

# UTAH STATE BULLETIN

OFFICIAL NOTICES OF UTAH STATE GOVERNMENT  
Filed March 02, 2013, 12:00 a.m. through March 15, 2013, 11:59 p.m.

Number 2013-7  
April 01, 2013

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

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. 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

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

Utah state bulletin.

Semimonthly.

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

I. Utah. Office of Administrative Rules.

KFU440.A73S7

348.792'025--DDC

85-643197

# TABLE OF CONTENTS

---

<b>EDITOR'S NOTES</b> .....	<b>1</b>
Administrative Services	
Administrative Rules	
Legislation Affecting Administrative Rulemaking.....	1
Delayed Notice and Publication of the Expiration of Rules R426-2 and R426-6.....	1
<b>NOTICES OF PROPOSED RULES</b> .....	<b>3</b>
Administrative Services	
Fleet Operations	
No. 37392 (Amendment): R27-3-5 Personal Use Standards.....	4
Commerce	
Real Estate	
No. 37393 (Amendment): R162-2f Real Estate Licensing and Practices Rules.....	8
No. 37394 (Amendment): R162-2f-403 Trust Accounts.....	16
Education	
Administration	
No. 37413 (Amendment): R277-600 Student Transportation Standards and Procedures.....	20
No. 37414 (Amendment): R277-610 Released-Time Classes.....	24
No. 37415 (Amendment): R277-702 Procedures for the Utah High School Completion Diploma (Effective on July 1, 2009).....	26
Health	
Family Health and Preparedness, Children with Special Health Care Needs	
No. 37381 (Amendment): R398-1 Newborn Screening.....	28
Family Health and Preparedness, Emergency Medical Services	
No. 37411 (New Rule): R426-2 Air Medical Service Rules.....	32
No. 37410 (New Rule): R426-6 Emergency Medical Services Competitive Grants Program Rules.....	36
Judicial Performance Evaluation Commission	
Administration	
No. 37383 (Amendment): R597-1 General Provisions.....	37
No. 37382 (Amendment): R597-3 Judicial Performance Evaluations.....	38
<b>NOTICES OF CHANGES IN PROPOSED RULES</b> .....	<b>43</b>
Environmental Quality	
Air Quality	
No. 36738 (Second): R307-343 Emissions Standards for Wood Furniture Manufacturing Operations.....	44
No. 36735 (Second): R307-353 Plastic Parts Coatings.....	46
Health	
Health Care Financing, Coverage and Reimbursement Policy	
No. 37085: R414-29 Client Review/Education and Restriction Policy.....	49
Human Services	
Services for People with Disabilities	
No. 37163: R539-3 Rights and Protections.....	51
<b>NOTICES 120-DAY (EMERGENCY) RULES</b> .....	<b>55</b>
Health	
Family Health and Preparedness, Emergency Medical Services	
No. 37409: R426-2 Air Medical Service Rules.....	55
No. 37408: R426-6 Emergency Medical Services Competitive Grants Program Rules.....	59
<b>FIVE-YEAR NOTICES OF REVIEW AND STATEMENTS OF CONTINUATION</b> .....	<b>61</b>
Corrections	
Administration	
No. 37389: R251-114 Offender Long-Term Health Care - Notice.....	61

TABLE OF CONTENTS

Education	
Administration	
No. 37399: R277-518 Career and Technical Education Licenses.....	61
No. 37400: R277-600 Student Transportation Standards and Procedures.....	62
No. 37401: R277-605 Coaching Standards and Athletic Clinics.....	62
No. 37402: R277-610 Released-Time Classes.....	63
No. 37403: R277-700 The Elementary and Secondary School Core Curriculum.....	63
No. 37404: R277-702 Procedures for the Utah High School Completion Diploma (Effective on July 1, 2009).....	64
No. 37405: R277-709 Education Programs Serving Youth in Custody.....	64
No. 37406: R277-719 Standards for Selling Foods Outside of the Reimbursable Meal in Schools.....	65
Health	
Health Care Financing, Coverage and Reimbursement Policy	
No. 37391: R414-6 Reduction in Certain Targeted Case Management Services.....	65
Insurance	
Administration	
No. 37412: R590-94 Rule Permitting Smoker/Nonsmoker Mortality Tables For Use In Determining Minimum Reserve Liabilities and Nonforfeiture Benefits.....	66
Natural Resources	
Water Rights	
No. 37388: R655-5 Maps Submitted to the Division of Water Rights.....	66
Wildlife Resources	
No. 37384: R657-3 Collection, Importation, Transportation, and Possession of Animals.....	67
Public Safety	
Fire Marshal	
No. 37390: R710-12 Hazardous Materials Training and Certification.....	67
Public Service Commission	
Administration	
No. 37385: R746-330 Rules for Water and Sewer Utilities Operating in Utah.....	68
No. 37386: R746-347 Extended Area Service (EAS).....	68
Regents (Board Of)	
University of Utah, Administration	
No. 37407: R805-1 Operating Regulations for Bicycles, Skateboards and Scooters.....	69
<b>NOTICES OF FIVE YEAR EXPIRATIONS.....</b>	<b>71</b>
Health	
Family Health and Preparedness, Emergency Medical Services	
No. 37397: R426-2 Air Medical Service Rules.....	71
No. 37398: R426-6 Emergency Medical Services Competitive Grants Program Rules.....	71
Regents (Board Of)	
University of Utah, Commuter Services	
No. 37387: R810-12 Bicycles, Skateboards and Other Toy Vehicles.....	71
<b>NOTICES OF RULE EFFECTIVE DATES.....</b>	<b>73</b>
<b>RULES INDEX</b>	
<b>BY AGENCY (CODE NUMBER)</b>	
<b>AND</b>	
<b>BY KEYWORD (SUBJECT).....</b>	<b>75</b>

# EDITOR'S NOTES

---

## Legislation Affecting Administrative Rulemaking

During the 2013 General Session, the Legislature passed the following bills that affect rulemaking.

H.B. 256, Reauthorization of Administrative Rules (Rep. C. Oda)

H.B. 256, entitled "Reauthorization of Administrative Rules", passed and now awaits the Governor's action. H.B. 256 is the legislation required annually by Subsection 63G-3-502(3). The bill reauthorizes all administrative rules except Subsection R592-2-7(2) from the Title and Escrow Commission which addresses Title Insurance Administrative Hearings and Penalty Imposition, Imposition of Penalties. This subsection will be removed from the Utah Administrative Code effective May 1, 2013. A separate notice of the Legislative Nonreauthorization will be published in the May 15, 2013, issue of the Utah State Bulletin. Under the terms of Section 2 of the bill, it takes effect on May 1, 2013.

The law governing reauthorization of administrative rules is found at Section 63G-3-502. Questions about the reauthorization process may be directed to Ken Hansen, 801-538-3777. Additional information about H.B. 256 is available on the Legislature's web site at <http://le.utah.gov/~2013/bills/static/hb0256.html>.

S.B. 107, Public Shooting Ranges (Sen. A. Christensen)

2nd Substitute S.B. 107 as amended, Public Shooting Ranges, passed and now awaits the Governor's action. Beginning at line 135, the bill requires the "State Armory Board, any state agency, or institution of higher education that operates or has control of a shooting range" to make rules pursuant to the Utah Administrative Rulemaking Act. The bill specifies minimum content of the rules. The bill, beginning at line 163, excludes specified ranges (ranges operated by the Division of Wildlife Resources, the Utah National Guard ranges located at Camp Williams and the Salt Lake International Airport; and ranges owned, operated, or currently leased by a state public safety agency) from the Part, including the rulemaking requirement. Under the terms of Section 10 of the bill, it takes effect upon approval by the governor.

Additional information about S.B. 107 is available on the Legislature's web site at <http://le.utah.gov/~2013/bills/static/sb0107.html>.

Questions about this legislation may be directed to Ken Hansen (801-538-3777).

---

## Delayed Notice and Publication of the Expiration of Rules R426-2 and R426-6

Rule R426-2, entitled "Air Medical Service Rules," expired effective 02/24/2013. Rule R426-6, entitled "Emergency Medical Services Competitive Grants Program Rules," expired 03/01/2013. The rules expired because the required five-year review was not filed by the due date (see Subsection 63G-3-305(8)).

The Division of Administrative Rules should have published Notices of the Expirations in the March 15, 2013, issue of the Utah State Bulletin. Due to a clerical oversight, the Division did not record the expiration until 03/12/2013. Thus, notice is published in this issue.

*Questions regarding the expiration of Rules R426-2 and R426-6 should be addressed to Nancy Lancaster at 801-538-3218 or by email at [nllancaster@utah.gov](mailto:nllancaster@utah.gov). The Division of Administrative Rules regrets any inconvenience caused by this error.*



## 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 March 02, 2013, 12:00 a.m., and March 15, 2013, 11:59 p.m. are included in this, the April 01, 2013 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 May 1, 2013. 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 July 30, 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 OF 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**

**Administrative Services, Fleet  
Operations  
R27-3-5  
Personal Use Standards**

**NOTICE OF PROPOSED RULE**

(Amendment)  
DAR FILE NO.: 37392  
FILED: 03/08/2013

**RULE ANALYSIS**

**PURPOSE OF THE RULE OR REASON FOR THE CHANGE:** In a meeting of the Motor Vehicle Review Committee, dated 12/11/2012, the committee voted to remove language from Section R27-3-5 that implied the Division of Fleet Operations had authority to approve the personal use of state vehicles.

**SUMMARY OF THE RULE OR CHANGE:** This action removes language in Subsections R27-3-5(1)(a), (b), and (c) that discusses circumstances where personal use of state vehicles is approved.

**STATUTORY OR CONSTITUTIONAL AUTHORIZATION FOR THIS RULE:** Subsection 63A-9-401(1)(d)

**ANTICIPATED COST OR SAVINGS TO:**

- ◆ **THE STATE BUDGET:** None--The rule change only addresses the division's authority, not any cost-related activities.
- ◆ **LOCAL GOVERNMENTS:** None--The rule change only addresses the division's authority, not any cost-related activities.
- ◆ **SMALL BUSINESSES:** None--The rule change only addresses the division's authority, not any cost-related activities.
- ◆ **PERSONS OTHER THAN SMALL BUSINESSES, BUSINESSES, OR LOCAL GOVERNMENTAL ENTITIES:** None--The rule change only addresses the division's authority, not any cost-related activities.

**COMPLIANCE COSTS FOR AFFECTED PERSONS:** None--The rule change only addresses the division's authority, there are no associated compliance-related activities.

**COMMENTS BY THE DEPARTMENT HEAD ON THE FISCAL IMPACT THE RULE MAY HAVE ON BUSINESSES:** There is no fiscal impact on businesses.

THE FULL TEXT OF THIS RULE MAY BE INSPECTED, DURING REGULAR BUSINESS HOURS, AT:  
ADMINISTRATIVE SERVICES  
FLEET OPERATIONS  
ROOM 4120 STATE OFFICE BLDG  
450 N STATE ST

SALT LAKE CITY, UT 84114-1201  
or at the Division of Administrative Rules.

**DIRECT QUESTIONS REGARDING THIS RULE TO:**

◆ Gary Robertson by phone at 801-538-3792, by FAX at 801-359-0759, or by Internet E-mail at garyrobertson@utah.gov

INTERESTED PERSONS MAY PRESENT THEIR VIEWS ON THIS RULE BY SUBMITTING WRITTEN COMMENTS NO LATER THAN AT 5:00 PM ON 05/01/2013

THIS RULE MAY BECOME EFFECTIVE ON: 05/08/2013

AUTHORIZED BY: Sam Lee, Director

**R27. Administrative Services, Fleet Operations.**

**R27-3. Vehicle Use Standards.**

**R27-3-1. Authority and Purpose.**

(1) This rule is established pursuant to Section 63A-9-401(1)(d), which authorizes the Division of Fleet Operations (DFO) to establish the requirements for the use of state vehicles, including business and personal use practices, and commute standards.

(2) This rule defines the vehicle use standards for state employees while operating a state vehicle.

**R27-3-2. Agency Contact.**

(1) Each agency, as defined in Subsection 63A-9-101, shall appoint and designate, in writing, a main contact person from within the agency to act as a liaison between the Division of Fleet Operations and the agency.

**R27-3-3. Agency Authorization of Drivers.**

(1) Agencies authorized to enter information into DFO's fleet information system shall, for each employee, as defined in section 63G-7-102(2), Utah Governmental Immunity Act, to whom the agency has granted the authority to operate a state vehicle, directly enter into DFO's fleet information system, the following information:

- (a) Driver's name;
- (b) Driver license number;
- (c) State that issued the driver license;
- (d) Each Risk Management-approved driver training program(s) taken;
- (e) Date each driver safety program(s) was completed;
- (f) The type vehicle that each safety program is geared towards.

(2) Agencies without authorization to enter information into DFO's fleet information system shall provide the information required in paragraph 1 to DFO for entry into DFO's fleet information system.

(3) For the purposes of this rule, any employee, as defined in section 63G-7-102(2), whose fleet information system record does not have all the information required in paragraph 1 shall be deemed not to have the authority to drive state vehicles and shall not be allowed to drive either a monthly or a daily lease vehicle.

(4) To operate a state vehicle, employees, as defined in section 63G-7-102(2), whose names have been entered into DFO's fleet information system as authorized drivers shall have:



(a) a valid driver license for the type and class of vehicle being operated;

(b) completed the driver safety course required by DFO and the Division of Risk Management for the type or class of vehicle being operated; and

(c) met the age restrictions imposed by DFO and the Division of Risk Management for the type or class of vehicle being operated.

(5) Agencies shall develop and establish procedures to ensure that any individual listed as an authorized driver is not allowed to operate a state vehicle when the individual:

(a) does not have a valid driver license for the type or class of vehicle being operated; or

(b) has not completed all training and/or safety programs required by either DFO or the Division of Risk Management for the type or class of vehicle being operated; or

(c) does not meet the age restrictions imposed by either DFO or the Division of Risk Management for the type or class of vehicle being operated.

(6) A driver license verification check shall be conducted on a regular basis in order to verify the status of the driver license of each employee, as defined in section 63G-7-102(2), whose name appears in the DFO fleet information system as an authorized driver.

(7) In the event that an authorized driver is found not to have a valid driver license, the agency shall be notified, in writing, of the results of the driver license verification check.

(8) Any individual who has been found not to have a valid driver license shall have his or her authority to operate a state vehicle immediately withdrawn.

(9) Any employee, as defined in section 63G-7-102(2), who has been found not to have a valid driver license shall not have the authority to operate a state vehicle reinstated until such time as the individual provides proof that his or her driver license is once again valid.

(10) Authorized drivers shall operate a state vehicle in accordance with the restrictions or limitations imposed upon their respective driver license.

(11) Agencies shall comply with the requirements set forth in Risk Management General Rules, R37-1-8 (3) to R37-1-8 (9).

#### **R27-3-4. Authorized and Unauthorized Use of State Vehicles.**

(1) State vehicles shall only be used for official state business.

(2) Except in cases where it is customary to travel out of state in order to perform an employee's regular employment duties and responsibilities, the use of a state vehicle outside the State of Utah shall require the approval of the director of the department that employs the individual.

(3) The use of a state vehicle for travel outside the continental U.S. shall require the approval of the director of the employing department, the director of DFO, and the director of the Division of Risk Management. All approvals must be obtained at least 30 days from the departure date. The employing agency shall, prior to the departure date, provide DFO and the Division of Risk Management with proof that proper automotive insurance has been obtained. The employing agency shall be responsible for any damage to vehicles operated outside the United States regardless of fault.

(4) Unless otherwise authorized, the following are examples of the unauthorized use of a state vehicle:

(a) Transporting family, friends, pets, associates or other persons who are not state employees or are not serving the interests of the state.

(b) Transporting hitchhikers.

(c) Transporting acids, explosives, hazardous materials, flammable materials, and weapons and ammunition (except as authorized by federal and/or state laws). Otherwise, the transport of the above-referenced items or materials is deemed authorized when it is specifically related to employment duties.

(d) Extending the length of time that the state vehicle is in the operator's possession beyond the time needed to complete the official purposes of the trip.

(e) Operating or being in actual physical control of a state vehicle in violation of Subsection 41-6a-502, (Driving under the influence of alcohol, drugs or with specified or unsafe blood alcohol concentration), Subsection 53-3-231, (Person under 21 may not operate a vehicle with detectable alcohol in body), or an ordinance that complies with the requirements of Subsection 41-6a-510, (Local DUI and related ordinances and reckless driving ordinances).

(f) Operating a state vehicle for personal use as defined in R27-1-2(36). Generally, except for approved personal uses set forth in R27-3-5 and when necessary for the performance of employment duties, the use of a state vehicle for activities such as shopping, participating in sporting events, hunting, fishing, or any activity that is not included in the employee's job description, is not authorized.

(g) Using a state vehicle for personal convenience, such as when a personal vehicle is not operational.

(h) Pursuant to the provisions of R27-7-1 et seq., the unauthorized use of a state vehicle may result in the suspension or revocation of state driving privileges.

#### **R27-3-5. Personal Use Standards.**

(1) Personal use of state vehicles is not allowed without the direct authorization of the Legislature. ~~—The following are circumstances where personal use of state vehicles are approved:~~

~~—(a) Elected and appointed officials that receive a state vehicle as a part of their respective compensation package, and have been granted personal use privileges by state statute.~~

~~—(b) Sworn law enforcement officers, as defined in Utah Code 53-13-103, whose agencies have received funding from the legislature for personal use of state vehicles.~~

~~—(c) In an emergency, a state vehicle may be used as necessary to safeguard the life, health or safety of the driver or passenger.]~~

(2) An employee or representative of the state spending at least one night on approved travel to conduct state business, may use a state vehicle in the general vicinity of the overnight lodging for the following approved activities:

(a) Travel to restaurants and stores for meals, breaks and personal needs;

(b) Travel to grooming, medical, fitness or laundry facilities; and

(c) Travel to and from recreational activities, such as to theaters, parks, or to the home of friends or relatives, provided said employee or representative has received approval for such travel from his or her supervisor.

(d) Pursuant to the provisions of R27-7-1 et seq., the unauthorized personal use of a state vehicle may result in the suspension or revocation of state driving privileges.

**R27-3-6. Application for Commute or Take Home Use.**

(1) Each petitioning agency shall, for each driver being granted commute or take home privileges, annually submit an online take home spreadsheet from the DFO take home website. Take home authority is granted when the Agency Executive Director submits the spreadsheet form to DFO designating his/her approval.

(2) DFO shall enter the approved commute or take home request into the fleet information system and provide an identification number to both the driver and the agency.

(3) All approvals for commute or take home privileges shall expire at the end of the calendar year on which they were issued and DFO shall notify the agency of said expiration. Agencies shall be responsible for submitting any request for annual renewal of commute or take home use privileges.

(4) Commute use is, unless specifically exempted under R27-3-8, *infra*, considered a taxable fringe benefit as outlined in IRS publication 15-B. All approved commute use drivers will be assessed the IRS imputed daily fringe benefit rate while using a state vehicle for commute use.

(5) For each individual with commute use privileges, the employing agency shall, pursuant to Division of Finance Policy FIACCT 10-01.00, prepare an Employee Reimbursement/Earnings Request Form and enter the amount of the commute fringe benefit into the payroll system on a monthly basis.

**R27-3-7. Criteria for Commute or Take Home Privilege Approval.**

(1) Commute or Take Home use may be approved when one or more of the following conditions exist:

(a) 24-hour "On-Call." Where the agency clearly demonstrates that the nature of a potential emergency is such that an increase in response time, if a commute or take home privilege is not authorized, could endanger a human life or cause significant property damage. Each driver is required to keep a complete list of all call-outs for renewal of the take home privilege the following year. Agencies may use DFO's online forms to track take home mileage.

(b) Virtual office. Where an agency clearly demonstrates that an employee is required to work at home or out of a vehicle, a minimum of 80 percent of the time and the assigned vehicle is required to perform critical duties in a manner that is clearly in the best interest of the state.

(c) When the agency clearly demonstrates that it is more practical for the employee to go directly to an alternate work-site rather than report to a specific office to pick-up a state vehicle.

(d) When a vehicle is provided to appointed or elected government officials who are specifically allowed by law to have an assigned vehicle as part of their compensation package.

(2) The trip log must be created for the first and last trip of the day for all take-home vehicles.

**R27-3-8. Exemptions from IRS Imputed Daily Fringe Benefits.**

(1) In accordance with IRS publication 15-b, employees with an individual permanently assigned vehicle are exempt from the imputed daily fringe benefit for commute use when the permanently assigned vehicles are either:

(a) Clearly marked police and fire vehicles;

(b) Unmarked vehicles used by law enforcement officers if the use is specifically authorized;

(c) An ambulance or hearse used for its specific purpose;

(d) Any vehicle designed to carry cargo with a loaded gross vehicle weight over 14,000 lbs;

(e) Delivery trucks with seating for the driver only, or the driver plus a folding jump seat;

(f) A passenger bus with the capacity of at least 20 passengers used for its specific purpose;

(g) School buses;

(h) Tractors and other special purpose farm vehicles;

(i) A pick up truck with a loaded gross vehicle weight of 14,000 lbs or less, if it has been modified so it is not likely to be used more than minimally for personal purposes.

Example: According to the IRS, a pick up truck qualifies for the exemption if it is clearly marked with permanently affixed decals, special painting, or other advertising associated with your trade, business or function and meets either of the following requirements:

(i) It is equipped with at least one of the following items:

(a) A hydraulic lift gate;

(b) Permanent tanks or drums;

(c) Permanent sideboards or panels that materially raise the level of the sides of the truck bed;

(d) Other heavy equipment (such as an electronic generator, welder, boom or crane used to tow automobiles or other vehicles).

(ii) It is used primarily to transfer a particular type of load (other than over public highways) in a construction, manufacturing processing, farming, mining, drilling, timbering or other similar operation for which it is specifically modified.

(j) A van with a loaded gross vehicle weight of 14,000 lbs or less, if it has been specifically modified so it is not likely to be used more than minimally for personal purposes.

Example: According to the IRS, a van qualifies for the exemption if it is clearly marked with permanently affixed decals, special painting or other advertising associated with your trade, business and has a seat for the driver only (or the driver and one other person) and either of the following items:

(i) permanent shelving that fills most of the cargo area; or

(ii) An open cargo area and the van always carries merchandise, material or equipment used in your trade, business or function.

(2) Questions relating to the imputed daily taxable fringe benefit for the use of a state vehicle and exemptions thereto should be directed to DFO.

**R27-3-9. Enforcement of Commute Use Standards.**

(1) Agencies with drivers who have been granted commute or take home privileges shall establish internal policies to enforce the commute use, take home use and personal use standards established in this rule. Agencies shall not adopt policies that are less stringent than the standards established in these rules.

(2) Commute or take home use that is unauthorized shall result in the suspension or revocation of the commute use privilege by the agency. Additional instances of unauthorized commute or take home use may result in the suspension or revocation of the state driving privilege by the agency.

**R27-3-10. Use Requirements for Monthly Lease Vehicles.**

(1) Agencies that have requested, and received monthly lease options on state vehicles shall:

(a) Ensure that only authorized drivers whose names and all other information required by R27-3-3(1) have been entered into

DFO's fleet information system, completed all the training and/or safety programs, and met the age restrictions for the type of vehicle being operated, shall operate monthly lease vehicles.

(b) Report the correct odometer reading when refueling the vehicle. In the event that an incorrect odometer reading is reported, agencies shall be assessed a fee whenever the agency fails to correct the mileage within three (3) business days of the agency's receipt of the notification that the incorrect mileage was reported. When circumstances indicate that there was a blatant disregard of the vehicle's actual odometer reading at the time of refueling, a fee shall be assessed to the agency even though the agency corrected the error within three (3) days of the notification.

(c) Return the vehicle in good repair and in clean condition at the completion of the replacement cycle period or when the vehicle has met the applicable mileage criterion for replacement, reassignment or reallocation.

(i) Agencies shall be assessed a detailing fee for vehicles returned that are in need of extensive cleaning.

(ii) Agencies shall pay the insurance deductible associated with repairs made to a vehicle that is damaged when returned.

(d) Return the vehicle unaltered and in conformance with the manufacturer's specifications.

(e) Pay the applicable insurance deductible in the event that monthly lease vehicle in its possession or control is involved in an accident.

(f) Not place advertising or bumper stickers on state vehicles without prior approval of DFO.

(2) The provisions of Rule R27-4 shall govern agencies when requesting a monthly lease.

(3) Under no circumstances shall the total number of occupants in a monthly lease full-size passenger van exceed ten (10) individuals, the maximum number recommended by the Division of Risk Management.

#### **R27-3-11. Use Requirements for Daily Motor Pool Vehicles.**

(1) DFO offers state vehicles for use on a daily basis at an approved daily rental rate. Drivers of a state vehicle offered through the daily pool shall:

(a) Be an authorized driver whose name and all other information required by R27-3-3(1) have been entered into DFO's fleet information system, completed all the training and/or safety programs, and met the age restrictions for the type of vehicle being operated. In the event that any of the information required by R27-3-3(1) has not been entered in DFO's fleet information system, the rental vehicle will not be released.

(b) Read the handouts, provided by DFO, containing information regarding the safe and proper operation of the vehicle being leased.

(c) Verify the condition of, and acknowledge responsibility for the care of, the vehicle prior to rental by filling out the daily motor pool rental form provided by daily rental personnel.

(d) Report the correct odometer reading when refueling the vehicle at authorized refueling sites, and when the vehicle is returned. In the event that incorrect odometer reading is reported, agencies shall be assessed a fee whenever the agency fails to correct the mileage within three (3) business days of the agency's receipt of the notification that the incorrect mileage was reported. When circumstances indicate that there was a blatant disregard of the vehicle's actual odometer

reading at the time of refueling, a fee shall be assessed to the agency even though the agency corrected the error within three (3) days of the notification.

(e) Return vehicles with a full tank of fuel. Agencies shall be assessed a fee for vehicles that are returned with less than a full tank of fuel.

(f) Return rental vehicles in good repair and in clean condition.

(i) Agencies shall be assessed a detailing fee for vehicles returned that are in need of extensive cleaning.

(ii) Agencies shall pay the insurance deductible associated with repairs made to a vehicle that is damaged when returned.

(g) Call to extend the reservation in the event that they need to keep rental vehicles longer than scheduled. Agencies shall be assessed a late fee, in addition to applicable daily rental fees, for vehicles that are not returned on time.

(h) Use their best efforts to return rented vehicles during regular office hours. Agencies may be assessed a late fee equal to one day's rental for vehicles that are not returned on time.

(i) Call the daily pool location, at least one hour before the scheduled pick-up time, to cancel the reservation. Agencies shall be assessed a fee for any unused reservation that has not been canceled.

(j) Not place advertising or bumper stickers on state vehicles without prior approval from DFO.

(2) The vehicle shall be inspected upon its return. The agency shall either be held responsible for any damages not acknowledged prior to rental, or any applicable insurance deductibles associated with any repairs to the vehicle.

(3) Agencies are responsible for paying all applicable insurance deductibles whenever a vehicle operated by an authorized driver is involved in an accident.

(4) The DFO shall hold items left in daily rental vehicles for ten days. Items not retrieved within the ten-day period shall be turned over to the Surplus Property Office for sale or disposal.

#### **R27-3-12. Daily Motor Pool Sedans, Four Wheel Drive Sport Utility Vehicle (4x4 SUV), Cargo Van, Multi-Passenger Van and Alternative Fuel Vehicle Lease Criteria.**

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

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

(a) Requests for a four wheel drive sport utility vehicle (4x4 SUV) may be granted with written approval from an employee's supervisor.

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

(c) Requests for full-size passenger vans may be granted in the event that the driver is going to be transporting more than six authorized passengers. Under no circumstances shall the total number of occupants exceed the maximum number of passengers recommended by the Division of Risk Management.

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

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

**R27-3-13. Alcohol and Drugs.**

(1) No authorized driver shall operate or be in actual physical control of a State vehicle in violation of subsection 41-6a-502, any ordinance that complies with the requirements of subsection 41-6a-510, or subsection 53-3-231.

(2) Any individual on the list of authorized drivers who is convicted of Driving Under the Influence of alcohol or drugs(DUI), Reckless Driving or any felony in which a motor vehicle is used, either on-duty or off-duty, may have his or her state driving privileges withdrawn, suspended or revoked.

(3) No operator of a state vehicle shall transport alcohol or illegal drugs of any type in a State vehicle unless they are:

(a) Sworn peace officers, as defined in Section 53-13-102, in the process of investigating criminal activities;

(b) Employees of the Alcohol Beverage Control Commission conducting business within the guidelines of their daily operations; or

(c) investigators for the Department of Commerce in the process of enforcing the provisions of section 58-37, Utah Controlled Substances Act.

(4) Except as provided in paragraph 3, above, any individual who uses a state vehicle for the transportation of alcohol or drugs may have his or her state driving privileges withdrawn, suspended or revoked.

**R27-3-14. Violations of Motor Vehicle Laws.**

(1) Authorized drivers shall obey all motor vehicle laws while operating a state vehicle.

(2) Any authorized driver who, while operating a state vehicle, receives a citation for violating a motor vehicle law shall immediately report the receipt of the citation to their respective supervisor. Failure to report the receipt of a citation may result in the withdrawal, suspension or revocation of State driving privileges.

(3) Any driver who receives a citation for violating a motor vehicle law while operating a state vehicle shall attend an additional Risk Management-approved mandatory defensive driver training program. The failure to attend the additional mandatory defensive driver training program shall result in the loss of state driving privileges.

(4) Any driver who receives a citation for a violation of motor vehicle laws, shall be personally responsible for paying fines associated with any and all citations. The failure to pay fines associated with citations for the violation of motor vehicle laws may result in the loss of state driving privileges.

**R27-3-15. Seat Restraint Use.**

(1) All operators and passengers in State vehicles shall wear seat belt restraints while in a moving vehicle.

(2) All children being transported in State vehicles shall be placed in proper safety restraints for their age and size as stated in Subsection 41-6a-1803.

**R27-3-16. Driver Training.**

(1) Any individual shall, prior to the use of a state vehicle, complete all training required by DFO or the Division of Risk Management, including, but not limited to, the defensive driver training program offered through the Division of Risk Management.

(2) Each agency shall coordinate with the Division of Risk Management, specialty training for vehicles known to possess unique safety concerns.

(3) Each agency shall require that all employees who operate a state vehicle, or their own vehicles, on state business as an essential function of the job, or all other employees who operate vehicles as part of the performance of state business, comply with the requirements of Division of Risk Management rule R37-1-8(5).

(4) Agencies shall maintain a list of all employees who have completed the training courses required by DFO, Division of Risk Management and their respective agency.

(5) Employees operating state vehicles must have the correct license required for the vehicle they are operating and any special endorsements required in order to operate specialty vehicles.

**R27-3-17. Smoking in State Vehicles.**

(1) All state vehicles are designated as "nonsmoking". Agencies shall be assessed fees for any damage incurred as a result of smoking in vehicles.

**KEY: state vehicle use**

**Date of Enactment or Last Substantive Amendment: [March 7,] 2013**

**Notice of Continuation: November 29, 2010**

**Authorizing, and Implemented or Interpreted Law: 63A-9-401(1) (d)**

**Commerce, Real Estate  
R162-2f  
Real Estate Licensing and Practices  
Rules**

**NOTICE OF PROPOSED RULE  
(Amendment)**

DAR FILE NO.: 37393  
FILED: 03/08/2013

**RULE ANALYSIS**

**PURPOSE OF THE RULE OR REASON FOR THE CHANGE:** The purpose of this amendment is: to lift a current prohibition, in certain circumstances, against a property management company engaging in the listing and sale of real estate; to clarify existing language regarding unprofessional conduct, property management, and trust account requirements; and to organize all record-keeping requirements into a single section.

**SUMMARY OF THE RULE OR CHANGE:** The new Subsection R162-2f-202b(5) provides that a property management company that is not registered under a dual broker license is no longer prohibited from engaging in the business of real estate. The subsection also creates a process by which the Division will convert existing property management registrations and licenses to real estate registrations and licenses. In Section R162-2f-401a, existing language is amended to clarify: 1) that a licensee is required to obtain an agency agreement as to all sellers or buyers the licensee represents; and 2) that parties under a contract for new construction may use forms that are not approved by the state as long as they comply with Subsections 61-2f-306(2) (b) and (c). In Section R162-2f-401b, existing language is amended to clarify: 1) that a nominal payment to an employee or client in a property management transaction does not constitute unprofessional conduct; and 2) that a licensee may not charge inflated or unearned fees in a real estate transaction. In Section R162-2f-401c, record-keeping requirements are moved into a new subsection. Language is modified to clarify how the existing requirements apply differently in real estate and property management transactions. In Section R162-2f-401j, existing language is amended to clarify a principal broker's supervisory duties in property management transactions, particularly as to unlicensed employees. Section R162-2f-401k is a new section in which all existing requirements regarding record retention and management are combined for easy reference.

**STATUTORY OR CONSTITUTIONAL AUTHORIZATION FOR THIS RULE:** Section 61-2f-306 and Subsection 61-2f-103(1) and Subsection 61-2f-206(4)(a)

**ANTICIPATED COST OR SAVINGS TO:**

◆ **THE STATE BUDGET:** These rule amendments are primarily for clarification and, therefore, will not impact the state budget. The Division will have to devote some staff time in order to convert approximately 23 property management registrations and licenses to real estate registrations and licenses. It is anticipated that the Division's current budget is adequate to address this need.

◆ **LOCAL GOVERNMENTS:** Local government is not required to comply with or enforce these rules. Therefore, no fiscal impact to local government is anticipated from these amendments.

◆ **SMALL BUSINESSES:** Certain small businesses that have historically restricted their activity to property management may expand operations to include real estate transactions. It is possible that they will realize increased revenue from doing so.

◆ **PERSONS OTHER THAN SMALL BUSINESSES, BUSINESSES, OR LOCAL GOVERNMENTAL ENTITIES:** Affected persons will be required to understand and comply with the amended language regarding unprofessional conduct and record keeping. It is not anticipated that complying will require affected persons to make expenditures or incur costs beyond the current and ordinary costs of compliance.

**COMPLIANCE COSTS FOR AFFECTED PERSONS:** Affected persons will be required to understand and comply with the amended language regarding unprofessional conduct and record keeping. It is not anticipated that complying will require affected persons to make expenditures or incur costs beyond the current and ordinary costs of compliance.

**COMMENTS BY THE DEPARTMENT HEAD ON THE FISCAL IMPACT THE RULE MAY HAVE ON BUSINESSES:** As stated in the rule analysis, these proposed amendments are primarily for clarification. Certain property management companies will have the option of expanding their business models to include real estate transactions. Otherwise, no fiscal impact to businesses is anticipated.

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

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

**DIRECT QUESTIONS REGARDING THIS RULE TO:**

◆ Ben Jensen by phone at 801-530-6603, by FAX at 801-526-4387, or by Internet E-mail at [bjensen@utah.gov](mailto:bjensen@utah.gov)

**INTERESTED PERSONS MAY PRESENT THEIR VIEWS ON THIS RULE BY SUBMITTING WRITTEN COMMENTS NO LATER THAN AT 5:00 PM ON 05/01/2013**

**THIS RULE MAY BECOME EFFECTIVE ON: 05/08/2013**

**AUTHORIZED BY: Jonathan Stewart, Director**

**R162. Commerce, Real Estate.**

**R162-2f. Real Estate Licensing and Practices Rules.**

**R162-2f-202b. Principal Broker Licensing Fees and Procedures.**

(1) To obtain a Utah license to practice as a principal broker, an individual shall:

(a) evidence honesty, integrity, truthfulness, and reputation pursuant to Subsection R162-2f-201(1);

(b) evidence competency to transact the business of real estate pursuant to Subsection R162-2f-201(2);

(c)(i) successfully complete 120 hours of approved prelicensing education, including:

(A) 45 hours of broker principles;

(B) 45 hours of broker practices; and

(C) 30 hours of Utah law and testing; or

(ii) apply to the division for waiver of all or part of the education requirement by virtue of:

(A) completing equivalent education as part of a college undergraduate or postgraduate degree program, regardless of the date of the degree; or

(B) completing other equivalent real estate education within the 12-month period prior to the date of application;

(d)(i) apply with a testing service designated by the division to sit for the licensing examination; and

(ii) pay a nonrefundable examination fee to the testing center;

(e) pursuant to this Subsection (3)(a), take and pass both the state and national components of the licensing examination;

(f)(i) unless Subsection (2)(a) applies, evidence the individual's having, within the five-year period preceding the date of application, a minimum of three years experience related to real estate, including the following:

(A) at least two years full-time licensed, active experience selling, listing, or managing the property types identified in Appendix 1; and

(B) up to one year full-time professional experience related to real estate, as outlined in Appendix 3; and

(ii) evidence having accumulated, within the five-year period preceding the date of application, a total of at least 60 experience points as follows:

(A) 45 to 60 points pursuant to the experience points tables found in Appendices 1 and 2; and

(B) 0 to 15 points pursuant to the experience point table found in Appendix 3;

(g) pursuant to this Subsection (3)(b), submit to the division an application for licensure including:

(i) documentation indicating successful completion of the approved broker prelicensing education;

(ii) a report of the examination showing a passing score for each component of the examination; and

(iii) the applicant's business, home, and e-mail addresses;

(h) provide from any state where licensed as a real estate agent or broker:

(i) a written record of the applicant's license history; and

(ii) complete documentation of any disciplinary action taken against the applicant's license;

(i) if applying for an active license, affiliate with a registered company;

(j) pay the nonrefundable fees required for licensure, including the nonrefundable fee required under Section 61-2f-505 for the Real Estate Education, Research, and Recovery Fund; and

(k) establish real estate and property management trust accounts, as applicable pursuant to Section R162-2f-403, that:

(i) contain the term "real estate trust account" or "property management trust account", as applicable, in the account name; and

(ii) are separate from any operating account(s) of the registered entity for which the individual will serve as a broker; and

(l) identify the location(s) where brokerage records will be kept.

(2)(a) If an individual applies under this Subsection R162-2f-202b within two years of allowing a principal broker license to expire, the experience required under Subsection (1)(f) shall be accumulated within the seven-year period preceding the date of application.

(b) Pursuant to Section R162-2f-407, an individual whose application is denied by the division for failure to meet experience requirements under this Subsection (1)(f) may bring the application before the commission.

(3) Deadlines.

(a) If an individual passes one test component but fails the other, the individual shall retake and pass the failed component:

(i) within six months of the date on which the individual achieves a passing score on the passed component; and

(ii) within 12 months of the date on which the individual completes the prelicensing education.

(b) An application for licensure shall be submitted:

(i) within 90 days of the date on which the individual achieves passing scores on both examination components; and

(ii) within 12 months of the date on which the individual completes the prelicensing education.

(c) If any deadline in this Section R162-2f-202b falls on a day when the division is closed for business, the deadline shall be extended to the next business day.

(4) Restriction. A principal broker license may not be granted to an applicant whose sales agent license is on suspension or probation at the time of application.

(5) Dual broker licenses.

(a)(i) A person who holds or obtains a dual broker license under this Subsection may function as the principal broker of a property management company that is a separate entity from the person's real estate brokerage.

(ii) A dual broker may not conduct real estate sales activities from the separate property management company.

(iii) A principal broker may conduct property management activities from the person's real estate brokerage:

(A) without holding a dual broker license; and

(B) in accordance with Subsections R162-2f-401j and R162-2f-403a-403c;

(b) A dual broker who wishes to consolidate real estate and property management operations into a single brokerage may:

(i) at the broker's request, convert the dual broker license to a principal broker license; and

(ii)(A) convert the property management company to a branch office of the real estate brokerage, including the assignment of a branch broker and using the same name as the real estate brokerage; or

(B) close the separate property management company.

(c) As of May 8, 2013:

(i) the Division shall:

(A) cease issuing property management principal broker (PMPB) licenses;

(B) cease issuing property management company (MN) registrations except as to a second company registered under a dual broker license;

(C) convert any property management principal broker (PMPB) license to a real estate principal broker (PB) license; and

(D) as to any property management company (MN) registration that is not a second company under a dual broker license, convert the registration to a real estate brokerage (CN) registration; and

(ii) it shall be permissible to conduct real estate sales activities under any company registration that is converted pursuant to this Subsection (5)(c)(i)(C).

#### **R162-2f-205. Registration of Entity.**

(1) A principal broker [shall] may not conduct business through an entity, including a branch office, dba, or separate property

management company, without first registering the entity with the division.

(2) Exemptions. The following locations may be used to conduct real estate business without being registered as branch offices:

- (a) a model home;
- (b) a project sales office; and
- (c) a facility established for twelve months or less as a temporary site for marketing activity, such as an exhibit booth.

(3) To register an entity with the division, a principal broker shall:

(a) evidence that the name of the entity is registered with the Division of Corporations;

(b) certify that the entity is affiliated with a principal broker who:

(i) is authorized to use the entity name; and  
 (ii) will actively supervise the activities of all sales agents, associate brokers, branch brokers, and unlicensed staff;

(c) if registering a branch office, identify the branch broker who will actively supervise all licensees and unlicensed staff working from the branch office;

(d) submit an application that includes:

(i) the physical address of the entity;  
 (ii) if the entity is a branch office, the name and license number of the branch broker;  
 (iii) the names of associate brokers and sales agents assigned to the entity; and  
 (iv) the location and account number of any real estate and property management trust account(s) in which funds received at the registered location will be deposited;

(e) inform the division of:  
 (i) the location and account number of any operating account(s) used by the registered entity; and  
 (ii) the location where brokerage records will be kept; and  
 (f) pay a nonrefundable application fee.

(4) Restrictions.  
 (a)(i) The division shall not register an entity proposing to use a business name that:

(A) is likely to mislead the public into thinking that the entity is not a real estate brokerage or property management company;  
 (B) closely resembles the name of another registered entity;

or

(C) the division determines might otherwise be confusing or misleading to the public.

(ii) Approval by the division of an entity's business name does not ensure or grant to the entity a legal right to use or operate under that name.

(b) A branch office shall operate under the same business name as the principal brokerage.

(c) An entity may not designate a post office box as its business address, but may designate a post office box as a mailing address.

(d) All trust accounts and operating accounts used by a registered entity shall be maintained in a bank or credit union located in the state of Utah.

(5) Registration not transferable.

(a) A registered entity shall not transfer the registration to any other person.

(b) A registered entity shall not allow an unlicensed person to use the entity's registration to perform work for which licensure is required.

(c) If a change in corporate structure of a registered entity creates a separate and unique legal entity, that entity shall obtain a unique registration, and shall not operate under an existing registration.

(d) The dissolution of a corporation, partnership, limited liability company, association, or other entity registered with the division terminates the registration.

