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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)* of the same volume and issue number. The *Digest* is available by e-mail subscription or online. Visit <http://www.rules.utah.gov/publicat/digest.htm> for additional information.

Division of Administrative Rules, Salt Lake City 84114

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EDITOR'S NOTES

Legislation Affecting Administrative Rulemaking

During the 2015 General Session, the Legislature passed one bill that affected rulemaking generally. H.B. 37, entitled "Reauthorization of Administrative Rules", passed and has been signed by the Governor. H.B. 37 is the legislation required annually by Subsection 63G-3-502(3). The bill reauthorizes all administrative rules. H.B. 37 takes effect on May 1, 2015.

Additionally, H.B. 37 made technical changes to Section 63G-3-501. This is the section that creates the Legislature's Administrative Rules Review Committee.

Information about legislation affecting administrative rulemaking can be found on the Division of Administrative Rules' web site at <http://www.rules.utah.gov/law/legislation.htm>.

The law governing the 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. 37 is available on the Legislature's web site at <http://le.utah.gov/~2015/bills/static/HB0037.html>.

End of the Editor's Notes Section

SPECIAL NOTICES

Health Health Care Financing, Coverage and Reimbursement Policy

Notice for May 2015 Medicaid Rate Changes

Effective May 1, 2015, Utah Medicaid will adjust its rates consistent with approved methodologies. Rate adjustments include new codes priced consistent with approved Medicaid methodologies as well as potential adjustments to existing codes. All rate changes are posted to the web and can be viewed at: <http://health.utah.gov/medicaid/stplan/bcrp.htm>.

Health Health Care Financing, Coverage and Reimbursement Policy

Annual Rebasing Update

The Division of Medicaid and Health Financing (DMHF) is updating its Medicaid State Plan through the following State Plan Amendments (SPAs):

SPA 15-0006-UT Reimbursement for Home Health Services;
SPA 15-0008-UT Reimbursement for Optometry Services;
SPA 15-0009-UT Reimbursement for Speech Pathology Services;
SPA 15-0010-UT Reimbursement for Audiology Services;
SPA 15-0011-UT Reimbursement for Chiropractic Services;
SPA 15-0012-UT Reimbursement for Eyeglasses Services;
SPA 15-0013-UT Reimbursement for Clinic Services;
SPA 15-0014-UT Reimbursement for Physical Therapy and Occupational Therapy;
SPA 15-0015-UT Reimbursement for Rehabilitative Mental Health Services;
SPA 15-0016-UT Reimbursement for Licensed Practitioner Services; and
SPA 15-0017-UT Reimbursement for Transportation Services.

Based on the existing State Plan requirement to annually rebase pricing of physician codes, these amendments update the State Plan by changing the effective date of the pricing to 07/01/2015.

DMHF anticipates these changes to be budget neutral with exception of SPA 15-0017-UT Reimbursement for Transportation Services. Emergency ground ambulance transportation rates are anticipated to increase to levels noted in Section R426-8-2 of the Utah Administrative Code. This will result in an annual increase of approximately \$10,719,500.

The proposed changes are pending Centers for Medicare and Medicaid Services approval. A copy of the changes may be obtained from Craig Devashrayee (801-538-6641), or by writing the Technical Writing Unit, Utah Department of Health, PO Box 143102, Salt Lake City, UT 84114-3102. Comments are welcome at the same address. Copies of the changes are also available at local county health department offices.

End of the Special Notices Section

NOTICES OF PROPOSED RULES

A state agency may file a **PROPOSED RULE** when it determines the need for a substantive change to an existing rule. With a **NOTICE OF PROPOSED RULE**, an agency may create a new rule, amend an existing rule, repeal an existing rule, or repeal an existing rule and reenact a new rule. Filings received between March 17, 2015, 12:00 a.m., and April 01, 2015, 11:59 p.m. are included in this, the April 15, 2015, 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 (example). Deletions made to existing rules are struck out with brackets surrounding them (~~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 usually printed. If a **PROPOSED RULE** is too long to print, the Division of Administrative Rules may 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 15, 2015. 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 August 13, 2015, 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.

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, R15-4-5a, R15-4-9, and R15-4-10.

The Proposed Rules Begin on the Following Page

**Commerce, Occupational and
Professional Licensing
R156-28-304
Continuing Professional Education**

NOTICE OF PROPOSED RULE

(Amendment)

DAR FILE NO.: 39233

FILED: 03/17/2015

RULE ANALYSIS

PURPOSE OF THE RULE OR REASON FOR THE CHANGE: The Division and Veterinary Board reviewed the rule and determined changes need to be made to delete the Western Veterinary Conference (WVC) as a specific approved sponsor of continuing professional education for licensed veterinarians. The WVC is already approved through the Registry of Continuing Education (RACE) of the American Association of Veterinary State Boards (AASVB). The Board determined it is a duplicate listing to list RACE-approved third party providers individually.

SUMMARY OF THE RULE OR CHANGE: Subsection R156-28-304(4)(a)(vii) deletes the words "the Western Veterinary Conference; or" and renumbers the remaining subsequent subsections accordingly.

STATUTORY OR CONSTITUTIONAL AUTHORIZATION FOR THIS RULE: Section 58-28-101 and Subsection 58-1-106(1)(a) and Subsection 58-1-202(1)(a)

ANTICIPATED COST OR SAVINGS TO:

- ◆ THE STATE BUDGET: The Division will incur minimal costs of approximately \$75 to print and distribute the rule once the proposed amendments are made effective. Any costs incurred will be absorbed in the Division's current budget.
- ◆ LOCAL GOVERNMENTS: The proposed amendments apply only to licensed veterinarians. As a result, the proposed amendments do not apply to local governments.
- ◆ SMALL BUSINESSES: The proposed amendments apply only to licensed veterinarians. Licensees may work in a small business; however, the proposed amendments would not directly affect the business.
- ◆ PERSONS OTHER THAN SMALL BUSINESSES, BUSINESSES, OR LOCAL GOVERNMENTAL ENTITIES: The proposed amendments apply only to licensed veterinarians and the Division does not anticipate any costs or savings to other persons.

COMPLIANCE COSTS FOR AFFECTED PERSONS: The proposed amendments apply only to licensed veterinarians and the Division does not anticipate any costs to licensees as the continuing education provider being deleted is already a RACE approved provider through the AASVB.

COMMENTS BY THE DEPARTMENT HEAD ON THE FISCAL IMPACT THE RULE MAY HAVE ON BUSINESSES: As stated in the rule analysis, this filing deletes the name of an individual continuing education provider from the list of approved providers. It is not necessary to list the provider individually because it is part of an approved registry of providers. No fiscal impact to businesses is anticipated.

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

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

DIRECT QUESTIONS REGARDING THIS RULE TO:

◆ Jana Johansen by phone at 801-530-6621, by FAX at 801-530-6511, or by Internet E-mail at janajohansen@utah.gov

INTERESTED PERSONS MAY PRESENT THEIR VIEWS ON THIS RULE BY SUBMITTING WRITTEN COMMENTS NO LATER THAN AT 5:00 PM ON 05/15/2015

THIS RULE MAY BECOME EFFECTIVE ON: 05/22/2015

AUTHORIZED BY: Mark Steinagel, Director

**R156. Commerce, Occupational and Professional Licensing.
R156-28. Veterinary Practice Act Rule.
R156-28-304. Continuing Professional Education.**

In accordance with Section 58-28-306, there is created a continuing professional education requirement as a condition for renewal or reinstatement of licenses issued under Title 58, Chapter 28. The continuing professional education requirement shall comply with the following criteria.

(1) During each two year period commencing on September 30 of each even numbered year, a licensee shall be required to complete not less than 24 hours of qualified continuing professional education directly related to the licensee's professional practice.

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

(3) Qualified continuing professional education under this section shall:

(a) have an identifiable clear statement of purpose and defined objective for the educational program directly related to the practice of a veterinarian;

(b) be relevant to the licensee's professional practice;

(c) be presented in a competent, well organized, and sequential manner consistent with the stated purpose and objective of the program;

(d) be prepared and presented by individuals who are qualified by education, training, and experience; and

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

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

(a) Unlimited hours shall be recognized for continuing professional education as a student or presenter, completed in blocks of time of not less than one hour in formally established classroom courses, seminars, lectures, wet labs, or specific veterinary conferences approved or sponsored by one or more of the following:

- (i) the American Veterinary Medical Association;
- (ii) the Utah Veterinary Medical Association;
- (iii) the American Animal Hospital Association;
- (iv) the American Association of Equine Practitioners;
- (v) the American Association of Bovine Practitioners;
- (vi) certifying boards recognized by the AVMA;
- (vii) ~~the Western Veterinary Conference; or~~

~~(viii)~~ other state veterinary medical associations or state licensing boards; or

~~(ix)~~ (viii) the Registry of Continuing Education (RACE) of the AASVB.

(b) No more than five continuing professional education hours may be counted for being the primary author of an article published in a peer reviewed scientific journal, and no more than two continuing professional education hours may be counted for being a secondary author.

(c) No more than six continuing professional education hours may be in practice management courses.

(d) Any continuing professional education where there is no instructor or where the instructor is not physically present, shall assure the licensee's participation and acquisition of the knowledge and skills intended by means of an examination. These types of continuing professional education courses include internet, audio/visual recordings, broadcast seminars, mail and other correspondence courses.

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

(6) A licensee who is unable to complete the continuing professional education requirement for reasons such as a medical or related condition, humanitarian or ecclesiastical services, or extended presence in a geographical area where continuing education is not available, may be excused from the requirement for a period of up to three years as provided in Section R156-1-308d.

KEY: veterinary medicine, licensing, veterinarian
Date of Enactment or Last Substantive Amendment: [~~October 22, 2009~~]2015

Notice of Continuation: November 19, 2011
Authorizing, and Implemented or Interpreted Law: 58-1-106(1)(a); 58-1-202(1)(a); 58-28-101

Commerce, Occupational and Professional Licensing
R156-47b-302a
Qualifications for Licensure - Equivalent Education and Training

NOTICE OF PROPOSED RULE

(Amendment)

DAR FILE NO.: 39238

FILED: 03/24/2015

RULE ANALYSIS

PURPOSE OF THE RULE OR REASON FOR THE CHANGE: The Division and Massage Therapy Board reviewed the rule and determined changes needed to be made to update the foreign education and training approval bodies since the National Certification Board for Therapeutic Massage and Bodywork (NCBTMB) no longer provides certification for foreign education for massage therapy.

SUMMARY OF THE RULE OR CHANGE: Amendments in this section delete foreign education and training approval by NCBTMB and add the following approved credential evaluation services: Josef Silny and Associates, Inc., International Education Consultants, and Educational Credential Evaluators, Inc.

STATUTORY OR CONSTITUTIONAL AUTHORIZATION FOR THIS RULE: Section 58-47b-101 and Subsection 58-1-106(1)(a) and Subsection 58-1-202(1)(a)

ANTICIPATED COST OR SAVINGS TO:

♦ **THE STATE BUDGET:** The Division will incur minimal costs of approximately \$75 to print and distribute the rule once the proposed amendments are made effective. Any costs incurred will be absorbed in the Division's current budget.

♦ **LOCAL GOVERNMENTS:** The proposed amendments only apply to applicants for licensure as a massage therapist who needs foreign education and training evaluated. As a result, the proposed amendments do not apply to local governments.

♦ **SMALL BUSINESSES:** A small business that has been submitting its foreign education programs to the NCBTMB for approval will be required to use a different approval body. The new approval body will charge a fee to review and analyze the programs. It is anticipated that this fee will be substantially equivalent to what small businesses have historically paid the NCBTMB for this service. Any increase in cost is outside the control of the Division.

◆ PERSONS OTHER THAN SMALL BUSINESSES, BUSINESSES, OR LOCAL GOVERNMENTAL ENTITIES: Other persons who have been submitting their foreign education programs to the NCBTMB for approval will be required to use a different approval body. The new approval body will charge a fee to review and analyze the programs. It is anticipated that this fee will be substantially equivalent to what other persons have historically paid the NCBTMB for this service. Any increase in cost is outside the control of the Division.

COMPLIANCE COSTS FOR AFFECTED PERSONS: The proposed amendments only apply to applicants for licensure as a massage therapist who needs foreign education and training evaluated. These applicants will remain obligated to obtain approval of any foreign education program that is proposed as satisfying the licensing requirements for the massage therapy license. The costs of obtaining that approval are not within the control of the Division and cannot be quantified.

COMMENTS BY THE DEPARTMENT HEAD ON THE FISCAL IMPACT THE RULE MAY HAVE ON BUSINESSES: As stated in the rule analysis, this filing names three education approval bodies that may be used by providers to obtain approval of education that is intended to satisfy the massage therapy licensing requirements. While the approval process does include costs, no new fiscal impact to businesses is anticipated.

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

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

DIRECT QUESTIONS REGARDING THIS RULE TO:

◆ Maria Skedros (Lohse) by phone at 801-530-6179, by FAX at 801-530-6511, or by Internet E-mail at mskedros@utah.gov

INTERESTED PERSONS MAY PRESENT THEIR VIEWS ON THIS RULE BY SUBMITTING WRITTEN COMMENTS NO LATER THAN AT 5:00 PM ON 05/15/2015

THIS RULE MAY BECOME EFFECTIVE ON: 05/22/2015

AUTHORIZED BY: Mark Steinagel, Director

R156. Commerce, Occupational and Professional Licensing.

R156-47b. Massage Therapy Practice Act Rule.

R156-47b-302a. Qualifications for Licensure - Equivalent Education and Training.

(1) In accordance with Subsection 58-47b-302(2)(e)(i) (B), an applicant who completes equivalent education and training must provide documentation of:

(a)(i) graduation from a licensed or recognized school outside the state of Utah with a minimum of 500 hours;

(ii) completion of the examination requirements; and

(iii) practice as a licensed massage therapist for a minimum of 2,000 hours; or

(b)(i) foreign education and training approval by: [NCBTMB as evidenced by current NCBTMB certification]

(A) Josef Silny and Associates, Inc.;

(B) International Education Consultants; or

(C) Educational Credential Evaluators, Inc.; and

(ii) practice as a licensed massage therapist for a minimum of 2,000 hours; or

(c)(i) completion of an equivalent apprenticeship program outside the state of Utah;

(ii) completion of the examination requirements; and

(iii) practice as a licensed massage therapist for a minimum of 4,000 hours.

(2) Hours of supervised training while licensed as a massage therapy apprentice trained in accordance with Subsection R156-47b-302c(5) may not be used to satisfy any of the required minimum of 600 hours of school instruction specified in Section R156-47b-302(2).

(3) Hours of instruction or training obtained while enrolled in a school of massage having a curriculum meeting the standards in accordance with Section R156-47b-302(2) may not be used to satisfy the required minimum of 1,000 hours of supervised apprenticeship training specified in Subsection R156-47b-302c(5).

KEY: licensing, massage therapy, massage therapist, massage apprentice

Date of Enactment or Last Substantive Amendment: [January 26, 2012] 2015

Notice of Continuation: May 1, 2012

Authorizing, Implemented, or Interpreted Law: 58-1-106(1)(a); 58-1-202(1)(a); 58-47b-101

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

NOTICE OF PROPOSED RULE (Amendment)

DAR FILE NO.: 39248

FILED: 03/31/2015

RULE ANALYSIS

PURPOSE OF THE RULE OR REASON FOR THE CHANGE: Subsection 26-18-3(2)(a) requires the Medicaid program to implement policy through administrative rules. The Department, in order to draw down federal funds, must have an approved state plan with the Centers for Medicare and Medicaid Services (CMS). The purpose of this change, therefore, is to incorporate the most current Medicaid State Plan by reference and to implement by rule ongoing Medicaid policy described in the Medical Supplies Utah Medicaid Provider Manual, and the manual's attachment for Donor Human Milk Request Form; Hospital Services Utah Medicaid Provider Manual, with its attachments; Home Health Agencies Utah Medicaid Provider Manual, and the manual's attachment for the Private Duty Nursing Acuity Grid; Speech-Language Pathology and Audiology Services Utah Medicaid Provider Manual; Hospice Care Utah Medicaid Provider Manual, and the manual's attachment for the Utah Medicaid Prior Authorization Request for Hospice Services; Long Term Care Services in Nursing Facilities Utah Medicaid Provider Manual with its attachments; Utah Home and Community-Based Waiver Services for Individuals Age 65 or Older Utah Medicaid Provider Manual; Personal Care Utah Medicaid Provider Manual, and the manual's attachment for the Request for Prior Authorization: Personal Care and Capitated Programs; Utah Home and Community-Based Waiver Services for Individuals with an Acquired Brain Injury Utah Medicaid Provider Manual; Utah Community Supports Waiver for Individuals with Intellectual Disabilities or Other Related Conditions Utah Medicaid Provider Manual; Utah Home and Community-Based Services Waiver for Individuals with Physical Disabilities Utah Medicaid Provider Manual; Utah Home and Community-Based Waiver Services New Choices Waiver Utah Medicaid Provider Manual; Utah Home and Community-Based Services Waiver for Technology Dependent, Medically Fragile Individuals Utah Medicaid Provider Manual; Utah Home and Community-Based Waiver Services Medicaid Autism Waiver Utah Medicaid Provider Manual; Office of Inspector General (OIG) Administrative Hearings Procedures Manual; Pharmacy Services Utah Medicaid Provider Manual with its attachments; Coverage and Reimbursement Code Look-up Tool; CHEC Services Utah Medicaid Provider Manual with its attachments; Chiropractic Medicine Utah Medicaid Provider Manual; Dental, Oral Maxillofacial, and Orthodontia Services Utah Medicaid Provider Manual; General Attachments (All Providers) for the Utah Medicaid Provider Manual; Indian Health Utah Medicaid Provider Manual; Laboratory Services Utah Medicaid Provider Manual with its attachments; Medical Transportation Utah Medicaid Provider Manual; Non-Traditional Medicaid Plan Utah Medicaid Provider Manual with its attachments; Licensed Nurse Practitioner Utah Medicaid Provider Manual; Physical Therapy and Occupational Therapy Services Utah Medicaid Provider Manual, and the manual's attachment for Physical Therapy and Occupational Therapy Decision Tables; Physician Services, Anesthesiology and Laboratory Services Utah Medicaid Provider Manual with its attachments; Podiatric Services Utah Medicaid Provider Manual; Primary Care

Network Utah Medicaid Provider Manual with its attachments; Psychology Services Utah Medicaid Provider Manual; Rehabilitative Mental Health and Substance Use Disorder Services Utah Medicaid Provider Manual; Rural Health Clinics and Federally Qualified Health Centers Services Utah Medicaid Provider Manual; School-Based Skills Development Services Utah Medicaid Provider Manual; Section I: General Information Utah Medicaid Provider Manual; Targeted Case Management for Individuals with Serious Mental Illness Utah Medicaid Provider Manual; Targeted Case Management for Early Childhood (Ages 0-4) Utah Medicaid Provider Manual; Vision Care Services Utah Medicaid Provider Manual; and Women's Services Utah Medicaid Provider Manual.

