~

~~3. The victim agrees that the perpetrator is not allowed on the premises.~~

~~4. The need for rent assistance is directly related to and caused by the crime upon which the claim is based.~~

~~B. No victim shall receive more than one rent award in their lifetime.~~

]R270-1-25. Secondary Victim.

Secondary victims who are not primary victims pursuant to Subsections 63M-7-502(3[~~7~~]3) and who are traumatically affected by criminally injurious conduct shall be eligible for compensation as prescribed by the CVRA Board. Secondary victims include only immediate family members (spouse, father, mother, stepparents, grandparents, child, brother, sister, stepchild, stepbrother, stepsister, or legal guardian) or other persons who the Reparation Officer reasonably determines bears an equally significant relationship to the primary victim.[~~and anyone residing in the household at the time of the crime who was traumatically affected by the crime. The CVR Board may review requests by other individuals who are not immediate family members or do not reside in the household.~~]

R270-1-26. Victim Services.

A. Pursuant to Subsection 63M-7-506(1)(i), there is established a Victim Services Grant Program.

B. For purposes of Subsection 63M-7-506(1)(i), "sufficient reserve" means enough funds to sustain the operation of the [~~Office of~~] Crime Victim Reparations program, including administrative costs and reparations payments, for one year.

C. The CVRA Board shall annually determine whether a sufficient reserve exists in the Crime Victim Reparation Fund. If a sufficient reserve does not exist, the CVRA Board shall not authorize the Victim Services Grant Program for that year. If a sufficient reserve does exist, the CVRA Board may authorize the Victim Services Grant Program for that year.

D. When the Victim Services Grant Program is authorized, the CVRA Board:

1. shall determine the amount available for the Victim Services Grant Program for that year;

2. shall announce the availability of grant funds through a request for proposals or other similar competitive process approved by the Board; and

3. may establish funding priorities and shall include any priorities in the announcement of grant funds.

E. Requests for funding shall be submitted on a form approved by the CVRA Board.

F. The CVRA Board shall establish a process to review requests for funding and shall make final decisions regarding the approval, modification, or denial of requests for funding. The CVRA Board may award less than the amount determined in Subsection (D)(1). The decisions of the CVRA Board may not be appealed.

G. All awards shall be for a period of not more than one year. An award by the CVRA Board shall not constitute a commitment for funding in future years. The CVRA Board may limit funding for ongoing projects.

H. Award recipients shall submit quarterly reports to the[~~ Office of~~] Crime Victim Reparations and Assistance Board on forms established by the Director. The CVR staff shall monitor all victim services grants and provide regular reports to the CVRA Board.

R270-1-27. Nontraditional Cultural Services.

Cultural services rendered in accordance with recognized spiritual or religious methods of healing, legally available in the state of Utah, may be considered for payment. Since a reasonable and customary schedule of charges has not been established, the reparation officer may require the following: a written itemized description of each procedure, function and/or activity performed and an explanation of its benefit to the victim; the location and time involved to perform such services; and a summary of qualifications and experience which allows the service provider to perform the services. Services shall be requested in lieu of traditional treatment methods. Awards shall be deducted from the claimant's outpatient mental health award and shall remain within the allowed limits set upon that benefit. The fund will not pay for intoxicating or psychotropic substances unless prescribed by a medical practitioner licensed to do so. Claim will be denied if no healing benefit can be identified.

KEY: victim compensation, victims of crimes
Date of Enactment or Last Substantive Amendment: [~~July 8, 2009~~]2013
Notice of Continuation: June 29, 2011
Authorizing, and Implemented or Interpreted Law: 63M-7-501 et seq.

Crime Victim Reparations, Administration
R270-2
Crime Victim Reparations Adjudicative Proceedings

NOTICE OF PROPOSED RULE
(Amendment)
DAR FILE NO.: 37063
FILED: 11/15/2012

RULE ANALYSIS

PURPOSE OF THE RULE OR REASON FOR THE CHANGE: In Section R270-2-2, language creates consistency between the time line for program eligibility and the opportunity to appeal eligibility issues.

SUMMARY OF THE RULE OR CHANGE: In Section R270-2-2, individuals applying to the program for assistance are permitted three years from the date of receipt of application to use approved benefits. The rule allows that same three-year time period for individuals whose initial claim or benefit request was denied to file for an appeal of that denial. Currently, the rule is on silent regarding timelines for contested claims.

STATUTORY OR CONSTITUTIONAL AUTHORIZATION FOR THIS RULE: Section 63G-3-402

ANTICIPATED COST OR SAVINGS TO:
♦ THE STATE BUDGET: Any impact to the state budget would be negligible. Prior to 2007, applicants had 30 days from the date they received notification of denial to file an appeal. This required the office to send those notifications via certified mail. The majority of those mailings were returned without delivery. The agency and the CVRA Board at that time determined that savings could be realized by not sending those notifications via certified mail and that the 30-day time limit to file an appeal would be waived. Currently, there is not a "deadline" within which a person must or may appeal the denial of an application, which could potentially leave the state exposed to some liability indefinitely in those cases. This rule change narrows the time limit for filing an appeal from indefinite to three years from the date the application was received. If the rule change impacts the state budget, it will be in the form of savings however, that amount will be negligible because the vast majority of appeals, of which there are very few, are filed immediately following the denial of the requested benefit. This rule change merely places a reasonable time limit on an otherwise open ended process.
♦ LOCAL GOVERNMENTS: If the agency surmises hypothetical scenarios in which this rule change might affect local governments, the agency supposes one could suggest that local governments would see a decrease in GRAMA requests for incident information occurring more than three years in the past. Beyond that, it is relatively inconceivable that this rule change would impact local government.
♦ SMALL BUSINESSES: Small businesses nor large businesses are eligible to apply for benefits from the agency. However, if a business provided services to an individual in anticipation of that individual receiving a benefit from the agency, that business would have three years to encourage the individual to file an appeal with the agency rather than wait indefinitely for the applicant to initiate an appeal. Beyond that scenario, it is relatively inconceivable that this rule change would impact small businesses.
♦ PERSONS OTHER THAN SMALL BUSINESSES, BUSINESSES, OR LOCAL GOVERNMENTAL ENTITIES: Potential benefit recipients will have the same timelines as actual recipients.

COMPLIANCE COSTS FOR AFFECTED PERSONS: Compliance costs for affected persons under this rule change will not be any different than for those currently. The appeal process itself does not change. Under the rule change, the applicant will have three years from the date they submitted their application to file an appeal rather than an indefinite time period.

COMMENTS BY THE DEPARTMENT HEAD ON THE FISCAL IMPACT THE RULE MAY HAVE ON BUSINESSES: This rule is not likely to have a fiscal impact on businesses.

THE FULL TEXT OF THIS RULE MAY BE INSPECTED, DURING REGULAR BUSINESS HOURS, AT:
CRIME VICTIM REPARATIONS
ADMINISTRATION
ROOM 200
350 E 500 S
SALT LAKE CITY, UT 84111-3347
or at the Division of Administrative Rules.

DIRECT QUESTIONS REGARDING THIS RULE TO:
♦ Gary Scheller by phone at 801-238-2362, by FAX at 801-533-4127, or by Internet E-mail at garys@utah.gov

INTERESTED PERSONS MAY PRESENT THEIR VIEWS ON THIS RULE BY SUBMITTING WRITTEN COMMENTS NO LATER THAN AT 5:00 PM ON 12/31/2012

THIS RULE MAY BECOME EFFECTIVE ON: 01/07/2013

AUTHORIZED BY: Gary Scheller, Acting Director

R270. Crime Victim Reparations, Administration.
R270-2. Crime Victim Reparations Adjudicative Proceedings.
R270-2-1. Contested Determinations.

Pursuant to Section 63M-7-515(1), the Director shall review contested determinations by a reparation officer or designate the CVRA Board to review the contested determination. The Director will keep the CVRA Board apprised of all contested determinations. The decision of the Director or the CVRA Board is final and may not be appealed.

R270-2-2. Three Year Limitation.

Pursuant to 63M-7-506(1) and 63M-7-525(2) any right to contest a determination of eligibility or of a benefit by a reparation officer shall expire three years from the date of application with the UOVC office. The Director may extend the right to contest a determination after the three year expiration rule if extenuating circumstances exist or if the claim has already been extended by a reparation officer pursuant to R270-1-22.

KEY: appellate procedures, administrative procedures
Date of Enactment or Last Substantive Amendment: [~~September 15, 2000~~]2013
Notice of Continuation: June 29, 2011
Authorizing, and Implemented or Interpreted Law: 63G-3

Education, Administration
R277-502
Educator Licensing and Data Retention

NOTICE OF PROPOSED RULE
(Amendment)
DAR FILE NO.: 37058
FILED: 11/15/2012

RULE ANALYSIS

PURPOSE OF THE RULE OR REASON FOR THE CHANGE: This rule is amended to provide more detail regarding the requirements to receive Utah State Board of Education (Board) approval for educator preparation programs.

SUMMARY OF THE RULE OR CHANGE: The changes outline procedures and requirements for the approval of new educator preparation programs and currently approved programs seeking to offer educator licensure in new areas. The changes detail annual reporting requirements for approved programs and the process by which a program may lose Board approval.

STATUTORY OR CONSTITUTIONAL AUTHORIZATION FOR THIS RULE: Section 53A-6-104 and Subsection 53A-1-401(3)

ANTICIPATED COST OR SAVINGS TO:
♦ THE STATE BUDGET: There may be costs at the state level for Utah State Office of Education staff to conduct more thorough reviews, but any additional costs will be absorbed within existing budgets and by existing staff.
♦ LOCAL GOVERNMENTS: There is no anticipated cost or savings to local government. Any costs that may be associated with the amendments to this rule will be at the state level.
♦ SMALL BUSINESSES: There is no anticipated cost or savings to small businesses. The rule and the amendments apply to public education and higher education programs and do not affect businesses.
♦ PERSONS OTHER THAN SMALL BUSINESSES, BUSINESSES, OR LOCAL GOVERNMENTAL ENTITIES: There is no anticipated cost or savings to persons other than small businesses, businesses, or local government entities. Costs may be affected at the state level but do not affect individuals.

COMPLIANCE COSTS FOR AFFECTED PERSONS: There are no compliance costs for affected persons. Although educator preparation programs that fail to meet requirements could be placed on probation status, there is no cost associated with that action.

COMMENTS BY THE DEPARTMENT HEAD ON THE FISCAL IMPACT THE RULE MAY HAVE ON BUSINESSES: I have reviewed this rule and I see no fiscal impact on businesses.

THE FULL TEXT OF THIS RULE MAY BE INSPECTED, DURING REGULAR BUSINESS HOURS, AT:
EDUCATION
ADMINISTRATION
250 E 500 S
SALT LAKE CITY, UT 84111-3272
or at the Division of Administrative Rules.

DIRECT QUESTIONS REGARDING THIS RULE TO:
♦ Carol Lear by phone at 801-538-7835, by FAX at 801-538-7768, or by Internet E-mail at carol.lear@schools.utah.gov

INTERESTED PERSONS MAY PRESENT THEIR VIEWS ON THIS RULE BY SUBMITTING WRITTEN COMMENTS NO LATER THAN AT 5:00 PM ON 12/31/2012

THIS RULE MAY BECOME EFFECTIVE ON: 01/07/2013

AUTHORIZED BY: Carol Lear, Director, School Law and Legislation

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R277. Education, Administration.
R277-502. Educator Licensing and Data Retention.
R277-502-1. Definitions.

A. "Accredited" means a [~~teacher~~]Board-approved educator preparation program accredited by the National Council for Accreditation of Teacher Education (NCATE), the Teacher Education Accreditation Council (TEAC) or [~~one of the major regional accrediting associations as defined under R277-503-1L~~]the Council for Accreditation of Educator Preparation (CAEP).

B. "Accredited school" for purposes of this rule, means public or private school that meets standards essential for the operation of a quality school program and has received formal approval through a regional accrediting association.

C. "Authorized staff" for purposes of this rule means an individual designated by the USOE or an LEA and approved by the USOE and who has completed CACTUS training.

D. "Board" means the Utah State Board of Education.

E. "Comprehensive Administration of Credentials for Teachers in Utah Schools (CACTUS)" means the electronic file

maintained on all licensed Utah educators. The file includes information such as:

(1) personal directory information;

(2) educational background;

(3) endorsements;

(4) employment history; and

[~~(5) professional development information; and~~

] ([~~6~~]5) a record of disciplinary action taken against the educator.

F. "ESEA subject" means English, reading or language arts, mathematics, science, foreign languages, civics and government, economics, arts, history, and geography under the Elementary and Secondary Education Act (ESEA).

[~~F~~]G. "LEA" means a local education agency, including local school boards/public school districts[~~and~~], charter schools, and, for purposes of this rule, the Utah Schools for the Deaf and the Blind.

[~~G~~]H. "Letter of Authorization" means a designation given to an individual for one year, such as an out-of-state candidate or individual pursuing an alternative license, who has not completed the requirements for a Level 1, 2, or 3 license or who has not completed necessary endorsement requirements and who is employed by an LEA.

[~~H~~]I. "Level 1 license" means a Utah professional educator license issued upon completion of a[~~n~~] Board-approved educator preparation program or an alternative preparation program, or [~~pursuant to an agreement under the NASDTEC Interstate Contract, to candidates who have also~~]to an applicant that holds an educator license issued by another state or country that has met all ancillary requirements established by law or rule.

[~~I~~]J. "Level 2 license" means a Utah professional educator license issued after satisfaction of all requirements for a Level 1 license [~~as well as any additional requirements established by law or rule relating to professional preparation or experience~~]and:

(1) satisfaction of requirements under R277-522 for teachers whose employment as a Level 1 licensed educator began after January 1, 2003 in a Utah public LEA or accredited private school;

(2) at least three years of successful education experience in a Utah public LEA or accredited private school or one year of successful education experience in a Utah public LEA or accredited private school and at least three years of successful education experience in a public LEA or accredited private school outside of Utah;

(3) additional requirements established by law or rule.

[~~J~~]K. "Level 3 license" means a Utah professional educator license issued to an educator who holds a current Utah Level 2 license and has also received[~~, in the educator's field of practice, National Board certification or a doctorate from an accredited institution~~] National Board Certification or a doctorate in education or in a field related to a content area in a unit of the public education system or an accredited private school, or holds a Speech-Language Pathology area of concentration and has obtained American Speech-Language hearing Association (ASHA) certification.

[~~K~~]L. "License areas of concentration" means designations to licenses obtained by completing a[~~n~~] Board-[~~-~~] approved educator preparation program or an alternative preparation program in a specific area of educational studies to include the following: Early Childhood (K-3), Elementary (K-6), Elementary (1-8), Middle (still valid, but not issued after 1988, 5-9), Secondary (6-12), Administrative/Supervisory (K-12), Career and Technical Education, School Counselor, School Psychologist, School Social Worker, Special Education (K-12), Preschool Special Education (Birth-Age 5), Communication Disorders, Speech-Language Pathologist, Speech-Language Technician. License areas of concentration may also bear endorsements relating to subjects or specific assignments.

[~~L~~]M. "License endorsement (endorsement)" means a specialty field or area earned through completing required course work [~~equivalent to at least an academic minor (with pedagogy)~~]established by the USOE or through demonstrated competency approved by the USOE; the endorsement shall be listed on the Professional Educator License indicating the specific qualification(s) of the holder.

[~~M~~]N. "Professional [~~development~~]learning plan" means a plan developed by an educator [~~and approved by~~]in collaboration with the educator's supervisor [~~that includes locally or Board-approved education-related training or activities that enhance an educator's background. Professional development points are required for periodic educator license renewal~~]consistent with R277-500 detailing appropriate professional learning activities for the purpose of renewing the educator's license.

[~~N~~]O. "Renewal" means reissuing or extending the length of a license consistent with R277-50[~~1~~]0.

[~~O~~]P. "State Approved Endorsement Program (SAEP)" means a [~~professional development plan on which an educator is working to obtain an endorsement~~]plan in place developed between the USOE and a licensed educator to direct the completion of endorsement requirements by the educator consistent with R277-520-11.

Q. "USOE" means the Utah State Office of Education.

R277-502-2. Authority and Purpose.

A. This rule is authorized by Utah Constitution Article X, Section 3 which vests general control and supervision of the public school system under the Board, by Section 53A-6-104 which gives the Board power to issue licenses, and Section 53A-1-401(3) which allows the Board to adopt rules in accordance with its responsibilities.

B. This rule specifies the types of license levels and license areas of concentration available and procedures for obtaining a license, required for employment as a licensed educator in the public schools of Utah. The rule provides a process of criteria for educators whose licenses have lapsed and return to the teaching profession. All licensed educators employed in the Utah public schools shall be licensed consistent with this rule in order for the district to receive full funding under Section 53A-17a-107(2).

R277-502-3. Program Approval.

A. The Board shall accept educator license recommendations from [~~NCATE accredited, TEAC accredited or competency-based regionally accredited organizations~~]educator preparation programs that have applied for Board approval and have met the requirements described in this rule and the Standards for Program Approval established by the Board in R277-504, R277-505, or R277-506 as determined by USOE.

B. The Board, or its designee, shall establish deadlines and uniform forms and procedures for all aspects of licensing.

C. To be approved for license recommendation the educator preparation program shall:

(1) be accredited;

(2) have a physical location in Utah where students attend classes or if the program provides only online instruction:

(a) the program's primary headquarters shall be located in Utah and

(b) the program shall be licensed to do business in Utah through the Utah Department of Commerce;

(3) include coursework designated to ensure that the educator is able to meet the Utah Effective Teaching Standards and Educational Leadership Standards established in R277-530;

(4) in the case of content endorsements, include coursework that is, at minimum, equivalent to the course requirements for the endorsement as established by USOE;

(5) establish entry requirements designed to ensure that only high quality individuals enter the licensure program such as:

(a) minimum High School/College GPA;

(b) minimum college entry exam scores (ACT/SAT);

(c) passing of a basic skills test;

(d) disposition testing or entrance interview.

(6) require a USOE-cleared fingerprint background check; and

(7) include a student teaching or intern experience that meets the requirements detailed in R277-504, R277-505, and R277-506.

D. USOE representatives shall be a part of the accrediting team for any Board-approved educator preparation program seeking to maintain or receive program approval. USOE representatives shall be responsible for:

(1) observing and monitoring the accreditation process;

(2) reviewing of subject specific programs to determine if the program meets state standards for licensure in specific areas;

(3) reviewing of program procedures to ensure that Board requirements for licensure are followed;

(4) reviewing licensure candidate files to determine if Board requirements for licensure are followed by the program.

E. Upon receiving formal accreditation approval, a Board-approved educator preparation program shall prepare a report in conjunction with USOE for the Board that includes:

(1) program summary;

(2) accreditation findings;

(3) program areas of distinction;

(4) program enrollment;

(5) program goals and direction.

F. New educator preparation programs that seek Board approval or previously Board-approved educator preparation programs that seek approval for additional license area preparation and endorsements shall submit applications to USOE including:

(1) information detailing the exact license areas of concentration and endorsements that the program intends to award;

(2) detailed course information, including required course lists, course descriptions, and course syllabi for all courses that will be required as part of a program;

(3) detailed information showing how the required coursework will ensure that the educator satisfies all standards in the Utah Effective Teaching Standards and Educational Leadership Standards established in R277-530 and Professional Educator Standards established in R277-515;

(4) information about program timelines and anticipated enrollment.

G. Applications for new educator preparation programs shall be approved by the Board.

H. Applications for previously Board-approved educator preparation programs desiring Board approval for additional license areas and endorsements:

(1) shall be reviewed and approved by USOE;

(2) may receive preliminary approval pending Utah State Board of Regents approval of the new program if the program is within a public institution.

I. An educator preparation program seeking accreditation may apply to the Board for probationary approval not to exceed two years contingent on the completion of the accreditation process.

J. A previously Board-approved educator preparation program shall submit an annual report to USOE by July 1. The report shall include the following:

(1) student enrollment counts designated by anticipated license area of concentration and endorsement and disaggregated by gender and ethnicity;

(2) information regarding any significant changes to course requirements or course content;

(3) the program's response to USOE-identified areas of concern or areas of focus;

(4) information regarding any program-determined areas of concern or areas of focus and the program's planned response.

K. The USOE shall provide reporting criteria to Board-approved educator preparation programs regarding the annual report and USOE-designated areas of concern or focus by January 31 annually.

L. Educator preparation programs that submit inadequate or incomplete information to the USOE may be placed on a probationary status by USOE.

M. Board-approved educator preparation programs on probationary status that continue to fail to meet requirements may have their license recommendation status revoked in full or in part by the Board with at least one year notice.

R277-502-4. License Levels, Procedures, and Periods of Validity.

A. Level 1 License Requirements

[~~A.~~](1) An initial license, the Level 1 license, is issued to an individual who is recommended by a Board-approved educator preparation program or approved alternative preparation program, or an educator with a professional educator license from another state.

([~~1~~]a) LEAs and Board-approved educator preparation [~~institutions~~]programs shall cooperate in preparing candidates for the educator Level 1 license. The resources of both may be used to assist candidates in preparation for licensing.

([~~2~~]b) The recommendation indicates that the individual has satisfactorily completed the programs of study required for the preparation of educators and has met licensing standards in the license areas of concentration for which the individual is recommended.

([~~3~~]2) The Level 1 license is issued for three years.

([~~4~~]3) A[~~n~~] Level 1 license [~~educator~~]holder shall satisfy all requirements of R277-522, Entry Years Enhancements (EYE) for Quality Teaching - Level 1 Utah Teachers.

([~~5~~]4) An educator [~~shall satisfy all federal requirements for an educator license~~]qualified to teach any ESEA subject shall be considered Highly Qualified in at least one ESEA subject prior to moving from Level 1 to Level 2.

([~~6~~]5) A license applicant who has received or completed license preparation activities or coursework inconsistent with this rule may present compelling information and documentation for review and approval by the USOE to satisfy the licensing requirements.

B. Level 2 License Requirements

[~~B.~~](1) A Level 2 license may be issued by the Board to a Level 1 license holder upon satisfaction of all USOE requirements for the Level 2 license and upon the recommendation of the employing LEA.

([~~1~~]2) The recommendation shall be made following the completion of three years of successful, professional growth and educator experience, satisfaction of R277-522, Entry Years Enhancements (EYE) for Quality Teaching - Level 1 Utah Teachers, any additional requirements imposed by the employing LEA, and before the Level 1 license expires.

([~~2~~]3) A Level 2 license shall be issued for five years and shall be valid unless suspended or revoked for cause by the Board.

([~~3~~]4) The Level 2 license may be renewed for successive five year periods consistent with R277-50[~~1~~]0, Educator Licensing Renewal.

[~~(4) A Level 2 license holder shall satisfy all federal requirements for an educator license holder prior to renewal after June 30, 2006 to remain highly qualified.~~

]C. Level 3 License Requirements

[~~C.~~](1) A Level 3 license may be issued by the Board to a Level 2 license holder who:

(a) has achieved [~~National Board Professional Teaching Standards Certification or who holds a current Certificate of Clinical Competence from the American Speech-Language-Hearing Association (ASHA), or who holds a doctorate in the educator's field of practice~~]National Board Certification; or

(b) has a doctorate in education in a field related to a content area in a unit of the public education system or an accredited private school; or

(c) holds a Speech-Language Pathology area of concentration and has obtained American Speech-Language Hearing Association (ASHA) certification.

([~~1~~]2) A Level 3 license is valid for seven years unless suspended or revoked for cause by the Board.

([~~2~~]3) The Level 3 license may be renewed for successive seven year periods consistent with R277-50[~~1~~]0.

([~~3~~]4) A Level 3 license [~~may~~]shall [~~be renewed~~]revert to a Level 2 license if the holder fails to maintain[~~s~~] National Board [~~Professional Teaching Standards~~]Certification status or fails to maintain[~~s~~] a current Certificate of Clinical Competence from the American Speech-Language-Hearing Association.

D. License Renewal Timeline

Licenses expire on June 30 of the year of expiration recorded on CACTUS and may be renewed any time after January of [~~that~~]the same year. Responsibility for [~~securing~~]license renewal [~~of the license~~]rests solely with the holder.

R277-502-5. Professional Educator License Areas of Concentration, and Endorsements and Under-Qualified Employees.

A. Unless excepted under rules of the Board, to be employed in the public schools in a capacity covered by the following license areas of concentration, a person shall hold a valid license issued by the Board in the respective license areas of concentration:

(1) Early Childhood (K-3);

(2) Elementary (1-8);

(3) Elementary (K-6);

(4) Middle (still valid, [~~but not~~]and issued [~~after~~]before 1988, 5-9);

(5) Secondary (6-12);

(6) Administrative/Supervisory (K-12);

(7) Career and Technical Education;

(8) School Counselor;

(9) School Psychologist;

(10) School Social Worker;

(11) Special Education (K-12);

(12) Preschool Special Education (Birth-Age 5);

(13) Communication Disorders;

(14) Speech-Language Pathologist;

(15) Speech-Language Technician.

B. Under-qualified educators:

(1) Educators who are licensed and hold the appropriate license area of concentration but who are working out of their endorsement area(s) shall request and prepare an SAEP to complete the requirements of an endorsement with a USOE education specialist; or

(2) Letters of Authorization

(a) [~~Local boards~~]LEAs may request from the Board a Letter of Authorization for educators employed by the local board who have not completed requirements for areas of concentration or endorsements.

(b) An approved Letter of Authorization is valid for one year[~~and may be renewed for a total of three years~~].

(c) Educators [~~working under letters of authorization shall not be considered highly qualified~~]may be approved for no more than three Letters of Authorization throughout their employment in Utah schools. Exceptions to the three Letters of Authorization limitation may be granted by the State Superintendent of Public Instruction or his designee on a case by case basis following specific approval of the request by the LEA governing board. Letters of Authorization prior to the 2000-2001 school year are not counted in this limit.

(d) Following the expiration of the Letter of Authorization, the educator who [~~has~~]is still not[~~been~~] completely approved for licensing shall be considered under qualified.

C. License[~~s~~] areas of concentration may be endorsed to indicate qualification in a subject or content area. An endorsement is not valid for employment purposes without a current license and license area of concentration.

R277-502-6. Returning Educator Relicensure.

A. A previously licensed educator with an expired license may renew an expired license upon satisfaction of the following:

(1) Completion of criminal background check including review of any criminal offenses and approval by the Utah Professional Practices Advisory Commission;

(2) Employment by an [~~school district/charter school~~]LEA;

(3) Completion of a one-year [~~A~~] professional [~~development~~]learning plan developed jointly by the school principal or charter school director and the returning educator consistent with R277-500 that also considers the following:

(a) previous successful public school teaching experience;

(b) formal educational preparation;

(c) period of time between last public teaching experience and the present;

(d) school goals for student achievement within the employing school and the educator's role in accomplishing those goals;

(e) returning educator's professional abilities, as determined by a formal discussion and observation process completed within the first 30 days of employment; and

(f) completion of additional necessary professional development for the educator, as determined jointly by the principal/school and educator.

(4) Filing of the professional development plan within 30 days of hire;

(5) Successful completion of required Board-approved exams for licensure;

(6) Satisfactory experience as determined by the [~~school district/charter school~~]LEA with a trained mentor; and

(7) Submission to the USOE of the completed and signed Return to Original License Level Application, available on the USOE Educator Quality and Licensing website prior to June 30 of the school year in which the educator seeks to return.

B. The Professional Learning Plan is independent of the License Renewal Point requirements in R277-500-3C.

[~~B~~]C. Returning educators who previously held a Level 2 or Level 3 license shall be issued a Level 1 license during the first year of employment. Upon completion of the requirements listed in R277-502-6A and a satisfactory [~~school district/charter school~~]LEA evaluation, if available, the employing LEA may recommend [~~reinstatement of~~]the educator's return to Level 2 or Level 3 licensure[~~ at a Level 2 or 3~~].

[~~C~~]D. Returning educators who taught less than three consecutive years in a public or accredited private school shall complete the Early Years Enhancement requirements before moving from Level 1 to Level 2 licensure.

R277-502-7. Professional Educator License Reciprocity.

A. Utah is a member of the Compact for Interstate Qualification of Educational Personnel under Section 53A-6-201.

B. A Level 1 license may be issued to an [~~graduate of an educator preparation program from an accredited institution of higher education in another state~~]individual holding a professional educator license in another state who has completed preparation equivalent to Board-approved standards and who has completed Board-approved testing, as required by R277-503-3.

(1) If the applicant has three or more continuous years of previous educator experience in a public or accredited private school, a Level 2 license may be issued upon the recommendation of the employing Utah LEA after at least one year.

(2) If the applicant has less than three years of previous educator experience in a public or accredited private school, a Level 2 license may be issued following satisfaction of the requirements of R277-522, Entry Years Enhancements (EYE) for Quality Teaching - Level 1 Utah Teachers.

R277-502-8. Comprehensive Administration of Credentials for Teachers in Utah Schools (CACTUS).

A. CACTUS maintains public, protected and private information on licensed Utah educators. Private or protected information includes such items as home address, date of birth, social security number, and any disciplinary action taken against an individual's license.

B. A CACTUS file shall be opened on a licensed Utah educator when:

(1) the individual initiates a USOE background check, or

(2) the USOE receives a[~~n~~] paraprofessional license application [~~for a license from an individual seeking licensing in Utah~~]from an LEA.

C. The data in CACTUS may only be changed as follows:

(1) Authorized USOE staff or authorized LEA staff may change demographic data.

(2) Authorized USOE staff may change licensing data such as endorsements, degrees, license areas of concentration and licensed work experience.

(3) Authorized employing LEA staff may update data on educator assignments for the current school year only.

D. A licensed individual may view his own personal data. An individual may not change or add data except under the following circumstances:

(1) A licensed individual may change his demographic data when renewing his license.

(2) A licensed individual [~~may~~]shall contact his employing LEA for the purpose of correcting demographic or current educator assignment data.

(3) A licensed individual may petition the USOE for the purpose of correcting any errors in his [~~personal~~]CACTUS file.

E. Individuals currently employed by public or private schools under letters of authorization or as interns are included in CACTUS.

F. Individuals working in LEAs as student teachers are included in CACTUS.

G. Designated individuals have access to CACTUS data:

(1) Training shall be provided to designated individuals prior to granting access.

(2) Authorized USOE staff may view or change CACTUS files on a limited basis with specific authorization.

(3) For employment or assignment purposes only, authorized LEA staff members may access data on individuals employed by their own LEA or data on licensed individuals who do not have a current assignment in CACTUS.

(4) Authorized LEA staff may also view specific limited information on job applicants if the applicant has provided the LEA with a CACTUS identification number.

(5) CACTUS information belongs solely to the USOE. The USOE shall make the final determination of information included in or deleted from CACTUS.

(6) CACTUS data consistent with Section 63G-2-301(1) under the Government Records Access and Management Act are public information and shall be released by the USOE.

R277-502-9. Professional Educator License Fees.

A. The Board[~~, or its designee,~~] shall establish a fee schedule for the issuance and renewal of licenses and endorsements consistent with 53A-6-105. All endorsements to which the applicant is entitled may be issued or renewed with the same expiration date for one licensing fee.

B. A fee may be charged for a valid license to be reprinted or for an endorsement to be added.

C. All costs [~~of~~]for testing, evaluation, and course work shall be borne by the applicant unless other arrangements are agreed to in advance by the employing LEA.

D. Costs to review nonresident educator applications may exceed the cost to review resident applications due to the following:

(1) The review is necessary to ensure that nonresident applicants' training satisfies Utah's course and curriculum standards.

(2) The review of nonresident licensing applications is time consuming and potentially labor intensive;

(3) Differentiated fees shall be set consistent with the time and resources required to adequately review all applicants for educator licenses.

[~~E. Costs may include an expediting fee if an applicant seeks to have a license application reviewed before applications received earlier.~~

]

KEY: professional competency, educator licensing

Date of Enactment or Last Substantive Amendment: [~~October 22, 2009~~]2013

Notice of Continuation: August 14, 2012

Authorizing, and Implemented or Interpreted Law: Art X Sec 3; 53A-6-104; 53A-1-401(3)

Education, Administration
R277-509
Licensure of Student Teachers and Interns

NOTICE OF PROPOSED RULE

(Amendment)
DAR FILE NO.: 37059
FILED: 11/15/2012

RULE ANALYSIS

PURPOSE OF THE RULE OR REASON FOR THE CHANGE: This rule is amended to provide necessary language requiring background checks for student teachers and interns and to provide minor terminology changes.

SUMMARY OF THE RULE OR CHANGE: Required background check information is added to the rule so it is clear that student teachers and interns must have necessary criminal background checks and must be cleared by the Utah Professional Practices Advisory Commission (UPPAC) before they can work with students in the public schools.

STATUTORY OR CONSTITUTIONAL AUTHORIZATION FOR THIS RULE: Subsection 53A-1-401(3) and Subsection 53A-6-104(1) and Subsection 53A-6-401(3)

ANTICIPATED COST OR SAVINGS TO:

♦ THE STATE BUDGET: There is no anticipated cost or savings to the state budget. The changes to the rule clarify background check requirement language for student teachers and interns.

♦ LOCAL GOVERNMENTS: There is no anticipated cost or savings to local government. This changes to this rule apply to student teachers and interns.

♦ SMALL BUSINESSES: There is no anticipated cost or savings to small businesses. This rule and the amendments apply to public education and do not affect businesses.

♦ PERSONS OTHER THAN SMALL BUSINESSES, BUSINESSES, OR LOCAL GOVERNMENTAL ENTITIES: Interns and student teachers have had background checks prior to working in public schools. The amendments make the requirements clear. There may be background check fees for student teachers and interns who have not had these checks. Costs are both nominal and speculative; it is unclear how many current and prospective interns and student teachers will be responsible for unexpected fees.

COMPLIANCE COSTS FOR AFFECTED PERSONS: There may be background check fees for student teachers and interns who have not had background checks before they can be cleared by UPPAC and are able to work with students in the public schools. Costs are both nominal and speculative.

COMMENTS BY THE DEPARTMENT HEAD ON THE FISCAL IMPACT THE RULE MAY HAVE ON BUSINESSES: I have reviewed this rule and I see no fiscal impact on businesses.

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

EDUCATION
ADMINISTRATION
250 E 500 S
SALT LAKE CITY, UT 84111-3272
or at the Division of Administrative Rules.

DIRECT QUESTIONS REGARDING THIS RULE TO:

♦ Carol Lear by phone at 801-538-7835, by FAX at 801-538-7768, or by Internet E-mail at carol.lear@schools.utah.gov

INTERESTED PERSONS MAY PRESENT THEIR VIEWS ON THIS RULE BY SUBMITTING WRITTEN COMMENTS NO LATER THAN AT 5:00 PM ON 12/31/2012

THIS RULE MAY BECOME EFFECTIVE ON: 01/07/2013

AUTHORIZED BY: Carol Lear, Director, School Law and Legislation

R277. Education, Administration.
R277-509. Licensure of Student Teachers and Interns.
R277-509-1. Definitions.

A. "Board" means the Utah State Board of Education.

B. "Cooperating teacher" means a licensed teacher employed by an [~~school district or charter school~~]LEA who is qualified to directly supervise a student teacher or intern during the period the student teacher or intern is assigned to the [~~district~~]LEA.

C. "Intern" means a teacher education student, who, in an advanced stage of preparation, usually as a culminating experience, may be employed in a school setting for a period of up to one year and receive salary proportionate to the service rendered. An intern is supervised primarily by the school system but with a continuing relationship with college personnel and following a planned program designed to produce a demonstrably competent professional.

D. "LEA" means a local education agency, including local school boards/public school districts, charter schools, and, for purposes of this rule, the Utah Schools for the Deaf and the Blind.

[~~D~~]E. "Student teacher" means a college student preparing to teach who is assigned a period of guided teaching during which the student assumes increasing responsibility for directing the learning of a group or groups of students over a period of time.

R277-509-2. Authority and Purpose.

A. This rule is authorized under Article X, Section 3 of the Utah Constitution which vests general authority and supervision of public education in the Board, Sections 53A-6-104(1) which permit the Board to issue licenses for educators, Section 53A-6-401(3) which directs the Utah State Office of Education to establish a procedure for obtaining and evaluating relevant information about license applicants, and Section 53A-1-401(3) which allows the Board to adopt rules in accordance with its responsibilities.

B. The purpose of this rule is to specify the procedure under which the Board issues licenses to student teachers and interns.

R277-509-3. Issuing Licenses.

A. The Board shall issue Student Teacher or Intern licenses to students enrolled in[~~approved~~] teacher preparation programs.

B. The Board shall provide a process for timely review by UPPAC of background check information and shall provide adequate due process for student teachers and interns in the licensing process.

(1) The Utah Professional Practices Advisory Commission (UPPAC) shall receive and review background information about student teachers and interns.

(2) Student teachers and interns shall have student teacher licenses issued by the Board prior to assignment in public schools.

(3) UPPAC shall review student teacher license applications and make recommendations for their approval by the Board.

(4) UPPAC shall not recommend student teachers or interns to complete student teaching or intern assignments while student teachers or interns are under court supervision of any kind.

(5) Teacher preparation programs may allow student teachers or interns not approved by UPPAC to complete student teaching or intern hours only if the university provides a constant supervisor for the student teacher's or intern's work in the public schools.

[~~B~~]C. A license is issued only to student teachers or interns assigned to elementary, middle, or secondary schools under cooperating teachers for part of their preparation program. A supervising administrator must be permanently assigned to the building to which an intern is assigned.

[~~C~~]D. A Student Teacher or Intern license is valid only in the [~~school district or charter school~~]LEA specified and for the period of time indicated on the license.

R277-509-4. [~~School District and Charter School~~]LEA Requirements.

A. An [~~school district or charter school~~]LEA may not accept or assign student teachers or interns who do not possess a Utah Student Teacher or Intern license. The service of persons so assigned is not recognized by the Board as fulfilling an intern or student teaching requirement for licensure.

B. It is the responsibility of the [~~school district or charter school~~]LEA to verify that potential student teachers or interns are appropriately licensed.

KEY: student teachers, interns, teacher preparation programs
Date of Enactment or Last Substantive Amendment: [~~March 10, 2009~~]2013
Notice of Continuation: October 5, 2012
Authorizing, and Implemented or Interpreted Law: Art X Sec 3; 53A-6-104(1); 53A-1-401(3)

Environmental Quality, Air Quality
R307-401-15
Air Strippers and Soil Venting Projects

NOTICE OF PROPOSED RULE
(Amendment)
DAR FILE NO.: 37037
FILED: 11/08/2012

RULE ANALYSIS

PURPOSE OF THE RULE OR REASON FOR THE CHANGE: On 06/25/2012, the Environmental Protection Agency (EPA) proposed to conditionally approve a change to Section R307-401-15, Air Strippers and Soil Venting Projects, that was approved by the Board and submitted to EPA for review/approval in 1999. The rule contains language allowing

the Director to approve alternate test and monitoring methods. However, EPA's current policy precludes approving any rule that contains language that allows a director to exercise their discretion in such cases. Therefore, they have proposed to convert the conditional approval to a disapproval in one year unless Utah revises the rule to remove the discretionary language.

SUMMARY OF THE RULE OR CHANGE: The proposed rule change will update the rule to refer to the most recent test methods, and will allow sources to use future updated federally approved methods, if approved by the director. DAQ is also making available for public comment a document titled, Air Quality Impact of Changes Made to Section R307-401-15 Air Strippers and Soil Venting Projects in 1999 and the new Section R307-401-16 De minimis Emissions from Soil Aeration Projects that was Adopted in 1999. This document fulfills the requirements of Section 110(l) of the Clean Air Act and justifies the changes made to Section R307-401-16 in 1999. The document will be made available at http://www.airquality.utah.gov/Public-Interest/Public-Commen-Hearings/Pubrule.htm for public review and comment from 12/01/2012 to 12/31/2012.

STATUTORY OR CONSTITUTIONAL AUTHORIZATION FOR THIS RULE: Section 19-2-108 and Subsection 19-2-104(3)(q)

ANTICIPATED COST OR SAVINGS TO:
♦ THE STATE BUDGET: This rule does not create any new requirements on the state; therefore, there are no anticipated costs or savings to the state budget.
♦ LOCAL GOVERNMENTS: This rule does not create any new requirements on local government; therefore, there are no anticipated costs or savings to local government.
♦ SMALL BUSINESSES: Because the changes to this rule only update the rule to refer to the most recent test methods and allows sources to use future updated federally approved methods there are no anticipated savings or costs to small businesses.
♦ PERSONS OTHER THAN SMALL BUSINESSES, BUSINESSES, OR LOCAL GOVERNMENTAL ENTITIES: Because the changes to this rule only update the rule to refer to the most recent test methods and allows sources to use future updated federally approved methods there are no anticipated savings or costs to persons other than small businesses, businesses, or local government entities.

COMPLIANCE COSTS FOR AFFECTED PERSONS: Because the changes to this rule only update the rule to refer to the most recent test methods and allows sources to use future updated federally approved methods there are no anticipated compliance costs for affected persons.

COMMENTS BY THE DEPARTMENT HEAD ON THE FISCAL IMPACT THE RULE MAY HAVE ON BUSINESSES: Because the changes to this rule only update the rule to refer to the most recent test methods and allows sources to use future updated federally approved methods there is no anticipated fiscal impact on businesses.

THE FULL TEXT OF THIS RULE MAY BE INSPECTED, DURING REGULAR BUSINESS HOURS, AT:
ENVIRONMENTAL QUALITY
AIR QUALITY
FOURTH FLOOR
195 N 1950 W
SALT LAKE CITY, UT 84116-3085
or at the Division of Administrative Rules.

DIRECT QUESTIONS REGARDING THIS RULE TO:
♦ Mark Berger by phone at 801-536-4000, by FAX at 801-536-0085, or by Internet E-mail at mberger@utah.gov

INTERESTED PERSONS MAY PRESENT THEIR VIEWS ON THIS RULE BY SUBMITTING WRITTEN COMMENTS NO LATER THAN AT 5:00 PM ON 12/31/2012

THIS RULE MAY BECOME EFFECTIVE ON: 02/07/2013

AUTHORIZED BY: Bryce Bird, Director

R307. Environmental Quality, Air Quality.
R307-401. Permit: New and Modified Sources.
R307-401-15. Air Strippers and Soil Venting Projects.

(1) The owner or operator of an air stripper or soil venting system that is used to remediate contaminated groundwater or soil is exempt from the notice of intent and approval order requirements of R307-401-5 through 8 if the following conditions are met:

(a) the estimated total air emissions of volatile organic compounds from a given project are less than the de minimis emissions listed in R307-401-9(1)(a), and

(b) the level of any one hazardous air pollutant or any combination of hazardous air pollutants is below the levels listed in R307-410-5(1)(d).

(2) The owner or operator shall submit documentation that the project meets the exemption requirements in R307-401-15(1) [~~above~~]to the director prior to beginning the remediation project.

(3) After beginning the soil remediation project, the owner or operator shall submit emissions information to the director to verify that the emission rates of the volatile organic compounds and hazardous air pollutants in R307-401-15(1) [~~above~~]are not exceeded.

(a) Emissions estimates of volatile organic compounds [~~and hazardous air pollutants~~]shall be based on test data obtained in accordance with the test method in the EPA document SW-846, Test #[~~8020~~]8260c or 8261a, or the most recent EPA revision of either test method if approved by the director.

(b) Emissions estimates of hazardous air pollutants shall be based on test data obtained in accordance with the test method in EPA document SW-846, Test #8021B or [~~other~~]the most recent EPA revision of the test[~~or monitoring~~] method if approved by the director.

(c) Results of the test and calculated annual quantity of emissions of volatile organic compounds and hazardous air pollutants shall be submitted to the director within one month of sampling.

(d) The test samples shall be drawn on intervals of no less than twenty-eight days and no more than thirty-one days (i.e., monthly) for the first quarter, quarterly for the first year, and semi-annually thereafter or as determined necessary by the director.

(4) The following control devices do not require a notice of intent or approval order when used in relation to an air stripper or soil venting project exempted under R307-401-15:

(a) thermodestruction unit with a rated input capacity of less than five million BTU per hour using no other auxiliary fuel than natural gas or LPG, or

(b) carbon adsorption unit.

KEY: air pollution, permits, approval orders, greenhouse gases
Date of Enactment or Last Substantive Amendment: [~~January 1, 2011~~]2013
Notice of Continuation: July 13, 2007
Authorizing, and Implemented or Interpreted Law: 19-2-104(3)(q); 19-2-108

Health, Disease Control and Prevention, Health Promotion
R384-201
School-Based Vision Screening for Students in Public Schools

NOTICE OF PROPOSED RULE

(New Rule)
DAR FILE NO.: 37028
FILED: 11/02/2012

RULE ANALYSIS

PURPOSE OF THE RULE OR REASON FOR THE CHANGE: The purpose of school-based vision screening is to set standards and procedures for vision screening for students in public schools. This is necessary to detect vision difficulties in school age children in public schools so that follow up for potential concerns may be done by the child's parent or guardian. Vision screening is not a substitute for a complete eye exam and vision evaluation by an ophthalmologist or optometrist.