#### **R162-2f-401a. Affirmative Duties Required of All Licensed Individuals.**

An individual licensee shall:

(1) uphold the following fiduciary duties in the course of representing a principal:

(a) loyalty, which obligates the agent to place the best interests of the principal above all other interests, including the agent's own;

(b) obedience, which obligates the agent to obey all lawful instructions from the principal;

(c) full disclosure, which obligates the agent to inform the principal of any material fact the agent learns about:

(i) the other party; or

(ii) the transaction;

(d) confidentiality, which prohibits the agent from disclosing, without permission, any information given to the agent by the principal that would likely weaken the principal's bargaining position if it were known, but excepting any known material fact concerning:

(i) a defect in the property; or

(ii) the client's ability to perform on the contract;

(e) reasonable care and diligence;

(f) holding safe and accounting for all money or property entrusted to the agent; and

(g) any additional duties created by the agency agreement;

(2) for the purpose of defining the scope of the individual's agency, execute a written agency agreement between the individual and the individual's principal, including:

(a) [a] seller(s) the individual represents;

(b) [a] buyer(s) the individual represents;

(c) [a] buyer(s) and seller(s) the individual represents as a limited agent in the same transaction pursuant to this Subsection (4);

(d) the owner of a property for which the individual will provide property management services; and

(e) a tenant whom the individual represents;

(3) in order to represent both principals in a transaction as a limited agent, obtain informed consent by:

(a) clearly explaining in writing to both parties:

(i) that each is entitled to be represented by a separate agent;

(ii) the type(s) of information that will be held confidential;

(iii) the type(s) of information that will be disclosed; and

(iv) the circumstances under which the withholding of information would constitute a material misrepresentation regarding the property or regarding the abilities of the parties to fulfill their obligations;

(b) obtaining a written acknowledgment from each party affirming that the party waives the right to:

(i) undivided loyalty;

(ii) absolute confidentiality; and

(iii) full disclosure from the licensee; and

(c) obtaining a written acknowledgment from each party affirming that the party understands that the licensee will act in a neutral capacity to advance the interests of each party;

(4) when acting under a limited agency agreement:

(a) act as a neutral third party; and

(b) uphold the following fiduciary duties to both parties:

(i) obedience, which obligates the limited agent to obey all lawful instructions from the parties, consistent with the agent's duty of neutrality;

(ii) reasonable care and diligence;

(iii) holding safe all money or property entrusted to the limited agent; and

(iv) any additional duties created by the agency agreement;

(5) prior to executing a binding agreement, disclose in writing to clients, agents for other parties, and unrepresented parties:

(a) the licensee's position as a principal in any transaction where the licensee operates either directly or indirectly to buy, sell, lease, or rent real property;

(b) the fact that the licensee holds a license with the division, whether the license status is active or inactive, in any circumstance where the licensee is a principal in an agreement to buy, sell, lease, or rent real property;

(c) the licensee's agency relationship(s);

(d)(i) the existence or possible existence of a due-on-sale clause in an underlying encumbrance on real property; and

(ii) the potential consequences of selling or purchasing a property without obtaining the authorization of the holder of an underlying encumbrance;

(6) in order to offer any property for sale or lease, make reasonable efforts to verify the accuracy and content of the information and data to be used in the marketing of the property;

(7) in order to offer a residential property for sale, disclose the source on which the licensee relies for any square footage data that will be used in the marketing of the property:

(a) in the written agreement, executed with the seller, through which the licensee acquires the right to offer the property for sale; and

(b) in a written disclosure provided to the buyer, at the licensee's direction, at or before the deadline for the seller's disclosure per the contract for sale;

(8) upon initial contact with another agent in a transaction, disclose the agency relationship between the licensee and the client;

(9) when executing a binding agreement in a sales transaction, confirm the prior agency disclosure:

(a) in the currently approved Real Estate Purchase Contract; or

(b) in a separate provision with substantially similar language incorporated in or attached to the binding agreement;

(10) when executing a lease or rental agreement, confirm the prior agency disclosure by:

(a) incorporating it into the agreement; or

(b) attaching it as a separate document;

(11) when offering an inducement to a buyer who will not pay a real estate commission in a transaction:

(a) obtain authorization from the licensee's principal broker to offer the inducement;

(b) comply with all underwriting guidelines that apply to the loan for which the borrower has applied; and

(c) provide notice of the inducement, using any method or form, to:

(i) the principal broker of the seller's agent, if the seller paying a commission is represented; or

(ii) the seller, if the seller paying a commission is not represented;

(12) if the licensee desires to act as a sub-agent for the purpose of showing property owned by a seller who is under contract with another brokerage, prior to showing the seller's property:

(a) notify the listing brokerage that sub-agency is requested; and

(b) enter into a written agreement with the listing brokerage with which the seller has contracted:

(i) consenting to the sub-agency; and

(ii) defining the scope of the agency;

(c) obtain from the listing brokerage all available information about the property; and

(d) uphold the same fiduciary duties outlined in this Subsection (1);

(13) provide copies of a lease or purchase agreement, properly signed by all parties, to the party for whom the licensee acts as an agent;

(14)(a) in identifying the seller's brokerage in paragraph 5 of the approved Real Estate Purchase Contract, use:

(i) the principal broker's individual name; or

(ii) the principal broker's brokerage name; and

(b) personally fulfill the licensee's agency relationship with the client, notwithstanding the information used to complete paragraph 5;

(15) timely inform the licensee's principal broker or branch broker of real estate transactions in which:

(a) the licensee is involved as agent or principal;

(b) the licensee has received funds on behalf of the principal broker; or

(c) an offer has been written;

(16)(a) disclose in writing to all parties to a transaction any compensation in addition to any real estate commission that will be received in connection with a real estate transaction; and

(b) ensure that any such compensation is paid to the licensee's principal broker;

(17)(a) in negotiating and closing ~~transactions~~ a transaction involving a property for which a certificate of occupancy has been issued, use:

~~(a)~~ (i) (A) the standard forms approved by the commission and identified in Section R162-2F-401f;

~~(b)~~ (B) standard supplementary clauses approved by the commission; and

~~(c)~~ (C) as necessary, other standard forms including settlement statements, warranty deeds, and quit claim deeds;

~~(b)~~ (ii) forms prepared by an attorney for a party to the transaction, if:

~~(i)~~ (A) a party to the transaction requests the use of the attorney-drafted forms; and

~~(ii)~~ (B) the licensee first verifies that the forms have in fact been drafted by the party's attorney; or



~~(e)~~(iii) if no state-approved form exists to serve a specific need, any form prepared by an attorney, regardless of whether the attorney is employed for the purpose by:

~~(+)~~(A) the principal; or

~~(+)~~(B) an entity in the business of selling blank legal forms; and

(b) in presenting an offer on a property for which a certificate of occupancy has not been issued, use:

(i) the state-approved Real Estate Purchase Contract for Residential Construction; or

(ii) a contract that complies with Section 61-2f-306(2)(b)-(c).

(18) use an approved addendum form to make a counteroffer or any other modification to a contract;

(19) in order to sign or initial a document on behalf of a principal:

(a) obtain prior written authorization in the form of a power of attorney duly executed by the principal;

(b) retain in the file for the transaction a copy of said power of attorney;

(c) attach said power of attorney to any document signed or initialed by the individual on behalf of the principal;

(d) sign as follows: "(Principal's Name) by (Licensee's Name), Attorney-in-Fact;" and

(e) initial as follows: "(Principal's Initials) by (Licensee's Name), Attorney-in-Fact for (Principal's Name);"

(20) if employing an unlicensed individual to provide assistance in connection with real estate transactions, adhere to the provisions of Section R162-2f-401g;

(21) strictly adhere to advertising restrictions as outlined in Section R162-2f-401h;

(22) as to a guaranteed sales agreement, provide full disclosure regarding the guarantee by executing a written contract that contains:

(a) the conditions and other terms under which the property is guaranteed to be sold or purchased;

(b) the charges or other costs for the service or plan;

(c) the price for which the property will be sold or purchased; and

(d) the approximate net proceeds the seller may reasonably expect to receive;

(23) immediately deliver money received in a real estate transaction to the principal broker for deposit; and

(24) as contemplated by Subsection 61-2f-401(18), when notified by the division that information or documents are required for investigation purposes, respond with the required information or documents in full and within ten business days.

#### **R162-2f-401b. Prohibited Conduct As Applicable to All Licensed Individuals.**

An individual licensee may not:

(1) engage in any of the practices described in Section 61-2f-401 et seq., whether acting as agent or on the licensee's own account, in a manner that:

(a) fails to conform with accepted standards of the real estate sales, leasing, or management industries;

(b) could jeopardize the public health, safety, or welfare; or

(c) violates any provision of Title 61, Chapter 2f et seq. or the rules of this chapter;

(2) require parties to acknowledge receipt of a final copy of any document prepared by the licensee prior to all parties signing a contract evidencing agreement to the terms thereof;

(3) make a misrepresentation to the division:

(a) in an application for license renewal; or

(b) in an investigation.

(4)(a) propose, prepare, or cause to be prepared a document, agreement, settlement statement, or other device that the licensee knows or should know does not reflect the true terms of the transaction; or

(b) knowingly participate in a transaction in which such a false device is used;

(5) participate in a transaction in which a buyer enters into an agreement that:

(a) is not disclosed to the lender; and

(b) if disclosed, might have a material effect on the terms of the granting of the loan;

(6) use or propose the use of a double contract;

(7) place a sign on real property without the written consent of the property owner;

(8) take a net listing;

(9) sell listed properties other than through the listing broker;

(10) subject a principal to paying a double commission without the principal's informed consent;

(11) enter or attempt to enter into a concurrent agency representation when the licensee knows or should know that the principal has an existing agency representation agreement with another licensee;

(12) pay a finder's fee or give any valuable consideration to an unlicensed person or entity for referring a prospect[~~in a real estate transaction~~], except that:

(a) a licensee may give a gift valued at \$150 or less to an individual in appreciation for an unsolicited referral of a prospect that results in a real estate transaction; and

(b) as to a property management transaction, a licensee may compensate an unlicensed employee or current tenant up to \$200 per lease for assistance in retaining an existing tenant or securing a new tenant;

(13) accept a referral fee from:

(a) a lender; or

(b) a mortgage broker;

(14) act as a real estate agent or broker in the same transaction in which the licensee also acts as a:

(a) mortgage loan originator, associate lending manager, or principal lending manager;

(b) appraiser or appraiser trainee;

(c) escrow agent; or

(d) provider of title services;

(15) act or attempt to act as a limited agent in any transaction in which:

(a) the licensee is a principal in the transaction; or

(b) any entity in which the licensee is an officer, director, partner, member, employee, or stockholder is a principal in the transaction;

(16) make a counteroffer by striking out, whiting out, substituting new language, or otherwise altering:

(a) the boilerplate provisions of the Real Estate Purchase Contract; or

(b) language that has been inserted to complete the blanks of the Real Estate Purchase Contract;

(17) advertise or offer to sell or lease property without the written consent of:

(a) the owner of the property; and

(b) if the property is currently listed, the listing broker;

(18) advertise or offer to sell or lease property at a lower price than that listed without the written consent of the seller or lessor;

(19) represent on any form or contract that the individual is holding client funds without actually receiving funds and securing them pursuant to Subsection R162-2f-401a(23);

(20) when acting as a limited agent, disclose any information given to the agent by either principal that would likely weaken that party's bargaining position if it were known, unless the licensee has permission from the principal to disclose the information;

(21) disclose, or make any use of, a short sale demand letter outside of the purchase transaction for which it is issued; ~~[-or]~~

(22) in a short sale, have the seller sign a document allowing the licensee to lien the property ~~[-]; or~~

(23) charge any fee that represents the difference between:

(a) the total concessions authorized by a seller and the actual amount of the buyer's closing costs; or

(b) in a short sale, the sale price approved by the lender and the total amount required to clear encumbrances on title and close the transaction.

#### **R162-2f-401c. Additional Provisions Applicable to Principal Brokers.**

(1) A principal broker shall:

~~[(a)(i) maintain all records pertaining to a real estate transaction for at least three calendar years following the year in which:~~

~~(A) an offer is rejected; or~~

~~(B) the transaction either closes or fails; and~~

~~(ii) make such records available for inspection and copying by the division;~~

~~(b) unless otherwise authorized by the division in writing, maintain business records at:~~

~~(i) the principal business location designated by the principal broker on division records; or~~

~~(ii) where applicable, a branch office as designated by the principal broker on division records;~~

~~(c) notify the division in writing within ten business days after terminating business operations as to where business records will be maintained;~~

~~(d) upon filing for brokerage bankruptcy, notify the division in writing of:~~

~~(i) the filing; and~~

~~(ii) the current location of brokerage records;~~

~~(a) strictly comply with the record retention and maintenance requirements of Subsection R162-2f-401k;~~

~~[(e)(b) provide to the person whom the principal broker represents in a real estate transaction:~~

~~(i) a detailed statement showing the current status of a transaction upon the earlier of:~~

~~(A) the expiration of 30 days after an offer has been made and accepted; or~~

~~(B) a buyer or seller making a demand for such statement; and~~

~~(ii) an updated transaction status statement at 30-day intervals thereafter until the transaction either closes or fails;~~

~~[(f)(c)(i) regardless of who closes a real estate transaction, ensure that final settlement statements are reviewed for content and accuracy at or before the time of closing by:~~

~~(A) the principal broker;~~

~~(B) an associate broker or branch broker affiliated with the principal broker; or~~

~~(C) the sales agent who is:~~

~~(I) affiliated with the principal broker; and~~

~~(II) representing the principal in the transaction; and~~

~~(ii) ensure the principals in each closed real estate transaction receive copies of all documents executed in the transaction closing;~~

~~[(g)(d) in order to assign all or part of the principal broker's compensation to an associate broker or sales agent in accordance with Section 61-2f-305, provide written instructions to the title insurance agent that include the following:~~

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

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

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

~~(iv) a prohibition against alteration of the written instructions by anyone other than the principal broker; and~~

~~(v) additional instructions at the discretion of the principal broker;~~

~~[(h)(e) obtain written consent from both the buyer and the seller before retaining any portion of an earnest money deposit being held by the principal broker;~~

~~[(i)(f) exercise active supervision over the conduct of all licensees and unlicensed staff employed by or affiliated with the principal broker, whether acting as:~~

~~(i) the principal broker for an entity; or~~

~~(ii) a branch broker;~~

~~[(j)(g) strictly adhere to the rules governing real estate auctions, as outlined in Section R162-2f-401i;~~

~~[(k)(h) strictly adhere to the rules governing property management, as outlined in Section R162-2f-401j;~~

~~[(l)(i)(i) except as provided in this Subsection (1)[(f)(h)](i)(iii), within three business days of receiving a client's money in a real estate transaction, deposit the client's money into a trust account:~~

~~(A) maintained by the principal broker pursuant to Section R162-2f-403; or~~

~~(B) if the parties to the transaction agree in writing, maintained by:~~

~~(I) a title company pursuant to Section 31A-23a-406; or~~

~~(II) another authorized escrow entity; and~~

~~(ii) within three business days of receiving money from a client or a tenant in a property management transaction, deposit the money into a trust account maintained by the principal broker pursuant to Section R162-2f-403 or forward or deposit client or tenant money into an account maintained by the property owner;~~

~~[(m)(iii) a principal broker is not required to comply with this Subsection (1)[(f)(i)(i) or (ii) if:~~

(A) the ~~[Real Estate Purchase Contract]~~contract or other written agreement states that the money is to be:

(I) held for a specific length of time; or

(II) as to a real estate transaction, deposited upon acceptance by the seller; or

(B) as to a real estate transaction, the Real Estate Purchase Contract or other written agreement states that a promissory note may be tendered in lieu of good funds and the promissory note:

(I) names the seller as payee; and

(II) is retained in the principal broker's file until closing;

~~[(n)(i)]~~(i) maintain at the principal business location a complete record of all consideration received or escrowed for real estate and property management transactions; and

(ii) be personally responsible at all times for deposits held in the principal broker's trust account;

~~[(n)(i)]~~(k)(i)(A)(I) in a real estate transaction, assign a consecutive, sequential number to each offer~~[-such that all pertinent documents may be readily identified as relating to the offer]; and~~

(II) assign a unique identification to each property management client; and

(B) include the transaction number or client identification, as applicable, on:

(I) trust account deposit records; and

(II) trust account checks or other equivalent records evidencing the transfer of trust funds;

(ii) maintain a separate transaction file for each offer in a real estate transaction, including a rejected offer, that involves funds tendered through the brokerage and deposited into a trust account;

(iii) maintain a record of each rejected offer in a real estate transaction that does not involve funds deposited to trust:

(A) in separate files; or

(B) in a single file holding all such offers; and

~~[(n)(l)]~~(l) if the principal broker assigns an affiliated associate broker or branch broker to assist the principal broker in accomplishing the affirmative duties outlined in this Subsection (1):

(i) actively supervise any such associate broker or branch broker; and

(ii) remain personally responsible and accountable for adequate supervision of all licensees and unlicensed staff affiliated with the principal broker.

(2) A principal broker shall not be deemed in violation of this Subsection (1)~~[(f)]~~(f) where:

(a) an affiliated licensee or unlicensed staff member violates a provision of Title 61, Chapter 2f et seq. or the rules promulgated thereunder;

(b) the supervising broker had in place at the time of the violation specific written policies or instructions to prevent such a violation;

(c) reasonable procedures were established by the broker to ensure that licensees receive adequate supervision and the broker has followed those procedures;

(d) upon learning of the violation, the broker attempted to prevent or mitigate the damage;

(e) the broker did not participate in the violation;

(f) the broker did not ratify the violation; and

(g) the broker did not attempt to avoid learning of the violation.

#### **R162-2f-401i. Standards for Real Estate Auctions.**

A principal broker who contracts or in any manner affiliates with an auctioneer or auction company to sell at auction real property in this state shall:

(1) ensure that all aspects of the auction comply with the requirements of this section and all other laws otherwise applicable to real estate licensees in real estate transactions;

(2) ensure that advertising and promotional materials associated with an auction name the principal broker;

(3) attend and supervise the auction;

(4) ensure that any purchase agreement used at the auction:

(a) meets the requirements of Subsection R162-2f-401a(18);

and

(b) is completed by an individual holding an active Utah real estate license;

(5) ensure that any money deposited at the auction is placed in trust pursuant to Subsection R162-2f-401c(1)~~[(h)]~~(i); and

(6) ensure that adequate arrangements are made for the closing of any real estate transaction arising out of the auction.

#### **R162-2f-401j. Standards for Property Management.**

(1) Property management performed by a real estate brokerage, or by licensees or unlicensed assistants affiliated with the brokerage, shall be done under the name of the brokerage as registered with the division unless the principal broker holds a dual broker license and obtains a separate registration pursuant to Section R162-2f-205 for a separate business name.

~~[(n)(2)]~~(2) In addition to fulfilling all duties related to supervision per Section 61-2f-401(12), the [The] principal broker of a registered entity, and the branch broker of a registered branch, shall implement training to ensure that [diligently supervise the activities of] each sales agent, [or] associate broker, and unlicensed employee who is affiliated with the [principal broker and assigned to perform] licensee has the knowledge and skills necessary to perform assigned property management tasks within the boundaries of these rules, including this Subsection R162-2f-401j(3).

~~[(n)(b)]~~(b) If property management activities are conducted at a branch office, the branch broker shall actively supervise the licensees and unlicensed assistants working from that branch.

~~[(n)(3)]~~(3) The principal broker shall sign and submit forms as required by the division to affiliate the property management company with each associate broker, branch broker, and sales agent who will conduct the business of property management.

~~[(n)(4)]~~(4) No real estate sales activity may be conducted by a property management company.

~~[(n)(5)]~~(5) Individuals who are principals or owners of an entity registered as a property management company may not engage in activities that require licensure as a sales agent, associate broker, or principal broker without first obtaining a license and establishing an affiliation pursuant to Sections R162-2f-202a through 202e.

~~[(n)(3)]~~(3) An unlicensed individual employed by a real estate or property management company may perform the following services under the supervision of the principal broker without holding an active real estate license:

(a) providing a prospective tenant with access to a [vacant] rental unit;

(b) providing secretarial, bookkeeping, maintenance, or rent collection services;

(c) quoting [~~predetermined~~]rent and lease terms as established or approved by the principal broker;~~and~~

(d) completing pre-printed lease or rental agreements~~[-]~~, except as to terms that may be determined through negotiation of the principals;

(e) servicing or receiving legal notices;

(f) addressing tenant or neighbor complaints; and

(g) inspecting units.

(4) Within 30 days of terminating a contract with a property owner for property management services, the principal broker shall return to the property owner or the property owner's designated agent all trust money that:

(a) is due to the property owner; or

(b) is being held for the benefit of the property owner or the owner's property.

#### **R162-2f-401k. Recordkeeping Requirements.**

A principal broker shall:

(1) maintain and safeguard the following records to the extent they relate to the business of a principal broker:

(a) all trust account records;

(b) any document submitted by a licensee affiliated with the principal broker to a lender or underwriter as part of a real estate transaction;

(c) any document signed by a seller or buyer with whom the principal broker or an affiliated licensee is required to have an agency agreement; and

(d) any document created or executed by a licensee over whom the principal broker has supervisory responsibility pursuant to Subsection R162-2f-401c(1)(f);

(2) maintain the records identified in Subsection R162-2f-401k(1):

(a)(i) physically:

(A) at the principal business location designated by the principal broker on division records; or

(B) where applicable, at a branch office as designated by the principal broker on division records; or

(ii) electronically, in a storage system that complies with Title 46 Chapter 04, Utah Uniform Electronic Transactions Act; and

(b) for at least three calendar years following the year in which:

(i) an offer is rejected; or

(ii) the transaction either closes or fails;

(3) upon request of the division, make any record identified in Subsection R162-2f-401k(1) available for inspection and copying by the division;

(4) notify the division in writing within ten business days after terminating business operations as to where business records will be maintained; and

(5) upon filing for brokerage bankruptcy, notify the division in writing of:

(a) the filing; and

(b) the current location of brokerage records.

**KEY: real estate business, operational requirements, trust account records, notification requirements**

**Date of Enactment or Last Substantive Amendment: [~~August 21, 2012~~]**2013****

**Authorizing, and Implemented or Interpreted Law: 61-2f-103(1); 61-2f-105; 61-2f-206(4)(a); 61-2f-306; 61-2f-307**

## Commerce, Real Estate **R162-2f-403** Trust Accounts

### NOTICE OF PROPOSED RULE

(Amendment)

DAR FILE NO.: 37394

FILED: 03/08/2013

### RULE ANALYSIS

**PURPOSE OF THE RULE OR REASON FOR THE CHANGE:** The purpose of this amendment is to reorganize the trust account requirements for easier reference and to clarify how the requirements apply differently in real estate and property management transactions.

**SUMMARY OF THE RULE OR CHANGE:** The existing trust account standards and requirements (Section R162-2f-403) are divided into three separate sections: one for general provisions that apply to all trust accounts (Section R162-2f-403a); one for provisions that apply specifically to real estate trust accounts (Section R162-2f-403b); and one for provisions that apply specifically to property management trust accounts (Section R162-4f-403c).

**STATUTORY OR CONSTITUTIONAL AUTHORIZATION FOR THIS RULE:** Subsection 61-2f-103(1) and Subsection 61-2f-403(1)

### ANTICIPATED COST OR SAVINGS TO:

◆ **THE STATE BUDGET:** The amendments do not create a new program or standard that the Division will have to implement or enforce. No fiscal impact to the state budget is anticipated.

◆ **LOCAL GOVERNMENTS:** Local government is not required to comply with or enforce these rules. Therefore, no fiscal impact to local government is anticipated.

◆ **SMALL BUSINESSES:** Small businesses will be required to understand and comply with the amended language. It is not anticipated that complying will require a small business to make expenditures or incur costs beyond the current and ordinary costs of compliance.

◆ **PERSONS OTHER THAN SMALL BUSINESSES, BUSINESSES, OR LOCAL GOVERNMENTAL ENTITIES:** Affected persons will be required to understand and comply

with the amended language. It is not anticipated that complying will require an affected person to make expenditures or incur costs beyond the current and ordinary costs of compliance.

COMPLIANCE COSTS FOR AFFECTED PERSONS: Affected persons will be required to understand and comply with the amended language. It is not anticipated that complying will require an affected person to make expenditures or incur costs beyond the current and ordinary costs of compliance.

COMMENTS BY THE DEPARTMENT HEAD ON THE FISCAL IMPACT THE RULE MAY HAVE ON BUSINESSES: As stated in the rule analysis, this filing reorganizes the current section regarding trust account management into three new, separate sections. This reorganization is intended to make it easier for licensees to understand any differences in how the rules apply to the real estate and property management industries. No fiscal impact to businesses is anticipated from this filing.

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

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

DIRECT QUESTIONS REGARDING THIS RULE TO:  
♦ Ben Jensen by phone at 801-530-6603, by FAX at 801-526-4387, or by Internet E-mail at bjensen@utah.gov

INTERESTED PERSONS MAY PRESENT THEIR VIEWS ON THIS RULE BY SUBMITTING WRITTEN COMMENTS NO LATER THAN AT 5:00 PM ON 05/01/2013

THIS RULE MAY BECOME EFFECTIVE ON: 05/08/2013

AUTHORIZED BY: Jonathan Stewart, Director

**R162. Commerce, Real Estate.**

**R162-2f. Real Estate Licensing and Practices Rules.**

**[R162-2f-403. Trust Accounts.**

- ~~(1) A principal broker shall:~~
  - ~~(a) maintain a trust account in a bank or credit union located within the state of Utah;~~
  - ~~(b) notify the division in writing of:~~
    - ~~(i) the account number; and~~
    - ~~(ii) the address of the bank or credit union where the account is located; and~~
    - ~~(c) use the account for the purpose of securing client funds:~~
      - ~~(i) deposited with the principal broker in connection with a real estate transaction regulated under Title 61, Chapter 2f et seq.;~~

- ~~(ii) if the principal broker is also a builder or developer, deposited under a Real Estate Purchase Contract, construction contract, or other agreement that provides for the construction of a dwelling; and~~
- ~~(iii) collected in the performance of property management duties as specified in this Subsection (4)(b).~~
- ~~(2) A principal broker who deposits in any trust account more than \$500 of the principal broker's own funds violates Subsection 61-2f-401(4)(b).~~
- ~~(3) A principal broker may not deposit into the principal broker's real estate trust account funds received in connection with rental of tourist accommodations where the rental period is less than 30 consecutive days.~~
  - ~~(4)(a) A principal broker who regularly engages in property management on behalf of seven or more individual units shall establish a property management trust account separate from the real estate trust account.~~
    - ~~(b) A principal broker who collects rents or otherwise manages property for no more than six individual units at any given time may use the real estate trust account to secure funds received in connection with the principal broker's property management activities:~~
      - ~~(5) A trust account maintained by a principal broker shall be non-interest-bearing, unless:~~
        - ~~(a) the parties to the transaction agree in writing to deposit the funds in an interest-bearing account;~~
        - ~~(b) the parties to the transaction designate in writing the person to whom the interest will be paid upon completion or failure of the sale;~~
        - ~~(c) the person designated under this Subsection (5)(b):~~
          - ~~(i) qualifies at the time of payment as a non-profit organization under Section 501(c)(3) of the Internal Revenue Code; and~~
          - ~~(ii) operates exclusively to provide grants to affordable housing programs in Utah; and~~
          - ~~(d) the affordable housing program that is the recipient of the grant under this Subsection (5)(c)(ii) qualifies at the time of payment as a non-profit organization under Section 501(c)(3) of the Internal Revenue Code.~~
        - ~~(6) Disbursement of funds held in trust.~~
          - ~~(a) A principal broker may disburse funds only in accordance with:~~
            - ~~(i) specific language in the Real Estate Purchase Contract authorizing disbursement;~~
            - ~~(ii) other proper written authorization of the parties having an interest in the funds; or~~
            - ~~(iii) court order.~~
          - ~~(b) A principal broker may not release for construction purposes those funds held as deposit money under an agreement that provides for the construction of a dwelling unless the purchaser authorizes such disbursement in writing.~~
            - ~~(c) A principal broker may not withdraw any portion of the principal broker's sales commission:~~
              - ~~(i) without written authorization from the seller and buyer; or~~
              - ~~(ii)(A) until after the settlement statements have been delivered to the buyer and seller; and~~
              - ~~(B) the buyer or seller has been paid for the amount due as determined by the settlement statement.~~

~~(d) Unless otherwise agreed pursuant to this Subsection (6)(a), a principal broker may not pay a commission from the real estate trust account without first:~~

~~(i) closing or otherwise terminating the transaction;~~  
~~(ii) making a record of each disbursement; and~~  
~~(iii) depositing the withdrawn funds into the principal broker's operating account.~~

~~(e) A principal broker may not release earnest money or other trust funds associated with a failed transaction unless:~~

~~(i) a condition in the Real Estate Purchase Contract authorizing disbursement has occurred; or~~

~~(ii) the parties execute a separate signed agreement containing instructions and authorization for disbursement.~~

~~(f) If both parties to a contract make a written claim to the earnest money or other trust funds and the principal broker cannot determine from any signed agreement which party's claim is valid, the principal broker may:~~

~~(i) interplead the funds into court and thereafter disburse:~~

~~(A) upon written authorization of the party who will not receive the funds; or~~

~~(B) pursuant to the order of a court of competent jurisdiction; or~~

~~(ii) within 15 days of receiving written notice that both parties claim the funds, refer the parties to mediation if:~~

~~(A) no party has filed a civil suit arising out of the transaction; and~~

~~(B) the parties have contractually agreed to submit disputes arising out of their contract to mediation.~~

~~(g) If a principal broker is unable to disburse trust funds within five years after the failure of a transaction, the principal broker shall remit the funds to the State Treasurer's Office as unclaimed property pursuant to Title 67, Chapter 4a et seq.]~~

**R162-2f-403a. Trust Accounts - General Provisions.**

(1) A principal broker shall:

(a)(i) if engaged in listing or selling real estate, maintain at least one real estate trust account in a bank or credit union located within the state of Utah; and

(ii) if engaged in property management, refer to Subsection R162-2f-403b(4);

(b) at the time a trust account is established, notify the division in writing of:

(i) the account number;

(ii) the address of the bank or credit union where the account is located; and

(iii) the type of activity for which the account is used.

(2) A trust account maintained by a principal broker shall be non-interest-bearing, unless:

(a) the parties to the transaction agree in writing to deposit the funds in an interest-bearing account;

(b) the parties to the transaction designate in writing the person to whom the interest will be paid upon completion or failure of the sale;

(c) the person designated under this Subsection (2)(b):

(i) qualifies at the time of payment as a non-profit organization under Section 501(c)(3) of the Internal Revenue Code; and

(ii) operates exclusively to provide grants to affordable housing programs in Utah; and

(d) the affordable housing program that is the recipient of the grant under this Subsection (2)(c)(ii) qualifies at the time of payment as a non-profit organization under Section 501(c)(3) of the Internal Revenue Code.

(3) A principal broker may not deposit into the principal broker's real estate trust account funds received in connection with rental of tourist accommodations where the rental period is less than 30 consecutive days.

(4) Records of deposits to a trust account shall include:

(a) transaction number or unique client identifier, as applicable pursuant to Subsection R162-2f-401c(1)(k);

(b) identification of payee and payor;

(c) amount of deposit;

(d) location of property subject to the transaction; and

(e) date and place of deposit.

(5) Any instrument by which funds are disbursed from a real estate or property management trust account shall include:

(a) the business name of the registered entity;

(b) the address of the registered entity;

(c) clear identification of the trust account from which the disbursement is made, including:

(i) account name; and

(ii) account number;

(iii) transaction number or unique client identification, as applicable, pursuant to Subsection R162-2f-401c(1)(k);

(iv) date of disbursement;

(v) clear identification of payee and payor;

(vi) amount disbursed;

(vii) notation identifying the purpose for disbursement; and

(viii) check number, wire transfer number, or equivalent bank or credit union instrument identification.

(6) Any instrument of conveyance that is voided shall be clearly marked with the term "void" and the original instrument retained pursuant to Subsection R162-2f-401k.

(7) If both parties to a contract make a written claim to money held in a principal broker's trust fund and the principal broker cannot determine from any signed agreement which party's claim is valid, the principal broker may:

(a) interplead the funds into court and thereafter disburse:

(i) upon written authorization of the party who will not receive the funds; or

(ii) pursuant to the order of a court of competent jurisdiction; or

(b) within 15 days of receiving written notice that both parties claim the funds, refer the parties to mediation if:

(i) no party has filed a civil suit arising out of the transaction; and

(ii) the parties have contractually agreed to submit disputes arising out of their contract to mediation.

(8) If a principal broker is unable to disburse trust funds within five years after the failure of a transaction, the principal broker shall remit the funds to the State Treasurer's Office as unclaimed property pursuant to Title 67, Chapter 4a et seq.

(9) Trust account reconciliation. For each real estate or property management trust account operated by a registered entity, the principal broker of the entity shall:

(a) maintain a date-sequential record of all deposits to and disbursements from the account, including or cross-referenced to the information specified in Subsections R162-2f-403(6) and (7) (f);

(b) maintain a current, running total of the balance contained in the trust account;

(c)(i) maintain records sufficient to detail the final disposition of all funds associated with each transaction; and

(ii) ensure that each closed transaction balances to zero;

(d) reconcile the brokerage trust account records with the bank or credit union records at least monthly; and

(e) upon request, make all trust account records available to the division for auditing or investigation.

(10) The principal broker shall notify the division within 30 days if:

(a) the principal broker receives, from a bank or credit union in which the principal broker maintains a real estate or property management trust account, documentation to evidence that the trust account is out of balance; and

(b) the imbalance cannot be cured within the 30-day notification period.

#### **R162-2f-403b. Real Estate Trust Accounts.**

(1) A real estate trust account shall be used for the purpose of securing client funds:

(a) deposited with the principal broker in connection with a real estate transaction regulated under Title 61, Chapter 2f et seq.;

(b) if the principal broker is also a builder or developer, deposited under a Real Estate Purchase Contract, construction contract, or other agreement that provides for the construction of a dwelling; and

(c) collected in the performance of property management duties, pursuant to this Subsection (4).

(2) A principal broker violates Subsection 61-2f-401(4)(B) if the principal broker deposits into the real estate trust account more than \$500 of the principal broker's own funds.

(3)(a) A principal broker who regularly engages in property management on behalf of seven or more individual units shall establish at least one property management trust account that is:

(i) separate from the real estate trust account; and

(ii) operated in accordance with Subsection R162-2f-403c.

(b) A principal broker who collects rents or otherwise manages property for no more than six individual units at any given time may use the real estate trust account to secure funds received in connection with the principal broker's property management activities.

(4) Unless otherwise agreed pursuant to this Subsection (5) (b), a principal broker may not pay a commission from the real estate trust account without first:

(a) obtaining written authorization from the buyer and seller, through contract or otherwise;

(b) closing or otherwise terminating the transaction;

(c) delivering the settlement statement to the buyer and seller;

(d) ensuring that the buyer or seller whom the principal broker represents has been paid the amount due as determined by the settlement statement;

(e) making a record of each disbursement; and

(f) depositing funds withdrawn as the principal broker's commission into the principal broker's operating account prior to further disbursing the money.

(5) A principal broker may disburse funds from a real estate trust account only in accordance with:

(a) specific language in the Real Estate Purchase Contract authorizing disbursement;

(b) other proper written authorization of the parties having an interest in the funds; or

(c) court order.

(6) A principal broker may not release for construction purposes those funds held as deposit money under an agreement that provides for the construction of a dwelling unless the purchaser authorizes such disbursement in writing.

(7) A principal broker may not release earnest money or other trust funds associated with a failed transaction unless:

(a) a condition in the Real Estate Purchase Contract authorizing disbursement has occurred; or

(b) the parties execute a separate signed agreement containing instructions and authorization for disbursement.

#### **R162-2f-403c. Property Management Trust Accounts.**

(1) As of January 1, 2014, a trust account that is used exclusively for property management purposes shall be used to secure the following:

(a) tenant security deposits;

(b) rents; and

(c) money tendered by a property owner as a reserve fund or for payment of unexpected expenses.

(2) A principal broker violates Subsection 61-2f-401(4)(B) if the principal broker deposits into a property management trust account any funds belonging to the principal broker without:

(a) maintaining records to clearly identify the total amount belonging to the principal broker; or

(b) performing a monthly line-item reconciliation of all deposits and withdrawals of funds belonging to the principal broker.

(3) A principal broker may disburse funds from a property management trust account only in accordance with:

(a) specific language in the property management contract or tenant lease agreement, as applicable, authorizing disbursement;

(b) other proper written authorization of the parties having an interest in the funds; or

(c) court order.

(4) A principal broker who transfers funds from a property management trust account for any purpose shall maintain records to clearly evidence that:

(a) prior to making the transfer, the principal broker verified the money as belonging to the property owner for whose benefit, or on whose instruction, the funds are transferred;

(b) any money transferred into an operating account as the principal broker's property management fee is earned according to the terms of the principal broker's contract with the property owner;

(c) any transfer for maintenance, repair, or similar purpose is:

(i) authorized according to the terms of the applicable property management contract, tenant lease agreement, or other instruction of the property owner; and

(ii) used strictly for the purpose for which the transfer is authorized, with any excess returned to the trust account.

**KEY: real estate business, operational requirements, trust account records, notification requirements**  
**Date of Enactment or Last Substantive Amendment: [August 21, 2012]2013**  
**Authorizing, and Implemented or Interpreted Law: 61-2f-103(1); 61-2f-105; 61-2f-307**

Education, Administration  
**R277-600**  
 Student Transportation Standards and  
 Procedures

**NOTICE OF PROPOSED RULE**

(Amendment)  
 DAR FILE NO.: 37413  
 FILED: 03/15/2013

**RULE ANALYSIS**

**PURPOSE OF THE RULE OR REASON FOR THE CHANGE:** This rule is amended to provide clarifications on transportation services for students with disabilities, to eliminate the requirement for Annual Program Reports (APR), and to provide clarification on how approved to-and-from school expenses are determined.

**SUMMARY OF THE RULE OR CHANGE:** Language is removed from the definition of IEP to make it consistent with state definitions, language is added to indicate when it is appropriate for students to be transported with special transportation services, and language is added/changed to clarify how approved to-and-from school expenses are determined.

**STATUTORY OR CONSTITUTIONAL AUTHORIZATION FOR THIS RULE:** Section 53A-17a-126 and Section 53A-17a-127 and Subsection 53A-1-402(1)(d)

**ANTICIPATED COST OR SAVINGS TO:**

- ◆ **THE STATE BUDGET:** There is no anticipated cost or savings to the state budget. Funding is provided for students with disabilities transportation. The new language provides clarification for eligibility during the regular school year and during the extended school year.
- ◆ **LOCAL GOVERNMENTS:** There is no anticipated cost or savings to local government. School districts will receive funding for student transportation needs.
- ◆ **SMALL BUSINESSES:** There is no anticipated cost or savings to small businesses. This rule and the amendments to the rule apply to public education 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.

The amendments to the rule provide clarification for eligible individuals for student transportation.

**COMPLIANCE COSTS FOR AFFECTED PERSONS:** There are no compliance costs for affected persons. Funding is provided to school districts to support the needs of eligible student transportation.

**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 05/01/2013**

**THIS RULE MAY BECOME EFFECTIVE ON: 05/08/2013**

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

**R277. Education, Administration.**

**R277-600. Student Transportation Standards and Procedures.**

**R277-600-1. Definitions.**

- A. "ADA" means average daily attendance.
- B. "ADM" means average daily membership.
- C. "AFR" means a school district's annual financial report, one component of which is the AFR for all pupil transportation costs.
- D. "Approved costs" means the Board approved costs of transporting eligible students from home to school to home once each day, after-school routes, approved routes for students with disabilities and vocational students attending school outside their regularly assigned attendance boundary, and a portion of the bus purchase prices. All approved costs are adjusted by the USOE consistent with a Board-approved formula per the annual legislative transportation appropriation.
- ~~E. "APR" means the school district's annual program report, one component of which is for approved to-and-from school pupil transportation costs.~~
- [F]E. "Board" means the Utah State Board of Education.
- [G]E. "Bus route miles" means operating a bus with passengers.
- [H]G. "Deadhead" means operating a bus when no passengers are on board.



H. "Extended school year (ESY)" means an extension of the school district or charter school traditional school year to provide special education and related services to a student with a disability, in accordance with the student's IEP, and at no cost to the student's parents. ESY services shall meet the standards of Part B of the Individuals with Disabilities Education Act (IDEA), 20 U.S.C. 1401(3) and the State Board of Education Special Education Rules.

I. "Hazardous" means danger or potential danger which may result in injury or death.

J. "IDEA" means the Individuals with Disabilities Education Act, Title 1, Part A, Section 602.

K. "IEP" (individualized education program) means a written statement for a student with a disability that is developed and implemented under CFR Sections 300.340 through 300.347. ~~[-The IEP serves as a communication vehicle between parents and school personnel and enables them as equal participants to decide jointly what the student's needs are, what services shall be provided to meet those needs, what the anticipated outcomes may be, and how the student's progress toward meeting the projected outcomes shall be evaluated.-]~~

L. "Local board" means the local school board of education.

M. "M.P.V." means multipurpose passenger vehicle: any motor vehicle with less than 10 passenger positions, including the driver, which cannot be certified as a bus.

N. "Out-of-pocket expense" means gasoline, oil, and tire expenses.

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

#### **R277-600-2. Authority and Purpose.**

A. This rule is authorized under Utah Constitution Article X, Section 3 which vests general control and supervision over public schools in the Board, by Section 53A-1-402(1)(d) which directs the Board to establish rules for bus routes, bus safety and other transportation needs and by Section 53A-17a-126 and 127 which provides for distribution of funds for transportation of public school students and disability standards for [eligibility]student bus riders.

B. The purpose of this rule is to specify the standards under which school districts may qualify for and receive state transportation funds.

#### **R277-600-3. General Provisions.**

A. State transportation funds are used to reimburse school districts for the costs reasonably related to transporting students to and from school. The Board defines the limits of school district transportation costs reimbursable by state funds in a manner that encourages safety, economy, and efficiency.

B. Allowable transportation costs are divided into two categories. Expenditures for regular bus routes established by the school district, and approved by the state, are A category costs. Other methods of transporting students to and from school are B category costs. The Board devises a formula to determine the reimbursement rate for A category costs consistent with Section 53A-17a-127(3). B category costs are approved on a line-by-line basis by the USOE after comparing the costs submitted by a school district with the costs of alternative methods of performing the

designated function(s) and subject to adjustment per legislative appropriation.

C. The USOE shall develop a uniform accounting procedure for the financial reporting of transportation costs. The procedure shall specify the methods used to calculate allowable transportation costs. The USOE shall also develop uniform forms for the administration of the program.

D. All student transportation costs ~~[are]~~shall be recorded. Accurate mileage, minute, and trip records ~~[are kept by program]~~shall be maintained. Records and financial worksheets shall be maintained during the fiscal year for audit purposes.

#### **R277-600-4. Eligibility.**

A. State transportation funds shall be used only for transporting eligible students.

B. Transportation eligibility for elementary students (K-6) and secondary students (7-12) is determined in accordance with the mileage from home specified in Section 53A-17a-127(1) and (2) to the school attended by assignment of the local board.

C. A student whose IEP identifies transportation as a necessary related service is eligible for transportation regardless of distance from the school attended by assignment of the local board.

D. Students who attend school for at least one-half day at a ~~[n alternate]~~ location other than the local board designated school are expected to walk distances up to 1 and one half miles.

E. A school district that implements double sessions as an alternative to new building construction may transport, one-way to or from school, with Board approval, affected elementary students residing less than one and one-half miles from school, if the local board determines the transportation would improve safety affected by darkness or other hazardous conditions.

F. The distance from home to school is determined as follows: From the center of the public route (road, thoroughfare, walkway, or highway) open to public use, opposite the regular entrance of the one where the pupil is living, over the nearest public route (thoroughfare, road, walkway, or highway) open regularly for use by the public, to the center of the public route (thoroughfare, road, walkway, or highway) open to public use, opposite the nearest public entrance to the school grounds which the student is attending.

#### **R277-600-5. Student with Disabilities Transportation.**

A. Students with disabilities are transported on regular buses and regular routes whenever possible, unless the IEP team determines otherwise. School districts may request approval, prior to providing transportation, for reimbursement for transporting students with disabilities who cannot be safely transported on regular school bus runs.

B. School districts may be reimbursed for the costs of transporting or for alternative transportation for students with disabilities whose severity of disability, or combination of disabilities, necessitates special transportation.

C. During the regular school year, an eligible special transportation route from the assigned school site to an alternative program location shall be for a minimum of fifteen days with primarily the same group of students.

D. During the extended school year (ESY), an eligible special transportation route from the assigned school site to an

alternative program location shall be for a minimum of ten days with primarily the same group of students.

[C]E. Transportation is provided by the Utah Schools for the Deaf and the Blind for students who are transported to its self-contained classes. Exceptions may be approved by the USOE.

#### **R277-600-6. Bus Route Approval.**

A. Transportation is over routes proposed by local boards and approved by the USOE. Information requested by the USOE shall be provided prior to approval of a route. During the regular school year, an eligible route from the assigned school site to an alternative program location shall be for a minimum of fifteen days with primarily the same group of students. [A route usually is not approved for reimbursement]The USOE shall not approve a route for reimbursement if an equitable student transportation allowance or a subsistence allowance [accomplishes the needed transportation at less cost]for the necessary transportation is more cost-effective. The USOE may approve exceptions. A route shall:

- (1) traverse the most direct public route;
- (2) be reasonably cost[-]effective related to other feasible alternatives;
- (3) provide adequate safety for students;
- (4) traverse roads that are constructed and maintained in a manner that does not cause property damage; and
- (5) include an economically [adequate]appropriate number of students.

B. The minimum number of general education students required to establish a route is ten; the minimum number of students with disabilities is five. A route may be established for fewer students upon special permission of the State Superintendent.

C. The school district designates safe areas for bus stops.

(1) To promote efficiency, the USOE approved minimum distance between bus stops is 3/10 of a mile. The USOE may [approve]make exceptions for shorter distances between bus stops for student safety.

(2) Bus routes shall avoid, whenever possible, bus stops on dead-end roads.

(3) Students are responsible for their own transportation to bus stops up to one and one-half miles from home.

(4) ~~[Special education s]~~Students with disabilities are responsible for their own transportation to bus stops [consistent with their IEPs]unless the IEP team determines otherwise.

D. Changes made by school districts in existing routes or the addition of new routes shall be reported to the USOE as they occur. The USOE shall review and may refuse to fund route changes~~[as applicable].~~

E. The USOE may reimburse a school district for transporting another district's students across school district boundaries so long as:

- (1) the route promotes efficient transportation for both districts;
- (2) the route serves a group or community of students and families rather than a single student or a single family;
- (3) the local boards of both participating districts vote in an open meeting that students who reside in one district can be better and more economically served by another district; and
- (4) both districts and the USOE maintain documentation annually of the boards' votes and the map of the approved route.

[E]E. ~~[Transporting]~~Schools may transport eligible students home after school activities held at the students' school of regular attendance and within a reasonable time period after the close of the regular school day [is]and receive approved route mileage.

G. ~~[A route may be approved as an]~~The USOE may approve atypical routes as alternatives to building construction~~[upon special permission of the USOE]~~ if~~[the]~~ routes [is]are needed to allow more efficient school district use of school facilities. Building construction alternatives include elementary double sessions, year-round school, and attendance across school district boundaries.

H.(1) School districts may use State Guarantee Transportation Levy or local transportation funds to transport students across state lines or out-of-state for school sponsored activities or required field trips if:

- (a) the local board has a policy that includes approval of trips at the appropriate administrative level;
- (b) the school or school district has considered the purpose of the trip or activity and any competing risk or liability;
- (c) given the distance, purpose and length of the trip, the school district has determined that the use of a publicly owned school bus is most appropriate for the trip or activity; and
- (d) the local board has consulted with State Risk Management.

(2) If school bus routes transport students across Utah state lines or outside of Utah for required to and from routes, routes are reimbursable providing school districts maintain documentation that the routes are necessary, or are more cost-effective, or provide greater safety for students than in-state routes.

#### **R277-600-7. Alternative Transportation.**

Bus routes that involve a large number of deadhead miles [are]will be analyzed by the USOE for reduction or to determine if an alternative method of transporting students is more efficient. Approved alternatives include the following:

A. The costs incurred in transporting eligible pupils in a school district multipurpose passenger vehicle (M.P.V.) are approved costs as long as the costs demonstrate efficiency.