SUMMARY OF THE RULE OR CHANGE: Section R414-1-5 is changed to incorporate the Utah Medicaid State Plan and an approved state plan amendment (SPA) by reference to 04/01/2015. This SPA includes: SPA 15-0001-UT Telehealth Services, which removes all provisions of coverage and reimbursement for telehealth services from the state plan because telehealth is not a distinct service but rather a method of service delivery. This rule change also incorporates by reference the Medical Supplies Utah Medicaid Provider Manual, and the manual's attachment for Donor Human Milk Request Form, effective 04/01/2015; incorporates by reference the Hospital Services Utah Medicaid Provider Manual with its attachments, effective 04/01/2015; incorporates by reference the Home Health Agencies Utah Medicaid Provider Manual, and the manual's attachment for the Private Duty Nursing Acuity Grid, effective 04/01/2015; incorporates by reference the Speech-Language Pathology and Audiology Services Utah Medicaid Provider Manual, effective 04/01/2015; incorporates by reference the Hospice Care Utah Medicaid Provider Manual, and the manual's attachment for the Utah Medicaid Prior Authorization Request for Hospice Services, effective 04/01/2015; incorporates by reference the Long Term Care Services in Nursing Facilities Utah Medicaid Provider Manual, with its attachments, effective 04/01/2015; incorporates by reference the Utah Home and Community-Based Waiver Services for Individuals Age 65 or Older Utah Medicaid Provider Manual, effective 04/01/2015; incorporates by reference the Personal Care Utah Medicaid Provider Manual, and the manual's attachment for the Request for Prior Authorization: Personal Care and Capitated Programs effective 04/01/2015; incorporates by reference the Utah Home and Community-Based Waiver Services for Individuals with an Acquired Brain Injury Utah Medicaid Provider Manual, effective 04/01/2015; Utah Community Supports Waiver for Individuals with Intellectual Disabilities or Other Related Conditions Utah Medicaid Provider Manual, effective 04/01/2015; incorporates by reference the Utah Home and Community-Based Services Waiver for Individuals with Physical Disabilities Utah Medicaid Provider Manual, effective 04/01/2015; incorporates by reference the Utah Home and Community-Based Waiver Services New Choices Waiver Utah Medicaid Provider Manual, effective 04/01/2015; incorporates by reference the Utah Home and Community-Based Services Waiver for Technology Dependent, Medically

Fragile Individuals Utah Medicaid Provider Manual, effective 04/01/2015; incorporates by reference the Utah Home and Community-Based Waiver Services Medicaid Autism Waiver Utah Medicaid Provider Manual, effective 04/01/2015; incorporates by reference the Office of Inspector General (OIG) Administrative Hearings Procedures Manual, effective 04/01/2015; incorporates by reference the Pharmacy Services Utah Medicaid Provider Manual with its attachments, effective 04/01/2015; incorporates by reference the Coverage and Reimbursement Code Look-up Tool, effective 04/01/2015; incorporates by reference the CHEC Services Utah Medicaid Provider Manual with its attachments, effective 04/01/2015; incorporates by reference the Chiropractic Medicine Utah Medicaid Provider Manual, effective 04/01/2015; incorporates by reference the Dental, Oral Maxillofacial, and Orthodontia Services Utah Medicaid Provider Manual, effective 04/01/2015; incorporates by reference the General Attachments (All Providers) for the Utah Medicaid Provider Manual, effective 04/01/2015; incorporates by reference the Indian Health Utah Medicaid Provider Manual, effective 04/01/2015; incorporates by reference the Laboratory Services Utah Medicaid Provider Manual with its attachments, effective 04/01/2015; incorporates by reference the Medical Transportation Utah Medicaid Provider Manual, effective 04/01/2015; incorporates by reference the Non-Traditional Medicaid Plan Utah Medicaid Provider Manual with its attachments, effective 04/01/2015; incorporates by reference the Licensed Nurse Practitioner Utah Medicaid Provider Manual, effective 04/01/2015; incorporates by reference the Physical Therapy and Occupational Therapy Services Utah Medicaid Provider Manual, and the manual's attachment for Physical Therapy and Occupational Therapy Decision Tables, effective 04/01/2015; incorporates by reference the Physician Services, Anesthesiology and Laboratory Services Utah Medicaid Provider Manual with its attachments, effective 04/01/2015; incorporates by reference the Podiatric Services Utah Medicaid Provider Manual, effective 04/01/2015; incorporates by reference the Primary Care Network Utah Medicaid Provider Manual with its attachments, effective 04/01/2015; incorporates by reference the Psychology Services Utah Medicaid Provider Manual, effective 04/01/2015; incorporates by reference the Rehabilitative Mental Health and Substance Use Disorder Services Utah Medicaid Provider Manual, effective 04/01/2015; incorporates by reference the Rural Health Clinics and Federally Qualified Health Centers Services Utah Medicaid Provider Manual, effective 04/01/2015; incorporates by reference the School-Based Skills Development Services Utah Medicaid Provider Manual, effective 04/01/2015; incorporates by reference Section I: General Information Utah Medicaid Provider Manual, effective 04/01/2015; incorporates by reference the Targeted Case Management for Individuals with Serious Mental Illness Utah Medicaid Provider Manual, effective 04/01/2015; Targeted Case Management for Early Childhood (Ages 0-4) Utah Medicaid Provider Manual, effective 04/01/2015; Vision Care Services Utah Medicaid Provider Manual, effective 04/01/2015; and Women's Services Utah Medicaid Provider Manual, effective 04/01/2015.

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

MATERIALS INCORPORATED BY REFERENCES:

- ◆ Updates Physical Therapy and Occupational Therapy Services Provider Manual and Physical Therapy and Occupational Therapy Decision Tables attachment, published by Division of Medicaid and Health Financing, 04/01/2015
- ◆ Updates Personal Care Provider Manual and Request for Prior Authorization: Personal Care and Capitated Programs attachment, published by Division of Medicaid and Health Financing, 04/01/2015
- ◆ Updates Non-Traditional Medicaid Plan Provider Manual with attachments, published by Division of Medicaid and Health Financing, 04/01/2015
- ◆ Updates Targeted Case Management for Individuals with Serious Mental Illness Provider Manual, published by Division of Medicaid and Health Financing, 04/01/2015
- ◆ Updates Laboratory Services Provider Manual with attachments, published by Division of Medicaid and Health Financing, 04/01/2015
- ◆ Updates Dental, Oral Maxillofacial, and Orthodontia Services Provider Manual, published by Division of Medicaid and Health Financing, 04/01/2015
- ◆ Updates Office of Inspector General Administrative Hearings Procedures Manual, published by Utah Office of Inspector General, 04/01/2015
- ◆ Updates Utah Community Supports Waiver for Individuals with Intellectual Disabilities or Other Related Conditions Provider Manual, published by Division of Medicaid and Health Financing, 04/01/2015
- ◆ Updates Utah Home and Community-Based Waiver Services New Choices Waiver Provider Manual, published by Division of Medicaid and Health Financing, 04/01/2015
- ◆ Updates Vision Care Services Provider Manual, published by Division of Medicaid and Health Financing, 04/01/2015
- ◆ Updates Psychology Services Provider Manual, published by Division of Medicaid and Health Financing, 04/01/2015
- ◆ Updates Licensed Nurse Practitioner Provider Manual, published by Division of Medicaid and Health Financing, 04/01/2015
- ◆ Updates Rural Health Clinics and Federally Qualified Health Centers Services Provider Manual, published by Division of Medicaid and Health Financing, 04/01/2015
- ◆ Updates Podiatric Services Provider Manual, published by Division of Medicaid and Health Financing, 04/01/2015

- ◆ Updates Utah Home and Community-Based Services Waiver for Individuals with Physical Disabilities Provider Manual, published by Division of Medicaid and Health Financing, 04/01/2015
 - ◆ Updates Hospital Services Provider Manual and attachments, published by Division of Medicaid and Health Financing, 04/01/2015
 - ◆ Updates Medical Supplies Provider Manual and Donor Human Milk Request attachment, published by Division of Medicaid and Health Financing, 04/01/2015
 - ◆ Updates Physician Services, Anesthesiology and Laboratory Services Provider Manual with attachments, published by Division of Medicaid and Health Financing, 04/01/2015
 - ◆ Updates Rehabilitative Mental Health and Substance Use Disorder Services Provider Manual, published by Division of Medicaid and Health Financing, 04/01/2015
 - ◆ Updates Home Health Agencies Provider Manual and Private Duty Nursing Acuity Grid attachment, published by Division of Medicaid and Health Financing, 04/01/2015
 - ◆ Updates Utah Home and Community-Based Services Waiver for Technology Dependent, Medically Fragile Individuals Provider Manual, published by Division of Medicaid and Health Financing, 04/01/2015
 - ◆ Updates Pharmacy Services Provider Manual with attachments, published by Division of Medicaid and Health Financing, 04/01/2015
 - ◆ Updates Long Term Care Services in Nursing Facilities Provider Manual with attachments, published by Division of Medicaid and Health Financing, 04/01/2015
 - ◆ Updates Section I: General Information Provider Manual, published by Division of Medicaid and Health Financing, 04/01/2015
 - ◆ Removes Services for Pregnant Women Provider Manual, published by Division of Medicaid and Health Financing, 01/01/2014
 - ◆ Updates Indian Health Utah Medicaid Provider Manual, published by Division of Medicaid and Health Financing, 04/01/2015
 - ◆ Updates Utah Home and Community-Based Waiver Services Medicaid Autism Waiver Provider Manual, published by Division of Medicaid and Health Financing, 04/01/2015
 - ◆ Updates Targeted Case Management for Early Childhood (Ages 0-4) Provider Manual, published by Division of Medicaid and Health Financing, 04/01/2015
 - ◆ Updates Hospice Care Provider Manual and Utah Medicaid Prior Authorization Request for Hospice Services attachment, published by Division of Medicaid and Health Financing, 04/01/2015
 - ◆ Updates Utah Home and Community-Based Waiver Services for Individuals Age 65 or Older Provider Manual, published by Division of Medicaid and Health Financing, 04/01/2015
 - ◆ Updates Utah Home and Community-Based Waiver Services for Individuals with an Acquired Brain Injury Provider Manual, published by Division of Medicaid and Health Financing, 04/01/2015
 - ◆ Updates General Attachments (All Providers) for the Provider Manual, published by Division of Medicaid and Health Financing, 04/01/2015
 - ◆ Updates Coverage and Reimbursement Code Look-up Tool, published by Division of Medicaid and Health Financing, 04/01/2015
 - ◆ Updates Women's Services Provider Manual, published by Division of Medicaid and Health Financing, 04/01/2015
 - ◆ Updates School-Based Skills Development Services Provider Manual, published by Division of Medicaid and Health Financing, 04/01/2015
 - ◆ Updates Chiropractic Medicine Utah Medicaid Provider Manual, published by Division of Medicaid and Health Financing, 04/01/2015
 - ◆ Updates Medical Transportation Provider Manual, published by Division of Medicaid and Health Financing, 04/01/2015
 - ◆ Updates Speech-Language Pathology and Audiology Services Provider Manual, published by Division of Medicaid and Health Financing, 04/01/2015
 - ◆ Updates CHEC Services Provider Manual with attachments, published by Division of Medicaid and Health Financing, 04/01/2015
 - ◆ Updates Primary Care Network Provider Manual with attachments, published by Division of Medicaid and Health Financing, 04/01/2015
 - ◆ Updates Utah Medicaid State Plan, published by Centers for Medicare and Medicaid Services, 04/01/2015
- ANTICIPATED COST OR SAVINGS TO:
- ◆ THE STATE BUDGET: There is no budget impact because this change only fulfills the requirement to incorporate the state plan by reference. Implementation of the state plan is within legislative budget allotments. Further, the rule's incorporation of ongoing Medicaid policy described in the provider manuals and in the look-up tool, and hearings procedures described in the OIG manual do not create costs or savings to the Department or other state agencies.
 - ◆ LOCAL GOVERNMENTS: There is no budget impact because this change only fulfills the requirement to incorporate the state plan by reference. Implementation of the state plan is within legislative budget allotments. Further, the rule's incorporation of ongoing Medicaid policy described in the provider manuals and in the look-up tool, and hearings procedures described in the OIG manual do not create costs or savings to local governments.

♦ **SMALL BUSINESSES:** There is no budget impact because this change only fulfills the requirement to incorporate the state plan by reference. Implementation of the state plan is within legislative budget allotments. Further, the rule's incorporation of ongoing Medicaid policy described in the provider manuals and in the look-up tool, and hearings procedures described in the OIG manual do not create costs or savings to small businesses.

♦ **PERSONS OTHER THAN SMALL BUSINESSES, BUSINESSES, OR LOCAL GOVERNMENTAL ENTITIES:** There is no budget impact because this change only fulfills the requirement to incorporate the state plan by reference. Implementation of the state plan is within legislative budget allotments. Further, the rule's incorporation of ongoing Medicaid policy described in the provider manuals and in the look-up tool, and hearings procedures described in the OIG manual do not create costs or savings to Medicaid recipients and to Medicaid providers.

COMPLIANCE COSTS FOR AFFECTED PERSONS: There are no compliance costs because this change only fulfills the requirement to incorporate the state plan by reference. Implementation of the state plan is within legislative budget allotments. Further, the rule's incorporation of ongoing Medicaid policy described in the provider manuals and in the look-up tool, and hearings procedures described in the OIG manual do not create costs or savings to a single Medicaid recipient or to a Medicaid provider.

COMMENTS BY THE DEPARTMENT HEAD ON THE FISCAL IMPACT THE RULE MAY HAVE ON BUSINESSES: There is no additional impact on businesses because all changes are already in the state plan.

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 05/15/2015

THIS RULE MAY BECOME EFFECTIVE ON: 05/22/2015

AUTHORIZED BY: David Patton, PhD, Executive Director

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

R414-1. Utah Medicaid Program.

R414-1-5. Incorporations by Reference.

The Department incorporates the ~~January~~ April 1, 2014, versions of the following by reference:

(1) Utah Medicaid State Plan, including any approved amendments, under Title XIX of the Social Security Act Medical Assistance Program;

(2) Medical Supplies Utah Medicaid Provider Manual, Section 2, Medical Supplies, as applied in Rule R414-70, and the manual's attachment for Donor Human Milk Request Form;

(3) Hospital Services Utah Medicaid Provider Manual with its attachments;

(4) Home Health Agencies Utah Medicaid Provider Manual, and the manual's attachment for the Private Duty Nursing Acuity Grid;

(5) Speech-Language Pathology and Audiology Services Utah Medicaid Provider Manual;

(6) Hospice Care Utah Medicaid Provider Manual, and the manual's attachment for the Utah Medicaid Prior Authorization Request for Hospice Services;

(7) Long Term Care Services in Nursing Facilities Utah Medicaid Provider Manual with its attachments;

(8) Personal Care Utah Medicaid Provider Manual ~~[with its attachments]~~ and the manual's attachment for the Request for Prior Authorization: Personal Care and Capitated Programs;

(9) Utah Home and Community-Based Waiver Services for Individuals Age 65 or Older Utah Medicaid Provider Manual;

(10) Utah Home and Community-Based Waiver Services for Individuals with an Acquired Brain Injury ~~[Age 18 and Older]~~ Utah Medicaid Provider Manual;

(11) Utah ~~[Home and]~~ Community[-Based] Supports Waiver for Individuals with Intellectual Disabilities or Other Related Conditions Utah Medicaid Provider Manual;

(12) Utah Home and Community-Based ~~[Waiver Services]~~ Services Waiver for Individuals with Physical Disabilities Utah Medicaid Provider Manual;

(13) Utah Home and Community-Based Waiver Services New Choices Waiver Utah Medicaid Provider Manual;

(14) Utah Home and Community-Based ~~[Waiver Services]~~ Services Waiver for Technology Dependent, Medically Fragile Individuals Utah Medicaid Provider Manual;

(15) Utah Home and Community-Based Waiver Services Medicaid Autism Waiver Utah Medicaid Provider Manual;

(16) Office of Inspector General Administrative Hearings Procedures Manual;

(17) Pharmacy Services Utah Medicaid Provider Manual with its attachments;

(18) Coverage and Reimbursement Code Look-up Tool found at <http://health.utah.gov/medicaid/stplan/lookup/CoverageLookup.php>;

(19) CHEC Services Utah Medicaid Provider Manual with its attachments;

(20) Chiropractic Medicine Utah Medicaid Provider Manual;

- (21) Dental, Oral Maxillofacial, and Orthodontia Services Utah Medicaid Provider Manual;
- (22) General Attachments (All Providers) for the Utah Medicaid Provider Manual;
- (23) Indian Health Utah Medicaid Provider Manual;
- (24) Laboratory Services Utah Medicaid Provider Manual with its attachments;
- (25) Medical Transportation Utah Medicaid Provider Manual;
- (26) Non-Traditional Medicaid ~~[Health—]~~Plan Utah Medicaid Provider Manual with its attachments;
- (27) Licensed Nurse Practitioner Utah Medicaid Provider Manual;
- (28) Physical Therapy and Occupational Therapy Services Utah Medicaid Provider Manual, and the manual's attachment for Physical Therapy and Occupational Therapy Decision Tables;
- (29) Physician Services, ~~[and—]~~Anesthesiology and Laboratory Services Utah Medicaid Provider Manual with its attachments;
- (30) Podiatric Services Utah Medicaid Provider Manual;
- (31) Primary Care Network Utah Medicaid Provider Manual with its attachments;
- (32) Psychology Services Utah Medicaid Provider Manual;
- (33) Rehabilitative Mental Health and Substance Use Disorder Services Utah Medicaid Provider Manual;
- (34) Rural Health Clinics and Federally Qualified Health Centers Services Utah Medicaid Provider Manual; ~~[with its attachments;]~~
- (35) School-Based Skills Development Services Utah Medicaid Provider Manual;
- (36) Section I: General Information ~~[of the—]~~Utah Medicaid Provider Manual;
- ~~[(37) Services for Pregnant Women Utah Medicaid Provider Manual;~~
- (3~~8~~7) Targeted Case Management for Individuals with Serious Mental Illness Utah Medicaid Provider Manual;
- (3~~9~~8) Targeted Case Management for Early Childhood (Ages 0-4) Utah Medicaid Provider Manual;
- ~~[(40)39]~~ Vision Care Services Utah Medicaid Provider Manual; and
- (4~~1~~0) Women's Services Utah Medicaid Provider Manual.

