

UTAH STATE BULLETIN

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Nancy L. Lancaster, Managing Editor

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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.

Office of Administrative Rules, Salt Lake City 84114

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SPECIAL NOTICES

Health Disease Control and Prevention, Health Promotion

Extended Public Comment for the Amendment to Rule R384-415, Electronic-Cigarette Substance Standards, Filing No. 40632

An amendment to Rule R384-415 was published in the September 1, 2016, issue of the Utah State Bulletin (2016-17, pg. 41) under Filing No. 40632. The 30-day public comment period was to end on 10/03/2016. However, on 09/26/2016, the Department of Health (DOH) was notified by a member of the public that the contact information to submit public comment was incorrect and frustrated submission. As such, DOH is extending the public comment period for the amendment to Rule R384-415 until 10/17/2016 at 5:00 PM with corrected submission information. The text of amended Rule R384-415 is the same and is below.

*The contact person is: Luke Chalmers, Tobacco Policy Analyst for the Utah Department of Health, tpcprules@utah.gov
The mailing address is: Tobacco Prevention and Control Program, PO Box 142106, Salt Lake City, UT 84114-2106.*

R384. Disease Control and Prevention, Health Promotion.

R384-415. Electronic-Cigarette Substance Standards.

R384-415-1. Authority and Purpose.

- (1) This rule is authorized by Section 26-57-103 and Subsection 59-14-803(5).
- (2) This rule establishes standards for labeling, nicotine content, packaging, and product quality for electronic-cigarette substances for the regulation of electronic-cigarettes.
- (3) This rule does not apply to a manufacturer-sealed electronic-cigarette substance.
- (4) A product in compliance with this rule is not endorsed as safe.

R384-415-2. Definitions.

As used in this rule:

- [~~1~~] (1) "Artificial coloring" means the same as the term is defined in 21 C.F.R. 101.22(a)(4) (April 1, 2015) and as the term "color additive" is defined in 21 C.F.R. 70.3(f) (April 1, 2015).
- [~~2~~] (2) "Artificial flavoring" means the same as the term is defined in 21 C.F.R. 101.22(a)(1) (April 1, 2015).
- [~~3~~] (3) "Batch number" means the same as the term "lot number, control number, or batch number" is defined in 21 C.F.R. 210.3(b)(11) (April 1, 2015).]
- [(4)] (1) "Business" means any sole proprietorship, partnership, joint venture, corporation, association, or other entity formed for profit or non-profit purposes.
- [(5)] (2) "Child resistant" means the same as the term "special packaging" is defined in 16 C.F.R. 1700.1(a)(4) (January 1, 2015) and is tested in accordance with the method described in 16 C.F.R. 1700.20 (January 1, 2015).
- [(6)] (3) "Department" means the Utah Department of Health.
- [(7)] (4) "Electronic-cigarette" means the same as the term is defined in Subsections 26-38-2(1) and 59-14-802(2).
- [(8)] (5) "Electronic-cigarette Product" means the same as the term is defined in Subsection 59-14-802(3).
- [(9)] (6) "Electronic-cigarette substance" means the same as the term is defined in Subsection 59-14-802(4).
- [~~10~~] (10) "EP standards" means the standards established for medicines by the European Pharmacopeia, the European equivalent of the United States Pharmacopeia. The EP standards define requirements for the qualitative and quantitative composition of medicines, and the tests that are to be used on medicines, substances, and materials used in their production.
- [~~11~~] (11) "Generally Recognized As Safe" means an United States Food and Drug Administration designation that a substance added to food is generally recognized, by qualified experts, as having been adequately shown to be safe under the conditions of its intended use, as found in 21 C.F.R. 170.30 (April 1, 2015). Such a substance is exempted from the usual Federal Food, Drug, and Cosmetic Act, 21 U.S.C. Sec. 301 et seq. (2013).]
- [(12)] (7) "Local health department" means the same as the term is defined in Subsection 26A-1-102(5).
- [(13)] (8) "Manufacture" means the same as the term is defined in Subsection 26-57-102(5).
- [(14)] (9) "Manufacturer" means the same as the term is defined in Subsection 26-57-102(6).
- [(15)] (10) "Mg/mL" means milligrams per milliliter, a ratio for measuring an ingredient, in liquid form, where accuracy is measured in milligrams per milliliter, or a percentage equivalent.
- [~~16~~] (16) "Natural flavoring" means the same as the term is defined in 21 C.F.R. 101.22(a)(3) (April 1, 2015).]
- [(17)] (11) "Nicotine" means the same as the term is defined in the Federal Food, Drug, and Cosmetic Act, 21 U.S.C. Sec. 387(12) (2013).

~~[(18)12]~~ "Manufacturer-sealed electronic-cigarette substance" means the same as the term defined in Subsection 26-57-102(6).

~~(13)~~ "Package "or "packaging" means a pack, box, carton, or container of any kind, or if no other container, any wrapping, in which an electronic cigarette substance is offered for sale, sold, or otherwise distributed to consumers.

~~[(19)~~ "Pharmaceutical" means a compound manufactured for use as a medicinal drug.]

~~(20)14~~ "Retailer" means any person who sells, offers for sale, or offers to exchange for any form of consideration, an electronic-cigarette substance to a consumer. This definition is without regard to the quantity of an electronic-cigarette substance sold, offered for sale, exchanged, or offered for exchange.

~~[(21)15]~~ "Retailing" means involvement in any of the activities listed in Subsection R384-415-2(~~[(20)14]~~). This definition is without regard to the quantity of an electronic-cigarette substance sold, offered for sale, exchanged, or offered for exchange.

~~[(22)~~ "Straight color" means a color additive approved for human consumption in food and drugs as listed in 21 C.F.R. 73.1 through 21 C.F.R. 73.1991 (April 1, 2015), 21 C.F.R. 74.101 through 21 C.F.R. 74.1711 (April 1, 2015), and 21 C.F.R. 81.1 (April 1, 2015), and includes substances as are permitted by the specifications for such color.

~~(23)~~ "Tamper evident" means the packaging uses an indicator or barrier to entry that is distinctive by design, or must employ an identifying characteristic.]

~~[(24)16]~~ "Transaction statement" means a statement, in paper or electronic form, which the manufacturer transferring ownership of the product certifies that the electronic-cigarette substance is in compliance with the standards in this rule.

~~[(25)~~ "USFDA Food Standards" means the United States Food and Drug Administration's common designation for standards of identity, standards of quality, and standards of fill of container promulgated under the Federal Food, Drug and Cosmetics Act, 21 U.S.C. Sec. 301 et seq. (2013) and as contained in 21 C.F.R. 130 through 21 C.F.R. 169 (April 1, 2015).

~~(26)~~ "USP-NF standards" means the standards for drug products established by the United States Pharmacopeia and National Formulary. The USP-NF standards include standards for chemical and biological drug substances, dosage forms, compounded preparations, excipients, medical devices, and dietary supplements.

R384-415-3. General Labeling.

~~(1)~~ The retailer shall ensure that a container holding an electronic-cigarette substance offered for sale to the consumer conforms to the following labeling standards:

~~(a)~~ the label is smear resistant; and

~~(b)~~ the label clearly displays:

~~(i)~~ the nicotine content in mg/mL or percent by volume;

~~(ii)~~ the manufacturer name;

~~(iii)~~ the batch number;

~~(iv)~~ the ingredients, as required in Section R384-415-4;

~~(v)~~ a tamper-evident warning, which meets the requirements of Section R384-415-5; and

~~(vi)~~ a safety warning, which meets the requirements of Section R384-415-6.

R384-415-4. Labeling of Ingredients.

~~(1)~~ The retailer shall ensure that:

~~(a)~~ an ingredient of an electronic-cigarette substance is listed on the label of the container holding an electronic-cigarette substance, except as provided for in Subsection R384-415-4(1)(c)(i).

~~(b)~~ An artificial coloring ingredient is listed on the label using the classification system that best applies. Classification systems include:

~~(i)~~ Food, Drug, and Cosmetic color designation and number;

~~(ii)~~ Drug and Cosmetic color designation and number; or

~~(iii)~~ the generic straight color name, if the artificial color is not classified under the systems found in Subsection R384-415-4(1)(b)(i) or Subsection R384-415-4(1)(b)(ii).

~~(c)(i)~~ An ingredient included in the manufacturer's proprietary mixture of flavorings is exempt from being listed on the label by name.

~~(ii)~~ An ingredient included in the manufacturer's proprietary mixture of flavorings is listed on the label under the generic term of artificial flavoring, natural flavoring, or both.

R384-415-5. Labeling of Tamper-Evident Warning.

~~(1)~~ The retailer shall ensure that the label of an electronic-cigarette substance displays a tamper-evident warning alerting the consumer to the tamper-evident feature of the packaging

~~(2)~~ The retailer shall ensure that the tamper-evident warning:

~~(a)~~ is prominently displayed to consumers;

~~(b)~~ is placed on the label so that it would be unaffected if the tamper-evidence feature is removed; and

~~(c)~~ lists the type of tamper-evident feature used with the product.]

R384-415-[6]3. Labeling[~~of Safety Warning~~].

(1) The retailer shall ensure that ~~[an]nicotine containing~~ electronic-cigarette substance offered for sale to the consumer features on the product package label the required~~[a]~~ safety warning stating ~~["nicotine is addictive and poisonous. Keep away from children and pets";]~~"WARNING": This product contains nicotine. Nicotine is an addictive chemical."

(2) The retailer shall ensure that an electronic-cigarette substance marketed as nicotine-free and offered for sale to the consumer features a safety warning stating "WARNING: Keep away from children and pets."

~~(2)3~~ The retailer shall ensure that the required safety warning appear directly on the package and must be visible underneath any cellophane or other clear wrapping as follows:

(a) ~~[occupies at least 20 percent of the largest panel of the container and any additional immediate packaging]~~be located in a conspicuous and prominent place on the two principle display panels of the package and the warning area must comprise at least 30 percent of each of the principal display panels;

(b) is ~~[in-]capitalized [letters]and punctuated as indicated in Subsection (1) or (2) of this Section;~~

(c) ~~[has a font size that occupies the maximum amount of the area described in Subsection R384-415-6(2)(a)]~~be printed in at least 12-point font size and ensure that the required warning statement occupies the greatest possible proportion of the warning area set aside for the required text;

(d) uses ~~[the]~~a conspicuous and legible Helvetica, Arial, or [Univers]other san serif font;~~[-and]~~

(e) uses either a black font on a white background or a white font on a black background~~[-]; and~~

(f) is centered in the warning area in which the text is required to be printed and positions such that the text of the required warning statement and the other information on the principal display panel have the same orientation.

(4) A retailer of an electronic-cigarette substance will not be in violation of this Section when packaging:

(a) contains a health warning;

(b) is supplied to the retailer by a manufacturer, importer, or distributor, who has the required state, local, or tobacco tax license or permit, if applicable; and

(c) is not altered by the retailer in a way that is material to the requirements of this Section.

(5) An electronic-cigarette substance package that would be required to bear the warning in Subsection (1) or (2) of this Section but is too small or otherwise unable to accommodate a warning label with sufficient space to bear such information is exempt from compliance with the requirement provided:

(a) the information and specifications required in Subsection (1) and (2) of this Section appear on the carton or other outer container or wrapper if the carton, outer container, or wrapper has sufficient space to bear the information; or

(b) appear on a tag firmly and permanently affixed to the packaged electronic-cigarette substance.

(c) In the case of Subsection (5)(a) or (b), the carton, outer container, wrapper, or tag will serve as the location of the principal display panels.

R384-415-4. Prohibited Sales.

(1) The retailer shall be prohibited from selling an electronic-cigarette substance to the public that is labeled to the public as containing:

(a) additives that create the impression that an electronic-cigarette substance has a health benefit;

(b) additives that are associated with energy and vitality;

(c) illegal or controlled substances as identified in Section 58-37-3; and

(d) additives having coloring properties for emissions.

R384-415-[7]5. Nicotine Content.

~~[(1)-]The retailer shall [comply with the following nicotine content standards regarding an]sell an electronic-cigarette substance [sold-]to the consumer[;~~

~~_____ (a) The nicotine content for an electronic-cigarette substance is]that is limited to 360 mg nicotine per container, and does not exceed a 24mg/mL concentration of nicotine.~~

~~[(_____) (b) The nicotine level for an electronic-cigarette substance is limited to a 10% variation in mg/mL above the content level indicated on the label.~~

~~_____ (c) An electronic-cigarette substance labeled 0 mg/mL or 0% by volume contains no nicotine.]~~

R384-415-[8]6. Packaging.

~~[(1)-]The retailer shall ensure that the packaging of an electronic-cigarette substance intended for sale to a consumer[;~~
~~_____ (a)-] is certified as child resistant, and compliant with federal standards and law concerning child nicotine poisoning prevention[;].~~

~~[(_____) (b) does not leak at the time of sale; and~~

~~_____ (c) utilizes a tamper-evident feature by means of one or more of the following:~~

~~_____ (i) a bubble pack;~~

~~_____ (ii) a heat shrink band;~~

- ~~_____ (iii) a breakable cap; or~~
- ~~_____ (iv) an inner-seal.]~~

R384-415-[9]7. Product Quality.

~~[_____ (1) The retailer shall ensure that an ingredient in an electronic-cigarette substance is compliant with either USP-NF standards, EP standards, USFDA Food Standards, or is Generally Recognized As Safe at the time of sale.~~

- ~~_____ (2) The retailer shall be prohibited from selling an electronic-cigarette substance that contains:~~
- ~~_____ (a) vitamins or other additives that create the impression that an electronic-cigarette substance has a health benefit or presents reduced health risks;~~
- ~~_____ (b) pharmaceuticals;~~
- ~~_____ (c) caffeine or taurine or other additives and stimulant compounds that are associated with energy and vitality;~~
- ~~_____ (d) illegal or controlled substances as identified in Section 58-37-3; and~~
- ~~_____ (e) additives having coloring properties for emissions.]~~

As of August 8, 2019, the retailer shall sell an electronic-cigarette substance that has been approved by the United States Food and Drug Administration through a Pre-Market Tobacco application or Substantial Equivalent application.

R384-415-[10]8. Record Keeping and Testing.

(1) The retailer shall provide the electronic-cigarette substances transaction statement to the Department or the local health department within five working days of a request. The retailer shall ensure that the transaction statement includes manufacturer certifications that:

- (a) the nicotine content of an electronic-cigarette substance is compliant with Section R384-415-[7]5;
- (b) the packaging of an electronic cigarette-substance is child-resistant; and
- ~~[_____ (c) an ingredient used in an electronic-cigarette substance meets the appropriate standard found in Section R384-415-9.]~~

(c) United States Food and Drug Administration Approval after August 8, 2019.

~~[_____ (2)(a) The retailer shall have a system in place to trace production of an electronic-cigarette substance through the labeled batch number to the ingredients used in manufacturing.~~

~~_____ (b) The retailer shall provide documents produced from batch tracing to the enforcing agency within five working days of a request.~~

~~_____ (c) The retailer shall ensure that documents produced through batch tracing provide evidence in support of the electronic-cigarette substances transaction statement.]~~

(2) The retailer shall provide evidence that supports the documents described in Subsection R384-415-8(1) to the Department or the local health department within 5 working days of a request.

(3)(a) The retailer shall have access to the documents described in Subsections R384-415-[10]8(1) and R384-415-[10]8(2) for a period of two years after the retailer purchases the electronic-cigarette substance.

~~[_____ (b) the retailer shall provide the documents described in Subsections R384-415-10(1) and R384-415-10(2) to the Department or the local health department within 5 working days of a request.]~~

R384-415-[14]9. Enforcement.

(1) The Department may enforce and seek penalties for the violation of public health rules including, the standards for electronic cigarettes set forth in this rule as prescribed in Sections 26-23-1 through 26-23-10.

(2) A local health department may enforce and seek penalties for the violation of the standards for electronic cigarettes set forth in this rule. A local health department shall have authority to enforce and seek penalties for violations of public health law including this rule as is found in Sections 26-23-1 through 26-23-10, 26A-1-108, 26A-1-114(1) and 26A-1-123.

(3) The Department or local health department is responsible to make a determination as to if a person holding a Utah State Tax Commission license to sell electronic cigarettes has violated the standards of this rule. If the Department or local health department makes such a determination it shall notify the Utah State Tax Commission to revoke the person's license as provided in Subsection 59-14-803(5).

(4) Administrative or civil enforcement of this rule by the Department or local health departments does not preclude criminal enforcement by a law enforcement agency and prosecution of any violation of the standards in this rule that can constitute a criminal offense under state law.

KEY: electronic cigarettes, nicotine, standards, Electronic-Cigarette Regulation Act

Date of Enactment or Last Substantive Amendment: [April 15,]2016

Authorizing, and Implemented or Interpreted Law: 26-57-103; 59-14-803(5)

Health
Health Care Financing, Coverage and Reimbursement Policy
Notice for November 2016 Medicaid Rate Changes

Effective November 1, 2016, 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>

End of the Special Notices Section

EXECUTIVE DOCUMENTS

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

The Governor's Office staff files **EXECUTIVE DOCUMENTS** that have legal effect with the Office of Administrative Rules for publication and distribution.

Calling the Sixty-First Legislature Into the Twelfth Extraordinary Session, Utah Proclamation No. 2016-12E

PROCLAMATION

WHEREAS, since the close of the 2016 General Session of the 61st Legislature of the State of Utah, certain matters have arisen which require immediate legislative attention; and

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

NOW, THEREFORE, I, Gary R. Herbert, Governor of the State of Utah, by virtue of the authority vested in me by the Constitution and Laws of the State of Utah, do by this Proclamation call the Senate only of the 61st Legislature of the State of Utah into the Twelfth Extraordinary Session at the Utah State Capitol in Salt Lake City, Utah, on the 21st day of September 2016, at 4:00 p.m., for the following purpose:

For the Senate to consent to appointments made by the Governor to positions within state government of the State of Utah since the close of the 2016 General Session of the Legislature of the State of Utah.

IN TESTIMONY WHEREOF, I have hereunto set my hand and caused to be affixed the Great Seal of the State of Utah. Done at the Utah State Capitol in Salt Lake City, Utah, this 19th day of September 2016.

(State Seal)

Gary R. Herbert
Governor

ATTEST:

Spencer J. Cox
Lieutenant Governor

2016/12/E

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 September 16, 2016, 12:00 a.m., and September 30, 2016, 11:59 p.m. are included in this, the October 15, 2016, 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 Office 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 Office 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 November 14, 2016. 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 February 12, 2017, the agency may notify the Office 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 Office 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

Agriculture and Food, Animal Industry
R58-17
Aquaculture and Aquatic Animal Health

NOTICE OF PROPOSED RULE

(Amendment)

DAR FILE NO.: 40802

FILED: 09/19/2016

RULE ANALYSIS

PURPOSE OF THE RULE OR REASON FOR THE CHANGE: The rule governs the importation of fish into the state, fish health issues, and the registration and monitoring of aquaculture facilities. The proposed changes to the rule would clarify the aquatic animals subject to registration and monitoring as aquaculture facilities. Additionally, the changes would clarify testing procedures. Other changes are to reformat and update the table regarding pathogens and to add provision for electronic meetings for the Fish Health Policy Board.

SUMMARY OF THE RULE OR CHANGE: The rule adds provisions regarding the Fish Health Policy Board and electronic meetings. It clarifies when an import permit or certificate of veterinary inspection is required to import live aquatic animals into the state. Further, it allows inspectors to take a composite sample of equally susceptible species instead of collecting tissue from 60 fish of each species.

STATUTORY OR CONSTITUTIONAL AUTHORIZATION FOR THIS RULE: Section 4-37-503

ANTICIPATED COST OR SAVINGS TO:

◆ **THE STATE BUDGET:** The cost for virology screening on one lot (i.e., 60 fish of the same species) is approximately \$550. Therefore, the Division of Wildlife Resources could save \$3,850 by being able to form composite samples from equally susceptible species. This savings does not account for the labor cost incurred collecting fish from wild sites. The collection of fish for disease sampling or fish health certification can involve setting and pulling nets, electrofishing, or angling for fish and typically involves multiple people working several hours. By allowing for composite samples of equally susceptible species and thereby reducing the number of fish needed to be caught, the cost savings is considerably more.

◆ **LOCAL GOVERNMENTS:** There are no requirements made on local government in the changes to the rule.

◆ **SMALL BUSINESSES:** The rule change may encourage private aquaculture to diversify the number of non-salmonid species they culture. At the time of the rule change, there is only one facility that has fish that would be affected by the rule change. They could save \$550 per year for fish health certification inspection costs.

◆ **PERSONS OTHER THAN SMALL BUSINESSES, BUSINESSES, OR LOCAL GOVERNMENTAL ENTITIES:** The rule change may encourage private aquaculture to diversify the number of non-salmonid species they culture. At the time of the rule change, there is only one facility that has fish that would be affected by the rule change. They could save \$550 per year for fish health certification inspection costs.

COMPLIANCE COSTS FOR AFFECTED PERSONS: These rule changes could potential lead to a \$550 cost savings to those affected by the rule.

COMMENTS BY THE DEPARTMENT HEAD ON THE FISCAL IMPACT THE RULE MAY HAVE ON BUSINESSES: This change will positively reduce the amount of labor necessary for the department and the Division in collecting samples. Furthermore, it could result in a net savings for the small business engaged in aquaculture.

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

AGRICULTURE AND FOOD
 ANIMAL INDUSTRY
 350 N REDWOOD RD
 SALT LAKE CITY, UT 84116-3034
 or at the Office of Administrative Rules.

DIRECT QUESTIONS REGARDING THIS RULE TO:

◆ Cody James by phone at 801-538-7166, by FAX at 801-538-7169, or by Internet E-mail at codyjames@utah.gov
 ◆ Kathleen Mathews by phone at 801-538-7103, by FAX at 801-538-7126, or by Internet E-mail at kmathews@utah.gov
 ◆ Scott Ericson by phone at 801-538-7102, by FAX at 801-538-7126, or by Internet E-mail at sericson@utah.gov

INTERESTED PERSONS MAY PRESENT THEIR VIEWS ON THIS RULE BY SUBMITTING WRITTEN COMMENTS NO LATER THAN AT 5:00 PM ON 11/14/2016

THIS RULE MAY BECOME EFFECTIVE ON: 11/21/2016

AUTHORIZED BY: LuAnn Adams, Commissioner

R58. Agriculture and Food, Animal Industry.
R58-17. Aquaculture and Aquatic Animal Health.
R58-17-1. Authority and Purpose.

(A) This rule is promulgated under the authority of Section 4-37-101 (et seq.) Amendments, Subsection [~~4-2-2(j)~~]4-2-2(i) and 4-37-503.

(B) This rule establishes a program for the registration and [~~fish~~]aquatic animal health monitoring of aquaculture facilities, fee-fishing facilities, [~~fish~~]aquatic animal brokering, public aquaculture facilities, public fishery resources, private fish ponds, institutional facilities, private stocking, short-term fishing events and displays. This

rule also addresses the importation of aquatic animals into Utah and establishes requirements for health approval of aquatic animals and their sources. The program is based on the monitoring of facility operations and aquatic animal movements to prevent the exposure to and spread of pathogens or diseases which adversely affect both cultured and wild aquatic animal stocks.

(C) Persons engaged in operations listed in R58-17-1(B) must comply with the rules for site selection and species control under Department of Agriculture and Food 4-37-201(3) and 4-37-301(3) and Department of Natural Resources rules R657-3 and R657-16.

(D) This rule is part of a statewide aquaculture disease control effort that includes procedures and policies established and adopted by the Fish Health Policy Board.

R58-17-2. Definitions.

(A) The following terms are defined for this rule:

(1) "Aquaculture" means the controlled cultivation of aquatic animals. In this rule, the word "aquaculture" refers to commercial aquaculture.

(2)(a) "Aquaculture facility" means any tank, canal, raceway, pond, off-stream reservoir, ~~fish~~ aquatic animal processing plant or other structure used for aquaculture. "Aquaculture facility" does not include any public aquaculture facility, private fish pond or fee fishing facility, as defined in this rule.

(b) Structures that are separated by more than 1/2 mile, or structures that drain to or are modified to drain into different drainages, are considered separate aquaculture facilities regardless of ownership.

(3)(a) "Aquatic animal" means a member of any species of fish, mollusk, crustacean, or amphibian.

(b) "Aquatic animal" includes a gamete or egg of any species listed in definitions under Subsection R58-17-2(3)(a).

(4) "Blue Book" means a set of the most current standard procedures approved by the American Fisheries Society for inspecting the health of aquatic animals.

(5) "Brokers or ~~fish~~ aquatic animal brokering" refers to the activities of dealers, entities, individuals or companies that are in the business of buying, selling, exchanging or transferring live aquatic animals between approved or licensed facilities pursuant to R58-17-13(C) and R58-17-14 without being actively involved in the culture, rearing or growth of the animals. This includes a person or company who rears aquatic animals, but also buys and sells (brokers) additional aquatic animals without rearing them.

(6) "Certificate of Registration (COR)" means an official document which licenses facilities with the Department of Agriculture and Food or which licenses facilities and events with the Division of Wildlife Resources pursuant to R58-17-4. The purpose of the COR is to establish the legal description of the facility, the species of aquatic animals reared and to grant the authority to engage in the described activity.

(7) "Department" means the Department of Agriculture and Food with appropriate regulatory responsibility pursuant to R58-17-4(A)(1) in accordance with the provisions of Sections 4-2-2 and 4-37-104, Utah Code.

(8) "Disease History" means a record of all known pathogens that have historically affected aquatic animals reared at a facility that seeks health approval pursuant to R58-17-15(C)(2)(b).

(9) "Division" means the Division of Wildlife Resources in the Department of Natural Resources with the appropriate regulatory

responsibility pursuant to R58-17-4(A)(2), R657-3, R657-16 in accordance with the provisions of Sections 23-14-1 and 4-37-105, Utah Code.

(10) "Egg only sources" refers to a separate category of salmonid fish health approval that allows for the purchase of "fish eggs only" from a facility pursuant to R58-17-15(B)(5) and (D)(1). This category makes the distinction between those pathogens that are vertically transmitted (from parent to offspring through the egg, i.e., Renibacterium salmoninarum (BKD), IHNV, IPNV, OMV, VHSV, SVCV, EHNIV) and those horizontally transmitted (from one ~~fish~~ aquatic animal to another by contact or association, i.e., Aeromonas salmonicida, Asian tapeworm, Ceratomyxa shasta, Tetracapsuloides bryosalmonae (PKX), Myxobolus cerebralis (whirling disease), and Yersinia ruckeri).

(11) "Emergency prohibited pathogen" is a pathogen that causes high morbidity and high mortality, is exotic to Utah, and requires immediate action. These pathogens generally cannot be treated and shall be controlled through avoidance, eradication, and disinfection (see R58-17-20).

(12) "Emergency Response Procedures" are procedures established by the Fish Health Policy Board to be activated any time an emergency prohibited or prohibited pathogen is reported pursuant to R58-17-9 and R58-17-15(D)(6).

(13) "Emergency response team" means teams as defined by the Fish Health Policy Board responsible for developing and executing action plans to respond to and report findings of emergency prohibited or prohibited pathogens pursuant to R58-17-9, R58-17-10(A)(1) and R58-17-10(B)(1).

(14) "Entry Permit" means an official document issued by the Department which grants permission to the permit holder to import aquatic animals into Utah pursuant to R58-17-13. An entry permit is issued for up to 30 days and stipulates the species, size or age, weight and source of aquatic animals to be imported.

(15) "Facility disease history report" means a report of all known pathogens that have historically affected aquatic animals reared at a facility seeking approval pursuant to R58-17-15, subsections (B) (6), (C)(1)(a), and (C)(2)(b) and (d).

(16) "Fee fishing facility" means a body of water used for holding or rearing aquatic animals for the purpose of providing fishing for a fee or for pecuniary consideration or advantage pursuant to Section 4-37-103 and R58-17-18.

(17) "~~Fish~~ Aquatic animal health approved/health approval" means a system of procedures which allows an assessment of the disease history of a facility or population of aquatic animals and which grants a statistical assurance that neither "emergency prohibited" nor "prohibited" pathogens are present. The Department's and Division's responsibilities for granting health approval are delineated in R58-17-15. Health Approval status is granted to qualified COR holders in Utah and to aquatic animal sources inside and outside of Utah, all of which have satisfactorily completed health approval requirements pursuant to R58-17-15, and placed on the ~~fish~~ aquatic animal health approval list (R58-17-13(C)). Health approval of the source facility is necessary before a purchase may be made from the source facility or before the source facility may sell, transfer, or broker aquatic animals in or into Utah pursuant to R58-17-14.

(18) "Fish Health Policy Board" means the board created pursuant to Amendment 4-37-503 and referred to in R58-17 as the "Board".

(19) "[~~Fish~~]Aquatic animal processing plant" means a facility pursuant to R58-17-13(G) and (H), and R58-17-17 used for receiving whole dead, eviscerated fresh or frozen salmonids or other live and dead aquatic animals as approved on the COR for processing.

(20) "Five-year disease history" means a report of all known pathogens affecting each stock native to, propagated at, or imported to the originating facility. These stocks or the offspring of these stocks are subsequently moved to another facility that seeks health approval pursuant to R58-17-15 subsections (B)(6), (C)(1)(a), and (C)(2)(b) and (d). The report shall cover up to the previous five years.

(21) "Import/importation" means to bring live aquatic animals, by any means into the State of Utah from any location outside the state and to subsequently possess and use them for any purpose.

(22) "Institutional aquaculture" means aquaculture engaged in by any institution of higher learning, school, or other educational program.

(23)(a) "Marine aquatic animal" means a member of any species of fish, mollusk or crustacean that spends its entire life cycle in a marine environment.

(b) "Marine aquatic animal" does not include:

(i) anadromous aquatic animal species;

(ii) species that temporarily or permanently reside in brackish water; and

(iii) species classified as invasive or nuisance by state or federal law.

~~(23)~~(24) "OIE" means the Office International des Epizooties of the World Organization for Animal Health, an intergovernmental organization that was established in 1924 to promote world animal health. The OIE provides guidelines and standards for health regulations and diagnostic tests. The most recent manual of health standards for aquatic animals is used to inspect for aquatic animal pathogens, for which the Bluebook has not developed standards. Such pathogens include EHN, WSSV, YHV, TSV, and IHNV covered in R58-17-20.

~~(24)~~(25) "Ornamental fish" means any species of aquatic animals that are reared or marketed for their beauty or exotic characteristics, rather than for consumptive or recreational use. Tropical fish, goldfish and koi are included in the category of ornamental fish. This does not include those species of aquatic animals listed as prohibited or controlled in Department of Natural Resources rule R657-3. Ornamental fish are not regulated under rules R58-17 or R657-3. If the Department or Division determines that an introduction of ornamental fish poses a disease risk for aquatic animals, then all requirements under this rule apply.

~~(25)~~(26)(a) "Private fish pond" means a body of water where privately owned aquatic animals are propagated or kept for a private, non-commercial purpose.

(b) "Private fish pond" does not include any aquaculture facility or fee fishing facility.

~~(26)~~(27) "Procedures for the Timely Reporting of Pathogens" means procedures established by the Board for the timely reporting of emergency prohibited, prohibited, or reportable pathogens from any source in Utah or from any out-of-state health approved source pursuant to R58-17-9 and R58-17-15(D)(5).

~~(27)~~(28) "Prohibited pathogen" is a pathogen that can cause high morbidity or high mortality, may be endemic to Utah, and requires action in a reasonable time. Prohibited pathogens are generally very difficult or impossible to treat and can only be

controlled through avoidance, eradication, and disinfection, etc (see R58-17-20).

~~(28)~~(29)(a) "Public aquaculture facility" means a tank, canal, raceway, pond, off-stream reservoir, or other structure used for the controlled cultivation of aquatic animals by the Division, the U.S. Fish and Wildlife Service, or an institution of higher education.

(b) Structures that are separated by more than 1/2 mile, or structures that drain to or are modified to drain into different drainages, are considered separate public aquaculture facilities.

~~(29)~~(30) "Public fishery resource" means aquatic animals produced in public aquaculture facilities, purchased or acquired for public fishery waters and sustained as wild and free ranging populations in the surface waters of the state.

~~(30)~~(31) "Quarantine" means the restriction of movement of live or dead aquatic animals regardless of age and of all equipment and hauling trucks into or from an area designated by the Commissioner of Agriculture or State Veterinarian pursuant to R58-17-10 and Agricultural code 4-31-16 and 17.

~~(31)~~(32) "Reportable pathogen" is a pathogen that generally is prevented using good management practices. Reportable pathogens are not prohibited in Utah but may be prohibited in some other states or countries (see R58-17-20). Inspections are not required for reportable pathogens, but positive findings must be reported to the Board.

~~(32)~~(33) "Salmonid and non-salmonid" designate aquatic animals based on the range of optimal growth temperatures used in their culture. "Salmonid" means any species of aquatic animal that is of the order Salmoniformes and optimally lives in coldwater conditions. "Non-salmonid" means any species of aquatic animal that is not of the order Salmoniformes nor cultured in coldwater conditions. For purposes of R58-17, aquatic animals such as cool water fish, warm water fish, and crustaceans (shrimp, crayfish, and prawns) are classified as non-salmonids.

~~(33)~~(34) "Source" means all rearing or holding locations during all of the life stages of an aquatic animal.

~~(34)~~(35) "Unregulated pathogen" is a pathogen that is not regulated in Utah. Unregulated pathogens include all pathogens not classified as either emergency prohibited, prohibited, or reportable. Reporting of these pathogens to the Fish Health Policy Board is not required (see R58-17-20).

R58-17-3. Penalties.

Any violation of or failure to comply with any provision of this rule, R657-59 or R657-16 or any specific requirement contained in a certificate of registration or entry permit issued pursuant to this rule, R657-59 or R657-16 may be grounds for issuance of citations, levying of fines, revocation of the certificate of registration or denial of future certificates of registration pursuant to Subsections 4-2-2(1)(f) and 4-2-15(1), as determined by the Commissioner of Agriculture and Food and pursuant to Sections 23-19-9, 23-20-4, and 23-13-11, as determined by the Director of the Division of Wildlife Resources.

R58-17-4. Certificate of Registration (COR) Required.

(A) Activities requiring a COR:

(1) A COR, issued by the Department, is required before a person may engage in any of the following activities within Utah:

(a) Operate an aquaculture facility.

(b) Operate a fee-fishing facility.

- (c) Operate a ~~[fish]~~aquatic animal processing plant.
- (d) Broker aquatic animals.

(2) A certificate of registration or health approval is not required to import, possess, or transfer a live marine aquatic animal, provided it is:

(a) imported and possessed for the singular purposes of immediate human consumption;

(b) possessed no longer than 30 days from the date of importation;

(c) acquired from a lawful source and documentation of purchase is retained;

(d) not released in any water source, including sewer systems; and

(e) imported and possessed in compliance with applicable state and federal laws, including the importation and possession requirements in R657-3-11(8).

~~(2)~~(3) A COR, issued by the Division, is required for operation of the following activities within the State of Utah:

(a) public aquaculture facilities;

(b) private fish ponds unless otherwise exempt from COR requirements under R657-59-3 and R657-59-7;

(c) institutional aquaculture facilities (R657-16-13);

(d) short term fishing events (R657-16-11);

(e) private stocking (R657-16-12);

(f) displays (R657-16-14).

~~(3)~~(4) Entry permits shall be issued to holders of current CORs for the activities named in this subsection and to private fish pond owners pursuant to R58-17-13 (J) and R657-59.

R58-17-5. Species Allowed.

(A)(1) Pursuant to Division of Wildlife Resources rules R657-3, R657-59, R657-16, and Utah Code sections 23-15-10 and 23-13-5, only those species authorized by the Division or the Wildlife Board may be imported, possessed, or transported in conjunction with the authorized activity.

(2) The species, strains, and reproductive capabilities of aquaculture product that may be stocked in fee fishing facilities are generally described in R657-59-16(3) and (4).

(B)(1) Pursuant to 4-37-105(1), 4-37-201(3)(B) and 4-37-301(3)(B) the Department shall coordinate with the Division to determine which species the holder of a COR may propagate, possess, transport or sell.

(2) Notwithstanding the site restrictions described in R657-59-16(3) and (4), the Department may authorize stocking in fee fishing facilities after formally coordinating with the Division on a site suitability for areas generally closed to stocking aquaculture product.

(C) The Department will monitor sales receipts to insure that the species described on CORs, sales receipts, and entry permits issued by the Department are those authorized by the Division.

R58-17-6. Qualifying Waters.

(A) A private or public aquaculture facility, fee-fishing facility or private fish pond may not be developed on natural lakes, natural flowing streams, or reservoirs constructed on natural stream channels. Offstream reservoirs, and excavated ponds or raceways may be considered for use as an aquaculture or fee-fishing facility.

(B) During the COR application process, the Department shall coordinate with the Division to determine the suitability of the

proposed site pursuant to R58-17-6(A), 4-37-111, 4-37-201(3) and 4-37-301(3).

R58-17-7. Screens Required.

(A) Screens or other devices that are designed to prevent the movement of ~~[fish]~~aquatic animals into or out of an aquaculture facility, fee-fishing facility, public aquaculture facility, private fish pond, institutional aquaculture facility, short term fishing event or display must be placed at the inflow and outflow. The presence of adequate screening or other devices is a precondition to issuance or renewal of CORs pursuant to R58-17-4 and a precondition to delivery of aquatic animals to private fish ponds from health approved sources as provided in section 23-15-10 and R657-59-15.

(B) As part of the COR issuance process, the Department or the Division shall make site visits and determine the adequacy of screening.

(C) The Department or Division may inspect screening or other devices in their respective areas of responsibility to assure compliance with Subsections R58-17-7(A) and (B) and Section 23-15-10 and R657-59-15 during reasonable hours.

(D) It is the responsibility of the private fish pond owner or COR holder to report to the Department or Division, depending on which agency has jurisdictional authority, all escapements of aquatic animals from facilities. This is to be done within 72 hours of the loss or knowledge of the loss. The report shall include facility names, date of loss, estimate of number of aquatic animals lost, names of the public water the aquatic animals escaped into, remedial actions taken, and plans for future remedial action. The COR holder and/or facility operator or private fish pond owner will bear all costs for remedial actions. The Department or Division shall notify all affected agencies and parties within two working days. The agency having responsibility may suspend all activities at the facility, including aquatic animal imports, transfers, sales, fishing, etc., until the investigation and remedial actions are completed.

R58-17-8. Application and Renewal of Certificates of Registration (CORs).

(A) Application process.

(1) For application procedures pursuant to R58-17-4, contact the Fish Health Program of the Department at 350 N. Redwood Road, Box 146500, Salt Lake City, UT 84114-6500 for activities listed in R58-17-4(A)(1) or the Wildlife Registration Office of the Division at 1594 West North Temple, Suite 2110, Salt Lake City, UT 84114-6301 for activities listed in R58-17-4(A)(2).

(2) The application form must be completed and sent to the appropriate address with the required fee. Forms that are incomplete, incorrect or not accompanied by the required fee may be returned.

(3)(a) Department or Division authorization of the site and species will be done at the earliest possible date. The Department will make every effort to process applications submitted to it within 14 work days pursuant to R58-17-5 and R58-17-6. Pursuant to R657-16-4, applications submitted under the jurisdiction of the Division require up to 45 days for processing, except for short-term fishing events, which require up to 10 days.

(b) The Division will review COR applications to ensure site suitability, allowable species, and potential impact to adjacent aquatic wildlife populations, consistent with this rule and state code.

(4) If the application is granted, a written COR and COR number will be issued. The COR holder shall keep a copy of the COR on file for 2 years pursuant to Section 4-37-110.

(5) If the application is denied, a written explanation will be sent to the applicant.

(B) Renewal process.

(1) All CORs are valid until December 31 for the calendar year issued unless specified otherwise on the COR or unless renewed sooner.

(2) CORs must be renewed annually by submitting a completed application and the required fee to the Department or Division, and by complying with all other applicable renewal criteria.

(3) Failure to timely renew the COR annually may result in the loss of health approval, denial of future CORs, and the removal or destruction pursuant to R58-17-13(G) of the live or dead aquatic animals at the facility. Removal or disposal of live or dead aquatic animals is the responsibility of the owner and shall be done by means acceptable to the agency having responsibility.

(C) CORs are not transferable.

R58-17-9. Reporting [Fish]Aquatic Animal Diseases.

Persons involved in aquaculture and being regulated by this rule, R657-59, or R657-16, having knowledge of the existence in the state of any of the diseases currently on the pathogen list, Subsection R58-17-15(D)(2), (3), and (4), shall report it to the Department, Fish Health Program or the Division, Aquatics Section. The Department or Division will follow the Procedures for the Timely Reporting of Pathogens and the Emergency Response Procedures established by the Board. All confirmed findings of pathogens pursuant to R58-17-15(D) (2), (3), and (4), determined from such incidents or from inspections or diagnostic work initiated by the Department or the Division, will be reported to the Board.

R58-17-10. Quarantine of Aquatic Animals and Premises.

(A) If evidence exists that the aquatic animals in any facility are infected with or have been exposed to pathogens listed in R58-17-15(D)(2) and (3), then either quarantine or removal from the approval list (R58-17-2 (17)), depending on the pathogen, may be imposed by the Commissioner of Agriculture or the State Veterinarian. Any action other than a quarantine must be approved by the Board.

(1) Lifting of the quarantine imposed on a facility infected with or exposed to emergency or prohibited pathogens requires the creation and implementation of a biosecurity plan that specifies action to control the pathogen and includes testing requirements of all lots of [fish]aquatic animals to verify the absence of the pathogen. In addition, the Department may require decontamination of the facilities and equipment in accordance with current medical knowledge of the organism, the Blue Book, and guidelines set forth by the Emergency Response Team.

(2) If the Department has reasonable evidence that the contagion is still present pursuant to R58-17-11, then quarantine, closure, or other measures such as decontamination of the facility and equipment, destruction of aquatic animals, etc. may be imposed. Such measures will be in accordance with current medical knowledge of the organism, the Blue Book, and guidelines set forth by the Emergency Response Team.

(B) A quarantine may be imposed by the Commissioner of Agriculture or the State Veterinarian where aquatic animals are possessed, transported or transferred in violation of this rule, wildlife

rules, or statute and consequently pose a possible disease threat; or where a quarantine is reasonably necessary to protect aquatic animals within the state. This action may be reviewed by the Board for recommendations to the Department.

(1) Quarantines imposed on facilities for rule or statute violations or for purposes of protecting aquatic animals may be lifted once sufficient evidence is presented to the State Veterinarian's satisfaction that infection is not present at the facility or that biosecurity control measures are being followed which will control further spread of the pathogen, and that removal of the quarantine does not create a risk to other aquatic animal populations. In addition, the Department may require decontamination of the facilities and equipment in accordance with current medical knowledge of the organism, Blue Book procedures, and guidelines set forth by the Emergency Response Team.

(2) If the Department has reasonable evidence that the contagion is present pursuant to R58-17-11, then quarantine, closure, or other measures shall be imposed pursuant to R58-17-10(A)(2).

(C) Any person, licensed pursuant to R58-17 and affiliated with a facility under quarantine, who delivers aquatic animals from health-approved sources for other public or private aquaculture facilities may, with written permission from the Department, use their hauling trucks if the operator either houses the truck off the quarantined facility, or sanitizes the truck according to Department recommendations each time it leaves the quarantined facility.

R58-17-11. Handling of Aquatic Animals and Premises Confirmed to Be Infected With a Listed Pathogen in R58-17-15(D).

(A) Where any facility or group of aquatic animals is confirmed to be infected with one or more of the pathogens listed in R58-17-15(D), the Commissioner of Agriculture and Food or State Veterinarian may either quarantine or remove the facility from the health approval list pursuant to R58-17-10 and take steps to prevent the spread of the pathogen and to eliminate it. These actions may be reviewed by the Board for recommendations to the Department. The Department or Division, in their respective areas of responsibility, may take one or more of the following actions as listed below in this subsection, depending on the pathogen involved and the potential effects of the pathogen on the receiving water, neighboring aquaculture facilities or the public fishery resource.

(1) Destruction and disposal of all infected and exposed aquatic animals.

(2) Cleaning and decontamination or disposal of all handling equipment and holding facilities.

(3) Testing is required of all lots of [fish]aquatic animals, which may be at the owner's expense, to detect the presence or spread of the pathogen. This may include the use of sentinel [fish]aquatic animals. After two negative tests, six months apart, the quarantine shall be reassessed, possibly released, and/or other measures may be imposed pursuant to R58-17-10(A)(2). Once sufficient evidence shows that the pathogen is not present at a facility, full restocking may begin.

(4) The infected aquatic animals may be allowed to remain on the premises through the production cycle depending on the pathogen involved and its potential effects on adjacent animals. All stocks within the facility shall be tested according to provisions outlined in the biosecurity plan to determine if the pathogen persists. At the end of the production cycle, then testing should be done at least annually. If the pathogen is not found after two consecutive annual

inspections, then testing may revert to the original requirements for the facility. If biosecurity of the facility cannot or is not being maintained, immediate destruction of the stocks may be required. The biosecurity plan for the facility shall remain in effect if the COR holder sells or goes out of business.

R58-17-12. Statement of Variances.

Circumstances may arise which cannot be adequately addressed or resolved with this rule. The Board may grant specific variances to the rule if the following conditions are met:

- (A) The variance is based on scientifically sound information and rationale.
- (B) The variance will cause no significant threat to other aquaculture operations, state or private, or to public fishery resources.
- (C) The variance is documented appropriately.

R58-17-13. Importation of Aquatic Animals or Aquaculture Products Into Utah.

(A) Except as provided in Subsection (L), [A]an official ENTRY PERMIT is required to import live aquatic animals or their gametes into Utah. This permit is in addition to the COR for operation of the facility or as otherwise specified in R58-17-4. The entry permit can be obtained at no charge by contacting the Department, Fish Health Program and providing the following information:

- (1) Name, address, phone number and COR number of importer.
- (2) Species, size and/or number of aquatic animals to be imported.
- (3) Name and health approval number of sources, origin of aquatic animals, transfer history, and approximate date of shipment.
- (4) For international shipments or an animal with international origins, a certificate of veterinary inspection from the source must be obtained by the importer indicating a negative record of testing by OIE reference labs for prohibited pathogens pursuant to R58-17-15(D)(2) and (3), a negative record of other OIE-listed pathogens affecting the aquatic animals to be imported, and that known nuisance species are not found in the water source. In addition, written authorization from the US Department of Agriculture, Animal and Plant Health Inspection Service (USDA/APHIS) for the importation must be included.

(B) Each shipment of live aquatic animals must be authorized. A copy of the entry permit will be sent to the requesting party and a copy must accompany the shipment. The permit holder shall allow up to two weeks for the Department to verify the health approval status of the source and to verify authorized species status pursuant to R58-17-5.

(C) All import shipments of live aquatic animals must originate from sources that have been health approved by the Department pursuant to R58-17-15(A)(2) and (B). A list of approved sources is maintained by the Department, but the list is not published due to frequent updates. Information on currently approved sources may be obtained by contacting the Department Fish Health Program.

(D) All importations must be species that have been authorized by the Wildlife Board and the Division pursuant to R657-3, R657-59-16, and 4-37-105(1).

(E) To import or sell live grass carp (*Ctenopharyngodon idella*), the fish must be verified as being triploid (sterile) by the National Triploid Grass Carp Inspection and Certification Program~~[a laboratory and method acceptable to the Department]~~. A U.S. Fish

and Wildlife Service triploid verification form must be obtained from the supplier as required in R657-16-7. Both this form and the Department's statement verifying treatment or testing for ~~[the]~~Asian tapeworm must be on file with the Department prior to shipment or stocking of the fish. Copies of the entry permit, treatment or testing statement for Asian tapeworm, and ~~[the]~~triploid verification forms must accompany the fish during transit. The statement verifying treatment or testing is also required for all aquatic animal species that are known or reported hosts or carriers of the Asian tapeworm.

(F) The State Veterinarian may require inspection, treatment or testing of any aquatic animal and plant species, including aquatic invasive species, water, vehicle, or container, in accordance with current scientific knowledge before importation.

(G) Whole dead and eviscerated fresh or frozen salmonid fish or live aquatic animals may be imported into Utah for processing at a ~~[fish]~~aquatic animal processing plant without an Entry Permit. Live salmonid fish may be imported into and transported within Utah for processing at a ~~[fish]~~aquatic animal processing plant without an Entry Permit, but they must be killed upon release from the transport vehicle and may not be held live at the ~~[fish]~~aquatic animal processing plant. Waste products, i.e., brine shrimp cysts, carcasses, viscera and waste water, must be incinerated, buried with "quick lime" (Calcium oxide), composted, digested, or disposed of by means acceptable to the Department to deter the spread of pathogens and non-native species pursuant to R657-3 by water or animals. The Department may apply the requirements in this subsection to other species of aquatic animals and pathogens if future needs arise.

(H) Placement of dead ~~[fish]~~aquatic animals, ~~[fish]~~parts, or ~~[fish]~~waste products from a ~~[fish]~~aquatic animal processing plant, or live or dead aquatic animals from any facility into public waters is illegal. Proper disposal is the responsibility of the processor/owner/broker pursuant to R58-17-13(G).

(I) All transport vehicles, importing aquatic animals imported into Utah or transporting them through Utah pursuant to R58-17-14(C), must have proper documentation and are subject to inspection. The lack of proper documentation and/or the findings of an inspection may result in entry denial, fines, or other Department actions. All inspection costs will be born by the importer.

(J) Aquatic animals may be imported and transported to a private fish pond by an out-of-state source, approved by the Department, or by an aquaculture facility representative with a current COR by following requirements in section 4-37-204. The approved or licensed facility representative and the private fish pond representative shall sign and forward receipts pursuant to R58-17-17 (D).

(L) An import permit or certificate of veterinary inspection is not required to import a live marine aquatic animal into the state, provided it is:

- (1) imported and possessed for the singular purposes of immediate human consumption;
- (2) possessed no longer than 30 days from the date of importation;
- (3) acquired from a lawful source and documentation of purchase is retained;
- (4) not released in any water source, including sewer systems; and
- (5) imported and possessed in compliance with applicable state and federal laws, including the importation and possession requirements in R657-3-11(8).

R58-17-14. Buying, Selling, and Transporting Aquatic Animals.**(A) Buying aquatic animals:**

Live aquatic animals, except ornamental fish~~[-]~~ and marine aquatic animals as provided in R58-17-4(2), unless the ornamental fish are determined a risk pursuant to R58-17-2(A)(24), may be purchased or acquired only by persons or entities who possess a valid COR that authorizes the animals or as otherwise specified in R58-17-4. This applies to separate facilities owned by the same individual. Live aquatic animals must be purchased only from sources that either are located in-state and have a valid COR for aquaculture or are located outside of Utah. In both cases, the sources must also be on the current [fish]aquatic animal health approval list.

(B) Selling aquatic animals:

Live aquatic animals, except ornamental fish and marine aquatic animals as provided in R58-17-4(2), unless the ornamental fish are determined a risk pursuant to R58-17-2(A)(24), may be sold only by a person or entity located in-state who possesses a valid COR for aquaculture or by a person or entity located outside of Utah. Current listing for each source and species on the health approval list is also required. Within Utah, an aquaculture facility operator may only sell or transfer live aquatic animals to a person or entity, which has been issued a valid COR to possess such animals or as otherwise specified in R58-17-4.

(C) Transporting aquatic animals:

(1) Any person possessing a valid COR may transport the live aquatic animals specified on the COR to the facility named on the COR.

(2) All transfers or shipments of live aquatic animals within Utah, except ornamental fish and marine aquatic animals as provided in R58-17-4(2), unless the ornamental fish are determined a risk pursuant to R58-17-2(A)(24), must be accompanied by documentation of the source and destination, including:

(a) Name, address, phone number, COR number and COR expiration date, [fish]aquatic animal health approval number and expiration date of source and transfer history.

(b) Species, size, number or weight being shipped.

(c) Name, address, phone number, COR number and COR expiration date of the destination or as specified in R58-17-4.

(d) Date of transaction.

(3) Live aquatic animals may be shipped through Utah without a COR, provided that the animals will not be sold, released or transferred, the products remain in the original container, water from the out-of-state source is not exchanged or released, and the shipment is in Utah no longer than 72 hours. Proof of legal ownership, origin of aquatic animals and destination must accompany the shipment.

(4) Any person who hauls [fish]aquatic animals may transport a species other than those listed on their COR provided the source facility and destination both have a valid COR to possess that species. Transportation of aquatic animals to a private fish pond may not require a COR pursuant to R657-59-3, but movement and delivery of the aquatic animals is subject to the species restrictions in R657-59-16.

(5) No person may move or cause to be moved aquatic animals from a facility known to be exposed to or infected with any of the pathogens on the pathogen list, R58-17-15(D)(2) through (4), without first reporting it to the appropriate regulating agency pursuant to R58-17-9 and receiving written authorization to move the aquatic animals.

(D) Brokers:

(1) Brokers shall follow the same requirements that other producers follow as to importation, health approval of their facility and their source facilities and assuring that live sales are only made to those with valid CORs.

(2) To qualify for health approval of their [fish]aquatic animals, brokers shall obtain health approval for all source facilities from which they broker [fish]aquatic animals.

R58-17-15. Aquatic Animal Health Approval.

(A) Live aquatic animals, except ornamental fish and marine aquatic animals as provided in R58-17-4(2), unless the ornamental fish are determined a risk pursuant to R58-17-2(A)(24), may be acquired, purchased, sold or transferred only from sources which have been granted health approval by the Department pursuant to this section. This applies to separate facilities owned by the same individual and to both in-state and out-of-state facilities.

(1) The Department shall be responsible for granting health approval and assigning a health approval number to aquaculture facilities in Utah, and to any out-of-state sources pursuant to 4-37-501(1). The Division shall be responsible for granting health approval and assigning a health approval number to public aquaculture facilities within the state, and for the movement of live aquatic animals from wild populations in waters of the state pursuant to 4-37-501(1).

(2) The Department is responsible for granting health approval for the importation into or transportation through Utah of aquatic animals.

(3) The Board may review health approval actions of the Department or the Division.

(B) Basis for Health Approval:

(1) Health approval for salmonid aquatic animals is based on the statistical attribute sampling of each lot of aquatic animals at the facility in accordance with current Blue Book procedures. This shall require minimum sampling at the 95% confidence level, assuming a 5% carrier prevalence for the prohibited pathogens, pursuant to R58-17-15(D)(2) and (3). Health approval is applied to the entire facility, not individual lots of [fish]aquatic animal.

(2) All lots of [fish]aquatic animals shall be sampled.

(3) For brood facilities, lethal sampling may be required on the brood [fish]aquatic animals if the following conditions exist:

(a) Progeny are not available at the facility for lethal sampling;or

(b) A statistically valid sample of ovarian fluids from ripe females is not tested.

(4) Collection, transportation and laboratory testing of the samples will follow standard procedures specified by the Department, the Division and the Board. Inspections will be conducted under the direction of an individual certified by the American Fisheries Society as a fish health inspector.

(5) EGG ONLY sources - A facility which cannot gain full health approval because of a horizontally transmitted pathogen, may be approved to sell eggs provided the eggs are free of the listed vertically transmitted pathogens pursuant to R58-17-15(D)(1) and are properly disinfected using approved methods prior to shipment. Eggs may be required to be from incubation units isolated from hatchery and open water supplies and to be from [fish]aquatic animal-free water sources.

(6) Health approval for non-salmonid aquatic animals is based on specific pathogen testing for that identified aquatic animal as per R58-17-15(D). This shall require minimum sampling at the 95% confidence level, assuming a 5% carrier prevalence for the prohibited pathogens, pursuant to R58-17-15(D)(2) and (3). In addition, the agency having responsibility pursuant to R58-17-15(A)(1) and (2) will discuss the disease history of the facility with the producer, and then contact acceptable fish health professionals to identify other existing or potential disease problems.

(a) An exemption for a statistical attribute sampling of each lot of fish may be granted for non-salmonid species that reside in the same water source throughout their life history and are of equal pathogen susceptibility. In which case, a representative composite sample of 60 fish.

(7) Under no circumstances shall health approval be granted to a facility if any lots test positive for pathogens listed in R58-17-15(D)(2) or (3) or if any of the same pathogens contaminate the facility's production waters or water source.

(C) Approval Procedures:

(1) Applicable to all aquatic animals.

(a) To receive initial health approval, inspection reports or other evidence of the disease status of an aquaculture facility or public aquaculture facility must be submitted to the appropriate agency (see R58-17-15(A)(1) and (2)). Applicants seeking initial approval and annual renewal for non-salmonid aquatic animals shall complete and submit forms provided by the Department or Division. Initial approval also requires the applicant to include information on origins of the aquatic animals at the facility, available disease histories by means of a facility disease history report and a five year disease history report, and ~~[fish]~~ aquatic animal transfer histories. The same application materials shall be required annually for renewal of health approval for activities occurring between applications.

(b) Inspections are conducted pursuant to Utah Code Section 4-37-502 and this ~~[section]~~ rule to detect the presence of any prohibited pathogens listed under R58-17-15(D)(2) and (3). Overt disease need not be evident to disqualify a facility. To qualify for initial and renewal of health approval, evidence must be available verifying that prohibited pathogens listed under R58-17-15(D)(2) and (3) are not present.

(c) Once requirements for health approval have been met, the facility shall be added to the health approval list of the responsible agency and assigned a health approval number for the current year. Health approval of each facility shall be reviewed annually for continuance on the lists maintained by the Department and the Division pursuant to R58-17-15(A)(1).

(d) The Department will report all confirmed results of pathogens pursuant to R58-17-15(D) for sources under its jurisdiction at each meeting of the Board.

(e) Public aquaculture facilities and wild brood stocks are included on the health approval list maintained by the Division. The Division will report all confirmed results of pathogens pursuant to R58-17-15(D) for sources under its jurisdiction at each meeting of the Board.

(f) If all aquatic animals are removed from an approved facility for a period of three months or more, or if health approval is canceled or denied, then subsequent health approval may be granted only after the facility owner has satisfactorily reapplied pursuant to R58-17-15(C).

(2) Applicable to salmonid aquatic animals:

(a) For initial approval of new facilities, two inspections of the same lot, at least four months apart and negative for any prohibited pathogen listed in R58-17-15(D)(2) and (3), are required. The aquatic animals must have been at the facility at least six months prior to the first inspection. During the inspections, the aquatic animals shall be reared for appropriate periods in waters from one source, and lots from all source waters at a facility shall be inspected.

(b) For initial approval of existing facilities, health inspection reports for a minimum of the previous two years, and facility disease history reports for up to the previous five years and five-year disease histories for all stocks transferred to the facility are required.

(c) All lots of aquatic animals at the facility as well as any outside sources of these aquatic animals must be inspected for initial approval and for renewals pursuant to R58-17-15(B)(4).

(d) After initial approval, annual inspections shall be conducted to renew health approval. A two-month grace period is granted at the completion of the annual inspection for laboratory testing of samples and reporting of test results. This is to allow the facility to conduct business while awaiting test results. Health inspection reports, the facility disease history for at least the previous year, and disease histories for at least the previous year for all stocks imported to the facility shall be required before each renewal.

(3) Applicable to non-salmonid aquatic animals:

(a) For approval of facilities, one inspection of aquatic animals to be approved from the pond, reservoir, or holding facility and negative testing of an appropriate attribute sample for any applicable prohibited pathogen pursuant to R58-17-15(D)(2) and (3) is required. A composite sample of 60 ~~[fish]~~ aquatic animals of the same lot from all ponds in the shipment from the same water source may be accepted in lieu of a full attribute sample.

(b) In addition, a written report is required from an acceptable fish health professional stating that no clinical signs of any infectious ~~[fish]~~ aquatic animal disease are ongoing and that certain pathogens are not infecting the species to be imported at the time of importation.

(D) Prohibited and reportable pathogen list:

(1) Pathogens requiring control are classified as emergency prohibited, prohibited, or reportable. Those pathogens denoted by an asterisk (*) preceding the name will only be tested for if the aquatic animals or eggs originate from an area where the pathogen is found. Pathogens denoted by a double asterisk (**) after the name can only be transmitted in ~~[fish]~~ aquatic animals and not in the eggs, therefore permitting the special provisions for egg only sources provided in R58-17-2(A)(10) and R58-17-15(B)(5). Excluding Artemia cysts, aquatic shrimp and prawns are not marketed as eggs, thus exempting shrimp and prawns from the egg-only provisions. However, the egg-only provision may be applied should shrimp or prawns be marketed as eggs and the Department or Division determines a vertically transmissible, emergency prohibited pathogen is present. Pathogens of aquatic shrimp and prawns are denoted with a triple asterisk (***) after the name. Pathogens that are inspected using the most current OIE Manual of Diagnostic Tests for Aquatic Animals are denoted with the pound sign (#) after the name.

(2) Emergency prohibited pathogens.

(a) Infectious hematopoietic necrosis virus (IHNV).

(b) Infectious pancreatic necrosis virus (IPNV).

(c) Viral hemorrhagic septicemia virus (VHSV).

(d) *Oncorhynchus masou virus (OMV).

- (e) Spring viremia of carp virus (SVCV).
 - (f) *Epizootic hematopoietic necrosis virus (EHNV)#.
 - (g) White spot syndrome virus (WSSV)***#.
 - (h) Yellow head virus (YHV)***#.
 - (i) Taura syndrome virus (TSV)***#.
 - (j) Infectious hypodermal and hematopoietic necrosis virus (IHHNV)***#.
- (3) Prohibited pathogens.
- (a) Myxobolus cerebralis (whirling disease)**.
 - (b) Renibacterium salmoninarum (bacterial kidney disease (BKD)).
 - (c) *Ceratomyxa shasta (ceratomyxosis disease)**.
 - (d) Bothriocephalus (Asian tapeworm disease bothriocephalosis)**.
 - (e) *Tetracapsuloides bryosalmonae or PKX (proliferative kidney disease (PKD))**.
- (f) Emerging aquatic animal pathogens the State Veterinarian considers a threat to state aquatic resources, including any filterable agent or agent of clinical significance as determined by the Board.
- (4) Reportable pathogens.
- (a) Yersinia ruckeri (enteric redmouth disease)**.
 - (b) Aeromonas salmonicida (furunculosis disease)**.
 - (c) Centrocestus formosanus**.
 - (d) Any [E]emerging [fish]aquatic animal pathogens the State Veterinarian considers a threat to the state aquatic resources [including any filterable agent or agent of clinical significance as determined by the Board].
- (5) The Procedures for the Timely Reporting of Pathogens shall be followed if any emergency prohibited, prohibited, or reportable pathogen is found. Inspection for reportable pathogens is optional, but positive findings of these pathogens must be reported to the Board. Reporting of unregulated pathogens to the Board is not required.
- (6) The Emergency Response Procedures shall be activated any time a confirmed finding or unconfirmed evidence of an emergency prohibited or prohibited pathogen is reported.

R58-17-16. Inspection of Records and Facilities.

(A) Except as otherwise provided in R657-16-9 and R657-59-12, the following records shall be maintained for a period of up to five years and be available for inspection during reasonable hours by the appropriate agency pursuant to R58-17-4.

- (1) Purchase, acquisition, distribution, and production histories of live aquatic animals.
- (2) CORs and entry permits.
- (3) Valid identification of stocks, including origin of stocks.

(B) The appropriate agency representatives pursuant to R58-17-4 and Utah Codes 4-1-4, 4-31-16 and 23-15-10 and under appropriate regulatory responsibility may conduct pathological or physical investigations at any registered facility, private fish ponds and [fish]aquatic animals being imported or transported in vehicles, during reasonable hours if there is cause to believe that a disease condition exists or as otherwise authorized in R58-17-7, R58-17-17 (D), R657-59 and R657-16. Any laboratory testing as a result of this investigation will be at the owner's expense if evidence indicates that R58-17 has been violated pursuant to the investigation.

R58-17-17. Aquaculture Facilities, [Fish]Aquatic Animal Processing Plants, Brokers.

(A) COR required:

A COR is required to operate an aquaculture facility or a [fish]aquatic animal processing plant and to act as a broker. A separate COR and fee are required for each facility defined under "aquaculture facility", Section 4-37-103(2), regardless of ownership.

(B) Live aquatic animals may be sold or transferred:

The operator of an aquaculture facility with health approval may take the aquatic animals as authorized on the COR from the facility at any time and offer them for sale. Within Utah, live aquatic animals can only be sold to other facilities which have a valid COR for that species. [Fish]Aquatic animal processing plants dealing with salmonids shall neither hold nor sell live salmonids.

(C) Fee-fishing facility and/or [fish]aquatic animal processing plant allowed: The operator of an aquaculture facility may also operate a fee-fishing facility pursuant to R58-17-18 and/or a [fish]aquatic animal processing plant pursuant to R58-17-17 and R58-17-13(G) and (H), provided the fee-fishing facility or the [fish]aquatic animal processing plant is within one half mile distance from the aquaculture facility, contains only those species authorized on the COR for the aquaculture facility, and this activity is listed on the COR for the aquaculture facility.

(D) Receipts required: Any sale, shipment, or transfer of live aquatic animals from an [out-of-state]in-state approved source, [from an]aquaculture facility or [by]a broker must be accompanied by a receipt. A receipt book or the electronic equivalent will be provided by the Department upon request. Copies of all receipts will be submitted to the Department with the annual report. The receipt will contain:

- (1) Names, addresses, phone numbers, COR numbers, COR expiration dates, [fish]aquatic animal health approval numbers and expiration dates of sources.
- (2) Number, strain name, species name, age/size, reproductive capability and weight being shipped.
- (3) Names, addresses and phone numbers of destinations.
- (4) COR numbers and COR expiration dates for destinations excluding private fish pond owners that qualify to operate without a COR.
- (5) Dates of transactions.
- (6) Signatures of seller and buyer or as otherwise required in R657-59.

(E) Annual reports required:

Aquaculture facility owners, [fish]aquatic animal processing plant owners, and brokers shall submit annual reports of all sales, transfers, and purchases to the Department at the time of the COR renewal, pursuant to R58-17-8(B)(2). Report forms will be provided by the Department.

(1) The report will contain:

- (a) Names, addresses, phone numbers, COR numbers and health approval numbers of sources.
- (b) Number, size and weight by species.
- (c) Names, addresses, phone numbers, COR numbers of the destinations.
- (d) Dates of transactions.
- (2) Copies of receipts pursuant to R58-17-17(D), shall be submitted as part of the annual report to the Department.

(3) Reports shall be submitted to the Department by December 31 each year and must be received before a COR will be renewed. If the report, application, receipts and fee are not received by December 31 pursuant to R58-17-8(B), the COR will no longer be valid and regulatory action may be initiated pursuant to R58-17-8(B) (3). For sales made after submittal of the annual report and before January 1, the facility owner shall submit an addendum report that is due by January 31.

(4) The report made by operators of ~~[fish]~~aquatic animal processing plants shall also contain all purchases and transfers to and from the facility and shall address proper methods of disposal with dates and locations pursuant to R58-17-13(G) and (H).

(F) Fees assessed:

The initial and annual renewal COR fee for aquaculture facilities, brokers, and ~~[fish]~~aquatic animal processing plants is \$150.00, pursuant to Section 4-37-301.

(G) The COR holder shall keep a copy of CORs, reports, and records on file for two years pursuant to 4-37-110.

R58-17-18. Fee-Fishing Facilities.

(A) COR required:

A COR is required to operate a fee-fishing facility. A separate COR is necessary for separate fee-fishing facilities as defined under "aquaculture facility", Section 4-37-103(2), regardless of ownership.

(B) Live sales or transfers prohibited:

The operator of a fee-fishing facility may not sell, donate, or otherwise transfer live aquatic animals, except when the approved species may be transferred into the same facility from an approved source.

(C) Fishing licenses not required:

A fishing license is not required to take aquatic animals at a fee-fishing facility.

(D) Receipts required:

To transport dead aquatic animals from a fee-fishing facility, the customer (owner associations and catch and release operations are exempt) shall receive from the operator a receipt which includes:

(1) Name, address, COR number, COR expiration date and phone number of the facility.

(2) Date caught.

(3) Species and number of fish.

(E) Annual report required:

The operator of a fee-fishing facility shall submit to the Department an annual report of all live aquatic animals purchased or acquired during the year. A report form will be provided by the Department. This report must contain:

(1) Names, addresses, phone numbers, health approval numbers, COR numbers and COR expiration dates of all sources.

(2) Number, size and weight by species.

(3) Dates of purchase and acquisition of aquatic animals.

(F) Fees assessed and annual report deadline:

(1) The initial and annual renewal fee for a fee fishing COR is \$30.00, pursuant to 4-37-301.

(2) Holders of CORs, who renew applications including report, receipts, and fee after December 31 pursuant to R58-17-17(E) (3), shall be assessed a \$25.00 late fee. If the application, report, receipts and fee are not received by December 31 pursuant to R58-17-8(B)(1), the COR will be no longer valid and regulatory action may be initiated pursuant to R58-17-8(B)(3).

(G) The COR holder shall keep a copy of CORs, reports, logs, and records on file for two years pursuant to 4-37-110.

R58-17-19. Public Aquaculture, Private Fish Ponds, Institutional Aquaculture Facilities, Short Term Fishing Events, Private Stocking and Displays.

Details on the COR and regulatory requirements pursuant to R58-17-4 for operating public aquaculture, private fish ponds, institutional aquaculture facilities, short term fishing events, private stocking and displays are found in Division of Wildlife Resources' Rules R657-16 and R657-59.

R58-17-20. Classification of Pathogens.