SUMMARY OF THE RULE OR CHANGE: This rule establishes guidelines for student vision screening, including screening requirements, documenting proof of screening, training of screeners, screening documentation, and requirements for referrals.

STATUTORY OR CONSTITUTIONAL AUTHORIZATION FOR THIS RULE: Section 53A-11-203

ANTICIPATED COST OR SAVINGS TO:
♦ THE STATE BUDGET: The Utah Division of the Blind is financially responsible for developing and maintaining a vision screening database, maintaining staff positions for vision screening training, screening documentation, photo screening and referral follow-up. Staff time is required to process school vision screening reports and to create and maintain a registry of results. The State Department of Health will act as consultant in the development of the database, documentation, training and visual screening requirements in the school setting.
♦ LOCAL GOVERNMENTS: The proposed rule does not add costs to existing local budgets. Existing budgets cover the costs of vision screening in school which have long been established, requiring staff time of school personnel and existing school nurses to participate in training, conduct required screenings, and prepare and submit required reports.
♦ SMALL BUSINESSES: There are no costs for small businesses. The proposed rule only impacts local schools and state government entities.
♦ PERSONS OTHER THAN SMALL BUSINESSES, BUSINESSES, OR LOCAL GOVERNMENTAL ENTITIES: There are no costs for small businesses. The proposed rule only impacts local schools and state government entities.

COMPLIANCE COSTS FOR AFFECTED PERSONS: There are no compliance costs for affected persons. Vision screenings are provided free of charge to students.

COMMENTS BY THE DEPARTMENT HEAD ON THE FISCAL IMPACT THE RULE MAY HAVE ON BUSINESSES: Vision screening is important to success in school. No fiscal impact on business is predicted.

THE FULL TEXT OF THIS RULE MAY BE INSPECTED, DURING REGULAR BUSINESS HOURS, AT:
HEALTH
DISEASE CONTROL AND PREVENTION,
HEALTH PROMOTION
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:
♦ Heather Borski by phone at 801-538-9998, by FAX at 801-538-9495, or by Internet E-mail at hborski@utah.gov

INTERESTED PERSONS MAY PRESENT THEIR VIEWS ON THIS RULE BY SUBMITTING WRITTEN COMMENTS NO LATER THAN AT 5:00 PM ON 12/31/2012

THIS RULE MAY BECOME EFFECTIVE ON: 01/07/2013

AUTHORIZED BY: David Patton, PhD, Executive Director

R384. Health, Disease Control and Prevention, Health Promotion.
R384-201. School-Based Vision Screening for Students in Public Schools.
R384-201-1. Authority.
(1) This rule is authorized by section 53A-11-203.

(2) The Department of Health is authorized under the rule to set standards and procedures for vision screening required by this chapter, which shall include a process for notifying the parent or guardian of a child who fails a vision screening or is identified as needing follow-up care; and provide the Division with copies of rules, standards, instructions; and recommendation for test charts necessary for conducting vision screening.

R384-201-2. Definitions.

(1) Division -- Division of Services for the Blind and Visually Impaired.

(2) Eye care professional -- Ophthalmologist or optometrist

(3) LEA -- Local education agency

(4) Photoscreening -- Automated screening technique that facilitates vision screening in children, especially those that are difficult to screen (infants, toddlers, and children with developmental delays). It screens for a range of eye problems including most refractive errors, alignment errors, opacities (such as cataracts), and other visible eye abnormalities.

(5) Screening certificate -- Written documentation of vision screening or comprehensive eye examination by a licensed physician, Ophthalmologist or Optometrist that have been given within one year of entering a public school are acceptable.

(6) Sure Sight -- A vision screening auto-refractor that identifies nearsightedness, farsightedness, astigmatism and the difference between eyes.

(7) Significant visual impairment -- A visual impairment serve enough to interfere with learning. The term is the designation required for a child to receive services from district vision or Utah School for the Deaf and Blind (USDB).

(8) Screener -- Pediatricians, family practitioners, and nurses can perform vision screening at regular well child office visits. In addition, school volunteers and groups are trained to support vision screening programs for children. A licensed health professional providing vision care to private patients may participate as a screener in a school vision screening program for a child nine years of age or older.

(9) USDB -- Utah School for the Deaf and Blind

(10) UDOH -- Utah Department of Health

(11) Vision Screening -- Vision screening using an approved eye chart to measure visual acuity in each eye separately. It is an efficient and cost-effective method to identify children with visual impairment so that a referral can be made to an appropriate eye care professional for further evaluation and treatment.

R384-201-3. Purpose.

The purpose of school based vision screening is to set standards and procedures for vision screening for students in public schools. This is necessary to detect vision difficulties in school age children in public schools so that follow-up for potential concerns may be done by the child's parent or guardian. Vision screening is not a substitute for a complete eye exam and vision evaluation by an ophthalmologist or optometrist.

R384-201-4. Students Eligible for Free Screening.

The following students in an LEA may receive free vision screening for distant visual acuity:

(1) Students entering kindergarten and any student under age eight entering school for the first time in the Utah;

(2) Vision screening may be conducted for all school age children in grades 1, 2, 3, 5, 7, 9 or 10;

(3) Tenth grade students may be screened as part of their driver's education class; and

(4) Students who are currently receiving services from the Utah School Deaf and Blind (USDB) or LEA vision staff who have a diagnosed significant visual impairment will be exempt from screening.

R384-201-5. Required Screening.

Required screening for students identified with disabilities in an LEA are as follows:

(1) Vision issues have to be ruled out as reasons for learning problems before Specific Learning Disability can be used as eligibility criteria and

(2) Every three years, a student must be reevaluated for eligibility for special education in all areas of suspected disability, including vision.

R384-201-6. Proof of Screening.

Certificate or health form from a licensed physician, nurse practioner, Ophthalmologist or Optometrist documenting a visual screening or examination given within one year of entering a public school are acceptable for school entry. All children under age 8 entering a public school for the first time without proof of screening mentioned above, must be screened during that school year by trained vision screener.

R384-201-7. Training of Screeners.

(1) A training session shall be provided by the LEA to all volunteer vision screeners prior to the start of annual vision screenings.

(2) Trainings in compliance with Division materials should be provided by the LEA.

(3) The Department of Health in collaboration with the Division shall provide train the trainer vision screening training materials.

(4) Training vision screening materials will be shared with groups that provide free vision screening services in Utah schools.

R384-201-8. Screening.

(1) Screenings are to be performed following criteria developed by the UDOH in collaboration with the Division.

(2) It is recommended that vision screenings are done early in the school session to provide time in that school year for adequate referral and follow-up to be done.

(3) Parents/legal guardian of a child have the right not to participate in vision screening due to personal beliefs. All parents must be notified of scheduled vision screenings by the public school to provide an opportunity to opt out of screening for their child utilizing the vision screening exemption form, available at the public school, to document a personally held belief.

(4) A public school staff member should be present at all times during vision screenings performed by any volunteer(s) including those done by an ophthalmologist or optometrist. If the

school nurse is not present, the school nurse should be available for consultation and re-screening.

(5) Screenings are to be done using material and procedures approved by the UDOH in collaboration with the Division. Standards and procedures are based on guidance of American Academy of Pediatrics and the American Academy of Ophthalmology and National School Nurse Association.

(6) An ophthalmologist or optometrist providing vision care to private patients may participate as a screener in a free vision screening program for students nine years of age or older.

(a) An ophthalmologist or optometrist screener may not market, advertise or promote their business in conjunction with the free screening at public school.

(b) The ophthalmologist or optometrist will provide results of vision screening to public school on forms required by the Division.

(7) Any group that provides free vision screening services in the LEA will provide results of vision screening to the public school on forms required by the Division.

R384-201-9. Documentation and Follow-up.

All vision screening findings are to be documented in the student's school record. Screening follow-up is to be reported to the Division by the LEA. Reported information may include but not exceed:

(1) Results for Pre-K and Kindergarten students who fail vision screening and referral to an ophthalmologist or optometrist for failed vision screening;

(2) Follow up information from an eye examination referral if available may be included with written permission obtained by the public school from the parent or guardian permission;

(3) Follow-up results and screening findings are to be documented on a vision acuity screening referral form approved by the UDOH in collaboration with the Division;

(4) Screening results and follow-up information shall be sent to the Division on or before June 15 for all screenings performed during that school year;

(5) The Division is responsible to maintain a state database/registry only accessible by authorized Division staff of students who fail vision screening and who are referred for follow-up.

(6) In the interest of family privacy, the Division shall not contact a parent or guardian for information related to follow-up referral for professional eye examination unless assistance is requested in writing by the LEA.

R384-201-10. Requirements for Referral.

(1) Children who fail initial age appropriate vision screening may be re-screened by a school nurse to confirm results before notification to student's parent or guardian of any impairment disclosed by the vision screening recommending further evaluation by an eye care professional. If the screening of a child 9 or older was administered in the public school by an ophthalmologist or optometrist, the school nurse does not have to rescreen.

(2) The public school shall notify, in writing within 30 days from vision screening, a student's parent or guardian of any impairment disclosed by the vision screening recommending further evaluation by an ophthalmologist or optometrist.

(3) An LEA may provide information to a parent or guardian of availability of follow up vision services for students.

(4) A student diagnosed by an ophthalmologist or optometrist with a significant visual impairment shall be referred to the LEA vision consultant or teacher of the visually impaired prior to referral to the USDB.

R384-201-11. Photoscreening.

Preschool, kindergarten children, and special education students who are not candidates for regular vision screening may be screened by a school nurse using a sure sight scanner or by Division staff with photo screening. The Division is available for assistance and consultation for photo screening. Prior to photo screening, the public school is required to obtain written permission from the parent or guardian.

References:

National Association of School Nurses (2006) Vision Screening, schools.

S. Proctor (2005) To See or not to See screening the Vision of Children in School. National Association of School Nurses.

Pediatrics Vol. 111 No.4 April 2003, pp. 902-907 at 2003 American Academy of Pediatrics ICPC-2 Category F.Eye.

KEY: eye exams, school vision, vision evaluations
Date of Enactment or Last Substantive Amendment: 2013
Authorizing, and Implemented or Interpreted Law: 53A-11-203

Health, Health Care Financing
R410-14
Administrative Hearing Procedures

NOTICE OF PROPOSED RULE

(Amendment)
DAR FILE NO.: 37045
FILED: 11/14/2012

RULE ANALYSIS

PURPOSE OF THE RULE OR REASON FOR THE CHANGE: The purpose of this change is to clarify certain terms within the rule text and to clarify hearing procedures for the Division of Medicaid and Health Financing (DMHF), the Department of Human Services (DHS), the Department of Workforce Services (DWS), and for managed care providers.

SUMMARY OF THE RULE OR CHANGE: This change clarifies certain terms within the rule text and clarifies hearing procedures for DMHF, DHS, DWS, and for managed care providers.

STATUTORY OR CONSTITUTIONAL AUTHORIZATION FOR THIS RULE: Section 26-1-24 and Section 26-18-3

ANTICIPATED COST OR SAVINGS TO:
♦ THE STATE BUDGET: The Department does not anticipate any impact to the state budget because this change only clarifies certain terms and procedures within the rule text.
♦ LOCAL GOVERNMENTS: There is no impact to local governments because they neither fund Medicaid and the Children's Health Insurance Program (CHIP) nor participate in the administrative hearing process.
♦ SMALL BUSINESSES: The Department does not anticipate any impact to small businesses because this change only clarifies certain terms and procedures within the rule text.
♦ PERSONS OTHER THAN SMALL BUSINESSES, BUSINESSES, OR LOCAL GOVERNMENTAL ENTITIES: The Department does not anticipate any impact to providers and recipients of Medicaid and CHIP because this change only clarifies certain terms and procedures within the rule text.

COMPLIANCE COSTS FOR AFFECTED PERSONS: The Department does not anticipate any cost to a single provider or recipient of Medicaid and CHIP because this change only clarifies certain terms and procedures within the rule text.

COMMENTS BY THE DEPARTMENT HEAD ON THE FISCAL IMPACT THE RULE MAY HAVE ON BUSINESSES: Clarifying the fair hearing process protects the public and fosters prompt and appropriate resolution of disputes. No costs to providers expected.

THE FULL TEXT OF THIS RULE MAY BE INSPECTED, DURING REGULAR BUSINESS HOURS, AT:
HEALTH
HEALTH CARE FINANCING
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 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 NO LATER THAN AT 5:00 PM ON 12/31/2012

THIS RULE MAY BECOME EFFECTIVE ON: 01/07/2013

AUTHORIZED BY: David Patton, PhD, Executive Director

R410. Health, Health Care Financing.
R410-14. Administrative Hearing Procedures.
R410-14-3. Administrative Hearing Procedures.

(1) An [~~a~~]Aggrieved [~~p~~]Person may file a written request for agency action pursuant to Section 63G-4-201, and in accordance with this rule. If a medical issue is in dispute, each request should include supporting medical documentation. DMHF will schedule a hearing only when it receives sufficient medical records and may dismiss a request for agency action if it does not receive supporting medical documentation in a timely manner.

(2) DMHF shall conduct the following as formal adjudicative proceedings in accordance with Section R410-14-12:

(a) Preadmission Screening Resident Review (PASRR) Hearings. Pursuant to 42 U.S.C. 1396r, any resident and potential resident of a nursing facility whether Medicaid eligible or not, who disagrees with the preadmission screening and appropriateness of a placement decision that DMHF or its designated agent makes, has the right to a hearing upon request.

(b) Nurse Aide Registry Hearings. Pursuant to 42 U.S.C. 1395i-3, each nurse aide is subject to investigation of allegations of resident abuse, neglect or misappropriation of resident property. DMHF or its designated agent shall investigate each complaint and the nurse aide is entitled to a hearing that DMHF or its designated agent conducts before a substantiated claim can be entered into the registry.

(c) Skilled Nursing Facility (SNF), Intermediate Care Facility (ICF) or Intermediate Care Facility for the Mentally Retarded (ICF/MR) Hearings. 42 CFR 431, Subpart D, requires DMHF to provide SNF, ICF and ICF/MR [~~appeal~~]grievance procedures that satisfy the requirements of 42 CFR 431.153 and 431.154.

(d) Managed Care Entity Hearings. Pursuant to 42 U.S.C. 1396u-2, federal law requires Medicaid and Children's Health Insurance Program (CHIP) managed care entities to have an internal grievance [~~and appeal process~~]procedure for Medicaid and CHIP enrollees or providers acting on the enrollee's behalf to challenge the denial of payment for medical assistance. The MCE shall provide to enrollees written information that explains the grievance [~~and appeals process~~]procedure. DMHF requires exhaustion of the MCE [~~appeals~~]grievance [~~process~~]procedure before an enrollee or provider may request a hearing. An enrollee or provider who submits a hearing request on behalf of another enrollee must include a copy of the final written notice of the appeal decision. An enrollee or provider who acts on the enrollee's behalf must also request a hearing within 30 days from the date of the MCE final written notice of the appeal decision.

(e) Home and Community-Based Waiver Hearings. 42 CFR 431, Subpart E, requires DMHF to provide [~~appeal~~]grievance procedures that satisfy the requirements of 42 CFR 431.200 through 431.250.

(i) For home and community-based waivers in which the Division of Services for People with Disabilities (DSPD) is the designated operating agency and the [~~appeal~~]grievance is based on whether the person meets the eligibility criteria for state matching funds through DHS in accordance with Title 62A, Chapter 5a, the eligibility determination of the operating agency is final. If DSPD determines that an individual does not meet the eligibility criteria for state matching funds through DHS in accordance with Title 62A, Chapter 5a, the operating agency shall inform the individual in writing

and provide the individual an opportunity to appeal the decision through the DHS hearing process in accordance with Section R539-3-8. The DSPD decision is dispositive for purposes of this subsection. DMHF shall sustain the determination and there is no right to further agency review.

(3) DMHF shall conduct the following as informal adjudicative proceedings:

(a) Resident Right Hearings. Pursuant to 42 U.S.C. 1396n, the state may restrict access to providers that it designates for services for a reasonable amount of time. The state may also restrict Medicaid recipients that utilize services at a frequency or amount that are not medically necessary, in accordance with state utilization guidelines. DMHF shall give the recipient notice and opportunity for an informal hearing before imposing restrictions.

(4) Eligibility Hearings. If eligibility for medical assistance is at issue, DWS shall conduct the hearing. DMHF, however, shall conduct any hearing to determine an applicant's or recipient's disability.

R410-14-4. Availability of Hearing.

(1) The hearing officer may not grant a hearing if the issue is a state or federal law requiring an automatic change in eligibility for medical assistance or covered services that adversely affect the [~~a~~]Aggrieved [~~p~~]Person.

(2) DMHF shall conduct a hearing in connection with the agency action if the [~~a~~]Aggrieved [~~p~~]Person requests a hearing and there is a disputed issue of fact. If there is no disputed issue of fact, the hearing officer may deny a request for an evidentiary hearing and issue a recommended decision without a hearing.

(3) There is no disputed issue of fact if the [~~a~~]Aggrieved [~~p~~]Person submits facts that do not conflict with the facts that the agency relies upon in taking action or seeking relief.

(4) If the [~~a~~]Aggrieved [~~p~~]Person objects to the hearing denial, the person may raise that objection as grounds for relief in a request for reconsideration.

(5) DMHF may not grant a hearing to a managed care provider to dispute the terms of a contract, including but not limited to rates of reimbursement and alternative dispute resolution.[~~This provision also applies to terms in a contract for rates of reimbursement.~~]

R410-14-5. Notice.

(1) DMHF, DHS, DWS, and an MCE shall provide written notice to each [~~individual or provider~~]applicant or recipient affected by an adverse action in accordance with 42 CFR [~~431.211, 213 and 214~~]431.200 et seq. Adverse actions to an applicant or recipient include actions that affect:

(a) eligibility for assistance;

(b) scope of service;

(c) denial or limited prior authorization of a requested service including the type or level of service; or

(d) payment of a claim.

[~~(2) Adverse actions to a provider include:~~

~~(a) a reduction in payment, denial of reimbursement and claim of payment; and~~

~~(b) a sanction that becomes effective.~~]

([~~3~~]2) A notice must contain:

(a) a statement of the action DMHF, DHS, DWS, or an MCE intends to take;

(b) the date the intended action becomes effective;

(c) the reasons for the intended action; and

(d) the specific regulations that support the action, or the change in federal law, state law or DMHF policy, which requires the action;

(e) the right and procedure to request a formal hearing before DMHF or an informal hearing before DHS or DWS;

(f) the right to represent oneself, the right to legal counsel, or the right to use another representative at the formal hearing; and

(g) if applicable, an explanation of the circumstances under which reimbursement for medical services will continue pending the outcome of the proceeding, if DMHF receives a hearing request within ten calendar days from the date of the notice of agency action.

([~~4~~]3) DMHF shall mail the notice at least ten calendar days before the date of the intended action except:

(a) DMHF may mail a notice not later than the date of action in accordance with 42 CFR 431.213.

([~~5~~]4) DMHF may shorten the period of advance notice to five days before the date of action if:

(a) DMHF has facts that indicate it must take action due to probable fraud by the recipient or provider; and

(b) the facts have been verified by affidavit.

R410-14-6. Request for Formal Hearing.

(1) DMHF shall conduct formal hearings for all issues except those specifically excluded by this rule. The hearing officer may convert the proceeding to an informal hearing if a recipient or provider requests an informal hearing that meets the criteria set forth in Section 63G-4-202.

(2) Formal hearings must be requested within the following deadlines:

(a) A medical assistance provider or recipient must request a formal hearing within 30 calendar days from the date that DMHF sends written notice of its intended action.

(b) A medical assistance recipient must request an informal hearing with DWS regarding eligibility for medical assistance within 90 calendar days from the date that DMHF sends written notice of its intended action.

(c) A medical assistance recipient must request a formal hearing with DMHF regarding eligibility for disability assistance within 90 calendar days from the date that DMHF sends written notice of its intended action.

(d) A medical assistance recipient must request a formal hearing regarding scope of service within 30 calendar days from the date that DMHF sends written notice of its intended action.

(3) Failure to submit a timely request for a formal hearing constitutes a waiver of an individual's due process rights. The request must explain why the recipient is seeking agency relief, and the recipient must submit the request on the "Request for Hearing/Agency Action" form. The recipient must then mail or fax the form to the address or fax number contained on the notice of agency action.

(4) DMHF considers a hearing request that a recipient sends via mail to be filed on the date of the postmark. If the postmark date is illegible, erroneous, or omitted, DMHF considers the request to be filed on the date that DMHF receives it, unless the sender can demonstrate through competent evidence that he mailed it before the date of receipt.

(5) DMHF shall schedule a pre-hearing, or begin negotiations in writing within 30 calendar days from the date it receives the request for a formal hearing or agency action.

(6) DMHF may deny or dismiss a request for a hearing if the [~~a~~]Aggrieved [~~p~~]Person:

(a) withdraws the request in writing;

(b) verbally withdraws the hearing request at a prehearing conference;

(c) fails to appear or participate in a scheduled proceeding without good cause;

(d) prolongs the hearing process without good cause;

(e) cannot be located or agency mail is returned without a forwarding address; or

(f) does not respond to any correspondence from the hearing officer or fails to provide medical records that the agency requests.

(7) An [~~a~~]Aggrieved [~~p~~]Person must inform DMHF of his current address and telephone number.

R410-14-7. Reinstatement and Continuation of Services.

(1) DMHF may reinstate services for a recipient or suspend any adverse action for a provider if the [~~a~~]Aggrieved [~~p~~]Person requests a formal hearing not more than ten calendar days after the date of action.

(2) DMHF shall reinstate or continue services for a recipient or suspend adverse actions for a provider until it renders a decision after a formal hearing if:

(a) DMHF takes adverse action without giving ten-day notice to a recipient or a provider when advance notice is required;

(b) advance notice is not required and the [a]Aggrieved [~~p~~]Person requests a formal hearing within ten calendar days after the date that DMHF mails the adverse action notice; or

(c) DMHF determines that the action resulted from other than the application of federal law, state law or DMHF policy.

R410-14-8. Notice of Formal Hearing.

DMHF shall notify the [~~a~~]Aggrieved [~~p~~]Person or the person's representative in writing of the date, time and place of the formal hearing, and shall mail the notice at least ten calendar days before the date of the hearing unless all parties agree to an alternative time frame.

R410-14-18. Agency Review.

An [~~a~~]Aggrieved [~~p~~]Person may move for reconsideration of DMHF's final administrative action in accordance with Sections 63G-4-301 and 302. A person may seek review of a DWS final agency order concerning eligibility for medical assistance by filing a written request for review with DMHF in accordance with Section 63G-4-301.

R410-14-19. Judicial Review.

An [~~a~~]Aggrieved [~~p~~]Person may obtain judicial review in accordance with Section 63G-4-102 and 63G-4-401 through 405.

R410-14-20. Discovery.

(1) The Utah Rules of Civil Procedure do not apply to formal adjudicative proceedings and formal discovery is permitted only as set forth in this section. Each party shall diligently pursue discovery and full disclosure to prevent delay. A party that conducts discovery under this section shall maintain a mailing certificate.

(2) The scope of discovery in formal adjudicative proceedings, unless otherwise limited by order of the hearing officer, is as follows:

(a) DMHF may request copies of pertinent records in the possession of the recipient and the recipient's health care providers. In the event the recipient or provider fails to produce the records within a reasonable time, DMHF may review all pertinent records in the custody of the recipient or provider during regular working hours after three days of written notice.

(b) The recipient must submit medical records with the hearing request whenever possible. Necessary medical records include:

(i) the provision of each service and activity billed to the program;

(ii) the first and last name of the petitioner;

(iii) the reason for performing the service or activity that includes the petitioner's complaint or symptoms;

(iv) the recipient's medical history;

(v) examination findings;

(vi) diagnostic test results;

(vii) the goal or need that the plan of care identifies; and

(viii) the observer's assessment, clinical impression or diagnosis that includes the date of observation and identity of the observer.

(c) The medical records must demonstrate that the service is:

(i) medically necessary;

(ii) consistent with the diagnosis of the petitioner's condition; and

(iii) consistent with professionally recognized standards of care.

(3) DMHF shall allow the [~~a~~]Aggrieved [~~p~~]Person or the person's representative to examine all DMHF documents and records upon written request to DMHF at least three days before the hearing.

(4) An individual may request access to protected health information in accordance with Rule 380-250, which implements the privacy rule under the Health Insurance Portability and Accountability Act of 1996 (HIPAA).

(5) The hearing officer may permit the filing of formal discovery or take depositions only upon a clear showing of necessity that takes into account the nature and scope of the dispute. If the hearing officer allows formal discovery, he shall set appropriate time frames for response and assess sanctions for non-compliance.

(6) The hearing officer may order a medical assessment at the expense of DMHF to obtain information. This information is subject to HIPAA confidentiality requirements and is part of the hearing record.

(7) Each party shall file a signed pretrial disclosure form at least ten calendar days before the scheduled hearing that identifies:

(a) fact witnesses;

(b) expert witnesses;

(c) exhibits and reports the parties intend to offer into evidence at the hearing;

(d) petitioner's specific benefit or relief claimed;

(e) respondent's specific defense;

(f) an estimate of the time necessary to present the party's case; and

(g) any other issues the parties intend to request the hearing officer to adjudicate.

(8) Each party shall supplement the pretrial disclosure form with information that becomes available after filing the original form.

The pretrial disclosure form does not replace other discovery that is allowed under this section.

KEY: Medicaid
Date of Enactment or Last Substantive Amendment: [~~April 27, 2012~~]2013
Notice of Continuation: September 27, 2012
Authorizing, and Implemented or Interpreted Law: 26-1-24; 26-1-5; 63G-4-102

Public Service Commission, Administration
R746-320
Uniform Rules Governing Natural Gas Service

NOTICE OF PROPOSED RULE
(Amendment)
DAR FILE NO.: 37041
FILED: 11/13/2012

RULE ANALYSIS

PURPOSE OF THE RULE OR REASON FOR THE CHANGE: On 09/14/2012, Questar Gas Company petitioned the Public Service Commission of Utah to modify rules applicable to crossed meter conditions so that the time period for calculating backbilled amounts and refunds would be identical. This change would help avoid complications from disparate time periods as currently contained in the rule.

SUMMARY OF THE RULE OR CHANGE: Once a crossed meter condition is identified, Rule R746-320 currently limits the period covered by a backbill for which charges were not previously billed for service to 6 months and the period covered by an overbill for which a refund is due to 24 months. The proposed rule provides for 24 months of backbilling and 24 months of overbilling for crossed meter conditions that are not caused by the natural gas utility. The proposed change is to alleviate billing complications. The changes ensure that for crossed meters which are not caused by the natural gas utility, the amount the utility recovers from underbilled customers is in parity with what is refunded to overbilled customers.

STATUTORY OR CONSTITUTIONAL AUTHORIZATION FOR THIS RULE: Section 54-2-1 and Section 54-4-1 and Section 54-4-18 and Section 54-4-23 and Section 54-4-7

ANTICIPATED COST OR SAVINGS TO:
♦ THE STATE BUDGET: No impact on the state budget has been identified. However if the state were to be affected by a natural gas crossed meter condition, it would be subject to the 24-month limitation for the backbilled or overbilled situation, whichever applies, as opposed to the current 6-month limitation for a backbilled situation and 24-month limitation for an overbilled situation.
♦ LOCAL GOVERNMENTS: No impact on the local government budgets has been identified. However if the local government were to be affected by a natural gas crossed meter condition, it would be subject to the 24-month limitation for the backbilled or overbilled situation, whichever applies, as opposed to the current 6-month limitation for an underbilled situation and 24-month limitation for an overbilled situation.
♦ SMALL BUSINESSES: No impact on small business budgets has been identified. However if a small business were to be affected by a natural gas crossed meter condition, it would be subject to the 24-month limitation for the overbilled or underbilled situation, as opposed to the current 6-month limitation for an underbilled situation and 24-month limitation for an overbilled situation.
♦ PERSONS OTHER THAN SMALL BUSINESSES, BUSINESSES, OR LOCAL GOVERNMENTAL ENTITIES: If a person were to be affected by a natural gas crossed meter condition, it would be subject to the 24-month limitation for the overbilled or underbilled situation, as opposed to the current 6-month limitation for an underbilled situation and 24-month limitation for an overbilled situation.

COMPLIANCE COSTS FOR AFFECTED PERSONS: No compliance costs have been identified.

COMMENTS BY THE DEPARTMENT HEAD ON THE FISCAL IMPACT THE RULE MAY HAVE ON BUSINESSES: While a crossed meter condition may exist for many years, this rule change limits the exposure of businesses to both overbilling and underbilling situations resulting from the identification of a crossed meter condition that is not caused by the natural gas utility to 24 months. In addition, the changes ensure that for crossed meters which are not caused by the natural gas utility, the amount the utility recovers from an underbilled customer is in parity with what is refunded to an overbilled customer.

THE FULL TEXT OF THIS RULE MAY BE INSPECTED, DURING REGULAR BUSINESS HOURS, AT:
PUBLIC SERVICE COMMISSION
ADMINISTRATION
HEBER M WELLS BLDG
160 E 300 S
SALT LAKE CITY, UT 84111-2316
or at the Division of Administrative Rules.

DIRECT QUESTIONS REGARDING THIS RULE TO:
♦ David Clark by phone at 801-530-6708, by FAX at 801-530-6796, or by Internet E-mail at drexclark@utah.gov
♦ Sheri Bintz by phone at 801-530-6714, by FAX at 801-530-6796, or by Internet E-mail at sbintz@utah.gov

INTERESTED PERSONS MAY PRESENT THEIR VIEWS ON THIS RULE BY SUBMITTING WRITTEN COMMENTS NO LATER THAN AT 5:00 PM ON 12/31/2012

THIS RULE MAY BECOME EFFECTIVE ON: 01/07/2013

AUTHORIZED BY: David Clark, Legal Counsel

R746. Public Service Commission, Administration.
R746-320. Uniform Rules Governing Natural Gas Service.
R746-320-8. Billing Adjustments.

A. Definitions --

1. A "backbill" is that portion of a bill, other than a levelized bill, which represents charges not previously billed for service that was actually delivered to the customer before the current billing cycle.

2. A "catch-up bill" is a bill based on an actual reading provided after one or more bills based on estimated or customer readings. A catch-up bill which exceeds by 50 percent or more the bill that would have been provided under a utility's standard estimation program is presumed to be a backbill.

B. Notice -- The account holder may be notified by mail, by phone, or by a personal visit, of the reason for the backbill. This notification shall be followed by, or include, a written explanation of the reason for the backbill that shall be received by the customer before the due date and be sufficiently detailed to apprise the customer of the circumstances, error or condition that caused the underbilling, and, if the backbill covers more than a 24-month period, a statement setting forth the reasons the utility did not limit the backbill under Subsection R746-320-8(D).

C. Limitations on Providing a Backbill -- A utility shall not provide a backbill more than three months after the utility actually became aware of the circumstance, error, or condition that caused the underbilling and the correct calculation to be used in the backbill has been determined. This limitation does not apply to fraud, theft of service, and denial of access to meter situations.

D. Limitations of the Period for Backbilling --

1. A utility shall not bill a customer for service provided more than 24 months before the utility actually became aware of the circumstance, error, or condition that caused the underbilling or that the original billing was incorrect.[~~ In the case of a crossed meter condition, the period covered by the backbill may not exceed six months.~~]

2. When there is customer fraud, theft of service, or denial of access to the meter, the utility shall estimate a bill for the period over which the fraud or theft was perpetrated or that denial of access occurred. The time limitations of Subsection R746-320-8(D)(1) do not apply to customer fraud or theft situations.

3. In the case of a backbill for Utah sales taxes not previously billed, the period covered by the backbill shall not exceed the period for which the utility is assessed a sales tax deficiency.

E. Payment Period and Interest -- A utility shall permit the customer to make arrangements to pay a backbill without interest over a time period at least equal in length to the time period over which the backbill was assessed. However, interest will be assessed at the rate applied to past due accounts on amounts not timely paid in accordance with the established arrangements. If the utility has demonstrated that the customer knew or reasonably should have known that the original billing was incorrect or in the case where there has been fraud or theft, interest will be assessed from the time the original payment was due.

R746-320-9. Overbilling.

A. Standards and Criteria for Overbilling -- Billing under the following conditions constitutes overbilling:

1. a meter registering more than three percent fast, or a defective meter;

2. use of an incorrect heat value multiplier;

3. incorrect service classification, if the information supplied by the customer was not erroneous or deficient;

4. billing based on a crossed meter condition where the customer is billed on the incorrect meter;

5. meter turnover, or billing for a complete revolution of a meter which did not occur;

6. a delay in refunding payment to a customer pursuant to rules providing for refunds for line extensions;

7. incorrect meter reading or recording by the utility; and

8. incorrect estimated demand billings by the utility.

B. Interest Rate --

1. A utility shall provide interest on customer payments for overbilling. The interest rate shall be the greater of the interest rate paid by a utility on customer deposits, or the interest rate charged by a utility for late payments.

2. Interest shall be paid from the date when the customer overpayment is made, until the date when the overpayment is refunded. Interest shall be compounded during the overpayment period.

C. Limitations --

1. A utility shall not be required to pay interest on overpayments if offsetting billing adjustments are made during the next full billing cycle after the receipt of the overpayment.

2. The utility shall be required to offer refunds, in lieu of credit, only when the amount of the overpayment exceeds $50 or the sum of two average month's bills, whichever is less. However, the utility shall not be required to offer a refund to a customer having a balance owing to the utility, unless the refund would result in a credit balance in favor of the customer.

3. If a customer is given a credit for an overpayment, interest will accrue only up to the time at which the first credit is made, when credits are applied over two or more bills.

4. A utility shall not be required to make a refund of, or give a credit for, overpayments which occurred more than 24 months before the customer submitted a complaint to the utility or the Commission, or the utility actually became aware of an incorrect billing which resulted in an overpayment. For all overbilling conditions specified in 746-320-9.A, except for crossed meter conditions specified in 746-320-9.A.4 not caused by the utility,[~~A~~] an exception to the 24 month limitation period applies when the overbilling can be shown to be due to some cause, the date of which can be fixed. In this instance the overcharge shall be computed back to that date and the entire overcharge shall be refunded.

5. When a utility can demonstrate before the Commission that a customer knew or reasonably should have known about an overpayment, a utility shall not be required to pay interest on the overpayment.

6. Utilities shall not be required to pay interest on overpayment credits or refunds which were made before the effective date of this rule provision.

7. Disputes regarding the level or terms of the refund or credit are subject to the informal and formal review procedures of the Utah Public Service Commission.

KEY: rules and procedures, public utilities, utility service shutoff
Date of Enactment or Last Substantive Amendment: [~~November 1, 2000~~]2013
Notice of Continuation: December 5, 2007
Authorizing, and Implemented or Interpreted Law: 54-2-1; 54-4-1; 54-4-7; 54-4-18; 54-4-23

Workforce Services, Employment Development
R986-900-902
Options and Waivers

NOTICE OF PROPOSED RULE
(Amendment)
DAR FILE NO.: 37067
FILED: 11/15/2012

RULE ANALYSIS

PURPOSE OF THE RULE OR REASON FOR THE CHANGE: The purpose of this amendment is to change the name of the electronic benefit card.

SUMMARY OF THE RULE OR CHANGE: The Department is in the process of changing to a new electronic benefit card (EBT), rather than change the rule each time we change financial institutions, the Department is changing the way the department refers to the card in the rule by merely saying EBT and not the name or type of card issued by our vendor.

STATUTORY OR CONSTITUTIONAL AUTHORIZATION FOR THIS RULE: Section 35A-1-104 and Section 35A-3-103 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: There will be no costs to small businesses to comply with these changes because this is a federally-funded program.
♦ PERSONS OTHER THAN SMALL BUSINESSES, BUSINESSES, OR LOCAL GOVERNMENTAL ENTITIES: There will be no costs to persons other than small businesses, businesses or local government entities 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 affected 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.

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 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 NO LATER THAN AT 5:00 PM ON 12/31/2012

THIS RULE MAY BECOME EFFECTIVE ON: 01/07/2013

AUTHORIZED BY: Jon Pierpont, Acting Executive Director

R986. Workforce Services, Employment Development.
R986-900. Food Stamps.
R986-900-902. Options and Waivers.

The Department administers the Food Stamp Program in compliance with federal law with the following exceptions or clarifications:

(1) The following options not otherwise found in R986-100 have been adopted by the Department where allowed by the applicable federal law or regulation:

(a) The Department has opted to hold hearings at the state level and not at the local level.

(b) The Department does not offer a workfare program for ABAWDs (Able Bodied Adults Without Dependents).

(c) An applicant is required to apply at the local office which serves the area in which they reside.

(d) The Department has opted to use the Simplified Standard Utility Allowance found in 7 USC 2014(e)(7)(C)(iii) as amended by 2002 H.R. 2646 known as Section 4104 of the Farm Bill. The Department has a mandatory standard utility allowance. This means the customer is eligible for an appropriate utility allowance at the time of application and eligibility for the appropriate allowance is re-determined at recertification or if the household moves to a different place of residence. The customer

does not have the choice of using "actual" utility expenses. The Department has three utility standards that are updated annually and are available upon request. This Farm Bill option allows households in subsidized housing and households in shared living arrangements to receive the full appropriate utility allowance.

(e) The Department does not use photo ID cards. ID cards are available upon request to homeless, disabled, and elderly clients so that the client is able to use food stamp benefits at a participating restaurant.

(f) The state has opted to provide food stamp benefits through the use of an electronic benefit transfer system (EBT) [~~known as the Horizon Card~~].

(g) The Department counts diversion payments in the food stamp allotment calculation.

(h) The Department has opted to use Utah's TANF vehicle allowance rules in conjunction with the Food Stamp Program vehicle allowance regulations at 7 CFR 273.8, as authorized by Pub. L. No. 106-387 of the Agriculture Appropriations Act 2001, Food Stamp Act of 1977, 7 USC 2014.

(i) The Department has opted to count all of an ineligible alien's resources and all but a pro rata share of the ineligible alien's income and deductible expenses as provided in 7 CFR 273.11(c)(3)(ii)(A).

(j) A client may waive his or her right to an administrative disqualification hearing.

(k) A client may deduct actual, allowable expenses from self employment, or may opt to deduct 40% of the gross income from self employment to determine net income.

(l) The Department has opted to align food stamps with FEP in determining how to count educational assistance income. That income is counted for food stamps as provided in R986-200-235(3)(q).

(m) The Department has opted to do simplified reporting as provided in 7 CFR 273.12(a)(1)(vii).

(n) The Department has opted to operate a Mini Simplified Food Stamp Program under 7 CFR 273.25. Under this option, a client receiving food stamps and FEP or FEPTP, must participate as required in R986-200-210. A client found ineligible due to non-compliance under R986-200-212 will also be subject to the food stamp sanctions found in 7CFR 273.7(f)(2) unless the client meets an exemption under food stamp regulations.

(o) Effective July 1, 2010, the Department will count the full income of an ineligible alien household member for both the gross and net income tests and for determining the level of benefits. The deductible expenses of the ineligible alien household member will no longer be prorated and the full value of all assets will continue to be counted. This also applies to ineligible aliens who are unable or unwilling to provide documentation of their alien status. This does not apply to the following ineligible aliens:

(i) An alien who is lawfully admitted as a permanent resident.

(ii) An alien who is granted asylum under Section 208 of the INA.

(iii) An alien who is admitted as a refugee under Section 207 of the INA.

(iv) An alien who is paroled in accordance with Section 212(d)(5) of the INA.

(v) An alien whose deportation or removal has been withheld in accordance with Section 243 of the INA.

(vi) An alien who is aged, blind or disabled and is admitted for temporary or permanent residency under Section 245A(b)(1) of the INA.

(vi) An alien who is a special agricultural worker admitted for temporary residence under Section 210 (a) of the INA.

For an ineligible alien listed in this subparagraphs (i) through (vi), a prorated share of the ineligible alien's income and expenses will be counted for purposes of applying the gross and net income tests and to determine the level of benefits. The full amount of the ineligible alien's assets will count.

(p) The Department allows the following exemptions from the Employment and Training (E and T) program for individuals who:

(i) are Refugee Cash Assistance (RCA) participants;

(ii) are on a temporary layoff from their place of employment;

(iii) are unemployed for less than 6 months;

(iv) live more than 35 miles from an employment center;

(v) lack child care, either because it is not available or the customer is not eligible for child care assistance;

(vi) are not appropriate for E and T as determined by a manager or designee;

(vii) are age 47 through the month of their 60th birthday;

(viii) are low functioning/have developmental disabilities/are socially dysfunctional and who have obvious functional limitations that are a substantial handicap to employment;

(ix) have current domestic violence issues;

(x) have limited language skills or individuals whose primary language is other than English;

(xi) lack public and/or private transportation;

(xii) are in the application or appeals process for SSI;

(xiii) have earned income, regardless of the amount earned;

(xiv) have no fixed address;

(xv) do not have a GED or high school diploma;

(xvi) are pregnant regardless of trimester;

(xvii) are on probation or parole who are required to complete court ordered activities such as work release and drug court; or

(xvii) are participating in a program with a Department partner such as case management by Vocational Rehabilitation, or are participating in a Title V or Choose to Work program.

(q) Beginning July 1, 2012, individuals who meet the requirements of an exemption will no longer be allowed to receive services on a voluntary basis or receive a work reimbursement.

(2) The Department has been granted the following applicable waivers from the Food and Nutrition Service:

(a) The Department requires that a household need only report changes in earned income if there is a change in source, the hourly rate or salary, or if there is a change in full-time or part-time status. A client is required to report any change in unearned income over $25 or a change in the source of unearned income.

(b) The Department uses a combined Notice of Expiration and Shortened Recertification Form. Notice of Expiration is required in 7 CFR 273.14(b)(1)(i). The Recertification Form is found under 7 CFR 273.14(b)(2)(i).

(c) The Department conducts the Family Nutrition Education Program for individuals even if they are otherwise ineligible for food stamps.

(d) The Department may deduct overpayments that resulted from an IPV from a household's monthly entitlement.

(e) If the application was received before the 15th of the month and the client has earned income, the certification period can be no longer than six months. The initial certification period may be as long as seven months if the application was received after the 15th of the month.

(f) A household which had its food stamps terminated can be reinstated during the calendar month following the month assistance was terminated without completing a new application if the reason for the termination is fully resolved. The reason for the termination does not matter. Assistance will be prorated to the date on which the client reported that the disqualifying condition was resolved if verification is received within ten days of the report. Assistance is reinstated for the remaining months of the certification period and the certification period must not be changed.

(g) If the Department is unable to obtain proper documentary evidence from an employer, the Department may use Utah quarterly wage data as the primary verification of income when calculating overpayments.

(h) The Department will hold disqualification hearings by telephone.

(i) All initial interviews, and recertification interviews for households certified for 12 months or less, will have their initial or recertification interviews conducted by telephone, rather than in person, unless the household requests an in-person interview or the Department determines that an in-person interview is necessary to resolve issues that would be better facilitated face-to-face.

(j) The federal regulation that requires all interviews be scheduled for a specific date and time is waved for initial telephone interviews. This allows clients to call anytime Monday through Friday from 8 a.m. to 5 p.m. to complete the required initial interview. Households selected for the "Assessment of the Contributions of an Interview to the Supplemental Nutrition Assistance Program (SNAP) Eligibility and Benefits Determinations" study, also known as the No Interview Pilot, will be exempt from the interview requirement. Customer contact may be needed to complete the application and/or recertification process. This waiver will be in place September 1, 2012 - November 30, 2013.

(k) To meet the student work exemption. a student enrolled in post-secondary education half-time or more must work an average of 20 hours per week. The work hours must be averaged over the 30 days immediately prior to the date of application or recertification.

KEY: food stamps, public assistance
Date of Enactment or Last Substantive Amendment: [~~October 1, 2012~~|2013]
Notice of Continuation: September 8, 2010
Authorizing, and Implemented or Interpreted Law: 35A-3-103

Workforce Services, Unemployment Insurance
R994-305
Collection of Contributions

NOTICE OF PROPOSED RULE
(Amendment)
DAR FILE NO.: 37066
FILED: 11/15/2012

RULE ANALYSIS

PURPOSE OF THE RULE OR REASON FOR THE CHANGE: The purpose of this amendment is to clarify collections.

SUMMARY OF THE RULE OR CHANGE: The current rule states the Department may write off nonfault overpayments. That should be changed to read that the Department may charge off nonfault overpayments. The amendment also corrects a spelling error and changes "will" to "may" in Section R994-305-103. This is not a change to procedure but to make the rule more clear about how these are done.