KEY: Medicaid
Date of Enactment or Last Substantive Amendment: ~~[March 2,]~~ 2015
Notice of Continuation: March 2, 2012
Authorizing, and Implemented or Interpreted Law: 26-1-5; 26-18-3; 26-34-2

Judicial Performance Evaluation
 Commission, Administration
R597-3-2
 Survey

NOTICE OF PROPOSED RULE
 (Amendment)

DAR FILE NO.: 39244
 FILED: 03/26/2015

RULE ANALYSIS

PURPOSE OF THE RULE OR REASON FOR THE CHANGE: The amendment will move a provision currently applicable only to attorney survey respondents so that it can also apply to other respondent groups.

SUMMARY OF THE RULE OR CHANGE: Currently, attorney respondents can receive no more than nine surveys. Other respondents can receive an unlimited number of surveys. By moving the attorney provision and broadening its language, the limit can then apply to other survey respondent groups.

STATUTORY OR CONSTITUTIONAL AUTHORIZATION FOR THIS RULE: Sections 78A-12-201 through 78A-12-208

ANTICIPATED COST OR SAVINGS TO:

- ◆ **THE STATE BUDGET:** This change has no impact on the state budget because it affects only the way surveys are distributed by the third party contractor. It does not impact the state contract with this entity; it simply changes the contractor's internal rules for distributing surveys to potential respondents.
- ◆ **LOCAL GOVERNMENTS:** The commission has no authority with respect to local government and no dealings with local government. Consequently, this change has no fiscal impact on such entities.
- ◆ **SMALL BUSINESSES:** The commission has no authority with respect to small businesses and no dealings with small businesses. Consequently, this change has no fiscal impact on such entities.
- ◆ **PERSONS OTHER THAN SMALL BUSINESSES, BUSINESSES, OR LOCAL GOVERNMENTAL ENTITIES:** The only persons affected are the third party contractors who determine who gets a survey. While this change directs the contractor about how to distribute surveys to potential survey respondents, this is a small internal change that has no impact on the state contract with this entity.

COMPLIANCE COSTS FOR AFFECTED PERSONS: There is no compliance cost associated with this change. The original contract with this vendor remains unaltered. This is simply a change to the internal sampling protocol.

COMMENTS BY THE DEPARTMENT HEAD ON THE FISCAL IMPACT THE RULE MAY HAVE ON BUSINESSES: This change has no fiscal impact on any 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 05/15/2015

THIS RULE MAY BECOME EFFECTIVE ON: 05/22/2015

AUTHORIZED BY: John Ashton, Chair

R597. Judicial Performance Evaluation Commission, Administration.

R597-3. Judicial Performance Evaluations.

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.

(d) The commission may select retention survey questions from among the midterm survey questions.

(e) Periodically, reviews may be conducted to ensure compliance with administrative rules governing the survey process.

(f) The commission may consider narrative survey comments that cannot be reduced to a numerical score.

(g) 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 respondent, but in no event shall any respondent receive more than nine survey requests.

(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.

(d) 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 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.

KEY: judicial performance evaluations, judges, evaluation cycles, surveys

Date of Enactment or Last Substantive Amendment: ~~August 8, 2014~~ **2015**

Notice of Continuation: February 17, 2014

Authorizing, and Implemented or Interpreted Law: 78A-12

**Judicial Performance Evaluation
 Commission, Administration
 R597-3-3
 Courtroom Observation**

**NOTICE OF PROPOSED RULE
 (Amendment)**

**DAR FILE NO.: 39243
 FILED: 03/26/2015**

RULE ANALYSIS

PURPOSE OF THE RULE OR REASON FOR THE CHANGE: The change gives the Commission more

discretion in determining how long volunteer courtroom observers should participate in the program.

SUMMARY OF THE RULE OR CHANGE: The change eliminates both the minimum one-year-of-service requirement and the maximum three-year limit on service.

STATUTORY OR CONSTITUTIONAL AUTHORIZATION FOR THIS RULE: Sections 78A-12-201 through 78A-12-208

ANTICIPATED COST OR SAVINGS TO:

♦ **THE STATE BUDGET:** This change has no impact on the state budget because it only gives the Commission discretion in deciding how long volunteers serve. It does not impact the number of judges who must be observed, which is what determines cost.

♦ **LOCAL GOVERNMENTS:** The commission does not have any dealings with local government, so there is no cost or savings to those entities as a result of this change.

♦ **SMALL BUSINESSES:** The commission has no authority with respect to small businesses and no dealings with small businesses; consequently, there is no impact on such entities.

♦ **PERSONS OTHER THAN SMALL BUSINESSES, BUSINESSES, OR LOCAL GOVERNMENTAL ENTITIES:** The only affected persons are the courtroom observation volunteers, so there is no anticipated cost or savings to them.

COMPLIANCE COSTS FOR AFFECTED PERSONS: The only affected persons are the courtroom observers. Because the rule change has no cost implications, they incur no compliance costs.

COMMENTS BY THE DEPARTMENT HEAD ON THE FISCAL IMPACT THE RULE MAY HAVE ON BUSINESSES: The 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 05/15/2015

THIS RULE MAY BECOME EFFECTIVE ON: 05/22/2015

AUTHORIZED BY: John Ashton, Chair

R597. Judicial Performance Evaluation Commission, Administration.**R597-3. Judicial Performance Evaluations.****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.

(vi) 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.

KEY: judicial performance evaluations, judges, evaluation cycles, surveys
Date of Enactment or Last Substantive Amendment: ~~August 8, 2014~~ 2015
Notice of Continuation: February 17, 2014
Authorizing, and Implemented or Interpreted Law: 78A-12

Public Safety, Driver License
R708-14
Adjudicative Proceedings For Driver License Actions Involving Alcohol and Drugs

NOTICE OF PROPOSED RULE
 (Amendment)
 DAR FILE NO.: 39236
 FILED: 03/23/2015

RULE ANALYSIS

PURPOSE OF THE RULE OR REASON FOR THE CHANGE: This change was recommended by the Utah State Bar and Attorney General's Office to maintain the integrity of the process.

SUMMARY OF THE RULE OR CHANGE: The change being made is to add wording stating the the driver may represent him/herself or be represented by a state-licensed attorney at a hearing.

STATUTORY OR CONSTITUTIONAL AUTHORIZATION FOR THIS RULE: Section 53-3-104 and Subsection 63G-4-203(1)

ANTICIPATED COST OR SAVINGS TO:

- ◆ **THE STATE BUDGET:** This change will neither cost, or save, any money because the proposed change does not affect the state budget; the change simply provides an option for representation to the driver.
- ◆ **LOCAL GOVERNMENTS:** This change will neither cost, or save, any money because the proposed change does not affect local government; the change simply provides an option for representation to the driver.
- ◆ **SMALL BUSINESSES:** This change will neither cost, or save, any money because the proposed change does not affect small businesses; the change simply provides an option for representation to the driver.
- ◆ **PERSONS OTHER THAN SMALL BUSINESSES, BUSINESSES, OR LOCAL GOVERNMENTAL ENTITIES:** If the individual chooses to retain counsel for a hearing, there may be a cost incurred to the person.

COMPLIANCE COSTS FOR AFFECTED PERSONS: If the individual chooses to retain counsel for a hearing, there may be a cost incurred to the person.

COMMENTS BY THE DEPARTMENT HEAD ON THE FISCAL IMPACT THE RULE MAY HAVE ON BUSINESSES: There will be no fiscal impact on businesses with this administrative rule amendment.

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

PUBLIC SAFETY
 DRIVER LICENSE
 CALVIN L RAMPTON COMPLEX
 4501 S 2700 W 3RD FL
 SALT LAKE CITY, UT 84119-5595
 or at the Division of Administrative Rules.

DIRECT QUESTIONS REGARDING THIS RULE TO:

◆ Marge Dalton by phone at 801-965-4456, by FAX at 801-957-8502, or by Internet E-mail at modalton@utah.gov

INTERESTED PERSONS MAY PRESENT THEIR VIEWS ON THIS RULE BY SUBMITTING WRITTEN COMMENTS NO LATER THAN AT 5:00 PM ON 05/15/2015

THIS RULE MAY BECOME EFFECTIVE ON: 05/26/2015

AUTHORIZED BY: Nannette Rolfe, Director

R708. Public Safety, Driver License.
R708-14. Adjudicative Proceedings For Driver License Actions Involving Alcohol and Drugs.
R708-14-1. Purpose.

The purpose of this rule is to establish procedures to be used by the Utah Driver License Division for alcohol/drug adjudicative proceedings.

R708-14-2. Authority.

This rule is authorized by Section 53-3-104 and Subsection 63G-4-203(1).

R708-14-3. Definitions.

(1) "Adjudicative proceeding" means any meeting, conference, session or hearing, in person or otherwise, between a person and a presiding officer or designee of the division, that is intended to resolve a dispute.

(2) "Division" means the Driver License Division of the Utah Department of Public Safety.

(3) "Division record" means the entire division file, including written reports received or generated by the division. It also includes, but is not limited to, minutes, written comments, presiding officer's written statements and summaries, testimony, evidence, findings of fact, conclusions of law, recommendations, and orders.

(4) "Hearing" means an alcohol/drug adjudicative proceeding where evidence is considered to determine an issue of fact and to adjudicate a legal right or privilege.

(5) "Presiding officer" means a division employee with authority to conduct alcohol/drug adjudicative proceedings.

(6) "Recording" means documenting, by electronic or other means, the testimony or information presented at an alcohol/drug adjudicative proceeding.

R708-14-4. Designations.

(1) In compliance with Section 63G-4-202, all division alcohol/drug adjudicative proceedings are designated as informal proceedings, unless converted to formal proceedings by a presiding officer or division supervisor.

(2) An informal proceeding may be converted to a formal proceeding only if approved by a division supervisor and only if the conversion will promote efficiency, public safety, and not unreasonably increase cost.

(3) The driver may represent him/herself or be represented by a State Licensed attorney in the adjudicative proceeding.

R708-14-5. Authority for Conducting Adjudicative Proceedings.

Alcohol/drug adjudicative proceedings will be conducted in accordance with Sections 41-6a-521, 53-3-223, 53-3-231, 53-3-418, 63G-4-203, and this rule.

R708-14-6. Commencement of Adjudicative Proceedings.

(1) In accordance with Subsection 63G-4-201, alcohol/drug adjudicative proceedings may be commenced by:

(a) a notice of division action, if the proceedings are commenced by the division; or

(b) a request for division action, if the proceedings are commenced by a person other than the division.

(2) A notice of division action and request for division action shall include the information set forth in Subsections 63G-4-201(2)(a) and (3)(a) respectively. In addition, a request for division action shall include the petitioner's full name, date of birth, and the date of arrest or occurrence which prompted the request for division action. A request for division action that is not made timely, in accordance with Subsections 53-3-223(6)(a), 53-3-231(7)(a)(ii), and

53-3-418(9)(b), will not be granted except for good cause as determined by the division.

R708-14-7. Alcohol/Drug Adjudicative Proceedings.

The alcohol/drug adjudicative proceedings deal with the following types of hearings:

(a) driving under the influence of alcohol/drugs (per-se), Section 53-3-223;

(b) implied consent (refusal), Section 41-6a-520;

(c) measurable metabolite in body, Section 41-6a-517;

(d) consumption by a minor (not a drop), Section 53-3-231; and

(e) CDL (.04), Section 53-3-418.

R708-14-8. Hearing Procedures.

(1) Time and place. Alcohol/drug adjudicative proceedings will be held in the county of arrest or a county which is adjacent to the county in which the offense occurred, at a time and place designated by the division, or agreed upon by the parties.

(2) Notice. Notice shall be given as provided in Subsection 53-3-216(4) unless otherwise agreed upon by the parties. Notice shall be given on a form approved by the division and is deemed to be signed by the presiding officer. The notice need only inform the parties as to the date, time, place, and basic purpose of the proceeding. The parties are deemed to have knowledge of the law.

(3) Default. If the driver fails to respond timely to a division request or notice, a default may be entered in accordance with Section 63G-4-209.

(4) Evidence. The parties and witnesses may testify under oath, present evidence, and comment on pertinent issues. The presiding officer may exclude irrelevant, repetitious, immaterial, or privileged information or evidence. The presiding officer may consider hearsay evidence and receive documentary evidence, including copies or excerpts.

(5) Information. The driver shall have access to information in the division file to the extent permitted by law.

(6) Subpoenas. Discovery is prohibited, but the division may issue subpoenas or other orders to compel production of necessary evidence. Subpoenas may be issued by the division at the request of the driver if the costs of the subpoenas are paid by the driver and will not delay the proceeding.

(7) Administrative notice. The presiding officer has discretion to take administrative notice of records, procedures, rules, policies, technical scientific facts within the presiding officer's specialized knowledge or experience, or of any other facts that could be judicially noticed.

(8) Presiding officer. The presiding officer may:

(a) administer oaths;

(b) issue subpoenas;

(c) conduct prehearing conferences by telephone or in person to clarify issues, dispose of procedural questions, and expedite the hearing;

(d) tape record or take notes of the hearing at his/her discretion;

(e) take appropriate measures to preserve the integrity of the hearing; and

(f) conduct hearings in accordance with division policy III-A-3, III-A-4, and III-A-5.

R708-14-9. Findings, Conclusions, Recommendations and Orders.

(1) Within a reasonable period of time after the close of the hearing, the presiding officer will issue a written decision that may include findings of fact, conclusions of law, and a recommendation.

(2) Statements reflecting findings of fact, conclusions of law, and recommendation may be written on forms that utilize a system of check boxes and fill in blanks. The completed form will be transmitted to the presiding officer's supervisor as soon as possible for the preparation of an order that complies with Subsection 63G-4-203(1)(i).

(3) As provided in Subsection 53-3-216(4), the order will be mailed to the last known address of the driver.

(4) The order shall advise the driver of his/her right to seek a copy of written findings, conclusions, and recommendation of the presiding officer, and these will be made available to the driver only upon written request.

R708-14-10. Reconsideration.

In accordance with Section 63G-4-302 a driver may file a request for reconsideration of the order within 20 days after receiving it. If the division does not issue an amended order within 20 days after receiving the request for reconsideration, the request for reconsideration shall be considered denied, and the driver may seek judicial review in accordance with Section 63G-4-402.

KEY: adjudicative proceedings

Date of Enactment or Last Substantive Amendment: ~~July 6, 2009~~ 2015

Notice of Continuation: January 9, 2012

Authorizing, and Implemented or Interpreted Law: 53-3-104; 63G-4-203(1)

**Public Service Commission,
Administration
R746-100-3
Pleadings**

NOTICE OF PROPOSED RULE

(Amendment)

DAR FILE NO.: 39234

FILED: 03/23/2015

RULE ANALYSIS

PURPOSE OF THE RULE OR REASON FOR THE CHANGE: Some filings with the Public Service Commission (PSC) include a significant volume of individual files in connection with testimony, exhibits, and workpapers. The PSC posts all of these filings on the PSC website. This rule will streamline that process and reduce the potential for errors on the website, thus increasing transparency of PSC dockets.

SUMMARY OF THE RULE OR CHANGE: Electronic files submitted to the PSC containing testimony, exhibits, or

workpapers will be required to be identified with an accurate and descriptive electronic file name.

STATUTORY OR CONSTITUTIONAL AUTHORIZATION FOR THIS RULE: Section 54-1-1 and Section 54-1-6 and Section 54-3-21 and Section 54-4-1 and Section 54-4-1.5 and Section 54-4-2 and Section 54-7-17 and Title 63G, Chapter 4

ANTICIPATED COST OR SAVINGS TO:

◆ **THE STATE BUDGET:** This will provide some increased efficiency for PSC staff when posting electronic files to the website, but most public utilities already follow these naming conventions in their electronic filings.

◆ **LOCAL GOVERNMENTS:** Local governments rarely file documents with the PSC, and when they do, these naming conventions will not result in any cost or savings.

◆ **SMALL BUSINESSES:** Most businesses who file documents with the PSC already follow these naming conventions, and those who do not will be able to adopt these conventions without any cost or savings.

◆ **PERSONS OTHER THAN SMALL BUSINESSES, BUSINESSES, OR LOCAL GOVERNMENTAL ENTITIES:** Adopting these naming conventions will not impose any cost or savings on any person who files with the PSC.

COMPLIANCE COSTS FOR AFFECTED PERSONS: Adoption of an electronic filing naming convention will not impose any cost on a person filing with the PSC.

COMMENTS BY THE DEPARTMENT HEAD ON THE FISCAL IMPACT THE RULE MAY HAVE ON BUSINESSES: This rule change will increase government transparency and accuracy without imposing any fiscal impact on any party who files documents with the PSC.

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:

◆ Jordan White by phone at 801-530-6712, or by Internet E-mail at jordanwhite@utah.gov

◆ Sheri Bintz by phone at 801-530-6714, by FAX at 801-530-6796, or by Internet E-mail at sbintz@utah.gov

INTERESTED PERSONS MAY PRESENT THEIR VIEWS ON THIS RULE BY SUBMITTING WRITTEN COMMENTS NO LATER THAN AT 5:00 PM ON 05/15/2015

THIS RULE MAY BECOME EFFECTIVE ON: 05/22/2015

AUTHORIZED BY: Jordan White, Legal Counsel

R746. Public Service Commission, Administration.
R746-100. Practice and Procedures Governing Formal Hearings.
R746-100-3. Pleadings.