[TABLE

~~I.—Emergency prohibited pathogens are pathogens that cause high morbidity and high mortality, are exotic to Utah, and require immediate action. These pathogens generally can not be treated and shall be controlled through avoidance, eradication, and disinfection.~~

| Pathogen | Classification | Species | Inspection Requirement/Comment |
|--|----------------------|--|--|
| Infectious Hematopoietic Necrosis Virus (IHNV) | Emergency Prohibited | Salmonids | |
| Infectious Pancreatic Necrosis Virus (IPNV)/Aquatic Birnaviruses | Emergency Prohibited | All susceptible hosts of aquatic organisms | May be isolated from many species of aquatic organisms |
| Viral Hemorrhagic Septicemia Virus (VHSV) | Emergency Prohibited | Salmonids, pike, herring, turbot, pilchard, etc. | |
| Oncorhynchus Masou Virus (OMV) | Emergency Prohibited | Salmonids | |
| Spring Viremia Of Carp Virus (SVCV) | Emergency Prohibited | All cyprinids | Required use of Bluebook designated, shrimp cell lines; inspection requirement shall be applied as needed to koi and ornamental fish |
| Epizootic Hematopoietic Necrosis Virus (EHNV) | Emergency Prohibited | Salmonids, percids, ictalurids, silurids, Gambusia, etc. | Required only for fish from endemic areas; use OIE Manual for test protocol |
| White Spot Syndrome Virus (WSSV) | Emergency Prohibited | Freshwater or marine shrimp | Protocol for testing in OIE Manual |
| Yellow Head Virus (YHV) | Emergency Prohibited | Freshwater or marine shrimp | Protocol for testing in OIE Manual |

~~Taura Syndrome~~ Emergency ~~Freshwater~~ Protocol for
~~Virus (TSV)~~ Prohibited ~~or marine~~ testing in OIE
~~Shrimp~~ Manual

~~Infectious~~ Emergency ~~Freshwater~~ Protocol for
~~Hypodermal and~~ Prohibited ~~or marine~~ testing in OIE
~~Hematopoietic~~ shrimp Manual
~~Necrosis Virus~~
~~(IHNHV)~~

II. Prohibited pathogens are pathogens that can cause high morbidity or high mortality, may be endemic to Utah, and require action in a reasonable time. Prohibited pathogens are generally very difficult or impossible to treat and can only be controlled through avoidance, eradication, and disinfection, etc.

~~Myxobolus~~ Prohibited ~~Salmonids~~ Focus on more
~~cerebralis~~ susceptible
~~(Whirling Disease)~~ species as per
~~Bluebook~~

~~Renibacterium~~ Prohibited ~~Salmonids~~ Required for
~~salmoninarum~~ salmonid species
~~(Bacterial~~ with more
~~Kidney Disease,~~ frequently
~~BKD)~~ reported clinical
~~disease, such as~~
~~Pacific salmon,~~
~~brook trout, lake~~
~~trout, Atlantic~~
~~salmon, grayling,~~
~~etc.~~

~~Geratomyxa shasta~~ Prohibited ~~Salmonids~~ Inspect fish only
~~from reported~~
~~endemic areas~~

~~Bothriocephalus~~ Prohibited ~~All~~ Mosquito fish
~~acheilognathi~~ cyprinids, (Gambusia affinis)
~~(Asian tapeworm)~~ one Poeciliid is the poeciliid
~~regulated under~~
~~this section~~

~~Tetracapsuloides~~ Prohibited ~~Salmonids~~ Inspect fish only
~~bryosalmonae~~ from reported
~~(proliferative~~ endemic areas
~~kidney disease,~~
~~PKD)~~

III. Reportable pathogens are pathogens that are generally prevented using good management practices. Reportable pathogens are not prohibited in Utah, but may be prohibited in some other states or countries (see R58-17-20). Inspections are not required for reportable pathogens, but all positive findings must be reported to the Board.

~~Yersinia ruckeri~~ Reportable ~~No~~ inspection
~~(enteric redmouth~~ requirement in
~~disease)~~ Utah

~~Aeromonas~~ Reportable ~~No~~ inspection
~~salmonicida~~ requirement in
~~(furunculosis)~~ Utah

~~Centrocestus~~ Reportable ~~Not applicable.~~
~~formosanus~~ Usually diagnosed
~~by the presence~~
~~of metacercarial~~
~~cysts in gills~~
~~via light~~
~~microscopy; no~~
~~inspection~~
~~protocols~~
~~available]~~

TABLE

I. Emergency prohibited pathogens are pathogens that cause high morbidity and high mortality, are exotic to Utah, and require immediate action. These pathogens generally cannot be treated and shall be controlled through avoidance, eradication, and disinfection.

| Pathogen | Classification | Species | Inspection Requirement/ Comment |
|----------|----------------|---------|------------------------------------|
|----------|----------------|---------|------------------------------------|

| | | | |
|----------------|------------|-----------|--|
| Infectious | Emergency | Salmonids | |
| Hematopoietic | Prohibited | | |
| Necrosis Virus | | | |
| (IHNHV) | | | |

| | | | |
|----------------|------------|-------------|-------------------|
| Infectious | Emergency | All | May be isolated |
| Pancreatic | Prohibited | susceptible | from many species |
| Necrosis Virus | | hosts | of aquatic |
| (IPNV)/Aquatic | | | organisms |
| Birnaviruses | | | |

| | | | |
|-------------------|------------|----------------|--|
| Viral Hemorrhagic | Emergency | Salmonids, | |
| Septicemia Virus | Prohibited | pike, herring | |
| (VHSV) | | turbot, | |
| | | pilchard, etc. | |

| | | | |
|--------------|------------|-----------|--|
| Oncorhynchus | Emergency | Salmonids | |
| Masou Virus | Prohibited | | |
| (OMV) | | | |

| | | | |
|----------------|------------|-----------|-------------------|
| Spring Viremia | Emergency | All | Required use |
| Of Carp Virus | Prohibited | cyprinids | of Bluebook |
| (SVCV) | | esocids | designated, |
| | | Shrimp | cell lines; |
| | | | inspection |
| | | | requirement shall |
| | | | be applied as |
| | | | needed to koi and |
| | | | ornamental fish |

| | | | |
|----------------|------------|-------------|-------------------|
| Epizootic | Emergency | Salmonids, | Required only for |
| Hematopoietic | Prohibited | perchids, | fish from endemic |
| Necrosis Virus | | ictalurids, | areas; use OIE |
| (EHNHV) | | silurids, | Manual for test |
| | | Gambusia, | protocol |
| | | etc. | |

| | | | |
|----------------|------------|------------|----------------|
| White Spot | Emergency | Freshwater | Protocol for |
| Syndrome Virus | Prohibited | or marine | testing in OIE |
| (WSSV) | | shrimp | Manual |

| | | | |
|-------------------|------------|------------|----------------|
| Yellow Head Virus | Emergency | Freshwater | Protocol for |
| (YHV) | Prohibited | or marine | testing in OIE |
| | | shrimp | Manual |

| | | | |
|----------------|------------|------------|----------------|
| Taura Syndrome | Emergency | Freshwater | Protocol for |
| Virus (TSV) | Prohibited | or marine | testing in OIE |
| | | Shrimp | Manual |

| | | | |
|----------------|------------|------------|----------------|
| Infectious | Emergency | Freshwater | Protocol for |
| Hypodermal and | Prohibited | or marine | testing in OIE |
| Hematopoietic | | shrimp | Manual |
| Necrosis Virus | | | |
| (IHNHV) | | | |

II. Prohibited pathogens are pathogens that can cause high morbidity or high mortality, may be endemic to Utah, and require action in a reasonable time. Prohibited pathogens are generally very difficult or impossible to treat and can only be controlled through avoidance, eradication, and disinfection, etc.

| | | | |
|--|------------|------------------------------|--|
| <u>Myxobolus cerebralis</u> (Whirling Disease) | Prohibited | Salmonids | Focus on more susceptible species as per Bluebook |
| <u>Renibacterium salmoninarum</u> (Bacterial Kidney Disease, BKD) | Prohibited | Salmonids | Required for salmonid species with more frequently reported clinical disease, such as Pacific salmon, brook trout, lake trout, Atlantic salmon, grayling, etc. |
| <u>Ceratomyxa shasta</u> | Prohibited | Salmonids | Inspect fish only from reported endemic areas |
| <u>Bothriocephalus acheilognathi</u> (Asian tapeworm) | Prohibited | All cyprinids, one Poeciliid | Mosquito fish (<i>Gambusia affinis</i>) is the poeciliid regulated under this section |
| <u>Tetracapsuloides bryosalmonae</u> (proliferative kidney disease, PKD) | Prohibited | Salmonids | Inspect fish only from reported endemic areas |
| <u>III. Reportable pathogens are pathogens that are generally prevented using good management practices. Reportable pathogens are not prohibited in Utah, but may be prohibited in some other states or countries (see R58-17-20). Inspections are not required for reportable pathogens, but all positive findings must be reported to the Board.</u> | | | |
| <u>Yersinia ruckeri</u> (Enteric redmouth Disease) | Reportable | Any fresh water fish | No inspection requirement in Utah |
| <u>Aeromonas salmonicida</u> (furunculosis disease) | Reportable | Any fresh water fish | No inspection requirement in Utah |
| <u>Centrocestus Formosanus</u> | Reportable | Any fresh water fish | No inspection requirement in Utah |

R58-17-21. Fish Health Policy Board Electronic Meetings.

(A) Utah Code Section 52-4-207 authorizes a public body to convene or conduct an electronic meeting provided written procedures are established for such meetings. This rule establishes procedures for conducting Fish Health Policy Board meetings by electronic means.

(B) The following provisions govern any meeting at which one or more Fish Health Policy Board members appear telephonically or electronically pursuant to Section 52-4-207:

(1) If one or more board members participate in a public meeting electronically or telephonically, public notices of the meeting shall specify:

(a) the board members participating in the meeting electronically and how they will be connected to the meeting;

(b) the anchor location where interested persons and the public may attend, monitor, and participate in the open portions of the meeting;

(c) the meeting agenda; and

(d) the date and time of the meeting.

(2) Written or electronic notice of the meeting and the agenda shall be posted or provided no less than 24 hours prior to the meeting:

(a) at the anchor location;

(b) on the Utah Public Notice Website; and

(c) to at least one newspaper of general circulation within the state or to a local media correspondent.

(3) Notice of the possibility of an electronic meeting shall be given to board members at least 24 hours before the meeting. In addition, the notice shall describe how a board member may participate in the meeting electronically or telephonically.

(4) When notice is given of the possibility of a board member appearing electronically or telephonically, any board member may do so and shall be counted as present for purposes of a quorum and may fully participate and vote on any matter coming before the board.

(a) At the commencement of the meeting, or at such time as any board member initially appears electronically or telephonically, the chair should identify for the record all those who are appearing telephonically or electronically.

(b) Votes by members of the board who are not at the physical location of the meeting shall be confirmed by the chair.

(5) The anchor location, unless otherwise designated in the notice, shall be at the offices of the Utah Department of Agriculture and Food, 350 North Redwood Road, Salt Lake City, Utah.

(a) The anchor location is the physical location from which the electronic meeting originates or from which the participants are connected.

(b) The anchor location shall have space and facilities so that interested persons and the public may attend, monitor, and participate in the open portions of the meeting.

R58-17-22. Fish Health Policy Board Emergency Meetings.

(A) There are times when, due to the necessity of considering matters of an emergency or urgent nature, the public notice provisions of Sections 52-4-202(1) cannot be met. Pursuant to Section 52-4-202(5), the notice requirements in Section 52-4-202(1) may be set aside when unforeseen circumstances require the Fish Health Policy Board to meet and consider matters of an emergency or urgent nature.

(B) The following procedure shall govern any emergency meeting:

(1) No emergency meeting shall be held unless an attempt has been made to notify all of the members of the board of the proposed meeting and a majority of the convened members vote in the affirmative to hold the emergency meeting.

(2) Public notice of the emergency meeting shall be provided as soon as practicable and shall include at a minimum the following:

(a) Posting of the date, time, and place of the meeting and the topics to be considered:

(i) at the offices of the department;

(ii) on the department's web page;
(iii) on the Utah Public Notice Website; and
(iv) at the location where the emergency meeting will be held.

(b) If members of the board appear electronically or telephonically, notice shall comply with the requirements of R58-17-21(B) to the extent practicable.

(3) In convening the emergency meeting and voting in the affirmative to hold the meeting, the board shall affirmatively state and find what unforeseen circumstances have rendered it necessary for the board to hold an emergency meeting to consider matters of an emergency or urgent nature such that the ordinary public notice provisions of Utah Code Section 52-4-202 could not be followed.

KEY: aquaculture

Date of Enactment or Last Substantive Amendment: ~~February 19, 2009~~2016

Notice of Continuation: January 13, 2015

Authorizing, Implemented, or Interpreted Law: 4-2-2; 4-37

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

NOTICE OF PROPOSED RULE

(Amendment)

DAR FILE NO.: 40814

FILED: 09/22/2016

RULE ANALYSIS

PURPOSE OF THE RULE OR REASON FOR THE CHANGE: The purpose of this amendment is to comply with the provisions of Section 63C-9-403. H.B. 282 from the 2016 General Session updated Section 63C-9-403, and the changes in this rule are to comply with H.B. 282.

SUMMARY OF THE RULE OR CHANGE: The changes in this rule outline the requirements of contractors and subcontractors that do work for the state of Utah, to carry health insurance for their employees.

STATUTORY OR CONSTITUTIONAL AUTHORIZATION FOR THIS RULE: Subsection 63C-9-301(3)(a)

ANTICIPATED COST OR SAVINGS TO:

♦ **THE STATE BUDGET:** There are no anticipated costs or savings that are expected to the state budget as a result of this rule. The changes to this rule only incorporate the

changes in statute. The statute directly determines the affects upon budget and not this rule.

♦ **LOCAL GOVERNMENTS:** There are no anticipated costs or savings to local government budget. The changes to the rule do not affect local government.

♦ **SMALL BUSINESSES:** There are no anticipated costs or savings that are expected to small businesses as a result of this rule. The changes to this rule only incorporate the changes in statute. The statute directly determines the affects upon budget and not this rule.

♦ **PERSONS OTHER THAN SMALL BUSINESSES, BUSINESSES, OR LOCAL GOVERNMENTAL ENTITIES:** There are no anticipated costs or savings that are expected as a result of this rule. The changes to this rule only incorporate the changes in statute. The statute directly determines the affects upon budget and not this rule.

COMPLIANCE COSTS FOR AFFECTED PERSONS: There are no anticipated compliance costs for affected persons as a result of this rule. The changes to this rule only incorporate the changes in statute. The statute directly determines the affects upon costs and not this rule.

COMMENTS BY THE DEPARTMENT HEAD ON THE FISCAL IMPACT THE RULE MAY HAVE ON BUSINESSES: There are no anticipated fiscal impacts that are expected as a result of this rule. The changes to this rule only incorporate the changes in statute. The statute directly determines any fiscal impacts and not this rule.

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

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

DIRECT QUESTIONS REGARDING THIS RULE TO:

♦ Allyson Gamble by phone at 801-537-9156, by FAX at 801-538-3221, or by Internet E-mail at agamble@utah.gov

INTERESTED PERSONS MAY PRESENT THEIR VIEWS ON THIS RULE BY SUBMITTING WRITTEN COMMENTS NO LATER THAN AT 5:00 PM ON 11/14/2016

THIS RULE MAY BECOME EFFECTIVE ON: 11/21/2016

AUTHORIZED BY: Allyson Gamble, Executive Director

**R131. Capitol Preservation Board (State), Administration.
R131-13. Health Reform -- Health Insurance Coverage in State
Contracts -- Implementation.
R131-13-1. Purpose.**

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

R131-13-2. Authority.

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

R131-13-3. Definitions.

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

(2) In addition:

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

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

(c) "Employee(s)" means an "employee," "worker," or "operative" as defined in Section 34A-2-104 who:

(i) works at least 30 hours per calendar week; and

(ii) meets employer eligibility waiting requirements for health care insurance which may not exceed the first day of the calendar month following 60 days from the date of hire.

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

R131-13-4. Applicability of Rule.

(1) Except as provided in Subsection R131-13-4(2) or R131-13-4(3) below, R131-13 applies to all design or construction contracts entered into by the Board or the executive director, [or] on behalf of the Board, on or after July 1, 2009, and

(a) applies to a prime contractor if the prime contract is in the amount of \$2,000,000 or greater at the original execution of the contract[~~\$1,500,000 or greater~~]; and

(b) applies to a subcontractor if the subcontract[~~at any tier~~] is in the amount of \$1,000,000 or greater at the original execution of the contract[~~\$750,000 or greater~~].

(2) Rule R131-13 does not apply if:

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

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

(c) the contract is an emergency procurement.

(3) This Rule R131-13 does not apply to a change order as defined in Section 63G-6a-103, or a modification to a contract, when the contract does not meet the initial threshold required by Subsection R131-13-4(1).

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

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

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

(2) If a subcontractor of the contractor is subject to Section 63C-9-403(2) or Rule R131-13-4, the contractor shall:

(a) Place a requirement in the subcontract that the subcontractor shall obtain and maintain an offer of qualified health insurance coverage for the subcontractor's employees and the employees' dependents during the duration of the subcontract; and

(b) certify to the executive director that the subcontractor has and will maintain an offer of qualified health insurance coverage for the subcontractor's employees and the employees' dependents during the duration of the prime contract.

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

(1) The failure of a contractor or subcontractor to provide qualified health insurance coverage as required by this Rule R131-13 or Section 63C-9-403:

(a) may not be the basis for a protest or other action from a prospective bidder, offeror, or contractor under Section ~~63G-6a-1603~~[~~63G-6a-804~~] or any other provision in Title 63G, Chapter 6a, Utah Procurement Code; and

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

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

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

(1) Demonstrating Compliance with Health Insurance Requirements. A Contractor (including Design Professional) shall demonstrate compliance with Section 63C-9-403(5) (a) or (b) at the time of execution of each initial contract described in Section 63C-9-403(2).

(a) The compliance is subject to an audit by the Department (Capitol Preservation Board) or the Office of the Legislative Auditor General.

(b) A Contractor (including Design Professional) subject to Section 63C-9-403(2) shall demonstrate to the executive director that the Contractor has and will maintain an offer of qualified health insurance coverage for the Contractor's employees and employees' dependents.

(c) Such demonstration shall be a certification on the form provided by the executive director. [The following requirements must be met by a contractor, including consultants, designers and others under contract with the Board or the executive director that is subject to the requirements of Rule R131-13 no later than the time the contract is entered into or renewed:] The form shall also require compliance with R131-13-5(2) regarding subcontractors.

(d) The actuarially equivalent determination required for the qualified health insurance coverage is met by the Contractor if the Contractor provides the executive director with a written statement of actuarial equivalency attached to the certification, which is not more than one year old, regarding the contractor's offer of qualified health coverage from an actuary selected by the contractor or the contractor's insurer, or an underwriter who is responsible for developing the employer group's premium rates. The Contractor is responsible for collecting the statements as

required by law from any of the subcontractors at any tier that must do so.

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

~~(b) the contractor shall also provide such written certification prior to the execution of the contract, in regard to all subcontractors, including subconsultants, at any tier that are subject to the requirements of Rule R131-13.~~

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

~~(3) Demonstrating Compliance with Actuarially Equivalent Determination. The actuarially equivalent determination required by Subsection 63C-9-403(1)(c) and defined in Section 26-40-115 is met by the contractor if the contractor provides the executive director with a written statement of actuarial equivalency from either the Utah Insurance Department, an actuary selected by the contractor, or the contractor's insurer, or an underwriter who is responsible for developing the employer group's premium rates.]~~

~~(2) For purposes of this Rule R131-13-7[(3)], actuarial equivalency is achieved by meeting or exceeding the commercially equivalent benchmark for the qualified health insurance coverage identified in Subsection 63C-9-403(1)(c) that is provided by the department of Health, in accordance with Subsection 26-40-115(2). [requirements of Section 26-40-115 which are also delineated on the DFCM website at http://dfem.utah.gov/downloads/1const/Health_Insurance_Benchmark.pdf.]~~

~~[(4)3] The health insurance must be available upon the first day of the calendar month following sixty days from the date of hire.~~

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

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

~~[(7)4] [Notwithstanding any prequalification process,] Any contract subject to this Rule R131-13 shall contain a provision requiring compliance with this Rule R131-13 from the time of execution and throughout the duration of the contract.~~

~~[(8)5] Hearing and Penalties.~~

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

(b) Penalties that may be imposed by the Board or Executive Director. The penalties that may be imposed by the Board or executive director if a contractor, consultant, subcontractor or subconsultant, at any tier, intentionally violates the provisions of Subsections (2) through (9) of 63C-9-403[~~Rule R131-13~~ may] include:

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

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

(iii) an action for debarment of the contractor or subcontractor in accordance with Section 63G-6a-904 upon the third or subsequent violation; and

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

(c)(i) In addition to the penalties imposed above, a contractor, consultant, subcontractor or subconsultant who intentionally violates the provisions of Section 63C-9-403[~~this Rule R131-13~~] shall be liable to the employee for health care costs that would have been covered by qualified health insurance coverage.

(ii) An employer has an affirmative defense to a cause of action under Rule[~~Subsection~~] R131-13-7(5)(8)(c)(i) as provided in Subsection 63C-9-403(7)(a)(ii). An employee has a private right of action only against the employee's employer to enforce the provisions of Subsection 63C-9-403(7).

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

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

KEY: health insurance, contractors, contracts

Date of Enactment or Last Substantive Amendment: [July 8, 2014]2016

Notice of Continuation: May 1, 2014

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

**Crime Victim Reparations,
Administration
R270-1-4
Counseling Awards**

NOTICE OF PROPOSED RULE

(Amendment)

DAR FILE NO.: 40833

FILED: 09/28/2016

RULE ANALYSIS

PURPOSE OF THE RULE OR REASON FOR THE CHANGE: The purpose of this rule is to provide interpretation and standards for the administration of crime victim reparations.

SUMMARY OF THE RULE OR CHANGE: Subsection R270-1-4(10) is amended to state that the office shall not pay for treatment for an offender related to the perpetration of the criminally injurious conduct.

STATUTORY OR CONSTITUTIONAL AUTHORIZATION FOR THIS RULE: Section 63M-7-501 et seq.

ANTICIPATED COST OR SAVINGS TO:

◆ **THE STATE BUDGET:** Any anticipated cost or savings to the state budget, based on the changes to this rule, cannot be measured. The changes to this rule address the counseling awards and the office not paying for treatment for an offender related to the perpetration of the criminally injurious conduct. It is impossible to determine what impact, if any, there may be on the state budget. Therefore, there are no anticipated costs or savings that this rule may have on the state budget.

◆ **LOCAL GOVERNMENTS:** Any anticipated cost or savings to local government, based on the changes to this rule, cannot be measured. The changes to this rule address the counseling awards and the office not paying for treatment for an offender related to the perpetration of the criminally injurious conduct. It is impossible to determine what impact, if any, there may be on local government. Therefore, there are no anticipated costs or savings that this rule may have on local government.

◆ **SMALL BUSINESSES:** Any anticipated cost or savings to small businesses, based on the changes to this rule, cannot be measured. The changes to this rule address the counseling awards and the office not paying for treatment for an offender related to the perpetration of the criminally injurious conduct. It is impossible to determine what impact, if any, there may be on small businesses. Therefore, there are no anticipated costs or savings that this rule may have on small businesses.

◆ **PERSONS OTHER THAN SMALL BUSINESSES, BUSINESSES, OR LOCAL GOVERNMENTAL ENTITIES:** Any anticipated cost or savings to persons other than small

businesses, businesses, or local government entities, based on the changes to this rule, cannot be measured. The changes to this rule address the counseling awards and the office not paying for treatment for an offender related to the perpetration of the criminally injurious conduct. It is impossible to determine what impact, if any, there may be on persons other than small businesses, businesses, or local government entities. Therefore, there are no anticipated costs or savings that this rule may have on persons other than small businesses, businesses, or local government entities.

COMPLIANCE COSTS FOR AFFECTED PERSONS: There are no anticipated compliance costs for affected persons. The changes to the rule only indicate that the office shall not pay for treatment for an offender related to the perpetration of the criminally injurious conduct.

COMMENTS BY THE DEPARTMENT HEAD ON THE FISCAL IMPACT THE RULE MAY HAVE ON BUSINESSES: Any anticipated fiscal impacts that this rule may have on businesses, based on the changes to this rule, cannot be measured. The rule is being amended to clarify the pre-existing language so it is consistent with the intent of the Board. It is impossible to determine what impact, if any, there may be on businesses. Therefore, there are no anticipated costs or savings that this rule may have on small businesses.

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

CRIME VICTIM REPARATIONS
ADMINISTRATION
ROOM 200
350 E 500 S
SALT LAKE CITY, UT 84111-3347
or at the Office of Administrative Rules.

DIRECT QUESTIONS REGARDING THIS RULE TO:

◆ Gary Scheller by phone at 801-238-2362, by FAX at 801-533-4127, or by Internet E-mail at garys@utah.gov

INTERESTED PERSONS MAY PRESENT THEIR VIEWS ON THIS RULE BY SUBMITTING WRITTEN COMMENTS NO LATER THAN AT 5:00 PM ON 11/14/2016

THIS RULE MAY BECOME EFFECTIVE ON: 11/21/2016

AUTHORIZED BY: Gary Scheller, Director

R270. Crime Victim Reparations, Administration.

R270-1. Award and Reparation Standards.

R270-1-4. Counseling Awards.

A. Pursuant to Subsections 63M-7-502(21) and 63M-7-511(4)(c), out-patient mental health counseling awards are subject to limitations as follows:

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

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

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

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

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

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

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

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

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

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

10. ~~Child sexual abuse victims under the age of 13 who become perpetrators shall only be considered for mental health treatment awards directly related to the victimization. Perpetrators age 13 and over who have been child sexual abuse victims shall not~~

~~be eligible for compensation. The CVRA Board or contracting agency for managed mental health care shall help.]The office shall not pay for treatment for an offender related to the perpetration of the criminally injurious conduct. Reparations officers shall establish a reasonable percentage regarding victimization treatment for outpatient, inpatient, residential and day treatment[. Out-patient claims shall be determined by the Reparation Officer] on a case by case basis upon review of the mental health treatment plan and treatment records.~~

11. Payment for mental health counseling shall only be made to licensed therapists; or to individuals working towards a license that provide certified verification of satisfactory completion of an education and earned degree as required by the State of Utah Department of Commerce, Division of Professional and Occupational Licensing, working under the supervision of a supervisor approved by the Division. Student interns otherwise eligible under 58-1-307(1)(b) Exceptions from licensure, and/or the institution/facility/agency responsible for the supervision of the student, shall not be eligible for payment under this rule for counseling services provided by the student.

12. Payment of hypnotherapy shall only be considered when treatment is performed by a licensed mental health therapist based upon an approved Treatment Plan.

13. The following maximum amounts shall be payable for mental health counseling:

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

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

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

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

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

KEY: victim compensation, victims of crimes
Date of Enactment or Last Substantive Amendment: ~~May 13,~~ 2016
Notice of Continuation: June 15, 2016
Authorizing, and Implemented or Interpreted Law: 63M-7-501 et seq.

**Crime Victim Reparations,
Administration
R270-4
Government Records Access and
Management Act**

NOTICE OF PROPOSED RULE

(Repeal)

DAR FILE NO.: 40806

FILED: 09/20/2016

RULE ANALYSIS

PURPOSE OF THE RULE OR REASON FOR THE CHANGE: The rule is being repealed as there is not a requirement for a rule relating to the Government Records Access and Management Act (GRAMA). GRAMA is governed by statute, specifically Utah Code Section 63G-2-101 et seq.

SUMMARY OF THE RULE OR CHANGE: No changes have been made. The rule is being repealed in its entirety.

STATUTORY OR CONSTITUTIONAL AUTHORIZATION FOR THIS RULE: Section 63G-2-101

ANTICIPATED COST OR SAVINGS TO:

- ◆ **THE STATE BUDGET:** There are no anticipated costs or savings to the state budget that are expected as a result of the repeal of this rule. GRAMA is governed by statute, specifically Utah Code Section 63G-2-101 et seq.
- ◆ **LOCAL GOVERNMENTS:** There are no anticipated costs or savings to local government that are expected as a result of the repeal of this rule. GRAMA is governed by statute, specifically Utah Code 63G-2-101 et seq.
- ◆ **SMALL BUSINESSES:** There are no anticipated costs or savings to small businesses that are expected as a result of the repeal of this rule. GRAMA is governed by statute, specifically Utah Code Section 63G-2-101 et seq.
- ◆ **PERSONS OTHER THAN SMALL BUSINESSES, BUSINESSES, OR LOCAL GOVERNMENTAL ENTITIES:** There are no anticipated costs or savings to persons other than small businesses, businesses, or local government entities that are expected as a result of the repeal of this rule. GRAMA is governed by statute, specifically Utah Code Section 63G-2-101 et seq.

COMPLIANCE COSTS FOR AFFECTED PERSONS: There are no anticipated compliance costs for affected persons as this rule is being repealed. GRAMA is governed by statute, specifically Utah Code Section 63G-2-101 et seq.

COMMENTS BY THE DEPARTMENT HEAD ON THE FISCAL IMPACT THE RULE MAY HAVE ON BUSINESSES: There are no anticipated fiscal impacts that repealing this rule may have on businesses. GRAMA is governed by statute, specifically Utah Code Section 63G-2-101 et seq.

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

CRIME VICTIM REPARATIONS
ADMINISTRATION
ROOM 200
350 E 500 S
SALT LAKE CITY, UT 84111-3347

or at the Office of Administrative Rules.

DIRECT QUESTIONS REGARDING THIS RULE TO:

◆ Gary Scheller by phone at 801-238-2362, by FAX at 801-533-4127, or by Internet E-mail at garys@utah.gov

INTERESTED PERSONS MAY PRESENT THEIR VIEWS ON THIS RULE BY SUBMITTING WRITTEN COMMENTS NO LATER THAN AT 5:00 PM ON 11/14/2016

THIS RULE MAY BECOME EFFECTIVE ON: 11/21/2016

AUTHORIZED BY: Gary Scheller, Director

R270. Crime Victim Reparations, Administration.

~~[R270-4. Government Records Access and Management Act.~~

~~**R270-4-1. Responsibility and Authority.**~~

~~A. Authority for the Office of Crime Victim Reparations rule is found in the Government Records Access and Management Act Section 63G-2-101 et seq.~~

~~B. The Office of Crime Victim Reparations will be considered as an agency for the purposes of the Government Records Access and Management Act.~~

~~C. The Director of the Office of Crime Victim Reparations will be considered to be the agency head for the purposes of activities under the Government Records Access and Management Act.~~

~~D. The Office of Crime Victim Reparations maintains an office at 350 East 500 South, Suite 200, Salt Lake City, Utah 84111.~~

~~**R270-4-2. Requests for Records.**~~

~~A. Records may be requested by any person desiring access to the Office of Crime Victim Reparations records.~~

~~B. Requests should be submitted in writing to the Office of Crime Victim Reparations, Support Services Coordinator.~~

~~C. All requests should be made at the agency office listed above, in person during regular office hours or through the U.S. Mail and will be set forth with reasonable specificity:~~

- ~~1. the name of the record requested;~~
- ~~2. the date the record was made;~~
- ~~3. the form in which the record is needed; and~~
- ~~4. the name, address and daytime phone number of the requester.~~

~~**R270-4-3. Fees for Records.**~~

~~A. The Office of Crime Victim Reparations will charge fees to supply records to all requesters, except as provided in the Section R270-4-4(A) of this rule.~~

~~B. Fees for records will reflect actual costs incurred by the Office of Crime Victim Reparations and will follow any policy guidance of the Division of Finance, Department of Administrative Services.~~

~~**R270-4-4. Waiver of Fees for Records.**~~

~~A. Under the Government Records Access and Management Act Section 63G-2-101 et seq. fees may be waived by the Director under any of the following circumstances:~~

- ~~1. when release of the record, in the opinion of the Director, benefits the public interest;~~

2. if the individual making the records request is the subject of a record and access is not otherwise restricted under Section 63G-2-101 et seq.;

3. if the requester is an individual specified in Subsection 63G-2-202(1) or 63G-2-202(2); or

4. if the requester's rights are directly implicated by a record and he/she is impecunious.

B. Requests for a waiver of fees should be made in writing to the Director and will set forth the reasons why a requester desires a waiver of fees. The Director may delegate the authority to waive fees.

R270-4-5. Classification and Release of Records and Exceptions.

A. Records of the Office of Crime Victim Reparations will be classified and released in accordance with the Government Records Access and Management Act.

B. All records of the Office of Crime Victim Reparations which are not public as described in the Government Records Access and Management Act will be maintained according to and as authorized under the Government Records Access and Management Act.

C. Any person denied access to records of the Office of Crime Victim Reparations under the procedures outlined in the Government Records Access and Management Act has the opportunity to appeal to the Director for access to a particular record. Appeals will be in writing and include:

1. a description of the record requested;
2. an explanation of how the release of the record would serve the interest of the public and how, in the appellant's opinion, the public's interest outweighs the privacy interests of restricted access;
3. the identity of the requester and an address where he/she may be contacted.

D. The Office of Crime Victim Reparations will share its records with other agencies on a case-by-case basis in accordance with the provisions of Section 63G-2-206.

R270-4-6. Responses to Requests for Records.

A. Responses to requests for records by the agency should be in writing and will be performed in accordance with the provisions of the Government Records Access and Management Act Section 63G-2-101 et seq.

B. The Office of Crime Victim Reparations may respond to the requests for information by means of prepared forms.

KEY: government records access

Date of Enactment or Last Substantive Amendment: 1994

Notice of Continuation: May 12, 2014

Authorizing, and Implemented or Interpreted Law: 63G-2-101 et seq.]

Health, Disease Control and
Prevention; HIV/AIDS, Tuberculosis
Control/Refugee Health
R388-805
Ryan White Program

NOTICE OF PROPOSED RULE

(Amendment)

DAR FILE NO.: 40846

FILED: 09/30/2016

RULE ANALYSIS

PURPOSE OF THE RULE OR REASON FOR THE CHANGE: The purpose of this amendment is to clarify the name of the program as the "Ryan White Part B Program" rather than the "Ryan White Program"; to remove the \$5,000 asset limit to be more aligned with HRSA guidelines, to reduce barriers to accessing care and determining eligibility; and to update information to align with program practice and references as needed.

SUMMARY OF THE RULE OR CHANGE: The changes remove the eligibility requirement of a \$5,000 asset limit, update the program name, and remove eligibility requirements that are outdated.

STATUTORY OR CONSTITUTIONAL AUTHORIZATION FOR THIS RULE: Section 26-1-15 and Section 26-1-18 and Section 26-1-5 and Subsection 26-1-30(2)(a) and Subsection 26-1-30(2)(b) and Subsection 26-1-30(2)(c) and Subsection 26-1-30(2)(g)

ANTICIPATED COST OR SAVINGS TO:

◆ **THE STATE BUDGET:** There are no anticipated costs or savings to the Program. This is a federally-funded program that provides services to people living with HIV/AIDS. The majority of the population served (60%) has no assets. Removing the asset test is not anticipated to increase Program utilization but rather reduce barriers to accessing care and determining eligibility.

◆ **LOCAL GOVERNMENTS:** There are no anticipated costs or savings to local government because the program governed by this rule neither requires action from nor provides benefits to local governments.

◆ **SMALL BUSINESSES:** There are no anticipated costs or savings to small businesses because the program governed by this rule neither requires action from nor provides benefits to small business.

◆ **PERSONS OTHER THAN SMALL BUSINESSES, BUSINESSES, OR LOCAL GOVERNMENTAL ENTITIES:** The rule change will affect individuals that are over the \$5,000 asset limit but under the 250% Federal Poverty Level. They will now be eligible for the Program if they exceed \$5,000 in assets. It is anticipated that there will be no significant impact to the budget as the majority of individuals below the 250% Federal Poverty Level do not have assets exceeding \$5,000. In the last 12 months, only 1 client had assets exceeding \$5,000. The costs can range from \$1,200 to \$13,000 per person per year. The range depends upon whether or not a client is responsible for full pay or partial pay for their services. However, there are various variables that do not allow us to accurately assess the cost.

COMPLIANCE COSTS FOR AFFECTED PERSONS: There are no compliance costs for affected persons as the Program incurs all costs associated.

COMMENTS BY THE DEPARTMENT HEAD ON THE FISCAL IMPACT THE RULE MAY HAVE ON BUSINESSES: The amendment removes the \$5,000 asset limit for eligibility, clarifies other eligibility requirements, and updates information to align with program practice. There will be no impact on business because the amendment addresses eligibility requirements and program practices.

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

HEALTH
DISEASE CONTROL AND PREVENTION;
HIV/AIDS, TUBERCULOSIS CONTROL/REFUGEE
HEALTH
CANNON HEALTH BLDG
288 N 1460 W
SALT LAKE CITY, UT 84116-3231
or at the Office of Administrative Rules.

DIRECT QUESTIONS REGARDING THIS RULE TO:

◆ Amelia Self by phone at 801-538-6221, by FAX at 801-538-9913, or by Internet E-mail at asef@utah.gov, or by mail at PO Box 142105, Salt Lake City, UT 84114-2105

INTERESTED PERSONS MAY PRESENT THEIR VIEWS ON THIS RULE BY SUBMITTING WRITTEN COMMENTS NO LATER THAN AT 5:00 PM ON 11/14/2016

THIS RULE MAY BECOME EFFECTIVE ON: 11/21/2016

AUTHORIZED BY: Joseph Miner, MD, Executive Director

R388. Health, Disease Control and Prevention; HIV/AIDS, Tuberculosis Control/Refugee Health.

R388-805. Ryan White Part B Program.

R388-805-1. Authority and Purpose.

This rule governs program eligibility, benefits, and administration by the Department for the Ryan White HIV/AIDS Treatment ~~Extension~~Modernization Act of ~~2009~~2006 Part B Program (Ryan White Part B Program). It is authorized by Section 26-1-5; Section 26-1-15; Section 26-1-18; and Section 26-1-30(2) (a), (b), (c), and (g).

R388-805-2. Definitions.

The following definitions apply to this rule:

- (1) "HIV" means Human Immunodeficiency Virus.
- (2) "Department" means the Utah Department of Health.
- (3) "Client" means an individual who meets the eligibility criteria and is enrolled in the Ryan White Part B Program pursuant to the provisions of this rule.

R388-805-3. Nature of Program and Benefits.

(1) The Ryan White Part B Program provides reimbursement to providers for services rendered to HIV positive

individuals who meet the eligibility requirements. The Ryan White Part B Program provides limited services as described in this rule. The Department provides reimbursement coverage under the program only for services for each program:

(a) as provided in law governing the Ryan White HIV/AIDS Treatment ~~Extension~~Modernization Act of ~~2009~~2006;

~~[(b) as described and limited in the Treatment and Care Program Comprehensive Plan, dated January 2009, which is adopted and incorporated by reference, and all applicable laws and rules;]~~

~~[(c)](b)~~ to the extent that it has agreed to reimburse providers with whom it contracts to provide services; and

~~[(d)](c)~~ as limited in ~~[manuals that form part of] its [Provider Agreements] agreements~~ or contracts with providers.

(2) Within available funding, the Department provides Core Medical and Supportive Services as allowable under the legislation~~the following services under the Ryan White Program~~;

(a) The AIDS Drug Assistance Program (ADAP) provides HIV related medications~~;~~, health insurance premium, and cost-sharing assistance.

~~[(b) The Health Insurance Continuation Program pays for health insurance premiums and medication co-pays;]~~

~~[(e)](b)~~ Supportive Services Program provides a variety of supportive services that enable the client to access medical care as well as to retain the client in medical care.

(3) The Department may adjust the services available to meet current needs and fluctuations in available funding.

(4) The Ryan White Part B Program is not health insurance. A relationship with the Department as the insurer and the client as the insured is not created under this program.

R388-805-4. Providers.

The Department reimburses only providers who contract with the Department to provide services under the program.

R388-805-5. Reimbursement.

(1) The Department shall reimburse only for services as limited in ~~[the manuals that form part of] its agreements or contracts with providers.~~

(2) The Department shall reimburse providers according to the fee schedule or budgets~~schedules~~ that are made part of its agreements or contracts with providers.

~~[(3) Payment for services by the Department and client co-payment, if any, constitutes full payment for services. A provider may not bill or collect any additional monies for services rendered pursuant to an agreement or contract to provide services under the Ryan White Program.]~~

~~[(4)](3)~~ The Ryan White Part B Program is the payer of last resort. The Department does not pay for services under the Ryan White Part B Program for which an individual is eligible to receive under ~~[Medicaid or]~~ any other primary payer source.

R388-805-6. Ryan White Part B Program Eligibility.

~~[(1) To receive services under the Ryan White Program, an individual must be a Utah resident and must have a medical diagnosis of HIV infection as verified by the individual's physician.]~~

~~_____ (a) An individual may own one home and one registered vehicle but may not have any other assets over \$5,000.00.~~

~~_____ (b) If an individual owns a vehicle that is not registered and is considered an asset by Medicaid, which then prevents the individual from receiving benefits from Medicaid, the individual is also ineligible for services under the Ryan White Program.~~

~~_____ (c) If an individual is ineligible for Medicaid due to failing Medicaid asset limits but otherwise meet Medicaid eligibility requirements, the individual is also ineligible for services under the Ryan White Program.~~

~~_____ (2) To receive services under the AIDS Drugs Assistance Program, the Health Insurance Continuation Program and the Supportive Services Program, an individual must have income not exceeding 250% of the federal poverty level by providing any of the following:~~

~~_____ (i) Immediate year Tax Return.~~

~~_____ (ii) Immediate year W-2 Form(s).~~

~~_____ (iii) Most recent pay Stub/Earnings Statement.~~

~~_____ (iv) Most recent Social Security Disability Income Letter.~~

~~_____ (v) Most recent Supplemental Security Income Letter.~~

~~_____ (vi) Most recent Unemployment Statement.~~

~~_____ (vii) Most recent General Assistance Letter from the Department of Workforce Services.~~

~~_____ (viii) Most recent Disability Income Letter from a disability insurer.~~

~~_____ (3) To be eligible to receive assistance from the AIDS Drug Assistance Program, an individual:~~

~~_____ (a) must not be eligible for Medicaid and not covered for the medication requested through this program by any other public or private health insurance coverage;~~

~~_____ (b) must have a prescription for the medication requested.~~

~~_____ (4) To participate in the Health Insurance Continuation Program, an individual must currently take HIV anti-retroviral medications.~~

~~_____ (5) To participate in the Consolidated Omnibus Budget Reconciliation Act (COBRA) Continuation program an individual must meet the following additional eligibility criteria:~~

~~_____ (a) The individual must have a medical diagnosis of HIV disease or is a dependent with HIV disease who is covered under the health insurance of someone else;~~

~~_____ (b) The policy covers HIV related costs and outpatient HIV related drugs;~~

~~_____ (c) The policy can be converted under COBRA;~~

~~_____ (d) The individual has not previously been denied health insurance coverage for HIV disease related services;~~

~~_____ (e) The individual must be ineligible for Medicaid or for group/individual health insurance from the individual's current employer;~~

~~_____ (f) The individual must have begun the process of securing income support through the Social Security Disability Insurance (SSDI), or the Supplemental Security Income (SSI) or other disability programs if the individual is disabled, or have applied to receive public entitlement benefits.~~

~~_____ (6) Clients must re-certify annually in order to continue program participation.]~~

(1) To receive services under the Ryan White Part B Program, an individual must physically reside in Utah, must have a medical diagnosis of HIV infection as verified by the individual's

physician, and may not own more than one home and one registered vehicle.

(2) To receive Core Medical and Supportive Services, excluding Case Management services, an individual must not have gross annual household income exceeding 250% of the federal poverty level.

(3) To be eligible to receive assistance from the AIDS Drug Assistance Program, including health insurance premium and cost-sharing assistance an individual must have a prescription for the medication requested.

(4) Clients must re-certify semi-annually in order to continue program participation.

KEY: treatment and care, HIV/AIDS, ADAP, Ryan White Part B Program

Date of Enactment or Last Substantive Amendment: [December 30, 2009]2016

Notice of Continuation: October 18, 2011

Authorizing, and Implemented or Interpreted Law: 26-1-5; 26-1-15; 26-1-18; 26-1-30(2) (a), (b), (c), (g)

Health, Health Care Financing, Coverage and Reimbursement Policy **R414-60** Medicaid Policy for Pharmacy Program

NOTICE OF PROPOSED RULE (Amendment)

DAR FILE NO.: 40845

FILED: 09/30/2016

RULE ANALYSIS

PURPOSE OF THE RULE OR REASON FOR THE CHANGE: The purpose of this change is to update and implement by rule Medicaid pharmacy policy.

SUMMARY OF THE RULE OR CHANGE: This amendment implements pharmacy policy through new definitions, updates eligibility requirements, clarifies coverage and limitations for prescription drugs, specifies co-payment policy, spells out Medicaid policy for drug reimbursement, and implements policy to cover over-the-counter drugs and drug compounds.

STATUTORY OR CONSTITUTIONAL AUTHORIZATION FOR THIS RULE: 42 CFR 447.512 and Section 26-18-2.4 and Section 26-18-3

ANTICIPATED COST OR SAVINGS TO:

◆ **THE STATE BUDGET:** There is no impact to the state budget because this amendment only implements by rule ongoing pharmacy policy. It neither affects current services to Medicaid clients nor reimbursement to Medicaid providers.

◆ **LOCAL GOVERNMENTS:** There is no impact to local governments because this amendment only implements by

rule ongoing pharmacy policy. It neither affects current services to Medicaid clients nor reimbursement to Medicaid providers.

♦ **SMALL BUSINESSES:** There is no impact to small businesses because this amendment only implements by rule ongoing pharmacy policy. It neither affects current services to Medicaid clients nor reimbursement to Medicaid providers.

♦ **PERSONS OTHER THAN SMALL BUSINESSES, BUSINESSES, OR LOCAL GOVERNMENTAL ENTITIES:** There is no other budget impact because this amendment only implements by rule ongoing pharmacy policy. It neither affects current services to Medicaid clients nor reimbursement to Medicaid providers.

COMPLIANCE COSTS FOR AFFECTED PERSONS: There are no compliance costs to a single Medicaid client or to a Medicaid provider because this amendment only implements by rule ongoing pharmacy policy. It neither affects current services nor reimbursement.

COMMENTS BY THE DEPARTMENT HEAD ON THE FISCAL IMPACT THE RULE MAY HAVE ON BUSINESSES: There is no fiscal impact on business because the amendment implements by rule the existing Medicaid pharmacy policy.

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 Office 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 or by mail at PO Box 143102, Salt Lake City UT 84114-3102

INTERESTED PERSONS MAY PRESENT THEIR VIEWS ON THIS RULE BY SUBMITTING WRITTEN COMMENTS NO LATER THAN AT 5:00 PM ON 11/14/2016

THIS RULE MAY BECOME EFFECTIVE ON: 12/01/2016

AUTHORIZED BY: Joseph Miner, MD, Executive Director

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

R414-60. Medicaid Policy for Pharmacy Program.

R414-60-1. Introduction, and Authority.

~~[(1)]~~The ~~[Utah]~~Medicaid Pharmacy program reimburses for~~;~~ covered~~;~~ ~~prescribed~~ outpatient drugs dispensed to eligible

~~medicaid clients by a pharmacy enrolled with Utah Medicaid pursuant to a prescription from an enrolled prescriber operating within the scope of the prescriber's license.~~

~~[(2)] This rule is authorized by 42 CFR 447.331, 42 CFR 447.15 and .50, the Utah Pharmacy Practice Act 58-17a-605, Utah health Code 26-18-105, and House Bill 268.]~~

R414-60-2. Definitions.

(1) "Covered outpatient drug" means a drug that meets all of the following criteria:

- (a) Requires a prescription for dispensing;
- (b) Has a National Drug Code number;
- (c) Is eligible for Federal Medical Assistance Percentages funds;
- (d) Has been approved by the Food and Drug Administration; and
- (e) Is listed in the Medi-Span drug file.

(2) "Full-benefit dual eligible beneficiary" means an individual who has Medicare and Medicaid benefits.

(3) "Rural pharmacy" means a pharmacy located in the state of Utah, which is outside of Weber County, Davis County, Utah County, and Salt Lake County.

(4) "Urban pharmacy" means a pharmacy located in Weber County, Davis County, Utah County, Salt Lake County, or in another state.

(5) "Usual and customary charge" is the lowest amount a pharmacy charges the general public for a covered outpatient drug, which reflects all advertised savings, discounts, special promotions, or any other program available to the general public.

R414-60-2]3. Client Eligibility Requirements.

(1) [~~Prescribed drugs are covered for Medicaid eligible, categorically and medically needy individuals~~]Medicaid covers prescription drugs for individuals who are categorically and medically needy under the Medicaid program.

(2) [~~Effective January 1, 2006, o~~]Outpatient drugs [~~covered under~~]included in the Medicare Prescription Drug Benefit-Part D for full-benefit dual eligible beneficiaries [~~who are defined as individuals who have Medicare and Medicaid benefits;~~]will not be covered under Medicaid in accordance with [~~SSA-1935(a)~~]Subsection 1935(a) of the Social Security Act. Certain limited drugs provided in accordance with Subsection 1927(d)(2) of the Social Security Act to all Medicaid recipients, but not included in the Medicare Prescription Drug Benefit-Part D, are payable by Medicaid.

(3) Outpatient drugs included in contracts with the Accountable Care Organization (ACO) must be obtained through the ACO for clients enrolled in an ACO.

~~[(3) Drugs excluded under Medicare Part D are not covered by Medicaid for dual eligible recipients. Certain limited drugs provided, in accordance with SSA, Section 1927(d)(2), to all Medicaid recipients, and not covered under the Medicare Prescription Drug Benefit-Part D, are payable by Medicaid. These drugs are limited as described in the Pharmacy Provider Manual and include some, but not all (a) agents when used for cough and cold; (b) over-the-counter drugs, and all (c) barbiturates, (d) benzodiazepines.~~

R414-60-3. Program Access Requirements.

~~Pharmacy services must be prescribed by a Utah licensed health care provider lawfully permitted to issue the prescription. The pharmacy filling the prescription must be enrolled as a Utah Medicaid provider. The clients receiving the pharmacy services may be living at home, a Long Term Care (LTC) facility, an Extended Care or Skilled facility or a community based group home.]~~

R414-60-4. Program Coverage.

~~(1) [All drugs are covered from manufacturers who have signed rebate agreements with Health Care Financing beginning with the SSA Title XIX and the Obra Law of 1990.]Covered outpatient drugs eligible for Federal Medical Assistance Percentages funds are included in the pharmacy benefit; however, covered outpatient drugs may be subject to limitations and restrictions.]~~

~~(2) The optional drugs allowed in SSA 1927 (d)(2) are covered as follows, some, but not all (a) agents when used for cough and cold, (b) over the counter drugs, and all (c) barbiturates, (d) benzodiazepines.]~~

~~(3)2 In accordance with [Utah Law]Subsection 58-17b-606(4), when a multi-source A-rated legend drug is available in the generic form, Medicaid will only reimburse[ment] for the generic form of the drug [will be made.]unless:~~

~~(a) reimbursing for the non-generic brand-name legend drug will result in a financial benefit to the State; or~~

~~(b) the treating physician demonstrates a medical necessity for dispensing the non-generic, brand-name legend drug.~~

~~(3) Prescriptions that are not executed electronically must be written on tamper-resistant prescription forms. Tamper-resistant prescription forms must include all of the following:~~

~~(a) One or more industry-recognized features designed to prevent unauthorized copying of a completed or blank prescription form;~~

~~(b) One or more industry-recognized features designed to prevent the erasure or modification of information written on the prescription by the prescriber; and~~

~~(c) One or more industry-recognized features designed to prevent the use of counterfeit prescription forms.~~

~~(d) Documentation by the pharmacy of verbal confirmation of a prescription not written on a tamper resistant prescription form by the prescriber or the prescriber's agent satisfies the tamper-resistant requirement. Documentation of the verbal confirmation must include the date, time, and name of the individual who verified the validity of the prescription.~~

~~(e) Pharmacies must maintain documentation of receipt of a prescription by a Medicaid client or the client's authorized representative. The documentation must clearly identify the covered outpatient drug received by the client, the date the covered outpatient drug was received, and who received the covered outpatient drug.~~

~~(f) Claims for covered outpatient drugs not dispensed to a Medicaid client or the client's authorized representative within 10 days must be reversed and any payment from Medicaid must be returned.~~

R414-60-5. Limitations.

~~(1) Limitations may be placed on drugs in accordance with 42 U.S.C. 1396r-8 or in consultation with the Drug Utilization Review (DUR) Board. Limitations are included in the Pharmacy Services Provider Manual and attachments, incorporated by reference in Section R414-1-5, and may include:~~

~~(1)a Quantity limits or [€]cumulative [amounts]limits for a drug or drug class for [30 day periods may apply to some drug categories]a specified period of time[-];~~

~~(2)b Therapeutic duplication limits[Limitations may be placed upon drugs the same as imposed by manufacturers and the Food and Drug Administration (FDA)] may be placed on drugs within the same or similar therapeutic categories[-];~~

~~(3) Duplication of drugs within therapeutic categories is limited.]~~

~~(4)c Step therapy, [requiring]including documentation of therapeutic failure with one drug before [reimbursement for-] another drug [in the same category-]may be used[-]; or~~

~~(5)d Prior authorization.[Pharmacy reimbursement for some drugs is regulated by prior approval as described in the provider manual.]~~

~~(2) A covered outpatient drug that requires prior authorization may be dispensed for up to a 72-hour supply without obtaining prior authorization during a medical emergency.~~

~~(3) Drugs listed as non-preferred on the Preferred Drug List may require prior authorization as authorized by Section 26-18-2.4.~~

~~(6)4 [Some-d]Drugs may be[-supplied-through- contracted specialty pharmacies-] restricted and are reimbursable only when dispensed by an individual pharmacy or pharmacies.~~

~~(7)5 [Medicaid may use the criteria developed by academics and professionally recognized experts to determine product utilization in order to achieve reasonable outcomes for client improvement, elimination of pain, and/or recovery.~~

~~(8) Drug Efficacy Study Implementation Project Drugs (DESI Drugs) as determined by the FDA to be less than effective are not a benefit]Medicaid does not cover drugs not eligible for Federal Medical Assistance Percentages funds.~~

~~(6) Medicaid does not cover outpatient drugs included in the Medicare Prescription Drug Benefit-Part D for full-benefit dual eligible beneficiaries.~~

~~(9)7 [Other drugs and/or categories of drugs as determined by the Utah State Division of Health Care Financing and listed in the Pharmacy Provider Manual are not a benefit.~~

~~(10) The Drug Utilization Review Board (DUR) recommends appropriate drug use for covered drugs. The DUR reviews and approves Medicaid drug use criteria and policy. The board makes determinations on specific cases and requests for therapeutic drug use.~~

~~(11) Clients whose prescriptions exceed seven prescriptions per month are subject to a clinical review by the Division.~~

~~(12)]Drugs provided to clients during inpatient hospital stays are not [a benefit and are included in the DRG payment]covered as an outpatient pharmacy benefit nor separately payable from the Medicaid payment for the inpatient hospital services.~~

(8) Medicaid covers only the following prescription cough and cold preparations meeting the definition of a covered outpatient drug:

(a) Guaifenesin with Dextromethorphan (DM) 600mg/30mg tablets;

(b) Guaifenesin with Hydrocodone 100mg/5mL liquid;

(c) Promethazine with Codeine liquid;

(d) Guaifenesin with Codeine 100mg/10mg/5mL liquid;

(e) Carbinoxamine with Pseudoephedrine 1mg/15mg/5mL liquid; and

(f) Carbinoxamine/Pseudoephedrine/DM 15mg/1mg/4mg/5mL liquid.

(9) Medicaid will pay for no more than a one-month supply of a covered outpatient drug per dispensing, except for the following:

(a) Medications included on the Utah Medicaid Generic Medication Three-Month Supply Medication List attachment to the Pharmacy Services Provider Manual may be covered for up to a three-month supply per dispensing. Medicaid clients eligible for Primary Care Network services under Rule R414-100 are not eligible to receive more than a one-month supply per dispensing.

(b) Prenatal vitamins for pregnant women, multiple vitamins with or without fluoride for children through five years of age, and fluoride supplements may be covered for up to a one-hundred days' supply per dispensing.

(c) Medicaid may cover contraceptives for up to a three-month supply per dispensing.

(10) Medicaid will pay for a prescription refill only when 80% of the previous prescription has been exhausted, with the exception of narcotic analgesics. Medicaid will pay for a prescription refill for narcotic analgesics after 100% of the previous prescription has been exhausted.

(11) Medicaid does not cover the following drugs:

(a) Drugs not eligible for Federal Medical Assistance Percentages funds;

(b) Drugs for anorexia, weight loss or weight gain;

(c) Drugs to promote fertility;

(d) Drugs for the treatment of sexual or erectile dysfunction;

(e) Drugs for cosmetic purposes or hair growth;

(f) Vitamins, except for prenatal vitamins for pregnant women, vitamin drops for children through five years of age, and fluoride supplements;

(g) Over-the-counter drugs not included in the Utah Medicaid Over-the-Counter Drug List attachment to the Pharmacy Services Provider Manual;

(h) Drugs for which the manufacturer requires, as a condition of sale, that associated tests and monitoring services are purchased exclusively from the manufacturer or its designee;

(i) Drugs given by a hospital to a patient at discharge;

(j) Breast milk, breast milk substitutes, baby food, or medical foods, except for prescription metabolic products for congenital errors of metabolism;

(k) Drugs available only through single-source distribution programs, unless the distributor is enrolled with Medicaid as a pharmacy provider.

R414-60-6. Copayment Policy.

~~[Each Medicaid client is responsible]~~ Medicaid clients are to pay any applicable copayment amount that complies with the requirements of the Utah Medicaid State Plan and Rule R414-1.

R414-60-7. Reimbursement.

(1) A pharmacy may not submit a charge to Medicaid that exceeds the pharmacy's usual and customary charge.

(2) Covered outpatient drugs are reimbursed at the lesser of the following:

(a) The Average Wholesale Price less 17.4%;

(b) The Federal Upper Limit assigned by the Centers for Medicare and Medicaid Services;

(c) The Utah Maximum Allowable Cost; and

(d) The submitted ingredient cost.

(e) If a prescriber obtains prior authorization for a brand-name version of a multi-source drug in accordance with 42 CFR 447.512 or if a brand-name drug is covered because a financial benefit will accrue to the State in accordance with Section 58-17b-606, then Medicaid will not apply the Utah Maximum Allowable Cost or Federal Upper Limit to the claim.

(f) Pharmacies participating in the 340B program and using medications obtained through the 340B program to bill Medicaid must submit the actual acquisition cost of the medication on the claim.

(3) Dispensing fees are as follows:

(a) \$3.90 for urban pharmacies;

(b) \$4.40 for rural pharmacies;

(c) \$1 for covered over-the-counter drugs excluding liquid antacids, insulin, and oral contraceptives for all pharmacies;

(d) \$0.50 multiplied by the quantity dispensed divided by the package size for liquid antacids for all pharmacies;

(e) \$12.39 for pharmacies participating in the 340B program and using medications obtained through the 340B program to bill Medicaid;

(f) \$8.90 for Category J drugs identified in Attachment 4.19-B, Page 19a(2) of the Utah Medicaid State Plan;

(g) \$18.90 for Category K drugs identified in Attachment 4.19-B, Page 19a(2) of the Utah Medicaid State Plan;

(h) \$22.90 for Category L drugs identified in Attachment 4.19-B, Page 19a(2) of the Utah Medicaid State Plan;

(i) \$33.90 for Category M drugs identified in Attachment 4.19-B, Page 19a(2) of the Utah Medicaid State Plan;

(j) Medicaid will pay the lesser of the assigned dispensing fee or the submitted dispensing fee;

(k) Medicaid will only pay one dispensing fee per month per covered outpatient drug per pharmacy for prescriptions for clients in nursing homes.

(4) Medicaid will pay the lesser of the sum of the allowed amount for the covered outpatient drug and dispensing fee or the billed charges.

(5) Immunizations provided to Medicaid clients who are at least 19 years of age will be paid for the cost of the immunization plus a dispensing fee of \$8.90. Medicaid will pay the lesser of the allowed or submitted charges.

(6) Immunizations provided to Medicaid clients who are 18 years old or younger will only be eligible for a dispensing fee of

\$14.52 with no reimbursement for the immunization. Immunizations for Medicaid clients who are 18 years old or younger must be obtained through the Vaccines for Children program.

(7) Blood glucose test strips listed as preferred on the Utah Medicaid Preferred Drug List will be reimbursed at the lesser of the Average Wholesale Price plus the dispensing fee or the billed charges.

[Pharmaceuticals are reimbursed using the fee schedule as established in the Utah Medicaid State Plan and incorporated by reference in R414-1-5(2).]

R414-60-8. Mandatory Patient Counseling.

(1) Medicaid clients, or their representatives, must receive counseling that fulfills the requirements of 42 U.S.C. 1396r-8 each time a covered outpatient medication is dispensed.

(2) Counseling is not required if a Medicaid client, or their representative, refuses the offer to counsel.

(3) The offer to counsel must be documented and producible upon request.

R414-60-9. New Drug Products.

A new drug product, including a new size or strength of an existing approved product, may be reviewed by the DUR Board to determine whether the drug should be subject to restrictions or limitations. New drugs may be withheld from coverage for no more than twelve weeks while restrictions or limitations are being evaluated.

R414-60-10. Over-the-Counter Drugs.

Medicaid covers over-the-counter drugs when the drug is listed on the Utah Medicaid Over-the-Counter Drug List attachment to the Pharmacy Services Provider Manual, incorporated by reference in Section R414-1-5.

R414-60-11. Compounds.

(1) Compounded non-sterile prescriptions are a covered benefit if at least one ingredient is a drug that would otherwise qualify for coverage.

(2) Compounded sterile prescriptions are a covered benefit if at least one ingredient is a drug that would otherwise qualify for coverage, and is prepared by a pharmacy that has certified to Utah Medicaid that it adheres to the United States Pharmacopeia/National Formulary chapter <797> standard, and tests the final product for sterility, potency and purity.

(3) Claims for compounded drugs may be eligible for a dispensing fee for each covered ingredient, but limited to no more than three dispensing fees per claim regardless of the number of covered ingredients.

KEY: Medicaid

Date of Enactment or Last Substantive Amendment: ~~May 1, 2010~~ 2016

Notice of Continuation: April 30, 2012

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

**Health, Health Care Financing,
Coverage and Reimbursement Policy
R414-508
Requirements for Transfer of Bed
Licenses**

**NOTICE OF PROPOSED RULE
(Amendment)**

DAR FILE NO.: 40809
FILED: 09/20/2016

RULE ANALYSIS

PURPOSE OF THE RULE OR REASON FOR THE CHANGE: The purpose of this rule is to add to the rule wording to clarify requirements for Section 26-18-505, which establishes requirements for the transfer of bed licenses.

SUMMARY OF THE RULE OR CHANGE: This amendment outlines requirements for a Medicaid nursing care facility program to transfer a bed license or Medicaid certification to another entity.

STATUTORY OR CONSTITUTIONAL AUTHORIZATION FOR THIS RULE: Section 26-18-505

ANTICIPATED COST OR SAVINGS TO:

◆ **THE STATE BUDGET:** There is no anticipated fiscal impact to the state budget because this amendment only clarifies requirements for the transfer of bed licenses.

◆ **LOCAL GOVERNMENTS:** There is no anticipated fiscal impact to local governments because this amendment only clarifies requirements for the transfer of bed licenses.

◆ **SMALL BUSINESSES:** There is no anticipated fiscal impact to small businesses because this amendment only clarifies requirements for the transfer of bed licenses.

◆ **PERSONS OTHER THAN SMALL BUSINESSES, BUSINESSES, OR LOCAL GOVERNMENTAL ENTITIES:** There is no anticipated fiscal impact to Medicaid providers and to Medicaid clients because this amendment only clarifies requirements for the transfer of bed licenses.

COMPLIANCE COSTS FOR AFFECTED PERSONS: Facilities that wish to transfer beds and those receiving beds are required to file written information with the Department to assure that the statute is complied with and persons with an interest in the current facility have consented to the transfer. It is expected that the cost of these filings for each facility will be minimal. Only facilities that choose to transfer beds will be required to report.

COMMENTS BY THE DEPARTMENT HEAD ON THE FISCAL IMPACT THE RULE MAY HAVE ON BUSINESSES: There is no fiscal impact on business because it clarifies existing requirements and affects only facilities that choose to transfer beds.

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 Office 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 or by mail at PO Box 143102, Salt Lake City UT 84114-3102

INTERESTED PERSONS MAY PRESENT THEIR VIEWS ON THIS RULE BY SUBMITTING WRITTEN COMMENTS NO LATER THAN AT 5:00 PM ON 11/14/2016

THIS RULE MAY BECOME EFFECTIVE ON: 11/21/2016

AUTHORIZED BY: Joseph Miner, MD, Executive Director

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

R414-508. Requirements for Transfer of Bed Licenses.

R414-508-1. Introduction and Authority.

(1) This rule implements requirements that a Medicaid certified nursing care facility program must meet to transfer licensed bed capacity for Medicaid certified beds to another entity.

(2) Sections 26-18-3, 26-18-5, and 26-18-505 authorize this rule.

R414-508-2. Definitions.

As used in this rule:

(1) "Bureau of Health Facility Licensing, Certification and Resident Assessment" (BHFLCRA) within the Department of Health is the entity that evaluates nursing care facilities to comply with state and federal regulations.

(2) "Bed License" is the state authorization given by BHFLCRA to provide nursing care facility services to an individual resident. BHFLCRA only issues licenses to a nursing care facility program to provide services for several individuals. The number of individuals for which a nursing care facility program can provide service equals the total licensed beds held by the licensee.

(3) "Current Owner" is any one of or combination of the following: owner of a building from which a nursing care facility program operates, owner of land on which a nursing care facility program operates, owner of a nursing care facility program licensed by the BHFLCRA, owner of Medicaid certification, lessor of the building, lessor of the land, mortgagor of the building, mortgagor of the land, the management team responsible for executing the operations of a nursing care facility program, a holder of a lien security interest in the land, a holder of a lien security interest in the building, and a holder of a lien security interest in the business operation.

(4) "Medicaid Certification" is the authorization to provide services outlined in the Medicaid State Plan in accordance with Section R414-27-1;

(5) "Transfer" is a change of ownership due to sale, lease, or mortgage.

(6) "Transfer Agreement" is a contract for a transfer of bed licenses.

(7) "Transferor" is the entity or nursing care facility program transferring one or more Medicaid beds to another entity or nursing care facility program.

(8) "Transferee" is the entity or nursing care facility program receiving one or more Medicaid beds from the Transferor.

R414-508-3. Bed License Transfer Requirements for the Transferor.

(1) A nursing care facility program ~~[must]~~shall meet the requirements of ~~[Section]~~Rule R414-27 to fulfill the transfer requirements found in Subsection 26-18-505(2).

(2) Pursuant to Subsection 26-18-505(2), a nursing care facility program ~~[must]~~shall demonstrate its intent to transfer bed licenses by providing written notice to the Division of ~~[Health Care]~~Medicaid and Health Financing ~~[30 calendar days before the effective date of the transfer under the agreement.]~~in accordance with timing specified in Section 26-18-505. The transferring nursing care facility program or entity shall use the "Notice of Medicaid Bed Transfer" form to request the transfer.~~[The notice must include the following:~~

~~—(a) the number of bed licenses that the nursing care facility program intends to transfer;~~

~~—(b) the effective date of the transfer;~~

~~—(c) the identity and physical location of the entity receiving the transferred bed licenses;~~

~~—(d) a notarized statement from all current owners acknowledging and consenting to the transfer of the bed licenses; and~~

~~—(e) a request to de-license and de-certify the number of transferred licensed beds from the transferring nursing care facility as of the effective transfer date in the transfer agreement.]~~

(3) The nursing care facility program shall include all necessary information on the "Notice of Medicaid Bed Transfer" form. If the form or supporting documentation is deficient, the incomplete notice shall be returned to the requestor.

(4) The notice date shall be the postmark date of a complete "Notice of Medicaid Bed Transfer" form mailed to the Division of Medicaid and Health Financing.

R414-508-4. Bed License ~~[Receiving]~~Transfer Requirements for the Transferee.

Pursuant to Subsection 26-18-505(3), an entity that receives bed licenses from a nursing care facility program must provide written notice to the Division of ~~[Health Care]~~Medicaid and Health Financing in accordance with timing specified in Section 26-18-505. The receiving nursing care facility program or entity shall use the "Request for Medicaid Certification of Transferred Beds" form.~~[within 14 calendar days of seeking Medicaid certification. The notice must include the following:~~

~~—(1) the total number of bed licenses for which it will seek Medicaid certification, which may not exceed the total number of bed~~

licenses received multiplied by a conversion factor of 0.7 and rounded down to the lowest integer as provided in Subsection 26-18-505(3)(c); and

~~(2) the identity of the nursing care facility program from which the bed licenses were transferred.]~~

(1) The nursing care facility program shall include all necessary information on the "Request for Medicaid Certification of Transferred Beds" form. If the form or supporting documentation is deficient, the incomplete notice shall be returned to the requestor.

(2) The notice date shall be the postmark date of a complete "Request for Medicaid Certification of Transferred Beds" form mailed to the Division of Medicaid and Health Financing.

(3) If the receiving nursing care facility or entity receives bed licenses from more than one nursing care facility or entity and wants to have the multiple beds certified at the same time, the transferee shall complete a request form for each different transferring entity and submit the request forms at the same time.

R414-508-5. Expiration and Forfeiture of Bed Licenses.

Pursuant to Subsection 26-18-505([2]3), if the receiving entity does not obtain Medicaid certification within three years of the effective date of the transfer, the transferred bed licenses expire and the receiving entity forfeits the bed licenses available through the transfer. The transferring nursing care facility program does not regain any right to the transferred beds that have expired.