B(1) The costs incurred in paying eligible students an allowance in lieu of school district-supplied transportation are~~[an]~~ approved costs. A student is reimbursed for the mileage to the bus stop or school, whichever is closer, ~~[nearest]~~to the student's home. The allowance shall not be less than the standard mileage rate deduction permitted by the United States Internal Revenue Service for charitable contributions, nor greater than the reimbursement allowance permitted by the Utah Department of Administrative Services for use of privately owned vehicles set forth in the Utah Travel Regulations;

(2) a student mileage allowance is made to only one student per family for each trip that is necessary for all the students within a family to attend school. If siblings are on different school schedules or ride buses that are on significantly different schedules, multiple students within a family may claim and be paid for student mileage allowances;

(3) if a student or the student's parent is unable to provide private transportation, with prior state approval, an amount equivalent to the student allowance ~~[is payable]~~may be paid to the school district to help pay the costs of school district transportation;

(4) the student's mileage shall be measured and certified in school district records. The student's ADA, as entered in school records, is used to determine the student's attendance.

C(1) The cost incurred in providing a subsistence allowance is an approved cost. If a student lives more than 60 miles (one way) on well-maintained roads from the student's assigned school, a parent may be reimbursed for the student's room and board if the student relocates temporarily to reside in close proximity to the student's assigned school. Payment shall not exceed the Substitute Care Rate for Family Services for the current fiscal year. Adjustments for changes made in the rate during the year are included in the allowance. In addition to the reimbursement for room and board, the subsistence allowance includes the costs of 18 round trips per year.

(2) A subsistence allowance is not applicable to a parent who maintains a separate home during the school year for the convenience of the family. A parent's primary residence during the school year is the residence of the child.

D. Contracting or leasing for pupil transportation

(1) The cost incurred in engaging in a contract or leasing for transportation is an approved cost at the prorated amount available to school districts.

(2) Reimbursements for school districts using a leasing arrangement are determined in accordance with the comparable cost for the school district to operate its own transportation.

(3) Under a contract or lease, the school district's transportation administrator's time shall not exceed one percent of the commercial contract cost.

(4) Eligible student counts, bus route mileage, bus route minutes, service to students with disabilities and bus inventory data are required as if the school district operated its own transportation.

#### **R277-600-8. Other Reimbursable Expenses.**

State transportation funds at the USOE[-]-determined prorated amount may~~[-be used to]~~ reimburse a school district for the following costs:

A. Salaries of clerks, secretaries, trainers, drivers, a supervisor, mechanics and other personnel necessary to operate the transportation program:

(1) a full time supervisor may be paid at the same rate as other professional directors in the school district. The supervisor's salary shall be commensurate with the number of buses, number of eligible students transported, and total responsibility relative to other school district supervisory functions. A school district may claim a percentage of the school district superintendent's or other supervisor's salary for reimbursement if the school district's eligibility count is less than 600 and a verifiable record of administrative time spent in the transportation operation is ~~kept~~ maintained;

(2) The wage time for bus drivers includes to and from school time: ten minute pre-trip inspection, actual driving time, ten minute post-trip inspection and bus cleanup, and 10 minute bus servicing and fueling;

B. Only a proportionate amount of a superintendent's or supervisor's employee benefits (health, accident, life insurance) may be paid from the school district's transportation fund;

C. Purchased property services;

D. Property, comprehensive, and liability insurance;

E. Communication expenses and travel for supervisors to workshops or the national convention;

F. Supplies and materials for vehicles, the school district transportation office and the garage;

G. Depreciation: The USOE ~~[computes]~~ shall provide an annual formula for school bus depreciation;

H. Training expenses to complete bus driver instruction and certification required by the Board; and

I. Other related costs approved by the USOE which may include additional bus driver training.

#### **R277-600-9. Non-reimbursable Expenses.**

A. AFR for all pupil transportation costs shall only include pupil transportation costs and other school district expenditures directly related to pupil transportation.

B. ~~[Expenditures for uses of school district buses and equipment which are not approved APR to and from school pupil transportation costs shall be deleted when transportation costs are calculated. Bus and equipment]~~ In determining expenditures for eligible to and from school transportation, all related costs shall be reduced on a pro rata basis for the miles not connected with approved costs.

C. Expenses determined by the USOE ~~[to be]~~ as not directly related to transportation of eligible students to and from school ~~[are]~~ shall not be reimbursable.

D. Local boards may determine appropriate non-school uses of school buses. Local boards may lease/rent public school buses to federal, state, county, or municipal entities, and those insured by State Risk Management or to non-governmental entities or to those not insured through State Risk Management. In making these determinations, local boards shall:

(1) require full cost reimbursement for any non-public school use including:

- (a) cost per mile;
- (b) cost per minute;
- (c) bus depreciation.

(2) require documentation from the non-school user of insurance through State Risk Management or private insurance coverage and a fully executed agreement for full release of indemnification;

(3) require that any non-school use is revenue neutral; and

(4) consult with State Risk Management to determine adequacy of documentation of insurance and indemnity for any entity requesting use or rental of publicly owned school buses.

E. If a local board approves the use of school buses by a non-governmental entity or an entity not insured through State Risk Management, [requests the use of school bus(es), the] that use shall be approved ~~[-by a local board]~~ in an open board meeting.

F. In the event of an emergency, local, regional, state or federal authorities may request the use of school buses or school bus drivers or both for the period of the emergency. The local board shall grant the request so long as the use can be accommodated consistent with continuing student ~~[-safety and]~~ transportation and student safety requirements.

**R277-600-10. Board Local Levy.**

A. Costs for school district transportation of students which are not reimbursable may be paid for from general[ ~~funds of the~~] school district ~~funds~~ or from the proceeds of the Board Local Levy authorized under Section 53A-17a-164.

B. The revenue from the Board Local Levy may be used for transporting students and for the replacement of school buses.

C. A local board may approve the [F]transportation of students in areas where walking constitutes a hazardous condition[ ~~may be providedlocal board~~ funds [ ~~from the school district~~] or from the Board Local Levy.

(1) Hazardous walking conditions shall be determined by an analysis by the local board of the following factors:

- (a) volume, type, and speed of vehicular traffic;
- (b) age and condition of students traversing the area;
- (c) condition of the roadway, sidewalks and applicable means of access in the area; and
- (d) environmental conditions.

(2) A local board may designate hazardous conditions.

D. Guarantee Transportation Levy

(1) Appropriated funds under Section 53A-17a-127(7) shall be distributed according to each school district's proportional share of its qualifying state contribution.

(2) The qualifying state contribution for school districts shall be the difference between 85 percent of the average state cost per qualifying mile multiplied by the number of qualifying miles and the current funds raised per school district by an amount of revenue equal to at least .0002 per dollar of taxable value of the school district's Board Local Levy under Section 53A-17a-164.

**R277-600-11. Exceptions.**

A. When undue hardships and inequities are created through exact application of these standards, school districts may request an exception to these rules from the State Superintendent on individual cases. Such hardships or inequities may include written evidence demonstrating that no significant increased costs (less than one percent of a school district's transportation budget) is incurred due to a waiver or that students cannot be provided services consistent with the law due to transportation ~~[restrictions]~~exigencies. The State Superintendent may consult with the Pupil Transportation Advisory Committee, designated in Section 53A-17a-127(5), in considering the exemption.

B(1) a school district shall not be penalized in the computation of its state allocation for the presence on an approved to and from school route of an ineligible student who does not create an appreciable increase in the cost of the route;

(2) there is an appreciable increase in cost if, because of the presence of ineligible students, any of the following occurs:

- (a) another route is required;
- (b) a larger or additional bus is required;
- (c) a route's mileage is increased;
- (d) the number of pick-up points below the mileage limits for eligible students exceeds one;
- (e) significant additional time is required to complete a route.

(3) ineligible students may ride buses on a space available basis. An eligible student may not be displaced or required to stand in order to make room for an ineligible student.

**KEY: school buses, school transportation**

**Date of Enactment or Last Substantive Amendment: [~~April 10, 2012~~]2013**

**Notice of Continuation: March 12, 2013**

**Authorizing, and Implemented or Interpreted Law: Art X Sec 3; 53A-1-402(1)(d); 53A-17a-126 and 127**

---

## Education, Administration

### R277-610

#### Released-Time Classes

#### NOTICE OF PROPOSED RULE

(Amendment)

DAR FILE NO.: 37414

FILED: 03/15/2013

#### RULE ANALYSIS

**PURPOSE OF THE RULE OR REASON FOR THE CHANGE:** This rule is amended to provide appropriate flexibility and interaction between public schools and released-time programs. Courts, in recent years, have taken a more accommodating approach to public schools interacting with religious programs and instruction.

**SUMMARY OF THE RULE OR CHANGE:** Language in the rule is changed to provide appropriate flexibility for interaction between public schools and released-time programs.

**STATUTORY OR CONSTITUTIONAL AUTHORIZATION FOR THIS RULE:** Subsection 53A-1-401(3) and Subsection 53A-1-402(1)

#### ANTICIPATED COST OR SAVINGS TO:

♦ **THE STATE BUDGET:** There is no anticipated cost or savings to the state budget. The changes to the rule provide for greater flexibility for interaction between public schools and released-time programs.

♦ **LOCAL GOVERNMENTS:** There is no anticipated cost or savings to local government. There is no anticipated cost or savings to the state budget. The changes to the rule provide for greater flexibility for interaction between public schools and released-time programs.

♦ **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:** There is no anticipated cost or savings to persons other than small businesses, businesses, or local government entities. The amendments apply to released-time programs and public school interaction.

**COMPLIANCE COSTS FOR AFFECTED PERSONS:** There are no compliance costs for affected persons. The changes to the rule provide greater flexibility.

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 05/01/2013

THIS RULE MAY BECOME EFFECTIVE ON: 05/08/2013

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

#### **R277. Education, Administration.**

##### **R277-610. Released-Time Classes and Public Schools.**

###### **R277-610-1. Definitions.**

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

B. "Non-entangling criteria" means neutral course instruction and standards that are academic not devotional; promote awareness not acceptance of any religion; expose not impose a particular view; educate about religion; and inform but not seek to make students conform to any religion.

C. "Released-time" means a period of time during the regular school day when a student attending a public school is excused from the school, at the request of the student's parent.

###### **R277-610-2. Authority and Purpose.**

A. This rule is authorized by Utah Constitution Article X, Section 3 which vests general control and supervision of public education in the Board, Section 53A-1-402(1) which directs the Board to adopt minimum standards for public schools, and Section 53A-1-401(3) which permits the Board to adopt rules in accordance with its responsibilities.

B. The purpose of this rule is to specify standards and procedures for public schools regarding released-time classes.

###### **R277-610-3. [Standards and Procedures for] Interaction Between Public Schools and Released-Time Classes.**

A. Students may attend released-time classes during the regular school day only upon the written request of the student's parent or legal guardian.

B. A public school shall not maintain records of attendance for released-time classes or use school personnel or school resources to regulate such attendance.

C. Teachers of released-time classes are not members of the public school faculty~~[-and shall not participate as faculty members in any school function]~~. Released-time teachers may participate in school activities as community members.

D. Public school teachers, administrators, or other officials shall not request teachers of released-time classes to exercise functions or assume responsibilities for the public school program which would result in a commingling of the activities of the two institutions.

E. ~~[Schedules of classes for p]~~Public school[s] class schedules and course catalogs shall not include released-time classes by name. At the convenience of the school, registration forms may contain a space ~~[indicating]for~~ released-time designation.

F. Public school publications shall not include pictures, reports, or records of released-time classes.

G. Public school~~[-equipment or]~~ personnel shall not ~~[be used in any manner to assist in the conduct of]~~participate in released-time classes. Released-time classes shall not use school resources or equipment.

#### **R277-610-4. Additional Conditions for Religious Released-Time Programs.**

A. Religious classes shall not be held in school buildings or on school property in any way that permits public money or property to be applied to, or that requires public employees to become entangled with, any religious worship, exercise, or instruction.

B. Religious released-time scheduling shall ~~[be done]~~take place on forms and supplies furnished by the religious institution and by personnel employed or engaged by the institution and shall occur off ~~[the premises of the]~~public school premises.

C. There shall be [N]no connection of bells, telephones, computers or other devices~~[-shall be made]~~ between public school buildings and institutions offering religious instruction except as a convenience to the public school in the operation of its own programs. When any connection of devices is permitted, the costs shall be borne by the respective institutions.

D. Records of attendance at religious released-time classes, grades, marks, or other data shall not be included in the correspondence or reports made by the public school to parents.

E. Institutions offering religious instruction are private programs or schools separate and apart from the public schools. Those relationships that are legitimately exercised between the public school and any private school are appropriate with institutions offering released-time classes, so long as public property, public funds, or other public resources are not used to aid such institutions.

F. Public schools may grant elective credit for religious released-time classes if the school district establishes neutral, non-entangling criteria with which to evaluate ~~[the courses]~~all released-time courses.

**KEY: released-time classes**

**Date of Enactment or Last Substantive Amendment:**  
~~[November 8, 2011]~~**2013**

**Notice of Continuation: March 12, 2013**

**Authorizing, and Implemented or Interpreted Law: Art X Sec 3; 53A-1-402(1); 53A-1-401(3)**

## Education, Administration

**R277-702**Procedures for the Utah High School  
Completion Diploma (Effective on July  
1, 2009)**NOTICE OF PROPOSED RULE**

(Amendment)

DAR FILE NO.: 37415

FILED: 03/15/2013

**RULE ANALYSIS**

PURPOSE OF THE RULE OR REASON FOR THE CHANGE: This rule is amended to provide updated provisions and terminology changes.

SUMMARY OF THE RULE OR CHANGE: Language for computer-based testing is provided; language regarding IDEA and students returning to K-12 is provided; adding an acknowledgement that a GED is only one type of equivalency diploma that could be offered or accepted by the Board; and making terminology changes throughout the rule.

STATUTORY OR CONSTITUTIONAL AUTHORIZATION FOR THIS RULE: Subsection 53A-1-401(3) and Subsection 53A-1-402(1)(b)

## ANTICIPATED COST OR SAVINGS TO:

- ◆ THE STATE BUDGET: There is no anticipated cost or savings to the state budget. The changes update provisions relating to the GED test and diploma and update terminology throughout the rule which do not result in a cost or savings.
- ◆ LOCAL GOVERNMENTS: There is no anticipated cost or savings to local government. The changes update provisions relating to the GED test and diploma and update terminology throughout the rule which do not result in a cost or savings.
- ◆ 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: There is no anticipated cost or savings to persons other than small businesses, businesses, or local government entities. The changes update provisions relating to the GED test and diploma and update terminology throughout the rule which do not result in a cost or savings.

COMPLIANCE COSTS FOR AFFECTED PERSONS: There are no compliance costs for affected persons. The changes update provisions relating to the GED test and diploma and update terminology throughout the rule which do not result in compliance costs.

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 05/01/2013

THIS RULE MAY BECOME EFFECTIVE ON: 05/08/2013

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

**R277. Education, Administration.****R277-702. Procedures for the Utah High School Completion Diploma** ~~(Effective on July 1, 2009)~~.**R277-702-1. Definitions.**

- A. "Board" means the Utah State Board of Education.
- B. "GED Test" means the General Educational Development Test developed by the American Council on Education.
- C. "Out-of-school youth" means an individual 16 to 19 years of age whose high school class has not graduated and who is no longer enrolled in a K-12 program of instruction.
- D. "Utah High School Completion Diploma" means a completion diploma issued by the Board and distributed by a GED Testing Center or GED Testing Service (GEDTS) as ~~an~~ agents of the Board, to an individual who has passed all five subject ~~areas~~ modules of the GED Test at a Utah GED Testing Center based on Utah passing standards; measuring the major and lasting outcomes and concepts associated with a traditional four-year high school experience. ~~[This definition becomes effective on July 1, 2009.]~~

**R277-702-2. Authority and Purpose.**

A. This rule is authorized by Utah Constitution Article X, Section 3 which vests general control and supervision of public education in the Board, Section 53A-1-402(1)(b) which directs the Board to adopt rules regarding access to programs, competency levels and graduation requirements, 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 describe the standards and procedures for obtaining a Utah High School Completion Diploma.

**R277-702-3. Administrative Procedures and Standards for Testing and Certification.**

A. The Board contracts with the General Educational Testing Service of the American Council on Education to administer the GED Testing Program in the state. The Board may contract with educational institutions within the state to administer the tests and provide related testing services. The number and location of the institutions designated as testing centers is determined in a manner that ensures that the test is reasonably accessible to potential applicants. Testing centers shall meet the GED Testing Service requirements in the GED Examiner's Manual, available at all Board-approved GED Testing Centers and from the USOE.

B. Individuals desiring to take a GED Test shall ~~complete an application available from any official GED Testing Center~~ follow GED Test registration procedures established by GEDTS and Pearson VUE as approved by the Board and be eligible to take the GED Test under R277-702-4.

C. Individuals desiring to obtain a Utah High School Completion Diploma shall obtain a standard score of at least 410 on each of the five test ~~components~~ modules of the GED Test and obtain an overall average standard score of 450 on the five test[s] modules combined.

D. The Board recognizes that a GED is only one type of equivalency diploma that could be offered or accepted by the Board.

**R277-702-4. Eligibility for GED Testing.**

A. GED [F]testing is open to all individuals regardless of race, color, national origin, gender or disabilities and is open to all individuals regardless of Utah residency.

B. Admission to a GED Test requires the following ~~(effective on July 1, 2009)~~:

(1) that the [applicant]candidate be at least 16 years of age and is not enrolled in any Utah K-12 school that issues high school credits or diplomas or both;

(2) if the [applicant]candidate is age 16, the ~~GED Testing Center requires the following from the applicant]candidate shall~~:

(a) as part of the GED testing registration process, complete a state of Utah GED Testing Application for 16-18 Year Old Non-Graduates available from public schools, [from accredited providers of public school credits, and from GED Testing Centers]public charter schools, private or residential special purpose schools:

(i) completed by the school district, charter school, private or residential special purpose school not associated with a school district, stating that the [applicant]candidate is not enrolled in a school, and the [applicant]candidate understands and accepts the consequences and educational choices associated with the withdrawal from a K-12 program of instruction, including the prohibition from returning to a K-12 program anywhere in Utah upon successful passing of all five ~~sections~~ modules of the GED Test; and

(ii) signed by the [applicant's]candidate's parent/guardian specifically stating that the [applicant]candidate and

parent/guardian understand and accept the consequences and educational choices associated with the [applicant's]candidate's decision to withdraw from a K-12 program of instruction, and authorizing the GED Test[s]; or

(iii) signed by representatives from a Utah state-sponsored Adult Education District Program stating that the [applicant]candidate demonstrates academic competencies to meet with success in passing the GED Test[s]; and

(iv) a marriage certificate in lieu of the parent/guardian signature if the [applicant]candidate is married.

(3) if the [applicant]candidate is 17 or 18 years of age and the [applicant's]candidate's graduating class has not graduated, the GED [F]testing ~~Center requires]candidate shall submit~~ a state of Utah GED Testing Application for 16-18 Year Old Non-Graduates to a Utah state-sponsored Adult Education School District Program:

(a) completed by the school district, charter school, private or residential special purpose school not associated with a school district, stating the [applicant]candidate is not enrolled in school; and

(b) signed by the [applicant's]candidate's parent/guardian authorizing the test; or

(c) a marriage certificate in lieu of the parent/guardian signature if the [applicant]candidate is married.

C. An out-of-school youth of school age who has not successfully passed all five GED Test[s] modules shall be allowed to return to a school district, charter school, private or special purpose school not associated with a school district prior to the time his class graduates with the understanding and expectation that all necessary requirements for the traditional K-12 diploma shall be completed for a regular high school diploma.

D. An out-of-school youth of school age who has received a Utah High School completion Diploma is not eligible to return to a K-12 high school unless it is required for provision of a free appropriate public education (FAPE) under the Individuals with Disabilities Education Act (IDEA), 20 U.S.C., Chapter 33

~~[D]E.~~ An out-of-school youth of school age who has successfully passed all five GED Test[s] modules and received a Utah High School Completion Diploma shall be reported as a graduate for K-12 graduation Annual Yearly Progress outcomes.

~~[E]E.~~ Individuals, as required by an employer or higher education to provide academic competency, who can not offer proof of high school completion may, upon approval of the USOE GED Testing ~~[a]Administrator~~, take the GED Test[s].

~~[F]G.~~ Individuals who have previously passed GED Test[s] modules but seek ~~ing~~ higher GED Test scores for specific post-secondary institution admission may seek permission to retake the GED Test[s] module(s) from the USOE GED Testing Administrator ~~[of GED Testing]~~.

**R277-702-5. Fees.**

A. The Board, or its designee, shall adopt uniform fees for the General Educational Development Certificate and uniform forms, deadlines, and accounting procedures to administer this program as defined by GED Testing Service and Pearson VUE.

B. A GED Testing Center, after consultation with the Board or its designee, shall adopt fees and forms for GED [F]testing as defined by GED Testing Service and Pearson VUE.

**R277-702-6. Official Transcripts.**

Test scores shall be accepted by the Board when original scores are reported by:

- A. Board-approved GED Testing Centers;
- B. Transcript service of the Defense Activity for Non-Traditional Educational Support (DANTES);
- C. Veterans Administration hospitals and centers; or
- D. GED Testing Service or authorized agents.

**R277-702-7. Adult High School Outcomes**~~[(Effective Upon Board Approval)].~~

A. A local board of education may adopt standards and procedures for awarding up to five (5) units of credit on the basis of test results which may be applied toward an ~~[a]Adult [high school]Education Secondary~~ ~~[d]Diploma~~ only if the student was enrolled in an Adult Education Program prior to July 1, 2009 and the GED was transcribed prior to July 1, 2009.

~~[B. Individuals enrolled in an adult education program any time during the 2008-2009 program year may apply credits for successfully passing the GED Tests toward an Adult Education Secondary Diploma.~~

~~[C.]~~ B. Individuals who have taken and passed the GED Tests prior to January 1, 2002 may enroll in an adult education program now and in the future to obtain an Adult Education Secondary Diploma upon completion of graduation requirements as defined in Rule 277-733 - Adult Education Programs, but may not apply for a previously issued GED Test[s] Certificate to be converted to a Utah High School Completion Diploma.

~~[D.]~~ C. Individuals who have taken and passed the GED Test[s] in the state of Utah between the dates of January 1, 2002 and June 30, 2009 may apply after July 1, 2009 for a Utah High School Completion Diploma to replace the originally issued GED Test Certificate from the Board or they may enroll in an adult education program to complete the necessary requirements for an Adult Education Secondary Diploma.

**R277-702-8. GED Testing Security.**

A. Access to the GED Test[s] shall be limited to the USOE Administrator of GED Testing; state authorized GED Examiners or Pearson VUE test facilitators; and during actual testing, those ~~[examinees]test candidates~~ without high school diplomas or a GED credential. Any other access to the GED Test[s] shall be cleared in writing through the USOE GED Testing Administrator~~[of GED Testing]~~.

B. All test ~~[administrators]facilitators~~ shall conduct GED Test administration in strict accordance with the procedures and guidelines specified by the GED Testing Service and Pearson VUE, in the GED Test administration manual~~[, school district rules and policies,]~~ and Board rules.

C. Teachers, administrators, and school personnel shall not:

(1) provide students directly or indirectly with specific questions or answers from any official GED Test;

(2) allow students access to any testing material, in any form, prior to test administration~~[with the exception of GED demographic sheets];~~ or

(3) knowingly and intentionally do anything that would inappropriately affect the security, validity, or reliability of GED Test scores of any individual student or group taking the GED Test.

D. Intentional ~~[V]~~ violation of any of these rules by licensed educators may subject ~~[licensed educators]them~~ to disciplinary action under Section ~~[53A-8-104]53A-6-501~~ or R277-515, Utah Educator Standards, or both.

**KEY: adult education, educational testing, student competency**  
**Date of Enactment or Last Substantive Amendment: [June 9, 2009]2013**

**Notice of Continuation: March 12, 2013**

**Authorizing, and Implemented or Interpreted Law: 53A-1-402(1)(b); 53A-1-401(3)**

## Health, Family Health and Preparedness, Children with Special Health Care Needs **R398-1** Newborn Screening

### NOTICE OF PROPOSED RULE (Amendment)

DAR FILE NO.: 37381  
FILED: 03/04/2013

#### RULE ANALYSIS

**PURPOSE OF THE RULE OR REASON FOR THE CHANGE:** A recommendation to add "Severe Combined Immune Deficiency (SCID)" to the routine newborn screening panel was approved by the Secretary's Advisory Committee on Heritable Disorders of Newborns and Children and approved by the Secretary of Health and Human Services in 2010. The Utah Department of Health's Genetics Advisory Committee and the Newborn Screening Subcommittee have also requested that SCID be added to the newborn screening panel.

**SUMMARY OF THE RULE OR CHANGE:** Screening for SCID is added in Section R398-1-3. There are several format changes throughout the rule.

**STATUTORY OR CONSTITUTIONAL AUTHORIZATION FOR THIS RULE:** Section 26-1-30 and Section 26-10-6

**ANTICIPATED COST OR SAVINGS TO:**

♦ **THE STATE BUDGET:** The cost to Medicaid will be \$117,814 based on 2010 Medicaid eligible deliveries. This is calculated as \$7.20 X 16,363 Medicaid eligible deliveries in 2010. Medical literature indicates that screening for SCID will identify 1-2 cases in 50,000 births. Early identification results in a decrease in hospitalizations and testing to identify sick newborns with the disorder. Each child not identified through newborn screening requires more in hospitalizations and testing before SCID is identified. Estimated savings per case identified through newborn screening ranges from \$350,000 to \$2,000,000.



- ◆ LOCAL GOVERNMENTS: There is no impact on local governments. Additional costs for the SCID screening are passed on to Medicaid, third party payers, and others.
- ◆ SMALL BUSINESSES: None--Additional costs for the SCID screening are passed on to the Medicaid, third party payers and others.
- ◆ PERSONS OTHER THAN SMALL BUSINESSES, BUSINESSES, OR LOCAL GOVERNMENTAL ENTITIES: Additional costs for SCID screening are passed on to third party payers, Medicaid, and others. The additional cost to persons other than businesses is \$267,883 based on 2010 non-Medicaid deliveries in 2010. This is calculated as \$7.20 X 37,206 births. Medical literature indicates that screening for SCID will identify 1-2 cases in 50,000 births. Early identification results in a decrease in hospitalizations and testing to identify sick newborns with the disorder. Each child not identified through newborn screening requires more hospitalizations and testing before SCID is identified. Estimated savings per case ranges from \$350,000 to \$2,000,000.

COMPLIANCE COSTS FOR AFFECTED PERSONS: The compliance cost will be \$7.20 per newborn screened. The Department does not have sufficient data to estimate the cost to any particular third party payer who pays for the screenings.

COMMENTS BY THE DEPARTMENT HEAD ON THE FISCAL IMPACT THE RULE MAY HAVE ON BUSINESSES: Balancing the cost of testing at \$7.20 against the value of identifying 1-2 cases per year in Utah and avoiding the delay in care and suffering by the child and family is a difficult task. Impact on third party payors has been carefully evaluated and tentatively determined to be reasonable and appropriate. Public comment will be carefully evaluated.

THE FULL TEXT OF THIS RULE MAY BE INSPECTED, DURING REGULAR BUSINESS HOURS, AT:  
 HEALTH  
 FAMILY HEALTH AND PREPAREDNESS,  
 CHILDREN WITH SPECIAL HEALTH CARE NEEDS  
 44 N MARIO CAPECCHI DR  
 SALT LAKE CITY, UT 84113  
 or at the Division of Administrative Rules.

DIRECT QUESTIONS REGARDING THIS RULE TO:  
 ◆ Kim Hart by phone at 801-584-8256, by FAX at 801-536-0966, or by Internet E-mail at kimhart@utah.gov

INTERESTED PERSONS MAY PRESENT THEIR VIEWS ON THIS RULE BY SUBMITTING WRITTEN COMMENTS NO LATER THAN AT 5:00 PM ON 05/03/2013

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

AUTHORIZED BY: David Patton, PhD, Executive Director

**R398. Health, Family Health and Preparedness, Children with Special Health Care Needs.**

**R398-1. Newborn Screening.**

**R398-1-1. Purpose and Authority.**

(1) The purpose of this rule is to facilitate early detection, prompt referral, early treatment, and prevention of disability and mental retardation in infants with certain genetic and endocrine disorders.

(2) Authority for the Newborn Screening program and promulgation of rules to implement the program are found in Sections 26-1-30(2)(a), (b), (c), (d), and (g) and 26-10-6.

**R398-1-2. Definitions.**

(1) "Abnormal test result" means a result that is outside of the normal range for a given test.

(2) "Appropriate specimen" means a blood specimen submitted on the Utah Newborn Screening form that conforms with the criteria in R398-1-8.

(3) "Blood spot" means a clinical specimen(s) submitted on the filter paper (specially manufactured absorbent specimen collection paper) of the Newborn Screening form using the heel stick method.

(4) "Department" means the Utah Department of Health.

(5) "Follow up" means the tracking of all newborns with an abnormal result, inadequate or unsatisfactory specimen or a quantity not sufficient specimen through to a normal result or confirmed diagnosis and referral.

(6) "Inadequate specimen" means a specimen determined by the Newborn Screening Laboratory to be unacceptable for testing.

(7) "Indeterminate result" means a result that requires another specimen to determine normal or abnormal status.

(8) "Institution" means a hospital, alternate birthing facility, or midwife service in Utah that provides maternity or nursery services or both.

(9) "Medical home/practitioner" means a person licensed by the Department of Commerce, Division of Occupational and Professional Licensing to practice medicine, naturopathy, or chiropractic or to be a nurse practitioner, as well as the licensed or unlicensed midwife who takes responsibility for delivery or the ongoing health care of a newborn.

(10) "Metabolic diseases" means those diseases screened by the Department which are caused by an inborn error of metabolism.

(11) "Newborn Screening form" means the Department's demographic form with attached Food and Drug Administration (FDA)-approved filter paper medical collection device.

(12) "Quantity not sufficient specimen" or "QNS specimen" means a specimen that has been partially tested but does not have enough blood available to complete the full testing.

(13) "Unsatisfactory specimen" means an inadequate specimen.

**R398-1-3. Implementation.**

(1) Each newborn in the state of Utah shall submit to the Newborn Screening testing, except as provided in Section R398-1-11.

(2) The Department of Health, after consulting with the Genetic Advisory Committee, will determine the Newborn Screening battery of tests based on demonstrated effectiveness and available funding. Disorders for which the infant blood is screened are:

- (a) Biotinidase Deficiency;
- (b) Congenital Adrenal Hyperplasia;
- (c) Congenital Hypothyroidism;
- (d) Galactosemia;
- (e) Hemoglobinopathy;
- (f) Amino Acid Metabolism Disorders:
  - (i) Phenylketonuria (phenylalanine hydroxylase deficiency and variants);
  - (ii) Tyrosinemia type 1 (fumarylacetoacetate hydrolase deficiency);
  - (iii) Tyrosinemia type 2 (tyrosine amino transferase deficiency);
  - (iv) Tyrosinemia type 3 (4-OH-phenylpyruvate dioxygenase deficiency);
  - (v) Maple Syrup Urine Disease (branched chain ketoacid dehydrogenase deficiency);
  - (vi) Homocystinuria (cystathionine beta synthase deficiency);
  - (vii) Citrullinemia (arginino succinic acid synthase deficiency);
  - (viii) Argininosuccinic aciduria (arginino succinic acid lyase deficiency);
  - (ix) Argininemia (arginase deficiency);
  - (x) Hyperprolinemia type 2 (pyrroline-5-carboxylate dehydrogenase deficiency);
  - (g) Fatty Acid Oxidation Disorders:
    - (i) Medium Chain Acyl CoA Dehydrogenase Deficiency;
    - (ii) Very Long Chain Acyl CoA Dehydrogenase Deficiency;
    - (iii) Short Chain Acyl CoA Dehydrogenase Deficiency;
    - (iv) Long Chain 3-OH Acyl CoA Dehydrogenase Deficiency;
    - (v) Short Chain 3-OH Acyl CoA Dehydrogenase Deficiency;
    - (vi) Primary carnitine deficiency (OCTN2 carnitine transporter defect);
    - (vii) Carnitine Palmitoyl Transferase I Deficiency;
    - (viii) Carnitine Palmitoyl Transferase 2 Deficiency;
    - (ix) Carnitine Acylcarnitine Translocase Deficiency;
    - (x) Multiple Acyl CoA Dehydrogenase Deficiency;
    - (h) Organic Acids Disorders:
      - (i) Propionic Acidemia (propionyl CoA carboxylase deficiency);
      - (ii) Methylmalonic acidemia (multiple enzymes);
      - (iii) Isovaleric acidemia (isovaleryl CoA dehydrogenase deficiency);
      - (iv) 2-Methylbutyryl CoA dehydrogenase deficiency;
      - (v) Isobutyryl CoA dehydrogenase deficiency;
      - (vi) 2-Methyl-3-OH-butyryl-CoA dehydrogenase deficiency;
      - (vii) Glutaric acidemia type 1 (glutaryl CoA dehydrogenase deficiency);
      - (viii) 3-Methylcrotonyl CoA carboxylase deficiency;
      - (ix) 3-Ketothiolase deficiency;
      - (x) 3-Hydroxy-3-methyl glutaryl CoA lyase deficiency;
      - (xi) Holocarboxylase synthase (multiple carboxylases) deficiency; ~~and~~
      - (i) Cystic Fibrosis[-]; and
      - (j) Severe Combined Immunodeficiency syndrome.

**R398-1-4. Responsibility for Collection of the First Specimen.**

(1) If the newborn is born in an institution, the institution must collect and submit an appropriate specimen, unless the newborn is transferred to another institution prior to 48 hours of age.

(2) If the newborn is born outside of an institution, the practitioner or other person primarily responsible for providing assistance to the mother at the birth must arrange for the collection and submission of an appropriate specimen.

(3) If there is no other person in attendance of the birth, the parent or legal guardian must arrange for the collection and submission of an appropriate specimen.

(4) If the newborn is transferred to another institution prior to 48 hours of age, the receiving health institution must collect and submit an appropriate specimen.

**R398-1-5. Timing of Collection of First Specimen.**

The first specimen shall be collected between 48 hours and five days of age. Except:

(1) If the newborn is discharged from an institution before 48 hours of age, an appropriate specimen must be collected within four hours of discharge.

(2) If the newborn is to receive a blood transfusion or dialysis, the appropriate specimen must be collected immediately before the procedure, except in emergency situations where time does not allow for collection of the specimen. If the newborn receives a blood transfusion or dialysis prior to collecting the appropriate specimen the following must be done:

(a) Repeat the collection and submission of an appropriate specimen 7-10 days after last transfusion or dialysis for a second screening specimen;

(b) Repeat the collection and submission of an appropriate specimen 120 days after last transfusion or dialysis for a first screening specimen.

**R398-1-6. Parent Education.**

The person who has responsibility under Section R398-1-4 shall inform the parent or legal guardian of the required collection and submission and the disorders screened. That person shall give the second half of the Newborn Screening form to the parent or legal guardian with instructions on how to arrange for collection and submission of the second specimen.

**R398-1-7. Timing of Collection of the Second Specimen.**

A second specimen shall be collected between 7 and 28 days of age.

(1) The parent or legal guardian shall arrange for the collection and submission of the appropriate second specimen through an institution, medical home/practitioner, or local health department.

(2) If the newborn's first specimen was obtained prior to 48 hours of age, the second specimen shall be collected by fourteen days of age.

(3) If the newborn is hospitalized beyond the seventh day of life, the institution shall arrange for the collection and submission of the appropriate second specimen.

**R398-1-8. Criteria for Appropriate Specimen.**

(1) The institution or medical home/practitioner collecting the appropriate specimen must:

(a) Use only a Newborn Screening form purchased from the Department. The fee for the Newborn Screening form is set by the Legislature in accordance with Section 26-1-6;

(b) Correctly store the Newborn Screening form;

(c) Not use the Newborn Screening form beyond the date of expiration;

(d) Not alter the Newborn Screening form in any way;

(e) Complete all information on the Newborn Screening form. If the infant is being adopted, the following may be omitted: infant's last name, birth mother's name, address, and telephone number. Infant must have an identifying name, and a contact person must be listed;

(f) Apply sufficient blood to the filter paper;

(g) Not contaminate the filter paper with any foreign substance;

(h) Not tear, perforate, scratch, or wrinkle the filter paper;

(i) Apply blood evenly to one side of the filter paper and be sure it soaks through to the other side;

(j) Apply blood to the filter paper in a manner that does not cause caking;

(k) Collect the blood in such a way as to not cause serum or tissue fluids to separate from the blood;

(l) Dry the specimen properly;

(m) Not remove the filter paper from the Newborn Screening form.

(2) Submit the completed Newborn Screening form to the Utah Department of Health, Newborn Screening Laboratory, 4431 South 2700 West, Taylorsville, Utah 84119.

(a) The Newborn Screening form shall be placed in an envelope large enough to accommodate it without folding the form.

(b) If mailed, the Newborn Screening form shall be placed in the U.S. Postal system within 24 hours of the time the appropriate specimen was collected.

(c) If hand-delivered, the Newborn Screening form shall be delivered within 48 hours of the time the appropriate specimen was collected.

#### **R398-1-9. Abnormal Result.**

(1) (a) If the Department finds an abnormal result consistent with a disease state, the Department shall send written notice to the medical home/practitioner noted on the Newborn Screening form.

(b) If the Department finds an indeterminate result on the first screening, the Department shall determine whether to send a notice to the medical home/practitioner based on the results on the second screening specimen.

(2) The Department may require the medical home/practitioner to collect and submit additional specimens for screening or confirmatory testing. The Department shall pay for the initial confirmatory testing on the newborn requested by the Department. The Department may recommend additional diagnostic testing to the medical home/practitioner. The cost of additional testing recommended by the Department is not covered by the Department.

(3) The medical home/practitioner shall collect and submit specimens within the time frame and in the manner instructed by the Department.

(4) As instructed by the Department or the medical home/practitioner, the parent or legal guardian of a newborn identified with an abnormal test result shall promptly take the newborn to the

Department or medical home/practitioner to have an appropriate specimen collected.

(5) The medical home/practitioner who makes the final diagnosis shall complete a diagnostic form and return it to the Department within 30 days of the notification letter from the Department.

#### **R398-1-10. Inadequate or Unsatisfactory Specimen, or QNS Specimen.**

(1) If the Department finds an inadequate or unsatisfactory specimen, or QNS specimen, the Department shall inform the medical home/practitioner noted on the Newborn Screening form.

(2) The medical home/practitioner shall submit an appropriate specimen in accordance with Section R398-1-8. The specimen shall be collected and submitted within two days of notice, and the form shall be labeled for testing as directed by the Department.

(3) The parent or legal guardian of a newborn identified with an inadequate or unsatisfactory specimen or QNS specimen shall promptly take the newborn to the medical home/practitioner to have an appropriate specimen collected.

#### **R398-1-11. Testing Refusal.**

A parent or legal guardian may refuse to allow the required testing for religious reasons only. The medical home/practitioner or institution shall file in the newborn's record documentation of refusal, reason, education of family about the disorders, and a signed waiver by both parents or legal guardian. The practitioner or institution shall submit a copy of the refusal to the Utah Department of Health, Newborn Screening Program, P.O. Box 144710, Salt Lake City, UT 84114-4710.

#### **R398-1-12. Access to Medical Records.**

(1) The Department shall have access to the medical records of a newborn in order to identify medical home/practitioner, reason appropriate specimen was not collected, or to collect missing demographic information.

(2) The institution shall enter the Newborn Screening form number, also known as the Birth Record Number, into the Vital Records database and the Newborn Hearing Screening database.

#### **R398-1-13. Noncompliance by Parent or Legal Guardian.**

If the medical home/practitioner or institution has information that leads it to believe that the parent or legal guardian is not complying with this rule, the medical home/practitioner or institution shall report such noncompliance as medical neglect to the Department.

#### **R398-1-14. Confidentiality and Related Information.**

(1) The Department initially releases test results to the institution of birth for first specimens and to the medical home/practitioner, as noted on the Newborn Screening form, for the second specimen.

(2) The Department notifies the medical home/practitioner noted on the Newborn Screening form as provided in Section R398-1-9(1) of any results that require follow up.

(3) The Department releases information to a medical home/practitioner or other health practitioner on a need to know basis; i.e., routine pediatric care, timely and effective referral for diagnostic services or to ensure appropriate management for individuals with

~~confirmed diagnosis~~]. Release may be ~~[verbal]~~orally, by a hard copy of results or available electronically by authorized access.

(4) Upon request of the parent or guardian, the Department may release results as directed in the release.

(5) All requests for test results or records are governed by Utah Code Title 26, Chapter 3.

(6) The Department may release information in summary, statistical, or other forms that do not identify particular individuals.

(7) A testing laboratory that analyzes newborn screening samples for the Department may not release information or samples without the Department's express written direction.

#### **R398-1-15. Blood Spots.**

(1) Blood spots become the property of the Department.

(2) The Department includes in parent education materials information about the Department's policy on the retention and use of residual newborn blood spots.

(3) The Department may use residual blood spots for newborn screening quality assessment activities.

(4) The Department may release blood spots for research upon the following:

(a) The person proposing to conduct the research applies in writing to the Department for approval to perform the research. The application shall include a written protocol for the proposed research, the person's professional qualifications to perform the proposed research, and other information if needed and requested by the Department. When appropriate, the proposal will then be submitted to the Department's Internal Review Board for approval.

(b) The Department shall de-identify blood spots it releases unless it obtains informed consent of a parent or guardian to release identifiable samples.

(c) All research must be first approved by the Department's Internal Review Board.

#### **R398-1-16. Retention of Blood Spots.**

(1) The Department retains blood spots for a minimum of 90 days.

(2) Prior to disposal, the Department shall de-identify and autoclave the blood spots.

#### **R398-1-17. Reporting of Disorders.**

If a diagnosis is made for one of the disorders screened by the Department that was not identified by the Department, the medical home/practitioner shall report it to the Department.

#### **R398-1-18. Statutory Penalties.**

As required by Subsection 63G-3-201(5): Any medical home/practitioner or facility responsible for submission of a newborn screen that violates any provision of this rule may be assessed a civil money penalty as provided in Section 26-23-6.

#### **KEY: health care, newborn screening**

**Date of Enactment or Last Substantive Amendment:** [~~June 15, 2010~~]**2013**

**Notice of Continuation:** September 10, 2009

**Authorizing, and Implemented or Interpreted Law:** 26-1-6; 26-1-30(2)(a), (b), (c), (d), and (g); 26-10-6

## Health, Family Health and Preparedness, Emergency Medical Services **R426-2** Air Medical Service Rules

### NOTICE OF PROPOSED RULE

(New Rule)

DAR FILE NO.: 37411

FILED: 03/15/2013

### RULE ANALYSIS

**PURPOSE OF THE RULE OR REASON FOR THE CHANGE:** The rule has currently expired. The rule needs to be enacted to match statute. The rule will ensure that the current standards of operations for air ambulance services are maintained.

**SUMMARY OF THE RULE OR CHANGE:** The rule will allow to maintain standards and criteria for licensed air ambulance providers. (DAR NOTE: A corresponding 120-day (emergency) rule that is effective as of 03/14/2013 is under DAR No. 37409 in this issue, April 1, 2013, of the Bulletin.)

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

#### ANTICIPATED COST OR SAVINGS TO:

◆ **THE STATE BUDGET:** The state budget is affected as licensure fees support the Bureau of EMS and their operation costs.

◆ **LOCAL GOVERNMENTS:** No new fiscal impacts from recently expired air ambulance rules. Fiscal impacts of past air ambulance rules have not applied to local governments due to the fact air ambulance industry in Utah is currently under cooperative ownerships.

◆ **SMALL BUSINESSES:** Current providers are all larger than 50 employees. Future business would be required to meet the same operational standards for equipment and staffing.

◆ **PERSONS OTHER THAN SMALL BUSINESSES, BUSINESSES, OR LOCAL GOVERNMENTAL ENTITIES:** No new fiscal impacts to currently existing licensed air ambulance providers. This rule is a replacement for past operational requirements. Licensed providers already have surpassed the minimal requirements required by this rule.

#### COMPLIANCE COSTS FOR AFFECTED PERSONS:

Affected persons are currently paying for air ambulance services that are provided by the licensed agencies. No changes are expected due to this rule.

**COMMENTS BY THE DEPARTMENT HEAD ON THE FISCAL IMPACT THE RULE MAY HAVE ON BUSINESSES:** The air ambulance rule presents no unreasonable barriers to entry for qualified providers.

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

HEALTH  
FAMILY HEALTH AND PREPAREDNESS,  
EMERGENCY MEDICAL SERVICES  
3760 S HIGHLAND DR  
SALT LAKE CITY, UT 84106  
or at the Division of Administrative Rules.

DIRECT QUESTIONS REGARDING THIS RULE TO:

♦ Allan Liu by phone at 801-273-6664, by FAX at 801-273-4165, or by Internet E-mail at [aliu@utah.gov](mailto:aliu@utah.gov)

INTERESTED PERSONS MAY PRESENT THEIR VIEWS ON  
THIS RULE BY SUBMITTING WRITTEN COMMENTS NO  
LATER THAN AT 5:00 PM ON 05/01/2013

THIS RULE MAY BECOME EFFECTIVE ON: 05/08/2013

AUTHORIZED BY: David Patton, PhD, Executive Director

**R426. Health, Family Health and Preparedness, Emergency Medical Services.**

**R426-2. Air Medical Service Rules.**

**R426-2-1. Authority and Purpose.**

(1) This Rule is established under Chapter 8, Title 26a.