A. Pleadings Enumerated -- Applications, petitions, complaints, orders to show cause, and other traditional initiatory pleadings may be filed with the Commission. Traditional pleadings will be considered requests for agency action, pursuant to Section 63G-4-201, concerning adjudicative proceedings. Answers, protests, and other traditional responsive pleadings may be filed with the Commission and will be considered responses, subject to the requirements of Section 63G-4-204.

1. The following filings are not requests for agency action or responses, pursuant to Sections 63G-4-201 and 63G-4-204:

- a. motions, oppositions, and similar filings in existing Commission proceedings;
- b. informational filings which do not request or require affirmative action, such as Commission approval.

B. Docket Number and Title --

1. Docket number -- Upon the filing of an initiatory pleading, or upon initiation of a generic proceeding, the Commission shall assign a docket number to the proceeding which shall consist of the year in which the pleading was filed, a code identifying the public utility appearing as applicant, petitioner, or respondent, or generic code designation and another number showing its numerical position among the filings involving the utility or generic proceeding filed during the year.

2. Headings and titles -- Pleadings shall bear a heading substantially as follows:

TABLE

Name of Attorney preparing or Signer of Pleading
 Address
 Telephone Number

BEFORE THE PUBLIC SERVICE COMMISSION OF UTAH

 In the Matter of the)
 Application, petition,) Docket Number
 etc.-- for complaints,)
 names of both complainant) Type of pleading
 and respondent should)
 appear)

C. Form of Pleadings --

1. With the exception of consumer complaints, pleadings shall be double-spaced and in a font of at least 12 points.

2. Pleadings shall be presented for filing on paper 8-1/2 x 11 inches, shall include the docket number, if known, and shall be dated and time stamped upon receipt by the Commission.

3. Pleadings also shall [also] be presented as an electronic word processing document that is substantially the same as the paper version filed, and may be transmitted electronically to the e-mail address the Commission designates for such purposes or presented in electronic media (i.e., compact disc (CD)), using a Commission-approved format.

4. In electronic pleadings, each file shall be identified by an electronic file name that includes at least the following, if applicable to the specific file:

- a. the word "direct" "rebuttal" or "surrebuttal";

- b. the last name of the witness; and
- c. the word "exhibit" or "workpapers" followed by any applicable identification number or letter.

5. Pleadings over five pages shall be double sided and three-hole punched.

6. A filing is not complete until the original and all required copies -- both paper and electronic -- are provided to the Commission in the form described. If an electronic document is filed in Portable Document Format (PDF) and PDF is not the format of the filing party's source document:

[1-]a. the electronic document shall also be provided in its original format; and

[2-]b. the PDF document shall include footnote references describing the name and location of the source document in the filed electronic media.

D. Certificate of Service -- A Certificate of Service must be attached to all pleadings filed with the Commission, certifying that a true and correct copy of the pleading was served upon each of the parties in the manner and on the date specified. A filing is not complete without this certificate of service.

E. Pleadings Containing Confidential and Highly Confidential Information --

1. Pleadings, including all accompanying documents, containing information claimed to be confidential or highly confidential, as described in R746-100-16, shall be filed in accordance with R746-100-3(C) and shall conform to the following additional requirements:

a. The paper version of a pleading containing confidential information shall be filed on yellow paper with the confidential portion of the pleading denoted by shading, highlighting, or other readily identifiable means. Both the paper and the electronic versions presented for filing shall be designated confidential in accordance with R746-100-16(A)(1)(b).

b. The paper version of a pleading containing highly confidential information shall be filed on pink paper with the highly confidential portions of the pleadings denoted by shading, highlighting, or other readily identifiable means. Both the paper and electronic versions presented for filing shall be designated highly confidential in accordance with R746-100-16(A)(1)(g).

c. A non-confidential version shall also be filed, in both paper and electronic form, from which all confidential and highly confidential information must be redacted. All copies of this version shall be clearly labeled as "Non-Confidential - Redacted Version."

F. Amendments to Pleadings -- The Commission may allow pleadings to be amended or corrected at any time. Initiatory pleadings may be amended without leave of the Commission at any time before a responsive pleading has been filed or the time for filing the pleading has expired. Defects in pleadings which do not affect substantial rights of the parties shall be disregarded.

G. Signing of Pleadings -- Pleadings shall be signed by the party, or by the party's attorney or other authorized representative if the party is represented by an attorney or other authorized representative, and shall show the signer's address. The signature shall be considered a certification by the signer that he has read the pleading and that, to the best of his knowledge and belief, there is good ground to support it.

H. Consumer Complaints --

1. Alternative dispute resolution, mediation procedures -- Before a proceeding on a consumer complaint is initiated before the Commission, the Commission shall try to resolve the matter through

referral first to the customer relations department, if any, of the public utility complained of and then to the Division for investigation and mediation. Only after these resolution efforts have failed will the Commission entertain a proceeding on the matter.

2. Request for agency action -- Persons requesting Commission action shall be required to file a complaint in writing, requesting agency action. The Commission shall not act on illegible or incomplete complaints and shall return those complaints to the complainant with instructions for correction or completion.

3. The Division of Public Utilities may participate in a consumer complaint proceeding as determined by the Division or as requested by the Commission.

I. Content of Pleadings --

1. Pleadings filed with the Commission shall include the following information as applicable:

a. if known, the reference numbers, docket numbers, or other identifying symbols of relevant tariffs, rates, schedules, contracts, applications, rules, or similar matter or material;

b. the name of each participant for whom the filing is made or, if the filing is made for a group of participants, the name of the group, if the name of each member of the group is set forth in a previously filed document which is identified in the filing being made;

c. if statute, rule, regulation, or other authority requires the Commission to act within a specific time period for a matter at issue, a specific section of the pleading, located after the heading or caption, entitled "Proceeding Time Period," shall include: reference or citation to the statute, rule, regulation, or other authority; identification of the time period; and the expiration date of the time period identified by day, month, and year;

d. the specific authorization or relief sought;

e. copies of, or references to, tariff or rate sheets relevant to the pleading;

f. the name and address of each person against whom the complaint is directed;

g. the relevant facts, if not set forth in a previously filed document which is identified in the filing being made;

h. the position taken by the participant filing a pleading, to the extent known when the pleading is filed, and the basis in fact and law for the position;

i. the name, address, and telephone number of an individual who, with respect to a matter contained in the filing, represents the person for whom the filing is made;

j. additional information required to be included by Section 63G-4-201, concerning commencement of adjudicative proceedings, or other statute, rule, or order.

J. Motions -- Motions may be submitted for the Commission's decision on either written or oral argument, and the filing of affidavits in support or contravention of the motion is permitted. If oral argument is sought, the party seeking oral argument shall arrange a hearing date with the secretary of the Commission and provide at least five days written notice to affected parties, unless the Commission determines a shorter time period is needed.

K. Responsive Pleadings --

1. Responsive pleadings to applications, petitions, or requests for agency action shall be filed in accordance with Section 63G-4-204.

2. Response and reply pleadings may be filed to pleadings other than applications, petitions or requests for agency action.

KEY: government hearings, public utilities, rules and procedures, confidential information

Date of Enactment or Last Substantive Amendment: ~~July 9, 2012~~ **2015**

Notice of Continuation: November 28, 2012

Authorizing, and Implemented or Interpreted Law: 54-1-1; 54-1-3; 54-1-6; 54-3-21; 54-4-1; 54-4-1.5; 54-4-2; 54-7-17; 63G-4

**Public Service Commission,
Administration
R746-100-11
Decisions and Orders**

**NOTICE OF PROPOSED RULE
(Amendment)**

DAR FILE NO.: 39235

FILED: 03/23/2015

RULE ANALYSIS

PURPOSE OF THE RULE OR REASON FOR THE CHANGE: This rule change will make the requirements for requests for review or rehearing of a Public Service Commission (PSC) order consistent with Rule 24(a)(9) of the Utah Rules of Appellate Procedure, as recently interpreted by the Utah Supreme Court in *State v. Nielsen*, 2014 UT 10, 326 P.3d 645. This change will increase transparency to all parties participating in a docket that is subject to review or rehearing, and will ensure a more robust review of the request.

SUMMARY OF THE RULE OR CHANGE: A party who files a petition for review or rehearing with the PSC, who includes a request for the PSC to modify a fact finding, will be required to marshal all record evidence that supports the challenged finding.

STATUTORY OR CONSTITUTIONAL AUTHORIZATION FOR THIS RULE: Section 54-1-1 and Section 54-1-3 and Section 54-1-6 and Section 54-3-21 and Section 54-4-1 and Section 54-4-1.5 and Section 54-4-2 and Section 54-7-17 and Title 63G, Chapter 4

ANTICIPATED COST OR SAVINGS TO:

◆ **THE STATE BUDGET:** This change does not modify the process for PSC review of motions for review or rehearing. State agencies who file a petition for review or rehearing must satisfy this legal requirement, but there is no anticipated cost or savings associated with the requirement.

◆ **LOCAL GOVERNMENTS:** Parties who file a petition for review or rehearing must satisfy this legal requirement, but there is no anticipated cost or savings associated with the requirement.

◆ **SMALL BUSINESSES:** Parties who file a petition for review or rehearing must satisfy this legal requirement, but there is

no anticipated cost or savings associated with the requirement.

◆ **PERSONS OTHER THAN SMALL BUSINESSES, BUSINESSES, OR LOCAL GOVERNMENTAL ENTITIES:** Parties who file a petition for review or rehearing must satisfy this legal requirement, but there is no anticipated cost or savings associated with the requirement.

COMPLIANCE COSTS FOR AFFECTED PERSONS: Parties who file a petition for review or rehearing must satisfy this legal requirement, but there is no anticipated cost or savings associated with the requirement.

COMMENTS BY THE DEPARTMENT HEAD ON THE FISCAL IMPACT THE RULE MAY HAVE ON BUSINESSES: This rule change will make proceedings involving a petition for review or rehearing more transparent and more robust. As a party petitioning for review or rehearing satisfies this requirement, all other parties participating in the docket will have a better understanding of the basis for the petition.

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:

◆ Jordan White by phone at 801-530-6712, or by Internet E-mail at jordanwhite@utah.gov
◆ Sheri Bintz by phone at 801-530-6714, by FAX at 801-530-6796, or by Internet E-mail at sbintz@utah.gov

INTERESTED PERSONS MAY PRESENT THEIR VIEWS ON THIS RULE BY SUBMITTING WRITTEN COMMENTS NO LATER THAN AT 5:00 PM ON 05/15/2015

THIS RULE MAY BECOME EFFECTIVE ON: 05/22/2015

AUTHORIZED BY: Jordan White, Legal Counsel

R746. Public Service Commission, Administration.

R746-100. Practice and Procedures Governing Formal Hearings.

R746-100-11. Decisions and Orders.

A. Generally -- Decisions and orders may be drafted by the Commission or by parties as the Commission may direct. Draft or proposed orders shall contain a heading similar to that of pleadings and bear at the top the name, address, and telephone number of the persons preparing them. Final orders shall have a concise summary of the case containing the salient facts, the issues considered by the Commission, and the Commission's disposition of them. A short synopsis of the order, placed at the beginning of the order, shall describe the final resolutions made in the order.

B. Recommended Orders -- If a case has been heard by less than the full Commission, or by an administrative law judge, the

official hearing the case shall submit to the Commission a recommended report containing proposed findings of fact, conclusions of law, and an order based thereon.

C. Final Orders of Commission -- If a case has been heard by the full Commission, it shall confer following the hearing. Upon reaching its decision, the Commission shall draft or direct the drafting of a report and order, which upon signature of at least two Commissioners shall become the order of the Commission. Dissenting and concurring opinions of individual commissioners may be filed with the order of the Commission.

D. Deliberations -- Deliberations of the Commission shall be in closed chambers.

E. Effective Date -- Copies of the Commission's final report and order shall be served upon the parties of record. Orders shall be effective the date of issuance unless otherwise stated in the order. Upon petition of a party, and for good cause shown, the Commission may extend the time for compliance fixed in an order.

F. Review or Rehearing -- Petitions for review or rehearing shall be filed within 30 days of the issuance date of the order in accordance with Section 63G-4-301 and served on other parties of record.

1. A party asking the Commission to modify a fact finding must marshal the record evidence that supports the challenged finding as set forth in State v. Nielsen, 2014 UT 10, paragraphs 33-44, 326 P.3d 645.

2. Following the filing of a petition for review, opposing parties may file responsive memoranda or pleadings within 15 days.

3. Proceedings on review shall be in accordance with Section 54-7-15.

4. A petition for reconsideration pursuant to Section 63G-4-302 is not required in order for a party to exhaust its administrative remedies prior to appeal.

KEY: government hearings, public utilities, rules and procedures, confidential information

Date of Enactment or Last Substantive Amendment: ~~July 9, 2012~~ 2015

Notice of Continuation: November 28, 2012

Authorizing, Implemented, or Interpreted Law: 54-1-1; 54-1-3; 54-1-6; 54-3-21; 54-4-1; 54-4-1.5; 54-4-2; 54-7-17; 63G-4

Public Service Commission,
Administration
R746-200-7
Termination of Service

NOTICE OF PROPOSED RULE
(Amendment)

DAR FILE NO.: 39246

FILED: 03/30/2015

RULE ANALYSIS

PURPOSE OF THE RULE OR REASON FOR THE CHANGE: The purpose of this proposed rule change is to provide utility customers who rely on life-supporting

equipment the same protections they currently receive with respect to termination of utility service, while at the same time reducing the regulatory burden on both the utility and on the Division of Public Utilities. This proposed rule change is designed to provide affected customers with the same right to request a hearing while eliminating some of the paperwork and filing requirements.

SUMMARY OF THE RULE OR CHANGE: Changing the current process under which a public utility must petition the Public Service Commission for approval to terminate utility service in some instances, this proposed rule change eliminates the requirement for the utility to petition for approval. Instead, the proposed rule change increases the disclosures the public utility is required to include in a notice of proposed termination involving life-supporting equipment (clearly and plainly informing the customer of the customer's rights), and provides to the affected customer a right to request an expedited hearing within the same time frame currently allowed to protest a petition for approval.

STATUTORY OR CONSTITUTIONAL AUTHORIZATION FOR THIS RULE: Section 54-4-1 and Section 54-4-7 and Section 54-7-25 and Section 54-7-9

ANTICIPATED COST OR SAVINGS TO:

- ◆ **THE STATE BUDGET:** The proposed rule change should result in a slight decrease in filing requirements that apply to the Division of Public Utilities with a negligible cost savings.
- ◆ **LOCAL GOVERNMENTS:** This rule does not apply to public utilities operated by municipalities, and local governments will not be impacted by this proposed rule change.
- ◆ **SMALL BUSINESSES:** The proposed rule change should result in a slight decrease in filing requirements that apply to a public utility with a negligible cost savings.
- ◆ **PERSONS OTHER THAN SMALL BUSINESSES, BUSINESSES, OR LOCAL GOVERNMENTAL ENTITIES:** The proposed rule change should result in a slight decrease in filing requirements that apply to a public utility with a negligible cost savings.

COMPLIANCE COSTS FOR AFFECTED PERSONS: Public utility customers who use life-supporting equipment will continue to receive the same protections with respect to termination of public utility service, and will retain the option to request an expedited hearing in the same way they currently may protest a proposed termination of utility service.

COMMENTS BY THE DEPARTMENT HEAD ON THE FISCAL IMPACT THE RULE MAY HAVE ON BUSINESSES: This proposed rule change will protect the current rights of utility customers who rely on life-supporting equipment while reducing the filing and paperwork requirements that currently apply to the public utility and to the Division of Public Utilities. Negligible cost savings should result.

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:

- ◆ Jordan White by phone at 801-530-6712, or by Internet E-mail at jordanwhite@utah.gov
- ◆ Sheri Bintz by phone at 801-530-6714, by FAX at 801-530-6796, or by Internet E-mail at sbintz@utah.gov

INTERESTED PERSONS MAY PRESENT THEIR VIEWS ON THIS RULE BY SUBMITTING WRITTEN COMMENTS NO LATER THAN AT 5:00 PM ON 05/15/2015

THIS RULE MAY BECOME EFFECTIVE ON: 05/22/2015

AUTHORIZED BY: Jordan White, Legal Counsel

R746. Public Service Commission, Administration.

R746-200. Residential Utility Service Rules for Electric, Gas, Water, and Sewer Utilities.

R746-200-7. Termination of Service.

- A. Definitions. As used in this section (R746-200-7):
1. "Licensed medical provider" means a medical provider:
 - a. who holds a current and active medical license under Utah Code Title 58; and
 - b. whose scope of practice authorizes the medical provider to diagnose the condition described by the medical provider under this rule[;].
 2. "Life-supporting equipment" means life-supporting medical equipment:
 - a. with normal operation that requires continuation of public utility service; and
 - b. used by an individual who would require immediate assistance from medical personnel to sustain life if the life supporting equipment ceased normal operations.
 3. "Life-supporting equipment statement" means a written statement:
 - a. signed by the licensed medical provider for the account holder or resident who utilizes life-supporting equipment; and
 - b. including:
 - i. a description of the medical need of the account holder or resident who utilizes life-supporting equipment;
 - ii. the account holder's name and address;
 - iii. name of resident using life-supporting equipment and relationship to account holder, if different than account holder;
 - iv. the health infirmity and expected duration;
 - v. identification of the life-support equipment that requires the utility's service;

vi. a determination by the licensed medical provider that immediate assistance from medical personnel to sustain life would be required if the life supporting equipment ceased normal operations; and

vii. the name and contact information of the licensed medical provider for the resident who utilizes life-supporting equipment,

4. "Serious illness or infirmity statement" means a written statement:

a. signed by a licensed medical provider;

b. written on:

i. a form obtained from the public utility; or

ii. the licensed medical provider's letterhead stationary;

c. legibly describing:

i. a diagnosed medical condition under which termination of utility service will injure the person's health or aggravate the person's illness; and

ii. the anticipated duration of the diagnosed medical condition.