KEY: Medicaid

Date of Enactment or Last Substantive Amendment: ~~[July 1, 2008]~~2016

Notice of Continuation: May 30, 2013

Authorizing, and Implemented or Interpreted Law: 26-1-3; 26-18-505

Health, Center for Health Data, Health Care Statistics **R428-1** Health Data Plan and Incorporated Documents

NOTICE OF PROPOSED RULE

(Amendment)

DAR FILE NO.: 40850

FILED: 09/30/2016

RULE ANALYSIS

PURPOSE OF THE RULE OR REASON FOR THE CHANGE: This change updates versions of required documents for compliance in 2017.

SUMMARY OF THE RULE OR CHANGE: This change updates the Data Submission Guide to the next version and indicates that CAHPS surveys should use the current version.

STATUTORY OR CONSTITUTIONAL AUTHORIZATION FOR THIS RULE: Section 26-33a-104

MATERIALS INCORPORATED BY REFERENCE:

- ◆ Updates HEDIS 2017, Volume 5: HEDIS Compliance Audit: Standards, Policies, and Procedures, published by National Committee on Quality Assurance, Volume 5
- ◆ Updates HEDIS 2017, Volume 3: Specifications for Survey Measures, published by National Committee on Quality Assurance, Volume 3
- ◆ Updates Utah All-Payer Claims Database Data Submission Guide, published by, 11/21/2016

ANTICIPATED COST OR SAVINGS TO:

◆ **THE STATE BUDGET:** This rule iterates forward to the current versions of documents. The Utah Department of Health (UDOH) determines enactment of the amended version will not create any cost or savings impact to the state budget or UDOH's budget since the change will not increase workload and can be carried out with existing budget.

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

◆ **SMALL BUSINESSES:** None--Small businesses are not impacted by this rule change, with all potentially impacted having more than 50 employees. As a result, the rule will have no affect on small business budgets for costs or savings.

◆ **PERSONS OTHER THAN SMALL BUSINESSES, BUSINESSES, OR LOCAL GOVERNMENTAL ENTITIES:** UDOH anticipates that some carriers will need to make programming changes to implement the additional flexibility and clarifications. By agreement with the data suppliers, changes to the DSG are limited to once per calendar year, so they should anticipate these changes as part of their normal business process in preparation for next year. The burden of these changes is consistent with that understanding. Based on figures reported and current submission roster, UDOH estimates an industry cost of \$57,500 (46 active carriers x \$1,250) to comply with proposed APCD DSG 3.0.

COMPLIANCE COSTS FOR AFFECTED PERSONS: Some data suppliers will need to program changes to their system in order to be consistent with the updated guidelines. According to our research, some suppliers may incur cost while others report \$0 as an estimate for compliance. Overall, UDOH estimates a one-time compliance cost of \$1,250 per carrier (approximately 16 man hours x DTS approved rate of \$77 per hour) to comply with proposed APCD DSG 3.0.

COMMENTS BY THE DEPARTMENT HEAD ON THE FISCAL IMPACT THE RULE MAY HAVE ON BUSINESSES: The proposed amendment updates the rule to adopt the

current changes in the DSG. There will be some fiscal impact to some business that may need to program system changes in order to comply with the updated guidelines.

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

HEALTH
CENTER FOR HEALTH DATA,
HEALTH CARE STATISTICS
CANNON HEALTH BLDG
288 N 1460 W
SALT LAKE CITY, UT 84116-3231
or at the Office of Administrative Rules.

DIRECT QUESTIONS REGARDING THIS RULE TO:

◆ Mike Martin by phone at 801-538-9205, by FAX at 801-538-9916, or by Internet E-mail at mikemartin@utah.gov
◆ Norman Thurston by phone at 801-538-7052, by FAX at 801-237-0787, or by Internet E-mail at nthurston@utah.gov or by mail at PO Box 144004, Salt Lake City UT 84114-4004

INTERESTED PERSONS MAY PRESENT THEIR VIEWS ON THIS RULE BY SUBMITTING WRITTEN COMMENTS NO LATER THAN AT 5:00 PM ON 11/14/2016

THIS RULE MAY BECOME EFFECTIVE ON: 11/21/2016

AUTHORIZED BY: Joseph Miner, MD, Executive Director

R428. Health, Center for Health Data, Health Care Statistics.

R428-1. Health Data Plan and Incorporated Documents.

R428-1-1. Legal Authority.

This rule is promulgated in accordance with Title 26, Chapter 33a.

R428-1-2. Purpose.

This rule adopts and incorporates documents related to the collection, analysis, and dissemination of data covered in this title.

R428-1-3. Health Data Plan Adoption.

As required by Section 26-33a-104, the Health Data Committee adopts by rule the health data plan dated October 3, 1991.

R428-1-4. Incorporation by Reference.

The following documents are adopted and incorporated by reference:

- (1) Utah Healthcare Facility Data Submission Guide, Version 1, January 15, 2016
- (2) HEDIS 2017[2014], Volume 3: Specifications for Survey Measures, published by NCQA
- (3) HEDIS 2017[2014], Volume 5: HEDIS Compliance Audit: Standards, Policies, and Procedures, published by NCQA
- (4) Utah All-Payer Claims Database Data Submission Guide Version 2.2.1[2-1]
- (5) Utah All-Payer Claims Database Data Submission Guide Version 3.0[2-2-1]

KEY: health, health policy, health planning

Date of Enactment or Last Substantive Amendment: [~~March 25~~], 2016

Notice of Continuation: November 21, 2011

Authorizing, and Implemented or Interpreted Law: 26-33a-104

**Health, Center for Health Data, Health
Care Statistics**

R428-12

**Health Data Authority Survey of
Enrollees in Health Plans**

NOTICE OF PROPOSED RULE

(Amendment)

DAR FILE NO.: 40847

FILED: 09/30/2016

RULE ANALYSIS

PURPOSE OF THE RULE OR REASON FOR THE CHANGE: This change adds language to allow for flexibility in complying with rules for surveys to be conducted in the fall.

SUMMARY OF THE RULE OR CHANGE: This change updates the Data Submission Guide to the next version and indicates that CAHPS surveys should use the current version.

STATUTORY OR CONSTITUTIONAL AUTHORIZATION FOR THIS RULE: Section 26-33a-104

ANTICIPATED COST OR SAVINGS TO:

◆ **THE STATE BUDGET:** The Utah Department of Health (UDOH) determines enactment of the amended version will not create any cost or savings impact to the state budget or UDOH's budget since the change will not increase workload and can be carried out with existing budget.

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

◆ **SMALL BUSINESSES:** None--Small businesses are not impacted by this rule change with all potentially impacted having more than 50 employees. As a result, the rule will have no affect on small business budgets for costs or savings.

◆ **PERSONS OTHER THAN SMALL BUSINESSES, BUSINESSES, OR LOCAL GOVERNMENTAL ENTITIES:** This rule change will allow more flexibility in complying with alternate timelines but does not add any new requirements on data suppliers.

COMPLIANCE COSTS FOR AFFECTED PERSONS: These changes are being made to align with existing business practice; therefore, no compliance costs are expected.

COMMENTS BY THE DEPARTMENT HEAD ON THE FISCAL IMPACT THE RULE MAY HAVE ON BUSINESSES: The proposed amendment will allow flexibility for compliance with the rule for surveys conducted before July and which have time frames established in accordance with Section R428-12-5. There is no fiscal impact to business because there is not a change to existing rule requirements.

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

HEALTH
CENTER FOR HEALTH DATA,
HEALTH CARE STATISTICS
CANNON HEALTH BLDG
288 N 1460 W
SALT LAKE CITY, UT 84116-3231
or at the Office of Administrative Rules.

DIRECT QUESTIONS REGARDING THIS RULE TO:

◆ Mike Martin by phone at 801-538-9205, by FAX at 801-538-9916, or by Internet E-mail at mikemartin@utah.gov
◆ Norman Thurston by phone at 801-538-7052, by FAX at 801-237-0787, or by Internet E-mail at nthurston@utah.gov or by mail at PO Box 144004, Salt Lake City UT 84114-4004

INTERESTED PERSONS MAY PRESENT THEIR VIEWS ON THIS RULE BY SUBMITTING WRITTEN COMMENTS NO LATER THAN AT 5:00 PM ON 11/14/2016

THIS RULE MAY BECOME EFFECTIVE ON: 11/21/2016

AUTHORIZED BY: Joseph Miner, MD, Executive Director

R428. Health, Center for Health Data, Health Care Statistics.
R428-12. Health Data Authority Survey of Enrollees in Health Plans.

R428-12-1. Legal Authority.

This rule is promulgated under authority granted by Title 26, Chapter 33a and in accordance with the Utah Health Plan Performance Measurement Plan.

R428-12-2. Purpose.

This rule establishes the process for the collection of enrollee satisfaction data from Utah carriers that are needed to promote informed consumer choice in plan selection and measure the quality of care provided to enrollees of Utah carriers.

R428-12-3. Submission of Satisfaction Data.

(1) Each carrier covered by the scope determined in subsection R428-12-5 shall compile and submit enrollee satisfaction (Consumer Assessment of Healthcare Providers and Systems survey or CAHPS) data to the Office according to this rule.

(2) By January 1 of each year, each carrier shall submit to the Office a plan for creating and providing CAHPS data for the preceding calendar year. For each required survey, the plan must clearly indicate whether the carrier will use the Office's contracted vendor or whether the carrier will contract with a survey agency on their own.

(3) By July 1 of each year, each carrier shall submit to the Office CAHPS data for the preceding calendar year, unless an alternate timeframe has been determined under subsection R428-12-5, in which case the carrier shall submit the data by the alternate due date.

R428-12-4. Sampling Frame Submission.

(1) The sources for enrollment data are Utah carriers. Each carrier shall include in the sampling frame all eligible enrollees.

(2) Each carrier shall create the sampling frame according to the criteria outlined in the NCQA Survey Specifications.

(3) The sampling frame and procedures used by the reporting carrier are subject to audit by the Office of Health Care Statistics.

(4) The carrier shall copy the sampling frame using an electronic medium acceptable to the survey agency and then send to the survey agency.

(5) The carrier shall fill out the "Sample Description" sheet to be provided by the survey agency and send it with the electronic sample file. Each carrier shall submit to the survey agency the sampling frame for each of its products no later than four weeks after the receipt of the sampling memo from the survey agency.

R428-12-5. Administration of Survey.

Each year, the Utah Department of Health, in consultation with carriers, will determine the target survey population, survey timeframes, and the scope of the survey.

KEY: health maintenance organization, performance measurement, health care quality, preferred provider organization

Date of Enactment or Last Substantive Amendment: [~~November 30, 2015~~]**2016**

Notice of Continuation: November 30, 2011

Authorizing, and Implemented or Interpreted Law: 26-33a-104; 26-33a-108

Health, Family Health and
Preparedness, Licensing
R432-3-11
Annual Reporting Requirements

NOTICE OF PROPOSED RULE

(Amendment)

DAR FILE NO.: 40822

FILED: 09/23/2016

RULE ANALYSIS

PURPOSE OF THE RULE OR REASON FOR THE CHANGE: The purpose of this rule amendment is to add requirements to ensure that nursing facilities comply with new annual financial reporting requirements according to amended Subsection 26-21-23(7). The Health Facility

Committee reviewed and approved this rule amendment on 09/14/2016.

3760 S HIGHLAND DR
SALT LAKE CITY, UT 84106
or at the Office of Administrative Rules.

SUMMARY OF THE RULE OR CHANGE: Section R432-3-11 adds definitions and requirements to ensure that facilities comply with new annual financial reporting requirements according to amended Subsection 26-21-23(7). Subsection 26-21-23(7)(c)(i) requires the department to create rules to meet the statutory requirements.

DIRECT QUESTIONS REGARDING THIS RULE TO:
 ♦ Carmen Richins by phone at 801-273-2802, by FAX at 801-274-0658, or by Internet E-mail at carmenrichins@utah.gov
 ♦ Joel Hoffman by phone at 801-273-2804, by FAX at 801-274-0658, or by Internet E-mail at jhoffman@utah.gov or by mail at PO Box 142003, Salt Lake City UT 84114-2003

STATUTORY OR CONSTITUTIONAL AUTHORIZATION FOR THIS RULE: Title 26, Chapter 21

INTERESTED PERSONS MAY PRESENT THEIR VIEWS ON THIS RULE BY SUBMITTING WRITTEN COMMENTS NO LATER THAN AT 5:00 PM ON 11/16/2016

- ANTICIPATED COST OR SAVINGS TO:**
- ♦ **THE STATE BUDGET:** There is no impact to the state budget because this change only affects nursing facilities, and there are no nursing facilities that are currently licensed under this condition.
 - ♦ **LOCAL GOVERNMENTS:** There is no impact to local governments because this change only affects nursing facilities, and there are no nursing facilities that are currently licensed under this condition.
 - ♦ **SMALL BUSINESSES:** There is no impact to small businesses because this change only affects nursing facilities, and there are no nursing facilities that are currently licensed under this condition.
 - ♦ **PERSONS OTHER THAN SMALL BUSINESSES, BUSINESSES, OR LOCAL GOVERNMENTAL ENTITIES:** Currently, there is no impact to businesses because there are no nursing facilities that have been licensed under this exception to the moratorium. There may be an impact to nursing facilities in the future that license under these conditions; however, the agency does not foresee this situation occurring in the near future. If a nursing facility did license under these conditions in the future and failed to meet the rule requirements, then the department would impose a civil money penalty in the amount of \$50,000 in accordance with Subsection 26-21-23(7).

THIS RULE MAY BECOME EFFECTIVE ON: 11/23/2016

AUTHORIZED BY: Joseph Miner, MD, Executive Director

**R432. Health, Family Health and Preparedness, Licensing.
R432-3. General Health Care Facility Rules Inspection and Enforcement.**

R432-3-11. Annual Reporting Requirements.

- (1) A nursing care facility approved for a health facility license under Section 26-21-23(2)(c) shall submit an annual financial report within 90 days of the end of each calendar year.
- (2) the financial report shall contain:
 - (a) total of all revenues received within the calendar year;
 - (b) total of all Medicare inpatient revenue received within the calendar year;
 - (c) total of all Medicare Advantage revenue received within the calendar year; and
 - (d) Percentage of Medicare inpatient revenue including Medicare Advantage revenue in relation to the total of all revenues received within the calendar year.
- (3) The department shall review the submitted reports for compliance with 26-21-23(7)(a). The Department may perform financial audits as part of the review. If the department determines a facility is not in compliance with 26-21-23(7)(a) a CMP of \$50,000 will be issued for the facility's failure to comply.

COMPLIANCE COSTS FOR AFFECTED PERSONS: There is no impact to affected persons because there are not any nursing facilities currently licensed under this condition.

KEY: health care facilities
Date of Enactment or Last Substantive Amendment: ~~September 29, 2015~~ 2016
Notice of Continuation: August 12, 2013
Authorizing, and Implemented or Interpreted Law: 26-21-5; 26-21-14 through 26-21-16

COMMENTS BY THE DEPARTMENT HEAD ON THE FISCAL IMPACT THE RULE MAY HAVE ON BUSINESSES: There is no fiscal impact to current businesses that are licensed under the exception to the moratorium. This amendment will fiscally impact any business that applies for this license in the future in that failure to comply with the specific reporting requirements could result in a fine of \$50,000.

THE FULL TEXT OF THIS RULE MAY BE INSPECTED, DURING REGULAR BUSINESS HOURS, AT:
 HEALTH
 FAMILY HEALTH AND PREPAREDNESS,
 LICENSING

**Health, Family Health and Preparedness, Licensing
R432-100
General Hospital Standards**

NOTICE OF PROPOSED RULE

(Amendment)

DAR FILE NO.: 40848

FILED: 09/30/2016

RULE ANALYSIS

PURPOSE OF THE RULE OR REASON FOR THE CHANGE: The purpose of this rule amendment is to add requirements to allow for a registered dietitian to write diet orders in a hospital setting, as well as to amend incorrect references and wording. The Health Facility Committee reviewed and approved these rule amendments on 09/14/2016.

SUMMARY OF THE RULE OR CHANGE: The rule amendment is to add requirements to allow for a registered dietitian to write diet orders in a hospital setting as authorized by facility medical staff and in accordance with facility policy. This amendment also corrects many outdated references and corrects errors.

STATUTORY OR CONSTITUTIONAL AUTHORIZATION FOR THIS RULE: Title 26, Chapter 21

ANTICIPATED COST OR SAVINGS TO:

- ◆ **THE STATE BUDGET:** There is no impact to the state budget because this amendment simply updates references and allows registered dietitians to write diet orders in a hospital setting.
- ◆ **LOCAL GOVERNMENTS:** There is no impact to local governments because this amendment simply updates references and allows registered dietitians to write diet orders in a hospital setting.
- ◆ **SMALL BUSINESSES:** There is no impact to small businesses because this amendment simply updates references and allows registered dietitians to write diet orders in a hospital setting.
- ◆ **PERSONS OTHER THAN SMALL BUSINESSES, BUSINESSES, OR LOCAL GOVERNMENTAL ENTITIES:** There is no impact to other persons because this amendment simply updates references and allows registered dietitians to write diet orders in a hospital setting.

COMPLIANCE COSTS FOR AFFECTED PERSONS: There is no compliance cost for affected persons because this amendment simply updates references and allows registered dietitians to write diet orders in a hospital setting.

COMMENTS BY THE DEPARTMENT HEAD ON THE FISCAL IMPACT THE RULE MAY HAVE ON BUSINESSES: There is no impact to business because there is no change to current practice.

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

HEALTH
FAMILY HEALTH AND PREPAREDNESS,
LICENSING

3760 S HIGHLAND DR
SALT LAKE CITY, UT 84106
or at the Office of Administrative Rules.

DIRECT QUESTIONS REGARDING THIS RULE TO:
◆ Carmen Richins by phone at 801-273-2802, by FAX at 801-274-0658, or by Internet E-mail at carmenrichins@utah.gov
◆ Joel Hoffman by phone at 801-273-2804, by FAX at 801-274-0658, or by Internet E-mail at jhoffman@utah.gov or by mail at PO Box 142003, Salt Lake City UT 84114-2003

INTERESTED PERSONS MAY PRESENT THEIR VIEWS ON THIS RULE BY SUBMITTING WRITTEN COMMENTS NO LATER THAN AT 5:00 PM ON 11/16/2016

THIS RULE MAY BECOME EFFECTIVE ON: 11/23/2016

AUTHORIZED BY: Joseph Miner, MD, Executive Director

R432. Health, Family Health and Preparedness, Licensing.**R432-100. General Hospital Standards.****R432-100-14. Critical Care Unit.**

(1) Hospitals that provide critical care units shall comply with the requirements of R432-100-1[3]4. Medical direction for the unit(s) shall be according to the scope of services provided as delineated in hospital policy and approved by the board.

(2) Critical care unit nursing direction shall be provided by a designated, qualified registered nurse manager who has relevant education, training and experience in critical care. The supervising nurse shall coordinate the care provided by all nursing service personnel in the critical care unit. The registered nurse manager shall have administrative responsibility for the critical care unit, assuring that a registered nurse who has advanced life support certification is on duty and in the unit at all times.

(3) Each critical care unit shall be designed and equipped to facilitate the safe and effective care of the patient population served. Equipment and supplies shall be available to the unit as determined by hospital policy in accordance with the needs of the patients.

(4) An emergency cart must be readily available to the unit and contain appropriate drugs and equipment according to hospital policy. The cart, or the cart locking mechanism, must be checked every shift and after each use to assure that all items required for immediate patient care are in place in the cart and in usable condition.

(5) The following support services shall be immediately available to the critical care unit on a 24-hour basis:

- (a) blood bank or supply;
- (b) clinical laboratory; and
- (c) radiology services.

(6) If the hospital provides dialysis services, the dialysis services shall comply with R432-650 End Stage Renal Disease Facility Rules, sections R432-650-7, Required Staffing; and R432-650-12, Water Quality.

R432-100-15. Surgical Services.

(1) Surgical services provided by the hospital shall be integrated with other departments or services of the hospital. The

relationship, objective, and scope of all surgical services shall be specified in writing.

(a) Administrative direction of surgical services shall be provided by a person appointed and authorized by the administrator.

(b) Medical direction of surgical services shall be provided by a member of the medical staff.

(c) Qualified registered nurses shall supervise the provision of surgical nursing care.

(d) The operating room suites shall be directed and supervised by a qualified registered nurse. The supervisor shall have authority and responsibility for:

(i) assuring that the planned procedure is within the scope of privileges granted to the physician.

(ii) maintaining the operating room register; and

(iii) other administrative functions, including serving on patient care committees.

(e) The hospital shall establish a policy governing the use of obstetrical delivery and operating rooms to ensure that any patient with parturition imminent, or with an obstetrical emergency requiring immediate medical intervention to preserve the health and life of the mother or her infant, is given priority over other obstetrical and non-emergent surgical procedures.

(f) Qualified surgical assistants shall be used as needed in operations in accordance with hospital by-laws.

(g) Surgical technicians and licensed practical nurses may serve as scrub nurses under the direct supervision of a registered nurse, but may not function as circulation nurses in the operating rooms, unless the scrub nurse is a registered nurse.

(h) Outpatient surgical patients shall not be routinely admitted to the hospital as inpatients. A systematic review process shall evaluate patients who require hospitalization after outpatient surgery.

(2) A safe operating room environment shall be established, controlled and consistently monitored.

(a) Surgical equipment including suction facilities and instruments in good repair shall be provided to assure safe and aseptic treatment of all surgical cases.

(b) Traffic in and out of the operating room shall be controlled. There shall be no through traffic.

(c) There shall be a scavenging system for evacuation of anesthetic waste gases.

(d) The following equipment shall be available to the operating suite:

(i) a call-in system;

(ii) a cardiac monitor;

(iii) a ventilation support system;

(iv) a defibrillator;

(v) an aspirator; and

(vi) equipment for cardiopulmonary resuscitation.

(3) The administration of anesthetics shall conform to the requirements of Anesthesia Services, R432-100-1[5]6.

(4) Removal of surgical specimens shall conform with the requirements of Laboratory and Pathology Services, R432-100-22.

R432-100-18. Perinatal Services.

(1) Each hospital shall comply with the requirements of this section and shall designate its capability to provide perinatal (antepartum, labor, delivery, postpartum and nursery) care in

accordance with Level I basic, Level II specialty, or Level III subspecialty or tertiary care as described in the Guidelines for Perinatal Care, Sixth Edition and the Guidelines for Design and Construction of Health Care Facilities, 2010 Edition, which are incorporated by reference.

(a) A qualified member of the hospital staff shall provide administrative, medical and nursing direction and oversight for perinatal services according to each hospital's designated level of care, Level I, IIA, IIB, IIIA, IIIB or IIIC.

(b) A qualified registered nurse shall be immediately available at all hours of the day and as well as sufficient numbers of trained competent staff to meet the designated level.

(c) Support personnel shall be available to the perinatal care service according to each hospital's designated level of care.

(2) Each hospital shall establish and implement security protocols for perinatal patients.

(3) The perinatal department shall include facilities and equipment for antepartum, labor and delivery, nursery, postpartum, and optional birthing rooms.

(a) Perinatal areas shall be located and arranged to avoid non-related traffic to and from other areas.

(b) The hospital shall isolate patients with infections or other communicable conditions. The use of maternity rooms for patients other than maternity patients shall be restricted according to hospital policy.

(c) Each hospital shall have at least one surgical suite for operative delivery.

(d) Equipment and supplies shall be immediately available and maintained for the mother and newborn, including:

(i) furnishings suitable for labor, birth, and recovery;

(ii) oxygen with flow meters and masks or equivalent;

(iii) mechanical suction and bulb suction;

(iv) resuscitation equipment;

(v) emergency medications, intravenous fluids, and related supplies and equipment;

(vi) a device to assess fetal heart rate;

(vii) equipment to monitor and maintain the optimum body temperature of the newborn;

(viii) a clock capable of showing seconds;

(ix) an adjustable examination light; and

(x) a newborn warming unit with temperature controls that comply with Underwriters' Laboratories requirements. The unit must be capable of administering oxygen and suctioning.

(e) The hospital shall maintain a delivery room record keeping system for cross referencing information with other departments.

(4) If birthing rooms are provided, they shall be equipped in accordance with 100-1[7]8(3(d)).

(5) The nursery shall include facilities and equipment according to its designated level of care: Level I - Basic Newborn Care; Level II - Specialty Continuing Care; and Level III - Subspecialty or Tertiary Newborn Intensive Care including an individual bassinet for each infant; with space between bassinets as follows:

(a) Level I Basic: Full Term or Well Baby Nursery 24 inches between bassinets;

(b) Level II Specialty: Continuous Care Nursery four feet between bassinets for Continuing Care nurseries;

(c) Level III Sub-specialty: Newborn Intensive Care Nursery four feet between bassinets.

(d) accurate scales; and

(e) a wall thermometer;

(6) The following equipment and supplies shall be available:

(a) an individual thermometer, or one with disposable tips, for each infant;

(b) a supply of medication shall be immediately available for emergencies;

(c) a covered soiled-diaper container with removable lining;

(d) a linen hamper with removable bag for soiled linen other than diapers;

(e) a newborn warming unit with temperature controls that comply with Underwriters' Laboratories requirements;

(f) oxygen, oxygen equipment, and suction equipment; and

(g) an oxygen concentration monitoring device.

(7) Temperature shall be maintained between 70-80 degrees Fahrenheit in the nursery area.

(8) Infant formula storage space shall be available that conforms to the manufacturer's recommendations. Only single-use bottles shall be used for newborn feeding.

(9) A suspect nursery or isolation area shall be available. Equipment and supplies shall be provided for the isolation area.

(a) Isolation facilities shall be used for any infant who:

(i) has a communicable disease;

(ii) is delivered of an ill mother infected with a communicable disease;

(iii) is readmitted after discharge from a hospital; or

(iv) is delivered outside the hospital.

(b) There shall be separate hand washing facilities for the isolation area.

(10) Each hospital shall comply with the following provisions:

(a) No attempt shall be made to delay the imminent, normal birth of a child;

(b) A prophylactic solution in accordance with R386-702-[9] shall be instilled in the eyes of the infant within three hours of birth;

(c) ~~[Metabolic]Disease~~ screening including phenylketonuria (PKU) shall be performed in accordance with Section 26-10-6 and R398-1; and

(d) A newborn hearing screening shall be performed in accordance with R398-2.

R432-100-25. Pharmacy Services.

(1) The pharmacy of a hospital currently accredited and conforming to the standards of JCAHO shall be determined to be in compliance with these rules.

(a) If a hospital is not accredited by JCAHO, then the pharmacy of such hospital shall comply with rules in this section.

(b) The pharmacy department and service shall be directed by a licensed pharmacist.

(i) Competent personnel shall be employed in keeping with the size and activity of the department and service. If the

hospital uses only a drug room and the size of the hospital does not warrant a full-time pharmacist, a consultant pharmacist may be employed.

(ii) The pharmacist shall be responsible for developing, supervising, and coordinating all the activities of the pharmacy.

(iii) Provision shall be made for access to emergency pharmaceutical services.

(iv) The pharmacist shall be trained in the specific functions and scope of the hospital pharmacy.

(2) Facilities shall be provided for the safe storage, preparation, safeguarding, and dispensing of drugs.

(a) All floor-stocks shall be kept in secure areas in the patient care units.

(b) Double-locked storage shall be provided for controlled substances. Electronically controlled storage of narcotics may be permitted if automated dispensing technology is utilized by the hospital.

(c) Medications stored at room temperatures shall be maintained within 59 and 80 degrees F.

(d) Refrigerated medications shall be maintained within 36 and 46 degrees F.

(e) A current toxicology reference, and other references as needed for effective pharmacy operation and professional information shall be available.

(3) Records shall be kept of the transactions of the pharmacy and medication storage unit and coordinated with other hospital records.

(a) There shall be a recorded and signed floor-stock controlled substance count once per shift or the facility must use automated dispensing technology in accordance with R156-17b-6[19]05.

(b) Hospitals that utilize automated dispensing technology must implement a system for accounting of controlled substances dispensed by the automated dispensing system.

(c) The record shall list the name of the patient receiving the controlled substance, the date, type of substance, dosage, and signature of the person administering the substance.

(4) Written policies and procedures that pertain to the intra-hospital drug distribution system and the safe administration of drugs shall be developed by the director of the pharmaceutical department or service in concert with the medical staff.

(a) Drugs that are provided to floor units shall be administered in accordance with hospital policies and procedures.

(b) The medical staff in conjunction with the pharmacist shall establish standard stop orders for all medications not specifically prescribed as to time or number of doses.

(c) The pharmacist shall have full responsibility for dispensing of all drugs.

(d) There shall be a policy stating who may have access to the pharmacy or drug room when the pharmacist is not available.

(e) There shall be a documentation system for the accounting and replacement of drugs, including narcotics, to the emergency department.

(f) Medication errors and adverse drug reactions shall be reported immediately in accordance with written procedures including notification of the practitioner who ordered the drug.

R432-100-30. Respite Services.

(1) A remote-rural general acute hospital with a federal swing bed designation may provide respite services to provide intermittent, time-limited care to give primary caretakers relief from the demands of caring for an individual.

(a) The hospital may provide respite care services and need comply only with the requirements of this section.

(b) If, however, the hospital provides respite care to an individual for longer than 14 consecutive days, the hospital must admit the individual as an inpatient subject to the requirements of this rule applicable to non-respite inpatient admissions.

(2) Respite services may be provided at an hourly rate or daily rate.

(3) The hospital shall coordinate the delivery of respite services with the recipient of services, case manager, if one exists, and the family member or primary caretaker.

(4) The hospital shall document the individual's response to the respite placement and coordinate with all provider agencies to ensure an uninterrupted service delivery program.

(5) The hospital must complete the following:

(a) a Level 1 Pre-admission Screening upon the person's admission for respite services; and

(b) a service agreement which will serve as the plan of care. The service agreement shall identify the prescribed medications, physician treatment orders, need for assistance for activities of daily living and diet orders.

(6) The hospital shall have written policies and procedures available to staff regarding the respite care patients which include:

(a) medication administration;

(b) notification of a responsible party in the case of an emergency;

(c) service agreement and admission criteria;

(d) behavior management interventions;

(e) philosophy of respite services;

(f) post-service summary;

(g) training and in-service requirement for employees;

and

(h) handling patient funds.

(7) The facility shall provide a copy of the Resident Rights to the patient upon admission.

(8) The facility shall maintain a record for each patient who receives respite services which includes:

(a) a service agreement;

(b) demographic information and patient identification

data;

(c) nursing notes;

(d) physician treatment orders;

(e) records made by staff regarding daily care of the patient in service;

(f) accident and injury reports; and

(g) a post-service summary.

(9) If a patient has an advanced directive, the facility shall file a copy of the directive in the record and inform staff.

(10) Retention and storage of records shall comply with R432-100-33.

(11) The hospital shall provide for confidentiality and release of information in accordance with R432-100-3[3]4.

R432-100-32. Dietary Service.

(1) There shall be an organized dietary department under the supervision of a certified dietitian or a qualified individual who, by education or specialized training and experience, is knowledgeable in food service management. If the latter is head of the department, there must be a registered dietitian on a full-time, regular part-time, or consulting basis.

(a) Direction of the dietary service shall be provided by a person whose qualifications, authority, responsibilities and duties are approved by the administrator. The director shall have the administrative responsibility for the dietary service.

(b) If the services of a certified dietitian are used on less than a full-time basis, the time commitment shall permit performance of all necessary functions to meet the dietary needs of the patients.

(c) There shall be food service personnel to perform all necessary functions.

(2) If dietetic services are provided by an outside provider, the outside provider shall comply with the standards of this section.

(3) A current diet manual approved by the dietary department and the medical staff shall be available to dietary, medical, and nursing personnel.

(a) The food and nutritional needs of patients shall be met in accordance with the physician's or qualified registered dietitian's orders, as authorized by the facility medical staff and in accordance with facility policy.

(b) Regular menus and modifications for basic therapeutic diets shall be written at least one week in advance and posted in the kitchen.

(c) The menus shall provide for a variety of foods served in adequate amounts at each meal.

(d) At least three meals shall be served daily with not more than a 14-hour span between the evening meal and breakfast. If a substantial evening snack is offered, a 16-hour time span is permitted.

(e) A source of non-neutral exchanged water shall be provided for use in preparation of no sodium meals, snacks, and beverages.

(4) The dietary department shall comply with the Utah Department of Health Food Service Sanitation Rule R392-100.

(a) The dietary facilities and equipment shall be in compliance with federal, state, and local sanitation and safety laws and rules.

(b) Traffic of unauthorized individuals through food preparation areas shall be controlled.

(5) Written reports of inspections by state or local health departments shall be on file at the hospital and available for Department review.

(6) The dietitian or authorized designee is responsible for documenting nutritional information in the patient's medical record.

(7) Diets shall be ordered by a member of the medical staff or a qualified registered dietitian in accordance with

requirements in (3)(a) and transmitted in writing to the dietary department.

R432-100-34. Medical Records.

(1) The hospital shall establish a medical records department or service that is responsible for the administration, custody and maintenance of medical records.

(a) The administrative direction of the department shall be established by the hospital administrator and correspond to the organizational structure and policies of the hospital.

(b) The medical records department shall retain the technical services of either a Registered Health Information Administrator or a Registered Health Information Technician through employment or consultation. If retained by consultation, visits shall be at least quarterly and documented through written reports to the hospital administrator.

(2) The medical records department shall provide secure storage, controlled access, prompt retrieval, and equipment and facilities to review medical records.

(a) Medical records shall be available for use or review by members of the medical and professional staff; authorized hospital personnel and agents; persons authorized by the patient through a consent form; and Department representatives to determine compliance with licensing rules.

(b) Medical records may be stored in multiple locations providing the record is able to be retrieved or accessed in a reasonable time period.

(c) If computer terminals are utilized for patient charting, the hospital shall have policies governing access and identification codes, security, and information retention.

(d) The hospital medical record shall be indexed according to diagnosis, procedure, demographic information and physician or licensed health practitioner. The indexes shall be current within six months following discharge of the patient.

(e) Original medical records are the property of the hospital and shall not be removed from the control of the hospital or the hospital's agent as defined by policy except by court order or subpoena.

(f) Medical records for persons who have received or requested admission to alcohol or drug programs shall comply with 42 CFR Part 2, "Confidentiality of Alcohol and Drug Abuse Patient Records."

(3) All medical record entries shall be legible, complete, authenticated, and dated by the person responsible for ordering the service, providing or evaluating the service, or making the entry. Prepared transcriptions of dictated reports, evaluations and consultations must be reviewed by the author before authentication.

(a) The authentication may include written signatures, computer key, or other methods approved by the governing body and medical staff to identify the name and discipline of the person making the entry.

(b) Use of computer key or other methods to identify the author of a medical record entry is not assignable or to be delegated to another person.

(c) There shall be a current list of persons approved to use these methods of authentication. Hospital policies shall include appropriate sanctions for the unauthorized or improper use of computer codes.

(d) Verbal orders for the care and treatment of the patient shall be accepted and transcribed by qualified personnel and authenticated within 30 days of the patient's discharge.

(4) Patient records shall be organized according to hospital policy.

(a) Medical records shall be reviewed at least quarterly for completeness, accuracy, and adherence to hospital policy.

(b) Records of discharged patients shall be collected, assembled, reviewed for completeness, and authenticated within 30 days of the patient's discharge.

(c) Medical records shall be retained for at least seven years. Medical records of minors shall be kept until the age of eighteen plus four years, but in no case less than seven years.

(d) The Hospital may destroy medical records after retaining them for the minimum time period. Prior to destroying medical records, the hospital must notify the public by publishing a notice in a newspaper of statewide distribution a minimum of once a week for three consecutive weeks to allow a former patient to access the patient's records.

(e) The hospital shall permanently retain a master patient/person index that shall include:

- (i) the patient name;
- (ii) the medical record number;
- (iii) the date of birth;
- (iv) the admission and discharge dates; and
- (v) the name of each attending physician.

(f) If a hospital ceases operation, the hospital shall make provision for secure, safe storage and prompt retrieval of all medical records, patient indexes and discharges for the period specified in R432-100-3[3]4(4)(c). The hospital may arrange for storage of medical records with another hospital, or an approved medical record storage facility, or may return patient medical records to the attending physician if the physician is still in the community.

(5) A complete medical record shall be established and maintained for each patient admitted to, or who receives hospital services. Emergency and outpatient records shall document the service rendered, and shall contain other pertinent information in accordance with hospital policy.

(a) Each medical record shall contain patient identification and demographic information to include at least the patient's name, address, date of birth, sex, and emergency contact information.

(b) Each medical record shall contain initial or admitting medical history, physical and other examinations or evaluations. Recent histories and examinations may be substituted if updated to include changes that reflect the patient's current status.

(c) Each medical record shall contain admitting, secondary and principal diagnoses.

(d) Each medical record shall contain results of consultive evaluations and findings by persons involved in the care of the patient.

(e) Each medical record shall contain documentation of complications, hospital acquired infections, and unfavorable reactions to medications, treatments, and anesthesia.

(f) Each medical record shall contain properly executed informed consent documents for all procedures and treatments ordered for, and received by, the patient.

(g) Each medical record shall document that the facility requested of each admitted person whether the person has initiated an advanced directive as defined in the Advance Health Care Directive Act, UCA 75-2a.

(h) Each medical record shall contain all practitioner orders, nursing notes, reports of treatment, medication records, laboratory and radiological reports, vital signs and other information that documents the patient condition and status.

(i) Each medical record shall contain a discharge summary including outcome of hospitalization, disposition of case with an autopsy report when indicated, or provisions for follow-up.

(j) Medical records of deceased patients shall contain a completed Inquiry of Anatomical Gift form or a modified hospital death form which has been approved by the Utah Department of Health as required by Section 26-28[~~6~~], UCA.

(k) Medical records of surgical patients shall contain a pre-operative history and physical examination; surgeon's diagnosis; an operative report describing a description of findings; an anesthesia report including dosage and duration of all anesthetic agents and all pertinent events during the induction, maintenance, and emergence from anesthesia; the technical procedures used; the specimen removed; the post-operative diagnosis; and the name of the primary surgeon and any assistants written or dictated by the surgeon within 24 hours after the operation.

(l) Medical records of obstetrical patients shall contain a relevant family history, a pre-natal examination, the length of labor and type of delivery with related notes, the anesthesia or analgesia record, the Rh status and immune globulin administration when indicated, a serological test for syphilis, and a discharge summary for complicated deliveries or final progress note for uncomplicated deliveries.

(m) Medical records of newborn infants shall contain the following documentation in addition to the requirements for obstetrical medical records:

(i) Documentation must include a copy of the mother's delivery room record. In adoption cases where the identity of the mother is confidential, inclusion and access to the mother's delivery room record shall be according to hospital policy.

(ii) Documentation must include the date and hour of birth, period of gestation, sex, reactions after birth, delivery room care, temperature, weight, time of first urination, and number, character, and consistency of stools.

(iii) Documentation must include a record of the physical examination completed at birth and discharge, record of ophthalmic prophylaxis, and the identification number of the newborn screening kit, referred to in R398-1.

(iv) If the infant is discharged to any person other than the infant's parents, the hospital shall record the authorization by the parents, state agency, or court authority.

(v) Documentation of the record and results of the newborn hearing screening according to Section 26-10-6, UCA and R398-2-6.

(n) Emergency department patient medical records shall be integrated into the hospital medical record and include time and means of arrival, emergency care given to the patient prior to arrival, history and physical findings, lab and x-ray reports, diagnosis, record of treatment, and disposition and discharge instructions.

(o) Patient medical social services records shall include a medical-social or psycho-social study of referred inpatients and outpatients; the financial status of the patient, social therapy and rehabilitation of patients, environmental investigations for attending physicians, and cooperative activities with community agencies.

(p) Medical records of patients receiving rehabilitation therapy shall include a written plan of care appropriate to the diagnosis and condition, a problem list, and short and long term goals.

(6) The medical records department shall maintain records, reports and documentation of admissions, discharges, and the number of autopsies performed.

(7) The medical records department shall maintain vital statistic registries for births, deaths, and the number of operations performed. The medical records department shall report vital statistics data in accordance with the Vital Statistics Act, Utah Health Code, (26-2, UCA).

R432-100-40. Penalties.

Any person who violates any provision of this rule may be subject to the penalties enumerated in 26-21-11 and R432-3-~~6~~ and be punished for violation of a class A misdemeanor as provided in 26-21-16.

KEY: health care facilities

Date of Enactment or Last Substantive Amendment: ~~February 10~~, 2016

Notice of Continuation: November 5, 2015

Authorizing, and Implemented or Interpreted Law: 26-21-5; 26-21-2.1; 26-21-20

Health, Family Health and
Preparedness, Licensing
R432-150
Nursing Care Facility

NOTICE OF PROPOSED RULE
(Amendment)

DAR FILE NO.: 40849

FILED: 09/30/2016

RULE ANALYSIS

PURPOSE OF THE RULE OR REASON FOR THE CHANGE: The purpose of this rule amendment is to add requirements to allow for a registered dietitian to write diet orders in a nursing care setting, as well as to amend incorrect references and delete unnecessary requirements. The Health Facility Committee reviewed and approved these rule amendments on 09/14/2016.

SUMMARY OF THE RULE OR CHANGE: The rule amendment is to add requirements to allow for a Registered Dietitian to write diet orders in a Nursing Care setting in

accordance with facility policy. This amendment also corrects many outdated references and deletes requirements already required in the Utah indoor clean air act.

STATUTORY OR CONSTITUTIONAL AUTHORIZATION FOR THIS RULE: Title 26, Chapter 21

ANTICIPATED COST OR SAVINGS TO:

- ◆ THE STATE BUDGET: There is no impact to the state budget because this amendment simply updates references and allows registered dietitians to write diet orders in a nursing care setting.
- ◆ LOCAL GOVERNMENTS: There is no impact to local governments because this amendment simply updates references and allows registered dietitians to write diet orders in a nursing care setting.
- ◆ SMALL BUSINESSES: There is no impact to small businesses because this amendment simply updates references and allows registered dietitians to write diet orders in a nursing care setting.
- ◆ PERSONS OTHER THAN SMALL BUSINESSES, BUSINESSES, OR LOCAL GOVERNMENTAL ENTITIES: There is no impact to other persons because this amendment simply updates references and allows registered dietitians to write diet orders in a nursing care setting.

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HEALTH
FAMILY HEALTH AND PREPAREDNESS,
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3760 S HIGHLAND DR
SALT LAKE CITY, UT 84106
or at the Office of Administrative Rules.

DIRECT QUESTIONS REGARDING THIS RULE TO:

- ◆ Carmen Richins by phone at 801-273-2802, by FAX at 801-274-0658, or by Internet E-mail at carmenrichins@utah.gov
- ◆ Joel Hoffman by phone at 801-273-2804, by FAX at 801-274-0658, or by Internet E-mail at jhoffman@utah.gov or by mail at PO Box 142003, Salt Lake City UT 84114-2003

INTERESTED PERSONS MAY PRESENT THEIR VIEWS ON THIS RULE BY SUBMITTING WRITTEN COMMENTS NO LATER THAN AT 5:00 PM ON 11/16/2016

THIS RULE MAY BECOME EFFECTIVE ON: 11/23/2016

AUTHORIZED BY: Joseph Miner, MD, Executive Director

R432. Health, Family Health and Preparedness, Licensing.

R432-150. Nursing Care Facility.

R432-150-4. Definitions.

- (1) The definitions found in R432-1-3 apply to this rule.
- (2) The following definitions apply to nursing care facilities.
 - (a) "Skilled Nursing Care" means a level of care that provides 24 hour inpatient care to residents who need licensed nursing supervision. The complexity of the prescribed services must be performed by or under the close supervision of licensed health care personnel.
 - (b) "Intermediate Care" means a level of care that provides 24-hour inpatient care to residents who need licensed supervision and supportive care, but do not require continuous nursing care.
 - (c) "Medically-related Social Services" means assistance provided by the facility licensed social worker to maintain or improve each resident's ability to control everyday physical, mental and psychosocial needs.
 - (d) "Nurse's Aide" means any individual, other than an individual licensed in another category, providing nursing or nurse related services to residents in a facility. This definition does not include an individual who volunteers to provide such services without pay.
 - (e) "Unnecessary Drug" means any drug when used in excessive dose, for excessive duration, without adequate monitoring, without adequate indications for its use, in the presence of adverse consequences which indicate the dose should be reduced or discontinued, or any combinations of these reasons.
 - (f) "Chemical Restraint" means any medication administered to a resident to control or restrict the resident's physical, emotional, or behavioral functioning for the convenience of staff, for punishment or discipline, or as a substitute for direct resident care.
 - (g) "Physical Restraint" means any physical method or physical or mechanical device, material, or equipment attached or adjacent to the resident's body that the resident cannot remove easily which restricts the resident's freedom of movement or normal access to his own body.
 - (h) "Significant Change" means a major change in a resident's status that impacts on more than one area of the resident's health status.
 - (i) "Therapeutic Leave" means leave pertaining to medical treatment planned and implemented to attain an objective that is specified in the individual plan of care.
 - (j) "Licensed Practitioner" means a health care practitioner whose license allows assessment, treatment, or prescribing practices within the scope of the license and established protocols.
 - (k) "Governing Body" means the board of trustees, owner, person or persons designated by the owner with the legal authority and ultimate responsibility for the management, control, conduct and functioning of the health care facility or agency.
 - (l) "Nursing Staff" means nurses aides that are in the process of becoming certified, certified nurses aides, and those individuals that are licensed (e.g. licensed practical nurses and registered nurses) to provide nursing care in the State of Utah.
 - (m) "Licensed Practical Nurse" as defined in the Nurse Practice Act, Title 58, Chapter 31[~~Section 2(11)~~].

(n) "Registered Nurse" as defined in the Nurse Practice Act, Title 58, Chapter 31 [~~Section 2(12)~~].

(o) "Palatable" means food that has a pleasant and agreeable taste and is acceptable to eat.

(p) "Dining Assistant" means an individual unrelated to a resident or patient who meets the training requirements defined in this rule to assist nursing care residents with eating and drinking.

R432-150-10. Staff and Personnel.

(1) The administrator shall employ personnel who are able and competent to perform their respective duties, services, and functions.

(a) The administrator, director of nursing or health services supervisor, and department supervisors shall develop job descriptions for each position including job title, job summary, responsibilities, qualifications, required skills and licenses, and physical requirements.

(b) All personnel must have access to facility policy and procedure manuals and other information necessary to effectively perform duties and carry out responsibilities.

(c) All personnel must be licensed, certified or registered as required by the Utah Department of Commerce. A copy of the license, certification or registration shall be maintained for Department review.

(2) The facility shall maintain staffing records, including employee performance evaluations, for the preceding 12 months.

(3) The facility shall establish a personnel health program through written personnel health policies and procedures.

(4) The facility shall complete a health evaluation and inventory for each employee upon hire.

(a) The health inventory shall obtain at least the employee's history of the following:

(i) conditions that predispose the employee to acquiring or transmitting infectious diseases; and

(ii) conditions which may prevent the employee from performing certain assigned duties satisfactorily.

(b) The health inventory shall include health screening and immunization components of the employee's personnel health program.

(c) Infection control shall include staff immunization as necessary to prevent the spread of disease.

(d) Employee skin testing by the Mantoux method or other FDA approved in-vitro serologic test and follow up for tuberculosis shall be done in accordance with R388-804, Special Measures for the Control of Tuberculosis.

(i) The licensee shall ensure that all employees are skin-tested for tuberculosis within two weeks of:

(A) initial hiring;

(B) suspected exposure to a person with active tuberculosis;

and

(C) development of symptoms of tuberculosis.

(ii) Skin testing shall be exempted for all employees with known positive reaction to skin tests.

(e) All infections and communicable diseases reportable by law shall be reported by the facility to the local health department in accordance with R386-702-~~[2]~~3.

(5) The facility shall plan and document in-service training for all personnel.

(a) The following topics shall be addressed at least annually:

(i) fire prevention;

(ii) review and drill of emergency procedures and evacuation plan;

(iii) the reporting of resident abuse, neglect or exploitation to the proper authorities;

(iv) prevention and control of infections;

(v) accident prevention and safety procedures including instruction in body mechanics for all employees required to lift, turn, position, or ambulate residents; and proper safety precautions when floors are wet or waxed;

(vi) training in Cardiopulmonary Resuscitation (CPR) for licensed nursing personnel and others as appropriate;

(vii) proper use and documentation of restraints;

(viii) resident rights;

(ix) A basic understanding of the various types of mental illness, including symptoms, expected behaviors and intervention approaches; and

(x) confidentiality of resident information.

(6) Any person who provides nursing care, including nurse aides and orderlies, must work under the supervision of an RN or LPN and shall demonstrate competency and dependability in resident care.

(a) A facility may not have an employee working in the facility as a nurse aide for more than four months, on full-time, temporary, per diem, or other basis, unless that individual has successfully completed a State Department of Education-approved training and testing program.

(b) The facility shall verify through the nurse aide registry prior to employment that nurse aide applicants do not have a verified report of abuse, neglect, or exploitation. If such a verified report exists, the facility may not hire the applicant.

(c) If an individual has not performed paid nursing or nursing related services for a continuous period of 24 consecutive months since the most recent completion of a training and competency evaluation program, the facility shall require the individual to complete a new training and competency evaluation program.

(d) The facility shall conduct regular performance reviews and regular in-service education to ensure that individuals used as nurse aides are competent to perform services as nurse aides.

(7) The facility may utilize volunteers in the daily activities of the facility provided that volunteers are not included in the facility's staffing plan in lieu of facility employees.

(a) Volunteers shall be supervised and familiar with resident's rights and the facility's policies and procedures.

(b) Volunteers who provide personal care to residents shall be screened according to facility policy and under the direct supervision of a qualified employee.

(8) An employee who reports suspected abuse, neglect, or exploitation shall not be subject to retaliation, disciplinary action, or termination by the facility for making the report.

R432-150-12. Resident Rights.

(1) The facility shall establish written residents' rights.

(2) The facility shall post resident rights in areas accessible to residents. A copy of the residents' rights document shall be available to the residents, the residents' guardian or responsible person, and to the public and the Department upon request.

(3) The facility shall ensure that each resident admitted to the facility has the right to:

(a) be informed, prior to or at the time of admission and for the duration of stay, of resident rights and of all rules and regulations governing resident conduct.

(b) be informed, prior to or at the time of admission and for the duration of stay, of services available in the facility and of related charges, including any charges for services not covered by the facility's basic per diem rate or not covered under Titles XVIII or XIX of the Social Security Act.

(c) be informed by a licensed practitioner of current total health status, including current medical condition, unless medically contraindicated, the right to refuse treatment, and the right to formulate an advance directive in accordance with UCA Section 75-2-1101;

(d) be transferred or discharged only for medical reasons, for personal welfare or that of other residents, or for nonpayment for the stay, and to be given reasonable advance notice to ensure orderly transfer or discharge;

(e) be encouraged and assisted throughout the period of stay to exercise all rights as a resident and as a citizen, and to voice grievances and recommend changes in policies and services to facility staff and outside representatives of personal choice, free from restraint, interference, coercion, discrimination, or reprisal;

(f) manage personal financial affairs or to be given at least a quarterly accounting of financial transactions made on his behalf should the facility accept his written delegation of this responsibility;

(g) be free from mental and physical abuse, and from chemical and physical restraints;

(h) be assured confidential treatment of personal and medical records, including photographs, and to approve or refuse their release to any individual outside the facility, except in the case of transfer to another health facility, or as required by law or third party payment contract;

(i) be treated with consideration, respect, and full recognition of dignity and individuality, including privacy in treatment and in care for personal needs;

(j) not be required to perform services for the facility that are not included for therapeutic purposes in the plan of care;

(k) associate and communicate privately with persons of the resident's choice, and to send and receive personal mail unopened;

(l) meet with social, religious, and community groups and participate in activities provided that the activities do not interfere with the rights of other residents in the facility;

(m) retain and use personal clothing and possessions as space permits, unless to do so would infringe upon rights of other residents;

(n) if married, to be assured privacy for visits by the spouse; and if both are residents in the facility, to be permitted to share a room;

(o) have members of the clergy admitted at the request of the resident or responsible person at any time;

(p) allow relatives or responsible persons to visit critically ill residents at any time;

(q) be allowed privacy for visits with family, friends, clergy, social workers or for professional or business purposes;

(r) have confidential access to telephones for both free local calls and for accommodation of long distance calls according to facility policy;

(s) have access to the State Long Term Care Ombudsman Program or representatives of the Long Term Care Ombudsman Program;

(t) choose activities, schedules, and health care consistent with individual interests, assessments and care plan;

(u) interact with members of the community both inside and outside the facility; and

(v) make choices about all aspects of life in the facility that are significant to the resident.

(4) A resident has the right to organize and participate in resident and family groups in the facility.

(a) A resident's family has the right to meet in the facility with the families of other residents in the facility.

(b) The facility shall provide a resident or family group, if one exists, with private space.

(c) Staff or visitors may attend meetings at the group's invitation.

(d) The facility shall designate a staff person responsible for providing assistance and responding to written requests that result from group meetings.

(e) If a resident or family group exists, the facility shall listen to the views and act upon the grievances and recommendations of residents and families concerning proposed policy and operational decisions affecting resident care and life in the facility.

(5) The facility must accommodate resident needs and preferences, except when the health and safety of the individual or other residents may be endangered. A resident must be given at least a 24-hour notice before an involuntary room move is made in the facility.

(a) In an emergency when there is actual or threatened harm to others, property or self, the 24 hour notice requirement for an involuntary room move may be waived. The circumstances requiring the emergency room change must be documented for Department review.

(b) The facility must make and document efforts to accommodate the resident's adjustment and choices regarding room and roommate changes.

(6) If a facility is entrusted with residents' monies or valuables, the facility shall comply with the following:

(a) The licensee or facility staff may not use residents' monies or valuables as his own or mingle them with his own. Residents' monies and valuables shall be separate, intact and free from any liability that the licensee incurs in the use of his own or the institution's funds and valuables.

(b) The facility shall maintain adequate safeguards and accurate records of residents' monies and valuables entrusted to the licensee's care.

(i) Records of residents' monies which are maintained as a drawing account must include a control account for all receipts and expenditures, an account for each resident, and supporting vouchers filed in chronological order.

(ii) Each account shall be kept current with columns for debits, credits, and balance.

(iii) Records of residents' monies and other valuables entrusted to the licensee for safekeeping must include a copy of the receipt furnished to the resident or to the person responsible for the resident.

(c) The facility must deposit residents' monies not kept in the facility within five days of receipt of such funds in an interest-bearing account in a local bank or savings and loan association authorized to do business in Utah, the deposits of which shall be insured.

(d) A person, firm, partnership, association or corporation which is licensed to operate more than one health facility shall maintain a separate account for each such facility and shall not commingle resident funds from one facility with another.

(e) If the amount of residents' money entrusted to a licensee exceeds \$100, the facility must deposit all money in excess of \$100 in an interest-bearing account.

(f) Upon license renewal, the facility shall provide evidence of the purchase a surety bond or other equivalent assurance to secure all resident funds.

(g) When a resident is discharged, all money and valuables of that resident which have been entrusted to the licensee must be surrendered to the resident in exchange for a signed receipt. Money and valuables kept within the facility shall be surrendered upon demand and those kept in an interest-bearing account shall be made available within three working days.

(h) Within 30 days following the death of a resident, except in a medical examiner case, the facility must surrender all money and valuables of that resident which have been entrusted to the licensee to the person responsible for the resident or to the executor or the administrator of the estate in exchange for a signed receipt. If a resident dies without a representative or known heirs, the facility must immediately notify in writing the local probate court and the Department.

~~_____ (7) Facility smoking policies must comply with the Utah Indoor Clean Air Act, R392-510, 1995 and the rules adopted thereunder and Section 31-4.4 of the 1994 Life Safety Code.]~~

R432-150-16. Physician Services.

(1) A physician must personally approve in writing a recommendation that an individual be admitted to a nursing care facility.

(a) Each resident must remain under the care of a physician licensed in Utah to deliver the scope of services required by the resident.

(b) Nurse practitioners or physician assistants, working under the direction of a licensed physician may initiate admission to a nursing care facility pending personal review by the physician.

(2) The facility must provide supervision to ensure that the medical care of each resident is supervised by a physician. When a resident's attending physician is unavailable, another qualified physician must supervise the medical care of the resident.

(3) The physician must:

(a) review the resident's total program of care, including medications and treatments, at each visit;

(b) write, sign, and date progress notes at each visit;

(c) indicate, in writing, direction and supervision of health care provided to residents by nurse practitioners or physician assistants; and

(d) sign all orders.

(4) Physician visits must conform to the following:

(a) The physician shall notify the facility of the name of the nurse practitioner or physician assistant who is providing care to the resident at the facility.

(b) Each resident must be seen by a physician at least once every 30 days for the first 90 days after admission, and at least every 60 days thereafter.

(c) Physician visits must be completed within ten days of the date the visit is required.

(d) Except as required by R432-150-16(4)([f]e), all required physician visits must be made by the physician.

(e) At the option of the physician, required visits after the initial visit may alternate between personal visits by the physician and visits by a physician assistant or nurse practitioner.

(5) The facility must provide or arrange for the provision of physician services 24 hours a day in case of an emergency.

R432-150-19. Pharmacy Services.

(1) The facility must provide or obtain by contract routine and emergency drugs, biologicals, and pharmaceutical services to meet resident needs.

(2) The facility must employ or obtain the services of a licensed pharmacist who:

(a) provides consultation on all aspects of pharmacy services in the facility;

(b) establishes a system of records of receipt and disposition of all controlled substances which documents an accurate reconciliation; and

(c) determines that drug records are in order and that an account of all controlled substances is maintained and reconciled monthly.

(3) The drug regimen of each resident must be reviewed at least once a month by a licensed pharmacist.

(a) The pharmacist must report any irregularities to the attending physician and the director of nursing or health services supervisor.

(b) The physician and the director of Nursing or health services supervisor must indicate acceptance or rejection of the report and document any action taken.

(4) Pharmacy personnel must ensure that labels on drugs and biologicals are in accordance with currently accepted professional principles, and include the appropriate accessory and cautionary instructions, and the expiration date.

(5) The facility must store all drugs and biologicals in locked compartments under proper temperature controls according to R432-150-19 ([6]e), and permit only authorized personnel to have access to the keys.

(a) The facility must provide separately locked, permanently affixed compartments for storage of controlled substances listed in Schedule II of the Comprehensive Drug Abuse Prevention and Control Act of 1976 and other drugs subject to abuse, except when the facility uses single unit dose package drug distribution systems in which the quantity stored is minimal and a missing dose can be readily detected.

(b) Non-medication materials that are poisonous or caustic may not be stored with medications.

(c) Containers must be clearly labeled.

(d) Medication intended for internal use shall be stored separately from medication intended for external use.

(e) Medications stored at room temperature shall be maintained within 59 and 80 degrees F.

(f) Refrigerated medications shall be maintained within 36 and 46 degrees F.

(6) The facility must maintain an emergency drug supply.

(a) Emergency drug containers shall be sealed to prevent unauthorized use.

(b) Contents of the emergency drug supply must be listed on the outside of the container and the use of contents shall be documented by the nursing staff.

(c) The emergency drug supply shall be stored and located for access by the nursing staff.

(d) The pharmacist must inventory the emergency drug supply monthly.

(e) Used or outdated items shall be replaced within 72 hours by the pharmacist.

(7) The pharmacy must dispense and the facility must ensure that necessary drugs and biologicals are provided on a timely basis.

(8) The facility must limit the duration of a drug order in the absence of the prescriber's specific instructions.

(9) Drug references must be available for all drugs used in the facility. References shall include generic and brand names, available strength and dosage forms, indications and side effects, and other pharmacological data.

(10) Drugs may be sent with the resident upon discharge if so ordered by the discharging physician provided that[~~—~~

~~(a) such drugs are released in compliance R156-17a-619; and~~

~~(b)] a record of the drugs sent with the resident is documented in the resident's health record.~~

(11) Disposal of controlled substances must be in accordance with the Pharmacy Practice Act.

R432-150-22. Admission, Transfer, and Discharge.

(1) Each facility must develop written admission, transfer and discharge policies and make these policies available to the public upon request. The facility must permit each resident to remain in the facility, and not transfer or discharge the resident from the facility unless:

(a) The transfer or discharge is necessary for the resident's welfare and the resident's needs cannot be met in the facility;

(b) The transfer or discharge is appropriate because the resident's health has improved sufficiently so the resident no longer needs the services provided by the facility;

(c) The safety of individuals in the facility is endangered;

(d) The health of individuals in the facility is endangered;

(e) The resident has failed, after reasonable and appropriate notice, to pay for a stay at the facility; or

(f) The facility ceases to operate.

(2) The facility must document resident transfers or discharges under any of the circumstances specified in R432-150-22(1) (a) through (f), in the resident's medical record. The transfer or discharge documentation must be made by:

(a) the resident's physician if transfer or discharge is necessary under R432-150-22(1)(a) and (b);

(b) a physician if transfer or discharge is necessary under R432-150-22(1)(c) and (d).

(3) Prior to the transfer or discharge of a resident, the facility must:

(a) provide written notification of the transfer or discharge and the reasons for the transfer or discharge to the resident, in a language and manner the resident understands, and, if known, to a family member or legal representative of the resident;

(b) record the reasons in the resident's clinical record; and

(c) include in the notice the items described in R432-150-22([5])~~6~~.

(4) Except when specified in R432-150-22(4)(a), the notice of transfer or discharge required under R432-150-22([2]3), must be made by the facility at least 30 days before the resident is transferred or discharged.

(5) Notice may be made as soon as practicable before transfer or discharge if:

(a) the safety or health of individuals in the facility would be endangered if the resident is not transferred or discharged sooner;

(b) the resident's health improves sufficiently to allow a more immediate transfer or discharge;

(c) an immediate transfer or discharge is required by the resident's urgent medical needs; or

(d) a resident has not resided in the facility for 30 days.

(6) The contents of the written transfer or discharge notice must include the following:

(a) the reason for transfer or discharge;

(b) the effective date of transfer or discharge;

(c) the location to which the resident is transferred or discharged; and

(d) the name, address, and telephone number of the State and local Long Term Care Ombudsman programs.

(e) For nursing facility residents with developmental disabilities, the notice must contain the mailing address and telephone number of the agency responsible for the protection and advocacy of developmentally disabled individuals established under part C of the Developmental Disabilities Assistance and Bill of Rights Act.

(f) For nursing facility residents who are mentally ill, the notice must contain the mailing address and telephone number of the agency responsible for the protection and advocacy of mentally ill individuals established under the Protection and Advocacy for Mentally Ill Individuals Act.

(7) The facility must provide discharge planning to prepare and orient a resident to ensure safe and orderly transfer or discharge from the facility.

(8) Notice of resident bed-hold policy, transfer and re-admission must be documented in the resident file.

(a) Before a facility transfers a resident to a hospital or allows a resident to go on therapeutic leave, the facility must provide written notification and information to the resident and a family member or legal representative that specifies:

(i) the facility's policies regarding bed-hold periods permitting a resident to return; and

(ii) the duration of the bed-hold policy, if any, during which the resident is permitted to return and resume residence in the facility.

(b) At the time of transfer of a resident to a hospital or for therapeutic leave, the facility must provide written notice to the resident and a family member or legal representative, which specifies the duration of the bed-hold policy.

(c) If transfers necessitated by medical emergencies preclude notification at the time of transfer, notification shall take place as soon as possible after transfer.

(d) The facility must establish and follow a written policy under which a resident whose hospitalization or therapeutic leave exceeds the bed-hold period is readmitted to the facility.

(9) The facility must establish and maintain identical policies and practices regarding transfer, discharge, and the provision of services for all individuals regardless of pay source.

(10) The facility must have in effect a written transfer agreement with one or more hospitals to ensure that:

- (a) residents are transferred from the facility to the hospital and ensured of timely admission to the hospital when transfer is medically necessary as determined by the attending physician;
- (b) medical and other information needed for care and treatment of residents is exchanged between facilities including documentation of reasons for a less expensive setting; and
- (c) security and accountability of personal property of the individual transferred is maintained.

R432-150-23. Ancillary Health Services.

(1) If the nursing care facility provides its own radiology services, these facilities must comply with R432-100-2[+]2, Radiology Services, in the General Acute Hospital Rule.

(2) A facility that provides specialized rehabilitative services may offer these services either directly or through agreements with outside agencies or qualified therapists. If provided, these services must meet the needs of the residents.

(a) The facility must provide space and equipment for specialized rehabilitative services in accordance with the needs of the residents.

(b) Specialized rehabilitative services may only be provided by therapists licensed in accordance with Utah law.

(c) All therapy assistants must work under the direct supervision of the licensed therapist at all times.

(d) Speech pathologists must have a "Certificate of Clinical Compliance" from the American Speech and Hearing Association.

(e) Specialized rehabilitative services may be provided only if ordered by the attending physician.

(i) The plan of treatment must be initiated by an attending physician and developed by the therapist in consultation with the nursing staff.

(ii) An initial progress report must be submitted to the attending physician two weeks after treatment is begun or as specified by the physician.

(iii) The physician and therapist must review and evaluate the plan of treatment monthly unless the physician recommends an alternate schedule in writing.

(f) The facility must document the delivery of rehabilitative services in the resident record.

(3) The facility must provide or arrange for regular and emergency dental care for residents.

(a) Dental care provisions shall include:

(b) development of oral hygiene policies and procedures with input from dentists;

(c) presentation of oral hygiene in-service programs by knowledgeable persons;

(d) development of referral service for those residents who do not have a personal dentist; and

(e) arrangement for transportation to and from the dentist's office.

R432-150-24. Food Services.

(1) The facility must provide each resident with a safe, palatable, well-balanced diet that meets the daily nutritional and special dietary needs of each resident.

(2) There must be adequate staff employed by the facility to meet the dietary needs of the residents.

(a) The facility must employ a dietitian either full-time, part-time, or on a consultant basis.

(b) The dietitian must be certified in accordance with Title 58, Chapter 49, Dietitian Certification Act.

(c) If a dietitian is not employed full-time, the administrator must designate a full-time person to serve as the dietetic supervisor.

(d) If the dietetic supervisor is not a certified dietitian, the facility must document at least monthly consultation by a certified dietitian according to the needs of the residents.

(e) The dietetic supervisor shall be available when the consulting dietitian visits the facility.

(3) The facility must develop menus that meet the nutritional needs of residents to the extent medically possible.

(a) Menus shall be:

(i) prepared in advance;

(ii) followed;

(iii) different each day;

(iv) posted for each day of the week;

(v) approved and signed by a certified dietitian and;

(vi) cycled no less than every three weeks.

(b) The facility must retain documentation for at least three months of all served substitutions to the menu.

(4) The facility must make available for Department review all food sanitation inspection reports of State or local health department inspections.

(5) The attending physician or qualified registered dietitian in accordance with facility policy, must prescribe in writing all therapeutic diets.

(6) There must be no more than a 14-hour interval between the evening meal and breakfast, unless a substantial snack is served in the evening.

(7) The facility must provide special eating equipment and assistive devices for residents who need them.

(8) The facility's food service must comply with the Utah Department of Health Food Service Sanitation Regulations R392-100.

(9) The facility must maintain a one-week supply of nonperishable staple foods and a three-day supply of perishable foods to complete the established menu for three meals per day, per resident.

(10) A nursing care facility may use trained dining assistants to aid residents in eating and drinking if:

(a) a licensed practical nurse-geriatric care manager, registered nurse, advance practice registered nurse, speech pathologist, occupational therapist, or dietitian has assessed that the resident does not have complicated feeding problems, such as recurrent lung aspirations, behaviors which interfere with eating, difficulty swallowing, or tube or parenteral feeding; and

(b) The service plan or plan of care documents that the resident needs assistance with eating and drinking and defines who is qualified to offer the assistance.

(11) If the nursing care facility uses a dining assistant, the facility must assure that the dining assistant:

(a) has completed a training course from a Department-approved training program;

(b) has completed a background screening pursuant to R432-35; and

(c) performs duties only for those residents who do not have complicated feeding problems.

(12) A long-term care facility, employee organization, person, governmental entity, or private organization must submit the

following to the Department to become Department-approved training program:

- (a) a copy of the curriculum to be implemented that meets the requirements of subsection (13); and
 - (b) the names and credentials of the trainers.
- (13) The training course for the dining assistant shall provide eight hours of instruction and one hour of observation by the trainer to ensure competency. The course shall include the following topics:
- (a) feeding techniques;
 - (b) assistance with eating and drinking;
 - (c) communication and interpersonal skills;
 - (d) safety and emergency procedures including the Heimlich maneuver;
 - (e) infection control;
 - (f) resident rights;
 - (g) recognizing resident changes inconsistent with their normal behavior and the importance in reporting those changes to the supervisory nurse;
 - (h) special diets;
 - (i) documentation of type and amount of food and hydration intake;
 - (j) appropriate response to resident behaviors, and
 - (k) use of adaptive equipment.
- (14) The training program shall issue a certificate of completion and maintain a list of the dining assistants. The certificate shall include the training program provider and provider's telephone number at which a long-term care facility may verify the training, and the dining assistant's name and address.
- (15) To provide dining assistant training in a Department-approved program, a trainer must hold a current valid license to practice as:
- (a) a registered nurse, advanced practice registered nurse or licensed practical nurse-geriatric care manager pursuant to Title 58, Chapter 31b;
 - (b) a registered dietitian, pursuant to Title 58, Chapter 49;
 - (c) a speech-language pathologist, pursuant to Title 58, Chapter 41; or
 - (d) an occupational therapist, pursuant to Title 58, Chapter 42a.
- (16) The Department may suspend a training program if the program's courses do not meet the requirements of this rule.
- (17) The Department may suspend a training program operated by a nursing care facility if:
- (a) a federal or state survey reveals failure to comply with federal regulations or state rules regarding feeding or dining assistant programs;
 - (b) the facility fails to provide sufficient, competent staff to respond to emergencies;
 - (c) the Department sanctions the facility for any reason; or
 - (d) the Department determines that the facility is in continuous or chronic non-compliance under state rule or that the facility has provided sub-standard quality of care under federal regulation.