STATUTORY OR CONSTITUTIONAL AUTHORIZATION FOR THIS RULE: Section 35A-1-104 and Section 35A-4-305 and Subsection 35A-1-104(4) and Subsection 35A-4-502(1)(b)

ANTICIPATED COST OR SAVINGS TO:
♦ THE STATE BUDGET: This is a federally-funded program so there are no costs or savings to the state budget.
♦ LOCAL GOVERNMENTS: This is a federally funded program so there are no costs of savings to local government.
♦ SMALL BUSINESSES: There are no costs or savings to any small business. These changes reflect federal procedure for charging off and writing off overpayments and will have no impact on rates.
♦ PERSONS OTHER THAN SMALL BUSINESSES, BUSINESSES, OR LOCAL GOVERNMENTAL ENTITIES: There are no costs or savings to any other persons, small businesses or local government entitles as there are no fees associated with this program and it is federally funded.

COMPLIANCE COSTS FOR AFFECTED PERSONS: There are no costs or savings to any affected persons as there are no fees associated with this program and it is federally funded. These changes will not impact any employer's contribution rate.

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 employer's contribution tax rate.

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 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 NO LATER THAN AT 5:00 PM ON 12/31/2012

THIS RULE MAY BECOME EFFECTIVE ON: 01/07/2013

AUTHORIZED BY: Jon Pierpont, Acting Executive Director

R994. Workforce Services, Unemployment Insurance.
R994-305. Collection of Contributions.
R994-305-102. [~~Write~~]Charge Off Policy for Nonfault Overpayments.

All nonfault overpayments established under Subsection 35A-4-406(5) may be [~~written~~]charged off and removed from the records of the Department after three years without further review unless a payment or offset has been made within the prior 90 days. These debts will be forgiven and forgotten and no further collection or offset will take place.

R994-305-103. Write Off Policy for Other Overpayments.

Except for fraud overpayments established under Subsection 35A-4-40[~~6~~]5(5), all accounts receivable overpayments for claimant and employer liabilities including interest and penalties which have not been collected or offset within three years after the filing of a warrant may be reviewed for determination of [~~collectibility~~]collectability. If it is determined on the information reasonably available to the Department that the delinquent claimant or employer has no known assets which are subject to the attachment, and it appears there is no likelihood of collection in the foreseeable future, the Department [~~will~~]may write off the account. All collection or offset action shall cease as far as enforcement of collection procedures are concerned. However, consistent with general accounting principles, if the Department receives money by virtue of a warrant judgment on a debt that has been written off, the Department will reinstate the equivalent portion of the debt and retain the collected monies.

KEY: unemployment compensation, overpayments
Date of Enactment or Last Substantive Amendment: [~~July 1, 2007~~]2013
Notice of Continuation: December 3, 2009
Authorizing, and Implemented or Interpreted Law: 35A-4-305(1)

End of the Notices of Proposed Rules Section

NOTICES OF
CHANGES IN PROPOSED RULES

After an agency has published a **Proposed Rule** in the *Utah State Bulletin*, it may receive public comment that requires the **Proposed Rule** to be altered before it goes into effect. A **Change in Proposed Rule** allows an agency to respond to comments it receives.

As with a **Proposed Rule**, a **Change in Proposed Rule** is preceded by a **Rule analysis**. This analysis provides summary information about the **Change in Proposed Rule** including the name of a contact person, anticipated cost impact of the rule, and legal cross-references.

While the law does not designate a comment period for a **Change in Proposed Rule**, it does provide for a 30-day waiting period. An agency may accept additional comments during this period, and, at its option, may designate a comment period or may hold a public hearing. The 30-day waiting period for **Changes in Proposed Rules** published in this issue of the *Utah State Bulletin* ends December 31, 2012.

Following the **Rule Analysis**, the text of the **Change in Proposed Rule** is usually printed. The text shows only those changes made since the **Proposed Rule** was published in an earlier edition of the *Utah State Bulletin*. Additions made to the rule appear underlined (e.g., example). Deletions made to the rule appear struck out with brackets surrounding them (e.g., [~~example~~]). A row of dots in the text between paragraphs (**. . . . . .**) indicates that unaffected text, either whole sections or subsections, was removed to conserve space. If a **Change in Proposed Rule** is too long to print, the Division of Administrative Rules will include only the **Rule Analysis**. A copy of rules that are too long to print is available from the agency or from the Division of Administrative Rules.

From the end of the 30-day waiting period through March 31, 2013, an agency may notify the Division of Administrative Rules that it wants to make the **Change in Proposed Rule** effective. When an agency submits a **Notice of Effective Date** for a **Change in Proposed Rule**, the **Proposed Rule** as amended by the **Change in Proposed Rule** becomes the effective rule. The agency sets the effective date. The date may be no fewer than 30 days nor more than 120 days after the publication date of the **Change in Proposed Rule**. If the agency designates a public comment period, the effective 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. Alternatively, the agency may file another **Change in Proposed Rule** in response to additional comments received. If the Division of Administrative Rules does not receive a **Notice of Effective Date** or another **Change in Proposed Rule** by the end of the 120-day period after publication, the **Change in Proposed Rule** filing, along with its associated **Proposed Rule**, lapses and the agency must start the process over.

Changes in Proposed Rules are governed by Section 63G-3-303; Rule R15-2; and Sections R15-4-3, R15-4-5, R15-4-7, and R15-4-9.

The Changes in Proposed Rules Begin on the Following Page

Environmental Quality, Air Quality
R307-208
Outdoor Wood Boiler Prohibition

NOTICE OF CHANGE IN PROPOSED RULE
DAR FILE NO.: 36481
FILED: 11/08/2012

RULE ANALYSIS

PURPOSE OF THE RULE OR REASON FOR THE CHANGE: During the public comment period, the Division of Air Quality (DAQ) received numerous comments opposing the proposed rule. These comments were predominately from owners of outdoor wood boilers outside of the PM2.5 nonattainment area that were concerned that when their existing units expired, they would not be able to replace them. They also expressed concern that alternate fuels available to them are more expensive than wood.

SUMMARY OF THE RULE OR CHANGE: The rule was changed by removing the statewide ban on outdoor wood boilers and by adding a list of prohibited fuels; adding requirements for setbacks from schools, hospitals and day care facilities; establishing stack height requirements; adding new boiler labeling requirements; and in nonattainment areas, requiring those who wish to replace an existing unit in the future to register their existing unit with DAQ, and when they replace their existing unit, requiring them to replace it with a wood pellet outdoor boiler. (DAR NOTE: This change in proposed rule has been filed to make additional changes to a proposed new rule that was published in the August 1, 2012, issue of the Utah State Bulletin, on page 12. Underlining in the rule below indicates text that has been added since the publication of the proposed rule mentioned above; strike-out indicates text that has been deleted. You must view the change in proposed rule and the proposed new rule together to understand all of the changes that will be enforceable should the agency make this rule effective.)

STATUTORY OR CONSTITUTIONAL AUTHORIZATION FOR THIS RULE: Section 19-2-101 and Section 19-2-104

ANTICIPATED COST OR SAVINGS TO:
♦ THE STATE BUDGET: There may be adding costs to DAQ to administer this rule; however, costs should be minimal, so there are no anticipated costs or savings to the state budget.
♦ LOCAL GOVERNMENTS: There are no new requirements for local governments; therefore, there are no anticipated costs or savings associated with this change in proposed rule.
♦ SMALL BUSINESSES: These changes will now allow small businesses to sell certain types of outdoor wood boilers in Utah. However, since Utah is not a large market base for these units, the impact should be limited.
♦ PERSONS OTHER THAN SMALL BUSINESSES, BUSINESSES, OR LOCAL GOVERNMENTAL ENTITIES: As this change in proposed rule now allows all persons to sell, purchase, install, or transfer an EPA Phase 2 outdoor wood boiler in certain parts of the state, there may be some costs or savings to persons other than small businesses, businesses, or local government entities; however, it is difficult to estimate what those would be.

COMPLIANCE COSTS FOR AFFECTED PERSONS: Minimal compliance costs will be incurred from the registration requirement. There will be costs for those wishing to replace existing outdoor wood boilers with new outdoor wood boilers, as they would have to be replaced with either an EPA Phase 2 qualified or a wood pellet outdoor boiler. These units are competitively priced, and the costs should be minimal.

COMMENTS BY THE DEPARTMENT HEAD ON THE FISCAL IMPACT THE RULE MAY HAVE ON BUSINESSES: Businesses will now be able to sell and install certain types of outdoor wood boilers in Utah; however, because Utah is not a large market base for outdoor wood boilers, the fiscal impact should be minimal.

THE FULL TEXT OF THIS RULE MAY BE INSPECTED, DURING REGULAR BUSINESS HOURS, AT:
ENVIRONMENTAL QUALITY
AIR QUALITY
FOURTH FLOOR
195 N 1950 W
SALT LAKE CITY, UT 84116-3085
or at the Division of Administrative Rules.

DIRECT QUESTIONS REGARDING THIS RULE TO:
♦ Mark Berger by phone at 801-536-4000, by FAX at 801-536-0085, or by Internet E-mail at mberger@utah.gov

INTERESTED PERSONS MAY PRESENT THEIR VIEWS ON THIS RULE BY SUBMITTING WRITTEN COMMENTS NO LATER THAN AT 5:00 PM ON 12/31/2012

THIS RULE MAY BECOME EFFECTIVE ON: 02/07/2013

AUTHORIZED BY: Bryce Bird, Director

R307. Environmental Quality, Air Quality.
R307-208. Outdoor Wood Boiler<u>s</u>[~~ Prohibition~~].
[~~R307-208-1. Purpose and Applicability.~~
~~R307-208 applies statewide and establishes a ban on outdoor wood boilers, also known as wood-fired hydronic heaters.~~

]**R307-208-[~~2~~]<u>1</u>. Definitions.**
The following additional definition<u>s</u> appl[~~ies~~]<u>y</u> to R307-208:
<u>"Clean wood" means wood that has not been painted, stained, or treated with any coatings, glues or preservatives, including,</u>

but not limited to, chromated copper arsenate, creosote, alkaline copper quaternary, copper azole or pentachlorophenol.

"Commercial new outdoor wood boiler" means a new outdoor wood boiler with a thermal output rating greater than 250,000 BTU per hour.

"Outdoor wood boiler" means a fuel burning device also known as a wood-fired hydronic heater:

(1) Designed to burn wood or other approved solid fuels;

(2) Specified by the manufacturer for outdoor installation or installation in structures not normally occupied by humans; and

(3) Designated to heat building space or water via the distribution, typically through pipes, of a fluid heated in the device, typically water or a mixture of water and antifreeze.

"New outdoor wood boiler" means an outdoor wood boiler that commences operation on or after March 1, 2013.

"Sole source of heat" means the solid fuel burning device is the only available source of heat for the entire residence or business, except for small portable heaters.

"Residential new outdoor wood boiler" means a new outdoor wood boiler that has a thermal output rating of 250,000 BTU per hour or less.

"Unseasoned wood" means wood that has not been allowed to dry for at least six months.

"Wood pellet outdoor boiler" means an outdoor wood boiler with an automatic pellet feed mechanism.

R307-208-[3]2. Prohibition.

(1) Prohibited fuels. No person shall burn any of the following items in an outdoor wood boiler:

(a) Wood that does not meet the definition of clean wood;

(b) Unseasoned wood;

(c) Garbage;

(d) Tires;

(e) Yard waste, including lawn clippings;

(f) Materials containing plastic;

(g) Materials containing rubber;

(h) Waste petroleum products;

(i) Paints or paint thinners;

(j) Household or laboratory chemicals;

(k) Coal;

(l) Glossy or colored paper;

(m) Construction and demolition debris;

(n) Plywood;

(o) Particleboard;

(p) Fiberboard;

(q) Oriented strand board;

(r) Manure;

(s) Animal carcasses;

(t) Asphalt products;

(2) No person shall operate an outdoor wood boiler within 1000 feet of a private or public school, hospital or day care facility.

(3) Setback. A new residential outdoor wood boiler shall not be located less than 100 feet from the nearest property boundary line. A new commercial outdoor wood boiler shall not be located less than 200 feet from the nearest property boundary nor 300 feet from a property boundary of a residentially zoned property.

(4) Stack height. A new outdoor wood boiler shall have a permanent stack extending five feet higher than the peak of any roof structure within 150 feet of the outdoor wood boiler.

(5) [~~Beginning September 1, 2013, n~~]In areas other than those described in R307-208-5(1), no person shall sell, offer for sale, supply, install, purchase, or transfer an outdoor wood boiler after March 1, 2013, unless it is EPA Phase 2 qualified or a wood pellet outdoor boiler.

R307-208-[4]3. [~~Exemptions.~~]Visible Emission Standard.

[~~(1) All persons who own or operate an outdoor wood boiler prior to October 4, 2012 shall comply with the following requirements to be exempt from the rule:~~

~~(a) Within 180 days of October 4, 2012, register the outdoor wood boiler with the director or local health district office;~~

~~(b) Operate the outdoor wood boiler in accordance with outdoor wood boiler manufacturer's instructions; and~~

~~(c)~~](1) Visible emissions for all outdoor wood boilers shall be limited to a shade or density no darker than 20% opacity as measured by EPA Method 9, except for the following:

([~~i~~]a) An initial fifteen minute start-up period[~~;~~]; and

([~~ii~~]b) A period of fifteen minutes in any three-hour period in which emissions may exceed the 20% opacity limitation for refueling.

R307-208-4. New Boiler Labeling.

(1) A permanent label shall be affixed to all new outdoor wood boilers by the manufacturer.

(a) The label material shall be durable to last the lifetime of the new unit.

(b) The label shall be affixed so that it cannot be removed.

(c) The label shall be affixed so that it is readily visible.

(d) The following information shall be displayed on the label:

(i) Name and address of the manufacturer;

(ii) Date of manufacture;

(iii) Model name and number;

(iv) Serial number;

(v) Thermal output rating in BTU per hour; and

(vi) Certified particulate emission rate in pounds per million BTU heat output.

R307-208-5. Particulate Matter Nonattainment and Maintenance Plan Areas.

(1) R307-208-5 applies in all regions of Salt Lake and Davis counties; all portions of the Cache Valley; all regions in Weber and Utah counties west of the Wasatch mountain range; in Box Elder County, from the Wasatch mountain range west to the Promontory mountain range and south of Portage; and in Tooele County, from the northernmost part of the Oquirrh mountain range to the northern most part of the Stansbury mountain range and north of Route 199.

(2) No person shall sell, install or resell an outdoor wood boiler commencing March 1, 2013, with the exception of persons who register an outdoor wood boiler under R307-208-5(3).

(3) Owners of an existing outdoor wood boiler wishing to replace it after March 1, 2013, shall:

(a) Register the existing outdoor wood boiler with the director by March 1, 2013;

(b) Replace the existing outdoor wood boiler with a wood pellet outdoor wood boiler; and

(c) Comply with the provisions of R307-208-2 and 3.

(4) Persons unable to meet setback requirements in R307-208-2(3) because of existing land use limitations must request a waiver from the director before installing an outdoor wood boiler. Such waiver must include written approval from surrounding neighbors within the setback areas described in R307-208-2(3).

R307-208-6. Air Quality Action and Alert Days.

(1) By March 1, 2013, sole sources of residential or commercial heating using an outdoor wood boiler must be registered with the director in order to be exempt from R307-208-6(2).

(2) No person shall operate an outdoor wood boiler on an air quality action or alert day as established under R307-302, except those that are registered with the director as sole source of heat.

KEY: air pollution, outdoor wood boilers, prohibition
Date of Enactment or Last Substantive Amendment: [~~2012~~]2013
Authorizing, and Implemented or Interpreted Law: 19-2-101; 19-2-104

Environmental Quality, Air Quality
R307-302
Solid Fuel Burning Devices in Box Elder, Cache, Davis, Salt Lake, Tooele, Utah, and Weber Counties

NOTICE OF CHANGE IN PROPOSED RULE
DAR FILE NO.: 36611
FILED: 11/08/2012

RULE ANALYSIS

PURPOSE OF THE RULE OR REASON FOR THE CHANGE: During the public comment period, the Division of Air Quality (DAQ) staff received comments from EPA requesting that language be added to clarify that the rule applies to PM10 and PM2.5 nonattainment and maintenance areas as defined in 40 CFR 81.345.

SUMMARY OF THE RULE OR CHANGE: Section R307-302-2 is amended by adding language to clarify that the rule applies in PM10 and PM2.5 nonattainment and maintenance areas as defined in 40 CFR 81.345. Subsection R307-302-3(1) is amended by removing the language that stated no new registrations for sole sources of residential heating would be accepted after 06/01/2013. Subsection R307-302-6(1) is amended by exempting fireplaces that are EPA qualified from the prohibition that no person shall sell, offer for sale, supply, install, or transfer a fireplace beginning 09/01/2013. The rule is changed throughout by only exempting residents from the mandatory no-burn periods requirements whose solid fuel burning devices are registered as sole source of heat; the solid fuel burning devices that have no visible emissions are no longer exempt. (DAR NOTE: This change in proposed rule has been filed to make additional changes to a proposed amendment that was published in the August 15, 2012, issue of the Utah State Bulletin, on page 61. Underlining in the rule below indicates text that has been added since the publication of the proposed rule mentioned above; strike-out indicates text that has been deleted. You must view the change in proposed rule and the proposed amendment together to understand all of the changes that will be enforceable should the agency make this rule effective.)

STATUTORY OR CONSTITUTIONAL AUTHORIZATION FOR THIS RULE: Section 19-2-101 and Section 19-2-104

MATERIALS INCORPORATED BY REFERENCES:
♦ Adds 40 CFR 81.345, published by United States Government Printing Office, 07/01/2011

ANTICIPATED COST OR SAVINGS TO:
♦ THE STATE BUDGET: Any additional administrative costs to administer this rule are minimal; therefore, there are no anticipated costs or savings to the state budget.
♦ LOCAL GOVERNMENTS: There are no new requirements to local governments; therefore, there are no anticipated costs or savings.
♦ SMALL BUSINESSES: Because small businesses will no longer be able to sell, offer for sale, supply, install, or transfer a fireplace that is not EPA qualified, they may incur some additional costs. Because small businesses will have until 09/01/2013 to sell off current inventory and because most fireplaces on the market are already EPA qualified and competitively priced, the costs should be minimal.
♦ PERSONS OTHER THAN SMALL BUSINESSES, BUSINESSES, OR LOCAL GOVERNMENTAL ENTITIES: Because this rule does not add any new requirements to persons other than small businesses, businesses, or local government entities, there are no anticipated costs or savings.

COMPLIANCE COSTS FOR AFFECTED PERSONS: Because all persons in the PM10 and PM2.5 nonattainment and maintenance areas will no longer be able to sell, offer for sale, supply, install, or transfer a fireplace that is not EPA qualified, they may incur some additional costs to comply with the rule. However, because they will have until 09/01/2013 to sell off current inventories and because most fireplaces on the market are already EPA qualified and competitively priced, the costs should be minimal.

COMMENTS BY THE DEPARTMENT HEAD ON THE FISCAL IMPACT THE RULE MAY HAVE ON BUSINESSES: Because businesses will no longer be able to sell, offer for sale, supply, install, or transfer a fireplace that is not EPA qualified, they may incur some additional costs to comply with the rule. However, because they will have until 09/01/2013 to sell off current inventories and because most fireplaces on the market are already EPA qualified and competitively priced, the costs should be minimal.

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

FOURTH FLOOR
195 N 1950 W
SALT LAKE CITY, UT 84116-3085
or at the Division of Administrative Rules.

DIRECT QUESTIONS REGARDING THIS RULE TO:
♦ Mark Berger by phone at 801-536-4000, by FAX at 801-536-0085, or by Internet E-mail at mberger@utah.gov

THIS RULE MAY BECOME EFFECTIVE ON: 01/01/2013

AUTHORIZED BY: Bryce Bird, Director

R307. Environmental Quality, Air Quality.
R307-302. Solid Fuel Burning Devices in Box Elder, Cache, Davis, Salt Lake, Tooele, Utah, and Weber Counties.
R307-302-1. Purpose and Definitions.

(1) R307-302 establishes emission standards for residential fireplaces and solid fuel burning devices.

(2) The following additional definitions apply to R307-302:

"Sole source of heat" means the residential solid fuel burning device is the only available source of heat for the entire residence, except for small portable heaters.

"Solid fuel burning device" means any device used for burning wood, coal, or any other nongaseous and non-liquid fuel, including, but not limited to, wood stoves, but excluding outdoor wood boilers, which are regulated under R307-208.

R307-302-2. Applicability.

(1) R307-302-3 and R307-302-6 shall apply in PM10 and PM2.5 nonattainment and maintenance areas as defined in 40 CFR 81.345 (July 1, 2011) and geographically described as all regions of Salt Lake and Davis counties; all portions of the Cache Valley; all regions in Weber and Utah counties west of the Wasatch mountain range; in Box Elder County, from the Wasatch mountain range west to the Promontory mountain range and south of Portage; and in Tooele County, from the northernmost part of the Oquirrh mountain range to the northern most part of the Stansbury mountain range and north of Route 199.

(2) R307-302-4 shall apply only within the city limits of Provo in Utah County.

(3) R307-302-5 shall apply in all portions of Box Elder, Cache, Davis, Salt Lake, Tooele, Utah and Weber counties.

R307-302-3. No-Burn Periods for Fine Particulate.

(1) By June 1, 2013, sole sources of residential heating using solid fuel burning devices must be registered with the director in order to be exempt during mandatory no-burn periods.[~~—No new registrations will be accepted in these areas after June 1, 2013.~~]

(2) When the ambient concentration of PM10 measured by the monitors in Salt Lake, Davis, Weber, or Utah counties reaches the level of 120 micrograms per cubic meter and the forecasted weather for the specific area includes a temperature inversion which is predicted to continue for at least 24 hours, the director will issue a public announcement and will distribute such announcement to the local media notifying the public that a mandatory no-burn period for residential solid fuel burning devices and fireplaces is in effect. The mandatory no-burn periods will only apply to those areas or counties impacting the real-time monitoring site registering the 120 micrograms per cubic meter concentration. Residents of the affected areas shall not use residential solid fuel burning devices or fireplaces except those that are the sole source of heat for the entire residence and registered with the director[~~, or those having no visible emissions~~].

(3) PM10 Contingency Plan. If the PM10 Contingency Plan described in Section IX, Part A, of the State Implementation Plan has been implemented, the trigger level for no-burn periods as specified in R307-302-3(2) will be 110 micrograms per cubic meter for that area where the PM10 Contingency Plan has been implemented.

(4) When the ambient concentration of PM2.5 measured by monitors in Box Elder, Cache, Davis, Salt Lake, Tooele, Utah or Weber counties are forecasted to reach or exceed 25 micrograms per cubic meter, the director will issue a public announcement to provide broad notification that a mandatory no-burn period for residential solid fuel burning devices and fireplaces is in effect. The mandatory no-burn periods will only apply to those counties identified by the director. Residents within the geographical boundaries described in R307-302-2(1) shall not use residential solid fuel burning devices or fireplaces except those that are the sole source of heat for the entire residence and registered with the director[~~, or those having no visible emissions~~].

(5) PM2.5 Contingency Plan. If the PM2.5 contingency plan [~~described in Chapter 9~~]of the State Implementation Plan has been implemented, the trigger level for no-burn periods as specified in R307-302-3(4) shall be 15 micrograms per cubic meter for the area where the PM2.5 contingency plan has been implemented.

R307-302-4. No-Burn Periods for Carbon Monoxide.

(1) Beginning on November 1 and through March 1, the director will issue a public announcement and will distribute such announcement to the local media notifying the public that a mandatory no-burn period for residential solid fuel burning devices and fireplaces is in effect when the running eight-hour average carbon monoxide concentration as monitored by the state at 4:00 PM reaches a value of 6.0 ppm or more.

(2) In addition to the conditions contained in R307-302-4(1), the director may use meteorological conditions to initiate a no-burn period. These conditions are:

(a) A national weather service forecasted clearing index value of 250 or less;

(b) Forecasted wind speeds of three miles per hour or less;

(c) Passage of a vigorous cold front through the Wasatch Front; or

(d) Arrival of a strong high pressure system into the area.

(3) During the no-burn periods specified in R307-302-4(1) and (2), residents of Provo City shall not use residential solid fuel burning devices or fireplaces except those that are the sole source of heat for the entire residence and are registered with the director or the local health district office[~~, or those having no visible emissions~~].

R307-302-5. Opacity for Residential Heating.

Except during no-burn periods as required by R307-302-3 and 4, visible emissions from residential solid fuel burning devices and fireplaces shall be limited to a shade or density no darker than 20% opacity as measured by EPA Method 9, except for the following:

(1) An initial fifteen minute start-up period, and

(2) A period of fifteen minutes in any three-hour period in which emissions may exceed the 20% opacity limitation for refueling.

R307-302-6. Prohibition.

(1) Beginning September 1, 2013, no person shall sell, offer for sale, supply, install, or transfer a wood burning stove that is not EPA Phase 2 certified or a fireplace that is not EPA qualified.

(2) Ownership of a non EPA Phase 2 certified stove within a residential dwelling installed prior to the rule effective date may be transferred as part of a real estate transaction, so long as the unit remains intact within the real property of sale.

KEY: air pollution, fireplaces, wood stoves, residential solid fuel burning
Date of Enactment or Last Substantive Amendment: [~~2012~~]2013
Notice of Continuation: June 2, 2010
Authorizing, and Implemented or Interpreted Law: 19-2-101; 19-2-104

Environmental Quality, Air Quality
R307-303
Commercial Cooking

NOTICE OF CHANGE IN PROPOSED RULE
DAR FILE NO.: 36480
FILED: 11/14/2012

RULE ANALYSIS
PURPOSE OF THE RULE OR REASON FOR THE CHANGE: During the public comment period, the Division of Air Quality (DAQ) received comments from EPA concerning the rule's 80% compliance requirement and the lack of monitoring and reporting components in the rule. The rule changes are in response to their comments.

SUMMARY OF THE RULE OR CHANGE: Section R307-303-3 is amended by adding a definition for "catalytic oxidizer." Section R307-303-4 is amended by clarifying that no later than 09/01/2013, owners or operators of all chain-driven charbroilers in food service establishments shall install, maintain and operate a catalytic oxidizer that reduces uncontrolled PM2.5 and VOC by at least 75%. A new subsection, R307-303-4(4), is added to specify that opacity of exhaust stream shall not exceed 20% opacity using EPA Method 9. (DAR NOTE: This change in proposed rule has been filed to make additional changes to a proposed new rule that was published in the August 1, 2012, issue of the Utah State Bulletin, on page 13. Underlining in the rule below indicates text that has been added since the publication of the proposed rule mentioned above; strike-out indicates text that has been deleted. You must view the change in proposed rule and the proposed new rule together to understand all of the changes that will be enforceable should the agency make this rule effective.)

STATUTORY OR CONSTITUTIONAL AUTHORIZATION FOR THIS RULE: Section 19-2-101

ANTICIPATED COST OR SAVINGS TO:
♦ THE STATE BUDGET: The changes to the rule do not result in any new requirements for the state; therefore, there are no anticipated costs or savings to the state budget.
♦ LOCAL GOVERNMENTS: The changes to the rule do not result in any new requirements to local government; therefore, there are no anticipated costs or savings to local government.
♦ SMALL BUSINESSES: The changes to the rule do not add any new requirements to small businesses; therefore, there are no anticipated costs or savings to small businesses.
♦ PERSONS OTHER THAN SMALL BUSINESSES, BUSINESSES, OR LOCAL GOVERNMENTAL ENTITIES: The changes to the rule do not add any new requirements to persons other than small businesses, businesses, or local government entities; therefore, there are no anticipated costs or savings.

COMPLIANCE COSTS FOR AFFECTED PERSONS: The changes to the rule do not add any new compliance requirements that affect the costs of complying with the rule.

COMMENTS BY THE DEPARTMENT HEAD ON THE FISCAL IMPACT THE RULE MAY HAVE ON BUSINESSES: The changes to the rule do not add any new requirements that would affect the fiscal impact the rule has on businesses.

THE FULL TEXT OF THIS RULE MAY BE INSPECTED, DURING REGULAR BUSINESS HOURS, AT:
ENVIRONMENTAL QUALITY
AIR QUALITY
FOURTH FLOOR
195 N 1950 W
SALT LAKE CITY, UT 84116-3085
or at the Division of Administrative Rules.

DIRECT QUESTIONS REGARDING THIS RULE TO:
♦ Mark Berger by phone at 801-536-4000, by FAX at 801-536-0085, or by Internet E-mail at mberger@utah.gov

INTERESTED PERSONS MAY PRESENT THEIR VIEWS ON THIS RULE BY SUBMITTING WRITTEN COMMENTS NO LATER THAN AT 5:00 PM ON 12/31/2012

THIS RULE MAY BECOME EFFECTIVE ON: 02/07/2013

AUTHORIZED BY: Bryce Bird, Director

R307. Environmental Quality, Air Quality.
R307-303. Commercial Cooking.
R307-303-1. Purpose.

The purpose of this rule is to reduce volatile organic compound (VOC) and PM2.5 emissions from commercial cooking equipment.

R307-303-2. Applicability.

R307-303 shall apply to Box Elder, Cache, Davis, Salt Lake, Tooele, Utah and Weber counties.

R307-303-3. Definitions.

"Catalytic oxidizer" means an emission control device that employs a catalyst fixed onto a substrate to oxidize air contaminants in an exhaust stream.

"Chain-driven[~~(conveyorized)~~] charbroiler" means a semi-enclosed charbroiler designed to mechanically move food on a grated grill through the broiler.

"Charbroiler" means a cooking device composed of a grated grill and a heat source, where food resting on the grated grill cooks as the food receives direct heat from the heat source or a radiant surface.

R307-303-4. Performance Standards and Recordkeeping.

(1) [~~Beginning~~]No later than September 1, 2013, owners or operators of all chain-driven charbroilers in food service establishments shall install, maintain and operate a catalytic oxidizer that reduces uncontrolled PM2.5 and VOC by at least [~~80~~]75%, according to manufacturer specified removal efficiencies.

(2) Any emission control device installed and operated under this rule shall be operated, cleaned, and maintained in accordance with the manufacturer's specifications. Manufacturer specifications for all emission controls must be maintained onsite.

(3) The owner or operator shall maintain on the premises of the food service establishment records of each of the following:

(a) The date of installation of the emission control device;

(b) When applicable, the date of the catalyst replacement; and

(c) For a minimum of five years, the date, time, and a brief description of all maintenance performed on the emission control device, including, but not limited to, preventative maintenance, breakdown repair, and cleaning.

(4) Opacity of exhaust stream shall not exceed 20% opacity using EPA Method 9.

KEY: commercial cooking, charbroilers, PM2.5, VOC
Date of Enactment or Last Substantive Amendment: [~~2012~~]2013
Authorizing, and Implemented or Interpreted Law: 19-2-101

Environmental Quality, Air Quality
R307-309
Nonattainment and Maintenance Areas for PM10 and PM2.5: Fugitive Emissions and Fugitive Dust

NOTICE OF CHANGE IN PROPOSED RULE

DAR FILE NO.: 36483
FILED: 11/08/2012

RULE ANALYSIS

PURPOSE OF THE RULE OR REASON FOR THE CHANGE: During the public comment period and public hearing, many comments were submitted. As a result of the Division of Air Quality's (DAQ) analysis and response to comments, much of the original proposed rule was changed.

SUMMARY OF THE RULE OR CHANGE: The rule applicability was changed to be only those areas within PM10 and PM2.5 nonattainment and maintenance areas. The rule was changed to state that dust control plans submitted before 12/03/2012 will have met the filing requirement. The compliance schedule for newly regulated areas was extended to 90 days for Sections R307-309-10 and R307-309-11; all other sections retain the 30-day compliance schedule. Subsection R307-309-6(2) was changed to clarify what the approval process is for fugitive dust control plans. The rule was amended to allow the director to approve an alternate measure for pre-event contingencies for high wind events. A record keeping requirement was added to the rule. The rule is changed to clarify that a new fugitive dust plan is required when sources make modifications. These changes also add clarification that a plan must be accepted and not merely submitted. The exemption in Section R307-309-3 was revised to exempt all agricultural activities to be consistent with the exemption in the 1992 EPA-approved version of the rule. (DAR NOTE: This change in proposed rule has been filed to make additional changes to a proposed amendment that was published in the August 1, 2012, issue of the Utah State Bulletin, on page 14. Underlining in the rule below indicates text that has been added since the publication of the proposed rule mentioned above; strike-out indicates text that has been deleted. You must view the change in proposed rule and the proposed amendment together to understand all of the changes that will be enforceable should the agency make this rule effective.)

STATUTORY OR CONSTITUTIONAL AUTHORIZATION FOR THIS RULE: Section 19-2-101 and Section 19-2-104 and Section 19-2-109

ANTICIPATED COST OR SAVINGS TO:

♦ THE STATE BUDGET: Because the added requirements do not affect administrative procedures, there are no anticpated costs or savings to the state budget.

♦ LOCAL GOVERNMENTS: There will be costs associated with the new record keeping requirement of the rule, but those costs should be minimal. By limiting the applicability of the rule to only PM2.5 and PM10 nonattainment and maintenance areas, fewer local governments will be required to implement dust control plans. This results in a savings of approximately $2,140 per disturbed acre for those to which the rule no longer is applicable.

♦ SMALL BUSINESSES: By limiting the applicability of the rule to only PM2.5 and PM10 nonattainment and maintenance areas, fewer small businesses will be required to implement dust control plans. This results in a savings of approximately $2,140 per disturbed acre for those small businesses to which the rule no longer is applicable. For those to whom the rule still applies there will be added costs for the new rulemaking requirement; however, those costs should be minimal.

♦ PERSONS OTHER THAN SMALL BUSINESSES, BUSINESSES, OR LOCAL GOVERNMENTAL ENTITIES: By limiting the applicability of the rule to only PM2.5 and PM10 nonattainment and maintenance areas, fewer persons other

than small businesses, businesses, or local government entities will be required to implement dust control plans. This results in a savings of approximately $2,140 per disturbed acre for those to which the rule no longer is applicable. For those to whom the rule still applies there will be added costs for the new rulemaking requirement; however, those costs should be minimal.

COMPLIANCE COSTS FOR AFFECTED PERSONS: The new record keeping requirement will result in added compliance costs for affected persons; however, those costs should be minimal.

COMMENTS BY THE DEPARTMENT HEAD ON THE FISCAL IMPACT THE RULE MAY HAVE ON BUSINESSES: By limiting the applicability of the rule to only PM2.5 and PM10 nonattainment and maintenance areas, fewer businesses will be required to implement dust control plans. This results in a savings of approximately $2,140 per disturbed acre for those small businesses to which the rule no longer is applicable. For those to whom the rule still applies there will be added costs for the new rulemaking requirement; however, those costs should be minimal.

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

ENVIRONMENTAL QUALITY
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FOURTH FLOOR
195 N 1950 W
SALT LAKE CITY, UT 84116-3085
or at the Division of Administrative Rules.

DIRECT QUESTIONS REGARDING THIS RULE TO:
♦ Mark Berger by phone at 801-536-4000, by FAX at 801-536-0085, or by Internet E-mail at mberger@utah.gov

THIS RULE MAY BECOME EFFECTIVE ON: 01/01/2013

AUTHORIZED BY: Bryce Bird, Director

R307. Environmental Quality, Air Quality.
R307-309. Nonattainment and Maintenance Areas for PM10 and PM2.5: Fugitive Emissions and Fugitive Dust.
[~~R307-309-1. Purpose.~~

~~This rule establishes minimum work practices and emission standards for sources of fugitive emissions and fugitive dust.~~

~~R307-309-2. Definitions.~~

~~The following addition definition applies to R307-309:~~

~~"Material" means sand, gravel, soil, minerals, and other matter that may create fugitive dust.~~

~~R307-309-3. Applicability.~~

~~(1) Applicability. R307-309 applies to all sources of fugitive dust and fugitive emissions located within Box Elder, Cache, Davis, Salt Lake, Tooele, Utah and Weber counties, except as specified in R307-309-3(2).~~

~~(2) Exemptions.~~

~~(a) The provisions of R307-309 do not apply to agricultural or horticultural activities specified in 19-2-114 (1)-(3).~~

~~(b) Any activity subject to R307-307 is exempt from R307-309-7.~~

~~R307-309-4. Fugitive Emissions.~~

~~(1) Fugitive emissions from any source shall not exceed 15% opacity.~~

~~(2) Opacity observations of fugitive emissions from stationary sources shall be conducted in accordance with EPA Method 9.~~

~~(3) For intermittent sources and mobile sources, opacity observations shall use procedures similar to Method 9.~~

~~R307-309-5. General Requirements for Fugitive Dust.~~

~~(1) Except as provided in R307-309-5(3), opacity caused by fugitive dust shall not exceed:~~

~~(a) 10% at the property boundary; and~~

~~(b) 20% on site~~

~~(2) Any person owning or operating a new or existing source of fugitive dust one-quarter acre or greater in size shall submit a fugitive dust control plan to the director in accordance with R307-309-6.~~

~~(3) Opacity in R307-309-5(1) shall not apply when the wind speed exceeds 25 miles per hour if the owner or operator has implemented, and continues to implement, the accepted fugitive dust control plan in R307-309-6 and administers at least one of the following contingency measures:~~

~~(a) Pre-event watering;~~

~~(b) Hourly watering;~~

~~(c) Additional chemical stabilization; or~~

~~(d) Cease or reduce fugitive dust producing operations.~~

~~(4) Wind speed may be measured by a hand-held anemometer or equivalent device.~~

~~(5) Opacity observations of fugitive dust from any source shall be measured at the densest point of the plume.~~

~~(a) For mobile sources, visible emissions shall be measured at a point not less than 1/2 vehicle length behind the vehicle and not less than 1/2 the height of the vehicle.~~

~~(b) Opacity observations of emissions from stationary sources shall be measured in accordance with EPA Method 9.~~

~~R307-309-6. Fugitive Dust Control Plan.~~

~~(1) Any person owning or operating a new or existing source of fugitive dust, including storage, hauling or handling operations, clearing or leveling of land one-quarter acre or greater in size, earthmoving, excavation, moving trucks or construction equipment over cleared land one-quarter acre or greater in size or access haul roads, or demolition activities including razing homes, buildings or other structures, shall submit a fugitive dust control plan on a form provided by the director.~~

~~(2) Activities regulated by R307-309 shall not commence before the fugitive dust control plan is accepted by the Division of Air Quality.~~

~~**R307-309-7. Storage, Hauling and Handling of Aggregate Materials.**~~

~~Any person owning, operating or maintaining a new or existing material storage, handling or hauling operation shall prevent, to the maximum extent possible, material from being deposited onto any paved road other than a designated deposit site. Any such person who deposits materials that may create fugitive dust on a public or private paved road shall clean the road immediately.~~

~~**R307-309-8. Construction and Demolition Activities.**~~

~~Any person engaging in clearing or leveling of land with an area of one-quarter acre or more, earthmoving, excavating, construction, demolition, or moving trucks or construction equipment over cleared land or access haul roads shall prevent, to the maximum extent possible, material from being deposited onto any paved road other than a designated deposit site. Any such person who deposits materials that may create fugitive dust on a public or private paved road shall clean the road immediately.~~

~~**R307-309-9. Roads.**~~

~~(1) Any person responsible for construction or maintenance of any existing road or having right-of-way easement or possessing the right to use the same whose activities result in fugitive dust from the road shall minimize fugitive dust to the maximum extent possible. Any such person who deposits materials that may create fugitive dust on a public or private paved road shall clean the road immediately.~~

~~(2) Unpaved Roads. Any person responsible for construction or maintenance of any new or existing unpaved road shall prevent, to the maximum extent possible, the deposit of material from the unpaved road onto any intersecting paved road during construction or maintenance. Any person who deposits materials that may create fugitive dust on a public or private paved road shall clean the road immediately.~~

~~**R307-309-10. Mining Activities.**~~

~~(1) Fugitive dust, construction activities, and roadways associated with mining activities are regulated under the provisions of R307-309-10 and not by R307-309-7, 8, 9, and 11.~~

~~(2) Any person who owns or operates a mining operation shall minimize fugitive dust as an integral part of site preparation, mining activities, and reclamation operations.~~

~~(3) The fugitive dust control measures to be used may include:~~

~~(a) Periodic watering of unpaved roads,~~

~~(b) Chemical stabilization of unpaved roads,~~

~~(c) Paving of roads,~~

~~(d) Immediate removal of coal, rock minerals, soil, and other dust-forming debris from roads and frequent scraping and compaction of unpaved roads to stabilize the road surface,~~

~~(e) Restricting the speed of vehicles in and around the mining operation,~~

~~(f) Revegetating, mulching, or otherwise stabilizing the surface of all areas adjoining roads that are a source of fugitive dust,~~

~~(g) Restricting the travel of vehicles on other than established roads,~~

~~(h) Enclosing, covering, watering, or otherwise treating loaded haul trucks and railroad cars, to minimize loss of material to wind and spillage,~~

~~(i) Substitution of conveyor systems for haul trucks and covering of conveyor systems when conveyed loads are subject to wind erosion,~~

~~(j) Minimizing the area of disturbed land,~~

~~(k) Prompt revegetation of regraded lands,~~

~~(l) Planting of special windbreak vegetation at critical points in the permit area,~~

~~(m) Control of dust from drilling, using water sprays, hoods, dust collectors or other controls approved by the director.~~

~~(n) Restricting the areas to be blasted at any one time,~~

~~(o) Reducing the period of time between initially disturbing the soil and revegetating or other surface stabilization,~~

~~(p) Restricting fugitive dust at spoil and coal transfer and loading points,~~

~~(q) Control of dust from storage piles through use of enclosures, covers, or stabilization and other equivalent methods or techniques as approved by the director, or~~

~~(r) Other techniques as determined necessary by the director.~~

~~**R307-309-11. Tailings Piles and Ponds.**~~

~~(1) Fugitive dust, construction activities, and roadways associated with tailings piles and ponds are regulated under the provisions of R307-309-11 and not by R307-309-7, 8, 9, and 10.~~

~~(2) Any person owning or operating an existing tailings operation where fugitive dust results from grading, excavating, depositing, or natural erosion or other causes in association with such operation shall take steps to minimize fugitive dust from such activities. Such controls may include:~~

~~(a) Watering,~~

~~(b) Chemical stabilization,~~

~~(c) Synthetic covers,~~

~~(d) Vegetative covers,~~

~~(e) Wind breaks,~~

~~(f) Minimizing the area of disturbed tailings,~~

~~(g) Restricting the speed of vehicles in and around the tailings operation, or~~

~~(h) Other equivalent methods or techniques which may be approvable by the director.~~

~~**R307-309-12. Compliance Schedule.**~~

~~All sources within Salt Lake County, Utah County and the city of Ogden shall be in compliance with R307-309 upon the effective date of this rule. All sources within Box Elder County, Cache County, Davis County, Tooele County, and the remaining portions of Weber shall be in compliance with R307-309 within 30 days of the effective date of this rule.~~]

R307-309-1. Purpose.

This rule establishes minimum work practices and emission standards for sources of fugitive emissions and fugitive dust.

R307-309-2. Definitions.

The following additional definition applies to R307-309:

"Material" means sand, gravel, soil, minerals, and other matter that may create fugitive dust.

R307-309-3. Applicability.

(1) Applicability. R307-309 applies to all sources of fugitive dust and fugitive emissions located in PM10 and PM2.5

nonattainment and maintenance plan areas as defined in 40 CFR 81.345 (July 1, 2011), except as specified in R307-309-3(2).

(2) Exemptions.

(a) Agriculturally derived fugitive dust sources, including agricultural or horticultural activities specified in 19-2-114 (1)-(3) are exempt from the provisions of R307-309.

(b) Any activity subject to R307-307 is exempt from R307-309-7.

R307-309-4. Fugitive Emissions.

(1) Fugitive emissions from any source shall not exceed 15% opacity.

(2) Opacity observations of fugitive emissions from stationary sources shall be conducted in accordance with EPA Method 9.

(3) For intermittent sources and mobile sources, opacity observations shall be conducted using Method 9; however, the requirement for observations to be made at 15 second intervals over a six-minute period shall not apply.

R307-309-5. General Requirements for Fugitive Dust.

(1) Except as provided in R307-309-5(3), opacity caused by fugitive dust shall not exceed:

(a) 10% at the property boundary; and

(b) 20% on site

(2) Any person owning or operating a new or existing source of fugitive dust one-quarter acre or greater in size shall submit a fugitive dust control plan to the director in accordance with R307-309-6.

(3) Opacity in R307-309-5(1) shall not apply when the wind speed exceeds 25 miles per hour if the owner or operator has implemented, and continues to implement, the accepted fugitive dust control plan in R307-309-6 and administers at least one of the following contingency measures:

(a) Pre-event watering;

(b) Hourly watering;

(c) Additional chemical stabilization; or

(d) Cease or reduce fugitive dust producing operations.

(e) Other contingency measure approved by the director.

(4) Wind speed may be measured by a hand-held anemometer or equivalent device.

(5) Opacity observations of fugitive dust from any source shall be measured at the densest point of the plume.

(a) For mobile sources, visible emissions shall be measured at a point not less than 1/2 vehicle length behind the vehicle and not less than 1/2 the height of the vehicle.