B. Delinquent Account --

1. A residential utility service bill [~~which~~that] has remained unpaid beyond the statement due date is a delinquent account.

2. When an account is a delinquent account, a public utility, before termination of service, shall issue a written late notice to inform the account holder of the delinquent status. A late notice or reminder notice must include the following information:

a. A statement that the account is a delinquent account and should be paid promptly;

b. A statement that the account holder should communicate with the public utility's collection department, by calling the company, if [~~he~~the account holder] has a question concerning the account;

c. A statement of the delinquent account balance, using a term such as "delinquent account balance."

3. When the account holder responds to a late notice or reminder notice the public utility's collections personnel shall investigate disputed issues and shall try to resolve the issues by negotiation. During this investigation and negotiation no other action shall be taken to disconnect the residential utility service if the account holder pays the undisputed portion of the account subject to the utility's right to terminate utility service pursuant to R746-200-7(F), Termination of Service Without Notice.

4. A copy of the "Statement of Customer Rights and Responsibilities" referred to in Subsection R746-200-1(G) of these rules shall be issued to the account holder with the first notice of impending service disconnection.

C. Reasons for Termination of Service --

1. Residential utility service may be terminated for the following reasons:

a. Nonpayment of a delinquent account;

b. Nonpayment of a deposit when required;

c. Failure to comply with the terms of a deferred payment agreement or Commission order;

d. Unauthorized use of, or diversion of, residential utility service or tampering with wires, pipes, meters, or other equipment;

e. Subterfuge or deliberately furnishing false information; or

f. Failure to provide access to meter during the regular route visit to the premises following proper notification and opportunity to make arrangements in accordance with R746-200-4(B), Estimated Billing, Subsection (2).

2. The following shall be insufficient grounds for termination of service:

a. A delinquent account, accrued before a divorce or separate maintenance action in the courts, in the name of a former spouse, cannot be the basis for termination of the current account holder's service;

b. Cohabitation of a current account holder with a delinquent account holder whose utility service was previously terminated for non-payment, unless the current and delinquent account holders also cohabited while the delinquent account holder received the utility's service, whether the service was received at the current account holder's present address or another address;

c. When the delinquent account balance is less than \$25.00, unless no payment has been made for two months;

d. Failure to pay an amount in bona fide dispute before the Commission;

e. Payment delinquency for third party services billed by the regulated utility company, unless prior approval is obtained from the Commission.

D. Restrictions upon Termination of Service -- Medical Reasons --

1. Serious Illness or Infirmity. If a public utility receives a serious illness or infirmity statement:

a. the public utility shall continue or restore residential utility service for the period set forth in the statement or one month, whichever is less;

b. the public utility is not required to provide the continuation or restoration described in R746-200-7.D.1.a. more than two times to an individual customer or residence during the same calendar year; and

c. the account holder is liable for the cost of residential utility service during the period of continued or restored service.

2. Life-Supporting Equipment.

a. After receiving a life-supporting equipment statement, the public utility:

i. shall mark and identify applicable meter boxes where the life-supporting equipment is used;

ii. may not terminate service to the residence unless the public utility has [~~obtained prior approval from the Commission~~complied with this Subsection (R746-200-7.D.2); and

iii. may request annual verification from the licensed medical provider of the life-supporting equipment.

b. A public utility may [~~petition the Commission for authorization to~~terminate service on an account where the public utility has received a life-supporting equipment statement and the related medical provider verification, if:

i. [~~if~~]the account is in default;

ii. [~~if~~]the public utility has:

AA. followed R746-200-5 on offering a deferred payment agreement; or

BB. if R746-200-5 does not apply, allowed the customer one month to enter into a deferred payment agreement that may last up to 12 months; [~~and~~]

iii. [~~by filing its petition with the Commission and providing a copy to the Division~~after complying with R746-200-7.D.2.b.ii, the public utility has provided to the customer a written notice of proposed termination of service that:

~~AA. clearly and plainly informs the customer of the customer's rights under R746-200-7.D.2 and of the customer's right to an expedited complaint hearing under R746-200-8.E.; and~~

~~BB. complies with R746-200-7.G.1;~~

~~iv. the public utility has provided to the customer a 48 hour notice of termination of utility service that complies with R746-200-7.G.2; and~~

~~v. the public utility has complied with all other applicable provisions of R746-200-7.~~

~~[c. A petition for authorization to terminate service shall contain:~~

~~i. the public utility's written request to the Commission to terminate service;~~

~~ii. the life-supporting equipment statement;~~

~~iii. the information provided to the public utility by the licensed medical provider;~~

~~iv. a copy of a letter sent to the account holder and, if appropriate, to a third party, notifying the account holder of the account holder's right to file a protest with the Commission within 10 days; and~~

~~v. an affidavit verifying the public utility provided the account holder and, if appropriate, a third party, the information required by this rule.~~

~~d. Within two business days after receiving a petition for authorization to terminate service, the Division shall:~~

~~i. notify the account holder by regular and certified mail that the utility is requesting authorization from the Commission to terminate service; and~~

~~ii. instruct the account holder to contact the utility for further information.~~

~~c. After receiving a petition for authorization to terminate service, the Commission may:~~

~~i. schedule an expedited hearing if a protest is received within 10 days; or~~

~~ii. issue an order authorizing termination of service if the requirements of this rule have been satisfied.~~

~~f. If a public utility receives authorization to terminate service, the public utility shall provide a 48-hour notice of termination to the customer consistent with R746-200-7.G.2.~~

~~[g.]~~ [g.]. The account holder is liable for the cost of residential utility service during the period of service, including throughout all proceedings related to life-supporting equipment.

E. Payments from the Home Energy Assistance Target (HEAT) Program -- Suppliers may not discontinue utility service to a low-income household for at least 30 days after receiving utility payment or verification of utility payment from the HEAT Program on behalf of the low-income household.

F. Termination of Service Without Notice -- Any provision contained in these rules notwithstanding, a public utility may terminate residential utility service without notice when, in its judgment, a clear emergency or serious health or safety hazard exists for so long as the conditions exist, or when there is unauthorized use or diversion of residential utility service or tampering with wires, pipes, meters, or other equipment owned by the utility. The utility shall immediately try to notify the customer of the termination of service and the reasons therefor.

G. Notice of Proposed Termination of Service --

1. At least 10 calendar days before a proposed termination of residential utility service, or at least 30 calendar days before a

proposed termination if the residential utility service customer has provided to the public utility a life-supporting equipment statement, a public utility shall give written notice of disconnection for nonpayment to the account holder. The 10-day or 30-day time period is computed from the date the ~~[b]]~~notice is postmarked. The notice shall be given by first class mail or delivery to the premises and shall contain a summary of the following information:

a. a Statement of Customer Rights and Responsibilities under existing state law and Commission rules;

b. the Commission-approved policy on termination of service for that utility;

c. the availability of deferred payment agreements and sources of possible financial assistance including but not limited to state and federal energy assistance programs;

d. informal and formal procedures to dispute bills and to appeal adverse decisions, including the Commission's address, website, and telephone number;

e. specific steps, printed in a conspicuous fashion, that may be taken by the consumer to avoid termination of service;

f. the date on which payment arrangements must be made to avoid termination of service; and

g. subject to the provision of Subsection R746-200-1(E), Customer Information, a conspicuous statement, in Spanish, that the notice is a termination of service notice and that the utility has a Spanish edition of its customer information pamphlet and whether it has personnel available during regular business hours to communicate with Spanish-speaking customers.

2. At least 48 hours before termination of service is scheduled, the utility shall make good faith efforts to notify the account holder or an adult member of the household, by mail, by telephone or by a personal visit to the residence. If personal notification has not been made either directly by the utility or by the customer in response to a mailed notice, the utility shall leave a written termination of service notice at the residence. Personal notification, such as a visit to the residence or telephone conversation with the customer, is required only during the winter months, October 1 through March 31. Other months of the year, the mailed 48-hour notice can be the final notice before the termination of service.

If termination of service is not accomplished within 15 business days following the 48-hour notice, the utility company will follow the same procedures for another 48-hour notice.

3. A public utility shall send duplicate copies of 10-day or 30-day termination of service notices to a third party designated by the account holder and shall make reasonable efforts to personally contact the third party designated by the account holder before termination of service occurs, if the third party resides within its service area. A utility shall inform its account holders of the third-party notification procedure at the time of application for service and at least once each year.

4. In rental property situations where the tenant is not the account holder and that fact is known to the utility, the utility shall post a notice of proposed termination of service on the premises in a conspicuous place and shall make reasonable efforts to give actual notice to the occupants by personal visits or other appropriate means at least five calendar days before the proposed termination of service. The posted notice shall contain the information listed in Subsection R746-200-7(G)(1). This notice provision applies to residential premises when the account holder has requested termination of service or the account holder has a delinquent bill. If nonpayment is the basis

for the termination of service, the utility shall also advise the tenants that they may continue to receive utility service for an additional 30 days by paying the charges due for the 30-day period just past.

H. Termination of Service -- Upon expiration of the notice of proposed termination of service, the public utility may terminate residential utility service. Except for service diversion or for safety considerations, utility service shall not be disconnected between Thursday at 4:00 p.m. and Monday at 9:00 a.m. or on legal holidays recognized by Utah, or other times the utility's business offices are not open for business. Service may be disconnected only between the hours of 9:00 a.m. and 4:00 p.m.

I. Customer-Requested Termination of Service --

1. A customer shall advise a public utility at least three days in advance of the day on which hethe customer wants service disconnected to histhe customer's residence. The public utility shall disconnect the service within four working days of the requested disconnect date. The customer shall not be liable for the services rendered to or at the address or location after the four days, unless access to the meter has been delayed by the customer.

2. A customer who is not an occupant at the residence for which termination of service is requested shall advise the public utility at least 10 days in advance of the day on which hethe customer wants service disconnected and sign an affidavit that hethe customer is not requesting termination of service as a means of evicting histhe customer's tenants. Alternatively, the customer may sign an affidavit that there are no occupants at the residence for which termination of service is requested and thereupon the disconnection may occur within four days of the requested disconnection date.

J. Restrictions Upon Termination of Service Practices -- A public utility shall not use termination of service practices other than those set forth in these rules. A utility shall have the right to use or pursue legal methods to ensure collections of obligations due it.

K. Policy Statement Regarding Elderly and ~~Handicapped~~Disabled -- The state recognizes that the elderly and ~~handicapped~~disabled may be seriously affected by termination of utility service. In addition, the risk of inappropriate termination of service may be greater for the elderly and ~~handicapped~~disabled due to communication barriers ~~which~~that may exist by reason of age or infirmity. Therefore, this section is specifically intended to prevent inappropriate terminations of service which may be hazardous to these individuals. In particular, Subsection R746-200-7(G), requiring adequate notice of impending terminations of service, including notification to third parties upon the request of the account holder, Subsection R746-200-7(D)(1), restricting termination of service when the termination of service will cause or aggravate a serious illness or infirmity of a person living in the residence, and Subsection R746-200-7(D)(2), restricting terminations of service to residences when life-supporting equipment is in use, are intended to meet the special needs of elderly and ~~handicapped~~disabled persons, as well as those of the public in general.

L. Load Limiter as a Substitute for Termination of Service, Electric Utilities --

1. An electric utility may, but only with the customer's consent, install a load limiter as an alternative to terminating electric service for non-payment of a delinquent account or for failure to comply with the terms of a deferred payment agreement or Commission order. Conditions precedent to the termination of electric service must be met before the installation of a load limiter.

2. Disputes about the level of load limitation are subject to the informal review procedure of Subsection R746-200-8.

3. Electric utilities shall submit load limiter policies and procedures to the Commission for their review before the implementation and use of those policies.

R746-200-8. Informal Review.

A. A person who is unable to resolve a dispute with the utility concerning a matter subject to Public Service Commission jurisdiction may obtain informal review of the dispute by a designated employee within the Division of Public Utilities. This employee shall investigate the dispute, try to resolve it, and inform both the utility and the consumer of his findings within five business days from receipt of the informal review request. Upon receipt of a request for informal review, the Division employee shall, within one business day, notify the utility that an informal complaint has been filed. Absent unusual circumstances, the utility shall attempt to resolve the complaint within five business days. In no circumstances shall the utility fail to respond to the informal complaint within five business days. The response shall advise the complainant and the Division employee regarding the results of the utility's investigation and a proposed solution to the dispute or provide a timetable to complete any investigation and propose a solution. The utility shall make reasonable efforts to complete any investigation and resolve the dispute within 30 calendar days. A proposed solution may be that the utility request that the informal complaint be dismissed if, in good faith, it believes the complaint is without merit. The utility shall inform the Division employee of the utility's response to the complaint, the proposed solution and the complainant's acceptance or rejection of the proposed solution and shall keep the Division employee informed as to the progress made with respect to the resolution and final disposition of the informal complaint. If, after 30 calendar days from the receipt of a request for informal review, the Division employee has received no information that the complainant has accepted a proposed solution or otherwise completely resolved the complaint with the utility, the complaint shall be presumed to be unresolved.

B. Mediation -- If the utility or the complainant determines that they cannot resolve the dispute by themselves, either of them may request that the Division attempt to mediate the dispute. When a mediation request is made, the Division employee shall inform the other party within five business days of the mediation request. The other party shall either accept or reject the mediation request within ten business days after the date of the mediation request, and so advise the mediation-requesting party and the Division employee. If mediation is accepted by both parties or the complaint continues to be unresolved 30 calendar days after receipt, the Division employee shall further investigate and evaluate the dispute, considering both the customer's complaint and the utility's response, their past efforts to resolve the dispute, and try to mediate a resolution between the complainant and the utility. Mediation efforts may continue for 30 days or until the Division employee informs the parties that the Division has determined that mediation is not likely to result in a mutually acceptable resolution, whichever is shorter.

C. Division Access to Information During Informal Review or Mediation -- The utility and the complainant shall provide documents, data or other information requested by the Division, to evaluate the complaint, within five business days of the Division's request, if reasonably possible or as expeditiously as possible, if they cannot be provided within five business days.

D. Commission Review -- If the utility has proposed that the complaint be dismissed from informal review for lack of merit and the Division concurs in the disposition, if either party has rejected mediation or if mediation efforts are unsuccessful and the Division has not been able to assist the parties in reaching a mutually accepted resolution of the informal dispute, or the dispute is otherwise unresolved between the parties, the Division in all cases shall inform the complainant of the right to petition the Commission for a review of the dispute, and shall make available to the complainant a standardized complaint form with instructions approved by the Commission. The Division itself may petition the Commission for review of a dispute in any case which the Division determines appropriate. While a complainant is proceeding with an informal or a formal review or mediation by the Division or a Commission review of a dispute, no termination of service shall be permitted, if any amounts not disputed are paid when due, subject to the utility's right to terminate service pursuant to R746-200-7(F), Termination of Service Without Notice.

E. Notwithstanding any other provision of this rule (R746-200-8), a customer who has provided to a public utility a life-supporting equipment statement and who has received the 30-day written notice of proposed termination of service described in R746-200-7.D.2 may bypass informal review and receive an expedited hearing before the Commission if the Commission receives a written complaint and request for a hearing from the customer within 10 calendar days after the date the notice is postmarked.

KEY: public utilities, rules, utility service shutoff
Date of Enactment or Last Substantive Amendment: [August 22, 2014]2015
Notice of Continuation: November 28, 2012
Authorizing, and Implemented or Interpreted Law: 54-4-1; 54-4-7; 54-7-9; 54-7-25

**Workforce Services, Employment
 Development
 R986-100-113**

**A Client Must Inform the Department of
 All Material Changes**

NOTICE OF PROPOSED RULE
 (Amendment)
 DAR FILE NO.: 39261
 FILED: 04/01/2015

RULE ANALYSIS

PURPOSE OF THE RULE OR REASON FOR THE CHANGE: The purpose of this amendment is to more closely align procedures to federal requirements.

SUMMARY OF THE RULE OR CHANGE: The food stamp regulations allow changes to be within ten days of the month during which the change occurred. The Department's rule was not clear on that issue.

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

ANTICIPATED COST OR SAVINGS TO:

- ◆ **THE STATE BUDGET:** This applies to federally-funded programs so there are no costs or savings to the state budget.
- ◆ **LOCAL GOVERNMENTS:** This applies to federally-funded programs so there are no costs or savings to local governments.
- ◆ **SMALL BUSINESSES:** There will be no costs to small businesses to comply with these changes because this is a federally-funded program.
- ◆ **PERSONS OTHER THAN SMALL BUSINESSES, BUSINESSES, OR LOCAL GOVERNMENTAL ENTITIES:** There will be no costs to persons other than small businesses, businesses, or local government entities to comply with these changes because there are no costs or fees associated with these proposed changes.

COMPLIANCE COSTS FOR AFFECTED PERSONS: There are no compliance costs for this change to anyone, including persons affected by this change.

COMMENTS BY THE DEPARTMENT HEAD ON THE FISCAL IMPACT THE RULE MAY HAVE ON BUSINESSES: There are no compliance costs associated with this change. There are no fees associated with this change. There will be no cost to anyone to comply with these changes. There will be no fiscal impact on any business.

THE FULL TEXT OF THIS RULE MAY BE INSPECTED, DURING REGULAR BUSINESS HOURS, AT:
 WORKFORCE SERVICES
 EMPLOYMENT DEVELOPMENT
 140 E 300 S
 SALT LAKE CITY, UT 84111-2333
 or at the Division of Administrative Rules.

DIRECT QUESTIONS REGARDING THIS RULE TO:
 ◆ Suzan Pixton by phone at 801-526-9645, by FAX at 801-526-9211, or by Internet E-mail at spixton@utah.gov

INTERESTED PERSONS MAY PRESENT THEIR VIEWS ON THIS RULE BY SUBMITTING WRITTEN COMMENTS NO LATER THAN AT 5:00 PM ON 05/15/2015

THIS RULE MAY BECOME EFFECTIVE ON: 05/22/2015

AUTHORIZED BY: Jon Pierpont, Executive Director

**R986. Workforce Services, Employment Development.
 R986-100. Employment Support Programs.
 R986-100-113. A Client Must Inform the Department of All Material Changes.**

(1) A material change is any change which might affect eligibility.