R432-150-30. Penalties.

Any person who violates any provision of this rule may be subject to the penalties enumerated in Section 26-21-11 and R432-3-

[6] and be punished for violation of a class A misdemeanor as provided in Section 26-21-16.

KEY: health care facilities

Date of Enactment or Last Substantive Amendment: [~~April 11, 2011~~]**2016**

Notice of Continuation: March 28, 2012

Authorizing, and Implemented or Interpreted Law: 26-21-5; 26-21-16

Health, Family Health and Preparedness, Licensing **R432-270** Assisted Living Facilities

NOTICE OF PROPOSED RULE

(Amendment)

DAR FILE NO.: 40821

FILED: 09/23/2016

RULE ANALYSIS

PURPOSE OF THE RULE OR REASON FOR THE CHANGE: The purpose of this rule amendment is to add requirements to ensure assisted living facilities comply with new admit and discharge requirements regarding residents who are requesting to utilize a monitoring device according to amended Section 26-21-304. The rule will also add requirements for infection control policy and procedures, clarify the resident rights section in regards to locked doors, and correct rule conflicts in facility procedures for medication handling upon discharge. The Health Facility Committee reviewed and approved these rule amendments on 09/14/2016.

SUMMARY OF THE RULE OR CHANGE: Sections R432-270-3, R432-270-10, and R432-270-11 add definitions and requirements to ensure facilities comply with new admit and discharge requirements regarding residents who are requesting to utilize a monitoring device, according to amended Section 26-21-304. Section R432-270-8 adds requirements for infection control policy and procedures. Section R432-270-9 clarifies the resident rights section in regard to locked doors. Section R432-270-19 corrects conflicts in facility procedures for medication handling upon discharge.

STATUTORY OR CONSTITUTIONAL AUTHORIZATION FOR THIS RULE: Title 26, Chapter 21

ANTICIPATED COST OR SAVINGS TO:

♦ **THE STATE BUDGET:** There is no impact to the state budget because the changes only add guidelines and procedures to assisted living facilities' current policies.

- ◆ LOCAL GOVERNMENTS: There is no impact to local governments because the changes only add guidelines and procedures to assisted living facilities' current policies.
- ◆ SMALL BUSINESSES: There is no impact to small businesses because the changes only add guidelines and procedures to assisted living facilities' current policies.
- ◆ PERSONS OTHER THAN SMALL BUSINESSES, BUSINESSES, OR LOCAL GOVERNMENTAL ENTITIES: There is no impact to other persons because the changes only add guidelines and procedures to assisted living facilities' current policies.

COMPLIANCE COSTS FOR AFFECTED PERSONS: There is no impact to affected persons because the changes only add guidelines and procedures to assisted living facilities' current policies.

COMMENTS BY THE DEPARTMENT HEAD ON THE FISCAL IMPACT THE RULE MAY HAVE ON BUSINESSES: There is no fiscal impact on business because there will be no change to current practice.

THE FULL TEXT OF THIS RULE MAY BE INSPECTED, DURING REGULAR BUSINESS HOURS, AT:
 HEALTH
 FAMILY HEALTH AND PREPAREDNESS,
 LICENSING
 3760 S HIGHLAND DR
 SALT LAKE CITY, UT 84106
 or at the Office of Administrative Rules.

DIRECT QUESTIONS REGARDING THIS RULE TO:
 ◆ Carmen Richins by phone at 801-273-2802, by FAX at 801-274-0658, or by Internet E-mail at carmenrichins@utah.gov
 ◆ Joel Hoffman by phone at 801-273-2804, by FAX at 801-274-0658, or by Internet E-mail at jhoffman@utah.gov or by mail at PO Box 142003, Salt Lake City UT 84114-2003

INTERESTED PERSONS MAY PRESENT THEIR VIEWS ON THIS RULE BY SUBMITTING WRITTEN COMMENTS NO LATER THAN AT 5:00 PM ON 11/16/2016

THIS RULE MAY BECOME EFFECTIVE ON: 11/23/2016

AUTHORIZED BY: Joseph Miner, MD, Executive Director

R432. Health, Family Health and Preparedness, Licensing.
R432-270. Assisted Living Facilities.
R432-270-3. Definitions.

- (1) The terms used in these rules are defined in R432-1-3.
- (2) In addition:
 - (a) "Assessment" means documentation of each resident's ability or current condition in the following areas:
 - (i) memory and daily decision making ability;
 - (ii) ability to communicate effectively with others;
 - (iii) physical functioning and ability to perform activities of daily living;

- (iv) continence;
- (v) mood and behavior patterns;
- (vi) weight loss;
- (vii) medication use and the ability to self-medicate;
- (viii) special treatments and procedures;
- (ix) disease diagnoses that have a relationship to current activities of daily living status, behavior status, medical treatments, or risk of death;
- (x) leisure patterns and interests;
- (xi) assistive devices; and
- (xii) prosthetics.
- (b) "Activities of daily living (ADL)":
 - (i) means those personal functional activities required for an individual for continued well-being, including:
 - (A) personal grooming, including oral hygiene and denture care;
 - (B) dressing;
 - (C) bathing;
 - (D) toileting and toilet hygiene;
 - (E) eating/nutrition;
 - (F) administration of medication; and
 - (G) transferring, ambulation and mobility.
 - (ii) are divided into the following levels:
 - (A) "Independent" means the resident can perform the ADL without help.
 - (B) "Assistance" means the resident can perform some part of an ADL, but cannot do it entirely alone.
 - (C) "Dependent" means the resident cannot perform any part of an ADL; it must be done entirely by someone else.
 - (c) "Home-like" as used in statute and this rule means a place of residence which creates an atmosphere supportive of the resident's preferred lifestyle. Home-like is also supported by the use of residential building materials and furnishings.
 - (d) "Hospice patient" means an individual who is admitted to a hospice program or agency.
 - (e) "Legal representative" means an individual who is legally authorized to make health care decisions on behalf of another individual.
 - (f) "Monitoring device":
 - (i) means a video surveillance camera or a microphone or other device that captures audio; and
 - (ii) does not include:
 - (A) a device that is specifically intended to intercept wire, electronic, or oral communication without notice to or the consent of a party to the communication; or
 - (B) a device that is connected to the Internet or that is set up to transmit data via an electronic communication.
 - (g) "Licensed health care professional" means a registered nurse, physician assistant, advanced practice registered nurse, or physician licensed by the Utah Department of Commerce who has education and experience to assess and evaluate the health care needs of the resident.
 - ([f]h) "Self-direct medication administration" means the resident can:
 - (i) recognize medications offered by color or shape; and
 - (ii) question differences in the usual routine of medications.
 - ([g]i) "Service Plan" means a written plan of care for services which meets the requirements of R432-270-13.

(~~h~~j) "Services" means activities which help the residents develop skills to increase or maintain their level of psycho-social and physical functioning, or which assist them in activities of daily living.

(~~i~~k) "Significant change" means a major change in a resident's status that is self-limiting or impacts on more than one area of the resident's health status.

(~~j~~l) "Significant assistance" means the resident is unable to perform any part of an ADL and is dependent upon staff or others to accomplish the ADL as defined in R432-270-3(2)(b).

(~~k~~m) "Social care" means:

(~~H~~n) providing opportunities for social interaction in the facility or in the community; or

(ii) providing services to promote independence or a sense of self-direction.

(~~m~~o) "Unit" means an individual living space, including living and sleeping space, bathroom, and optional kitchen area.

R432-270-8. Personnel.

(1) Qualified competent direct-care personnel shall be on the premises 24 hours a day to meet residents needs as determined by the residents' assessment and service plans. Additional staff shall be employed as necessary to perform office work, cooking, housekeeping, laundering and general maintenance.

(2) The services provided or arranged by the facility shall be provided by qualified persons in accordance with the resident's written service plan.

(3) All personnel who provide personal care to residents in a Type I facility shall be at least 18 years of age or be a certified nurse aide and shall have related experience in the job assigned or receive on the job training.

(4) Personnel who provide personal care to residents in a Type II facility must be certified nurse aides or complete a state certified nurse aide program within four months of the date of hire.

(5) Personnel shall be licensed, certified, or registered in accordance with applicable state laws.

(6) The administrator shall maintain written job descriptions for each position, including job title, job responsibilities, qualifications or required skills.

(7) Facility policies and procedures must be available to personnel at all times.

(8) All personnel must receive documented orientation to the facility and the job for which they are hired. Orientation shall include the following:

- (a) job description;
- (b) ethics, confidentiality, and residents' rights;
- (c) fire and disaster plan;
- (d) policy and procedures; and
- (e) reporting responsibility for abuse, neglect and exploitation.

(9) Each employee shall receive documented in-service training. The training shall be tailored to include all of the following subjects that are relevant to the employee's job responsibilities:

- (a) principles of good nutrition, menu planning, food preparation, and storage;
- (b) principles of good housekeeping and sanitation;
- (c) principles of providing personal and social care;

(d) proper procedures in assisting residents with medications;

(e) recognizing early signs of illness and determining when there is a need for professional help;

(f) accident prevention, including safe bath and shower water temperatures;

(g) communication skills which enhance resident dignity;

(h) first aid;

(i) resident's rights and reporting requirements of Section 62A-3-201 to 312; and

(j) special needs of the Dementia/Alzheimer's resident.

(10) An employee who reports suspected abuse, neglect, or exploitation shall not be subject to retaliation, disciplinary action, or termination by the facility for that reason alone.

(11) The facility shall establish a personnel health program through written personnel health policies and procedures which protect the health and safety of personnel, residents and the public.

(12) The facility must complete an employee placement health evaluation to include at least a health inventory when an employee is hired. Facilities may use their own evaluation or a Department approved form.

(a) A health inventory shall obtain at least the employee's history of the following:

(i) conditions that may predispose the employee to acquiring or transmitting infectious diseases; and

(ii) conditions that may prevent the employee from performing certain assigned duties satisfactorily.

(b) The facility shall develop employee health screening and immunization components of the personnel health program.

(c) Employee skin testing by the Mantoux Method or other FDA approved in-vitro serologic test and follow up for tuberculosis shall be done in accordance with R388-804, Special Measures for the Control of Tuberculosis.

(i) The licensee shall ensure that all employees are skin-tested for tuberculosis within two weeks of:

(A) initial hiring;

(B) suspected exposure to a person with active tuberculosis; and

(C) development of symptoms of tuberculosis.

(ii) Skin testing shall be exempted for all employees with known positive reaction to skin tests.

(d) All infections and communicable diseases reportable by law shall be reported to the local health department in accordance with the Communicable Disease Rule, R386-702-3.

(~~e~~) (13) The facility shall develop and implement policies and procedures governing an infection control program to protect residents, family and personnel; which includes appropriate task related employee infection control procedures and practices.

(14) The facility shall comply with the Occupational Safety and Health Administration's Blood-borne Pathogen Standard.

R432-270-9. Residents' Rights.

(1) Assisted living facilities shall develop a written resident's rights statement based on this section.

(2) The administrator or designee shall give the resident a written description of the resident's legal rights upon admission, including the following:

(a) a description of the manner of protecting personal funds, in accordance with Section R432-270-20; and

(b) a statement that the resident may file a complaint with the state long term care ombudsman and any other advocacy group concerning resident abuse, neglect, or misappropriation of resident property in the facility.

(3) The administrator or designee shall notify the resident or the resident's responsible person at the time of admission, in writing and in a language and manner that the resident or the resident's responsible person understands, of the resident's rights and of all rules governing resident conduct and responsibilities during the stay in the facility.

(4) The administrator or designee must promptly notify in writing the resident or the resident's responsible person when there is a change in resident rights under state law.

(5) Resident rights include the following:

(a) the right to be treated with respect, consideration, fairness, and full recognition of personal dignity and individuality;

(b) the right to be transferred, discharged, or evicted by the facility only in accordance with the terms of the signed admission agreement;

(c) the right to be free of mental and physical abuse, and chemical and physical restraints;

(d) the right to refuse to perform work for the facility;

(e) the right to perform work for the facility if the facility consents and if:

(i) the facility has documented the resident's need or desire for work in the service plan,

(ii) the resident agrees to the work arrangement described in the service plan,

(iii) the service plan specifies the nature of the work performed and whether the services are voluntary or paid, and

(iv) compensation for paid services is at or above the prevailing rate for similar work in the surrounding community;

(f) the right to privacy during visits with family, friends, clergy, social workers, ombudsmen, resident groups, and advocacy representatives;

(g) the right to share a unit with a spouse if both spouses consent, and if both spouses are facility residents;

(h) the right to privacy when receiving personal care or services;

(i) the right to keep personal possessions and clothing as space permits;

(j) the right to participate in religious and social activities of the resident's choice;

(k) the right to interact with members of the community both inside and outside the facility;

(l) the right to send and receive mail unopened;

(m) the right to have access to telephones to make and receive private calls;

(n) the right to arrange for medical and personal care;

(o) the right to have a family member or responsible person informed by the facility of significant changes in the resident's cognitive, medical, physical, or social condition or needs;

(p) the right to leave the facility at any time and not be locked into any room, building, or on the facility premises during the day or night. Assisted living Type II residents who have been assessed to require a secure environment may be housed in a secure unit, provided the secure unit is approved by the fire authority

having jurisdiction. This right does not prohibit the ~~[establishment of house rules such as]~~ locking of facility entrance doors if egress is maintained ~~[at night for the protection of residents]~~;

(q) the right to be informed of complaint or grievance procedures and to voice grievances and recommend changes in policies and services to facility staff or outside representatives without restraint, discrimination, or reprisal;

(r) the right to be encouraged and assisted throughout the period of a stay to exercise these rights as a resident and as a citizen;

(s) the right to manage and control personal funds, or to be given an accounting of personal funds entrusted to the facility, as provided in R432-270-20 concerning management of resident funds;

(t) the right, upon oral or written request, to access within 24 hours all records pertaining to the resident, including clinical records;

(u) the right, two working days after the day of the resident's oral or written request, to purchase at a cost not to exceed the community standard photocopies of the resident's records or any portion thereof;

(v) the right to personal privacy and confidentiality of personal and clinical records;

(w) the right to be fully informed in advance about care and treatment and of any changes in that care or treatment that may affect the resident's well-being; and

(x) the right to be fully informed in a language and in a manner the resident understands of the resident's health status and health rights, including the following:

(i) medical condition;

(ii) the right to refuse treatment;

(iii) the right to formulate an advance directive in accordance with UCA Section 75-2a; and

(iv) the right to refuse to participate in experimental research.

(6) The following items must be posted in a public area of the facility that is easily accessible by residents:

(a) the long term care ombudsmen's notification poster;

(b) information on Utah protection and advocacy systems; and

(c) a copy of the resident's rights.

(7) The facility shall have available in a public area of the facility the results of the current survey of the facility and any plans of correction.

(8) A resident may organize and participate in resident groups in the facility, and a resident's family may meet in the facility with the families of other residents.

(a) The facility shall provide private space for resident groups or family groups.

(b) Facility personnel or visitors may attend resident group or family group meetings only at the group's invitation.

(c) The administrator shall designate an employee to provide assistance and to respond to written requests that result from group meetings.

R432-270-10. Admissions.

(1) The facility shall have written admission, retention, and transfer policies that are available to the public upon request.

(2) Before accepting a resident, the facility must obtain sufficient information about the person's ability to function in the facility through the following:

(a) an interview with the resident and the resident's responsible person; and

(b) the completion of the resident assessment.

(3) If the Department determines during inspection or interview that the facility knowingly and willfully admits or retains residents who do not meet license criteria, then the Department may, for a time period specified, require that resident assessments be conducted by an individual who is independent from the facility.

(4) A Type I facility:

(a) shall accept and retain residents who meet the following criteria:

(i) are ambulatory or mobile and are capable of taking life saving action in an emergency without the assistance of another person;

(ii) have stable health;

(iii) require no assistance or only limited assistance in the activities of daily living (ADL); and

(iv) do not require total assistance from staff or others with more than three ADLs.

(b) may accept and retain residents who meet the following criteria:

(i) are cognitively impaired or physically disabled but able to evacuate from the facility without the assistance of another person; and

(ii) require and receive intermittent care or treatment in the facility from a licensed health care professional either through contract or by the facility, if permitted by facility policy.

(5) A Type II facility may accept and retain residents who meet the following criteria:

(a) require total assistance from staff or others in more than three ADLs, provided that:

(i) the staffing level and coordinated supportive health and social services meet the needs of the resident; and

(ii) the resident is capable of evacuating the facility with the limited assistance of one person.

(b) are physically disabled but able to direct their own care; or

(c) are cognitively impaired or physically disabled but able to evacuate from the facility with the limited assistance of one person.

(6) Type I and Type II assisted living facilities shall not admit or retain a person who:

(a) manifests behavior that is suicidal, sexually or socially inappropriate, assaultive, or poses a danger to self or others;

(b) has active tuberculosis or other chronic communicable diseases that cannot be treated in the facility or on an outpatient basis; or may be transmitted to other residents or guests through the normal course of activities; or

(c) requires inpatient hospital, long-term nursing care or 24-hour continual nursing care that will last longer than 15 calendar days after the day on which the nursing care begins.

(7) Type I and Type II assisted living facilities shall not deny an individual admission to the facility for the sole reason that the individual or the individual's legal representative requests to install or operate a monitoring device in the individual's room in accordance with UCA Section 26-21-304.

(8) The prospective resident or the prospective resident's responsible person must sign a written admission agreement prior to admission. The admission agreement shall be kept on file by the facility and shall specify at least the following:

(a) room and board charges and charges for basic and optional services;

(b) provision for a 30-day notice prior to any change in established charges;

(c) admission, retention, transfer, discharge, and eviction policies;

(d) conditions under which the agreement may be terminated;

(e) the name of the responsible party;

(f) notice that the Department has the authority to examine resident records to determine compliance with licensing requirements; and

(g) refund provisions that address the following:

(i) thirty-day notices for transfer or discharge given by the facility or by the resident,

(ii) emergency transfers or discharges,

(iii) transfers or discharges without notice, and

(iv) the death of a resident.

([8]9) A type I assisted living facility may accept and retain residents who have been admitted to a hospice program, under the following conditions:

(a) the facility keeps a copy of the physician's diagnosis and orders for care;

(b) the facility makes the hospice services part of the resident's service plan which shall explain who is responsible to meet the resident's needs; and

(c) a facility may retain hospice patient residents who are not capable of exiting the facility without assistance with the following conditions:

(i) the facility must assure that a worker or an individual is assigned solely to each specific hospice patient and is on-site to assist the resident in emergency evacuation 24 hours a day, seven days a week;

(ii) the facility must train the assigned worker or individual to specifically assist in the emergency evacuation of the assigned hospice patient resident;

(iii) the worker or individual must be physically capable of providing emergency evacuation assistance to the particular hospice patient resident; and

(iv) hospice residents who are not capable of exiting the facility without assistance comprise no more than 25 percent of the facility's resident census.

([9]10) A type II assisted living facility may accept and retain hospice patient residents under the following conditions:

(a) the facility keeps a copy of the physician's diagnosis and orders for care;

(b) the facility makes the hospice services part of the resident's service plan which shall explain who is responsible to meet the resident's needs; and

(c) if the hospice patient resident cannot evacuate the facility without significant assistance, the facility must:

(i) develop an emergency plan to evacuate the hospice resident in the event of an emergency; and

(ii) integrate the emergency plan into the resident's service plan.

R432-270-11. Transfer or Discharge Requirements.

(1) A resident may be discharged, transferred, or evicted for one or more of the following reasons:

(a) The facility is no longer able to meet the resident's needs because the resident poses a threat to health or safety to self or others, or the facility is not able to provide required medical treatment.

(b) The resident fails to pay for services as required by the admission agreement.

(c) The resident fails to comply with written policies or rules of the facility.

(d) The resident wishes to transfer.

(e) The facility ceases to operate.

(2) Prior to transferring or discharging a resident, the facility shall serve a transfer or discharge notice upon the resident and the resident's responsible person.

(a) The notice shall be either hand-delivered or sent by certified mail.

(b) The notice shall be made at least 30 days before the day on which the facility plans to transfer or discharge the resident, except that the notice may be made as soon as practicable before transfer or discharge if:

(i) the safety or health of persons in the facility is endangered; or

(ii) an immediate transfer or discharge is required by the resident's urgent medical needs.

(3) The notice of transfer or discharge shall:

(a) be in writing with a copy placed in the resident file;

(b) be phrased in a manner and in a language the resident can understand;

(c) detail the reasons for transfer or discharge;

(d) state the effective date of transfer or discharge;

(e) state the location to which the resident will be transferred or discharged;

(f) state that the resident may request a conference to discuss the transfer or discharge; and

(g) contain the following information:

(i) for facility residents who are 60 years of age or older, the name, mailing address, and telephone number of the State Long Term Care Ombudsman;

(ii) for facility residents with developmental disabilities, the mailing address and telephone number of the agency responsible for the protection and advocacy of developmentally disabled individuals established under part C of the Developmental Disabilities Assistance and Bill of Rights Act; and

(iii) for facility residents who are mentally ill, the mailing address and telephone number of the agency responsible for the protection and advocacy of mentally ill individuals established under the Protection and Advocacy for Mentally Ill Individuals Act.

(4) The facility shall provide sufficient preparation and orientation to a resident to ensure a safe and orderly transfer or discharge from the facility.

(5) The resident or the resident's responsible person may contest a transfer or discharge. If the transfer or discharge is contested, the facility shall provide an informal conference, except where undue delay might jeopardize the health, safety, or well-being of the resident or others.

(a) The resident or the resident's responsible person must request the conference within five calendar days of the day of

receipt of notice of discharge to determine if a satisfactory resolution can be reached.

(b) Participants in the conference shall include the facility representatives, the resident or the resident's responsible person, and any others requested by the resident or the resident's responsible person.

(6) The facility may not discharge a resident for the sole reason that the resident or the resident's legal representative requests to install or operate a monitoring device in the individual's room in accordance with UCA Section 26-21-304.

R432-270-19. Medication Administration.

(1) A licensed health care professional must assess each resident to determine what level and type of assistance is required for medication administration. The level and type of assistance provided shall be documented on each resident's assessment.

(2) Each resident's medication program must be administered by means of one of the methods described in (a) through (f) in this section:

(a) The resident is able to self-administer medications.

(i) Residents who have been assessed to be able to self-administer medications may keep prescription medications in their rooms.

(ii) If more than one resident resides in a unit, the facility must assess each person's ability to safely have medications in the unit. If safety is a factor, a resident shall keep his medication in a locked container in the unit.

(b) The resident is able to self-direct medication administration. Facility staff may assist residents who self-direct medication administration by:

(i) reminding the resident to take the medication;

(ii) opening medication containers; and

(iii) reminding the resident or the resident's responsible person when the prescription needs to be refilled.

(c) Family members or a designated responsible person may administer medications. If a family member or designated responsible person assists with medication administration, they shall sign a waiver indicating that they agree to assume the responsibility to fill prescriptions, administer medication, and document that the medication has been administered. Facility staff may not serve as the designated responsible person.

(d) For residents who are unable to self-administer or self-direct medications, facility staff may administer medications only after delegation by a licensed health care professional under the scope of their practice.

(i) If a licensed health care professional delegates the task of medication administration to unlicensed assistive personnel, the delegation shall be in accordance with the Nurse Practice Act and R156-31B-701.

(ii) The medications must be administered according to the prescribing order.

(iii) The delegating authority must provide and document supervision, evaluation, and training of unlicensed assistive personnel assisting with medication administration.

(iv) The delegating authority or another registered nurse shall be readily available either in person or by telecommunication.

(e) Residents may independently administer their own personal insulin injections if they have been assessed to be independent in that process. This may be done in conjunction with

the administration of medication in methods (a) through (d) of this section.

(f) home health or hospice agency staff may provide medication administration to facility residents exclusively, or in conjunction with (a) through (e) of this section.

(3) The facility must have a licensed health care professional or licensed pharmacist review all resident medications at least every six months.

(4) Medication records shall include the following:

- (a) the resident's name;
- (b) the name of the prescribing practitioner;
- (c) medication name including prescribed dosage;
- (d) the time, dose and dates administered;
- (e) the method of administration;
- (f) signatures of personnel administering the medication;

and

(g) the review date.

(5) The licensed health care professional or licensed pharmacist should document any change in the dosage or schedule of medication in the medication record. When changes in the medication are documented by the facility staff the licensed health care professional must co-sign within 72 hours. The licensed health care professional must notify all unlicensed assistive personnel who administer medications of the medication change.

(6) Each resident's medication record must contain a list of possible reactions and precautions for prescribed medications.

(7) The facility must notify the licensed health care professional when medication errors occur.

(8) Medication error incident reports shall be completed when a medication error occurs or is identified.

(9) Medication errors must be incorporated into the facility quality improvement process.

(10) Medications ~~[shall be]~~ stored in a ~~[locked]~~ central storage area shall be:

~~(a) locked~~ to prevent unauthorized access~~[-]; and~~

~~[(a)]b~~ ~~[If medication is stored in a central location,]~~ the resident shall have timely access to the medication.

~~[(b)]11~~ Medications that require refrigeration shall be stored separately from food items and at temperatures between 36 - 46 degrees Fahrenheit.

~~[(e)]12~~ The facility must develop and implement policies governing~~[for]~~ the:

~~(a)~~ security and disposal of ~~[narcotics. Any disposal of]~~ controlled substances by ~~[a]~~ the licensee or facility staff which shall be consistent with the provisions of 21 CFR 1307.21.

~~[(11)]b~~ ~~[The facility shall develop and implement a policy for disposing]~~ destruction and disposal of unused, outdated, or recalled medications.

~~[(a)]13~~ The facility shall document the return ~~[a]~~ of resident's medication to the resident or to the resident's responsible person upon discharge.

~~[(b)]~~ ~~The administrator shall document the return to the resident or the resident's responsible person of medication stored in a central storage.]~~

KEY: health care facilities

Date of Enactment or Last Substantive Amendment: [January 28], 2016

Notice of Continuation: April 10, 2014

Authorizing, and Implemented or Interpreted Law: 26-21-5; 26-21-1

Labor Commission, Adjudication R602-2-4 Attorney Fees

NOTICE OF PROPOSED RULE

(Amendment)

DAR FILE NO.: 40803

FILED: 09/20/2016

RULE ANALYSIS

PURPOSE OF THE RULE OR REASON FOR THE CHANGE: The purpose of this filing is to remove Section R602-2-4 regarding the payment of attorney fees.

SUMMARY OF THE RULE OR CHANGE: This rule change strikes the provisions regulating the payment of attorney fees in workers' compensation cases.

STATUTORY OR CONSTITUTIONAL AUTHORIZATION FOR THIS RULE: Section 34A-1-301 et seq. and Section 63G-4-102 et seq.

ANTICIPATED COST OR SAVINGS TO:

◆ **THE STATE BUDGET:** There should be no cost or savings to the state budget as attorney fees are paid out of injured workers' benefits.

◆ **LOCAL GOVERNMENTS:** There should be no cost or savings to the local government as attorney fees are paid out of injured workers' benefits.

◆ **SMALL BUSINESSES:** There should be no cost or savings to the small businesses as attorney fees are paid out of injured workers' benefits.

◆ **PERSONS OTHER THAN SMALL BUSINESSES, BUSINESSES, OR LOCAL GOVERNMENTAL ENTITIES:** There may be an increased cost to injured workers. Attorney fees are paid out of injured workers' benefits. Given that the Supreme Court found the Commission's regulation of attorney fees to be unconstitutional, injured workers may pay more of their award in attorney fees. The exact cost to injured workers is unknown as each injured worker will pay the injured worker's attorney pursuant to the individual fee agreement between the injured worker and the attorney. The cost will vary in each case.

COMPLIANCE COSTS FOR AFFECTED PERSONS: There should be no compliance costs for affected persons as attorney fees are paid out of injured workers' benefits.

COMMENTS BY THE DEPARTMENT HEAD ON THE FISCAL IMPACT THE RULE MAY HAVE ON BUSINESSES: The Utah Supreme Court issued its decision in Injured

Workers Assoc. of Utah v. State of Utah, 2016 UT 21, on 05/18/2016. The Court found Utah Code Section 34A-1-309, the statutory provision that required the Utah Labor Commission to regulate attorney fees in workers' compensation cases, to be unconstitutional. The Court also found in Subsection R602-2-4(C)(3), the administrative rule that governs and regulates the payment of attorney fees, to be unconstitutional. The rule places the Commission in violation of the Court's decision and will likely confuse practitioners, injured workers, employers, and insurance carriers. Moreover, all of Section R602-2-4 should be removed, not merely Subsection R602-2-4(C)(3). The rule governs the payment of attorney fees and costs. The Commission's sole authority to regulate attorney fees was contained in Section 34A-1-309. Inasmuch as the statute has been found to be unconstitutional, the Commission lacks the authority to enforce the remaining provisions of the rule. Also, the Commission lacks the authority to regulate or enforce the payment of costs.

THE FULL TEXT OF THIS RULE MAY BE INSPECTED, DURING REGULAR BUSINESS HOURS, AT:
 LABOR COMMISSION
 ADJUDICATION
 HEBER M WELLS BLDG
 160 E 300 S
 SALT LAKE CITY, UT 84111-2316
 or at the Office of Administrative Rules.

DIRECT QUESTIONS REGARDING THIS RULE TO:
 ♦ Heather Gunnarson by phone at 801-536-7928, by FAX at 801-530-6333, or by Internet E-mail at hgunnarson@utah.gov
 ♦ Jaceson Maughan by phone at 801-530-6036, by FAX at 801-530-6390, or by Internet E-mail at jacesonmaughan@utah.gov

INTERESTED PERSONS MAY PRESENT THEIR VIEWS ON THIS RULE BY SUBMITTING WRITTEN COMMENTS NO LATER THAN AT 5:00 PM ON 11/14/2016

THIS RULE MAY BECOME EFFECTIVE ON: 11/22/2016

AUTHORIZED BY: Jaceson Maughan, Acting Commissioner/
 General Counsel

R602. Labor Commission, Adjudication.
R602-2. Adjudication of Workers' Compensation and Occupational Disease Claims.
[R602-2-4. Attorney Fees:

A. Pursuant to Section 34A-1-309, the Commission adopts the following rule to regulate and fix reasonable fees for attorneys representing applicants in workers' compensation or occupational illness claims:
 1. This rule applies to all fees awarded after July 1, 2015.
 2. Fees awarded prior to the effective date of this rule are determined according to the prior version of this rule in effect on the date of the award.

~~B. Upon written agreement, when an attorney's services are limited to consultation, document preparation, document review, or review of settlement proposals, the attorney may charge the applicant an hourly fee of not more than \$125 for time actually spent in providing such services, up to a maximum of four hours.~~

~~1. Commission approval is not required for attorneys fees charged under this subsection B. It is the applicant's responsibility to pay attorneys fees permitted by this subsection B.~~

~~2. In all other cases involving payment of applicants' attorneys fees which are not covered by this subsection B., the entire amount of such attorneys fees are subject to subsection C. or D. of this rule.~~

~~C. Except for legal services compensated under subsection B. of this rule, all legal services provided to applicants shall be compensated on a contingent fee basis.~~

~~1. For purposes of this subsection C., the following definitions and limitations apply:~~

~~a. The term "benefits" includes only death or disability compensation and interest accrued thereon.~~

~~b. Benefits are "generated" when paid as a result of legal services rendered after Adjudication Form 152 Appointment of Counsel form is signed by the applicant. A copy of this form must be filed with the Commission by the applicant's attorney.~~

~~c. In no case shall an attorney collect fees calculated on more than the first 312 weeks of any and all combinations of workers' compensation benefits.~~

~~2. Fees and costs authorized by this subsection shall be deducted from the applicant's benefits and paid directly to the attorney on order of the Commission. A retainer in advance of a Commission approved fee is not allowed.~~

~~3. Attorney fees for benefits generated by the attorney's services shall be computed as follows:~~

~~a. For all legal services rendered through final Commission action, the fee shall be 25% of weekly benefits generated for the first \$25,000, plus 20% of the weekly benefits generated in excess of \$25,000 but not exceeding \$50,000, plus 10% of the weekly benefits generated in excess of \$50,000, to a maximum of \$18,590.~~

~~b. For legal services rendered in prosecuting or defending an appeal before the Utah Court of Appeals, an attorney's fee shall be awarded amounting to 30% of the benefits in dispute before the Court of Appeals. This amount shall be added to any attorney's fee awarded under subsection C.3.a. for benefits not in dispute before the Court of Appeals. The total amount of fees awarded under subsection C.3.a. and this subsection C.3.b. shall not exceed \$26,819;~~

~~c. For legal services rendered in prosecuting or defending an appeal before the Utah Supreme Court, an attorney's fee shall be awarded amounting to 35% of the benefits in dispute before the Supreme Court. This amount shall be added to any attorney's fee awarded under subsection C.3.a. and subsection C.3.b. for benefits not in dispute before the Supreme Court. The total amount of fees awarded under subsection C.3.a., subsection C.3.b. and this subsection C.3.c shall not exceed \$32,913.~~

~~D. The following expenses, fees and costs shall be presumed to be reasonable and necessary and therefore reimbursable in a workers' compensation claim:~~

- ~~1. Medical records and opinion costs;~~
- ~~2. Deposition transcription costs;~~
- ~~3. Vocational and Medical Expert Witness fees;~~

- ~~4. Hearing transcription costs;~~
~~5. Appellate filing fees; and~~
~~6. Appellate briefing expenses.~~
~~F. Other reasonable expenses, fees and costs may be awarded as reimbursable as the Commission may in its discretion decide in a particular workers compensation claim.~~
~~E. In "medical only" cases in which awards of attorneys' fees are authorized by Subsection 34A-1-309(4), the amount of such fees and costs shall be computed according to the provisions of subsection C and D.]~~

KEY: workers' compensation, administrative procedures, hearings, settlements

Date of Enactment or Last Substantive Amendment: ~~[July 8, 2015]~~2016

Notice of Continuation: June 19, 2012

Authorizing, and Implemented or Interpreted Law: 34A-1-301 et seq.; 63G-4-102 et seq.

Labor Commission, Industrial Accidents **R612-200-2** Payment of Benefits, Interest and Attorney Fees

NOTICE OF PROPOSED RULE

(Amendment)

DAR FILE NO.: 40804

FILED: 09/20/2016

RULE ANALYSIS

PURPOSE OF THE RULE OR REASON FOR THE CHANGE: The purpose of this filing is to remove the provisions regarding attorney fees.

SUMMARY OF THE RULE OR CHANGE: This rule change strikes the provisions regulating the payment of attorney fees in workers' compensation cases.

STATUTORY OR CONSTITUTIONAL AUTHORIZATION FOR THIS RULE: Section 34A-1-104 and Section 34A-2-101 et seq. and Section 34A-3-101 et seq.

ANTICIPATED COST OR SAVINGS TO:

- ◆ **THE STATE BUDGET:** There should be no cost or savings to the state budget because attorney fees are paid out of injured workers' benefits.
- ◆ **LOCAL GOVERNMENTS:** There should be no cost or savings to local government because attorney fees are paid out of injured workers' benefits.
- ◆ **SMALL BUSINESSES:** There should be no cost or savings to small businesses because attorney fees are paid out of injured workers' benefits.
- ◆ **PERSONS OTHER THAN SMALL BUSINESSES, BUSINESSES, OR LOCAL GOVERNMENTAL ENTITIES:** There may be an increased cost to injured workers. Attorney

fees are paid out of injured workers' benefits. Given that the Supreme Court found the Commission's regulation of attorney fees to be unconstitutional, injured workers may pay more of their award in attorney fees. The exact cost to injured workers is unknown as each injured worker will pay the injured worker's attorney pursuant to the individual fee agreement between the injured worker and the attorney. The cost will vary in each case.

COMPLIANCE COSTS FOR AFFECTED PERSONS: There should be no compliance costs for affected persons because attorney fees are paid out of injured workers' benefits.

COMMENTS BY THE DEPARTMENT HEAD ON THE FISCAL IMPACT THE RULE MAY HAVE ON BUSINESSES: The Utah Supreme Court issued its decision in *Injured Workers Assoc. of Utah v. State of Utah*, 2016 UT 21, on 05/18/2016. The Court found Utah Code Section 34A-1-309, the statutory provision that required the Utah Labor Commission to regulate attorney fees in workers' compensation cases, to be unconstitutional. The Court also found Subsection R602-2-4(C)(3), the administrative rule subsection that governs and regulates the payment of attorney fees, to be unconstitutional. The Commission's sole authority to regulate attorney fees comes from Section 34A-1-309. As such, the provisions of the Utah Administrative Code that allow the Commission to regulate attorney fees, including the payment of attorney fees, need to be removed as they conflict with the Court's decision. Subsection R612-200-2(B) specifically references the statute and administrative rule the Court found to be unconstitutional. Subsection R612-200-2(B) requires the issuance of a separate check for attorney fees to an injured worker's attorney in an amount approved or ordered by the Commission. The rule also prohibits two-party checks issued jointly to an attorney and the injured worker. The Commission lacks the authority to require a separate check for an injured worker's attorney and to approve or order the amount of the check. The Commission also lacks the authority to prohibit checks issued jointly to an attorney and the injured worker. Relevant portions of Subsection R612-200-2(A)(3) also place the Commission in violation of the decision in that the rule requires payments to be made directly and solely to injured workers. This rule would likely interfere with agreements between injured workers and their attorneys regarding the payment of attorney fees.

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

LABOR COMMISSION
 INDUSTRIAL ACCIDENTS
 HEBER M WELLS BLDG
 160 E 300 S
 SALT LAKE CITY, UT 84111-2316
 or at the Office of Administrative Rules.

DIRECT QUESTIONS REGARDING THIS RULE TO:

- ◆ **Jacson Maughan** by phone at 801-530-6036, by FAX at 801-530-6390, or by Internet E-mail at jacsonmaughan@utah.gov

◆ Ron Dressler by phone at 801-530-6841, by FAX at 801-530-6804, or by Internet E-mail at rdressler@utah.gov

INTERESTED PERSONS MAY PRESENT THEIR VIEWS ON THIS RULE BY SUBMITTING WRITTEN COMMENTS NO LATER THAN AT 5:00 PM ON 11/15/2016

THIS RULE MAY BECOME EFFECTIVE ON: 11/22/2016

AUTHORIZED BY: Jaceson Maughan, Acting Commissioner/ General Counsel

**R612. Labor Commission, Industrial Accidents.
R612-200. Workers' Compensation Rules - Filing and Paying Claims.**

R612-200-2. Payment of Benefits, Interest and Attorney Fees.

A. Timing and payment of benefits. A workers' compensation benefit is due and payable when the claimant has satisfied all legal requirements applicable to that benefit.

1. Payment intervals for compensation. After entitlement to disability compensation or dependent's benefits has been established, such compensation shall be paid in regular intervals of at least once a month, except that TTD and TPD benefits shall be paid twice monthly.

2. Form of payment. A payor may choose to pay benefits by check, debit card or electronic fund transfer, provided that the form of payment allows a claimant to access the full amount of the benefit on the date the payment is due. No fee or charge of any kind may be assessed against the claimant.

3. ~~Payment to be made directly to claimant. Workers' compensation disability benefits and dependents' benefits shall be paid solely and directly to the claimant. Employer coordination of employee benefits. Benefits may be paid "in care of" the employer if the employer coordinates employee benefits. If payment of such benefits is made by check, the check shall be personally delivered to the claimant or mailed to the claimant's home address.~~

~~B. Deduction and payment of attorney fee. The computation and payment of fees for claimants' attorneys is governed by 34A-1-309 and Section R602-2-4, "Attorney Fees." A separate check should be issued to the worker's attorney in the amount approved or ordered by the Commission, unless otherwise directed by the Commission. Payment of the worker's attorney by issuing a check payable to the worker and his attorney jointly constitutes a violation of this rule.~~

[E]B. Interest. As required by Subsection 34A-2-420(3) of the Utah Workers' Compensation Act, any final order of the Commission awarding benefits will include interest on the principal amount of the benefits at the rate of 8% per annum from the date the benefit or any part thereof was due and payable.

[D]C. Discounting of lump sum payments. Any proposal to pay all or part of a claimant's future workers' compensation benefits in a present lump sum must be submitted to the Adjudication Division for review and approval. A discount rate of eight percent per annum shall be used to determine the present value of such benefits. The following table may be used to determine a benefit's present value by interpolating, when necessary, the weeks to be discounted between the weeks listed on the table.

TABLE

| Unaccrued Weeks | X Weekly Benefit \$ | X Cumulative Discount | = Discount \$ |
|-----------------|---------------------|-----------------------|---------------|
| 1 | | | .001475 |
| 10 | | | .008076 |
| 20 | | | .015343 |
| 30 | | | .022538 |
| 40 | | | .029663 |
| 50 | | | .036719 |
| 60 | | | .043706 |
| 70 | | | .050626 |
| 80 | | | .057478 |
| 90 | | | .064264 |
| 100 | | | .070984 |
| 110 | | | .077639 |
| 120 | | | .084229 |
| 130 | | | .090756 |
| 140 | | | .097221 |
| 150 | | | .103623 |
| 160 | | | .109963 |
| 170 | | | .116243 |
| 180 | | | .122463 |
| 190 | | | .128623 |
| 200 | | | .134724 |
| 210 | | | .140767 |
| 220 | | | .146752 |
| 230 | | | .152680 |
| 240 | | | .158552 |
| 250 | | | .164368 |
| 260 | | | .170129 |
| 270 | | | .175835 |
| 280 | | | .181488 |
| 290 | | | .187087 |
| 300 | | | .192633 |
| 312 | | | .199219 |

KEY: workers' compensation, filing deadlines, time, administrative proceedings

Date of Enactment or Last Substantive Amendment: ~~December 8, 2015~~ **2016**

Authorizing, and Implemented or Interpreted Law: 34A-2-101 et seq.; 34A-3-101 et seq.; 34A-1-104

**Labor Commission, Industrial Accidents
R612-300-4
General Method for Computing Medical Fees**

NOTICE OF PROPOSED RULE

(Amendment)

DAR FILE NO.: 40818

FILED: 09/22/2016

RULE ANALYSIS

PURPOSE OF THE RULE OR REASON FOR THE CHANGE: The purpose of this amendment is to adopt, with modifications, the Optum 2016 Essential Resource-Based Relative Value Schedule (RBRVS), 2016 1st Quarter

Emergency Update and the 2016 American Medical Association Current Procedural Terminology (CPT) coding standards, to specify the effective date of the rule as being 12/01/2016, and to adjust the conversion factors regarding certain medical specialties.

SUMMARY OF THE RULE OR CHANGE: The amendment incorporates by reference current versions of the RBRVS and adjusts the conversion factors related to the practice of anesthesiology from \$53 to \$57 per unit.

STATUTORY OR CONSTITUTIONAL AUTHORIZATION FOR THIS RULE: Section 34A-1-104 and Section 34A-2-201

TITLE OF MATERIALS INCORPORATED BY REFERENCE:

- ◆ Updates Current Procedural Coding Expert, published by Optum 360, 2016
- ◆ Updates The Essential RBRVS, published by Optum 360, 2016

ANTICIPATED COST OR SAVINGS TO:

◆ **THE STATE BUDGET:** The proposed amendment will impose no additional administrative or enforcement costs on the Labor Commission, which is the state agency charged with administering and enforcing Utah's workers' compensation system. The National Council on Compensation Insurance projects that overall workers' compensation costs will increase by 0.1% as a result of adoption of the new conversion factor. The Commission presumes that this increase will be passed on to the state in increased workers' compensation insurance premiums. The exact costs cannot be determined since workers' compensation premiums are unknown.

◆ **LOCAL GOVERNMENTS:** The National Council on Compensation Insurance projects that overall workers' compensation costs will increase by 0.1% as a result of adoption of the new conversion factor. The Commission presumes that this increase will be passed on to local governments in increased workers' compensation insurance premiums. The exact cost cannot be determined since workers' compensation premiums are unknown.

◆ **SMALL BUSINESSES:** The National Council on Compensation Insurance projects that overall workers' compensation costs will increase by 0.1% as a result of adoption of the new conversion factor. The Commission presumes that this increase will be passed on to all employers, including small businesses, in increased workers' compensation insurance premiums. The exact cost cannot be determined since workers' compensation premiums are unknown.

◆ **PERSONS OTHER THAN SMALL BUSINESSES, BUSINESSES, OR LOCAL GOVERNMENTAL ENTITIES:** The National Council on Compensation Insurance projects that overall workers' compensation costs will increase by 0.1% as a result of adoption of the new conversion factor. The Commission presumes that this increase will be passed on to all employers, including small businesses, in increased workers' compensation insurance premiums. The exact cost

cannot be determined since workers' compensation premiums are unknown.

COMPLIANCE COSTS FOR AFFECTED PERSONS: Workers' compensation insurance carriers and those providing medical services to injured workers will be affected by the proposed amendment. Because the RBRVS and CPT systems are already used throughout the health care industry, insurance carriers and medical providers already receive and use updates to those systems. The Commission does not anticipate that the updates required by this rule amendment will result in any additional compliance costs for those entities. The exact cost cannot be determined since workers' compensation premiums are unknown.

COMMENTS BY THE DEPARTMENT HEAD ON THE FISCAL IMPACT THE RULE MAY HAVE ON BUSINESSES: The workers' compensation system uses the same relative value (RBRVS) and coding (CPT) systems that are generally used throughout the health industry. Periodically, the RBRVS and CPT systems are updated. It is therefore necessary for the Commission to also adopt those changes and adjust its conversion factors relating to certain medical specialties in order to: 1) avoid confusion, and 2) provide adequate payment for medical care provided to injured workers. This year, the modifications to the conversion factors will result in increased payments for some medical services. These increases will very likely be factored in to workers' compensation insurance premiums but may be offset by reductions in the RBRVS values.

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

LABOR COMMISSION
INDUSTRIAL ACCIDENTS
HEBER M WELLS BLDG
160 E 300 S
SALT LAKE CITY, UT 84111-2316
or at the Office of Administrative Rules.

DIRECT QUESTIONS REGARDING THIS RULE TO:

◆ Ron Dressler by phone at 801-530-6841, by FAX at 801-530-6804, or by Internet E-mail at rdressler@utah.gov

INTERESTED PERSONS MAY PRESENT THEIR VIEWS ON THIS RULE BY SUBMITTING WRITTEN COMMENTS NO LATER THAN AT 5:00 PM ON 11/15/2016

THIS RULE MAY BECOME EFFECTIVE ON: 11/22/2016

AUTHORIZED BY: Jaceson Maughan, Acting Commissioner/
General Counsel

**R612. Labor Commission, Industrial Accidents.
R612-300. Workers' Compensation Rules - Medical Care.
R612-300-4. General Method For Computing Medical Fees.**

A. Adoption of "CPT" and "RBRVS." The Labor Commission hereby adopts and by this reference incorporates:

"Optum 201[5]6 The Essential RBRVS, 201[5]6 1st Quarter Emergency Update," designated as 1761/RBRCU/U1779R--RBRC15/RBRC/U1779R, ("RBRVS" hereafter).

B. Medical fees calculated according to the RBRVS relative value unit assigned to each CPT code. Unless some other provision of these rules specifies a different method, the RBRVS is to be used in conjunction with the "conversion factors" established in subsection C. of this rule to calculate payments for medical care provided to injured workers.

C. Conversion Factors. Fees for medical care of injured workers shall be computed by determining the relative value unit ("RVU") assigned by the RBRVS to a CPT code and then multiplying that RVU by the following conversion factors for specific medical specialties:

1. Anesthesiology (1 unit per 15 minutes of anesthesia): \$5[3]7.00;
2. Medicine (Evaluation and Medicine Codes 99201 - 99204 and 99211-99214): \$50.00;
3. Pathology and Laboratory: \$56.00;
4. Radiology: \$58.00;
5. Restorative Services: \$50.00;
6. Surgery (all 20000 codes, codes 49505 thru 49525, and all 60000 codes): \$62.00;
7. Other Surgery: \$40.00.

D. Fees for Medical care not addressed by CPT/RBRVS, or requiring unusual treatment.

1. The payor and medical provider may establish and agree to a reasonable fee for medical care of an injured worker if:

- a. neither the CPT/RBRVS or any other provision of these rules address the medical care in question; or
- b. application of CPT/RBRVS or other provisions of these rules would result in an inadequate fee due to extraordinary difficulty of treatment.

2. If the medical provider and payor cannot agree to a reasonable fee in such cases, the provider can request a hearing before the Commission's Adjudication Division to establish a reasonable fee.

KEY: workers' compensation, fees, medical practitioners
Date of Enactment or Last Substantive Amendment:
[December 8, 2015]2016
Authorizing, and Implemented or Interpreted Law: 34A-1-104;
34A-2-201

Labor Commission, Industrial Accidents

R612-300-8

Travel Allowance for Injured Workers

NOTICE OF PROPOSED RULE (Amendment)

DAR FILE NO.: 40817
 FILED: 09/22/2016

RULE ANALYSIS

PURPOSE OF THE RULE OR REASON FOR THE CHANGE: The purpose of this amendment is to correct an

inadvertent change to the travel reimbursements injured workers are entitled to.

SUMMARY OF THE RULE OR CHANGE: The proposed rule amendment adds back into the rule the provision that injured workers are entitled to be reimbursed for "other" travel expenses (typically defined as mileage) regardless of distance traveled. This is identical to what the rule stated prior to 2013, but changed at that time to only reimburse other travel expenses when traveling outside of the injured workers' community.

STATUTORY OR CONSTITUTIONAL AUTHORIZATION FOR THIS RULE: Section 34A-1-104 and Section 34A-2-201

ANTICIPATED COST OR SAVINGS TO:

◆ **THE STATE BUDGET:** When the initial change took place in 2013, the Labor Commission was not aware of a decrease to premiums or savings so the Commission does not anticipate an increase or added expense now. This is also supported by the fact that the increase impacts a minute number of injured workers and that the reimbursement itself is typically a small amount and was being paid prior to 2013.

◆ **LOCAL GOVERNMENTS:** When the initial change took place in 2013, the Labor Commission was not aware of a decrease to premiums or savings so the Commission does not anticipate an increase or added expense now. This is also supported by the fact that the increase impacts a minute number of injured workers and that the reimbursement itself is typically a small amount and was being paid prior to 2013.

◆ **SMALL BUSINESSES:** When the initial change took place in 2013, the Labor Commission was not aware of a decrease to premiums or savings so the Commission does not anticipate an increase or added expense now. This is also supported by the fact that the increase impacts a minute number of injured workers and that the reimbursement itself is typically a small amount and was being paid prior to 2013.

◆ **PERSONS OTHER THAN SMALL BUSINESSES, BUSINESSES, OR LOCAL GOVERNMENTAL ENTITIES:** When the initial change took place in 2013, the Labor Commission was not aware of a decrease to premiums or savings so the Commission does not anticipate an increase or added expense now. This is also supported by the fact that the increase impacts a minute number of injured workers and that the reimbursement itself is typically a small amount and was being paid prior to 2013.

COMPLIANCE COSTS FOR AFFECTED PERSONS: The proposed rule amendment adds back into the rule the provision that injured workers are entitled to be reimbursed for "other" travel expenses (typically defined as mileage) regardless of distance traveled. This is identical to what the rule stated prior to 2013 but changed at that time to only reimburse other travel expenses when traveling outside of the injured workers' community. When the initial change took place in 2013, the Labor Commission was not aware of a decrease to premiums or savings so the Commission does not anticipate an increase or added expense now. This is also supported by the fact that the increase impacts a minute

number of injured workers and that the reimbursement itself is typically a small amount and was being paid prior to 2013.

COMMENTS BY THE DEPARTMENT HEAD ON THE FISCAL IMPACT THE RULE MAY HAVE ON BUSINESSES: The proposed rule amendment adds back into the rule the provision that injured workers are entitled to be reimbursed for "other" travel expenses (typically defined as mileage) regardless of distance traveled. This is identical to what the rule stated prior to 2013 but changed at that time to only reimburse other travel expenses when traveling outside of the injured workers' community.

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LABOR COMMISSION
INDUSTRIAL ACCIDENTS
HEBER M WELLS BLDG
160 E 300 S
SALT LAKE CITY, UT 84111-2316
or at the Office of Administrative Rules.

DIRECT QUESTIONS REGARDING THIS RULE TO:
♦ Ron Dressler by phone at 801-530-6841, by FAX at 801-530-6804, or by Internet E-mail at rdressler@utah.gov

INTERESTED PERSONS MAY PRESENT THEIR VIEWS ON THIS RULE BY SUBMITTING WRITTEN COMMENTS NO LATER THAN AT 5:00 PM ON 11/15/2016

THIS RULE MAY BECOME EFFECTIVE ON: 11/22/2016

AUTHORIZED BY: Jaceson Maughan, Acting Commissioner/
General Counsel

**R612. Labor Commission, Industrial Accidents.
R612-300. Workers' Compensation Rules - Medical Care.
R612-300-8. Travel Allowance for Injured Workers.**

A. Payment for Travel to Obtain Medical Care. An injured worker who must travel outside his or her community to obtain necessary medical care is entitled to payment of meals[;] and lodging[~~and other travel expense~~]. An injured worker is entitled to other travel expenses regardless of distance. Payors shall reimburse injured workers for these expenses according to the standards set forth in State of Utah Accounting Policies and Procedures, Section FIACCT 10-02.00, "Travel Reimbursement".

1. All travel must be by the most direct route and to the nearest location where adequate treatment is reasonably available.

2. Travel may not be required between the hours of 10:00 p.m. and 6:00 a.m., unless approved by the Commission.

B. Time Limits for Requesting and Paying Travel Expenses.

1. Requests for travel reimbursement must be submitted to the payor for payment within one year after the subject travel expenses were incurred;

2. The payor must pay an injured employee's travel expenses at the earlier of:

a. Every three months;

b. Upon accrual of \$100 in such expense; or

c. At closure of the injured worker's claim.

C. Prescriptions. Travel allowance shall not include picking up prescriptions with the following exceptions:

1. Travel allowance will be allowed if documentation is provided substantiating a claim that prescriptions cannot be obtained locally within the injured worker's community;

2. Travel allowance will be allowed in instances where dispensing laws do not allow a medication to be called in to a pharmacy thus requiring an injured worker to physically obtain an original prescription from the provider's office.

KEY: workers' compensation, fees, medical practitioners

Date of Enactment or Last Substantive Amendment:
~~December 8, 2015~~2016

Authorizing, and Implemented or Interpreted Law: 34A-1-104;
34A-2-201

**Labor Commission, Industrial Accidents
R612-400-5
Premium Rates for the Uninsured
Employers' Fund and the Employers'
Reinsurance Fund**

NOTICE OF PROPOSED RULE

(Amendment)

DAR FILE NO.: 40815

FILED: 09/22/2016

RULE ANALYSIS

PURPOSE OF THE RULE OR REASON FOR THE CHANGE: Workers' compensation insurance premiums in Utah include an assessment to fund the Employer's Reinsurance Fund (ERF) and the Uninsured Employers' Fund (UEF). Employers that self-insure their worker's compensation liabilities are required to pay an equivalent assessment. These assessment rates are reviewed annually and amended as appropriate in order to ensure the funds remain viable and are fully funded. The proposed change establishes these assessment rates for the 2017 calendar year.

SUMMARY OF THE RULE OR CHANGE: For 2017, the proposed amendment leaves the rate for the ERF at 3.0% and reduces the rate for the UEF from 0.35% to 0.25%.

STATUTORY OR CONSTITUTIONAL AUTHORIZATION FOR THIS RULE: Subsection 59-9-101(2)

ANTICIPATED COST OR SAVINGS TO:

♦ THE STATE BUDGET: There will be a slight savings to the state budget since the rate for the UEF is being decreased for 2017. The savings will amount to 0.1% of workers' compensation premium assessment costs. The dollar

amount cannot be determined since workers' compensation premium assessment costs are unknown.

◆ LOCAL GOVERNMENTS: There will be a slight savings to local governments since the rate for the UEF is being decreased for 2017. The savings will amount to 0.1% of workers' compensation premium assessment costs. The dollar amount cannot be determined since workers' compensation premium assessment costs are unknown.

◆ SMALL BUSINESSES: There will be a slight savings to small businesses since the rate for the UEF is being decreased for 2017. The savings will amount to 0.1% of workers' compensation premium assessment costs. The dollar amount cannot be determined since workers' compensation premium assessment costs are unknown.

◆ PERSONS OTHER THAN SMALL BUSINESSES, BUSINESSES, OR LOCAL GOVERNMENTAL ENTITIES: There will be a slight savings to persons other than small businesses, businesses, or local government entities since the rate for the UEF is being decreased for 2017. The savings will amount to 0.1% of workers' compensation premium assessment costs. The dollar amount cannot be determined since workers' compensation premium assessment costs are unknown.

COMPLIANCE COSTS FOR AFFECTED PERSONS: There will be a slight decrease in compliance costs for affected persons because the rate for the UEF is being decreased. The savings will amount to 0.1% of workers' compensation premium assessment costs. The dollar amount cannot be determined since workers' compensation premium assessment costs are unknown.

COMMENTS BY THE DEPARTMENT HEAD ON THE FISCAL IMPACT THE RULE MAY HAVE ON BUSINESSES: There will be a slight decrease in the fiscal impact on businesses with the rate for the UEF being decreased for 2017. The savings will amount to 0.1% of workers' compensation premium assessment costs.

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

LABOR COMMISSION
 INDUSTRIAL ACCIDENTS
 HEBER M WELLS BLDG
 160 E 300 S
 SALT LAKE CITY, UT 84111-2316
 or at the Office of Administrative Rules.

DIRECT QUESTIONS REGARDING THIS RULE TO:
 ◆ Ron Dressler by phone at 801-530-6841, by FAX at 801-530-6804, or by Internet E-mail at rdressler@utah.gov

INTERESTED PERSONS MAY PRESENT THEIR VIEWS ON THIS RULE BY SUBMITTING WRITTEN COMMENTS NO LATER THAN AT 5:00 PM ON 11/15/2016

THIS RULE MAY BECOME EFFECTIVE ON: 11/22/2016

AUTHORIZED BY: Jaceson Maughan, Acting Commissioner/
 General Counsel

R612. Labor Commission, Industrial Accidents.
R612-400. Workers' Compensation Insurance, Self-Insurance and Waivers.
R612-400-5. Premium Rates for the Uninsured Employers' Fund and the Employers' Reinsurance Fund.

A. Pursuant to Section 59-9-101(2), Section 59-9-101.3 and 34A-2-202 the workers' compensation premium rates effective January 1, 201[6]7, as established by the Labor Commission, shall be:

1. 0.[35]25% for the Uninsured Employers' Fund;
2. 3.0% for the Employers' Reinsurance Fund;

B. The premium rates are a percentage of the total workers' compensation insurance premium income as detailed in Section 59-9-101(2)(a).

KEY: workers' compensation, insurance, rates, waivers
Date of Enactment or Last Substantive Amendment:
~~December 8, 2015~~ 2016
Authorizing, and Implemented or Interpreted Law: 59-9-101(2)

Labor Commission, Industrial Accidents
R612-500
Procedural Guidelines for the
Reemployment Act

NOTICE OF PROPOSED RULE
 (Repeal)

DAR FILE NO.: 40819
 FILED: 09/22/2016

RULE ANALYSIS

PURPOSE OF THE RULE OR REASON FOR THE CHANGE: The purpose of this rule amendment is to delete the rule because it is no longer applicable.

SUMMARY OF THE RULE OR CHANGE: The Reemployment Act was allowed to sunset in the 2013 interim session. In the ensuing several years, it was determined that any forms and reporting requirements were no longer necessary to maintain by rule as any necessary requirements were added to the Workers' Compensation Act. This rule is repealed in its entirety.

STATUTORY OR CONSTITUTIONAL AUTHORIZATION FOR THIS RULE: Section 34A-2-103

ANTICIPATED COST OR SAVINGS TO:
 ◆ THE STATE BUDGET: There is no cost or savings anticipated because the Reemployment Act, which this rule applies to, sunset in 2013.

♦ LOCAL GOVERNMENTS: There is no cost or savings anticipated because the Reemployment Act, which this rule applies to, sunset in 2013.

♦ SMALL BUSINESSES: There is no cost or savings anticipated because the Reemployment Act, which this rule applies to, sunset in 2013.

♦ PERSONS OTHER THAN SMALL BUSINESSES, BUSINESSES, OR LOCAL GOVERNMENTAL ENTITIES: There is no cost or savings anticipated because the Reemployment Act, which this rule applies to, sunset in 2013.

COMPLIANCE COSTS FOR AFFECTED PERSONS: There is no compliance cost for affected persons anticipated because the Reemployment Act, which this rule applies to, sunset in 2013.

COMMENTS BY THE DEPARTMENT HEAD ON THE FISCAL IMPACT THE RULE MAY HAVE ON BUSINESSES: There is no fiscal impact on businesses anticipated because the Reemployment Act, which this rule applies to, sunset in 2013.

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

LABOR COMMISSION
INDUSTRIAL ACCIDENTS
HEBER M WELLS BLDG
160 E 300 S
SALT LAKE CITY, UT 84111-2316
or at the Office of Administrative Rules.

DIRECT QUESTIONS REGARDING THIS RULE TO:

♦ Ron Dressler by phone at 801-530-6841, by FAX at 801-530-6804, or by Internet E-mail at rdressler@utah.gov

INTERESTED PERSONS MAY PRESENT THEIR VIEWS ON THIS RULE BY SUBMITTING WRITTEN COMMENTS NO LATER THAN AT 5:00 PM ON 11/15/2016

THIS RULE MAY BECOME EFFECTIVE ON: 11/22/2016

AUTHORIZED BY: Jaceson Maughan, Acting Commissioner/
General Counsel

R612. Labor Commission, Industrial Accidents.

[R612-500. Procedural Guidelines for the Reemployment Act.

R612-500-1. Purpose, Authority and Definitions.

A. These rules guide insurance carriers and employers in complying with reporting and other requirements of the Utah Injured Workers Reemployment Act, Title 34A, Chapter 8a, Utah Code Annotated.

B. The Utah Labor Commission enacts these rules under the authority of section 34A-8a-202 and section 34A-8a-203.

C. Definitions established by section 34A-8a-102, section 34A-8a-203(1) and rule R612-1 apply to this rule. The following definitions also apply to this rule:

1. "Insurance Carrier" includes insurance carriers providing workers' compensation coverage and the Uninsured Employers Fund;

2. "Employer" includes self-insured employers and uninsured employers that are paying an injured workers' claim for benefits.

3. "disabled Injured Worker" means an injured worker who:

a. because of the injury or disease that is the basis for the employee being an injured worker:

i. is or will be unable to return to work in the injured worker's usual and customary occupation; or

ii. is unable to perform work for which the injured worker has previous training and experience; and

b. reasonably can be expected to attain gainful employment after an evaluation provided for in accordance with the Utah Injured Worker Reemployment Act, Title 34A, Chapter 8a.

R612-500-2. Form 206 Insurer/Employer Initial Reemployment Report for Injured workers.

A. Pursuant to section 34A-8a-301, a worker who has suffered a work-related injury or disease must be provided an initial written report (Form 206) that assesses the injured worker's need for vocational reemployment assistance. Form 206 is only required in those instances in which:

1. it appears the injured worker is or will be a "disabled injured worker"; or

2. the duration of the injured workers' temporary total disability compensation exceeds 90 days.

B. If the injured worker was covered by workers' compensation insurance at the time of injury or disease or the claim is being paid by the Uninsured employers' Fund (UEF), the insurance carrier or UEF must prepare and submit Form 206. If the injured worker's claim is being paid by a self-insured employer or an uninsured employer, the employer must prepare and submit Form 206.

C. Form 206 must be mailed or otherwise delivered to the injured worker and to the Division within 30 days after the insurance carrier or employer knows or should know that the injured worker's circumstances satisfy either of the conditions described in subsection A. (1) of A. (2).

R612-500-3. Referral of Disabled Injured Worker for Evaluation; Permission to Waive or Postpone Referral.

A. If Form 206 determines that an injured worker satisfies the definition of a "disabled injured worker", the insurance carrier or employer shall refer the injured worker to the Utah State Office of Rehabilitation or to a private rehabilitation or reemployment service for evaluation and development of a reemployment plan. This referral must be made within 10 days after the insurance carrier or employer submits Form 206 to the Division unless the Division grants a waiver or postponement as provided in the following subsection B of this rule.

B. Section 34A-8a-302(3) authorizes the Labor Commission through the Division of Industrial Accidents to waive or postpone an insurance carrier or employer's referral obligation. An insurance carrier or employer shall make its request by completing and submitting "Form 215 - Insurer/Employer Request to Waive/Postpone Reemployment Referral" to the Division and mailing a copy of the completed form to the injured worker. The Division will consider such requests on a case-by-case basis. The Division will generally grant requests for waiver or postponement for the following reasons, or for other reasons similarly establishing good cause:

1. the injured worker was not medically stable;

~~2. the injured worker's physical capacity has not been determined; or~~
~~3. liability for the injured worker's claim is under review~~
 provided, however, that the Division may require the insurance carrier or employer to refer the injured worker for the free services offered by the Utah State Office of Rehabilitation.

~~**R612-500-4. Form 239-Insurer/Employer Quarterly Report on Reemployment Efforts to the Division; Penalties.**~~

~~A. Beginning with the calendar quarter commencing on July 1, 2009, and continuing for each quarter thereafter, section 34A-8a-203(2) requires insurance carriers and employers (referred to as "reporting entities") to file quarterly reports enumerating their efforts to return injured workers to gainful employment.~~

~~B. Reporting entities shall submit their quarterly reports by completing Form 239 - Insurer/Employer Quarterly Report on Reemployment Efforts, and filing the form with the Division no later than 45 days after the end of each calendar quarter.~~

~~C. Section 34A-8a-203(4) requires the Commission to impose a civil penalty of up to \$500 against a reporting entity that fails to file Form 206. Initial proceedings to assess such penalty are hereby designated as informal adjudicatory proceedings, while all subsequent proceedings with respect to assessment of such penalty are hereby designated as formal proceedings.~~

~~**R612-500-5. Administrative Review.**~~

~~An injured worker, insurance carrier or employer may submit any dispute arising from the provisions of the Utah Injured-Worker Reemployment Act or these rules to the Labor Commission's Adjudication Division for resolution according to the procedures established by the Utah Administrative Procedures Act, Title 63G, Chapter 4, Utah Code Annotated.~~

~~**KEY: workers' compensation, reemployment guidelines**
Date of Enactment or Last Substantive Amendment: February 25, 2013
Authorizing, and Implemented or Interpreted Law: 34A-2-103]~~

Section 79-2-204, which requires an offer of qualified health insurance coverage to employees of contractors for certain construction or design contracts.

SUMMARY OF THE RULE OR CHANGE: This rule for DNR is in accordance with Section 79-2-204, which requires an offer of qualified health insurance coverage by contractors to employees for certain construction or design contracts. Such contracts must be in the amount of \$2,000,000 or more at the original execution of the contract or a subcontract in the amount of \$1,000,000 or more at the original execution of the contract. Compliance is subject to an audit by DNR or the Legislative Auditor.

STATUTORY OR CONSTITUTIONAL AUTHORIZATION FOR THIS RULE: Section 79-2-404

ANTICIPATED COST OR SAVINGS TO:

- ◆ **THE STATE BUDGET:** There are no anticipated costs or savings that are expected to the state budget as a result of this rule. The statute directly determines the affects upon the budget and not this rule.
- ◆ **LOCAL GOVERNMENTS:** There are no anticipated costs or savings that are expected to the local government budget. This rule does not affect local government.
- ◆ **SMALL BUSINESSES:** There are no anticipated costs or savings that are expected to small businesses as a result of this rule. The statute directly determines the affects upon the budget and not this rule.
- ◆ **PERSONS OTHER THAN SMALL BUSINESSES, BUSINESSES, OR LOCAL GOVERNMENTAL ENTITIES:** There are no anticipated costs or savings that are expected as a result of this rule. The statute directly determines the affects upon the budget and not this rule.

COMPLIANCE COSTS FOR AFFECTED PERSONS: There are no anticipated costs or savings that are expected for affected persons as a result of this rule. The statute directly determines the affects upon the budget and not this rule.

COMMENTS BY THE DEPARTMENT HEAD ON THE FISCAL IMPACT THE RULE MAY HAVE ON BUSINESSES: There are no anticipated fiscal impacts that are expected as a result of this rule. The statute directly determines the fiscal impact upon the budget and not this rule.

THE FULL TEXT OF THIS RULE MAY BE INSPECTED, DURING REGULAR BUSINESS HOURS, AT:
 NATURAL RESOURCES
 ADMINISTRATION
 ROOM 3710
 1594 W NORTH TEMPLE
 SALT LAKE CITY, UT 84116-3154
 or at the Office of Administrative Rules.

DIRECT QUESTIONS REGARDING THIS RULE TO:
 ◆ Kaelyn Anfinsen by phone at 801-538-7201, by FAX at 801-538-7315, or by Internet E-mail at kaelynanfinsen@utah.gov

Natural Resources, Administration
R634-2
 Health Reform -- Health Insurance
 Coverage in State Contracts --
 Implementation

NOTICE OF PROPOSED RULE

(New Rule)
 DAR FILE NO.: 40839
 FILED: 09/28/2016

RULE ANALYSIS

PURPOSE OF THE RULE OR REASON FOR THE CHANGE: The purpose is to establish a rule within the Department of Natural Resources (DNR) in accordance with

INTERESTED PERSONS MAY PRESENT THEIR VIEWS ON THIS RULE BY SUBMITTING WRITTEN COMMENTS NO LATER THAN AT 5:00 PM ON 11/14/2016

THIS RULE MAY BECOME EFFECTIVE ON: 11/21/2016

AUTHORIZED BY: Michael Styler, Executive Director

R634. Natural Resources, Administration.