(b) Opacity observations of emissions from stationary sources shall be measured in accordance with EPA Method 9.

(c) For intermittent sources, opacity observations shall be conducted using Method 9; however, the requirement for observations to be made at 15 second intervals over a six-minute period shall not apply.

R307-309-6. Fugitive Dust Control Plan.

(1) Any person owning or operating a new or existing source of fugitive dust, including storage, hauling or handling operations, clearing or leveling of land one-quarter acre or greater in size, earthmoving, excavation, moving trucks or construction equipment over cleared land one-quarter acre or greater in size or access haul roads, or demolition activities including razing homes, buildings or other structures, shall submit a fugitive dust control plan on a form provided by the director or another format approved by the director.

(a) A fugitive dust control plan that has been submitted to and accepted by the director prior to December 3, 2012, will fulfill the requirements of R307-309-6.

(2) Activities regulated by R307-309 shall not commence before the fugitive dust control plan is approved by the director.

(a) Successful completion of the web-based division-sponsored fugitive dust control plan tool shall constitute plan approval.

(b) Hard copy fugitive control plan submission must be reviewed and approved by the director prior to commencing activities regulated by R307-309.

(3) Sources with an existing fugitive dust control plan who make site modifications that result in emission changes shall submit an updated fugitive dust control plan.

(4) Minimum fugitive dust control plan requirements. At a minimum, a fugitive dust control plan must include the following requirements as they apply to a source:

(a) Backfilling.

(i) Stabilize backfill material when not actively handling.

(ii) Stabilize backfill material during handling.

(iii) Stabilize soil at completion of backfilling activity.

(iv) Stabilize material while using pipe padder equipment.

(b) Blasting.

(i) Stabilize surface soils where drills, support equipment and vehicles will operate.

(ii) Stabilize soil during blast preparation activities.

(iii) Stabilize soil after blasting.

(c) Clearing.

(i) Stabilize surface soils where support equipment and vehicles will operate.

(ii) Stabilize disturbed soil immediately after clearing and grubbing activities.

(iii) Stabilize slopes at completion of activity.

(d) Clearing forms, foundations and slabs.

(i) Use water, sweeping and vacuum to clear.

(e) Crushing.

(i) Stabilize surface soils where support equipment and vehicles will operate.

(ii) Stabilize material before, during and after crushing.

(iii) Traffic mileage or speed controls.

(iv) Minimize transfer height.

(f) Cut and fill.

(i) Stabilize surface soils where support equipment and vehicles will operate.

(ii) Pre-water soils.

(iii) Stabilize soil during and after cut activities.

(g) Demolition-implosion.

(i) Stabilize surface area where support equipment and vehicles will be operated.

(ii) Stabilize demolition debris immediately following blast and safety clearance.

(iii) Stabilize and clean surrounding area immediately following blast and safety clearance.

(h) Demolition-mechanical and manual.

(i) Stabilize surface areas where support equipment and vehicles will operate.

(ii) Stabilize demolition debris during handling.
(iii) Stabilize debris following demolition.
(iv) Stabilize surrounding area following demolition.
(i) Disturbed soil.
(i) Limit disturbance of soils where possible.
(ii) Stabilize and maintain stability of all disturbed soil throughout construction site.
(j) Hauling materials.
(i) Limit visible dust opacity from vehicular operations.
(ii) Stabilize materials during transport on site.
(iii) Clean wheels and undercarriage of haul trucks prior to leaving construction site.
(k) Paving subgrade preparation.
(i) Stabilize adjacent disturbed soils following paving activities by applying water, chemical stabilizer and/or synthetic cover.
(l) Sawing and cutting materials.
(i) Limit visible emissions using water or vacuum.
(m) Screening.
(i) Stabilize surface soils where support equipment and vehicles will operate.
(ii) Pre-treat material prior to screening.
(iii) Stabilize material during screening.
(iv) Stabilize material and surrounding area immediately after screening.
(v) Minimize transfer height.
(n) Staging areas.
(i) Limit visible dust opacity from vehicular operations.
(ii) Stabilize staging area soils during use.
(iii) Stabilize staging area soils at project completion.
(o) Stockpiling.
(i) Stabilize stockpile materials during and after handling.
(ii) Stabilize surface soils where support equipment and vehicles will operate.
(p) Trackout prevention and cleanup.
(i) Install and maintain trackout control devices in effective condition at all access points where paved and unpaved access or travel routes intersect.
(q) Traffic on unpaved routes and parking areas.
(i) Stabilize surface soils where support equipment and vehicles will operate.
(r) Trenching.
(i) Stabilize surface soils where trenching equipment, support equipment and vehicles will operate.
(ii) Stabilize soils after trenching.
(s) Truck loading.
(i) Empty loader bucket slowly and keep loader bucket close to the truck to minimize the drop height while dumping.
(ii) Stabilize surface soils where support equipment and vehicles will operate.
(5) The fugitive dust control plan must include contact information, site address, total area of disturbance, expected start and completion dates, identification of dust suppressant and plan certification by signature of a responsible person.

R307-309-7. Storage, Hauling and Handling of Aggregate Materials.

Any person owning, operating or maintaining a new or existing material storage, handling or hauling operation shall prevent, to the maximum extent possible, material from being deposited onto any paved road other than a designated deposit site. Any such person who deposits materials that may create fugitive dust on a public or private paved road shall clean the road promptly.

R307-309-8. Construction and Demolition Activities.

Any person engaging in clearing or leveling of land with an area of one-quarter acre or more, earthmoving, excavating, construction, demolition, or moving trucks or construction equipment over cleared land or access haul roads shall prevent, to the maximum extent possible, material from being deposited onto any paved road other than a designated deposit site. Any such person who deposits materials that may create fugitive dust on a public or private paved road shall clean the road promptly.

R307-309-9. Roads.

(1) Any person responsible for construction or maintenance of any existing road or having right-of-way easement or possessing the right to use the same whose activities result in fugitive dust from the road shall minimize fugitive dust to the maximum extent possible. Any such person who deposits materials that may create fugitive dust on a public or private paved road shall clean the road promptly.
(2) Unpaved Roads. Any person responsible for construction or maintenance of any new or existing unpaved road shall prevent, to the maximum extent possible, the deposit of material from the unpaved road onto any intersecting paved road during construction or maintenance. Any person who deposits materials that may create fugitive dust on a public or private paved road shall clean the road promptly.

R307-309-10. Mining Activities.

(1) Fugitive dust, construction activities, and roadways associated with mining activities are regulated under the provisions of R307-309-10 and not by R307-309-6,7, 8, 9, and 11.
(2) Any person who owns or operates a mining operation shall minimize fugitive dust as an integral part of site preparation, mining activities, and reclamation operations.
(3) The fugitive dust control measures to be used shall include:
(a) Periodic watering of unpaved roads or;
(b) Use of chemical stabilizers on unpaved roads or;
(c) Paving of roads.
(d) Immediate removal of coal, rock minerals, soil, and other dust-forming debris from roads and frequent scraping and compaction of unpaved roads to stabilize the road surface.
(e) Restricting the speed of vehicles in and around the mining operation,
(f) Revegetating, mulching, or otherwise stabilizing the surface of all areas adjoining roads that are a source of fugitive dust.
(g) Restricting the travel of vehicles on other than established roads.
(h) Enclosing, covering, watering, or otherwise treating loaded haul trucks and railroad cars, to minimize loss of material to wind and spillage.
(i) Substitution of conveyor systems for haul trucks and covering of conveyor systems when conveyed loads are subject to wind erosion.
(j) Minimizing the area of disturbed land.
(k) Prompt revegetation of regraded lands.

(l) Planting of special windbreak vegetation at critical points in the permit area.
(m) Control of dust from drilling, using water sprays, hoods, dust collectors or other controls approved by the director.
(n) Restricting the areas to be blasted at any one time.
(o) Reducing the period of time between initially disturbing the soil and revegetating or other surface stabilization.
(p) Restricting fugitive dust at spoil and coal transfer and loading points.
(q) Control of dust from storage piles through use of enclosures, covers, or stabilization and other equivalent methods or techniques as approved by the director, or
(r) Other techniques as determined necessary by the director.
(4) Owners or operators shall submit a fugitive dust control plan to the director on a form provided by the director or another format approved by the director.
(a) Activities regulated by R307-309-10 shall not commence before the fugitive dust control plan is approved by the director.
(b) A fugitive dust control plan that has been submitted to and accepted by the director prior to December 3, 2012, will fulfill the requirements of R307-309-10.
(c) Sources with an existing fugitive dust control plan that make site modifications that result in emission changes shall submit an updated fugitive dust control plan.
(d) The fugitive dust control plan shall include site location, contact information, plot plan, total area of land to be disturbed, sources of fugitive dust, types of dust suppressants, high wind contingency measures, treatments for preventing trackout controls and plan certification by signature of a responsible person.

R307-309-11. Tailings Piles and Ponds.
(1) Fugitive dust, construction activities, and roadways associated with tailings piles and ponds are regulated under the provisions of R307-309-11 and not by R307-309-6,7, 8, 9, and 10.
(2) Any person owning or operating an existing tailings operation where fugitive dust results from grading, excavating, depositing, or natural erosion or other causes in association with such operation shall take steps to minimize fugitive dust from such activities. Such controls shall include:
(a) Watering or;
(b) Chemical stabilization or;
(c) Synthetic covers or;
(d) Vegetative covers or;
(e) Wind breaks or;
(f) A combination of R307-309-11(2)(a)-(e);
(g) Minimizing the area of disturbed tailings;
(h) Restricting the speed of vehicles in and around the tailings operation; or
(h) Other equivalent methods or techniques which may be approvable by the director.
(3) Owners or operators shall submit a fugitive dust control plan to the director.
(a) Activities regulated by R307-309-11 shall not commence before the fugitive dust control plan is approved by the director.
(b) A fugitive dust control plan that has been submitted to and accepted by the director prior to December 3, 2012, will fulfill the requirements of R307-309-11.
(c) Sources with an existing fugitive dust control plan that make site modifications that result in emission changes shall submit an updated fugitive dust control plan.
(d) The fugitive dust control plan shall include site location, contact information, plot plan, total area of land to be disturbed, sources of fugitive dust, types of dust suppressants, high wind contingency measures, treatments for preventing trackout controls and plan certification by signature of a responsible person.

R307-309-12. Record Keeping.
All sources subject to R307-309-5(2) and (3) shall maintain records demonstrating compliance with R307-309. These records shall be available to the director upon request.

R307-309-13. Compliance Schedule.
(1) All sources within the applicable portions of Salt Lake County, Utah County and the city of Ogden shall be in compliance with R307-309 upon the effective date of this rule.
(2) All sources within the remaining areas described in R307-309-3(1) shall be in compliance with R307-309-4 through 9 and R307-309-12 within 30 days of the effective date of this rule and shall be in compliance with R307-309-10 and 11 within 90 days of the effectiveness of this rule.

KEY: air pollution, fugitive dust
Date of Enactment or Last Substantive Amendment: [~~2012~~]2013
Notice of Continuation: June 2, 2010
Authorizing, and Implemented or Interpreted Law: 19-2-101; 19-2-104; 19-2-109

Environmental Quality, Air Quality
R307-335
Degreasing and Solvent Cleaning Operations

NOTICE OF CHANGE IN PROPOSED RULE
DAR FILE NO.: 36482
FILED: 11/08/2012

RULE ANALYSIS
PURPOSE OF THE RULE OR REASON FOR THE CHANGE: The aerospace industry opposed the rule because the proposed industrial solvent cleaning requirements could not be implemented for that industry. They suggested that the aerospace industry should be exempt from portions of Rule R307-335 and that a separate rule based on an EPA model rule for the aerospace industry be written. The Division of Air Quality (DAQ) has exempted the aerospace industry from this proposed rule and proposed a new one, Rule R307-355, which is based on an EPA model rule. DAQ

also received public comments regarding limiting the applicability of the proposed rule to the PM2.5 nonattainment area.

SUMMARY OF THE RULE OR CHANGE: The applicability section in Section R307-335-2 was changed to make the rule applicable only in the PM10 and PM2.5 nonattainment and maintenance plan areas. New exemptions were added under the industrial solvent cleaning section, Section R307-335-7, for many industries already regulated under separate rules. A recordkeeping requirement was added in Section R307-335-9 that requires owners and operators to maintain records, for a minimum of two years, of the solvent VOC content applied during operations. The compliance schedule found in Section R307-335-10 was changed to require newly regulated sources in the nonattainment area to be in compliance with the rule by 09/01/2013. (DAR NOTE: This change in proposed rule has been filed to make additional changes to a proposed amendment that was published in the August 1, 2012, issue of the Utah State Bulletin, on page 17. Underlining in the rule below indicates text that has been added since the publication of the proposed rule mentioned above; strike-out indicates text that has been deleted. You must view the change in proposed rule and the proposed amendment together to understand all of the changes that will be enforceable should the agency make this rule effective.)

STATUTORY OR CONSTITUTIONAL AUTHORIZATION FOR THIS RULE: Subsection 19-2-104(1)(a)

ANTICIPATED COST OR SAVINGS TO:
♦ THE STATE BUDGET: Because the revisions to the rule do not affect the costs to administer the rule, no costs or savings are anticipated for the state budget.
♦ LOCAL GOVERNMENTS: Because this revision does not create new requirements for local governments, and because it is administered by the state, there are no anticipated costs or savings to local governments.
♦ SMALL BUSINESSES: While this rule exempts many industries from the requirements of the rule, there are no anticipated costs or savings, as those industries are regulated under separate administrative rules. There are anticipated costs for the new recordkeeping requirement; however, those costs should be minimal.
♦ PERSONS OTHER THAN SMALL BUSINESSES, BUSINESSES, OR LOCAL GOVERNMENTAL ENTITIES: Because the revision does not create new requirements for persons other than small businesses, businesses, or local government entities, there are no anticipated costs or savings.

COMPLIANCE COSTS FOR AFFECTED PERSONS: The new recordkeeping requirement will result in additional costs for affected persons; however, those costs should be minimal.

COMMENTS BY THE DEPARTMENT HEAD ON THE FISCAL IMPACT THE RULE MAY HAVE ON BUSINESSES: The new recordkeeping requirement will result in additional costs to businesses; however, those costs should be minimal. The other changes to the proposed rule are administrative in nature and should have minimal to no fiscal impact on businesses.

THE FULL TEXT OF THIS RULE MAY BE INSPECTED, DURING REGULAR BUSINESS HOURS, AT:
ENVIRONMENTAL QUALITY
AIR QUALITY
FOURTH FLOOR
195 N 1950 W
SALT LAKE CITY, UT 84116-3085
or at the Division of Administrative Rules.

DIRECT QUESTIONS REGARDING THIS RULE TO:
♦ Mark Berger by phone at 801-536-4000, by FAX at 801-536-0085, or by Internet E-mail at mberger@utah.gov

THIS RULE MAY BECOME EFFECTIVE ON: 01/01/2013

AUTHORIZED BY: Bryce Bird, Director

R307. Environmental Quality, Air Quality.
R307-335. Degreasing and Solvent Cleaning Operations.
R307-335-1. Purpose.

The purpose of this rule is to limit volatile organic compound (VOC) emission from degreasing and solvent cleaning operations.

R307-335-2. Applicability.

R307-335 applies to all degreasing or solvent cleaning operations that use VOCs and that are located in PM10 and PM2.5 nonattainment and maintenance plan areas as defined in 40 CFR 81.345 (July 1, 2011)[~~Box Elder, Cache, Davis, Salt Lake, Tooele, Utah, and Weber counties~~].

R307-335-3. Definitions.

The following additional definitions apply to R307-335:

"Batch open top vapor degreasing" means the batch process of cleaning and removing grease and soils from metal surfaces by condensing hot solvent vapor on the colder metal parts.

"Cold cleaning" means the batch process of cleaning and removing soils from metal surfaces by spraying, brushing, flushing or immersing while maintaining the solvent below its boiling point.

"Conveyorized degreasing" means the continuous process of cleaning and removing greases and soils from metal surfaces by using either cold or vaporized solvents.

"Freeboard ratio" means the freeboard height (distance between solvent line and top of container)divided by the width of the degreaser.

"Industrial solvent cleaning" means operations performed using a liquid that contains any VOC, or combination of VOCs, which is used to clean parts, tools, machinery, equipment and work areas. Cleaning operations include, but are not limited to, spraying, wiping, [~~dipping, ~~]flushing, and purging.

"Open top vapor degreaser" means the batch process of cleaning and removing soils from metal surfaces by condensing low solvent vapor on the colder metal parts.

"Separation operation" means any process that separates a mixture of compounds and solvents into two or more components. Specific mechanisms include extraction, centrifugation, filtration, and crystallization.

"Solvent metal cleaning" means the process of cleaning soils from metal surfaces by cold cleaning, open top vapor degreasers, or conveyorized degreasing.

R307-335-4. Cold Cleaning Facilities.

No owner or operator shall operate a degreasing or solvent cleaning operation unless conditions in R307-335-4(1) through (7) are met.

(1) A cover shall be installed which shall remain closed except during actual loading, unloading or handling of parts in cleaner. The cover shall be designed so that it can be easily operated with one hand if:

(a) The volatility of the solvent is greater than 2 kPa (15 mm Hg or 0.3 psi) measured at 38 degrees C (100 degrees F),

(b) The solvent is agitated, or

(c) The solvent is heated.

(2) An internal draining rack for cleaned parts shall be installed on which parts shall be drained until all dripping ceases. If the volatility of the solvent is greater than 4.3 kPa (32 mm Hg at 38 degrees C (100 degrees F)), the drainage facility must be internal, so that parts are enclosed under the cover while draining. The drainage facility may be external for applications where an internal type cannot fit into the cleaning system.

(3) Waste or used solvent shall be stored in covered containers.[~~Waste solvents or waste materials which contain solvents shall be disposed of by recycling, reclaiming, or by incineration in an incinerator approved to process hazardous materials.~~]

(4) Tanks, containers and all associated equipment shall be maintained in good operating condition, and leaks shall be repaired immediately or the degreaser shall be shutdown.

(5) Written procedures for the operation and maintenance of the degreasing or solvent cleaning equipment shall be permanently posted in an accessible and conspicuous location near the equipment.

(6) If the solvent volatility is greater than 4.3 kPa (33 mm Hg or 0.6 psi) measured at 38 degrees C (100 degrees F), or if solvent is heated above 50 degrees C (120 degrees F), then one of the following control devices shall be used:

(a) Freeboard that gives a freeboard ratio greater than 0.7;

(b) Water cover if the solvent is insoluble in and heavier than water); or

(c) Other systems of equivalent control, such as a refrigerated chiller or carbon adsorption.

(7) If used, the solvent spray shall be a solid fluid stream at a pressure that does not cause excessive splashing and may not be a fine, atomized or shower type spray.

R307-335-5. Open Top Vapor Degreasers.

Owners or operators of open top vapor degreasers shall, in addition to meeting the requirements of R307-335-4(3), (4) and (5),

(1) Equip the vapor degreaser with a cover that can be opened and closed without disturbing the vapor zone. The cover shall be closed except when processing work loads through the degreaser;

(2) Install one of the following control devices:

(a) Equipment necessary to sustain:

(i) A freeboard ratio greater than or equal to 0.75, and

(ii) A powered cover if the degreaser opening is greater than 1 square meter (10.8 square feet),

(b) Refrigerated chiller,

(c) Enclosed design (cover or door opens only when the dry part is actually entering or exiting the degreaser),

(d) Carbon adsorption system, with ventilation greater than or equal to 15 cubic meters per minute per square meter (50 cubic feet per minute per square foot) of air/vapor area when cover is open and exhausting less than 25 parts per million of solvent averaged over one complete adsorption cycle;

(3) Minimize solvent carryout by:

(a) Racking parts to allow complete drainage,

(b) Moving parts in and out of the degreaser at less than 3.3 meters per minute (11 feet per minute),

(c) Holding the parts in the vapor zone at least 30 seconds or until condensation ceases,

(d) Tipping out any pool of solvent on the cleaned parts before removal, and

(e) Allowing the parts to dry within the degreaser for at least 15 seconds or until visibly dry.

(4) Spray parts only in or below the vapor level;

(5) Not use ventilation fans near the degreaser opening, nor provide exhaust ventilation exceeding 20 cubic meters per minute per square meter (65 cubic feet per minute per square foot) in degreaser open area, unless necessary to meet state and federal occupational, health, and safety requirements.

(6) Not degrease porous or absorbent materials, such as cloth, leather, wood or rope;

(7) Not allow work loads to occupy more than half of the degreaser's open top area;

(8) Ensure that solvent is not visually detectable in water exiting the water separator;

(9) Install safety switches on the following:

(a) Condenser flow switch and thermostat (shuts off sump heat if condenser coolant is either not circulating or too warm); and

(b) Spray switch (shuts off spray pump if the vapor level drops excessively, i.e., greater than 10 cm (4 inches).

(10) Open top vapor degreasers with an open area smaller than one square meter (10.8 square feet) are exempt from R307-335-5(2)(b) and (d).

R307-335-6. Conveyorized Degreasers.

Owners and operators of conveyorized degreasers shall, in addition to meeting the requirements of R307-335-4(3), (4) and (5) and R307-335-5(5):

(1) Install one of the following control devices for conveyorized degreasers with an air/vapor interface equal to or greater than two square meters (21.5 square feet):

(a) Refrigerated chiller; or

(b) Carbon adsorption system, with ventilation greater than or equal to 15 cubic meters per minute per square meter (50 cubic feet per minute per square foot) of air/vapor area when downtime covers are open, and exhausting less than 25 parts per million of solvent, by volume, averaged over a complete adsorption cycle.

(2) Equip the cleaner with equipment, such as a drying tunnel or rotating (tumbling) basket, sufficient to prevent cleaned parts from carrying out solvent liquid or vapor.

(3) Provide downtime covers for closing off the entrance and exit during shutdown hours. Ensure that down-time cover is placed

over entrances and exits of conveyorized degreasers immediately after the conveyor and exhaust are shut down and is removed just before they are started up.

(4) Minimize carryout emissions by racking parts for best drainage and maintaining the vertical conveyor speed at less than 3.3 meters per minute (11 feet per minute).

(5) Minimize openings: Entrances and exits should silhouette work loads so that the average clearance (between parts and the edge of the degreaser opening) is either less than 10 cm (4 inches) or less than 10% of the width of the opening.

(6) Install safety switches on the following:

(a) Condenser flow switch and thermostat - shuts off sump heat if coolant is either not circulating or too warm;

(b) Spray switch - shuts off spray pump or conveyor if the vapor level drops excessively, i.e., greater than 10 cm or (4 inches); and

(c) Vapor level control thermostat - shuts off sump level if vapor level rises too high.

(7) Ensure that solvent is not visibly detectable in the water exiting the water separator.

R307-335-7. Industrial Solvent Cleaning.

(1) Exemptions. The requirements of R307-335-7 do not apply to aerospace, wood furniture, shipbuilding and repair, flat wood paneling, large appliance, metal furniture, paper film and foil, plastic parts, miscellaneous metal parts coat and light autobody and truck assembly coatings, flexible packaging, lithographic and letterpress printing materials and fiberglass boat manufacturing materials.

(2) Operators of industrial solvent cleaning that emit 15 pounds of VOCs or more per day, before controls, shall reduce VOC emissions from the use, handling, storage, and disposal of cleaning solvents and shop towels by implementing the following work practices:

(a) Covering open containers; and

(b) Storing used applicators and shop towels in closed fire proof containers.

([~~2~~]3) Owners or operators of industrial solvent cleaning operations shall limit VOC emissions by either:

(a) Using cleaning solutions with vapor pressure less than or equal to eight millimeters of mercury (mm Hg) at 20[~~°~~]degrees C;

(b) Using solvents with a VOC content of 0.42 pounds per gallon or less; or

(c) Installing an emission control system designed to have an overall control efficiency of at least 85%.

R307-335-8. Emission Control Systems.

(1) The owner or operator of a control device shall maintain[~~provide~~] certification from the manufacturer that the emission control system will attain at least 85% overall[~~required~~] efficiency performance and make the certification available to the director upon request.

(2) Emission control systems shall be operated and maintained in accordance with the manufacturer recommendations to maintain at least 85% overall efficiency performance. The owner or operator shall maintain for a minimum of two years records of operating and maintenance sufficient to demonstrate that the equipment is being operated and maintained in accordance with the manufacturer recommendations.

R307-335-9. Recordkeeping.

The owner or operator shall maintain, for a minimum of two years, records of the solvent VOC content applied and the physical characteristics that demonstrate compliance with R307-335.

[~~R307-335-9. Solvent Containing Waste Disposal.~~

~~Waste solvents or waste materials that contain solvents shall be disposed of by recycling, reclaiming or by incineration in an incinerator approved to process hazardous materials or by an alternate means approved by the director.~~

]**R307-335-10. Compliance Schedule.**

(1) All sources within Salt Lake and Davis counties shall be in compliance with R307-335-3 through R307-335-6 and R307-335-8[~~this rule~~] upon the effective date.

(2) All other sources defined in R307-335-2[~~in Box Elder, Cache, Tooele, Utah, and Weber counties~~] shall be in compliance with all sections of[~~with~~] this rule by September 1, 2013.

KEY: air pollution, degreasing, solvent cleaning
Date of Enactment or Last Substantive Amendment: [~~2012~~]2013
Notice of Continuation: February 1, 2012
Authorizing, and Implemented or Interpreted Law: 19-2-104(1)(a)

Environmental Quality, Air Quality
R307-356
Appliance Pilot Light

NOTICE OF CHANGE IN PROPOSED RULE

DAR FILE NO.: 36604
FILED: 11/08/2012

RULE ANALYSIS

PURPOSE OF THE RULE OR REASON FOR THE CHANGE: During the public comment period, several people from the hearth industry submitted comments requesting that clarification be made that the rule applies to appliances with continuous pilot and not intermittent pilot ignition. These changes are a result of these comments.

SUMMARY OF THE RULE OR CHANGE: Changes are made to Sections R307-356-3, R307-356-4, and R307-356-5 to clarify that the rule applies to appliances with continuous pilot and not intermittent pilot ignition. A definition is also added for "fireplace" in Section R307-356-4. (DAR NOTE: This change in proposed rule has been filed to make additional changes to a proposed new rule that was published in the August 15, 2012, issue of the Utah State Bulletin, on page 64. Underlining in the rule below indicates text that has been added since the publication of the proposed rule mentioned above; strike-out indicates text that has been deleted. You must view the change in proposed rule and the proposed new rule together to understand all of the changes that will be enforceable should the agency make this rule effective.)

STATUTORY OR CONSTITUTIONAL AUTHORIZATION FOR THIS RULE: Section 19-2-101 and Section 19-2-104

ANTICIPATED COST OR SAVINGS TO:
♦ THE STATE BUDGET: There are no new requirements for state government; therefore, there are no anticipated costs or savings to the state budget.
♦ LOCAL GOVERNMENTS: There are no new requirements for local government; therefore, there are no anticipated costs or savings to local government.
♦ SMALL BUSINESSES: The changes to the rule clarify that the rule does not apply to appliances with intermittent pilot ignition. These changes do not result in any costs or savings to small businesses.
♦ PERSONS OTHER THAN SMALL BUSINESSES, BUSINESSES, OR LOCAL GOVERNMENTAL ENTITIES: There are no new requirements for persons other than small businesses, businesses, or local government entities; therefore, there are no anticipated costs or savings to them.

COMPLIANCE COSTS FOR AFFECTED PERSONS: These changes do not result in any additional compliance costs for affected persons. The changes merely clarify that the rule does not apply to appliances with intermittent pilot ignition.

COMMENTS BY THE DEPARTMENT HEAD ON THE FISCAL IMPACT THE RULE MAY HAVE ON BUSINESSES: These changes should have no fiscal impact on businesses. The changes merely clarify that the rule does not apply to appliances with intermittent pilot ignition.

THE FULL TEXT OF THIS RULE MAY BE INSPECTED, DURING REGULAR BUSINESS HOURS, AT:
ENVIRONMENTAL QUALITY
AIR QUALITY
FOURTH FLOOR
195 N 1950 W
SALT LAKE CITY, UT 84116-3085
or at the Division of Administrative Rules.

DIRECT QUESTIONS REGARDING THIS RULE TO:
♦ Mark Berger by phone at 801-536-4000, by FAX at 801-536-0085, or by Internet E-mail at mberger@utah.gov

THIS RULE MAY BECOME EFFECTIVE ON: 01/01/2013

AUTHORIZED BY: Bryce Bird, Director

R307. Environmental Quality, Air Quality.
R307-356. Appliance Pilot Light.
R307-356-1. Purpose.

The purpose of R307-356 is to reduce volatile organic compound (VOC) emissions from natural gas-fired fan-type central furnaces, gas fireplaces, and gas stoves.

R307-356-2. Applicability.

R307-356 applies to manufacturers, distributors, retailers, and installers of residential, institutional, and commercial natural gas-fired fan-type central furnaces, fireplaces, stoves, and cooktops, and applies in Box Elder, Cache, Davis, Salt Lake, Tooele, Utah, and Weber counties.

R307-356-3. Exemptions.

The requirements of R307-356 shall not apply to:
(1) Units using a fuel other than natural gas;
(2) Units using an intermittent pilot ignition;
(3) Units used in recreational vehicles; or
([~~3~~]4) Units manufactured and sold in Box Elder, Davis, Cache, Weber, Salt Lake, and Utah counties that are for shipment and use outside of those counties.

R307-356-4. Definitions.

The following additional definitions apply to R307-356:
"Fan type central furnace" means a self-contained space heater providing for circulation of heated air at pressures other than atmospheric through ducts more than ten inches in length that have[~~:~~
~~(1) R~~] rated heat input capacity of less than 175,000 BTU per hour and that require single phase electric supply.[~~; or~~
~~(2) For combination heating and cooling units, a cooling rate of less than 65,000 BTU per hour.~~]
"Fireplace" means a vented or non-vented gas appliance, including freestanding, recessed, zero clearance, or a fireplace insert, that simulates a solid fuel fireplace.
"Rated heat input capacity" means the gross heat input capacity specified on the nameplate of either the unit or the burner.
"Recreational vehicle" means a motor home, travel trailer, truck camper, or camping trailer, with or without motive power, designed for human habitation for recreational, emergency, or other occupancy.

R307-356-[4]5. General Provisions.

After January 1, 2014, no person shall manufacture for sale, distribute, sell, offer for sale, or install any natural gas-fired fan-type central furnaces, gas fireplaces, or gas stoves that require the use of a continuous pilot light for ignition.

KEY: pilot lights, furnaces, fireplaces, stoves
Date of Enactment or Last Substantive Amendment: [~~2012~~]2013
Authorizing, and Implemented or Interpreted Law: 19-2-101; 19-2-104

Environmental Quality, Drinking Water
R309-515-6
Ground Water - Wells

NOTICE OF CHANGE IN PROPOSED RULE
DAR FILE NO.: 36562
FILED: 11/09/2012

RULE ANALYSIS

PURPOSE OF THE RULE OR REASON FOR THE CHANGE: Modifications were made to the proposed rule amendment based on comments during the public comment period.

SUMMARY OF THE RULE OR CHANGE: Two words were changed in the description of pipe specifications and the method for connecting sewer lines to manholes was updated to current practice. (DAR NOTE: This change in proposed rule has been filed to make additional changes to a proposed amendment that was published in the August 15, 2012, issue of the Utah State Bulletin, on page 66. Underlining in the rule below indicates text that has been added since the publication of the proposed rule mentioned above; strike-out indicates text that has been deleted. You must view the change in proposed rule and the proposed amendment together to understand all of the changes that will be enforceable should the agency make this rule effective.)

STATUTORY OR CONSTITUTIONAL AUTHORIZATION FOR THIS RULE: Subsection 19-4-104(1)(a)(ii)

ANTICIPATED COST OR SAVINGS TO:
♦ THE STATE BUDGET: There should be no significant cost or savings from this change in the proposed rule amendment to the state budget.
♦ LOCAL GOVERNMENTS: There should be no significant cost or savings from this change in the proposed rule amendment to local government.
♦ SMALL BUSINESSES: There should be no significant cost or savings from this change in the proposed rule amendment to small businesses.
♦ PERSONS OTHER THAN SMALL BUSINESSES, BUSINESSES, OR LOCAL GOVERNMENTAL ENTITIES: There should be no significant cost or savings from this change in the proposed rule amendment to persons other than small businesses, businesses, or local government entities.

COMPLIANCE COSTS FOR AFFECTED PERSONS: There should be no significant cost or savings to public drinking water systems with this change in the proposed rule amendment.

COMMENTS BY THE DEPARTMENT HEAD ON THE FISCAL IMPACT THE RULE MAY HAVE ON BUSINESSES: This change in the proposed rule amendment will not impact businesses. It will make it easier for water systems to comply with the upgrading of sewer lines in drinking water source protection zones.

THE FULL TEXT OF THIS RULE MAY BE INSPECTED, DURING REGULAR BUSINESS HOURS, AT:
ENVIRONMENTAL QUALITY
DRINKING WATER
THIRD FLOOR
195 N 1950 W
SALT LAKE CITY, UT 84116-3085
or at the Division of Administrative Rules.

DIRECT QUESTIONS REGARDING THIS RULE TO:
♦ Bob Hart by phone at 801-536-0054, by FAX at 801-536-4211, or by Internet E-mail at bhart@utah.gov
♦ Ying-Ying Macauley by phone at 801-536-4188, by FAX at 801-536-4211, or by Internet E-mail at ymacauley@utah.gov

INTERESTED PERSONS MAY PRESENT THEIR VIEWS ON THIS RULE BY SUBMITTING WRITTEN COMMENTS NO LATER THAN AT 5:00 PM ON 12/31/2012

THIS RULE MAY BECOME EFFECTIVE ON: 01/07/2013

AUTHORIZED BY: Ken Bousfield, Director

R309. Environmental Quality, Drinking Water.
R309-515. Facility Design and Operation: Source Development.
R309-515-6. Ground Water - Wells.

(1) Required Treatment.

If properly developed, water from wells may be suitable for culinary use without treatment. A determination as to whether treatment may be required can only be made after the source has been developed and evaluated.

(2) Standby Power.

Water suppliers, particularly community water suppliers, should assess the capability of their system in the event of a power outage. If gravity fed spring sources are not available, one or more of the system's well sources should be equipped for operation during power outages. In this event:

(a) To ensure continuous service when the primary power has been interrupted, a power supply should be provided through connection to at least two independent public power sources, or portable or in-place auxiliary power available as an alternative; and

(b) When automatic pre-lubrication of pump bearings is necessary, and an auxiliary power supply is provided, the pre-lubrication line should be provided with a valved by-pass around the automatic control, or the automatic control shall be wired to the emergency power source.

(3) The Utah Division of Water Rights.

The Utah Division of Water Rights (State Engineer's Office) regulates the drilling of water wells. Before the drilling of a well commences, the well driller must receive a start card from the State Engineer's Office. For public drinking water supply wells the rules of R655-4 still apply and must be followed in addition to these rules.

(4) Source Protection.

Public drinking water systems are responsible for protecting their sources from contamination. The selection of a well location shall only be made after consideration of the requirements of R309-600. Sources shall be located in an area which will minimize threats from existing or potential sources of pollution.

Generally, sewer lines should not be located within zone one and zone two of a public drinking water system's source protection zones. However, if certain precautions are taken, sewer lines may be permitted within a public drinking water system's source protection zone one and zone two. Sewer lines shall meet the conditions

identified in R309-600-13(3), and shall be specially constructed throughout zone one in aquifers classified as protected, and zones one and two, if the aquifer is classified as unprotected, as follows:

(a) sewer lines shall be constructed to remain watertight. The lines shall be deflection tested in accordance with the Division of Water Quality Rule R317-3. The lines shall be video inspected for any defect following completion of construction and before being placed in service. The sewer pipe material shall be:

(i) high density polyethylene (HDPE) pipe with a PE3408 or PE4710 rating from the Plastic Pipe Institute and have a Dimension Ratio (DR) of 17 or [~~lower~~]less, and all joints shall be fusion welded, or

(ii) polyvinyl chloride (PVC) pipe meeting AWWA Specification C900 or C905 and have a DR of 18 or [~~lower~~]less. PVC pipe shall be either restrained gasketed joints or shall be fusion welded. Solvent cement joints shall not be acceptable. The PVC pipe shall be clearly identified when installed, by marking tape or other means as a sanitary sewer line, or

(iii) ductile iron pipe with ceramic epoxy lining, polyethylene encasement, restrained joints, and a minimum pressure class of 200.

(b) procedures for leakage tests shall be specified and comply with Division of Water Quality Rule R317-3 requirements.

(c) lateral to main connection shall be fusion welded, shop fabricated, or saddled with a mechanical clamping watertight device designed for the specific pipe;

(d) [~~the sewer pipe to manhole connections shall be made using a shop fabricated sewer pipe seal ring cast into the manhole base (a mechanical joint shall be installed within 12 inches of the manhole base on each line entering the manhole, regardless of the pipe material)~~]inlet and outlet sewer pipes shall be joined to a manhole with a gasketed flexible watertight connection;

(e) the sewer pipe shall be laid with no greater than 2 percent deflection at any joint;

(f) backfill shall be compacted to not less than 95 percent of maximum laboratory density as determined in accordance with ASTM Standard D-690;

(g) sewer manholes shall meet the following requirements:

(i) the manholes shall be constructed of reinforced concrete;

(ii) manhole base and walls, up to a point at least 12 inches above the top of the upper most sewer pipe entering the manhole, shall be fabricated in a single concrete pour without joints; and

(iii) the manholes shall be air pressure tested after installation.

(h) in unprotected aquifers, an impermeable cutoff wall shall be constructed in all sewer trenches on the up-gradient edge of zone two. In protected aquifers, an impermeable cutoff wall shall be constructed in all sewer trenches on the up-gradient edge of zone one.

(5) Outline of Well Approval Process.

(a) Well drilling shall not commence until both of the following items are submitted and receive a favorable review:

(i) a Preliminary Evaluation Report on source protection issues as required by R309-600-13, and

(ii) engineering plans and specifications governing the well drilling, prepared by a licensed well driller holding a current Utah Well Drillers Permit if previously authorized by the Executive Secretary or prepared, signed and stamped by a licensed professional engineer or professional geologist licensed to practice in Utah.

(b) Grouting Inspection During Well Construction.

(i) Authorized Individuals

(A) The following individuals are authorized to witness the well sealing procedure for a public drinking water well:

(I) An engineer or a geologist from the Division of Drinking Water,

(II) A district engineer of the Department of Environmental Quality,

(III) An authorized representative of the Division of Water Rights, or

(IV) An individual having written authorization from the Executive Secretary and meeting the below listed criteria.

(B) At the time of the well sealing an individual, who is authorized per (i)(A)(IV), shall present to the well driller a copy of the letter authorizing him or her to witness a well sealing on behalf of the Division of Drinking Water. A copy of this letter shall be appended to the witness certification letter.

(C) At least three days before the anticipated well grouting the well driller shall arrange for an authorized witness listed in (i)(A) above to witness the procedure. (See R309-515-6(6)(i)).

(ii) Obtaining Authorization

(A) To be authorized per (i)(A)(IV) above to witness a well sealing procedure, an individual must have no relationship to the driller or the well's owner and have at least five years professional experience designing wells, supervising well drilling or other equivalent experience associated with well drilling or well sealing that are acceptable to the Executive Secretary.

(B) Individuals, desiring the Executive Secretary's authorization to witness a well grouting procedure, shall provide the following information to the Executive Secretary for review over his or her signature attesting to the correctness of the information:

(I) A detailed description of the applicant's experience with well drilling projects, including number of years of experience and type of work. Three references confirming this professional experience are required.

(II) Evidence of licensure as a professional engineer or professional geologist in Utah.

(III) No relationship may exist between a person authorized to witness well sealings and a well driller that would serve as the basis for suspicion of favoritism, leniency or punitive action in the performance of this task. Examples of such relationships would be: family; former long term employment; business partnerships, either formal or informal; etc. The Executive Secretary's decision, with right of appeal to the Drinking Water Board, shall be accepted relative to what constitutes a conflict of interest or a relationship sufficient to disqualify an applicant from all or specific witness opportunities.

(IV) An acknowledgement that he/she would not be acting as an agent or employee of the State of Utah and any losses incurred while acting as a witness would not be covered by governmental immunity or Utah's insurance.

(VI) Willingness to follow established protocols and attend such training events as may be required by the Executive Secretary.

(VII) Complete with a minimum 75% passing grade, an examination on water well drilling rules, as offered by the Division of Water Rights.

(C) The Executive Secretary may rescind the authorization if an individual fails to comply with the criteria or conditions of authorization listed above.

(iii) Well Seal Certification

The individual witnessing the well sealing procedure shall provide a signed letter to the Executive Secretary within 30 days of the well sealing including the following:

(A) Certification that the well sealing procedure met all the requirements of Rule R309-515-6(6)(i);

(B) The water right under which the well was drilled and the well driller's license number;

(C) The public water system name (if applicable);

(D) The latitude and longitude of the well and method used for its determination;

(E) The well head's approximate elevation;

(F) Casing diameter(s), length(s), and material(s);

(G) The size of the annulus between the borehole and casing;

(H) A description of the sealing process including the sealing material used, its volume, density, method of placement, and depth from surface; and

(I) The names and company affiliations of other individuals observing the sealing procedure including, but not limited to the well driller, the well owner, and/or a consultant.

(c) After completion of the well drilling the following information shall be submitted and receive a favorable review before water from the well can be introduced into a public water system:

(i) a copy of the "Report of Well Driller" as required by the State Engineer's Office which is complete in all aspects and has been stamped as received by the same;

(ii) a copy of the letter from the authorized individual described in R309-515-6(5)(b) above, indicating inspection and confirmation that the well was grouted in accordance with the well drilling specifications and the requirements of this rule;

(iii) a copy of the pump test including the yield vs. drawdown test as described in R309-515-6(10)(b) along with comments / interpretation by a licensed professional engineer or licensed professional geologist of the graphic drawdown information required by R309-515-6(b)(vi)(E);

(iv) a copy of the chemical analyses required by R309-515-4(5);

(v) documentation indicating that the water system owner has a right to divert water for domestic or municipal purposes from the well source;

(vi) a copy of complete plans and specifications prepared, signed and stamped by a licensed professional engineer covering the well housing, equipment and diversion piping necessary to introduce water from the well into the distribution system; and

(vii) a bacteriological analysis of water obtained from the well after installation of permanent equipment, disinfection and flushing.

(d) An Operation Permit shall be obtained in accordance with R309-500-9 before any water from the well is introduced into a public water system.

(6) Well Materials, Design and Construction.

(a) ANSI/NSF Standards 60 and 61 Certification.

All interior surfaces must consist of products complying with ANSI/NSF Standard 61. This requirement applies to drop pipes, well screens, coatings, adhesives, solders, fluxes, pumps, switches, electrical wire, sensors, and all other equipment or surfaces which may contact the drinking water.

All substances introduced into the well during construction or development shall be certified to comply with ANSI/NSF Standard 60. This requirement applies to drilling fluids (biocides, clay thinners, defoamers, foamers, loss circulation materials, lubricants, oxygen scavengers, viscosifiers, weighting agents) and regenerants. This requirement also applies to well grouting and sealing materials which may come in direct contact with the drinking water.

(b) Permanent Steel Casing Pipe shall:

(i) be new single steel casing pipe meeting AWWA Standard A-100, ASTM or API specifications and having a minimum weight and thickness as given in Table 1 found in R655-4-9.4 of the Utah Administrative Code (Administrative Rules for Water Well Drillers, adopted January 1, 2001, Division of Water Rights);

(ii) have additional thickness and weight if minimum thickness is not considered sufficient to assure reasonable life expectancy of the well;

(iii) be capable of withstanding forces to which it is subjected;

(iv) be equipped with a drive shoe when driven;

(v) have full circumferential welds or threaded coupling joints; and

(vi) project at least 18 inches above the anticipated final ground surface and at least 12 inches above the anticipated pump house floor level. At sites subject to flooding the top of the well casing shall terminate at least three feet above the 100 year flood level or the highest known flood elevation, whichever is higher.

(c) Non-Ferrous Casing Material.

The use of any non-ferrous material for a well casing shall receive prior approval of the Executive Secretary based on the ability of the material to perform its desired function. Thermoplastic water well casing pipe shall meet ANSI/ASTM Standard F480-76 and shall bear the logo NSF-wc indicating compliance with NSF Standard 14 for use as well casing.

(d) Disposal of Cuttings.

Cuttings and waste from well drilling operations shall not be discharged into a waterway, lake or reservoir. The rules of the Utah Division of Water Quality must be observed with respect to these discharges.

(e) Packers.

Packers, if used, shall be of material that will not impart taste, odor, toxic substances or bacterial contamination to the well water. Lead, or partial lead packers are specifically prohibited.

(f) Screens.