(2) Households receiving assistance must report all material changes to the Department as follows:

(a) households receiving food stamps must report a change in the household's gross income if the income exceeds 130% of the federal poverty level. The change must be reported within ten days from the end of the calendar month in which the change occurred. Changes reported by the tenth of the month following the month when the change occurred are considered timely~~[-of the change occurring]~~; and

(b) households receiving GA, WTE, FEP, FEPTP, AA and RRP that do not meet the requirements of paragraph (2)(a) must report the following changes within ten days of the change occurring:

- (i) if the household's gross income exceeds 185% of the adjusted standard needs budget;
- (ii) a change of address; and
- (iii) if the only eligible child leaves the household and the household receives FEP, FEPTP or AA.

(3) Households that do not meet the requirements of paragraph (2)(a) of this section will be assigned a review month. In addition to the ten-day reporting requirements listed in paragraphs (2)(b) and (c) of this section, the household must report, by the last

day of the review month, all material changes that have occurred since the last review, or the date of application if it is the first review. The household is also required to accurately complete all review forms and reports as requested by the Department.

(4) Most changes which result in an increase of assistance will become effective the month following the month in which the report of the change was made. If verification is necessary, verification and changes will be made in the month following the month in which verification was received. If the change is to add a person to the household, the person will be added effective on the date reported, provided necessary verification is received within 30 days of the change. If verification is received after 30 days, the increase will be made effective the date verification was received.

KEY: employment support procedures

Date of Enactment or Last Substantive Amendment: ~~April 15, 2014~~**2015**

Notice of Continuation: September 8, 2010

Authorizing, and Implemented or Interpreted Law: 35A-3-101 et seq.; 35A-3-301 et seq.; 35A-3-401 et seq.

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 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 15, 2015.

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 (example). Deletions made to the rule appear struck out with brackets surrounding them (~~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 may 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 August 13, 2015, 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.

CHANGES IN PROPOSED RULES are governed by Section 63G-3-303, Rule R15-2, and Sections R15-4-3, R15-4-4, R15-4-5b, R15-4-7, R15-4-9, and R15-4-10.

The Changes in Proposed Rules Begin on the Following Page

**Environmental Quality, Radiation
Control
R313-35
Requirements for X-Ray Equipment
Used for Non-Medical Applications**

NOTICE OF CHANGE IN PROPOSED RULE
DAR FILE NO.: 39017
FILED: 03/27/2015

RULE ANALYSIS

PURPOSE OF THE RULE OR REASON FOR THE CHANGE: Requirements for X-Ray Equipment Used for Non-Medical Applications- Response to comment to exclude from the shielding and training requirements hand-held units that are manufactured with built-in operator exposure protection.

SUMMARY OF THE RULE OR CHANGE: The proposed change to Subsection R313-35-105(1) is to exclude from the shielding and training requirements hand-held units that are manufactured with built-in operator exposure protection. (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, 2015, issue of the Utah State Bulletin, on page 89. Underlining in the rule below indicates text that has been added since the publication of the proposed rule mentioned above; strike-out indicates text that has been deleted. You must view the change in proposed rule and the proposed amendment together to understand all of the changes that will be enforceable should the agency make this rule effective.)

STATUTORY OR CONSTITUTIONAL AUTHORIZATION FOR THIS RULE: Subsection 19-3-104(4)

ANTICIPATED COST OR SAVINGS TO:

- ◆ THE STATE BUDGET: There is no anticipated cost or savings to the state budget. The proposed change excludes certain portable, hand-held x-ray devices from operator exposure requirements and does not affect the registration process and the associated fees for x-ray devices as approved by the legislature.
- ◆ LOCAL GOVERNMENTS: There is no anticipated cost or savings for local government agencies. The proposed change does not add or remove requirements that affect local government agencies. There are no local government agencies registered to use the type of portable, hand-held x-ray devices that are the subject of the proposed change.
- ◆ SMALL BUSINESSES: A small business that uses the type of x-ray device that is the subject of the proposed change could realize a cost savings equal to the amount of the purchase price of lead equivalent aprons not required for the excluded devices.

- ◆ PERSONS OTHER THAN SMALL BUSINESSES, BUSINESSES, OR LOCAL GOVERNMENTAL ENTITIES: Persons other than small businesses, businesses, or local government entities that use the type of x-ray device that is the subject of the proposed change could realize a cost savings equal to the amount of the purchase price of lead equivalent aprons not required for the excluded devices.

COMPLIANCE COSTS FOR AFFECTED PERSONS: As noted under costs for small businesses above, a reduction in compliance costs could be realized.

COMMENTS BY THE DEPARTMENT HEAD ON THE FISCAL IMPACT THE RULE MAY HAVE ON BUSINESSES: Businesses registered to use hand-held x-ray devices with built-in operator exposure protection could realize a cost savings by not needing to use a lead apron shielding or meet the training requirements.

THE FULL TEXT OF THIS RULE MAY BE INSPECTED, DURING REGULAR BUSINESS HOURS, AT:
ENVIRONMENTAL QUALITY
RADIATION CONTROL
THIRD FLOOR
195 N 1950 W
SALT LAKE CITY, UT 84116-3085
or at the Division of Administrative Rules.

DIRECT QUESTIONS REGARDING THIS RULE TO:
◆ Spencer Wickham by phone at 801-536-0082, by FAX at 801-533-4097, or by Internet E-mail at swickham@utah.gov

THIS RULE MAY BECOME EFFECTIVE ON: 05/22/2015

AUTHORIZED BY: Rusty Lundberg, Director

**R313. Environmental Quality, Radiation Control.
R313-35. Requirements for X-Ray Equipment Used for Non-Medical Applications.**

.....

- R313-35-105. Portable, Hand-Held, Non-Medical X-ray Systems.**
- (1) In addition to compliance to the provisions of Rule R313-35 the following sections are specific to portable, hand-held, non-medical x-ray systems, excluding portable handheld devices that are manufactured to provide inherent operator protection:
 - (a) Protective aprons of at least 0.5 millimeter lead equivalence shall be provided for the operator to protect the operator's torso and gonads from backscatter radiation while operating the x-ray source;
 - (b) Each operator of hand-held x-ray systems shall complete a training program supplied by the manufacturer prior to using the x-ray system. Records of training shall be maintained on file for examination by an authorized representative of the Director; and

(c) For hand-held x-ray systems, the provision in Subsection R313-35-110(1)(d) of the length of electrical cord for the dead-man switch is optional.

KEY: industry, x-rays, veterinarians, surveys

Date of Enactment or Last Substantive Amendment: 2015

Notice of Continuation: March 2, 2012

Authorizing, and Implemented or Interpreted Law: 19-3-104; 19-3-108

End of the Notices of Changes in Proposed Rules Section

FIVE-YEAR NOTICES OF REVIEW AND STATEMENTS OF CONTINUATION

Within five years of an administrative rule's original enactment or last five-year review, the agency is required to review the rule. This review is intended to help the agency determine, and to notify the public, that the administrative rule in force is still authorized by statute and necessary. Upon reviewing a rule, an agency may: repeal the rule by filing a **PROPOSED RULE**; continue the rule as it is by filing a **FIVE-YEAR NOTICE OF REVIEW AND STATEMENT OF CONTINUATION (REVIEW)**; or amend the rule by filing a **PROPOSED RULE** and by filing a **REVIEW**. By filing a **REVIEW**, the agency indicates that the rule is still necessary.

A **REVIEW** is not followed by the rule text. The rule text that is being continued may be found in the online edition of the *Utah Administrative Code* available at <http://www.rules.utah.gov/publicat/code.htm>. The rule text may also be inspected at the agency or the Division of Administrative Rules. **REVIEWS** are effective upon filing.

REVIEWS are governed by Section 63G-3-305.

Agriculture and Food, Plant Industry **R68-1** Utah Bee Inspection Act Governing Inspection of Bees

FIVE-YEAR NOTICE OF REVIEW AND STATEMENT OF CONTINUATION

DAR FILE NO.: 39237
FILED: 03/24/2015

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 4-11-3 authorizes the Department to make rules regarding the inspection and identification of apiaries in the state.

SUMMARY OF WRITTEN COMMENTS RECEIVED DURING AND SINCE THE LAST FIVE YEAR REVIEW OF THE RULE FROM INTERESTED PERSONS SUPPORTING OR OPPOSING THE RULE: The Department has received no comments opposing or supporting 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: This rule allows for the inspection of apiaries in the state in order to protect bee health. Registration of hives is necessary for the state to adequately assess the health of the hives in the State of Utah. Therefore, this rule should be continued.

THE FULL TEXT OF THIS RULE MAY BE INSPECTED, DURING REGULAR BUSINESS HOURS, AT:
AGRICULTURE AND FOOD
PLANT INDUSTRY
350 N REDWOOD RD
SALT LAKE CITY, UT 84116-3034
or at the Division of Administrative Rules.

DIRECT QUESTIONS REGARDING THIS RULE TO:

- ◆ Clark Burgess by phone at 801-538-7188, by FAX at 801-538-7189, or by Internet E-mail at cburgess@utah.gov
- ◆ Robert Hougaard by phone at 801-538-7187, by FAX at 801-538-7189, or by Internet E-mail at rhougaard@utah.gov
- ◆ Scott Ericson by phone at 801-538-7102, by FAX at 801-538-7126, or by Internet E-mail at sericson@utah.gov

AUTHORIZED BY: LuAnn Adams, Commissioner

EFFECTIVE: 03/24/2015

Commerce, Real Estate **R162-2c** Utah Residential Mortgage Practices and Licensing Rules

FIVE-YEAR NOTICE OF REVIEW AND STATEMENT OF CONTINUATION

DAR FILE NO.: 39249
FILED: 03/31/2015

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: Congress passed the SAFE Mortgage License Act (the SAFE Act), which became effective on 07/30/2008. It included significant required changes to state-issued mortgage licenses. In response to the SAFE Act, Utah enacted the Utah Residential Mortgage Practices and Licensing Act (the Utah Mortgage Act), found in Title 61, Chapter 2c. Section 61-2c-103 requires the Utah Division of Real Estate to make rules for the administration of the Utah Mortgage Act.

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 from interested persons either supporting or opposing the rule.

REASONED JUSTIFICATION FOR THE CONTINUATION OF THE RULE, INCLUDING REASONS WHY THE AGENCY DISAGREES WITH COMMENTS IN OPPOSITION TO THE RULE, IF ANY: Title 61, Chapter 2c, the Utah Residential Mortgage Practices and Licensing Act (the Utah Mortgage Act) remains in effect at the time of this five-year notice of review and continuation. Section 61-2c-103 continues to require that the Utah Division of Real Estate make rules for the administration of the Utah Mortgage Act. The rule is still necessary to administer residential mortgage practices and licensing in the State of Utah. Therefore, this rule should be continued.

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:
♦ Justin Barney by phone at 801-530-6603, or by Internet E-mail at justinbarney@utah.gov

AUTHORIZED BY: Jonathan Stewart, Director

EFFECTIVE: 03/31/2015

**Human Services, Administration,
Administrative Services, Licensing
R501-19
Residential Treatment Programs**

FIVE-YEAR NOTICE OF REVIEW AND STATEMENT OF CONTINUATION

DAR FILE NO.: 39258
FILED: 04/01/2015

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: Pursuant to Section 62A-2-101 et seq., the Office of Licensing shall license residential treatment programs according to the following rules.

SUMMARY OF WRITTEN COMMENTS RECEIVED DURING AND SINCE THE LAST FIVE YEAR REVIEW OF THE RULE FROM INTERESTED PERSONS SUPPORTING OR OPPOSING THE RULE: No comments were received.

REASONED JUSTIFICATION FOR THE CONTINUATION OF THE RULE, INCLUDING REASONS WHY THE AGENCY DISAGREES WITH COMMENTS IN OPPOSITION TO THE RULE, IF ANY: Residential treatment programs offer room and board and provide for or arrange for the provision of specialized treatment, rehabilitation or habilitation services for persons with emotional, psychological, developmental, or behavioral dysfunctions, impairments, or chemical dependencies. In residential treatment programs, consumers are assisted in acquiring the social and behavioral skills necessary for living independently in the community in accordance with Subsection 62A-2-101(15). This rule establishes the legal requirements. Therefore, this rule should be continued.

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

HUMAN SERVICES
ADMINISTRATION, ADMINISTRATIVE SERVICES,
LICENSING
195 N 1950 W 1ST FLR
SALT LAKE CITY, UT 84116
or at the Division of Administrative Rules.

DIRECT QUESTIONS REGARDING THIS RULE TO:
♦ Diane Moore by phone at 801-538-4235, by FAX at 801-538-4553, or by Internet E-mail at dmoore@utah.gov
♦ Jeff Harris by phone at 801-538-4236, by FAX at 801-538-4553, or by Internet E-mail at jharris@utah.gov
♦ Julene Jones by phone at 801-538-4521, by FAX at 801-538-3942, or by Internet E-mail at jhjones@utah.gov
♦ Keith Stott by phone at 801-538-9897, by FAX at 801-538-4553, or by Internet E-mail at kstott@utah.gov

AUTHORIZED BY: Diane Moore, Director

EFFECTIVE: 04/01/2015

Human Services, Administration,
Administrative Services, Licensing
R501-20

Day Treatment Programs

**FIVE-YEAR NOTICE OF REVIEW AND STATEMENT
OF CONTINUATION**

DAR FILE NO.: 39259
FILED: 04/01/2015

**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: Pursuant to Section 62A-2-101 et seq., the Office of Licensing shall license day treatment programs according to the following rules.

SUMMARY OF WRITTEN COMMENTS RECEIVED DURING AND SINCE THE LAST FIVE YEAR REVIEW OF THE RULE FROM INTERESTED PERSONS SUPPORTING OR OPPOSING THE RULE: No comments were received.

REASONED JUSTIFICATION FOR THE CONTINUATION OF THE RULE, INCLUDING REASONS WHY THE AGENCY DISAGREES WITH COMMENTS IN OPPOSITION TO THE RULE, IF ANY: A day treatment program provides services to individuals who have emotional, psychological, developmental, physical or behavioral dysfunctions, impairments, or chemical dependencies. Day treatment is provided in lieu of, or in coordination with, a more restrictive residential or inpatient environment or service in accordance with Subsection 52A-2-101(4). This rule establishes the legal requirements. Therefore, this rule should be continued.

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

HUMAN SERVICES
ADMINISTRATION, ADMINISTRATIVE SERVICES,
LICENSING
195 N 1950 W 1ST FLR
SALT LAKE CITY, UT 84116
or at the Division of Administrative Rules.

DIRECT QUESTIONS REGARDING THIS RULE TO:

- ◆ Diane Moore by phone at 801-538-4235, by FAX at 801-538-4553, or by Internet E-mail at dmoore@utah.gov
- ◆ Jeff Harris by phone at 801-538-4236, by FAX at 801-538-4553, or by Internet E-mail at jharris@utah.gov
- ◆ Julene Jones by phone at 801-538-4521, by FAX at 801-538-3942, or by Internet E-mail at jhjones@utah.gov
- ◆ Keith Stott by phone at 801-538-9897, by FAX at 801-538-4553, or by Internet E-mail at kstott@utah.gov

AUTHORIZED BY: Diane Moore, Director

EFFECTIVE: 04/01/2015

Human Services, Administration,
Administrative Services, Licensing
R501-21

Outpatient Treatment Programs

**FIVE-YEAR NOTICE OF REVIEW AND STATEMENT
OF CONTINUATION**

DAR FILE NO.: 39260
FILED: 04/01/2015

**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: Pursuant to Section 62A-2-101 et seq., the Office of Licensing shall license outpatient treatment programs according to the following rules.

SUMMARY OF WRITTEN COMMENTS RECEIVED DURING AND SINCE THE LAST FIVE YEAR REVIEW OF THE RULE FROM INTERESTED PERSONS SUPPORTING OR OPPOSING THE RULE: No comments were received.

REASONED JUSTIFICATION FOR THE CONTINUATION OF THE RULE, INCLUDING REASONS WHY THE AGENCY DISAGREES WITH COMMENTS IN OPPOSITION TO THE RULE, IF ANY: Outpatient treatment programs shall serve consumers who require less structure than offered in day treatment or residential treatment programs. Consumers are provided treatment as often as determined and noted in the treatment plan. This rule establishes the legal requirements. Therefore, this rule should be continued.

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

HUMAN SERVICES
ADMINISTRATION, ADMINISTRATIVE SERVICES,
LICENSING
195 N 1950 W 1ST FLR
SALT LAKE CITY, UT 84116
or at the Division of Administrative Rules.

DIRECT QUESTIONS REGARDING THIS RULE TO:

- ◆ Diane Moore by phone at 801-538-4235, by FAX at 801-538-4553, or by Internet E-mail at dmoore@utah.gov
- ◆ Jeff Harris by phone at 801-538-4236, by FAX at 801-538-4553, or by Internet E-mail at jharris@utah.gov

◆ Julene Jones by phone at 801-538-4521, by FAX at 801-538-3942, or by Internet E-mail at jhjones@utah.gov
◆ Keith Stott by phone at 801-538-9897, by FAX at 801-538-4553, or by Internet E-mail at kstott@utah.gov

AUTHORIZED BY: Diane Moore, Director

EFFECTIVE: 04/01/2015

**Human Services, Administration,
Administrative Services, Licensing
R501-22
Residential Support Programs**

**FIVE-YEAR NOTICE OF REVIEW AND STATEMENT
OF CONTINUATION**
DAR FILE NO.: 39257
FILED: 04/01/2015

**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: Pursuant to Section 62A-2-101 et seq., the Office of Licensing shall license residential support programs according to the following rules.

SUMMARY OF WRITTEN COMMENTS RECEIVED DURING AND SINCE THE LAST FIVE YEAR REVIEW OF THE RULE FROM INTERESTED PERSONS SUPPORTING OR OPPOSING THE RULE: No comments were received.

REASONED JUSTIFICATION FOR THE CONTINUATION OF THE RULE, INCLUDING REASONS WHY THE AGENCY DISAGREES WITH COMMENTS IN OPPOSITION TO THE RULE, IF ANY: This rule establishes basic health and safety standards for residential support programs. This rule establishes the legal requirements. Therefore, this rule should be continued.