(2) The purpose of this Rule is to set forth air ambulance policies and rules and standards adopted by the Utah Emergency Medical Services Committee which promote and protect the health and safety of the people of this state.

**R426-2-2. Requirements for Licensure.**

(1) The Department may issue licenses and vehicle permits to air medical services conforming to R426-2 for Advanced Life Support Air Medical Service and for Specialized Life Support Air Medical Service. A Specialized Life Support Air Medical Service license must list, on the license, the specialties for which the Specialized Life Support Air Medical Service is licensed.

(2) A person may not furnish, operate, conduct, maintain, advertise, or provide air medical transport services to patients within the state or from within the state to out of state unless licensed by the Department.

(3) An air medical service shall comply with all state and federal requirements governing the specific vehicles utilized for air medical transport services.

(4) An air medical service must provide air medical services 24 hours a day, every day of the year as allowed by weather conditions except when the service is committed to another medical emergency or is unavailable due to maintenance requirements.

(5) To become licensed as an air medical service, an applicant must submit to the Department an application and appropriate fees for an original license which shall include the following:

(a) Certified Articles of Incorporation, if incorporated.

(b) The name, address, and business type of the owner of the air medical service or proposed air medical service.

(c) The name and address of the air ambulance operator(s) providing air ambulance(s) to the service.

(d) The name under which the applicant is doing business or proposes to do business.

(e) A statement summarizing the training and experience of the applicant in the air transportation and care of patients.

(f) A description and location of each dedicated and back-up air ambulance(s) procured for use in the air medical service, including the make, model, year of manufacture, FAA-N number, insignia, name or monogram, or other distinguishing characteristics.

(g) A copy of current Federal Aviation Administration (FAA) Air Carrier Operating Certificate authorizing FAR, Part 135, operations.

(h) A copy of the current certificate of insurance for the air ambulance.

(i) A copy of the current certificate of insurance demonstrating coverage for medical malpractice.

(j) The geographical service area, location and description of the place or places from which the air ambulance will operate.

(k) Name of the training officer responsible for the air medical personnel continuing education.

(l) The name of the air medical service medical director.

(m) A proposed roster of medical personnel which includes level of certification or licensure.

(n) A statement detailing the level of care for which the air medical service wishes to be licensed, either advanced or specialized.

(6) Upon receipt of an appropriately completed application for an air medical service license and submission of license fees, the Department shall collect supporting documentation and review each application. After review and before issuing a license to a new air medical service, the Department shall directly inspect the vehicle(s), the air medical equipment, and required documentation.

(7) The Department shall issue an air medical service license and air ambulance permit for a period of four years from the date of issue and which shall remain valid for the period unless revoked or suspended by the Department. The department may conduct inspections to assure compliance.

(8) Upon change of ownership, an air medical service license and air ambulance permit terminates and the new owner or operator must file within ten business days of acquisition an application for renewal of the air medical service license and air ambulance permit.

(9) Air medical services must have an agreement to allow hospital emergency department physicians, nurses, and other personnel who participate in emergency medical services to fly on air ambulances.

(10) Air medical services must provide reports to the Department, for each mission made, on forms or a data format specified by the Department.

(11) Effective July 1, 1998, successful completion of the CAMTS certification process is required for licensure and relicensure by the Department as an air medical service.

(a) Air medical services licensed under R426-2 as of July 1, 1997 must achieve CAMTS certification as of July 1, 1998, and meet requirements of R426-2 for relicensure.

(b) Air medical services licensed under R426-2 after July 1, 1997 must submit an application for CAMTS certification within one year of receiving a license under this rule.

**R426-2-3. Personnel Requirements.**

(1) Emergency Medical Technicians and Paramedics, when responding to a medical emergency, shall display their certification patch or identification card on outer clothing to identify competency level at the scene.

(2) Air medical service providing basic life support must have at least one medical attendant who is an Emergency Medical Technician-Intermediate (EMT-I), EMT-Paramedic, Physician's Assistant, Registered Nurse, or MD.

(3) Air medical services providing advanced life support must have at least one medical attendant who is an EMT-P, PA, RN, or MD. This attendant shall be the primary medical attendant. The second medical attendant may be an EMT-P, PA, Respiratory Therapist, RN, or MD.

(4) Air medical services providing specialized life support must have at least one medical attendant who is a RN or MD. This attendant shall be the primary medical attendant. The second medical attendant may be an EMT-P, PA, RT, RN, or MD.

(5) All Basic, Advanced, and Specialized Life Support Medical Attendants must:

(a) Have a current CPR card or certificate meeting standards approved by the Department.

(b) Have verification in the air medical service file of initial and annual training in altitude physiology, safety, stress management, infection control, hazardous materials, survival training, disaster training, triage, and Utah emergency medical system communications.

(c) Be knowledgeable in the application, operation, care, and removal of all medical equipment used in the care of the patient. The air medical personnel shall have a knowledge of potential in-flight complications, which may arise from the use of the medical equipment and it's in-flight capabilities and limitations.

(d) Have available during transport, a current copy of all written protocols authorized for use by the air medical service medical director. Patient care shall be governed by these authorized written protocols.

(6) Air medical services licensed for specialized life support shall meet the following requirements:

(a) Maintain clinical competency by keeping a current completion card in specialty education programs required by the air medical service job description (e.g., American Heart Association/American Academy of Pediatrics Neonatal Association or Pediatric Advanced Life Support pertinent to appropriate specialty).

(b) Attend continuing education for specialty care providers that is specific and appropriate to the mission statement and scope of care for air medical services.

(c) Annually demonstrate to the air medical service medical director a knowledge and competency of specialized care and treatment of patients.

(7) All air medical services shall have an air medical service medical director who is a physician licensed in the state in which the ground base is located for the air ambulance, knowledgeable and responsible for the air medical care of patients.

(8) The air medical service applicant shall provide in writing to the Department the name of the air medical service medical director. If the air medical service medical director is replaced or removed, the air medical service shall notify the Department within thirty days after the action.

(a) The air medical service medical director:

(i) Shall have initial and annual training in altitude physiology, air ambulance safety, stress management, infection control, hazardous materials, survival training, disaster training, triage, and Utah emergency medical system communications. The air medical service shall document this training and make it available for inspection by the Department.

(ii) Shall have a current completion card in Advanced Cardiac Life Support according to the current standards of the American Heart Association.

(iii) Shall have a current completion card in Advanced Trauma Life Support according to the current standards of the American College of Surgeons.

(iv) Shall have a current specialty education completion card in Neonatal Resuscitation Program, Pediatric Advanced Life Support, and other similar courses or equivalent education in these areas.

(v) Shall have access to all specialty physicians as consultants.

(b) It is the responsibility of the air medical director to:

(i) Authorize written protocols for use by air medical attendants and review policies and procedures of the air medical service.

(ii) Develop and review treatment protocols, assess field performance, and critique at least 10% of the air medical service runs.

**R426-2-4. Air Ambulance Vehicle Requirements.**

(1) An air ambulance must have a permit from the Department to operate in Utah. Each air ambulance shall carry a decal showing the permit expiration date and permit number issued by the Department as evidence of compliance with R426-2. The permit holder shall meet all Federal Aviation Regulations specific to the operation of the air medical service.

(2) All air medical services shall notify the Department whenever the ground base location of a permitted vehicle is permanently changed.

(3) Air ambulances shall be maintained in good mechanical repair and sanitary condition on premises, properly equipped, maintained, and operated to provide quality service.

(4) Air ambulance requirements are as follows:

(a) The air ambulance must have sufficient space to accommodate at least one patient on a stretcher.

(b) The air ambulance must have sufficient space to accommodate at least two medical attendant seats.

(c) The patient stretcher shall be FAA-approved. It must be installed using the FAA 337 form or a "Supplemental Type Certificate." The stretcher shall be of sufficient length and width to support a patient in full supine position who is ranked as a 95th percentile American male that is 6 feet tall and weighing 212 pounds. The head of the stretcher shall be capable of being elevated at least 30 degrees.

(d) The air ambulance doors shall be large enough to allow a stretcher to be loaded without rotating it more than 30 degrees about the longitudinal roll axis, or 45 degrees about the lateral pitch axis.

(e) The stretcher shall be positioned so as to allow the medical attendants a clear view and access to any part of the patient's body that may require medical attention. Seat-belted medical attendants must have access to the patient's head and upper body.

(f) The patient, stretcher, attendants, seats, and equipment shall be so arranged as to not block the pilot, medical attendants, or patients from easily exiting the air ambulance.

(g) The air ambulance shall have FAA- approved two point safety belts and security restraints adequate to stabilize and secure any patient, patient stretcher, medical attendants, pilots, or other individuals.

(h) The air ambulance shall have a temperature and ventilation system for the patient treatment area.

(i) The patient area shall have overhead or dome lighting of at least 40-foot candle at the patient level, to allow adequate patient care. During night operations the pilot's cockpit shall be protected from light originating from the patient care area.

(j) The air ambulance shall have a self contained interior lighting system powered by a battery pack or portable light with a battery source.

(k) The pilots, flight controls, power levers, and radios shall be physically protected from any intended or accidental interference by patient, air medical personnel or equipment and supplies.

(l) The patient must be sufficiently isolated from the cockpit to minimize in-flight distractions and interference which would affect flight safety.

(m) The interior surfaces shall be of material easily cleaned, sanitized, and designed for patient safety. Protruding sharp edges and corners shall be padded.

(n) Patients whose medical problems may be adversely affected by changes in altitude may only be transported in a pressurized air ambulance.

(o) The air medical service shall provide all medical attendants with sound ear protectors sufficient to reduce excessive noise pollution arising from the air ambulance during flight.

(p) There shall be sufficient medical oxygen to assure adequate delivery of oxygen necessary to meet the patient medical needs and anticipated in-flight complications. The medical oxygen must:

(i) be installed according to FAA regulation;

(ii) have an oxygen flow rate determined by in-line pressure gauges mounted in the patient care area with each outlet clearly identified and within reach of a seat-belted medical attendant;

(iii) allow the oxygen flow to be stopped at or near the oxygen source from inside the air ambulance;

(iv) have gauges that easily identify the quantity of medical oxygen available;

(v) be capable of delivering fifteen liters/minute at fifty psi;

(vi) have a portable oxygen bottle available for use during patient transfer to and from the air ambulance;

(vii) have a fixed back-up source of medical oxygen in the event of an oxygen system failure;

(viii) the oxygen flow meters shall be recessed, padded, or by other means mounted to prevent injury to patients or medical attendants; and

(ix) "No smoking" signs shall be prominently displayed inside the air ambulance.

(q) The air ambulance electric power must be provided through a power source capable to operate the medical equipment and a back-up source of electric power capable of operating all electrically powered medical equipment for one hour.

(r) The air ambulance must have at least two positive locking devices for intravenous containers padded, recessed, or

mounted to prevent injury to air ambulance occupants. The containers shall be within reach of a seat-belted medical attendant.

(s) The air ambulance must be fitted with a metal hard lock container, fastened by hard point restraints to the air ambulance, or must have a locking cargo bay for all controlled substances left in an unattended.

(t) An air ambulance shall have properly maintained survival gear appropriate to the service area and number of occupants.

(u) An air ambulance shall have an equipment configuration that is installed according to FAA criteria and in such a way that the air medical personnel can provide patient care.

(v) The air ambulance shall be configured in such a way that the air medical personnel have access to the patient in order to begin and maintain basic and advanced life support care.

(w) The air ambulance shall have space necessary to allow patient airway maintenance and to provide adequate ventilatory support from the secured, seat-belted position of the medical personnel.

#### **R426-2-5. Equipment Standards.**

(1) Air ambulances must maintain minimum quantities of supplies and equipment for each air medical transport as listed in the document R426 Appendix in accordance with the air medical service's licensure level. Due to weight and safety concerns on specialized air transports, the air medical service medical director shall insure that the appropriate equipment is carried according to the needs of the patient to be transported. All medications shall be stored according to manufacturer recommendations.

(2) All medical equipment except disposable items, shall be designed, constructed, and made of materials that under normal conditions and operations, are durable and capable of withstanding repeated cleaning.

(3) The equipment and medical supplies shall be maintained in working condition and within legal specifications.

(4) All non-disposable equipment shall be cleaned or sanitized after each air medical transport.

(5) Medical equipment shall be stored and readily accessible by air medical personnel.

(6) Before departing, the air medical personnel shall notify the pilot of any add-on equipment for weight and balance considerations.

(7) Physical or chemical restraints must be available and used for combative patients who could possibly hurt themselves or any other person in the air ambulance.

#### **R426-2-6. Operational Standards.**

(1) The pilot may refuse transport to any individual who the pilot considers to be a safety hazard to the air ambulance or any of its passengers.

(2) Records made for each trip on forms or data format specified by the Department, and a copy shall remain at the receiving facility for continuity of care.

(3) The air medical service must maintain a personnel file for personnel which shall include their qualifications and training.

(4) All air medical services must have an operational manual or policy and procedures manual available for all air medical personnel.

(5) All air medical service records shall be available for inspection by representatives of the Department.

(6)(a) All air ambulances shall be equipped to allow air medical service personnel to be able to:

(i) Communicate with hospital emergency medical departments, flight operations centers, air traffic control, emergency medical services, and law enforcement agencies.

(ii) Communicate with other air ambulances while in flight.

(b) The pilot must be able to override any radio or telephonic transmission in the event of an emergency.

(7) The management of the air medical service shall be familiar with the federal regulations related to air medical services.

(8) Each air medical service must have a safety committee, with a designated safety officer. The committee shall meet at least quarterly to review safety issues and submit a written report to the air medical service management and maintain a copy on file at the air medical service office.

(9) All air medical service shall have a quality management team and a program implemented by this team to assess and improve the quality and appropriateness of patient care provided by the air medical service.

**R426-2-7. Statutory Penalties.**

A person who violates this rule is subject to the provisions of Title 26, Chapter 23.

**KEY: emergency medical services, air medical services**

**Date of Enactment or Last Substantive Amendment: 2013**

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

Health, Family Health and Preparedness, Emergency Medical Services

**R426-6**

Emergency Medical Services Competitive Grants Program Rules

**NOTICE OF PROPOSED RULE**

(New Rule)

DAR FILE NO.: 37410

FILED: 03/15/2013

**RULE ANALYSIS**

PURPOSE OF THE RULE OR REASON FOR THE CHANGE: The rule has currently expired. The rule needs to be enacted to match statute. Also, without this rule, Competitive Grant funds would not be available to any licensed or designated Emergency Medical Services (EMS) agency.

SUMMARY OF THE RULE OR CHANGE: The rule will allow grant funds to be distributed through a competitive process to EMS agencies statewide. (DAR NOTE: A corresponding 120-day (emergency) rule that is effective as of 03/14/2013 is under DAR No. 37408 in this issue, April 1, 2013, of the Bulletin.)

STATUTORY OR CONSTITUTIONAL AUTHORIZATION FOR THIS RULE: Section 26-8a-207

ANTICIPATED COST OR SAVINGS TO:

◆ THE STATE BUDGET: No effect on state budgets as the EMS Grants are not funded through the state budget.

◆ LOCAL GOVERNMENTS: Grants are a voluntary process. Savings to local government will be the monies received from grant awards.

◆ SMALL BUSINESSES: Current providers are all larger than 50 employees. Future businesses would be required to meet the same operational standards for equipment and staffing, employing more than 50 people.

◆ PERSONS OTHER THAN SMALL BUSINESSES, BUSINESSES, OR LOCAL GOVERNMENTAL ENTITIES: Grants are a voluntary process. Savings to local government will be the monies received from grant awards.

COMPLIANCE COSTS FOR AFFECTED PERSONS: Grants are a voluntary process. There are no significant regulations which would burden the EMS agencies to receive grants.

COMMENTS BY THE DEPARTMENT HEAD ON THE FISCAL IMPACT THE RULE MAY HAVE ON BUSINESSES: The grants should provide modest stimulus to local business.

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

HEALTH  
FAMILY HEALTH AND PREPAREDNESS,  
EMERGENCY MEDICAL SERVICES  
3760 S HIGHLAND DR  
SALT LAKE CITY, UT 84106  
or at the Division of Administrative Rules.

DIRECT QUESTIONS REGARDING THIS RULE TO:

◆ Allan Liu by phone at 801-273-6664, by FAX at 801-273-4165, or by Internet E-mail at [aliu@utah.gov](mailto:aliu@utah.gov)

INTERESTED PERSONS MAY PRESENT THEIR VIEWS ON THIS RULE BY SUBMITTING WRITTEN COMMENTS NO LATER THAN AT 5:00 PM ON 05/01/2013

THIS RULE MAY BECOME EFFECTIVE ON: 05/08/2013

AUTHORIZED BY: David Patton, PhD, Executive Director

**R426. Health, Family Health and Preparedness, Emergency Medical Services.**

**R426-6. Emergency Medical Services Competitive Grants Program Rules.**

**R426-6-1. Authority and Purpose.**

(1) This rule is established under Title 26, Chapter 8a.

(2) The purpose of this rule is to provide guidelines for the equitable distribution of competitive grant funds specified under the Emergency Medical Services Grants Program.



**R426-6-2. Definitions.**

(1) County EMS Council or Committee means a group of persons recognized by the county commission as the legitimate entity within the county to formulate policy regarding the provision of EMS.

(2) Multi-county EMS council or committee means a group of persons recognized by an association of counties as the legitimate entity within the association to formulate policy regarding the provision of EMS.

**R426-6-3. Eligibility.**

(1) Competitive grants are available for use specifically related to the provision of emergency medical services.

(2) Grantees must be in compliance with the EMS Systems Act and all EMS rules during the grant period.

(3) An applicant that is six months or more in arrears in payments owed to the Department is ineligible for competitive grant consideration.

**R426-6-4. Grant Implementation.**

In accordance with Title 26, Chapter 8a, awards shall be implemented by grants between the Department and the grantee.

(1) Grant awards are effective on July 1 and must be used by June 30 of the following year.

(2) Grant funding is on a reimbursable basis after presentation of documentation of expenditures which are in accordance with the approved grant awards budget.

**R426-6-5. Competitive Grant Process.**

(1) The Grant Program Guidelines, outlining the review schedule, funding amounts, eligible expenditures, and awards schedule shall be established annually by the EMS Committee.

(2) The department may accept only complete applications which are submitted by the deadlines established by the EMS Committee.

(3) It is the intent of the EMS Committee that there be local EMS council or committee review of EMS grant applications. Therefore, copies of grant applications should be provided by grant applicants to their respective county EMS councils or committees and the multi-county EMS councils or committees, where organized, for review and recommendation to the State Grants subcommittee.

(4) Agencies that are licensed or designated, whose EMS service area includes multiple local EMS Committee jurisdictions will be reviewed separately by the State Grants Subcommittee.

(5) The Grants Subcommittee shall review the competitive grant applications and forward its recommendations to the EMS Committee. The EMS Committee shall review and comment on the Grants Subcommittee recommendations and forward to the Department.

(6) Grant recipients shall provide matching funds in the amount specified in the Grant Program Guidelines.

(7) The Grants Subcommittee may recommend reducing or waiving the matching fund requirements where appropriate in order to respond to special or pressing local or state EMS issues.

(8) The Grants Subcommittee shall make recommendations based upon the following criteria:

(a) the impact on patient care;

(b) a description of the size and significant impediments of the geographic service area;

(c) the population demographics of the service area;

(d) the urgency of the need;

(e) call volume;

(f) the per capita grant allocated to each agency, and its relative benefit on the agency to provide EMS service;

(g) local county recommendation;

(h) a description of the agency; and

(i) percent of responses to non-residents of the service area.

**R426-6-6. Interim or Emergency Grant Awards.**

(1) The Grants Subcommittee may recommend interim or emergency grants if all the following are met:

(a) Grant funds are available;

(b) The applicant clearly demonstrates the need;

(c) the application was not rejected by the Grants Subcommittee during the current grant cycle; and

(d) Delay of funding to the next scheduled grant cycle would impair the agency's ability to provide EMS care.

(2) Applicants for interim or emergency grants shall:

(a) submit an interim/emergency grant application, following the same format as annual grant applications; and

(b) submit the interim/emergency grant application to the Department at least 30 days prior to the EMS Committee meeting at which the grant application will be reviewed.

(3) The Grants Subcommittee shall review the interim/emergency grant application and forward recommendations to the EMS Committee. The EMS Committee shall review and comment on the Grants Subcommittee recommendations and forward to the Department.

**KEY: emergency medical services, EMS competitive grants**  
**Date of Enactment or Last Substantive Amendment: 2013**  
**Authorizing, and Implemented or Interpreted Law: 26-8a**

## Judicial Performance Evaluation Commission, Administration R597-1 General Provisions

**NOTICE OF PROPOSED RULE**

(Amendment)

DAR FILE NO.: 37383

FILED: 03/04/2013

**RULE ANALYSIS**

**PURPOSE OF THE RULE OR REASON FOR THE CHANGE:** The changes delete an outmoded provision and provide a layperson's definition for a statutory legal term that lay members of the commission did not understand.

**SUMMARY OF THE RULE OR CHANGE:** The changes delete a reference to a pilot program that was completed in 2009; and provide a layperson's definition for the statutory term, "rebuttable presumption".

STATUTORY OR CONSTITUTIONAL AUTHORIZATION FOR THIS RULE: Sections 78A-12-201 through 78A-12-206

ANTICIPATED COST OR SAVINGS TO:

- ◆ THE STATE BUDGET: No impact because the amendment does not change anything related to how the commission operates or spends its state-allocated budget.
- ◆ LOCAL GOVERNMENTS: No impact because the commission does not regulate local government or have any dealings with local government.
- ◆ SMALL BUSINESSES: Because the commission has no authority with respect to small businesses and no dealings of any kind with them, these changes have no impact on small businesses.
- ◆ PERSONS OTHER THAN SMALL BUSINESSES, BUSINESSES, OR LOCAL GOVERNMENTAL ENTITIES: The only persons other than small businesses, businesses, or local government entities affected by these changes are lay members of the commission. The impact is that they will better understand a legal term that they must use in evaluating judges.

COMPLIANCE COSTS FOR AFFECTED PERSONS: There are no compliance costs for any affected persons. If there were, the commission would assume them.

COMMENTS BY THE DEPARTMENT HEAD ON THE FISCAL IMPACT THE RULE MAY HAVE ON BUSINESSES: The rule amendment has no fiscal impact on businesses.

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

JUDICIAL PERFORMANCE EVALUATION  
COMMISSION  
ADMINISTRATION  
ROOM B-330 SENATE BUILDING  
420 N STATE ST  
SALT LAKE CITY, UT 84114  
or at the Division of Administrative Rules.

DIRECT QUESTIONS REGARDING THIS RULE TO:

- ◆ Joanne Slotnik by phone at 801-538-1652, by FAX at 801-538-1024, or by Internet E-mail at jslotnik@utah.gov

INTERESTED PERSONS MAY PRESENT THEIR VIEWS ON THIS RULE BY SUBMITTING WRITTEN COMMENTS NO LATER THAN AT 5:00 PM ON 05/01/2013

THIS RULE MAY BECOME EFFECTIVE ON: 05/10/2013

AUTHORIZED BY: Anthony Schofield, Chair

**R597. Judicial Performance Evaluation Commission, Administration.**

**R597-1. General Provisions.**

**R597-1-1. Purpose and Intent.**

- (1) The commission adopts these rules to describe how it intends to conduct judicial performance evaluations.

(2) The purpose of this rule is to ensure that:

- (a) voters have information about the judges standing for retention election;
  - (b) judges have notice of the standards against which they will be evaluated; and
  - (c) the commission has the time necessary to fully develop the program mandated by Utah Code Ann. 78A-12-101 et seq.
- ~~[(3) These rules are subject to modification pending the outcome of the 2009 pilot programs.]~~

**R597-1-2. Definitions.**

- (1) Closed case.
  - (a) For purposes of administering a survey to a litigant, a case is "closed":
    - (i) in a district or justice court, on the date on which the court enters an order from which an appeal of right may be taken;
    - (ii) in a juvenile court, on the date on which the court enters a disposition;
    - (iii) in an appellate court, on the date on which the remittitur is issued.
  - (b) For purposes of administering a survey to a juror, a case is "closed" when the verdict is rendered or the jury is dismissed.
- (2) Evaluation cycle. "Evaluation cycle" means a time period during which a judge is evaluated. Judges not on the supreme court are subject to two evaluations cycles over a six-year judicial term. Justices of the supreme court are subject to three evaluation cycles over a ten-year judicial term.
- (3) Survey. "Survey" means the aggregate of questionnaires, each targeting a separate classification of survey respondents, which together are used to assess judicial performance.
- (4) Surveyor. "Surveyor" means the organization or individual awarded a contract through procedures established by the state procurement code to survey respondents regarding judicial performance.
- (5) Rebuttable presumption.
  - ~~(a) A presumption to recommend a judge for retention arises when the judge meets all minimum performance standards.~~
  - ~~(b) A presumption not to recommend a judge for retention arises when the judge fails to meet one or more minimum performance standards.~~
  - ~~(c) A commissioner may overcome the presumption for or against a retention recommendation on any judge if the commissioner concludes that substantial countervailing evidence outweighs the presumption.~~

**KEY: performance evaluations, judicial performance evaluations, judiciary, judges**

**Date of Enactment or Last Substantive Amendment: [August 18, 2010]2013**

**Authorizing, and Implemented or Interpreted Law: 78A-12**

Judicial Performance Evaluation  
Commission, Administration  
**R597-3**  
Judicial Performance Evaluations

**NOTICE OF PROPOSED RULE**

(Amendment)

DAR FILE NO.: 37382

FILED: 03/04/2013

**RULE ANALYSIS**

**PURPOSE OF THE RULE OR REASON FOR THE CHANGE:** The rule accounts for circumstances related to appointment dates in which it is impossible to conduct a complete midterm evaluation of a judge.

**SUMMARY OF THE RULE OR CHANGE:** The rule permits the commission to provide a judge with a partial midterm evaluation if the judge's appointment date precludes the collection of sufficient data for a full midterm evaluation.

**STATUTORY OR CONSTITUTIONAL AUTHORIZATION FOR THIS RULE:** Sections 78A-12-201 through 78A-12-206

**ANTICIPATED COST OR SAVINGS TO:**

♦ **THE STATE BUDGET:** Because the rule limits the work that the commission must do in certain circumstances, there is no anticipated cost for the state. However, because the work is contracted for before the appointment date of affected judges, there is no cost savings either.

♦ **LOCAL GOVERNMENTS:** The commission has no authority with respect to local government and its work has nothing to do with local government. Consequently, there is no anticipated cost or savings to local government.

♦ **SMALL BUSINESSES:** Because the commission has no authority with respect to small businesses and has no contracts or other dealings with small businesses, there is no anticipated cost or savings to small businesses.

♦ **PERSONS OTHER THAN SMALL BUSINESSES, BUSINESSES, OR LOCAL GOVERNMENTAL ENTITIES:** Because the commission has no authority with respect to persons other than small businesses, businesses, or local government entities, there is no anticipated cost or savings to such persons.

**COMPLIANCE COSTS FOR AFFECTED PERSONS:** The commission assumes all compliance costs, so no costs for anyone else at all.

**COMMENTS BY THE DEPARTMENT HEAD ON THE FISCAL IMPACT THE RULE MAY HAVE ON BUSINESSES:** The change has no fiscal impact on businesses.

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

JUDICIAL PERFORMANCE EVALUATION  
COMMISSION  
ADMINISTRATION  
ROOM B-330 SENATE BUILDING  
420 N STATE ST  
SALT LAKE CITY, UT 84114  
or at the Division of Administrative Rules.

**DIRECT QUESTIONS REGARDING THIS RULE TO:**

♦ Joanne Slotnik by phone at 801-538-1652, by FAX at 801-538-1024, or by Internet E-mail at jslotnik@utah.gov

**INTERESTED PERSONS MAY PRESENT THEIR VIEWS ON THIS RULE BY SUBMITTING WRITTEN COMMENTS NO LATER THAN AT 5:00 PM ON 05/01/2013**

**THIS RULE MAY BECOME EFFECTIVE ON: 05/10/2013**

**AUTHORIZED BY: Anthony Schofield, Chair**

**R597. Judicial Performance Evaluation Commission, Administration.****R597-3. Judicial Performance Evaluations.****R597-3-1. Evaluation Cycles.**

(1) For judges not serving on the supreme court:

(a) The mid-term evaluation cycle. Except as provided in subsection (3) the mid-term evaluation cycle begins upon the appointment of the judge or on the first Monday in January following the retention election of the judge and ends 1 1/2 years later, on June 30th of the third year preceding the year of the judge's next retention election.

(b) The retention evaluation cycle. The retention evaluation cycle begins the day after the mid-term evaluation cycle is finished and ends two years later, on June 30th of the year preceding the year of the judge's next retention election.

(2) For justices serving on the supreme court:

(a) The initial evaluation cycle. The initial evaluation cycle begins upon the appointment of the justice or on the first Monday in January following the retention election of the justice and ends 2 1/2 years later, on June 30th of the seventh year preceding the year of the justice's next retention election.

(b) The mid-term evaluation cycle. The mid-term evaluation cycle begins the day after the initial evaluation cycle is finished and ends four years later, on June 30th of the third year preceding the year of the justice's next retention election.

(c) The retention evaluation cycle. The retention evaluation cycle begins the day after the mid-term evaluation cycle is finished and ends two years later, on June 30th of the year preceding the year of the justice's next retention election.

(3) Transition Evaluation Cycles

(a) For judges not on the supreme court standing for retention election in 2014, the retention evaluation cycle shall begin on June 1, 2012 and end on June 30, 2013.

(b) For supreme court justices standing for retention election in 2014, the retention evaluation cycle shall begin on June 1, 2012 and end on June 30, 2013.

(c) For judges not on the supreme court standing for retention election in 2016:

(i) Except as provided in subsection (3), the mid-term evaluation cycle shall begin on July 1, 2011 and end two years later on June 30, 2013.

(ii) The retention evaluation cycle shall be as described in R597-3(1)(b), supra.

(d) For supreme court justices standing for retention election in 2016:

(i) The initial evaluation cycle shall be combined with the mid-term evaluation, beginning in 2009 and ending on June 30, 2013.

(ii) The combined initial/mid-term evaluation cycle for surveys of attorneys shall begin in 2009 and end on June 30, 2013.

(iii) The combined initial/mid-term evaluation cycle for relevant pilot programs categories shall begin no later than July 1, 2010.

(iv) The retention evaluation cycle shall be as described in R597-3-1(2)(c).

(4) Timing of evaluations within cycles. In order to allow judges time to incorporate feedback from midterm evaluations into their practices, no evaluations shall be conducted during the first four months of the retention cycle.

### **R597-3-2. Survey.**

(1) General provisions.

(a) All surveys shall be conducted according to the evaluation cycles described in R597-3-1, supra.

(b) The commission may provide a partial midterm evaluation to any judge whose appointment date precludes the collection of complete midterm evaluation data.

(c) The commission shall post on its website the survey questionnaires upon which the judge shall be evaluated at the beginning of the survey cycle.

([e]d ) The commission may select retention survey questions from among the midterm survey questions.

([d]e ) Periodically, reviews may be conducted to ensure compliance with administrative rules governing the survey process.

([e]f ) The commission may consider narrative survey comments that cannot be reduced to a numerical score.

(2) Respondent Classifications

(a) Attorneys

(i) Identification of survey respondents. Within 10 business days of the end of the evaluation cycle, the clerk for the judge or the Administrative Office of the Courts shall identify as potential respondents all attorneys who have appeared before the judge who is being evaluated at a minimum of one hearing or trial during the evaluation cycle. Attorneys who have been confirmed as judges during the evaluation cycle shall be excluded from the attorney pool.

(ii) Number of survey respondents.

(A) For each judge who is the subject of a survey, the surveyor shall identify the number of attorneys most likely to produce a response level yielding reliability at a 95% confidence level with a margin of error of +/- 5%.

(B) In the event that the attorney appearance list from the Administrative Office of the Courts contains an insufficient number of attorneys with one trial appearance or at least three total appearances before the evaluated judge to achieve the required confidence level, then the surveyor shall supplement the survey pool with other attorneys who have appeared before the judge during the evaluation cycle.

(iii) Sampling. The surveyor shall design the survey to comply with generally-accepted principles of surveying. All attorneys with one trial appearance or at least three total appearances before the evaluated judge shall be surveyed.

(iv) Distribution of surveys. Surveys shall be distributed by the third-party contractor engaged by the commission to conduct the survey. The contractor shall determine the maximum number of survey requests sent to a single attorney based on an analysis of the

Administrative Office of the Courts appearance data at the time of the survey. In no event shall any attorney receive more than nine survey requests.

(b) Jurors

(i) Identification and number of survey respondents. All jurors who participate in deliberation shall be eligible to receive an online juror survey.

(ii) Distribution of surveys. Prior to the jury being dismissed, the bailiff or clerk in charge of the jury shall collect email addresses from all jurors. If email addresses are not available, street addresses shall be collected. The bailiff or clerk shall transmit all such addresses to the surveyor within 24 hours of collection. The surveyor shall administer the survey online and deliver survey results electronically to each judge. Paper surveys may be sent to those jurors who do not have access to email.

(c) Court Staff

(i) Definition of court staff who have worked with the judge. Court staff who have worked with the judge refers to employees of the judiciary who have regular contact with the judge as the judge performs judicial duties and also includes those who are not employed by the judiciary but who have ongoing administrative duties in the courtroom.

(ii) Identification of survey respondents. Court staff who have worked with the judge include, but are not limited to:

(A) judicial assistants;

(B) case managers;

(C) clerks of court;

(D) trial court executives;

(E) interpreters;

(F) bailiffs;

(G) law clerks;

(H) central staff attorneys;

(I) juvenile probation and intake officers;

(J) other courthouse staff, as appropriate;

(K) Administrative Office of the Courts staff.

(f) Juvenile Court Professionals

(i) Definition of juvenile court professional. A juvenile court professional is someone whose professional duties place that individual in court on a regular and continuing basis to provide substantive input to the court.

(ii) Identification of survey respondents. Juvenile court professionals shall include, where applicable:

(A) Division of Child and Family Services ("DCFS") child protection services workers;

(B) Division of Child and Family Services ("DCFS") case workers;

(C) Juvenile Justice Services ("JJS") Observation and Assessment Staff;

(D) Juvenile Justice Services ("JJS") case managers;

(E) Juvenile Justice Services ("JJS") secure care staff;

(F) Others who provide substantive professional services on a regular basis to the juvenile court.

(iii) Beginning with juvenile court judges standing for retention in 2014, juvenile court professionals shall be included as an additional survey respondent group for both the midterm and retention evaluation cycles.

(3) Anonymity and Confidentiality

(a) Definitions

(i) Anonymous.

(A) "Anonymous" means that the identity of the individual who authors any survey response, including comments, will be protected from disclosure.

(B) The independent contractor conducting the surveys shall provide to the commission all written comments from the surveys, redacted to remove any information that identifies the person commenting. The contractor shall also redact any information that discloses the identity of any crime victims referenced in a written comment.

(C) The submission of a survey form containing an anonymous narrative comment does not preclude any survey respondent from submitting a public comment in writing pursuant to the Judicial Performance Evaluation Commission Act.

(ii) Confidentiality: Confidentiality means information obtained from a survey respondent that the respondent may reasonably expect will not be disclosed other than as indicated in the survey instrument.

(iii) The raw form of survey results consists of all quantitative survey data that contributes to the minimum score on the judicial performance survey.

(iv) The summary form of survey results consists of quantitative survey data in aggregated form.

### **R597-3-3. Courtroom Observation.**

#### (1) General Provisions.

(a) Courtroom observations shall be conducted according to the evaluation cycles described in R597-3-1(1) and (2), *supra*.

(b) The commission shall provide notice to each judge at the beginning of the survey cycle of the courtroom observation process and of the instrument to be used by the observers.

(c) Only the content analysis of the individual courtroom observation reports shall be included in the retention report for each judge.

#### (2) Courtroom Observers.

##### (a) Selection of Observers

(i) Courtroom observers shall be volunteers, recruited by the commission through public outreach and advertising.

(ii) Courtroom observers shall be selected by the commission staff, based on written applications and an interview process.

(b) Selection Criteria. Observers with a broad and varied range of life experiences shall be sought. The following persons shall be excluded from eligibility as courtroom observers:

(i) persons with a professional involvement with the state court system, the justice courts, or the judge;

(ii) persons with a fiduciary relationship with the judge;

(iii) persons within the third degree of relationship with a state or justice court judge (grandparents, parents or parents-in-law, aunts or uncles, children, nieces and nephews and their spouses);

(iv) persons lacking computer access or basic computer literacy skills;

(v) persons currently involved in litigation in state or justice courts;

(vi) convicted felons;

(vii) persons whose background or experience suggests they may have a bias that would prevent them from objectively serving in the program.

#### (c) Terms and Conditions of Service

(i) Courtroom observers shall serve at the will of the commission staff.

(ii) Courtroom observers shall commit to one one-year term of service.

(iii) Courtroom observers may serve up to three one-year terms, subject to annual renewal at the discretion of the commission.

(iv) Courtroom observers shall not disclose the content of their courtroom evaluations in any form or to any person except as designated by the commission.

#### (d) Training of Observers

(i) Courtroom observers must satisfactorily complete a training program developed by the commission before engaging in courtroom observation.

(ii) Elements of the training program shall include:

(A) Orientation and overview of the commission process and the courtroom observation program;

(B) Classroom training addressing each level of court;

(C) In-court group observations, with subsequent classroom discussions, for each level of court;

(D) Training on proper use of observation instrument;

(E) Training on confidentiality and non-disclosure issues;

(F) Such other periodic trainings as are necessary for effective observations.

(3) Courtroom Observation Program.

#### (a) Courtroom Requirements

(i) During each midterm and retention evaluation cycle, a minimum of four different observers shall observe each judge subject to that evaluation cycle.

(ii) Each observer shall observe each judge in person while the judge is in the courtroom and for a minimum of two hours while court is in session. The observations may be completed in one sitting or over several courtroom visits.

(iii) If a judge sits in more than one geographic location at the judge's appointed level or a justice court judge serves in more than one jurisdiction, the judge may be observed in any location or combination of locations in which the judge holds court.

(iv) When the observer completes the observation of a judge, the observer shall complete the observation instrument, which will be electronically transferred to the commission or the third party contractor for processing.

#### (b) Travel and Reimbursement

(i) All travel must be preapproved by the executive director.

(ii) All per diem and lodging will be reimbursed, when appropriate, in accordance with Utah state travel rules and regulations.

(iii) Travel reimbursement forms shall be submitted on a monthly basis or whenever the observer has accumulated a minimum of 200 miles of travel.

(iv) Travel may be reimbursed only after the observer has satisfactorily completed and successfully submitted the courtroom observation report for which the reimbursement is sought.

#### (v) Overnight lodging

(A) Overnight lodging is reimbursable when the courtroom is located over 100 miles from home base and court is scheduled to begin before 9:30 a.m., with any exceptions preapproved by commission staff.

(B) Multiple overnight lodging is reimbursable where the commission staff determines it is cost-effective to observe several courtrooms in a single trip.

(v) Each courtroom observer must provide a social security number or tax identification number to the commission in order to process state reimbursement.

(4) Principles and Standards used to evaluate the behavior observed.

(a) Procedural fairness, which focuses on the treatment judges accord people in their courts, shall be used to evaluate the judicial behavior observed in the courtroom observation program.

(b) To assess a judge's conduct in court with respect to procedural fairness, observers shall respond in narrative form to the following principles and behavioral standards:

(i) Neutrality, including but not limited to:

(A) displaying fairness and impartiality toward all court participants;

(B) acting as a fair and principled decision maker who applies rules consistently across court participants and cases;

(C) explaining transparently and openly how rules are applied and how decisions are reached.

(D) listening carefully and impartially;

(ii) Respect, including but not limited to:

(A) demonstrating courtesy toward attorneys, court staff, and others in the court;

(B) treating all people with dignity;

(C) helping interested parties understand decisions and what the parties must do as a result;

(D) maintaining decorum in the courtroom.

(E) demonstrating adequate preparation to hear scheduled cases;

(F) acting in the interests of the parties, not out of demonstrated personal prejudices;

(G) managing the caseload efficiently and demonstrating awareness of the effect of delay on court participants;

(H) demonstrating interest in the needs, problems, and concerns of court participants.

(iii) Voice, including but not limited to:

(A) giving parties the opportunity, where appropriate, to give voice to their perspectives or situations and demonstrating that they have been heard;

(B) behaving in a manner that demonstrates full consideration of the case as presented through witnesses, arguments, pleadings, and other documents.

(C) attending, where appropriate, to the participants' comprehension of the proceedings.

(c) Courtroom observers may also be asked questions to help the commission assess the overall performance of the judge with respect to procedural fairness.

#### **R597-3-4. Minimum Performance Standards.**

(1) In addition to the minimum performance standards specified by statute or administrative rule, the judge shall:

(a) Demonstrate by a preponderance of the evidence, based on courtroom observations and relevant survey responses, that the judge's conduct in court promotes procedural fairness for court participants.

(b) Meet all performance standards established by the Judicial Council, including but not limited to:

(i) annual judicial education hourly requirement;

(ii) case-under-advisement standard; and

(iii) physical and mental competence to hold office.

(2) No later than October 1st of the year preceding each general election year, the Judicial Council shall certify to the commission whether each judge standing for retention election in the next general election has satisfied its performance standards.

#### **R597-3-5. Public Comments.**

(1) Persons desiring to comment about a particular judge with whom they have had first-hand experience may do so at any time, either by submitting such comments on the commission website or by mailing them to the executive director.

(2) In order for the commission to consider comments in making its retention recommendation on a particular judge, comments about that judge must be received no later than November 1st of the year preceding the election in which the judge's name appears on the ballot.

(3) Persons submitting comments pursuant to this section must include their full name, address, and telephone number with the submission.

(4) All comments must be based upon first-hand experience with the judge.

**KEY: judicial performance evaluations, judges, evaluation cycles, surveys**

**Date of Enactment or Last Substantive Amendment: [~~November 16, 2012~~2013**

**Authorizing, and Implemented or Interpreted Law: 78A-12**

**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 May 1, 2013.

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 July 30, 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**  
**R307-343**  
**Emissions Standards for Wood**  
**Furniture Manufacturing Operations**

**NOTICE OF CHANGE IN PROPOSED RULE**  
**(Second)**

DAR FILE NO.: 36738  
 FILED: 03/04/2013

**RULE ANALYSIS**

**PURPOSE OF THE RULE OR REASON FOR THE CHANGE:** During the public comment period, the Division of Air Quality (DAQ) staff determined that some of the language in the rule could be more clearly stated. DAQ also found a discrepancy in Section R307-343-8, where Tooele was not included in the compliance schedule.

**SUMMARY OF THE RULE OR CHANGE:** Most of the changes are to more clearly state language in the rule. For example, in Subsection R307-343-5(2), the phrase, "emission reductions" is changed to "transfer efficiency". Section R307-343-8 is amended by adding Tooele as a county in Utah where all applicable sources shall be in compliance with this rule by 01/01/2014. (DAR NOTE: This is the second change in proposed rule (CPR) for Rule R307-343. The original proposed amendment upon which the first CPR was based was published in the October 1, 2012, issue of the Utah State Bulletin, on page 56. The first CPR upon which this second CPR is based was published in the January 1, 2013, issue of the Utah State Bulletin, on page 49. 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 first CPR, the second CPR, 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:** These changes are merely to clarify the rule applicability, and there are no new requirements added through them. Therefore, there are no anticipated costs or savings.
- ◆ **LOCAL GOVERNMENTS:** These changes are merely to clarify the rule applicability, and there are no new requirements added through them. Therefore, there are no anticipated costs or savings.
- ◆ **SMALL BUSINESSES:** These changes are merely to clarify the rule applicability, and there are no new requirements added through them. Therefore, there are no anticipated costs or savings.

- ◆ **PERSONS OTHER THAN SMALL BUSINESSES, BUSINESSES, OR LOCAL GOVERNMENTAL ENTITIES:** These changes are merely to clarify the rule applicability, and there are no new requirements added through them. Therefore, there are no anticipated costs or savings.

**COMPLIANCE COSTS FOR AFFECTED PERSONS:** These changes are merely to clarify the rule applicability. There are no compliance costs associated with the changes.

**COMMENTS BY THE DEPARTMENT HEAD ON THE FISCAL IMPACT THE RULE MAY HAVE ON BUSINESSES:** As this filing does not make any changes to the requirements on business, there is no fiscal impact anticipated.

**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:** 05/01/2013

**AUTHORIZED BY:** Bryce Bird, Director

---

**R307. Environmental Quality, Air Quality.**  
**R307-343. Emissions Standards for Wood Furniture Manufacturing Operations.**

**R307-343-1. Purpose.**

The purpose of R307-343 is to limit volatile organic compound (VOC) emissions from wood furniture manufacturing.

**R307-343-2. Applicability.**

R307-343 applies to wood furniture manufacturing operations, including related cleaning activities, that have the potential to emit 2.7 tons or more per year of VOCs and that are located in Box Elder, Cache, Davis, Salt Lake, Utah, Tooele, and Weber counties.

**R307-343-3. Definitions.**

The following additional definitions apply to R307-343:

"Affected source" means a wood furniture manufacturing source that meets the criteria in R307-343-2.