R634-2. Health Reform -- Health Insurance Coverage in State Contracts -- Implementation.

R634-2-1. Purpose.

The purpose of this rule is to comply with the provisions of Section 79-2-404.

R634-2-2. Authority.

This rule is authorized under Subsection 79-2-404(6), which directs the Department of Natural Resources to make rules related to health insurance provisions in certain design and/or construction contracts.

R634-2-3. Definitions.

(1) Except as otherwise stated in this rule, terms used in this rule are defined in Section 79-2-404.

(2) In addition:

(a) "Department" means the Department of Natural Resources created in Section 79-2-201.

(b) "Employee(s)" means an "employee", "worker," or "operative" as defined in Section 34A-2-104 who:

(i) works at least 30 hours per calendar week; and

(ii) meets employer eligibility waiting requirements for health care insurance which may not exceed the first day of the calendar month following 60 days from the date of hire.

(c) "Executive Director" means the executive director of the department who is appointed under Section 79-2-202, including, unless otherwise stated, the Director's duly authorized designee.

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

R634-2-4. Applicability of Rule.

(1) Except as provided in Subsections R634-2-4(2) or R634-2-4(3) below, Rule R634-2 applies to all design or construction contracts entered into by the Department, and

(a) applies to a prime contractor if the prime contract is in the amount of \$2,000,000 or greater at the original execution of the contract; and

(b) applies to a subcontractor if the subcontract is in the amount of \$1,000,000 or greater at the original execution of the contract.

(2) Rule R634-2 does not apply if:

(a) the application of Rule R634-2 jeopardizes the receipt of federal funds;

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

(c) the contract is an emergency procurement.

(3) Rule R634-2 does not apply to a change order as defined in Section 63G-6a-103, or a modification to a contract, when the contract does not meet the initial threshold required by Subsection R634-2-4(1).

(4) A person who intentionally uses change orders or contract modifications to circumvent the requirements of Subsection R634-2-4(1) is guilty of an infraction.

R634-2-5. Contractors and Subcontractors to Comply with Section 79-2-404.

(1) All contractors and subcontractors that are subject to the requirement of Section 79-2-404 shall comply with all the requirements, penalties and liabilities of Section 79-2-404.

(2) If a subcontractor of the contractor is subject to Section 79-2-404(2) or Section R634-2-4, the contractor shall:

(a) place a requirement in the subcontract that the subcontractor shall obtain and maintain an offer of qualified health insurance coverage for the subcontractor's employees and the employees' dependents during the duration of the subcontract; and

(b) certify to the director that the subcontractor has and will maintain an offer of qualified health insurance coverage for the subcontractor's employees and the employees' dependents during the duration of the prime contract.

R634-2-6. Not Basis for Protest or Suspend, Disrupt, or Terminate Design or Construction.

(1) The failure of a contractor or subcontractor to provide qualified health insurance coverage as required by Rule R634-2 or Section 79-2-404:

(a) may not be the basis for a protest or other action from a prospective bidder, offeror, or contractor under Section 63G-6a-1603 or any other provision in Title 63G, Chapter 6a, Utah Procurement Code; and

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

R634-2-7. Requirements and Procedures a Contractor Must Follow.

A contractor (including consultants and designers) must comply with the following requirements and procedures in order to demonstrate compliance with Section 79-2-404.

(1) Demonstrating Compliance with Health Insurance Requirements. A contractor (including design professional) shall demonstrate compliance with Subsection 79-2-404(5)(a) or (b) at the time of execution of each initial contract described in Subsection 79-2-404(2).

(a) The compliance is subject to an audit by the Department or the Office of Legislative Auditor General.

(b) A contractor (including design professional) subject to Subsection 79-2-404(2) shall demonstrate to the executive director that the contractor has and will maintain an offer of qualified health insurance coverage for the contractor's employees and employees' dependents.

(c) Such demonstration shall be a certification on the form provided by the Department. The form shall also require compliance with Section R634-2-5(2) regarding subcontractors.

(d) The actuarially equivalent determination required for the qualified health insurance coverage is met by the contractor if the contractor provides the Department with a written statement of actuarial equivalency attached to the certification, which is not more than one year old, regarding the contractor's offer of qualified health

coverage from an actuary selected by the contractor or the contractor's insurer, or an underwriter who is responsible for developing the employer group's premium rates. The Contractor is responsible for collecting the statements as required by law from any of the subcontractors at any tier that must do so.

(2) For purposes of Rule R634-2-7, actuarially equivalency is achieved by meeting or exceeding the commercially equivalent benchmark for the qualified health insurance coverage identified in Subsection 79-2-404(1)(c) that is provided by the Department of Health, in accordance with Section 26-40-115(2).

(3) The health insurance must be available upon the first day of the calendar month following sixty (60) days from the date of hire.

(4) Any contract subject to R634-2 shall contain a provision requiring compliance with Rule R634-2 from the time of execution and throughout the duration of the contract.

(5) Hearing and Penalties.

(a) Hearing. Any hearing for any penalty under Rule R634-2 conducted by the Department shall be conducted in the same manner as any hearing required for a suspension or debarment.

(b) Penalties that may be imposed by Department. The penalties that may be imposed by the Department if a contractor, consultant, subcontractor or subconsultant, at any tier, intentionally violates the provisions of Section 79-2-404 or Rule R634-2 include:

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

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

(iii) an action for debarment of the contractor or subcontractor in accordance with Section 63G-6a-904 upon the third or subsequent violation; and

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

(c)(i) In addition to the penalties imposed above, a contractor, consultant, subcontractor or subconsultant who intentionally violates the provisions of Section 79-2-404 shall be liable to the employee for health care costs that would have been covered by qualified health insurance coverage.

(ii) An employer has an affirmative defense to a cause of action under Subsection R634-2-7(5)(c)(i) as provided in Subsection 79-2-404(7)(a). An employee has a private right of action only against the employee's employer to enforce the provision of Subsection 79-2-404(7).

R634-2-8. Not Create any Contractual Relationship with any Subcontractor or Subconsultant.

Nothing in Rule R634-2 shall be construed as to create any contractual relationship whatsoever between the State or the Department with any subcontractor or subconsultant at any tier.

KEY: health insurance, contractors, contracts, contract requirements

Date of Enactment or Last substantive Amendment: 2016

Authorizing, and Implemented or Interpreted Law: 79-2-404

Natural Resources, Wildlife Resources R657-41 Conservation and Sportsman Permits

NOTICE OF PROPOSED RULE

(Amendment)

DAR FILE NO.: 40832

FILED: 09/26/2016

RULE ANALYSIS

PURPOSE OF THE RULE OR REASON FOR THE CHANGE: This rule is being amended pursuant to Regional Advisory Council and Wildlife Board meetings conducted annually for taking public input and reviewing the Division of Wildlife Resources' (DWR) rule pursuant to conservation and sportsman permits.

SUMMARY OF THE RULE OR CHANGE: The proposed revisions to this rule add clarity for the statewide conservation and sportsman permit holders concerning closed areas for the Rocky Mountain bighorn sheep hunts.

STATUTORY OR CONSTITUTIONAL AUTHORIZATION FOR THIS RULE: Section 23-14-18 and Section 23-14-19

ANTICIPATED COST OR SAVINGS TO:

◆ **THE STATE BUDGET:** This rule amendment adds clarity to regulations already in place. The DWR determines that these amendments do not create a cost or savings impact to the state budget or DWR's budget since the changes will not increase workload and can be carried out with existing budget.

◆ **LOCAL GOVERNMENTS:** Since the amendment only adds clarity and consistency to a program that is already established, this filing does not create any direct cost or savings impact to local governments because they are not directly affected by the rule. Nor are local governments indirectly impacted because the rule does not create a situation requiring services from local governments.

◆ **SMALL BUSINESSES:** This amendment simply creates more consistency and clarity to an already-established program; therefore, the amendments do not have the potential to generate a cost or savings impact to small businesses.

◆ **PERSONS OTHER THAN SMALL BUSINESSES, BUSINESSES, OR LOCAL GOVERNMENTAL ENTITIES:** This amendment simply creates more consistency and clarity to an already-established program; therefore, the amendments do not have the potential to generate a cost or savings impact to other persons.

COMPLIANCE COSTS FOR AFFECTED PERSONS: DWR determines that these amendments will not create additional costs for residents and nonresidents wishing to hunt in Utah. This amendment simply creates more consistency and clarity to an already-established program.

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

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

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

DIRECT QUESTIONS REGARDING THIS RULE TO:

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

INTERESTED PERSONS MAY PRESENT THEIR VIEWS ON THIS RULE BY SUBMITTING WRITTEN COMMENTS NO LATER THAN AT 5:00 PM ON 11/14/2016

THIS RULE MAY BECOME EFFECTIVE ON: 11/21/2016

AUTHORIZED BY: Gregory Sheehan, Director

R657. Natural Resources, Wildlife Resources.

R657-41. Conservation and Sportsman Permits.

R657-41-1. Purpose and Authority.

(1) Under the authority of Section 23-14-18 and 23-14-19, this rule provides the standards and procedures for issuing:

(a) conservation permits to conservation organizations for sale at an auction, or for use as an aid to wildlife related fund raising activities;

(b) sportsman permits;

(c) Special Antelope Island State Park Conservation Permits to a conservation organization for marketing and sale at the annual wildlife exposition held pursuant to R657-55; and

(d) Special Antelope Island State Park Limited Entry Permits to successful applicants through a general drawing conducted by the Division.

(2) The division and conservation organizations shall use all revenue derived from conservation permits under Subsections R657-41-9(4) and R657-41-9(5)(b) for the benefit of species for which conservation permits are issued, unless the division and conservation organization mutually agree in writing that there is a higher priority use for other species of protected wildlife.

R657-41-2. Definitions.

(1) Terms used in this rule are defined in Section 23-13-2. (2) In addition:

(a) "Area Conservation Permit" means a permit issued for a specific unit or hunt area for a conservation permit species,

and may include an extended season, or legal weapon choice, or both, beyond the season except area turkey permits are valid during any season option and are valid in any open area during general season hunt.

(i) Area Conservation permits issued for limited entry units are not valid on cooperative wildlife management units.

(b) "Conservation Organization" means a nonprofit chartered institution, foundation, or association founded for the purpose of promoting the protection and preservation of one or more conservation permit species and has established tax exempt status under Internal Revenue Code, Section 501C-3 as amended.

(c) "Conservation Permit" means any harvest permit authorized by the Wildlife

Board and issued by the division for purposes identified in Section R657-41-1.

(d) "Conservation Permit Species" means the species for which conservation permits may be issued and includes deer, elk, pronghorn, moose, bison, Rocky Mountain goat, Rocky Mountain bighorn sheep, desert bighorn sheep, wild turkey, cougar, and black bear.

(e) "Multi-Year Conservation Permit" means a conservation permit awarded to

an eligible conservation organization pursuant to R657-41-7 for three consecutive years to sell, market or otherwise use as an aid in wildlife related fund raising activities.

(f) "Retained Revenue" means 60% of the revenue raised by a conservation organizations from the sale of conservation permits that the organization retains for eligible projects, excluding interest earned thereon.

(g) "Special Antelope Island State Park Conservation Permit" means a permit authorized by the Wildlife Board to hunt bighorn sheep or mule deer on Antelope Island State Park which is issued pursuant to R657-41-12(3).

(h) "Special Antelope Island State Park Limited Entry Permit" means a permit authorized by the Wildlife Board to hunt bighorn sheep or mule deer on Antelope Island State Park which is issued by the division in a general drawing, requiring all applicants to pay an application fee and the successful applicant the cost of the permit.

(i) "Sportsman Permit" means a permit which allows a permittee to hunt during the applicable season dates specified in Subsection (k), and which is authorized by the Wildlife Board and issued by the division in a general drawing, requiring all applicants to pay an application fee and the successful applicant the cost of the permit.

(j) "Single Year Conservation Permit" means a conservation permit awarded to an eligible conservation organization pursuant to R657-41-6 for one year to sell, market or otherwise use as an aid in wildlife related fund raising activities.

(k) "Statewide Conservation Permit" means a permit issued for a conservation permit species that allows a permittee to hunt:

(i) big game species on any open unit with archery equipment during the general archery season published in the big game proclamation for the unit beginning before September 1, and with any weapon from September 1 through December 31, except pronghorn and moose from September 1 through November 15 and deer and elk from September 1 through January 15;

(ii) two turkeys on any open unit from April 1 through May 31;

(iii) bear on any open unit during the season authorized by the Wildlife Board for that unit;

(iv) cougar on any open unit during the season authorized by the Wildlife Board for that unit and during the season dates authorized by the Wildlife Board on any harvest objective unit that has been closed by meeting its objective;

(v) Antelope Island is not an open unit for hunting any species of wildlife authorized by a conservation or sportsman permit, except for the Special Antelope Island State Park Conservation Permits and the Special Antelope Island State Park Limited Entry Permits; and

(vi) ~~[Central Mountain]~~ Rocky Mountain bighorn sheep on any open unit, excluding the:

(A) Box Elder, Pilot Mountain sheep unit, which is closed to both the Sportsmen permit holder and the Statewide conservation permit holder every year; and

(B) Central Mountains, Nebo/Wasatch Mountains, West sheep unit [is open] and Wasatch Mountains, Avintaquin sheep unit, which are closed to the Sportsmen permit holder on [even-number] odd numbered years and [open] closed to the Statewide [Conservation permit holder on odd-number] conservation permit holder on even numbered years.

KEY: wildlife, wildlife permits, sportsmen, conservation permits

Date of Enactment or Last Substantive Amendment: ~~[July 9, 2015]~~ 2016

Notice of Continuation: October 5, 2015

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

Public Safety, Administration
R698-5
Hazardous Chemical Emergency
Response Commission

NOTICE OF PROPOSED RULE

(Amendment)

DAR FILE NO.: 40834

FILED: 09/28/2016

RULE ANALYSIS

PURPOSE OF THE RULE OR REASON FOR THE CHANGE: The purpose of this amendment is to clarify the information that the Utah Department of Public Safety (DPS), Division of Emergency Management (DEM) needs from each Local Emergency Planning Committee (LEPC). Currently, the rule requires the information be reported to DEM, as well as the Utah Department of Environmental Quality (DEQ). Additionally, the amendment will outline the exact information that is needed, therefore, streamlining the information that is received by the individual LEPC's, as well as those submitting

Tier II reports. In addition, formatting changes are made to the rule.

SUMMARY OF THE RULE OR CHANGE: The proposed amendment will streamline the information that is required of each LEPC. The amendment would allow all LEPC information to be collected and submitted to DEM rather than DEQ, Department of Public Safety (DPS), and DEM. In addition, Tier II reports are required to be submitted through an online portal, which eliminates the need for DEQ to have a list of all 20 members of a LEPC. These changes will not affect the state of Utah's compliance with Emergency Planning and Community Right-to-Know Act (EPCRA), as well as Title 3 of the Superfund Amendments and Reauthorization Act (SARA). A definition is added to define Tier II chemical inventory report. The information previously numbered as Subsections R698-5-3(3.10) through (3-12-1) has been removed from the rule because it is located in Subsection 53-2a-702(1)(b). The section previously numbered as Subsection R968-5-4(4.4) has been renumbered to Subsection R698-5-5(3) because it was out of place in the original rule. The information was previously inserted between two sections that address dissolution of an LEPC.

STATUTORY OR CONSTITUTIONAL AUTHORIZATION FOR THIS RULE: Section 53-2a-702

ANTICIPATED COST OR SAVINGS TO:

♦ **THE STATE BUDGET:** The purpose of the State Emergency Response Commission (SERC) and LEPCs are to meet the unfunded mandates of EPCRA and SARA, Title 3. There is no budget, federal or state, allocated to carry out these federal mandates. Therefore, there would be no aggregate anticipated cost or savings to the state budget nor would there be any increased costs.

♦ **LOCAL GOVERNMENTS:** LEPCs are comprised of local governments and private sector volunteers to coordinate emergency response plans and compliance with EPCRA and SARA, Title 3. However, there is no budget attached to these committees, but the changes in the rule would save time and effort on the local government party by reducing the amount of information they have to provide to the SERC.

♦ **SMALL BUSINESSES:** As the private sector comprises part of the LEPCs, this would reduce the burden placed upon small businesses through a streamlined reporting process. This could create a slight savings through reduced work time spent on reporting; however, the exact amount cannot be determined as the savings will vary from business to business and are likely to be nonsubstantial, if any.

♦ **PERSONS OTHER THAN SMALL BUSINESSES, BUSINESSES, OR LOCAL GOVERNMENTAL ENTITIES:** The proposed amendment would not affect the general public nor would the changes increase the costs of tax payer dollars. The amendment would streamline the reporting process, which would facilitate quicker response times for a HazMat spill or chemical release.

COMPLIANCE COSTS FOR AFFECTED PERSONS: There would be no compliance costs associated with implementation and compliance of this amendment. Either to state or local government or the private sector and the general public at large.

COMMENTS BY THE DEPARTMENT HEAD ON THE FISCAL IMPACT THE RULE MAY HAVE ON BUSINESSES: I have reviewed the rule and find that the proposed changes will not have a negative fiscal impact on businesses. It is anticipated that the changes will result in an improvement in the reporting process, which could potentially result in a cost savings to businesses.

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

PUBLIC SAFETY
ADMINISTRATION
CALVIN L RAMPTON COMPLEX
4501 S 2700 W 1ST FLR
SALT LAKE CITY, UT 84119-5994
or at the Office of Administrative Rules.

DIRECT QUESTIONS REGARDING THIS RULE TO:

♦ Kim Gibb by phone at 801-556-8198, by FAX at 801-964-4482, or by Internet E-mail at kgibb@utah.gov
♦ Tara Behunin by phone at 801-538-3426, by FAX at 801-538-3770, or by Internet E-mail at tarabehunin@utah.gov

INTERESTED PERSONS MAY PRESENT THEIR VIEWS ON THIS RULE BY SUBMITTING WRITTEN COMMENTS NO LATER THAN AT 5:00 PM ON 11/14/2016

THIS RULE MAY BECOME EFFECTIVE ON: 11/21/2016

AUTHORIZED BY: Keith Squires, Commissioner

R698. Public Safety, Administration.

R698-5. Hazardous Chemical Emergency Response Commission.

R698-5-1. ~~[Adoption, Title, Purpose, and Prohibitions]~~ Purpose.

~~[Pursuant to Section 63K-3-301(2), Utah Code Annotated 1953, the Department of Public Safety adopts minimum rules establishing]~~ This rule provides the procedures for establishing a state hazardous chemical emergency response commission advisory committee, the creation, modification or dissolving of local emergency planning committees, and supervising the overall planning and direction of the local emergency planning committees.

R698-5-2. Authority.

This rule is required by Subsection 53-2a-702(2).

R698-5-~~[2]~~3. Definitions.

~~[2-1](1)~~ "Advisory Committee" means State Emergency Response Commission Advisory Committee.

~~[2-2](2)~~ "EPCRA" means Emergency Planning and Community Right-to-Know Act of 1986.

~~[2-3](3)~~ "LEPC" means Local Emergency Planning Committee.

~~[2-4](4)~~ "SERC" means State Hazardous Chemical Emergency Response Commission.

~~[2-5](5)~~ "SERC Advisory Committee" means State Hazardous Chemical Emergency Response Commission Advisory Committee.

~~[-----2.6 "USC" means United States Code.]~~

~~(6) "Tier II chemical inventory report" means a report required to be submitted to the LEPC under Section 312 of the Emergency Planning and Community Right-to-Know Act, which was enacted as Title III of the Superfund Amendments and Reauthorization Act of 1986, Public Law 99-499, 42 U.S.C. Section 11022.~~

R698-5-~~[3]~~4. State Emergency Response Commission Advisory Committee.

~~[3-1](1)~~ There is created by the Department of Public Safety, the State Hazardous Chemical Emergency Response Commission Advisory Committee~~[-whose]~~.

~~(2) The Advisory Committee's~~ duties are to provide direction to the SERC in the following matters:

~~(a)~~ the creation, modification or dissolving of local emergency planning committees;

~~(b)~~ methods and procedures to improve the effectiveness of the LEPC;

~~(c)~~ the review of LEPC hazardous materials emergency response plans;

~~(d)~~ the development of procedures for collection, processing, use and public access to information submitted as required by EPCRA;

~~(e)~~ procedures for the distribution of funding to each LEPC obtained through the US Department of Transportation Hazardous Materials Emergency Preparedness Grant;

~~(f) [assist in stated]~~ hazardous materials emergency response planning efforts; and,

~~(g) the review of the [Statewide Hazardous Materials Plan (ESF10)]~~ State Emergency Operations Plan, Emergency Support Function 10 -- Hazardous Materials Annex.

~~[3-2](3)~~ The Advisory Committee's members shall be appointed by the SERC, shall serve four year terms, and shall consist of the following members:

~~[3-2-1](a)~~ A member representing the hazardous chemical transportation industry.

~~[3-2-2](b)~~ Two members representing fixed site regulated industries.

~~[3-2-3](c)~~ A member representing the environmental cleanup contractors.

~~[3-2-4](d)~~ A member representing the local health departments.

~~[3-2-5](e)~~ A member representing the urban LEPC.

~~[3-2-6](f)~~ A member representing the rural LEPC.

~~[3-2-7](g)~~ A member representing the Hazardous Materials Advisory Council.

~~[3-2-8](h)~~ A member representing established environmental interest groups.

~~[3-2-9](i)~~ A member representing the Utah National Guard.

~~[3-2-10](j)~~ Two members from the general public.

~~[3-3](4)~~ The Advisory Committee shall meet quarterly or as directed, and a majority of the members shall be present to constitute a quorum.

~~[3-4](5)(a)~~ The Advisory Committee shall select one of its members to act in the position of chair, and another member to act as vice chair.

~~(b)~~ The chair and vice chair shall serve one year terms on a calendar year basis.

~~(c)~~ Elections for chair and vice chair shall occur at the meeting conducted in the first quarter of each calendar year.

~~(d)~~ If voted upon by the Advisory Committee, the vice chair will become the chair the next succeeding calendar year.

~~[3-5](6)~~ If an Advisory Committee member has two or more unexcused absences during a 12 month period, from regularly scheduled meetings, it is considered grounds for dismissal pending review by the SERC.

~~[3-6](7)~~ A member of the Advisory Committee that cannot be in attendance~~[-]~~ may:

~~(a)~~ have a representative of their respective organization attend and vote by proxy for that member; or~~[the member may]~~

~~(b)~~ have another Advisory Committee member vote by proxy, if submitted and approved by the chair prior to the meeting.

~~[3-7](8)(a)~~ The ~~[C]~~chair or ~~[V]~~vice ~~[C]~~chair of the Advisory Committee shall report to the SERC the activities of the Advisory Committee at regularly scheduled SERC meetings~~[-]; or~~

~~(b)~~ ~~[A]~~a member of the Advisory Committee may report to the SERC the activities of the Advisory Committee in the absence of the Chair or Vice Chair.

~~[3-8](9)~~ The Advisory Committee shall:

~~(a)~~ consider all subjects presented to them~~[-]~~;

~~(b)~~ ~~consider~~ subjects assigned to them by the SERC~~[-]~~; and

~~(c)~~ ~~shall~~ report their recommendations to the SERC at scheduled SERC meetings.

~~[3-9](10)~~ One-half of the members of the Advisory Committee shall be reappointed or replaced by the SERC every two years.

~~(11)~~ When a vacancy occurs in the Advisory Committee, a replacement shall be appointed by the SERC to complete the remainder of the term.

~~[3-10] Members who are not government employees shall receive no compensation or benefits for their services, but may receive per diem and expenses incurred in the performance of the member's official duties at the rates established by the Division of Finance under Sections 63A-3-106 and 63A-3-107.~~

~~3.10.1 Members may decline to receive per diem and expenses for their service.~~

~~3.11 State government officer and employee members who do not receive salary, per diem, or expenses from their agency for their service may receive per diem and expenses incurred in the performance of their official duties from the board at the rates established by the Division of Finance under Sections 63A-3-106 and 63A-3-107.~~

~~3.11.1 State government officer and employee members may decline to receive per diem and expenses for their service.~~

~~3.12 Local government members who do not receive salary, per diem, or expenses from the entity that they represent for their service may receive per diem and expenses incurred in the~~

~~performance of their official duties at the rates established by the Division of Finance under Sections 63A-3-106 and 63A-3-107.~~

~~3.12.1 Local government members may decline to receive per diem and expenses for their service.]~~

R698-5-4]5. Local Emergency Planning Committee.

~~[4-1](1)~~ The creation, modification or dissolution of an LEPC shall be approved by the SERC.

~~[4-2](2)~~ A jurisdiction requesting the formation of an LEPC shall provide the following information to the SERC Advisory Committee:

~~[4-2-1](a)~~ ~~[A]~~a plan for coordinating the proposed additional LEPC with the county LEPC and/or any other city formed LEPC in that county.

~~[4-2-2](b)~~ ~~[A]~~an assessment of the jurisdiction's population and hazardous materials risk, to include but not limited to fixed facilities, rail, highways, and hazardous material pipelines~~[-]; and~~

~~[4-2-3](c)~~ A determination of how that agency, if allowed to form an LEPC, would meet all federal LEPC standards as identified in 42 USC Chapter 116.

~~(3)~~ By July 1 of each year LEPCs shall submit the following information to the Utah Department of Public Safety, Division of Emergency Management, contact information for the LEPC:

~~(a)~~ chair;

~~(b)~~ co-chairs;

~~(c)~~ vice-chairs; and

~~(d)~~ members employed by a local government organization designated to receive tier II chemical inventory reports.

~~[4-3](4)~~ An LEPC wishing to dissolve shall submit the following to the SERC Advisory Committee:

~~[4-3-1](a)~~ ~~[R]~~reasons why the dissolution is in the best interest of the public served by the LEPC~~[-]~~;

~~[4-3-2](b)~~ ~~[A]~~a formal agreement with another LEPC addressing:

~~[4-3-2-1](i)~~ ~~[F]~~the assumption of LEPC duties identified in 42 U.S.C. Chapter 116~~[-]~~;

~~[4-3-2-2](ii)~~ ~~[F]~~the transfer of remaining LEPC operational funds~~[-]; and~~

~~[4.3.2.3](iii)~~ ~~[T]~~the assumption of outstanding LEPC financial obligations~~[-]; and~~

~~[4-3-3](c)~~ ~~[A]~~a plan to notify facilities located within the jurisdiction of the dissolving LEPC who submitted chemical inventory or chemical emergency planning information to the LEPC within the previous year, providing notice of the LEPC dissolution and providing the name and mailing address of the LEPC assuming the dissolving LEPC duties.

~~[4-4]~~ By July 1 of each year LEPCs shall submit to the SERC Advisory Committee: a current list of voting members, the group or organization represented by each voting member, a designation of and contact information for the LEPC chair, or co-chairs, and vice-chairs.]

~~[4-5](5)~~ The SERC Advisory Committee shall evaluate information submitted in accordance with ~~[Sections 4-2, 4-3 or 4-4 of these rules]~~Subsections R698-5-4(2) through R698-5-4(4) and shall make a recommendation to the SERC concerning LEPC creation, modification or dissolution.

~~[4-6] 4.6 The SERC shall include the recommendation of the SERC Advisory Committee, all information submitted to the SERC Advisory Committee, and comments of directly affected LEPCs, in its decision to approve or disapprove the formation, modification or dissolution of an LEPC.]~~

(6) The SERC shall consider the following in its decision to approve or disapprove the formation, modification or dissolution of an LEPC:

(a) the recommendation of the SERC Advisory Committee;

(b) all information submitted to the SERC Advisory Committee; and

(c) the comments of directly affected LEPCs.

~~[4-7](7) The LEPC shall coordinate its overall planning and direction with the SERC.~~

(i) The SERC shall supervise the overall planning and direction of the LEPC.

~~[4-8](8) The LEPC shall submit a copy of their hazardous materials emergency response plan to the SERC for review.~~

[4-9](9) The SERC shall approve the amount of US Department of Transportation Hazardous Materials Emergency Preparedness Grant funding to be given to each LEPC and shall establish criteria for that funding to be awarded.

R698-5-~~5~~6. Adjudicative Proceedings.

~~[5-1](1) All adjudicative proceedings performed by the SERC shall proceed informally as authorized by [UCA,] Sections 63G-4-~~201~~ ~~[and]~~ through 63G-4-203.~~

[5-2](2) An agency whose request to create, modify or dissolve an LEPC is denied by the SERC shall have an opportunity for a hearing before the SERC if requested by that agency within 20 days after receiving notice.

~~[5-3] All adjudicative proceedings, other than criminal prosecution taken by the SERC, shall commence in accordance with UCA, Section 63G-4-201.]~~

[5-4](4) The SERC shall act as the hearing authority, and shall convene after timely notice to all parties involved.

(a) The members of the SERC acting as the hearing authority shall consist of:

(i) the Commissioner of the Department of Public Safety; and

(ii) the Executive Director of the Department of Environmental Quality.

(b) The SERC shall also be joined when acting as the hearing authority by a representative from the Attorney General's Office.

[5-5](5) After acting as the hearing authority, the SERC shall direct the secretary to issue a signed order to the agency involved giving the decision of the SERC within a reasonable time of the hearing pursuant to [UCA,] Section 63G-4-203.

[5-6](6) Reconsideration of the SERC decision may be requested in writing within 20 days of the date of the decision pursuant to [UCA,] Section 63G-4-302.

[5-7](7) Judicial review of all final SERC actions resulting from informal adjudicative proceedings shall be conducted pursuant to [UCA,] Section 63G-4-402.

KEY: state emergency response commission

Date of Enactment or Last Substantive Amendment:
~~[November 21, 2011]2016~~

Notice of Continuation: August 14, 2014

Authorizing, and Implemented or Interpreted Law: ~~[63K-3-301]53-2a-702~~

Transportation, Administration **R907-62** Americans with Disabilities Act

NOTICE OF PROPOSED RULE

(Amendment)

DAR FILE NO.: 40812

FILED: 09/21/2016

RULE ANALYSIS

PURPOSE OF THE RULE OR REASON FOR THE CHANGE: The purpose of this rule is to implement the provisions of 28 CFR 35, which in turn implements Title II of the Americans with Disabilities Act. The Department proposes this amendment to update the rule to reflect the present state of Americans with Disabilities (ADA) enforcement by state and federal government entities.

SUMMARY OF THE RULE OR CHANGE: This proposed amendment is a total rewrite and modernization of the rule. It creates new procedures for appointing an ADA coordinator and designee, and for investigating complaints that allege violations of the ADA by employees or agents of the Department.

STATUTORY OR CONSTITUTIONAL AUTHORIZATION FOR THIS RULE: 28 CFR 35 and Section 63G-3-201 and Section 67-19-32

ANTICIPATED COST OR SAVINGS TO:

♦ **THE STATE BUDGET:** The Department does not anticipate the proposed amendment will lead to any costs or savings to the state's budget because it does not address fiscal matters. The proposed amendment is to assure compliance with federal ADA law.

♦ **LOCAL GOVERNMENTS:** The Department does not anticipate the proposed amendment will lead to any costs or savings to the budgets of local governments because it does not address fiscal matters. The proposed amendment is to assure compliance with federal ADA law.

♦ **SMALL BUSINESSES:** The Department does not anticipate the proposed amendment will lead to any costs or savings to the budgets of small businesses because it does not address fiscal matters. The proposed amendment is to assure compliance with federal ADA law.

◆ **PERSONS OTHER THAN SMALL BUSINESSES, BUSINESSES, OR LOCAL GOVERNMENTAL ENTITIES:** The Department does not anticipate the proposed amendment will lead to any costs or savings to the budgets of persons other than small businesses, businesses, or local government entities because it does not address fiscal matters. The proposed amendment is to assure compliance with federal ADA law.

COMPLIANCE COSTS FOR AFFECTED PERSONS: There are no compliance costs for affected persons. The proposed amendment only addresses procedures of the department for implementing the Americans with Disabilities Act.

COMMENTS BY THE DEPARTMENT HEAD ON THE FISCAL IMPACT THE RULE MAY HAVE ON BUSINESSES: This proposed amendment will not have any fiscal impact on businesses.

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

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

DIRECT QUESTIONS REGARDING THIS RULE TO:

- ◆ Christine Newman by phone at 801-965-4026, by FAX at 801-965-4338, or by Internet E-mail at cwnewman@utah.gov
- ◆ James Palmer by phone at 801-965-4000, by FAX at 801-965-4338, or by Internet E-mail at jimpalmer@utah.gov
- ◆ Linda Hull by phone at 801-965-4253, or by Internet E-mail at lhull@utah.gov
- ◆ Michelle Jeronimo by phone at 801-965-3883, or by Internet E-mail at mjeronimo@utah.gov

INTERESTED PERSONS MAY PRESENT THEIR VIEWS ON THIS RULE BY SUBMITTING WRITTEN COMMENTS NO LATER THAN AT 5:00 PM ON 11/14/2016

THIS RULE MAY BECOME EFFECTIVE ON: 11/21/2016

AUTHORIZED BY: Carlos Braceras, Executive Director

**R907. Transportation, Administration.
R907-62. Americans with Disabilities Act.
R907-62-1. Authority and Purpose.**

~~[(1) The Department of Transportation, pursuant to 28 CFR 35.107, adopts, defines, and publishes within this rule complaint procedures providing for prompt and equitable resolution of complaints filed in accordance with Title II of the Americans With Disabilities Act.~~

~~(2) The provision of 28 CFR 35, implements of Title II of the Americans With Disabilities Act, 42 U.S.C. 12201, which provides that no qualified individual with a disability, by reason of such disability, be excluded from participation in or be denied the benefits of the services, programs, or activities of a public entity, or be subjected to discrimination by this or any such entity. [(1) This rule is made under authority of Subsection 72-1-201(1)(h) and Subsection 63G-3-201(3). As required by 28 CFR 35.107, the Utah Department of Transportation, as a public entity that employs more than 50 persons, adopts and publishes the grievance procedures within this rule for the prompt and equitable resolution of complaints alleging any action prohibited by Title II of the Americans with Disabilities Act, as amended.~~

~~(2) The purpose of this rule is to implement the provisions of 28 CFR 35 which in turn implements Title II of the Americans with Disabilities Act, which provides in part that no individual shall be excluded from participation in or be denied the benefits of the services, programs, or activities of a public entity, or be subjected to discrimination by the department because of a disability.~~

R907-62-2. Definitions.

~~[(1) "The ADA Coordinator" means the Department's coordinator or his designee who has responsibility for investigating and providing prompt and equitable resolution of complaints filed by qualified individuals with disabilities.~~

~~(2) "The ADA State Coordinating Committee" means that committee with representatives designated by the directors of the following agencies:~~

- ~~(a) Office of Planning and Budget;~~
- ~~(b) Department of Human Resource Management;~~
- ~~(c) Division of Risk Management;~~
- ~~(d) Division of Facilities Construction Management; and~~
- ~~(e) Office of the Attorney General.~~

~~(3) "Disability" means with respect to an individual with a disability, a physical or mental impairment that substantially limits one or more of the major life activities of such an individual; a record of such an impairment; or being regarded as having such an impairment.~~

~~(4) "Major life activities" means functions such as caring for one's self, performing manual tasks, walking, seeing, hearing, speaking, breathing, learning, and working.~~

~~(5) "Individual with a disability" (hereinafter individual) means a person who has a disability which limits one of his major life activities and who meets the essential eligibility requirement for the receipt of services or the participation in programs or activities provided by a public entity, or who would otherwise be an eligible applicant for vacant state positions, as well as those who are employees of the state.~~

~~(6) "Public Entity" means the Utah Department of Transportation. [(1) "ADA Coordinator" means the employee assigned by the executive director to investigate and facilitate the prompt and equitable resolution of complaints filed by qualified persons with disabilities. The ADA Coordinator may be a representative of the Department of Human Resource Management assigned to the Department.~~

(2) "Department" means the Department of Transportation created by Section 72-1-201.

(3) "Designee" means an individual appointed by the executive director or a director to investigate allegations of ADA non-compliance in the event the ADA Coordinator is unable or unwilling to conduct an investigation for any reason, including a conflict of interest. A designee does not have to be an employee of the department; however, the designee must have a working knowledge of the responsibilities and obligations required of employers and employees by the ADA.

(4) "Director" means the most senior leader of the region or working group affected by a complaint filed under this rule.

(5) "Disability" means, with respect to an individual, a physical or mental impairment that substantially limits one or more of the major life activities of such individual; a record of such an impairment; or being regarded as having such an impairment.

(6) "Executive Director" means the executive director of the department.

(7) "Major life activities" include caring for oneself, performing manual tasks, seeing, hearing, eating, sleeping, walking, standing, lifting, bending, speaking, breathing, learning, reading, concentrating, thinking, and working. A major life activity also includes the operation of a major bodily function, such as functions of the immune system, normal cell growth, digestive, bowel, bladder, neurological, brain, respiratory, circulatory, endocrine, and reproductive functions.

(8) "Qualified Individual" means an individual who meets the essential eligibility requirements for the receipt of services or the participation in programs or activities provided by the Department. A "qualified individual" is also an individual who, with or without reasonable accommodation, can perform the essential functions of the employment position that individual holds or desires.

R907-62-3. Filing of Complaints.

~~[(1) The complaint shall be filed in a timely manner to assure prompt, effective assessment and consideration of the facts, but no later than 180 days from the date of the alleged act of discrimination:~~

~~(2) The complaint shall be filed with the department's ADA Coordinator in writing or in another accessible format suitable to the individual:~~

~~(3) Each complaint shall:~~

~~(a) include the individual's name and address;~~

~~(b) include the nature and extent of the individual's disability;~~

~~(c) describe the department's alleged discriminatory action in sufficient detail to inform the department of the nature and date of the alleged violation;~~

~~(d) describe the action and accommodation desired; and~~

~~(e) be signed by the individual or by his legal representative.~~

~~(4) Complaints filed on behalf of classes or third parties shall describe or identify by name, if possible, the alleged victims of discrimination.](1) Any qualified individual may file a complaint alleging noncompliance with Title II of the Americans with Disabilities Act, as amended, or the federal regulations promulgated thereunder.~~

(2) Qualified individuals shall file their complaints with the Department's ADA Coordinator, unless the complaint alleges that the ADA Coordinator was non-compliant, in which case qualified individuals shall file their complaints with the Department's designee.

(3) Qualified individuals shall file their complaints within 180 days after the date of the alleged noncompliance to facilitate the prompt and effective consideration of pertinent facts and appropriate remedies.

(4) Each complaint shall:

(a) include the complainant's name and address;

(b) include the nature and extent of the individual's disability;

(c) describe the department's alleged discriminatory action in sufficient detail to inform the department of the nature and date of the alleged violation;

(d) describe the action and accommodation desired; and

(e) be signed by the complainant or by his legal representative.

(5) Complaints filed on behalf of classes or third parties shall describe or identify by name, if possible, the alleged victims of discrimination.

(6) If the complaint is not in writing, the ADA coordinator or designee shall transcribe or otherwise reduce the complaint to writing upon receipt of the complaint.

(7) By the filing of a complaint or a subsequent appeal, the complainant authorizes necessary parties to conduct a confidential review all relevant information, including records classified as private or controlled under the Government Records Access and Management Act, Utah Code, Subsection 63G-2-302(1) (b) and Section 63G-2-304, consistent with 42 U.S.C. 12112(d)(4) (A), (B), and (C) and 42 U.S.C. Section 12112(d)(3)(B) and (C), and relevant information otherwise protected by statute, rule, regulation, or other law.

R907-62-4. Investigation of Complaint.

~~[(1) The ADA coordinator shall conduct an investigation of each complaint received. The investigation shall be conducted to the extent necessary to assure all relevant facts are determined and documented. This may include gathering all information listed in R907-62-3(3) if it is not made available by the individual.~~

~~(2) When conducting the investigation, the coordinator may seek assistance from the department's legal, human resource and budget staff in determining what action, if any, shall be taken on the complaint. Before making any decision that would involve:~~

~~(a) an expenditure of funds which is not absorbable within the agency's budget and would require appropriation authority;~~

~~(b) facility modifications; or~~

~~(c) reclassification or reallocation in grade; the coordinator shall consult with the ADA State Coordinating Committee.](1) The ADA coordinator or designee shall investigate complaints to the extent necessary to assure all relevant facts are collected and documented. This may include gathering all information listed in Subsection R907-3-3(4) and (7) of this rule if it is not made available by the complainant.~~

~~(2) The ADA coordinator or designee may seek assistance from the Attorney General's staff, and the department's human~~

~~(2) The ADA coordinator or designee may seek assistance from the Attorney General's staff, and the department's human~~

resource and budget staff in determining what action, if any, should be taken on the complaint. The ADA coordinator or designee may also consult with the director of the affected division in making a recommendation.

(3) The ADA coordinator or designee shall consult with representatives from other state agencies that may be affected by the decision, including the Office of Management and Budget, the Department of Human Resource Management, the Division of Risk Management, the Division of Facilities Construction Management, and the Office of the Attorney General before making any recommendation that would:

(a) involve an expenditure of funds beyond what is reasonably able to be accommodated within the applicable line item so that it would require a separate appropriation;

(b) require facility modifications; or

(c) require reassignment to a different position.

R907-62-5. [Issuance of] Recommendation and Decision.

[(1) Within 15 working days after receiving the complaint, the ADA Coordinator shall issue a decision outlining in writing or in another acceptable suitable format stating what action, if any, shall be taken on the complaint.

(2) If the coordinator is unable to reach a decision within the 15 working day period, he shall notify the individual with a disability in writing or by another acceptable suitable format why the decision is being delayed and what additional time is needed to reach a decision.](1) Within 15 working days after receiving the complaint, the ADA coordinator or designee shall recommend to the director what action, if any, should be taken on the complaint. The recommendation shall be in writing or in another accessible format suitable to the complainant.

(2) If the ADA coordinator or designee is unable to make a recommendation within the 15 working day period, the complainant shall be notified in writing, or in another accessible format suitable to the complainant, stating why the recommendation is delayed and what additional time is needed.

(3) The director may confer with the ADA coordinator or designee and the complainant and may accept or modify the recommendation to resolve the complaint. The director shall render a decision within 15 working days after the director's receipt of the recommendation from the ADA coordinator or designee. The director shall take all reasonable steps to implement the decision. The director's decision shall be in writing, or in another accessible format suitable to the complainant, and shall be promptly delivered to the complainant.

(2) If the ADA coordinator or designee is unable to make a recommendation within the 15 working day period, the complainant shall be notified in writing, or in another accessible format suitable to the complainant, stating why the recommendation is delayed and what additional time is needed.

R907-62-6. Appeals.

[(1) The individual may appeal the decision of the ADA Coordinator by filing an appeal within five working days from the receipt of the decision.

(2) The appeal shall be filed in writing with the department's executive director or a designee other than the department's ADA Coordinator.

(3) The filing of an appeal shall be considered as authorization by the individual to allow review of all information, including information classified as private or controlled, by the department's executive director or designee.

(4) The appeal shall describe in sufficient detail why the coordinator's decision is in error, is incomplete or ambiguous, is not supported by the evidence, or is otherwise improper.

(5) The executive director or designee shall review the factual findings of the investigation and the individual's statement regarding the inappropriateness of the coordinator's decision and arrive at an independent conclusion and recommendation. Additional investigations may be conducted if necessary to clarify questions of fact before arriving at an independent conclusion. Before making any decision that would involve:

(a) an expenditure of funds which is not absorbable and would require appropriation authority;

(b) facility modifications; or

(c) reclassification or reallocation in grade; he/she shall also consult with the State ADA Coordinating Committee.

(6) The decision shall be issued within ten working days after receiving the appeal and shall be in writing or in another accessible suitable format to the individual.

(7) If the executive director or his designee is unable to reach a decision within the ten working day period, he shall notify the individual in writing or by another acceptable suitable format why the decision is being delayed and the additional time needed to reach a decision.](1) The complainant may appeal the director's decision to the executive director within ten working days after the complainant is served with the director's decision.

(2) The appeal shall be in writing or in another accessible format reasonably suited to the complainant's ability.

(3) The executive director may name a designee to assist on the appeal. The ADA coordinator and the director's designee may not also be the executive director's designee for the appeal.

(4) In the appeal the complainant shall describe in sufficient detail why the decision does not effectively address the complainant's needs.

(5) The executive director or designee shall review the ADA coordinator's recommendation, the director's decision, and the points raised on appeal prior to reaching a decision. The executive director may direct additional investigation as necessary. The executive director shall consult with representatives from other state agencies that would be affected by the decision, including the Office of Management and Budget, the Department of Human Resource Management, the Division of Risk Management, the Division of Facilities Construction Management, and the Office of the Attorney General before making any decision that would:

(a) involve an expenditure of funds beyond what is reasonably able to be accommodated within the applicable line item so that it would require a separate appropriation;

(b) require facility modifications; or

(c) require reassignment to a different position.

(6) The executive director shall issue a final decision within 15 working days after receiving the complainant's appeal. The decision shall be in writing, or in another accessible format suitable to the complainant, and shall be promptly delivered to the complainant.

(7) If the executive director or designee is unable to reach a final decision within the 15 working day period, the complainant shall be notified in writing, or by another accessible format suitable to the complainant, why the final decision is being delayed and the additional time needed to reach a final decision.

R907-62-7. Classification of Records.

~~[The record of each complaint and appeal, and all written records produced or received as part of such actions, shall be classified as protected as defined under Section 63G-2-305 until the ADA coordinator, executive director, or their designees issue the decision at which time any portions of the record which may pertain to the individual's medical condition shall remain classified as private as defined under Section 63G-2-302 or controlled as defined in Section 63G-2-304. All other information gathered as part of the complaint record shall be classified as private information. Only the written decision of the coordinator, executive director or designees shall be classified as public information.]~~(1) Records created in administering this rule are classified as "protected" under Subsections 63G-2-305(9), (22), (24), and (25).

(2) After issuing a decision under Section R13-3-5 or a final decision upon appeal under Section R907-3-6, portions of the record pertaining to the complainant's medical condition shall be classified as "private" under Subsection 63G-2-302(1)(b) or "controlled" under Section 63G-2-304, consistent with 42 U.S.C. 12112(d)(4)(A), (B), and (C) and 42 U.S.C. 12112(d)(3)(B) and (C), at the option of the ADA coordinator.

(3) The written decision of the director or executive director shall be classified as "public," and all other records, except controlled records under Subsection R907-3-7(2), classified as "private."

R907-62-8. Relationship to Other Laws.

~~[This rule does not prohibit or limit the use of remedies available to individuals under the State Anti-Discrimination Complaint Procedures, Section 67-19-32; the Federal ADA Complaint Procedures 28 CFR Subpart F, beginning with Part 35.170; or any other Utah State or federal law that provides equal or greater protection for the rights of individuals with disabilities.]~~This rule does not prohibit or limit the use of remedies available to individuals under:

(a) the state Anti-Discrimination Complaint Procedures, Section 34A-5-107, and Section 67-19-32;

(b) the Federal ADA Complaint Procedures, 28 CFR 35.170 through 28 CFR 35.178; or

(c) any other Utah State or federal law that provides equal or greater protection for the rights of individuals with disabilities.

KEY: developmentally disabled, discrimination, ADA[*]
Date of Enactment or Last Substantive Amendment:
~~[1992]~~**2016**
Notice of Continuation: September 19, 2011
Authorizing, and Implemented or Interpreted Law: 63G-3-201;
 67-19-32

Transportation, Motor Carrier
R909-1
 Safety Regulations for Motor Carriers

NOTICE OF PROPOSED RULE

(Amendment)

DAR FILE NO.: 40811

FILED: 09/21/2016

RULE ANALYSIS

PURPOSE OF THE RULE OR REASON FOR THE CHANGE: The Department proposes to amend this rule to delete Sections R909-1-5, R909-1-6, and R909-1-7. The Department has filed a proposed new Rule R909-4, Motor Carrier, Enforcement, Penalties, which includes sections that make Sections R909-1-5, R909-1-6, and R909-1-7 superfluous.

SUMMARY OF THE RULE OR CHANGE: This proposed amendment deletes Sections R909-1-5, R909-1-6, and R909-1-7.

STATUTORY OR CONSTITUTIONAL AUTHORIZATION FOR THIS RULE: Section 72-9-103 and Section 72-9-104 and Section 72-9-301 and Section 72-9-303 and Section 72-9-701 and Section 72-9-703

ANTICIPATED COST OR SAVINGS TO:

♦ **THE STATE BUDGET:** The Department does not anticipate that this proposed amendment will lead to any costs or savings to the state's budget because it does not add or eliminate any fiscal requirements for any person or entity.

♦ **LOCAL GOVERNMENTS:** The Department does not anticipate that this proposed amendment will lead to any costs or savings to the budgets of local governments because it does not add or eliminate any fiscal requirements for any person or entity.

♦ **SMALL BUSINESSES:** The Department does not anticipate that this proposed amendment will lead to any costs or savings to the budgets of small businesses because it does not add or eliminate any fiscal requirements for any person or entity.

♦ **PERSONS OTHER THAN SMALL BUSINESSES, BUSINESSES, OR LOCAL GOVERNMENTAL ENTITIES:** The Department does not anticipate that this proposed amendment will lead to any costs or savings to the budgets of persons other than small businesses, businesses, or local government entities because it does not add or eliminate any fiscal requirements for any person or entity.

COMPLIANCE COSTS FOR AFFECTED PERSONS: The Department does not anticipate that this proposed amendment will lead to any additional compliance costs for affected persons because it does not add or eliminate any fiscal requirements for any person or entity.

COMMENTS BY THE DEPARTMENT HEAD ON THE FISCAL IMPACT THE RULE MAY HAVE ON BUSINESSES: This proposed amendment will not have a fiscal impact on businesses.

THE FULL TEXT OF THIS RULE MAY BE INSPECTED, DURING REGULAR BUSINESS HOURS, AT:
 TRANSPORTATION
 MOTOR CARRIER
 CALVIN L RAMPTON COMPLEX
 4501 S 2700 W
 SALT LAKE CITY, UT 84119-5998
 or at the Office of Administrative Rules.

DIRECT QUESTIONS REGARDING THIS RULE TO:
 ♦ Christine Newman by phone at 801-965-4026, by FAX at 801-965-4338, or by Internet E-mail at cnewman@utah.gov
 ♦ James Palmer by phone at 801-965-4000, by FAX at 801-965-4338, or by Internet E-mail at jimpalmer@utah.gov
 ♦ Linda Hull by phone at 801-965-4253, or by Internet E-mail at lhull@utah.gov
 ♦ Michelle Jeronimo by phone at 801-965-3883, or by Internet E-mail at mjeronimo@utah.gov

INTERESTED PERSONS MAY PRESENT THEIR VIEWS ON THIS RULE BY SUBMITTING WRITTEN COMMENTS NO LATER THAN AT 5:00 PM ON 11/14/2016

THIS RULE MAY BECOME EFFECTIVE ON: 11/21/2016

AUTHORIZED BY: Carlos Braceras, Executive Director

R909. Transportation, Motor Carrier.
R909-1. Safety Regulations for Motor Carriers.
R909-1-1. Authority and Purpose.

This Rule is enacted under the authority of Section 72-9-103 to enable the department to enforce the Federal Motor Carrier Safety Regulations as contained in Title 49, Code of Federal Regulations related to the operation of a motor carrier within the state, as required by Section 72-9-301.

R909-1-2. Adoption of Federal Regulations.

(1) Safety Regulations for Motor Carriers, 49 CFR Parts 350 through 384, Parts 387 through 399, and Part 40, (October 1, 2014), as amended by the Federal Register through April 23, 2015 are incorporated by reference, except for Parts 391.11(b)(1) and 391.49 as it applies to intrastate drivers only. These requirements apply to all motor carrier(s) as defined in 49 CFR Part 390.5, excluding commercial motor vehicles which are designed or used to transport more than 8 and less than 15 passengers (including the driver) for compensation and Section 72-9-102(2) engaged in intrastate commerce.

(2) Intrastate trucking operations in which the carriers operate double trailer combinations only are not required to comply with 49 CFR Part 380.203(a)(2).

(3) Exceptions to Part 391.41, Physical Qualification may be granted under the rules of Department of Public Safety, Driver's License Division, Section 53-3-303.5 for intrastate drivers under R708-34.

(4) Drivers involved wholly in intrastate commerce shall be at least 18 years old. However, if they are transporting placarded amounts of hazardous materials or carrying 16 or more passengers, including the driver, they must be 21 years old.

(5) Licensed child care providers operating a passenger vehicle with a seating capacity of not more than 30 passengers, and wholly in intrastate commerce, are exempt from 49 CFR Part 387 Subpart B but are subject to the minimum coverage requirements in Section 72-9-103.

R909-1-3. Insurance for Private Intrastate/Interstate Motor Carriers.

(1) "Private Motor Carrier" means a person who provides transportation of property or passengers by commercial motor vehicle and is not a for-hire motor carrier.

(2) All intrastate private motor carriers shall have a minimum amount of \$750,000 liability.

(3) All intrastate for-hire and private motor carriers transporting any quantities of oil listed in 49 CFR 172.101; hazardous waste, hazardous material and hazardous substances defined in 49 CFR 171.101, shall have \$1,000,000 minimum level of financial responsibility and a MCS-90 endorsement maintained at the principal place of business.

R909-1-4. Implements of Husbandry.

"Implements of Husbandry" is defined in Section 41-1a-102(23) and must be in compliance with all provisions of Chapter 6, Title 41, Utah Code Annotated. Vehicles meeting this definition are exempt from 49 CFR Part 393 - Parts and Accessories Necessary for Safe Operations.

~~**R909-1-5. Cease and Desist Order - Registration Sanctions:**~~

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

~~**R909-1-6. Penalties and Fines.**~~

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

~~**R909-1-7. Motor Carriers Delinquent in Paying Civil Penalties; Prohibition on Transportation.**~~

~~Pursuant to Section 72-9-303, a motor carrier that has failed to pay civil penalties imposed by the department, or has failed to abide by a payment plan, may be prohibited from operating commercial motor vehicles in intrastate or interstate commerce.]~~

KEY: trucks, transportation safety, implements of husbandry
Date of Enactment or Last Substantive Amendment: [August 24, 2015]2016
Notice of Continuation: August 30, 2016
Authorizing, and Implemented or Interpreted Law: 72-9-103; 72-9-104; 72-9-101; 72-9-301; 72-9-303; 72-9-701; 72-9-703

Transportation, Motor Carrier
R909-4
Motor Carrier, Enforcement, Penalties

NOTICE OF PROPOSED RULE

(New Rule)
 DAR FILE NO.: 40810
 FILED: 09/21/2016

RULE ANALYSIS

PURPOSE OF THE RULE OR REASON FOR THE CHANGE: This new rule is to provide the Department with a procedure for enforcing state and federal regulations pertaining to motor carrier safety, and size and weight restrictions, and for assessing penalties against persons who violate these regulations.

SUMMARY OF THE RULE OR CHANGE: Rule R909-4 governs the procedure the Department will follow when commencing agency action to enforce state and federal regulations pertaining to motor carrier safety, size, and weight restrictions, and to assess penalties against persons who violate these regulations. The rule also includes a procedure to appeal such agency action, and it authorizes the Department to prohibit motor carriers from operating on Utah highways until they have satisfied all penalties assessed.

STATUTORY OR CONSTITUTIONAL AUTHORIZATION FOR THIS RULE: Section 72-9-103 and Section 72-9-301 and Section 72-9-303

ANTICIPATED COST OR SAVINGS TO:

♦ **THE STATE BUDGET:** The Department anticipates this new rule will add revenue to the state budget, and it has the potential to decrease costs to the state budget. With this rule in place, the Department will assess civil penalties against motor carriers who violate safety regulations. These civil penalties will be revenue into the state budget. These civil penalties may also serve as a deterrent to future safety violations by motor carriers. Moreover, the new rule provides the Department with a procedure to keep unsafe motor carriers off Utah highways. The additional safety benefits may decrease motor carrier-involved accidents, which may lead ultimately to savings for the state. Quantifying the additional revenue or cost savings this new rule may bring to the state budget is not possible at present because these amounts are based upon variables that may or may not arise in the future.

♦ **LOCAL GOVERNMENTS:** The Department does not anticipate this rule will lead to any cost or savings to the budgets of local governments because it addresses how the state will enforce state and federal motor carrier safety law. Any revenue generated will flow into the state budget; any costs savings that occur will be manifest to the state budget. Any costs or benefits that may flow to local governments because of this new rule are too speculative to address.

♦ **SMALL BUSINESSES:** The Department does not anticipate this rule will lead to any cost or savings to the budgets of small businesses because it addresses how the state will enforce state and federal motor carrier safety law. Small businesses that are motor carriers will not suffer any additional costs if they do not violate this new rule.

♦ **PERSONS OTHER THAN SMALL BUSINESSES, BUSINESSES, OR LOCAL GOVERNMENTAL ENTITIES:** The Department does not anticipate this rule will lead to any cost or savings to the budgets of persons other than small businesses, businesses, or local government entities because it addresses how the state will enforce state and federal motor carrier safety law. The general public should not experience any fiscal impact if this new rule is adopted.

COMPLIANCE COSTS FOR AFFECTED PERSONS: There will be compliance costs for those motor carriers that are found to have violated state or federal regulations pertaining to motor carrier safety and size and weight restrictions. Affected persons that are found to have committed more serious violations will face higher compliance costs. These compliance costs cannot be quantified until affected persons have been given due process and their penalties are assessed.

COMMENTS BY THE DEPARTMENT HEAD ON THE FISCAL IMPACT THE RULE MAY HAVE ON BUSINESSES: This new rule will not have a fiscal impact on businesses generally. The only businesses that will experience a fiscal impact caused by this new rule will be motor carriers that are found to have violated state and federal regulations pertaining to motor carrier safety and size and weight restrictions. The size of the fiscal impact those motor carrier businesses will experience will depend upon the violation and other relevant factors.

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

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

DIRECT QUESTIONS REGARDING THIS RULE TO:

♦ Christine Newman by phone at 801-965-4026, by FAX at 801-965-4338, or by Internet E-mail at cwnewman@utah.gov
 ♦ James Palmer by phone at 801-965-4000, by FAX at 801-965-4338, or by Internet E-mail at jimpalmer@utah.gov
 ♦ Linda Hull by phone at 801-965-4253, or by Internet E-mail at lhull@utah.gov
 ♦ Michelle Jeronimo by phone at 801-965-3883, or by Internet E-mail at mjeronimo@utah.gov

INTERESTED PERSONS MAY PRESENT THEIR VIEWS ON THIS RULE BY SUBMITTING WRITTEN COMMENTS NO LATER THAN AT 5:00 PM ON 11/14/2016

THIS RULE MAY BECOME EFFECTIVE ON: 11/21/2016

AUTHORIZED BY: Carlos Braceras, Executive Director

R909. Transportation, Motor Carrier.

R909-4. Motor Carrier, Enforcement, Penalties.

R909-4-1. Purpose.

The Department is responsible for ensuring compliance with all regulations pertaining to motor carrier safety, and size and weight. As part of that responsibility, the Department is granted authority to impose civil penalties on motor carriers that fail to comply with relevant regulations. The purpose of imposing civil penalties is to improve roadway safety and protect the public infrastructure by encouraging compliance with motor carrier regulations.

R909-4-2. Authority.

This Rule is enacted under the authority of 72-9-301 for enforcement; 72-9-103 rulemaking authority to enforce Title 72 Chapter 9; and Title 72 Chapter 9 Part 7 to impose penalties; 72-9-303 authority to issue cease and desist orders.

R909-4-3. Definitions.

(1) "Department" means the Utah Department of Transportation.

(2) "Notice of Agency Action" means the notice meeting the requirements of Title 63G Chapter 4, Utah Administrative Procedures Act that the Department issues to commence an adjudicative proceeding.

R909-4-4. Notice of Agency Action -- Civil Penalties.

(1) The Department may commence an adjudicative proceeding pursuant to rule R907-2 to review allegations of federal or state motor carrier regulation violations by serving a Notice of Agency Action upon the person or persons accused of the violations.

(2) If the Department proposes to impose a penalty under the Notice of Agency Action, the amount of the penalty will be determined employing the Uniform Fine Assessment software issued by Federal Motor Carrier Safety Administration for calculating the amounts of civil penalties for violations of motor carrier regulations. The Uniform Fine Assessment web site may be accessed at <https://www.fmcsa.dot.gov/regulations/enforcement/uniform-fine-assessment>

(3) In addition to other penalties, the Department may impose a civil penalty of not less than \$500 and not more than \$2,000 for each offense as authorized in 72-9-703.

(4) The Department may compromise the amount of the penalty. Factors the Department may use when considering whether to compromise the amount of the penalty may include:

- (a) History of prior violations and prior conduct;
- (b) degree of culpability;
- (c) responsiveness to the Notice of Agency Action, including good faith efforts to take corrective action;
- (d) gravity of the violation;
- (e) ability to continue in business and ability to pay;
- (f) whether the amount of the penalty will encourage future compliance, or;
- (g) other matters which justice and public safety may require.

(5) When assessing the final penalty imposed on the motor carrier, the Department will indicate on the final agency order which factors the adjudicating officer considered to determine or compromise the final penalty that is imposed.

(6) Administrative Hearings initiated under this provision shall be designated as informal hearings under the Utah Administrative Procedures Act and conducted as set forth in Utah Code Section 63G-4-203.

R909-4-5. Appeals of Department Action.

(1) A person may appeal penalties imposed by the Department under this rule and pursuant to the Notice of Agency Action.

(2) Appeals shall be considered by a steering committee created by the Department. The steering committee shall have the powers granted to the Deputy Director, or his designee, in R907-1-3 for appeals from motor carrier penalties imposed by the Department.

(3) The committee's decision, if adopted by the Director of the Motor Carrier Division, will be considered a final agency order under the Administrative Procedures Act.

R909-4-6. Motor Carriers Delinquent in Paying Civil Penalties -- Prohibition on Transportation.

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

R909-4-7. Cease and Desist Order -- Registration Sanctions.

As authorized by Section 72-9-303, the Department may issue cease and desist orders to any motor carrier that fails or neglects to comply with State and Federal Motor Carrier Regulations.

KEY: civil penalties, notice of agency action, motor carrier, enforcement

Date of Enactment or Last Substantive Amendment: 2016 Authorizing, Implemented, or Interpreted Law: 72-9-103; 72-9-301; 72-9-303

End of the Notices of Proposed Rules Section

NOTICES OF 120-DAY (EMERGENCY) RULES

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

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

As with a **PROPOSED RULE**, a **120-DAY RULE** is preceded by a **RULE ANALYSIS**. This analysis provides summary information about the **120-DAY RULE** including the name of a contact person, justification for filing a **120-DAY RULE**, anticipated cost impact of the rule, and legal cross-references.

Following the **RULE ANALYSIS**, the text of the **120-DAY RULE** is printed. New text is underlined (example) and text to be deleted is struck out with brackets surrounding the deleted text ([example]). An emergency rule that is new is entirely underlined. Likewise, an emergency rule that repeals an existing rule shows the text completely struck out. A row of dots in the text (.) indicates that unaffected text was removed to conserve space.

A **120-DAY RULE** is effective when filed with the Office of Administrative Rules, or on a later date designated by the agency. A **120-DAY RULE** is effective for 120 days or until it is superseded by a permanent rule. Because of its temporary nature, a **120-DAY RULE** is not codified as part of the *Utah Administrative Code*.

The law does not require a public comment period for **120-DAY RULES**. However, when an agency files a **120-DAY RULE**, it may file a **PROPOSED RULE** at the same time, to make the requirements permanent.

Emergency or **120-DAY RULES** are governed by Section 63G-3-304, and Section R15-4-8.

Navajo Trust Fund, Trustees **R661-3** Utah Navajo Trust Fund Residency Policy

NOTICE OF 120-DAY (EMERGENCY) RULE

DAR FILE NO.: 40829
FILED: 09/23/2016

RULE ANALYSIS

PURPOSE OF THE RULE OR REASON FOR THE CHANGE: The purpose of this filing is to enable the Utah Navajo Trust Fund (UNTF) to award college financial assistance and scholarships to eligible Utah Navajo students to attend post-secondary education.

SUMMARY OF THE RULE OR CHANGE: The change revises the procedure to determine residency by individual documentation and approval instead of the current rule requirements of using a Chapter residency committee to determine residency and to determine progenitors.

STATUTORY OR CONSTITUTIONAL AUTHORIZATION FOR THIS RULE: Title 51, Chapter 10

EMERGENCY RULE REASON AND JUSTIFICATION:

REGULAR RULEMAKING PROCEDURES WOULD place the agency in violation of federal or state law.

JUSTIFICATION: Eligible Utah Navajo students are requesting funding as soon as possible, and UNTF is seeking to award these students with college financial assistance and scholarships, but the current requirements call for Utah Navajo Chapters to set up Residency Committees to approve residency and to identify progenitors under the new rule that is in effect as of 09/01/2016, but the Chapters have not set up committees. UNTF is proposing to revise the new rule so that it eliminates the use of outside committees and places the primary responsibility of verifying residency on UNTF, a state agency, so that each applicant's request can be reviewed and approved on an individual basis in much the same way as before under previous UNTF and UNRHF administration.

ANTICIPATED COST OR SAVINGS TO:

◆ **THE STATE BUDGET:** This rule would not cause a cost nor savings to the state budget because UNTF funding source is from oil royalties, and UNTF does not receive an appropriation of general funds from the state.

◆ **LOCAL GOVERNMENTS:** This rule would not cause a change to the local government because the requirements on the local Navajo governments would be the same.

◆ **SMALL BUSINESSES:** This rule would not cause a change to small businesses because UNTF does not interface with small businesses in order to administer this program.

◆ PERSONS OTHER THAN SMALL BUSINESSES, BUSINESSES, OR LOCAL GOVERNMENTAL ENTITIES: Persons will be positively affected. Eligible Utah Navajo students will be awarded college financial assistance and scholarships, and the colleges and universities where these students will be attending will be able to receive these funds. The impact of how much students and economic enterprises associated with college financial assistance and scholarship funds being awarded to college students cannot be estimated because there are various unknown factors such as how many students will be awarded, how much they will be awarded, and how these funds will be used but UNTF averages about \$580,000 of college financial assistance per year.

COMPLIANCE COSTS FOR AFFECTED PERSONS: The affected persons will not incur any change in costs but will enjoy the benefit of receiving these monies for higher education purposes.

COMMENTS BY THE DEPARTMENT HEAD ON THE FISCAL IMPACT THE RULE MAY HAVE ON BUSINESSES: There will be a positive effect on businesses in the form of the college receiving monies for tuition and fees, as well as bookstores; student supply stores; stores selling electronics such as iPads, laptops, etc.; stores; grocery stores; apartments or college housing; eating establishments; stores that sell gasoline, etc.

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

NAVAJO TRUST FUND
TRUSTEES
ROOM 180
350 N STATE STREET
SALT LAKE CITY, UT 84114
or at the Office of Administrative Rules.

DIRECT QUESTIONS REGARDING THIS RULE TO:

◆ Tony Dayish by phone at 435-678-1468, by FAX at 435-678-1464, or by Internet E-mail at tdayish@utah.gov

EFFECTIVE: 09/23/2016

AUTHORIZED BY: David Damschen, State Treasurer

R661. Navajo Trust Fund, Trustees.

R661-3. Utah Navajo Trust Fund Residency Policy.

R661-3-101. Eligibility.

(1) To be eligible for program services from the Utah Navajo Trust Fund, a person must be a Navajo residing in San Juan County, Utah, as required by Public Law 90-306 adopted by Congress on May 17, 1968.

(2) To be considered "a Navajo" for purposes of this policy, a person shall meet the standards adopted by the Navajo

Nation Council for membership in the Tribe, and provide proof thereof in the form of a Navajo Nation Certificate of Indian Blood ("CIB") that shows the Navajo tribal census number.

(3) To be considered a resident of San Juan County, Utah, an individual must provide:

(a) ~~[A resolution]~~ Utah Navajo Residency Verification Form (UNTF Form R3101-1) from a Utah Navajo Chapter, including the Blue Mountain Dine' Community, that the individual is a San Juan County, Utah resident. ~~[The Chapter shall obtain documentation in support of a claim of San Juan County, Utah residency such as:]~~

~~_____~~ (b) Birth certificate and;

~~_____~~ (c) a minimum of three of the following items that support a claim of San Juan County, Utah residency (listed in order of preference):

(i) Utility bills, ~~[A San Juan County, Utah voter registration;]~~

(ii) A San Juan County, Utah or Utah Navajo Chapter voter registration, ~~[Utility bills for three consecutive years preceding residency determination;]~~

(iii) Utah Drivers License or state-issued identification card, ~~[Verification of house location by GPS;]~~

(iv) San Juan County, Utah, School District student records, ~~[;]~~

(v) A homesite lease, or,

(vi) ~~[Utah Drivers License]~~ Verification of house location by GPS,

~~_____~~ (vii) Dwelling unit rental receipts.

~~[_____ (b) Utah on-Reservation residents who are aboriginal Navajos (meaning descendants of original or earliest known inhabitants of the Utah Portion of the Navajo Reservation) and their dependents (as defined by the U.S. Internal Revenue Code) are considered to be residents eligible for UNTF programs. Each Chapter shall establish a Residency Committee to identify Aboriginal Navajos and their dependents.]~~

(e) ~~[d] [Off-Reservation]~~ Utah Navajo residents and their dependents (as defined by the U.S. Internal Revenue Code) shall have a principal place of residence in San Juan County, Utah, for at least five (5) years immediately preceding the date of application for any UNTF program services, and shall have the present intention to continue residency in San Juan County, Utah, permanently or for the indefinite future.

(i) A person's "principal place of residence" is where the person's habitation is fixed and to which, whenever he/she is absent, he/she has the intention of returning daily for at least nine (9) months of the year. A person's habitation shall mean the physical location of his/her own home or the home of the parents or legal guardians, with whom the person resides.