The use of well screens is recommended where appropriate and, if used, they shall:

(i) be constructed of material resistant to damage by chemical action of groundwater or cleaning operations;

(ii) have size of openings based on sieve analysis of formations or gravel pack materials;

(iii) have sufficient diameter to provide adequate specific capacity and low aperture entrance velocities;

(iv) be installed so that the operating water level remains above the screen under all pumping conditions; and

(v) be provided with a bottom plate or washdown bottom fitting of the same material as the screen.

(g) Plumbness and Alignment Requirements.

Every well shall be tested for plumbness and vertical alignment in accordance with AWWA Standard A100. Plans and specifications submitted for review shall:

(i) have the test method and allowable tolerances clearly stated in the specifications. and

(ii) clearly indicate any options the design engineer may have if the well fails to meet the requirements. Generally wells may be accepted if the misalignment does not interfere with the installation or operation of the pump or uniform placement of grout.

(h) Casing Perforations.

The placement of perforations in the well casing shall:

(i) be so located to permit as far as practical the uniform collection of water around the circumference of the well casing, and

(ii) be of dimensions and size to restrain the water bearing soils from entrance into the well.

(i) Grouting Techniques and Requirements.

For all public drinking water wells the annulus between the outermost well casing and the borehole wall shall be grouted to a depth of at least 100 feet below the ground surface unless an "exception" is issued by the Executive Secretary (see R309-500-4(1)). If more than one casing is used, including a conductor casing, the annulus between the outermost casing and the next inner casing shall be sealed with grout (meeting the grouting materials requirements of R309-515-6(i)(ii) herein) or with a water tight steel ring having a thickness equal to that of the permanent well casing and continuously welded to both casings.

If a well is to be considered in a protected aquifer the grout seal shall extend from the ground surface down to at least 100 feet below the surface, and through the protective layer, as described in R309-600-6(1)(x) (see also R309-515-6(6)(i)(iii)(D) below).

The following applies to all drinking water wells:

(i) Consideration During Well Construction.

(A) Sufficient annular opening shall be provided to permit a minimum of two inches of grout between the outermost permanent casing and the drilled hole, taking into consideration any joint couplings.

(B) Additional information is available from the Division for recommended construction methods for grout placement.

(C) The casing(s) must be provided with sufficient guides welded to the casing to permit unobstructed flow and uniform thickness of grout.

(ii) Grouting Materials.

(A) Neat Cement Grout.

Cement, conforming to ASTM Standard C150, and water, with no more than six gallons of water per sack of cement, shall be used for two inch openings. Additives may be used to increase fluidity subject to approval by the Executive Secretary.

(B) Concrete Grout.

Equal parts of cement conforming to ASTM Standard C150, and sand, with not more than six gallons of water per sack of cement may be used for openings larger than two inches.

(C) Clay Seal.

Where an annular opening greater than six inches is available a seal of swelling bentonite meeting the requirements of R655-4-9.4.2 may be used when approved by the Executive Secretary.

(iii) Application.

(A) When the annular opening is less than four inches, grout shall be installed under pressure, by means of a positive displacement grout pump, from the bottom of the annular opening to be filled.

(B) When the annular opening is four or more inches and 100 feet or less in depth, and concrete grout is used, it may be placed by gravity through a grout pipe installed to the bottom of the annular opening in one continuous operation until the annular opening is filled.

(C) All temporary construction casings shall be removed prior to or during the well sealing operation. Any exceptions shall be approved by the State Engineer and evidence of approval submitted to the Executive Secretary (see R655-4-9.4.3.1 for conditions surrounding leaving temporary surface casing in place. A temporary construction casing is a casing not intended to be part of the permanent well.

(D) When a "well in a protected aquifer" classification is desired, the grout seal shall extend from the ground surface down to at least 100 feet below the surface, and through the protective clay layer (see R309-600-6(1)(x)).

(E) After cement grouting is applied, work on the well shall be discontinued until the cement or concrete grout has properly set; usually a period of 72 hours.

(j) Water Entered Into Well During Construction.

Any water entering a well during construction shall not be contaminated and should be obtained from a chlorinated municipal system. Where this is not possible the water must be dosed to give a 100 mg/l free chlorine residual. Refer also to the administrative rules of the Division of Water Rights in this regard.

(k) Gravel Pack Wells.

The following shall apply to gravel packed wells:

(i) the gravel pack material is to be of well rounded particles, 95 percent siliceous material, that are smooth and uniform, free of foreign material, properly sized, washed and then disinfected immediately prior to or during placement,

(ii) the gravel pack is placed in one uniform continuous operation,

(iii) refill pipes, when used, are Schedule 40 steel pipe incorporated within the pump foundation and terminated with screwed or welded caps at least 12 inches above the pump house floor or concrete apron,

(iv) refill pipes located in the grouted annular opening be surrounded by a minimum of 1.5 inches of grout,

(v) protection provided to prevent leakage of grout into the gravel pack or screen, and

(vi) any casings not withdrawn entirely meet requirements of R309-515-6(6)(b) or R309-515-6(6)(c).

(7) Well Development.

(a) Every well shall be developed to remove the native silts and clays, drilling mud or finer fraction of the gravel pack.

(b) Development should continue until the maximum specific capacity is obtained from the completed well.

(c) Where chemical conditioning is required, the specifications shall include provisions for the method, equipment, chemicals, testing for residual chemicals, and disposal of waste and inhibitors.

(d) Where blasting procedures may be used the specifications shall include the provisions for blasting and cleaning.

Special attention shall be given to assure that the grouting and casing are not damaged by the blasting.

(8) Capping Requirements.

(a) A welded metal plate or a threaded cap is the preferred method for capping a completed well until permanent equipment is installed.

(b) At all times during the progress of work the contractor shall provide protection to prevent tampering with the well or entrance of foreign materials.

(9) Well Abandonment.

(a) Test wells and groundwater sources which are to be permanently abandoned shall be sealed by such methods as necessary to restore the controlling geological conditions which existed prior to construction or as directed by the Utah Division of Water Rights.

(b) Wells to be abandoned shall be sealed to prevent undesirable exchange of water from one aquifer to another. Preference shall be given to using a neat cement grout. Where fill materials are used, which are other than cement grout or concrete, they shall be disinfected and free of foreign materials. When an abandoned will is filled with cement- grout or concrete, these materials shall be applied to the well- hole through a pipe, tremie, or bailer.

(10) Well Assessment.

(a) Step Drawdown Test.

Preliminary to the constant-rate test required below, it is recommended that a step-drawdown test (uniform increases in pumping rates over uniform time intervals with single drawdown measurements taken at the end of the intervals) be conducted to determine the maximum pumping rate for the desired intake setting.

(b) Constant-Rate Test.

A "constant-rate" yield and drawdown test shall:

(i) be performed on every production well after construction or subsequent treatment and prior to placement of the permanent pump,

(ii) have the test methods clearly indicated in the specifications,

(iii) have a test pump with sufficient capacity that when pumped against the maximum anticipated drawdown, it will be capable of pumping in excess of the desired design discharge rate,

(iv) provide for continuous pumping for at least 24 hours or until stabilized drawdown has continued for at least six hours when test pumped at a "constant-rate" equal to the desired design discharge rate,

(v) provide the following data:

(A) capacity vs. head characteristics for the test pump (manufacturer's pump curve),

(B) static water level (in feet to the nearest tenth, as measured from an identified datum; usually the top of casing),

(C) depth of test pump intake,

(D) time and date of starting and ending test(s),

(vi) For the "constant-rate" test provide the following at time intervals sufficient for at least ten essentially uniform intervals for each log cycle of the graphic evaluation required below:

(A) record the time since starting test (in minutes),

(B) record the actual pumping rate,

(C) record the pumping water level (in feet to the nearest tenth, as measured from the same datum used for the static water level),

(D) record the drawdown (pumping water level minus static water level in feet to the nearest tenth),

(E) provide graphic evaluation on semi-logarithmic graph paper by plotting the drawdown measurements on the arithmetic scale at locations corresponding to time since starting test on the logarithmic scale, and

(vii) Immediately after termination of the constant-rate test, and for a period of time until there are no changes in depth to water level measurements for at least six hours, record the following at time intervals similar to those used during the constant-rate pump test:

(A) time since stopping pump test (in minutes),

(B) depth to water level (in feet to the nearest tenth, as measured from the same datum used for the pumping water level).

(11) Well Disinfection.

Every new, modified, or reconditioned well including pumping equipment shall be disinfected before being placed into service for drinking water use. These shall be disinfected according to AWWA Standard C654 published by the American Water Works Association as modified to incorporate the following as a minimum standard:

(i) the well shall be disinfected with a chlorine solution of sufficient volume and strength and so applied that a concentration of at least 50 parts per million is obtained in all parts of the well and comes in contact with equipment installed in the well. This solution shall remain in the well for a period of at least eight hours, and

(ii) a satisfactory bacteriologic water sample analysis shall be obtained prior to the use of water from the well in a public water system.

(12) Well Equipping.

(a) Naturally Flowing Wells.

Naturally flowing wells shall:

(i) have the discharge controlled by valves,

(ii) be provided with permanent casing and sealed by grout,

(iii) if erosion of the confining bed adjacent to the well appears likely, special protective construction may be required by the Division.

(b) Line Shaft Pumps.

Wells equipped with line shaft pumps shall:

(i) have the casing firmly connected to the pump structure or have the casing inserted into the recess extending at least 0.5 inches into the pump base,

(ii) have the pump foundation and base designed to prevent fluids from coming into contact with joints between the pump base and the casing,

(iii) be designed such that the intake of the well pump is at least ten feet below the maximum anticipated drawdown elevation,

(iv) avoid the use of oil lubrication for pumps with intake screens set at depths less than 400 feet (see R309-105-10(7) and/or R309-515-8(2)for additional requirements of lubricants).

(c) Submersible Pumps.

Where a submersible pump is used:

(i) The top of the casing shall be effectively sealed against the entrance of water under all conditions of vibration or movement of conductors or cables.

(ii) The electrical cable shall be firmly attached to the riser pipe at 20 foot intervals or less.

(iv) The intake of the well pump must be at least ten feet below the maximum anticipated drawdown elevation.

(d) Pitless Well Units and Adapters.

If the excavation surrounding the well casing allowing installation of the pitless unit compromises the surface seal the competency of the surface seal shall be restored. Torch cut holes in the well casing shall be to neat lines closely following the outline of the pitless adapter and completely filled with a competent weld with burrs and fins removed prior to the installation of the pitless unit and adapter.

Pitless well units and adapters shall:

(i) not be used unless the specific application has been approved by the Executive Secretary,

(ii) be used to make a connection to a water well casing that is made below the ground. A below the ground connection shall not be submerged in water during installation,

(iii) terminate at least 18 inches above final ground elevation or three feet above the highest known flood elevation whichever is greater,

(iv) pitless adapters or pitless units to be used shall contain a label or imprint indicating compliance with the Water Systems Council Pitless Adapter Standard (PAS-97),

(v) have suitable access to the interior of the casing in order to disinfect the well,

(vi) have a suitable sanitary seal or cover at the upper terminal of the casing that will prevent the entrance of any fluids or contamination, especially at the connection point of the electrical cables,

(vii) have suitable access so that measurements of static and pumped water levels in the well can be obtained,

(viii) allow at least one check valve within the well casing,

(ix) be furnished with a cover that is lockable or otherwise protected against vandalism or sabotage,

(x) be shop-fabricated from the point of connection with the well casing to the unit cap or cover,

(xi) be of watertight construction throughout,

(xii) be constructed of materials at least equivalent to and having wall thickness compatible to the casing,

(xiii) have field connection to the lateral discharge from the pitless unit of threaded, flanged or mechanical joint connection,

(xiv) be threaded or welded to the well casing. If the connection to the casing is by field weld, the shop assembled unit must be designed specifically for field welding to the casing. The only field welding permitted on the pitless unit will be that needed to connect a pitless unit to the casing, and

(xv) have an inside diameter as great as that of the well casing, up to and including casing diameters of 12 inches, to facilitate work and repair on the well, pump, or well screen.

(e) Well Discharge Piping.

The discharge piping shall:

(i) be designed so that the friction loss will be low,

(ii) have control valves and appurtenances located above the pump house floor when an above-ground discharge is provided,

(iii) be protected against the entrance of contamination,

(iv) be equipped with (in order of placement from the well head) a smooth nosed sampling tap, a check valve, a pressure gauge, a means of measuring flow and a shutoff valve,

(v) where a well pumps directly into a distribution system, be equipped with an air release vacuum relief valve located upstream from the check valve, with exhaust/relief piping terminating in a down-turned position at least six inches above the floor and covered with a No. 14 mesh corrosion resistant screen. An exception to this requirement will be allowed provided specific proposed well head valve and piping design includes provisions for pumping to waste all trapped air before water is introduced into the distribution system,

(vi) have all exposed piping valves and appurtenances protected against physical damage and freezing,

(vii) be properly anchored to prevent movement, and

(f) Water Level Measurement.

(i) Provisions shall be made to permit periodic measurement of water levels in the completed well.

(ii) Where permanent water level measuring equipment is installed it shall be made using corrosion resistant materials attached firmly to the drop pipe or pump column and installed in such a manner as to prevent entrance of foreign materials.

(g) Observation Wells.

Observation wells shall be:

(i) constructed in accordance with the requirements for permanent wells if they are to remain in service after completion of a water supply well, and

(ii) protected at the upper terminal to preclude entrance of foreign materials.

(h) Electrical Protection.

Sufficient electrical controls shall be placed on all pump motors to eliminate electrical problems due to phase shifts, surges, lightning, etc.

(13) Well House Construction.

The use of a well house is strongly recommended, particularly in installations utilizing above ground motors.

In addition to applicable provisions of R309-540, well pump houses shall conform to the following:

(a) Casing Projection Above Floor.

The permanent casing for all ground water wells shall project at least 12 inches above the pump house floor or concrete apron surface and at least 18 inches above the final ground surface. However, casings terminated in underground vaults may be permitted if the vault is provided with a drain to daylight sized to handle in excess of the well flow and surface runoff is directed away from the vault access.

(b) Floor Drain.

Where a well house is constructed the floor surface shall be at least six inches above the final ground elevation and shall be sloped to provide drainage. A "drain-to-daylight" shall be provided unless highly impractical.

(c) Earth Berm.

Sites subject to flooding shall be provided with an earth berm terminating at an elevation at least two feet above the highest known flood elevation or other suitable protection as determined by the Executive Secretary.

(d) Well Casing Termination at Flood Sites.

The top of the well casing at sites subject to flooding shall terminate at least 3 feet above the 100 year flood level or the highest known flood elevation, whichever is higher (refer to R309-515-6(6)(b)(vi)).

(e) Miscellaneous.

The well house shall be ventilated, heated and lighted in such a manner as to assure adequate protection of the equipment (refer to R309-540-5(2) (a) through (h).

(f) Fencing.

Where necessary to protect the quality of the well water the Executive Secretary may require that certain wells be fenced in a manner similar to fencing required around spring areas.

(g) Access.

An access shall be provided either through the well house roof or sidewalls in the event the pump must be pulled for replacement or servicing the well.

KEY: drinking water, source development, source maintenance
Date of Enactment or Last Substantive Amendment: [~~2012~~]2013
Notice of Continuation: March 22, 2010
Authorizing, and Implemented or Interpreted Law: 19-4-104

End of the Notices of Changes in Proposed Rules Section

FIVE-YEAR NOTICES OF REVIEW AND STATEMENTS OF CONTINUATION

Within five years of an administrative rule's original enactment or last five-year review, the agency is required to review the rule. This review is intended 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 upon filing.

Notices are governed by Section 63G-3-305.

Administrative Services, Facilities Construction and Management
R23-4
Suspension/Debarment

FIVE-YEAR NOTICE OF REVIEW AND STATEMENT OF CONTINUATION
DAR FILE NO.: 37049
FILED: 11/14/2012

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 sets forth the the basis and guidelines for suspension or debarment from consideration for award of contracts by the division. This rule is authorized under Subsection 63A-5-103(1), which directs the Building Board to make rules necessary for the discharge of the duties of the Division of Facilities Construction and Management, and Subsection 63G-6-208(2), which authorizes the Building Board to make rules regarding the procurement of construction, architect-engineering services, and leases.

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 either supporting or opposing this rule have been received.

REASONED JUSTIFICATION FOR THE CONTINUATION OF THE RULE, INCLUDING REASONS WHY THE AGENCY DISAGREES WITH COMMENTS IN OPPOSITION TO THE RULE, IF ANY: This rule needs to be continued in order to set forth the basis and guidelines for suspension or debarment from consideration for award of contracts by the Division.

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 by phone at 801-538-3105, by FAX at 801-538-3313, or by Internet E-mail at abachman@utah.gov
♦ Cecilia Niederhauser by phone at 801-538-3261, by FAX at 801-538-9694, or by Internet E-mail at cniederhauser@utah.gov
♦ Chiarina Gleed by phone at 801-538-3240, by FAX at 801-538-3313, or by Internet E-mail at cgleed@utah.gov
♦ Priscilla Anderson by phone at 801-538-9595, by FAX at 801-538-3378, or by Internet E-mail at phanderson@utah.gov

AUTHORIZED BY: D. Gregg Buxton, Director

EFFECTIVE: 11/14/2012

Administrative Services, Facilities Construction and Management
R23-5
Contingency Funds

FIVE-YEAR NOTICE OF REVIEW AND STATEMENT OF CONTINUATION
DAR FILE NO.: 37050
FILED: 11/14/2012

NOTICE OF REVIEW AND STATEMENT OF CONTINUATION

CONCISE EXPLANATION OF THE PARTICULAR STATUTORY PROVISIONS UNDER WHICH THE RULE IS ENACTED AND HOW THESE PROVISIONS AUTHORIZE OR REQUIRE THE RULE: This rule is authorized under Subsection 63A-5-103(1)(e), which directs the Building Board to make rules necessary for the discharge of the duties of the Division of Facilities Construction and Management.

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 either supporting or opposing the rule have been received.

REASONED JUSTIFICATION FOR THE CONTINUATION OF THE RULE, INCLUDING REASONS WHY THE AGENCY DISAGREES WITH COMMENTS IN OPPOSITION TO THE RULE, IF ANY: This rule is necessary because it establishes policies and procedures regarding contingency funds held by the Division. It also provides guidelines for the source, use and reporting of contingency funds as provided in Title 63A, Chapter 5. Therefore, this rule should be continued.

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 by phone at 801-538-3105, by FAX at 801-538-3313, or by Internet E-mail at abachman@utah.gov
♦ Cecilia Niederhauser by phone at 801-538-3261, by FAX at 801-538-9694, or by Internet E-mail at cniederhauser@utah.gov
♦ Chiarina Gleed by phone at 801-538-3240, by FAX at 801-538-3313, or by Internet E-mail at cgleed@utah.gov
♦ Priscilla Anderson by phone at 801-538-9595, by FAX at 801-538-3378, or by Internet E-mail at phanderson@utah.gov

AUTHORIZED BY: D. Gregg Buxton, Director

EFFECTIVE: 11/14/2012

Administrative Services, Facilities Construction and Management

R23-6

Value Engineering and Life Cycle Costing of State Owned Facilities Rules and Regulations

FIVE-YEAR NOTICE OF REVIEW AND STATEMENT OF CONTINUATION

DAR FILE NO.: 37051
FILED: 11/14/2012

NOTICE OF REVIEW AND STATEMENT OF CONTINUATION

CONCISE EXPLANATION OF THE PARTICULAR STATUTORY PROVISIONS UNDER WHICH THE RULE IS ENACTED AND HOW THESE PROVISIONS AUTHORIZE OR REQUIRE THE RULE: This rule is authorized under Subsection 63A-5-103(1)(e), which directs the Building Board to make rules necessary for the discharge of the duties of the Division of Facilities Construction and Management.

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 either supporting or opposing this rule have been received.

REASONED JUSTIFICATION FOR THE CONTINUATION OF THE RULE, INCLUDING REASONS WHY THE AGENCY DISAGREES WITH COMMENTS IN OPPOSITION TO THE RULE, IF ANY: This rule is continued because it ensures that State-owned facilities shall be life cycle cost effective. To achieve this objective, Value Engineering and Life Cycle Cost Analysis is to be used in the facility design process by the Division of Facilities and Construction Management.

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 by phone at 801-538-3105, by FAX at 801-538-3313, or by Internet E-mail at abachman@utah.gov
♦ Cecilia Niederhauser by phone at 801-538-3261, by FAX at 801-538-9694, or by Internet E-mail at cniederhauser@utah.gov
♦ Chiarina Gleed by phone at 801-538-3240, by FAX at 801-538-3313, or by Internet E-mail at cgleed@utah.gov
♦ Priscilla Anderson by phone at 801-538-9595, by FAX at 801-538-3378, or by Internet E-mail at phanderson@utah.gov

AUTHORIZED BY: D. Gregg Buxton, Director

EFFECTIVE: 11/14/2012

Administrative Services, Facilities Construction and Management
R23-9
Cooperation with Local Government Planning

FIVE-YEAR NOTICE OF REVIEW AND STATEMENT OF CONTINUATION
DAR FILE NO.: 37052
FILED: 11/14/2012

NOTICE OF REVIEW AND STATEMENT OF CONTINUATION

CONCISE EXPLANATION OF THE PARTICULAR STATUTORY PROVISIONS UNDER WHICH THE RULE IS ENACTED AND HOW THESE PROVISIONS AUTHORIZE OR REQUIRE THE RULE: This rule is authorized under Section 63A-5-103 which directs the Building Board to make rules necessary for the discharge of its duties and those of the division. The statutory provisions that set forth the relationship between the planning and zoning authority of local governments and the construction of facilities on state property are contained in Section 63A-5-206.

SUMMARY OF WRITTEN COMMENTS RECEIVED DURING AND SINCE THE LAST FIVE YEAR REVIEW OF THE RULE FROM INTERESTED PERSONS SUPPORTING OR OPPOSING THE RULE: There have been no comments received either opposing or supporting the rule.

REASONED JUSTIFICATION FOR THE CONTINUATION OF THE RULE, INCLUDING REASONS WHY THE AGENCY DISAGREES WITH COMMENTS IN OPPOSITION TO THE RULE, IF ANY: This rule is necessary for the Division because it provides for cooperation with local government planning efforts when siting, designing, and constructing facilities on state property. Therefore, this rule should be continued.

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 by phone at 801-538-3105, by FAX at 801-538-3313, or by Internet E-mail at abachman@utah.gov
♦ Cecilia Niederhauser by phone at 801-538-3261, by FAX at 801-538-9694, or by Internet E-mail at cniederhauser@utah.gov
♦ Chiarina Gleed by phone at 801-538-3240, by FAX at 801-538-3313, or by Internet E-mail at cgleed@utah.gov
♦ Priscilla Anderson by phone at 801-538-9595, by FAX at 801-538-3378, or by Internet E-mail at phanderson@utah.gov

AUTHORIZED BY: D. Gregg Buxton, Director

EFFECTIVE: 11/14/2012

Administrative Services, Facilities Construction and Management
R23-10
Naming of State Buildings

FIVE-YEAR NOTICE OF REVIEW AND STATEMENT OF CONTINUATION
DAR FILE NO.: 37053
FILED: 11/14/2012

NOTICE OF REVIEW AND STATEMENT OF CONTINUATION

CONCISE EXPLANATION OF THE PARTICULAR STATUTORY PROVISIONS UNDER WHICH THE RULE IS ENACTED AND HOW THESE PROVISIONS AUTHORIZE OR REQUIRE THE RULE: This rule is authorized under Subsection 63A-5-103(1)(e), which directs the Building Board to make rules necessary for the discharge of the duties of the Division of Facilities Construction and Management.

SUMMARY OF WRITTEN COMMENTS RECEIVED DURING AND SINCE THE LAST FIVE YEAR REVIEW OF THE RULE FROM INTERESTED PERSONS SUPPORTING OR OPPOSING THE RULE: There have been no comments received either opposing or supporting the rule.

REASONED JUSTIFICATION FOR THE CONTINUATION OF THE RULE, INCLUDING REASONS WHY THE AGENCY DISAGREES WITH COMMENTS IN OPPOSITION TO THE RULE, IF ANY: This rule is continued because it defines which entities have the authority to name state buildings.

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 by phone at 801-538-3105, by FAX at 801-538-3313, or by Internet E-mail at abachman@utah.gov
♦ Cecilia Niederhauser by phone at 801-538-3261, by FAX at 801-538-9694, or by Internet E-mail at cniederhauser@utah.gov
♦ Chiarina Gleed by phone at 801-538-3240, by FAX at 801-538-3313, or by Internet E-mail at cgleed@utah.gov
♦ Priscilla Anderson by phone at 801-538-9595, by FAX at 801-538-3378, or by Internet E-mail at phanderson@utah.gov

AUTHORIZED BY: D. Gregg Buxton, Director

EFFECTIVE: 11/14/2012

Administrative Services, Facilities Construction and Management
R23-14
Management of Roofs on State Buildings

FIVE-YEAR NOTICE OF REVIEW AND STATEMENT OF CONTINUATION
DAR FILE NO.: 37056
FILED: 11/14/2012

NOTICE OF REVIEW AND STATEMENT OF CONTINUATION

CONCISE EXPLANATION OF THE PARTICULAR STATUTORY PROVISIONS UNDER WHICH THE RULE IS ENACTED AND HOW THESE PROVISIONS AUTHORIZE OR REQUIRE THE RULE: This rule is authorized under Section 63A-5-103 which directs the Building Board to make rules necessary for the discharge of its duties and those of the Division.

SUMMARY OF WRITTEN COMMENTS RECEIVED DURING AND SINCE THE LAST FIVE YEAR REVIEW OF THE RULE FROM INTERESTED PERSONS SUPPORTING OR OPPOSING THE RULE: There have been no comments received either supporting or opposing the rule.

REASONED JUSTIFICATION FOR THE CONTINUATION OF THE RULE, INCLUDING REASONS WHY THE AGENCY DISAGREES WITH COMMENTS IN OPPOSITION TO THE RULE, IF ANY: This rule is continued because it provides for the management of roofs on state buildings to prevent damage to the roof and to improve security of state buildings.

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 by phone at 801-538-3105, by FAX at 801-538-3313, or by Internet E-mail at abachman@utah.gov
♦ Cecilia Niederhauser by phone at 801-538-3261, by FAX at 801-538-9694, or by Internet E-mail at cniederhauser@utah.gov
♦ Chiarina Gleed by phone at 801-538-3240, by FAX at 801-538-3313, or by Internet E-mail at cgleed@utah.gov
♦ Priscilla Anderson by phone at 801-538-9595, by FAX at 801-538-3378, or by Internet E-mail at phanderson@utah.gov

AUTHORIZED BY: D. Gregg Buxton, Director

EFFECTIVE: 11/14/2012

Administrative Services, Facilities Construction and Management
R23-21
Division of Facilities Construction and Management Lease Procedures

FIVE-YEAR NOTICE OF REVIEW AND STATEMENT OF CONTINUATION
DAR FILE NO.: 37054
FILED: 11/14/2012

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: As provided in Subsection 63G-6-208(2), this rule establishes procedures for the procurement of leasing of real property. The Building Board's authority to adopt rules for the activities of the Division is set forth in Subsection 63A-5-103(1)(e). The statutory provisions governing the procurement of leasing of real property by the Division are contained in Title 63G, Chapter 6; Title 63A, Chapter 5; and Title 4, Chapter 1.

SUMMARY OF WRITTEN COMMENTS RECEIVED DURING AND SINCE THE LAST FIVE YEAR REVIEW OF THE RULE FROM INTERESTED PERSONS SUPPORTING OR

OPPOSING THE RULE: There have been no comments received either supporting or opposing the rule.

REASONED JUSTIFICATION FOR THE CONTINUATION OF THE RULE, INCLUDING REASONS WHY THE AGENCY DISAGREES WITH COMMENTS IN OPPOSITION TO THE RULE, IF ANY: This rule is necessary because it establishes procedures for the procurement of leasing of real property. Therefore, this rule should be continued.

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 by phone at 801-538-3105, by FAX at 801-538-3313, or by Internet E-mail at abachman@utah.gov
♦ Cecilia Niederhauser by phone at 801-538-3261, by FAX at 801-538-9694, or by Internet E-mail at cniederhauser@utah.gov
♦ Chiarina Gleed by phone at 801-538-3240, by FAX at 801-538-3313, or by Internet E-mail at cgleed@utah.gov
♦ Priscilla Anderson by phone at 801-538-9595, by FAX at 801-538-3378, or by Internet E-mail at phanderson@utah.gov

AUTHORIZED BY: D. Gregg Buxton, Director

EFFECTIVE: 11/14/2012

Administrative Services, Facilities Construction and Management
R23-24
Capital Projects Utilizing Non-appropriated Funds

FIVE-YEAR NOTICE OF REVIEW AND STATEMENT OF CONTINUATION
DAR FILE NO.: 37055
FILED: 11/14/2012

NOTICE OF REVIEW AND STATEMENT OF CONTINUATION

CONCISE EXPLANATION OF THE PARTICULAR STATUTORY PROVISIONS UNDER WHICH THE RULE IS ENACTED AND HOW THESE PROVISIONS AUTHORIZE OR REQUIRE THE RULE: This rule is authorized under Subsection 63A-5-103(1)(e), which directs the Building Board to make rules necessary for the discharge of the duties of the Division of Facilities Construction and Management.

SUMMARY OF WRITTEN COMMENTS RECEIVED DURING AND SINCE THE LAST FIVE YEAR REVIEW OF THE RULE FROM INTERESTED PERSONS SUPPORTING OR OPPOSING THE RULE: There have been no comments received either supporting or opposing the rule.

REASONED JUSTIFICATION FOR THE CONTINUATION OF THE RULE, INCLUDING REASONS WHY THE AGENCY DISAGREES WITH COMMENTS IN OPPOSITION TO THE RULE, IF ANY: This rule is necessary because it establishes the policy of the Utah State Building Board relative to projects which are funded partially or totally by non-appropriated funds; and establishes requirements for verification of funding and the timing of reimbursements to DFCM for expenditures made. Therefore, this rule should be continued.

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 by phone at 801-538-3105, by FAX at 801-538-3313, or by Internet E-mail at abachman@utah.gov
♦ Cecilia Niederhauser by phone at 801-538-3261, by FAX at 801-538-9694, or by Internet E-mail at cniederhauser@utah.gov
♦ Chiarina Gleed by phone at 801-538-3240, by FAX at 801-538-3313, or by Internet E-mail at cgleed@utah.gov
♦ Priscilla Anderson by phone at 801-538-9595, by FAX at 801-538-3378, or by Internet E-mail at phanderson@utah.gov

AUTHORIZED BY: D. Gregg Buxton, Director

EFFECTIVE: 11/14/2012

Education, Administration
R277-515
Utah Educator Standards

FIVE-YEAR NOTICE OF REVIEW AND STATEMENT OF CONTINUATION
DAR FILE NO.: 37060
FILED: 11/15/2012

NOTICE OF REVIEW AND STATEMENT OF CONTINUATION

CONCISE EXPLANATION OF THE PARTICULAR STATUTORY PROVISIONS UNDER WHICH THE RULE IS ENACTED AND HOW THESE PROVISIONS AUTHORIZE OR REQUIRE THE RULE: Subsection 53A-1-402(1)(a)

directs the Utah State Board of Education (Board) to make rules regarding the certification (licensing) of educators and Subsection 53A-1-401(3) allows the Board to adopt rules in accordance with its responsibilities.

SUMMARY OF WRITTEN COMMENTS RECEIVED DURING AND SINCE THE LAST FIVE YEAR REVIEW OF THE RULE FROM INTERESTED PERSONS SUPPORTING OR OPPOSING THE RULE: No written comment has been received.

REASONED JUSTIFICATION FOR THE CONTINUATION OF THE RULE, INCLUDING REASONS WHY THE AGENCY DISAGREES WITH COMMENTS IN OPPOSITION TO THE RULE, IF ANY: This rule is continued because it provides statewide professional standards for public school educators that continue to be necessary.

THE FULL TEXT OF THIS RULE MAY BE INSPECTED, DURING REGULAR BUSINESS HOURS, AT:
EDUCATION
ADMINISTRATION
250 E 500 S
SALT LAKE CITY, UT 84111-3272
or at the Division of Administrative Rules.

DIRECT QUESTIONS REGARDING THIS RULE TO:
♦ Carol Lear by phone at 801-538-7835, by FAX at 801-538-7768, or by Internet E-mail at carol.lear@schools.utah.gov

AUTHORIZED BY: Carol Lear, Director, School Law and Legislation

EFFECTIVE: 11/15/2012

Environmental Quality, Air Quality
R307-214
National Emission Standards for Hazardous Air Pollutants

FIVE-YEAR NOTICE OF REVIEW AND STATEMENT OF CONTINUATION
DAR FILE NO.: 37036
FILED: 11/08/2012

NOTICE OF REVIEW AND STATEMENT OF CONTINUATION

CONCISE EXPLANATION OF THE PARTICULAR STATUTORY PROVISIONS UNDER WHICH THE RULE IS ENACTED AND HOW THESE PROVISIONS AUTHORIZE OR REQUIRE THE RULE: Subsection 19-2-104(1)(a) allows the Air Quality Board to make rules regarding the control, abatement, and prevention of air pollution from all sources and establishing the maximum quantity of air contaminants that may be emitted by any source. Rule R307-214 incorporates by reference the federal standards for emissions of hazardous pollutants from various sources.

SUMMARY OF WRITTEN COMMENTS RECEIVED DURING AND SINCE THE LAST FIVE YEAR REVIEW OF THE RULE FROM INTERESTED PERSONS SUPPORTING OR OPPOSING THE RULE: Rule R307-214 has been amended three times since its last five-year review. No comments were received on these amendments. No other comments have been received on this rule since the last five-year review.

REASONED JUSTIFICATION FOR THE CONTINUATION OF THE RULE, INCLUDING REASONS WHY THE AGENCY DISAGREES WITH COMMENTS IN OPPOSITION TO THE RULE, IF ANY: Incorporating federal rules into the Utah rules allows enforcement by staff of the Utah Division of Air Quality rather than by the federal Environmental Protection Agency; therefore, this rule should be continued.

THE FULL TEXT OF THIS RULE MAY BE INSPECTED, DURING REGULAR BUSINESS HOURS, AT:
ENVIRONMENTAL QUALITY
AIR QUALITY
FOURTH FLOOR
195 N 1950 W
SALT LAKE CITY, UT 84116-3085
or at the Division of Administrative Rules.

DIRECT QUESTIONS REGARDING THIS RULE TO:
♦ Mark Berger by phone at 801-536-4000, by FAX at 801-536-0085, or by Internet E-mail at mberger@utah.gov

AUTHORIZED BY: Bryce Bird, Director

EFFECTIVE: 11/08/2012

Health, Health Care Financing, Coverage and Reimbursement Policy
R414-4x
Policy Statement on Denial of Payment to Medicaid Provider When Client Fails to Keep Scheduled Appointment

FIVE-YEAR NOTICE OF REVIEW AND STATEMENT OF CONTINUATION
DAR FILE NO.: 37057
FILED: 11/15/2012

NOTICE OF REVIEW AND STATEMENT OF CONTINUATION

CONCISE EXPLANATION OF THE PARTICULAR STATUTORY PROVISIONS UNDER WHICH THE RULE IS ENACTED AND HOW THESE PROVISIONS AUTHORIZE OR REQUIRE THE RULE: Subsection 26-18-3(7) requires

the Department to provide disciplinary measures and sanctions for Medicaid providers who fail to comply with the rules and procedures of the Medicaid program. Further, 42 CFR 455 requires the Department to investigate fraud, and if necessary, to impose sanctions against providers.

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 did not receive any written or oral comments regarding this rule.

REASONED JUSTIFICATION FOR THE CONTINUATION OF THE RULE, INCLUDING REASONS WHY THE AGENCY DISAGREES WITH COMMENTS IN OPPOSITION TO THE RULE, IF ANY: The Department will continue this rule to ensure the proper utilization of Medicaid services and to eliminate fraudulent billing practices by Medicaid providers.

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 by phone at 801-538-6641, by FAX at 801-538-6099, or by Internet E-mail at cdevashrayee@utah.gov

AUTHORIZED BY: David Patton, PhD, Executive Director

EFFECTIVE: 11/15/2012

Health, Health Care Financing, Coverage and Reimbursement Policy
R414-13
Psychology Services

FIVE-YEAR NOTICE OF REVIEW AND STATEMENT OF CONTINUATION
DAR FILE NO.: 37046
FILED: 11/14/2012

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 26-18-3 requires the Department to implement by rule psychology services to administer the Medicaid program. In addition, 42 CFR 440.60 authorizes licensed practitioners to perform medical or remedial care or services, other than physicians' services, within the scope of practice as defined under state law.

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 did not receive any written or oral comments regarding this rule.

REASONED JUSTIFICATION FOR THE CONTINUATION OF THE RULE, INCLUDING REASONS WHY THE AGENCY DISAGREES WITH COMMENTS IN OPPOSITION TO THE RULE, IF ANY: The Department will continue this rule because it sets forth program access requirements and service coverage for Medicaid recipients who qualify for psychology services under the Early and Periodic Screening, Diagnosis and Treatment (EPSDT) program.

THE FULL TEXT OF THIS RULE MAY BE INSPECTED, DURING REGULAR BUSINESS HOURS, AT:
HEALTH
HEALTH CARE FINANCING,
COVERAGE AND REIMBURSEMENT POLICY
CANNON HEALTH BLDG
288 N 1460 W
SALT LAKE CITY, UT 84116-3231
or at the Division of Administrative Rules.

DIRECT QUESTIONS REGARDING THIS RULE TO:
♦ Craig Devashrayee by phone at 801-538-6641, by FAX at 801-538-6099, or by Internet E-mail at cdevashrayee@utah.gov

AUTHORIZED BY: David Patton, PhD, Executive Director

EFFECTIVE: 11/14/2012

Health, Health Care Financing, Coverage and Reimbursement Policy
R414-32
Hospital Record-keeping Policy

FIVE-YEAR NOTICE OF REVIEW AND STATEMENT OF CONTINUATION
DAR FILE NO.: 37047
FILED: 11/14/2012

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, Section 26-18-3 requires the Department to implement by rule hospital record-keeping policies to administer the Medicaid program.

SUMMARY OF WRITTEN COMMENTS RECEIVED DURING AND SINCE THE LAST FIVE YEAR REVIEW OF THE RULE FROM INTERESTED PERSONS SUPPORTING OR OPPOSING THE RULE: The Department did not receive any written or oral comments regarding this rule.

REASONED JUSTIFICATION FOR THE CONTINUATION OF THE RULE, INCLUDING REASONS WHY THE AGENCY DISAGREES WITH COMMENTS IN OPPOSITION TO THE RULE, IF ANY: The Department will continue this rule because it establishes hospital record-keeping procedures that require hospitals to document services such as client diagnosis and the authorization of licensed physician services. The continuation of this rule, therefore, will promote quality and cost effective care for Medicaid clients by ensuring proper medical treatment.

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 by phone at 801-538-6641, by FAX at 801-538-6099, or by Internet E-mail at cdevashrayee@utah.gov

AUTHORIZED BY: David Patton, PhD, Executive Director

EFFECTIVE: 11/14/2012

Health, Health Care Financing, Coverage and Reimbursement Policy
R414-504
Nursing Facility Payments

FIVE-YEAR NOTICE OF REVIEW AND STATEMENT OF CONTINUATION
DAR FILE NO.: 37048
FILED: 11/14/2012

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 26-18-3 requires the Department to implement reimbursement policies to administer the Medicaid program. In addition, Title 26, Chapter 35a, sets forth requirements for the Department and nursing facilities to follow for the payment of nursing facility services.

SUMMARY OF WRITTEN COMMENTS RECEIVED DURING AND SINCE THE LAST FIVE YEAR REVIEW OF THE RULE FROM INTERESTED PERSONS SUPPORTING OR OPPOSING THE RULE: The Department did not receive any written or oral comments regarding this rule.

REASONED JUSTIFICATION FOR THE CONTINUATION OF THE RULE, INCLUDING REASONS WHY THE AGENCY DISAGREES WITH COMMENTS IN OPPOSITION TO THE RULE, IF ANY: The Department will continue this rule because it provides rate calculations to reimburse both nursing care facilities and intermediate care facilities for persons with intellectual disabilities, which provide services to Medicaid recipients. The Department will also continue this rule because it directs these facilities to the section of the Medicaid State Plan that sets forth requirements for the quality improvement incentive.

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 by phone at 801-538-6641, by FAX at 801-538-6099, or by Internet E-mail at cdevashrayee@utah.gov

AUTHORIZED BY: David Patton, PhD, Executive Director

EFFECTIVE: 11/14/2012

Health, Center for Health Data, Health Care Statistics
R428-11
Health Data Authority Ambulatory Surgical Data Reporting Rule

FIVE-YEAR NOTICE OF REVIEW AND STATEMENT OF CONTINUATION
DAR FILE NO.: 37043
FILED: 11/14/2012

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 Subsection 26-33a-104(1) to "direct a statewide effort to collect, analyze, and distribute health care data to facilitate the promotion and accessibility of quality and cost-effective health care and also to facilitate interaction among those with concern for health care issues."

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. At its quarterly meeting on 11/13/2012, the Utah Health Data Committee reviewed the rule and requested its continuation.

REASONED JUSTIFICATION FOR THE CONTINUATION OF THE RULE, INCLUDING REASONS WHY THE AGENCY DISAGREES WITH COMMENTS IN OPPOSITION TO THE RULE, IF ANY: This rule establishes the reporting standards for ambulatory surgery data by licensed hospitals and ambulatory surgical facilities. The data are needed to develop and maintain a statewide ambulatory surgical database. Annual public reports on Utah hospital and freestanding ambulatory surgery center utilization and charge profile have been widely used to monitor outpatient surgery trends, costs, and quality of care for the people of Utah. Healthcare industry, researchers, and the Federal Agency for Healthcare Research and Quality have purchased the public use data files for their own uses. The uses of the data and reports are justifications for continuation of the rule.

THE FULL TEXT OF THIS RULE MAY BE INSPECTED, DURING REGULAR BUSINESS HOURS, AT:
HEALTH
CENTER FOR HEALTH DATA,
HEALTH CARE STATISTICS
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 by phone at 801-538-9205, by FAX at 801-538-9916, or by Internet E-mail at mikemartin@utah.gov

AUTHORIZED BY: David Patton, PhD, Executive Director

EFFECTIVE: 11/14/2012

Health, Center for Health Data, Health Care Statistics

R428-13

Health Data Authority. Audit and Reporting of Health Plan Performance Measures

FIVE-YEAR NOTICE OF REVIEW AND STATEMENT OF CONTINUATION
DAR FILE NO.: 37044
FILED: 11/14/2012

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 Subsection 26-33a-104(1) to "direct a statewide effort to collect, analyze, and distribute health care data to facilitate the promotion and accessibility of quality and cost-effective health care and also to facilitate interaction among those with concern for health care issues."

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. At its meeting on 11/13/2012, the Utah Health Data Committee reviewed the rule and requested its continuation.

REASONED JUSTIFICATION FOR THE CONTINUATION OF THE RULE, INCLUDING REASONS WHY THE AGENCY DISAGREES WITH COMMENTS IN OPPOSITION TO THE RULE, IF ANY: This rule establishes a performance measurement data collection and reporting system for health plans licensed in the State of Utah and certain health plans. The data are needed to promote informed consumer choice in health plan selection and measure the quality of care provided by Utah health plans. The broad uses of the data and reports are justifications for continuation of the rule.

THE FULL TEXT OF THIS RULE MAY BE INSPECTED, DURING REGULAR BUSINESS HOURS, AT:
HEALTH
CENTER FOR HEALTH DATA,
HEALTH CARE STATISTICS
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 by phone at 801-538-9205, by FAX at 801-538-9916, or by Internet E-mail at mikemartin@utah.gov

AUTHORIZED BY: David Patton, PhD, Executive Director

EFFECTIVE: 11/14/2012

Human Services, Administration
R495-861
Requirements for Local Discretionary Social Services Block Grant Funds

FIVE-YEAR NOTICE OF REVIEW AND STATEMENT OF CONTINUATION
DAR FILE NO.: 37032
FILED: 11/06/2012

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 62A-1-111 authorizes the Department to adopt rules necessary for the provision of social services. Section 62A-1-114 provides that the Department of Human Services administer the Social Services Block Grant.

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 were received during and since the last five-year review.

REASONED JUSTIFICATION FOR THE CONTINUATION OF THE RULE, INCLUDING REASONS WHY THE AGENCY DISAGREES WITH COMMENTS IN OPPOSITION TO THE RULE, IF ANY: This rule needs to be continued so that the allocation of the funds can be specifically defined.

THE FULL TEXT OF THIS RULE MAY BE INSPECTED, DURING REGULAR BUSINESS HOURS, AT:
HUMAN SERVICES
ADMINISTRATION
DHS ADMINISTRATIVE OFFICE
MULTI STATE OFFICE BUILDING
195 N 1950 W
SALT LAKE CITY, UT 84116
or at the Division of Administrative Rules.