"As applied" means the volatile organic compound and solids content of the finishing material that is actually used for coating the substrate. It includes the contribution of materials used for in-house dilution of the finishing material.

"Coating" means a protective, decorative, or functional material applied in a thin layer to a surface. Such materials may include paints, topcoats, varnishes, sealers, stains, washcoats, basecoats, inks, and temporary protective coatings.



"Compliant coating" means a finishing material or strippable booth coating that meets the emission limits specified in R307-343-4(1).

"Control system" means the combination of capture and control devices used to reduce emissions to the atmosphere.

"Conventional Air Spray" means a spray coating method in which the coating is atomized by mixing it with compressed air at an air pressure greater than ten pounds per square inch (gauge) at the point of atomization. Airless, air assisted airless spray technologies, and electrostatic spray technology are not considered conventional air spray.

"Finishing material" means a coating used in the wood furniture industry, including basecoats, stains, washcoats, sealers, and topcoats.

"Finishing Operation" means those activities in which a finishing material is applied to a substrate and is subsequently air-dried, cured in an oven, or cured by radiation.

"Sealer" means a finishing material used to seal the pores of a wood substrate before additional coats of finishing material are applied. A washcoat used to optimize aesthetics is not a sealer.

"Solids" means the part of the coating that remains after the coating is dried or cured; solids content is determined using data from EPA Method 24.

"Stain" means any color coat having a solids content by weight of no more than 8.0% that is applied in single or multiple coats directly to the substrate, including nongrain raising stains, equalizer stains, sap stains, body stains, no-wipe stains, penetrating stains, and toners.

"Topcoat" means the last film-building finishing material applied in a finishing system. Non-permanent final finishes are not topcoats.

"Touch-up and Repair" means the application of finishing materials to cover minor finishing imperfections.

"Washcoat" means a transparent special purpose coating having a solids content by weight of 12.0% or less that is applied over initial stains to protect and control color and to stiffen the wood fibers in order to aid sanding.

"Washoff operations" means those operations in which organic solvent is used to remove coating from a substrate.

"Wood furniture" means any product made of wood, a wood product such as rattan or wicker, or an engineered wood product such as particleboard that is manufactured under any of the following standard industrial classification codes: 2434, 2511, 2512, 2517, 2519, 2521, 2531, 2541, 2599, or 5712.

"Wood furniture manufacturing operations" means the finishing, cleaning, and washoff operations associated with the production of wood furniture or wood furniture components.

**R307-343-4. Emission Standards.**

(1) Each affected source subject to R307-343 shall limit VOC emissions by:

(a) Using the compliant coating method as described in R307-343-4(1)(a)(i) or using the control system method as described in R307-343-4(1)(a)(ii).

(i) Compliant coating method is the use of the topcoats or topcoat/sealer combinations in Table 1:

Compliant Coating VOC Limitations  
(values in pounds VOC per pound of solids, minus water and exempt solvents (compounds not classified as VOC), as applied)

COATING CATEGORY	VOC <del>[EMISSION RATES]</del> <u>Content Limitations</u>	
	Effective Through December 31, 2014	Effective Beginning January 1, 2015
Topcoats	0.8	0.4
Topcoat/Sealer combination		
Topcoat	1.8	0.9
Sealer	1.9	0.9
Acid-cured, alkyd amino topcoat/sealer combinations		
Acid-cured, alkyd amino topcoat	2.0	1.0
Acid-cured, alkyd amino vinyl Sealer	2.3	1.2

(ii) Control system method is the use of a VOC control system achieving a 90% or greater emissions reduction.

(b) Using strippable spray booth coatings that contain no greater than 0.8 pounds VOC per pound solids as applied.

(c) Using closed containers for the storing of finishing, gluing, cleaning and washoff materials.

**R307-343-5. Application Equipment Requirements.**

(1) All coatings shall be applied using equipment having a minimum 65% transfer efficiency, except as allowed under R307-343-5(3) and operated according to the equipment manufacturer specifications. Equipment meeting the transfer efficiency requirement includes ~~[-but is not limited to]:~~

- (a) Brush, dip, or roll coating;
- (b) Electrostatic application; and
- (c) High volume, low pressure (HVLP) spray equipment.

(2) Other coating application methods that achieve ~~[emission reductions]~~ transfer efficiency equivalent to HVLP or electrostatic spray application methods may be used.

(3) Conventional air spray methods may be used under the following circumstances:

(a) To apply finishing materials that have no greater than 1.0 pound of VOC per pound of solids, as applied;

(b) For touch-up and repair under the following circumstances:

(i) The touchup and repair occurs after completion of the finishing operation; or

(ii) The touchup and repair occurs after the application of stain and before the application of any other type of finishing material, and the materials used for touchup and repair are applied from a container that has a volume of no more than 2.0 gallons;

(c) When the spray gun is aimed and triggered automatically, not manually;

TABLE 1

(d) When the emissions from the finishing application station are directed to a control device;

(e) When the conventional air gun is used to apply finishing materials and the cumulative total usage of that finishing material is no more than 10% of the total gallons of finishing material used during the calendar year; or

(f) When the conventional air gun is used to apply stain on a part for which it is technically or economically infeasible to use any other spray application technology. The following criteria shall be used, either independently or in combination, to support the affected source's claim of technical or economic infeasibility:

(i) The production speed is too high or the part shape is too complex for one operator to coat the part and the application station is not large enough to accommodate an additional operator; or

(ii) The excessively large vertical spray area of the part makes it difficult to avoid sagging or runs in the stain.

#### **R307-343-6. Control Systems Operations.**

(1) Emission control systems shall be operated and maintained in accordance with the manufacturer recommendations in order to maintain 90% or greater continuous emission reduction[~~of 90%~~].

(2) The owner or operator of a control device shall provide documentation that the emission control system will attain the requirements of R307-343-4 and R307-343-5.

(3) 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.

#### **R307-343-7. Work Practices and Recordkeeping.**

(1) Control techniques and work practices shall be implemented at all times to reduce VOC emissions from fugitive type sources. Control techniques and work practices shall include[~~but are not limited to~~]:

(a) Storing all VOC-containing coatings, thinners, and coating-related waste materials in closed containers;

(b) Ensuring that mixing and storage containers used for VOC-containing coatings, thinners, and coating-related waste material are kept closed at all times except when depositing or removing these materials;

(c) Minimizing spills of VOC-containing coatings, thinners, and coating-related waste materials; and

(d) Conveying VOC-containing coatings, thinners, and coating-related waste materials from one location to another in closed containers or pipes.

(2) The work practices for cleaning materials shall be implemented at all times to reduce VOC emissions from fugitive type sources. The work practices shall include[~~but are not limited to~~]:

(a) Storing all VOC-containing cleaning materials and used shop towels in closed containers;

(b) Ensuring that storage containers used for VOC-containing cleaning materials are kept closed at all times except when depositing or removing these materials;

(c) Minimizing spills of VOC-containing cleaning materials;

(d) Conveying VOC-containing cleaning materials from one location to another in closed containers or pipes; and

(e) Minimizing VOC emissions from cleaning of application, storage, mixing, and conveying equipment by ensuring that equipment cleaning is performed without atomizing the cleaning solvent and all spent solvent is captured in closed containers.

(3) All persons shall perform solvent cleaning operations with cleaning material having VOC content of 0.21 pounds per gallon or less.

(4) For each calendar year, [A]all sources subject to R307-343 shall maintain records demonstrating compliance with all provisions of R307-343[~~on an annual basis~~].

(a) Records shall include, but shall not be limited to, inventory and product data sheets for all coatings and solvents subject to R307-343.

(b) These records shall be made available to the director upon request.

#### **R307-343-8. Compliance Schedule.**

(1) Sources in Salt Lake and Davis counties that have the potential to emit between 2.7 [or more tons but less than] and [25]24 tons of VOC per year shall be in compliance by September 1, 2013.

(2) Sources in Salt Lake and Davis counties that have the potential to emit 25 tons or more of VOC per year shall be in compliance upon the effective date of this rule.

(3) All sources in Box Elder, Cache, Tooele, Utah and Weber counties shall be in compliance with this rule by January 1, 2014.

**KEY: air pollution, wood furniture, coatings**

**Date of Enactment or Last Substantive Amendment: 2013**

**Notice of Continuation: February 1, 2012**

**Authorizing, and Implemented or Interpreted Law: 19-2-104(1)(a); 19-2-104(3)(e)**

## Environmental Quality, Air Quality **R307-353** Plastic Parts Coatings

### NOTICE OF CHANGE IN PROPOSED RULE (Second)

DAR FILE NO.: 36735

FILED: 03/04/2013

#### RULE ANALYSIS

**PURPOSE OF THE RULE OR REASON FOR THE CHANGE:** During the public comment period, the Division of Air Quality (DAQ) staff identified areas in the rule text that needed to be changed in order to more accurately state the rule applicability.

**SUMMARY OF THE RULE OR CHANGE:** Changes are made throughout the rule to ensure that it is clear that the rule applies to plastic parts coating operations. A definition for "plastic" is added. Table 1 is changed by replacing "VOC EMISSION RATES" with "VOC CONTENT LIMITATIONS". Other style, formatting, and grammar changes are made.

(DAR NOTE: This is the second change in proposed rule (CPR) for Rule R307-353. The original proposed new rule upon which the first CPR was based was published in the October 1, 2012, issue of the Utah State Bulletin, on page 85. The first CPR upon which this second CPR is based was published in the January 1, 2013, issue of the Utah State Bulletin, on page 75. Underlining in the rule below indicates text that has been added since the publication of the proposed new rule mentioned above; strike out indicates text that has been deleted. You must view the first CPR, the second CPR, 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: Subsection 19-2-104(1)(a)

ANTICIPATED COST OR SAVINGS TO:

- ◆ THE STATE BUDGET: These changes are merely to clarify the rule applicability, and there are no new requirements added through them. Therefore, there are no anticipated costs or savings.
- ◆ LOCAL GOVERNMENTS: These changes are merely to clarify the rule applicability, and there are no new requirements added through them. Therefore, there are no anticipated costs or savings.
- ◆ SMALL BUSINESSES: These changes are merely to clarify the rule applicability, and there are no new requirements added through them. Therefore, there are no anticipated costs or savings.
- ◆ PERSONS OTHER THAN SMALL BUSINESSES, BUSINESSES, OR LOCAL GOVERNMENTAL ENTITIES: These changes are merely to clarify the rule applicability, and there are no new requirements added through them. Therefore, there are no anticipated costs or savings.

COMPLIANCE COSTS FOR AFFECTED PERSONS: These changes are merely to clarify the rule applicability. There are no compliance costs associated with the changes.

COMMENTS BY THE DEPARTMENT HEAD ON THE FISCAL IMPACT THE RULE MAY HAVE ON BUSINESSES: As this filing does not make any changes to the requirements on business, there is no fiscal impact anticipated.

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: 05/01/2013

AUTHORIZED BY: Bryce Bird, Director

### **R307. Environmental Quality, Air Quality.**

#### **R307-353. Plastic Parts Coatings.**

##### **R307-353-1. Purpose.**

The purpose of this rule is to limit volatile organic compound (VOC) emissions from the application of coatings to any plastic product.

##### **R307-353-2. Applicability.**

(1) R307-353 applies to plastic parts coating operations~~[sources]~~ located in Cache, Davis, Salt Lake, Utah and Weber counties that have the potential to emit 2.7 tons per year or more of VOC, including related cleaning activities.

(2) In Box Elder and Tooele counties, R307-353 applies to the following sources:

- (a) Existing sources as of ~~[February]~~May 1, 2013 with the potential to emit 5 tons per year or more of VOC, including related cleaning activities; and
- (b) New sources as of ~~[February]~~May 1, 2013 that have the potential to emit 2.7 tons per year or more of VOC, including related cleaning activities.

##### **R307-353-3. Exemptions.**

- (1) The provisions of this rule shall not apply to any of the following:
  - (a) Stencil coatings;
  - (b) Safety-indicating coatings;
  - (c) Electric-insulating and thermal-conducting coatings;
  - (d) Magnetic data storage disk coatings;
  - (e) Plastic extruded onto metal parts to form a coating; and
  - (f) Textured finishes.
- (2) If a coating line is subject to the requirements for existing automobile, light-duty truck, and other product and material coatings or for existing metallic surface coating lines, the coating line shall be exempt from this rule.

##### **R307-353-4. Definitions.**

The following additional definitions apply to R307-353:

"Air dried coating" means coatings that are dried by the use of air or a forced warm air at temperatures up to 194 degrees Fahrenheit.

"Baked coating" means coatings that are cured at a temperature at or above 194 degrees Fahrenheit.

"Coating" means a protective, functional, or decorative film applied in a thin layer to a surface. This term often applies to paints such as lacquers or enamels. It is also used to refer to films applied to paper, plastics, or foil.

"Electric-insulating and thermal-conducting" means a coating that displays an electrical insulation of at least 1000 volts DC per mil on a flat test plate and an average thermal conductivity of at least 0.27 BTU per hour-foot-degree-Fahrenheit.

"Magnetic data storage disk coating" means a coating used on a metal disk which stores data magnetically.

"Metallic coating" means a coating which contains more than 5 grams of metal particles per liter of coating as applied.

"Military specification coating" means a coating which has a formulation approved by [the] a United States [M]ilitary [A]gency for use on military equipment.

"Mirror backing" means the coating applied over the silvered surface of a mirror.

"Mold-seal coating" means the initial coating applied to a new mold or a repaired mold to provide a smooth surface which, when coated with a mold release coating, prevents products from sticking to the mold.

"Multi-colored coating" means a coating which exhibits more than one color when applied, and which is packaged in a single container and applied in a single coat.

"Multi-component coating" means a coating requiring the addition of a separate reactive resin, commonly known as a catalyst, before application to form an acceptable dry film.

"One-component coating" means a coating that is ready for application as it comes out of its container to form an acceptable dry film. A thinner necessary to reduce the viscosity is not considered a component.

"Optical coating" means a coating applied to an optical lens.

"Plastic" means a substrate containing one or more resins that may be solid, porous, flexible, or rigid, and includes fiber reinforced plastic composites.

"Primer" means a coating applied to a surface to provide a firm bond between the substrate and subsequent coats.

"Repair coating" means a coating used to recoat portions of a part or product which has sustained mechanical damage to the coating.

"Roller Coated" means a type of coating application equipment that utilizes a series of mechanical rollers to form a thin coating film on the surface of a roller, which is then applied to a substrate by moving the substrate underneath the roller.

"Safety-indicating coating" means a coating which changes physical characteristics, such as color, to indicate unsafe condition.

"Stencil coating" means an ink or a coating which is rolled or brushed onto a template or stamp in order to add identifying letters or numbers to metal parts and products.

"Textured finish" means a rough surface produced by spraying and splattering large drops of coating onto a previously applied coating. The coatings used to form the appearance of the textured finish are referred to as textured coatings.

"Touch-up coating" means a coating used to cover minor coating imperfections appearing after the main coating operation.

"Topcoat" means the last film-building finishing material applied in a finishing system. Non-permanent final finishes are not topcoats.

**R307-353-5. Emission Standards.**

(1) For automobile and truck plastic parts coating lines:

(a) Each owner or operator shall not apply coatings with a VOC content in excess of the amounts specified in Table 1 or shall use an add-on control device as specified in R307-353-8.

(b) For red and black coatings, the emission limitation shall be determined by multiplying the appropriate limit in Table 1 by 1.15.

(c) When EPA Method 24 is used to determine the VOC content of a high bake coating, the applicable emission limitation shall be determined by adding 0.5 to the appropriate limit in Table 1.

(d) When EPA Method 24 is used to determine the VOC content of an air-dried coating, the applicable emission limitation shall be determined by adding 0.1 to the appropriate limit in Table 1.

TABLE 1

AUTOMOBILE AND TRUCK PLASTIC PARTS COATING LINES  
(values in pounds of VOC per gallon of coating, minus water and exempt solvents (compounds not classified as VOC), as applied)

COATING CATEGORY	VOC [EMISSION RATES]Content Limitations
High bake coating - exterior and interior parts	
Prime	
Flexible coating	4.5
Nonflexible coating	3.5
Topcoat	
Basecoat	4.3
Clearcoat	4.0
Non-basecoat/clearcoat	4.3
Air-dried coating - exterior parts	
Prime	4.8
Topcoat	
Basecoat	5.0
Clearcoat	4.5
Non-basecoat/clearcoat	5.0
Air-dried coating - interior parts	5.0
Touch-up and repair	5.2

(2) Each owner or operator of a business machine plastic parts coating line shall not apply coatings with a VOC content in excess of the amounts specified in Table 2 or shall use an add-on control device as specified in R307-353-8.

TABLE 2

BUSINESS MACHINE PLASTIC PARTS COATING LINES  
(values in pounds of VOC [allowed to be emitted] per gallon of coating, minus water and exempt solvents (compounds not classified as VOC), as applied)

COATING CATEGORY	VOC [EMISSION RATES]Content Limitations
Prime	2.9
Topcoat	2.9
Texture coat	2.9
Fog coat	2.2
Touch-up and repair	2.9

(3) Each owner or operator engaged in other plastic product coating operations shall not apply coatings with a VOC content in excess of the amounts specified in Table 3 or shall use an add-on control device as specified in R307-353-8.

TABLE 3

OTHER PLASTIC PRODUCT COATING CATEGORIES  
(values in pounds of VOC [~~allowed to be emitted~~] per gallon of coating, minus water and exempt solvents (compounds not classified as VOC), as applied)[~~}]~~

COATING CATEGORY	VOC [EMISSION RATES] <u>Content Limitations</u>
General One-Component	2.3
General Multi-Component	3.5
Electric Dissipating Coatings And Shock-Free Coatings	3.0
Extreme Performance	3.5 (2-pack coatings)
Metallic	3.5
Military Specification	2.8 (1 pack) 3.5 (2 pack)
Mold-Seal	6.3
Multi-colored Coatings	5.7
Optical Coatings	6.7
Vacuum-Metalizing	6.7
Mirror Backing	
Curtain Coated	4.2
Roll Coated	3.6

(4) If a part consists of both plastic and metal surfaces and is exempted from the requirements for existing metallic surface coating lines, the part shall be subject to this rule.

**R307-353-6. Application Methods.**

No person shall apply VOC containing coatings unless the coating is applied with equipment operated according to the manufacturer specifications, and by use of one of the following methods:

- (1) Electrostatic application;
- (2) Flow coat;
- (3) Roller coat;
- (4) Dip/electrodeposition coat;
- (5) Airless Spray;
- (6) High-volume, low-pressure (HVLP) spray; or
- (7) Other application method equal to or better than HVLP, as certified by the manufacturer.

**R307-353-7. Work Practices and Recordkeeping.**

- (1) The owner or operator shall:
  - (a) Store all VOC-containing coatings, thinners, and cleaning materials in closed containers;
  - (b) Minimize spills of VOC-containing coatings, thinners, and cleaning materials;

- (c) Clean up spills immediately;
  - (d) Convey any coatings, thinners, and cleaning materials in closed containers or pipes;
  - (e) Close mixing vessels that contain VOC coatings and other materials except when specifically in use; and
  - (f) Minimize usage of solvents during cleaning of storage, mixing, and conveying equipment.
- (2) All persons shall perform solvent cleaning operations with cleaning material having VOC content of 0.21 pounds per gallon or less.

(3) All sources subject to R307-353 shall maintain records demonstrating compliance with all provisions of R307-353 on an annual basis.

(a) Records shall include, but not be limited to, inventory and product data sheets of all coatings and solvents subject to R307-350.

(b) These records shall be made available to the director upon request.

**R307-353-8. Optional Add-On Controls.**

(1) The owner or operator may install and maintain an incinerator, carbon adsorption, or any other add-on emission control device, provided that the emission control device will [~~attain~~]achieve at least a 90% or greater [~~efficiency performance~~] emission reduction.

(2) The owner or operator of a control device shall provide documentation that the emission control system will attain the requirements of R307-353-8(1).

(3) Emission control systems shall be operated and maintained in accordance with the manufacturer recommendations. The owner or operator shall maintain for a minimum of two years records of operations [~~ng~~] and maintenance sufficient to demonstrate that the equipment is being operated and maintained in accordance with the manufacturer recommendations.

**R307-353-9. Compliance Schedule.**

All sources within Box Elder, Cache, Davis, Salt Lake, Tooele, Utah and Weber counties shall be in compliance with this rule by January 1, 2014.

**KEY: air pollution, emission controls, coatings, plastic parts**  
**Date of Enactment or Last Substantive Amendment: 2013**  
**Authorizing, and Implemented or Interpreted Law: 19-2-104(1)**  
**(a)**

Health, Health Care Financing,  
 Coverage and Reimbursement Policy  
**R414-29**  
 Client Review/Education and  
 Restriction Policy

**NOTICE OF CHANGE IN PROPOSED RULE**  
 DAR FILE NO.: 37085  
 FILED: 03/15/2013

**RULE ANALYSIS**

**PURPOSE OF THE RULE OR REASON FOR THE CHANGE:** The purpose of this change is to clarify restriction policy and the restriction review process for the Medicaid program, based on internal review within the Department.

**SUMMARY OF THE RULE OR CHANGE:** This change in proposed rule clarifies restriction policy and the restriction review process for the Medicaid program. (DAR NOTE: This change in proposed rule has been filed to make additional changes to a proposed amendment that was published in the December 15, 2012, issue of the Utah State Bulletin, on page 28. 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 26-1-5 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 restriction policy and the restriction review process for the Medicaid program.

♦ **LOCAL GOVERNMENTS:** There is no impact to local governments because they neither fund nor provide Medicaid services to Medicaid recipients.

♦ **SMALL BUSINESSES:** The Department does not anticipate any impact to small businesses because this change only clarifies restriction policy and the restriction review process for the Medicaid program.

♦ **PERSONS OTHER THAN SMALL BUSINESSES, BUSINESSES, OR LOCAL GOVERNMENTAL ENTITIES:** The Department does not anticipate any impact to Medicaid providers and to Medicaid recipients because this change only clarifies restriction policy and the restriction review process for the Medicaid program.

**COMPLIANCE COSTS FOR AFFECTED PERSONS:** The Department does not anticipate any impact to a single Medicaid provider or to a Medicaid recipient because this change only clarifies restriction policy and the restriction review process for the Medicaid program.

**COMMENTS BY THE DEPARTMENT HEAD ON THE FISCAL IMPACT THE RULE MAY HAVE ON BUSINESSES:** This change will not impact local business.

**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

**INTERESTED PERSONS MAY PRESENT THEIR VIEWS ON THIS RULE BY SUBMITTING WRITTEN COMMENTS NO LATER THAN AT 5:00 PM ON 05/01/2013**

**THIS RULE MAY BECOME EFFECTIVE ON: 05/08/2013**

**AUTHORIZED BY: David Patton, PhD, Executive Director**

**R414. Health, Health Care Financing, Coverage and Reimbursement Policy.****R414-29. Client Review/Education and Restriction Policy.****R414-29-1. Introduction and Authority.**

(1) The Client Restriction Program promotes the appropriate use of quality medical services by identifying and correcting overutilization of services.

(2) This rule is required by 42 CFR 431.54(e) and 456.3.

**R414-29-6. Changes in Restriction Case Manager or Restriction Pharmacy.**

(1) ~~[If the]~~When a client requests a change in the Restriction Case Manager or the Restriction Pharmacy, the request may be ~~[in writing or a verbal request and must verify that the new Restriction Case Manager]~~ verbal or written. Before placing the new Restriction Case Manager on the client's case record, the Department must verify that the proposed Restriction Case Manager agrees to ~~be the client's~~ the responsibilities of the Restriction Case Manager.

(2) The Department must approve all changes in the Restriction Case Manager or the Restriction Pharmacy before the client may use a different Restriction Case Manager or Restriction Pharmacy. Circumstances under which the Department may approve such a change are:

(a) client, Restriction Case Manager, or Restriction Pharmacy moves location;

(b) Restriction Case Manager or Restriction Pharmacy discontinues or limits practice;

(c) Restriction Case Manager, or Restriction Pharmacy requests a change;

(d) Department Staff Physician recommends a change, when ~~[his]~~a periodic assessment of the use of services reveals indications of possible overutilization by the restricted client, the Restriction Case Manager, or both.

(3) The Department may mandate a change in the Restriction Case Manager or Restriction Pharmacy whenever it determines that the client:

(a) continues to overutilize services despite being under restriction; or

(b) is not receiving appropriate care while being managed by the Restriction provider.

**R414-29-7. Length of Restriction.**

(1) A[H] client[s] shall continue participation in the Restriction Program until ~~[they have]~~the client has demonstrated ~~[they are]~~he is not overutilizing services. Once a client is placed in the Restriction Program, a client may request a review for discharge from the Restriction Program after one year. If utilization data supports discharge from the Restriction Program, the client will no longer be enrolled in the program.

(2) If a client loses Medicaid eligibility, and subsequently re-establishes Medicaid eligibility, the Department shall automatically require the client's participation in the Restriction Program if the loss of eligibility is for less than one year.

(3) The Department shall assess the client's ~~[use]~~utilization of services when requested after Restriction has been maintained for at least one year~~[-based on the client's compliance with the Restriction Case Manager's written treatment plan and recommendations;]~~ and shall ~~[also]~~ use information such as:

- (a) medical care obtained from multiple practitioners;
- (b) prescriptions obtained from multiple practitioners;
- (c) emergency rooms used for non-emergency services as defined in the Utah Medicaid Table of Authorized Emergency Diagnosis;
- (d) use of multiple emergency rooms;
- (e) concurrent use of medications in the same therapeutic class, when prescribed by different practitioners;
- (f) indications of forged or altered prescriptions;
- (g) use of medical services inconsistent with diagnosis;
- (h) other patterns indicating overutilization.

**KEY: Medicaid**

**Date of Enactment or Last Substantive Amendment: 2013**

**Notice of Continuation: October 5, 2012**

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

**Human Services, Services for People  
with Disabilities  
R539-3  
Rights and Protections**

**NOTICE OF CHANGE IN PROPOSED RULE**

DAR FILE NO.: 37163

FILED: 03/14/2013

**RULE ANALYSIS**

PURPOSE OF THE RULE OR REASON FOR THE CHANGE: The Division received comments from the Disabilities Advisory Council, who suggested a minor change to Subsection R539-3-7(5). The original rule amendment likely prevented a person from electing to have electronic surveillance instead of direct care staff. The Council suggested that in certain cases, it would be proper for a person to make such an election, if due to the person's particular behavioral problems, the provider and the person agree that would make it safer for provider staff to monitor the person, while still providing the person with adequate care.

There have been examples in the past of such suggestions from providers and agreement from persons in services. The Division does not want to preclude this practice, if it is in the best interests of the person.

SUMMARY OF THE RULE OR CHANGE: The proposed rule change makes minor edits to the originally proposed change only in Section R539-3-7. The changes remove the words "direct" and "Persons or" from Subsection R539-3-7(5), and otherwise are minor deletions and additions of one or two words, only slightly changing 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 January 15, 2013, issue of the Utah State Bulletin, on page 21. 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 62A-5-102 and Section 62A-5-103

ANTICIPATED COST OR SAVINGS TO:

◆ THE STATE BUDGET: This rule affects providers by requiring criteria for the use of electronic surveillance, should providers choose to use such a system. Therefore no cost increase is expected in the state budget. This change does not affect that original analysis.

◆ LOCAL GOVERNMENTS: This rule affects providers by requiring criteria for the use of electronic surveillance, should providers choose to use such a system. Therefore no cost increase is expected for local governments. The disability program is run through private contractor provider networks and imposes no burden on local governments. This change does not affect that original analysis.

◆ SMALL BUSINESSES: The Division is not requiring the use of electronic surveillance. While some costs associated with meeting criteria for electronic surveillance privacy measures may be incurred, the rule does not dictate that any electronic surveillance is required. Costs to providers are on an elective basis. Requirements listed in this change are minimal and required for the person's privacy and to meet existing rules and regulations. This change does not affect that original analysis.

◆ PERSONS OTHER THAN SMALL BUSINESSES, BUSINESSES, OR LOCAL GOVERNMENTAL ENTITIES: This rule provides privacy protections ensuring that persons cannot be electronically surveilled without prior written consent and approval by the Human Rights Committee. Protections are at no cost to the person. This change does not affect that original analysis.

COMPLIANCE COSTS FOR AFFECTED PERSONS: No costs expected to affect persons with disabilities, persons' families or guardians as part of this rule change. This change does not affect that original analysis.

COMMENTS BY THE DEPARTMENT HEAD ON THE FISCAL IMPACT THE RULE MAY HAVE ON BUSINESSES: There will be no cost or savings associated with implementing this rule.

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](mailto:jhjones@utah.gov)  
♦ Nathan Wolfley by phone at 801-538-4154, by FAX at 801-538-4279, or by Internet E-mail at [nwolfley@utah.gov](mailto:nwolfley@utah.gov)

INTERESTED PERSONS MAY PRESENT THEIR VIEWS ON THIS RULE BY SUBMITTING WRITTEN COMMENTS NO LATER THAN AT 5:00 PM ON 05/01/2013

THIS RULE MAY BECOME EFFECTIVE ON: 05/08/2013

AUTHORIZED BY: Paul Smith, Director

**R539. Human Services, Services for People with Disabilities.**

**R539-3. Rights and Protections.**

**R539-3-1. Purpose.**

(1) The purpose of this rule is to support Persons in exercising their rights as Persons receiving funding from the Division. The procedures of this rule constitute the minimum rights for Persons receiving Division funded services and supports.

**R539-3-2. Authority.**

(1) This rule establishes procedures and standards for the protection of Persons' constitutional liberty interests as required by Subsection 62A-5-103(2)(b).

**R539-3-3. Definitions.**

(1) Terms used in this rule are defined in Section 62A-5-101 and R539-1-3.

**R539-3-4. Human Rights Committee.**

(1) This rule applies to the Division, Persons funded by the Division, Providers, Providers' Human Rights Committees, and the Division Human Rights Council.

(2) All Persons shall have access to a Provider Human Rights Committee with the exception of the following:

- (a) Persons receiving physical disabilities services.
- (b) Families using the Self-Administered Model.
- (c) Persons receiving only family supports or respite.

(3) The Provider Human Rights Committee approves the services agencies provide relating to rights issues, such as rights restrictions and the use of intrusive behavior supports. In addition, the Committee provides recommendations relating to abuse and neglect

prevention, rights training, and supporting people in exercising their rights.

(4) Any interested party may request that the rights of a Person be reviewed by a Provider Human Rights Committee by contacting the Person's Provider agency verbally or in writing.

(5) Any interested party may request an appeal of the Provider Human Rights Committee decision by sending a request to the Division, 195 North 1950 West, Salt Lake City, UT 84116. The Division shall make a decision whether there will be a review and shall notify the Person, Provider, and Support Coordinator concerning the decision within eight business days. The notification shall contain a statement of the issue to be reviewed and the process and timeline for completing the review.

**R539-3-5. Representative Payee Services.**

(1) Unless a Person voluntarily signs the Division Voluntary Financial Support Agreement Form 1-3 or a Provider Human Rights Committee has approved restriction on the use and access to personal funds, the Person shall have access to and control over such funds.

(2) The Representative Payee shall follow all Social Security Administration requirements outlined in 20CFR416.601-665.

(3) The Division shall review Provider records for a sample of Representative Payee files on an annual basis.

(4) If the Department does not have guardianship or conservatorship and the Division has not been named as Representative Payee by the Social Security Administration, the Person may sign a Voluntary Financial Support Agreement, Division Form 1-3, allowing the Department to act as Representative Payee.

(5) If the Division is acting as the Representative Payee for a Person, the Division may initiate termination of a Representative Payee relationship through written notification to the Person and the funding agency.

(a) The Division shall initiate termination of a Representative Payee arrangement when:

- (i) a Person with a voluntary arrangement requests termination of Representative Payee status;
- (ii) a funding agency requests termination of Representative Payee status;
- (iii) Person with a Representative Payee becomes ineligible for funding; or
- (iv) a Person moves out of the service area.

**R539-3-6. Personal Property.**

(1) Restrictions to property that are implemented by the Division or Provider shall be part of a written plan or as an Emergency Behavior Intervention in accordance with Division Administrative Rule. Restrictions shall be approved by the Team and Provider Human Rights Committee.

**R539-3-7. Privacy.**

(1) Persons shall have privacy, including private communications (i.e. mail, telephone calls and private conversations), personal space, personal information, and self-care practices (i.e. dressing, bathing, and toileting).

(2) Restrictions to privacy that are implemented by the Division or Provider shall be part of a written plan and approved by the Team and Provider Human Rights Committee. Circumstances that require assistance in self-care due to functional limitations do not require a written plan.



(3) No Person shall be subject to electronic surveillance of any kind without:

(a) express written consent from the Person to be under surveillance ~~and~~ or the Person's guardian;

(b) approval of both the Person's Team and the Provider Human Rights Committee;

(c) certification by the Provider Human Rights Committee that the electronic surveillance meets a necessary health or safety concern and is done in the least intrusive manner possible; and

(d) submission of Electronic Surveillance Certification to ~~the~~ ~~[DSPD]~~ Division Quality Manager.

(4) Electronic surveillance shall not be placed in common areas without:

(a) express written consent from all Persons who live at the site, ~~and~~ or the guardians of those Persons;

(b) approval of the Provider Human Rights Committee;

(c) certification by the Provider Human Rights Committee that the electronic surveillance meets a necessary health or safety concern and is done in the least intrusive manner possible; and

(d) submission of Electronic Surveillance Certification to ~~the~~ ~~[DSPD]~~ Division Quality Manager.

(5) Under no circumstances shall electronic surveillance be used by administrative or supervisory staff as a substitute for ~~direct~~ supervision of ~~Persons or~~ employees providing direct care to Persons.

(6) Visitors shall be provided with notice of electronic surveillance upon entering the premises.

(a) Notice shall be provided by placing a sign of substantial size, in a conspicuous location, so as to attract the attention of visitors as they enter.

(7) The Person's Team and the Provider Human Rights Committee shall conduct reviews of electronic surveillance:

(a) at least annually; and

(b) in response to specific requests for review from the Person under surveillance or that Person's guardian.

(8) Electronic surveillance at the Utah State Developmental Center shall comply with federal regulations outlined in 42 C.F.R. 483.420(a)(7) (2011), 42 C.F.R. 483.440(f)(3) (i)-(iii) (2011) and 42 C.F.R. 483.470(d)(2) (2011).

#### **R539-3-8. Notice of Agency Action and Administrative Hearings.**

(1) Persons have the right to receive adequate written Notice of Agency Action and to present grievances about agency action by requesting a formal or informal administrative hearing in accordance with R497-100 for Persons receiving non-Waiver services, and R410-14 for Persons receiving Waiver services.

(2) Pursuant to Utah Code Annotated, Title 63G, Chapter 4, the Division shall notify a Person in writing before taking any agency action, such as changes in funding, eligibility, or services.

(3) At least 30 calendar days before the Division terminates or reduces a Person's services or benefits, the Division shall send the Person a written Notice of Agency Action.

(4) The Notice of Agency Action shall comply with Subsection 63G-4-201 and R497-100-4(2)(a).

(5) To assist a Person in requesting an administrative hearing, the Division shall send the Person a Hearing Request Form 490S when the Division sends the Notice of Agency Action Form 522.

(6) To request an informal hearing with the Department of Human Services for non-waiver services, the Person must file a

Hearing Request Form 490S with the Division within 30 calendar days of the mailing date shown on the Notice of Agency Action Form 522.

(7) To request a formal hearing with the Department of Health for Waiver services, the Person must file the Medicaid Standard Hearing Request Form with the Division and Department of Health, Division of Health Care Finance within 30 calendar days of the mailing date shown on the Notice of Agency Action Form 522.

(8) This 30-day deadline for formal and informal hearings applies regardless of whether the Person also wishes to participate in the Division's conflict resolution process.

(a) If the Person files the Hearing Request within ten calendar days of the mailing date of the Notice of Agency Action, the Person's services shall continue unchanged during the formal or informal hearing process.

(b) If the Person files the Hearing Request Form between 11 and 30 calendar days after the mailing date of the Notice of Agency Action, the Person is entitled to an administrative hearing, but the Person's services and benefits shall be discontinued or reduced according to the Notice of Agency Action during the formal or informal hearing process.

(9) A Person may file a Request for Hearing Form for a formal or informal hearing and choose to still participate in the Division's conflict resolution process prior to the formal or informal hearing.

(10) If the Person requests an informal hearing and also chooses the conflict resolution process, the conflict resolution process must be completed before the informal hearing can begin, unless the Person submits a written request to the Division to end the conflict resolution process prematurely.

#### **R539-3-9. Participation in Hospice Services.**

(1) Persons expected by their physicians to live fewer than six months have the right to pursue hospice services as their choice of end-of-life care. A Person who is expected by two physicians to live fewer than six months and who receives Division funding for services and supports may request to continue to receive their Division-funded services and supports while participating in hospice services.

(2) If a Person has not executed a Durable Power of Attorney for Health Care and is incapable of making an informed decision about hospice services or signing a Hospice Agreement, choices related to end-of-life care shall be made on behalf of the Person by the Team upon approval of the Provider Human Rights Committee unless a guardian has been appointed by the Court with the legal authority to make end-of-life decisions for the Person.

(3) If a Person receives Waiver services through the Division and elects the Medicaid hospice benefit and meets the program eligibility requirements in accordance with R414-14A-3, hospice shall become the primary service delivery program, including the primary case management program, for the care of the Person. All other Medicaid programs serving the Person at the time of hospice election, including Waivers, shall coordinate with the hospice case management team to determine the full scope of services that shall be provided from that point forward.

(a) Pursuant to R414-14A-7(A), a Person can continue to receive Division services through the Waiver program that are necessary to prevent institutionalization, are not duplicative of services covered by the hospice benefit, and do not conflict with the hospice plan of treatment.

(b) The Medicaid hospice benefit shall determine the actual number of times a Person can revoke and re-elect hospice services, which hospice Providers and services are available, and which Waiver services may continue concurrently with hospice services.

(c) If the Division wishes to initiate disenrollment of a Medicaid-funded Person from the Waiver based on the Person's election of hospice services, it shall be considered an involuntary disenrollment and will be subject to review and approval by the Department of Health, Division of Health Care Finance.

**R539-3-10. Prohibited Procedures.**

(1) The following procedures are prohibited for Division staff and Providers, including staff hired for Self-Administered Services, in all circumstances in supporting Persons receiving Division funding:

- (a) Physical punishment, such as slapping, hitting, and pinching.
- (b) Demeaning speech to a Person that ridicules or is abusive.
- (c) Locked confinement in a room.

(d) Denial or restriction of access to assistive technology devices, except where removal prevents injury to self, others, or property as outlined in Section R539-3-6.

(e) Withholding or denial of meals, or other supports for biological needs, as a consequence or punishment for problems.

(f) Any Level II or Level III Intervention, as defined in R539-4-3(n) and R539-4-3(o), used as coercion, as convenience to staff, or in retaliation.

(g) Any procedure in violation of R495-876, R512-202, R510-302, 62A-3-301 thru 62A-3-321, and 62A-4a-402 thru 62A-4a-412 prohibiting abuse.

**KEY: people with disabilities, rights**

**Date of Enactment or Last Substantive Amendment: 2013**

**Notice of Continuation: August 17, 2009**

**Authorizing, and Implemented or Interpreted Law: 62A-5-102; 62A-5-103**

---

**End of the Notices of Changes in Proposed Rules Section**

## NOTICES OF 120-DAY (EMERGENCY) RULES

---

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

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

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

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

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

---

### Health, Family Health and Preparedness, Emergency Medical Services **R426-2** Air Medical Service Rules

#### NOTICE OF 120-DAY (EMERGENCY) RULE

DAR FILE NO.: 37409

FILED: 03/14/2013

#### RULE ANALYSIS

**PURPOSE OF THE RULE OR REASON FOR THE CHANGE:** The rule has currently expired. The rule needs to be enacted to match statute.

**SUMMARY OF THE RULE OR CHANGE:** The rule will allow the Bureau of EMS to maintain standards and criteria for licensed air ambulance providers. (DAR NOTE: A corresponding proposed new Rule R426-2 is under DAR No. 37411 in this issue, April 1, 2013, of the Bulletin.)

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

**EMERGENCY RULE REASON AND JUSTIFICATION:** REGULAR RULEMAKING PROCEDURES WOULD cause an imminent peril to the public health, safety, or welfare; and place the agency in violation of federal or state law.

**JUSTIFICATION:** The rule will ensure that the current standards of operations for air ambulance services are maintained.

#### ANTICIPATED COST OR SAVINGS TO:

- ◆ **THE STATE BUDGET:** State budgets are affected as the fees for the licensure process pays for the costs to regulate the air ambulance agencies operating in Utah.
- ◆ **LOCAL GOVERNMENTS:** No new fiscal impacts from recently expired air ambulance rules. Fiscal impacts of past air ambulance rules have not applied to local governments due to the air ambulance industry in Utah is currently under cooperative ownerships.
- ◆ **SMALL BUSINESSES:** Current providers are all larger than 50 employees. Future business would be required to meet the same operational standards for equipment and staffing.
- ◆ **PERSONS OTHER THAN SMALL BUSINESSES, BUSINESSES, OR LOCAL GOVERNMENTAL ENTITIES:** No new fiscal impacts to currently existing licensed air ambulance providers. This rule is a replacement for past operational requirements. Licensed providers already have surpassed the minimal requirements required by this rule.

**COMPLIANCE COSTS FOR AFFECTED PERSONS:** Affected persons are currently paying for air ambulance services that are provided by the licensed agencies. No changes are expected due to this rule.

**COMMENTS BY THE DEPARTMENT HEAD ON THE FISCAL IMPACT THE RULE MAY HAVE ON BUSINESSES:** The air ambulance rule presents no unreasonable barriers to entry for qualified providers.

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

HEALTH  
FAMILY HEALTH AND PREPAREDNESS,  
EMERGENCY MEDICAL SERVICES  
3760 S HIGHLAND DR  
SALT LAKE CITY, UT 84106  
or at the Division of Administrative Rules.

DIRECT QUESTIONS REGARDING THIS RULE TO:

♦ Allan Liu by phone at 801-273-6664, by FAX at 801-273-4165, or by Internet E-mail at [aliu@utah.gov](mailto:aliu@utah.gov)

EFFECTIVE: 03/14/2013

AUTHORIZED BY: David Patton, PhD, Executive Director

**R426. Health, Family Health and Preparedness, Emergency Medical Services.**

**R426-2. Air Medical Service Rules.**

**R426-2-1. Authority and Purpose.**

- (1) This Rule is established under Chapter 8, Title 26a.
- (2) The purpose of this Rule is to set forth air ambulance policies and rules and standards adopted by the Utah Emergency Medical Services Committee which promote and protect the health and safety of the people of this state.

**R426-2-2. Requirements for Licensure.**

- (1) The Department may issue licenses and vehicle permits to air medical services conforming to R426-2 for Advanced Life Support Air Medical Service and for Specialized Life Support Air Medical Service. A Specialized Life Support Air Medical Service license must list, on the license, the specialties for which the Specialized Life Support Air Medical Service is licensed.
- (2) A person may not furnish, operate, conduct, maintain, advertise, or provide air medical transport services to patients within the state or from within the state to out of state unless licensed by the Department.
- (3) An air medical service shall comply with all state and federal requirements governing the specific vehicles utilized for air medical transport services.
- (4) An air medical service must provide air medical services 24 hours a day, every day of the year as allowed by weather conditions except when the service is committed to another medical emergency or is unavailable due to maintenance requirements.
- (5) To become licensed as an air medical service, an applicant must submit to the Department an application and appropriate fees for an original license which shall include the following:
- (a) Certified Articles of Incorporation, if incorporated.
- (b) The name, address, and business type of the owner of the air medical service or proposed air medical service.
- (c) The name and address of the air ambulance operator(s) providing air ambulance(s) to the service.
- (d) The name under which the applicant is doing business or proposes to do business.
- (e) A statement summarizing the training and experience of the applicant in the air transportation and care of patients.

(f) A description and location of each dedicated and back-up air ambulance(s) procured for use in the air medical service, including the make, model, year of manufacture, FAA-N number, insignia, name or monogram, or other distinguishing characteristics.

(g) A copy of current Federal Aviation Administration (FAA) Air Carrier Operating Certificate authorizing FAR, Part 135, operations.

(h) A copy of the current certificate of insurance for the air ambulance.

(i) A copy of the current certificate of insurance demonstrating coverage for medical malpractice.

(j) The geographical service area, location and description of the place or places from which the air ambulance will operate.

(k) Name of the training officer responsible for the air medical personnel continuing education.

(l) The name of the air medical service medical director.

(m) A proposed roster of medical personnel which includes level of certification or licensure.

(n) A statement detailing the level of care for which the air medical service wishes to be licensed, either advanced or specialized.

(6) Upon receipt of an appropriately completed application for an air medical service license and submission of license fees, the Department shall collect supporting documentation and review each application. After review and before issuing a license to a new air medical service, the Department shall directly inspect the vehicle(s), the air medical equipment, and required documentation.

(7) The Department shall issue an air medical service license and air ambulance permit for a period of four years from the date of issue and which shall remain valid for the period unless revoked or suspended by the Department. The department may conduct inspections to assure compliance.

(8) Upon change of ownership, an air medical service license and air ambulance permit terminates and the new owner or operator must file within ten business days of acquisition an application for renewal of the air medical service license and air ambulance permit.

(9) Air medical services must have an agreement to allow hospital emergency department physicians, nurses, and other personnel who participate in emergency medical services to fly on air ambulances.

(10) Air medical services must provide reports to the Department, for each mission made, on forms or a data format specified by the Department.