(ii) A person does not become a resident merely because:

(A) he/she is present in San Juan County, Utah; or,

(B) he/she is in San Juan County, Utah temporarily with no intent to make San Juan County, Utah, his/her home.

~~_____~~ (iii) A person does not lose his/her place of residence merely by leaving for:

~~_____~~ (A) military service,

~~_____~~ (B) volunteer service, such as religious service or social service (Peace Corps, VISTA, Americorps, etc.).

(C) post-secondary educational purposes.

([d]e) Upon establishing proof of marriage, a non-San Juan County, Utah spouse shall be deemed a resident qualified to apply for UNTF program services to the extent that his/her spouse qualifies and the couple maintains residency in San Juan County, Utah. Documentation proving marriage includes:

- (i) a marriage certificate; or,
- (ii) a Navajo Nation Affidavit of Marriage for traditional Navajo marriages; or,
- (iii) a Navajo Nation common law marriage certificate.

([e]f) Adopted children acquire the resident status of their adoptive parents as of the date the decree of adoption is signed and the parents meet the required residency criteria. Adopted children must also meet the Navajo Nation tribal enrollment requirements evidenced by a Certificate of Indian Blood (CIB) document.

(4) An applicant's residency shall be verified by a sworn statement (UNTF Form R3101-2) by the applicant that he/she meets the residency standards required herein and shall be certified by Chapter officials of the Utah Chapter (UNTF Form R3101-1) where the applicant resides.

R661-3-201. Challenges to Residency.

(1) An applicant's claim of residency may be challenged by any Utah Navajo Chapter official by filing a claim with the Utah Dine' Advisory Committee. The claim shall list with specificity the evidence why the applicant does not meet the residency requirement.

(2) In cases where a person's residency is in dispute, information contained in the population database used and maintained by UNTF in allocating resources between Chapters shall be provided to the Dine' Advisory Committee.

(3) After giving the applicant and the Chapter officer notice and an opportunity to be heard and/or an opportunity to submit written responses, the Dine' Advisory Committee shall determine whether the applicant meets the residency requirements. The decision of the Dine' Advisory Committee is final.

(4) If a person is determined to have been ineligible after he/she has benefited or received a UNTF program service, the person shall be obligated to reimburse UNTF for the cost of such services.

R661-3-301. Additional Documentation.

(1) The Trust Administrator may require additional documentation to meet residency criteria.

R661-3-401. Forms.

R3101-1 Utah Navajo Residency Verification

R3101-2 Applicant's Statement Affidavit

KEY: residency, San Juan County, Utah Navajo Trust Fund (UNTF), chapter resolution

Date of Enactment or Last Substantive Amendment: September 23, 2016

Authorizing, and Implemented or Interpreted Law: 51-10

**Navajo Trust Fund, Trustees
R661-6**

**Utah Navajo Trust Fund Higher
Education Financial Assistance and
Scholarship Program**

NOTICE OF 120-DAY (EMERGENCY) RULE

DAR FILE NO.: 40830

FILED: 09/23/2016

RULE ANALYSIS

PURPOSE OF THE RULE OR REASON FOR THE CHANGE: The purpose of this filing is to enable the Utah Navajo Trust Fund (UNTF) to award college financial assistance and scholarships to eligible Utah Navajo students to attend post-secondary education.

SUMMARY OF THE RULE OR CHANGE: This change revises the procedure to be consistent with revisions proposed to Rule R661-3 to determine residency by individual documentation and approval instead of the current rule requirements of using a Chapter residency committee to determine residency and to determine progenitors.

STATUTORY OR CONSTITUTIONAL AUTHORIZATION FOR THIS RULE: Title 51, Chapter 10

EMERGENCY RULE REASON AND JUSTIFICATION: REGULAR RULEMAKING PROCEDURES WOULD place the agency in violation of federal or state law.

JUSTIFICATION: Eligible Utah Navajo students are requesting funding as soon as possible, and UNTF is seeking to award these students with college financial assistance and scholarships, but the current requirements call for Utah Navajo Chapters to set up Residency Committees to approve residency and to identify progenitors under the new rule that is in effect as of 09/01/2016, but the Chapters have not set up committees. UNTF is proposing to revise the new rule so that it eliminates the use of outside committees and places the primary responsibility of verifying residency on UNTF, a state agency, so that each applicant's request can be reviewed and approved on an individual basis in much the same way as before under previous UNTF and UNRHF administration.

ANTICIPATED COST OR SAVINGS TO:

◆ **THE STATE BUDGET:** This rule would not cause a cost nor savings to the state budget because UNTF funding source is from oil royalties, and UNTF does not receive an appropriation of general funds from the state.

◆ **LOCAL GOVERNMENTS:** This rule would not cause a change to the local government because the requirements on the local Navajo governments would be the same.

♦ **SMALL BUSINESSES:** This rule would not cause a change to small businesses because UNTF does not interface with small businesses in order to administer this program.

♦ **PERSONS OTHER THAN SMALL BUSINESSES, BUSINESSES, OR LOCAL GOVERNMENTAL ENTITIES:** Persons will be positively affected. Eligible Utah Navajo students will be awarded college financial assistance and scholarships, and the colleges and universities where these students will be attending will be able to receive these funds. The impact of how much students and economic enterprises associated with college financial assistance and scholarship funds being awarded to college students cannot be estimated because there are various unknown factors such as how many students will be awarded, how much they will be awarded, and how these funds will be used but UNTF averages about \$580,000 of college financial assistance per year.

COMPLIANCE COSTS FOR AFFECTED PERSONS: The affected persons will not incur any change in costs but will enjoy the benefit of receiving these monies for higher education purposes.

COMMENTS BY THE DEPARTMENT HEAD ON THE FISCAL IMPACT THE RULE MAY HAVE ON BUSINESSES: There will be a positive effect on businesses in the form of the college receiving monies for tuition and fees, as well as bookstores; student supply stores; stores selling electronics such as iPads, laptops, etc.; stores; grocery stores; apartments or college housing; eating establishments; stores that sell gasoline, etc.

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

NAVAJO TRUST FUND
TRUSTEES
ROOM 180
350 N STATE STREET
SALT LAKE CITY, UT 84114
or at the Office of Administrative Rules.

DIRECT QUESTIONS REGARDING THIS RULE TO:

♦ Tony Dayish by phone at 435-678-1468, by FAX at 435-678-1464, or by Internet E-mail at tdayish@utah.gov

EFFECTIVE: 09/23/2016

AUTHORIZED BY: David Damschen, State Treasurer

R661. Navajo Trust Fund, Trustees.

R661-6. Utah Navajo Trust Fund Higher Education Financial Assistance and Scholarship Program.

R661-6-101. Objective.

(1) The Higher Education Financial Assistance Scholarship Program ("the Program") includes both the UNTF Higher Education Scholarship Fund and the UNTF Endowment Fund. The objective of the Program is to assist San Juan County,

Utah, Navajo college students with scholarships by matching other college financial assistance or funding sources.

(2) UNTF higher education financial assistance and scholarship funding is available to eligible San Juan County, Utah, Navajo students for studies at institutions of their choice.

(3) The UNTF Endowment Education Fund was established in 1994 to provide college financial assistance to eligible San Juan County, Utah, Navajo College students attending college in San Juan County, Utah, such as Utah State University-Eastern-Blanding Campus. The Endowment Fund was established as a result of a special U. S. Dept. of Education grant which brought together five contributors/partners: UNTF, USU-Eastern, Ute Mountain Tribe, Calvin Black Foundation, and a U.S. Government grant regarding Native American education.

(a) UNTF continues to participate in the Endowment Fund even though the scheduled twenty (20) year period maturity occurred in 2014 due to the good growth of the Fund.

(b) Funds from the Endowment Fund yearly allocation must be exhausted before regular UNTF funds are utilized. The Endowment Fund allocation to UNTF is based on the Endowment's previous year's earnings from investment.

R661-6-201. Definitions.

(1) "College" means any college, university, technical school, or institution of higher learning after high school (post-secondary) level.

(2) "Financial Assistance" means UNTF financial assistance for college expenses.

(3) "Academic Term" means the period of time that the college uses to begin and end educational sessions such as a semester, quarter, term, etc.

R661-6-301. Eligibility.

(1) Applicants must meet the UNTF residency requirement in accordance with the UNTF Residency Rule R661-3-101 every ~~two~~ three years.

(a) The residency requirement may have to be renewed more often than ~~two~~ three years if a name change or record change becomes essential.

~~_____ (b) The Applicants' Chapter shall require a Certificate of Indian Blood (CIB) for its records in order to establish proof of enrollment with the Navajo tribe and chapter membership as a San Juan County, Utah Navajo resident.]~~

(2) The applicant must be enrolled in at least six (6) credit hours of approved college courses during the regular academic term. Course work must apply towards an approved degree or certificate program from an accredited post-secondary institution.

(a) Repeated and/or audited courses will not be funded by UNTF. If a student changes majors and has to retake lower level courses, only one transition academic term will be paid by UNTF.

(b) The eligible San Juan County, Utah Navajo College student must maintain a 2.0 grade point average on a 4.0 grade point scale. UNTF has the discretion to provide incremental scholarship bonuses to students who obtain a GPA greater than 2.0

(i) Official transcripts are required at the beginning of every fall semester; thereafter, [G]grade[s] reports from the previous academic term shall be submitted to UNTF following the completed academic term.

(ii) Awards are made on a first-come, first-served basis.

(c) If a student's GPA falls below 2.0, UNTF will provide a warning letter to the student and place the student on probation. If a student's GPA is below 2.0 for two consecutive semesters, the student will be ineligible for any further UNTF assistance unless the student is able to bring their GPA to 2.0 or above using their own resources or non-UNTF resources.

(3) San Juan County, Utah, Navajo Students are eligible for UNTF assistance in obtaining a One-year or two-year Certificate, Associates, Baccalaureate, Masters, or Doctorate degree.

(a) Eligible San Juan County, Utah, Navajo College Students shall declare a major in a given field no later than two (2) years after commencement of higher level education so that proper counseling and academic advice can be provided

(b) Only one bachelor's degree will be funded by UNTF, unless the second degree is closely related to the first degree and if the same prerequisite general education classes can be used.

(c) The limit for Associates Degree is 75 credit hours and 145 credit hours for a Bachelors Degree.

(d) A "degree contract" must be agreed upon between the college and the student and submitted to UNTF to receive funding. A "degree contract" is a list of core of classes and prerequisites required to obtain a degree.

(4) Graduate students must submit a letter of acceptance and be eligible for UNTF Scholarship, and must carry the minimum graduate studies requirement of the College. An exception will be made if the course work is one of a special requirement for the professional track and/or tenure such as a special license or certification.

(5) High School Concurrent Enrollment Program students must meet the eligibility criteria regarding all requirements for the UNTF Higher Education Scholarship and Financial Assistance Program with the following modifications:

(a) Applicant shall provide a letter of recommendation from his/her high school counselor or school officials for concurrent enrollment program participation. The letter should address the student's ability to meet the demands of concurrent enrollment.

(b) Students must maintain at least a 3.0 grade point average (GPA) in their high school studies to be eligible for this program.

(c) The maximum amount of UNTF assistance available annually is determined by the UNTF Board. The UNTF assistance can be increased by the UNTF Board of Directors based on the Utah colleges cost data that is maintained by the State of Utah-Department of Education.

(6) On-line or correspondence courses may be taken as long as earned credits are applied to a degree program or a recognized certification program under UNTF funding guidelines.

(a) All UNTF Higher Education Scholarship eligibility requirements must be met by the applicant before any assistance toward the on-line/correspondence courses will be approved.

(b) Students attending on-line/correspondence courses shall be eligible for UNTF funding if enrolled in at least three (3) credit hours of approved college course work.

R661-6-401. Funding.

(1) UNTF is not a primary funding source, UNTF funds are supplemental to other scholarship and financial aid resources. The applicant must submit applications and award or denial letters

from other financial aid resources to the UNTF office to prove that the applicant has applied for other sources of funding. UNTF will fund a student based on credit hours. The maximum amount of funding available per academic term is determined by the UNTF Board.

(2) The amount of funding afforded to each eligible San Juan County, Utah, Navajo College student per academic term is determined by the number of credit hours and a financial needs analysis. The award amount per credit-hour-group will be determined by UNTF as part of each year's annual budget.

~~[(a) Academic workload incentive: Incremental scholarship amounts shall be awarded based on the workload taken; following credit/unit incremental groups of: 6 to 8; 9 to 11; and 12 hours, or over per academic term.]~~

~~[(i)a] Should a student drop a class[which results in dropping the student to the next lower incremental group], the student's funding for the next academic term shall be assessed a decreased funding adjustment, unless a refund is properly made by the student.~~

~~[(ii) In order to qualify for the "workload incentive", first-time students must submit a course registration list by mail, e-mail, or telefax to the UNTF Higher Education Office.]~~

~~[(i)i] In order to facilitate the UNTF award on a timely basis toward the student's next academic term[with respect to the "workload incentive"], the student must submit a list of the courses from pre-registration to the UNTF Education Specialist. The information will help determine the actual award amount based on the number of hours or credit units to be carried in the next academic term.~~

(b) Financial Needs Analysis

(i) Applicants must file a FAFSA Grant application with the U.S. Department of Education in order to determine their financial aid needs from UNTF.

(ii) It is the responsibility of the institution's Student Financial Aid Office to complete the needs analysis, and to request an award from UNTF based upon the determined need. When the financial needs determination is completed, the student must complete a UNTF financial assistance application which can be obtained from the UNTF Higher Education Scholarship.

(iii) Upon completion of the needs analysis by the Office of Student Financial Aid, the UNTF Education Specialist will evaluate the level of financial assistance requested, matching resources, and make the appropriate award amount.

(iv) Students with a "No Need" determination (as determined by the educational institution) may be awarded UNTF funding if the financial aid officer at the institution determines the parents cannot or are unwilling to provide the family contribution to meet the student's need as determined by the federal financial aid application analysis.

(A) The UNTF "No Need" contribution amount is limited to the Expected Family Contribution (EFC amount) however, the maximum limits will be no more than 75% of the normal scholarship award amounts.

(B) If financial assistance calculates out at less than \$40.00 for "No Need" it will not be awarded

(C) The EFC amount is determined by the Federal Student Aid program, an office of the U.S. Department of Education, when a student applies to the FAFSA (Free Application for Financial Student Aid) program.

(v) If the student does not qualify for FAFSA and the EFC cannot be determined; and if the student is otherwise eligible for UNTF assistance an \$800.00 grant amount may be awarded for the last academic term prior to graduation for a bachelor's degree or higher degree.

(3) All student applicants must also apply to the Navajo Nation Office of Scholarship and Financial Assistance (ONNSFA). UNTF coordinates with ONNSFA to exchange information regarding match funding with UNTF and other acquired resource funds. All Student applicants to the UNTF funds must sign the UNTF Consent Form (UNTF Form R6101-2 Consent Form) that authorizes UNTF to contact ONNSFA to verify funding verification.

(4) The UNTF Education Specialist will process the required and appropriate funding documentation to the UNTF Financial Manager for funding disbursement. The UNTF Financial Manager shall maintain accounts, historical and concurrent, of all UNTF-funded students for proper record keeping and reporting. UNTF check(s) will be mailed to the institution's Student Financial Aid Office. No payment(s) will be made directly to a student.

(5) All Post-Graduate students must abide by appropriate application procedures in accordance with post-graduate study program requirements. Supplemental funding from other sources is a major requirement in participating in the graduate-studies program, including program funds from the Office of Navajo Nation Scholarship and Financial Aid (ONNSFA). Other considerations regarding special studies as applied to the undergraduate program also apply.

(6) UNTF Higher Education Scholarship funds may not be used to pay loans, including education loans; purchase(s) of personal belongings not directly associated with higher education studies; encumbrances from previous year's college/university attendance; and other expenses for which the funds are not intended.

(a) Students withdrawing from classes are required to refund the UNTF awards for that academic term. UNTF reserves the right to adjust awards for any refund amounts that were not paid.

(b) The penalty for misspent or misused UNTF scholarship funds will include placing the student on ineligible status for a one (1) year period. The student may re-establish his/her eligibility for UNTF funding by successfully completing a full academic year without the financial assistance of UNTF.

(c) Misuse or false acquisition of scholarship or emergency assistance funds by the student shall be subject to repayment to UNTF Higher Education Scholarship Program via standard collection procedures, which may include legal action.

R661-6-501. Application Schedule and Requirements.

(1) The UNTF Higher Education Scholarship Program observes and follows a funding schedule compatible with Federal, State, Tribal, and private agencies. Students must carefully observe these schedules to allow for the most timely funding application consideration, especially application deadline dates. Matching funds are critical and essential, since UNTF funding is supplemental.

(2) Students should observe the institution's academic year schedule and early funding application submittal to UNTF to ensure proper funding review and consideration.

R661-6-601. Student Recipient Obligations.

(1) UNTF-funded students must maintain acceptable academic progress in conformance with academic standards set by UNTF and the participating institutions. UNTF requires the funded student to maintain a minimum grade point average (GPA) of 2.0 to be eligible for continued funding consideration.

(2) Official transcripts shall be provided to UNTF at the commencement of the each fall academic term.

(a) If a student fails to provide an official transcript, UNTF funds will be discontinued.

(b) A student's failure to provide required funding documents is not grounds for grievance action on the part of the student.

(3) In order to receive UNTF Funding the Student shall execute all necessary documentation required by the College to permit the College to release the Student's official transcript and degree information to UNTF.

R661-6-701. Program Effectiveness Metrics.

(1) Scholarship recipient progress shall be tracked by UNTF staff.

(2) UNTF staff shall report to the UNTF Board:

(a) When a recipient completes a certificate or degree program; and

(b) The time it took the recipient to complete the program.

R661-6-801. Grievance and Appeal Procedures.

(1) Grievance and Appeals Procedures: A student applicant may file a grievance with the UNTF Education Specialist if the student disagrees with the decision rendered regarding his/her funding.

(a) The written grievance shall be submitted to the Education Specialist within fourteen (14) calendar days from the date the adverse decision was mailed to the student.

(b) The written grievance statement must contain a justification for re-consideration of the Education Specialist's decision, including attachment of documents which may support such justification.

(2) The Education Specialist shall report receipt of the written grievance to the UNTF Financial Manager for review. The UNTF Financial Manager shall make a determination regarding the substance of the grievance within ten (10) calendar days of receipt of the written grievance.

(a) If the grievant is dissatisfied with the Financial Manager's decision, an appeal may be filed with UNTF.

(i) To appeal the decision of the UNTF Financial Manager, an applicant may submit a written request for a hearing to the UNTF Scholarship Appellate Committee within ten (10) calendar days via the Education Specialist.

(A) The Applicant must include a written justification statement setting forth with specificity the reason(s) why the decisions made by the Higher Education Specialist and the Financial Manager should be reversed.

(B) The Applicant shall include copies of all documentation supporting the justification identified in the Applicant's statement.

(ii) The Appellate Committee must commence a hearing with within fourteen (14) calendar days of the receipt of the request.

(iii) The student shall be notified in writing by certified mail seven (7) calendar days prior to the hearing.

(iv) A decision by the Appellate Committee shall be rendered within (15) calendar days after the Committee hearing.

(3) Appellate Committee

(a) The Appellate Committee is comprised of: 1) two members of the UNTF Dine' Advisory Committee, 2) the UNTF Administrator, 3) a college student, and 4) a representative from another state agency or institution of higher learning.

(b) The Appellate Committee may choose not to hear a case if the grieving party has not submitted a justification in writing with appropriate and necessary supportive documentation.

(4) Appellate Committee Hearing Procedures

(a) Attorneys, court advocates, or any type of legal representation are not allowed in the Appellate Committee Hearing. Family members or other persons are not allowed in the Committee Hearing. The attendees of the hearing will consist of the Appellate

Committee members, the UNTF Education Specialist, and the Applicant (Grievant).

(b) A letter will be sent to the UNTF Education Specialist and the Student/Grievant of the Appellate Committee's decision on the matter. This will be the final decision and final step of the UNTF Appeal and Grievance process.

R661-6-901. Forms.

R6101-1 a. UNTF Higher Educational Financial Assistance and Scholarship Application form and b. Financial Needs Analysis

R6101-2 Consent Form

KEY: scholarships, endowment fund, college, Utah Navajo Trust Fund (UNTF)

Date of Enactment or Last Substantive Amendment: September 23, 2016

Authorizing, and Implemented or Interpreted Law: 51-10

End of the Notices of 120-Day (Emergency) Rules Section

FIVE-YEAR NOTICES OF REVIEW AND STATEMENTS OF CONTINUATION

Within five years of an administrative rule's original enactment or last five-year review, the agency is required to review the rule. This review is intended to 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 Office of Administrative Rules. **REVIEWS** are effective upon filing.

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

Administrative Services, Finance **R25-2**

Finance Adjudicative Proceedings

FIVE-YEAR NOTICE OF REVIEW AND STATEMENT OF CONTINUATION

DAR FILE NO.: 40805

FILED: 09/20/2016

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 63G-4-203, if an agency enacts rules designating one or more categories of adjudicative proceedings as informal adjudicative proceedings, the agency shall, by rule, prescribe procedures for informal adjudicative proceedings.

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: The legislative direction for the rule still exists. Therefore, this rule should be continued.

THE FULL TEXT OF THIS RULE MAY BE INSPECTED, DURING REGULAR BUSINESS HOURS, AT:
ADMINISTRATIVE SERVICES
FINANCE
ROOM 2110 STATE OFFICE BLDG

450 N STATE ST
SALT LAKE CITY, UT 84114-1201
or at the Office of Administrative Rules.

DIRECT QUESTIONS REGARDING THIS RULE TO:

♦ John Reidhead by phone at 801-538-1678, by FAX at 801-538-3244, or by Internet E-mail at jreidhead@utah.gov

AUTHORIZED BY: John Reidhead, Director

EFFECTIVE: 09/20/2016

Administrative Services, Fleet Operations **R27-4**

Vehicle Replacement and Expansion of State Fleet

FIVE-YEAR NOTICE OF REVIEW AND STATEMENT OF CONTINUATION

DAR FILE NO.: 40824

FILED: 09/23/2016

NOTICE OF REVIEW AND STATEMENT OF CONTINUATION

CONCISE EXPLANATION OF THE PARTICULAR STATUTORY PROVISIONS UNDER WHICH THE RULE IS ENACTED AND HOW THESE PROVISIONS AUTHORIZE OR REQUIRE THE RULE: This rule is established pursuant to Subsections 63A-9-401(1)(a), 63A-9-401(1)(d)(v), 63A-9-401(1)(d)(ix), 63A-9-401(1)(d)(x), 63A-9-401(1)(d)(xi), 63A-9-401(1)(d)(xii), 63A-9-401(4)(ii), and 63A-9-401(6) which require the Division of Fleet Operations (DFO) to: 1) coordinate all purchases of state vehicles; 2) make rules establishing requirements for the procurement of state

vehicles, whether for the replacement or upgrade of current fleet vehicles or fleet expansion; 3) make rules establishing requirements for cost recovery and billing procedures; 4) make rules establishing requirements for the disposal of state vehicles; 5) make rules establishing requirements for the reassignment and reallocation of state vehicles; and 6) make rules establishing rate structures for state vehicles.

SUMMARY OF WRITTEN COMMENTS RECEIVED DURING AND SINCE THE LAST FIVE YEAR REVIEW OF THE RULE FROM INTERESTED PERSONS SUPPORTING OR OPPOSING THE RULE: There have been no written comments received during and since the last five-year review of this rule.

REASONED JUSTIFICATION FOR THE CONTINUATION OF THE RULE, INCLUDING REASONS WHY THE AGENCY DISAGREES WITH COMMENTS IN OPPOSITION TO THE RULE, IF ANY: The legislative direction for the rule still exists. Therefore, this rule should be continued.

THE FULL TEXT OF THIS RULE MAY BE INSPECTED, DURING REGULAR BUSINESS HOURS, AT:
 ADMINISTRATIVE SERVICES
 FLEET OPERATIONS
 ROOM 4120 STATE OFFICE BLDG
 450 N STATE ST
 SALT LAKE CITY, UT 84114-1201
 or at the Office of Administrative Rules.

DIRECT QUESTIONS REGARDING THIS RULE TO:
 ♦ Jeff Mottishaw by phone at 801-538-3601, or by Internet E-mail at jmottishaw@utah.gov

AUTHORIZED BY: Jeff Mottishaw, Director

EFFECTIVE: 09/23/2016

**Administrative Services, Fleet
 Operations
 R27-5
 Fleet Tracking**

**FIVE-YEAR NOTICE OF REVIEW AND STATEMENT
 OF CONTINUATION
 DAR FILE NO.: 40823
 FILED: 09/23/2016**

**NOTICE OF REVIEW AND STATEMENT OF
 CONTINUATION**

CONCISE EXPLANATION OF THE PARTICULAR STATUTORY PROVISIONS UNDER WHICH THE RULE IS ENACTED AND HOW THESE PROVISIONS AUTHORIZE OR REQUIRE THE RULE: This rule is established pursuant to Subsection 63A-9-401(1)(c), which requires the Division of

Fleet Operations (DFO) to establish one or more fleet automation and information systems for state vehicles.

SUMMARY OF WRITTEN COMMENTS RECEIVED DURING AND SINCE THE LAST FIVE YEAR REVIEW OF THE RULE FROM INTERESTED PERSONS SUPPORTING OR OPPOSING THE RULE: There have been no written comments received during and since the last five-year review of this rule.

REASONED JUSTIFICATION FOR THE CONTINUATION OF THE RULE, INCLUDING REASONS WHY THE AGENCY DISAGREES WITH COMMENTS IN OPPOSITION TO THE RULE, IF ANY: The legislative direction for the rule still exists. Therefore, this rule should be continued.

THE FULL TEXT OF THIS RULE MAY BE INSPECTED, DURING REGULAR BUSINESS HOURS, AT:
 ADMINISTRATIVE SERVICES
 FLEET OPERATIONS
 ROOM 4120 STATE OFFICE BLDG
 450 N STATE ST
 SALT LAKE CITY, UT 84114-1201
 or at the Office of Administrative Rules.

DIRECT QUESTIONS REGARDING THIS RULE TO:
 ♦ Jeff Mottishaw by phone at 801-538-3601, or by Internet E-mail at jmottishaw@utah.gov

AUTHORIZED BY: Jeff Mottishaw, Director

EFFECTIVE: 09/23/2016

**Administrative Services, Fleet
 Operations
 R27-6
 Fuel Dispensing Program**

**FIVE-YEAR NOTICE OF REVIEW AND STATEMENT
 OF CONTINUATION
 DAR FILE NO.: 40825
 FILED: 09/23/2016**

**NOTICE OF REVIEW AND STATEMENT OF
 CONTINUATION**

CONCISE EXPLANATION OF THE PARTICULAR STATUTORY PROVISIONS UNDER WHICH THE RULE IS ENACTED AND HOW THESE PROVISIONS AUTHORIZE OR REQUIRE THE RULE: This rule is established pursuant to Subsections 63A-9-401(1)(d)(vi) and 63A-9-401(1)(f) which require the Department of Administrative Services, Division of Fleet Operations (DFO) to make rules establishing requirements for fuel management programs, and to create and administer a fuel dispensing services program.

SUMMARY OF WRITTEN COMMENTS RECEIVED DURING AND SINCE THE LAST FIVE YEAR REVIEW OF THE RULE FROM INTERESTED PERSONS SUPPORTING OR OPPOSING THE RULE: There have been no written comments received during and since the last five-year review of this rule.

REASONED JUSTIFICATION FOR THE CONTINUATION OF THE RULE, INCLUDING REASONS WHY THE AGENCY DISAGREES WITH COMMENTS IN OPPOSITION TO THE RULE, IF ANY: The legislative direction for the rule still exists. Therefore, this rule should be continued.

THE FULL TEXT OF THIS RULE MAY BE INSPECTED, DURING REGULAR BUSINESS HOURS, AT:
 ADMINISTRATIVE SERVICES
 FLEET OPERATIONS
 ROOM 4120 STATE OFFICE BLDG
 450 N STATE ST
 SALT LAKE CITY, UT 84114-1201
 or at the Office of Administrative Rules.

DIRECT QUESTIONS REGARDING THIS RULE TO:
 ♦ Jeff Mottishaw by phone at 801-538-3601, or by Internet E-mail at jmottishaw@utah.gov

AUTHORIZED BY: Jeff Mottishaw, Director

EFFECTIVE: 09/23/2016

**Administrative Services, Fleet
 Operations
 R27-8**

State Vehicle Maintenance Program

**FIVE-YEAR NOTICE OF REVIEW AND STATEMENT
 OF CONTINUATION**
 DAR FILE NO.: 40826
 FILED: 09/23/2016

**NOTICE OF REVIEW AND STATEMENT OF
 CONTINUATION**

CONCISE EXPLANATION OF THE PARTICULAR STATUTORY PROVISIONS UNDER WHICH THE RULE IS ENACTED AND HOW THESE PROVISIONS AUTHORIZE OR REQUIRE THE RULE: This rule is established pursuant to Subsections 63A-9-401(1)(d)(i) and (iv) which require the Department of Administrative Services, Division of Fleet Operations (DFO) to establish rules governing maintenance operations for state vehicles, and preventative maintenance programs.

SUMMARY OF WRITTEN COMMENTS RECEIVED DURING AND SINCE THE LAST FIVE YEAR REVIEW OF THE RULE FROM INTERESTED PERSONS SUPPORTING OR

OPPOSING THE RULE: There have been no written comments received during and since the last five-year review of this rule.

REASONED JUSTIFICATION FOR THE CONTINUATION OF THE RULE, INCLUDING REASONS WHY THE AGENCY DISAGREES WITH COMMENTS IN OPPOSITION TO THE RULE, IF ANY: The legislative direction for the rule still exists. Therefore, this rule should be continued.

THE FULL TEXT OF THIS RULE MAY BE INSPECTED, DURING REGULAR BUSINESS HOURS, AT:
 ADMINISTRATIVE SERVICES
 FLEET OPERATIONS
 ROOM 4120 STATE OFFICE BLDG
 450 N STATE ST
 SALT LAKE CITY, UT 84114-1201
 or at the Office of Administrative Rules.

DIRECT QUESTIONS REGARDING THIS RULE TO:
 ♦ Jeff Mottishaw by phone at 801-538-3601, or by Internet E-mail at jmottishaw@utah.gov

AUTHORIZED BY: Jeff Mottishaw, Director

EFFECTIVE: 09/23/2016

**Administrative Services, Fleet
 Operations
 R27-9**

**Dispensing Compressed Natural Gas
 to the Public**

**FIVE-YEAR NOTICE OF REVIEW AND STATEMENT
 OF CONTINUATION**
 DAR FILE NO.: 40827
 FILED: 09/23/2016

**NOTICE OF REVIEW AND STATEMENT OF
 CONTINUATION**

CONCISE EXPLANATION OF THE PARTICULAR STATUTORY PROVISIONS UNDER WHICH THE RULE IS ENACTED AND HOW THESE PROVISIONS AUTHORIZE OR REQUIRE THE RULE: This rule is established pursuant to Subsection 63A-9-702(3) which requires the Department of Administrative Services, Division of Fleet Operations (DFO) to make rules establishing requirements for the sale of compressed natural gas (CNG) to the public.

SUMMARY OF WRITTEN COMMENTS RECEIVED DURING AND SINCE THE LAST FIVE YEAR REVIEW OF THE RULE FROM INTERESTED PERSONS SUPPORTING OR OPPOSING THE RULE: There have been no written comments received during and since the last five-year review of this rule.

REASONED JUSTIFICATION FOR THE CONTINUATION OF THE RULE, INCLUDING REASONS WHY THE AGENCY DISAGREES WITH COMMENTS IN OPPOSITION TO THE RULE, IF ANY: The legislative direction for the rule still exists. Therefore, this rule should be continued.

REASONED JUSTIFICATION FOR THE CONTINUATION OF THE RULE, INCLUDING REASONS WHY THE AGENCY DISAGREES WITH COMMENTS IN OPPOSITION TO THE RULE, IF ANY: The legislative direction for the rule still exists. Therefore, this rule should be continued.

THE FULL TEXT OF THIS RULE MAY BE INSPECTED, DURING REGULAR BUSINESS HOURS, AT:
ADMINISTRATIVE SERVICES
FLEET OPERATIONS
ROOM 4120 STATE OFFICE BLDG
450 N STATE ST
SALT LAKE CITY, UT 84114-1201
or at the Office of Administrative Rules.

THE FULL TEXT OF THIS RULE MAY BE INSPECTED, DURING REGULAR BUSINESS HOURS, AT:
ADMINISTRATIVE SERVICES
FLEET OPERATIONS
ROOM 4120 STATE OFFICE BLDG
450 N STATE ST
SALT LAKE CITY, UT 84114-1201
or at the Office of Administrative Rules.

DIRECT QUESTIONS REGARDING THIS RULE TO:
♦ Jeff Mottishaw by phone at 801-538-3601, or by Internet E-mail at jmottishaw@utah.gov

DIRECT QUESTIONS REGARDING THIS RULE TO:
♦ Jeff Mottishaw by phone at 801-538-3601, or by Internet E-mail at jmottishaw@utah.gov

AUTHORIZED BY: Jeff Mottishaw, Director

AUTHORIZED BY: Jeff Mottishaw, Director

EFFECTIVE: 09/23/2016

EFFECTIVE: 09/23/2016

Administrative Services, Fleet Operations
R27-10
Identification Mark for State Motor Vehicles

Alcoholic Beverage Control, Administration
R81-4F
Reception Center Licenses

FIVE-YEAR NOTICE OF REVIEW AND STATEMENT OF CONTINUATION
DAR FILE NO.: 40828
FILED: 09/23/2016

FIVE-YEAR NOTICE OF REVIEW AND STATEMENT OF CONTINUATION
DAR FILE NO.: 40838
FILED: 09/28/2016

NOTICE OF REVIEW AND STATEMENT OF CONTINUATION

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 Subsection 63A-9-401(5), the Department of Administrative Services, Division of Fleet Operations (DFO) is responsible for ensuring that state-owned vehicles for all departments, universities, and colleges are marked as required by Section 41-1a-407. If "EX" license plates are required, the identification mark is also required, as described herein, for these agencies. Subsection 63A-9-601(1)(c) requires the DFO to enact rules relating to the size and design of the identification mark.

CONCISE EXPLANATION OF THE PARTICULAR STATUTORY PROVISIONS UNDER WHICH THE RULE IS ENACTED AND HOW THESE PROVISIONS AUTHORIZE OR REQUIRE THE RULE: Section 32B-2-202 authorizes the Alcoholic Beverage Control (ABC) Commission to adopt and issue rules; to set policy by rule that establishes criteria and procedures for granting, denying, suspending, or revoking licenses and permits; and to prescribe the conduct, management, and equipment of any premise where alcohol is sold, served, consumed, or stored.

SUMMARY OF WRITTEN COMMENTS RECEIVED DURING AND SINCE THE LAST FIVE YEAR REVIEW OF THE RULE FROM INTERESTED PERSONS SUPPORTING OR OPPOSING THE RULE: There have been no written comments received during and since the last five-year review of this rule.

SUMMARY OF WRITTEN COMMENTS RECEIVED DURING AND SINCE THE LAST FIVE YEAR REVIEW OF THE RULE FROM INTERESTED PERSONS SUPPORTING OR OPPOSING THE RULE: No written comments were received during the five-year review period.

REASONED JUSTIFICATION FOR THE CONTINUATION OF THE RULE, INCLUDING REASONS WHY THE AGENCY DISAGREES WITH COMMENTS IN OPPOSITION TO THE

RULE, IF ANY: This rule is necessary to ensure that reception center licensees are regulated in the same way as the holders of other license types. Therefore, this rule should be continued.

THE FULL TEXT OF THIS RULE MAY BE INSPECTED, DURING REGULAR BUSINESS HOURS, AT:
ALCOHOLIC BEVERAGE CONTROL
ADMINISTRATION
1625 S 900 W
SALT LAKE CITY, UT 84104-1630
or at the Office of Administrative Rules.

DIRECT QUESTIONS REGARDING THIS RULE TO:
♦ Nina McDermott by phone at 801-977-6805, by FAX at 801-977-6888, or by Internet E-mail at nmcdermott@utah.gov

AUTHORIZED BY: Sal Petilos, Executive Director

EFFECTIVE: 09/28/2016

**Alcoholic Beverage Control,
Administration
R81-10C
Beer-Only Restaurant Licenses**

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

DAR FILE NO.: 40835
FILED: 09/28/2016

**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 32B-2-202 authorizes the Alcoholic Beverage Control (ABC) Commission to adopt and issue rules; to set policy by rule that establishes criteria and procedures for granting, denying, suspending, or revoking licenses and permits; and to prescribe the conduct, management, and equipment of any premise where alcohol is sold, served, consumed, or stored.

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 were received during the five-year review period.

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 contains subsections that make the beer only restaurant rules consistent with full service and limited service restaurants. These subsections clarify the sale of beer with food requirement; establish procedures for regulating beer only restaurants that do not meet the 70% food sales requirement; clarify the use of alcoholic products as flavoring; clarify that beer may be opened and poured at a patron's table, counter or grandfathered bar; clarify where a patron's table can be located and that consumption must be at a reasonable proximity to the table to ensure that a written beverage tab can be maintained; and defines "remodeling" of a grandfathered bar. Therefore, this rule should be continued.

THE FULL TEXT OF THIS RULE MAY BE INSPECTED, DURING REGULAR BUSINESS HOURS, AT:
ALCOHOLIC BEVERAGE CONTROL
ADMINISTRATION
1625 S 900 W
SALT LAKE CITY, UT 84104-1630
or at the Office of Administrative Rules.

DIRECT QUESTIONS REGARDING THIS RULE TO:
♦ Nina McDermott by phone at 801-977-6805, by FAX at 801-977-6888, or by Internet E-mail at nmcdermott@utah.gov

AUTHORIZED BY: Sal Petilos, Executive Director

EFFECTIVE: 09/28/2016

**Alcoholic Beverage Control,
Administration
R81-10D
Tavern Beer Licenses**

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

DAR FILE NO.: 40836
FILED: 09/28/2016

**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 32B-2-202 authorizes the Alcoholic Beverage Control (ABC) Commission to adopt and issue rules; to set policy by rule that establishes criteria and procedures for granting, denying, suspending, or revoking licenses and permits; and to prescribe the conduct, management, and equipment of any premise where alcohol is sold, served, consumed, or stored.

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 were received during the five-year review period.

REASONED JUSTIFICATION FOR THE CONTINUATION OF THE RULE, INCLUDING REASONS WHY THE AGENCY DISAGREES WITH COMMENTS IN OPPOSITION TO THE RULE, IF ANY: This rule is necessary to ensure that taverns are regulated in a similar manner as holders of other licenses. It also clarifies the electronic age verification procedures that taverns must abide by, pursuant to Section 32B-1-407. Therefore, this rule should be continued.

THE FULL TEXT OF THIS RULE MAY BE INSPECTED, DURING REGULAR BUSINESS HOURS, AT:
ALCOHOLIC BEVERAGE CONTROL
ADMINISTRATION
1625 S 900 W
SALT LAKE CITY, UT 84104-1630
or at the Office of Administrative Rules.

DIRECT QUESTIONS REGARDING THIS RULE TO:
♦ Nina McDermott by phone at 801-977-6805, by FAX at 801-977-6888, or by Internet E-mail at nmcdermott@utah.gov

AUTHORIZED BY: Sal Petilos, Executive Director

EFFECTIVE: 09/28/2016

**Attorney General, Administration
R105-2**

Records Access and Management

**FIVE-YEAR NOTICE OF REVIEW AND STATEMENT
OF CONTINUATION**
DAR FILE NO.: 40841
FILED: 09/28/2016

**NOTICE OF REVIEW AND STATEMENT OF
CONTINUATION**

CONCISE EXPLANATION OF THE PARTICULAR STATUTORY PROVISIONS UNDER WHICH THE RULE IS ENACTED AND HOW THESE PROVISIONS AUTHORIZE OR REQUIRE THE RULE: This rule is authorized under Subsection 63G-2-204(2)(d) which specifies that "[a] governmental entity may make rules in accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, specifying where and to whom requests for access shall be directed.

SUMMARY OF WRITTEN COMMENTS RECEIVED DURING AND SINCE THE LAST FIVE YEAR REVIEW OF THE RULE FROM INTERESTED PERSONS SUPPORTING OR OPPOSING THE RULE: There have been no written

comments received 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: Legislative direction still exists, specifically under Subsection 63G-2-204(2)(d). Therefore, this rule should be continued.

THE FULL TEXT OF THIS RULE MAY BE INSPECTED, DURING REGULAR BUSINESS HOURS, AT:
ATTORNEY GENERAL
ADMINISTRATION
ROOM 230 UTAH STATE CAPITOL
350 N STATE ST
SALT LAKE CITY, UT 84114
or at the Office of Administrative Rules.

DIRECT QUESTIONS REGARDING THIS RULE TO:
♦ Alan Bachman by phone at 801-538-3105, by FAX at 801-538-3313, or by Internet E-mail at abachman@utah.gov

AUTHORIZED BY: Parker Douglas, Attorney

EFFECTIVE: 09/28/2016

**Capitol Preservation Board (State),
Administration
R131-10
Commercial Solicitations**

**FIVE-YEAR NOTICE OF REVIEW AND STATEMENT
OF CONTINUATION**
DAR FILE NO.: 40807
FILED: 09/20/2016

**NOTICE OF REVIEW AND STATEMENT OF
CONTINUATION**

CONCISE EXPLANATION OF THE PARTICULAR STATUTORY PROVISIONS UNDER WHICH THE RULE IS ENACTED AND HOW THESE PROVISIONS AUTHORIZE OR REQUIRE THE RULE: The purpose of this rule is to define and implement Board policy regarding commercial solicitation activities at the Utah State Capitol Hill Complex, and is promulgated pursuant to Section 63C-9-301.

SUMMARY OF WRITTEN COMMENTS RECEIVED DURING AND SINCE THE LAST FIVE YEAR REVIEW OF THE RULE FROM INTERESTED PERSONS SUPPORTING OR OPPOSING THE RULE: There have been no written comments received during and since the last five-year review of this rule.

REASONED JUSTIFICATION FOR THE CONTINUATION OF THE RULE, INCLUDING REASONS WHY THE AGENCY DISAGREES WITH COMMENTS IN OPPOSITION TO THE RULE, IF ANY: The legislative direction for the rule still exists. Therefore, this rule should be continued.

THE FULL TEXT OF THIS RULE MAY BE INSPECTED, DURING REGULAR BUSINESS HOURS, AT:
CAPITOL PRESERVATION BOARD (STATE)
ADMINISTRATION
ROOM E110 EAST BUILDING
420 N STATE ST
SALT LAKE CITY, UT 84114-2110
or at the Office of Administrative Rules.

DIRECT QUESTIONS REGARDING THIS RULE TO:
♦ Allyson Gamble by phone at 801-537-9156, by FAX at 801-538-3221, or by Internet E-mail at agamble@utah.gov

AUTHORIZED BY: Allyson Gamble, Executive Director

EFFECTIVE: 09/20/2016

**Capitol Preservation Board (State),
Administration
R131-11**

Preservation of Free Speech Activities

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

DAR FILE NO.: 40808
FILED: 09/20/2016

**NOTICE OF REVIEW AND STATEMENT OF
CONTINUATION**

CONCISE EXPLANATION OF THE PARTICULAR STATUTORY PROVISIONS UNDER WHICH THE RULE IS ENACTED AND HOW THESE PROVISIONS AUTHORIZE OR REQUIRE THE RULE: This rule is adopted pursuant to the authority granted to the Board under Section 63C-9-301. The executive director may adopt policies and procedures to implement this rule.

SUMMARY OF WRITTEN COMMENTS RECEIVED DURING AND SINCE THE LAST FIVE YEAR REVIEW OF THE RULE FROM INTERESTED PERSONS SUPPORTING OR OPPOSING THE RULE: There have been no written comments received during and since the last five-year review of this rule.

REASONED JUSTIFICATION FOR THE CONTINUATION OF THE RULE, INCLUDING REASONS WHY THE AGENCY DISAGREES WITH COMMENTS IN OPPOSITION TO THE RULE, IF ANY: The legislative direction for the rule still exists. Therefore, this rule should be continued.

THE FULL TEXT OF THIS RULE MAY BE INSPECTED, DURING REGULAR BUSINESS HOURS, AT:
CAPITOL PRESERVATION BOARD (STATE)
ADMINISTRATION
ROOM E110 EAST BUILDING
420 N STATE ST
SALT LAKE CITY, UT 84114-2110
or at the Office of Administrative Rules.

DIRECT QUESTIONS REGARDING THIS RULE TO:
♦ Allyson Gamble by phone at 801-537-9156, by FAX at 801-538-3221, or by Internet E-mail at agamble@utah.gov

AUTHORIZED BY: Allyson Gamble, Executive Director

EFFECTIVE: 09/20/2016

**Health, Disease Control and
Prevention; HIV/AIDS, Tuberculosis
Control/Refugee Health
R388-804
Special Measures for the Control of
Tuberculosis**

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

DAR FILE NO.: 40844
FILED: 09/30/2016

**NOTICE OF REVIEW AND STATEMENT OF
CONTINUATION**

CONCISE EXPLANATION OF THE PARTICULAR STATUTORY PROVISIONS UNDER WHICH THE RULE IS ENACTED AND HOW THESE PROVISIONS AUTHORIZE OR REQUIRE THE RULE: The Special Measures for the Control of Tuberculosis Rule is enacted under Sections 26-6-4, 26-6-6, 26-6-7, 26-6-8, and 26-6-9 of the Utah Communicable Disease Control Act, and Title 26, Chapter 6b, Communicable Diseases-Treatment, Isolation and Quarantine Procedures. These provisions require the Department of Health to promote and protect the public's health by identifying, investigating, and controlling diseases that would be detrimental to the community, specifically tuberculosis. The rule defines reporting, screening priorities/procedures, treatment and control, and epidemiologic investigates as related to tuberculosis.

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 that indicate opposition to the rule.

REASONED JUSTIFICATION FOR THE CONTINUATION OF THE RULE, INCLUDING REASONS WHY THE AGENCY DISAGREES WITH COMMENTS IN OPPOSITION TO THE RULE, IF ANY: Rule R388-804 should be continued in order to enable the Department of Health to continue to promote and protect the public's health as described above, and as required by state statute.

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

HEALTH
DISEASE CONTROL AND PREVENTION;
HIV/AIDS, TUBERCULOSIS CONTROL/
REFUGEE HEALTH
CANNON HEALTH BLDG
288 N 1460 W
SALT LAKE CITY, UT 84116-3231
or at the Office of Administrative Rules.

DIRECT QUESTIONS REGARDING THIS RULE TO:
♦ Amelia Self by phone at 801-538-6221, by FAX at 801-538-9913, or by Internet E-mail at aself@utah.gov

AUTHORIZED BY: Joseph Miner, MD, Executive Director

EFFECTIVE: 09/30/2016

**Health, Disease Control and
Prevention; HIV/AIDS, Tuberculosis
Control/Refugee Health
R388-805
Ryan White Program**

**FIVE-YEAR NOTICE OF REVIEW AND STATEMENT
OF CONTINUATION
DAR FILE NO.: 40843
FILED: 09/30/2016**

**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: Sections 26-1-5, 26-1-15, and 26-1-18, and Subsections 26-1-30(2)(a), (b), (c), and (g) are the authority for this rule. The department has the authority to accept federal aid and to administer federally-assisted state programs for public health, health planning, and medical assistance. Ryan White Part B Program funding is administered by the US Department of Health and Human Services (HHS). Part B provides grant funding to states and territories to improve the quality, availability, and organization of HIV health care and support services. Grant recipients include all 50 states.

SUMMARY OF WRITTEN COMMENTS RECEIVED DURING AND SINCE THE LAST FIVE YEAR REVIEW OF THE RULE FROM INTERESTED PERSONS SUPPORTING OR OPPOSING THE RULE: No comments have been received that indicate opposition to the rule.

REASONED JUSTIFICATION FOR THE CONTINUATION OF THE RULE, INCLUDING REASONS WHY THE AGENCY DISAGREES WITH COMMENTS IN OPPOSITION TO THE RULE, IF ANY: The Ryan White Program must be continued in order to enable the Department of Health to accept and administer Part B Program funds to improve the public's health as described above. Therefore, this rule should be continued.

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

HEALTH
DISEASE CONTROL AND PREVENTION;
HIV/AIDS, TUBERCULOSIS CONTROL/
REFUGEE HEALTH
CANNON HEALTH BLDG
288 N 1460 W
SALT LAKE CITY, UT 84116-3231
or at the Office of Administrative Rules.

DIRECT QUESTIONS REGARDING THIS RULE TO:
♦ Amelia Self by phone at 801-538-6221, by FAX at 801-538-9913, or by Internet E-mail at aself@utah.gov

AUTHORIZED BY: Joseph Miner, MD, Executive Director

EFFECTIVE: 09/30/2016

**Public Safety, Fire Marshal
R710-11
Fire Alarm System Inspecting and
Testing**

**FIVE-YEAR NOTICE OF REVIEW AND STATEMENT
OF CONTINUATION
DAR FILE NO.: 40837
FILED: 09/28/2016**

**NOTICE OF REVIEW AND STATEMENT OF
CONTINUATION**

CONCISE EXPLANATION OF THE PARTICULAR STATUTORY PROVISIONS UNDER WHICH THE RULE IS ENACTED AND HOW THESE PROVISIONS AUTHORIZE OR REQUIRE THE RULE: The Utah Fire Prevention Board is created within the division under Section 53-7-203. The board is required under Subsection 53-7-204(1)(b) to make rules to establish standards for the prevention of fire and for the protection of life and property against fire.

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 concerning 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: Fire alarm systems and the maintenance and inspection of fire alarm systems are integral to ensuring life safety. The rule outlines the requirements to obtain a certificate of registration for the purposes of inspecting and testing fire alarm systems, standards and procedural requirements for the purposes of servicing fire alarm systems, and adjudicative proceedings. Therefore, this rule should be continued.

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

PUBLIC SAFETY
FIRE MARSHAL
ROOM 302
5272 S COLLEGE DR
MURRAY, UT 84123-2611
or at the Office of Administrative Rules.

DIRECT QUESTIONS REGARDING THIS RULE TO:

◆ Kim Gibb by phone at 801-556-8198, by FAX at 801-964-4482, or by Internet E-mail at kgibb@utah.gov
◆ Ted Black by phone at 801-284-6352, or by Internet E-mail at tblack@utah.gov

AUTHORIZED BY: Coy Porter, State Fire Marshal

EFFECTIVE: 09/28/2016

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 Office 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

Agriculture and Food

Animal Industry

No. 40584 (AMD): R58-18. Elk Farming

Published: 07/15/2016

Effective: 09/19/2016

No. 40585 (AMD): R58-20. Domesticated Elk Hunting Parks

Published: 08/01/2016

Effective: 09/19/2016

Commerce

Occupational and Professional Licensing

No. 40622 (AMD): R156-15A-231. Administration of Building Code Training Fund and Factory Built Housing Fees Account

Published: 08/15/2016

Effective: 09/26/2016

Navajo Trust Fund

Trustees

No. 40608 (NEW): R661-13. Veterans' Housing Program Policy

Published: 08/01/2016

Effective: 09/21/2016

No. 40609 (NEW): R661-14. Heavy Equipment Purchase and Repair Program

Published: 08/01/2016

Effective: 09/21/2016

No. 40610 (NEW): R661-15. Indemnification

Published: 08/01/2016

Effective: 09/21/2016

No. 40611 (NEW): R661-16. Health Care Systems Improvement Program

Published: 08/01/2016

Effective: 09/21/2016

No. 40612 (NEW): R661-17. Office Equipment Purchase Program

Published: 08/01/2016

Effective: 09/21/2016

No. 40613 (NEW): R661-18. Outstanding Senior Award Program

Published: 08/01/2016

Effective: 09/21/2016

No. 40614 (NEW): R661-19. Student Educational Enrichment Program

Published: 08/01/2016

Effective: 09/21/2016

No. 40615 (NEW): R661-20. Photovoltaic (Solar) Systems Program

Published: 08/01/2016

Effective: 09/21/2016

Public Safety

Highway Patrol

No. 40552 (R&R): R714-158. Vehicle Safety Inspection Program Requirements

Published: 07/15/2016

Effective: 09/27/2016

NOTICES OF RULE EFFECTIVE DATES

No. 40631 (R&R): R714-160. Equipment Standards for Passenger Vehicle and Light Truck Safety Inspections
Published: 08/15/2016
Effective: 09/27/2016

No. 40543 (R&R): R714-161. Equipment Standards for Motorcycle and ATV Safety Inspections
Published: 07/15/2016
Effective: 09/27/2016

No. 40542 (NEW): R714-163. Street-Legal All-Terrain Vehicles
Published: 07/15/2016
Effective: 09/27/2016

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, 2016 through September 30, 2016. 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 Office of Administrative Rules (801-538-3003).

A copy of the **RULES INDEX** is available for public inspection at the Office of Administrative Rules (5110 State Office Building, Salt Lake City, UT), or may be viewed online at the Office'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> | | | | | |
| R23-19 | Facility Use Rules | 40226 | NSC | 03/11/2016 | Not Printed |
| R23-23 | Health Reform -- Health Insurance Coverage in State Contracts -- Implementation | 40044 | NSC | 01/15/2016 | Not Printed |
| R23-23 | Health Reform -- Health Insurance Coverage in State Contracts -- Implementation | 40440 | EMR | 05/23/2016 | 2016-12/51 |
| R23-23 | Health Reform -- Health Insurance Coverage in State Contracts -- Implementation | 40441 | AMD | 07/22/2016 | 2016-12/6 |
| R23-25 | Administrative Rules Adjudicative Proceedings | 40480 | 5YR | 06/09/2016 | 2016-13/159 |
| R23-31 | Executive Residence Commission | 40481 | 5YR | 06/09/2016 | 2016-13/159 |
| <u>Finance</u> | | | | | |
| R25-2 | Finance Adjudicative Proceedings | 40805 | 5YR | 09/20/2016 | Not Printed |
| R25-7 | Travel-Related Reimbursements for State Employees | 40548 | EMR | 07/01/2016 | 2016-14/161 |
| R25-7 | Travel-Related Reimbursements for State Employees | 40547 | AMD | 08/22/2016 | 2016-14/6 |
| R25-7-10 | Reimbursement for Transportation | 40042 | AMD | 02/23/2016 | 2016-2/4 |
| R25-15 | Change Date and Set Aside Provisions for Annual Leave II | 39943 | NEW | 01/13/2016 | 2015-23/6 |
| <u>Fleet Operations</u> | | | | | |
| R27-4 | Vehicle Replacement and Expansion of State Fleet | 40824 | 5YR | 09/23/2016 | Not Printed |
| R27-5 | Fleet Tracking | 40823 | 5YR | 09/23/2016 | Not Printed |
| R27-6 | Fuel Dispensing Program | 40825 | 5YR | 09/23/2016 | Not Printed |
| R27-8 | State Vehicle Maintenance Program | 40826 | 5YR | 09/23/2016 | Not Printed |
| R27-9 | Dispensing Compressed Natural Gas to the Public | 40827 | 5YR | 09/23/2016 | Not Printed |
| R27-10 | Identification Mark for State Motor Vehicles | 40828 | 5YR | 09/23/2016 | Not Printed |
| <u>Purchasing and General Services</u> | | | | | |
| R33-1 | Utah Procurement Rules, "General Procurement Provisions," Definitions | 40559 | AMD | 08/22/2016 | 2016-14/11 |
| R33-4 | General Procurement Provisions, Prequalifications, Specifications, and Small Purchases | 40560 | AMD | 08/22/2016 | 2016-14/15 |
| R33-5 | Request for Information | 40571 | AMD | 08/22/2016 | 2016-14/19 |
| R33-6 | Bidding | 40561 | AMD | 08/22/2016 | 2016-14/24 |
| R33-6-114 | Technology Acquisitions for Executive Branch Procurement Units | 40048 | AMD | 02/23/2016 | 2016-2/6 |
| R33-7 | Request for Proposals | 40438 | NSC | 06/13/2016 | Not Printed |
| R33-7 | Request for Proposals | 40567 | AMD | 08/22/2016 | 2016-14/27 |
| R33-8 | Exceptions to Procurement Requirements | 40570 | AMD | 08/22/2016 | 2016-14/34 |

| | | | | | |
|---------------------------------------|--|-------|-----|------------|-------------|
| R33-9 | Cancellations, Rejections, and Debarment | 40565 | AMD | 08/22/2016 | 2016-14/39 |
| R33-12 | Terms and Conditions, Contracts, Change Orders and Costs | 40562 | NSC | 07/15/2016 | Not Printed |
| R33-12-502 | Technology Modifications | 40047 | AMD | 02/23/2016 | 2016-2/7 |
| R33-15 | Architect-Engineer Services | 40563 | NSC | 07/15/2016 | Not Printed |
| R33-16 | Controversies and Protests | 40564 | NSC | 07/15/2016 | Not Printed |
| R33-18 | Appeal to the Utah Court of Appeals | 40566 | NSC | 07/15/2016 | Not Printed |
| R33-21 | Interaction Between Procurement Units | 40568 | AMD | 08/22/2016 | 2016-14/42 |
| R33-24 | Unlawful Conduct | 40569 | AMD | 08/22/2016 | 2016-14/44 |
| <u>Risk Management</u> | | | | | |
| R37-4 | Adjusted Utah Governmental Immunity Act Limitations on Judgments | 40282 | AMD | 06/01/2016 | 2016-8/6 |
| AGRICULTURE AND FOOD | | | | | |
| <u>Administration</u> | | | | | |
| R51-3 | Government Records Access and Management Act | 40234 | 5YR | 02/29/2016 | 2016-6/27 |
| R51-4 | ADA Complaint Procedure | 40235 | 5YR | 02/29/2016 | 2016-6/27 |
| <u>Animal Industry</u> | | | | | |
| R58-2 | Diseases, Inspections and Quarantines | 40476 | 5YR | 06/09/2016 | 2016-13/160 |
| R58-4 | Use of Animal Drugs and Biologicals in the State of Utah | 40478 | 5YR | 06/09/2016 | 2016-13/160 |
| R58-14 | Holding Live Raccoons or Coyotes in Captivity | 40477 | 5YR | 06/09/2016 | 2016-13/161 |
| R58-18 | Elk Farming | 40584 | AMD | 09/19/2016 | 2016-14/46 |
| R58-20 | Domesticated Elk Hunting Parks | 40585 | AMD | 09/19/2016 | 2016-15/6 |
| R58-24 | Community Spay and Neuter Grants | 40637 | 5YR | 08/02/2016 | 2016-17/87 |
| <u>Horse Racing Commission (Utah)</u> | | | | | |
| R52-7 | Horse Racing | 39951 | AMD | 02/02/2016 | 2015-24/4 |
| R52-7 | Horse Racing | 40703 | 5YR | 08/25/2016 | 2016-18/41 |
| R52-7-5 | Occupation Licensing and Registration | 40366 | AMD | 06/23/2016 | 2016-10/8 |
| <u>Marketing and Development</u> | | | | | |
| R65-2 | Utah Cherry Marketing Order | 40367 | REP | 06/23/2016 | 2016-10/11 |
| R65-8 | Management of the Junior Livestock Show Appropriation | 40233 | 5YR | 02/29/2016 | 2016-6/28 |
| R65-8-2 | Establishment of a Forum | 40369 | AMD | 06/23/2016 | 2016-10/13 |
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| R512-40 | Adoptive Home Studies, Recruitment, Approval | 40255 | R&R | 05/09/2016 | 2016-7/21 |
| R512-41 | Qualifying Adoptive Families and Adoption Placement | 40256 | AMD | 05/09/2016 | 2016-7/24 |
| R512-42 | Adoption by Relatives | 40195 | AMD | 04/07/2016 | 2016-5/13 |
| R512-43 | Adoption Assistance | 40151 | 5YR | 01/25/2016 | 2016-4/79 |
| R512-43 | Adoption Assistance | 40257 | AMD | 05/09/2016 | 2016-7/29 |
| R512-44 | Choose Life Adoption Support Restricted Account | 40306 | 5YR | 04/14/2016 | 2016-9/136 |
| R512-44 | Choose Life Adoption Support Restricted Account | 40258 | AMD | 05/09/2016 | 2016-7/34 |
| R512-60 | Children's Account | 40194 | 5YR | 02/08/2016 | 2016-5/27 |
| R512-60 | Children's Account | 40436 | AMD | 07/22/2016 | 2016-12/39 |
| R512-100 | In-Home Services | 39905 | AMD | 01/07/2016 | 2015-22/65 |
| R512-205 | Child Protective Services, Investigation of Domestic Violence Related Child Abuse | 40152 | 5YR | 01/25/2016 | 2016-4/79 |
| R512-301 | Out-of-Home Services, Responsibilities Pertaining to a Parent or Guardian | 39939 | AMD | 01/07/2016 | 2015-23/35 |
| R512-305 | Out-of-Home Services, Transition to Adult Living Services | 39955 | AMD | 01/21/2016 | 2015-24/44 |
| R512-309 | Out-of-Home Services, Foster Parent Reimbursement of Motor Vehicle Insurance Coverage for Youth in Foster Care | 39956 | AMD | 01/21/2016 | 2015-24/46 |
| R512-310 | Reasonable and Prudent Parent Standard | 39940 | AMD | 01/07/2016 | 2015-23/38 |

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| R527-5 | Release of Information | 40650 | 5YR | 08/08/2016 | 2016-17/93 |
| R527-34 | Non-IV-A Services | 40415 | NSC | 05/31/2016 | Not Printed |
| R527-35 | Non-IV-A Fee Schedule | 40435 | AMD | 07/22/2016 | 2016-12/41 |
| R527-40 | Retained Support | 40096 | AMD | 03/09/2016 | 2016-3/485 |
| R527-200 | Administrative Procedures | 40053 | 5YR | 01/05/2016 | 2016-3/512 |
| R527-201 | Medical Support Services | 40654 | 5YR | 08/08/2016 | 2016-17/94 |
| R527-250 | Emancipation | 40054 | 5YR | 01/05/2016 | 2016-3/513 |
| R527-800 | Acquisition of Real Property, and Medical Support Cooperation Requirements | 40416 | NSC | 05/31/2016 | Not Printed |

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| R539-9 | State Supported Employment Pilot Program | 40625 | 5YR | 07/26/2016 | 2016-16/46 |
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| R525-8 | Forensic Mental Health Facility | 40313 | 5YR | 04/14/2016 | 2016-9/137 |
| R525-8 | Forensic Mental Health Facility | 40314 | AMD | 07/07/2016 | 2016-9/116 |

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| R590-144 | Commercial Aviation Insurance Exemption from Rate and Form Filings | 40236 | 5YR | 02/29/2016 | 2016-6/33 |
| R590-154 | Unfair Marketing Practices Rule; Misleading Names | 39945 | AMD | 01/15/2016 | 2015-23/40 |
| R590-160 | Administrative Proceedings | 40457 | AMD | 07/28/2016 | 2016-12/43 |
| R590-164-6 | Electronic Data Interchange Transactions | 39998 | AMD | 02/23/2016 | 2016-2/97 |

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| R590-167-11 | Actuarial Certification and Additional Filing Requirements | 40182 | AMD | 03/23/2016 | 2016-4/57 |
| R590-177 | Life Insurance Illustrations Rule | 40237 | 5YR | 02/29/2016 | 2016-6/33 |
| R590-178 | Securities Custody | 40640 | 5YR | 08/02/2016 | 2016-17/95 |
| R590-200 | Diabetes Treatment and Management | 40238 | 5YR | 02/29/2016 | 2016-6/34 |
| R590-206 | Privacy of Consumer Financial and Health Information Rule | 40500 | 5YR | 06/15/2016 | 2016-13/165 |
| R590-207 | Health Producer Commissions for Small Employer Groups | 40725 | 5YR | 08/31/2016 | 2016-18/43 |
| R590-208 | Uniform Application for Certificates of Authority | 40346 | 5YR | 04/21/2016 | 2016-10/85 |
| R590-210 | Privacy of Consumer Information Exemption for Manufacturer Warranties and Service Contracts | 40726 | 5YR | 08/31/2016 | 2016-18/44 |
| R590-212 | Requirements for Interest Bearing Accounts Used by Title Insurance Agencies for Trust Fund Deposits | 40005 | REP | 03/16/2016 | 2016-2/99 |
| R590-220-16 | Classification of Documents | 40155 | AMD | 03/23/2016 | 2016-4/59 |
| R590-226 | Submission of Life Insurance Filings | 40156 | AMD | 03/23/2016 | 2016-4/60 |
| R590-227 | Submission of Annuity Filings | 40157 | AMD | 03/23/2016 | 2016-4/62 |
| R590-228-9 | Correspondence and Status Checks | 40158 | AMD | 03/23/2016 | 2016-4/64 |
| R590-235 | Medicare Prescription Drug Plan | 40345 | 5YR | 04/21/2016 | 2016-10/86 |
| R590-237 | Access to Health Care Providers in Rural Counties | 40727 | 5YR | 08/31/2016 | 2016-18/45 |
| R590-247 | Universal Health Insurance Application Rule | 40321 | AMD | 06/15/2016 | 2016-9/117 |
| R590-259 | Dependent Coverage to Age 26 | 40154 | 5YR | 01/25/2016 | 2016-4/80 |
| R590-260 | Utah Defined Contribution Risk Adjuster Plan of Operation | 40271 | 5YR | 03/18/2016 | 2016-8/94 |
| R590-261 | Health Benefit Plan Adverse Benefit Determinations | 40545 | 5YR | 06/23/2016 | 2016-14/180 |
| R590-262 | Health Data Authority Health Insurance Claims Reporting | 40273 | AMD | 05/23/2016 | 2016-8/80 |
| R590-266 | Utah Essential Health Benefits Package | 40275 | AMD | 05/23/2016 | 2016-8/82 |
| R590-272 | Commission Compensation Reporting | 39755 | NEW | 06/15/2016 | 2015-19/72 |
| R590-272 | Commission Compensation Reporting | 39755 | CPR | 06/15/2016 | 2016-2/124 |
| R590-272 | Commission Compensation Reporting | 39755 | CPR | 06/15/2016 | 2016-9/126 |
| <u>Title and Escrow Commission</u> | | | | | |
| R592-11 | Title Insurance Producer Annual and Controlled Business Reports | 40183 | AMD | 04/15/2016 | 2016-4/65 |
| R592-11 | Title Insurance Producer Annual and Controlled Business Reports | 40499 | 5YR | 06/15/2016 | 2016-13/166 |
| R592-15 | Submission of a Schedule of Minimum Charges for Escrow Services | 40300 | 5YR | 04/06/2016 | 2016-9/137 |
| R592-17 | Requirements for Interest Bearing Accounts Used by Title Insurance Agencies for Trust Fund Deposits | 40006 | NEW | 03/16/2016 | 2016-2/101 |
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| R597-3-5 | Public Comments | 40192 | AMD | 04/20/2016 | 2016-5/14 |
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| <u>Adjudication</u> | | | | | |
| R602-2-4 | Attorney Fees | 40469 | EMR | 06/06/2016 | 2016-13/153 |
| <u>Administration</u> | | | | | |
| R600-3 | Definitions Applicable to Construction Licensees | 40450 | 5YR | 05/27/2016 | 2016-12/64 |
| <u>Antidiscrimination and Labor, Antidiscrimination</u> | | | | | |
| R606-1 | Antidiscrimination | 40626 | 5YR | 07/28/2016 | 2016-16/47 |
| <u>Antidiscrimination and Labor, Fair Housing</u> | | | | | |
| R608-1 | Utah Fair Housing Rules | 40717 | 5YR | 08/29/2016 | 2016-18/45 |

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| R610-1 | Minimum Wage, Clarify Tip Credit, and Enforcement | 40720 | 5YR | 08/29/2016 | 2016-18/46 |
| R610-2 | Employment of Minors | 40719 | 5YR | 08/29/2016 | 2016-18/46 |
| R610-3 | Filing, Investigation, and Resolution of Wage Claims | 40718 | 5YR | 08/29/2016 | 2016-18/47 |

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| R616-2 | Boiler and Pressure Vessel Rules | 40691 | 5YR | 08/23/2016 | 2016-18/47 |
| R616-2-3 | Safety Codes and Rules for Boilers and Pressure Vessels | 40357 | AMD | 07/01/2016 | 2016-10/64 |
| R616-3 | Elevator Rules | 40690 | 5YR | 08/23/2016 | 2016-18/48 |
| R616-3-3 | Safety Codes for Elevators | 40358 | AMD | 07/01/2016 | 2016-10/66 |

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| R612-200-2 | Payment of Benefits, Interest and Attorney Fees | 40470 | EMR | 06/06/2016 | 2016-13/155 |
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MONEY MANAGEMENT COUNCIL

Administration

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| R628-10 | Rating Requirements to Be a Permitted Depository | 40303 | EXD | 04/12/2016 | 2016-9/139 |
| R628-10 | Rating Requirements to Be a Permitted Depository | 40603 | NEW | 09/07/2016 | 2016-15/27 |
| R628-12 | Certification of Qualified Depositories for Public Funds | 40227 | 5YR | 02/26/2016 | 2016-6/35 |
| R628-13 | Collateralization of Public Funds | 40228 | 5YR | 02/26/2016 | 2016-6/35 |
| R628-16 | Certification as a Dealer | 40229 | 5YR | 02/26/2016 | 2016-6/36 |