DIRECT QUESTIONS REGARDING THIS RULE TO:
♦ Jodi Patterson by phone at 801-538-4143, by FAX at 801-538-4317, or by Internet E-mail at jpatters@utah.gov
♦ Julene Jones by phone at 801-538-4521, by FAX at 801-538-3942, or by Internet E-mail at jhjones@utah.gov

AUTHORIZED BY: Palmer DePaulis, Executive Director

EFFECTIVE: 11/06/2012

Human Services, Child and Family Services
R512-204
Child Protective Services, New Caseworker Training

FIVE-YEAR NOTICE OF REVIEW AND STATEMENT OF CONTINUATION
DAR FILE NO.: 37062
FILED: 11/15/2012

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 62A-4a-107 mandates that the Division of Child and Family Services provide newly-hired caseworkers with core training before assuming significant independent casework responsibilities, to include conflict training.

SUMMARY OF WRITTEN COMMENTS RECEIVED DURING AND SINCE THE LAST FIVE YEAR REVIEW OF THE RULE FROM INTERESTED PERSONS SUPPORTING OR OPPOSING THE RULE: No written comments have been received.

REASONED JUSTIFICATION FOR THE CONTINUATION OF THE RULE, INCLUDING REASONS WHY THE AGENCY DISAGREES WITH COMMENTS IN OPPOSITION TO THE RULE, IF ANY: Continuation of this rule is necessary in order for the Division of Child and Family Services to continue to provide core training and conflict training to new caseworkers.

THE FULL TEXT OF THIS RULE MAY BE INSPECTED, DURING REGULAR BUSINESS HOURS, AT:
HUMAN SERVICES
CHILD AND FAMILY SERVICES
195 N 1950 W
SALT LAKE CITY, UT 84116
or at the Division of Administrative Rules.

DIRECT QUESTIONS REGARDING THIS RULE TO:
♦ Carol Miller by phone at 801-557-1772, by FAX at 801-538-3993, or by Internet E-mail at carolmiller@utah.gov
♦ Julene Jones by phone at 801-538-4521, by FAX at 801-538-3942, or by Internet E-mail at jhjones@utah.gov

AUTHORIZED BY: Brent Platt, Director

EFFECTIVE: 11/15/2012

Human Services, Services for People with Disabilities
R539-1
Eligibility

FIVE-YEAR NOTICE OF REVIEW AND STATEMENT OF CONTINUATION
DAR FILE NO.: 37029
FILED: 11/05/2012

NOTICE OF REVIEW AND STATEMENT OF CONTINUATION

CONCISE EXPLANATION OF THE PARTICULAR STATUTORY PROVISIONS UNDER WHICH THE RULE IS ENACTED AND HOW THESE PROVISIONS AUTHORIZE OR REQUIRE THE RULE: Subsection 62A-5-103(2)(a) states that the Division of Services for People with Disabilities (DSPD) shall "administer an array of services and supports for persons with disabilities and their families throughout the state" and Subsection 62A-5-103(2)(b) provides that DSPD "make rules in accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, that establish eligibility criteria for the services and supports described in Subsection (2)(a)". Subsection 62A-5-105(f)(i) states that the DSPD shall "establish and periodically review the criteria used to determine who may receive services from the division and how the delivery of those services is prioritized within available funding". Rules governing eligibility were created to honor these statues.

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 in support or opposition to the rule were received by the DSPD.

REASONED JUSTIFICATION FOR THE CONTINUATION OF THE RULE, INCLUDING REASONS WHY THE AGENCY DISAGREES WITH COMMENTS IN OPPOSITION TO THE RULE, IF ANY: Having received no comments in opposition and requiring a continuing, publicly available criteria for determining eligibility for DSPD services, continuation of the rule is justified on the grounds that it meets existing statues, serves the purpose of the DSPD and has not met any public opposition.

THE FULL TEXT OF THIS RULE MAY BE INSPECTED, DURING REGULAR BUSINESS HOURS, AT:
HUMAN SERVICES
SERVICES FOR PEOPLE WITH DISABILITIES
195 N 1950 W 3RD FLR
SALT LAKE CITY, UT 84116
or at the Division of Administrative Rules.

DIRECT QUESTIONS REGARDING THIS RULE TO:
♦ Julene Jones by phone at 801-538-4521, by FAX at 801-538-3942, or by Internet E-mail at jhjones@utah.gov
♦ Paul Day by phone at 801-538-4118, by FAX at 801-538-4279, or by Internet E-mail at pday@utah.gov

AUTHORIZED BY: Paul Smith, Director

EFFECTIVE: 11/05/2012

Human Services, Services for People with Disabilities
R539-11
Family Preservation Pilot Program

FIVE-YEAR NOTICE OF REVIEW AND STATEMENT OF CONTINUATION
DAR FILE NO.: 37030
FILED: 11/05/2012

NOTICE OF REVIEW AND STATEMENT OF CONTINUATION

CONCISE EXPLANATION OF THE PARTICULAR STATUTORY PROVISIONS UNDER WHICH THE RULE IS ENACTED AND HOW THESE PROVISIONS AUTHORIZE OR REQUIRE THE RULE: Subsection 62A-5-103.2(1) states "There is established a pilot program for the provision of family preservation services to a person with a disability and that person's family, beginning on July 1, 2007, and ending on July 1, 2009." and (3) "The division shall make rules, in accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, as necessary for the implementation and administration of this section."

SUMMARY OF WRITTEN COMMENTS RECEIVED DURING AND SINCE THE LAST FIVE YEAR REVIEW OF THE RULE FROM INTERESTED PERSONS SUPPORTING OR OPPOSING THE RULE: The Division has received no written comments either in support or opposition to the rule.

REASONED JUSTIFICATION FOR THE CONTINUATION OF THE RULE, INCLUDING REASONS WHY THE AGENCY DISAGREES WITH COMMENTS IN OPPOSITION TO THE RULE, IF ANY: The Division of Services for People with Disabilities (DSPD) has received no comments in opposition to the rule. While the Program has expired, it is possible that funding may come available in the next legislative session to

reinstate it. In such case having an existing rule would facilitate the program. Therefore, this rule should be continued.

THE FULL TEXT OF THIS RULE MAY BE INSPECTED, DURING REGULAR BUSINESS HOURS, AT:
HUMAN SERVICES
SERVICES FOR PEOPLE WITH DISABILITIES
195 N 1950 W 3RD FLR
SALT LAKE CITY, UT 84116
or at the Division of Administrative Rules.

DIRECT QUESTIONS REGARDING THIS RULE TO:
♦ Julene Jones by phone at 801-538-4521, by FAX at 801-538-3942, or by Internet E-mail at jhjones@utah.gov
♦ Paul Day by phone at 801-538-4118, by FAX at 801-538-4279, or by Internet E-mail at pday@utah.gov

AUTHORIZED BY: Paul Smith, Director

EFFECTIVE: 11/05/2012

Insurance, Administration
R590-152
Health Discount Programs and Value Added Benefit Rule

FIVE-YEAR NOTICE OF REVIEW AND STATEMENT OF CONTINUATION
DAR FILE NO.: 37034
FILED: 11/07/2012

NOTICE OF REVIEW AND STATEMENT OF CONTINUATION
CONCISE EXPLANATION OF THE PARTICULAR STATUTORY PROVISIONS UNDER WHICH THE RULE IS ENACTED AND HOW THESE PROVISIONS AUTHORIZE OR REQUIRE THE RULE: Section 31A-8a-210, specifically authorizes the commissioner to issue rules to enforce Title 31A, Chapter 8a, Health Discount Program Consumer Protection Act, and to protect the public interest. The rule allows the commissioner to license, examine, audit, or investigate an individual or entity operating or selling health discount programs.

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 amended 01/20/2011. A comment period was provided and a comment was received. The change required health discount marketers to be licensed regardless of the number of health discount operators they contracted with. The comment noted that this would create an additional expense for these small marketers. However, the department countered that they needed authority to regulate all marketers regardless of size and to do this they must all be licensed. This is an area of the market place where marketing and advertising violations are common.

REASONED JUSTIFICATION FOR THE CONTINUATION OF THE RULE, INCLUDING REASONS WHY THE AGENCY DISAGREES WITH COMMENTS IN OPPOSITION TO THE RULE, IF ANY: This rule authorizes the department to license and regulate health discount programs and those who market and operate them. It also allows the department to review the forms of these programs to make sure they comply with the law and avoid using words and terms that would give the purchaser the impression that the program is insurance. This should reduce fraud and uncertainty in this market. The rule also requires managers of health discount programs to provide a website so members can view a current list of health discount plan providers. 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 by phone at 801-538-3803, by FAX at 801-538-3829, or by Internet E-mail at jwhitby@utah.gov

AUTHORIZED BY: Neal Gooch, Commissioner

EFFECTIVE: 11/07/2012

Insurance, Administration
R590-242
Military Sales Practices

FIVE-YEAR NOTICE OF REVIEW AND STATEMENT OF CONTINUATION
DAR FILE NO.: 37033
FILED: 11/07/2012

NOTICE OF REVIEW AND STATEMENT OF CONTINUATION
CONCISE EXPLANATION OF THE PARTICULAR STATUTORY PROVISIONS UNDER WHICH THE RULE IS ENACTED AND HOW THESE PROVISIONS AUTHORIZE OR REQUIRE THE RULE: Subsection 31A-2-201(3)(a) authorizes the commissioner to implement the provisions of Title 31A by rule. Subsection 31A-23a-402(8)(a) authorizes the commissioner to implement rules after a finding of fact

that determines certain actions to be unfair or deceptive method of competition in the business of insurance.

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 in the past five years.

REASONED JUSTIFICATION FOR THE CONTINUATION OF THE RULE, INCLUDING REASONS WHY THE AGENCY DISAGREES WITH COMMENTS IN OPPOSITION TO THE RULE, IF ANY: This rule is necessary to set forth standards to protect active duty service members of the United States Armed Forces from dishonest and predatory insurance sales practices by declaring certain practices to be false, misleading, deceptive, or unfair. 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 by phone at 801-538-3803, by FAX at 801-538-3829, or by Internet E-mail at jwhitby@utah.gov

AUTHORIZED BY: Neal Gooch, Commissioner

EFFECTIVE: 11/07/2012

Money Management Council, Administration
R628-18
Conditions and Procedures for Use of Interest Rate Contracts

FIVE-YEAR NOTICE OF REVIEW AND STATEMENT OF CONTINUATION
DAR FILE NO.: 37031
FILED: 11/06/2012

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 by the authority of Subsection 51-7-17(3) and allows public entities to enter into investment rate contracts that comply with the requirements in council rule. Under Subsection 51-7-18(2)(x) there is rulewriting authority for providing the conditions and procedures to be followed by public entities if they utilize investment rate contracts.

SUMMARY OF WRITTEN COMMENTS RECEIVED DURING AND SINCE THE LAST FIVE YEAR REVIEW OF THE RULE FROM INTERESTED PERSONS SUPPORTING OR OPPOSING THE RULE: There have been no comments received since the last five year review.

REASONED JUSTIFICATION FOR THE CONTINUATION OF THE RULE, INCLUDING REASONS WHY THE AGENCY DISAGREES WITH COMMENTS IN OPPOSITION TO THE RULE, IF ANY: The Money Management Act in Subsection 51-7-17(3) states that public entities may enter into investment rate contracts per Council rule. The rule needs to be in place to allow public entities to utilize these contracts in a safe and consistent way. Also, there are several public entities that are using investment rate contracts. Therefore, this rule should be continued.

THE FULL TEXT OF THIS RULE MAY BE INSPECTED, DURING REGULAR BUSINESS HOURS, AT:
MONEY MANAGEMENT COUNCIL
ADMINISTRATION
ROOM 180 UTAH STATE CAPITOL COMPLEX
350 N STATE ST
SALT LAKE CITY, UT 84114
or at the Division of Administrative Rules.

DIRECT QUESTIONS REGARDING THIS RULE TO:
♦ Ann Pedroza by phone at 801-538-1883, by FAX at 801-538-1465, or by Internet E-mail at apedroza@utah.gov

AUTHORIZED BY: William Wallace, Chair

EFFECTIVE: 11/06/2012

End of the Five-Year Notices of Review and Statements of Continuation Section

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 Subsections 63G-3-305(4) and (5).

Environmental Quality, Administration
R305-2
Electronic Meeting

FIVE-YEAR REVIEW EXTENSION
DAR FILE NO.: 37038
FILED: 11/12/2012

EXTENSION REASON AND NEW DEADLINE: All five of the DEQ boards must approve a five-year review, which takes time. The five-year review is currently due on 11/28/2012; with this extension, it will be due on 03/28/2013.

DIRECT QUESTIONS REGARDING THIS RULE TO:
♦ Laura Lockhart by phone at 801-366-0283, by FAX at 801-366-0292, or by Internet E-mail at llockhart@utah.gov

AUTHORIZED BY: Brad Johnson, Deputy Director

EFFECTIVE: 11/12/2012

End of the Notices of Five-Year Review Extensions Section

NOTICES OF
FIVE-YEAR EXPIRATIONS

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 (Division). However, if the agency fails to file either the review or the extension by the five-year anniversary date of the rule, the rule expires.

Upon expiration of the rule, the Division is required to remove the rule from the *Utah Administrative Code*. The agency may no longer enforce the rule, and it must follow regular rulemaking procedures to replace the rule if necessary.

The rules listed below were *not* reviewed in accordance with Section 63G-3-305. These rules have expired and have been removed from the *Utah Administrative Code*.

The expiration of administrative rules for failure to comply with the five-year review requirement is governed by Subsection 63G-3-305(8).

Health, Administration

R380-300

Community Spay and Neuter Grants

FIVE-YEAR REVIEW EXPIRATION

DAR FILE NO.: 37068

FILED: 11/15/2012

SUMMARY: The agency did not file the five-year review for this rule by the deadline so the rule expired on 11/08/2012 and is removed from the Administrative Code.

EFFECTIVE: 11/08/2012

End of the Notices of Notices of Five Year Expirations Section

NOTICES OF
RULE EFFECTIVE DATES

State law provides for agencies to make their rules effective and enforceable after publication in the Utah State Bulletin. In the case of Proposed Rules or Changes in Proposed Rules with a designated comment period, the law permits an agency to file a notice of effective date any time after the close of comment plus seven days. In the case of Changes in Proposed Rules with no designated comment period, the law permits an agency to file a notice of effective date on any date including or after the thirtieth day after the rule's publication date. If an agency fails to file a Notice of Effective Date within 120 days from the publication of a Proposed Rule or a related Change in Proposed Rule the rule lapses and the agency must start the rulemaking process over.

Notices of Effective Date are governed by Subsection 63G-3-301(12), 63G-3-303, and Sections R15-4-5a and 5b.

Abbreviations
AMD = Amendment
CPR = Change in Proposed Rule
NEW = New Rule
R&R = Repeal & Reenact
REP = Repeal

Commerce
Occupational and Professional Licensing
No. 36759 (AMD): R156-24b. Physical Therapy Practice Act Rule
Published: 10/01/2012
Effective: 11/13/2012

No. 36757 (AMD): R156-60. Mental Health Professional Practice Act Rule
Published: 10/01/2012
Effective: 11/13/2012

No. 36758 (AMD): R156-60c. Professional Counselor Licensing Act Rule
Published: 10/01/2012
Effective: 11/13/2012

Education
Administration
No. 36769 (AMD): R277-112. Prohibiting Discrimination in the Public Schools
Published: 10/01/2012
Effective: 11/08/2012

No. 36770 (AMD): R277-420-1. Definitions
Published: 10/01/2012
Effective: 11/08/2012

No. 36771 (AMD): R277-423. Delivery of Flow Through Money
Published: 10/01/2012
Effective: 11/08/2012

No. 36772 (AMD): R277-424-1. Definitions
Published: 10/01/2012
Effective: 11/08/2012

No. 36773 (AMD): R277-454-1. Definitions
Published: 10/01/2012
Effective: 11/08/2012

No. 36774 (AMD): R277-531. Public Educator Evaluation Requirements (PEER)
Published: 10/01/2012
Effective: 11/08/2012

Environmental Quality
Air Quality
No. 36624 (AMD): R307-101. General Requirements
Published: 09/01/2012
Effective: 11/08/2012

No. 36625 (AMD): R307-102. General Requirements: Broadly Applicable Requirements
Published: 09/01/2012
Effective: 11/08/2012

No. 36626 (AMD): R307-123. General Requirements: Clean Fuels and Vehicle Technology Grant and Loan Program
Published: 09/01/2012
Effective: 11/08/2012

No. 36627 (AMD): R307-135. Enforcement Response Policy for Asbestos Hazard Emergency Response Act
Published: 09/01/2012
Effective: 11/08/2012

No. 36607 (AMD): R307-207. Residential Fireplaces and Solid Fuel Burning Devices
Published: 08/15/2012
Effective: 11/08/2012

No. 36628 (AMD): R307-307. Davis, Salt Lake, and Utah Counties: Road Salting and Sanding
Published: 09/01/2012
Effective: 11/08/2012

Drinking Water
No. 36561 (AMD): R309-600-13. New Ground-water Sources of Drinking Water
Published: 08/15/2012
Effective: 11/15/2012

Health
Health Care Financing, Coverage and Reimbursement Policy
No. 36511 (AMD): R414-1-30. Governing Hierarchy
Published: 08/15/2012
Effective: 11/05/2012

No. 36710 (AMD): R414-22. Administrative Sanction Procedures and Regulations
Published: 09/15/2012
Effective: 11/14/2012

Heritage and Arts
History
No. 36762 (AMD): R455-4. Ancient Human Remains
Published: 10/01/2012
Effective: 11/09/2012

Insurance
Administration
No. 36745 (NEW): R590-265. Hazardous Financial Condition Rule
Published: 10/01/2012
Effective: 11/09/2012

Judicial Performance Evaluation Commission
Administration
No. 36671 (AMD): R597-3. Judicial Performance Evaluations
Published: 09/15/2012
Effective: 11/16/2012

Natural Resources
Parks and Recreation
No. 36682 (AMD): R651-637. 2012 Antelope Island State Park Special Mule Deer and Bighorn Sheep Hunt
Published: 09/15/2012
Effective: 11/07/2012

Workforce Services
Employment Development
No. 36761 (AMD): R986-200-247. Utah Back to Work Pilot Program (BWP)
Published: 10/01/2012
Effective: 11/09/2012

Unemployment Insurance
No. 36760 (AMD): R994-406-302. Repayment and Collection of Fault Overpayments
Published: 10/01/2012
Effective: 11/09/2012

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, 2012 through November 15, 2012. The Rules Index is published in the Utah State Bulletin and in the annual Utah Administrative Rules 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).

Questions regarding the index and the information it contains should be addressed to 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 (5110 State Office Building, Salt Lake City, UT), or may be viewed online at the Division’s web site (http://www.rules.utah.gov/).

RULES INDEX - BY AGENCY (CODE NUMBER)

ABBREVIATIONS

AMD = Amendment
CPR = Change in proposed rule
EMR = Emergency rule (120 day)
NEW = New rule
EXD = Expired
NSC = Nonsubstantive rule change
REP = Repeal
R&R = Repeal and reenact
5YR = Five-Year Review

CODE REFERENCE	TITLE	FILE NUMBER	ACTION	EFFECTIVE DATE	BULLETIN ISSUE/PAGE
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Administration					
R13-2-4	Requests for Access	36285	AMD	08/07/2012	2012-12/8
Archives					
R17-9	Electronic Participation at Meetings	35304	NEW	01/30/2012	2011-20/6
Child Welfare Parental Defense (Office of)					
R19-1-6	Child Welfare Parental Defense Oversight Committee	35205	AMD	01/12/2012	2011-18/6
R19-1-7	Electronic Meetings	35206	AMD	01/12/2012	2011-18/7
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R21-1	Transfer of Collection Responsibility of State Agencies	36420	5YR	06/28/2012	2012-14/59
R21-1	Transfer of Collection Responsibility of State Agencies	36495	AMD	09/07/2012	2012-15/6
R21-2	Office of State Debt Collection Administrative Procedures	36421	5YR	06/28/2012	2012-14/60
R21-3	Debt Collection Through Administrative Offset	36422	5YR	06/28/2012	2012-14/60
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R23-1-40	Acceptable Bid Security; Performance and Payment Bonds	36020	CPR	08/07/2012	2012-13/88
R23-1-40	Acceptable Bid Security; Performance and Payment Bonds	36632	NSC	08/23/2012	Not Printed
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R23-5	Contingency Funds	37050	5YR	11/14/2012	Not Printed
R23-6	Value Engineering and Life Cycle Costing of State Owned Facilities Rules and Regulations	37051	5YR	11/14/2012	Not Printed
R23-9	Cooperation with Local Government Planning	37052	5YR	11/14/2012	Not Printed
R23-10	Naming of State Buildings	37053	5YR	11/14/2012	Not Printed
R23-12	Building Code Appeals Process	36806	5YR	09/19/2012	2012-20/119
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R23-19	Facility Use Rules	36146	5YR	05/03/2012	2012-11/177
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R23-24	Capital Projects Utilizing Non-appropriated Funds	37055	5YR	11/14/2012	Not Printed
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R25-7	Travel-Related Reimbursements for State Employees	36112	AMD	07/01/2012	2012-10/4
R25-7-6	Reimbursements for Meals	36636	NSC	08/30/2012	Not Printed

R25-14	Payment of Attorneys Fees in Death Penalty Cases	35663	5YR	01/12/2012	2012-3/105
R25-20	Indigent Defense Funds Board, Procedures for Electronic Meetings	35975	NEW	05/22/2012	2012-8/5
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R27-4	Vehicle Replacement and Expansion of State Fleet	35622	5YR	01/05/2012	2012-3/105
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R27-5	Fleet Tracking	35623	NSC	01/31/2012	Not Printed
R27-6	Fuel Dispensing Program	35620	5YR	01/05/2012	2012-3/106
R27-7	Safety and Loss Prevention of State Vehicles	36024	AMD	06/28/2012	2012-9/4
R27-8	State Vehicle Maintenance Program	35621	5YR	01/05/2012	2012-3/107
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R33-4	Specifications	35665	AMD	03/30/2012	2012-3/10
R33-4	Specifications	36426	5YR	07/02/2012	2012-14/62
R33-5	Construction and Architect-Engineer Selection	36428	5YR	07/02/2012	2012-14/63
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R37-2	Risk Management State Workers' Compensation Insurance Administration	36287	5YR	05/30/2012	2012-12/81
R37-3	Risk Management Adjudicative Proceedings	36288	5YR	05/30/2012	2012-12/82
R37-4	Adjusted Utah Governmental Immunity Act Limitations on Judgments	36289	5YR	05/30/2012	2012-12/83
R37-4	Adjusted Utah Governmental Immunity Act Limitations on Judgments	35844	AMD	05/31/2012	2012-5/4
AGRICULTURE AND FOOD					
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Animal Industry					
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R58-3	Brucellosis Vaccination Requirements	36683	NEW	10/29/2012	2012-18/4
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R58-11	Slaughter of Livestock and Poultry	36144	NSC	05/30/2012	Not Printed
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R58-18	Elk Farming	35695	5YR	01/18/2012	2012-4/60
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R58-21	Trichomoniasis	36164	AMD	07/10/2012	2012-11/4
R58-22	Equine Infectious Anemia (EIA)	35694	5YR	01/18/2012	2012-4/61
R58-23	Equine Viral Arteritis (EVA)	35693	5YR	01/18/2012	2012-4/61
Marketing and Development					
R65-2	Utah Cherry Marketing Order	36489	5YR	07/12/2012	2012-15/73

R65-5	Utah Red Tart and Sour Cherry Marketing Order	36488	5YR	07/12/2012	2012-15/73
R65-11	Utah Sheep Marketing Order	36490	5YR	07/12/2012	2012-15/74
Plant Industry					
R68-15	Quarantine Pertaining to Japanese Beetle	36697	5YR	08/28/2012	2012-18/77
R68-19	Compliance Procedures	35697	5YR	01/18/2012	2012-4/62
R68-21	Standard of Identity for Honey	35566	REP	03/07/2012	2012-2/16
Regulatory Services					
R70-201	Compliance Procedures	35660	5YR	01/12/2012	2012-3/108
R70-320	Minimum Standards for Milk for Manufacturing Purposes, its Production and Processing	35661	5YR	01/12/2012	2012-3/109
R70-330	Raw Milk for Retail	36465	EMR	07/11/2012	2012-15/65
R70-350	Ice Cream and Frozen Dairy Food Standards	35658	5YR	01/12/2012	2012-3/109
R70-360	Procedure for Obtaining a License to Test Milk for Payment	35657	5YR	01/12/2012	2012-3/110
R70-520	Standard of Identity and Labeling Requirements for Honey	36147	NEW	07/10/2012	2012-11/6
R70-530	Food Protection	35920	5YR	03/07/2012	2012-7/63
R70-550	Utah Inland Shellfish Safety Program	35659	5YR	01/12/2012	2012-3/110
R70-560	Inspection and Regulation of Cottage Food Production Operations	35662	5YR	01/12/2012	2012-3/111
ALCOHOLIC BEVERAGE CONTROL					
Administration					
R81-1-3	General Policies	36271	AMD	07/31/2012	2012-12/11
R81-1-6	Violation Schedule	35588	AMD	03/01/2012	2012-2/20
R81-3-11	Application	35942	AMD	07/17/2012	2012-7/4
R81-4A-2	Application	35943	AMD	05/22/2012	2012-7/5
R81-4B-2	Application	35944	AMD	05/22/2012	2012-7/6
R81-4C-2	Application	35945	AMD	05/22/2012	2012-7/8
R81-4D-2	Application	35946	AMD	05/22/2012	2012-7/9
R81-4E-2	Application	35947	AMD	05/22/2012	2012-7/11
R81-4F-2	Application	35948	AMD	05/22/2012	2012-7/12
R81-4F-7	Sale and Purchase of Alcoholic Beverages	36113	AMD	07/01/2012	2012-10/9
R81-4F-13	Agreement for Alcoholic Beverage Service	36115	AMD	07/01/2012	2012-10/10
R81-5-2	Application	35949	AMD	05/22/2012	2012-7/13
R81-6-1	Application	35950	AMD	05/22/2012	2012-7/15
R81-7	Single Event Permits	36114	AMD	07/01/2012	2012-10/11
R81-8-1	Application	35951	AMD	05/22/2012	2012-7/16
R81-9-1	Application	35952	AMD	05/22/2012	2012-7/17
R81-10A-3	Application	35953	AMD	05/22/2012	2012-7/19
R81-10B	Temporary Special Event Beer Permits	36116	AMD	07/01/2012	2012-10/14
R81-10C-2	Application	35954	AMD	05/22/2012	2012-7/20
R81-10D-2	Application	35955	AMD	05/22/2012	2012-7/21
R81-11-1	Application	35956	AMD	05/22/2012	2012-7/23
R81-12-1	Application	35957	AMD	05/22/2012	2012-7/24
ATTORNEY GENERAL					
Administration					
R105-1	Attorney General's Selection of Outside Counsel, Expert Witnesses and Other Litigation Support Services	35904	NEW	04/24/2012	2012-6/6
AUDITOR					
Administration					
R123-3	State Auditor Adjudicative Proceedings	36506	5YR	07/18/2012	2012-16/183
R123-4	Public Petitions for Declaratory Orders	36509	5YR	07/18/2012	2012-16/183
R123-5	Audit Requirements for Audits of Political Subdivisions and Nonprofit Organizations	36510	5YR	07/18/2012	2012-16/184

CAPITOL PRESERVATION BOARD (STATE)

Administration					
R131-3	Use of Magnetometers on Capitol Grounds	35899	EXT	02/29/2012	2012-6/43
R131-3	Use of Magnetometers on Capitol Hill	36359	5YR	06/13/2012	2012-13/97
R131-9	State Capitol Preservation Board Art Program and Policy	35686	R&R	03/09/2012	2012-3/13
R131-10	Commercial Solicitations	35687	5YR	01/17/2012	2012-3/111
R131-11	Preservation of Free Speech Activities	35688	5YR	01/17/2012	2012-3/112
R131-13	Health Reform - Health Insurance Coverage in State Contracts - Implementation	35611	EMR	01/03/2012	2012-2/105
R131-13	Health Reform - Health Insurance Coverage in State Contracts - Implementation	35610	AMD	02/21/2012	2012-2/24

CAREER SERVICE REVIEW OFFICE

Administration					
R137-1-21	The Evidentiary/Step 4 Adjudicatory Procedures	35559	AMD	02/21/2012	2012-2/26

COMMERCE

Administration					
R151-3	Americans With Disabilities Act Rule	35897	5YR	02/28/2012	2012-6/35
R151-4-306	Motion to Recuse or Disqualify a Board or Commission Member	36104	AMD	06/21/2012	2012-10/16
R151-4-306	Motion to Recuse or Disqualify a Board or Commission Member	36416	AMD	08/21/2012	2012-14/4
R151-35	Powersport Vehicle Franchise Act Rule	36329	5YR	06/05/2012	2012-13/97
Consumer Protection					
R152-6	Utah Administrative Procedures Act Rules	35974	5YR	03/26/2012	2012-8/71
R152-15	Business Opportunity Disclosure Act Rules	35965	5YR	03/22/2012	2012-8/71
R152-20	New Motor Vehicle Warranties	35967	5YR	03/22/2012	2012-8/72
R152-22	Charitable Solicitations Act	35970	5YR	03/22/2012	2012-8/72
R152-23	Utah Health Spa Services	35971	5YR	03/22/2012	2012-8/73
R152-34	Postsecondary Proprietary School Act Rules	36360	5YR	06/14/2012	2012-13/98
R152-42	Uniform Debt-Management Services Act Rules	35972	5YR	03/22/2012	2012-8/73
Corporations and Commercial Code					
R154-1	Central Filing System for Agriculture Product Liens	36857	5YR	09/27/2012	2012-20/119
Occupational and Professional Licensing					
R156-1	General Rule of the Division of Occupational and Professional Licensing	35624	5YR	01/05/2012	2012-3/112
R156-1	General Rule of the Division of Occupational and Professional Licensing	36077	AMD	06/07/2012	2012-9/8
R156-1	General Rule of the Division of Occupational and Professional Licensing	36551	AMD	09/24/2012	2012-16/4
R156-1	General Rule of the Division of Occupational and Professional Licensing	36629	AMD	10/09/2012	2012-17/9
R156-1-109	Presiding Officers	36941	NSC	11/01/2012	Not Printed
R156-3a	Architect Licensing Act Rule	36282	AMD	07/30/2012	2012-12/12
R156-9	Funeral Service Licensing Act Rule	36117	AMD	06/21/2012	2012-10/17
R156-11a	Barber, Cosmetologist/Barber, Esthetician, Electrologist and Nail Technician Licensing Act Rule	35853	5YR	02/06/2012	2012-5/101
R156-15A	State Construction Code Administration and Adoption of Approved State Construction Code Rule	36552	AMD	09/24/2012	2012-16/7
R156-16a	Optometry Practice Act Rule	35893	5YR	02/21/2012	2012-6/35
R156-20a	Environmental Health Scientist Act Rule	35430	AMD	01/10/2012	2011-23/10
R156-20a	Environmental Health Scientist Act Rule	36484	AMD	09/11/2012	2012-15/8
R156-22	Professional Engineers and Professional Land Surveyors Licensing Act Rule	36090	AMD	06/21/2012	2012-10/19

R156-22	Professional Engineers and Professional Land Surveyors Licensing Act Rule	36405	5YR	06/25/2012	2012-14/64
R156-24b	Physical Therapy Practice Act Rule	36759	AMD	11/13/2012	2012-19/8
R156-37	Utah Controlled Substances Act Rule	35892	5YR	02/21/2012	2012-6/36
R156-40a	Athletic Trainer Licensing Act Rule	36089	AMD	06/28/2012	2012-10/22
R156-46b	Division Utah Administrative Procedures Act Rule	36630	AMD	10/09/2012	2012-17/13
R156-47b	Massage Therapy Practice Act Rule	36132	5YR	05/01/2012	2012-10/87
R156-47b-102	Definitions	35498	AMD	01/26/2012	2011-24/6
R156-55a-602	Contractor License Bonds	36157	AMD	07/09/2012	2012-11/8
R156-55d	Burglar Alarm Licensing Rule	35860	5YR	02/07/2012	2012-5/102
R156-55d	Burglar Alarm Licensing Rule	36191	NSC	05/30/2012	Not Printed
R156-56	Building Inspector and Factory Built Housing Licensing Act Rule	35735	5YR	01/31/2012	2012-4/62
R156-60	Mental Health Professional Practice Act Rule	36757	AMD	11/13/2012	2012-19/11
R156-60a	Social Worker Licensing Act Rule	36189	AMD	07/09/2012	2012-11/10
R156-60c	Professional Counselor Licensing Act Rule	36758	AMD	11/13/2012	2012-19/13
R156-60d	Substance Abuse Counselor Act Rule	36228	AMD	07/30/2012	2012-12/17
R156-60d	Substance Use Disorder Counselor Act Rule	36550	NSC	08/08/2012	Not Printed
R156-63b-102	Definitions	36192	NSC	05/30/2012	Not Printed
R156-64	Deception Detection Examiners Licensing Act Rule	35736	5YR	01/31/2012	2012-4/64
R156-67-503	Administrative Penalties	35389	AMD	03/09/2012	2011-22/14
R156-67-503	Administrative Penalties	35389	CPR	03/09/2012	2012-3/86
R156-68-503	Administrative Penalties	35388	AMD	03/09/2012	2011-22/19
R156-68-503	Administrative Penalties	35388	CPR	03/09/2012	2012-3/90
R156-69-302d	Licensing of Dentist-Educators	36181	AMD	07/09/2012	2012-11/14
R156-75	Genetic Counselors Licensing Act Rule	36183	AMD	07/09/2012	2012-11/15
R156-75-102	Definitions	36450	NSC	07/25/2012	Not Printed
R156-76	Professional Geologist Licensing Act Rule	35894	5YR	02/21/2012	2012-6/37
R156-78B	Prelitigation Panel Review Rule	35820	5YR	02/02/2012	2012-5/102
R156-83-502	Unprofessional Conduct	35585	AMD	02/21/2012	2012-2/28
Real Estate					
R162-2c	Utah Residential Mortgage Practices and Licensing Rules	36079	AMD	06/07/2012	2012-9/12
R162-2e	Appraisal Management Company Administrative Rules	36449	AMD	09/26/2012	2012-15/10
R162-2e-402	Administrative Proceedings	35915	AMD	05/23/2012	2012-7/25
R162-2f	Real Estate Licensing and Practices Rules	36390	AMD	08/21/2012	2012-14/5
R162-57a	Timeshare and Camp Resort Rules	36078	AMD	08/21/2012	2012-9/27
R162-57a	Timeshare and Camp Resort Rules	36078	CPR	08/21/2012	2012-14/48
Securities					
R164-1	Fraudulent Practices	36459	5YR	07/11/2012	2012-15/75
R164-4	Licensing Requirements	36460	5YR	07/11/2012	2012-15/75
R164-5	Broker-Dealer and Investment Adviser Books and Records	36461	5YR	07/11/2012	2012-15/76
R164-6	Denial, Suspension or Revocation of a License	36462	5YR	07/11/2012	2012-15/76
R164-9	Registration by Coordination	36537	5YR	07/25/2012	2012-16/184
R164-10	Registration by Qualification	36538	5YR	07/25/2012	2012-16/185
R164-11	Registration Statement	36539	5YR	07/25/2012	2012-16/185
R164-12	Sales Commission	36540	5YR	07/25/2012	2012-16/186
R164-14	Exemptions	36541	5YR	07/25/2012	2012-16/186
R164-15	Federal Covered Securities	36542	5YR	07/25/2012	2012-16/187
R164-18	Procedures	36463	5YR	07/11/2012	2012-15/77
R164-25	Record of Registration	36464	5YR	07/11/2012	2012-15/77
R164-26	Consent to Service of Process	36543	5YR	07/25/2012	2012-16/187
R164-101	Securities Fraud Reporting Program Act	35558	NEW	02/21/2012	2012-2/29
COMMUNITY AND CULTURE					
Administration					
R182-1 (Changed to R450-1)	Government Records Access And Management Act Rules	36750	NSC	10/01/2012	Not Printed
R182-2	Preservation Pro Fee	36353	NEW	08/31/2012	2012-13/14

R182-2 (Changed to R450-2)	Preservation Pro Fee	36751	NSC	10/01/2012	Not Printed
Arts and Museums					
R207-1	Utah Arts Council General Program Rules	35723	5YR	01/24/2012	2012-4/64
R207-2	Policy for Commissions, Purchases, and Donations to, and Loans from, the Utah State Art Collection	35724	5YR	01/24/2012	2012-4/65
History					
R212-1	Adjudicative Proceedings	36299	5YR	05/31/2012	2012-12/83
R212-12	Computerized Record of Cemeteries, Burial Locations and Plots, and Granting Matching Funds	36301	5YR	05/31/2012	2012-12/84
R212-12	Computerized Record of Cemeteries, Burials Location and Plots, and Granting Matching Funds	36305	NSC	06/29/2012	Not Printed
Home Energy Assistance Target (HEAT)					
R195-1	Energy Assistance: General Provisions	35403	AMD	03/26/2012	2011-23/12
R195-1	Energy Assistance: General Provisions	36313	REP	09/11/2012	2012-13/15
R195-2	Energy Assistance Programs Standards	36293	EXT	05/31/2012	2012-12/95
R195-2	Energy Assistance Programs Standards	36314	REP	09/11/2012	2012-13/17
R195-3	Energy Assistance Income Standards, Income Eligibility, and Payment Determination	36294	EXT	05/31/2012	2012-12/95
R195-3	Energy Assistance Income Standards, Income Eligibility, and Payment Determination	36315	REP	09/11/2012	2012-13/20
R195-3-3	Unearned Income	35405	AMD	03/26/2012	2011-23/16
R195-4	Energy Assistance: Asset Standards	36295	EXT	05/31/2012	2012-12/95
R195-4	Energy Assistance: Asset Standards	36316	REP	09/11/2012	2012-13/22
R195-5	Energy Assistance: Program Benefits	35406	AMD	03/26/2012	2011-23/17
R195-5	Energy Assistance: Program Benefits	36296	EXT	05/31/2012	2012-12/96
R195-5	Energy Assistance: Program Benefits	36317	REP	09/11/2012	2012-13/23
R195-6	Energy Assistance: Eligibility Determination	35407	AMD	03/26/2012	2011-23/18
R195-6	Energy Assistance: Eligibility Determination	36297	EXT	05/31/2012	2012-12/96
R195-6	Energy Assistance: Eligibility Determination	36318	REP	09/11/2012	2012-13/24
R195-7	Energy Assistance: Records and Benefit Management	35408	AMD	03/26/2012	2011-23/19
R195-7	Energy Assistance: Records and Benefit Management	36298	EXT	05/31/2012	2012-12/96
R195-7	Energy Assistance: Records and Benefit Management	36319	REP	09/11/2012	2012-13/25
R195-8	Energy Assistance: Special State Programs	35409	AMD	03/26/2012	2011-23/20
R195-8	Energy Assistance: Special State Programs	36302	EXT	05/31/2012	2012-12/96
R195-8	Energy Assistance: Special State Programs	36320	REP	09/11/2012	2012-13/26
Housing and Community Development					
R199-8	Permanent Community Impact Fund Board Review and Approval of Applications for Funding Assistance	36321	REP	09/11/2012	2012-13/28
R199-9	Policy Concerning Enforceability and Taxability of Bonds Purchased	36322	REP	09/11/2012	2012-13/32
R199-10	Procedures in Case of Inability to Formulate Contract for Alleviation of Impact	36323	REP	09/11/2012	2012-13/33
R199-11	Community Development Block Grants (CDBG)	36324	REP	09/11/2012	2012-13/36
Housing and Community Development, Community Services					
R202-100	Community Services Block Grant Rules	36325	REP	09/11/2012	2012-13/39
R202-101	Qualified Emergency Food Agencies Fund (QEFAF)	36326	REP	09/11/2012	2012-13/44
Library					
R223-1	Adjudicative Procedures	36328	5YR	06/05/2012	2012-13/98
Olene Walker Housing Trust Fund					
R235-1	Olene Walker Housing Loan Fund (OWHLF)	36327	REP	08/31/2012	2012-13/46

CORRECTIONS

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R251-106	Media Relations	35760	EXD	01/18/2012	2012-4/123
R251-106	Media Relations	35767	EMR	02/01/2012	2012-4/45
R251-106	Media Relations	35805	NEW	04/09/2012	2012-5/11
R251-107	Executions	35761	EXD	01/18/2012	2012-4/123
R251-107	Executions	35768	EMR	02/01/2012	2012-4/47
R251-107	Executions	35806	NEW	04/09/2012	2012-5/13
R251-108	Adjudicative Proceedings	35762	EXD	01/18/2012	2012-4/123
R251-108	Adjudicative Proceedings	35769	EMR	02/01/2012	2012-4/49
R251-108	Adjudicative Proceedings	35807	NEW	04/09/2012	2012-5/15
R251-115	Contract County Jail Programming Payment	36292	NEW	08/01/2012	2012-12/21
R251-305	Visiting at Community Correctional Centers	35754	EXT	01/31/2012	2012-4/121
R251-305	Visiting at Community Correctional Centers	36039	5YR	04/06/2012	2012-9/77
R251-306	Sponsors in Community Correctional Centers	35755	EXT	01/31/2012	2012-4/121
R251-306	Sponsors in Community Correctional Centers	36040	5YR	04/06/2012	2012-9/77
R251-401	Supervision Fees	36312	5YR	06/05/2012	2012-13/99
R251-703	Vehicle Direction Station	35763	EXD	01/18/2012	2012-4/124
R251-703	Vehicle Direction Station	35770	EMR	02/01/2012	2012-4/51
R251-703	Vehicle Direction Station	35808	NEW	04/09/2012	2012-5/17
R251-704	North Gate	35764	EXD	01/18/2012	2012-4/124
R251-704	North Gate	35771	EMR	02/01/2012	2012-4/52
R251-704	North Gate	35809	NEW	04/09/2012	2012-5/18
R251-705	Inmate Mail Procedures	35765	EXD	01/18/2012	2012-4/124
R251-705	Inmate Mail Procedures	35772	EMR	02/01/2012	2012-4/53
R251-705	Inmate Mail Procedures	35810	NEW	04/09/2012	2012-5/19
R251-706	Inmate Visiting	35766	EXD	01/18/2012	2012-4/124
R251-706	Inmate Visiting	35773	EMR	02/01/2012	2012-4/56
R251-706	Inmate Visiting	35811	NEW	04/09/2012	2012-5/22
R251-707	Legal Access	35756	EXT	01/31/2012	2012-4/121
R251-707	Legal Access	36041	5YR	04/06/2012	2012-9/78
R251-710	Search	35757	EXT	01/31/2012	2012-4/121
R251-710	Search	36042	5YR	04/06/2012	2012-9/78

EDUCATION

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R277-100	Rulemaking Policy	35449	AMD	01/10/2012	2011-23/21
R277-101	Utah State Board of Education Procedures	36581	5YR	08/01/2012	2012-16/188
R277-101	Utah State Board of Education Procedures	36591	AMD	09/21/2012	2012-16/10
R277-102	Adjudicative Proceedings	35534	R&R	02/07/2012	2012-1/8
R277-102	Adjudicative Proceedings	35856	NSC	02/29/2012	Not Printed
R277-103	USOE Government Records and Management Act	36582	5YR	08/01/2012	2012-16/188
R277-103	USOE Government Records and Management Act	36592	AMD	09/21/2012	2012-16/12
R277-104	USOE ADA Complaint Procedure	36067	R&R	06/07/2012	2012-9/31
R277-107	Educational Services Outside of Educator's Regular Employment	35674	AMD	03/12/2012	2012-3/19
R277-107-6	Public Education Employees	35932	AMD	05/08/2012	2012-7/27
R277-108	Annual Assurance of Compliance by Local School Boards	36923	5YR	10/05/2012	2012-21/47
R277-110	Legislative Supplemental Salary Adjustment	36583	5YR	08/01/2012	2012-16/188
R277-110	Legislative Supplemental Salary Adjustment	36594	AMD	09/21/2012	2012-16/14
R277-112	Prohibiting Discrimination in the Public Schools	36584	5YR	08/01/2012	2012-16/189
R277-112	Prohibiting Discrimination in the Public Schools	36769	AMD	11/08/2012	2012-19/18
R277-115	Material Developed with State Public Education Funds	36585	5YR	08/01/2012	2012-16/189
R277-115-1	Definitions	36595	AMD	09/21/2012	2012-16/16
R277-116	Utah State Board of Education Internal Audit Procedure	36586	5YR	08/01/2012	2012-16/190
R277-116	Utah State Board of Education Internal Audit Procedure	36598	AMD	09/21/2012	2012-16/17
R277-400	School Emergency Response Plans	36587	5YR	08/01/2012	2012-16/190
R277-400	School Emergency Response Plans	36599	AMD	09/21/2012	2012-16/18