(11) Effective July 1, 1998, successful completion of the CAMTS certification process is required for licensure and relicensure by the Department as an air medical service.

(a) Air medical services licensed under R426-2 as of July 1, 1997 must achieve CAMTS certification as of July 1, 1998, and meet requirements of R426-2 for relicensure.

(b) Air medical services licensed under R426-2 after July 1, 1997 must submit an application for CAMTS certification within one year of receiving a license under this rule.

**R426-2-3. Personnel Requirements.**

(1) Emergency Medical Technicians and Paramedics, when responding to a medical emergency, shall display their certification patch or identification card on outer clothing to identify competency level at the scene.

(2) Air medical service providing basic life support must have at least one medical attendant who is an Emergency Medical Technician-Intermediate (EMT-I), EMT-Paramedic, Physician's Assistant, Registered Nurse, or MD.

(3) Air medical services providing advanced life support must have at least one medical attendant who is an EMT-P, PA, RN, or MD. This attendant shall be the primary medical attendant. The second medical attendant may be an EMT-P, PA, Respiratory Therapist, RN, or MD.

(4) Air medical services providing specialized life support must have at least one medical attendant who is a RN or MD. This attendant shall be the primary medical attendant. The second medical attendant may be an EMT-P, PA, RT, RN, or MD.

(5) All Basic, Advanced, and Specialized Life Support Medical Attendants must:

(a) Have a current CPR card or certificate meeting standards approved by the Department.

(b) Have verification in the air medical service file of initial and annual training in altitude physiology, safety, stress management, infection control, hazardous materials, survival training, disaster training, triage, and Utah emergency medical system communications.

(c) Be knowledgeable in the application, operation, care, and removal of all medical equipment used in the care of the patient. The air medical personnel shall have a knowledge of potential in-flight complications, which may arise from the use of the medical equipment and its in-flight capabilities and limitations.

(d) Have available during transport, a current copy of all written protocols authorized for use by the air medical service medical director. Patient care shall be governed by these authorized written protocols.

(6) Air medical services licensed for specialized life support shall meet the following requirements:

(a) Maintain clinical competency by keeping a current completion card in specialty education programs required by the air medical service job description (e.g., American Heart Association/American Academy of Pediatrics Neonatal Association or Pediatric Advanced Life Support pertinent to appropriate specialty).

(b) Attend continuing education for specialty care providers that is specific and appropriate to the mission statement and scope of care for air medical services.

(c) Annually demonstrate to the air medical service medical director a knowledge and competency of specialized care and treatment of patients.

(7) All air medical services shall have an air medical service medical director who is a physician licensed in the state in which the ground base is located for the air ambulance, knowledgeable and responsible for the air medical care of patients.

(8) The air medical service applicant shall provide in writing to the Department the name of the air medical service medical director. If the air medical service medical director is replaced or removed, the air medical service shall notify the Department within thirty days after the action.

(a) The air medical service medical director:

(i) Shall have initial and annual training in altitude physiology, air ambulance safety, stress management, infection control, hazardous materials, survival training, disaster training, triage, and Utah emergency medical system communications. The air medical service shall document this training and make it available for inspection by the Department.

(ii) Shall have a current completion card in Advanced Cardiac Life Support according to the current standards of the American Heart Association.

(iii) Shall have a current completion card in Advanced Trauma Life Support according to the current standards of the American College of Surgeons.

(iv) Shall have a current specialty education completion card in Neonatal Resuscitation Program, Pediatric Advanced Life Support, and other similar courses or equivalent education in these areas.

(v) Shall have access to all specialty physicians as consultants.

(b) It is the responsibility of the air medical director to:

(i) Authorize written protocols for use by air medical attendants and review policies and procedures of the air medical service.

(ii) Develop and review treatment protocols, assess field performance, and critique at least 10% of the air medical service runs.

#### **R426-2.4. Air Ambulance Vehicle Requirements.**

(1) An air ambulance must have a permit from the Department to operate in Utah. Each air ambulance shall carry a decal showing the permit expiration date and permit number issued by the Department as evidence of compliance with R426-2. The permit holder shall meet all Federal Aviation Regulations specific to the operation of the air medical service.

(2) All air medical services shall notify the Department whenever the ground base location of a permitted vehicle is permanently changed.

(3) Air ambulances shall be maintained in good mechanical repair and sanitary condition on premises, properly equipped, maintained, and operated to provide quality service.

(4) Air ambulance requirements are as follows:

(a) The air ambulance must have sufficient space to accommodate at least one patient on a stretcher.

(b) The air ambulance must have sufficient space to accommodate at least two medical attendant seats.

(c) The patient stretcher shall be FAA-approved. It must be installed using the FAA 337 form or a "Supplemental Type Certificate." The stretcher shall be of sufficient length and width to support a patient in full supine position who is ranked as a 95th percentile American male that is 6 feet tall and weighing 212 pounds. The head of the stretcher shall be capable of being elevated at least 30 degrees.

(d) The air ambulance doors shall be large enough to allow a stretcher to be loaded without rotating it more than 30 degrees about the longitudinal roll axis, or 45 degrees about the lateral pitch axis.

(e) The stretcher shall be positioned so as to allow the medical attendants a clear view and access to any part of the patient's body that may require medical attention. Seat-belted medical attendants must have access to the patient's head and upper body.

(f) The patient, stretcher, attendants, seats, and equipment shall be so arranged as to not block the pilot, medical attendants, or patients from easily exiting the air ambulance.

(g) The air ambulance shall have FAA-approved two point safety belts and security restraints adequate to stabilize and secure any patient, patient stretcher, medical attendants, pilots, or other individuals.

(h) The air ambulance shall have a temperature and ventilation system for the patient treatment area.

(i) The patient area shall have overhead or dome lighting of at least 40-foot candle at the patient level, to allow adequate patient care. During night operations the pilot's cockpit shall be protected from light originating from the patient care area.

(j) The air ambulance shall have a self contained interior lighting system powered by a battery pack or portable light with a battery source.

(k) The pilots, flight controls, power levers, and radios shall be physically protected from any intended or accidental interference by patient, air medical personnel or equipment and supplies.

(l) The patient must be sufficiently isolated from the cockpit to minimize in-flight distractions and interference which would affect flight safety.

(m) The interior surfaces shall be of material easily cleaned, sanitized, and designed for patient safety. Protruding sharp edges and corners shall be padded.

(n) Patients whose medical problems may be adversely affected by changes in altitude may only be transported in a pressurized air ambulance.

(o) The air medical service shall provide all medical attendants with sound ear protectors sufficient to reduce excessive noise pollution arising from the air ambulance during flight.

(p) There shall be sufficient medical oxygen to assure adequate delivery of oxygen necessary to meet the patient medical needs and anticipated in-flight complications. The medical oxygen must:

(i) be installed according to FAA regulation;

(ii) have an oxygen flow rate determined by in-line pressure gauges mounted in the patient care area with each outlet clearly identified and within reach of a seat-belted medical attendant;

(iii) allow the oxygen flow to be stopped at or near the oxygen source from inside the air ambulance;

(iv) have gauges that easily identify the quantity of medical oxygen available;

(v) be capable of delivering fifteen liters/minute at fifty psi;

(vi) have a portable oxygen bottle available for use during patient transfer to and from the air ambulance;

(vii) have a fixed back-up source of medical oxygen in the event of an oxygen system failure;

(viii) the oxygen flow meters shall be recessed, padded, or by other means mounted to prevent injury to patients or medical attendants; and

(ix) "No smoking" signs shall be prominently displayed inside the air ambulance.

(q) The air ambulance electric power must be provided through a power source capable to operate the medical equipment and a back-up source of electric power capable of operating all electrically powered medical equipment for one hour.

(r) The air ambulance must have at least two positive locking devices for intravenous containers padded, recessed, or mounted to prevent injury to air ambulance occupants. The containers shall be within reach of a seat-belted medical attendant.

(s) The air ambulance must be fitted with a metal hard lock container, fastened by hard point restraints to the air ambulance, or must have a locking cargo bay for all controlled substances left in an unattended.

(t) An air ambulance shall have properly maintained survival gear appropriate to the service area and number of occupants.

(u) An air ambulance shall have an equipment configuration that is installed according to FAA criteria and in such a way that the air medical personnel can provide patient care.

(v) The air ambulance shall be configured in such a way that the air medical personnel have access to the patient in order to begin and maintain basic and advanced life support care.

(w) The air ambulance shall have space necessary to allow patient airway maintenance and to provide adequate ventilatory support from the secured, seat-belted position of the medical personnel.

#### **R426-2-5. Equipment Standards.**

(1) Air ambulances must maintain minimum quantities of supplies and equipment for each air medical transport as listed in the document R426 Appendix in accordance with the air medical service's licensure level. Due to weight and safety concerns on specialized air transports, the air medical service medical director shall insure that the appropriate equipment is carried according to the needs of the patient to be transported. All medications shall be stored according to manufacturer recommendations.

(2) All medical equipment except disposable items, shall be designed, constructed, and made of materials that under normal conditions and operations, are durable and capable of withstanding repeated cleaning.

(3) The equipment and medical supplies shall be maintained in working condition and within legal specifications.

(4) All non-disposable equipment shall be cleaned or sanitized after each air medical transport.

(5) Medical equipment shall be stored and readily accessible by air medical personnel.

(6) Before departing, the air medical personnel shall notify the pilot of any add-on equipment for weight and balance considerations.

(7) Physical or chemical restraints must be available and used for combative patients who could possibly hurt themselves or any other person in the air ambulance.

#### **R426-2-6. Operational Standards.**

(1) The pilot may refuse transport to any individual who the pilot considers to be a safety hazard to the air ambulance or any of its passengers.

(2) Records made for each trip on forms or data format specified by the Department, and a copy shall remain at the receiving facility for continuity of care.

(3) The air medical service must maintain a personnel file for personnel which shall include their qualifications and training.

(4) All air medical services must have an operational manual or policy and procedures manual available for all air medical personnel.

(5) All air medical service records shall be available for inspection by representatives of the Department.

(6)(a) All air ambulances shall be equipped to allow air medical service personnel to be able to:

(i) Communicate with hospital emergency medical departments, flight operations centers, air traffic control, emergency medical services, and law enforcement agencies.

- (ii) Communicate with other air ambulances while in flight.
- (b) The pilot must be able to override any radio or telephonic transmission in the event of an emergency.
- (7) The management of the air medical service shall be familiar with the federal regulations related to air medical services.
- (8) Each air medical service must have a safety committee, with a designated safety officer. The committee shall meet at least quarterly to review safety issues and submit a written report to the air medical service management and maintain a copy on file at the air medical service office.
- (9) All air medical service shall have a quality management team and a program implemented by this team to assess and improve the quality and appropriateness of patient care provided by the air medical service.

**R426-2-7. Statutory Penalties.**

A person who violates this rule is subject to the provisions of Title 26, Chapter 23.

**KEY: emergency medical services, air medical services**

**Date of Enactment or Last Substantive Amendment: March 14, 2013**

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

Health, Family Health and  
Preparedness, Emergency Medical  
Services  
**R426-6**  
Emergency Medical Services  
Competitive Grants Program Rules

**NOTICE OF 120-DAY (EMERGENCY) RULE**

DAR FILE NO.: 37408

FILED: 03/14/2013

**RULE ANALYSIS**

PURPOSE OF THE RULE OR REASON FOR THE CHANGE: This rule has currently expired. The rule needs to be enacted to match statute. Also, without this rule, Competitive Grant funds would not be available to any licensed or designated Emergency Medical Services (EMS) agency.

SUMMARY OF THE RULE OR CHANGE: The rule will allow grant funds to be distributed through a competitive process to EMS agencies statewide. (DAR NOTE: A corresponding proposed new Rule R426-6 is under DAR No. 37410 in this issue, April 1, 2013, of the Bulletin.)

STATUTORY OR CONSTITUTIONAL AUTHORIZATION FOR THIS RULE: Section 26-8a-207

**EMERGENCY RULE REASON AND JUSTIFICATION:**

REGULAR RULEMAKING PROCEDURES WOULD place the agency in violation of federal or state law.

JUSTIFICATION: The rule will allow grant funds to be distributed through a competitive process to EMS agencies statewide.

**ANTICIPATED COST OR SAVINGS TO:**

♦ THE STATE BUDGET: None--Funding for EMS Competitive Grants are not from state budgets.

♦ LOCAL GOVERNMENTS: Grants are a voluntary process. Savings to local government will be the monies received from grant awards.

♦ SMALL BUSINESSES: Does not apply--Current EMS providers are all larger than 50 employees.

♦ PERSONS OTHER THAN SMALL BUSINESSES, BUSINESSES, OR LOCAL GOVERNMENTAL ENTITIES: Grants are a voluntary process. Savings to local government will be the monies received from grant awards.

COMPLIANCE COSTS FOR AFFECTED PERSONS: Grants are a voluntary process. There are no significant regulations which would burden the EMS agencies to receive grants.

COMMENTS BY THE DEPARTMENT HEAD ON THE FISCAL IMPACT THE RULE MAY HAVE ON BUSINESSES: The grants should provide modest stimulus to local business.

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

HEALTH  
FAMILY HEALTH AND PREPAREDNESS,  
EMERGENCY MEDICAL SERVICES  
3760 S HIGHLAND DR  
SALT LAKE CITY, UT 84106  
or at the Division of Administrative Rules.

**DIRECT QUESTIONS REGARDING THIS RULE TO:**

♦ Allan Liu by phone at 801-273-6664, by FAX at 801-273-4165, or by Internet E-mail at [aliu@utah.gov](mailto:aliu@utah.gov)

EFFECTIVE: 03/14/2013

AUTHORIZED BY: David Patton, PhD, Executive Director

**R426. Health, Family Health and Preparedness, Emergency Medical Services.**

**R426-6. Emergency Medical Services Competitive Grants Program Rules.**

**R426-6-1. Authority and Purpose.**

- (1) This rule is established under Title 26, Chapter 8a.
- (2) The purpose of this rule is to provide guidelines for the equitable distribution of competitive grant funds specified under the Emergency Medical Services Grants Program.

**R426-6-2. Definitions.**

(1) County EMS Council or Committee means a group of persons recognized by the county commission as the legitimate entity within the county to formulate policy regarding the provision of EMS.

(2) Multi-county EMS council or committee means a group of persons recognized by an association of counties as the legitimate entity within the association to formulate policy regarding the provision of EMS.

**R426-6-3. Eligibility.**

(1) Competitive grants are available for use specifically related to the provision of emergency medical services.

(2) Grantees must be in compliance with the EMS Systems Act and all EMS rules during the grant period.

(3) An applicant that is six months or more in arrears in payments owed to the Department is ineligible for competitive grant consideration.

**R426-6-4. Grant Implementation.**

In accordance with Title 26, Chapter 8a, awards shall be implemented by grants between the Department and the grantee.

(1) Grant awards are effective on July 1 and must be used by June 30 of the following year.

(2) Grant funding is on a reimbursable basis after presentation of documentation of expenditures which are in accordance with the approved grant awards budget.

**R426-6-5. Competitive Grant Process.**

(1) The Grant Program Guidelines, outlining the review schedule, funding amounts, eligible expenditures, and awards schedule shall be established annually by the EMS Committee.

(2) The department may accept only complete applications which are submitted by the deadlines established by the EMS Committee.

(3) It is the intent of the EMS Committee that there be local EMS council or committee review of EMS grant applications. Therefore, copies of grant applications should be provided by grant applicants to their respective county EMS councils or committees and the multi-county EMS councils or committees, where organized, for review and recommendation to the State Grants subcommittee.

(4) Agencies that are licensed or designated, whose EMS service area includes multiple local EMS Committee jurisdictions will be reviewed separately by the State Grants Subcommittee.

(5) The Grants Subcommittee shall review the competitive grant applications and forward its recommendations to the EMS Committee. The EMS Committee shall review and comment on the Grants Subcommittee recommendations and forward to the Department.

(6) Grant recipients shall provide matching funds in the amount specified in the Grant Program Guidelines.

(7) The Grants Subcommittee may recommend reducing or waiving the matching fund requirements where appropriate in order to respond to special or pressing local or state EMS issues.

(8) The Grants Subcommittee shall make recommendations based upon the following criteria:

(a) the impact on patient care;

(b) a description of the size and significant impediments of the geographic service area;

(c) the population demographics of the service area;

(d) the urgency of the need;

(e) call volume;

(f) the per capita grant allocated to each agency, and its relative benefit on the agency to provide EMS service;

(g) local county recommendation;

(h) a description of the agency; and

(i) percent of responses to non-residents of the service area.

**R426-6-6. Interim or Emergency Grant Awards.**

(1) The Grants Subcommittee may recommend interim or emergency grants if all the following are met:

(a) Grant funds are available;

(b) The applicant clearly demonstrates the need;

(c) the application was not rejected by the Grants Subcommittee during the current grant cycle; and

(d) Delay of funding to the next scheduled grant cycle would impair the agency's ability to provide EMS care.

(2) Applicants for interim or emergency grants shall:

(a) submit an interim/emergency grant application, following the same format as annual grant applications; and

(b) submit the interim/emergency grant application to the Department at least 30 days prior to the EMS Committee meeting at which the grant application will be reviewed.

(3) The Grants Subcommittee shall review the interim/emergency grant application and forward recommendations to the EMS Committee. The EMS Committee shall review and comment on the Grants Subcommittee recommendations and forward to the Department.

**KEY: emergency medical services, EMS competitive grants**

**Date of Enactment or Last Substantive Amendment: March 14, 2013**

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

**End of the Notices of 120-Day (Emergency) Rules Section**



# FIVE-YEAR NOTICES OF REVIEW AND STATEMENTS OF CONTINUATION

---

Within five years of an administrative rule's original enactment or last five-year review, the 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.

---

## Corrections, Administration **R251-114** Offender Long-Term Health Care - Notice

### **FIVE-YEAR NOTICE OF REVIEW AND STATEMENT OF CONTINUATION**

DAR FILE NO.: 37389  
FILED: 03/07/2013

### **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 63G-3-201, based upon this rule's impact upon "a class of persons"; Section 64-13-10, outlining the duty and authority to establish rules to accomplish the purpose of correctional programs; and Section 64-13-39.5, outlining definitions related to the care of chronically or terminally ill offenders.

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 correspondence has been received by the Utah Department of Corrections regarding this rule since it was enacted.

REASONED JUSTIFICATION FOR THE CONTINUATION OF THE RULE, INCLUDING REASONS WHY THE AGENCY DISAGREES WITH COMMENTS IN OPPOSITION TO THE RULE, IF ANY: The conditions which require this rule are still in effect. The rule is for the public's notice and facilities which care for the prison's chronically ill. Therefore, this rule should be continued.

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

CORRECTIONS  
ADMINISTRATION  
14717 S MINUTEMAN DR  
DRAPER, UT 84020-9549  
or at the Division of Administrative Rules.

DIRECT QUESTIONS REGARDING THIS RULE TO:

♦ Greg Peay by phone at 801-201-6052, by FAX at 801-545-5572, or by Internet E-mail at [gpeay@utah.gov](mailto:gpeay@utah.gov)

AUTHORIZED BY: Michael Haddon, Interim Executive Director

EFFECTIVE: 03/07/2013

---

## Education, Administration **R277-518** Career and Technical Education Licenses

### **FIVE-YEAR NOTICE OF REVIEW AND STATEMENT OF CONTINUATION**

DAR FILE NO.: 37399  
FILED: 03/12/2013

### **NOTICE OF REVIEW AND STATEMENT OF CONTINUATION**

CONCISE EXPLANATION OF THE PARTICULAR STATUTORY PROVISIONS UNDER WHICH THE RULE IS ENACTED AND HOW THESE PROVISIONS AUTHORIZE OR REQUIRE THE RULE: Subsection 53A-1-401(3) allows the Utah State Board of Education (Board) to adopt rules in accordance with its responsibilities and Section 53A-6-104 permits the Board to issue licenses for educators.

SUMMARY OF WRITTEN COMMENTS RECEIVED DURING AND SINCE THE LAST FIVE YEAR REVIEW OF THE RULE FROM INTERESTED PERSONS SUPPORTING OR OPPOSING THE RULE: No 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: This rule continues to be necessary because it provides standards for the career and technical education license area and endorsements. Therefore, this rule should be continued.

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

DIRECT QUESTIONS REGARDING THIS RULE TO:  
 ♦ Carol Lear 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: 03/12/2013

Education, Administration  
**R277-600**

Student Transportation Standards and Procedures

**FIVE-YEAR NOTICE OF REVIEW AND STATEMENT OF CONTINUATION**  
 DAR FILE NO.: 37400  
 FILED: 03/12/2013

**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)(d) directs the Utah State Board of Education to establish rules for bus routes, bus safety, and other public school transportation purposes.

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: This rule continues to be necessary because it provides standards for school districts to qualify for state transportation funds. Therefore, this rule should be continued.

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

DIRECT QUESTIONS REGARDING THIS RULE TO:  
 ♦ Carol Lear 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: 03/12/2013

Education, Administration  
**R277-605**  
 Coaching Standards and Athletic Clinics

**FIVE-YEAR NOTICE OF REVIEW AND STATEMENT OF CONTINUATION**  
 DAR FILE NO.: 37401  
 FILED: 03/12/2013

**NOTICE OF REVIEW AND STATEMENT OF CONTINUATION**

CONCISE EXPLANATION OF THE PARTICULAR STATUTORY PROVISIONS UNDER WHICH THE RULE IS ENACTED AND HOW THESE PROVISIONS AUTHORIZE OR REQUIRE THE RULE: Subsection 53A-1-401(3) allows the Utah State Board of Education to adopt rules in accordance with its responsibilities and Subsection 53A-1-402(1)(b) directs the Board to adopt rules regarding student access to 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: 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: This rule continues to be necessary because it provides standards for school athletic and activity coaches and standards for clinics and workshops. Therefore, this rule should be continued.

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

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

DIRECT QUESTIONS REGARDING THIS RULE TO:

♦ Carol Lear 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: 03/12/2013

**Education, Administration**  
**R277-610**  
**Released-Time Classes**

**FIVE-YEAR NOTICE OF REVIEW AND STATEMENT OF CONTINUATION**  
DAR FILE NO.: 37402  
FILED: 03/12/2013

**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) directs the Utah State Board of Education (Board) to adopt minimum standards for public schools and Subsection 53A-1-401(3) permits 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 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: This rule continues to be necessary because it provides standards and procedures for public schools

regarding released-time classes consistent with the law. Therefore, this rule should be continued.

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

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

DIRECT QUESTIONS REGARDING THIS RULE TO:

♦ Carol Lear 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: 03/12/2013

**Education, Administration**  
**R277-700**

**The Elementary and Secondary School Core Curriculum**

**FIVE-YEAR NOTICE OF REVIEW AND STATEMENT OF CONTINUATION**  
DAR FILE NO.: 37403  
FILED: 03/12/2013

**NOTICE OF REVIEW AND STATEMENT OF CONTINUATION**

CONCISE EXPLANATION OF THE PARTICULAR STATUTORY PROVISIONS UNDER WHICH THE RULE IS ENACTED AND HOW THESE PROVISIONS AUTHORIZE OR REQUIRE THE RULE: Subsections 53A-1-402(1)(b) and (c) direct the Utah State Board of Education (Board) to make rules regarding competency levels, graduation requirements, curriculum, and instruction requirements; Section 53A-1-402.6 directs the Board to establish a Core Curriculum in consultation with local education agency boards and superintendents; 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 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: This rule continues to be necessary because it provides the minimum Core Curriculum and Core Standard

requirements for public schools. Therefore, this rule should be continued.

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

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

DIRECT QUESTIONS REGARDING THIS RULE TO:

♦ Carol Lear 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: 03/12/2013

**Education, Administration  
R277-702**

**Procedures for the Utah High School Completion Diploma (Effective on July 1, 2009)**

**FIVE-YEAR NOTICE OF REVIEW AND STATEMENT OF CONTINUATION**  
DAR FILE NO.: 37404  
FILED: 03/12/2013

**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)(b) directs the Utah State Board of Education (Board) to adopt rules regarding access to public school programs 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 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: This rule continues to be necessary because it provides standards and procedures for obtaining a Utah High School Completion Diploma. Therefore, this rule should be continued.

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

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

DIRECT QUESTIONS REGARDING THIS RULE TO:

♦ Carol Lear 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: 03/12/2013

**Education, Administration  
R277-709**

**Education Programs Serving Youth in Custody**

**FIVE-YEAR NOTICE OF REVIEW AND STATEMENT OF CONTINUATION**  
DAR FILE NO.: 37405  
FILED: 03/12/2013

**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-1-403(2)(b) requires the Utah State Board of Education (Board) to adopt rules for the distribution of funds for the education of youth in custody 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 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: This rule continues to be necessary because it provides operation standards and procedures for the distribution of funds for youth in custody programs. Therefore, this rule should be continued.

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

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

DIRECT QUESTIONS REGARDING THIS RULE TO:  
♦ Carol Lear 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: 03/12/2013

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: 03/12/2013

**Education, Administration  
R277-719**

**Standards for Selling Foods Outside of  
the Reimbursable Meal in Schools**

**FIVE-YEAR NOTICE OF REVIEW AND STATEMENT  
OF CONTINUATION**

DAR FILE NO.: 37406  
FILED: 03/12/2013

**NOTICE OF REVIEW AND STATEMENT OF  
CONTINUATION**

CONCISE EXPLANATION OF THE PARTICULAR STATUTORY PROVISIONS UNDER WHICH THE RULE IS ENACTED AND HOW THESE PROVISIONS AUTHORIZE OR REQUIRE THE RULE: Subsection 53A-1-401(3) allows the Utah State Board of Education (Board) to adopt rules in accordance with its responsibilities, Subsection 53A-19-201(1) allows the Board to set standards relating to the use of school lunch revenues, and Subsection 53A-1-402(1)(3) requires the Board to establish rules concerning school productivity and cost effectiveness measures and federal 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: 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: This rule continues to be necessary because it provides requirements for school district and charter school policies regarding foods sold outside of the reimbursable meal service time periods. Therefore, this rule should be continued.

**Health, Health Care Financing,  
Coverage and Reimbursement Policy  
R414-6**

**Reduction in Certain Targeted Case  
Management Services**

**FIVE-YEAR NOTICE OF REVIEW AND STATEMENT  
OF CONTINUATION**

DAR FILE NO.: 37391  
FILED: 03/08/2013

**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 targeted case management (TCM) services for Medicaid recipients. In addition, Section 26-18-2.3 authorizes the reduction of certain TCM services for cost-containment purposes.

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 should continue this rule because it defines TCM services for Medicaid recipients and specifies TCM services that are not available.

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: 03/08/2013

**Insurance, Administration  
R590-94**

**Rule Permitting Smoker/Nonsmoker  
Mortality Tables For Use In Determining  
Minimum Reserve Liabilities and  
Nonforfeiture Benefits**

**FIVE-YEAR NOTICE OF REVIEW AND STATEMENT  
OF CONTINUATION**  
DAR FILE NO.: 37412  
FILED: 03/15/2013

**NOTICE OF REVIEW AND STATEMENT OF  
CONTINUATION**

CONCISE EXPLANATION OF THE PARTICULAR STATUTORY PROVISIONS UNDER WHICH THE RULE IS ENACTED AND HOW THESE PROVISIONS AUTHORIZE OR REQUIRE THE RULE: Section 31A-2-201 authorizes the commissioner to write rules to implement the provisions of Title 31A. Section 31A-22-408 allows the commissioner to adopt rules interpreting, describing and clarifying the application of this nonforfeiture law to any form of life insurance for which the interpretation, description or clarification is deemed necessary by the commissioner, including but not limited to, unusual and new forms of life 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: The rule permits the use of smoker/nonsmoker mortality tables as a reserve standard allowing for a fairer pricing of life insurance products. The rule helps insurers offer lower rates to nonsmokers. 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: Todd Kiser, Commissioner

EFFECTIVE: 03/15/2013

**Natural Resources, Water Rights  
R655-5**

**Maps Submitted to the Division of  
Water Rights**

**FIVE-YEAR NOTICE OF REVIEW AND STATEMENT  
OF CONTINUATION**  
DAR FILE NO.: 37388  
FILED: 03/07/2013

**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 73-2-1(3)(b)(i) and Sections 73-3-2, 73-3-3, and 73-3-16 establish when maps must be submitted and the minimum standards that must be met for the maps to be accepted by the State Engineer.

SUMMARY OF WRITTEN COMMENTS RECEIVED DURING AND SINCE THE LAST FIVE YEAR REVIEW OF THE RULE FROM INTERESTED PERSONS SUPPORTING OR OPPOSING THE RULE: No comments have been received 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 still required for processing and acceptance by the State Engineer. Therefore, this rule should be continued.

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

NATURAL RESOURCES  
 WATER RIGHTS  
 ROOM 220  
 1594 W NORTH TEMPLE  
 SALT LAKE CITY, UT 84116-3154  
 or at the Division of Administrative Rules.

DIRECT QUESTIONS REGARDING THIS RULE TO:

♦ Marianne Burbidge by phone at 801-538-7370, by FAX at 801-538-7467, or by Internet E-mail at marianneburbidge@utah.gov

AUTHORIZED BY: Kent Jones, State Engineer/Director

EFFECTIVE: 03/07/2013

**Natural Resources, Wildlife Resources  
 R657-3  
 Collection, Importation, Transportation,  
 and Possession of Animals**

**FIVE-YEAR NOTICE OF REVIEW AND STATEMENT  
 OF CONTINUATION**  
 DAR FILE NO.: 37384  
 FILED: 03/05/2013

**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: Under Sections 23-14-18 and 23-14-19, the Wildlife Board is authorized and required to regulate and prescribe the means to allow the collection, importation, exportation, transportation, and possession of animals and their parts.

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 supporting or opposing Rule R657-3 have been received since 03/10/2008 when the rule was last reviewed.

REASONED JUSTIFICATION FOR THE CONTINUATION OF THE RULE, INCLUDING REASONS WHY THE AGENCY DISAGREES WITH COMMENTS IN OPPOSITION TO THE RULE, IF ANY: Rule R657-3 governs the collection, importation, exportation, transportation, and possession of animals and their parts. The procedures adopted in this rule have provided an effective and efficient process. Continuation of this rule is necessary for continued success of this program.

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

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

DIRECT QUESTIONS REGARDING THIS RULE TO:

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

AUTHORIZED BY: Gregory Sheehan, Director

EFFECTIVE: 03/05/2013

**Public Safety, Fire Marshal  
 R710-12  
 Hazardous Materials Training and  
 Certification**

**FIVE-YEAR NOTICE OF REVIEW AND STATEMENT  
 OF CONTINUATION**  
 DAR FILE NO.: 37390  
 FILED: 03/08/2013

**NOTICE OF REVIEW AND STATEMENT OF  
 CONTINUATION**

CONCISE EXPLANATION OF THE PARTICULAR STATUTORY PROVISIONS UNDER WHICH THE RULE IS ENACTED AND HOW THESE PROVISIONS AUTHORIZE OR REQUIRE THE RULE: In accordance with Subsection 53-7-204(1)(o), the fire prevention board is tasked with establishing a process for emergency response personnel to be certified in dealing with hazardous materials emergencies. This rule puts into place an advisory council, training and certification processes. It further identifies a national consensus standard which the training is based upon. Finally, it identifies renewals and fees.

SUMMARY OF WRITTEN COMMENTS RECEIVED DURING AND SINCE THE LAST FIVE YEAR REVIEW OF THE RULE FROM INTERESTED PERSONS SUPPORTING OR OPPOSING THE RULE: There have been no written comments received.

REASONED JUSTIFICATION FOR THE CONTINUATION OF THE RULE, INCLUDING REASONS WHY THE AGENCY DISAGREES WITH COMMENTS IN OPPOSITION TO THE RULE, IF ANY: With over 8,000 emergency responders in the state who are required through OSHA 1910.120 to have hazardous materials training and certification, this rule sets the foundation for processes and oversight to ensure that nationally recognized standards are met. Therefore, this rule should be continued.

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

PUBLIC SAFETY  
 FIRE MARSHAL  
 ROOM 302  
 5272 S COLLEGE DR  
 MURRAY, UT 84123-2611  
 or at the Division of Administrative Rules.

DIRECT QUESTIONS REGARDING THIS RULE TO:  
 ♦ Coy Porter by phone at 801-284-6358, by FAX at 801-284-6351, or by Internet E-mail at coyporter@utah.gov

AUTHORIZED BY: Coy Porter, State Fire Marshal

EFFECTIVE: 03/08/2013

**Public Service Commission,  
 Administration  
 R746-330**

**Rules for Water and Sewer Utilities  
 Operating in Utah**

**FIVE-YEAR NOTICE OF REVIEW AND STATEMENT  
 OF CONTINUATION**  
 DAR FILE NO.: 37385  
 FILED: 03/05/2013

**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 54-4-1 authorizes the Public Service Commission to supervise and regulate all public utilities in Utah. Subsections 54-2-1 (18) and (29) define sewer corporations as some of the utilities to be regulated by the commission. Section 54-4-7 requires the commission to, after a hearing, prescribe rules for utility corporations. Section 54-4-18 authorizes the commission to ascertain and fix just and reasonable standards and practices for the utility corporation under its jurisdiction. Section 54-4-23 gives the commission the power to establish a system of accounts for utility corporations. Rule R746-330 is the rule used for those purposes.

SUMMARY OF WRITTEN COMMENTS RECEIVED DURING AND SINCE THE LAST FIVE YEAR REVIEW OF THE RULE FROM INTERESTED PERSONS SUPPORTING OR OPPOSING THE RULE: No comments have been received in the last 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 continues to be necessary to regulate the methods and conditions of service of water and sewer corporations. Therefore, this rule should be continued.

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

AUTHORIZED BY: David Clark, Legal Counsel

EFFECTIVE: 03/05/2013

**Public Service Commission,  
 Administration  
 R746-347**

**Extended Area Service (EAS)**

**FIVE-YEAR NOTICE OF REVIEW AND STATEMENT  
 OF CONTINUATION**  
 DAR FILE NO.: 37386  
 FILED: 03/05/2013

**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 54-3-1 requires service offered by a public utility to be "adequate, efficient, just and reasonable". Section 54-3-4 allows utilities to offer joint services. Section 54-8b-11 requires the Public Service Commission to endeavor to make available high-quality telecommunications services at just and reasonable rates for customers throughout the state. Section 54-4-1 authorizes the commission to supervise and regulate public utilities.



Section 54-4-12 requires telephone utilities to interconnect networks in order to provide a continuous line of communication. This rule uses these provisions to enable joint localities of common interest to have local calling areas in which customers may place telephone calls without incurring toll charges for each call made.

**SUMMARY OF WRITTEN COMMENTS RECEIVED DURING AND SINCE THE LAST FIVE YEAR REVIEW OF THE RULE FROM INTERESTED PERSONS SUPPORTING OR OPPOSING THE RULE:** No comments have been received in the last 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 continues to be necessary to establish or restructure EAS under just and reasonable rates offered by Utah telephone corporations. Therefore, this rule should be continued.

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](mailto: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](mailto:sbintz@utah.gov)

AUTHORIZED BY: David Clark, Legal Counsel

EFFECTIVE: 03/05/2013

---

**Regents (Board of), University of Utah,  
Administration  
R805-1  
Operating Regulations for Bicycles,  
Skateboards and Scooters**

**FIVE-YEAR NOTICE OF REVIEW AND STATEMENT  
OF CONTINUATION  
DAR FILE NO.: 37407  
FILED: 03/12/2013**

**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 53B-2-106 authorizes Rule R805-1 by authorizing the president of each higher educational institution, with approval of that institution's board of trustees, to enact rules for administration and operation of the institution. Section 53B-3-101 authorizes Rule R805-1 by allowing the Board of Regents to pass rules and regulations governing parking and traffic on campuses and related facilities and to enforce the rules and regulations by all appropriate methods; Section 53B-3-101 further allows the Board of Regents to delegate this same authority to the president of each institution so long as the rules and regulations are approved by the institution's Board of Trustees.

**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:** The University of Utah's ability to ensure the safety of all persons on campus has been facilitated by Rule R805-1. Rule R805-1 regulates the operation of bicycles, skateboards, and scooters on campus and provides clear standards on the proper operation of such means of transportation. Rule R805-1 further gives the University of Utah the ability to sanction students, staff, and faculty who are in violation of this rule. Therefore, this rule should be continued.

THE FULL TEXT OF THIS RULE MAY BE INSPECTED, DURING REGULAR BUSINESS HOURS, AT:  
REGENTS (BOARD OF)  
UNIVERSITY OF UTAH,  
ADMINISTRATION  
ROOM 309 PARK BLDG  
201 S PRESIDENTS CIR  
SALT LAKE CITY, UT 84112-9009  
or at the Division of Administrative Rules.

**DIRECT QUESTIONS REGARDING THIS RULE TO:**  
♦ Robert Payne by phone at 801-585-7002, by FAX at 801-585-7007, or by Internet E-mail at [robert.payne@legal.utah.edu](mailto:robert.payne@legal.utah.edu)

AUTHORIZED BY: Robert Payne, Associate General Counsel

EFFECTIVE: 03/12/2013

---



## 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, Family Health and Preparedness, Emergency Medical Services

#### **R426-2**

#### Air Medical Service Rules

#### **FIVE-YEAR REVIEW EXPIRATION**

DAR FILE NO.: 37397

FILED: 03/12/2013

SUMMARY: The five-year review and notice of continuation was not filed on this rule by the deadline and it expired and is removed from the Administrative Code as of 02/24/2013. (DAR NOTE: A 120-day (emergency rule) that puts the rule back into place and is effective as of 03/14/2013 is under DAR No. 37409, and a proposed new Rule R426-2 is under DAR No. 37411 in this issue, April 1, 2013, of the Bulletin.)

EFFECTIVE: 02/24/2013

---

### Health, Family Health and Preparedness, Emergency Medical Services

#### **R426-6**

#### Emergency Medical Services Competitive Grants Program Rules

#### **FIVE-YEAR REVIEW EXPIRATION**

DAR FILE NO.: 37398

FILED: 03/12/2013

SUMMARY: The five-year review and notice of continuation was not filed on this rule by the deadline and it expired and is removed from the Administrative Code as of 03/01/2013. (DAR NOTE: A 120-day (emergency rule) that puts the rule back into place and is effective as of 03/14/2013 is under DAR No. 37408, and a proposed new Rule R426-6 is under DAR No. 37410 in this issue, April 1, 2013, of the Bulletin.)

EFFECTIVE: 03/01/2013

---

### Regents (Board of), University of Utah, Commuter Services

#### **R810-12**

#### Bicycles, Skateboards and Other Toy Vehicles

#### **FIVE-YEAR REVIEW EXPIRATION**

DAR FILE NO.: 37387

FILED: 03/07/2013

SUMMARY: The five-year review and notice of continuation was not filed on this rule by the deadline and it expired and is removed from the Administrative Code as of 03/07/2013.