THE FULL TEXT OF THIS RULE MAY BE INSPECTED, DURING REGULAR BUSINESS HOURS, AT:
HUMAN SERVICES
ADMINISTRATION, ADMINISTRATIVE SERVICES,
LICENSING
195 N 1950 W 1ST FLR
SALT LAKE CITY, UT 84116
or at the Division of Administrative Rules.

DIRECT QUESTIONS REGARDING THIS RULE TO:
◆ John Ortiz by phone at 801-374-7672, by FAX at 801-538-4553, or by Internet E-mail at jortiz@utah.gov

◆ Julene Jones by phone at 801-538-4521, by FAX at 801-538-3942, or by Internet E-mail at jhjones@utah.gov

AUTHORIZED BY: Diane Moore, Director

EFFECTIVE: 04/01/2015

**Labor Commission, Antidiscrimination
and Labor, Antidiscrimination
R606-6
Regulation of Practice and Procedure
on Employer Reports and Records**

**FIVE-YEAR NOTICE OF REVIEW AND STATEMENT
OF CONTINUATION**
DAR FILE NO.: 39245
FILED: 03/30/2015

**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 34A-5-104 gives the Commission jurisdiction over the subject of employment practices and discrimination made unlawful by Title 34A, Chapter 5. It also gives the Commission authority to adopt, publish, amend, and rescind rules, consistent with and for the enforcement of Title 34A, Chapter 5.

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 during and since the last five-year review of the rule from interested persons supporting or opposing the rule.

REASONED JUSTIFICATION FOR THE CONTINUATION OF THE RULE, INCLUDING REASONS WHY THE AGENCY DISAGREES WITH COMMENTS IN OPPOSITION TO THE RULE, IF ANY: The Labor Commission continues to have jurisdiction over discrimination in employment. This rule establishes the procedures for employers to follow in keeping personnel records in order to defend a claim of discrimination. Therefore, this rule should be continued.

THE FULL TEXT OF THIS RULE MAY BE INSPECTED, DURING REGULAR BUSINESS HOURS, AT:
LABOR COMMISSION
ANTIDISCRIMINATION AND LABOR,
ANTIDISCRIMINATION
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:
♦ Kerry Chlarson by phone at 801-530-6921, by FAX at 801-530-7601, or by Internet E-mail at kchlarson@utah.gov

AUTHORIZED BY: Sherrie Hayashi, Commissioner

EFFECTIVE: 03/30/2015

**School and Institutional Trust Lands,
Administration
R850-21**

Oil, Gas and Hydrocarbon Resources

**FIVE-YEAR NOTICE OF REVIEW AND STATEMENT
OF CONTINUATION**
DAR FILE NO.: 39250
FILED: 04/01/2015

**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 53C-1-302(1)(a)(ii) and Title 53C, Chapter 2 et seq. authorize the director of the School and Institutional Trust Lands Administration to establish rules for the issuance of mineral leases and management of trust-owned lands and mineral resources.

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 by the agency for this rule since the last five-year review.

REASONED JUSTIFICATION FOR THE CONTINUATION OF THE RULE, INCLUDING REASONS WHY THE AGENCY DISAGREES WITH COMMENTS IN OPPOSITION TO THE RULE, IF ANY: The School and Institutional Trust Lands Administration manages over 4,000,000 acres of subsurface mineral rights located throughout the State of Utah for the benefit of the public schools and other beneficiaries. Much of this acreage is currently under lease to third parties for mineral development which consistently provides revenues for the beneficiaries of the land. Rules governing the management and use of these mineral resources are critical to the continued success in managing the resources. This rule also provides a consistent set of procedures as to how business is conducted by the agency for customers to follow. Therefore, this rule should be continued.

THE FULL TEXT OF THIS RULE MAY BE INSPECTED, DURING REGULAR BUSINESS HOURS, AT:
SCHOOL AND INSTITUTIONAL TRUST LANDS
ADMINISTRATION
ROOM 500
675 E 500 S
SALT LAKE CITY, UT 84102-2818
or at the Division of Administrative Rules.

DIRECT QUESTIONS REGARDING THIS RULE TO:
♦ LaVonne Garrison by phone at 801-538-5197, by FAX at 801-355-0922, or by Internet E-mail at lavonnegarrison@utah.gov

AUTHORIZED BY: Kevin Carter, Director

EFFECTIVE: 04/01/2015

**School and Institutional Trust Lands,
Administration
R850-22**

**Bituminous-Asphaltic Sands and Oil
Shale Resources**

**FIVE-YEAR NOTICE OF REVIEW AND STATEMENT
OF CONTINUATION**
DAR FILE NO.: 39251
FILED: 04/01/2015

**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 53C-1-302(1)(a)(ii) and Title 53C, Chapter 2 et seq. authorize the director of the School and Institutional Trust Lands Administration to establish rules for the issuance of mineral leases and the management of trust-owned lands and mineral resources.

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 by the agency regarding this rule since the last five-year review.

REASONED JUSTIFICATION FOR THE CONTINUATION OF THE RULE, INCLUDING REASONS WHY THE AGENCY DISAGREES WITH COMMENTS IN OPPOSITION TO THE RULE, IF ANY: The School and Institutional Trust Lands Administration manages over 4,000,000 acres of subsurface mineral rights located throughout the State of Utah. This rule applies to the management of the bituminous-asphaltic sands

and oil shale resources for the benefit of the respective beneficiaries and sets forth the guidelines by which the agency conducts business and the customer can follow. Therefore, this rule should be continued.

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

SCHOOL AND INSTITUTIONAL TRUST LANDS
ADMINISTRATION
ROOM 500
675 E 500 S
SALT LAKE CITY, UT 84102-2818
or at the Division of Administrative Rules.

DIRECT QUESTIONS REGARDING THIS RULE TO:

♦ Thomas Faddies by phone at 801-538-5150, by FAX at 801-355-0922, or by Internet E-mail at tomfaddies@utah.gov

AUTHORIZED BY: Kevin Carter, Director

EFFECTIVE: 04/01/2015

School and Institutional Trust Lands,
Administration
R850-23
Sand, Gravel and Cinders Permits

**FIVE-YEAR NOTICE OF REVIEW AND STATEMENT
OF CONTINUATION**
DAR FILE NO.: 39252
FILED: 04/01/2015

**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 53C-1-302(1)(a)(ii) and Title 53C, Chapter 2 et seq. authorize the director of the School and Institutional Trust Lands Administration to establish rules for the issuance of surface and subsurface leases and the management of trust-owned lands and resources.

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 by the agency concerning this rule since the last five year review.

REASONED JUSTIFICATION FOR THE CONTINUATION OF THE RULE, INCLUDING REASONS WHY THE AGENCY DISAGREES WITH COMMENTS IN OPPOSITION TO THE RULE, IF ANY: The School and Institutional Trust Lands

Administration manages over 4,000,000 acres of subsurface mineral rights located throughout the State of Utah. This rule is specific to the management of the sand, gravel, and cinders resources and establishes the guidelines by which the agency conducts business with the customers for these resources. Therefore, this rule should be continued.

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

SCHOOL AND INSTITUTIONAL TRUST LANDS
ADMINISTRATION
ROOM 500
675 E 500 S
SALT LAKE CITY, UT 84102-2818
or at the Division of Administrative Rules.

DIRECT QUESTIONS REGARDING THIS RULE TO:

♦ Thomas Faddies by phone at 801-538-5150, by FAX at 801-355-0922, or by Internet E-mail at tomfaddies@utah.gov

AUTHORIZED BY: Kevin Carter, Director

EFFECTIVE: 04/01/2015

School and Institutional Trust Lands,
Administration
R850-24
General Provisions: Mineral and
Material Resources, Mineral Leases
and Material Permits

**FIVE-YEAR NOTICE OF REVIEW AND STATEMENT
OF CONTINUATION**
DAR FILE NO.: 39253
FILED: 04/01/2015

**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 53C-1-302(1)(a)(ii) and Title 53C, Chapter 2 et seq. authorize the director of the School and Institutional Trust Lands Administration to establish rules for the issuance of mineral and material leases and permits and the management of trust-owned lands and resources.

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 by the agency regarding this rule since the last five year review.

REASONED JUSTIFICATION FOR THE CONTINUATION OF THE RULE, INCLUDING REASONS WHY THE AGENCY DISAGREES WITH COMMENTS IN OPPOSITION TO THE RULE, IF ANY: This rule provides the general provisions that apply to multiple commodities in an "umbrella-type" rule. It provides for clarity for the community that is subject to these processes and eliminates the need to include these same provisions in each separate rule for the various commodities. Therefore, this rule should be continued.

THE FULL TEXT OF THIS RULE MAY BE INSPECTED, DURING REGULAR BUSINESS HOURS, AT:
 SCHOOL AND INSTITUTIONAL TRUST LANDS
 ADMINISTRATION
 ROOM 500
 675 E 500 S
 SALT LAKE CITY, UT 84102-2818
 or at the Division of Administrative Rules.

DIRECT QUESTIONS REGARDING THIS RULE TO:
 ♦ Thomas Faddies by phone at 801-538-5150, by FAX at 801-355-0922, or by Internet E-mail at tomfaddies@utah.gov

AUTHORIZED BY: Kevin Carter, Director

EFFECTIVE: 04/01/2015

School and Institutional Trust Lands,
 Administration
R850-25
 Mineral Leases and Materials Permits

**FIVE-YEAR NOTICE OF REVIEW AND STATEMENT
 OF CONTINUATION**
 DAR FILE NO.: 39254
 FILED: 04/01/2015

**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 53C-1-302(1)(a)(ii) and Title 53C, Chapter 2 et seq. authorize the director of the School and Institutional Trust Lands Administration to establish rules for the issuance of leases and management of trust-owned lands and resources.

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 by the agency concerning this rule since the last five year review.

REASONED JUSTIFICATION FOR THE CONTINUATION OF THE RULE, INCLUDING REASONS WHY THE AGENCY DISAGREES WITH COMMENTS IN OPPOSITION TO THE RULE, IF ANY: This rule provides the necessary guidelines for the issuance of leases and permits for the commodities covered under this rule. It also provides for the efficient management of the resources for the best interests of the trust beneficiaries. Therefore, this rule should be continued.

THE FULL TEXT OF THIS RULE MAY BE INSPECTED, DURING REGULAR BUSINESS HOURS, AT:
 SCHOOL AND INSTITUTIONAL TRUST LANDS
 ADMINISTRATION
 ROOM 500
 675 E 500 S
 SALT LAKE CITY, UT 84102-2818
 or at the Division of Administrative Rules.

DIRECT QUESTIONS REGARDING THIS RULE TO:
 ♦ Thomas Faddies by phone at 801-538-5150, by FAX at 801-355-0922, or by Internet E-mail at tomfaddies@utah.gov

AUTHORIZED BY: Kevin Carter, Director

EFFECTIVE: 04/01/2015

School and Institutional Trust Lands,
 Administration
R850-26
 Coal Leases

**FIVE-YEAR NOTICE OF REVIEW AND STATEMENT
 OF CONTINUATION**
 DAR FILE NO.: 39255
 FILED: 04/01/2015

**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 53C-1-302(1)(a)(ii) and Title 53C, Chapter 2 et seq. authorize the director of the School and Institutional Trust Lands Administration to establish rules for the issuance of leases and management of trust-owned lands and resources.

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 concerning this rule have been received by the agency since the previous five year review.

REASONED JUSTIFICATION FOR THE CONTINUATION OF THE RULE, INCLUDING REASONS WHY THE AGENCY DISAGREES WITH COMMENTS IN OPPOSITION TO THE RULE, IF ANY: This rule is vital to the management of the trust's coal resources and the issuance of leases. It provides the guidelines and procedures to be followed by the agency and third-parties, which are consistent and in the best interests of the trust beneficiaries. Therefore, this rule should be continued.

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

SCHOOL AND INSTITUTIONAL TRUST LANDS
ADMINISTRATION
ROOM 500
675 E 500 S
SALT LAKE CITY, UT 84102-2818
or at the Division of Administrative Rules.

DIRECT QUESTIONS REGARDING THIS RULE TO:

◆ Thomas Faddies by phone at 801-538-5150, by FAX at 801-355-0922, or by Internet E-mail at tomfaddies@utah.gov

AUTHORIZED BY: Kevin Carter, Director

EFFECTIVE: 04/01/2015

**School and Institutional Trust Lands,
Administration
R850-27
Geothermal Steam**

**FIVE-YEAR NOTICE OF REVIEW AND STATEMENT
OF CONTINUATION
DAR FILE NO.: 39256
FILED: 04/01/2015**

**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 53C-1-302(1)(a)(ii) and Title 53C, Chapter 2 et seq. authorize the director of the School and Institutional Trust Lands Administration to establish rules for the issuance of leases and management of trust-owned lands and resources.

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 concerning this rule have been received by the agency since the previous five year review.

REASONED JUSTIFICATION FOR THE CONTINUATION OF THE RULE, INCLUDING REASONS WHY THE AGENCY DISAGREES WITH COMMENTS IN OPPOSITION TO THE RULE, IF ANY: This rule provides the commodity-specific provisions for the leasing and management of geothermal steam resources on trust-owned lands throughout the State of Utah. It sets forth the guidelines and procedures whereby the agency may conduct business and that the customer may follow in relation to this resource. Therefore, this rule should be continued.

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

SCHOOL AND INSTITUTIONAL TRUST LANDS
ADMINISTRATION
ROOM 500
675 E 500 S
SALT LAKE CITY, UT 84102-2818
or at the Division of Administrative Rules.

DIRECT QUESTIONS REGARDING THIS RULE TO:

◆ Thomas Faddies by phone at 801-538-5150, by FAX at 801-355-0922, or by Internet E-mail at tomfaddies@utah.gov

AUTHORIZED BY: Kevin Carter, Director

EFFECTIVE: 04/01/2015

**Workforce Services, Unemployment
Insurance
R994-204
Covered Employment**

**FIVE-YEAR NOTICE OF REVIEW AND STATEMENT
OF CONTINUATION
DAR FILE NO.: 39239
FILED: 03/25/2015**

**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 35A-4-204 defines employment in very broad terms. The Department has authority under Subsections 35A-1-104(1) and (4) and 35A-4-502(1)(b) to adopt rules and establish eligibility standards. The rule is needed to specify, for instance, what standards are use for determining independent contractor status. This rule draws from case law, Utah statutory law and federal regulations to establish standards that the Department follows in making those determinations.

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: The rule is necessary to explain to employers and claimants when to pay contributions and who is eligible for unemployment benefits. It also provides rules for determining when an individual is an independent contractor and when the employer can seek safe haven. Therefore, this rule should be continued.

THE FULL TEXT OF THIS RULE MAY BE INSPECTED, DURING REGULAR BUSINESS HOURS, AT:
 WORKFORCE SERVICES
 UNEMPLOYMENT INSURANCE
 140 E 300 S
 SALT LAKE CITY, UT 84111-2333
 or at the Division of Administrative Rules.

DIRECT QUESTIONS REGARDING THIS RULE TO:
 ♦ Suzan Pixton by phone at 801-526-9645, by FAX at 801-526-9211, or by Internet E-mail at spixton@utah.gov

AUTHORIZED BY: Jon Pierpont, Executive Director

EFFECTIVE: 03/25/2015

**Workforce Services, Unemployment
 Insurance
 R994-205
 Exempt Employment**

**FIVE-YEAR NOTICE OF REVIEW AND STATEMENT
 OF CONTINUATION**
 DAR FILE NO.: 39240
 FILED: 03/25/2015

**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 35A-4-205 lists types of work that are exempt under the Employment Security Act. The Department has authority under Subsections 35A-1-104(1) and (4) and 35A-4-502(1)(b) to adopt rules and establish eligibility standards. The rule is necessary to describe how to determine if an employee is exempt.

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 during 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: The rule is necessary to provide guidance to employer and claimants in determining when certain types of employment are exempt such as agricultural workers, outside sales, real estate agents, and family members. Therefore, this rule should be continued.

THE FULL TEXT OF THIS RULE MAY BE INSPECTED, DURING REGULAR BUSINESS HOURS, AT:
 WORKFORCE SERVICES
 UNEMPLOYMENT INSURANCE
 140 E 300 S
 SALT LAKE CITY, UT 84111-2333
 or at the Division of Administrative Rules.

DIRECT QUESTIONS REGARDING THIS RULE TO:
 ♦ Suzan Pixton by phone at 801-526-9645, by FAX at 801-526-9211, or by Internet E-mail at spixton@utah.gov

AUTHORIZED BY: Jon Pierpont, Executive Director

EFFECTIVE: 03/25/2015

**Workforce Services, Unemployment
 Insurance
 R994-206
 Agricultural Labor**

**FIVE-YEAR NOTICE OF REVIEW AND STATEMENT
 OF CONTINUATION**
 DAR FILE NO.: 39241
 FILED: 03/25/2015

**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 35A-4-206 defines when agricultural labor is covered labor under the Employment Security Act. The Department has authority under Subsections 35A-1-104(1) and (4) and 35A-4-502(1)(b) to adopt rules and establish eligibility standards. The rule is necessary to define terms used in the Act.

SUMMARY OF WRITTEN COMMENTS RECEIVED DURING AND SINCE THE LAST FIVE YEAR REVIEW OF THE RULE FROM INTERESTED PERSONS SUPPORTING OR OPPOSING THE RULE: There have been no comments 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: The rule is necessary to explain to employers and claimants when benefits will be paid. Therefore, this rule should be continued.

THE FULL TEXT OF THIS RULE MAY BE INSPECTED, DURING REGULAR BUSINESS HOURS, AT:
 WORKFORCE SERVICES
 UNEMPLOYMENT INSURANCE
 140 E 300 S
 SALT LAKE CITY, UT 84111-2333
 or at the Division of Administrative Rules.

DIRECT QUESTIONS REGARDING THIS RULE TO:
 ♦ Suzan Pixton by phone at 801-526-9645, by FAX at 801-526-9211, or by Internet E-mail at spixton@utah.gov

AUTHORIZED BY: Jon Pierpont, Executive Director

EFFECTIVE: 03/25/2015

Workforce Services, Unemployment Insurance
R994-304
Special Provisions Regarding Transfers of Unemployment Experience and Assigning Rates

FIVE-YEAR NOTICE OF REVIEW AND STATEMENT OF CONTINUATION

DAR FILE NO.: 39242
 FILED: 03/25/2015

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 35A-4-304 seeks to enforce federal regulations requiring successor employers pay the rates that applied to the predecessor employer. The Department has authority under Subsections 35A-1-104(1) and (4) and 35A-4-502(1)(b) to adopt rules and establish eligibility standards. The rule is necessary to define terms used in the statute.