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| R652-2 | Sovereign Land Management Objectives | 40138 | 5YR | 01/14/2016 | 2016-3/529 |
| R652-8 | Adjudicative Proceedings | 40134 | 5YR | 01/14/2016 | 2016-3/529 |
| R652-9 | Consistency Review | 40133 | 5YR | 01/14/2016 | 2016-3/530 |
| R652-41 | Rights of Entry | 40136 | 5YR | 01/14/2016 | 2016-3/530 |
| R652-80 | Land Exchanges | 40135 | 5YR | 01/14/2016 | 2016-3/531 |
| R652-122 | County Cooperative Agreements with State for Fire Protection | 40304 | 5YR | 04/14/2016 | 2016-9/138 |
| R652-123 | Exemptions to Wildland Fire Suppression Fund | 40132 | 5YR | 01/14/2016 | 2016-3/531 |
| R652-150 | Utah Bioprospecting Act | 40482 | 5YR | 06/09/2016 | 2016-13/166 |

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| R638-1 | Acceptance and Maintenance of Confidential Information | 40214 | 5YR | 02/17/2016 | 2016-6/36 |
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| R643-870 | Abandoned Mine Reclamation Regulation Definitions | 40694 | 5YR | 08/24/2016 | 2016-18/49 |
| R643-872 | Abandoned Mine Reclamation Fund | 40695 | 5YR | 08/24/2016 | 2016-18/49 |
| R643-874 | General Reclamation Requirements | 40696 | 5YR | 08/24/2016 | 2016-18/50 |
| R643-875 | Noncoal Reclamation | 40697 | 5YR | 08/24/2016 | 2016-18/50 |
| R643-877 | Rights of Entry | 40698 | 5YR | 08/24/2016 | 2016-18/51 |
| R643-879 | Acquisition, Management, and Disposition of Lands and Water | 40699 | 5YR | 08/24/2016 | 2016-18/51 |
| R643-882 | Reclamation on Private Land | 40700 | 5YR | 08/24/2016 | 2016-18/52 |
| R643-884 | State Reclamation Plan | 40701 | 5YR | 08/24/2016 | 2016-18/52 |
| R643-886 | State Reclamation Grants | 40702 | 5YR | 08/24/2016 | 2016-18/53 |

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| R642-100 | Records of the Division and Board of Oil, Gas and Mining | 40693 | 5YR | 08/24/2016 | 2016-18/48 |
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Oil, Gas and Mining: Coal

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| R645-100 | Administrative: Introduction | 40731 | 5YR | 09/06/2016 | 2016-19/111 |
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| R645-103 | Areas Unsuitable for Coal Mining and Reclamation Operations | 40732 | 5YR | 09/06/2016 | 2016-19/111 |
| R645-200 | Coal Exploration: Introduction | 40733 | 5YR | 09/06/2016 | 2016-19/112 |
| R645-201 | Coal Exploration: Requirements for Exploration Approval | 40734 | 5YR | 09/06/2016 | 2016-19/112 |
| R645-202 | Coal Exploration: Compliance Duties | 40735 | 5YR | 09/06/2016 | 2016-19/113 |
| R645-203 | Coal Exploration: Public Availability of Information | 40736 | 5YR | 09/06/2016 | 2016-19/113 |
| R645-300 | Coal Mine Permitting: Administrative Procedures | 40737 | 5YR | 09/06/2016 | 2016-19/114 |
| R645-301 | Coal Mine Permitting: Permit Application Requirements | 40738 | 5YR | 09/06/2016 | 2016-19/114 |
| R645-302 | Coal Mine Permitting: Special Categories and Areas of Mining | 40739 | 5YR | 09/06/2016 | 2016-19/115 |
| R645-303 | Coal Mine Permitting: Change, Renewal, and Transfer, Assignment, or Sale of Permit Rights | 40740 | 5YR | 09/06/2016 | 2016-19/115 |
| R645-402 | Inspection and Enforcement: Individual Civil Penalties | 40741 | 5YR | 09/06/2016 | 2016-19/116 |
| R645-403 | Alternative Enforcement | 40742 | 5YR | 09/06/2016 | 2016-19/116 |
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| R649-1 | Oil and Gas Definitions | 40710 | 5YR | 08/26/2016 | 2016-18/53 |
| R649-1-1 | Definitions | 40302 | NSC | 04/15/2016 | Not Printed |
| R649-2 | General Rules | 40711 | 5YR | 08/26/2016 | 2016-18/54 |
| R649-3 | Drilling and Operating Practices | 40712 | 5YR | 08/26/2016 | 2016-18/54 |
| R649-3-23 | Well Workover and Recompletion | 40444 | NSC | 06/13/2016 | Not Printed |
| R649-5 | Underground Injection Control of Recovery Operations and Class II Injection Wells | 40713 | 5YR | 08/26/2016 | 2016-18/55 |
| R649-8 | Reporting and Report Forms | 40714 | 5YR | 08/26/2016 | 2016-18/55 |
| R649-9 | Waste Management and Disposal | 40715 | 5YR | 08/26/2016 | 2016-18/56 |
| <u>Parks and Recreation</u> | | | | | |
| R651-201 | Definitions | 40059 | 5YR | 01/07/2016 | 2016-3/513 |
| R651-202 | Boating Advisory Council | 40060 | 5YR | 01/07/2016 | 2016-3/514 |
| R651-203 | Waterway Marking System | 40061 | 5YR | 01/07/2016 | 2016-3/514 |
| R651-204 | Regulating Waterway Markers | 40062 | 5YR | 01/07/2016 | 2016-3/515 |
| R651-204 | Regulating Waterway Markers | 40090 | NSC | 02/02/2016 | Not Printed |
| R651-205 | Zoned Waters | 40063 | 5YR | 01/07/2016 | 2016-3/515 |
| R651-206 | Carrying Passengers for Hire | 40064 | 5YR | 01/07/2016 | 2016-3/516 |
| R651-206 | Carrying Passengers for Hire | 40091 | NSC | 02/02/2016 | Not Printed |
| R651-207 | Registration Fee | 40066 | 5YR | 01/07/2016 | 2016-3/516 |
| R651-207 | Registration Fee | 40188 | NSC | 02/25/2016 | Not Printed |
| R651-208 | Backing Plates | 40067 | 5YR | 01/07/2016 | 2016-3/517 |
| R651-208 | Backing Plates | 40189 | NSC | 02/25/2016 | Not Printed |
| R651-209 | Anchored and Beached Vessels | 40084 | 5YR | 01/07/2016 | 2016-3/517 |
| R651-210 | Change of Address | 40068 | 5YR | 01/07/2016 | 2016-3/518 |
| R651-210 | Change of Address | 40190 | NSC | 02/25/2016 | Not Printed |
| R651-211 | Assigned Numbers | 40069 | 5YR | 01/07/2016 | 2016-3/518 |
| R651-211 | Assigned Numbers | 40191 | NSC | 02/25/2016 | Not Printed |
| R651-212 | Display of Yearly Registration Decals and Month of Expiration Decals | 40070 | 5YR | 01/07/2016 | 2016-3/519 |
| R651-213 | Dealer Numbers and Registrations | 40072 | 5YR | 01/07/2016 | 2016-3/519 |
| R651-214 | Temporary Registration | 40073 | 5YR | 01/07/2016 | 2016-3/520 |
| R651-215 | Personal Flotation Devices | 40074 | 5YR | 01/07/2016 | 2016-3/520 |
| R651-216 | Navigation Lights - Note: Figures 1 through 7 mentioned below are on file with the Utah Division of Parks and Recreation | 40075 | 5YR | 01/07/2016 | 2016-3/521 |
| R651-217 | Fire Extinguishers | 40076 | 5YR | 01/07/2016 | 2016-3/522 |
| R651-218 | Carburetor Backfire Flame Control | 40077 | 5YR | 01/07/2016 | 2016-3/522 |
| R651-219 | Additional Safety Equipment | 40078 | 5YR | 01/07/2016 | 2016-3/523 |
| R651-220 | Registration and Numbering Exemptions | 40079 | 5YR | 01/07/2016 | 2016-3/523 |
| R651-221 | Boat Liveries - Boat Rental Companies | 40080 | 5YR | 01/07/2016 | 2016-3/524 |
| R651-222 | Muffling Requirements | 40081 | 5YR | 01/07/2016 | 2016-3/524 |
| R651-224 | Towed Devices | 40082 | 5YR | 01/07/2016 | 2016-3/525 |
| R651-226 | Regattas and Races | 40083 | 5YR | 01/07/2016 | 2016-3/525 |
| R651-401 | Off-Highway Vehicle and Registration Stickers | 40087 | 5YR | 01/07/2016 | 2016-3/526 |

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| R651-405 | Off-Highway Implement of Husbandry Sticker Fee | 40088 | 5YR | 01/07/2016 | 2016-3/526 |
| R651-406 | Off-Highway Vehicle Registration Fees | 40089 | 5YR | 01/07/2016 | 2016-3/527 |
| R651-412 | Curriculum Standards for OHV Education Programs Offered by Non-Division Entities | 40213 | AMD | 04/21/2016 | 2016-6/22 |
| R651-601 | Definitions as Used in These Rules | 40447 | AMD | 07/28/2016 | 2016-12/44 |
| R651-602 | Aircraft and Powerless Flight | 40448 | AMD | 07/28/2016 | 2016-12/46 |
| R651-611 | Fee Schedule | 40065 | 5YR | 01/07/2016 | 2016-3/527 |
| R651-612 | Veterans with Disabilities Honor Pass | 40445 | NEW | 07/28/2016 | 2016-12/48 |
| R651-637 | Antelope Island State Park Special Mule Deer and Bighorn Sheep Hunt | 40215 | AMD | 04/21/2016 | 2016-6/23 |
| R651-801 | Swimming Prohibited | 40085 | 5YR | 01/07/2016 | 2016-3/528 |
| R651-802 | Scuba Diving | 40086 | 5YR | 01/07/2016 | 2016-3/528 |

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| R655-10 | Dam Safety Classifications, Approval Procedures and Independent Reviews | 40166 | 5YR | 01/29/2016 | 2016-4/80 |
| R655-10-5A | Hazard Classification -- Criteria | 40169 | AMD | 03/24/2016 | 2016-4/67 |
| R655-11 | Requirements for the Design, Construction and Abandonment of Dams | 40167 | 5YR | 01/29/2016 | 2016-4/81 |
| R655-11 | Requirements for the Design, Construction and Abandonment of Dams | 40175 | AMD | 03/24/2016 | 2016-4/68 |
| R655-12 | Requirements for Operational Dams | 40168 | 5YR | 01/29/2016 | 2016-4/81 |
| R655-12 | Requirements for Operational Dams | 40176 | AMD | 03/24/2016 | 2016-4/71 |

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| R657-3 | Collection, Importation, Transportation, and Possession of Animals | 40094 | AMD | 03/09/2016 | 2016-3/486 |
| R657-5 | Taking Big Game | 39976 | AMD | 02/08/2016 | 2016-1/60 |
| R657-5 | Taking Big Game | 40403 | AMD | 07/11/2016 | 2016-11/42 |
| R657-9 | Taking Waterfowl, Wilson's Snipe and Coot | 39978 | AMD | 02/08/2016 | 2016-1/66 |
| R657-9 | Taking Waterfowl, Wilson's Snipe and Coot | 40628 | 5YR | 08/01/2016 | 2016-16/47 |
| R657-10 | Taking Cougar | 40629 | 5YR | 08/01/2016 | 2016-16/48 |
| R657-23 | Utah Hunter Education Program | 40404 | AMD | 07/11/2016 | 2016-11/43 |
| R657-26 | Adjudicative Proceedings for a License, Permit, or Certificate of Registration | 40630 | 5YR | 08/01/2016 | 2016-16/48 |
| R657-33 | Taking Bear | 40093 | AMD | 03/09/2016 | 2016-3/490 |
| R657-37 | Cooperative Wildlife Management Units for Big Game or Turkey | 39977 | AMD | 02/08/2016 | 2016-1/68 |
| R657-48 | Wildlife Species of Concern and Habitat Designation Advisory Committee | 40370 | 5YR | 05/02/2016 | 2016-10/86 |
| R657-63 | Self Defense Against Wild Animals | 40231 | 5YR | 02/29/2016 | 2016-6/37 |

NAVAJO TRUST FUND

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| R661-1 | Utah Navajo Trust Fund Scope | 40019 | NEW | 02/29/2016 | 2016-2/103 |
| R661-2 | Utah Navajo Trust Fund Definitions | 40020 | NEW | 02/29/2016 | 2016-2/104 |
| R661-3 | Utah Navajo Trust Fund Residency Policy | 40021 | NEW | 02/29/2016 | 2016-2/105 |
| R661-3 | Utah Navajo Trust Fund Residency Policy | 40829 | EMR | 09/23/2016 | Not Printed |
| R661-4 | Utah Navajo Trust Fund Chapter Projects | 40022 | NEW | 02/29/2016 | 2016-2/107 |
| R661-5 | Utah Navajo Trust Fund Blue Mountain Dine' Community | 40023 | NEW | 02/29/2016 | 2016-2/109 |
| R661-6 | Utah Navajo Trust Fund Higher Education Financial Assistance and Scholarship Program | 40024 | NEW | 02/29/2016 | 2016-2/110 |
| R661-6 | Utah Navajo Trust Fund Higher Education Financial Assistance and Scholarship Program | 40830 | EMR | 09/23/2016 | Not Printed |
| R661-7 | Utah Navajo Trust Fund Housing Projects Policy | 40025 | NEW | 02/29/2016 | 2016-2/113 |
| R661-8 | Utah Navajo Trust Fund Power Lines and House Wiring Program | 40026 | NEW | 02/29/2016 | 2016-2/115 |
| R661-9 | Utah Navajo Trust Fund Public Facility Projects | 40347 | NEW | 06/23/2016 | 2016-10/67 |
| R661-10 | Utah Navajo Trust Fund Short-Term Training Program | 40348 | NEW | 06/23/2016 | 2016-10/68 |
| R661-11 | Utah Navajo Trust Fund Water Development Projects Culinary and Septic Systems | 40349 | NEW | 06/23/2016 | 2016-10/70 |

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| R661-12 | Utah Navajo Trust Fund Homesite Lease Assistance Program | 40350 | NEW | 06/23/2016 | 2016-10/71 |
| R661-13 | Veterans' Housing Program Policy | 40608 | NEW | 09/21/2016 | 2016-15/30 |
| R661-14 | Heavy Equipment Purchase and Repair Program | 40609 | NEW | 09/21/2016 | 2016-15/32 |
| R661-15 | Indemnification | 40610 | NEW | 09/21/2016 | 2016-15/33 |
| R661-16 | Health Care Systems Improvement Program | 40611 | NEW | 09/21/2016 | 2016-15/34 |
| R661-17 | Office Equipment Purchase Program | 40612 | NEW | 09/21/2016 | 2016-15/35 |
| R661-18 | Outstanding Senior Award Program | 40613 | NEW | 09/21/2016 | 2016-15/37 |
| R661-19 | Student Educational Enrichment Program | 40614 | NEW | 09/21/2016 | 2016-15/38 |
| R661-20 | Photovoltaic (Solar) Systems Program | 40615 | NEW | 09/21/2016 | 2016-15/39 |

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Administration

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| R671-201 | Original Hearing Schedule and Notice | 40707 | EMR | 08/25/2016 | 2016-18/37 |
| R671-315-1 | Pardons | 40316 | AMD | 07/07/2016 | 2016-9/118 |

PUBLIC SAFETY

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| R698-1 | Public Petitions for Declaratory Orders | 40639 | NSC | 08/22/2016 | Not Printed |
| R698-8 | Local Public Safety and Firefighter Surviving Spouse Trust Fund | 40001 | NEW | 02/24/2016 | 2016-2/117 |

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| R722-360 | Certificate of Eligibility for Removal from the Sex Offender and Kidnap Offender Registry | 40596 | NSC | 08/01/2016 | Not Printed |
| R722-390 | Certificate of Eligibility for Removal from the Utah White Collar Crime Offender Registry | 40597 | NSC | 08/01/2016 | Not Printed |
| R722-910 | Non-Reportable Traffic Offenses | 40646 | NSC | 08/22/2016 | Not Printed |

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| R708-16 | Pedestrian Vehicle Rule | 40095 | EXT | 01/11/2016 | 2016-3/533 |
| R708-16 | Pedestrian Vehicle Rule | 40140 | REP | 03/24/2016 | 2016-4/72 |
| R708-18 | Regulatory and Administrative Fees | 40141 | 5YR | 01/19/2016 | 2016-4/82 |
| R708-19 | Automobile No-Fault Self-Insurance | 40142 | 5YR | 01/19/2016 | 2016-4/82 |
| R708-20 | Motor Vehicle Accident Prevention Course Standards | 40143 | 5YR | 01/19/2016 | 2016-4/83 |
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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 | |

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| | 39846 | R307-405-3 | AMD | 02/04/2016 | 2015-21/48 |
| | 39847 | R307-415-3 | AMD | 02/04/2016 | 2015-21/50 |
| | 39848 | R307-801 | AMD | 05/05/2016 | 2015-21/53 |
| | 39848 | R307-801 | CPR | 05/05/2016 | 2016-5/18 |

air quality

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| Environmental Quality, Air Quality | 40408 | R307-230 | LNR | 05/10/2016 | 2016-11/67 |
| Governor, Economic Development | 40193 | R307-403-2 | NSC | 02/25/2016 | Not Printed |
| | 40459 | R357-17 | NEW | 07/22/2016 | 2016-12/26 |

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| <u>air travel</u> | | | | | |
| Administrative Services, Finance | 40548 | R25-7 | EMR | 07/01/2016 | 2016-14/161 |
| | 40547 | R25-7 | AMD | 08/22/2016 | 2016-14/6 |
| | 40042 | R25-7-10 | AMD | 02/23/2016 | 2016-2/4 |
| <u>aircraft</u> | | | | | |
| Tax Commission, Motor Vehicle | 40419 | R873-22M-34 | AMD | 07/14/2016 | 2016-11/49 |
| <u>alarm company</u> | | | | | |
| Commerce, Occupational and Professional Licensing | 40164 | R156-55d | AMD | 03/24/2016 | 2016-4/10 |
| <u>Alaskan Natives</u> | | | | | |
| Education, Administration | 40518 | R277-923 | NEW | 08/11/2016 | 2016-13/75 |
| <u>alcohol</u> | | | | | |
| Education, Administration | 40330 | R277-205 | REP | 08/12/2016 | 2016-9/28 |
| Public Safety, Highway Patrol | 39850 | R714-500 | AMD | 01/21/2016 | 2015-22/144 |
| <u>alcoholic beverages</u> | | | | | |
| Alcoholic Beverage Control, Administration | 40376 | R81-1 | 5YR | 05/02/2016 | 2016-10/73 |
| | 40378 | R81-2 | 5YR | 05/02/2016 | 2016-10/74 |
| | 40379 | R81-3 | 5YR | 05/02/2016 | 2016-10/74 |
| | 40381 | R81-4A | 5YR | 05/02/2016 | 2016-10/75 |
| | 40838 | R81-4F | 5YR | 09/28/2016 | Not Printed |
| | 40382 | R81-5 | 5YR | 05/02/2016 | 2016-10/76 |
| | 40383 | R81-6 | 5YR | 05/02/2016 | 2016-10/76 |
| | 40384 | R81-7 | 5YR | 05/02/2016 | 2016-10/77 |
| | 40385 | R81-8 | 5YR | 05/02/2016 | 2016-10/77 |
| | 40386 | R81-9 | 5YR | 05/02/2016 | 2016-10/78 |
| | 40835 | R81-10C | 5YR | 09/28/2016 | Not Printed |
| | 40836 | R81-10D | 5YR | 09/28/2016 | Not Printed |
| | 40387 | R81-11 | 5YR | 05/02/2016 | 2016-10/79 |
| | 40388 | R81-12 | 5YR | 05/02/2016 | 2016-10/79 |
| <u>alternative fuels</u> | | | | | |
| Environmental Quality, Air Quality | 40746 | R307-121 | 5YR | 09/07/2016 | 2016-19/105 |
| | 40471 | R307-124 | NEW | 09/08/2016 | 2016-13/76 |
| <u>alternative language services</u> | | | | | |
| Education, Administration | 40211 | R277-716 | 5YR | 02/16/2016 | 2016-5/25 |
| | 40212 | R277-716 | AMD | 04/07/2016 | 2016-5/3 |
| <u>anatomical gift</u> | | | | | |
| Public Safety, Driver License | 40144 | R708-38 | 5YR | 01/19/2016 | 2016-4/83 |
| <u>anchored vessels</u> | | | | | |
| Natural Resources, Parks and Recreation | 40084 | R651-209 | 5YR | 01/07/2016 | 2016-3/517 |
| <u>ancient human remains</u> | | | | | |
| Heritage and Arts, History | 40405 | R455-4 | 5YR | 05/05/2016 | 2016-11/64 |
| <u>animal protection</u> | | | | | |
| Natural Resources, Wildlife Resources | 40094 | R657-3 | AMD | 03/09/2016 | 2016-3/486 |
| <u>annual leave</u> | | | | | |
| Administrative Services, Finance | 39943 | R25-15 | NEW | 01/13/2016 | 2015-23/6 |
| <u>annual training</u> | | | | | |
| Public Safety, Peace Officer Standards and Training | 40536 | R728-410 | R&R | 08/23/2016 | 2016-14/123 |
| <u>annuity insurance filings</u> | | | | | |
| Insurance, Administration | 40157 | R590-227 | AMD | 03/23/2016 | 2016-4/62 |
| <u>appeals</u> | | | | | |
| Administrative Services, Purchasing and General Services | 40566 | R33-18 | NSC | 07/15/2016 | Not Printed |

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| <u>appellate procedures</u> | | | | | | |
| Crime Victim Reparations, Administration | 40496 | R270-2 | 5YR | 06/15/2016 | 2016-13/163 | |
| <u>applied behavior analysis (ABA)</u> | | | | | | |
| Health, Family Health and Preparedness, Children with Special Health Care Needs | 40402 | R398-15 | REP | 07/08/2016 | 2016-11/36 | |
| <u>appraisals</u> | | | | | | |
| Tax Commission, Property Tax | 40421 | R884-24P-10 | AMD | 07/14/2016 | 2016-11/51 | |
| <u>approval for correctional basic course</u> | | | | | | |
| Public Safety, Peace Officer Standards and Training | 40529 | R728-406 | REP | 08/23/2016 | 2016-14/120 | |
| <u>approval for reserve basic course</u> | | | | | | |
| Public Safety, Peace Officer Standards and Training | 40529 | R728-406 | REP | 08/23/2016 | 2016-14/120 | |
| <u>approval for special function course</u> | | | | | | |
| Public Safety, Peace Officer Standards and Training | 40529 | R728-406 | REP | 08/23/2016 | 2016-14/120 | |
| <u>approved asylee</u> | | | | | | |
| Public Safety, Driver License | 40586 | R708-46 | 5YR | 07/07/2016 | 2016-15/82 | |
| <u>archeology</u> | | | | | | |
| Heritage and Arts, History | 40405 | R455-4 | 5YR | 05/05/2016 | 2016-11/64 | |
| <u>architects</u> | | | | | | |
| Administrative Services, Purchasing and General Services | 40563 | R33-15 | NSC | 07/15/2016 | Not Printed | |
| Commerce, Occupational and Professional Licensing | 40058 | R156-3a | 5YR | 01/07/2016 | 2016-3/507 | |
| <u>arts and business grants</u> | | | | | | |
| Heritage and Arts, Administration | 40103 | R450-3 | NEW | 05/26/2016 | 2016-3/484 | |
| <u>arts and culture</u> | | | | | | |
| Heritage and Arts, Administration | 40103 | R450-3 | NEW | 05/26/2016 | 2016-3/484 | |
| <u>arts programs</u> | | | | | | |
| Education, Administration | 40508 | R277-490 | AMD | 08/11/2016 | 2016-13/36 | |
| <u>asbestos</u> | | | | | | |
| Environmental Quality, Air Quality | 39848 | R307-801 | AMD | 05/05/2016 | 2015-21/53 | |
| | 39848 | R307-801 | CPR | 05/05/2016 | 2016-5/18 | |
| <u>asbestos hazard emergency response</u> | | | | | | |
| Environmental Quality, Air Quality | 39848 | R307-801 | AMD | 05/05/2016 | 2015-21/53 | |
| | 39848 | R307-801 | CPR | 05/05/2016 | 2016-5/18 | |
| <u>asphalt</u> | | | | | | |
| Environmental Quality, Air Quality | 39844 | R307-312-5 | AMD | 02/04/2016 | 2015-21/46 | |
| <u>assessments</u> | | | | | | |
| Education, Administration | 40097 | R277-404 | NSC | 02/02/2016 | Not Printed | |
| | 40507 | R277-404 | AMD | 08/11/2016 | 2016-13/31 | |
| <u>assisted living facilities</u> | | | | | | |
| Public Safety, Fire Marshal | 40484 | R710-3 | AMD | 08/15/2016 | 2016-13/134 | |
| <u>athlete agent</u> | | | | | | |
| Commerce, Occupational and Professional Licensing | 40071 | R156-9a | 5YR | 01/07/2016 | 2016-3/508 | |
| <u>autism awareness</u> | | | | | | |
| Education, Administration | 40785 | R277-603 | 5YR | 09/15/2016 | 2016-19/104 | |
| <u>autism spectrum disorders</u> | | | | | | |
| Health, Family Health and Preparedness, Children with Special Health Care Needs | 40402 | R398-15 | REP | 07/08/2016 | 2016-11/36 | |

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| <u>autism treatment</u> Health, Family Health and Preparedness, Children with Special Health Care Needs | 40402 | R398-15 | REP | 07/08/2016 | 2016-11/36 |
| <u>automatic fire sprinklers</u> Public Safety, Fire Marshal | 40522 | R710-5 | AMD | 08/23/2016 | 2016-14/57 |
| <u>automobiles</u> Commerce, Administration | 40293 | R151-14 | 5YR | 03/31/2016 | 2016-8/92 |
| <u>background</u> Human Services, Administration | 40264 | R495-885 | NEW | 05/11/2016 | 2016-7/18 |
| <u>background checks</u> Education, Administration | 40329 40330 40331 40338 | R277-204 R277-205 R277-206 R277-214 | REP REP REP NEW | 08/12/2016 08/12/2016 08/12/2016 08/12/2016 | 2016-9/26 2016-9/28 2016-9/29 2016-9/51 |
| <u>background reviews</u> Education, Administration | 40329 40338 | R277-204 R277-214 | REP NEW | 08/12/2016 08/12/2016 | 2016-9/26 2016-9/51 |
| <u>background screening</u> Human Services, Administration, Administrative Services, Licensing | 39913 | R501-14 | R&R | 01/13/2016 | 2015-23/24 |
| <u>bait and switch</u> Commerce, Consumer Protection | 40342 | R152-11 | 5YR | 04/19/2016 | 2016-10/80 |
| <u>banking</u> Commerce, Corporations and Commercial Code | 40371 | R154-2 | 5YR | 05/02/2016 | 2016-10/81 |
| <u>banking law</u> Money Management Council, Administration | 40303 40603 40227 | R628-10 R628-10 R628-12 | EXD NEW 5YR | 04/12/2016 09/07/2016 02/26/2016 | 2016-9/139 2016-15/27 2016-6/35 |
| <u>basic academy rules</u> Public Safety, Peace Officer Standards and Training | 40531 | R728-404 | REP | 08/23/2016 | 2016-14/115 |
| <u>basic application procedures</u> Public Safety, Peace Officer Standards and Training | 40528 | R728-402 | REP | 08/23/2016 | 2016-14/108 |
| <u>basic training</u> Public Safety, Peace Officer Standards and Training | 40538 | R728-502 | R&R | 08/23/2016 | 2016-14/132 |
| <u>beached vessels</u> Natural Resources, Parks and Recreation | 40084 | R651-209 | 5YR | 01/07/2016 | 2016-3/517 |
| <u>beam limitation</u> Environmental Quality, Waste Management and Radiation Control, Radiation | 40580 | R313-28 | 5YR | 07/01/2016 | 2016-14/177 |
| <u>bear</u> Natural Resources, Wildlife Resources | 40093 | R657-33 | AMD | 03/09/2016 | 2016-3/490 |
| <u>bid limits</u> Transportation, Operations, Maintenance | 40473 40474 | R918-5 R918-5 | EMR EXD | 06/08/2016 06/08/2016 | 2016-13/156 2016-13/173 |
| <u>bids</u> Transportation, Operations, Construction | 40627 40641 | R916-1 R916-2 | 5YR 5YR | 07/28/2016 08/03/2016 | 2016-16/49 2016-17/96 |

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| Natural Resources, Wildlife Resources | 39976 | R657-5 | AMD | 02/08/2016 | 2016-1/60 |
| | 40403 | R657-5 | AMD | 07/11/2016 | 2016-11/42 |

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| Natural Resources, Forestry, Fire and State Lands | 40482 | R652-150 | 5YR | 06/09/2016 | 2016-13/166 |
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birds

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| Natural Resources, Wildlife Resources | 39978 | R657-9 | AMD | 02/08/2016 | 2016-1/66 |
| | 40628 | R657-9 | 5YR | 08/01/2016 | 2016-16/47 |

birth

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| Health, Center for Health Data, Vital Records and Statistics | 40600 | R436-5 | 5YR | 07/13/2016 | 2016-15/82 |
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birth defect reporting

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|---|-------|--------|-----|------------|-------------|
| Health, Family Health and Preparedness, Children with Special Health Care Needs | 40633 | R398-5 | NSC | 08/22/2016 | Not Printed |
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birth defects

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| Health, Family Health and Preparedness, Children with Special Health Care Needs | 40633 | R398-5 | NSC | 08/22/2016 | Not Printed |
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| Health, Family Health and Preparedness, Primary Care and Rural Health | 40240 | R434-50 | 5YR | 03/01/2016 | 2016-6/32 |
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block grant funding

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| Education, Administration | 40288 | R277-478 | REP | 05/23/2016 | 2016-8/19 |
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Blue Mountain Dine'

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| Navajo Trust Fund, Trustees | 40023 | R661-5 | NEW | 02/29/2016 | 2016-2/109 |
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Board of Education

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|---------------------------|-------|-----------|-----|------------|-------------|
| Education, Administration | 40501 | R277-99 | AMD | 08/11/2016 | 2016-13/9 |
| | 40247 | R277-99-2 | NSC | 03/29/2016 | Not Printed |

Board of Trustees

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|-----------------------------|-------|--------|-----|------------|------------|
| Navajo Trust Fund, Trustees | 40019 | R661-1 | NEW | 02/29/2016 | 2016-2/103 |
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board scope

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| Environmental Quality, Waste Management and Radiation Control, Radiation | 40578 | R313-22 | 5YR | 07/01/2016 | 2016-14/176 |
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boating

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| Natural Resources, Parks and Recreation | 40059 | R651-201 | 5YR | 01/07/2016 | 2016-3/513 |
| | 40060 | R651-202 | 5YR | 01/07/2016 | 2016-3/514 |
| | 40061 | R651-203 | 5YR | 01/07/2016 | 2016-3/514 |
| | 40062 | R651-204 | 5YR | 01/07/2016 | 2016-3/515 |
| | 40090 | R651-204 | NSC | 02/02/2016 | Not Printed |
| | 40063 | R651-205 | 5YR | 01/07/2016 | 2016-3/515 |
| | 40064 | R651-206 | 5YR | 01/07/2016 | 2016-3/516 |
| | 40091 | R651-206 | NSC | 02/02/2016 | Not Printed |
| | 40066 | R651-207 | 5YR | 01/07/2016 | 2016-3/516 |
| | 40188 | R651-207 | NSC | 02/25/2016 | Not Printed |
| | 40067 | R651-208 | 5YR | 01/07/2016 | 2016-3/517 |
| | 40189 | R651-208 | NSC | 02/25/2016 | Not Printed |
| | 40084 | R651-209 | 5YR | 01/07/2016 | 2016-3/517 |
| | 40068 | R651-210 | 5YR | 01/07/2016 | 2016-3/518 |
| | 40190 | R651-210 | NSC | 02/25/2016 | Not Printed |
| | 40069 | R651-211 | 5YR | 01/07/2016 | 2016-3/518 |
| | 40191 | R651-211 | NSC | 02/25/2016 | Not Printed |
| | 40070 | R651-212 | 5YR | 01/07/2016 | 2016-3/519 |
| | 40072 | R651-213 | 5YR | 01/07/2016 | 2016-3/519 |
| | 40073 | R651-214 | 5YR | 01/07/2016 | 2016-3/520 |
| | 40074 | R651-215 | 5YR | 01/07/2016 | 2016-3/520 |
| | 40075 | R651-216 | 5YR | 01/07/2016 | 2016-3/521 |

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| | 40076 | R651-217 | 5YR | 01/07/2016 | 2016-3/522 |
| | 40077 | R651-218 | 5YR | 01/07/2016 | 2016-3/522 |
| | 40078 | R651-219 | 5YR | 01/07/2016 | 2016-3/523 |
| | 40079 | R651-220 | 5YR | 01/07/2016 | 2016-3/523 |
| | 40080 | R651-221 | 5YR | 01/07/2016 | 2016-3/524 |
| | 40081 | R651-222 | 5YR | 01/07/2016 | 2016-3/524 |
| | 40082 | R651-224 | 5YR | 01/07/2016 | 2016-3/525 |
| | 40083 | R651-226 | 5YR | 01/07/2016 | 2016-3/525 |
| <u>boilers</u> | | | | | |
| Labor Commission, Boiler and Elevator Safety | 40691 | R616-2 | 5YR | 08/23/2016 | 2016-18/47 |
| | 40357 | R616-2-3 | AMD | 07/01/2016 | 2016-10/64 |
| <u>bona fide prospective purchaser</u> | | | | | |
| Environmental Quality, Environmental Response and Remediation | 40487 | R311-600 | 5YR | 06/10/2016 | 2016-13/163 |
| <u>bond requirements</u> | | | | | |
| Transportation, Operations, Construction | 40627 | R916-1 | 5YR | 07/28/2016 | 2016-16/49 |
| <u>bonding requirements</u> | | | | | |
| Workforce Services, Unemployment Insurance | 40401 | R994-308 | 5YR | 05/03/2016 | 2016-11/66 |
| <u>brachytherapy</u> | | | | | |
| Environmental Quality, Waste Management and Radiation Control, Radiation | 40581 | R313-32 | 5YR | 07/01/2016 | 2016-14/178 |
| | 40010 | R313-32-2 | NSC | 01/15/2016 | Not Printed |
| <u>breaks</u> | | | | | |
| Human Resource Management, Administration | 40391 | R477-8 | AMD | 07/01/2016 | 2016-10/55 |
| <u>breath testing</u> | | | | | |
| Public Safety, Highway Patrol | 39850 | R714-500 | AMD | 01/21/2016 | 2015-22/144 |
| <u>bridges</u> | | | | | |
| Transportation, Administration | 40644 | R907-63 | EXT | 08/03/2016 | 2016-17/99 |
| | 40558 | R907-63 | AMD | 08/23/2016 | 2016-14/141 |
| | 40728 | R907-63 | 5YR | 09/01/2016 | 2016-18/56 |
| <u>broad scope</u> | | | | | |
| Environmental Quality, Waste Management and Radiation Control, Radiation | 39991 | R313-22 | AMD | 05/09/2016 | 2016-1/33 |
| | 40009 | R313-22 | NSC | 01/15/2016 | Not Printed |
| | 39991 | R313-22 | CPR | 05/09/2016 | 2016-7/44 |
| | 40323 | R313-22 | AMD | 06/10/2016 | 2016-9/63 |
| <u>budgeting</u> | | | | | |
| Health, Health Care Financing, Coverage and Reimbursement Policy | 40380 | R414-304 | AMD | 07/01/2016 | 2016-10/32 |
| <u>building codes</u> | | | | | |
| Commerce, Occupational and Professional Licensing | 40298 | R156-15A | AMD | 06/07/2016 | 2016-9/4 |
| | 40526 | R156-15A | 5YR | 06/20/2016 | 2016-14/171 |
| | 40622 | R156-15A-231 | AMD | 09/26/2016 | 2016-16/6 |
| <u>building inspections</u> | | | | | |
| Commerce, Occupational and Professional Licensing | 40298 | R156-15A | AMD | 06/07/2016 | 2016-9/4 |
| | 40526 | R156-15A | 5YR | 06/20/2016 | 2016-14/171 |
| | 40622 | R156-15A-231 | AMD | 09/26/2016 | 2016-16/6 |
| <u>burglar alarms</u> | | | | | |
| Commerce, Occupational and Professional Licensing | 40164 | R156-55d | AMD | 03/24/2016 | 2016-4/10 |
| <u>business alliance</u> | | | | | |
| Heritage and Arts, Administration | 40103 | R450-3 | NEW | 05/26/2016 | 2016-3/484 |

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| <u>byproduct material</u> | | | | | | |
| Environmental Quality, Radiation Control | 39992 | R313-24 | AMD | 03/15/2016 | 2016-1/38 | |
| <u>cancellations</u> | | | | | | |
| Administrative Services, Purchasing and General Services | 40565 | R33-9 | AMD | 08/22/2016 | 2016-14/39 | |
| <u>capital investments</u> | | | | | | |
| Governor, Economic Development | 40028 | R357-7 | R&R | 05/16/2016 | 2016-2/60 | |
| | 40028 | R357-7 | CPR | 05/16/2016 | 2016-7/49 | |
| <u>career and technical education</u> | | | | | | |
| Education, Administration | 40516 | R277-911 | AMD | 08/11/2016 | 2016-13/66 | |
| | 40787 | R277-914 | 5YR | 09/15/2016 | 2016-19/105 | |
| <u>career development courses</u> | | | | | | |
| Public Safety, Peace Officer Standards and Training | 40539 | R728-501 | REP | 08/23/2016 | 2016-14/130 | |
| <u>cash management</u> | | | | | | |
| Money Management Council, Administration | 40229 | R628-16 | 5YR | 02/26/2016 | 2016-6/36 | |
| <u>certificate of eligibility for removal</u> | | | | | | |
| Public Safety, Criminal Investigations and Technical Services, Criminal Identification | 40596 | R722-360 | NSC | 08/01/2016 | Not Printed | |
| | 40597 | R722-390 | NSC | 08/01/2016 | Not Printed | |
| <u>certification</u> | | | | | | |
| Environmental Quality, Water Quality | 40489 | R317-11 | 5YR | 06/13/2016 | 2016-13/164 | |
| | 40690 | R616-3 | 5YR | 08/23/2016 | 2016-18/48 | |
| | 40358 | R616-3-3 | AMD | 07/01/2016 | 2016-10/66 | |
| <u>certifications</u> | | | | | | |
| Labor Commission, Boiler and Elevator Safety | 40691 | R616-2 | 5YR | 08/23/2016 | 2016-18/47 | |
| | 40357 | R616-2-3 | AMD | 07/01/2016 | 2016-10/64 | |
| Public Safety, Peace Officer Standards and Training | 40535 | R728-403 | R&R | 08/23/2016 | 2016-14/109 | |
| | 40165 | R728-409-14 | NSC | 02/17/2016 | Not Printed | |
| Transportation, Motor Carrier | 39953 | R909-19 | AMD | 01/21/2016 | 2015-24/58 | |
| | 40468 | R909-19 | 5YR | 06/02/2016 | 2016-13/170 | |
| <u>change orders</u> | | | | | | |
| Administrative Services, Purchasing and General Services | 40562 | R33-12 | NSC | 07/15/2016 | Not Printed | |
| | 40047 | R33-12-502 | AMD | 02/23/2016 | 2016-2/7 | |
| <u>chapter</u> | | | | | | |
| Navajo Trust Fund, Trustees | 40020 | R661-2 | NEW | 02/29/2016 | 2016-2/104 | |
| | 40023 | R661-5 | NEW | 02/29/2016 | 2016-2/109 | |
| | 40025 | R661-7 | NEW | 02/29/2016 | 2016-2/113 | |
| <u>chapter projects</u> | | | | | | |
| Navajo Trust Fund, Trustees | 40022 | R661-4 | NEW | 02/29/2016 | 2016-2/107 | |
| <u>chapter public facilities</u> | | | | | | |
| Navajo Trust Fund, Trustees | 40347 | R661-9 | NEW | 06/23/2016 | 2016-10/67 | |
| <u>chapter resolution</u> | | | | | | |
| Navajo Trust Fund, Trustees | 40021 | R661-3 | NEW | 02/29/2016 | 2016-2/105 | |
| | 40829 | R661-3 | EMR | 09/23/2016 | Not Printed | |
| <u>charities</u> | | | | | | |
| Tax Commission, Auditing | 39987 | R865-19S-94 | AMD | 04/14/2016 | 2016-1/76 | |
| <u>chickens</u> | | | | | | |
| Agriculture and Food, Regulatory Services | 40149 | R70-410 | 5YR | 01/20/2016 | 2016-4/77 | |

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| Human Services, Child and Family Services | 40194 | R512-60 | 5YR | 02/08/2016 | 2016-5/27 |
| | 40436 | R512-60 | AMD | 07/22/2016 | 2016-12/39 |
| | 40152 | R512-205 | 5YR | 01/25/2016 | 2016-4/79 |
| | 39939 | R512-301 | AMD | 01/07/2016 | 2015-23/35 |
| <u>child care</u> | | | | | |
| Health, Child Care Center Licensing Committee | 39898 | R381-70 | AMD | 01/31/2016 | 2015-22/40 |
| | 40162 | R381-70 | AMD | 03/30/2016 | 2016-4/20 |
| | 39896 | R381-100 | AMD | 01/31/2016 | 2015-22/45 |
| | 40161 | R381-100 | AMD | 03/30/2016 | 2016-4/24 |
| Health, Disease Control and Prevention, Environmental Services | 40356 | R392-110 | 5YR | 04/26/2016 | 2016-10/84 |
| | 40443 | R392-110 | NSC | 06/13/2016 | Not Printed |
| Workforce Services, Employment Development | 40104 | R986-700 | AMD | 04/01/2016 | 2016-3/495 |
| | 40554 | R986-700 | AMD | 08/25/2016 | 2016-14/150 |
| <u>child care centers</u> | | | | | |
| Health, Child Care Center Licensing Committee | 39898 | R381-70 | AMD | 01/31/2016 | 2015-22/40 |
| | 40162 | R381-70 | AMD | 03/30/2016 | 2016-4/20 |
| | 39896 | R381-100 | AMD | 01/31/2016 | 2015-22/45 |
| | 40161 | R381-100 | AMD | 03/30/2016 | 2016-4/24 |
| <u>child care facilities</u> | | | | | |
| Health, Child Care Center Licensing Committee | 39902 | R381-60 | AMD | 01/31/2016 | 2015-22/34 |
| | 40163 | R381-60 | AMD | 03/30/2016 | 2016-4/15 |
| | 39898 | R381-70 | AMD | 01/31/2016 | 2015-22/40 |
| | 40162 | R381-70 | AMD | 03/30/2016 | 2016-4/20 |
| | 39896 | R381-100 | AMD | 01/31/2016 | 2015-22/45 |
| | 40161 | R381-100 | AMD | 03/30/2016 | 2016-4/24 |
| Health, Family Health and Preparedness, Child Care Licensing | 39897 | R430-50 | AMD | 01/31/2016 | 2015-22/52 |
| | 40160 | R430-50 | AMD | 03/30/2016 | 2016-4/49 |
| | 39895 | R430-90 | AMD | 01/31/2016 | 2015-22/57 |
| | 40159 | R430-90 | AMD | 03/30/2016 | 2016-4/53 |
| <u>child support</u> | | | | | |
| Human Services, Recovery Services | 40415 | R527-34 | NSC | 05/31/2016 | Not Printed |
| | 40435 | R527-35 | AMD | 07/22/2016 | 2016-12/41 |
| | 40096 | R527-40 | AMD | 03/09/2016 | 2016-3/485 |
| | 40053 | R527-200 | 5YR | 01/05/2016 | 2016-3/512 |
| | 40654 | R527-201 | 5YR | 08/08/2016 | 2016-17/94 |
| | 40054 | R527-250 | 5YR | 01/05/2016 | 2016-3/513 |
| <u>child welfare</u> | | | | | |
| Human Services, Administration | 40454 | R495-880 | 5YR | 05/31/2016 | 2016-12/64 |
| Human Services, Child and Family Services | 40305 | R512-10 | 5YR | 04/14/2016 | 2016-9/136 |
| | 40587 | R512-10 | REP | 09/07/2016 | 2016-15/25 |
| | 39938 | R512-31 | AMD | 01/07/2016 | 2015-23/33 |
| | 40256 | R512-41 | AMD | 05/09/2016 | 2016-7/24 |
| | 40151 | R512-43 | 5YR | 01/25/2016 | 2016-4/79 |
| | 40257 | R512-43 | AMD | 05/09/2016 | 2016-7/29 |
| | 40194 | R512-60 | 5YR | 02/08/2016 | 2016-5/27 |
| | 40436 | R512-60 | AMD | 07/22/2016 | 2016-12/39 |
| | 39905 | R512-100 | AMD | 01/07/2016 | 2015-22/65 |
| | 39939 | R512-301 | AMD | 01/07/2016 | 2015-23/35 |
| | 39955 | R512-305 | AMD | 01/21/2016 | 2015-24/44 |
| | 39956 | R512-309 | AMD | 01/21/2016 | 2015-24/46 |
| | 39940 | R512-310 | AMD | 01/07/2016 | 2015-23/38 |
| <u>children's account</u> | | | | | |
| Human Services, Child and Family Services | 40194 | R512-60 | 5YR | 02/08/2016 | 2016-5/27 |
| | 40436 | R512-60 | AMD | 07/22/2016 | 2016-12/39 |
| <u>children's health benefits</u> | | | | | |
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| Health, Health Care Financing, Coverage and Reimbursement Policy | 40181 | R414-320 | 5YR | 02/01/2016 | 2016-4/78 |
| | 40297 | R414-320-6 | AMD | 06/28/2016 | 2016-9/112 |
| <u>chiropractic physician</u> | | | | | |
| Commerce, Occupational and Professional Licensing | 40208 | R156-73 | 5YR | 02/11/2016 | 2016-5/25 |
| <u>chiropractors</u> | | | | | |
| Commerce, Occupational and Professional Licensing | 40208 | R156-73 | 5YR | 02/11/2016 | 2016-5/25 |
| <u>Choose Life Adoption Support</u> | | | | | |
| Human Services, Child and Family Services | 40306 | R512-44 | 5YR | 04/14/2016 | 2016-9/136 |
| | 40258 | R512-44 | AMD | 05/09/2016 | 2016-7/34 |
| <u>chronic wasting disease</u> | | | | | |
| Agriculture and Food, Animal Industry | 40584 | R58-18 | AMD | 09/19/2016 | 2016-14/46 |
| <u>citation monitoring service</u> | | | | | |
| Public Safety, Driver License | 40147 | R708-44 | 5YR | 01/19/2016 | 2016-4/85 |
| <u>citizenship</u> | | | | | |
| Health, Health Care Financing, Coverage and Reimbursement Policy | 40375 | R414-302-3 | AMD | 07/01/2016 | 2016-10/29 |
| <u>civil procedures</u> | | | | | |
| Human Services, Recovery Services | 40416 | R527-800 | NSC | 05/31/2016 | Not Printed |
| <u>claims</u> | | | | | |
| Health, Center for Health Data, Health Care Statistics | 40179 | R428-15 | AMD | 03/25/2016 | 2016-4/48 |
| <u>Class I area</u> | | | | | |
| Environmental Quality, Air Quality | 39846 | R307-405-3 | AMD | 02/04/2016 | 2015-21/48 |
| <u>Clean Air Act</u> | | | | | |
| Environmental Quality, Air Quality | 39995 | R307-104 | NEW | 03/03/2016 | 2016-1/28 |
| <u>clinical mental health counselor</u> | | | | | |
| Commerce, Occupational and Professional Licensing | 39911 | R156-60c | AMD | 01/07/2016 | 2015-23/14 |
| <u>closing gifts</u> | | | | | |
| Commerce, Real Estate | 40041 | R162-2f | AMD | 02/23/2016 | 2016-2/11 |
| <u>CNG</u> | | | | | |
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| <u>co-curricular</u> | | | | | |
| Education, Administration | 40098 | R277-494 | AMD | 03/09/2016 | 2016-3/6 |
| <u>coal ash</u> | | | | | |
| Environmental Quality, Waste Management and Radiation Control, Waste Management | 40266 | R315-319 | NEW | 09/01/2016 | 2016-8/32 |
| | 40266 | R315-319 | CPR | 09/01/2016 | 2016-15/72 |
| <u>coal mines</u> | | | | | |
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| | 40732 | R645-103 | 5YR | 09/06/2016 | 2016-19/111 |
| | 40733 | R645-200 | 5YR | 09/06/2016 | 2016-19/112 |
| | 40734 | R645-201 | 5YR | 09/06/2016 | 2016-19/112 |
| | 40735 | R645-202 | 5YR | 09/06/2016 | 2016-19/113 |
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| | 40741 | R645-402 | 5YR | 09/06/2016 | 2016-19/116 |
| | 40742 | R645-403 | 5YR | 09/06/2016 | 2016-19/116 |
| <u>collateral</u> | | | | | |
| Money Management Council, Administration | 40228 | R628-13 | 5YR | 02/26/2016 | 2016-6/35 |
| <u>college</u> | | | | | |
| Navajo Trust Fund, Trustees | 40024 | R661-6 | NEW | 02/29/2016 | 2016-2/110 |
| | 40830 | R661-6 | EMR | 09/23/2016 | Not Printed |
| <u>comments</u> | | | | | |
| Environmental Quality, Waste Management and Radiation Control, Radiation | 40575 | R313-17 | 5YR | 07/01/2016 | 2016-14/174 |
| <u>commercial facility siting</u> | | | | | |
| Environmental Quality, Waste Management and Radiation Control, Waste Management | 40105 | R315-103 | NEW | 04/15/2016 | 2016-3/25 |
| <u>commercial interior designers</u> | | | | | |
| Commerce, Occupational and Professional Licensing | 40411 | R156-86 | NEW | 07/11/2016 | 2016-11/10 |
| <u>commercial solicitations</u> | | | | | |
| Capitol Preservation Board (State), Administration | 40807 | R131-10 | 5YR | 09/20/2016 | Not Printed |
| <u>commercialization</u> | | | | | |
| Governor, Economic Development | 40605 | R357-11 | AMD | 09/12/2016 | 2016-15/18 |
| <u>communicable diseases</u> | | | | | |
| Health, Disease Control and Prevention, Epidemiology | 39952 | R386-702 | AMD | 02/11/2016 | 2015-24/17 |
| | 40317 | R386-702 | 5YR | 04/15/2016 | 2016-9/135 |
| Health, Disease Control and Prevention; HIV/AIDS, Tuberculosis Control/Refugee Health | 40844 | R388-804 | 5YR | 09/30/2016 | Not Printed |
| Human Services, Administration | 40050 | R495-862 | 5YR | 01/04/2016 | 2016-3/512 |
| <u>community needs</u> | | | | | |
| Navajo Trust Fund, Trustees | 40022 | R661-4 | NEW | 02/29/2016 | 2016-2/107 |
| <u>compliance determinations</u> | | | | | |
| Environmental Quality, Drinking Water | 40034 | R309-210 | AMD | 05/01/2016 | 2016-2/26 |
| | 40035 | R309-211 | NEW | 05/01/2016 | 2016-2/33 |
| | 40036 | R309-215 | AMD | 05/01/2016 | 2016-2/40 |
| <u>compressed natural gas</u> | | | | | |
| Administrative Services, Fleet Operations | 40827 | R27-9 | 5YR | 09/23/2016 | Not Printed |
| <u>compulsory education</u> | | | | | |
| Education, Administration | 40251 | R277-616-3 | NSC | 03/29/2016 | Not Printed |
| <u>concrete</u> | | | | | |
| Environmental Quality, Air Quality | 39844 | R307-312-5 | AMD | 02/04/2016 | 2015-21/46 |
| <u>conduct</u> | | | | | |
| Administrative Services, Purchasing and General Services | 40564 | R33-16 | NSC | 07/15/2016 | Not Printed |
| Education, Administration | 40326 | R277-201 | REP | 08/12/2016 | 2016-9/11 |
| | 40503 | R277-211 | NEW | 08/12/2016 | 2016-13/14 |
| <u>conflict of interest</u> | | | | | |
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| Environmental Quality, Air Quality | 39995 | R307-104 | NEW | 03/03/2016 | 2016-1/28 |
| Human Resource Management, Administration | 40392 | R477-9 | AMD | 07/01/2016 | 2016-10/56 |
| <u>construction</u> | | | | | |
| Transportation, Operations, Construction | 40642 | R916-3 | 5YR | 08/03/2016 | 2016-17/96 |
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| Labor Commission, Administration | 40450 | R600-3 | 5YR | 05/27/2016 | 2016-12/64 |
| <u>consumer confidence report</u> | | | | | |
| Environmental Quality, Drinking Water | 40038 | R309-225 | AMD | 05/01/2016 | 2016-2/53 |
| <u>consumer protection</u> | | | | | |
| Commerce, Consumer Protection | 40604 | R152-1a | 5YR | 07/15/2016 | 2016-15/81 |
| | 40342 | R152-11 | 5YR | 04/19/2016 | 2016-10/80 |
| | 40414 | R152-15-3 | AMD | 07/08/2016 | 2016-11/2 |
| <u>consumers</u> | | | | | |
| Commerce, Consumer Protection | 40341 | R152-26 | 5YR | 04/19/2016 | 2016-10/80 |
| <u>contamination</u> | | | | | |
| Environmental Quality, Radiation Control | 39989 | R313-15 | AMD | 03/15/2016 | 2016-1/29 |
| Environmental Quality, Waste Management and Radiation Control, Radiation | 40003 | R313-15 | NSC | 01/15/2016 | Not Printed |
| <u>continuing professional education</u> | | | | | |
| Commerce, Occupational and Professional Licensing | 39982 | R156-26a | AMD | 02/11/2016 | 2016-1/4 |
| <u>contract requirements</u> | | | | | |
| Administrative Services, Facilities Construction and Management | 40044 | R23-23 | NSC | 01/15/2016 | Not Printed |
| | 40440 | R23-23 | EMR | 05/23/2016 | 2016-12/51 |
| | 40441 | R23-23 | AMD | 07/22/2016 | 2016-12/6 |
| <u>contractors</u> | | | | | |
| Administrative Services, Facilities Construction and Management | 40044 | R23-23 | NSC | 01/15/2016 | Not Printed |
| | 40440 | R23-23 | EMR | 05/23/2016 | 2016-12/51 |
| | 40441 | R23-23 | AMD | 07/22/2016 | 2016-12/6 |
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| | 40526 | R156-15A | 5YR | 06/20/2016 | 2016-14/171 |
| | 40622 | R156-15A-231 | AMD | 09/26/2016 | 2016-16/6 |
| | 40219 | R156-55a | AMD | 04/21/2016 | 2016-6/16 |
| | 40649 | R156-55a | 5YR | 08/04/2016 | 2016-17/89 |
| | 40351 | R156-55a-301 | AMD | 06/21/2016 | 2016-10/19 |
| | 40344 | R156-55a-303b | NSC | 05/11/2016 | Not Printed |
| | 40651 | R156-55b | 5YR | 08/08/2016 | 2016-17/90 |
| <u>contracts</u> | | | | | |
| Administrative Services, Facilities Construction and Management | 40044 | R23-23 | NSC | 01/15/2016 | Not Printed |
| | 40440 | R23-23 | EMR | 05/23/2016 | 2016-12/51 |
| | 40441 | R23-23 | AMD | 07/22/2016 | 2016-12/6 |
| Administrative Services, Purchasing and General Services | 40562 | R33-12 | NSC | 07/15/2016 | Not Printed |
| | 40047 | R33-12-502 | AMD | 02/23/2016 | 2016-2/7 |
| Capitol Preservation Board (State), Administration | 40092 | R131-4 | 5YR | 01/11/2016 | 2016-3/507 |
| Transportation, Operations, Construction | 40627 | R916-1 | 5YR | 07/28/2016 | 2016-16/49 |
| | 40641 | R916-2 | 5YR | 08/03/2016 | 2016-17/96 |
| | 40642 | R916-3 | 5YR | 08/03/2016 | 2016-17/96 |
| <u>controlled substance database</u> | | | | | |
| Commerce, Occupational and Professional Licensing | 39923 | R156-37f | AMD | 01/07/2016 | 2015-23/7 |
| <u>controlled substances</u> | | | | | |
| Commerce, Occupational and Professional Licensing | 40216 | R156-37 | AMD | 04/21/2016 | 2016-6/14 |
| <u>controversies</u> | | | | | |
| Administrative Services, Purchasing and General Services | 40564 | R33-16 | NSC | 07/15/2016 | Not Printed |

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| <u>cooperative agreement</u> Natural Resources, Forestry, Fire and State Lands | 40304 | R652-122 | 5YR | 04/14/2016 | 2016-9/138 |
| <u>cooperative purchasing</u> Administrative Services, Purchasing and General Services | 40568 | R33-21 | AMD | 08/22/2016 | 2016-14/42 |
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| <u>copying processes</u> Health, Center for Health Data, Vital Records and Statistics | 39817 | R436-13 | AMD | 02/17/2016 | 2015-21/88 |
| | 40439 | R436-13-1 | AMD | 07/26/2016 | 2016-12/38 |
| <u>corrections</u> Corrections, Administration | 40039 | R251-109 | AMD | 05/04/2016 | 2016-2/16 |
| <u>cosmetologists/barbers</u> Commerce, Occupational and Professional Licensing | 40589 | R156-11a | AMD | 09/08/2016 | 2016-15/8 |
| <u>cost sharing agreement</u> Public Safety, Administration | 40001 | R698-8 | NEW | 02/24/2016 | 2016-2/117 |
| <u>costs</u> Administrative Services, Purchasing and General Services | 40562 | R33-12 | NSC | 07/15/2016 | Not Printed |
| | 40047 | R33-12-502 | AMD | 02/23/2016 | 2016-2/7 |
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| <u>counselors</u> Commerce, Occupational and Professional Licensing | 39911 | R156-60c | AMD | 01/07/2016 | 2015-23/14 |
| <u>court</u> Health, Center for Health Data, Vital Records and Statistics | 40600 | R436-5 | 5YR | 07/13/2016 | 2016-15/82 |
| <u>coverage groups</u> Health, Health Care Financing, Coverage and Reimbursement Policy | 40377 | R414-303 | AMD | 07/01/2016 | 2016-10/30 |
| | 40040 | R414-303-8 | AMD | 03/08/2016 | 2016-2/89 |
| <u>credit insurance filings</u> Insurance, Administration | 40158 | R590-228-9 | AMD | 03/23/2016 | 2016-4/64 |
| <u>Crime Victim Reparations and Assistance Board</u> Crime Victim Reparations, Administration | 40524 | R270-6 | NEW | 08/22/2016 | 2016-14/53 |
| <u>criminal background checks</u> Education, Rehabilitation | 40101 | R280-204 | 5YR | 01/14/2016 | 2016-3/510 |
| | 40102 | R280-204 | AMD | 03/09/2016 | 2016-3/11 |
| <u>criminal offenses</u> Public Safety, Criminal Investigations and Technical Services, Criminal Identification | 40646 | R722-910 | NSC | 08/22/2016 | Not Printed |
| <u>cultural sites</u> Heritage and Arts, History | 40186 | R455-9 | 5YR | 02/02/2016 | 2016-5/27 |
| <u>curricula</u> Education, Administration | 40514 | R277-713 | R&R | 08/11/2016 | 2016-13/55 |
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| | 40169 | R655-10-5A | AMD | 03/24/2016 | 2016-4/67 |
| | 40168 | R655-12 | 5YR | 01/29/2016 | 2016-4/81 |
| | 40176 | R655-12 | AMD | 03/24/2016 | 2016-4/71 |

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| | 40558 | R907-63 | AMD | 08/23/2016 | 2016-14/141 |
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| | 40169 | R655-10-5A | AMD | 03/24/2016 | 2016-4/67 |
| | 40167 | R655-11 | 5YR | 01/29/2016 | 2016-4/81 |
| | 40175 | R655-11 | AMD | 03/24/2016 | 2016-4/68 |
| | 40168 | R655-12 | 5YR | 01/29/2016 | 2016-4/81 |
| | 40176 | R655-12 | AMD | 03/24/2016 | 2016-4/71 |

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| | 40009 | R313-22 | NSC | 01/15/2016 | Not Printed |
| | 39991 | R313-22 | CPR | 05/09/2016 | 2016-7/44 |
| | 40323 | R313-22 | AMD | 06/10/2016 | 2016-9/63 |
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| | 40247 | R277-99-2 | NSC | 03/29/2016 | Not Printed |
| | 40325 | R277-200 | REP | 08/12/2016 | 2016-9/7 |
| | 40502 | R277-210 | NEW | 08/12/2016 | 2016-13/10 |
| Environmental Quality, Air Quality | 39994 | R307-101-2 | AMD | 03/03/2016 | 2016-1/21 |
| | 40423 | R307-101-3 | AMD | 08/04/2016 | 2016-11/23 |
| Environmental Quality, Drinking Water | 40032 | R309-110-4 | AMD | 05/01/2016 | 2016-2/20 |
| Environmental Quality, Waste Management and Radiation Control, Radiation | 40572 | R313-12 | 5YR | 07/01/2016 | 2016-14/172 |
| Human Resource Management, Administration | 40398 | R477-1 | AMD | 07/01/2016 | 2016-10/41 |
| Navajo Trust Fund, Trustees | 40020 | R661-2 | NEW | 02/29/2016 | 2016-2/104 |
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| Commerce, Occupational and Professional Licensing | 40150 | R156-69 | 5YR | 01/21/2016 | 2016-4/77 | |
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| Environmental Quality, Waste Management and Radiation Control, Radiation | 40579 | R313-25 | 5YR | 07/01/2016 | 2016-14/177 | |
| | 40451 | R313-25-26 | NSC | 06/13/2016 | Not Printed | |
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| Money Management Council, Administration | 40303 | R628-10 | EXD | 04/12/2016 | 2016-9/139 | |
| | 40603 | R628-10 | NEW | 09/07/2016 | 2016-15/27 | |
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| <u>developmental disabilities</u> | | | | | | |
| Tax Commission, Administration | 40743 | R861-1A-20 | NSC | 09/26/2016 | Not Printed | |
| <u>developmentally disabled</u> | | | | | | |
| Agriculture and Food, Administration | 40235 | R51-4 | 5YR | 02/29/2016 | 2016-6/27 | |
| Transportation, Administration | 40730 | R907-62 | 5YR | 09/02/2016 | 2016-19/117 | |
| <u>digital media</u> | | | | | | |
| Governor, Economic Development | 40483 | R357-5 | 5YR | 06/09/2016 | 2016-13/165 | |
| | 40460 | R357-5 | R&R | 07/22/2016 | 2016-12/20 | |
| <u>Dine' Advisory Committee</u> | | | | | | |
| Navajo Trust Fund, Trustees | 40019 | R661-1 | NEW | 02/29/2016 | 2016-2/103 | |
| | 40020 | R661-2 | NEW | 02/29/2016 | 2016-2/104 | |
| <u>direct-entry midwife</u> | | | | | | |
| Commerce, Occupational and Professional Licensing | 40353 | R156-77 | 5YR | 04/26/2016 | 2016-10/83 | |
| <u>disabilities</u> | | | | | | |
| Human Services, Services for People with Disabilities | 40625 | R539-9 | 5YR | 07/26/2016 | 2016-16/46 | |
| <u>disciplinary actions</u> | | | | | | |
| Education, Administration | 40330 | R277-205 | REP | 08/12/2016 | 2016-9/28 | |
| | 40331 | R277-206 | REP | 08/12/2016 | 2016-9/29 | |
| <u>disciplinary presumptions</u> | | | | | | |
| Education, Administration | 39837 | R277-207 | NEW | 01/11/2016 | 2015-21/17 | |
| | 40333 | R277-207 | REP | 08/12/2016 | 2016-9/31 | |
| | 40506 | R277-215 | NEW | 08/12/2016 | 2016-13/29 | |
| <u>discipline of employees</u> | | | | | | |
| Human Resource Management, Administration | 40394 | R477-11 | AMD | 07/01/2016 | 2016-10/58 | |
| <u>disclosure requirements</u> | | | | | | |
| Natural Resources, Geological Survey | 40214 | R638-1 | 5YR | 02/17/2016 | 2016-6/36 | |
| Tax Commission, Administration | 40743 | R861-1A-20 | NSC | 09/26/2016 | Not Printed | |
| <u>discrimination</u> | | | | | | |
| Agriculture and Food, Administration | 40235 | R51-4 | 5YR | 02/29/2016 | 2016-6/27 | |
| Labor Commission, Antidiscrimination and Labor, Antidiscrimination | 40626 | R606-1 | 5YR | 07/28/2016 | 2016-16/47 | |
| Labor Commission, Antidiscrimination and Labor, Fair Housing | 40717 | R608-1 | 5YR | 08/29/2016 | 2016-18/45 | |
| Transportation, Administration | 40730 | R907-62 | 5YR | 09/02/2016 | 2016-19/117 | |

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| <u>disinfection monitoring</u> | | | | | | |
| Environmental Quality, Drinking Water | 40036 | R309-215 | AMD | 05/01/2016 | 2016-2/40 | |
| <u>dismissal of employees</u> | | | | | | |
| Human Resource Management, Administration | 40394 | R477-11 | AMD | 07/01/2016 | 2016-10/58 | |
| <u>dispatchers</u> | | | | | | |
| Public Safety, Peace Officer Standards and Training | 40534 | R728-401 | R&R | 08/23/2016 | 2016-14/104 | |
| | 40535 | R728-403 | R&R | 08/23/2016 | 2016-14/109 | |
| | 40536 | R728-410 | R&R | 08/23/2016 | 2016-14/123 | |
| <u>distribution system monitoring</u> | | | | | | |
| Environmental Quality, Drinking Water | 40034 | R309-210 | AMD | 05/01/2016 | 2016-2/26 | |
| | 40035 | R309-211 | NEW | 05/01/2016 | 2016-2/33 | |
| <u>diversion programs</u> | | | | | | |
| Commerce, Occupational and Professional Licensing | 40412 | R156-1 | AMD | 07/11/2016 | 2016-11/3 | |
| <u>domestic violence</u> | | | | | | |
| Human Services, Child and Family Services | 40152 | R512-205 | 5YR | 01/25/2016 | 2016-4/79 | |
| | 39939 | R512-301 | AMD | 01/07/2016 | 2015-23/35 | |
| <u>drinking water</u> | | | | | | |
| Environmental Quality, Drinking Water | 40031 | R309-105-4 | AMD | 05/01/2016 | 2016-2/19 | |
| | 40032 | R309-110-4 | AMD | 05/01/2016 | 2016-2/20 | |
| | 40033 | R309-200-5 | AMD | 05/01/2016 | 2016-2/23 | |
| | 40034 | R309-210 | AMD | 05/01/2016 | 2016-2/26 | |
| | 40035 | R309-211 | NEW | 05/01/2016 | 2016-2/33 | |
| | 40036 | R309-215 | AMD | 05/01/2016 | 2016-2/40 | |
| | 40037 | R309-220 | AMD | 05/01/2016 | 2016-2/46 | |
| | 40038 | R309-225 | AMD | 05/01/2016 | 2016-2/53 | |
| <u>driver address record</u> | | | | | | |
| Public Safety, Driver License | 40145 | R708-42 | 5YR | 01/19/2016 | 2016-4/84 | |
| <u>driver education</u> | | | | | | |
| Education, Administration | 40250 | R277-507-1 | NSC | 03/29/2016 | Not Printed | |
| Public Safety, Driver License | 40141 | R708-18 | 5YR | 01/19/2016 | 2016-4/82 | |
| <u>driver license</u> | | | | | | |
| Public Safety, Driver License | 40147 | R708-44 | 5YR | 01/19/2016 | 2016-4/85 | |
| <u>driver license verification</u> | | | | | | |
| Public Safety, Driver License | 40146 | R708-43 | 5YR | 01/19/2016 | 2016-4/84 | |
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| Education, Administration | 40331 | R277-206 | REP | 08/12/2016 | 2016-9/29 | |
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| Public Safety, Peace Officer Standards and Training | 40532 | R728-405 | REP | 08/23/2016 | 2016-14/119 | |
| <u>drug testing programs</u> | | | | | | |
| Public Safety, Peace Officer Standards and Training | 40532 | R728-405 | REP | 08/23/2016 | 2016-14/119 | |
| <u>dual employment</u> | | | | | | |
| Human Resource Management, Administration | 40391 | R477-8 | AMD | 07/01/2016 | 2016-10/55 | |
| <u>due process</u> | | | | | | |
| Human Services, Child and Family Services | 39938 | R512-31 | AMD | 01/07/2016 | 2015-23/33 | |
| <u>earthquakes</u> | | | | | | |
| Natural Resources, Water Rights | 40167 | R655-11 | 5YR | 01/29/2016 | 2016-4/81 | |
| | 40175 | R655-11 | AMD | 03/24/2016 | 2016-4/68 | |