R277-401	Child Abuse-Neglect Reporting by Education Personnel	36639	5YR	08/14/2012	2012-17/101
R277-401	Child Abuse-Neglect Reporting by Education Personnel	36658	AMD	10/09/2012	2012-17/15
R277-407	School Fees	36640	5YR	08/14/2012	2012-17/101
R277-407-1	Definitions	36659	AMD	10/09/2012	2012-17/16
R277-407-3	Classes and Activities During the Regular School Day	36199	AMD	07/09/2012	2012-11/16
R277-408	Grants for Online Testing	36364	NEW	08/08/2012	2012-13/49
R277-410	Accreditation of Schools	36588	5YR	08/01/2012	2012-16/191
R277-410	Accreditation of Schools	36600	AMD	09/21/2012	2012-16/21
R277-411	Elementary School Accreditation	36589	5YR	08/01/2012	2012-16/191
R277-411	Elementary School Accreditation	36601	REP	09/21/2012	2012-16/23
R277-412	Junior High and Middle School Accreditation	36590	5YR	08/01/2012	2012-16/192
R277-412	Junior High and Middle School Accreditation	36602	REP	09/21/2012	2012-16/24
R277-413	Accreditation of Secondary Schools	36603	REP	09/21/2012	2012-16/25
R277-419	Pupil Accounting	36763	5YR	09/14/2012	2012-19/121
R277-419	Pupil Accounting	36660	AMD	10/09/2012	2012-17/18
R277-419-5	Student Membership	35905	AMD	05/08/2012	2012-7/28
R277-419-5	Student Membership	36931	NSC	11/01/2012	Not Printed
R277-419-7	Student Identification and Tracking	36069	AMD	06/07/2012	2012-9/34
R277-420	Aiding Financially Distressed School Districts	36070	AMD	06/07/2012	2012-9/35
R277-420	Aiding Financially Distressed School Districts	36764	5YR	09/14/2012	2012-19/121
R277-420-1	Definitions	36770	AMD	11/08/2012	2012-19/20
R277-422	State Supported Voted Local Levy, Board Local Levy and Reading Improvement Program	36924	5YR	10/05/2012	2012-21/47
R277-423	Delivery of Flow Through Money	36765	5YR	09/14/2012	2012-19/122
R277-423	Delivery of Flow Through Money	36771	AMD	11/08/2012	2012-19/21
R277-424	Indirect Costs for State Programs	36766	5YR	09/14/2012	2012-19/122
R277-424-1	Definitions	36772	AMD	11/08/2012	2012-19/22
R277-425	Budgeting, Accounting, and Auditing for Utah School Districts	35535	AMD	02/07/2012	2012-1/11
R277-426	Definition of Private and Non-Profit Schools for Federal Program Services	35536	AMD	02/07/2012	2012-1/13
R277-426	Definition of Private and Non-Profit Schools for Federal Program Services	36767	5YR	09/14/2012	2012-19/123
R277-433	Disposal of Textbooks in the Public Schools	36641	5YR	08/14/2012	2012-17/102
R277-433	Disposal of Textbooks in the Public Schools	36661	AMD	10/09/2012	2012-17/23
R277-437-3	Local School Board and District Responsibilities	36200	AMD	07/09/2012	2012-11/17
R277-445	Classifying Small Schools as Necessarily Existent	36642	5YR	08/14/2012	2012-17/102
R277-445	Classifying Small Schools as Necessarily Existent	36662	AMD	10/09/2012	2012-17/24
R277-454	Construction Management of School Building Projects	35933	AMD	05/08/2012	2012-7/30
R277-454	Construction Management of School Building Projects	36768	5YR	09/14/2012	2012-19/123
R277-454-1	Definitions	36773	AMD	11/08/2012	2012-19/23
R277-467	Distribution of Funds Appropriated for Library Books and Electronic Resources	36365	5YR	06/15/2012	2012-13/99
R277-467	Distribution of Funds Appropriated for Library Books and Electronic Resources	36366	AMD	08/08/2012	2012-13/51
R277-470	Charter Schools	35451	AMD	01/10/2012	2011-23/28
R277-470	Charter Schools - General Provisions	36367	AMD	08/08/2012	2012-13/52
R277-475	Patriotic, Civic and Character Education	36663	AMD	10/09/2012	2012-17/26
R277-475-5	Requirements	36932	NSC	11/01/2012	Not Printed
R277-476	Incentives for Elementary Reading Program	35675	REP	03/12/2012	2012-3/22
R277-477	Distribution of Funds from the Interest and Dividend Account (School LAND Trust Funds) and Administration of the School LAND Trust Program	36664	AMD	10/09/2012	2012-17/28
R277-477-4	Administration of School LAND Trust Program	36933	NSC	11/01/2012	Not Printed
R277-479	Charter School Special Education Student Funding Formula	35935	NEW	05/08/2012	2012-7/31
R277-479-1	Definitions	36160	NSC	05/30/2012	Not Printed
R277-480-1	Definitions	35582	NSC	01/31/2012	Not Printed

R277-480-1	Definitions	35817	NSC	02/29/2012	Not Printed
R277-481	Charter School Oversight, Monitoring and Appeals	35452	NEW	01/10/2012	2011-23/34
R277-482	Charter School Timelines and Approval Processes	35453	NEW	01/10/2012	2011-23/38
R277-482	Charter School Timelines and Approval Processes	36368	AMD	08/08/2012	2012-13/54
R277-483-4	Identification of Persistently Dangerous Schools	36071	AMD	06/07/2012	2012-9/36
R277-484-3	Deadlines for Data Submission	35676	AMD	03/12/2012	2012-3/23
R277-485	Loss of Enrollment	35936	AMD	05/08/2012	2012-7/33
R277-486	Professional Staff Cost Program	36072	AMD	06/07/2012	2012-9/37
R277-488	Critical Languages Program	36369	5YR	06/15/2012	2012-13/100
R277-488	Critical Languages Program	36370	AMD	08/08/2012	2012-13/58
R277-489	Optional Extended-Day Kindergarten - Responsibilities, Timelines, and Funding	36372	5YR	06/15/2012	2012-13/100
R277-489	Optional Extended Day Kindergarten - Responsibilities, Timelines, and Funding	36373	AMD	08/08/2012	2012-13/61
R277-491	School Community Councils	36201	AMD	07/09/2012	2012-11/19
R277-491-4	School Community Council School/School Administrator Responsibilities	36451	NSC	07/25/2012	Not Printed
R277-497	School Grading System	35875	NEW	04/10/2012	2012-5/24
R277-497-3	Board Responsibilities	36202	AMD	07/09/2012	2012-11/22
R277-500	Educator Licensing Renewal, Timelines, and Required Fingerprint Background Checks (Effective Beginning July 1, 2012)	36203	AMD	07/09/2012	2012-11/23
R277-501	Educator Licensing Renewal, Timelines, and Required Fingerprint Background Checks (Effective Through June 30, 2012)	36204	REP	07/09/2012	2012-11/28
R277-502	Educator Licensing and Data Retention	36643	5YR	08/14/2012	2012-17/103
R277-503	Licensing Routes	35677	AMD	03/12/2012	2012-3/24
R277-503	Licensing Routes	35939	5YR	03/15/2012	2012-7/63
R277-503	Licensing Routes	36073	AMD	06/07/2012	2012-9/39
R277-505	Administrative License Areas of Concentration and Programs	36644	5YR	08/14/2012	2012-17/103
R277-506	School Psychologists, School Social Workers, and School Counselors Licenses and Programs	36645	5YR	08/14/2012	2012-17/104
R277-507	Driver Education Endorsement	35940	5YR	03/15/2012	2012-7/64
R277-509	Licensure of Student Teachers and Interns	36925	5YR	10/05/2012	2012-21/48
R277-511	Highly Qualified Teacher Grants	35671	5YR	01/17/2012	2012-3/113
R277-511	Highly Qualified Teacher Grants	35678	REP	03/12/2012	2012-3/28
R277-512	Online Licensure	35673	5YR	01/17/2012	2012-3/114
R277-513	Dual Certification	35679	REP	03/12/2012	2012-3/30
R277-514	Board Procedures: Sanctions for Educator Misconduct	36646	5YR	08/14/2012	2012-17/104
R277-514	Board Procedures: Sanctions for Educator Misconduct	36665	AMD	10/09/2012	2012-17/33
R277-515	Utah Educator Standards	37060	5YR	11/15/2012	Not Printed
R277-519	Educator Inservice Procedures and Credit	35941	5YR	03/15/2012	2012-7/64
R277-520	Appropriate Licensing and Assignment of Teachers	35680	AMD	03/12/2012	2012-3/32
R277-520-6	Eminence	36074	AMD	06/07/2012	2012-9/43
R277-521	Professional Specialist Licensing	35876	REP	04/10/2012	2012-5/26
R277-522	Entry Years Enhancements (EYE) for Quality Teaching - Level 1 Utah Teachers	36926	5YR	10/05/2012	2012-21/48
R277-524	Paraprofessional Qualifications	36205	AMD	07/09/2012	2012-11/33
R277-524	Paraprofessional/Paraeducator Programs, Assignments, and Qualifications	36452	NSC	07/25/2012	Not Printed
R277-531	Public Educator Evaluation Requirements (PEER)	36774	AMD	11/08/2012	2012-19/24
R277-600-7	Alternative Transportation	35877	AMD	04/10/2012	2012-5/28
R277-608	Prohibition of Corporal Punishment in Utah's Public Schools	35454	AMD	01/10/2012	2011-23/41
R277-608	Prohibition of Corporal Punishment in Utah's Public Schools	36647	5YR	08/14/2012	2012-17/105
R277-612	Foreign Exchange Students	36153	5YR	05/07/2012	2012-11/179

R277-615	Standards and Procedures for Student Searches	35878	NEW	04/10/2012	2012-5/29
R277-617	Smart School Technology Program	36308	NEW	07/23/2012	2012-12/24
R277-617-1	Definitions	36536	NSC	08/08/2012	Not Printed
R277-618	Educator Peer Assistance and Review Pilot Program (PAR Program)	36374	NEW	08/08/2012	2012-13/63
R277-618	Educator Peer Assistance and Review Pilot Program (PAR Program)	36743	NSC	10/01/2012	Not Printed
R277-700	The Elementary and Secondary School Core Curriculum	36075	AMD	06/07/2012	2012-9/45
R277-703	Centennial Scholarship for Early Graduation	35537	AMD	02/07/2012	2012-1/14
R277-703	Centennial Scholarship for Early Graduation	36648	5YR	08/14/2012	2012-17/105
R277-703	Centennial Scholarship for Early Graduation	36666	AMD	10/09/2012	2012-17/35
R277-705	Secondary School Completion and Diplomas	35818	5YR	02/02/2012	2012-5/103
R277-709	Education Programs Serving Youth in Custody	36667	AMD	10/09/2012	2012-17/37
R277-713	Concurrent Enrollment of High School Students in College Courses	36649	5YR	08/14/2012	2012-17/106
R277-713	Concurrent Enrollment of High School Students in College Courses	36668	AMD	10/09/2012	2012-17/41
R277-714	Dissemination of Information About Juvenile Offenders	35681	AMD	03/12/2012	2012-3/36
R277-718	Utah Career Teaching Scholarship Program	35682	REP	03/12/2012	2012-3/37
R277-720	Child Nutrition Programs	35937	AMD	05/08/2012	2012-7/34
R277-720	Child Nutrition Programs	36650	5YR	08/14/2012	2012-17/106
R277-726	Statewide Public Education Online Program	36669	AMD	10/09/2012	2012-17/45
R277-726-7	Provider Requirements and Responsibilities	36934	NSC	11/01/2012	Not Printed
R277-730	Alternative High School Curriculum	35538	REP	02/07/2012	2012-1/16
R277-733	Adult Education Programs	36076	AMD	06/07/2012	2012-9/49
R277-733	Adult Education Programs	36927	5YR	10/05/2012	2012-21/49
R277-750	Education Programs for Students with Disabilities	36651	5YR	08/14/2012	2012-17/107
R277-751	Special Education Extended School Year	35539	AMD	02/07/2012	2012-1/18
R277-800	Utah Schools for the Deaf and the Blind	36206	AMD	07/09/2012	2012-11/34
R277-911	Secondary Career and Technical Education	36652	5YR	08/14/2012	2012-17/107
R277-915	Work-based Learning Programs for Interns	35819	5YR	02/02/2012	2012-5/104
R277-915	Work-based Learning Programs for Interns	35683	AMD	03/12/2012	2012-3/39
R277-916	Technology, Life, and Careers, and Work-Based Learning Programs	35938	AMD	05/08/2012	2012-7/35
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R280-201	USOR ADA Complaint Procedure	36068	REP	06/07/2012	2012-9/56
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R305-1	Records Access and Management	35928	5YR	03/13/2012	2012-7/65
R305-2	Electronic Meeting	37038	EXT	11/12/2012	Not Printed
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R307-101	General Requirements	36624	AMD	11/08/2012	2012-17/49
R307-101-3	Version of Code of Federal Regulations Incorporated by Reference	35615	AMD	04/05/2012	2012-3/40
R307-102	General Requirements: Broadly Applicable Requirements	36625	AMD	11/08/2012	2012-17/56
R307-105	General Requirements: Emergency Controls	36333	5YR	06/06/2012	2012-13/101
R307-107	General Requirement: Unavoidable Breakdown	35865	R&R	07/31/2012	2012-5/31
R307-107	General Requirements: Unavoidable Breakdown	35865	CPR	07/31/2012	2012-13/89
R307-110	General Requirements: State Implementation Plan	35774	5YR	02/01/2012	2012-4/65
R307-120	General Requirements: Tax Exemption for Air Pollution Control Equipment	35775	5YR	02/01/2012	2012-4/81
R307-121	General Requirements: Clean Air and Efficient Vehicle Tax Credit	35716	5YR	01/23/2012	2012-4/81

R307-121-7	Proof of Purchase to Demonstrate Eligibility for Special Mobile Equipment Converted to Clean Fuels	35718	NSC	02/09/2012	Not Printed
R307-123	General Requirements: Clean Fuels and Vehicle Technology Grant and Loan Program	36626	AMD	11/08/2012	2012-17/58
R307-130	General Penalty Policy	35776	5YR	02/01/2012	2012-4/82
R307-135	Enforcement Response Policy for Asbestos Hazard Emergency Response Act	35777	5YR	02/01/2012	2012-4/82
R307-135	Enforcement Response Policy for Asbestos Hazard Emergency Response Act	36627	AMD	11/08/2012	2012-17/60
R307-202	Emission Standards: General Burning	35923	R&R	07/31/2012	2012-7/38
R307-202	Emission Standards: General Burning	35923	CPR	07/31/2012	2012-13/91
R307-207	Residential Fireplaces and Solid Fuel Burning Devices	36607	AMD	11/08/2012	2012-16/60
R307-210-1	Standards of Performance for New Stationary Sources (NSPS)	35496	AMD	03/07/2012	2011-24/7
R307-214	National Emission Standards for Hazardous Air Pollutants	35922	AMD	06/07/2012	2012-7/42
R307-214	National Emission Standards for Hazardous Air Pollutants	37036	5YR	11/08/2012	Not Printed
R307-220-3	Section II, Hospital, Medical, Infectious Waste Incinerators	35531	AMD	03/07/2012	2012-1/21
R307-222	Emission Standards: Existing Incinerators for Hospital, Medical, Infectious Waste	35530	AMD	03/07/2012	2012-1/22
R307-222-1	Purpose and Applicability	36026	NSC	04/25/2012	Not Printed
R307-301	Utah and Weber Counties: Oxygenated Gasoline Program As a Contingency Measure	35778	5YR	02/01/2012	2012-4/83
R307-307	Davis, Salt Lake, and Utah Counties: Road Salting and Sanding	36628	AMD	11/08/2012	2012-17/63
R307-320	Ozone Maintenance Areas and Ogden City: Employer-Based Trip Reduction Program	35779	5YR	02/01/2012	2012-4/84
R307-325	Ozone Nonattainment and Maintenance Areas: General Requirements	35780	5YR	02/01/2012	2012-4/84
R307-326	Ozone Nonattainment and Maintenance Areas: Control of Hydrocarbon Emissions in Petroleum Refineries	35781	5YR	02/01/2012	2012-4/85
R307-327	Ozone Nonattainment and Maintenance Areas: Petroleum Liquid Storage	35782	5YR	02/01/2012	2012-4/86
R307-328	Gasoline Transfer and Storage	35783	5YR	02/01/2012	2012-4/86
R307-335	Ozone Nonattainment and Maintenance Areas: Degreasing and Solvent Cleaning Operations	35784	5YR	02/01/2012	2012-4/87
R307-340	Ozone Nonattainment and Maintenance Areas: Surface Coating Processes	35785	5YR	02/01/2012	2012-4/87
R307-341	Ozone Nonattainment and Maintenance Areas: Cutback Asphalt	35786	5YR	02/01/2012	2012-4/88
R307-343	Ozone Nonattainment and Maintenance Areas: Emissions Standards for Wood Furniture Manufacturing Operations	35787	5YR	02/01/2012	2012-4/89
R307-401	Permit: New and Modified Sources	36334	5YR	06/06/2012	2012-13/101
R307-401-11	Replacement-in-Kind Equipment	36154	NSC	05/30/2012	Not Printed
R307-403	Permits: New and Modified Sources in Nonattainment Areas and Maintenance Areas	36335	5YR	06/06/2012	2012-13/102
R307-405	Permits: Major Sources in Attainment or Unclassified Areas (PSD)	35413	AMD	02/02/2012	2011-23/42
R307-405-3	Definitions	35872	NSC	02/29/2012	Not Printed
R307-406	Visibility	36336	5YR	06/06/2012	2012-13/102
R307-410	Permits: Emissions Impact Analysis	36337	5YR	06/06/2012	2012-13/103
R307-414	Permits: Fees for Approval Orders	36338	5YR	06/06/2012	2012-13/104
R307-415	Permits: Operating Permit Requirements	36339	5YR	06/06/2012	2012-13/104
R307-415-2	Authority	35529	AMD	03/07/2012	2012-1/25
R307-417	Permits: Acid Rain Sources	36340	5YR	06/06/2012	2012-13/105
R307-420	Permits: Ozone Offset Requirements in Davis and Salt Lake Counties	36341	5YR	06/06/2012	2012-13/106
R307-421	Permits: PM10 Offset Requirements in Salt Lake County and Utah County	36342	5YR	06/06/2012	2012-13/106
R307-424	Permits: Mercury Requirements for Electric Generating Units	36033	5YR	04/05/2012	2012-9/79

R307-801	Asbestos	36176	R&R	10/01/2012	2012-11/39
R307-801	Utah Asbestos Rule	36176	CPR	10/01/2012	2012-16/164
R307-840	Lead-Based Paint Program Purpose, Applicability, and Definitions	35857	AMD	05/03/2012	2012-5/33
R307-840-1	Purpose and Applicability	36161	NSC	05/30/2012	Not Printed
R307-841	Residential Property and Child-Occupied Facility Renovation	35858	AMD	05/03/2012	2012-5/39
R307-841	Residential Property and Child-Occupied Facility Renovation	36162	NSC	05/30/2012	Not Printed
R307-842	Lead-Based Paint Activities	35859	AMD	05/03/2012	2012-5/47
R307-842	Lead-Based Paint Activities	36163	NSC	05/30/2012	Not Printed
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R309-600-13	New Ground-water Sources of Drinking Water	36561	AMD	11/15/2012	2012-16/72
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R311-200	Underground Storage Tanks: Definitions	35668	AMD	03/09/2012	2012-3/42
R311-200	Underground Storage Tanks: Definitions	36057	5YR	04/10/2012	2012-9/82
R311-201	Underground Storage Tanks: Certification Programs and UST Operator Training	35447	AMD	01/13/2012	2011-23/45
R311-201	Underground Storage Tanks: Certification Programs and UST Operator Training	36045	5YR	04/10/2012	2012-9/82
R311-201-12	UST Operator Training and Registration	36496	AMD	09/14/2012	2012-15/20
R311-202	Underground Storage Tank Technical Standards	36046	5YR	04/10/2012	2012-9/84
R311-203	Underground Storage Tanks: Technical Standards	36047	5YR	04/10/2012	2012-9/84
R311-204	Underground Storage Tanks: Closure and Remediation	36048	5YR	04/10/2012	2012-9/85
R311-205	Underground Storage Tanks: Site Assessment Protocol	36049	5YR	04/10/2012	2012-9/86
R311-206	Underground Storage Tanks: Financial Assurance Mechanisms	36050	5YR	04/10/2012	2012-9/86
R311-206	Underground Storage Tanks: Financial Assurance Mechanisms	36497	AMD	09/14/2012	2012-15/24
R311-207	Accessing the Petroleum Storage Tank Trust Fund for Leaking Petroleum Storage Tanks	36051	5YR	04/10/2012	2012-9/87
R311-208	Underground Storage Tank Penalty Guidance	36052	5YR	04/10/2012	2012-9/88
R311-209	Petroleum Storage Tank Cleanup Fund and State Cleanup Appropriation	36053	5YR	04/10/2012	2012-9/89
R311-210	Administrative Procedures	36054	5YR	04/10/2012	2012-9/89
R311-211	Corrective Action Cleanup Standards Policy - UST and CERCLA Sites	36055	5YR	04/10/2012	2012-9/90
R311-212	Administration of the Petroleum Storage Tank Loan Fund	36056	5YR	04/10/2012	2012-9/90
R311-401	Utah Hazardous Substances Priority List	36030	5YR	04/04/2012	2012-9/91
R311-401-2	Hazardous Substances Priority List	36028	AMD	07/20/2012	2012-9/58
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R313-17	Administrative Procedures	35416	AMD	03/19/2012	2011-23/50
R313-22-75	Special Requirements for a Specific License to Manufacture, Assemble, Repair, or Distribute Commodities, Products, or Devices Which Contain Radioactive Material	35417	AMD	01/16/2012	2011-23/51
R313-24	Uranium Mills and Source Material Mill Tailings Disposal Facility Requirements	36277	5YR	05/24/2012	2012-12/84
R313-35	Requirements for X-Ray Equipment Used for Non-Medical Applications	35906	5YR	03/02/2012	2012-7/65
R313-36	Special Requirements for Industrial Radiographic Operations	35418	AMD	01/16/2012	2011-23/54
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R315-1	Utah Hazardous Waste Definitions and References	35349	AMD	01/13/2012	2011-21/27
R315-2	General Requirements - Identification and Listing of Hazardous Waste	35350	AMD	01/13/2012	2011-21/30

R315-3	Application and Permit Procedures for Hazardous Waste Treatment, Storage, and Disposal Facilities	35351	AMD	01/13/2012	2011-21/38
R315-5	Hazardous Waste Generator Requirements	35352	AMD	01/13/2012	2011-21/53
R315-6	Hazardous Waste Transporter Requirements	35353	AMD	01/13/2012	2011-21/57
R315-7	Interim Status Requirements for Hazardous Waste Treatment, Storage, and Disposal Facilities	35354	AMD	01/13/2012	2011-21/60
R315-8	Standards for Owners and Operators of Hazardous Waste Treatment, Storage, and Disposal Facilities	35355	AMD	01/13/2012	2011-21/67
R315-13	Land Disposal Restrictions	35356	AMD	01/13/2012	2011-21/75
R315-14-8	Military Munitions	35357	AMD	01/13/2012	2011-21/76
R315-15	Standards for the Management of Used Oil	36246	5YR	05/17/2012	2012-12/85
R315-16	Standards for Universal Waste Management	35867	AMD	04/17/2012	2012-5/62
R315-50-9	Basis for Listing Hazardous Wastes	35358	AMD	01/13/2012	2011-21/77
R315-304	Industrial Solid Waste Landfill Requirements	35988	5YR	03/29/2012	2012-8/74
R315-312-1	Recycling and Composting Facility Standards	35432	AMD	01/13/2012	2011-23/59
R315-315-5	Special Waste Requirements	35433	AMD	01/13/2012	2011-23/60
R315-320-2	Definitions	35434	AMD	01/13/2012	2011-23/61
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R317-1	Definitions and General Requirements	36908	5YR	10/02/2012	2012-21/49
R317-1-7	TMDLs	36502	AMD	09/26/2012	2012-15/30
R317-2	Standards of Quality for Waters of the State	35359	AMD	04/01/2012	2011-21/78
R317-2	Standards of Quality for Waters of the State	35359	CPR	04/01/2012	2012-4/40
R317-2	Standards of Quality for Waters of the State	36907	5YR	10/02/2012	2012-21/50
R317-3	Design Requirements for Wastewater Collection, Treatment and Disposal Systems	36190	5YR	05/15/2012	2012-11/179
R317-5	Large Underground Wastewater Disposal Systems	36388	5YR	06/18/2012	2012-14/65
R317-6	Ground Water Quality Protection	36544	5YR	07/26/2012	2012-16/192
R317-8	Utah Pollutant Discharge Elimination System (UPDES)	35238	AMD	01/25/2012	2011-19/31
R317-8	Utah Pollutant Discharge Elimination System (UPDES)	36909	5YR	10/02/2012	2012-21/50
R317-10	Certification of Wastewater Works Operators	36457	5YR	07/11/2012	2012-15/78
R317-11	Certification Required to Design, Inspect and Maintain Underground Wastewater Disposal Systems, or Conduct Percolation and Soil Tests for Underground Wastewater Disposal Systems	36135	AMD	06/27/2012	2012-10/23
R317-12	General Requirements: Tax Exemption for Water Pollution Control Equipment	35726	5YR	01/25/2012	2012-4/89
R317-100	Utah State Project Priority System for the Utah Wastewater Project Assistance Program	36456	5YR	07/11/2012	2012-15/78
R317-550	Rules for Waste Disposal By Liquid Scavenger Operations	36389	5YR	06/18/2012	2012-14/65
R317-560	Rules for the Design, Construction, and Maintenance of Vault Privies and Earthen Pit Privies	36387	5YR	06/18/2012	2012-14/66
R317-801	Utah Sewer Management Program (USMP)	35903	NEW	06/21/2012	2012-6/12
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R320-101	Procedures for Electronic Meetings	35497	NEW	02/10/2012	2011-24/10
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R331-5	Rule Governing Sale of Securities by Persons Issuing Securities, Who Are Under the Jurisdiction of the Department of Financial Institutions	36527	5YR	07/20/2012	2012-16/193

R337-9	Schedule for Retention or Destruction of Records of Credit Unions Under the Jurisdiction of the Department of Financial Institutions	36877	5YR	09/28/2012	2012-20/126
R337-10	Rule Designating Applicable Federal Law for Credit Unions Subject to the Jurisdiction of the Department of Financial Institutions	35700	5YR	01/20/2012	2012-4/90
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R339-4	Authority for Industrial Loan Corporations to Issue Subordinated Capital Notes or Debentures	36850	5YR	09/24/2012	2012-20/127
R339-6	Rule Clarifying Industrial Loan Corporation Investments	36851	5YR	09/24/2012	2012-20/127
R339-11	Discount Securities Brokerage Service by Industrial Loan Corporations	36878	5YR	09/28/2012	2012-20/128
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R343-1	Rule Governing Form of Disclosures For Title Lenders, Who Are Under the Jurisdiction of the Department of Financial Institutions	35628	5YR	01/06/2012	2012-3/114
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R356-1	Procedures for the Calculation and Distribution of Funds to Reimburse County Correctional Facilities Housing State Probationary Inmates or State Parole Inmates	36141	AMD	07/01/2012	2012-10/27
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R357-1	Rural Fast Track Program	36066	5YR	04/13/2012	2012-9/92
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R358-1	Electronic Standards for Transmitting Information through the Health Insurance Exchange	36634	NEW	10/10/2012	2012-17/64
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R359-1	Pete Suazo Utah Athletic Commission Act Rule	36002	5YR	03/30/2012	2012-8/74
R359-1-506	Drug Tests	36130	AMD	06/30/2012	2012-10/29
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R362-2	Renewable Energy Systems Tax Credits	36701	5YR	08/30/2012	2012-18/77
R362-3	Energy Efficiency Fund	36702	5YR	08/30/2012	2012-18/78
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R367-1	Office of Inspector General of Medicaid Services	35879	NEW	04/23/2012	2012-5/74
R367-1-7	Utilization Review and Medicaid Services Provided under the Utah Medicaid Program	35973	NSC	04/23/2012	Not Printed
R367-1-15	Administrative Hearings	35958	AMD	05/23/2012	2012-8/6
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R380-1	Petitions for Department Declaratory Orders	36096	5YR	04/26/2012	2012-10/88
R380-5	Petitions for Declaratory Orders on Orders Issued by Committees	36097	5YR	04/26/2012	2012-10/89
R380-10	Informal Adjudicative Proceedings	36098	5YR	04/26/2012	2012-10/89
R380-20	Government Records Access and Management	36025	5YR	04/03/2012	2012-9/92
R380-41	Governance Committee Electronic Meetings	36432	NEW	09/20/2012	2012-14/14
R380-60	Local Health Department Emergency Protocols	35571	NEW	03/07/2012	2012-2/31
R380-100	Americans with Disabilities Act Grievance Procedures	36099	5YR	04/26/2012	2012-10/90

R380-300	Community Spay and Neuter Grants	37068	EXD	11/08/2012	Not Printed
Center for Health Data, Health Care Statistics					
R428-2	Health Data Authority Standards for Health Data	35868	AMD	04/26/2012	2012-5/80
R428-5	Appeal and Adjudicative Proceedings	35869	AMD	06/28/2012	2012-5/83
R428-5	Appeal and Adjudicative Proceedings	36027	NSC	06/28/2012	Not Printed
R428-10	Health Data Authority Hospital Inpatient Reporting Rule	35870	AMD	05/31/2012	2012-5/85
R428-11	Health Data Authority Ambulatory Surgical Data Reporting Rule	37043	5YR	11/14/2012	Not Printed
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R428-13	Health Data Authority. Audit and Reporting of Health Plan Performance Measures	37044	5YR	11/14/2012	Not Printed
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R392-100	Food Service Sanitation	35445	AMD	01/26/2012	2011-23/62
R392-100	Food Service Sanitation	36404	AMD	09/10/2012	2012-14/16
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R392-300	Recreation Camp Sanitation	35709	5YR	01/20/2012	2012-4/92
R392-301	Recreational Vehicle Park Sanitation	35708	5YR	01/20/2012	2012-4/93
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R392-400	Temporary Mass Gatherings Sanitation	35711	5YR	01/20/2012	2012-4/94
R392-401	Roadway Rest Stop Sanitation	35714	5YR	01/20/2012	2012-4/94
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R392-510	Utah Indoor Clean Air Act	36620	AMD	10/15/2012	2012-16/76
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Disease Control and Prevention, Laboratory Services					
R438-12	Rule for Law Enforcement Blood Draws	35706	5YR	01/20/2012	2012-4/98
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R430-6	Background Screening	36623	5YR	08/03/2012	2012-17/108
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R430-70	Out of School Time Child Care Programs	35576	AMD	05/01/2012	2012-2/70
R430-90	Licensed Family Child Care	35577	AMD	05/01/2012	2012-2/77
R430-100	Child Care Centers	35578	AMD	05/01/2012	2012-2/82
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R398-15	Autism Treatment Account	36281	NEW	07/31/2012	2012-12/38
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R426-2	Air Medical Service Rules	36880	EXT	09/28/2012	2012-20/153
R426-5	Statewide Trauma System Standards	36100	5YR	04/26/2012	2012-10/92
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R432-4-8	Standards Compliance	35649	NSC	02/21/2012	Not Printed
R432-5	Nursing Facility Construction	35460	AMD	02/21/2012	2011-24/28
R432-6	Assisted Living Facility General Construction	35461	AMD	02/21/2012	2011-24/33
R432-7	Specialty Hospital -- Psychiatric Hospital Construction	35462	AMD	02/21/2012	2011-24/38
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R432-13	Freestanding Ambulatory Surgical Center Construction Rule	35468	AMD	02/21/2012	2011-24/57
R432-14	Birthing Center Construction Rule	35469	AMD	02/21/2012	2011-24/59
R432-16	Hospice Inpatient Facility Construction	35470	AMD	02/21/2012	2011-24/61
R432-31	Life with Dignity Order	35976	5YR	03/28/2012	2012-8/76
R432-40	Long-Term Care Facility Immunizations	35977	5YR	03/28/2012	2012-8/77
R432-100	General Hospital Standards	35500	AMD	02/08/2012	2011-24/67
R432-100	General Hospital Standards	35471	AMD	02/21/2012	2011-24/65
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R432-201	Mental Retardation Facility: Supplement "A" to the Small Health Care Facility Rule	35982	5YR	03/28/2012	2012-8/79
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R432-270-6	Administrator Qualifications	35499	AMD	02/08/2012	2011-24/73
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R432-650	End Stage Renal Disease Facility Rules	35472	AMD	02/21/2012	2011-24/74
R432-650	End Stage Renal Disease Facility Rules	35652	AMD	03/28/2012	2012-3/63
R432-650	End Stage Renal Disease Facility Rules	35984	5YR	03/28/2012	2012-8/80
R432-700	Home Health Agency Rule	35985	5YR	03/28/2012	2012-8/81
R432-750	Hospice Rule	35986	5YR	03/28/2012	2012-8/81
R432-950	Mammography Quality Assurance	35987	5YR	03/28/2012	2012-8/82
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R414-8	Electronic Personal Medical Records for the Medicaid Program	36431	NEW	09/01/2012	2012-14/19
R414-9-5	Alternative Payment Method	36106	AMD	07/01/2012	2012-10/37
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R527-34	Non IV-A Services	35728	AMD	03/27/2012	2012-4/19
R527-35	Non IV-A Fee Schedule	35729	AMD	03/27/2012	2012-4/20
R527-37	Closure Criteria for Support Cases	36347	5YR	06/12/2012	2012-13/108
R527-37	Closure Criteria for Support Cases	36678	AMD	10/23/2012	2012-18/15
R527-201	Medical Support Services	35619	AMD	03/27/2012	2012-3/70
R527-253	Collection of Child Support Judgments	36348	5YR	06/12/2012	2012-13/109
R527-253	Collection of Child Support Judgments	36679	AMD	10/23/2012	2012-18/16
R527-255	Substantial Change in Circumstances	36349	5YR	06/12/2012	2012-13/109
R527-255	Substantial Change in Circumstances	36680	AMD	10/23/2012	2012-18/17
R527-258	Enforcing Child Support When the Obligor is an Ex-Prisoner or in a Treatment Program	36350	5YR	06/12/2012	2012-13/110
R527-300	Income Withholding	36673	5YR	08/21/2012	2012-18/79
R527-330	Posting Priority of Payments Received	36351	5YR	06/12/2012	2012-13/111

R527-330	Posting Priority of Payments Received	36681	AMD	10/23/2012	2012-18/18
R527-378	Withholding of Social Security Benefits	36674	5YR	08/21/2012	2012-18/80
R527-412	Intercept of Unemployment Compensation	36675	5YR	08/21/2012	2012-18/80
R527-601	Establishing or Modifying an Administrative Award for Child Support	36676	5YR	08/21/2012	2012-18/81
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R539-1	Eligibility	36748	NSC	10/01/2012	Not Printed
R539-1	Eligibility	37029	5YR	11/05/2012	Not Printed
R539-11	Family Preservation Pilot Program	37030	5YR	11/05/2012	Not Printed
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R523-1	Procedures	37022	5YR	11/01/2012	2012-22/156
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R523-22	Utah Standards for Approval of Alcohol and Drug Educational Programs for Court-Referred DUI Offenders	36383	5YR	06/18/2012	2012-14/67
R523-23	On-Premise Alcohol Training and Education Seminar Rules of Administration	36384	5YR	06/18/2012	2012-14/67
R523-23-4	Provider Responsibilities	35626	AMD	03/09/2012	2012-3/66
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R525-3	Medication Treatment of Patients	35590	AMD	02/21/2012	2012-2/96
R525-5	Background Checks	35591	AMD	02/21/2012	2012-2/97
R525-6	Prohibited Items and Devices	35593	AMD	02/21/2012	2012-2/98
R525-7	Complaints/Suggestions/Concerns	35594	AMD	02/21/2012	2012-2/99
R525-7	Complaints/Suggestions/Concerns	35855	NSC	02/29/2012	Not Printed
R525-8	Forensic Mental Health Facility	35596	AMD	02/21/2012	2012-2/100
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R590-95	Rule to Permit the Same Minimum Nonforfeiture Standards for Men and Women Insureds Under the 1980 CSO and 1980 CET Mortality Tables	35641	5YR	01/10/2012	2012-3/117
R590-96	Rule to Recognize New Annuity Mortality Tables for Use in Determining Reserve Liabilities for Annuities	36684	5YR	08/22/2012	2012-18/82
R590-102-1	Authority	35725	NSC	02/09/2012	Not Printed
R590-108	Interest Rate During Grace Period or Upon Reinstatement of Policy	36032	5YR	04/04/2012	2012-9/95
R590-114	Letters of Credit	35644	5YR	01/10/2012	2012-3/117
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R590-120	Surety Bond Forms	36059	5YR	04/11/2012	2012-9/95
R590-122	Permissible Arbitration Provisions	36385	5YR	06/18/2012	2012-14/68
R590-122	Permissible Arbitration Provisions	36577	AMD	10/03/2012	2012-16/108
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R590-131	Accident and Health Coordination of Benefits Rule	36913	5YR	10/03/2012	2012-21/53
R590-133	Variable Contracts	36633	AMD	10/15/2012	2012-17/65
R590-142	Continuing Education Rule	35642	5YR	01/10/2012	2012-3/118
R590-142	Continuing Education Rule	35543	AMD	02/08/2012	2012-1/26
R590-142	Continuing Education Rule	36711	AMD	10/22/2012	2012-18/19
R590-143	Life and Health Reinsurance Agreements	35646	5YR	01/10/2012	2012-3/118

R590-146	Medicare Supplement Insurance Standards	36036	5YR	04/05/2012	2012-9/96
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R590-151	Records Access Rule	36578	AMD	10/03/2012	2012-16/110
R590-152	Health Discount Programs and Value Added Benefit Rule	37034	5YR	11/07/2012	Not Printed
R590-154	Unfair Marketing Practices Rule	36596	AMD	10/03/2012	2012-16/111
R590-167	Individual, Small Employer, and Group Health Benefit Plan Rule	36635	AMD	10/16/2012	2012-17/67
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R590-173	Credit for Reinsurance	36417	5YR	06/27/2012	2012-14/69
R590-176	Health Benefit Plan Enrollment	36579	AMD	10/03/2012	2012-16/114
R590-197-1	Authority	36535	NSC	08/08/2012	Not Printed
R590-199	Plan of Orderly Withdrawal Rule Relating to Health Benefit Plans	36615	AMD	10/03/2012	2012-16/116
R590-203	Health Grievance Review Process	36035	5YR	04/05/2012	2012-9/96
R590-210	Authority	36534	NSC	08/08/2012	Not Printed
R590-215	Permissible Arbitration Provisions for Individual and Group Health Insurance	36576	NSC	08/13/2012	Not Printed
R590-216	Standards for Safeguarding Customer Information	36688	5YR	08/23/2012	2012-18/83
R590-220	Submission of Accident and Health Insurance Filings	36656	AMD	10/16/2012	2012-17/74
R590-225-7	Procedures for Form Filings	36458	AMD	09/10/2012	2012-15/35
R590-230	Suitability in Annuity Transactions	35699	AMD	03/26/2012	2012-4/21
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R590-240	Procedure to Obtain Exemption of Student Health Programs From Insurance Code	36344	5YR	06/07/2012	2012-13/111
R590-241	Rule to Recognize the Preferred Mortality Tables for Use in Determining Minimum Reserve Liabilities	36500	5YR	07/16/2012	2012-15/87
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R590-261-11	Expedited Independent Review	35918	NSC	03/22/2012	Not Printed
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R590-262	Health Data Authority Health Insurance Claims Reporting	35201	CPR	03/07/2012	2011-24/84
R590-262	Health Data Authority Health Insurance Claims Reporting	36418	AMD	10/03/2012	2012-14/33
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R590-265	Hazardous Financial Condition Rule	36745	NEW	11/09/2012	2012-19/113
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R590-266	Utah Essential Health Benefits Package	36708	NEW	10/25/2012	2012-18/21
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R638-3	Energy Efficiency Fund	35685	EMR	02/01/2012	2012-3/97
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R671-302	News Media and Public Access to Hearings	36569	AMD	10/04/2012	2012-16/126
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R671-305	Notification of Board Decision	35551	AMD	03/26/2012	2012-2/101
R671-305	Notification of Board Decision	36571	AMD	10/04/2012	2012-16/129
R671-308	Offender Hearing Assistance	35746	5YR	01/31/2012	2012-4/114
R671-309	Impartial Hearings	35747	5YR	01/31/2012	2012-4/115
R671-309	Impartial Hearings	36572	AMD	10/04/2012	2012-16/130
R671-310	Rescission Hearings	35748	5YR	01/31/2012	2012-4/115
R671-311	Special Attention Hearings and Reviews	35749	5YR	01/31/2012	2012-4/116
R671-311	Special Attention Hearings and Reviews	36573	AMD	10/04/2012	2012-16/132
R671-313	Commutation Hearings (Non-Death Penalty Cases)	36555	NEW	10/04/2012	2012-16/133
R671-315	Pardons	35750	5YR	01/31/2012	2012-4/116
R671-315	Pardons	36574	AMD	10/04/2012	2012-16/136
R671-316	Redetermination	35751	5YR	01/31/2012	2012-4/117
R671-316	Redetermination	36575	AMD	10/04/2012	2012-16/138
R671-402	Special Conditions of Parole	35752	5YR	01/31/2012	2012-4/117
R671-402	Special Conditions of Parole	36556	AMD	10/04/2012	2012-16/139
R671-403	Restitution	36549	5YR	07/27/2012	2012-16/198
R671-405	Parole Termination	35753	5YR	01/31/2012	2012-4/118

PROFESSIONAL PRACTICES ADVISORY COMMISSION

Administration

R686-104	Utah Professional Practices Advisory Commission Denial of License Due to Background Check Offenses	36744	NSC	10/01/2012	Not Printed
R686-104	Utah Professional Practices Advisory Commission Review of License Due to Background Check Offenses	36928	5YR	10/05/2012	2012-21/54

PUBLIC LANDS POLICY COORDINATING OFFICE

Administration

R694-1	Archeological Permits	35874	NEW	04/30/2012	2012-5/90

PUBLIC SAFETY

Criminal Investigations and Technical Services, Criminal Identification					
R722-300	Concealed Firearm Permit and Instructor Rule	35650	AMD	03/09/2012	2012-3/79
R722-350-3	Application for a Certificate of Eligibility	35487	AMD	01/24/2012	2011-24/77
Driver License					
R708-2	Commercial Driver Training Schools	35702	5YR	01/20/2012	2012-4/118
R708-3	Driver License Point System Administration	35636	5YR	01/09/2012	2012-3/121
R708-7	Functional Ability in Driving: Guidelines for Physicians	35632	5YR	01/09/2012	2012-3/122
R708-8	Review Process: Driver License Medical Section	35633	5YR	01/09/2012	2012-3/123
R708-10	Classified License System	35629	EMR	01/07/2012	2012-3/101
R708-10	Classified License System	36330	EMR	06/06/2012	2012-13/95
R708-10	Classified License System	36331	AMD	08/09/2012	2012-13/75
R708-14	Adjudicative Proceedings For Driver License Actions Involving Alcohol and Drugs	35637	5YR	01/09/2012	2012-3/123
R708-21	Third-Party Testing	35703	5YR	01/20/2012	2012-4/119
R708-21	Third-Party Testing	36231	R&R	07/23/2012	2012-12/58
R708-25	Commercial Driver License Applicant Fitness Certification	35704	5YR	01/20/2012	2012-4/119
R708-27	Certification of Driver Education Teachers in the Public Schools to Administer Knowledge and Driving Skills Tests	35705	5YR	01/20/2012	2012-4/120
R708-34	Medical Waivers for Intrastate Commercial Driving Privileges	35634	5YR	01/09/2012	2012-3/124
R708-34	Medical Waivers for Intrastate Commercial Driving Privileges	35635	NSC	01/31/2012	Not Printed
R708-35	Adjudicative Proceedings For Driver License Offenses Not Involving Alcohol or Drug Actions	35638	5YR	01/09/2012	2012-3/124
R708-39	Physical and Mental Fitness Testing	35854	5YR	02/06/2012	2012-5/124
R708-41	Requirements for Acceptable Documentation, Storage and Maintenance	36693	AMD	10/24/2012	2012-18/40
R708-41-4	Obtaining a Utah Learner Permit, Provisional License Certificate, Regular License Certificate, Limited-Term License Certificate, Driving Privilege Card, CDL Certificate, Limited-Term CDL Certificate, Identification Card, or Limited-Term Identification Card	36503	AMD	09/21/2012	2012-16/140
R708-47	Emergency Contact Database	36283	EMR	07/01/2012	2012-12/79
R708-47	Emergency Contact Database	36332	NEW	08/09/2012	2012-13/77
R708-48	Ignition Interlock System Program	36419	EMR	07/01/2012	2012-14/53
Fire Marshal					
R710-1	Concerns Servicing Portable Fire Extinguishers	36198	5YR	05/15/2012	2012-11/183
R710-2	Rules Pursuant to the Utah Fireworks Act	35690	AMD	03/09/2012	2012-3/73
R710-2	Rules Pursuant to the Utah Fireworks Act	36251	5YR	05/21/2012	2012-12/87
R710-3	Assisted Living Facilities	36273	5YR	05/23/2012	2012-12/88
R710-4	Buildings Under the Jurisdiction of the State Fire Prevention Board	36278	5YR	05/24/2012	2012-12/89
R710-4-3	Amendments and Additions	36022	AMD	05/22/2012	2012-8/60
R710-6	Liquified Petroleum Gas Rules	36631	AMD	10/08/2012	2012-17/80
R710-7	Concerns Servicing Automatic Fire Suppression Systems	36250	5YR	05/21/2012	2012-12/89
R710-7-2	Definitions	36188	AMD	07/10/2012	2012-11/92
R710-8	Day Care Rules	35929	5YR	03/13/2012	2012-7/71
R710-9	Rules Pursuant to the Utah Fire Prevention and Safety Act	36343	5YR	06/07/2012	2012-13/114
R710-10-5	Fire Service Standards and Training Council	36023	AMD	05/22/2012	2012-8/62
Highway Patrol					
R714-110	Permit to Operate a Motor Vehicle in Violation of Equipment Laws	36440	5YR	07/02/2012	2012-14/72
R714-158	Vehicle Safety Inspection Program Requirements	36442	5YR	07/02/2012	2012-14/73