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 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: When an employer sells or transfers its business to a different entity, especially when the transfer is made to avoid higher unemployment rates, the rate of the old business is transferred to the new entity. The rule is necessary to explain when the rates will be charged to the new employer so as to avoid State Unemployment Tax Act (SUTA) "dumping" which is a scheme to avoid higher experience ratings. Therefore, this rule should be continued.

THE FULL TEXT OF THIS RULE MAY BE INSPECTED, DURING REGULAR BUSINESS HOURS, AT:
 WORKFORCE SERVICES
 UNEMPLOYMENT INSURANCE
 140 E 300 S
 SALT LAKE CITY, UT 84111-2333
 or at the Division of Administrative Rules.

DIRECT QUESTIONS REGARDING THIS RULE TO:
 ♦ Suzan Pixton by phone at 801-526-9645, by FAX at 801-526-9211, or by Internet E-mail at spixton@utah.gov

AUTHORIZED BY: Jon Pierpont, Executive Director

EFFECTIVE: 03/25/2015

End of the Five-Year Notices of Review and Statements of Continuation Section

NOTICES OF RULE EFFECTIVE DATES

State law provides for agencies to make their administrative 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 make a rule effective no fewer than seven calendar days after the close of the public comment period, nor more than 120 days after the publication date. In the case of **CHANGES IN PROPOSED RULES** with no designated comment period, the law permits an agency to make a rule effective on any date including or after the thirtieth day after the rule's publication date, but not more than 120 days after the 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.

Agencies have notified the Division of Administrative Rules that the rules listed below have been made effective.

NOTICES OF EFFECTIVE DATE are governed by Subsection 63G-3-301(12), Section 63G-3-303, and Sections R15-4-5a and R15-4-5b.

Abbreviations

AMD = Amendment
CPR = Change in Proposed Rule
NEW = New Rule
R&R = Repeal & Reenact
REP = Repeal

Administrative Services

Purchasing and General Services
No. 39042 (AMD): R33-26-202. Information Technology Equipment
Published: 01/15/2015
Effective: 03/31/2015

Attorney General

Administration
No. 39099 (AMD): R105-1. Attorney General's Selection of Outside Counsel, Expert Witnesses and Other Litigation Support Services
Published: 02/15/2015
Effective: 03/26/2015

No. 39032 (AMD): R105-1. Attorney General's Selection of Outside Counsel, Expert Witnesses and Other Litigation Support Services
Published: 01/15/2015
Effective: 03/26/2015

Commerce

Occupational and Professional Licensing
No. 39092 (AMD): R156-24b-302b. Qualifications for Licensure - Examination Requirements
Published: 02/15/2015
Effective: 03/24/2015

Environmental Quality

Radiation Control
No. 39082 (AMD): R313-15-1208. Reports of Leaking or Contaminated Sealed Sources
Published: 02/01/2015
Effective: 03/17/2015

No. 39016 (AMD): R313-28-31. General and Administrative Requirements
Published: 01/15/2015
Effective: 03/24/2015

No. 38908 (NEW): R313-37. Physical Protection of Category 1 and Category 2 Quantities of Radioactive Material
Published: 11/01/2014
Effective: 06/29/2015

No. 38908 (CPR): R313-37. Physical Protection of Category 1 and Category 2 Quantities of Radioactive Material
Published: 03/01/2015
Effective: 06/29/2015

No. 39083 (AMD): R313-38-3. Clarifications or Exceptions
Published: 02/01/2015
Effective: 03/17/2015

Governor

Economic Development
No. 38944 (NEW): R357-11. Technology Commercialization and Innovation Program (TCIP)
Published: 12/01/2014
Effective: 03/23/2015

No. 38945 (NEW): R357-12. Fiscal Emergency Contingent Management of Federal Lands
Published: 12/01/2014
Effective: 03/20/2015

NOTICES OF RULE EFFECTIVE DATES

Health

Children's Health Insurance Program
No. 39102 (AMD): R382-10. Eligibility
Published: 02/15/2015
Effective: 04/01/2015

Health Care Financing, Coverage and Reimbursement Policy
No. 39087 (REP): R414-6. Reduction in Certain Targeted
Case Management Services
Published: 02/15/2015
Effective: 03/24/2015

Pardons (Board Of)

Administration
No. 39093 (AMD): R671-201. Original Parole Grant Hearing
Schedule and Notice
Published: 02/15/2015
Effective: 03/24/2015

Public Safety

Criminal Investigations and Technical Services, Criminal
Identification
No. 39091 (NEW): R722-380. Firearm Background Check
Information
Published: 02/15/2015
Effective: 03/24/2015

Transportation

Operations, Construction
No. 39100 (AMD): R916-3. DESIGN-BUILD Contracts
Published: 02/15/2015
Effective: 03/27/2015

No. 39101 (AMD): R916-4. Construction Manager/General
Contractor Contracts
Published: 02/15/2015
Effective: 03/27/2015

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, 2015 through April 01, 2015. 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 the Division of Administrative Rules (801-538-3764).

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 (Proposed Rule)	LNR = Legislative Nonreauthorization
CPR = Change in Proposed Rule	NEW = New Rule (Proposed Rule)
EMR = 120-Day (Emergency) Rule	NSC = Nonsubstantive Rule Change
EXD = Expired Rule	R&R = Repeal and Reenact (Proposed Rule)
EXP = Expedited Rule	REP = Repeal (Proposed Rule)
EXT = Five-Year Review Extension	5YR = Five-Year Notice of Review and Statement of Continuation
GEX = Governor's Extension	

CODE REFERENCE	TITLE	FILE NUMBER	ACTION	EFFECTIVE DATE	BULLETIN ISSUE/PAGE
ADMINISTRATIVE SERVICES					
<u>Facilities Construction and Management</u>					
R23-1	Procurement of Construction	39033	R&R	03/03/2015	2015-2/4
R23-2	Procurement of Architect-Engineer Services	39061	REP	03/16/2015	2015-3/4
<u>Purchasing and General Services</u>					
R33-1-1	Definitions	38974	AMD	01/28/2015	2014-24/4
R33-6-101	Competitive Sealed Bidding; Multiple Stage Bidding; Reverse Auction	38975	AMD	01/28/2015	2014-24/5
R33-7	Request for Proposals	38976	AMD	01/28/2015	2014-24/6
R33-12	Terms and Conditions, Contracts, Change Orders and Costs	38977	AMD	01/28/2015	2014-24/9
R33-16-401	Protest Officer May Correct Noncompliance, Errors and Discrepancies	38978	AMD	01/28/2015	2014-24/12
R33-26	State Surplus Property	39084	NSC	01/28/2015	Not Printed
R33-26-202	Information Technology Equipment	39042	AMD	03/31/2015	2015-2/33
AGRICULTURE AND FOOD					
<u>Animal Industry</u>					
R58-7	Livestock Markets, Satellite Video Livestock Auction Market, Livestock Sales, Dealers, and Livestock Market Weighpersons	39075	5YR	01/13/2015	2015-3/67
R58-11	Slaughter of Livestock and Poultry	39073	5YR	01/13/2015	2015-3/67
R58-17	Aquaculture and Aquatic Animal Health	39074	5YR	01/13/2015	2015-3/68
R58-21	Trichomoniasis	39086	5YR	01/21/2015	2015-4/37
<u>Plant Industry</u>					
R68-1	Utah Bee Inspection Act Governing Inspection of Bees	39237	5YR	03/24/2015	Not Printed
<u>Regulatory Services</u>					
R70-101	Bedding, Upholstered Furniture and Quilted Clothing	39223	5YR	03/16/2015	2015-7/57
ALCOHOLIC BEVERAGE CONTROL					
<u>Administration</u>					
R81-4E	Resort Licenses	39059	5YR	01/08/2015	2015-3/69

ATTORNEY GENERAL

Administration

R105-1	Attorney General's Selection of Outside Counsel, Expert Witnesses and Other Litigation Support Services	39032	AMD	03/26/2015	2015-2/34
R105-1	Attorney General's Selection of Outside Counsel, Expert Witnesses and Other Litigation Support Services	39099	AMD	03/26/2015	2015-4/4

CAPITOL PRESERVATION BOARD (STATE)

Administration

R131-2	Capitol Hill Complex Facility Use	39025	AMD	02/24/2015	2015-2/41
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COMMERCE

Administration

R151-14-3	Adjudicative Proceedings	39034	AMD	02/24/2015	2015-2/49
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Occupational and Professional Licensing

R156-17b	Pharmacy Practice Act Rule	39056	5YR	01/05/2015	2015-3/69
R156-17b	Pharmacy Practice Act Rule	39018	AMD	02/24/2015	2015-2/51
R156-24b-302b	Qualifications for Licensure - Examination Requirements	39092	AMD	03/24/2015	2015-4/9
R156-31b-202	Advisory Peer Education Committee Created -- Membership - Duties	38981	AMD	01/22/2015	2014-24/13
R156-31b-609	Standards for Out-of-State Programs Providing Clinical Experiences in Utah	38980	AMD	01/22/2015	2014-24/14
R156-37	Utah Controlled Substances Act Rule	39015	AMD	02/24/2015	2015-2/80
R156-37f-102	Definitions	39020	AMD	02/24/2015	2015-2/84
R156-60a	Social Worker Licensing Act Rule	38979	AMD	01/22/2015	2014-24/15
R156-60d	Substance Use Disorder Counselor Act Rule	38964	AMD	01/22/2015	2014-24/17

Real Estate

R162-2c	Utah Residential Mortgage Practices and Licensing Rules	39249	5YR	03/31/2015	Not Printed
R162-2c-201	Licensing and Registration Procedures	38999	AMD	02/10/2015	2015-1/8
R162-2e-401	Unprofessional Conduct	38971	AMD	01/28/2015	2014-24/26
R162-2f-206	Certification of Continuing Education Course	38972	AMD	01/21/2015	2014-24/28

Securities

R164-2	Investment Adviser - Unlawful Acts	39104	5YR	02/02/2015	2015-4/37
R164-15-2	Notice Filings for Rule 506 Offerings	38926	AMD	03/10/2015	2014-22/20

CORRECTIONS

Administration

R251-303	Offenders' Use of Telephones	39060	5YR	01/08/2015	2015-3/70
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EDUCATION

Administration

R277-111	Sharing of Curriculum Materials by Public School Educators	39077	5YR	01/15/2015	2015-3/71
R277-111	Sharing of Curriculum Materials by Public School Educators	39078	AMD	03/10/2015	2015-3/13
R277-419-9	Provisions for Maintaining Student Membership and Enrollment Documentation and Documentation of Student Education Services Provided by Third Party Vendors	39080	EMR	01/15/2015	2015-3/63
R277-468	Parent/Guardian Review of Public Education Curriculum and Review of Complaint Process	39079	NEW	03/10/2015	2015-3/14
R277-487	Public School Data Confidentiality and Disclosure	38956	AMD	01/07/2015	2014-23/6
R277-497	School Grading System	39007	AMD	02/09/2015	2015-1/11

RULES INDEX

R277-504	Early Childhood, Elementary, Secondary, Special Education (K-12), and Preschool Special Education (Birth-Age 5) Licensure	39008	AMD	02/09/2015	2015-1/13
<u>Rehabilitation</u>					
R280-203	Certification Requirements for Interpreters for the Hearing Impaired	38930	AMD	01/02/2015	2014-22/22
ENVIRONMENTAL QUALITY					
<u>Administration</u>					
R305-5	Health Reform - Health Insurance Coverage in DEQ State Contracts - Implementation	39135	5YR	02/09/2015	2015-5/101
<u>Air Quality</u>					
R307-103	Administrative Procedures	39109	5YR	02/05/2015	2015-5/101
R307-120	General Requirements: Tax Exemption for Air Pollution Control Equipment	38998	AMD	03/05/2015	2015-1/17
R307-165	Emission Testing	39110	5YR	02/05/2015	2015-5/102
R307-201	Emission Standards: General Emission Standards	39111	5YR	02/05/2015	2015-5/103
R307-202	Emission Standards: General Burning	39113	5YR	02/05/2015	2015-5/103
R307-203	Emission Standards: Sulfur Content of Fuels	39112	5YR	02/05/2015	2015-5/104
R307-204	Emission Standards: Smoke Management	39114	5YR	02/05/2015	2015-5/104
R307-205	Emission Standards: Fugitive Emissions and Fugitive Dust	39115	5YR	02/05/2015	2015-5/105
R307-206	Emission Standards: Abrasive Blasting	39116	5YR	02/05/2015	2015-5/105
R307-207	Residential Fireplaces and Solid Fuel Burning Devices	39117	5YR	02/05/2015	2015-5/106
R307-302	Solid Fuel Burning Devices in Box Elder, Cache, Davis, Salt Lake, Tooele, Utah, and Weber Counties	38842	AMD	02/04/2015	2014-19/44
R307-302	Solid Fuel Burning Devices in Box Elder, Cache, Davis, Salt Lake, Tooele, Utah, and Weber Counties	38842	CPR	02/04/2015	2015-1/48
R307-305	Nonattainment and Maintenance areas for PM10: Emission Standards	39118	5YR	02/05/2015	2015-5/107
R307-306	PM10 Nonattainment and Maintenance Areas: Abrasive Blasting	39119	5YR	02/05/2015	2015-5/107
R307-307	Road Salting and Sanding	39120	5YR	02/05/2015	2015-5/108
R307-309	Nonattainment and Maintenance Areas for PM10 and PM2.5: Fugitive Emissions and Fugitive Dust	39121	5YR	02/05/2015	2015-5/108
R307-310	Salt Lake County: Trading of Emission Budgets for Transportation Conformity	39122	5YR	02/05/2015	2015-5/109
R307-311	Utah County: Trading of Emission Budgets for Transportation Conformity	38997	NEW	03/05/2015	2015-1/22
R307-401-19	General Approval Order	38901	AMD	02/05/2015	2014-21/16
R307-841	Residential Property and Child Occupied Facility Renovation	39123	5YR	02/05/2015	2015-5/109
R307-842	Lead-Based Paint Activities	39124	5YR	02/05/2015	2015-5/110
<u>Drinking Water</u>					
R309-100	Administration: Drinking Water Program	39196	5YR	03/13/2015	2015-7/57
R309-105	Administration: General Responsibilities of Public Water Systems	39197	5YR	03/13/2015	2015-7/58
R309-110	Administration: Definitions	39198	5YR	03/13/2015	2015-7/59
R309-115	Administrative Procedures	39199	5YR	03/13/2015	2015-7/59
R309-200	Monitoring and Water Quality: Drinking Water Standards	39200	5YR	03/13/2015	2015-7/60
R309-205	Monitoring and Water Quality: Source Monitoring Requirements	39201	5YR	03/13/2015	2015-7/60
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R850-25	Mineral Leases and Materials Permits	39254	5YR	04/01/2015	Not Printed
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R994-304	Special Provisions Regarding Transfers of Unemployment Experience and Assigning Rates	39242	5YR	03/25/2015	Not Printed

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ABBREVIATIONS

AMD = Amendment (Proposed Rule)	LNR = Legislative Nonreauthorization
CPR = Change in Proposed Rule	NEW = New Rule (Proposed Rule)
EMR = 120-Day (Emergency) Rule	NSC = Nonsubstantive Rule Change
EXD = Expired Rule	R&R = Repeal and Reenact (Proposed Rule)
EXP = Expedited Rule	REP = Repeal (Proposed Rule)
EXT = Five-Year Review Extension	5YR = Five-Year Notice of Review and Statement of Continuation
GEX = Governor's Extension	

KEYWORD AGENCY	FILE NUMBER	CODE REFERENCE	ACTION	EFFECTIVE DATE	BULLETIN ISSUE/PAGE
<u>abrasive blasting</u>					
Environmental Quality, Air Quality	39116	R307-206	5YR	02/05/2015	2015-5/105
	39119	R307-306	5YR	02/05/2015	2015-5/107
<u>acceptable documents</u>					
Public Safety, Driver License	39182	R708-41	5YR	03/10/2015	2015-7/79
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Environmental Quality, Drinking Water	39194	R309-545	5YR	03/13/2015	2015-7/70
<u>accidents</u>					
Natural Resources, Parks and Recreation	39090	R651-223	5YR	01/23/2015	2015-4/38
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Environmental Quality, Environmental Response and Remediation	39146	R311-500	5YR	02/18/2015	2015-6/45
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	38770	R313-17-4	CPR	02/17/2015	2014-24/40
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Natural Resources, Water Rights	39153	R655-14	5YR	02/24/2015	2015-6/47
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	39206	R309-300	5YR	03/13/2015	2015-7/63
Environmental Quality, Radiation Control	38770	R313-17-4	AMD	02/17/2015	2014-17/95
	38770	R313-17-4	CPR	02/17/2015	2014-24/40
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	39251	R850-22	5YR	04/01/2015	Not Printed
	39254	R850-25	5YR	04/01/2015	Not Printed
	39255	R850-26	5YR	04/01/2015	Not Printed
	39256	R850-27	5YR	04/01/2015	Not Printed
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Environmental Quality, Drinking Water	39199	R309-115	5YR	03/13/2015	2015-7/59
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	39111	R307-201	5YR	02/05/2015	2015-5/103

	39113	R307-202	5YR	02/05/2015	2015-5/103
	39112	R307-203	5YR	02/05/2015	2015-5/104
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	38842	R307-302	CPR	02/04/2015	2015-1/48
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	39120	R307-307	5YR	02/05/2015	2015-5/108
	39121	R307-309	5YR	02/05/2015	2015-5/108
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	38997	R307-311	NEW	03/05/2015	2015-1/22
	38901	R307-401-19	AMD	02/05/2015	2014-21/16
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	39042	R33-26-202	AMD	03/31/2015	2015-2/33	
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Human Services, Substance Abuse and Mental Health	38917	R523-8	NEW	01/06/2015	2014-22/33	
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