EFFECTIVE: 03/07/2013

---



## 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

### Administrative Services

#### Fleet Operations

No. 36949 (AMD): R27-3. Vehicle Use Standards

Published: 11/15/2012

Effective: 03/07/2013

### Commerce

#### Occupational and Professional Licensing

No. 37199 (AMD): R156-1-102. Definitions

Published: 02/01/2013

Effective: 03/11/2013

No. 37202 (NEW): R156-82. Electronic Prescribing Act Rule

Published: 02/01/2013

Effective: 03/11/2013

### Environmental Quality

#### Radiation Control

No. 37189 (AMD): R313-12. General Provisions

Published: 02/01/2013

Effective: 03/19/2013

No. 37190 (AMD): R313-14. Violations and Escalated Enforcement

Published: 02/01/2013

Effective: 03/19/2013

No. 37191 (AMD): R313-15. Standards for Protection Against Radiation

Published: 02/01/2013

Effective: 03/19/2013

No. 37192 (AMD): R313-17. Administrative Procedures

Published: 02/01/2013

Effective: 03/19/2013

No. 37193 (AMD): R313-18. Notices, Instructions and Reports to Workers by Licensees or Registrants--Inspections

Published: 02/01/2013

Effective: 03/19/2013

No. 37194 (AMD): R313-19. Requirements of General Applicability to Licensing of Radioactive Material

Published: 02/01/2013

Effective: 03/19/2013

No. 37195 (AMD): R313-22. Specific Licenses

Published: 02/01/2013

Effective: 03/19/2013

No. 37196 (AMD): R313-24. Uranium Mills and Source Material Mill Tailings Disposal Facility Requirements

Published: 02/01/2013

Effective: 03/19/2013

No. 37197 (AMD): R313-30. Therapeutic Radiation Machines

Published: 02/01/2013

Effective: 03/19/2013

No. 37198 (AMD): R313-35. Requirements for X-Ray Equipment Used for Non-Medical Applications

Published: 02/01/2013

Effective: 03/19/2013

### Natural Resources

#### Parks and Recreation

No. 37205 (AMD): R651-633. Special Closures or Restrictions

Published: 02/01/2013

Effective: 03/14/2013

#### Water Rights

No. 37119 (REP): R655-7. Administrative Procedures for Notifying the State Engineer of Sewage Effluent Use or Change in the Point of Discharge for Sewage Effluent

Published: 01/15/2013

Effective: 03/07/2013

NOTICES OF RULE EFFECTIVE DATES

---

Regents (Board of)  
University of Utah, Commuter Services  
No. 37096 (AMD): R810-1-8. University Vehicle Parking  
Published: 01/01/2013  
Effective: 03/21/2013

No. 37098 (AMD): R810-1-14. Living In A Motor Vehicle On  
Campus  
Published: 01/01/2013  
Effective: 03/21/2013

No. 37092 (AMD): R810-2-1. Parking Meters  
Published: 01/01/2013  
Effective: 03/21/2013

**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, 2013 through March 15, 2013. 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	NSC = Nonsubstantive rule change
CPR = Change in proposed rule	REP = Repeal
EMR = Emergency rule (120 day)	R&R = Repeal and reenact
NEW = New rule	5YR = Five-Year Review
EXD = Expired	

CODE REFERENCE	TITLE	FILE NUMBER	ACTION	EFFECTIVE DATE	BULLETIN ISSUE/PAGE
<b>ADMINISTRATIVE SERVICES</b>					
<u>Facilities Construction and Management</u>					
R23-13	State of Utah Parking Rules for Facilities Managed by the Division of Facilities and Construction and Management	37357	5YR	02/20/2013	2013-6/49
R23-22	General Procedures for Acquisition and Selling of Real Property	37358	5YR	02/20/2013	2013-6/49
<u>Fleet Operations</u>					
R27-3	Vehicle Use Standards	36949	AMD	03/07/2013	2012-22/11
<b>AGRICULTURE AND FOOD</b>					
<u>Animal Industry</u>					
R58-21	Trichomoniasis	36962	AMD	01/04/2013	2012-22/16
<u>Plant Industry</u>					
R68-5	Grain Inspection	37249	5YR	02/05/2013	2013-5/189
<u>Regulatory Services</u>					
R70-310	Grade A Pasteurized Milk	37027	AMD	01/29/2013	2012-23/6
R70-320-18	Transport Tanks, Operators	36915	AMD	01/29/2013	2012-21/8
R70-330	Raw Milk for Retail	36914	AMD	01/29/2013	2012-21/9
<b>CAPITOL PRESERVATION BOARD (STATE)</b>					
<u>Administration</u>					
R131-2	Capitol Hill Complex Facility Use	37064	AMD	01/07/2013	2012-23/9
<b>COMMERCE</b>					
<u>Occupational and Professional Licensing</u>					
R156-1-102	Definitions	37199	AMD	03/11/2013	2013-3/2
R156-3a-102	Definitions	37073	AMD	01/24/2013	2012-24/6
R156-22	Professional Engineers and Professional Land Surveyors Licensing Act Rule	37074	AMD	01/24/2013	2012-24/7
R156-37	Utah Controlled Substances Act Rule	37040	AMD	01/08/2013	2012-23/18
R156-37-502	Unprofessional Conduct	37175	NSC	01/30/2013	Not Printed
R156-37f	Controlled Substance Database Act Rule	37039	NEW	01/08/2013	2012-23/21
R156-44a	Nurse Midwife Practice Act Rules	37071	AMD	01/22/2013	2012-24/11
R156-49	Dietitian Certification Act Rule	37273	5YR	02/07/2013	2013-5/189
R156-53	Landscape Architects Licensing Act Rule	37274	5YR	02/07/2013	2013-5/190
R156-68	Utah Osteopathic Medical Practice Act Rule	37272	5YR	02/07/2013	2013-5/191
R156-82	Electronic Prescribing Act Rule	37202	NEW	03/11/2013	2013-3/5
<u>Real Estate</u>					
R162-2g	Real Estate Appraiser Licensing and Certification Administrative Rules	36973	AMD	01/02/2013	2012-22/19



<u>Securities</u>					
R164-31-1	Guidelines for the Assessment of Administrative Fines	37042	AMD	01/08/2013	2012-23/26

CORRECTIONS

<u>Administration</u>					
R251-114	Offender Long-Term Health Care - Notice	37389	5YR	03/07/2013	Not Printed

CRIME VICTIM REPARATIONS

<u>Administration</u>					
R270-1	Award and Reparation Standards	37061	AMD	01/07/2013	2012-23/27
R270-1	Award and Reparation Standards	37166	NSC	01/30/2013	Not Printed
R270-2	Crime Victim Reparations Adjudicative Proceedings	37063	AMD	01/07/2013	2012-23/33
R270-2	Crime Victim Reparations Adjudicative Proceedings	37167	NSC	01/30/2013	Not Printed

EDUCATION

<u>Administration</u>					
R277-484	Data Standards	37145	AMD	02/21/2013	2013-2/4
R277-487	Public School Student Confidentiality	37144	AMD	02/21/2013	2013-2/7
R277-502	Educator Licensing and Data Retention	37058	AMD	01/07/2013	2012-23/34
R277-502	Educator Licensing and Data Retention	37146	AMD	02/21/2013	2013-2/10
R277-509	Licensure of Student Teachers and Interns	37059	AMD	01/07/2013	2012-23/39
R277-517	Board and UPPAC Disciplinary Definitions and Actions	37147	NEW	02/21/2013	2013-2/15
R277-517-5	Board Disciplinary Actions	37359	NSC	03/15/2013	Not Printed
R277-518	Career and Technical Education Licenses	37399	5YR	03/12/2013	Not Printed
R277-600	Student Transportation Standards and Procedures	37400	5YR	03/12/2013	Not Printed
R277-605	Coaching Standards and Athletic Clinics	37401	5YR	03/12/2013	Not Printed
R277-610	Released-Time Classes	37402	5YR	03/12/2013	Not Printed
R277-700	The Elementary and Secondary School Core Curriculum	37403	5YR	03/12/2013	Not Printed
R277-702	Procedures for the Utah High School Completion Diploma (Effective on July 1, 2009)	37404	5YR	03/12/2013	Not Printed
R277-709	Education Programs Serving Youth in Custody	37405	5YR	03/12/2013	Not Printed
R277-709-3	Student Evaluation, Education Plans, and LEA Programs	37244	NSC	02/15/2013	Not Printed
R277-719	Standards for Selling Foods Outside of the Reimbursable Meal in Schools	37406	5YR	03/12/2013	Not Printed

ENVIRONMENTAL QUALITY

<u>Administration</u>					
R305-2	Electronic Meeting	37360	5YR	02/25/2013	2013-6/50
R305-6	Administrative Procedures	36554	REP	01/31/2013	2012-16/28
R305-6	Administrative Procedures	36554	CPR	01/31/2013	2013-1/32
R305-7	Administrative Procedures	36553	NEW	01/31/2013	2012-16/45
R305-7	Administrative Procedures	36553	CPR	01/31/2013	2013-1/32
R305-9	Recusal of a Board Member for Conflict of Interest	36776	NEW	02/22/2013	2012-19/28
R305-9	Recusal of a Board Member for Conflict of Interest	36776	CPR	02/22/2013	2013-2/94

<u>Air Quality</u>					
R307-101-2	Definitions	36723	AMD	02/01/2013	2012-19/29
R307-101-2	Definitions	36723	CPR	02/01/2013	2013-1/38
R307-102	General Requirements: Broadly Applicable Requirements	37261	5YR	02/06/2013	2013-5/191
R307-115	General Conformity	37260	5YR	02/06/2013	2013-5/192
R307-170	Continuous Emission Monitoring Program	37259	5YR	02/06/2013	2013-5/192

RULES INDEX

R307-220	Emission Standards: Plan for Designated Facilities	37258	5YR	02/06/2013	2013-5/193
R307-221	Emission Standards: Emission Controls for Existing Municipal Solid Waste Landfills	37257	5YR	02/06/2013	2013-5/194
R307-222	Emission Standards: Existing Incinerators for Hospital, Medical, Infectious Waste	37256	5YR	02/06/2013	2013-5/194
R307-223	Emission Standards: Existing Small Municipal Waste Combustion Units	37255	5YR	02/06/2013	2013-5/195
R307-224	Mercury Emission Standards: Coal-Fired Electric Generating Units	37254	5YR	02/06/2013	2013-5/195
R307-250	Western Backstop Sulfur Dioxide Trading Program	37253	5YR	02/06/2013	2013-5/196
R307-307	Davis, Salt Lake, and Utah Counties: Road Salting and Sanding	36741	AMD	02/01/2013	2012-19/42
R307-307	Davis, Salt Lake, and Utah Counties: Road Salting and Sanding	36741	CPR	02/01/2013	2013-1/45
R307-307	Road Salting and Sanding	37234	NSC	02/15/2013	Not Printed
R307-312	Aggregate Processing Operations for PM2.5 Nonattainment Areas	36740	NEW	02/01/2013	2012-19/45
R307-312	Aggregate Processing Operations for PM2.5 Nonattainment Areas	36740	CPR	02/01/2013	2013-1/47
R307-340	Ozone Nonattainment and Maintenance Areas: Surface Coating Processes	36725	REP	02/01/2013	2012-19/49
R307-340	Ozone Nonattainment and Maintenance Areas: Surface Coating Processes	36725	CPR	02/01/2013	2013-1/48
R307-344	Paper, Film, and Foil Coatings	36726	NEW	02/01/2013	2012-19/65
R307-344	Paper, Film, and Foil Coatings	36726	CPR	02/01/2013	2013-1/52
R307-345	Fabric and Vinyl Coatings	36727	NEW	02/01/2013	2012-19/67
R307-345	Fabric and Vinyl Coatings	36727	CPR	02/01/2013	2013-1/54
R307-346	Metal Furniture Surface Coatings	36728	NEW	02/01/2013	2012-19/69
R307-346	Metal Furniture Surface Coatings	36728	CPR	02/01/2013	2013-1/57
R307-347	Large Appliance Surface Coatings	36729	NEW	02/01/2013	2012-19/71
R307-347	Large Appliance Surface Coatings	36729	CPR	02/01/2013	2013-1/59
R307-348	Magnet Wire Coatings	36730	NEW	02/01/2013	2012-19/73
R307-348	Magnet Wire Coatings	36730	CPR	02/01/2013	2013-1/61
R307-349	Flat Wood Panel Coatings	36731	NEW	02/01/2013	2012-19/74
R307-349	Flat Wood Panel Coatings	36731	CPR	02/01/2013	2013-1/63
R307-350	Miscellaneous Metal Parts and Products Coatings	36732	NEW	02/01/2013	2012-19/76
R307-350	Miscellaneous Metal Parts and Products Coatings	36732	CPR	02/01/2013	2013-1/65
R307-351	Graphic Arts	36733	NEW	02/01/2013	2012-19/80
R307-351	Graphic Arts	36733	CPR	02/01/2013	2013-1/69
R307-351-4	Standards for Rotogravure, Flexographic, and Specialty Printing Operations	37235	NSC	02/15/2013	Not Printed
R307-352	Metal Container, Closure, and Coil Coatings	36734	NEW	02/01/2013	2012-19/84
R307-352	Metal Container, Closure, and Coil Coatings	36734	CPR	02/01/2013	2013-1/73
R307-354	Automotive Refinishing Coatings	36736	NEW	02/01/2013	2012-19/88
R307-354	Automotive Refinishing Coatings	36736	CPR	02/01/2013	2013-1/79
R307-355	Control of Emissions from Aerospace Manufacture and Rework Facilities	36737	NEW	02/01/2013	2012-19/91
R307-355	Control of Emissions from Aerospace Manufacture and Rework Facilities	36737	CPR	02/01/2013	2013-1/82
R307-355-5	Emission Standards	37237	NSC	02/15/2013	Not Printed
R307-401-15	Air Strippers and Soil Venting Projects	37037	AMD	02/07/2013	2012-23/40
R307-401-15	Air Strippers and Soil Venting Projects	37236	NSC	02/15/2013	Not Printed
R307-801	Utah Asbestos Rule	37252	5YR	02/06/2013	2013-5/197
<u>Drinking Water</u>					
R309-515-6	Ground Water - Wells	36562	AMD	01/16/2013	2012-16/66
R309-515-6	Ground Water - Wells	36562	CPR	01/16/2013	2012-23/70
<u>Radiation Control</u>					
R313-16	General Requirements Applicable to the Installation, Registration, Inspection, and Use of Radiation Machines	37179	NSC	01/31/2013	Not Printed
R313-21	General Licenses	37181	NSC	01/31/2013	Not Printed

R313-25	License Requirements for Land Disposal of Radioactive Waste - General Provisions	37180	NSC	01/31/2013	Not Printed
R313-26	Generator Site Access Permit Requirements for Accessing Utah Radioactive Waste Disposal Facilities	37182	NSC	01/31/2013	Not Printed
R313-28	Use of X-Rays in the Healing Arts	37183	NSC	01/31/2013	Not Printed
R313-32	Medical Use of Radioactive Material	37184	NSC	01/31/2013	Not Printed
R313-34	Requirements for Irradiators	37185	NSC	01/31/2013	Not Printed
R313-36	Special Requirements for Industrial Radiographic Operations	37186	NSC	01/31/2013	Not Printed
R313-38	Licenses and Radiation Safety Requirements for Well Logging	37187	NSC	01/31/2013	Not Printed
R313-70	Payments, Categories and Types of Fees	37188	NSC	01/31/2013	Not Printed
<u>Solid and Hazardous Waste</u>					
R315-301	Solid Waste Authority, Definitions, and General Requirements	37282	5YR	02/13/2013	2013-5/198
R315-302	Solid Waste Facility Location Standards, General Facility Requirements, and Closure Requirements	37283	5YR	02/13/2013	2013-5/198
R315-303	Landfilling Standards	37284	5YR	02/13/2013	2013-5/199
R315-304	Industrial Solid Waste Landfill Requirements	37285	5YR	02/13/2013	2013-5/200
R315-305	Class IV and VI Landfill Requirements	37286	5YR	02/13/2013	2013-5/200
R315-306	Incinerator Standards	37287	5YR	02/13/2013	2013-5/201
R315-307	Landtreatment Disposal Standards	37288	5YR	02/13/2013	2013-5/201
R315-308	Ground Water Monitoring Requirements	37289	5YR	02/13/2013	2013-5/202
R315-309	Financial Assurance	37290	5YR	02/13/2013	2013-5/202
R315-310	Permit Requirements for Solid Waste Facilities	37291	5YR	02/13/2013	2013-5/203
R315-311	Permit Approval For Solid Waste Disposal, Waste Tire Storage, Energy Recovery and Incinerator Facilities	37292	5YR	02/13/2013	2013-5/204
R315-312	Recycling and Composting Facility Standards	37293	5YR	02/13/2013	2013-5/204
R315-313	Transfer Stations and Drop Box Facilities	37294	5YR	02/13/2013	2013-5/205
R315-314	Facility Standards for Piles Used for Storage and Treatment	37295	5YR	02/13/2013	2013-5/205
R315-315	Special Waste Requirements	37296	5YR	02/13/2013	2013-5/206
R315-316	Infectious Waste Requirements	37297	5YR	02/13/2013	2013-5/206
R315-317	Other Processes, Variances, Violations, and Petition for Rule Change	37298	5YR	02/13/2013	2013-5/207
R315-318	Permit by Rule	37299	5YR	02/13/2013	2013-5/208
R315-320	Waste Tire Transporter and Recycler Requirements	37300	5YR	02/13/2013	2013-5/208
<u>Water Quality</u>					
R317-9	Administrative Procedures	37239	5YR	01/31/2013	2013-4/51
R317-13	Approvals and Permits for a Water Reuse Project	37240	5YR	01/31/2013	2013-4/51
R317-14	Approval in Change in Point of Discharge of POTW	37241	5YR	01/31/2013	2013-4/52
GOVERNOR					
<u>Economic Development</u>					
R357-2	Rural Broadband Service Fund	37206	EXT	01/16/2013	2013-4/63
HEALTH					
<u>Disease Control and Prevention, Environmental Services</u>					
R392-302-3	General Requirements	37072	AMD	02/28/2013	2012-24/26
R392-700	Indoor Tanning Bed Sanitation	37251	5YR	02/06/2013	2013-5/209
<u>Disease Control and Prevention, Health Promotion</u>					
R384-201	School-Based Vision Screening for Students in Public Schools	37028	NEW	02/20/2013	2012-23/42
<u>Family Health and Preparedness, Emergency Medical Services</u>					
R426-2	Air Medical Service Rules	37397	EXD	02/24/2013	Not Printed

RULES INDEX

R426-2	Air Medical Service Rules	37409	EMR	03/14/2013	Not Printed
R426-6	Emergency Medical Services Competitive Grants Program Rules	37398	EXD	03/01/2013	Not Printed
R426-6	Emergency Medical Services Competitive Grants Program Rules	37408	EMR	03/14/2013	Not Printed

Family Health and Preparedness, Licensing

R432-16	Hospice Inpatient Facility Construction	37281	5YR	02/11/2013	2013-5/209
---------	---	-------	-----	------------	------------

Health Care Financing

R410-14	Administrative Hearing Procedures	37045	AMD	01/09/2013	2012-23/44
---------	-----------------------------------	-------	-----	------------	------------

Health Care Financing, Coverage and Reimbursement Policy

R414-1-5	Incorporations by Reference	37122	AMD	03/01/2013	2013-2/18
R414-6	Reduction in Certain Targeted Case Management Services	37391	5YR	03/08/2013	Not Printed
R414-27	Medicaid Certification of Nursing Care Facilities	37177	5YR	01/09/2013	2013-3/109
R414-301	Medicaid General Provisions	37221	5YR	01/23/2013	2013-4/52
R414-302	Eligibility Requirements	37215	5YR	01/23/2013	2013-4/53
R414-303	Coverage Groups	37173	EMR	01/07/2013	2013-3/103
R414-303	Coverage Groups	37216	5YR	01/23/2013	2013-4/53
R414-304	Income and Budgeting	37217	5YR	01/23/2013	2013-4/54
R414-305	Resources	37222	5YR	01/23/2013	2013-4/54
R414-306	Program Benefits and Date of Eligibility	37174	EMR	01/07/2013	2013-3/105
R414-306	Program Benefits and Date of Eligibility	37218	5YR	01/23/2013	2013-4/55
R414-308	Application, Eligibility Determinations and Improper Medical Assistance	37223	5YR	01/23/2013	2013-4/55

HUMAN SERVICES

Aging and Adult Services

R510-105	"Out and About" Homebound Transportation Assistance Fund Rules	37277	5YR	02/08/2013	2013-5/210
----------	--	-------	-----	------------	------------

Recovery Services

R527-39	Applicant/Recipient Cooperation	37164	5YR	01/02/2013	2013-3/110
R527-56	In-kind Support	37165	5YR	01/02/2013	2013-3/110
R527-258	Enforcing Child Support When the Obligor is an Ex-Prisoner or in a Treatment Program	37113	AMD	02/22/2013	2013-2/20
R527-260	Driver License Suspension for Failure to Pay Support	37303	5YR	02/14/2013	2013-5/210
R527-301	Non-IV-D Income Withholding	37304	5YR	02/14/2013	2013-5/211
R527-302	Income Withholding Fees	37231	5YR	01/28/2013	2013-4/59
R527-305	High-Volume, Automated Administrative Enforcement in Interstate Child Support Cases	37168	5YR	01/03/2013	2013-3/111
R527-430	Administrative Notice of Lien-Levy Procedures	37169	5YR	01/03/2013	2013-3/111

Services for People with Disabilities

R539-1	Eligibility	37110	AMD	02/13/2013	2013-1/2
R539-2	Service Coordination	37111	AMD	02/13/2013	2013-1/8

Substance Abuse and Mental Health, State Hospital

R525-2	Patient Rights	37211	5YR	01/23/2013	2013-4/56
R525-3	Medication Treatment of Patients	37224	5YR	01/24/2013	2013-4/56
R525-4	Visitors	37210	5YR	01/23/2013	2013-4/57
R525-5	Background Checks	37214	5YR	01/23/2013	2013-4/57
R525-6	Prohibited Items and Devices	37212	5YR	01/23/2013	2013-4/58
R525-7	Complaints/Suggestions/Concerns	37213	5YR	01/23/2013	2013-4/58

INSURANCE

Administration

R590-94	Rule Permitting Smoker/Nonsmoker Mortality Tables For Use In Determining Minimum Reserve Liabilities and Nonforfeiture Benefits	37412	5YR	03/15/2013	Not Printed
R590-102	Insurance Department Fee Payment Rule	37018	AMD	01/18/2013	2012-22/131
R590-102-4	General Instructions	37220	NSC	02/15/2013	Not Printed

R590-157	Surplus Lines Insurance Premium Tax and Stamping Fee	37171	5YR	01/07/2013	2013-3/112
R590-164	Uniform Health Billing Rule	37118	AMD	02/25/2013	2013-2/24
R590-171	Surplus Lines Procedures Rule	36846	AMD	01/22/2013	2012-20/74
R590-171	Surplus Lines Procedures Rule	36846	CPR	01/22/2013	2012-24/32
R590-171-3	Definitions	37230	NSC	02/15/2013	Not Printed
R590-218	Permitted Language for Reservation of Discretion Clauses	37176	5YR	01/09/2013	2013-3/113
R590-243	Commercial Motor Vehicle Insurance Coverage	37172	5YR	01/07/2013	2013-3/113

LABOR COMMISSION

Industrial Accidents

R612-1	Workers' Compensation Rules - Procedures	37129	REP	02/25/2013	2013-2/28
R612-2	Workers' Compensation Rules - Health Care Providers	37130	REP	02/25/2013	2013-2/35
R612-3	Workers' Compensation Rules - Self-Insurance	37131	REP	02/25/2013	2013-2/43
R612-4	Premium Rates	37132	REP	02/25/2013	2013-2/46
R612-5	Employee Leasing Company Workers' Compensation Insurance Policy Endorsements	37133	REP	02/25/2013	2013-2/46
R612-6	Notification of Workers' Compensation Insurance Coverage	37134	REP	02/25/2013	2013-2/48
R612-7	Impairment Ratings for Industrial Injuries and Diseases	37135	REP	02/25/2013	2013-2/49
R612-8	Procedural Guidelines for the Reemployment Act	37136	REP	02/25/2013	2013-2/50
R612-9	Designation of the Initial Assessment of Noncompliance Penalties as an "Informal" Proceeding	37137	REP	02/25/2013	2013-2/52
R612-10	HIV, Hepatitis B and C Testing and Reporting for Emergency Medical Services Providers	37138	REP	02/25/2013	2013-2/53
R612-11	Prohibition of Direct Payments by Insured Employer	37139	REP	02/25/2013	2013-2/54
R612-12	Workers' Compensation Coverage Waivers	37140	REP	02/25/2013	2013-2/55
R612-13	Proceedings to Impose Non-Reporting Penalties Against Employers	37141	REP	02/25/2013	2013-2/57
R612-100	Workers' Compensation Rules - General Provisions	37124	NEW	02/25/2013	2013-2/58
R612-200	Workers' Compensation Rules - Filing and Paying Claims	37125	NEW	02/25/2013	2013-2/62
R612-300	Workers' Compensation Rules - Medical Care	37126	NEW	02/25/2013	2013-2/66
R612-400	Workers' Compensation Insurance, Self-Insurance and Waivers	37127	NEW	02/25/2013	2013-2/76
R612-500	Procedural Guidelines for the Reemployment Act	37128	NEW	02/25/2013	2013-2/79

NATURAL RESOURCES

Administration

R634-1	Americans With Disabilities Complaint Procedure	37219	5YR	01/23/2013	2013-4/59
--------	---	-------	-----	------------	-----------

Oil, Gas and Mining; Oil and Gas

R649-3-38	Surface Owner Protection Act Provisions	36992	AMD	01/23/2013	2012-22/140
-----------	---	-------	-----	------------	-------------

Parks and Recreation

R651-408	Off-Highway Vehicle Education Curriculum Standards	36856	REP	01/15/2013	2012-20/77
R651-633	Special Closures or Restrictions	37205	AMD	03/14/2013	2013-3/100

Water Rights

R655-5	Maps Submitted to the Division of Water Rights	37388	5YR	03/07/2013	Not Printed
R655-7	Administrative Procedures for Notifying the State Engineer of Sewage Effluent Use or Change in the Point of Discharge for Sewage Effluent	37119	REP	03/07/2013	2013-2/81

RULES INDEX

---

Wildlife Resources

R657-3	Collection, Importation, Transportation, and Possession of Animals	37384	5YR	03/05/2013	Not Printed
R657-13	Taking Fish and Crayfish	37069	AMD	01/22/2013	2012-24/29
R657-37	Cooperative Wildlife Management Units for Big Game or Turkey	37097	AMD	02/07/2013	2013-1/11
R657-58	Fishing Contests and Clinics	37203	5YR	01/15/2013	2013-3/114

PARDONS (BOARD OF)

Administration

R671-312	Commutation Hearings for Death Penalty Cases	37341	5YR	02/15/2013	2013-5/212
R671-509	Parole Progress / Violation Reports	37342	5YR	02/15/2013	2013-5/212
R671-510	Evidence for Issuance of Warrants	37343	5YR	02/15/2013	2013-5/212
R671-512	Execution of the Warrant	37344	5YR	02/15/2013	2013-5/213
R671-513	Expedited Determination on Parolee Challenge to Probable Cause	37346	5YR	02/15/2013	2013-5/214
R671-514	Waiver and Pleas of Guilt	37347	5YR	02/15/2013	2013-5/214
R671-515	Timeliness of Parole Revocation Hearings	37348	5YR	02/15/2013	2013-5/215
R671-516	Parole Revocation Hearings	37349	5YR	02/15/2013	2013-5/215
R671-517	Evidentiary Hearings and Proceedings	37350	5YR	02/15/2013	2013-5/216
R671-518	Conduct of Proceedings When a Criminal Charge Results in Conviction	37351	5YR	02/15/2013	2013-5/216
R671-519	Proceedings When Criminal Charges Result in Acquittal	37352	5YR	02/15/2013	2013-5/217
R671-520	Treatment of Confidential Testimony	37353	5YR	02/15/2013	2013-5/217
R671-522	Continuances Due to Pending Criminal Charges	37354	5YR	02/15/2013	2013-5/218

PROFESSIONAL PRACTICES ADVISORY COMMISSION

Administration

R686-100	Professional Practices Advisory Commission, Rules of Procedure: Complaints and Hearings	37243	5YR	02/01/2013	2013-4/60
----------	---	-------	-----	------------	-----------

PUBLIC SAFETY

Criminal Investigations and Technical Services, Criminal Identification

R722-320	Undercover Identification	37226	5YR	01/24/2013	2013-4/61
R722-320	Undercover Identification	37227	NSC	02/15/2013	Not Printed

Fire Marshal

R710-12	Hazardous Materials Training and Certification	37390	5YR	03/08/2013	Not Printed
---------	--	-------	-----	------------	-------------

Homeland Security

R704-2	Statewide Mutual Aid Act Activation	37117	NEW	02/25/2013	2013-2/83
--------	-------------------------------------	-------	-----	------------	-----------

PUBLIC SERVICE COMMISSION

Administration

R746-313	Electric Service Reliability	37116	AMD	02/21/2013	2013-2/87
R746-320	Uniform Rules Governing Natural Gas Service	37041	AMD	01/07/2013	2012-23/48
R746-330	Rules for Water and Sewer Utilities Operating in Utah	37385	5YR	03/05/2013	Not Printed
R746-347	Extended Area Service (EAS)	37386	5YR	03/05/2013	Not Printed

REGENTS (BOARD OF)

University of Utah, Administration

R805-1	Operating Regulations for Bicycles, Skateboards and Scooters	37407	5YR	03/12/2013	Not Printed
--------	--	-------	-----	------------	-------------

University of Utah, Commuter Services

R810-12	Bicycles, Skateboards and Other Toy Vehicles	37387	EXD	03/07/2013	Not Printed
---------	--	-------	-----	------------	-------------

TAX COMMISSION

Administration

R861-1A-12	Policies and Procedures Regarding Public Disclosure Pursuant to Utah Code Ann. Sections 41-3-209, 59-1-210, 59-1-403, and 59-1-405	36991	AMD	01/10/2013	2012-22/144
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	37104	AMD	02/21/2013	2013-1/15
R861-1A-37	Provisions Relating to Disclosure of Commercial Information Pursuant to Utah Code Ann. Section 59-1-404	37106	AMD	02/21/2013	2013-1/17
R861-1A-46	Procedures for Purchaser Refund Requests Pursuant to Utah Code Ann. Sections 59-1-1410 and 59-12-110	37107	AMD	02/21/2013	2013-1/18

Auditing

R865-9I-13	Pass-Through Entity Withholding Pursuant to Utah Code Ann. Sections 59-10-116, 59-10-117, 59-10-118, 59-10-1403.2, and 59-10-1405	37108	AMD	02/21/2013	2013-1/20
R865-9I-46	Medical Savings Account Administration Pursuant to Utah Code Ann. Sections 31A-32a-106, 59-10-114, and 59-10-1021	37178	NSC	01/31/2013	Not Printed

Property Tax

R884-24P-67	Information Required for Valuation of Low-Income Housing Pursuant to Utah Code Ann. Sections 59-2-102 and 59-2-301.3	37109	AMD	02/21/2013	2013-1/22
-------------	--	-------	-----	------------	-----------

TRANSPORTATION

Administration

R907-64	Longitudinal and Wireless Access to Interstate Highway Rights-of-Way for Installation of Telecommunications Facilities	37094	R&R	02/07/2013	2013-1/23
---------	--	-------	-----	------------	-----------

WORKFORCE SERVICES

Employment Development

R986-700-710	Income Limits for ES CC	37025	AMD	01/02/2013	2012-22/146
R986-900-902	Options and Waivers	37067	AMD	01/08/2013	2012-23/50

Unemployment Insurance

R994-305	Collection of Contributions	37066	AMD	01/08/2013	2012-23/52
R994-305-1201	Offer in Compromise	37023	AMD	01/02/2013	2012-22/147
R994-406	Fraud, Fault and Nonfault Overpayments	37024	AMD	01/02/2013	2012-22/148

**RULES INDEX - BY KEYWORD (SUBJECT)**

**ABBREVIATIONS**

AMD = Amendment	NSC = Nonsubstantive rule change
CPR = Change in proposed rule	REP = Repeal
EMR = Emergency rule (120 day)	R&R = Repeal and reenact
NEW = New rule	5YR = Five-Year Review
EXD = Expired	

RULES INDEX

KEYWORD AGENCY	FILE NUMBER	CODE REFERENCE	ACTION	EFFECTIVE DATE	BULLETIN ISSUE/PAGE
<u>acquit</u> Pardons (Board Of), Administration	37352	R671-519	5YR	02/15/2013	2013-5/217
<u>adjudicative procedures</u> Environmental Quality, Administration	36554 36554 36553 36553	R305-6 R305-6 R305-7 R305-7	REP CPR NEW CPR	01/31/2013 01/31/2013 01/31/2013 01/31/2013	2012-16/28 2013-1/32 2012-16/45 2013-1/32
<u>adjudicative proceedings</u> Environmental Quality, Water Quality	37239	R317-9	5YR	01/31/2013	2013-4/51
<u>administrative fines</u> Commerce, Securities	37042	R164-31-1	AMD	01/08/2013	2012-23/26
<u>administrative law</u> Human Services, Recovery Services	37113	R527-258	AMD	02/22/2013	2013-2/20
<u>administrative procedures</u> Commerce, Real Estate Crime Victim Reparations, Administration Environmental Quality, Administration Labor Commission, Industrial Accidents	36973 37063 37167 36554 36554 36553 36553 37138 37139 37140 37141 37124	R162-2g R270-2 R270-2 R305-6 R305-6 R305-7 R305-7 R612-10 R612-11 R612-12 R612-13 R612-100	AMD AMD NSC REP CPR NEW CPR REP REP REP REP NEW	01/02/2013 01/07/2013 01/30/2013 01/31/2013 01/31/2013 01/31/2013 01/31/2013 02/25/2013 02/25/2013 02/25/2013 02/25/2013 02/25/2013	2012-22/19 2012-23/33 Not Printed 2012-16/28 2013-1/32 2012-16/45 2013-1/32 2013-1/32 2013-2/53 2013-2/54 2013-2/55 2013-2/57 2013-2/58
<u>administrative proceedings</u> Environmental Quality, Water Quality Labor Commission, Industrial Accidents	37239 37129 37125	R317-9 R612-1 R612-200	5YR REP NEW	01/31/2013 02/25/2013 02/25/2013	2013-4/51 2013-2/28 2013-2/62
<u>adult education</u> Education, Administration	37404	R277-702	5YR	03/12/2013	Not Printed
<u>aerospace</u> Environmental Quality, Air Quality	36737 36737 37237	R307-355 R307-355 R307-355-5	NEW CPR NSC	02/01/2013 02/01/2013 02/15/2013	2012-19/91 2013-1/82 Not Printed
<u>agent of the state</u> Public Safety, Homeland Security	37117	R704-2	NEW	02/25/2013	2013-2/83
<u>aggregate</u> Environmental Quality, Air Quality	36740 36740	R307-312 R307-312	NEW CPR	02/01/2013 02/01/2013	2012-19/45 2013-1/47
<u>air medical services</u> Health, Family Health and Preparedness, Emergency Medical Services	37409	R426-2	EMR	03/14/2013	Not Printed
<u>air pollution</u> Environmental Quality, Air Quality	36723 36723 37261 37260 37259 37258 37257	R307-101-2 R307-101-2 R307-102 R307-115 R307-170 R307-220 R307-221	AMD CPR 5YR 5YR 5YR 5YR 5YR	02/01/2013 02/01/2013 02/06/2013 02/06/2013 02/06/2013 02/06/2013 02/06/2013	2012-19/29 2013-1/38 2013-5/191 2013-5/192 2013-5/192 2013-5/193 2013-5/194



37256	R307-222	5YR	02/06/2013	2013-5/194	
37255	R307-223	5YR	02/06/2013	2013-5/195	
37254	R307-224	5YR	02/06/2013	2013-5/195	
37253	R307-250	5YR	02/06/2013	2013-5/196	
36741	R307-307	AMD	02/01/2013	2012-19/42	
36741	R307-307	CPR	02/01/2013	2013-1/45	
37234	R307-307	NSC	02/15/2013	Not Printed	
36740	R307-312	NEW	02/01/2013	2012-19/45	
36740	R307-312	CPR	02/01/2013	2013-1/47	
36725	R307-340	REP	02/01/2013	2012-19/49	
36725	R307-340	CPR	02/01/2013	2013-1/48	
36727	R307-345	NEW	02/01/2013	2012-19/67	
36727	R307-345	CPR	02/01/2013	2013-1/54	
36728	R307-346	NEW	02/01/2013	2012-19/69	
36728	R307-346	CPR	02/01/2013	2013-1/57	
36729	R307-347	NEW	02/01/2013	2012-19/71	
36729	R307-347	CPR	02/01/2013	2013-1/59	
36730	R307-348	NEW	02/01/2013	2012-19/73	
36730	R307-348	CPR	02/01/2013	2013-1/61	
36731	R307-349	NEW	02/01/2013	2012-19/74	
36731	R307-349	CPR	02/01/2013	2013-1/63	
36732	R307-350	NEW	02/01/2013	2012-19/76	
36732	R307-350	CPR	02/01/2013	2013-1/65	
36733	R307-351	NEW	02/01/2013	2012-19/80	
36733	R307-351	CPR	02/01/2013	2013-1/69	
37235	R307-351-4	NSC	02/15/2013	Not Printed	
36734	R307-352	NEW	02/01/2013	2012-19/84	
36734	R307-352	CPR	02/01/2013	2013-1/73	
36736	R307-354	NEW	02/01/2013	2012-19/88	
36736	R307-354	CPR	02/01/2013	2013-1/79	
36737	R307-355	NEW	02/01/2013	2012-19/91	
36737	R307-355	CPR	02/01/2013	2013-1/82	
37237	R307-355-5	NSC	02/15/2013	Not Printed	
37037	R307-401-15	AMD	02/07/2013	2012-23/40	
37236	R307-401-15	NSC	02/15/2013	Not Printed	
37252	R307-801	5YR	02/06/2013	2013-5/197	
<u>allegations</u>					
Pardons (Board Of), Administration	37347	R671-514	5YR	02/15/2013	2013-5/214
<u>animal protection</u>					
Natural Resources, Wildlife Resources	37384	R657-3	5YR	03/05/2013	Not Printed
<u>appellate procedures</u>					
Crime Victim Reparations, Administration	37063	R270-2	AMD	01/07/2013	2012-23/33
	37167	R270-2	NSC	01/30/2013	Not Printed
<u>applications</u>					
Health, Health Care Financing, Coverage and Reimbursement Policy	37215	R414-302	5YR	01/23/2013	2013-4/53
	37223	R414-308	5YR	01/23/2013	2013-4/55
Natural Resources, Water Rights	37388	R655-5	5YR	03/07/2013	Not Printed
<u>appraisals</u>					
Tax Commission, Property Tax	37109	R884-24P-67	AMD	02/21/2013	2013-1/22
<u>approval orders</u>					
Environmental Quality, Air Quality	37037	R307-401-15	AMD	02/07/2013	2012-23/40
	37236	R307-401-15	NSC	02/15/2013	Not Printed
<u>architects</u>					
Commerce, Occupational and Professional Licensing	37073	R156-3a-102	AMD	01/24/2013	2012-24/6
<u>asbestos</u>					
Environmental Quality, Air Quality	37252	R307-801	5YR	02/06/2013	2013-5/197

RULES INDEX

---

<u>asbestos hazard emergency response</u>						
Environmental Quality, Air Quality	37252	R307-801	5YR	02/06/2013	2013-5/197	
<u>asphalt</u>						
Environmental Quality, Air Quality	36740	R307-312	NEW	02/01/2013	2012-19/45	
	36740	R307-312	CPR	02/01/2013	2013-1/47	
<u>automotive refinishing</u>						
Environmental Quality, Air Quality	36736	R307-354	NEW	02/01/2013	2012-19/88	
	36736	R307-354	CPR	02/01/2013	2013-1/79	
<u>background checks</u>						
Human Services, Substance Abuse and Mental Health, State Hospital	37214	R525-5	5YR	01/23/2013	2013-4/57	
<u>beam limitation</u>						
Environmental Quality, Radiation Control	37183	R313-28	NSC	01/31/2013	Not Printed	
<u>benefits</u>						
Labor Commission, Industrial Accidents	37131	R612-3	REP	02/25/2013	2013-2/43	
<u>bicycles</u>						
Regents (Board Of), University of Utah, Administration	37407	R805-1	5YR	03/12/2013	Not Printed	
<u>board meetings</u>						
Environmental Quality, Administration	37360	R305-2	5YR	02/25/2013	2013-6/50	
<u>board member recusal</u>						
Environmental Quality, Administration	36776	R305-9	NEW	02/22/2013	2012-19/28	
	36776	R305-9	CPR	02/22/2013	2013-2/94	
<u>brachytherapy</u>						
Environmental Quality, Radiation Control	37184	R313-32	NSC	01/31/2013	Not Printed	
<u>broadband</u>						
Governor, Economic Development	37206	R357-2	EXT	01/16/2013	2013-4/63	
<u>budgeting</u>						
Health, Health Care Financing, Coverage and Reimbursement Policy	37217	R414-304	5YR	01/23/2013	2013-4/54	
<u>bulls</u>						
Agriculture and Food, Animal Industry	36962	R58-21	AMD	01/04/2013	2012-22/16	
<u>capital punishment</u>						
Pardons (Board Of), Administration	37341	R671-312	5YR	02/15/2013	2013-5/212	
<u>career and technical education</u>						
Education, Administration	37399	R277-518	5YR	03/12/2013	Not Printed	
<u>case management</u>						
Health, Health Care Financing, Coverage and Reimbursement Policy	37391	R414-6	5YR	03/08/2013	Not Printed	
<u>cattle</u>						
Agriculture and Food, Animal Industry	36962	R58-21	AMD	01/04/2013	2012-22/16	
<u>certified nurse midwife</u>						
Commerce, Occupational and Professional Licensing	37071	R156-44a	AMD	01/22/2013	2012-24/11	
<u>child care</u>						
Workforce Services, Employment Development	37025	R986-700-710	AMD	01/02/2013	2012-22/146	
<u>child support</u>						
Human Services, Recovery Services	37164	R527-39	5YR	01/02/2013	2013-3/110	
	37165	R527-56	5YR	01/02/2013	2013-3/110	

	37113	R527-258	AMD	02/22/2013	2013-2/20
	37303	R527-260	5YR	02/14/2013	2013-5/210
	37304	R527-301	5YR	02/14/2013	2013-5/211
	37231	R527-302	5YR	01/28/2013	2013-4/59
	37168	R527-305	5YR	01/03/2013	2013-3/111
	37169	R527-430	5YR	01/03/2013	2013-3/111
<u>chronically ill</u>					
Corrections, Administration	37389	R251-114	5YR	03/07/2013	Not Printed
<u>civil rights</u>					
Natural Resources, Administration	37219	R634-1	5YR	01/23/2013	2013-4/59
<u>client rights</u>					
Health, Health Care Financing, Coverage and Reimbursement Policy	37221	R414-301	5YR	01/23/2013	2013-4/52
<u>coating</u>					
	36737	R307-355	CPR	02/01/2013	2013-1/82
	37237	R307-355-5	NSC	02/15/2013	Not Printed
<u>coatings</u>					
Environmental Quality, Air Quality	36731	R307-349	NEW	02/01/2013	2012-19/74
	36731	R307-349	CPR	02/01/2013	2013-1/63
	36732	R307-350	NEW	02/01/2013	2012-19/76
	36732	R307-350	CPR	02/01/2013	2013-1/65
	36736	R307-354	NEW	02/01/2013	2012-19/88
	36736	R307-354	CPR	02/01/2013	2013-1/79
<u>coil coatings</u>					
Environmental Quality, Air Quality	36734	R307-352	NEW	02/01/2013	2012-19/84
	36734	R307-352	CPR	02/01/2013	2013-1/73
<u>commercial motor vehicle insurance</u>					
Insurance, Administration	37172	R590-243	5YR	01/07/2013	2013-3/113
<u>complaints</u>					
Human Services, Substance Abuse and Mental Health, State Hospital	37213	R525-7	5YR	01/23/2013	2013-4/58
<u>concerns</u>					
Human Services, Substance Abuse and Mental Health, State Hospital	37213	R525-7	5YR	01/23/2013	2013-4/58
<u>concrete</u>					
Environmental Quality, Air Quality	36740	R307-312	NEW	02/01/2013	2012-19/45
	36740	R307-312	CPR	02/01/2013	2013-1/47
<u>conduct</u>					
Professional Practices Advisory Commission, Administration	37243	R686-100	5YR	02/01/2013	2013-4/60
<u>confidential testimony</u>					
Pardons (Board Of), Administration	37353	R671-520	5YR	02/15/2013	2013-5/217
<u>confidentiality</u>					
Education, Administration	37144	R277-487	AMD	02/21/2013	2013-2/7
<u>confidentiality of information</u>					
Environmental Quality, Air Quality	37261	R307-102	5YR	02/06/2013	2013-5/191
<u>conflict of interest</u>					
Environmental Quality, Administration	36776	R305-9	NEW	02/22/2013	2012-19/28
	36776	R305-9	CPR	02/22/2013	2013-2/94
<u>continuing</u>					
Pardons (Board Of), Administration	37354	R671-522	5YR	02/15/2013	2013-5/218

RULES INDEX

---

<u>continuous monitoring</u>						
Environmental Quality, Air Quality	37259	R307-170	5YR	02/06/2013	2013-5/192	
<u>controlled substance database</u>						
Commerce, Occupational and Professional Licensing	37039	R156-37f	NEW	01/08/2013	2012-23/21	
<u>controlled substances</u>						
Commerce, Occupational and Professional Licensing	37040	R156-37	AMD	01/08/2013	2012-23/18	
	37175	R156-37-502	NSC	01/30/2013	Not Printed	
<u>conviction</u>						
Pardons (Board Of), Administration	37351	R671-518	5YR	02/15/2013	2013-5/216	
<u>cooperative wildlife management unit</u>						
Natural Resources, Wildlife Resources	37097	R657-37	AMD	02/07/2013	2013-1/11	
<u>coverage groups</u>						
Health, Health Care Financing, Coverage and Reimbursement Policy	37173	R414-303	EMR	01/07/2013	2013-3/103	
	37216	R414-303	5YR	01/23/2013	2013-4/53	
<u>criminal charges</u>						
Pardons (Board Of), Administration	37351	R671-518	5YR	02/15/2013	2013-5/216	
<u>criminal investigation</u>						
Public Safety, Criminal Investigations and Technical Services, Criminal Identification	37226	R722-320	5YR	01/24/2013	2013-4/61	
	37227	R722-320	NSC	02/15/2013	Not Printed	
<u>curricula</u>						
Education, Administration	37403	R277-700	5YR	03/12/2013	Not Printed	
<u>dairy inspections</u>						
Agriculture and Food, Regulatory Services	37027	R70-310	AMD	01/29/2013	2012-23/6	
	36915	R70-320-18	AMD	01/29/2013	2012-21/8	
	36914	R70-330	AMD	01/29/2013	2012-21/9	
<u>data standards</u>						
Education, Administration	37145	R277-484	AMD	02/21/2013	2013-2/4	
<u>deadlines</u>						
Education, Administration	37145	R277-484	AMD	02/21/2013	2013-2/4	
<u>definitions</u>						
Environmental Quality, Air Quality	36723	R307-101-2	AMD	02/01/2013	2012-19/29	
	36723	R307-101-2	CPR	02/01/2013	2013-1/38	
<u>degreasing</u>						
Environmental Quality, Air Quality	36737	R307-355	NEW	02/01/2013	2012-19/91	
<u>dental</u>						
Environmental Quality, Radiation Control	37183	R313-28	NSC	01/31/2013	Not Printed	
<u>depleted uranium</u>						
Environmental Quality, Radiation Control	37180	R313-25	NSC	01/31/2013	Not Printed	
<u>developmental disabilities</u>						
Tax Commission, Administration	36991	R861-1A-12	AMD	01/10/2013	2012-22/144	
	37104	R861-1A-26	AMD	02/21/2013	2013-1/15	
	37106	R861-1A-37	AMD	02/21/2013	2013-1/17	
	37107	R861-1A-46	AMD	02/21/2013	2013-1/18	
<u>dietitians</u>						
Commerce, Occupational and Professional Licensing	37273	R156-49	5YR	02/07/2013	2013-5/189	

<u>disabilities</u>						
Human Services, Services for People with Disabilities	37110	R539-1	AMD	02/13/2013	2013-1/2	
<u>disabled</u>						
Human Services, Aging and Adult Services	37277	R510-105	5YR	02/08/2013	2013-5/210	
<u>discharge</u>						
Environmental Quality, Water Quality	37241	R317-14	5YR	01/31/2013	2013-4/52	
<u>disclosure requirements</u>						
Tax Commission, Administration	36991	R861-1A-12	AMD	01/10/2013	2012-22/144	
	37104	R861-1A-26	AMD	02/21/2013	2013-1/15	
	37106	R861-1A-37	AMD	02/21/2013	2013-1/17	
	37107	R861-1A-46	AMD	02/21/2013	2013-1/18	
<u>discretion clauses</u>						
Insurance, Administration	37176	R590-218	5YR	01/09/2013	2013-3/113	
<u>disease control</u>						
Agriculture and Food, Animal Industry	36962	R58-21	AMD	01/04/2013	2012-22/16	
<u>diversion programs</u>						
Commerce, Occupational and Professional Licensing	37199	R156-1-102	AMD	03/11/2013	2013-3/2	
<u>drinking water</u>						
Environmental Quality, Drinking Water	36562	R309-515-6	AMD	01/16/2013	2012-16/66	
	36562	R309-515-6	CPR	01/16/2013	2012-23/70	
<u>driver license</u>						
Human Services, Recovery Services	37303	R527-260	5YR	02/14/2013	2013-5/210	
<u>education</u>						
Education, Administration	37405	R277-709	5YR	03/12/2013	Not Printed	
	37244	R277-709-3	NSC	02/15/2013	Not Printed	
<u>educational testing</u>						
Education, Administration	37404	R277-702	5YR	03/12/2013	Not Printed	
<u>educator licensing</u>						
Education, Administration	37058	R277-502	AMD	01/07/2013	2012-23/34	
	37146	R277-502	AMD	02/21/2013	2013-2/10	
<u>educators</u>						
Education, Administration	37147	R277-517	NEW	02/21/2013	2013-2/15	
	37359	R277-517-5	NSC	03/15/2013	Not Printed	
	37399	R277-518	5YR	03/12/2013	Not Printed	
<u>effective date</u>						
Health, Health Care Financing, Coverage and Reimbursement Policy	37174	R414-306	EMR	01/07/2013	2013-3/105	
	37218	R414-306	5YR	01/23/2013	2013-4/55	
<u>effluent standards</u>						
Environmental Quality, Water Quality	37240	R317-13	5YR	01/31/2013	2013-4/51	
<u>electric generating unit</u>						
Environmental Quality, Air Quality	37254	R307-224	5YR	02/06/2013	2013-5/195	
<u>electric generating units</u>						
Environmental Quality, Air Quality	37258	R307-220	5YR	02/06/2013	2013-5/193	
<u>electronic meetings</u>						
Environmental Quality, Administration	37360	R305-2	5YR	02/25/2013	2013-6/50	
<u>electronic prescribing</u>						
Commerce, Occupational and Professional Licensing	37202	R156-82	NEW	03/11/2013	2013-3/5	