R714-159	Vehicle Safety Inspection Apprenticeship Program Guidelines	36439	5YR	07/02/2012	2012-14/73
R714-200	Standards for Vehicle Lights and Illuminating Devices	36433	5YR	07/02/2012	2012-14/74
R714-210	Standards for Motor Vehicle Air Conditioning Equipment	36441	5YR	07/02/2012	2012-14/74
R714-220	Standards for Protective Headgear	36434	5YR	07/02/2012	2012-14/75
R714-230	Standards and Specifications for Vehicle Seat Belts and Safety Harnesses	36435	5YR	07/02/2012	2012-14/75
R714-240	Standards and Specifications for Child Restraint Devices and Safety Belts	36437	5YR	07/02/2012	2012-14/76
R714-300	Standards for Motor Vehicle Braking Systems	36438	5YR	07/02/2012	2012-14/76
R714-550	Rule for Spending Fees Provided under Section 53-1-117	36436	5YR	07/02/2012	2012-14/77
Peace Officer Standards and Training					
R728-401	Requirements for Approval and Certification of Peace Officer Basic Training Programs and Applicants	36291	R&R	08/06/2012	2012-12/64
R728-408	POST Academy and the Emergency Vehicle Operations Range are Secure Facilities	35568	REP	05/14/2012	2012-2/102
R728-409	Suspension or Revocation of Peace Officer Certification	36290	AMD	08/06/2012	2012-12/68
R728-411	Guidelines Regarding Administrative Action Taken Against Individuals Functioning As Peace Officers Without Peace Officer Certification Or Powers	35627	5YR	01/06/2012	2012-3/125
R728-505	Service Dog Program Rules	36245	5YR	05/17/2012	2012-12/90
PUBLIC SERVICE COMMISSION					
Administration					
R746-100	Practice and Procedures Governing Formal Hearings	35508	AMD	02/07/2012	2012-1/30
R746-100	Practice and Procedures Governing Formal Hearings	35900	AMD	05/07/2012	2012-6/24
R746-100	Practice and Procedures Governing Formal Hearings	36195	AMD	07/09/2012	2012-11/94
R746-310-1	General Provisions	35505	AMD	02/07/2012	2012-1/38
R746-310-2	Customer Relations	35925	NSC	03/22/2012	Not Printed
R746-313	Electric Service Reliability	36214	NEW	09/24/2012	2012-11/96
R746-313	Electric Service Reliability	36214	CPR	09/24/2012	2012-16/177
R746-320	Uniform Rules Governing Natural Gas Service	35926	NSC	03/22/2012	Not Printed
R746-342	Rule on One-Way Paging	35509	REP	02/07/2012	2012-1/40
R746-343-4	Approval of an Application	36029	AMD	06/20/2012	2012-9/64
R746-348	Interconnection	35651	5YR	01/11/2012	2012-3/126
R746-349	Competitive Entry and Reporting Requirements	35916	5YR	03/06/2012	2012-7/71
R746-351	Pricing Flexibility	35917	5YR	03/06/2012	2012-7/72
R746-365	Intercarrier Service Quality	35927	NSC	03/22/2012	Not Printed
R746-400	Public Utility Reports	36358	5YR	06/13/2012	2012-13/114
R746-405-2	Format and Construction of Tariffs	35507	AMD	02/07/2012	2012-1/41
R746-405-2	Format and Construction of Tariffs	35896	AMD	05/07/2012	2012-6/31
R746-405-2	Format and Construction of Tariffs	36208	AMD	07/09/2012	2012-11/102
R746-420	Requests for Approval of a Solicitation Process	36166	5YR	05/10/2012	2012-11/183
R746-430	Procedural and Informational Requirements for Action Plans, for an Approval of a Significant Energy Resource, for Determination of Whether to Proceed, and for Waivers of a Solicitation Process or of an Approval of a Significant Energy Resource	36167	5YR	05/10/2012	2012-11/184
R746-440	Voluntary Resource Decision	35924	5YR	03/08/2012	2012-7/73
R746-800	Working 4 Utah Operations	35506	REP	02/07/2012	2012-1/43

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R765-134	Informal Adjudicative Procedures Under the Utah Administrative Procedures Act	36918	5YR	10/04/2012	2012-21/55
R765-604	New Century Scholarship	36165	AMD	07/09/2012	2012-11/104
R765-607	Utah Higher Education Tuition Assistance Program	36272	REP	08/28/2012	2012-12/69
R765-626	Lender-of-Last-Resort Program	36447	REP	10/01/2012	2012-15/57
R765-993	Records Access and Management	36919	5YR	10/04/2012	2012-21/55
College of Eastern Utah					
R767-1	Government Records Access and Management Act	36391	EXT	06/18/2012	2012-14/83
R767-1	Government Records Access and Management Act	36902	5YR	10/01/2012	2012-20/149
University of Utah, Commuter Services					
R810-1	University of Utah Parking Regulations	36897	EXT	10/01/2012	2012-20/153
R810-1	University of Utah Parking Regulations	36944	5YR	10/15/2012	2012-21/56
R810-2	Parking Meters	35888	5YR	02/17/2012	2012-6/38
R810-5	Permit Types, Eligibility and Designated Parking Areas	35889	5YR	02/17/2012	2012-6/39
R810-6	Permit Prices and Refunds	35882	5YR	02/16/2012	2012-6/39
R810-8	Vendor Regulations	36898	EXT	10/01/2012	2012-20/154
R810-8	Vendor Regulations	36945	5YR	10/15/2012	2012-21/56
R810-9	Contractors and Their Employees	35883	5YR	02/17/2012	2012-6/40
R810-10	Enforcement System	35884	5YR	02/17/2012	2012-6/40
R810-11	Appeals System	35890	5YR	02/17/2012	2012-6/41

SCHOOL AND INSTITUTIONAL TRUST LANDS

Administration					
R850-1	Definition of Terms	36274	5YR	05/23/2012	2012-12/90
R850-2	Trust Land Management Objectives	36275	5YR	05/23/2012	2012-12/91
R850-3	Applicant Qualifications, Application Forms, and Application Processing	36276	5YR	05/23/2012	2012-12/91
R850-4	Application Fees and Assessments	36408	5YR	06/27/2012	2012-14/77
R850-5	Payments, Royalties, Audits, and Reinstatements	36409	5YR	06/27/2012	2012-14/78
R850-6	Government Records Access and Management	36410	5YR	06/27/2012	2012-14/78
R850-8	Adjudicative Proceedings	36446	NSC	07/25/2012	Not Printed
R850-11	Procurement	36088	5YR	04/24/2012	2012-10/95
R850-21-300	Lease Application Process	36279	AMD	07/23/2012	2012-12/71
R850-30	Special Use Leases	36411	5YR	06/27/2012	2012-14/79
R850-40	Easements	36412	5YR	06/27/2012	2012-14/79
R850-41	Rights of Entry	35542	NEW	02/07/2012	2012-1/44
R850-50	Range Management	36413	5YR	06/27/2012	2012-14/80
R850-60	Cultural Resources	36414	5YR	06/27/2012	2012-14/80
R850-80	Sale of Trust Lands	36415	5YR	06/27/2012	2012-14/81
R850-83	Administration of Previous Sales to Subdivisions of the State	37019	5YR	10/31/2012	2012-22/163
R850-90	Land Exchanges	35655	5YR	01/12/2012	2012-3/126
R850-100	Trust Land Management Planning	36655	5YR	08/15/2012	2012-17/109
R850-120	Beneficiary Use of Institutional Trust Land	35656	5YR	01/12/2012	2012-3/127

SCIENCE TECHNOLOGY AND RESEARCH GOVERNING AUTH.

Administration					
R856-1	Formation and Funding of Utah Science Technology and Research Innovation Teams	36083	EXD	04/05/2012	2012-9/101
R856-1	Formation and Funding of Utah Science Technology and Research Innovation Teams	36156	NEW	07/31/2012	2012-11/108
R856-2	Distribution of Utah Science Technology and Research Commercialization Revenues	36084	EXD	04/05/2012	2012-9/101
R856-2	Distribution of Utah Science Technology and Research Commercialization Revenues	36155	NEW	07/31/2012	2012-11/110

R856-2	Distribution of Utah Science Technology and Research Commercialization Revenues	36491	NSC	07/31/2012	Not Printed
TAX COMMISSION					
Administration					
R861-1A	Administrative Procedures	35595	5YR	01/03/2012	2012-2/122
R861-1A-9	Tax Commission as Board of Equalization Pursuant to Utah Code Ann. Sections 59-2-212, 59-2-1004, and 59-2-1006	35862	AMD	04/12/2012	2012-5/93
R861-1A-12	Policies and Procedures Regarding Public Disclosure Pursuant to Utah Code Ann. Section 59-1-210	36546	AMD	09/27/2012	2012-16/143
R861-1A-16	Utah State Tax Commission Management Plan Pursuant to Utah Code Ann. Section 59-1-207	36061	AMD	06/14/2012	2012-9/65
R861-1A-20	Time of Appeal Pursuant to Utah Code Ann. Sections 59-1-301, 59-1-501, 59-2-1007, 59-7-517, 59-10-532, 59-10-533, 59-10-535, 59-12-114, 59-13-210, 63G-4-201, 63G-4-401, 68-3-7, and 68-3-8.5	36172	AMD	07/26/2012	2012-11/111
R861-1A-20	Time of Appeal Pursuant to Utah Code Ann. Sections 59-1-301, 59-1-501, 59- 2-1007, 59-7-517, 59-10-532, 59-10-533, 59-10-535, 59-12-114, 59-13-210, 63G-4-201, 63G-4- 401, 68-3-7, and 68-3-8.5	36694	AMD	10/25/2012	2012-18/49
R861-1A-26	Procedures for Formal Adjudicative Proceedings Pursuant to Utah Code Ann. Sections 59-1-501 and 63G-4-204 through 63G-4-209	36361	AMD	08/27/2012	2012-13/78
Auditing					
R865-3C	Corporation Income Tax	35597	5YR	01/03/2012	2012-2/125
R865-3C-1	Allocation of Net Income Pursuant to Utah Code Ann. Section 59-7-204	35863	AMD	04/12/2012	2012-5/95
R865-4D	Special Fuel Tax	35598	5YR	01/03/2012	2012-2/125
R865-6F	Franchise Tax	35599	5YR	01/03/2012	2012-2/126
R865-6F-6	Application of Corporation Franchise or Income Tax Acts to Qualified Corporations and to Nonqualified Foreign Corporations Pursuant to Utah Code Ann. Section 59-7-104	36170	AMD	07/26/2012	2012-11/113
R865-9I	Income Tax	35600	5YR	01/03/2012	2012-2/127
R865-9I-49	Higher Education Savings Incentive Program Administration Pursuant to Utah Code Ann. Sections 53B-8a-112, 59-10-114, and 59-10-1017	36173	AMD	07/26/2012	2012-11/116
R865-11Q	Self-Insured Employer Assessment	35601	5YR	01/03/2012	2012-2/130
R865-12L	Local Sales and Use Tax	35602	5YR	01/03/2012	2012-2/130
R865-12L-14	Local Sales and Use Tax Distributions and Redistributions Pursuant to Utah Code Ann. Sections 59-12-210 and 59-12-210.1	36171	AMD	07/26/2012	2012-11/117
R865-13G	Motor Fuel Tax	35603	5YR	01/03/2012	2012-2/131
R865-14W	Mineral Producers' Withholding Tax	35604	5YR	01/03/2012	2012-2/132
R865-15O	Oil and Gas Tax	35605	5YR	01/03/2012	2012-2/133
R865-19S	Sales and Use Tax	35606	5YR	01/03/2012	2012-2/133
R865-19S-32	Leases and Rentals Pursuant to Utah Code Ann. Section 59-12-103	35511	AMD	02/09/2012	2012-1/48
R865-19S-123	Specie Legal Tender Pursuant to Utah Code Ann. Section 59-12-107	36175	AMD	07/26/2012	2012-11/118
R865-20T	Tobacco Tax	35607	5YR	01/03/2012	2012-2/137
R865-21U-6	Liability of Purchasers and Receipt For Payment to Retailers Pursuant to Utah Code Ann. Section 59-12-107	36362	AMD	08/27/2012	2012-13/80
Collections					
R867-2B-2	Jeopardy Assessment Pursuant to Utah Code Ann. Sections 59-1-701 and 59-1-702	36168	AMD	07/26/2012	2012-11/119

R867-2B-4	Uniform Affixing and Displaying of Drug Stamps Pursuant to Utah Code Ann. Section 59-19-104	36169	AMD	07/26/2012	2012-11/120
Motor Vehicle					
R873-22M	Motor Vehicle	35608	5YR	01/03/2012	2012-2/138
R873-22M-42	Issuance of Nonrepairable Certificate in Certain Circumstances Pursuant to Utah Code Ann. Section 41-1a-1005.5	36547	AMD	10/01/2012	2012-16/145
Motor Vehicle Enforcement					
R877-23V	Motor Vehicle Enforcement	35609	5YR	01/03/2012	2012-2/140
R877-23V-7	Misleading Advertising Pursuant to Utah Code Ann. Section 41-3-210	36062	AMD	06/14/2012	2012-9/67
R877-23V-20	Reasonable Cause to Deny, Suspend, or Revoke a License Issued Under Title 41, Chapter 3 Pursuant to Utah Code Ann. Section 41-3-209	35512	AMD	02/09/2012	2012-1/49
R877-23V-21	Automated License Plate Recognition System Pursuant to Utah Code Ann. Section 41-3-105	35513	AMD	02/09/2012	2012-1/50
R877-23V-22	Reasonable Cause to Waive, Reduce, or Compromise a Penalty Pursuant to Utah Code Ann. Section 41-3-704	36063	AMD	06/14/2012	2012-9/70
Property Tax					
R884-24P	Property Tax	35592	5YR	01/03/2012	2012-2/141
R884-24P-33	2012 Personal Property Valuation Guides and Schedules Pursuant to Utah Code Ann. Section 59-2-301	36696	AMD	10/25/2012	2012-18/53
R884-24P-62	Valuation of State Assessed Unitary Properties Pursuant to Utah Code Ann. Section 59-2-201	35514	AMD	02/09/2012	2012-1/51
R884-24P-66	Appeal to County Board of Equalization Pursuant to Utah Code Ann. Section 59-2-1004	35864	AMD	04/12/2012	2012-5/96
R884-24P-66	County Board of Equalization Procedures and Appeals Pursuant to Utah Code Ann. Section 59-2-1004	36174	AMD	07/26/2012	2012-11/121
R884-24P-68	Property Tax Exemption for Taxable Tangible Personal Property With a Total Aggregate Fair Market Value of $3,500 or Less Pursuant to Utah Code Ann. Section 59-2-1115	36064	AMD	06/14/2012	2012-9/71
TECHNOLOGY SERVICES					
Administration					
R895-3	Computer Software Licensing, Copyright, Control, Retention, and Transfer	35989	EXT	03/29/2012	2012-8/91
R895-3	Computer Software Licensing, Copyright, Control, Retention, and Transfer	36709	5YR	08/31/2012	2012-18/83
R895-3	Computer Software Licensing, Copyright, Control, Retention, and Transfer	36699	AMD	10/22/2012	2012-18/61
R895-12	Telecommunications Services and Requirements	36896	5YR	10/01/2012	2012-20/149
TRANSPORTATION					
Administration					
R907-60	Handling of Publications Prepared by the Utah Department of Transportation Either for Sale or Free Copy	35670	REP	03/12/2012	2012-3/80
R907-68 (Changed to R940-6)	Prioritization of New Transportation Capacity Projects	36178	AMD	07/09/2012	2012-11/123
R907-69	Records Access	35672	NEW	03/12/2012	2012-3/81
Motor Carrier					
R909-1	Safety Regulations for Motor Carriers	35425	AMD	01/10/2012	2011-23/90
R909-1	Safety Regulations for Motor Carriers	35873	AMD	04/11/2012	2012-5/99
R909-16	Overall Motor Carrier Safety Standing	35427	REP	01/10/2012	2011-23/92

R909-17	Appeal Process for Utah Commercial Vehicle Safety Alliance Inspections	35428	REP	01/10/2012	2011-23/94
R909-19	Safety Regulations for Tow Truck Operations - Tow Truck Requirements for Equipment, Operation and Certification	35256	AMD	02/07/2012	2011-20/41
R909-19	Safety Regulations for Tow Truck Operations - Tow Truck Requirements for Equipment, Operation and Certification	35256	CPR	02/07/2012	2012-1/64
R909-75	Safety Regulations for Motor Carriers Transporting Hazardous Materials and/or Hazardous Wastes	35426	AMD	01/10/2012	2011-23/96
Operations, Aeronautics					
R914-1	Rules and Regulations	36899	5YR	10/01/2012	2012-20/150
R914-2	Safety Rules and Procedures for Aircraft Operations on Roads	36900	5YR	10/01/2012	2012-20/150
Operations, Maintenance					
R918-3	Snow Removal	35515	AMD	02/07/2012	2012-1/55
R918-3	Snow Removal	36609	5YR	08/01/2012	2012-16/198
R918-4	Using Volunteer Groups for the Adopt-a-Highway Program	35669	AMD	03/12/2012	2012-3/82
R918-6	Maintenance Responsibility at Intersections, Overcrossings, and Interchanges Between Class A Roads and Class B or Class C Roads	36345	NEW	08/20/2012	2012-13/81
Operations, Traffic and Safety					
R920-1	Manual of Uniform Traffic Control Devices	36616	5YR	08/01/2012	2012-16/199
R920-1	Manual of Uniform Traffic Control Devices	36704	AMD	10/23/2012	2012-18/64
R920-2	Traffic Control Systems for Railroad-Highway Grade Crossings	36705	REP	10/23/2012	2012-18/65
R920-3	Manual of Uniform Traffic Control Devices, Part VI	36610	EXT	08/01/2012	2012-16/203
R920-3	Manual of Uniform Traffic Control Devices, Part VI	36706	REP	10/23/2012	2012-18/67
R920-4	Permit Required for Special Road Use or Event	36612	5YR	08/01/2012	2012-16/200
R920-5	Manual and Specifications on School Crossing Zones. Supplemental to Part VII of the Manual on Uniform Traffic Control Devices	36614	EXT	08/01/2012	2012-16/203
R920-5	Manual and Specifications on School Crossing Zones. Supplemental to Part VII of the Manual on Uniform Traffic Control Devices	36707	REP	10/23/2012	2012-18/67
R920-6	Snow Tire and Chain Requirements	36617	5YR	08/01/2012	2012-16/200
R920-50	Ropeway Operation Safety	36081	5YR	04/16/2012	2012-9/98
R920-50	Ropeway Operation Safety	36082	AMD	06/07/2012	2012-9/72
R920-51	Safety Regulations for Railroads	36618	5YR	08/01/2012	2012-16/201
Preconstruction					
R930-3	Highway Noise Abatement	35516	AMD	02/07/2012	2012-1/57
R930-6	Manual of Accommodation of Utility Facilities and the Control and Protection of State Highway Rights-of-Way	36653	AMD	10/10/2012	2012-17/85
R930-7	Utility Accommodation	36654	NEW	10/10/2012	2012-17/86
Preconstruction, Right-of-Way Acquisition					
R933-1	Right of Way Acquisition	35429	AMD	01/10/2012	2011-23/97
R933-2	Control of Outdoor Advertising Signs	36180	EMR	05/14/2012	2012-11/168
R933-3-4	When Access is Controlled	36606	AMD	09/24/2012	2012-16/153
R933-5	Utah-Federal Agreement for the Control of Outdoor Advertising	36756	5YR	09/12/2012	2012-19/126
Program Development					
R926-4	Establishing and Defining a Functional Classification of Highways in the State of Utah	35959	5YR	03/20/2012	2012-8/90
R926-4	Establishing and Defining a Functional Classification of Highways in the State of Utah	35960	NSC	04/11/2012	Not Printed

R926-6 (Changed to R940-7)	Transportation Corridor Preservation Revolving Loan Fund	36179	NSC	05/30/2012	Not Printed
TREASURER					
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ABBREVIATIONS

AMD = Amendment
CPR = Change in proposed rule
EMR = Emergency rule (120 day)
NEW = New rule
EXD = Expired
NSC = Nonsubstantive rule change
REP = Repeal
R&R = Repeal and reenact
5YR = Five-Year Review

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	35471	R432-100	AMD	02/21/2012	2011-24/65
	35978	R432-150	5YR	03/28/2012	2012-8/77
	35979	R432-151	5YR	03/28/2012	2012-8/78
	35980	R432-152	5YR	03/28/2012	2012-8/78
	35981	R432-200	5YR	03/28/2012	2012-8/79
	35982	R432-201	5YR	03/28/2012	2012-8/79
	36445	R432-270	AMD	09/25/2012	2012-15/31
	35499	R432-270-6	AMD	02/08/2012	2011-24/73
	35983	R432-300	5YR	03/28/2012	2012-8/80
	35472	R432-650	AMD	02/21/2012	2011-24/74
	35652	R432-650	AMD	03/28/2012	2012-3/63
	35984	R432-650	5YR	03/28/2012	2012-8/80
	35985	R432-700	5YR	03/28/2012	2012-8/81
	35986	R432-750	5YR	03/28/2012	2012-8/81
	35987	R432-950	5YR	03/28/2012	2012-8/82
health care professionals					
Public Safety, Driver License	35632	R708-7	5YR	01/09/2012	2012-3/122
health care quality					
Health, Center for Health Data, Health Care Statistics	36110	R428-12	AMD	07/02/2012	2012-10/43
	35616	R428-15	AMD	03/16/2012	2012-3/51
health claims insurance reporting					
Health, Center for Health Data, Health Care Statistics	35616	R428-15	AMD	03/16/2012	2012-3/51
health facilities					
Health, Center for Health Data, Vital Records and Statistics	37000	R436-9	EXT	10/26/2012	2012-22/166
health insurance					
Capitol Preservation Board (State), Administration	35611	R131-13	EMR	01/03/2012	2012-2/105
	35610	R131-13	AMD	02/21/2012	2012-2/24

	36314	R195-2	REP	09/11/2012	2012-13/17
Workforce Services, Administration	36194	R982-402	NEW	07/09/2012	2012-11/127
	36513	R982-402	NSC	07/31/2012	Not Printed
higher education					
Education, Administration	36649	R277-713	5YR	08/14/2012	2012-17/106
	36668	R277-713	AMD	10/09/2012	2012-17/41
Money Management Council, Administration	36453	R628-2	5YR	07/10/2012	2012-15/87
Regents (Board Of), Administration	36918	R765-134	5YR	10/04/2012	2012-21/55
	36165	R765-604	AMD	07/09/2012	2012-11/104
	36272	R765-607	REP	08/28/2012	2012-12/69
	36447	R765-626	REP	10/01/2012	2012-15/57
	36919	R765-993	5YR	10/04/2012	2012-21/55
highly qualified					
Education, Administration	35671	R277-511	5YR	01/17/2012	2012-3/113
	35678	R277-511	REP	03/12/2012	2012-3/28
highways					
Transportation, Preconstruction	35516	R930-3	AMD	02/07/2012	2012-1/57
hiring practices					
Human Resource Management, Administration	35824	R477-4	5YR	02/02/2012	2012-5/109
	36121	R477-4	AMD	07/02/2012	2012-10/55
historic preservation					
Tax Commission, Auditing	35599	R865-6F	5YR	01/03/2012	2012-2/126
	36170	R865-6F-6	AMD	07/26/2012	2012-11/113
	35600	R865-9I	5YR	01/03/2012	2012-2/127
	36173	R865-9I-49	AMD	07/26/2012	2012-11/116
holidays					
Human Resource Management, Administration	35827	R477-7	5YR	02/02/2012	2012-5/111
	36123	R477-7	AMD	07/02/2012	2012-10/63
home care services					
Human Services, Aging and Adult Services	36476	R510-400	5YR	07/11/2012	2012-15/85
honey					
Agriculture and Food, Plant Industry	35566	R68-21	REP	03/07/2012	2012-2/16
Agriculture and Food, Regulatory Services	36147	R70-520	NEW	07/10/2012	2012-11/6
hospital policy					
Health, Center for Health Data, Health Care Statistics	35870	R428-10	AMD	05/31/2012	2012-5/85
	37043	R428-11	5YR	11/14/2012	Not Printed
hospitals					
Environmental Quality, Air Quality	35530	R307-222	AMD	03/07/2012	2012-1/22
	36026	R307-222-1	NSC	04/25/2012	Not Printed
hostile work environment					
Human Resource Management, Administration	35835	R477-15	5YR	02/03/2012	2012-5/115
hotels					
Health, Disease Control and Prevention, Environmental Services	36017	R392-502	5YR	04/02/2012	2012-8/75
hours of business					
Labor Commission, Administration	36401	R600-2	5YR	06/19/2012	2012-14/70
	35446	R600-3-1	NSC	02/01/2012	Not Printed
housing development					
Community and Culture, Olene Walker Housing Trust Fund	36327	R235-1	REP	08/31/2012	2012-13/46
Workforce Services, Administration	36213	R982-501	NEW	07/09/2012	2012-11/138
	36520	R982-501	NSC	07/31/2012	Not Printed

	35645	R590-150	5YR	01/10/2012	2012-3/120
insurance continuing education					
Insurance, Administration	35642	R590-142	5YR	01/10/2012	2012-3/118
	35543	R590-142	AMD	02/08/2012	2012-1/26
	36711	R590-142	AMD	10/22/2012	2012-18/19
insurance fees					
Insurance, Administration	35725	R590-102-1	NSC	02/09/2012	Not Printed
insurance health benefit plans					
Insurance, Administration	35483	R590-263-3	AMD	01/25/2012	2011-24/76
insurance law					
Insurance, Administration	36037	R590-68	5YR	04/05/2012	2012-9/94
	35643	R590-70	5YR	01/10/2012	2012-3/116
	36034	R590-85	5YR	04/05/2012	2012-9/94
	35641	R590-95	5YR	01/10/2012	2012-3/117
	36684	R590-96	5YR	08/22/2012	2012-18/82
	36385	R590-122	5YR	06/18/2012	2012-14/68
	36577	R590-122	AMD	10/03/2012	2012-16/108
	36493	R590-130	AMD	09/11/2012	2012-15/33
	36913	R590-131	5YR	10/03/2012	2012-21/53
	35646	R590-143	5YR	01/10/2012	2012-3/118
	36535	R590-197-1	NSC	08/08/2012	Not Printed
Insurance, Title and Escrow Commission	35648	R592-14	5YR	01/10/2012	2012-3/120
insurance law privacy					
Insurance, Administration	36534	R590-210	NSC	08/08/2012	Not Printed
insurance records access					
Insurance, Administration	36578	R590-151	AMD	10/03/2012	2012-16/110
insurance rule					
Insurance, Administration	36059	R590-120	5YR	04/11/2012	2012-9/95
insurance unfair marketing practices					
Insurance, Administration	36596	R590-154	AMD	10/03/2012	2012-16/111
insurers					
Insurance, Administration	36745	R590-265	NEW	11/09/2012	2012-19/113
interchanges					
Transportation, Operations, Maintenance	36345	R918-6	NEW	08/20/2012	2012-13/81
interconnection					
Public Service Commission, Administration	35651	R746-348	5YR	01/11/2012	2012-3/126
	35927	R746-365	NSC	03/22/2012	Not Printed
interest rate swaps					
Money Management Council, Administration	37031	R628-18	5YR	11/06/2012	Not Printed
intern program					
Education, Administration	35819	R277-915	5YR	02/02/2012	2012-5/104
	35683	R277-915	AMD	03/12/2012	2012-3/39
internet facilitators					
Commerce, Occupational and Professional Licensing	35585	R156-83-502	AMD	02/21/2012	2012-2/28
interns					
Education, Administration	36925	R277-509	5YR	10/05/2012	2012-21/48
intersections					
Transportation, Operations, Maintenance	36345	R918-6	NEW	08/20/2012	2012-13/81
interstate compacts					
Workforce Services, Unemployment Insurance	36092	R994-106	5YR	04/25/2012	2012-10/96

	35782	R307-327	5YR	02/01/2012	2012-4/86
	35783	R307-328	5YR	02/01/2012	2012-4/86
	35784	R307-335	5YR	02/01/2012	2012-4/87
	35785	R307-340	5YR	02/01/2012	2012-4/87
	35787	R307-343	5YR	02/01/2012	2012-4/89
	36341	R307-420	5YR	06/06/2012	2012-13/106
paint					
Environmental Quality, Air Quality	35857	R307-840	AMD	05/03/2012	2012-5/33
	36161	R307-840-1	NSC	05/30/2012	Not Printed
	35858	R307-841	AMD	05/03/2012	2012-5/39
	36162	R307-841	NSC	05/30/2012	Not Printed
	35859	R307-842	AMD	05/03/2012	2012-5/47
	36163	R307-842	NSC	05/30/2012	Not Printed
parades					
Transportation, Operations, Traffic and Safety	36612	R920-4	5YR	08/01/2012	2012-16/200
paraprofessional qualifications					
Education, Administration	36452	R277-524	NSC	07/25/2012	Not Printed
pardons					
Pardons (Board Of), Administration	35730	R671-101	5YR	01/26/2012	2012-4/108
	36555	R671-313	NEW	10/04/2012	2012-16/133
	35750	R671-315	5YR	01/31/2012	2012-4/116
	36574	R671-315	AMD	10/04/2012	2012-16/136
parental defense					
Administrative Services, Child Welfare Parental Defense (Office of)	35205	R19-1-6	AMD	01/12/2012	2011-18/6
	35206	R19-1-7	AMD	01/12/2012	2011-18/7
parking facilities					
Regents (Board Of), University of Utah, Commuter Services	36897	R810-1	EXT	10/01/2012	2012-20/153
	36944	R810-1	5YR	10/15/2012	2012-21/56
	35888	R810-2	5YR	02/17/2012	2012-6/38
	35889	R810-5	5YR	02/17/2012	2012-6/39
	35882	R810-6	5YR	02/16/2012	2012-6/39
	36898	R810-8	EXT	10/01/2012	2012-20/154
	36945	R810-8	5YR	10/15/2012	2012-21/56
	35883	R810-9	5YR	02/17/2012	2012-6/40
	35884	R810-10	5YR	02/17/2012	2012-6/40
	35890	R810-11	5YR	02/17/2012	2012-6/41
parks					
Natural Resources, Parks and Recreation	36237	R651-201-7	AMD	07/23/2012	2012-12/42
	36242	R651-205-2	AMD	07/23/2012	2012-12/43
	36234	R651-205-15	AMD	07/23/2012	2012-12/44
	36238	R651-206-1	AMD	07/23/2012	2012-12/45
	36243	R651-206-3	AMD	07/23/2012	2012-12/46
	36239	R651-206-4	AMD	07/23/2012	2012-12/50
	36241	R651-219-3	AMD	07/23/2012	2012-12/51
	36890	R651-410	5YR	09/28/2012	2012-20/146
	36229	R651-612	REP	07/23/2012	2012-12/57
	36682	R651-637	AMD	11/07/2012	2012-18/38
parole					
Human Services, Juvenile Justice Services	36226	R547-6	5YR	05/16/2012	2012-12/85
Pardons (Board Of), Administration	35732	R671-201	5YR	01/26/2012	2012-4/109
	35737	R671-202	5YR	01/31/2012	2012-4/110
	36558	R671-202	AMD	10/04/2012	2012-16/121
	35739	R671-205	5YR	01/31/2012	2012-4/111
	35741	R671-301	5YR	01/31/2012	2012-4/112
	36568	R671-301	AMD	10/04/2012	2012-16/125
	35743	R671-303	5YR	01/31/2012	2012-4/113
	35746	R671-308	5YR	01/31/2012	2012-4/114

	35514	R884-24P-62	AMD	02/09/2012	2012-1/51
	35864	R884-24P-66	AMD	04/12/2012	2012-5/96
	36174	R884-24P-66	AMD	07/26/2012	2012-11/121
	36064	R884-24P-68	AMD	06/14/2012	2012-9/71
prosthetics					
Health, Health Care Financing, Coverage and Reimbursement Policy	36869	R414-70	5YR	09/27/2012	2012-20/129
PSD					
Environmental Quality, Air Quality	35413	R307-405	AMD	02/02/2012	2011-23/42
	35872	R307-405-3	NSC	02/29/2012	Not Printed
public assistance					
Public Service Commission, Administration	36029	R746-343-4	AMD	06/20/2012	2012-9/64
Workforce Services, Employment Development	35993	R986-900-902	AMD	07/01/2012	2012-8/67
	36300	R986-900-902	AMD	07/25/2012	2012-12/75
	36499	R986-900-902	AMD	10/01/2012	2012-15/60
	36621	R986-900-902	AMD	10/01/2012	2012-16/155
public assistance programs					
Health, Health Care Financing, Coverage and Reimbursement Policy	35441	R414-308	AMD	02/06/2012	2011-23/70
	35790	R414-308	AMD	04/01/2012	2012-4/14
	36566	R414-308-3	AMD	10/01/2012	2012-16/83
Human Services, Recovery Services	36351	R527-330	5YR	06/12/2012	2012-13/111
	36681	R527-330	AMD	10/23/2012	2012-18/18
	36677	R527-928	5YR	08/21/2012	2012-18/82
public buildings					
Administrative Services, Facilities Construction and Management	36145	R23-1	5YR	05/03/2012	2012-11/177
	36020	R23-1-40	AMD	08/07/2012	2012-8/4
	36020	R23-1-40	CPR	08/07/2012	2012-13/88
	36632	R23-1-40	NSC	08/23/2012	Not Printed
	37051	R23-6	5YR	11/14/2012	Not Printed
	37056	R23-14	5YR	11/14/2012	Not Printed
	36146	R23-19	5YR	05/03/2012	2012-11/177
Capitol Preservation Board (State), Administration	35899	R131-3	EXT	02/29/2012	2012-6/43
	36359	R131-3	5YR	06/13/2012	2012-13/97
Public Safety, Fire Marshal	36278	R710-4	5YR	05/24/2012	2012-12/89
	36022	R710-4-3	AMD	05/22/2012	2012-8/60
public education					
Education, Administration	36200	R277-437-3	AMD	07/09/2012	2012-11/17
	35681	R277-714	AMD	03/12/2012	2012-3/36
Money Management Council, Administration	36453	R628-2	5YR	07/10/2012	2012-15/87
public finance					
Money Management Council, Administration	37031	R628-18	5YR	11/06/2012	Not Printed
public fueling					
Administrative Services, Fleet Operations	35727	R27-9	NEW	03/26/2012	2012-4/6
public health					
Health, Disease Control and Prevention, Environmental Services	35715	R392-100	5YR	01/20/2012	2012-4/91
	35445	R392-100	AMD	01/26/2012	2011-23/62
	36404	R392-100	AMD	09/10/2012	2012-14/16
	35710	R392-200	5YR	01/20/2012	2012-4/91
	35709	R392-300	5YR	01/20/2012	2012-4/92
	35708	R392-301	5YR	01/20/2012	2012-4/93
	35711	R392-400	5YR	01/20/2012	2012-4/94
	35714	R392-401	5YR	01/20/2012	2012-4/94
	35712	R392-402	5YR	01/20/2012	2012-4/95
	35713	R392-501	5YR	01/20/2012	2012-4/96
	36017	R392-502	5YR	04/02/2012	2012-8/75

	36176	R307-801	CPR	10/01/2012	2012-16/164
Governor, Energy Development (Office of)	36702	R362-3	5YR	08/30/2012	2012-18/78
Health, Disease Control and Prevention, Environmental Services	35710	R392-200	5YR	01/20/2012	2012-4/91
Natural Resources, Geological Survey	35685	R638-3	EMR	02/01/2012	2012-3/97
	36597	R638-3	NSC	08/13/2012	Not Printed
Public Safety, Driver License	35702	R708-2	5YR	01/20/2012	2012-4/118
search and seizure					
Corrections, Administration	35757	R251-710	EXT	01/31/2012	2012-4/121
	36042	R251-710	5YR	04/06/2012	2012-9/78
searches					
Education, Administration	35878	R277-615	NEW	04/10/2012	2012-5/29
seat belts					
Public Safety, Highway Patrol	36435	R714-230	5YR	07/02/2012	2012-14/75
	36437	R714-240	5YR	07/02/2012	2012-14/76
secondary education					
Regents (Board Of), Administration	36165	R765-604	AMD	07/09/2012	2012-11/104
secure areas					
Human Services, Substance Abuse and Mental Health, State Hospital	35593	R525-6	AMD	02/21/2012	2012-2/98
secure facilities					
Public Safety, Peace Officer Standards and Training	35568	R728-408	REP	05/14/2012	2012-2/102
securities					
Commerce, Securities	36459	R164-1	5YR	07/11/2012	2012-15/75
	36460	R164-4	5YR	07/11/2012	2012-15/75
	36461	R164-5	5YR	07/11/2012	2012-15/76
	36537	R164-9	5YR	07/25/2012	2012-16/184
	36538	R164-10	5YR	07/25/2012	2012-16/185
	36541	R164-14	5YR	07/25/2012	2012-16/186
	36542	R164-15	5YR	07/25/2012	2012-16/187
	35558	R164-101	NEW	02/21/2012	2012-2/29
Financial Institutions, Administration	36527	R331-5	5YR	07/20/2012	2012-16/193
Financial Institutions, Banks	36777	R333-5	5YR	09/17/2012	2012-20/121
	36780	R333-10	5YR	09/17/2012	2012-20/123
Money Management Council, Administration	35640	R628-17	5YR	01/09/2012	2012-3/121
securities fraud reporting program					
Commerce, Securities	35558	R164-101	NEW	02/21/2012	2012-2/29
securities licensing requirements					
Commerce, Securities	36460	R164-4	5YR	07/11/2012	2012-15/75
securities regulations					
Commerce, Securities	36459	R164-1	5YR	07/11/2012	2012-15/75
	36460	R164-4	5YR	07/11/2012	2012-15/75
	36461	R164-5	5YR	07/11/2012	2012-15/76
	36462	R164-6	5YR	07/11/2012	2012-15/76
	36537	R164-9	5YR	07/25/2012	2012-16/184
	36538	R164-10	5YR	07/25/2012	2012-16/185
	36539	R164-11	5YR	07/25/2012	2012-16/185
	36540	R164-12	5YR	07/25/2012	2012-16/186
	36541	R164-14	5YR	07/25/2012	2012-16/186
	36542	R164-15	5YR	07/25/2012	2012-16/187
	36463	R164-18	5YR	07/11/2012	2012-15/77
	36464	R164-25	5YR	07/11/2012	2012-15/77
	36543	R164-26	5YR	07/25/2012	2012-16/187
	35558	R164-101	NEW	02/21/2012	2012-2/29
Money Management Council, Administration	35640	R628-17	5YR	01/09/2012	2012-3/121

	36544	R317-6	5YR	07/26/2012	2012-16/192
water quality standards					
Environmental Quality, Water Quality	35359	R317-2	AMD	04/01/2012	2011-21/78
	35359	R317-2	CPR	04/01/2012	2012-4/40
	36907	R317-2	5YR	10/02/2012	2012-21/50
water rights					
Natural Resources, Water Rights	36455	R655-5-4	AMD	10/24/2012	2012-15/36
	36381	R655-6	5YR	06/15/2012	2012-13/113
water rights procedures					
Natural Resources, Water Rights	36380	R655-2	5YR	06/15/2012	2012-13/112
water slides					
Health, Disease Control and Prevention, Environmental Services	35707	R392-302	5YR	01/20/2012	2012-4/93
weapons					
Human Services, Juvenile Justice Services	36043	R547-14	5YR	04/09/2012	2012-9/93
Human Services, Substance Abuse and Mental Health, State Hospital	35593	R525-6	AMD	02/21/2012	2012-2/98
weather modification					
Natural Resources, Water Resources	36964	R653-5	5YR	10/19/2012	2012-22/161
welfare					
Human Services, Recovery Services	36346	R527-3	5YR	06/12/2012	2012-13/108
white collar contests					
Governor, Economic Development, Pete Suazo Utah Athletic Commission	36002	R359-1	5YR	03/30/2012	2012-8/74
	36130	R359-1-506	AMD	06/30/2012	2012-10/29
wildland fire fund					
Natural Resources, Forestry, Fire and State Lands	36854	R652-121	5YR	09/25/2012	2012-20/147
wildlife					
Natural Resources, Wildlife Resources	36149	R657-2	5YR	05/04/2012	2012-11/181
	36494	R657-3	AMD	09/10/2012	2012-15/38
	36746	R657-3	NSC	10/01/2012	Not Printed
	36280	R657-4	5YR	05/29/2012	2012-12/87
	35520	R657-5	AMD	02/07/2012	2012-1/29
	36158	R657-5	AMD	07/09/2012	2012-11/85
	36747	R657-12	5YR	09/10/2012	2012-19/125
	35440	R657-13	AMD	01/10/2012	2011-23/75
	36893	R657-13	5YR	10/01/2012	2012-20/147
	36394	R657-16	AMD	08/21/2012	2012-14/36
	36689	R657-16	NSC	09/14/2012	Not Printed
	36894	R657-16	5YR	10/01/2012	2012-20/148
	35209	R657-17	AMD	01/10/2012	2011-18/63
	35734	R657-20	AMD	04/02/2012	2012-4/25
	36150	R657-22	5YR	05/04/2012	2012-11/182
	36003	R657-27	5YR	04/02/2012	2012-8/89
	36637	R657-28	5YR	08/13/2012	2012-17/109
	35733	R657-33	AMD	04/02/2012	2012-4/32
	35211	R657-38	AMD	01/10/2012	2011-18/65
	36393	R657-41	AMD	08/21/2012	2012-14/37
	35435	R657-42	AMD	01/10/2012	2011-23/76
	35210	R657-43	AMD	01/10/2012	2011-18/71
	35909	R657-43	5YR	03/05/2012	2012-7/70
	36392	R657-44	5YR	06/19/2012	2012-14/72
	36004	R657-50	5YR	04/02/2012	2012-8/89
	36397	R657-57	AMD	08/21/2012	2012-14/40
	35439	R657-58	AMD	01/10/2012	2011-23/79
	35438	R657-59	AMD	01/10/2012	2011-23/80
	36396	R657-59	AMD	08/21/2012	2012-14/45

	35436	R657-62	AMD	01/10/2012	2011-23/85
	36159	R657-62	AMD	07/09/2012	2012-11/86
	36363	R657-64	NEW	08/07/2012	2012-13/72
	36545	R657-64	NSC	08/08/2012	Not Printed
wildlife conservation					
Natural Resources, Wildlife Resources	35211	R657-38	AMD	01/10/2012	2011-18/65
wildlife law					
Natural Resources, Wildlife Resources	36747	R657-12	5YR	09/10/2012	2012-19/125
	35440	R657-13	AMD	01/10/2012	2011-23/75
	36893	R657-13	5YR	10/01/2012	2012-20/147
	36150	R657-22	5YR	05/04/2012	2012-11/182
	36003	R657-27	5YR	04/02/2012	2012-8/89
	35439	R657-58	AMD	01/10/2012	2011-23/79
	36363	R657-64	NEW	08/07/2012	2012-13/72
	36545	R657-64	NSC	08/08/2012	Not Printed
wildlife permits					
Natural Resources, Wildlife Resources	36393	R657-41	AMD	08/21/2012	2012-14/37
withholding tax					
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	35813	R406-200	5YR	02/02/2012	2012-5/105
	35814	R406-201	5YR	02/02/2012	2012-5/105
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