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| <u>economic development</u> | | | | | |
| Governor, Economic Development | 40483 | R357-5 | 5YR | 06/09/2016 | 2016-13/165 |
| | 40460 | R357-5 | R&R | 07/22/2016 | 2016-12/20 |
| | 40638 | R357-6 | 5YR | 08/02/2016 | 2016-17/93 |
| | 40028 | R357-7 | R&R | 05/16/2016 | 2016-2/60 |
| | 40028 | R357-7 | CPR | 05/16/2016 | 2016-7/49 |
| <u>economic opportunity</u> | | | | | |
| Governor, Economic Development | 40462 | R357-1 | R&R | 07/22/2016 | 2016-12/17 |
| <u>education finance</u> | | | | | |
| Education, Administration | 40287 | R277-419 | AMD | 06/03/2016 | 2016-8/12 |
| <u>educational administration</u> | | | | | |
| Education, Administration | 40783 | R277-116 | 5YR | 09/15/2016 | 2016-19/103 |
| <u>educational expenditures</u> | | | | | |
| Education, Administration | 40288 | R277-478 | REP | 05/23/2016 | 2016-8/19 |
| <u>educational testing</u> | | | | | |
| Education, Administration | 40253 | R277-702-4 | NSC | 03/29/2016 | Not Printed |
| <u>educational tuition</u> | | | | | |
| Human Resource Management, Administration | 40393 | R477-10-1 | AMD | 07/01/2016 | 2016-10/57 |
| <u>educator licenses</u> | | | | | |
| Education, Administration | 40329 | R277-204 | REP | 08/12/2016 | 2016-9/26 |
| | 40338 | R277-214 | NEW | 08/12/2016 | 2016-9/51 |
| <u>educator licensure</u> | | | | | |
| Education, Administration | 40250 | R277-507-1 | NSC | 03/29/2016 | Not Printed |
| | 40509 | R277-511 | NEW | 08/12/2016 | 2016-13/39 |
| <u>educators</u> | | | | | |
| Education, Administration | 40325 | R277-200 | REP | 08/12/2016 | 2016-9/7 |
| | 40327 | R277-202 | REP | 08/12/2016 | 2016-9/16 |
| | 40330 | R277-205 | REP | 08/12/2016 | 2016-9/28 |
| | 40331 | R277-206 | REP | 08/12/2016 | 2016-9/29 |
| | 39837 | R277-207 | NEW | 01/11/2016 | 2015-21/17 |
| | 40333 | R277-207 | REP | 08/12/2016 | 2016-9/31 |
| | 40502 | R277-210 | NEW | 08/12/2016 | 2016-13/10 |
| | 40504 | R277-212 | NEW | 08/12/2016 | 2016-13/18 |
| | 40506 | R277-215 | NEW | 08/12/2016 | 2016-13/29 |
| | 40430 | R277-216 | NEW | 08/12/2016 | 2016-11/12 |
| | 40099 | R277-510 | 5YR | 01/14/2016 | 2016-3/510 |
| | 40100 | R277-510 | AMD | 03/09/2016 | 2016-3/8 |
| | 40362 | R277-510-5 | NSC | 05/11/2016 | Not Printed |
| | 40510 | R277-515 | AMD | 08/12/2016 | 2016-13/41 |
| | 40667 | R277-530 | 5YR | 08/15/2016 | 2016-17/91 |
| | 40668 | R277-531 | 5YR | 08/15/2016 | 2016-17/92 |
| | 40512 | R277-533 | AMD | 08/11/2016 | 2016-13/49 |
| <u>effectiveness</u> | | | | | |
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| <u>effluent standards</u> | | | | | |
| Environmental Quality, Water Quality | 39981 | R317-1-3 | AMD | 02/25/2016 | 2016-1/40 |
| <u>eggs</u> | | | | | |
| Agriculture and Food, Regulatory Services | 40149 | R70-410 | 5YR | 01/20/2016 | 2016-4/77 |
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| Navajo Trust Fund, Trustees | 40026 | R661-8 | NEW | 02/29/2016 | 2016-2/115 |
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| <u>electronic cigarettes</u> | | | | | | |
| Health, Disease Control and Prevention, Health Promotion | 40210 | R384-415 | AMD | 04/15/2016 | 2016-5/8 | |
| <u>electronic meetings</u> | | | | | | |
| Crime Victim Reparations, Administration | 40148 | R270-5 | NEW | 04/06/2016 | 2016-4/14 | |
| <u>electronic prescribing</u> | | | | | | |
| Commerce, Occupational and Professional Licensing | 39980 | R156-82-201 | AMD | 02/08/2016 | 2016-1/12 | |
| <u>Electronic-Cigarette Regulation Act</u> | | | | | | |
| Health, Disease Control and Prevention, Health Promotion | 40210 | R384-415 | AMD | 04/15/2016 | 2016-5/8 | |
| <u>elevators</u> | | | | | | |
| Labor Commission, Boiler and Elevator Safety | 40690 | R616-3 | 5YR | 08/23/2016 | 2016-18/48 | |
| | 40358 | R616-3-3 | AMD | 07/01/2016 | 2016-10/66 | |
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| Health, Health Care Financing, Coverage and Reimbursement Policy | 40244 | R414-307-3 | AMD | 05/20/2016 | 2016-7/8 | |
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| Navajo Trust Fund, Trustees | 40025 | R661-7 | NEW | 02/29/2016 | 2016-2/113 | |
| <u>elk</u> | | | | | | |
| Agriculture and Food, Animal Industry | 40584 | R58-18 | AMD | 09/19/2016 | 2016-14/46 | |
| | 40585 | R58-20 | AMD | 09/19/2016 | 2016-15/6 | |
| <u>emancipation</u> | | | | | | |
| Human Services, Recovery Services | 40054 | R527-250 | 5YR | 01/05/2016 | 2016-3/513 | |
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| Health, Family Health and Preparedness, Emergency Medical Services | 40427 | R426-3-600 | AMD | 07/15/2016 | 2016-11/37 | |
| | 40283 | R426-5 | AMD | 05/31/2016 | 2016-8/70 | |
| | 40178 | R426-7 | AMD | 03/25/2016 | 2016-4/33 | |
| | 40324 | R426-8 | AMD | 07/01/2016 | 2016-9/114 | |
| | 40426 | R426-9 | AMD | 07/15/2016 | 2016-11/39 | |
| <u>emergency procurement</u> | | | | | | |
| Administrative Services, Purchasing and General Services | 40570 | R33-8 | AMD | 08/22/2016 | 2016-14/34 | |
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| Environmental Quality, Air Quality | 39847 | R307-415-3 | AMD | 02/04/2016 | 2015-21/50 | |
| <u>employee benefit plans</u> | | | | | | |
| Human Resource Management, Administration | 40390 | R477-6 | AMD | 07/01/2016 | 2016-10/47 | |
| <u>employee performance evaluations</u> | | | | | | |
| Human Resource Management, Administration | 40393 | R477-10-1 | AMD | 07/01/2016 | 2016-10/57 | |
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| Human Resource Management, Administration | 40395 | R477-12 | AMD | 07/01/2016 | 2016-10/60 | |
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| Human Services, Administration | 40264 | R495-885 | NEW | 05/11/2016 | 2016-7/18 | |

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| Workforce Services, Unemployment Insurance | 40400 | R994-302 | 5YR | 05/03/2016 | 2016-11/65 | |
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| Human Resource Management, Administration | 40389 | R477-4-5 | AMD | 07/01/2016 | 2016-10/46 | |
| Labor Commission, Antidiscrimination and Labor, Antidiscrimination | 40626 | R606-1 | 5YR | 07/28/2016 | 2016-16/47 | |
| <u>employment tests</u> | | | | | | |
| Workforce Services, Unemployment Insurance | 40045 | R994-205-106 | AMD | 02/24/2016 | 2016-2/120 | |
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| Education, Administration | 40508 | R277-490 | AMD | 08/11/2016 | 2016-13/36 | |
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| Navajo Trust Fund, Trustees | 40024 | R661-6 | NEW | 02/29/2016 | 2016-2/110 | |
| | 40830 | R661-6 | EMR | 09/23/2016 | Not Printed | |
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| Environmental Quality, Environmental Response and Remediation | 40487 | R311-600 | 5YR | 06/10/2016 | 2016-13/163 | |
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| Agriculture and Food, Animal Industry | 40477 | R58-14 | 5YR | 06/09/2016 | 2016-13/161 | |
| Environmental Quality, Waste Management and Radiation Control, Radiation | 40573 | R313-14 | 5YR | 07/01/2016 | 2016-14/172 | |
| Human Services, Recovery Services | 40416 | R527-800 | NSC | 05/31/2016 | Not Printed | |
| Natural Resources, Oil, Gas and Mining; Coal | 40742 | R645-403 | 5YR | 09/06/2016 | 2016-19/116 | |
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| <u>engineers</u> | | | | | | |
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| <u>enhancement programs</u> | | | | | | |
| Education, Administration | 40428 | R277-707 | 5YR | 05/16/2016 | 2016-11/63 | |
| | 40429 | R277-707 | AMD | 07/11/2016 | 2016-11/21 | |
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| Governor, Economic Development | 40461 | R357-15 | NEW | 07/22/2016 | 2016-12/24 | |
| Tax Commission, Auditing | 40418 | R865-9I-37 | AMD | 07/14/2016 | 2016-11/47 | |
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| <u>estheticians</u> | | | | | | |
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| | 40512 | R277-533 | AMD | 08/11/2016 | 2016-13/49 | |
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| | 40577 | R313-19 | 5YR | 07/01/2016 | 2016-14/175 | |
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| | 40369 | R65-8-2 | AMD | 06/23/2016 | 2016-10/13 | |
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| | 40289 | R277-482 | AMD | 05/23/2016 | 2016-8/21 | |
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| Human Services, Substance Abuse and Mental Health, State Hospital | 40313 | R525-8 | 5YR | 04/14/2016 | 2016-9/137 | |
| | 40314 | R525-8 | AMD | 07/07/2016 | 2016-9/116 | |
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| | 40458 | R131-2 | AMD | 07/22/2016 | 2016-12/8 | |
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| | 40141 | R708-18 | 5YR | 01/19/2016 | 2016-4/82 |
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| Public Safety, Fire Marshal | 40521 | R710-11 | AMD | 08/23/2016 | 2016-14/72 |
| | 40837 | R710-11 | 5YR | 09/28/2016 | Not Printed |
| <u>fire prevention</u> | | | | | |
| Public Safety, Fire Marshal | 40479 | R710-1 | AMD | 08/15/2016 | 2016-13/127 |
| | 40485 | R710-4 | AMD | 08/15/2016 | 2016-13/137 |
| | 40598 | R710-7 | AMD | 09/13/2016 | 2016-15/54 |
| | 40523 | R710-8 | AMD | 08/23/2016 | 2016-14/62 |
| | 40546 | R710-9 | AMD | 08/23/2016 | 2016-14/64 |
| <u>fire safe cigarettes</u> | | | | | |
| Public Safety, Fire Marshal | 40519 | R710-13 | AMD | 08/23/2016 | 2016-14/80 |
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| Public Safety, Fire Marshal | 40544 | R710-10 | AMD | 08/23/2016 | 2016-14/68 |
| <u>fireworks</u> | | | | | |
| Public Safety, Fire Marshal | 40601 | R710-2 | AMD | 09/13/2016 | 2016-15/41 |
| <u>fleet expansion</u> | | | | | |
| Administrative Services, Fleet Operations | 40824 | R27-4 | 5YR | 09/23/2016 | Not Printed |
| <u>floods</u> | | | | | |
| Natural Resources, Water Rights | 40167 | R655-11 | 5YR | 01/29/2016 | 2016-4/81 |

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| Agriculture and Food, Regulatory Services | 39950 | R70-530 | AMD | 02/02/2016 | 2015-24/12 |
| Health, Disease Control and Prevention, Environmental Services | 40443 | R392-110 | NSC | 06/13/2016 | Not Printed |
| <u>food inspection</u> | | | | | |
| Agriculture and Food, Plant Industry | 40201 | R68-4 | 5YR | 02/08/2016 | 2016-5/23 |
| <u>food inspections</u> | | | | | |
| Agriculture and Food, Regulatory Services | 40270 | R70-370 | 5YR | 03/16/2016 | 2016-8/91 |
| | 40361 | R70-370 | AMD | 06/23/2016 | 2016-10/15 |
| | 40269 | R70-380 | 5YR | 03/16/2016 | 2016-8/92 |
| | 40368 | R70-380 | AMD | 06/23/2016 | 2016-10/16 |
| | 40149 | R70-410 | 5YR | 01/20/2016 | 2016-4/77 |
| <u>food services</u> | | | | | |
| Health, Disease Control and Prevention, Environmental Services | 40254 | R392-100 | AMD | 05/23/2016 | 2016-7/4 |
| | 40356 | R392-110 | 5YR | 04/26/2016 | 2016-10/84 |
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| | 40314 | R525-8 | AMD | 07/07/2016 | 2016-9/116 |
| <u>former foster care youth</u> | | | | | |
| Health, Health Care Financing, Coverage and Reimbursement Policy | 40377 | R414-303 | AMD | 07/01/2016 | 2016-10/30 |
| | 40040 | R414-303-8 | AMD | 03/08/2016 | 2016-2/89 |
| <u>foster care</u> | | | | | |
| Human Services, Child and Family Services | 39938 | R512-31 | AMD | 01/07/2016 | 2015-23/33 |
| | 40151 | R512-43 | 5YR | 01/25/2016 | 2016-4/79 |
| | 40257 | R512-43 | AMD | 05/09/2016 | 2016-7/29 |
| | 39956 | R512-309 | AMD | 01/21/2016 | 2015-24/46 |
| | 39940 | R512-310 | AMD | 01/07/2016 | 2015-23/38 |
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| Commerce, Administration | 40293 | R151-14 | 5YR | 03/31/2016 | 2016-8/92 |
| Commerce, Consumer Protection | 40414 | R152-15-3 | AMD | 07/08/2016 | 2016-11/2 |
| Tax Commission, Auditing | 40744 | R865-6F-8 | NSC | 09/26/2016 | Not Printed |
| | 40417 | R865-6F-28 | AMD | 07/14/2016 | 2016-11/45 |
| <u>fraud</u> | | | | | |
| Commerce, Consumer Protection | 40341 | R152-26 | 5YR | 04/19/2016 | 2016-10/80 |
| <u>free speech activities</u> | | | | | |
| Capitol Preservation Board (State), Administration | 40808 | R131-11 | 5YR | 09/20/2016 | Not Printed |
| <u>freedom of information</u> | | | | | |
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| Commerce, Administration | 40616 | R151-2 | 5YR | 07/18/2016 | 2016-16/45 |
| <u>fuel dispensing</u> | | | | | |
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| <u>funeral directors</u> | | | | | |
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| <u>funeral industries</u> | | | | | |
| Commerce, Occupational and Professional Licensing | 40354 | R156-9 | 5YR | 04/26/2016 | 2016-10/81 |
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| | 40403 | R657-5 | AMD | 07/11/2016 | 2016-11/42 |

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| | 40404 | R657-23 | AMD | 07/11/2016 | 2016-11/43 |
| | 40093 | R657-33 | AMD | 03/09/2016 | 2016-3/490 |
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| <u>general assistance</u> | | | | | |
| Workforce Services, Employment Development | 40315 | R986-400-402 | AMD | 07/01/2016 | 2016-9/122 |
| <u>general licenses</u> | | | | | |
| Environmental Quality, Waste Management and Radiation Control, Radiation | 40008 | R313-21 | NSC | 01/15/2016 | Not Printed |
| <u>general procurement provisions</u> | | | | | |
| Administrative Services, Purchasing and General Services | 40559 | R33-1 | AMD | 08/22/2016 | 2016-14/11 |
| | 40560 | R33-4 | AMD | 08/22/2016 | 2016-14/15 |
| <u>generators</u> | | | | | |
| Environmental Quality, Waste Management and Radiation Control, Waste Management | 40109 | R315-262 | NEW | 04/15/2016 | 2016-3/170 |
| | 40279 | R315-262 | NSC | 04/15/2016 | Not Printed |
| | 40309 | R315-262-10 | AMD | 06/10/2016 | 2016-9/95 |
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| Commerce, Administration | 40616 | R151-2 | 5YR | 07/18/2016 | 2016-16/45 |
| Transportation, Administration | 40590 | R907-69 | 5YR | 07/07/2016 | 2016-15/83 |
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| Commerce, Administration | 40265 | R151-4 | 5YR | 03/15/2016 | 2016-7/63 |
| Commerce, Occupational and Professional Licensing | 40052 | R156-46b | 5YR | 01/05/2016 | 2016-3/509 |
| Human Resource Management, Administration | 40394 | R477-11 | AMD | 07/01/2016 | 2016-10/58 |
| <u>government purchasing</u> | | | | | |
| Administrative Services, Purchasing and General Services | 40559 | R33-1 | AMD | 08/22/2016 | 2016-14/11 |
| | 40560 | R33-4 | AMD | 08/22/2016 | 2016-14/15 |
| | 40571 | R33-5 | AMD | 08/22/2016 | 2016-14/19 |
| | 40561 | R33-6 | AMD | 08/22/2016 | 2016-14/24 |
| | 40048 | R33-6-114 | AMD | 02/23/2016 | 2016-2/6 |
| | 40438 | R33-7 | NSC | 06/13/2016 | Not Printed |
| | 40567 | R33-7 | AMD | 08/22/2016 | 2016-14/27 |
| | 40570 | R33-8 | AMD | 08/22/2016 | 2016-14/34 |
| | 40565 | R33-9 | AMD | 08/22/2016 | 2016-14/39 |
| | 40563 | R33-15 | NSC | 07/15/2016 | Not Printed |
| | 40564 | R33-16 | NSC | 07/15/2016 | Not Printed |
| School and Institutional Trust Lands, Administration | 39961 | R850-11 | AMD | 01/21/2016 | 2015-24/50 |
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| | 39936 | R277-705 | AMD | 01/07/2016 | 2015-23/17 |
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| Attorney General, Administration | 40841 | R105-2 | 5YR | 09/28/2016 | Not Printed |
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| <u>grant programs</u> | | | | | |
| Education, Administration | 40518 | R277-923 | NEW | 08/11/2016 | 2016-13/75 |
| <u>grants</u> | | | | | |
| Agriculture and Food, Animal Industry | 40637 | R58-24 | 5YR | 08/02/2016 | 2016-17/87 |
| Education, Administration | 40249 | R277-402-4 | NSC | 03/29/2016 | Not Printed |
| | 40508 | R277-490 | AMD | 08/11/2016 | 2016-13/36 |
| Governor, Economic Development | 40434 | R357-16 | NEW | 07/15/2016 | 2016-11/29 |
| | 40606 | R357-16 | NSC | 08/01/2016 | Not Printed |
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| Natural Resources, Oil, Gas and Mining; Abandoned Mine Reclamation | 40702 | R643-886 | 5YR | 08/24/2016 | 2016-18/53 |
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| Environmental Quality, Air Quality | 39846 | R307-405-3 | AMD | 02/04/2016 | 2015-21/48 |
| | 39847 | R307-415-3 | AMD | 02/04/2016 | 2015-21/50 |
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| Career Service Review Office, Administration | 40595 | R137-1 | 5YR | 07/11/2016 | 2016-15/81 |
| Tax Commission, Administration | 40743 | R861-1A-20 | NSC | 09/26/2016 | Not Printed |
| <u>grievances</u> | | | | | |
| Agriculture and Food, Administration | 40235 | R51-4 | 5YR | 02/29/2016 | 2016-6/27 |
| Human Resource Management, Administration | 40394 | R477-11 | AMD | 07/01/2016 | 2016-10/58 |
| | 40395 | R477-12 | AMD | 07/01/2016 | 2016-10/60 |
| <u>habitat designation</u> | | | | | |
| Natural Resources, Wildlife Resources | 40370 | R657-48 | 5YR | 05/02/2016 | 2016-10/86 |
| <u>Hatch Act</u> | | | | | |
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| <u>hazardous air pollutant</u> | | | | | |
| Environmental Quality, Air Quality | 40425 | R307-214 | AMD | 08/04/2016 | 2016-11/25 |
| <u>hazardous materials</u> | | | | | |
| Public Safety, Fire Marshal | 40520 | R710-12 | AMD | 08/23/2016 | 2016-14/77 |
| <u>hazardous materials transportation</u> | | | | | |
| Transportation, Motor Carrier | 40722 | R909-75 | 5YR | 08/30/2016 | 2016-18/57 |
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| Transportation, Motor Carrier | 40722 | R909-75 | 5YR | 08/30/2016 | 2016-18/57 |
| <u>Hazardous Substances Mitigation Act</u> | | | | | |
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| Environmental Quality, Waste Management and Radiation Control, Waste Management | 40117 | R315-1 | REP | 04/15/2016 | 2016-3/14 |
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| | 40119 | R315-3 | REP | 04/15/2016 | 2016-3/15 |
| | 40120 | R315-4 | REP | 04/15/2016 | 2016-3/16 |
| | 40121 | R315-5 | REP | 04/15/2016 | 2016-3/17 |
| | 40122 | R315-6 | REP | 04/15/2016 | 2016-3/18 |
| | 40123 | R315-7 | REP | 04/15/2016 | 2016-3/18 |
| | 40124 | R315-8 | REP | 04/15/2016 | 2016-3/19 |
| | 40125 | R315-9 | REP | 04/15/2016 | 2016-3/20 |
| | 40126 | R315-12 | REP | 04/15/2016 | 2016-3/21 |
| | 40127 | R315-13 | REP | 04/15/2016 | 2016-3/21 |
| | 40128 | R315-14 | REP | 04/15/2016 | 2016-3/22 |
| | 40260 | R315-15 | 5YR | 03/10/2016 | 2016-7/64 |
| | 40446 | R315-15 | NSC | 06/13/2016 | Not Printed |
| | 40129 | R315-16 | REP | 04/15/2016 | 2016-3/23 |
| | 40261 | R315-17 | 5YR | 03/10/2016 | 2016-7/65 |
| | 40130 | R315-50 | REP | 04/15/2016 | 2016-3/24 |
| | 40262 | R315-101 | 5YR | 03/10/2016 | 2016-7/65 |
| | 40263 | R315-102 | 5YR | 03/10/2016 | 2016-7/66 |
| | 40105 | R315-103 | NEW | 04/15/2016 | 2016-3/25 |
| | 40106 | R315-124 | NEW | 04/15/2016 | 2016-3/26 |
| | 40312 | R315-124-34 | AMD | 06/10/2016 | 2016-9/72 |
| | 40107 | R315-260 | NEW | 04/15/2016 | 2016-3/32 |
| | 40277 | R315-260 | NSC | 04/15/2016 | Not Printed |
| | 40413 | R315-260 | NSC | 06/06/2016 | Not Printed |
| | 40307 | R315-260 | AMD | 06/10/2016 | 2016-9/73 |
| | 40108 | R315-261 | NEW | 04/15/2016 | 2016-3/49 |
| | 40278 | R315-261 | NSC | 04/15/2016 | Not Printed |
| | 40308 | R315-261 | AMD | 06/10/2016 | 2016-9/84 |
| | 40488 | R315-261 | AMD | 08/15/2016 | 2016-13/79 |
| | 40109 | R315-262 | NEW | 04/15/2016 | 2016-3/170 |
| | 40279 | R315-262 | NSC | 04/15/2016 | Not Printed |
| | 40309 | R315-262-10 | AMD | 06/10/2016 | 2016-9/95 |
| | 40110 | R315-263 | NEW | 04/15/2016 | 2016-3/196 |
| | 40280 | R315-263 | NSC | 04/15/2016 | Not Printed |
| | 40115 | R315-264 | NEW | 04/15/2016 | 2016-3/201 |
| | 40281 | R315-264 | NSC | 04/15/2016 | Not Printed |
| | 40310 | R315-264-1 | AMD | 06/10/2016 | 2016-9/96 |
| | 40475 | R315-264-56 | NSC | 06/27/2016 | Not Printed |
| | 40665 | R315-264-73 | NSC | 08/23/2016 | Not Printed |
| | 40692 | R315-264-151 | NSC | 09/01/2016 | Not Printed |
| | 40111 | R315-265 | NEW | 04/15/2016 | 2016-3/346 |
| | 40112 | R315-266 | NEW | 04/15/2016 | 2016-3/347 |
| | 40113 | R315-268 | NEW | 04/15/2016 | 2016-3/380 |
| | 40114 | R315-270 | NEW | 04/15/2016 | 2016-3/418 |
| | 40116 | R315-273 | NEW | 04/15/2016 | 2016-3/468 |
| | 40311 | R315-273 | AMD | 06/10/2016 | 2016-9/99 |
| | 40541 | R315-273 | NSC | 08/05/2016 | Not Printed |
| Transportation, Motor Carrier | 40722 | R909-75 | 5YR | 08/30/2016 | 2016-18/57 |

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| | 40171 | R428-2 | AMD | 03/25/2016 | 2016-4/38 |
| | 40172 | R428-10 | R&R | 03/25/2016 | 2016-4/43 |
| | 40173 | R428-11 | REP | 03/25/2016 | 2016-4/45 |
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| | 40550 | R432-14 | AMD | 08/26/2016 | 2016-14/54 |
| | 39963 | R432-100 | AMD | 02/10/2016 | 2015-24/29 |
| | 40621 | R432-101 | NSC | 08/15/2016 | Not Printed |

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| | 39966 | R432-270 | AMD | 01/28/2016 | 2015-24/41 |
| | 40775 | R432-300 | 5YR | 09/15/2016 | 2016-19/108 |
| | 40243 | R432-550 | AMD | 05/16/2016 | 2016-7/9 |
| | 40551 | R432-550 | AMD | 08/26/2016 | 2016-14/56 |
| | 40777 | R432-650 | 5YR | 09/15/2016 | 2016-19/108 |
| | 40778 | R432-700 | 5YR | 09/15/2016 | 2016-19/109 |
| | 40779 | R432-725 | 5YR | 09/15/2016 | 2016-19/109 |
| | 40780 | R432-750 | 5YR | 09/15/2016 | 2016-19/110 |
| | 40781 | R432-950 | 5YR | 09/15/2016 | 2016-19/110 |
| <u>health care providers</u> | | | | | |
| Insurance, Administration | 40727 | R590-237 | 5YR | 08/31/2016 | 2016-18/45 |
| <u>health data</u> | | | | | |
| Health, Center for Health Data, Health Care Statistics | 40172 | R428-10 | R&R | 03/25/2016 | 2016-4/43 |
| <u>health effects</u> | | | | | |
| Environmental Quality, Drinking Water | 40037 | R309-220 | AMD | 05/01/2016 | 2016-2/46 |
| <u>health facility administrators</u> | | | | | |
| Commerce, Occupational and Professional Licensing | 40705 | R156-15 | 5YR | 08/25/2016 | 2016-18/41 |
| <u>health insurance</u> | | | | | |
| Administrative Services, Facilities Construction and Management | 40044 | R23-23 | NSC | 01/15/2016 | Not Printed |
| | 40440 | R23-23 | EMR | 05/23/2016 | 2016-12/51 |
| | 40441 | R23-23 | AMD | 07/22/2016 | 2016-12/6 |
| Human Services, Recovery Services | 40654 | R527-201 | 5YR | 08/08/2016 | 2016-17/94 |
| Insurance, Administration | 40182 | R590-167-11 | AMD | 03/23/2016 | 2016-4/57 |
| <u>health insurance claims reporting</u> | | | | | |
| Insurance, Administration | 40273 | R590-262 | AMD | 05/23/2016 | 2016-8/80 |
| <u>health insurance filings</u> | | | | | |
| Insurance, Administration | 40155 | R590-220-16 | AMD | 03/23/2016 | 2016-4/59 |
| <u>health insurance open enrollment</u> | | | | | |
| Insurance, Administration | 40154 | R590-259 | 5YR | 01/25/2016 | 2016-4/80 |
| <u>health planning</u> | | | | | |
| Health, Center for Health Data, Health Care Statistics | 40170 | R428-1 | AMD | 03/25/2016 | 2016-4/37 |
| | 40171 | R428-2 | AMD | 03/25/2016 | 2016-4/38 |
| | 40172 | R428-10 | R&R | 03/25/2016 | 2016-4/43 |
| | 40173 | R428-11 | REP | 03/25/2016 | 2016-4/45 |
| | 40174 | R428-13 | AMD | 03/25/2016 | 2016-4/47 |
| <u>health policy</u> | | | | | |
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| | 40171 | R428-2 | AMD | 03/25/2016 | 2016-4/38 |
| | 40174 | R428-13 | AMD | 03/25/2016 | 2016-4/47 |
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| | 40327 | R277-202 | REP | 08/12/2016 | 2016-9/16 |
| | 40328 | R277-203 | REP | 08/12/2016 | 2016-9/22 |
| | 40503 | R277-211 | NEW | 08/12/2016 | 2016-13/14 |
| | 40504 | R277-212 | NEW | 08/12/2016 | 2016-13/18 |
| | 40505 | R277-213 | NEW | 08/12/2016 | 2016-13/26 |
| Environmental Quality, Environmental Response and Remediation | 40686 | R311-210-1 | NSC | 09/01/2016 | Not Printed |

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| Environmental Quality, Waste Management and Radiation Control, Radiation | 40575 | R313-17 | 5YR | 07/01/2016 | 2016-14/174 |
| Labor Commission, Adjudication | 40469 | R602-2-4 | EMR | 06/06/2016 | 2016-13/153 |
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| <u>heritage and arts</u> | | | | | |
| Heritage and Arts, Administration | 40103 | R450-3 | NEW | 05/26/2016 | 2016-3/484 |
| <u>high school credit</u> | | | | | |
| Education, Administration | 39936 | R277-705 | AMD | 01/07/2016 | 2015-23/17 |
| <u>high school senior award</u> | | | | | |
| Navajo Trust Fund, Trustees | 40613 | R661-18 | NEW | 09/21/2016 | 2016-15/37 |
| <u>higher education</u> | | | | | |
| Education, Administration | 40514 | R277-713 | R&R | 08/11/2016 | 2016-13/55 |
| Regents (Board Of), Administration | 40246 | R765-608 | NSC | 03/29/2016 | Not Printed |
| | 40343 | R765-608 | 5YR | 04/19/2016 | 2016-10/87 |
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| Education, Administration | 40099 | R277-510 | 5YR | 01/14/2016 | 2016-3/510 |
| | 40100 | R277-510 | AMD | 03/09/2016 | 2016-3/8 |
| | 40362 | R277-510-5 | NSC | 05/11/2016 | Not Printed |
| <u>highway finances</u> | | | | | |
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| | 40750 | R926-3 | 5YR | 09/08/2016 | 2016-19/118 |
| <u>highway planning</u> | | | | | |
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| Transportation, Operations, Construction | 40642 | R916-3 | 5YR | 08/03/2016 | 2016-17/96 |
| Transportation, Program Development | 40751 | R926-2 | 5YR | 09/08/2016 | 2016-19/118 |
| | 40056 | R926-3 | AMD | 04/08/2016 | 2016-3/492 |
| | 40750 | R926-3 | 5YR | 09/08/2016 | 2016-19/118 |
| | 40204 | R926-9 | EXT | 02/09/2016 | 2016-5/30 |
| | 40466 | R926-9 | 5YR | 06/02/2016 | 2016-13/170 |
| | 40057 | R926-13-4 | AMD | 04/08/2016 | 2016-3/493 |
| | 40409 | R926-14 | EMR | 05/10/2016 | 2016-11/55 |
| | 40525 | R926-14 | AMD | 08/23/2016 | 2016-14/142 |
| | 40645 | R926-15 | 5YR | 08/03/2016 | 2016-17/97 |
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| Heritage and Arts, History | 40410 | R455-8 | 5YR | 05/10/2016 | 2016-11/65 |
| | 40186 | R455-9 | 5YR | 02/02/2016 | 2016-5/27 |
| Tax Commission, Auditing | 40744 | R865-6F-8 | NSC | 09/26/2016 | Not Printed |
| | 40417 | R865-6F-28 | AMD | 07/14/2016 | 2016-11/45 |
| | 40418 | R865-9I-37 | AMD | 07/14/2016 | 2016-11/47 |
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| | 40410 | R455-8 | 5YR | 05/10/2016 | 2016-11/65 |
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| | 40703 | R52-7 | 5YR | 08/25/2016 | 2016-18/41 | |
| | 40366 | R52-7-5 | AMD | 06/23/2016 | 2016-10/8 | |
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| Agriculture and Food, Horse Racing Commission (Utah) | 39951 | R52-7 | AMD | 02/02/2016 | 2015-24/4 | |
| | 40703 | R52-7 | 5YR | 08/25/2016 | 2016-18/41 | |
| | 40366 | R52-7-5 | AMD | 06/23/2016 | 2016-10/8 | |
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| | 40761 | R380-210 | 5YR | 09/13/2016 | 2016-19/107 | |
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| | 40173 | R428-11 | REP | 03/25/2016 | 2016-4/45 | |
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| | 40467 | R940-1 | 5YR | 06/02/2016 | 2016-13/171 | |
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| Health, Child Care Center Licensing Committee | 39902 | R381-60 | AMD | 01/31/2016 | 2015-22/34 | |
| | 40163 | R381-60 | AMD | 03/30/2016 | 2016-4/15 | |
| <u>housing</u> | | | | | | |
| Housing Corporation (Utah), Administration | 40013 | R460-1 | NSC | 01/15/2016 | Not Printed | |
| | 40014 | R460-4 | NSC | 01/15/2016 | Not Printed | |
| | 40015 | R460-5 | NSC | 01/15/2016 | Not Printed | |
| | 40016 | R460-6 | NSC | 01/15/2016 | Not Printed | |
| | 40017 | R460-8 | NSC | 01/15/2016 | Not Printed | |
| Labor Commission, Antidiscrimination and Labor, Fair Housing | 40717 | R608-1 | 5YR | 08/29/2016 | 2016-18/45 | |
| Navajo Trust Fund, Trustees | 40025 | R661-7 | NEW | 02/29/2016 | 2016-2/113 | |
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| | 40018 | R460-3 | AMD | 03/09/2016 | 2016-2/92 | |
| <u>human services</u> | | | | | | |
| Human Services, Administration | 40264 | R495-885 | NEW | 05/11/2016 | 2016-7/18 | |
| <u>hunter education</u> | | | | | | |
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| | 40474 | R918-5 | EXD | 06/08/2016 | 2016-13/173 | |
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| Public Safety, Peace Officer Standards and Training | 40530 | R728-500 | REP | 08/23/2016 | 2016-14/128 | |
| | 40539 | R728-501 | REP | 08/23/2016 | 2016-14/130 | |
| | 40538 | R728-502 | R&R | 08/23/2016 | 2016-14/132 | |
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| Governor, Energy Development (Office of) | 40433 | R362-4 | NEW | 07/14/2016 | 2016-11/32 | |
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| | 39934 | R746-409 | CPR | 03/30/2016 | 2016-3/504 | |
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| Governor, Economic Development | 40459 | R357-17 | NEW | 07/22/2016 | 2016-12/26 | |
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| | 40634 | R70-920 | 5YR | 08/02/2016 | 2016-17/87 |
| | 40635 | R70-930 | 5YR | 08/02/2016 | 2016-17/88 |
| | 40636 | R70-940 | 5YR | 08/02/2016 | 2016-17/88 |
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| | 39945 | R590-154 | AMD | 01/15/2016 | 2015-23/40 |
| | 40457 | R590-160 | AMD | 07/28/2016 | 2016-12/43 |
| | 40237 | R590-177 | 5YR | 02/29/2016 | 2016-6/33 |
| | 40005 | R590-212 | REP | 03/16/2016 | 2016-2/99 |
| | 39755 | R590-272 | NEW | 06/15/2016 | 2015-19/72 |
| | 39755 | R590-272 | CPR | 06/15/2016 | 2016-2/124 |
| | 39755 | R590-272 | CPR | 06/15/2016 | 2016-9/126 |
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| | 40238 | R590-200 | 5YR | 02/29/2016 | 2016-6/34 |
| | 40500 | R590-206 | 5YR | 06/15/2016 | 2016-13/165 |
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| | 40719 | R610-2 | 5YR | 08/29/2016 | 2016-18/46 |
| | 40718 | R610-3 | 5YR | 08/29/2016 | 2016-18/47 |
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| | 40528 | R728-402 | REP | 08/23/2016 | 2016-14/108 |
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| | 40071 | R156-9a | 5YR | 01/07/2016 | 2016-3/508 |
| | 40705 | R156-15 | 5YR | 08/25/2016 | 2016-18/41 |
| | 40298 | R156-15A | AMD | 06/07/2016 | 2016-9/4 |
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| | 40649 | R156-55a | 5YR | 08/04/2016 | 2016-17/89 |
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| | 40344 | R156-55a-303b | NSC | 05/11/2016 | Not Printed |
| | 40651 | R156-55b | 5YR | 08/08/2016 | 2016-17/90 |
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| | 40652 | R156-55c | 5YR | 08/08/2016 | 2016-17/91 |
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| | 40196 | R156-67 | 5YR | 02/08/2016 | 2016-5/24 |
| | 40150 | R156-69 | 5YR | 01/21/2016 | 2016-4/77 |
| | 40706 | R156-71 | 5YR | 08/25/2016 | 2016-18/42 |
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| Governor, Economic Development | 40638 | R357-6 | 5YR | 08/02/2016 | 2016-17/93 |
| <u>limitation on judgments</u> | | | | | |
| Administrative Services, Risk Management | 40282 | R37-4 | AMD | 06/01/2016 | 2016-8/6 |
| <u>limited-term driver license</u> | | | | | |
| Public Safety, Driver License | 40586 | R708-46 | 5YR | 07/07/2016 | 2016-15/82 |
| <u>line-of-duty death</u> | | | | | |
| Public Safety, Administration | 40001 | R698-8 | NEW | 02/24/2016 | 2016-2/117 |
| <u>liquified petroleum gas</u> | | | | | |
| Public Safety, Fire Marshal | 40602 | R710-6 | AMD | 09/13/2016 | 2016-15/46 |
| <u>livestock</u> | | | | | |
| Agriculture and Food, Marketing and Development | 40233 | R65-8 | 5YR | 02/29/2016 | 2016-6/28 |

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| | 40369 | R65-8-2 | AMD | 06/23/2016 | 2016-10/13 |
| <u>local health departments</u> | | | | | |
| Health, Administration | 40049 | R380-40 | AMD | 03/02/2016 | 2016-2/79 |
| <u>loss recovery</u> | | | | | |
| Transportation, Administration | 40644 | R907-63 | EXT | 08/03/2016 | 2016-17/99 |
| | 40558 | R907-63 | AMD | 08/23/2016 | 2016-14/141 |
| | 40728 | R907-63 | 5YR | 09/01/2016 | 2016-18/56 |
| <u>MACT</u> | | | | | |
| Environmental Quality, Air Quality | 40425 | R307-214 | AMD | 08/04/2016 | 2016-11/25 |
| <u>MAGI-based</u> | | | | | |
| Health, Health Care Financing, Coverage and Reimbursement Policy | 40377 | R414-303 | AMD | 07/01/2016 | 2016-10/30 |
| | 40040 | R414-303-8 | AMD | 03/08/2016 | 2016-2/89 |
| <u>maintenance</u> | | | | | |
| Transportation, Operations, Maintenance | 40473 | R918-5 | EMR | 06/08/2016 | 2016-13/156 |
| | 40474 | R918-5 | EXD | 06/08/2016 | 2016-13/173 |
| <u>mammography</u> | | | | | |
| Environmental Quality, Waste Management and Radiation Control, Radiation | 40580 | R313-28 | 5YR | 07/01/2016 | 2016-14/177 |
| Health, Family Health and Preparedness, Licensing | 40781 | R432-950 | 5YR | 09/15/2016 | 2016-19/110 |
| <u>management</u> | | | | | |
| Natural Resources, Forestry, Fire and State Lands | 40136 | R652-41 | 5YR | 01/14/2016 | 2016-3/530 |
| <u>marketing</u> | | | | | |
| Commerce, Consumer Protection | 40414 | R152-15-3 | AMD | 07/08/2016 | 2016-11/2 |
| <u>marriage and family therapist</u> | | | | | |
| Commerce, Occupational and Professional Licensing | 39924 | R156-60b-102 | AMD | 01/07/2016 | 2015-23/12 |
| <u>massage apprentice</u> | | | | | |
| Commerce, Occupational and Professional Licensing | 40000 | R156-47b | AMD | 03/08/2016 | 2016-2/8 |
| <u>massage therapist</u> | | | | | |
| Commerce, Occupational and Professional Licensing | 40000 | R156-47b | AMD | 03/08/2016 | 2016-2/8 |
| <u>massage therapy</u> | | | | | |
| Commerce, Occupational and Professional Licensing | 40000 | R156-47b | AMD | 03/08/2016 | 2016-2/8 |
| <u>Medicaid</u> | | | | | |
| Health, Health Care Financing | 39983 | R410-14 | R&R | 02/10/2016 | 2016-1/43 |
| Health, Health Care Financing, Coverage and Reimbursement Policy | 40043 | R414-1-5 | AMD | 03/08/2016 | 2016-2/85 |
| | 40320 | R414-1-5 | AMD | 06/27/2016 | 2016-9/106 |
| | 40599 | R414-1-5 | AMD | 09/15/2016 | 2016-15/21 |
| | 39985 | R414-1A | AMD | 03/08/2016 | 2016-1/56 |
| | 40180 | R414-2B | AMD | 04/01/2016 | 2016-4/30 |
| | 40491 | R414-19A | AMD | 08/10/2016 | 2016-13/122 |
| | 40375 | R414-302-3 | AMD | 07/01/2016 | 2016-10/29 |
| | 40373 | R414-305-3 | AMD | 07/01/2016 | 2016-10/36 |
| | 40296 | R414-310-6 | AMD | 06/28/2016 | 2016-9/110 |
| | 40181 | R414-320 | 5YR | 02/01/2016 | 2016-4/78 |
| | 40297 | R414-320-6 | AMD | 06/28/2016 | 2016-9/112 |
| | 40372 | R414-401-3 | AMD | 07/01/2016 | 2016-10/40 |
| | 40301 | R414-505 | EMR | 04/06/2016 | 2016-9/129 |
| | 40318 | R414-505 | EMR | 04/15/2016 | 2016-9/131 |
| | 40492 | R414-505 | NEW | 08/12/2016 | 2016-13/124 |
| | 39914 | R414-512 | NEW | 01/11/2016 | 2015-23/20 |
| | 40319 | R414-513 | EMR | 04/15/2016 | 2016-9/133 |
| | 40493 | R414-513 | NEW | 08/12/2016 | 2016-13/126 |
| Human Services, Recovery Services | 40654 | R527-201 | 5YR | 08/08/2016 | 2016-17/94 |

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| | 40416 | R527-800 | NSC | 05/31/2016 | Not Printed |
| <u>medical laboratories</u> | | | | | |
| Health, Disease Control and Prevention, Laboratory Improvement | 40623 | R444-1 | 5YR | 07/26/2016 | 2016-16/45 |
| <u>medical use advisory committee</u> | | | | | |
| Environmental Quality, Waste Management and Radiation Control, Radiation | 40230 | R313-27 | NSC | 03/08/2016 | Not Printed |
| <u>medical use of radiation</u> | | | | | |
| Environmental Quality, Waste Management and Radiation Control, Radiation | 40230 | R313-27 | NSC | 03/08/2016 | Not Printed |
| <u>medically underserved</u> | | | | | |
| Health, Family Health and Preparedness, Primary Care and Rural Health | 40245 | R434-40-11 | AMD | 06/01/2016 | 2016-7/16 |
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| Commerce, Occupational and Professional Licensing | 39911 | R156-60c | AMD | 01/07/2016 | 2015-23/14 |
| Corrections, Administration | 40039 | R251-109 | AMD | 05/04/2016 | 2016-2/16 |
| Human Services, Substance Abuse and Mental Health, State Hospital | 40313 | R525-8 | 5YR | 04/14/2016 | 2016-9/137 |
| | 40314 | R525-8 | AMD | 07/07/2016 | 2016-9/116 |
| <u>midwife</u> | | | | | |
| Commerce, Occupational and Professional Licensing | 40353 | R156-77 | 5YR | 04/26/2016 | 2016-10/83 |
| <u>migratory birds</u> | | | | | |
| Natural Resources, Wildlife Resources | 39978 | R657-9 | AMD | 02/08/2016 | 2016-1/66 |
| | 40628 | R657-9 | 5YR | 08/01/2016 | 2016-16/47 |
| <u>mines</u> | | | | | |
| Natural Resources, Oil, Gas and Mining; Abandoned Mine Reclamation | 40694 | R643-870 | 5YR | 08/24/2016 | 2016-18/49 |
| | 40695 | R643-872 | 5YR | 08/24/2016 | 2016-18/49 |
| | 40696 | R643-874 | 5YR | 08/24/2016 | 2016-18/50 |
| | 40697 | R643-875 | 5YR | 08/24/2016 | 2016-18/50 |
| | 40698 | R643-877 | 5YR | 08/24/2016 | 2016-18/51 |
| | 40699 | R643-879 | 5YR | 08/24/2016 | 2016-18/51 |
| | 40700 | R643-882 | 5YR | 08/24/2016 | 2016-18/52 |
| | 40701 | R643-884 | 5YR | 08/24/2016 | 2016-18/52 |
| | 40702 | R643-886 | 5YR | 08/24/2016 | 2016-18/53 |
| <u>minimum standards</u> | | | | | |
| Natural Resources, Forestry, Fire and State Lands | 40304 | R652-122 | 5YR | 04/14/2016 | 2016-9/138 |
| <u>mining law</u> | | | | | |
| Natural Resources, Oil, Gas and Mining; Abandoned Mine Reclamation | 40698 | R643-877 | 5YR | 08/24/2016 | 2016-18/51 |
| | 40699 | R643-879 | 5YR | 08/24/2016 | 2016-18/51 |
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| Labor Commission, Antidiscrimination and Labor, Labor | 40720 | R610-1 | 5YR | 08/29/2016 | 2016-18/46 |
| | 40719 | R610-2 | 5YR | 08/29/2016 | 2016-18/46 |
| | 40718 | R610-3 | 5YR | 08/29/2016 | 2016-18/47 |
| <u>misleading names</u> | | | | | |
| Insurance, Administration | 39945 | R590-154 | AMD | 01/15/2016 | 2015-23/40 |
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| Governor, Economic Development | 40483 | R357-5 | 5YR | 06/09/2016 | 2016-13/165 |
| | 40460 | R357-5 | R&R | 07/22/2016 | 2016-12/20 |
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| <u>motor vehicle safety</u> | | | | | | |
| Public Safety, Highway Patrol | 40552 | R714-158 | R&R | 09/27/2016 | 2016-14/81 | |
| | 40197 | R714-160 | EXT | 02/08/2016 | 2016-5/29 | |
| | 40463 | R714-160 | 5YR | 06/02/2016 | 2016-13/167 | |
| | 40631 | R714-160 | R&R | 09/27/2016 | 2016-16/13 | |
| | 40198 | R714-161 | EXT | 02/08/2016 | 2016-5/29 | |
| | 40464 | R714-161 | 5YR | 06/02/2016 | 2016-13/168 | |
| | 40543 | R714-161 | R&R | 09/27/2016 | 2016-14/90 | |
| | 40199 | R714-162 | EXT | 02/08/2016 | 2016-5/29 | |
| | 40465 | R714-162 | 5YR | 06/02/2016 | 2016-13/169 | |
| <u>motor vehicles</u> | | | | | | |
| Administrative Services, Fleet Operations | 40828 | R27-10 | 5YR | 09/23/2016 | Not Printed | |
| Commerce, Administration | 40293 | R151-14 | 5YR | 03/31/2016 | 2016-8/92 | |
| Environmental Quality, Air Quality | 40746 | R307-121 | 5YR | 09/07/2016 | 2016-19/105 | |
| | 40471 | R307-124 | NEW | 09/08/2016 | 2016-13/76 | |
| Public Safety, Driver License | 40143 | R708-20 | 5YR | 01/19/2016 | 2016-4/83 | |
| Tax Commission, Motor Vehicle | 40419 | R873-22M-34 | AMD | 07/14/2016 | 2016-11/49 | |
| Tax Commission, Motor Vehicle Enforcement | 40420 | R877-23V-20 | AMD | 07/14/2016 | 2016-11/50 | |
| <u>motorboat noise</u> | | | | | | |
| Natural Resources, Parks and Recreation | 40081 | R651-222 | 5YR | 01/07/2016 | 2016-3/524 | |
| <u>multiple stage bidding</u> | | | | | | |
| Administrative Services, Purchasing and General Services | 40561 | R33-6 | AMD | 08/22/2016 | 2016-14/24 | |
| | 40048 | R33-6-114 | AMD | 02/23/2016 | 2016-2/6 | |
| <u>mutual funds</u> | | | | | | |
| Commerce, Securities | 40206 | R164-15-3 | AMD | 06/29/2016 | 2016-5/2 | |
| <u>nail technicians</u> | | | | | | |
| Commerce, Occupational and Professional Licensing | 40589 | R156-11a | AMD | 09/08/2016 | 2016-15/8 | |
| <u>naloxone</u> | | | | | | |
| Health, Disease Control and Prevention, Health Promotion | 40549 | R384-205 | EMR | 07/01/2016 | 2016-14/167 | |
| <u>national register</u> | | | | | | |
| Heritage and Arts, History | 40187 | R455-6 | 5YR | 02/02/2016 | 2016-5/26 | |
| <u>Native American remains</u> | | | | | | |
| Heritage and Arts, Indian Affairs | 40137 | R456-1 | 5YR | 01/14/2016 | 2016-3/511 | |
| <u>Native Americans</u> | | | | | | |
| Education, Administration | 40518 | R277-923 | NEW | 08/11/2016 | 2016-13/75 | |
| <u>natural gas</u> | | | | | | |
| Environmental Quality, Air Quality | 40408 | R307-230 | LNR | 05/10/2016 | 2016-11/67 | |
| <u>natural gas pipeline safety</u> | | | | | | |
| Public Service Commission, Administration | 39934 | R746-409 | AMD | 03/30/2016 | 2015-23/42 | |
| | 39934 | R746-409 | CPR | 03/30/2016 | 2016-3/504 | |
| <u>natural resources</u> | | | | | | |
| Natural Resources, Forestry, Fire and State Lands | 40136 | R652-41 | 5YR | 01/14/2016 | 2016-3/530 | |
| <u>naturopathic physician</u> | | | | | | |
| Commerce, Occupational and Professional Licensing | 40706 | R156-71 | 5YR | 08/25/2016 | 2016-18/42 | |
| <u>naturopaths</u> | | | | | | |
| Commerce, Occupational and Professional Licensing | 40706 | R156-71 | 5YR | 08/25/2016 | 2016-18/42 | |

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| <u>Navajo health systems</u> | | | | | | |
| Navajo Trust Fund, Trustees | 40611 | R661-16 | NEW | 09/21/2016 | 2016-15/34 | |
| <u>negative options</u> | | | | | | |
| Commerce, Consumer Protection | 40342 | R152-11 | 5YR | 04/19/2016 | 2016-10/80 | |
| <u>NESHAP</u> | | | | | | |
| Environmental Quality, Air Quality | 40425 | R307-214 | AMD | 08/04/2016 | 2016-11/25 | |
| <u>neuter</u> | | | | | | |
| Agriculture and Food, Animal Industry | 40637 | R58-24 | 5YR | 08/02/2016 | 2016-17/87 | |
| <u>new source review</u> | | | | | | |
| Environmental Quality, Air Quality | 40294 | R307-210 | EXT | 04/04/2016 | 2016-9/141 | |
| | 40422 | R307-210 | 5YR | 05/12/2016 | 2016-11/63 | |
| | 40424 | R307-210 | AMD | 08/04/2016 | 2016-11/24 | |
| <u>new state revenue</u> | | | | | | |
| Governor, Economic Development | 40483 | R357-5 | 5YR | 06/09/2016 | 2016-13/165 | |
| | 40460 | R357-5 | R&R | 07/22/2016 | 2016-12/20 | |
| | 40638 | R357-6 | 5YR | 08/02/2016 | 2016-17/93 | |
| <u>nicotine</u> | | | | | | |
| Health, Disease Control and Prevention, Health Promotion | 40210 | R384-415 | AMD | 04/15/2016 | 2016-5/8 | |
| <u>non-reportable offenses</u> | | | | | | |
| Public Safety, Criminal Investigations and Technical Services, Criminal Identification | 40646 | R722-910 | NSC | 08/22/2016 | Not Printed | |
| <u>nonattainment</u> | | | | | | |
| Environmental Quality, Air Quality | 40193 | R307-403-2 | NSC | 02/25/2016 | Not Printed | |
| <u>notification</u> | | | | | | |
| Natural Resources, Forestry, Fire and State Lands | 40482 | R652-150 | 5YR | 06/09/2016 | 2016-13/166 | |
| <u>notification requirements</u> | | | | | | |
| Commerce, Real Estate | 40276 | R162-2f | AMD | 05/31/2016 | 2016-8/7 | |
| | 40364 | R162-2f-202b | NSC | 05/11/2016 | Not Printed | |
| <u>NOx</u> | | | | | | |
| Environmental Quality, Air Quality | 40408 | R307-230 | LNR | 05/10/2016 | 2016-11/67 | |
| <u>noxious weeds</u> | | | | | | |
| Agriculture and Food, Plant Industry | 39965 | R68-9 | AMD | 02/02/2016 | 2015-24/8 | |
| <u>nuclear medicine</u> | | | | | | |
| Environmental Quality, Waste Management and Radiation Control, Radiation | 40581 | R313-32 | 5YR | 07/01/2016 | 2016-14/178 | |
| | 40010 | R313-32-2 | NSC | 01/15/2016 | Not Printed | |
| <u>nursing facility</u> | | | | | | |
| Health, Health Care Financing, Coverage and Reimbursement Policy | 40372 | R414-401-3 | AMD | 07/01/2016 | 2016-10/40 | |
| <u>nutrient limits</u> | | | | | | |
| Environmental Quality, Water Quality | 39981 | R317-1-3 | AMD | 02/25/2016 | 2016-1/40 | |
| <u>occupational licensing</u> | | | | | | |
| Commerce, Occupational and Professional Licensing | 40052 | R156-46b | 5YR | 01/05/2016 | 2016-3/509 | |
| | 40219 | R156-55a | AMD | 04/21/2016 | 2016-6/16 | |
| | 40649 | R156-55a | 5YR | 08/04/2016 | 2016-17/89 | |
| | 40351 | R156-55a-301 | AMD | 06/21/2016 | 2016-10/19 | |
| | 40344 | R156-55a-303b | NSC | 05/11/2016 | Not Printed | |
| | 40651 | R156-55b | 5YR | 08/08/2016 | 2016-17/90 | |
| | 40131 | R156-55c | NSC | 02/02/2016 | Not Printed | |
| | 40652 | R156-55c | 5YR | 08/08/2016 | 2016-17/91 | |

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| Navajo Trust Fund, Trustees | 40612 | R661-17 | NEW | 09/21/2016 | 2016-15/35 |
| <u>office equipment purchase program</u> | | | | | |
| Navajo Trust Fund, Trustees | 40612 | R661-17 | NEW | 09/21/2016 | 2016-15/35 |
| <u>offset</u> | | | | | |
| Environmental Quality, Air Quality | 40193 | R307-403-2 | NSC | 02/25/2016 | Not Printed |
| <u>OHV education standards</u> | | | | | |
| Natural Resources, Parks and Recreation | 40213 | R651-412 | AMD | 04/21/2016 | 2016-6/22 |
| <u>oil and gas conservation</u> | | | | | |
| Natural Resources, Oil, Gas and Mining; Oil and Gas | 40714 | R649-8 | 5YR | 08/26/2016 | 2016-18/55 |
| <u>oil and gas law</u> | | | | | |
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| Public Safety, Highway Patrol | 39850 | R714-500 | AMD | 01/21/2016 | 2015-22/144 |
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| Health, Disease Control and Prevention, Health Promotion | 40549 | R384-205 | EMR | 07/01/2016 | 2016-14/167 |
| <u>out of school time child care programs</u> | | | | | |
| Health, Child Care Center Licensing Committee | 39898 40162 | R381-70 R381-70 | AMD AMD | 01/31/2016 03/30/2016 | 2015-22/40 2016-4/20 |
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| Human Services, Child and Family Services | 39955 | R512-305 | AMD | 01/21/2016 | 2015-24/44 |
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| Governor, Economic Development | 40434 40606 | R357-16 R357-16 | NEW NSC | 07/15/2016 08/01/2016 | 2016-11/29 Not Printed |
| <u>Outdoor Recreation Infrastructure Grant</u> | | | | | |
| Governor, Economic Development | 40434 40606 | R357-16 R357-16 | NEW NSC | 07/15/2016 08/01/2016 | 2016-11/29 Not Printed |

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| Health, Disease Control and Prevention, Health Promotion | 40549 | R384-205 | EMR | 07/01/2016 | 2016-14/167 | |
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| <u>ozone</u> | | | | | | |
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| | 39845 | R307-328-4 | AMD | 02/04/2016 | 2015-21/47 | |
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| Environmental Quality, Air Quality | 40207 | R307-841-8 | AMD | 05/05/2016 | 2016-5/7 | |
| <u>parades</u> | | | | | | |
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| <u>pardons</u> | | | | | | |
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| <u>park pass</u> | | | | | | |
| Natural Resources, Parks and Recreation | 40445 | R651-612 | NEW | 07/28/2016 | 2016-12/48 | |
| <u>parks</u> | | | | | | |
| Natural Resources, Parks and Recreation | 40059 | R651-201 | 5YR | 01/07/2016 | 2016-3/513 | |
| | 40063 | R651-205 | 5YR | 01/07/2016 | 2016-3/515 | |
| | 40064 | R651-206 | 5YR | 01/07/2016 | 2016-3/516 | |
| | 40091 | R651-206 | NSC | 02/02/2016 | Not Printed | |
| | 40074 | R651-215 | 5YR | 01/07/2016 | 2016-3/520 | |
| | 40076 | R651-217 | 5YR | 01/07/2016 | 2016-3/522 | |
| | 40078 | R651-219 | 5YR | 01/07/2016 | 2016-3/523 | |
| | 40080 | R651-221 | 5YR | 01/07/2016 | 2016-3/524 | |
| | 40213 | R651-412 | AMD | 04/21/2016 | 2016-6/22 | |
| | 40447 | R651-601 | AMD | 07/28/2016 | 2016-12/44 | |
| | 40448 | R651-602 | AMD | 07/28/2016 | 2016-12/46 | |
| | 40065 | R651-611 | 5YR | 01/07/2016 | 2016-3/527 | |
| | 40215 | R651-637 | AMD | 04/21/2016 | 2016-6/23 | |
| <u>parole</u> | | | | | | |
| Pardons (Board Of), Administration | 40707 | R671-201 | EMR | 08/25/2016 | 2016-18/37 | |
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| Health, Administration | 40760 | R380-200 | 5YR | 09/13/2016 | 2016-19/106 | |
| | 40761 | R380-210 | 5YR | 09/13/2016 | 2016-19/107 | |
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| <u>PCN</u> | | | | | | |
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| | 40297 | R414-320-6 | AMD | 06/28/2016 | 2016-9/112 | |
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| | 40535 | R728-403 | R&R | 08/23/2016 | 2016-14/109 | |
| | 40538 | R728-502 | R&R | 08/23/2016 | 2016-14/132 | |
| <u>peer review</u> | | | | | | |
| Commerce, Occupational and Professional Licensing | 39982 | R156-26a | AMD | 02/11/2016 | 2016-1/4 | |
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| | 40652 | R156-55c | 5YR | 08/08/2016 | 2016-17/91 |
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| Environmental Quality, Radiation Control | 39992 | R313-24 | AMD | 03/15/2016 | 2016-1/38 | |
| <u>tax credits</u> | | | | | | |
| Environmental Quality, Air Quality | 40746 | R307-121 | 5YR | 09/07/2016 | 2016-19/105 | |
| | 40471 | R307-124 | NEW | 09/08/2016 | 2016-13/76 | |
| Governor, Economic Development | 40028 | R357-7 | R&R | 05/16/2016 | 2016-2/60 | |
| | 40028 | R357-7 | CPR | 05/16/2016 | 2016-7/49 | |
| | 40027 | R357-13 | NEW | 03/14/2016 | 2016-2/76 | |
| | 40461 | R357-15 | NEW | 07/22/2016 | 2016-12/24 | |
| <u>tax exemptions</u> | | | | | | |
| Tax Commission, Auditing | 39987 | R865-19S-94 | AMD | 04/14/2016 | 2016-1/76 | |
| <u>tax returns</u> | | | | | | |
| Tax Commission, Auditing | 40418 | R865-9I-37 | AMD | 07/14/2016 | 2016-11/47 | |
| <u>taxation</u> | | | | | | |
| Tax Commission, Administration | 40743 | R861-1A-20 | NSC | 09/26/2016 | Not Printed | |
| Tax Commission, Auditing | 40744 | R865-6F-8 | NSC | 09/26/2016 | Not Printed | |
| | 40417 | R865-6F-28 | AMD | 07/14/2016 | 2016-11/45 | |
| | 40745 | R865-20T-5 | NSC | 09/26/2016 | Not Printed | |
| Tax Commission, Motor Vehicle | 40419 | R873-22M-34 | AMD | 07/14/2016 | 2016-11/49 | |
| Tax Commission, Motor Vehicle Enforcement | 40420 | R877-23V-20 | AMD | 07/14/2016 | 2016-11/50 | |
| Tax Commission, Property Tax | 40421 | R884-24P-10 | AMD | 07/14/2016 | 2016-11/51 | |
| <u>teacher certification</u> | | | | | | |
| Education, Administration | 40285 | R277-505 | 5YR | 03/30/2016 | 2016-8/93 | |
| | 40290 | R277-505 | AMD | 05/23/2016 | 2016-8/25 | |
| <u>teacher licensing</u> | | | | | | |
| Education, Administration | 40326 | R277-201 | REP | 08/12/2016 | 2016-9/11 | |
| | 40503 | R277-211 | NEW | 08/12/2016 | 2016-13/14 | |
| <u>teacher retention</u> | | | | | | |
| Education, Administration | 40518 | R277-923 | NEW | 08/11/2016 | 2016-13/75 | |
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| Governor, Economic Development | 40605 | R357-11 | AMD | 09/12/2016 | 2016-15/18 | |
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| Technology Services, Administration | 40030 | R895-5 | AMD | 02/23/2016 | 2016-2/118 | |
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| | 40299 | R746-360-6 | AMD | 08/08/2016 | 2016-9/121 |
| | 40299 | R746-360-6 | CPR | 08/08/2016 | 2016-13/150 |
| <u>telecommuting</u> | | | | | |
| Human Resource Management, Administration | 40391 | R477-8 | AMD | 07/01/2016 | 2016-10/55 |
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| Commerce, Consumer Protection | 40341 | R152-26 | 5YR | 04/19/2016 | 2016-10/80 |
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| Administrative Services, Purchasing and General Services | 40562 | R33-12 | NSC | 07/15/2016 | Not Printed |
| | 40047 | R33-12-502 | AMD | 02/23/2016 | 2016-2/7 |
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| | 40719 | R610-2 | 5YR | 08/29/2016 | 2016-18/46 |
| | 40718 | R610-3 | 5YR | 08/29/2016 | 2016-18/47 |
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| | 40289 | R277-482 | AMD | 05/23/2016 | 2016-8/21 |
| <u>title</u> | | | | | |
| Insurance, Administration | 40005 | R590-212 | REP | 03/16/2016 | 2016-2/99 |
| Insurance, Title and Escrow Commission | 40006 | R592-17 | NEW | 03/16/2016 | 2016-2/101 |
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| Insurance, Title and Escrow Commission | 40300 | R592-15 | 5YR | 04/06/2016 | 2016-9/137 |
| <u>title insurance</u> | | | | | |
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| | 40499 | R592-11 | 5YR | 06/15/2016 | 2016-13/166 |
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| Tax Commission, Auditing | 40745 | R865-20T-5 | NSC | 09/26/2016 | Not Printed |
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| Transportation, Program Development | 40204 | R926-9 | EXT | 02/09/2016 | 2016-5/30 |
| | 40466 | R926-9 | 5YR | 06/02/2016 | 2016-13/170 |
| Transportation Commission, Administration | 40205 | R940-1 | EXT | 02/09/2016 | 2016-5/30 |
| | 40467 | R940-1 | 5YR | 06/02/2016 | 2016-13/171 |
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| Transportation, Program Development | 40204 | R926-9 | EXT | 02/09/2016 | 2016-5/30 |
| | 40466 | R926-9 | 5YR | 06/02/2016 | 2016-13/170 |
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| | 40467 | R940-1 | 5YR | 06/02/2016 | 2016-13/171 |
| <u>total coliform</u> | | | | | |
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| | 40468 | R909-19 | 5YR | 06/02/2016 | 2016-13/170 | |
| <u>towing</u> | | | | | | |
| Transportation, Motor Carrier | 39953 | R909-19 | AMD | 01/21/2016 | 2015-24/58 | |
| | 40468 | R909-19 | 5YR | 06/02/2016 | 2016-13/170 | |
| <u>traffic regulations</u> | | | | | | |
| Public Safety, Driver License | 40095 | R708-16 | EXT | 01/11/2016 | 2016-3/533 | |
| | 40140 | R708-16 | REP | 03/24/2016 | 2016-4/72 | |
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| Education, Administration | 40284 | R277-482 | 5YR | 03/30/2016 | 2016-8/93 | |
| | 40289 | R277-482 | AMD | 05/23/2016 | 2016-8/21 | |
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| Transportation, Operations, Traffic and Safety | 40494 | R920-50 | AMD | 08/09/2016 | 2016-13/144 | |
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| Human Services, Child and Family Services | 39955 | R512-305 | AMD | 01/21/2016 | 2015-24/44 | |
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| | 40204 | R926-9 | EXT | 02/09/2016 | 2016-5/30 | |
| | 40466 | R926-9 | 5YR | 06/02/2016 | 2016-13/170 | |
| | 40057 | R926-13-4 | AMD | 04/08/2016 | 2016-3/493 | |
| | 40409 | R926-14 | EMR | 05/10/2016 | 2016-11/55 | |
| | 40525 | R926-14 | AMD | 08/23/2016 | 2016-14/142 | |
| | 40645 | R926-15 | 5YR | 08/03/2016 | 2016-17/97 | |
| Transportation Commission, Administration | 40205 | R940-1 | EXT | 02/09/2016 | 2016-5/30 | |
| | 40467 | R940-1 | 5YR | 06/02/2016 | 2016-13/171 | |
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| Transportation, Program Development | 40056 | R926-3 | AMD | 04/08/2016 | 2016-3/492 | |
| | 40750 | R926-3 | 5YR | 09/08/2016 | 2016-19/118 | |
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| <u>trust land management</u> School and Institutional Trust Lands, Administration | 40185 | R850-30-400 | AMD | 03/23/2016 | 2016-4/73 |
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| <u>unfair marketing practices</u> Insurance, Administration | 39945 | R590-154 | AMD | 01/15/2016 | 2015-23/40 |
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| | 40297 | R414-320-6 | AMD | 06/28/2016 | 2016-9/112 |
| <u>UPPAC</u> | | | | | |
| Education, Administration | 40430 | R277-216 | NEW | 08/12/2016 | 2016-11/12 |
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| | 40446 | R315-15 | NSC | 06/13/2016 | Not Printed |
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| Governor, Economic Development | 40028 | R357-7 | R&R | 05/16/2016 | 2016-2/60 |
| | 40028 | R357-7 | CPR | 05/16/2016 | 2016-7/49 |
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| Administrative Services, Purchasing and General Services | 40566 | R33-18 | NSC | 07/15/2016 | Not Printed |
| <u>Utah Navajo Trust Fund (UNTF)</u> | | | | | |
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| | 40020 | R661-2 | NEW | 02/29/2016 | 2016-2/104 |
| | 40021 | R661-3 | NEW | 02/29/2016 | 2016-2/105 |
| | 40829 | R661-3 | EMR | 09/23/2016 | Not Printed |
| | 40022 | R661-4 | NEW | 02/29/2016 | 2016-2/107 |
| | 40023 | R661-5 | NEW | 02/29/2016 | 2016-2/109 |
| | 40024 | R661-6 | NEW | 02/29/2016 | 2016-2/110 |
| | 40830 | R661-6 | EMR | 09/23/2016 | Not Printed |
| | 40025 | R661-7 | NEW | 02/29/2016 | 2016-2/113 |
| | 40026 | R661-8 | NEW | 02/29/2016 | 2016-2/115 |
| | 40347 | R661-9 | NEW | 06/23/2016 | 2016-10/67 |
| | 40348 | R661-10 | NEW | 06/23/2016 | 2016-10/68 |
| | 40349 | R661-11 | NEW | 06/23/2016 | 2016-10/70 |
| | 40350 | R661-12 | NEW | 06/23/2016 | 2016-10/71 |
| <u>Utah procurement rules</u> | | | | | |
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| Transportation, Preconstruction | 39988 | R930-7 | AMD | 02/23/2016 | 2016-1/77 |
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| Navajo Trust Fund, Trustees | 40608 | R661-13 | NEW | 09/21/2016 | 2016-15/30 | |
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| Crime Victim Reparations, Administration | 40495 | R270-1 | 5YR | 06/15/2016 | 2016-13/162 | |
| | 40177 | R270-1-17 | AMD | 05/13/2016 | 2016-4/13 | |
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| | 40439 | R436-13-1 | AMD | 07/26/2016 | 2016-12/38 | |
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| | 40719 | R610-2 | 5YR | 08/29/2016 | 2016-18/46 | |
| | 40718 | R610-3 | 5YR | 08/29/2016 | 2016-18/47 | |
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| Environmental Quality, Radiation Control | 39989 | R313-15 | AMD | 03/15/2016 | 2016-1/29 | |
| Environmental Quality, Waste Management and Radiation Control, Radiation | 40003 | R313-15 | NSC | 01/15/2016 | Not Printed | |
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| Environmental Quality, Water Quality | 40456 | R317-7 | 5YR | 05/31/2016 | 2016-12/63 | |
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| | 40086 | R651-802 | 5YR | 01/07/2016 | 2016-3/528 | |
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| Natural Resources, Parks and Recreation | 40082 | R651-224 | 5YR | 01/07/2016 | 2016-3/525 | |
| <u>waterfowl</u> | | | | | | |
| Natural Resources, Wildlife Resources | 39978 | R657-9 | AMD | 02/08/2016 | 2016-1/66 | |
| | 40628 | R657-9 | 5YR | 08/01/2016 | 2016-16/47 | |
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| Agriculture and Food, Plant Industry | 39965 | R68-9 | AMD | 02/02/2016 | 2015-24/8 | |
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| <u>white collar crime offenders</u> | | | | | | |
| Public Safety, Criminal Investigations and Technical Services, Criminal Identification | 40597 | R722-390 | NSC | 08/01/2016 | Not Printed | |
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