RULES INDEX

---

eligibility

Health, Health Care Financing, Coverage and Reimbursement Policy	37215	R414-302	5YR	01/23/2013	2013-4/53
	37223	R414-308	5YR	01/23/2013	2013-4/55

emergency medical services

Health, Family Health and Preparedness, Emergency Medical Services	37397	R426-2	EXD	02/24/2013	Not Printed
	37409	R426-2	EMR	03/14/2013	Not Printed
	37398	R426-6	EXD	03/01/2013	Not Printed
	37408	R426-6	EMR	03/14/2013	Not Printed

emission controls

Environmental Quality, Air Quality	36725	R307-340	REP	02/01/2013	2012-19/49
	36725	R307-340	CPR	02/01/2013	2013-1/48
	36727	R307-345	NEW	02/01/2013	2012-19/67
	36727	R307-345	CPR	02/01/2013	2013-1/54
	36728	R307-346	NEW	02/01/2013	2012-19/69
	36728	R307-346	CPR	02/01/2013	2013-1/57
	36729	R307-347	NEW	02/01/2013	2012-19/71
	36729	R307-347	CPR	02/01/2013	2013-1/59
	36730	R307-348	NEW	02/01/2013	2012-19/73
	36730	R307-348	CPR	02/01/2013	2013-1/61
	36731	R307-349	NEW	02/01/2013	2012-19/74
	36731	R307-349	CPR	02/01/2013	2013-1/63
	36732	R307-350	NEW	02/01/2013	2012-19/76
	36732	R307-350	CPR	02/01/2013	2013-1/65
	36734	R307-352	NEW	02/01/2013	2012-19/84
	36734	R307-352	CPR	02/01/2013	2013-1/73

employers

Labor Commission, Industrial Accidents	37133	R612-5	REP	02/25/2013	2013-2/46
--	-------	--------	-----	------------	-----------

EMS competitive grants

Health, Family Health and Preparedness, Emergency Medical Services	37408	R426-6	EMR	03/14/2013	Not Printed
--	-------	--------	-----	------------	-------------

enterprise zones

Tax Commission, Auditing	37108	R865-9I-13	AMD	02/21/2013	2013-1/20
	37178	R865-9I-46	NSC	01/31/2013	Not Printed

environmental protection

Environmental Quality, Air Quality	37260	R307-115	5YR	02/06/2013	2013-5/192
------------------------------------	-------	----------	-----	------------	------------

evidentiary

Pardons (Board Of), Administration	37350	R671-517	5YR	02/15/2013	2013-5/216
------------------------------------	-------	----------	-----	------------	------------

evidentiary restrictions

Commerce, Occupational and Professional Licensing	37199	R156-1-102	AMD	03/11/2013	2013-3/2
---	-------	------------	-----	------------	----------

extended area service

Public Service Commission, Administration	37386	R746-347	5YR	03/05/2013	Not Printed
---	-------	----------	-----	------------	-------------

extracurricular activities

Education, Administration	37401	R277-605	5YR	03/12/2013	Not Printed
---------------------------	-------	----------	-----	------------	-------------

eye exams

Health, Disease Control and Prevention, Health Promotion	37028	R384-201	NEW	02/20/2013	2012-23/42
--	-------	----------	-----	------------	------------

fabric coating

Environmental Quality, Air Quality	36727	R307-345	NEW	02/01/2013	2012-19/67
	36727	R307-345	CPR	02/01/2013	2013-1/54

facilities use

Capitol Preservation Board (State), Administration	37064	R131-2	AMD	01/07/2013	2012-23/9
--	-------	--------	-----	------------	-----------

<u>facility notice</u>						
Corrections, Administration	37389	R251-114	5YR	03/07/2013	Not Printed	
<u>fees</u>						
Environmental Quality, Radiation Control	37188	R313-70	NSC	01/31/2013	Not Printed	
Labor Commission, Industrial Accidents	37130	R612-2	REP	02/25/2013	2013-2/35	
	37126	R612-300	NEW	02/25/2013	2013-2/66	
<u>filing deadlines</u>						
Labor Commission, Industrial Accidents	37129	R612-1	REP	02/25/2013	2013-2/28	
	37125	R612-200	NEW	02/25/2013	2013-2/62	
<u>film coating</u>						
Environmental Quality, Air Quality	36726	R307-344	NEW	02/01/2013	2012-19/65	
	36726	R307-344	CPR	02/01/2013	2013-1/52	
<u>financial disclosures</u>						
Health, Health Care Financing, Coverage and Reimbursement Policy	37217	R414-304	5YR	01/23/2013	2013-4/54	
<u>fish</u>						
Natural Resources, Wildlife Resources	37069	R657-13	AMD	01/22/2013	2012-24/29	
	37203	R657-58	5YR	01/15/2013	2013-3/114	
<u>fishing</u>						
Natural Resources, Wildlife Resources	37069	R657-13	AMD	01/22/2013	2012-24/29	
	37203	R657-58	5YR	01/15/2013	2013-3/114	
<u>flat wood paneling</u>						
Environmental Quality, Air Quality	36731	R307-349	NEW	02/01/2013	2012-19/74	
	36731	R307-349	CPR	02/01/2013	2013-1/63	
<u>foil coating</u>						
Environmental Quality, Air Quality	36726	R307-344	NEW	02/01/2013	2012-19/65	
	36726	R307-344	CPR	02/01/2013	2013-1/52	
<u>food stamps</u>						
Workforce Services, Employment Development	37067	R986-900-902	AMD	01/08/2013	2012-23/50	
<u>foods</u>						
Education, Administration	37406	R277-719	5YR	03/12/2013	Not Printed	
<u>general conformity</u>						
Environmental Quality, Air Quality	37260	R307-115	5YR	02/06/2013	2013-5/192	
<u>general licenses</u>						
Environmental Quality, Radiation Control	37181	R313-21	NSC	01/31/2013	Not Printed	
<u>good cause</u>						
Pardons (Board Of), Administration	37348	R671-515	5YR	02/15/2013	2013-5/215	
<u>graphic arts</u>						
Environmental Quality, Air Quality	36733	R307-351	NEW	02/01/2013	2012-19/80	
	36733	R307-351	CPR	02/01/2013	2013-1/69	
	37235	R307-351-4	NSC	02/15/2013	Not Printed	
<u>greenhouse gases</u>						
Environmental Quality, Air Quality	37037	R307-401-15	AMD	02/07/2013	2012-23/40	
	37236	R307-401-15	NSC	02/15/2013	Not Printed	
<u>grievance procedures</u>						
Tax Commission, Administration	36991	R861-1A-12	AMD	01/10/2013	2012-22/144	
	37104	R861-1A-26	AMD	02/21/2013	2013-1/15	
	37106	R861-1A-37	AMD	02/21/2013	2013-1/17	
	37107	R861-1A-46	AMD	02/21/2013	2013-1/18	

RULES INDEX

---

<u>hazardous materials</u>						
Public Safety, Fire Marshal	37390	R710-12	5YR	03/08/2013	Not Printed	
<u>health care facilities</u>						
Health, Family Health and Preparedness, Licensing	37281	R432-16	5YR	02/11/2013	2013-5/209	
<u>hearings</u>						
Environmental Quality, Administration	36554	R305-6	REP	01/31/2013	2012-16/28	
	36554	R305-6	CPR	01/31/2013	2013-1/32	
	36553	R305-7	NEW	01/31/2013	2012-16/45	
	36553	R305-7	CPR	01/31/2013	2013-1/32	
Environmental Quality, Water Quality	37239	R317-9	5YR	01/31/2013	2013-4/51	
Health, Health Care Financing, Coverage and Reimbursement Policy	37221	R414-301	5YR	01/23/2013	2013-4/52	
Pardons (Board Of), Administration	37346	R671-513	5YR	02/15/2013	2013-5/214	
	37349	R671-516	5YR	02/15/2013	2013-5/215	
	37350	R671-517	5YR	02/15/2013	2013-5/216	
	37352	R671-519	5YR	02/15/2013	2013-5/217	
	37353	R671-520	5YR	02/15/2013	2013-5/217	
	37354	R671-522	5YR	02/15/2013	2013-5/218	
Professional Practices Advisory Commission, Administration	37243	R686-100	5YR	02/01/2013	2013-4/60	
<u>historic preservation</u>						
Tax Commission, Auditing	37108	R865-9I-13	AMD	02/21/2013	2013-1/20	
	37178	R865-9I-46	NSC	01/31/2013	Not Printed	
<u>historical significance</u>						
Administrative Services, Facilities Construction and Management	37358	R23-22	5YR	02/20/2013	2013-6/49	
<u>hospitals</u>						
Environmental Quality, Air Quality	37256	R307-222	5YR	02/06/2013	2013-5/194	
<u>human services</u>						
Human Services, Services for People with Disabilities	37110	R539-1	AMD	02/13/2013	2013-1/2	
<u>IEEE 1366</u>						
Public Service Commission, Administration	37116	R746-313	AMD	02/21/2013	2013-2/87	
<u>impairment ratings</u>						
Labor Commission, Industrial Accidents	37135	R612-7	REP	02/25/2013	2013-2/49	
<u>import restrictions</u>						
Natural Resources, Wildlife Resources	37384	R657-3	5YR	03/05/2013	Not Printed	
<u>incidents</u>						
Pardons (Board Of), Administration	37342	R671-509	5YR	02/15/2013	2013-5/212	
<u>incinerators</u>						
Environmental Quality, Air Quality	37258	R307-220	5YR	02/06/2013	2013-5/193	
<u>income</u>						
Health, Health Care Financing, Coverage and Reimbursement Policy	37173	R414-303	EMR	01/07/2013	2013-3/103	
	37216	R414-303	5YR	01/23/2013	2013-4/53	
	37217	R414-304	5YR	01/23/2013	2013-4/54	
<u>income tax</u>						
Tax Commission, Auditing	37108	R865-9I-13	AMD	02/21/2013	2013-1/20	
	37178	R865-9I-46	NSC	01/31/2013	Not Printed	
<u>income withholding fees</u>						
Human Services, Recovery Services	37231	R527-302	5YR	01/28/2013	2013-4/59	



<u>independent foster care adolescent</u>					
Health, Health Care Financing, Coverage and Reimbursement Policy	37173	R414-303	EMR	01/07/2013	2013-3/103
	37216	R414-303	5YR	01/23/2013	2013-4/53
<u>industrial waste</u>					
Environmental Quality, Water Quality	37240	R317-13	5YR	01/31/2013	2013-4/51
<u>industry</u>					
Environmental Quality, Radiation Control	37186	R313-36	NSC	01/31/2013	Not Printed
<u>infectious waste</u>					
Environmental Quality, Air Quality	37256	R307-222	5YR	02/06/2013	2013-5/194
<u>informal adjudicative proceedings</u>					
Labor Commission, Industrial Accidents	37137	R612-9	REP	02/25/2013	2013-2/52
<u>inspections</u>					
Agriculture and Food, Plant Industry	37249	R68-5	5YR	02/05/2013	2013-5/189
Environmental Quality, Radiation Control	37179	R313-16	NSC	01/31/2013	Not Printed
<u>insurance</u>					
Insurance, Administration	36846	R590-171	AMD	01/22/2013	2012-20/74
	36846	R590-171	CPR	01/22/2013	2012-24/32
	37230	R590-171-3	NSC	02/15/2013	Not Printed
	37176	R590-218	5YR	01/09/2013	2013-3/113
Labor Commission, Industrial Accidents	37133	R612-5	REP	02/25/2013	2013-2/46
	37127	R612-400	NEW	02/25/2013	2013-2/76
<u>insurance fee</u>					
Insurance, Administration	37171	R590-157	5YR	01/07/2013	2013-3/112
<u>insurance fees</u>					
Insurance, Administration	37018	R590-102	AMD	01/18/2013	2012-22/131
	37220	R590-102-4	NSC	02/15/2013	Not Printed
<u>insurance law</u>					
Insurance, Administration	37412	R590-94	5YR	03/15/2013	Not Printed
	37118	R590-164	AMD	02/25/2013	2013-2/24
<u>interns</u>					
Education, Administration	37059	R277-509	AMD	01/07/2013	2012-23/39
<u>interstate</u>					
Human Services, Recovery Services	37168	R527-305	5YR	01/03/2013	2013-3/111
<u>interstate system</u>					
Transportation, Administration	37094	R907-64	R&R	02/07/2013	2013-1/23
<u>irradiator</u>					
Environmental Quality, Radiation Control	37185	R313-34	NSC	01/31/2013	Not Printed
<u>job creation</u>					
Governor, Economic Development	37206	R357-2	EXT	01/16/2013	2013-4/63
<u>juvenile courts</u>					
Education, Administration	37405	R277-709	5YR	03/12/2013	Not Printed
	37244	R277-709-3	NSC	02/15/2013	Not Printed
<u>landfills</u>					
Environmental Quality, Air Quality	37258	R307-220	5YR	02/06/2013	2013-5/193
<u>landscape architects</u>					
Commerce, Occupational and Professional Licensing	37274	R156-53	5YR	02/07/2013	2013-5/190
<u>large appliance</u>					
Environmental Quality, Air Quality	36729	R307-347	NEW	02/01/2013	2012-19/71

RULES INDEX

	36729	R307-347	CPR	02/01/2013	2013-1/59
<u>law enforcement</u>					
Public Safety, Criminal Investigations and Technical Services, Criminal Identification	37226	R722-320	5YR	01/24/2013	2013-4/61
	37227	R722-320	NSC	02/15/2013	Not Printed
<u>liberties</u>					
Natural Resources, Administration	37219	R634-1	5YR	01/23/2013	2013-4/59
<u>licensing</u>					
Commerce, Occupational and Professional Licensing	37199	R156-1-102	AMD	03/11/2013	2013-3/2
	37073	R156-3a-102	AMD	01/24/2013	2012-24/6
	37040	R156-37	AMD	01/08/2013	2012-23/18
	37175	R156-37-502	NSC	01/30/2013	Not Printed
	37039	R156-37f	NEW	01/08/2013	2012-23/21
	37071	R156-44a	AMD	01/22/2013	2012-24/11
	37273	R156-49	5YR	02/07/2013	2013-5/189
	37274	R156-53	5YR	02/07/2013	2013-5/190
	37272	R156-68	5YR	02/07/2013	2013-5/191
	37202	R156-82	NEW	03/11/2013	2013-3/5
Education, Administration	37399	R277-518	5YR	03/12/2013	Not Printed
Environmental Quality, Radiation Control	37186	R313-36	NSC	01/31/2013	Not Printed
<u>licensing and certification</u>					
Commerce, Real Estate	36973	R162-2g	AMD	01/02/2013	2012-22/19
<u>long-term care</u>					
Corrections, Administration	37389	R251-114	5YR	03/07/2013	Not Printed
<u>longitudinal access</u>					
Transportation, Administration	37094	R907-64	R&R	02/07/2013	2013-1/23
<u>magnet wire</u>					
Environmental Quality, Air Quality	36730	R307-348	NEW	02/01/2013	2012-19/73
	36730	R307-348	CPR	02/01/2013	2013-1/61
<u>major event</u>					
Public Service Commission, Administration	37116	R746-313	AMD	02/21/2013	2013-2/87
<u>mammography</u>					
Environmental Quality, Radiation Control	37183	R313-28	NSC	01/31/2013	Not Printed
<u>maps</u>					
Natural Resources, Water Rights	37388	R655-5	5YR	03/07/2013	Not Printed
<u>market trading program</u>					
Environmental Quality, Air Quality	37253	R307-250	5YR	02/06/2013	2013-5/196
<u>Medicaid</u>					
Health, Health Care Financing	37045	R410-14	AMD	01/09/2013	2012-23/44
Health, Health Care Financing, Coverage and Reimbursement Policy	37122	R414-1-5	AMD	03/01/2013	2013-2/18
	37391	R414-6	5YR	03/08/2013	Not Printed
	37177	R414-27	5YR	01/09/2013	2013-3/109
	37221	R414-301	5YR	01/23/2013	2013-4/52
	37215	R414-302	5YR	01/23/2013	2013-4/53
	37222	R414-305	5YR	01/23/2013	2013-4/54
	37223	R414-308	5YR	01/23/2013	2013-4/55
<u>medical incinerators</u>					
Environmental Quality, Air Quality	37256	R307-222	5YR	02/06/2013	2013-5/194
<u>medical practitioners</u>					
Labor Commission, Industrial Accidents	37130	R612-2	REP	02/25/2013	2013-2/35
	37126	R612-300	NEW	02/25/2013	2013-2/66

<u>medical transportation</u>						
Health, Health Care Financing, Coverage and Reimbursement Policy	37174	R414-306	EMR	01/07/2013	2013-3/105	
	37218	R414-306	5YR	01/23/2013	2013-4/55	
<u>medication treatment</u>						
Human Services, Substance Abuse and Mental Health, State Hospital	37224	R525-3	5YR	01/24/2013	2013-4/56	
<u>mercury</u>						
Environmental Quality, Air Quality	37254	R307-224	5YR	02/06/2013	2013-5/195	
<u>metal containers</u>						
Environmental Quality, Air Quality	36734	R307-352	NEW	02/01/2013	2012-19/84	
	36734	R307-352	CPR	02/01/2013	2013-1/73	
<u>metal furniture</u>						
Environmental Quality, Air Quality	36728	R307-346	NEW	02/01/2013	2012-19/69	
	36728	R307-346	CPR	02/01/2013	2013-1/57	
<u>midwifery</u>						
Commerce, Occupational and Professional Licensing	37071	R156-44a	AMD	01/22/2013	2012-24/11	
<u>miscellaneous metal parts</u>						
Environmental Quality, Air Quality	36732	R307-350	NEW	02/01/2013	2012-19/76	
	36732	R307-350	CPR	02/01/2013	2013-1/65	
<u>monitoring</u>						
Environmental Quality, Air Quality	37259	R307-170	5YR	02/06/2013	2013-5/192	
<u>municipal landfills</u>						
Environmental Quality, Air Quality	37257	R307-221	5YR	02/06/2013	2013-5/194	
<u>municipal waste incinerator</u>						
Environmental Quality, Air Quality	37255	R307-223	5YR	02/06/2013	2013-5/195	
<u>nuclear medicine</u>						
Environmental Quality, Radiation Control	37184	R313-32	NSC	01/31/2013	Not Printed	
<u>nutrition</u>						
Education, Administration	37406	R277-719	5YR	03/12/2013	Not Printed	
<u>off-highway vehicles</u>						
Natural Resources, Parks and Recreation	36856	R651-408	REP	01/15/2013	2012-20/77	
<u>oil and gas law</u>						
Natural Resources, Oil, Gas and Mining; Oil and Gas	36992	R649-3-38	AMD	01/23/2013	2012-22/140	
<u>osteopathic physician</u>						
Commerce, Occupational and Professional Licensing	37272	R156-68	5YR	02/07/2013	2013-5/191	
<u>osteopaths</u>						
Commerce, Occupational and Professional Licensing	37272	R156-68	5YR	02/07/2013	2013-5/191	
<u>overpayments</u>						
Workforce Services, Unemployment Insurance	37066	R994-305	AMD	01/08/2013	2012-23/52	
	37023	R994-305-1201	AMD	01/02/2013	2012-22/147	
	37024	R994-406	AMD	01/02/2013	2012-22/148	
<u>ozone</u>						
Environmental Quality, Air Quality	36725	R307-340	REP	02/01/2013	2012-19/49	
	36725	R307-340	CPR	02/01/2013	2013-1/48	
<u>paper coating</u>						
Environmental Quality, Air Quality	36726	R307-344	NEW	02/01/2013	2012-19/65	
	36726	R307-344	CPR	02/01/2013	2013-1/52	

RULES INDEX

---

parking facilities

Administrative Services, Facilities Construction and Management	37357	R23-13	5YR	02/20/2013	2013-6/49
Regents (Board Of), University of Utah, Commuter Services	37387	R810-12	EXD	03/07/2013	Not Printed

parks

Natural Resources, Parks and Recreation	37205	R651-633	AMD	03/14/2013	2013-3/100
---	-------	----------	-----	------------	------------

parole

Pardons (Board Of), Administration	37342	R671-509	5YR	02/15/2013	2013-5/212
	37343	R671-510	5YR	02/15/2013	2013-5/212
	37344	R671-512	5YR	02/15/2013	2013-5/213
	37346	R671-513	5YR	02/15/2013	2013-5/214
	37347	R671-514	5YR	02/15/2013	2013-5/214
	37348	R671-515	5YR	02/15/2013	2013-5/215
	37349	R671-516	5YR	02/15/2013	2013-5/215
	37350	R671-517	5YR	02/15/2013	2013-5/216
	37351	R671-518	5YR	02/15/2013	2013-5/216
	37352	R671-519	5YR	02/15/2013	2013-5/217
	37353	R671-520	5YR	02/15/2013	2013-5/217
	37354	R671-522	5YR	02/15/2013	2013-5/218

particulates

Environmental Quality, Air Quality	36741	R307-307	AMD	02/01/2013	2012-19/42
	36741	R307-307	CPR	02/01/2013	2013-1/45
	37234	R307-307	NSC	02/15/2013	Not Printed

patient rights

Human Services, Substance Abuse and Mental Health, State Hospital	37211	R525-2	5YR	01/23/2013	2013-4/56
---	-------	--------	-----	------------	-----------

penalties

Labor Commission, Industrial Accidents	37137	R612-9	REP	02/25/2013	2013-2/52
	37141	R612-13	REP	02/25/2013	2013-2/57

people with disabilities

Human Services, Services for People with Disabilities	37111	R539-2	AMD	02/13/2013	2013-1/8
---	-------	--------	-----	------------	----------

permits

Environmental Quality, Air Quality	37037	R307-401-15	AMD	02/07/2013	2012-23/40
	37236	R307-401-15	NSC	02/15/2013	Not Printed

personal property

Tax Commission, Property Tax	37109	R884-24P-67	AMD	02/21/2013	2013-1/22
------------------------------	-------	-------------	-----	------------	-----------

pleas

Pardons (Board Of), Administration	37347	R671-514	5YR	02/15/2013	2013-5/214
------------------------------------	-------	----------	-----	------------	------------

pools

Health, Disease Control and Prevention, Environmental Services	37072	R392-302-3	AMD	02/28/2013	2012-24/26
--	-------	------------	-----	------------	------------

POTW

Environmental Quality, Water Quality	37241	R317-14	5YR	01/31/2013	2013-4/52
--------------------------------------	-------	---------	-----	------------	-----------

printing operations

Environmental Quality, Air Quality	36733	R307-351	NEW	02/01/2013	2012-19/80
	36733	R307-351	CPR	02/01/2013	2013-1/69
	37235	R307-351-4	NSC	02/15/2013	Not Printed

probable cause

Pardons (Board Of), Administration	37343	R671-510	5YR	02/15/2013	2013-5/212
------------------------------------	-------	----------	-----	------------	------------

professional

Education, Administration	37147	R277-517	NEW	02/21/2013	2013-2/15
	37359	R277-517-5	NSC	03/15/2013	Not Printed

<u>professional competency</u>					
Education, Administration	37058	R277-502	AMD	01/07/2013	2012-23/34
	37146	R277-502	AMD	02/21/2013	2013-2/10
<u>professional education</u>					
Education, Administration	37399	R277-518	5YR	03/12/2013	Not Printed
<u>professional engineers</u>					
Commerce, Occupational and Professional Licensing	37074	R156-22	AMD	01/24/2013	2012-24/7
<u>professional land surveyors</u>					
Commerce, Occupational and Professional Licensing	37074	R156-22	AMD	01/24/2013	2012-24/7
<u>professional structural engineers</u>					
Commerce, Occupational and Professional Licensing	37074	R156-22	AMD	01/24/2013	2012-24/7
<u>program benefits</u>					
Health, Health Care Financing, Coverage and Reimbursement Policy	37174	R414-306	EMR	01/07/2013	2013-3/105
	37218	R414-306	5YR	01/23/2013	2013-4/55
<u>prohibited items and devices</u>					
Human Services, Substance Abuse and Mental Health, State Hospital	37212	R525-6	5YR	01/23/2013	2013-4/58
<u>proof</u>					
Natural Resources, Water Rights	37388	R655-5	5YR	03/07/2013	Not Printed
<u>property tax</u>					
Tax Commission, Property Tax	37109	R884-24P-67	AMD	02/21/2013	2013-1/22
<u>property transactions</u>					
Administrative Services, Facilities Construction and Management	37358	R23-22	5YR	02/20/2013	2013-6/49
<u>public assistance</u>					
Workforce Services, Employment Development	37067	R986-900-902	AMD	01/08/2013	2012-23/50
<u>public assistance programs</u>					
Health, Health Care Financing, Coverage and Reimbursement Policy	37215	R414-302	5YR	01/23/2013	2013-4/53
	37223	R414-308	5YR	01/23/2013	2013-4/55
<u>public buildings</u>					
Capitol Preservation Board (State), Administration	37064	R131-2	AMD	01/07/2013	2012-23/9
<u>public utilities</u>					
Public Service Commission, Administration	37041	R746-320	AMD	01/07/2013	2012-23/48
	37385	R746-330	5YR	03/05/2013	Not Printed
	37386	R746-347	5YR	03/05/2013	Not Printed
<u>radiation</u>					
Environmental Quality, Radiation Control	37180	R313-25	NSC	01/31/2013	Not Printed
	37185	R313-34	NSC	01/31/2013	Not Printed
<u>radiation safety</u>					
Environmental Quality, Radiation Control	37185	R313-34	NSC	01/31/2013	Not Printed
<u>radioactive materials</u>					
Environmental Quality, Radiation Control	37181	R313-21	NSC	01/31/2013	Not Printed
	37184	R313-32	NSC	01/31/2013	Not Printed
	37186	R313-36	NSC	01/31/2013	Not Printed
	37187	R313-38	NSC	01/31/2013	Not Printed
	37188	R313-70	NSC	01/31/2013	Not Printed

RULES INDEX

---

<u>radioactive waste disposal</u>						
Environmental Quality, Radiation Control	37180	R313-25	NSC	01/31/2013	Not Printed	
<u>radioactive waste generator permit</u>						
Environmental Quality, Radiation Control	37182	R313-26	NSC	01/31/2013	Not Printed	
<u>radiopharmaceutical</u>						
Environmental Quality, Radiation Control	37184	R313-32	NSC	01/31/2013	Not Printed	
<u>rates</u>						
Labor Commission, Industrial Accidents	37132	R612-4	REP	02/25/2013	2013-2/46	
	37127	R612-400	NEW	02/25/2013	2013-2/76	
<u>raw milk</u>						
Agriculture and Food, Regulatory Services	36915	R70-320-18	AMD	01/29/2013	2012-21/8	
	36914	R70-330	AMD	01/29/2013	2012-21/9	
<u>real estate</u>						
Administrative Services, Facilities Construction and Management	37358	R23-22	5YR	02/20/2013	2013-6/49	
<u>real estate appraisals</u>						
Commerce, Real Estate	36973	R162-2g	AMD	01/02/2013	2012-22/19	
<u>records</u>						
Education, Administration	37144	R277-487	AMD	02/21/2013	2013-2/7	
<u>recusal</u>						
Environmental Quality, Administration	36776	R305-9	NEW	02/22/2013	2012-19/28	
	36776	R305-9	CPR	02/22/2013	2013-2/94	
<u>reemployment guidelines</u>						
Labor Commission, Industrial Accidents	37128	R612-500	NEW	02/25/2013	2013-2/79	
<u>reemployment workers' compensation guidelines</u>						
Labor Commission, Industrial Accidents	37136	R612-8	REP	02/25/2013	2013-2/50	
<u>registration</u>						
Environmental Quality, Radiation Control	37188	R313-70	NSC	01/31/2013	Not Printed	
<u>released-time classes</u>						
Education, Administration	37402	R277-610	5YR	03/12/2013	Not Printed	
<u>reliability</u>						
Public Service Commission, Administration	37116	R746-313	AMD	02/21/2013	2013-2/87	
<u>reporting</u>						
Labor Commission, Industrial Accidents	37138	R612-10	REP	02/25/2013	2013-2/53	
	37139	R612-11	REP	02/25/2013	2013-2/54	
	37140	R612-12	REP	02/25/2013	2013-2/55	
	37141	R612-13	REP	02/25/2013	2013-2/57	
<u>reports</u>						
Education, Administration	37145	R277-484	AMD	02/21/2013	2013-2/4	
<u>resources</u>						
Health, Health Care Financing, Coverage and Reimbursement Policy	37222	R414-305	5YR	01/23/2013	2013-4/54	
<u>revocation</u>						
Pardons (Board Of), Administration	37349	R671-516	5YR	02/15/2013	2013-5/215	
<u>right-of-way</u>						
Transportation, Administration	37094	R907-64	R&R	02/07/2013	2013-1/23	
<u>roads</u>						
Environmental Quality, Air Quality	36741	R307-307	AMD	02/01/2013	2012-19/42	

	36741	R307-307	CPR	02/01/2013	2013-1/45
	37234	R307-307	NSC	02/15/2013	Not Printed
<u>rules and procedures</u>					
Public Service Commission, Administration	37041	R746-320	AMD	01/07/2013	2012-23/48
<u>Rural Broadband Service Fund</u>					
Governor, Economic Development	37206	R357-2	EXT	01/16/2013	2013-4/63
<u>rural economic development</u>					
Governor, Economic Development	37206	R357-2	EXT	01/16/2013	2013-4/63
<u>safety</u>					
Regents (Board Of), University of Utah, Administration	37407	R805-1	5YR	03/12/2013	Not Printed
<u>SAIDI/SAIFI</u>					
Public Service Commission, Administration	37116	R746-313	AMD	02/21/2013	2013-2/87
<u>salons</u>					
Health, Disease Control and Prevention, Environmental Services	37251	R392-700	5YR	02/06/2013	2013-5/209
<u>sanitation</u>					
Health, Disease Control and Prevention, Environmental Services	37251	R392-700	5YR	02/06/2013	2013-5/209
<u>school buses</u>					
Education, Administration	37400	R277-600	5YR	03/12/2013	Not Printed
<u>school transportation</u>					
Education, Administration	37400	R277-600	5YR	03/12/2013	Not Printed
<u>school vision</u>					
Health, Disease Control and Prevention, Health Promotion	37028	R384-201	NEW	02/20/2013	2012-23/42
<u>schools</u>					
Education, Administration	37406	R277-719	5YR	03/12/2013	Not Printed
Environmental Quality, Air Quality	37252	R307-801	5YR	02/06/2013	2013-5/197
<u>scooters</u>					
Regents (Board Of), University of Utah, Administration	37407	R805-1	5YR	03/12/2013	Not Printed
<u>secure areas</u>					
Human Services, Substance Abuse and Mental Health, State Hospital	37212	R525-6	5YR	01/23/2013	2013-4/58
<u>securities</u>					
Commerce, Securities	37042	R164-31-1	AMD	01/08/2013	2012-23/26
<u>securities regulations</u>					
Commerce, Securities	37042	R164-31-1	AMD	01/08/2013	2012-23/26
<u>self insurance plans</u>					
Labor Commission, Industrial Accidents	37131	R612-3	REP	02/25/2013	2013-2/43
<u>seniors</u>					
Human Services, Aging and Adult Services	37277	R510-105	5YR	02/08/2013	2013-5/210
<u>services</u>					
Human Services, Services for People with Disabilities	37111	R539-2	AMD	02/13/2013	2013-1/8
<u>settlements</u>					
Labor Commission, Industrial Accidents	37138	R612-10	REP	02/25/2013	2013-2/53
	37139	R612-11	REP	02/25/2013	2013-2/54

RULES INDEX

	37140	R612-12	REP	02/25/2013	2013-2/55
<u>sewage effluent use</u>					
Natural Resources, Water Rights	37119	R655-7	REP	03/07/2013	2013-2/81
<u>sewerage</u>					
Public Service Commission, Administration	37385	R746-330	5YR	03/05/2013	Not Printed
<u>skateboards</u>					
Regents (Board Of), University of Utah, Administration	37407	R805-1	5YR	03/12/2013	Not Printed
<u>social security numbers</u>					
Human Services, Services for People with Disabilities	37110	R539-1	AMD	02/13/2013	2013-1/2
<u>solid waste management</u>					
Environmental Quality, Solid and Hazardous Waste	37282	R315-301	5YR	02/13/2013	2013-5/198
	37283	R315-302	5YR	02/13/2013	2013-5/198
	37284	R315-303	5YR	02/13/2013	2013-5/199
	37285	R315-304	5YR	02/13/2013	2013-5/200
	37286	R315-305	5YR	02/13/2013	2013-5/200
	37287	R315-306	5YR	02/13/2013	2013-5/201
	37288	R315-307	5YR	02/13/2013	2013-5/201
	37289	R315-308	5YR	02/13/2013	2013-5/202
	37290	R315-309	5YR	02/13/2013	2013-5/202
	37291	R315-310	5YR	02/13/2013	2013-5/203
	37292	R315-311	5YR	02/13/2013	2013-5/204
	37293	R315-312	5YR	02/13/2013	2013-5/204
	37294	R315-313	5YR	02/13/2013	2013-5/205
	37295	R315-314	5YR	02/13/2013	2013-5/205
	37296	R315-315	5YR	02/13/2013	2013-5/206
	37297	R315-316	5YR	02/13/2013	2013-5/206
	37298	R315-317	5YR	02/13/2013	2013-5/207
	37299	R315-318	5YR	02/13/2013	2013-5/208
	37300	R315-320	5YR	02/13/2013	2013-5/208
<u>solvent cleaning</u>					
Environmental Quality, Air Quality	36737	R307-355	NEW	02/01/2013	2012-19/91
<u>source development</u>					
Environmental Quality, Drinking Water	36562	R309-515-6	AMD	01/16/2013	2012-16/66
	36562	R309-515-6	CPR	01/16/2013	2012-23/70
<u>source maintenance</u>					
Environmental Quality, Drinking Water	36562	R309-515-6	AMD	01/16/2013	2012-16/66
	36562	R309-515-6	CPR	01/16/2013	2012-23/70
<u>source materials</u>					
Environmental Quality, Radiation Control	37181	R313-21	NSC	01/31/2013	Not Printed
<u>spas</u>					
Health, Disease Control and Prevention, Environmental Services	37072	R392-302-3	AMD	02/28/2013	2012-24/26
<u>standards</u>					
Education, Administration	37147	R277-517	NEW	02/21/2013	2013-2/15
	37359	R277-517-5	NSC	03/15/2013	Not Printed
<u>state hospital</u>					
Human Services, Substance Abuse and Mental Health, State Hospital	37212	R525-6	5YR	01/23/2013	2013-4/58
<u>state vehicle use</u>					
Administrative Services, Fleet Operations	36949	R27-3	AMD	03/07/2013	2012-22/11
<u>Statewide Mutual Aid Act</u>					
Public Safety, Homeland Security	37117	R704-2	NEW	02/25/2013	2013-2/83



<u>student competency</u> Education, Administration	37404	R277-702	5YR	03/12/2013	Not Printed
<u>student teachers</u> Education, Administration	37059	R277-509	AMD	01/07/2013	2012-23/39
<u>students</u> Education, Administration	37144 37405 37244	R277-487 R277-709 R277-709-3	AMD 5YR NSC	02/21/2013 03/12/2013 02/15/2013	2013-2/7 Not Printed Not Printed
<u>subsurface tracer studies</u> Environmental Quality, Radiation Control	37187	R313-38	NSC	01/31/2013	Not Printed
<u>suggestions</u> Human Services, Substance Abuse and Mental Health, State Hospital	37213	R525-7	5YR	01/23/2013	2013-4/58
<u>sulfur dioxide</u> Environmental Quality, Air Quality	37253	R307-250	5YR	02/06/2013	2013-5/196
<u>supervision</u> Commerce, Occupational and Professional Licensing	37199	R156-1-102	AMD	03/11/2013	2013-3/2
<u>surface coating</u> Environmental Quality, Air Quality	36725 36725 36728 36728 36729 36729 36730 36730	R307-340 R307-340 R307-346 R307-346 R307-347 R307-347 R307-348 R307-348	REP CPR NEW CPR NEW CPR NEW CPR	02/01/2013 02/01/2013 02/01/2013 02/01/2013 02/01/2013 02/01/2013 02/01/2013 02/01/2013	2012-19/49 2013-1/48 2012-19/69 2013-1/57 2012-19/71 2013-1/59 2012-19/73 2013-1/61
<u>surveys</u> Environmental Quality, Radiation Control	37185 37186 37187	R313-34 R313-36 R313-38	NSC NSC NSC	01/31/2013 01/31/2013 01/31/2013	Not Printed Not Printed Not Printed
<u>tanning beds</u> Health, Disease Control and Prevention, Environmental Services	37251	R392-700	5YR	02/06/2013	2013-5/209
<u>tax returns</u> Tax Commission, Auditing	37108 37178	R865-9I-13 R865-9I-46	AMD NSC	02/21/2013 01/31/2013	2013-1/20 Not Printed
<u>taxation</u> Tax Commission, Administration	36991 37104 37106 37107	R861-1A-12 R861-1A-26 R861-1A-37 R861-1A-46	AMD AMD AMD AMD	01/10/2013 02/21/2013 02/21/2013 02/21/2013	2012-22/144 2013-1/15 2013-1/17 2013-1/18
Tax Commission, Property Tax	37109	R884-24P-67	AMD	02/21/2013	2013-1/22
<u>taxes</u> Insurance, Administration	37171	R590-157	5YR	01/07/2013	2013-3/112
<u>teacher licensing</u> Professional Practices Advisory Commission, Administration	37243	R686-100	5YR	02/01/2013	2013-4/60
<u>teacher preparation programs</u> Education, Administration	37059	R277-509	AMD	01/07/2013	2012-23/39
<u>telecommunications</u> Public Service Commission, Administration	37386	R746-347	5YR	03/05/2013	Not Printed

RULES INDEX

Transportation, Administration	37094	R907-64	R&R	02/07/2013	2013-1/23
<u>terminally ill</u> Corrections, Administration	37389	R251-114	5YR	03/07/2013	Not Printed
<u>time</u> Labor Commission, Industrial Accidents	37129 37125	R612-1 R612-200	REP NEW	02/25/2013 02/25/2013	2013-2/28 2013-2/62
<u>timeliness</u> Pardons (Board Of), Administration	37348	R671-515	5YR	02/15/2013	2013-5/215
<u>trainee registration</u> Commerce, Real Estate	36973	R162-2g	AMD	01/02/2013	2012-22/19
<u>transportation</u> Human Services, Aging and Adult Services	37277	R510-105	5YR	02/08/2013	2013-5/210
<u>transportation law</u> Administrative Services, Facilities Construction and Management	37357	R23-13	5YR	02/20/2013	2013-6/49
<u>trichomoniasis</u> Agriculture and Food, Animal Industry	36962	R58-21	AMD	01/04/2013	2012-22/16
<u>ultraviolet light safety</u> Health, Disease Control and Prevention, Environmental Services	37251	R392-700	5YR	02/06/2013	2013-5/209
<u>undercover identification</u> Public Safety, Criminal Investigations and Technical Services, Criminal Identification	37226 37227	R722-320 R722-320	5YR NSC	01/24/2013 02/15/2013	2013-4/61 Not Printed
<u>unemployment compensation</u> Workforce Services, Unemployment Insurance	37066 37023 37024	R994-305 R994-305-1201 R994-406	AMD AMD AMD	01/08/2013 01/02/2013 01/02/2013	2012-23/52 2012-22/147 2012-22/148
<u>uninsured employers</u> Labor Commission, Industrial Accidents	37137	R612-9	REP	02/25/2013	2013-2/52
<u>utility service shutoff</u> Public Service Commission, Administration	37041	R746-320	AMD	01/07/2013	2012-23/48
<u>variances</u> Environmental Quality, Air Quality	37261	R307-102	5YR	02/06/2013	2013-5/191
<u>vending machines</u> Education, Administration	37406	R277-719	5YR	03/12/2013	Not Printed
<u>victim compensation</u> Crime Victim Reparations, Administration	37061 37166	R270-1 R270-1	AMD NSC	01/07/2013 01/30/2013	2012-23/27 Not Printed
<u>victims of crime</u> Crime Victim Reparations, Administration	37061 37166	R270-1 R270-1	AMD NSC	01/07/2013 01/30/2013	2012-23/27 Not Printed
<u>vinyl coating</u> Environmental Quality, Air Quality	36727 36727	R307-345 R307-345	NEW CPR	02/01/2013 02/01/2013	2012-19/67 2013-1/54
<u>vision evaluations</u> Health, Disease Control and Prevention, Health Promotion	37028	R384-201	NEW	02/20/2013	2012-23/42

<u>visitors</u>						
Human Services, Substance Abuse and Mental Health, State Hospital	37210	R525-4	5YR	01/23/2013	2013-4/57	
<u>VOC</u>						
Environmental Quality, Air Quality	36733	R307-351	NEW	02/01/2013	2012-19/80	
	36733	R307-351	CPR	02/01/2013	2013-1/69	
	37235	R307-351-4	NSC	02/15/2013	Not Printed	
	36736	R307-354	NEW	02/01/2013	2012-19/88	
	36736	R307-354	CPR	02/01/2013	2013-1/79	
<u>VOC emission</u>						
Environmental Quality, Air Quality	36726	R307-344	NEW	02/01/2013	2012-19/65	
	36726	R307-344	CPR	02/01/2013	2013-1/52	
<u>waivers</u>						
Labor Commission, Industrial Accidents	37127	R612-400	NEW	02/25/2013	2013-2/76	
<u>warrants</u>						
Pardons (Board Of), Administration	37343	R671-510	5YR	02/15/2013	2013-5/212	
	37344	R671-512	5YR	02/15/2013	2013-5/213	
	37346	R671-513	5YR	02/15/2013	2013-5/214	
<u>waste disposal</u>						
Environmental Quality, Solid and Hazardous Waste	37282	R315-301	5YR	02/13/2013	2013-5/198	
	37283	R315-302	5YR	02/13/2013	2013-5/198	
	37284	R315-303	5YR	02/13/2013	2013-5/199	
	37285	R315-304	5YR	02/13/2013	2013-5/200	
	37286	R315-305	5YR	02/13/2013	2013-5/200	
	37287	R315-306	5YR	02/13/2013	2013-5/201	
	37288	R315-307	5YR	02/13/2013	2013-5/201	
	37289	R315-308	5YR	02/13/2013	2013-5/202	
	37290	R315-309	5YR	02/13/2013	2013-5/202	
	37291	R315-310	5YR	02/13/2013	2013-5/203	
	37292	R315-311	5YR	02/13/2013	2013-5/204	
	37293	R315-312	5YR	02/13/2013	2013-5/204	
	37295	R315-314	5YR	02/13/2013	2013-5/205	
	37296	R315-315	5YR	02/13/2013	2013-5/206	
	37297	R315-316	5YR	02/13/2013	2013-5/206	
	37298	R315-317	5YR	02/13/2013	2013-5/207	
	37299	R315-318	5YR	02/13/2013	2013-5/208	
	37300	R315-320	5YR	02/13/2013	2013-5/208	
Environmental Quality, Water Quality	37240	R317-13	5YR	01/31/2013	2013-4/51	
<u>waste to energy plant</u>						
Environmental Quality, Air Quality	37255	R307-223	5YR	02/06/2013	2013-5/195	
<u>wastewater</u>						
Environmental Quality, Water Quality	37241	R317-14	5YR	01/31/2013	2013-4/52	
<u>water</u>						
Public Service Commission, Administration	37385	R746-330	5YR	03/05/2013	Not Printed	
<u>water pollution</u>						
Environmental Quality, Water Quality	37240	R317-13	5YR	01/31/2013	2013-4/51	
<u>water quality</u>						
Public Service Commission, Administration	37385	R746-330	5YR	03/05/2013	Not Printed	
<u>water rights</u>						
Natural Resources, Water Rights	37388	R655-5	5YR	03/07/2013	Not Printed	
<u>water slides</u>						
Health, Disease Control and Prevention, Environmental Services	37072	R392-302-3	AMD	02/28/2013	2012-24/26	

RULES INDEX

---

weapons

Human Services, Substance Abuse and Mental Health, State Hospital 37212 R525-6 5YR 01/23/2013 2013-4/58

well logging

Environmental Quality, Radiation Control 37187 R313-38 NSC 01/31/2013 Not Printed

wildlife

Natural Resources, Wildlife Resources 37384 R657-3 5YR 03/05/2013 Not Printed  
 37069 R657-13 AMD 01/22/2013 2012-24/29  
 37097 R657-37 AMD 02/07/2013 2013-1/11  
 37203 R657-58 5YR 01/15/2013 2013-3/114

wildlife law

Natural Resources, Wildlife Resources 37069 R657-13 AMD 01/22/2013 2012-24/29  
 37203 R657-58 5YR 01/15/2013 2013-3/114

workers' compensation

Labor Commission, Industrial Accidents 37129 R612-1 REP 02/25/2013 2013-2/28  
 37130 R612-2 REP 02/25/2013 2013-2/35  
 37131 R612-3 REP 02/25/2013 2013-2/43  
 37132 R612-4 REP 02/25/2013 2013-2/46  
 37133 R612-5 REP 02/25/2013 2013-2/46  
 37134 R612-6 REP 02/25/2013 2013-2/48  
 37135 R612-7 REP 02/25/2013 2013-2/49  
 37137 R612-9 REP 02/25/2013 2013-2/52  
 37138 R612-10 REP 02/25/2013 2013-2/53  
 37139 R612-11 REP 02/25/2013 2013-2/54  
 37140 R612-12 REP 02/25/2013 2013-2/55  
 37141 R612-13 REP 02/25/2013 2013-2/57  
 37124 R612-100 NEW 02/25/2013 2013-2/58  
 37125 R612-200 NEW 02/25/2013 2013-2/62  
 37126 R612-300 NEW 02/25/2013 2013-2/66  
 37127 R612-400 NEW 02/25/2013 2013-2/76  
 37128 R612-500 NEW 02/25/2013 2013-2/79

x-rays

Environmental Quality, Radiation Control 37179 R313-16 NSC 01/31/2013 Not Printed  
 37183 R313-28 NSC 01/31/2013 Not Printed  
 37188 R313-70 NSC 01/31/2013 Not Printed

zoological animals

Natural Resources, Wildlife Resources 37384 R657-3 5YR 03/05/2013 Not Printed